

Legislation Details (With Text)

File #: BILL NO. 23-090 **Name:**

Type: Ordinance **Status:** Passed

File created: 12/5/2022 **In control:** City Council - Regular Session

On agenda: 5/2/2023 **Final action:** 5/9/2023

Title: An Ordinance approving the First Amendment to the Amended and Restated Development Agreement between Paragon Star, LLC and the City of Lee's Summit, Missouri, for the Paragon Star Project. (First read by Council on May 2, 2023.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A: Agreement, 3. Supporting Document: MODOT Letter

Date	Ver.	Action By	Action	Result
5/9/2023	1	City Council - Regular Session	adopted and numbered	Pass
5/2/2023	1	City Council - Regular Session	advanced to second reading	Pass

An Ordinance approving the First Amendment to the Amended and Restated Development Agreement between Paragon Star, LLC and the City of Lee's Summit, Missouri, for the Paragon Star Project. (First read by Council on May 2, 2023.)

Issue/Request:

Amendment of the Paragon Star Development Agreement to facilitate a phased opening of the Sports Complex and athletic fields.

Key Issues:

Revise conditions of the Development Agreement to allow the Sports Complex to open prior to the completion of the interchange improvements and Paragon Parkway, which is the primary arterial road through the Village development. Several other items have also been clarified in the agreement to facilitate the opening of the Sports Complex, including updates to the financial security required prior to opening.

Proposed City Council Motion:

I move for adoption of an Ordinance approving the First Amendment to the Amended and Restated Development Agreement between Paragon Star, LLC and the City of Lee's Summit, Missouri, for the Paragon Star Project.

Background:

The Amended and Restated Development Agreement for the Paragon Star Project was executed on January 5, 2021 (the “**Development Agreement**”). The Development Agreement controls the completion of public improvements in relation to the construction and opening of the Village and the Sports Complex in the Paragon Star project.

The Development Agreement currently provides that no temporary or final certificates of occupancy shall be issued for use of the athletic fields, any structures within the Sports Complex, and any structures in the Village Phase 1 and Village Phase 2 until a certificate of substantial completion has been issued for all “**Interchange Improvements**” and “**Internal Roads**” for the Development. The interchange improvements consist of a new diverging diamond interchange at I-470 and View High Drive, including improvements to View High Drive south of the interchange. The Internal Roads consist of View High Parkway, Paragon Parkway, River Road, and the two bridges over the Little Blue River, and all associated curbs, gutters, storm drainage, signage, striping.

The interchange improvements are required to be complete prior to substantial additional traffic being produced at the site. On April 17, 2023 the Missouri Department of Transportation provided a letter indicating their support for the opening of the Sports Complex only with no additional improvements to the interchange. That letter is attached. The Development Agreement is being amended to allow the opening of the Sports Complex with the Interchange Improvements, including the restriping of View High Drive, to occur before the Village is able to open.

Paragon Parkway is the primary arterial road that bisects the Village and provides the connection between the west and east round-about intersections. Developer has indicated that they are seeking this amendment to continue to use Paragon Parkway as a staging area for construction of the multi-use building that is currently under construction while the Sports Complex opens for operations.

In the Development Agreement, “**Village Phase 1**” means that development in the Village that will occur on proposed Lot 7 (multi-family residential), Lot 9 (multi-use, office and commercial) and Lot 10 (medical office building), as such lots are set forth on the preliminary development plan approved by Ordinance No. 8644. The building that is currently under construction in the Village is the multi-use building on Lot 9. Developer is using Paragon Parkway for construction staging.

Impact/Analysis:

This amendment will allow the Sports Complex to open without completing the Interchange Improvements, the restriping of View High Drive, or Paragon Parkway. The Sports Complex would be allowed to open without any changes or improvements to the interchange or View High Drive south of the interchange.

A performance bond or cash escrow is required for all outstanding infrastructure items and the Sports Complex prior to use of the facility. Under this proposed amendment, a certificate of substantial completion will need to be issued for the Interchange Improvements and Paragon Parkway before any temporary or final certificates of occupancy for any structure in the Village Phase 1 and Village Phase 2 are issued.

Allowing the Sports Complex to open without completing Paragon Parkway will limit vehicular access to View High Parkway between the west to the north round-about intersections. An emergency access on the north east corner of the site, located at 98th/Norfleet ST has been constructed to provide secondary emergency access.

A Performance Bond or escrow of cash and securities is being provided by the Developer to assure financial resources are available for completion of the Interchange Improvements, the Sports Complex and the north parking lot adjacent to the Sports Complex.

Other Information/Unique Characteristics:

Developer is working on completing the other items that would allow the Sports Complex to formally open with a certificate of occupancy.

Developer has requested two special event permits prior to the final adoption of the Development Agreement amendments. Event 1 is requested to occur from 4/28-4/30 and consist of several activities on 4 of the fields, including soccer and flag football. Attendance is expected to turnover approximately 300 attendees every 90 minutes. Event 2 is requested to occur from 5/5-5/7 and consist of several soccer games. Granting of any special event permit is contingent upon completion of all outstanding life safety items and conformance with the special event regulations located in the Unified Development Ordinance. No additional special event permits will be considered for the use of the sports complex. Further use of the sports complex will be subject to the requirements of the approved Development Agreement and will require a certificate of occupancy.

Ryan A. Elam, P.E., Assistant City Manager