

Legislation Text

File #: BILL NO. 22-42, **Version:** 1

An Ordinance approving the first amendment to the Development Agreement between the Streets of West Pryor, LLC, and the City of Lee's Summit, Missouri, for the Lot 7 and Tract C Development in the Streets of West Pryor Development.

(Note: First read by Council on March 8, 2022. Passed by unanimous vote.)

Issue/Request:

Approve a First Amendment to the Development Agreement for the Phase 2 development in the Streets of West Pryor project.

Key Issues:

Construction of improvements to Lowenstein Drive to urban standards that generally include curb and gutter, typical lane widths, enclosed storm sewer (as necessary), sidewalk, from Black Twig to the westernmost property line of the subject development in compliance with the Unimproved Road Policy.

Proposed City Council Motion:

I move for adoption of an Ordinance Approving the First Amendment to the Development Agreement Between the Streets of West Pryor, LLC, and the City of Lee's Summit, Missouri, for the Lot 7 and Tract C Development in the Streets of West Pryor Development.

Background:

On March 9, 2021, the City Council approved Ordinance No. 9090 which approved a rezoning from R-1 (single-family residential) to PMIX (planned mixed use district), PMIX (planned mixed use district) to RP-4 (planned apartment residential) and R-1 (single-family residential) to RP-4 (planned apartment residential) and preliminary development plan for approximately 20 acres, for Lot 7 (A, B and C) and Tract C in the Streets of West Pryor project. Section 2.3 of Ordinance No. 9090 provides that the developer shall execute a development agreement with the City to address the road improvements described in the Traffic Impact Analysis dated December 18, 2020.

The requirement is to improve Lowenstein Drive to urban standards that generally include curb and gutter, typical lane widths, enclosed storm sewer (as necessary), sidewalk, from Black Twig to the westernmost property line of the subject development in compliance with the Unimproved Road Policy, and that these improvements shall be substantially completed prior to the issuance of any residential building permits on Tract C and that no building permits shall be issued until written proof is provided to the City that the development agreement has been recorded with the Jackson County Recorder of Deeds.

The City and Streets of West Pryor, LLC (Developer) executed the Development Agreement on June 9, 2021. Section 3 provides that Building Permits and Temporary Certificates of Occupancy for the townhomes in the Project shall not be issued until the Improvements set forth in Exhibit C have been substantially completed, as memorialized by the City's issuance of a Certificate of Substantial Completion for the Improvements. Final

Certificates of Occupancy for the Project will not be issued until a Certificate of Final Acceptance has been issued for all Improvements described in Exhibit C.

Developer has requested that this restriction, as applied to building permits, be removed from the Agreement so that Developer can proceed with construction while the road improvements are also being constructed. This arrangement is acceptable to City staff.

Impact/Analysis:

This amendment ensures that improvements to Lowenstein Drive will be completed prior to the occupancy of any residential structures in the project. This ordinance presents no additional costs to the City.

David Bushek, Chief Counsel of Economic Development & Planning

Staff recommends approval of the ordinance