

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 20-222	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	11/10/2020	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	11/17/2020	<b>Final action:</b>	12/1/2020
<b>Title:</b>	An Ordinance Approving the First Amendment to Development Agreement Between CMH Parks, Inc., a Tennessee Corporation, doing business as Summit Homes, and the City of Lee's Summit, Missouri for the Stoney Creek West Subdivision Development. (Note: First reading was done by Council on November 17, 2020. Passed by unanimous vote.)		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance, 2. First Amendment to Development Agreement, 3. Ordinance 7829, 4. Ordinance 8245

Date	Ver.	Action By	Action	Result
12/1/2020	3	City Council - Regular Session	adopted and numbered	Pass
11/17/2020	3	City Council - Regular Session	advanced to second reading	Pass

An Ordinance Approving the First Amendment to Development Agreement Between CMH Parks, Inc., a Tennessee Corporation, doing business as Summit Homes, and the City of Lee's Summit, Missouri for the Stoney Creek West Subdivision Development.

(Note: First reading was done by Council on November 17, 2020. Passed by unanimous vote.)

### Issue/Request:

Approval of the First Amendment to the Development Agreement to allow Developer to receive building permits for the construction of homes prior to the completion of certain public improvements, with the understanding that no certificates of occupancy will be granted until the public improvements are completed.

### Key Issues:

Amendment of the 2017 Development Agreement to modify the terms and conditions under which building permits may be issued, in relation to the construction and completion of certain public improvements for the project which are:

- Improvements to Pryor Road to meet or exceed the interim road conditions from the existing interim road section near Napa Valley Drive to County Line Road;
- A 200-foot, plus taper, southbound left-turn lane along Pryor Road at Georgetown Drive;
- Pryor Road shall be reconstructed north of the proposed Georgetown Drive intersection to mitigate the sight obstruction caused by the roadway vertical crest, which shall provide a minimum intersection sight distance for a 35 mph road along Pryor Road and at the intersection of Georgetown Drive.

Proposed City Council Motion:

I move for adoption of an Ordinance Approving the First Amendment to Development Agreement Between CMH Parks, Inc., a Tennessee Corporation, doing business as Summit Homes, and the City of Lee's Summit, Missouri for the Stoney Creek West Subdivision Development.

Background:

On February 23rd, 2016, the Planning Commission concluded a public meeting for Application #PL2015-186, for a preliminary plat, of approximately 54 acres of land generally lying at the northeast corner of SW Pryor Rd and SW County Line Road. On March 3, 2016, the City Council approved Ordinance No. 7829 which approved the preliminary plat for the Stoney Creek West development with the condition that the City and Developer enter into a Development Agreement to address the construction of public improvements which are necessary to serve the development.

On September 21, 2017, the City Council approved Ordinance No. 8245 which authorized the City manager to enter into the Development Agreement. The Development Agreement was subsequently executed on October 5, 2017, and contains these required public improvements which are the subject of this First Amendment:

1. Pryor Road shall be improved to meet or exceed the interim road conditions from the existing interim road section near Napa Valley Drive to County Line Road. Interim road standards require at least two 12' paved travel lanes and 6' shoulders. Shoulders may be turf or the City may participate to provide 6' paved shoulders in lieu thereof. This improvement shall be substantially completed prior to the issuance of any building permits in the Phase 6 area depicted on the preliminary plat (and prior to or concurrent with Improvement D.2).
2. A 200-foot, plus taper, southbound left-turn lane along Pryor Road at Georgetown Drive shall be constructed. This improvement shall be substantially completed with the Georgetown Drive connection to Pryor Road (and prior to the issuance of any building permits in the Phase 6 area depicted on the preliminary plat).
4. Pryor Road shall be reconstructed north of the proposed Georgetown Drive intersection to mitigate the sight obstruction caused by the roadway vertical crest. This improvement, which shall provide a minimum intersection sight distance for a 35 mph road along Pryor Road and at the intersection of Georgetown Drive, shall be substantially completed prior to or concurrent with the issuance of substantial completion for Georgetown Drive and its connection with Pryor Road (and Improvement D.1).

The Developer has requested amendments to the Agreement to allow for the issuance of building permits for the construction of homes prior to the completion of these public improvements, with the understanding the certificated of occupancy will not be issued until these improvements are substantially complete.

Impact/Analysis:

This amendment to the Development Agreement presents no financial impact to the City.

Timeline:

Developer is proceeding with construction of the improvements in 2021.

David Bushek, Chief Counsel of Economic Development & Planning

Staff recommends approval of the ordinance.