

RESOLUTION NO. 130107

Directing the City Manager to initiate a rezoning of the property of approximately 9 acres located at the northwest corner of Pryor Road and Bannister Road, and as legally described in Committee Substitute for Ordinance No. 121076, to a zoning classification as determined by City staff that does not create any nonconforming uses for the Summit on Pryor Project, is appropriate for the area, is compatible with the Little Blue Valley Area Plan and at such time and under such conditions as provided in this Resolution.

WHEREAS, Summit on Pryor Development, LLC (“Summit”) has contracted to purchase about 9 acres of property at the northwest corner of Bannister Road and Pryor Road in Kansas City, Missouri (the property is legally described in Committee Substitute for Ordinance No. 121076 and is hereafter referred to as the “Property”); and

WHEREAS, Summit plans on developing the Property into an apartment community with 144 apartment units and has filed plans with the City of Kansas City, Missouri, to develop the Property under the current zoning of B4-5 (Heavy Business/Commercial). Said plans are known as the “Summit on Pryor Development”; and

WHEREAS, Summit’s plans to develop the Property have been opposed by adjacent residential neighborhoods (Wedgewood Pointe, Walnut Woods, Unity Ridge and Silvertooth Fahey Farms) (“Opposition”); and

WHEREAS, Committee Substitute for Ordinance No. 121076 (“Ordinance”) approving the Summit on Pryor Development of 144 multifamily residential units, was recommended for passage by the City Council’s Planning, Zoning and Economic Development Committee and is currently pending before the City Council of Kansas City, Missouri, and is to be considered by the City Council on Thursday, February 7, 2013; and

WHEREAS, the Opposition is concerned about the current zoning of the Property, which is B4-5 (Heavy Business/Commercial) and requests that the City Council consider downzoning the Property to a residential zoning classification that permits Summit’s 144 multifamily residential unit development, without any commercial uses, upon completion of the Summit on Pryor Development thereby replacing the B4-5 zoning classification; and

WHEREAS, the City Council has heard the concerns of the Opposition and is willing to consider downzoning the Property under such conditions and timing that does not negatively affect the Summit on Pryor Development as stated hereafter; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to initiate the rezoning of the Property of approximately 9 acres located at the northwest corner of Pryor Road and Bannister Road, as legally described in Committee Substitute for Ordinance No. 121076,

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to a zoning classification under Chapter 88 of the City's Zoning and Development Code that:

- (a) Permits Summit's 144 unit residential development and does not create any nonconforming uses for the Property and Summit's 144 multi-family unit development; and
- (b) Is initiated by the City of Kansas City, Missouri, City Planning and Development staff, and that changes the underlying zoning to a zoning classification that staff, in its professional opinion, determines is appropriate for the area and is compatible with the recommendations contained in the Little Blue Valley Area Plan, but which does not change the approval of the plan.

Section 2. That this direction is subject to the condition that written notice must be provided to Summit, Summit's lender, HUD and FHA at least thirty (30) days prior to the initiation of the downzoning of the Property ("notice period"). The City Manager is not directed to initiate the downzoning if Summit's lender, HUD (U.S. Department of Housing and Urban Development) and FHA (Federal Housing Administration), makes an objection to the proposed downzoning for the 144 unit residential apartment project, within the notice period, so that no issues are created for Summit's continued FHA insured mortgage financing of the development.

Section 3. That the downzoning of the Property initiated pursuant to this directive must not be initiated until the earlier of: (a) the issuance of permanent certificates of occupancy issued by the City for all of the buildings that contain the 144 multi-family units and the clubhouse building within the Summit on Pryor Development and the acceptance by Summit's lender of the final endorsement and certification for its financing and satisfaction of all financing steps and obligations for Summit's financing; or (b) twenty four (24) months following the issuance of a building permit by the City for one of the apartment buildings within the Summit on Pryor Development.
