

BILL NO. 26-005

AN ORDINANCE APPROVING REZONING FROM DISTRICT PI (PLANNED INDUSTRIAL DISTRICT) TO DISTRICT PMIX (PLANNED MIXED USE DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR EAST VILLAGE PHASE 2 ON APPROXIMATELY 50 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST INTERSECTION OF SE BAILEY RD AND SOUTH M-291 HWY, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2025-275 submitted by East Village Investors, LLC., requesting approval of a rezoning from PI (Planned Industrial District) to PMIX (Planned Mixed Use District) and preliminary development plan on land generally located at the southeast intersection of SE Bailey Rd and South M-291 Hwy was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the rezoning and preliminary development plan on December 11, 2025, and rendered a report to the City Council recommending that the rezoning and development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 6, 2026, and rendered a decision to approve the rezoning and preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning and preliminary development plan is hereby approved on the following described property:

Rezoning:

Commencing at the North Quarter Corner of said Section 17; thence S32°03'09"E, a distance of 229.87 feet to the Point of Beginning; thence S29°26'48"E, a distance of 1323.66 feet; thence N87°32'36"W, a distance of 832.39 feet; thence N2°36'22"E, a distance of 358.00 feet; thence N87°50'43"W, a distance of 1507.83 feet; thence N26°54'08"W, a distance of 312.41 feet; thence N26°49'41"W, a distance of 241.77 feet; thence along a curve to the right tangent to the preceding course and having a radius of 1765.59 feet, an arc distance of 392.23 feet; thence N32°04'16"E, a distance of 61.73 feet; thence S87°49'40"E, a distance of 1158.47 feet; thence S78°33'50"E, a distance of 869.58 feet to the Point of Beginning.

Containing 2,079,263 Sq. Ft. or 47.73 Acres±; and

Preliminary Development Plan:

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ALL THE PART OF THE NORTHWEST QUARTER, AND ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 47, RANGE 31, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 87 DEGREES 53 MINUTES 51 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 11.96 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, AS NOW ESTABLISHED; THENCE SOUTH 29 DEGREES 25 MINUTES 41 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 223.09 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 29 DEGREES 25 MINUTES 41 SECONDS EAST, A DISTANCE OF 1323.59 FEET TO A POINT IN THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 32 MINUTES 55 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 832.35 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 02 DEGREES 36 MINUTES 20 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER AND ALONG THE EAST LINE OF MADDOX ACRES, A SUBDIVISION, A DISTANCE OF 358.00 FEET TO THE NORTHEAST CORNER OF LOT 12 OF SAID SUBDIVISION; THENCE NORTH 87 DEGREES 49 MINUTES 43 SECONDS WEST ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 1507.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY NO. 291 AS NOW ESTABLISHED; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2416.83 FEET, A CHORD BEARING OF NORTH 26 DEGREES 20 MINUTES 38 SECONDS WEST, A CENTRAL ANGLE OF 1 DEGREE 18 MINUTES 57 SECONDS, AN ARC LENGTH OF 55.50 FEET; THENCE NORTH 27 DEGREES 00 MINUTES 06 SECONDS WEST CONTINUING ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 256.79 FEET; THENCE NORTH 26 DEGREES 49 MINUTES 41 SECONDS WEST CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 241.77 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1784.56 FEET, A CHORD BEARING OF NORTH 18 DEGREES 00 MINUTES 47 SECONDS WEST, A CENTRAL ANGLE OF 12 DEGREES 35 MINUTES 16 SECONDS, AN ARC LENGTH OF 392.13 FEET; THENCE NORTH 32 DEGREES 04 MINUTES 12 SECONDS EAST CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 61.73 FEET; THENCE SOUTH 87 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 1158.47 FEET; THENCE SOUTH 78 DEGREES 33 MINUTES 51 SECONDS EAST, A DISTANCE OF 869.58 FEET TO THE POINT OF BEGINNING.

TRACT 2:

A TRACT OF LAND BEING A PORTION OF SE BAILEY ROAD RIGHT-OF-WAY, IN THE NORTHEAST AND THE NORTHWEST QUARTERS OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, TO BE VACATED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL

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MERIDIAN, IN JACKSON COUNTY, LEE'S SUMMIT, MISSOURI, THENCE SOUTH 87° 43'34" EAST, 42.84 FEET, ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 2° 16'26" WEST, 49.97 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 29° 25' 37" EAST, 164.35 FEET, ON SAID WEST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD TO THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF SAID SE BAILEY ROAD; THENCE NORTH 78° 33'50" WEST, 869.58 FEET, ON THE SAID SOUTH RIGHT-OF-WAY LINE OF SAID SE BAILEY ROAD TO A POINT OF DEFLECTION IN THE SOUTH RIGHT-OF-WAY LINE OF SE BAILEY ROAD; THENCE SOUTH 87° 49'40" EAST, 772.12 FEET, 50.00 FEET SOUTH OF, AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING.

TRACT 3:

LOT THREE (3), MADDOX ACRES, A SUBDIVISION IN LEES SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 20' parking lot setback from the South M-291 Hwy right-of-way, to allow parking lot setbacks of 10' along South M-291 Hwy for Lots 14-18.
2. Development of East Village Phase 2 shall be in accordance with the preliminary development plan dated November 24, 2025; typical commercial building elevations dated November 24, 2025; apartment elevations dated August 8, 2025; and townhome elevations dated November 24, 2025.
3. Road improvements for East Village Phase 2 shall be constructed as recommended in the Transportation Impact Analysis prepared by City staff dated October 30, 2025.
4. To remain consistent with the associated East Village Phase 1, allowable land uses on the subject East Village Phase 2 property shall follow the EnVision LS permitted uses listed under UDO Section 5.560.A, 5.560.D (which include all office and retail uses permitted by right in the CP-2 zoning district under Table 6-1 of the UDO), and the following additional land uses for which an appeal to the EnVision LS land use regulations was previously granted by the City Council: automotive/truck-related uses; retail--big box in excess of 80,000 sq. ft. on one level; car washes; daycares; and drive-through restaurants.
5. Approval shall be granted for one (1) oversized, primary identification monument sign in East Village Phase 2 with an overall height of 30', 224 sq. ft. sign face area and 312 sq. ft. overall sign structure area to be located at the southwest project site boundary along South M-291 Hwy as depicted on the preliminary development plan November 24, 2025, and monument sign detail dated August 7, 2025.
6. No occupancy permits can be issued for any portion of East Village Phase 2 until downstream sanitary sewer capacity improvements have been completed, or alternate means to prevent downstream impact are approved by Water Utilities. The City has planned for an excess flow holding basin to be designed in 2028 depending on available funding to address these capacity issues.

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SECTION 3. That rezoning of the property from PI to PMIX shall be as depicted on the rezoning exhibit dated September 23, 2025, and appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan dated November 24, 2025, appended hereto as Attachment B; copy of UDO Sections 5.650.A and 5.650.D, appended hereto as Attachment C; commercial building elevations dated November 24, 2025, appended hereto as Attachment D; primary monument sign elevation detail dated August 7, 2025, appended hereto as Attachment E; apartment elevations dated August 8, 2025, appended hereto as Attachments F; townhome elevations dated November 24, 2025, appended hereto as Attachment G; and the Transportation Impact Analysis, dated October 30, 2025, appended hereto as Attachment H.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 5. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2026.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2026.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED AS TO FORM:

City Attorney *Brian W. Head*