

BILL NO. 26-122

AN ORDINANCE APPROVING A REZONING FROM DISTRICTS PI (PLANNED INDUSTRIAL), RP-4 (PLANNED APARTMENT RESIDENTIAL), AND PO (PLANNED OFFICE) TO DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) AND PRELIMINARY DEVELOPMENT PLAN FOR DILLON'S ON APPROXIMATELY 15.71 ACRES OF LAND LOCATED NEAR THE SOUTHWEST CORNER OF NE TUDOR ROAD AND NE DOUGLAS STREET, 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 #PL2026-035 submitted by Philips Edison & Company requesting approval of a rezoning from PI (Planned Industrial), RP-4 (Planned Apartment Residential), and PO (Planned Office) to CP-2 (Planned Community Commercial) and preliminary development plan on land located near the southwest corner of NE Tudor Road and NE Douglas Street 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 June 11, 2026, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on July 7, 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 FROM PI, RP-4, and PO TO CP-2

The north 2 acres of the south ½ of Lot 4, Summit Park, a subdivision of land in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

And;

The north ½ of Lot 4, except the north 3 acres thereof, in Summit Park, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

All of Lots 5, 6, and 8, and Lot 7 except the south 225 feet thereof in Summit Park, a subdivision in Lee's Summit, Jackson County, Missouri, and subject to easements, rights of way of record and except that part in road.

Lot 9, and the south 1.373 acres of Lot 10, Summit Park, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

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The south 3 acres of the south $\frac{1}{2}$ of Lot 4, Summit Park, a subdivision in Lee's Summit, Jackson County, Missouri, more specifically described as being all of the south 210.6 feet of Lot 4, Summit Park.

That part of the following lying south of NE Tudor Road:

The north 25.5 acres of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ lying east of Missouri Pacific Railroad right-of-way in Section 31, Township 48, Range 31, in the City of Lee's Summit, Jackson County Missouri, except a tract described as follows:

All that portion of the north 25.5 acres of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ lying east of the Missouri Pacific Railroad right-of-way in Section 31, Township 48, Range 31 described as follows:

Beginning at the northeast corner of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 31, Township 48, Range 31, in Lee's Summit, Jackson County, Missouri; thence south along the east line of said $\frac{1}{4}$ $\frac{1}{4}$ section, a distance of 914.5 feet; thence west parallel to the north line of said $\frac{1}{4}$ $\frac{1}{4}$ section, 411.0 feet to the true point of beginning of the tract herein described, said true point of beginning being in the westerly line of public road; thence north 31 degrees 00 minutes west along and with the westerly line of public road, a distance of 267.0 feet to a point 688.79 feet south of the north line of said northeast $\frac{1}{4}$ of southwest $\frac{1}{4}$ section; thence west parallel to said north line of $\frac{1}{4}$ $\frac{1}{4}$ section, 73.4 feet to a point in the easterly line of Missouri Pacific Railroad right-of-way; thence southeasterly with said railroad right-of-way, along a curve to the right (having a radius of 3175.4 feet), a distance of 234.0 feet to a point 914.5 feet south of the north line of said northeast $\frac{1}{4}$ of southwest $\frac{1}{4}$ section; thence east along the south line of 25.5 acres tract, 812.7 feet to the true point of beginning, and except that part in streets and roads.

AND

PRELIMINARY DEVELOPMENT PLAN

A Tract of land being part of Lots 4, 5, 6, 7, 8, 9, and 10 Summit Park, a subdivision recorded June 23, 1914, as instrument number 1914I0096399 in Book 6, Page 38, lying and situated in the South half of Section 31, Township 38 North, Range 31 West of the Fifth Principal Meridian, in the City of Lee's Summit, Jackson County, Missouri, said Tract being more particularly described as follows:

Commencing at the southwest corner of Lot 6, Summit Park, monumented by a $\frac{5}{8}$ " reinforcing rod; thence north $01^{\circ} 39' 49''$ east, 225.0 feet, on the west line of said Lot 6, to the point of beginning of the tract herein described; thence north $87^{\circ} 44' 22''$ west, 427.4 feet, departing said west line, to a point on the easterly right-of-way line of Main Street as now established, described by Roadway Plan Set from Walter P Moore & Associated, In., for City Project Number 714, dated September 24, 2021; thence north $28^{\circ} 56' 49''$ west, 716.68 feet, on said easterly right-of-way line, to its intersection with the southeasterly right-of-way line of Commerce Drive as established by right-of-way deed, recorded as Instrument number 2018E0020780, dated March 14, 2018; thence north $16^{\circ} 03' 11''$ east, 28.28 feet, on said southeasterly right-of-way line; thence north $61^{\circ} 03' 11''$ east, 18.63 feet, continuing on said southeasterly right-of-way line to the beginning of a non-tangent curve to the left; thence northeasterly continuing on said southeasterly right-of-way line and on said curve to the left, having a radius of 280.0 feet and an arc length of 32.73 feet, to its intersection with the south line of Lot 1, Evren Apartments, a subdivision recorded September 5, 2025, and filed as Instrument number 2025E0035852, in Book I225, Page

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85; thence south 87° 41' 50" east, 557.34 feet, on the south line of said Lot 1; thence north 01° 39' 49" east, 98.11 feet, continuing on said south line; thence south 87° 44' 22" east, 364.47 feet, continuing on said south line; thence south 01° 47' 13" west, 225.65 feet; thence south 88° 12' 47" east, 89.76 feet; thence south 01° 47' 13" west, 34.94 feet; thence south 88° 12' 47" east, 125.85 feet, to its intersection with the west right-of-way line of Douglas Street as established by Conveyance of Right-of-Way, recorded in Book 555, Page 20, dated October 26, 1929; thence south 01° 47' 13" west, 232.85 feet on said west right-of-way line, to the north line of Lot 5; thence south 01° 47' 13" west, 274.71 feet, parallel with and 15 feet west of said west right-of-way line; thence north 87° 44' 22" west, 393.62 feet, to the point of beginning of the tract herein described, said Tract containing 684,383 square feet or 15.7113 acres more or less.

SECTION 2. That the following conditions of approval apply:

1. The development shall occur in accordance with the Preliminary Development Plan with an upload date of June 25, 2026.
2. A modification shall be granted to UDO Sec. 8.050.B.4.i.i allow for the following relief to the fenestration within the pedestrian view zone requirement:
 - a. The western façade shall be exempt from the requirement.
 - b. The eastern façade shall contain no less than 31% of clear glass within the pedestrian view zone.
3. A modification shall be granted to UDO Sec. 8.080.B to allow for building articulations as submitted in the Preliminary Development Plan with an upload date of June 25, 2026.
4. A modification shall be granted to UDO Sec. 8.250.D.1 to allow for the light poles to be 28' tall from grade inclusive of the concrete base.
5. A modification shall be granted to UDO Sec. 8.900.A to allow the proposed grade in lieu of installing a masonry wall, vinyl fence, or berm along the southwestern portion of the property adjacent to the AG zoning along with required landscaping.
6. The western façade shall comply with all applicable requirements of Section 8.080.B. Specifically, the façade shall incorporate no fewer than three (3) different Class 1 or Class 2 building materials, with those materials collectively comprising at least fifty percent (50%) of the primary façade area.
7. Road improvements shall be constructed as stated in the Transportation Impact Analysis conducted by staff dated May 26, 2026.

SECTION 3. That rezoning of the property from PI, RP-4, and PO to CP-2 shall be as depicted on the rezoning exhibit appended hereto as Attachment A. Development shall be in accordance with the preliminary development plan set with an upload date of June 25, 2026, appended hereto as Attachment B, subject to approval conditions as stated in Section 2.

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.

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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 *J. Beto Lopez*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *J. Beto Lopez*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*