



## Board of Aldermen Request for Action

**MEETING DATE:** 4/1/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Resolution 1341, Preliminary Plat – Mount Olivet

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1341, approving a preliminary plat for Mount Olivet subdivision and authorizing the Mayor to execute a development agreement.

**SUMMARY:**

Applicant annexed the subject property in January of this year, and the second reading of an ordinance approving its' initial zoning in the City of Smithville to A-R is on this agenda earlier in the evening. If the zoning is approved to A-R, then this Preliminary Plat to create a new 33-lot subdivision called Mount Olivet is ready for approval. This preliminary plat would create two phases for this development, with 14 lots in the first phase that all access existing public streets. The second phase would include the 19 remaining lots, and two public streets would be constructed. There is also a development agreement that requires the developer to add a 4" overlay of asphalt upon 144<sup>th</sup> Street from Wise to Mount Olivet Road before the 10<sup>th</sup> building permit could be issued; install street lights at the intersection of 144<sup>th</sup> Street with both Wise Road and Mount Olivet Road with Phase I; with Phase II, the developer shall apply a microsurface treatment along the entire property boundary, install its new streets and the remaining street lights at intersections when the streets are constructed. Lastly, the agreement requires park fees of \$625 per lot to be paid at the time of Final Plat recording.

**PREVIOUS ACTION:**

The property was annexed in January of this year, and the zoning is to be set at the same meeting.

**POLICY OBJECTIVE:**

Develop in accordance with the Comprehensive Plan goals.

**FINANCIAL CONSIDERATIONS:**

No additional expenditures are anticipated other than normal street maintenance and property taxes will increase as the properties develop.

**ATTACHMENTS:**

- |   |  |
|---|--|
| <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                                      | <input checked="" type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report                                    | <input type="checkbox"/> Minutes             |
| <input checked="" type="checkbox"/> Other: Citizen letter sent to elected officials |  |

## **RESOLUTION 1341**

### **A RESOLUTION APPROVING A PRELIMINARY PLAT FOR MOUNT OLIVET SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT**

**WHEREAS**, the applicant annexed a 185-acre tract into the city in January of 2024; and

**WHEREAS**, the Board of Aldermen approved setting the initial zoning for this property to A-R at the meeting on April 1, 2024; and

**WHEREAS**, the applicant requested a Preliminary Plat to create a new 33 lot subdivision in two phases, and agreed to a development agreement for it; and

**WHEREAS**, the Planning and Zoning Commission held a properly advertised public hearing on March 12, 2024 and following that public hearing, recommended approval of the plat.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT THE PRELIMINARY PLAT FOR MOUNT OLIVET SUBDIVISION IS HEREBY APPROVED AND THE MAYOR IS AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED DEVELOPMENT AGREEMENT.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1<sup>st</sup> day of April 2024.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

## DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 1st day of April, 2024, by and between **YALLALY ENTERPRISES, LLC**, ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

**WHEREAS**, Developer plans on developing its proposed subdivision known as Mt. Olivet located generally north of 144<sup>th</sup> Street and west of Mt. Olivet Rd. and being proposed to contain 33 residential AR zoned lots; and

**WHEREAS**, the City will make certain requirements for off and on site improvements if said land is developed as a 33 lot residential subdivision; and

**WHEREAS**, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code as well as Clay County standards will be required of Developer; and

**WHEREAS**, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

**NOW, THEREFORE**, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Mt. Olivet, the legal description of which is set forth on the Preliminary Plat thereof as Exhibit A attached hereto.

2. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements and in accordance with Clay County Water District #9 and the Smithville Area Fire Protection District standards.

3. That the City and the Developer recognize the need for certain off-site improvements to the adjacent roads as required in the subdivision code and as a direct result of the subdivision of land into the proposed subdivision. The following road improvements shall be required of the Developer as and when stated:

a. Upon development of Phase I, and following recording the final plat for such Phase I, proposed to include 14 single family residential lots that have frontage upon the existing streets of Mt. Olivet to the east, 144<sup>th</sup> St. to the south and Wise Road to the west, the developer will install a 4" asphalt overlay of 144<sup>th</sup> St. from the west edge of Mt. Olivet to the west edge of Wise Rd. The road improvements shall be completed prior to the issuance of the 10<sup>th</sup> Building permit on any of lots 1-14 of the development.

b. Prior to recording the Final Plat for development of any of Lots 15-33 in Phase II of the development, the developer shall complete construction of the two proposed public streets in the development. Given the nature of the developed area, such streets shall be of full depth asphalt in accordance with city standards, but no

sidewalks or curb and gutters shall be required. Said construction is subject to approval of engineered, stamped plans that meet the then current city standards.

c. In addition to subparagraph b. above, the developer shall also complete a full-width micro surfacing of Mt. Olivet, from the north property line that is adjacent to the Mt. Olivet right of way, south approximately 3,500 feet to the south side of the intersection of Mt. Olivet with 144<sup>th</sup> Street.

4. The parties agree that the development will be served by individual private sewage disposal systems for each lot, all in accordance with city standards and subject to a permit from the Clay County Health Department. Additionally, the developer will be responsible for having street lighting installed at ALL intersections of streets and ends of roads. This represents a total of 6 lights, with the first two lights to be installed with the first final plat at the 144<sup>th</sup> and Mt. Olivet Rd. and 144<sup>th</sup> St. and Wise Rd. intersections. The remaining 4 lights shall be installed when the streets are constructed.

5. The parties agree that the Parkland dedication requirements of the city code shall be calculated as follows:

a. The development proposes 33 dwelling units with zero creditable park lands for dedication. As such, the development is then obligated to provide payment in lieu of dedications in the amount of \$625 per dwelling unit in each Final Plat. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g., Phase I includes 14 dwelling units so will be required to pay a park fee of \$8,750 prior to recording said plat.*

6. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development.

7. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. Notice to proceed shall not be given by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.

8. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.

9. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both parties.

10. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.

11. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement.

12. This agreement shall not be effective until approved by Ordinance or Resolution duly enacted by the Board of Aldermen of Smithville, Missouri.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement on the date first above written.

**THE CITY OF SMITHVILLE, MISSOURI**

**ATTEST:**

By \_\_\_\_\_

Damien Boley, **Mayor**

**And**

**Yallaly Enterprises, LLC**

By \_\_\_\_\_

**Managing Member**

STATE OF MISSOURI       )  
  ) ss.  
COUNTY OF CLAY       )

On the \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, to me known, and who, being by me duly sworn, did say that he is the Mayor of Smithville, Missouri, and said instrument was signed and sealed on behalf of said City by authority of its Board of Aldermen and said Mayor acknowledges said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF MISSOURI        )  
                                      ) ss.  
COUNTY OF CLAY         )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, to me known, and who, being by me duly sworn, did say that he/she is the managing Member of Yallaly Enterprises, LLC, and said instrument was signed and sealed on behalf of said Yallaly Enterprises, LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said Yallaly Enterprises, LLC.

Yallaly Enterprises, LLC

\_\_\_\_\_  
Managing Member

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_





STAFF REPORT  
March 8, 2024  
Platting of Parcel Id's # 06-703-00-02-004.00

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3                      Multiphase Plat Approval

Property Information:

Address:                      14422 Mt. Olivet Rd.  
Owner:                        Yallaly Enterprises, LLC  
Current Zoning:              A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper:              February 22, 2024  
Letters to Property Owners w/in 185":      February 22, 2024

GENERAL DESCRIPTION:

The Applicant annexed this 185 +/- acre lot into the city limits on January 16, 2024. As with new annexations, the initial zoning must be set following annexation. In this case, the applicant seeks to have the initial zoning set at A-R in order to facilitate development of the tract into a 33-lot subdivision. That zoning is under review on the same agenda as this application. If ultimately rezoned to A-R, the Preliminary Plat for Mt. Olivet subdivision can be finalized as well.

The proposed Preliminary Plat would authorize subdividing the land into 33 lots in two phases. The lot sizes would range from 3.05 to 18.92 acres. The first Phase would create 14 lots along the existing Wise Rd. and 144<sup>th</sup> St. sides, as well as part of the Mt. Olivet Rd. side. These 14 lots are immediately developable with no specific construction necessary. Phase II would create 19 additional lots facing two new streets within the subdivision. Due to the infrastructure requirements of the city for the development, a phased Development agreement is also required with this plat.

GUIDELINES FOR REVIEW – PRELIMINARY PLATS *See 425.275.A.3*

Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat:

- a. The plat conforms to these regulations and the applicable provisions of Chapter 400, Zoning Regulations, and other land use regulations.

***The plat conforms to the subdivision zoning regulations of the City.***

- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.

***The plat is consistent with the Comprehensive Plan's future land use map, and specifically addresses multiple Action Steps as follows:***

***HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.***

***HN 3.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.***

***HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.***

- c. The development shall be laid out in such a way as to result in:
  - (1) Good natural surface drainage to a storm sewer or a natural watercourse.

***The subdivision is created with 33 lots of an average of 5.61 acres. The proposal is laid out to avoid interruption of the existing natural drainage areas, and has such little impact that detention of water is not recommended or need in accordance with city standards.***

- (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.

***The area is generally an undeveloped farm field that was pasture for many years. The grading needed for the two future streets will have limited impact on any vegetation while giving sufficient developable areas for construction.***

(3) A good grade relationship with the abutting streets, preferably somewhat above the street.

***Yes, to the extent possible, lots are generally above the adjacent street which will be used for access.***

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.

***Yes, the lots widths meet the standards in the zoning code for the proposed districts, including all setbacks.***

(5) Adequate lot depth for outdoor living space.  
***The lots meet the minimum sizes.***

(6) Generally regular lot shapes, avoiding acute angles.

***To the extent practicable with cul de sac streets, the lots involved are appropriate for the uses intended.***

(7) Adequate building lots that avoid excessive grading, footings or foundation walls.

***The amount of grading is not excessive in any area so footings and foundation walls will be within the normal range.***

d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles.

***The plat is laid out following standard design principles.***

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.

***The plat meets all APWA standards for size and spacing. Given the generally rural nature of the area, curbs, gutters and sidewalks are not appropriate in order to maintain the small town feel and rural nature of the area.***

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement.

***The developer and city have proposed a development agreement for both adjacent existing street improvements and new street improvements. The development agreement includes 4" asphalt overlay of 144<sup>th</sup> St., micro surfacing of Mt. Olivet, construction of two new streets to city standards for both sub-base and asphalt thickness. It also includes a payment in lieu of dedication of park lands in the full amount of \$625.00 per lot, payable at the time of final plat recording. There are no city utilities in the area, but the developer has reached agreement with the water district to extend the lines necessary for this development. All other utilities are privately owned and extensions are at the developer's sole cost and expense.***

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development.

***The proposed layout and density are such that no detention facilities would be triggered because it will not increase the amount of off-site stormwater runoff and is in accordance with engineering standards.***

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street.

***Yes.***

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

***The location is a large mostly undeveloped lot surrounded by smaller lots with housing so it is an infill lot.***

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval.

***Annexed on January 16, 2024***

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

***The development is bound by a development agreement that addresses all dedication requirements.***

l. All applicable submission requirements have been satisfied in a timely manner.  
m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans.

***Yes.***

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the proposed Preliminary Plat following execution of the Development Agreement.

Respectfully Submitted,

      /s/ Jack Hendrix /s/        
Director of Development



# MT. OLIVET

A SUBDIVISION IN SECTION 31, TOWNSHIP 53 NORTH,  
RANGE 32 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI

PRELIMINARY PLAT  
SHEET 2 OF 3

UNPLATTED  
OWNER:  
CARL REINECKE  
BOOK 1704  
PAGE 152


PHASE 2  
PHASE 1

SECTION 6-52-32

UNPLATTED  
OWNER: MANFRED  
HETZEL ETAL

REPLAT OF LOT  
1 M&S RANCH

M&S RANCH



**R.L. Buford & Associates, LLC**  
LAND SURVEYING & DEVELOPMENT CONSULTANTS  
R.L. BUFORD & ASSOCIATES, LLC - MO. CERT. OF  
AUTHORITY LICENSE NO. LS-2010019177  
rbuford@rlbuford.com


P.O. BOX 14089, PARROTTVILLE, MO. 64152 (816) 741-6152

|                    |            |         |
|--------------------|------------|---------|
| SEC. - TWP. - RGE. | COUNTY     | JOB NO. |
| 31-53-32           | CLAY       | 1-23241 |
| DATE               | FIELD BOOK |         |
| 10/25/2023         |            |         |

DRAWN BY  
R.C.Y.

PRELIMINARY PLAT

**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH  
MEET OR EXCEED THE CURRENT "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS"  
AS WHOLLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF  
GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID  
SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND  
BELIEF:

  
ROBERT G. YOUNG, PLS-2007000089

REV. 03/13/2004  
DATE

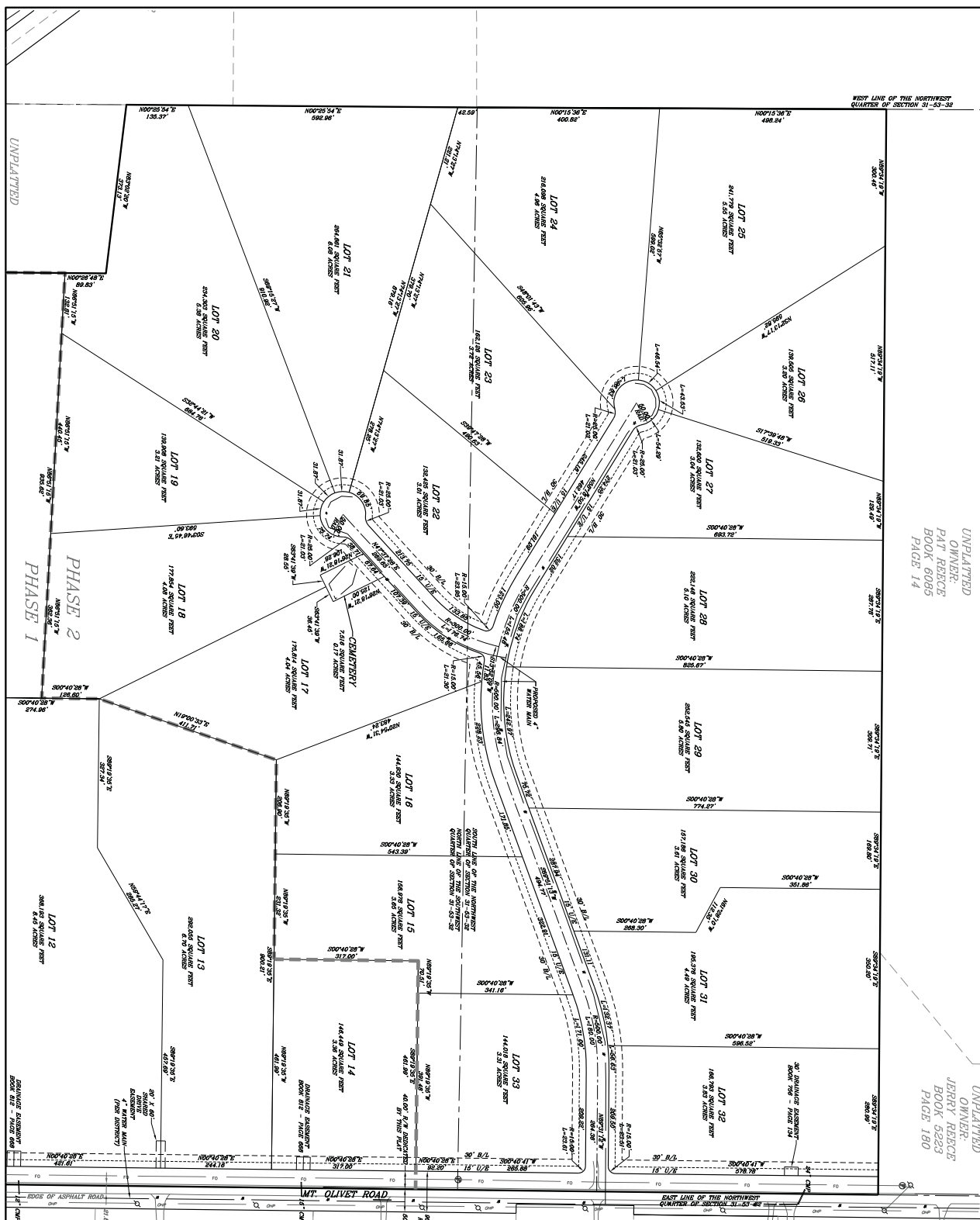


UNPLATTED  
OWNER:  
PAT REECE  
BOOK 6085  
PAGE 14

UNPLATTED  
OWNER:  
JERRY REECE  
BOOK 5223  
PAGE 180

PRELIMINARY PLAT  
SHEET 3 OF 3

MT. OLIVET  
A SUBDIVISION IN SECTION 31  
TOWNSHIP 53 NORTH,  
RANGE 32 WEST,  
SMITHVILLE,  
CLAY COUNTY,  
MISSOURI



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E:\A-CLAY COUNTY\23241 GRAC MT OLIVET.dwg 11/14/2023 2:47:40 PM CST

**R.L. Buford & Associates, LLC**  
LAND SURVEYING - DEVELOPMENT CONSULTANTS  
R.L. BUFORD & ASSOCIATES, LLC - MO. CERT. OF  
AUTHORITY LICENSE NO. 15-3010319177  
rlbuford.com

P.O. BOX 14089, PARROVILE, MO, 64152 (816) 741-6152  
SEC. - WFP - ROE. COUNTY R.L. WHITE JOB NO. 31-53-32  
DATE 10/25/2023 FIELD BOOK  
DRAWN BY R.G.Y.

**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH  
MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS  
AS WHOLLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF  
GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID  
SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND  
BELIEF.

*Robert G. Young*  
ROBERT G. YOUNG, PLS-7007000089 REV. 03/13/2004  
DATE



FOR ERIC CRAIG

PRELIMINARY PLAT



**From:** [Damien Boley](#)  
**To:** [Linda Drummond](#); [Cynthia Wagner](#)  
**Subject:** Fwd: Farms at Mt Olivet new neighborhood  
**Date:** Tuesday, March 26, 2024 12:16:05 PM

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Mayor Damien Boley  
Mayor@smithvillemo.org

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**From:** Michael Ballenger <mikebrx08@gmail.com>  
**Sent:** Tuesday, March 26, 2024 11:38:49 AM  
**To:** Damien Boley <Mayor@smithvillemo.org>; Dan Hartman <dhartman@smithvillemo.org>; Dan Ulledahl <dulledahl@smithvillemo.org>; Melissa Wilson <mwilson@smithvillemo.org>; Ronald Russell <rrussell@smithvillemo.org>; Leeah Shipley <lshipley@smithvillemo.org>; Marvin Atkins <matkins@smithvillemo.org>; Jack Hendrix <JHendrix@smithvillemo.org>  
**Cc:** Kara Ballenger <knballenger@gmail.com>; Ken Beard <mr.ken.beard@gmail.com>; Mom <clanuisdein@tetburycastle.com>  
**Subject:** Farms at Mt Olivet new neighborhood

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and Aldermen,

I want to ask you about this new neighborhood on Mt Olivet and 144th St. It is moving along very rapidly (phase 1 lots are already listed as of yesterday, less than a week after the board meeting). I attached a link to the 3/19/24 Smithville Board meeting, discussing and ultimately approving the rezoning of this property to allow for 33 lots (fast forward the video to 16:20). A significant portion of the discussion centered around the safety of Mt Olivet with this addition. It was discussed that the city and county are still negotiating a "shared road agreement" but it is clear that this is not finalized. I am very surprised that lots are already being listed despite not having a plan for improving the safety of Mt Olivet, in particular a 4-way stop that was discussed at the intersection of Mt. Olivet and 144th. In addition, the county (not the city of Smithville) is responsible for issuing driveway permits.

My wife, Kara, has been in touch with Jack Hendrix, the Development and Planning Director of Smithville's Planning and Zoning, and he has provided us with some information regarding the addition. He mentioned some surface improvements to the roads and additional street lights, and while these things are helpful, they are not things that would address traffic issues in my opinion. In regards to the additional driveways, Jack Hendrix indicated to Kara via email that Clay County was "requiring" them to have shared driveways. I was really surprised by this information. In my personal dealings with Clay County regarding our own land, I was told that the County would no longer allow shared driveways due to the fact that it could be a significant source of dispute between neighbors. I think this is a serious consideration.

My other, and more significant, concern centers on traffic impact and safety. In the video you can hear someone mention a traffic study, but no one asked any further questions about this.

Did this traffic study actually happen? It is not clear. I have communicated via email with Kipp Jones, the Planning Director for Clay County Planning and Zoning since the portion on Mt Olivet in question is still under county jurisdiction. Here is the reply I received from him: "I watched the meeting last week and my opinion is that this is a city project and the county has no jurisdiction over any of the requirements. It seems like Smithville's process is different than what we do with county projects, I am working on a project now where the county has requested a traffic analysis but it was requested before we have the first public meeting but it seems that their process is different. If I receive any information that shows that my opinion is incorrect or if additional light is shed on this development I will let you know. Let me know if you have any additional questions."

From watching the Smithville Board meeting, my email communication with Kipp Jones, and past experience with zoning issues I am wondering what the city's process is for this matter. It would make more sense to me to complete all necessary evaluations such as a traffic impact study, and agree on needed/advised safety improvements such as a 4-way stop at the intersection of Mt Olivet Rd and 144th St prior to approving a project, and definitely prior to allowing developers to list related properties for sale. It seems any leverage for getting these sometimes costly safety analysis and improvements is lost by approving projects before these requirements are even agreed upon and spelled out (I would think it would be preferable for these tasks to be completed prior to approval). I am pretty concerned that the city and county are more interested in developing this land and less concerned about the potential safety impacts of this relatively aggressive and unprecedented development along this rural and antiquated roadway. I am guessing the reason for limiting the number of driveways along Mt Olivet is due low visibility and safety concerns. However, shared driveways are going to dump just as much extra traffic onto Mt Olivet as having the extra driveways.

In the end, one Alderman voted against approving the project while the rest voted for it. When Kara and I watched the recording, it seemed to end with the idea that yes, the rezoning is approved, but nothing has been finalized in regards to improving the safety of Mt Olivet or even a shared road agreement between the city and county. It feels imprudent to already have listings posted for this neighborhood without settling this discussion about the roadways first.

To be honest, based on my limited dealings with the Clay County Highway Department regarding another proposed development nearby that the Clay County Commissioners ultimately rejected after initial Clay County Planning and Zoning approval, I would be a little surprised if a traffic impact study was actually part of approving this development. The representative from the Highway Department that attended the Clay County Planning and Zoning Meeting was very dismissive and honestly disrespectful in basically laughing off safety concerns without any type of traffic impact study. The commissioners on the other hand were much more concerned about potential safety issues and any potential liability that could arise given the history of fatal accidents in this area. I honestly wasn't that opposed to this development because I assumed most, if not all, driveways would empty out to 144th St and Wise Rd due to the much lower traffic volume on those roadways. I am guessing it is less expensive to the developer to have so many houses exit via roadways to Mt Olivet Rd. If I had known that the majority of the driveways would empty out to Mt Olivet Rd I would have vehemently opposed the project. That's my fault for making that assumption.

Obviously, this neighborhood is going to happen at this point, but I am hoping it will be done as safely as possible and hopefully lead to significant road improvements to Mt Olivet Rd. Right now I am concerned that this is not happening and perhaps part of it is inadequate

communication and alignment of expectations between city and county. Thank you for listening to my concerns and hopefully all of you can address these issues and put safety first.

Sincerely,

Mike Ballenger

<https://www.smithvillemo.org/agendaview.aspx?aid=12036&categoryid=877#video>

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.