

### **Board of Aldermen Request for Action**

MEETING DATE: 12/16/2025 DEPARTMENT: Development

**AGENDA ITEM:** Resolution 1535, Preliminary Plat – Lakeside Farms

#### REQUESTED BOARD ACTION

A motion to approve Resolution 1535, approving a preliminary plat for Lakeside Farms subdivision and authorizing the Mayor to execute a development agreement.

#### **SUMMARY**

Applicant amended the zoning on the subject property by a new Conceptual Plan and zoning request that was approved in January of 2025. With this change, they also submitted a compliant Preliminary Plat for Lakeside Farms and agreed to a development agreement. Thereafter, the applicant determined that they could not obtain financing to complete the substantial additional sewer work contained in the development agreement. As a result of this timing, the Planning Commission revoked its approval of the original Preliminary Plat in May, requiring a new Preliminary Plat submittal and development agreement.

This is the applicant's redesigned plat. This plat keeps the development lots and layout the same, but changes the location of the sanitary lift station and improvements to reflect the elimination of work involving the Wildflower Subdivison lift station. It also includes a new development agreement that removes the Wildflower station work, as well as the new interceptor work (due to financing) and replaces it with new language for the work required for the new subdivision lift station. The provisions concerning the installation of a traffic light at 169 Highway & 188<sup>th</sup> Street after the 60<sup>th</sup> permit is issued, as well as constructing a 10' wide concrete trail from this subdivision to 188<sup>th</sup> Street and other park improvements remain the same as from Januarys agreement.

The other significant change is related to the total number of Lots and dwelling units used in the original development agreement. In the original agreement, the calculations for all aspects of the parks dedications were based upon an incorrect number of lots caused by misnumbering of those lots. Specifically, there was no lot 21 contained in the numbered lots, leaving the final lot to be numbered 245 instead of the actual 244. This then created a change in all calculations for the parks dedications, including not only the code-required acreage, but also the fees associated with partial dedications.

This new development agreement includes a slight change to the proposed private pool lot, which also changed the totals. The agreement requires a one acre dedication of land to be incorporated into Wildflower Park; a trail dedication and construction along Eagle Parkway for the entire frontage of the property, as well as a private pool amenity. After calculating the land dedications in accordance with the subdivision code, the

proposed dedications represent 13% of the required dedications. The remaining 87% of dedications are to be given in the form of a payment in lieu of dedication in accordance with the code in the amount of \$543.75 per dwelling unit.

Because the trail to be constructed on the subdivision land does not connect to any existing trail, the development agreement (similar to the splash pad parking lot in Clay Creek Meadows agreement) includes a provision that will allow the developer to construct a trail connection from its' property, north through Wildflower Park and connect to the 188<sup>th</sup> street trail and sidewalk to city standards at its sole cost and expense, for a credit of \$132,000 to be applied to the total payment in lieu of dedication obligation of \$156,056.25. This leaves a balance \$24,056.25, or \$83.82 per dwelling unit to be paid in accordance with the code.

At the Planning Commission, staff presented these issues at the public hearing and no other comments were made. Following the public hearing portion of the meeting limited discussion occurred prior to the vote. The Commission recommended approving the plat as presented, including the development agreement terms.

#### **PREVIOUS ACTION**

The property was annexed and zoned to R-1P and R-2P with a conceptual plan in 2018 but not developed. The conceptual plan was amended with the zoning in 2025 along with a Preliminary Plat, but also not developed.

#### POLICY OBJECTIVE

Develop in accordance with the Future Land Use Plan Map in the Comprehensive Plan.

#### FINANCIAL CONSIDERATIONS

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

ATTACHMENTS	
☐ Ordinance	☐ Contract
□ Resolution	□ Plans
	☐ Minutes – meeting is viewable online
☐ Other:	•

#### **RESOLUTION 1535**

# A RESOLUTION APPROVING A PRELIMINARY PLAT FOR LAKESIDE FARMS SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT

WHEREAS, the applicant seeks to develop the subject property in accordance with the Conceptual Plan approved in January of this year with a Preliminary Plat on an 80-acre tract at 18400 Eagle Parkway; and

**WHEREAS**, the Board of Aldermen approved amending the Conceptual Plan for a new Lakeside Farms on property zoned R-1P and R-2P by Ordinance 3247-25 on January 7, 2025; and

**WHEREAS**, the applicant requested a Preliminary Plat to create a new 244 lot subdivision with up to 287 dwelling units in phases, and agreed to a development agreement for it; and

**WHEREAS**, the Planning and Zoning Commission held a properly advertised public hearing on December 9, 2025 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 LAKESIDE FARMS 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 16<sup>th</sup> day of December 2025.

Damien Boley, Mayor	
ATTEST:	
Linda Drummond, City Clerk	



# STAFF REPORT December 4, 2025 Platting of Parcel Id's # 05-302-00-01-005.00 and 05-301-00-01-008.01

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

Address: 18400 N Eagle Parkway

Owner: Eagle Heights Development, LLC

Current Zoning: R-1P and R-2P

Public Notice Dates:

1st Publication in Newspaper: November 19, 2025 Letters to Property Owners w/in 185': November 21, 2025

#### GENERAL DESCRIPTION:

The applicant was approved for a change to the zoning conceptual plan and a new preliminary plat in December of 2024 by this Commission and in January by the Board of Aldermen. That approval included a development agreement with comprehensive sanitary sewer improvements by the developer in exchange for reductions in the impact fees for the lots involved. The developer was unable to obtain funding for all of the extra work they negotiated with the city and notified staff that they would not be able to proceed. As a result, in May of 2025, this Commission voted to revoke the plat approval to require resubmittal in the future. This is the resubmittal of the Preliminary Plat, and a new development agreement in accordance with their new funding plans. This plat is in full compliance with the R-2P and R-1P zoning previously approved in January, so no changes are needed to the zoning.

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 maps which recommended residential classifications (2-4 dwellings per acre) in this location.

The proposal specifically addresses multiple Action Steps in the Comprehensive Plan 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 3.2 Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities.
- HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.
- HN.4.2 Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network.
- RC.2.1 Encourage development, mainly residential development, near existing and proposed trail networks.
- RC.2.2 Encourage new developments to provide access and pathways to existing and proposed trail networks.
- 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 drains to existing natural drainage areas through several detention basins.

(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 with a corner area that was untended for many years. The grading needed will allow the drainage areas to remain protected 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 streets 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 allowed 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-sacs and knuckles, the lots involved are appropriate for the two- and single-family buildings 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 a 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 and matches the previously approved plat on this property.

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

The plat contains 287 potential dwelling units with multiple access roads. The proposal was subject to the State of Missouri's Traffic Impact Study requirements (in addition to the City's) and approval of that report is conditioned upon completion of signalization of the intersection of 188th St. and 169 Highway.

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 limited highway improvements, sewer improvements and park dedication improvements as required by the code.

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 detention areas will not exceed the detention areas with off-site stormwater runoff and is in accordance with engineering standards. The final design of all stormwater systems will be subject to final plan review and approval in accordance with the Final Plat procedures and the standards in place at the time of proposed construction.

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 located such that it will actually reduce sprawl and all extensions and expansions of existing public facilities are completed in the most efficient manner allowable on the lots.

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.

#### n/a

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.

- I. All applicable submission requirements have been satisfied in a timely manner. **Yes.**
- 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. The current version maintains the park improvements from the previous agreement intact, with reductions in the scope of sanitary sewer work and an elimination of all impact fee credits as previously agreed.

#### STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Preliminary Plat following approval and execution of the Development Agreement as approved by the Board of Aldermen.

Respectfully Submitted,				
/s/ Jack Hendrix /s/				
Director of Development				

#### **DEVELOPMENT AGREEMENT**

This Development Agreement ("Agreement") is entered into this 16<sup>th</sup> day of December, 2025, by and between **EAGLE HEIGHTS DEVELOPMENT, LLC**, ("Developer") and **THE CITY OF SMITHVILLE**, **MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Lakeside Farms located on 80 acres of land generally west of Eagle Parkway and south of Wildflower subdivision in an area proposed to be Residential uses of 2-4 D.U. per acre in detached or attached housing types in accordance with the Comprehensive Plan. The plan will include 201 Single-Family residential detached homes and 86 single-family attached units in 2-unit buildings for a density of 3.59 units per acre; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a large one and two-family 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 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 Lakeside Farms, the legal description of which is set forth on the Lakeside Farms Preliminary Plat thereof as Exhibit A attached hereto.

- 2. <u>Water</u>. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve fire flows and 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, Fire District and City approval.
- 3. Streets. That the City and MODOT have accepted and approved the TIS and all updates to the TIS submitted by the Developer. In accordance with the approved TIS, the development must install a new signal light at the intersection of 188<sup>th</sup> Street and 169 Highway. Such construction shall be in accordance with MODOT requirements and subject to MODOT permitting and approvals. Such construction must be commenced prior to final platting of the any lots beyond those necessary to construct 61 dwelling units in the subdivision and must be substantially completed prior to the issuance of the 61<sup>st</sup> dwelling unit's building permit in the subdivision. Developer has indicated an intent to install solar streetlights throughout the development. This change to the standard policy (power company lights at all intersections and cul de sac's) is at the Developer's sole cost and expense and MUST insure perpetual maintenance of these lights shall be at the sole cost and expense of developer or Homes association. Any CCR's shall include a provision that states: "In no event shall the maintenance of the intersection and cul de sac lights be delayed longer than two weeks once reported out."
- 4. <u>Stormwater</u>. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in

accordance with an approved stormwater study, and any updates to such study may be required from time to time.

5. <u>Sanitary Sewers</u>. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for gravity-flow sanitary sewers throughout the subdivision, to a new Lift Station to be constructed on the project site. The development will, subject to the terms of this agreement, install a new lift station in the southwest corner of the development sufficient to accommodate the flow from the 287 dwelling units of the Lakeside Farms development.

The developer shall install the new lift station and all other required elements including, but not limited to: the station, its' pumps, communication system, overflow piping (per DNR requirements) a flow meter between the pump and the existing force main, a supplementary/secondary power generator, fencing around the station (and all other above ground elements therein), an access road with not less than 4" of asphalt constructed upon a 9" compacted subbase. No curbing is required for the access road, but a concrete approach shall be installed upon the proposed Echinacea Way when it is constructed. The access to the station shall have at a minimum of a compacted gravel base from the end of the first phase of development and all subsequent phases until such time as Echinacea Way is constructed in Phase 3, at which time the paving and approach must be completed.

- 6. <u>Parks</u>. The parties agree that the Parkland dedication requirements of the city code shall be calculated as follows:
- a. The development proposes 287 dwelling units which will result in the need for 16.36 acres (712,589 ft<sup>2</sup>) of parkland in accordance with the subdivision formula. (287 d.u.  $\times$  2.85 census density  $\times$  .02 acres per 100 = 16.36) The development proposes 15,240ft2

(1,270 ft X 12 ft) of creditable trails along Eagle Parkway within Tract C. It also includes 50% of Tract B land to be used for a private park for a total of 35,117 ft² (70,234 x .5). In addition, the development would include an additional land area of 1 acre (43,560ft²) Tract A, to be dedicated to the City of Smithville as parkland, to be added to the existing parkland from Wildflower Park to the north. This 1-acre dedication will only be accepted by the city if the developer agrees to grade the land and direct the current drainage into the adjacent road ditch of Eagle Parkway. The parties shall agree upon the exact scope of the grading upon removal of brush and debris on the north side of the parcel. The minimum scope of such work shall include preparing an access point at Eagle parkway for future use and routing the storm drainage around such entrance point to the road ditch on Eagle Parkway. All three of these dedications represent 13% (93,917/712,641) of the total dedication required. The remaining dedication requirement (87%) shall be made by a payment in lieu of dedication (\$625 x .87) of \$543.75 per dwelling unit. The total balance of such payment in lieu of dedication is \$156,056.25.

Ordinarily, that fee is payable in cash at the time each final plat is recorded based upon the total number of dwelling units included in the final plat. However, the city will reduce the actual required payment by a percentage amount if the developer installs an offsite 10' concrete trail/sidewalk from its' northeast corner at Eagle Parkway to the existing sidewalk at 188th Street and Eagle Parkway. The percentage discount of the required Payment in lieu of dedication shall be 85% (1320' x 10' = 13,200ft<sup>2</sup> X \$10 per ft<sup>2</sup> = \$132,000/\$156,056.25) for a total required payment in lieu of dedication amount of \$83.82 per dwelling unit – upon the condition that said sidewalk/trail is constructed to the "substantial completion" standard prior to recording the final plat for the first phase of the

development. If the construction of the trail is not substantially completed prior to final plat recording, the developer shall then be required to pay the \$543.75 amount per unit.

- b. The parties further agree that the park amenities described on development property within the preliminary plat are subject to Section 425.230.B. In accordance with that section, and Section 425.300, the trails shown on the preliminary plat shall be constructed prior to occupancy of 30 percent of the lots in the development, or here, the 86th dwelling unit. If the developer opts to construct the 10' trail north of the subject property in accordance with subparagraph a. above, the city will agree to change the 86<sup>th</sup> permit to the 110<sup>th</sup> permit if the developer also constructs to the "substantial completion" standard, the trail from the north side of Kimberly Drive to its' north property line, thereby giving direct trail access to Eagle Heights elementary school prior to the first final plat. This distance represents 28% of the total requirement for the onsite trail, and the 110<sup>th</sup> permit is 28% more than the standard 86<sup>th</sup> permit. If no trail access is constructed from Kimberly Drive to 188<sup>th</sup> Street as described above, then the original requirements shall continue.
- c. All trail construction shall be 5" of Portland concrete, 10' wide and on a prepared, compacted subgrade.
- 7. 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.
- 8. 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 and

infrastructure construction permits have been issued by the city. The recording of any final plat shall only occur in accordance with city ordinances.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. The undersigned represent that they each have the authority and capacity of the respective parties to execute this agreement.
- 13. This agreement shall not be effective until: (1) signed by both partes and (2) approved by 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

Linda Drummond, City Clerk

### **Eagle Heights Development, LLC**

		Ву			
		Carlos	Carlos Lepe, Managing Member		
	STATE OF MISSOURI)				
	COUNTY OF CLAY	) ss. )			
	On this day of	f	, 2025, before me, the		
me kno of Eagl of said said ins	igned Notary Public, persor own, and who, being by me le Heights Development, LL Eagle Heights Developmen strument to be the free act	nally appearede duly sworn, did say the C, and said instrument at, LLC by authority of it and deed of said Eagle EOF, I have hereunto s	at he/she is the managing was signed and sealed on ts Board and he/she acknow Heights Development, LLC et my hand and affixed my	Member behalf wledges C.	
		Notary	- Public		
	My Commission Expires:				

