

MEETING DATE: 7/21/2026**DEPARTMENT:** Development**AGENDA ITEM:** Bill No. 3121-26 Battery Storage Facility Conditional Use Permit at 13213 North 169 Highway for 1st Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3121-26, amending the zoning Ordinance of the City of Smithville, Missouri and granting a Conditional Use Permit to Nextera Energy for a Battery Energy Storage Facility at 13213 North 169 Highway. First Reading by title only.

SUMMARY

This ordinance would authorize a conditional use permit for a Battery Energy Storage Facility under the newly adopted regulations for these facilities on property zoned A-1. The project site is at the northeast corner of 132nd Street and US 169 Highway at the city's southern border. The application was reviewed by the Planning Commission at its' July 14, 2026 meeting following a public hearing. The project is on approximately 44 acres of land and includes batteries that meet the most recent NFPA 855 standards for monitoring and protection related to fire protection. The landscape plan includes not only a sight-obscuring fence around the perimeter of the property, but also significant landscaping in accordance with the Comprehensive Plan's direction of a significant vegetative buffer on the entrance of the city. In addition, an entrance sign into the city designed as a part of the City's wayfinding program (also in the Comprehensive Plan) along the 169 right-of-way.

The project, once constructed would have minimal traffic, likely less than one trip per day, so no traffic improvements would be needed. The approved stormwater study will be used as the basis for review and approval of the construction plans for the detention basins required. Once fully constructed and before operation, the applicant must provide a bond to guarantee decommissioning upon the end of the useful life of the project area. The decommissioning plan and the performance bond must be reviewed and updated not less than every five years. During final plan approval, the applicant is also required to coordinate with the fire district on its' Emergency Response Plan, and assist with updated training for fire staff.

PREVIOUS ACTION

The property was annexed in the early 1990's and has never developed.

POLICY OBJECTIVE

Fulfill the Comprehensive Plan objective of creating and using an Overlay District to create employment within the city.

FINANCIAL CONSIDERATIONS

No known expenses, but property tax revenue and future sales tax revenue would likely be significant.

ATTACHMENTS

- | | |
|---|---|
| ☒ Ordinance | ☐ Contract |
| ☐ Resolution | ☒ Plans |
| ☒ Staff Report | ☐ Minutes |
| ☒ Other: Planning Commission meeting may be viewed online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: NextEra Energy

Land Use Proposed: Battery Energy Storage Facility

Zoning: A-1

Property Location: 13213 N. 169 Hwy

Pursuant to the provisions of Sections 400.375 and 400.570 concerning the minimum requirements for the issuance of a special use permit and based on the testimony and evidence presented in a public hearing of the Planning and Zoning Commission held on July 14, 2026 the Planning Commission of the City of Smithville, Missouri hereby makes the following *Finding of Facts and Conclusions of Law*.

Finding of Facts

1. The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.
2. It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the Comprehensive Plan goals shield the view into the city with appropriate vegetative buffers and provide a new entrance sign into the city limits and help reduce the future increases in electric rates to all electric users.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The only residential property in the area is across the street from an unshielded electric substation which impacts the property to the maximum extent possible and a properly shielded BESF will have negligible impact on the property.
4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The proposal would match the existing types of uses to the south, and the location, size and screening are such that no impact is anticipated with compliance with section 400.375 is maintained.
5. There is sufficient parking for the anticipated vehicles.

6. All utilities will be constructed by the developer prior to this project, and additional stormwater reviews WILL occur at the construction plan review process.
7. Adequate access roads and entrances are provided.
8. The requirements of Section 400.375 shall be an ongoing obligation for the property and the construction of the entry sign into the city are specifically conditioned upon any approval of the CUP
9. That in rendering this Finding of Fact, testimony at the public hearing on July 14, 2026 has been taken into consideration.

Conclusions of Law

Based on the foregoing findings of fact, we conclude that:

- A. This application and the granting of a Conditional Use permit is governed by Sections 400.375 and 400.570 of the zoning ordinance of Smithville, Missouri.
- B. The proposed use complies with minimum standards required for the issuance of a conditional use permit as set out in Section 400.570 of the zoning ordinance and the specific additional requirements in 400.375.
- C. A conditional use permit should be granted to allow a Battery Energy Storage Facility at 13213 N. 169 Highway, subject to the conditions stated in paragraph 8 above.

Planning Commission

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI BY AND GRANTING A CONDITIONAL USE PERMIT TO NEXTERA ENERGY FOR A BATTERY ENERGY STORAGE FACILITY AT 13213 NORTH 169 HIGHWAY

WHEREAS, On July 14, 2026, the Planning Commission of Smithville, Missouri held a public hearing relative to a request for a conditional use permit; and

WHEREAS, the Planning Commission forwarded consideration of said request to the Board of Aldermen with a recommendation of granting said request; and

WHEREAS, the Board of Aldermen, based on substantial evidence provided by the applicant, staff, and members of the public found that applicant's proposed Battery Energy Storage Facility would not seriously injure the public or the appropriate use of neighboring property and that said use would conform to the general intent and purpose of the zoning ordinance if the condition identified in paragraph eight of the findings by the Commission; and

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

Section 1. Ordinance Number 711 and the Zoning Map which is made a part thereof, is amended by granting a Conditional use permit for the installation of a Battery Energy Storage Facility at 13213 North 169 Highway and more particularly described as follows:

Part of the Northwest Quarter (NW $\frac{1}{4}$), and that part of the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), lying North of NW 132nd Street, in Section 11, Township 52, Range 33, lying North of and South of the Smithville, and Kansas City, City limit line, all in Clay County, Missouri described as follows:

Commencing at the Northwest Corner of said Northwest Quarter (NW $\frac{1}{4}$); thence S00°58'20"W along the West line of said Northwest Quarter (NW $\frac{1}{4}$), a distance of 1317.10 feet to the Northeast Corner of the Southwest Quarter of the said Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence S89°28'23"E along the North line of the South Half of said Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), a distance of 290.98 feet to a point on the Easterly right-of-way line of Missouri State Route 169 Highway, the point of beginning; thence S89°28'23"E along the said North line, a distance of 1231.09 feet; thence SOI 057'16"E, a distance of 1537.69 feet to a point on the Northerly right-of-way line of NW. 1 32nd Street; thence N88°48'54"W, a distance of 60.13 feet; thence N88°56'26"W, a distance of 239.16 feet this and the following 5 courses are along the said Northerly right-of-way line; thence

N89°26'27"W, a distance of 342.61 feet; thence N88°47'07"W, a distance of 243.27 feet; thence N87°53'58"W, a distance of 276.58 feet; thence 00°42'07"E, a distance of 35.75 feet; thence N88°56'32"W, a distance of 107.89 feet to a point on the Easterly right-of-way line of Missouri State Route 169 Highway; thence N34°59'44"W, a distance of 22.48 feet this and the following 4 courses are along the said Easterly right-of-way line; thence N00°42'07"E, a distance of 91.87 feet; thence N04°31'00"E, a distance of 345.25 feet; thence N00°42'07"E, a distance of 49.21 feet; thence N07°20'33"W, a distance of 304.84 feet; thence N00°42'07"E, a distance of 680.12 feet to the point of beginning.

Section 2. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS 4th DAY OF AUGUST, 2026.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st Reading: 07/21/2026

2nd Reading: 08/04/2026



STAFF REPORT
July 6, 2026
Conditional Use Permit for Parcel Id # 05-904-00-02-011.00

Application for a Conditional Use Permit

Code Sections:

400.570	Conditional Use Permit
400.375	Battery Energy Storage Facilities

Property Information:

Address:	13213 N. 169 Hwy
Owner:	NextEra Energy
Current Zoning:	A-1
Proposed Use:	Battery Energy Storage Facility

Public Notice Dates:

1 st Publication in Newspaper:	June 24, 2026
Letters to Property Owners w/in 185':	June 29, 2026

GENERAL DESCRIPTION:

The applicant seeks to obtain a conditional use permit to operate a Battery Energy Storage Facility on its property located at 13213 N 169 Hwy. and zoned A-1

400.375 BESF

Permitted Locations And Parcel Size Requirements.

1. Large-Scale BESFs are prohibited within two hundred fifty (250) feet of existing residential dwellings, schools, hospitals, daycare centers, senior living facilities, or other sensitive land uses unless an approved mitigation plan demonstrates that potential impacts will be effectively minimized.

Complies.

2. Facilities must not be located within a designated floodplain or wetland unless specifically approved with appropriate flood-proofing measures in place.

N/A

3. Parcel Size. Large-Scale BESFs shall be located on parcels no smaller than five (5) acres nor larger than fifty (50) acres.

The parcel involved is 32.1 acres.

4. Setback And Buffer Requirements in Non-Industrial Districts.

A. Setback a minimum of one hundred (100) feet from all property lines and two hundred fifty (250) feet from the nearest residential structures (includes building permit applications under review at time of conditional use permit application) or preliminarily or final platted subdivisions for residential uses.

Complies.

B. A landscaped buffer of at least fifty (50) feet in depth located within the 100-foot setback shall be required to visually screen BESF from adjacent properties. The buffer must include a combination of evergreen and deciduous trees, as well as shrubs that provide year-round screening. The landscape plan must include:

- (1) A site map showing the location and species of all plantings.
- (2) A maintenance plan to ensure long-term viability of plantings.
- (3) Use of native, drought-resistant, and non-invasive plant species where feasible.
- (4) An implementation timeline ensuring the buffer is established before facility operations commence.

Application includes fully site obscuring fencing and existing vegetation will remain where possible.

5. Facilities in all districts must install security fencing of at least eight (8) feet in height, with appropriate warning signage and limited-access gates. Battery energy storage systems, including all mechanical equipment, shall be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building.

In addition to this security fencing, site obscuring fencing is included.

6. Any outdoor lighting must be shielded and directed downward to minimize light pollution and glare on adjacent properties.

Complies

7. The applicant has engaged with the Fire District to ensure compliance with all Fire Safety And Hazard Mitigation requirements in 400.375

Complies

8. As required by the National Electric Code (NEC), disconnect and other emergency management information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

Included in plans, final inspection will verify.

9. The BESFs will be equipped with thermal management systems to prevent overheating and detect early signs of thermal runaway, emergency venting systems to release gases in a controlled manner to prevent explosion hazards.

Complies

10. The area within twenty (20) feet on each side of a battery energy storage system shall be cleared of combustible vegetation and surfaced with gravel or other non-combustible surfacing.

Complies

11. Stormwater Management Requirements. All facilities must submit a Stormwater Management Plan (SWMP) for approval as part of the application process. The SWMP must outline measures to prevent chemical contamination of groundwater and nearby water bodies through stormwater runoff control, filtration systems, and containment barriers. Facilities must implement best management practices (BMPs), such as oil/water separators, spill containment structures, and designated hazardous material storage areas.

Submitted and complies

12. The applicant must submit an estimate for decommissioning with the initial approval, and every five (5) years thereafter for review and approval by the City's engineers.

Applicant will update the decommissioning plan once final construction is completed to verify the conditions of construction can be completed.

13. Facility owners must submit a comprehensive decommissioning and site restoration plan for approval by the City.

Final plans will be required at final construction approval.

14. Applicant agrees to dedicate an easement for a city entrance sign, construct an access road to the site and complete the sign according to the plans provided.

Staff's Recommendation for Findings of Fact:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
6. Adequate utility, drainage and other such necessary facilities have been or will be provided.
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conditional Use Permit based upon the proposed findings of fact and with the condition that the wayfinding entrance sign is completed.

Respectfully Submitted,

Zoning Administrator