



## Planning and Zoning Commission Meeting

March 12, 2024

7:00 p.m. – City Hall Council Chambers and Via Videoconference

Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city's YouTube page through YouTube Live or may use the Zoom link below to access the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/88010523847>

Meeting ID: 880 1052 3847

Passcode: 684494

1. **Call to Order**

2. **Approve the February 13, 2024, Planning Commission Minutes**

3. **Staff Report**

4. **Public Hearing**

Initial zoning on 185+/- acres of recently annexed land from County AG to AR at 14422 Mt. Olivet

5. **Set Initial Zoning at 14422 Mt. Olivet Rd. from County Ag to AR**

Applicant seeks to zone its' newly annexed property to AR.

6. **Public Hearing**

Preliminary Plat of Mt. Olivet Subdivision to create a 33-lot subdivision on 185.08 acres.

7. **Preliminary Plat Approval – 33 lot subdivision at 14422 Mt. Olivet Rd.**

Preliminary Plat of Mt. Olivet Subdivision to create a 33-lot subdivision on 185.08 acres.

8. **Site Plan Review 208 W. Richardson St. – KC Properties & Investments**

Site Plan Review for a 12,000 ft<sup>2</sup> office and storage strip center for KC Properties & Investments

9. **Adjourn**



# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

February 13, 2024

7:00 P.M.

City Hall Council Chambers and Via Videoconference

### 1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 7:00 p.m.

A quorum of the Commission was present: Alderman Melissa Wilson, John Chevalier, Rob Scarborough, Dennis Kathcart, Deb Dotson, Billy Muessig and Mayor Damien Boley.

Staff present: Jack Hendrix and Brandi Schuerger.

### 2. MINUTES

The December 12, 2023, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by KATHCART.

Ayes 7, Noes 0. Motion carried.

### 3. STAFF REPORT

HENDRIX reported:

Several items are anticipated on the March meeting agenda. Most of it is commercial.

Fairview Crossing North is making progress. The building is being built and infrastructure is going in simultaneously. We are still working with the Developer on Fairview Crossing South.

A couple of residential developments up north are getting close to submitting.

DOTSON asked where these are located.

HENDRIX stated that he would rather not say at this point because no submittal has been made yet.

#### **4. PUBLIC HEARING**

- **REZONING 2 LOTS (16000 AND 16100 N 169 HWY) AT THE NORTHEAST CORNER OF 169 HWY AND CLIFF DRIVE FROM B-2 AND R-1B TO R-3**

**Public hearing opened.**

There were no members of the public that signed up to speak.

**Public hearing closed.**

#### **5. REZONE 16000 & 16100 N 169 HWY FROM B-2 AND R-1B TO R-3**

- **APPLICANT SEEKS TO REZONE 4.14 ACRES OF LAND AT CLIFF DRIVE AND 169 TO R-3**

MAYOR BOLEY motioned to approve the Rezoning of 16000 & 16100 N 169 Hwy from B-2 and R-1B to R-3. Seconded by ALDERMAN WILSON.

**DISCUSSION:** None

**THE VOTE:** MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE, ALDERMAN WILSON-AYE, CHEVALIER-AYE, MUESSIG-AYE.

**AYES-7, NOES-0. MOTION PASSED**

#### **6. SITE PLAN REVIEW 14890 N INDUSTRIAL DR. – THORNELL CORPORATION**

- **SITE PLAN REVIEW FOR A 38,000 SQ FT WAREHOUSE AND OFFICE FOR THORNELL CORPORATION**

MAYOR BOLEY motioned to approve the Site Plan Review for 14890 N Industrial Drive – Thornell Corporation. Seconded by DOTSON.

**DISCUSSION:** None

**THE VOTE:** MUESSIG -AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE, SCARBOROUGH -AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**7. SITE PLAN REVIEW 14820 N INDUSTRIAL DRIVE – HUNTLEY DISPOSAL/DAVID FINKE**

- **SITE PLAN REVIEW FOR A 6,400 SQ FT BUILDING TO HOUSE A TRANSFER STATION.**

MAYOR BOLEY motioned to approve the Site Plan Review for 14820 N Industrial Drive – Huntley Disposal/David Finke. Seconded by SCARBOROUGH.

**DISCUSSION:** None

**THE VOTE:** SCARBOROUGH -AYE, MAYOR BOLEY-AYE, MUESSIG-AYE, KATHCART-AYE, CHEVALIER-AYE, DOTSON-AYE, ALDERMAN WILSON-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**8. PUBLIC HEARING**

- **AMENDING THE SITE PLAN ORDINANCE TO INCLUDE CUP'S IN ANY DISTRICT INTO THE SITE PLAN PROCESS**

**Public hearing opened.**

There were no members of the public that signed up to speak.



HENDRIX gave an overview of the current requirements and explained why this was being brought to the commission.

**Public hearing closed.**

## **9. ZONING ORDINANCE AMENDMENT – SITE PLAN REVIEW ON CUP APPLICATIONS IN ALL DISTRICTS**

- **PROPOSED AMENDMENT TO §400.395 TO INCLUDE CUP'S IN ANY ZONING DISTRICT IN THE LIST OF REQUIRED SITE PLAN REVIEW APPLICATIONS.**

MAYOR BOLEY motioned to approve the Zoning Ordinance Amendment to §400.395 to include CUP's in any zoning district in the list of required site plan review applications. Seconded by SCARBOROUGH.

### **DISCUSSION:**

ALDERMAN WILSON asked if this will still require the commission to say aye or nay on a conditional use permit?

HENDRIX stated yes, it would still require that. This would only require that at the time of filing for a conditional use permit they would have to bring forward the site plan compliance at the same time.

**THE VOTE:** DOTSON -AYE, ALDERMAN WILSON-AYE, SCARBOROUGH-AYE, CHEVALIER-AYE, KATHCART-AYE, MAYOR BOLEY-AYE, MUESSIG-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **10. ADJOURN**

MAYOR BOLEY made a motion to adjourn. KATHCART seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:08 p.m.

NOT YET APPROVED



## Planning and Zoning Commission Request for Action

**MEETING DATE:** 3/12/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Zoning 14422 Mt. Olivet Rd.

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### **REQUESTED COMMISSION ACTION:**

A motion to approve the Findings of Fact and make its' recommendation for approval or disapproval.

### **SUMMARY OF PROCEDURE:**

The application is to set the zoning from the County Ag designation to the City's A-R district following annexation.

A draft findings of fact are presented, along with an Ordinance that will be submitted to the Board of Aldermen. The motion to approve (listed above) must be seconded, and if seconded, discussion on the matters of the public hearing and any documents provided may be discussed.

Voting to approve the Findings of Fact will send the draft version to the Board. If a Commissioner seeks to amend one or all of the proposed findings, then a motion to amend (paragraph #) with language on what change is sought should be made. If that motion to amend is seconded, it then becomes the discussion point of the Commission. This process continues until there are no more proposed amendments.

Once the original motion is amended, or if no amendments are made, discussion can focus on the proposed findings. When discussion is complete, the chair shall call for a vote.

### **ATTACHMENTS:**

- |                                                             |                                   |
|-------------------------------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance               | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                         | <input type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report            | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Findings of Fact |                                   |



## STAFF REPORT

March 8, 2024

Initial zoning of Clay County Parcel Id # 06-703-00-02-004.00

### Application for a Zoning District Classification Amendment

#### Code Sections:

400.560.C Zoning District Classification Amendments

#### Property Information:

Address: 14422 Mt. Olivet Rd.  
Owner: Yallaly Enterprises, LLC  
Current Zoning: New annexation  
Proposed 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 recently annexed this 185+/- acre tract of agricultural land into the City Limits. The applicant intends to seek an agricultural subdivision of lots, some of which will be less than 10 acres and the initial zoning needs to be set by the City.



The tract is agricultural in nature, and the applicant seeks to have it zoned A-R to allow for 33 single family A-R homesites of varying sizes. The perimeter lots along 144<sup>th</sup> and most of Mt. Olivet Rd. are 7 acres +/- . The area is low density residential/agricultural.

#### EXISTING ZONING:

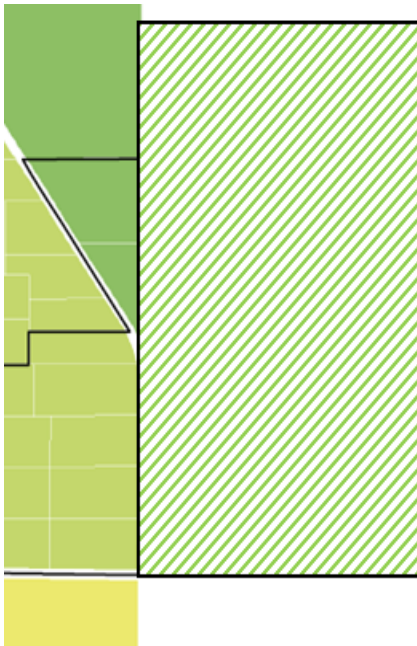
The existing zoning predates the annexation into the city limits and is County Ag

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is large lot residential/agricultural with lot sizes from just below 3 acres to 20+ acres. 11 lots contiguous to the subject parcel are less than 5 acres.

#### CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The existing Comprehensive Plan was approved on November 10, 2020. The area adjacent (to the west) of the subject property is identified as agricultural (dark green), and low density residential (lighter green). The subject property (green striped) is proposed to be low density residential. It matches the general area of the plan significantly.



#### ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The area has county water (to be extended by developer in the future), along with all other utilities and public services. The area has no city provided utilities, and the adjacent and future roads will be improved in accordance with city and county standards.

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is agricultural with a single family home, all formerly outside the city limits.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property has been a farm in the county.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district matches the existing adjacent uses.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560.C.7*

No detrimental effects are known.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

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Zoning Administrator

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicant: Yallaly Enterprises, LLC

Land Use Proposed: A-R

Zoning: County Agricultural

Property Location: 14422 Mt. Olivet Rd.

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on March 12, 2024, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

### **Finding of Facts**

1. Character of the neighborhood.  
The surrounding area is large lot residential/agricultural in character.
2. Consistency with the City's Comprehensive Plan and ordinances.  
The existing Comprehensive Plan was approved on November 10, 2020. The general area is described as residential/low density residential. The subject property is low density residential and complies with the plan.
3. Adequacy of public utilities and other needed public services.  
The land has water and other utilities along the borders of the property by the county water district and other private utilities serve the existing housing.
4. Suitability of the uses to which the property has been restricted under its existing zoning.  
The current use is agricultural formerly outside the city limits, and the proposed district matches the current uses in the general area.
5. Length of time the property has remained vacant as zoned.  
The property was in the unincorporated county but had never previously annexed. This property would be developed into 33 lots, with an average lot size of 5.61 acres.
6. Compatibility of the proposed district classification with nearby properties.  
The proposed district matches the adjacent existing uses.
7. The extent to which the zoning amendment may detrimentally affect nearby property.  
No detriment is anticipated.

8. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.  
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on March 12, 2024, has been taken into consideration as well as the documents provided.

#### Recommendation of the Planning Commission

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

- A. This application and the Zoning of this property from County Single Family Residential to A-R is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the property to A-R.



**BILL NO. 30XX-24**

**ORDINANCE NO. XXXX-24**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI.**

**WHEREAS**, The City of Smithville received an application for annexation on November 6, 2023 for property located at 14422 Mt. Olivet Rd.; and

**WHEREAS**, after the property was annexed, the City is now required to designate the initial zoning of newly annexed property, so a Public Hearing was conducted before the Planning Commission on March 12, 2024; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as A-R.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, THAT;**

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority board vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

A TRACT OF LAND IN THE WEST FRACTIONAL HALF OF SECTION 31, TOWNSHIP 53 NORTH, RANGE 32 WEST, IN CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°25'54"E, ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31, A DISTANCE OF 1381.18 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 1704 AT PAGE 152; THENCE N87°49'16"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 370.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT; THENCE N00°26'48"E, ALONG THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 440.24 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT; THENCE N83°02'20"W, ALONG THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 373.13 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N00°25'54"E, ALONG SAID WEST LINE, A DISTANCE OF 770.92 FEET TO THE NORTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER, SAID POINT ALSO BEING THE

SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 31; THENCE N00°15'36"E, ALONG THE WEST LINE OF SAID FRACTIONAL NORTHWEST QUARTER, A DISTANCE OF 899.06 FEET TO THE SOUTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 6085 AT PAGE 14; THENCE S89°34'19"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 5223 AT PAGE 180, A DISTANCE OF 2385.78 TO THE EAST LINE OF SAID FRACTIONAL NORTHWEST QUARTER; THENCE S00°40'41"W, ALONG SAID LINE, A DISTANCE OF 924.90 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31; THENCE S00°40'28"W, ALONG THE EAST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2636.02 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N89°19'35"W, ALONG THE SOUTH LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2367.73 FEET TO THE POINT OF BEGINNING.

is hereby set as A-R.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading:                      /        /2024

Second Reading                      /        /

Exhibit A

All that part of the North one half of Section 36, Township 34, Range 33, Clay County, Missouri, described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Section 36; thence North 89 degrees 49 minutes 48 seconds East along the North line of the Northeast Quarter of said Section 36, a distance of 662.69 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence South 0 degrees 20 minutes 18 seconds West along the East line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 663.23 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence North 89 degrees 50 minutes 00 seconds East along the South line of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 590.45 feet to the West line of the East 170 Acres of said Section 36; thence South 0 degrees 26 minutes 29 seconds West along the West line of the East 170 Acres of said Section 36, a distance of 114.37 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 971.22 feet; thence South 56 degrees 32 minutes 56 seconds West, a distance of 98.83 feet; thence South 46 degrees 04 minutes 14 seconds West, a distance of 376.49 feet to the most Westerly corner of Tract "G", HARBOR LAKE FIFTH PLAT, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 89 degrees 43 minutes 06 seconds West, a distance of 238.15 feet; thence South 13 degrees 23 minutes 08 seconds West, a distance of 70.00 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 1004.87 feet to a point on the East line of Lot 1, CARTER FARMS, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 00 degrees 34 minutes 50 seconds East, along the East line of said Lot 1, a distance of 60.52 feet to the Northeast corner of said Lot 1; thence North 89 degrees 28 minutes 47 seconds West, along the North line of said Lot 1, a distance of 528.68 feet to the Northwest corner of said Lot 1, said point also being on the East right of way line of Missouri State Highway "F"; thence North 0 degrees 34 minutes 50 seconds East along said right of way line, a distance of 794.51 feet; thence along said right of way line, along a curve to the left, tangent to the last described course, having a radius of 349.73 feet, an arc distance of 66.19 feet; thence South 89 degrees 38 minutes 07 seconds East, a distance of 192.23 feet; thence North 0 degrees 35 minutes 50 seconds East, a distance of 233.0 feet to the North line of the Northwest Quarter of said Section 36; thence South 89 degrees 38 minutes 07 seconds East along said line, a distance of 1666.64 feet to the point of beginning. Said tract contains 60.87 acres more or less.



## Planning and Zoning Commission Procedural Summary

**MEETING DATE:** 3/12/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Mt. Olivet Subdivision Preliminary Plat.

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**REQUESTED COMMISSION ACTION:**

A motion to recommend to approve (or disapprove) the proposed preliminary plat.

**SUMMARY OF PROCEDURE:**

The application is to approve a two phased subdivision that would create 33 lots on 185 +/- acres of land at 14422 Mt. Olivet Rd.

The Commission shall take into account the public hearing input, the staff report and any other documents or photographs provided at the hearing. The staff report is organized with each of the Guidelines for Review identified in §425.275.A.3 of the Code of Ordinances (attached) with staff and engineering findings of each item for evaluation.

In cases where the recommendation is for the disapproval of the plat, the applicant shall be notified of the reason for such action and what requirements shall be necessary to obtain the recommendation of approval of the Planning and Zoning Commission.

**ATTACHMENTS:**

- ☒ Development Agreement
- ☒ Plans

- ☒ Staff Report
- ☒ Other: Guidelines for Review



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

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

PROPERTY DESCRIPTION  
CONTAINING 8,273,051 SQUARE FEET OR 189.92 ACRES

A TRACT OF LAND, THE WEST FRACTIONAL HALF OF SECTION 31, TOWNSHIP 53 NORTH, RANGE 32 WEST, IN CLATSOP COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°53'41"E, ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31, A DISTANCE OF 1381.15 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 1704 AT PAGE 152; THENCE N87°49'16"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 440.54 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT, THENCE N83°02'20"W, ALONG THE NORTHEAST LINE OF SAID TRACT, A DISTANCE OF 3761.33 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, THENCE N00°53'41"E, ALONG SAID WEST LINE, A DISTANCE OF 770.92 FEET TO THE NORTHEAST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHEAST QUARTER OF SAID SECTION 31; THENCE N00°15'38"E, ALONG THE EAST LINE OF SAID TRACT, DESCRIBED IN BOOK 6085 AT PAGE 14, THENCE S89°34'12"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 5223 AT PAGE 180, A DISTANCE OF 2366.78 TO THE EAST LINE OF SAID FRACTIONAL NORTHEAST QUARTER, THENCE S00°40'41"W, ALONG SAID POINT, ALSO BEING THE NORTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31; THENCE S00°40'29"W, ALONG THE EAST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2636.02 FEET TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER, THENCE N89°19'35"W, ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2367.73 FEET TO THE POINT OF BEGINNING.

PHASE 1: FARMS AT MT. OLIVET  
LOTS 1-14 - SINGLE FAMILY  
NO MAJOR PUBLIC IMPROVEMENTS

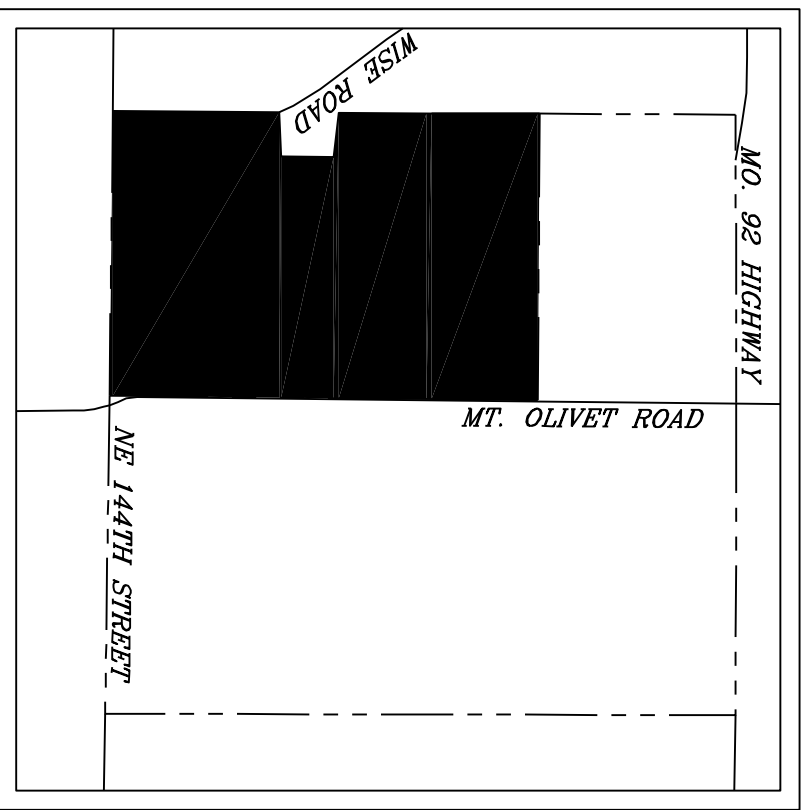
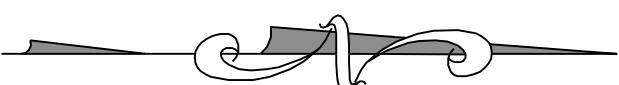
PHASE 2: ESTATES AT MT. OLIVET  
LOTS 15-33 - SINGLE FAMILY  
STREET AND WATER EXTENSION INTO INTERIOR LOTS

- SET 1/2" REBAR WITH PLASTIC CAP STAMPED "LS-2007000089"
- ▲ SET 5/8" REBAR WITH PLASTIC CAP STAMPED "LS-2007000089"

- |     |                               |
|-----|-------------------------------|
| (O) | FOUND 1/2" MONUMENT AS NOTED  |
| (O) | FOUND 5/8" MONUMENT AS NOTED  |
| (Δ) | FOUND 4" CUT IN CONCRETE      |
| (M) | MEASURED BEARING OR DISTANCE  |
| (P) | PLATTED BEARING OR DISTANCE   |
| (D) | DESCRIBED BEARING OR DISTANCE |

IF VALUE IS NOT LABELED IT IS MEASURED (BETWEEN MONUMENTS),  
OR CALCULATED BASED ON MEASUREMENTS TO MONUMENTS

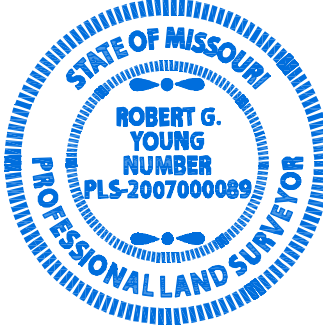
ALL PROPERTY CORNERS WILL BE SET UPON APPROVAL

VICINITY MAP  
SECTION 31-53-33  
NOT TO SCALE

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 JOINTLY 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 11/14/2023  
DATE



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

LAND SURVEYING - DEVELOPMENT CONSULTANTS  
R.L. BUFORD & ASSOCIATES, LLC - MO CERT. OF  
AUTHORITY LICENSE NO. LS-2010031977  
rob@rlbuford.com

P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152

P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152

SEC.-TWP.-RGE.	COUNTY	JOB
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31-53-32	PLATTE	L
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DATE	FIELD BOOK
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10/25/2023

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473
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FOR *ERIC CRAIG*

PRELIMINARY PLAT

DRAWN BY  
R.G.Y.

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# MT. OLIVET

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

PRELIMINARY PLAT  
SHEET 2 OF 3

UNPLATTED  
CARL REINECKE  
BOOK 1704  
PAGE 152

PHASE 2

PHASE 1

LOT 1  
824,468 SQUARE FEET  
18.82 ACRES

LOT 11  
233,948 SQUARE FEET  
6.72 ACRES

LOT 12  
388,193 SQUARE FEET  
8.45 ACRES

LOT 10  
310,835 SQUARE FEET  
7.14 ACRES

LOT 2  
242,435 SQUARE FEET  
5.57 ACRES

LOT 3  
386,377 SQUARE FEET  
8.87 ACRES

LOT 4  
226,875 SQUARE FEET  
5.21 ACRES

LOT 5  
321,816 SQUARE FEET  
7.39 ACRES

LOT 6  
383,863 SQUARE FEET  
8.81 ACRES

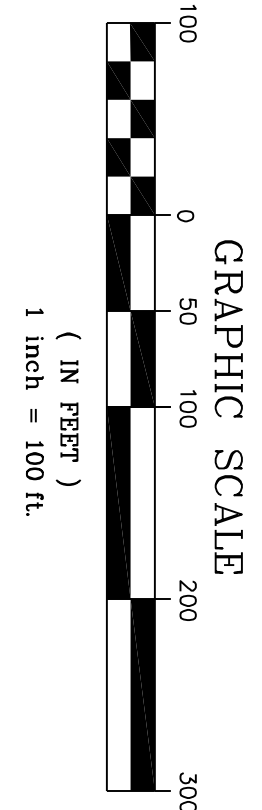
LOT 7  
293,753 SQUARE FEET  
6.74 ACRES

LOT 9  
225,533 SQUARE FEET  
5.18 ACRES

LOT 8  
132,780 SQUARE FEET  
3.03 ACRES

SECTION 31-53-32

( IN FEET )  
1 inch = 100 ft.

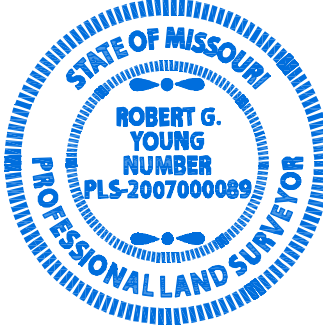


## SURVEYOR'S CERTIFICATION

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 JOINTLY 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-2007000089

REV 11/14/2023  
DATE



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**R.L. Buford & Associates, LLC**  
LAND SURVEYING - DEVELOPMENT CONSULTANTS  
R.L. BUFORD & ASSOCIATES, LLC - MO CERT. OF  
AUTHORITY LICENSE NO. LS-2010031977  
rob@rlbuford.com

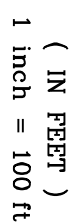
P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152

FOR <b>ERIC CRAIG</b>	SEC.-TWP.-RGE. 31-53-32	COUNTY PLATTE	JOB NO. L-23241
	DATE 10/25/2023	FIELD BOOK	
PRELIMINARY PLAT		DRAWN BY R.C.Y.	

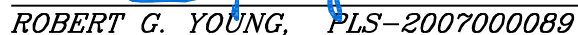


A SUBDIVISION IN SECTION 31, TOWNSHIP 53 NORTH,  
RANGE 32 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI.

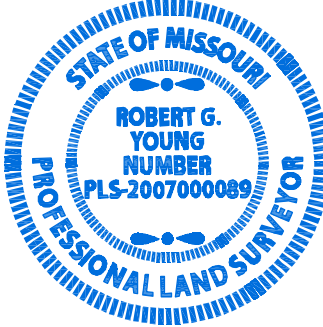
SHEET 3 OF 3



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 JOINTLY 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.



DATE \_\_\_\_\_



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

LAND SURVEYING - DEVELOPMENT CONSULTANTS  
R.L. BUFORD & ASSOCIATES, LLC - MO CERT. OF  
AUTHORITY LICENSE NO. LS-2010031977  
rob@rlbuford.com

P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152

FOR *ERIC CRAIG*

SEC.-TWP.-RC  
31-53-32  
DATE  
10/25/2023

COUNTY PLATTE	JOB NO. L-23241
------------------	--------------------

DRAWN BY  
R.G.Y.

PRELIMINARY PLAT

## DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_  
**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:

\_\_\_\_\_



## Planning and Zoning Commission Procedural Summary

**MEETING DATE:** 3/12/2024

**ACTION ITEM:** Site Plan Review

**AGENDA ITEM:** 208 W. Richardson St. Site Plan

---

**REQUESTED COMMISSION ACTION:**

A motion to approve the Site Plan submitted.

**SUMMARY OF PROCEDURE:**

The application is to approve a site plan for a new, 10,000 ft<sup>2</sup>, 8-unit commercial building.

When reviewing the submissions, the commission should be guided by the following:

1. The extent to which the proposal conforms to these regulations.
2. The extent to which the development would be compatible with the surrounding area.
3. The extent to which the proposal conforms to the provisions of the City's subdivision regulations concerning the design and layout of the development, as well as water system, sewer system, stormwater protection and street improvements.
4. The extent to which the proposal conforms to the policies and provisions of the City's Comprehensive Plan.
5. The extent to which the proposal conforms to the adopted engineering standards of the City.
6. The extent to which the locations of streets, paths, walkways and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
7. The extent to which the buildings, structures, walkways, roads, driveways, open space and parking areas have been located to achieve the following objectives:
  - a. Preserve existing off-site views and create desirable on-site views;
  - b. Conserve natural resources and amenities available on the site;
  - c. Minimize any adverse flood impact;
  - d. Ensure that proposed structures are located on suitable soils;
  - e. Minimize any adverse environmental impact; and
  - f. Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.

The commission can recommend approval, approval with conditions or deny the application.

**ATTACHMENTS:**

☒ Plans      ☒ Staff Report      ☐ Other:





# SHANE CREES

208 W. RICHARDSON STREET, SMITHVILLE, MO

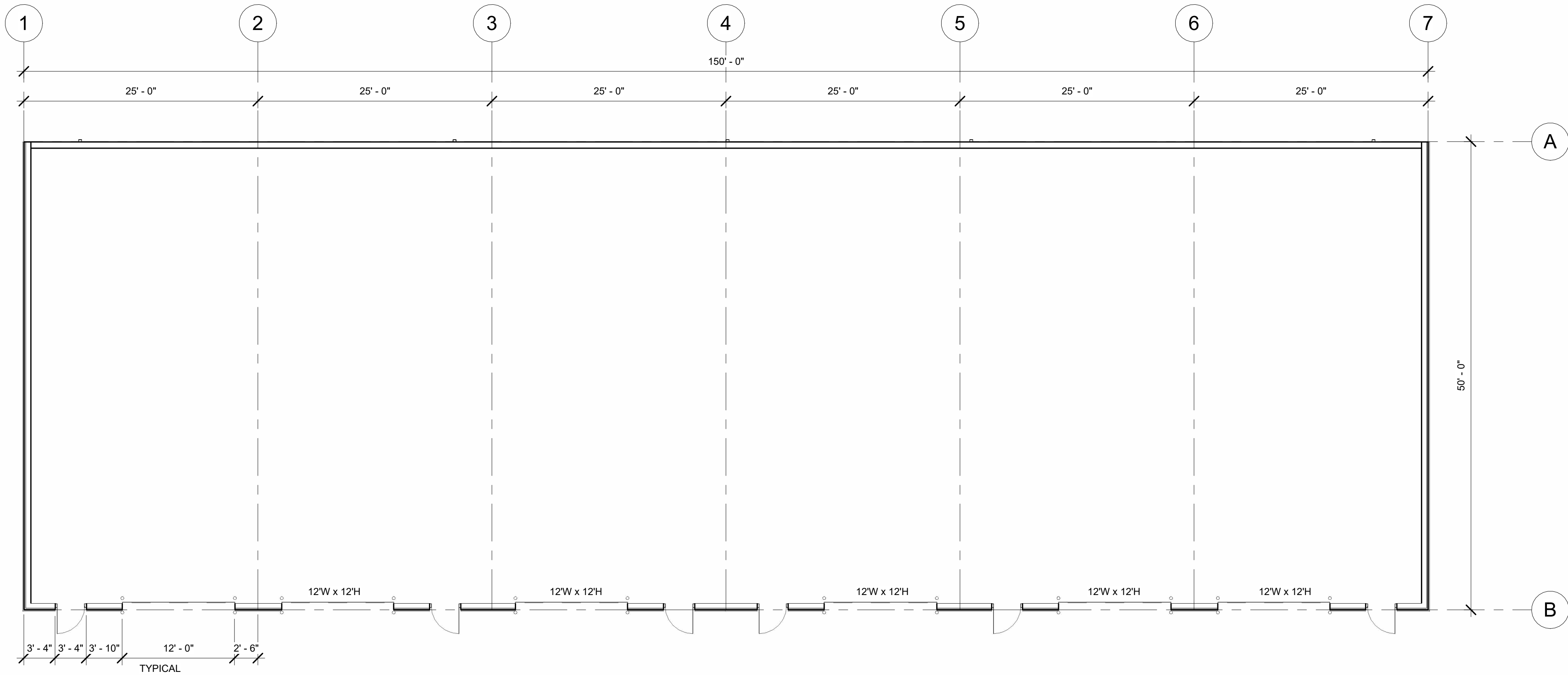
01.30.2024

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① Floor Plan  
1/8" = 1'-0"



**scharhag**  
HERMAN A. SCHARHAG COMPANY, ARCHITECTS

5836 Central Kansas City, Mo 64113  
Phone: 816-914-5165 Scharhagarch@gmail.com

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NEW BUILDING FOR

**SHANE CREES**

208 W. RICHARDSON STREET, SMITHVILLE, MO

J. Jeffrey Schroeder Mo. License A-4226  
Herman Scharhag Co., Arch. Cert. of Authority A-22

No.	Description	Date
Revision Schedule		

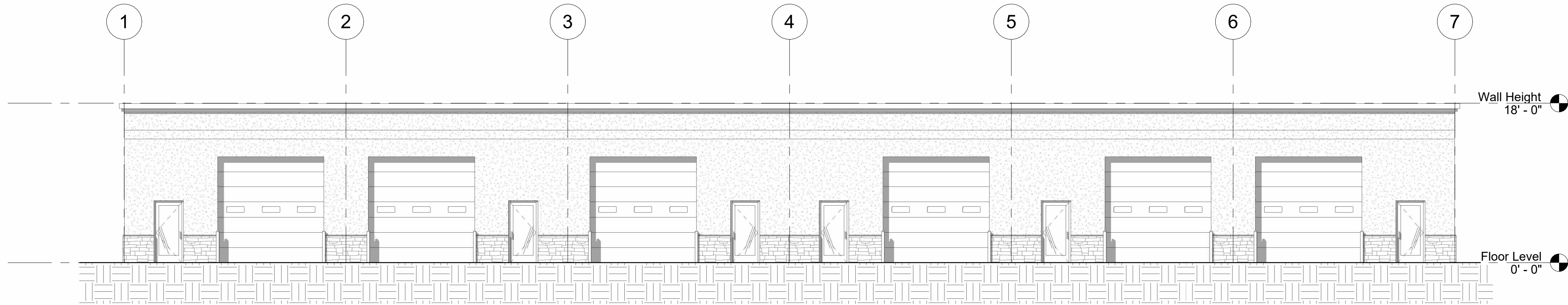
Floor Plan

Project number	2575
Date	01.30.2024

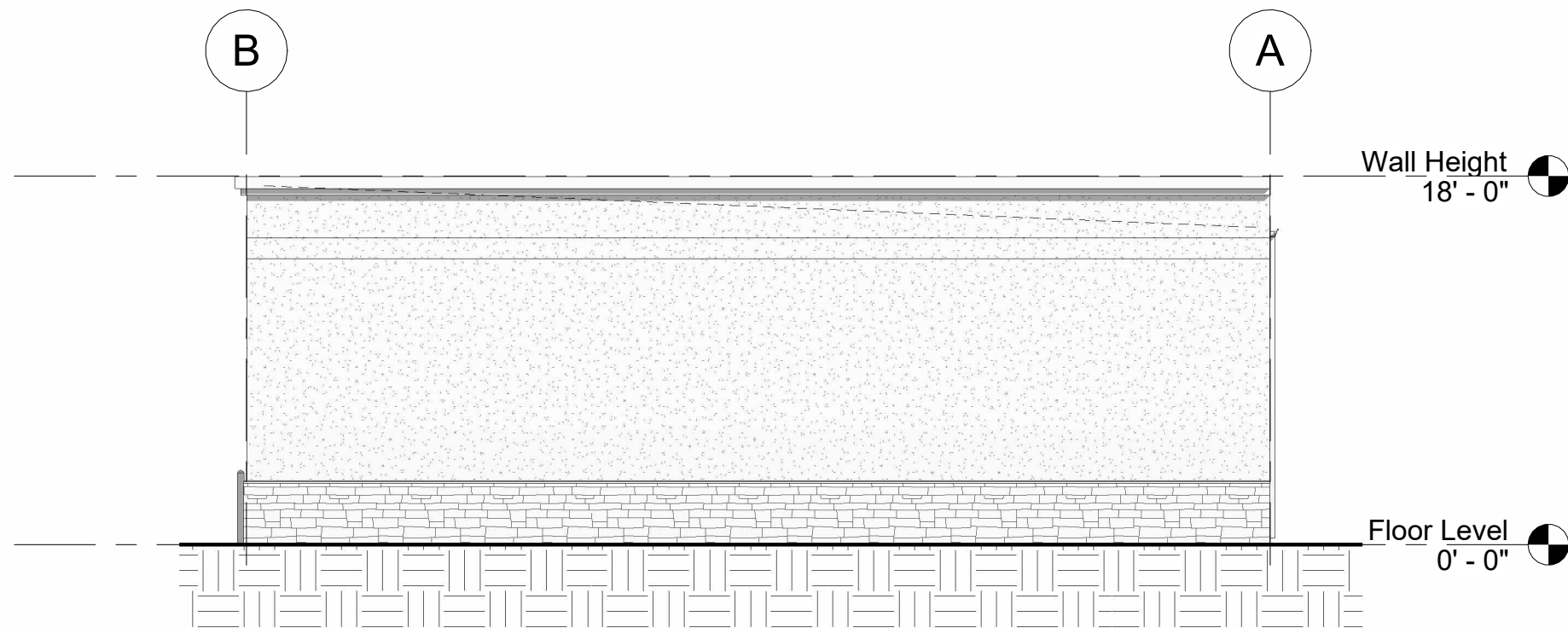
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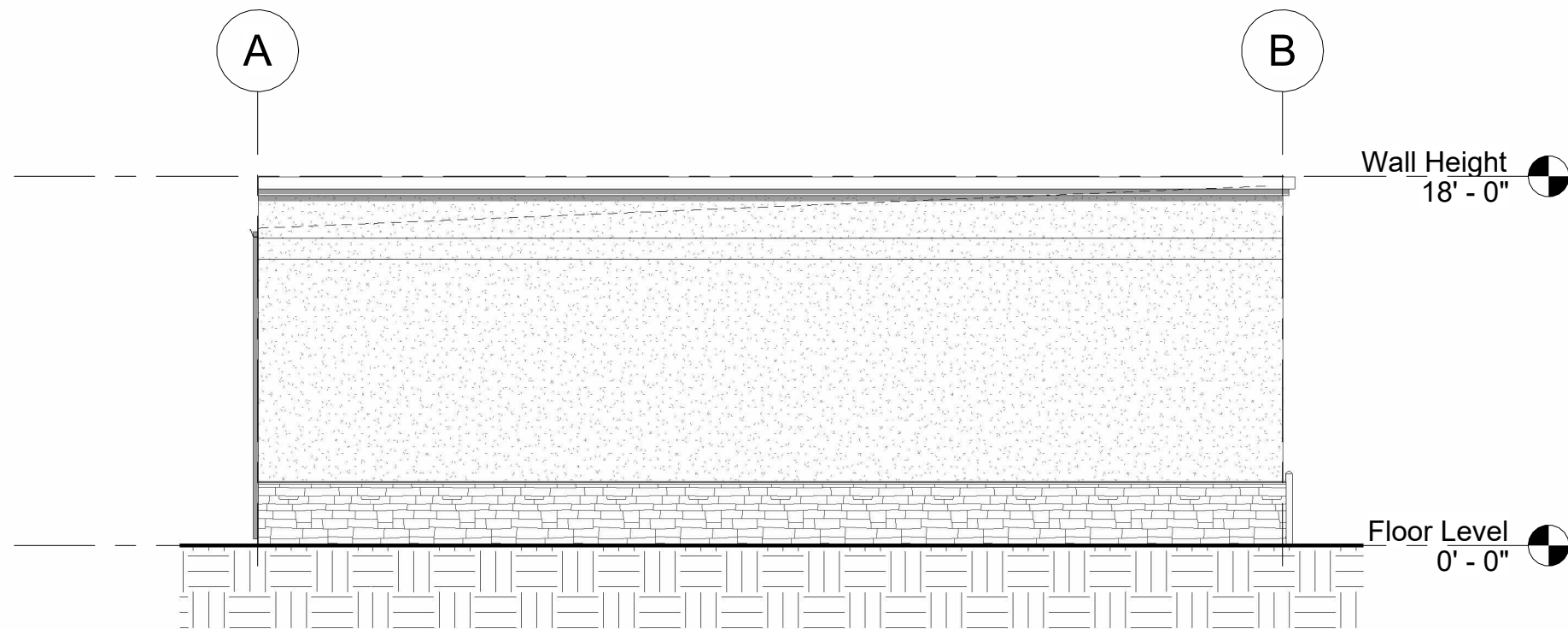
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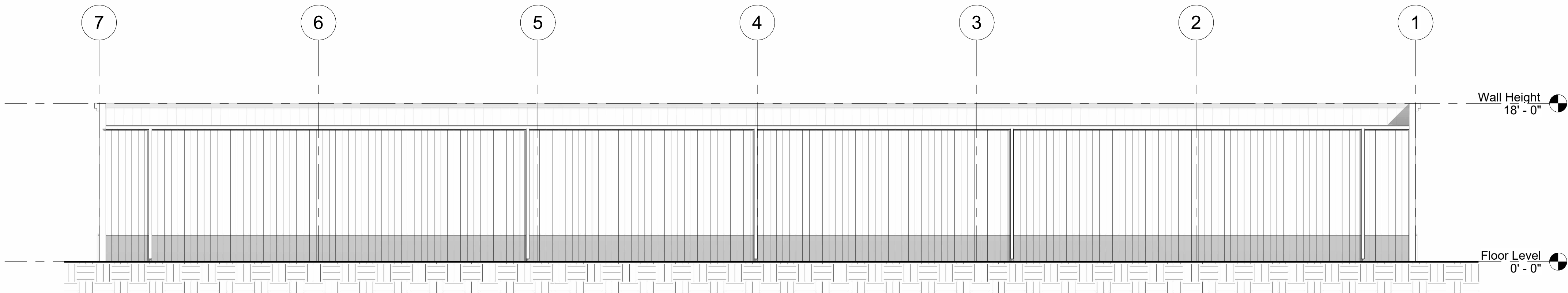
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2 North Elevation  
1/8" = 1'-0"



3 South Elevation  
1/8" = 1'-0"



4 West Elevation  
1/8" = 1'-0"

**scharhag**  
HERMAN A. SCHARHAG COMPANY, ARCHITECTS

5836 Central Kansas City, Mo 64113  
Phone: 816-914-5165 Scharhagarch@gmail.com

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NEW BUILDING FOR

**SHANE CREES**

208 W. RICHARDSON STREET, SMITHVILLE, MO

J. Jeffrey Schroeder Mo. License A-4226  
Herman Scharhag Co., Arch. Cert. of Authority A-22

No.	Description	Date
Revision Schedule		

Elevations

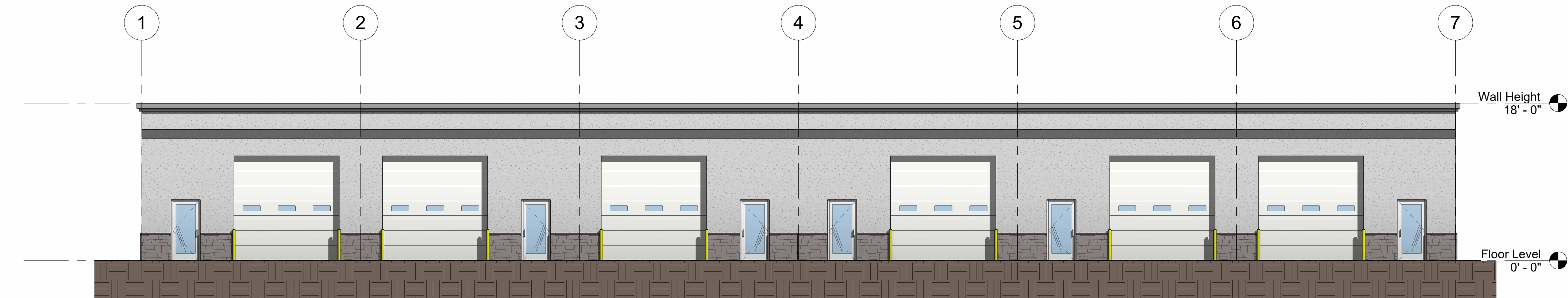
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Date 01.30.2024

**A201**

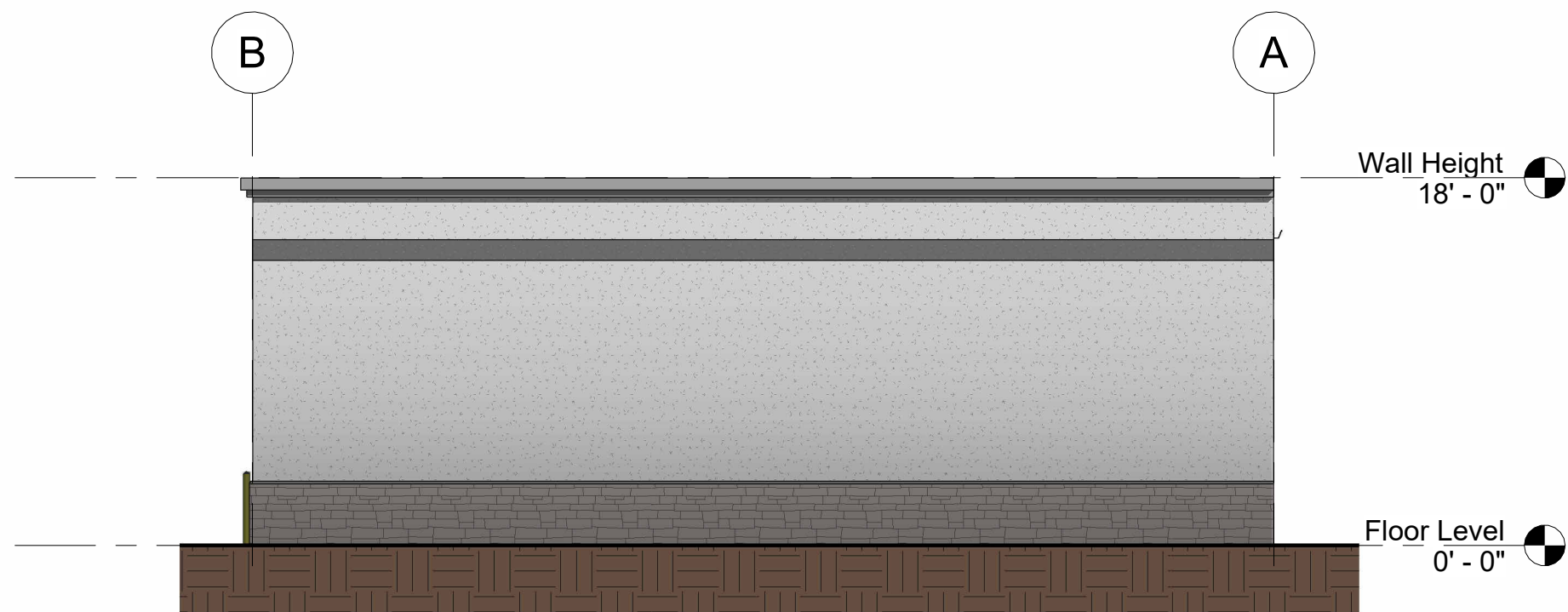
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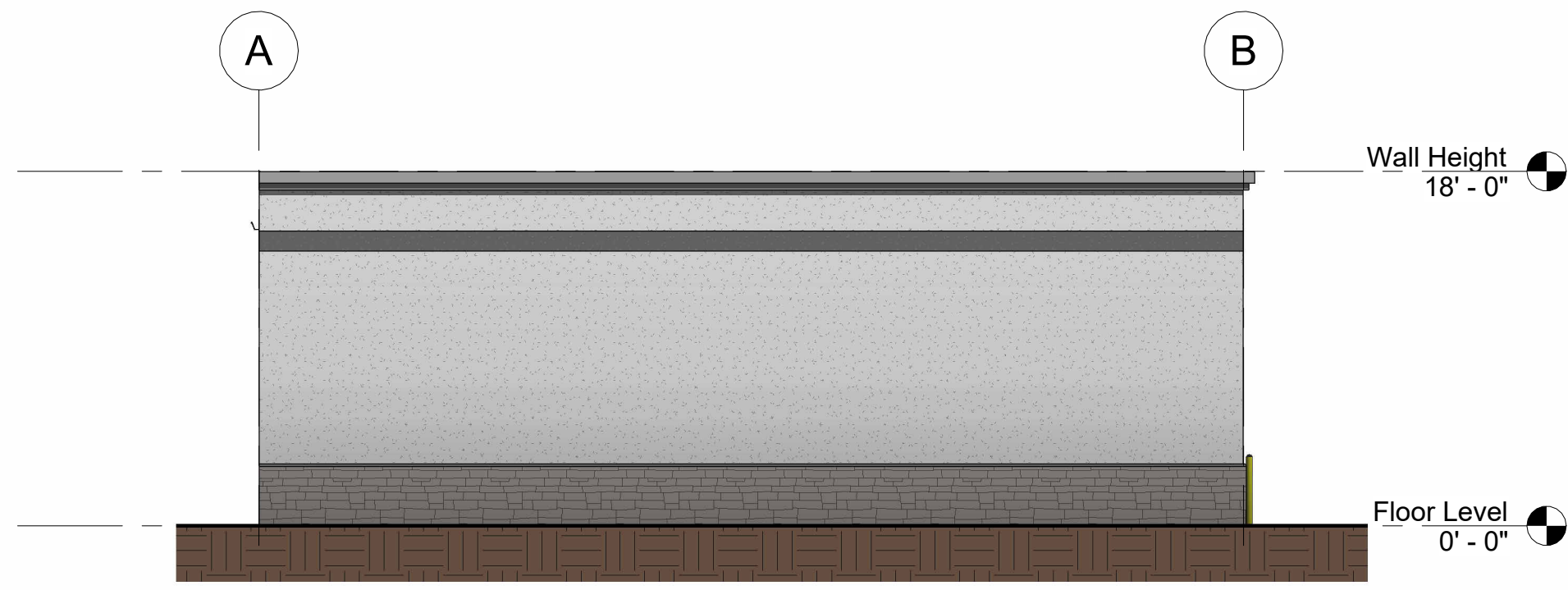




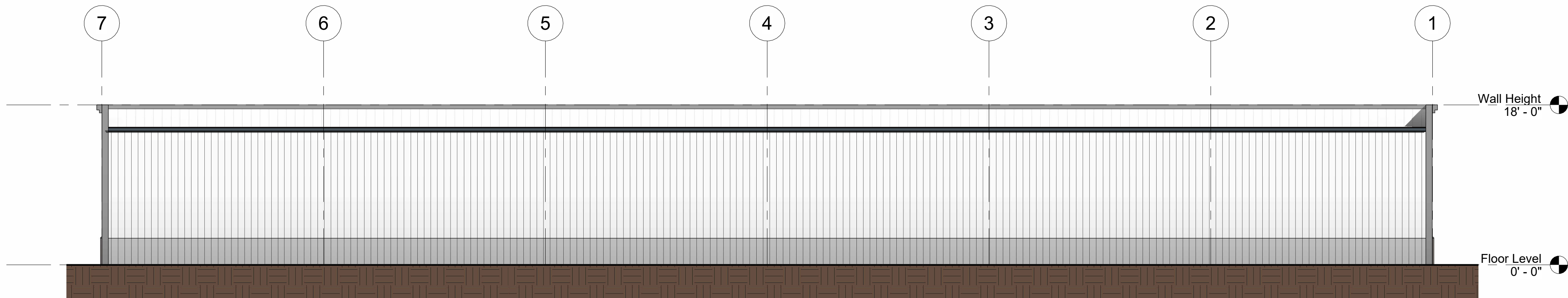
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② North Elevation Color  
1/8" = 1'-0"



③ South Elevation Color  
1/8" = 1'-0"



④ West Elevation Color  
1/8" = 1'-0"

**scharhag**  
HERMAN A. SCHARHAG COMPANY, ARCHITECTS

5836 Central Kansas City, Mo 64113  
Phone: 816-914-5165 Scharhagarch@gmail.com

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NEW BUILDING FOR  
**SHANE CREEES**  
208 W. RICHARDSON STREET, SMITHVILLE, MO

J. Jeffrey Schroeder Mo. License A-4226  
Herman Scharhag Co., Arch. Cert. of Authority A-22

No.	Description	Date
Revision Schedule		

Colored  
Elevations

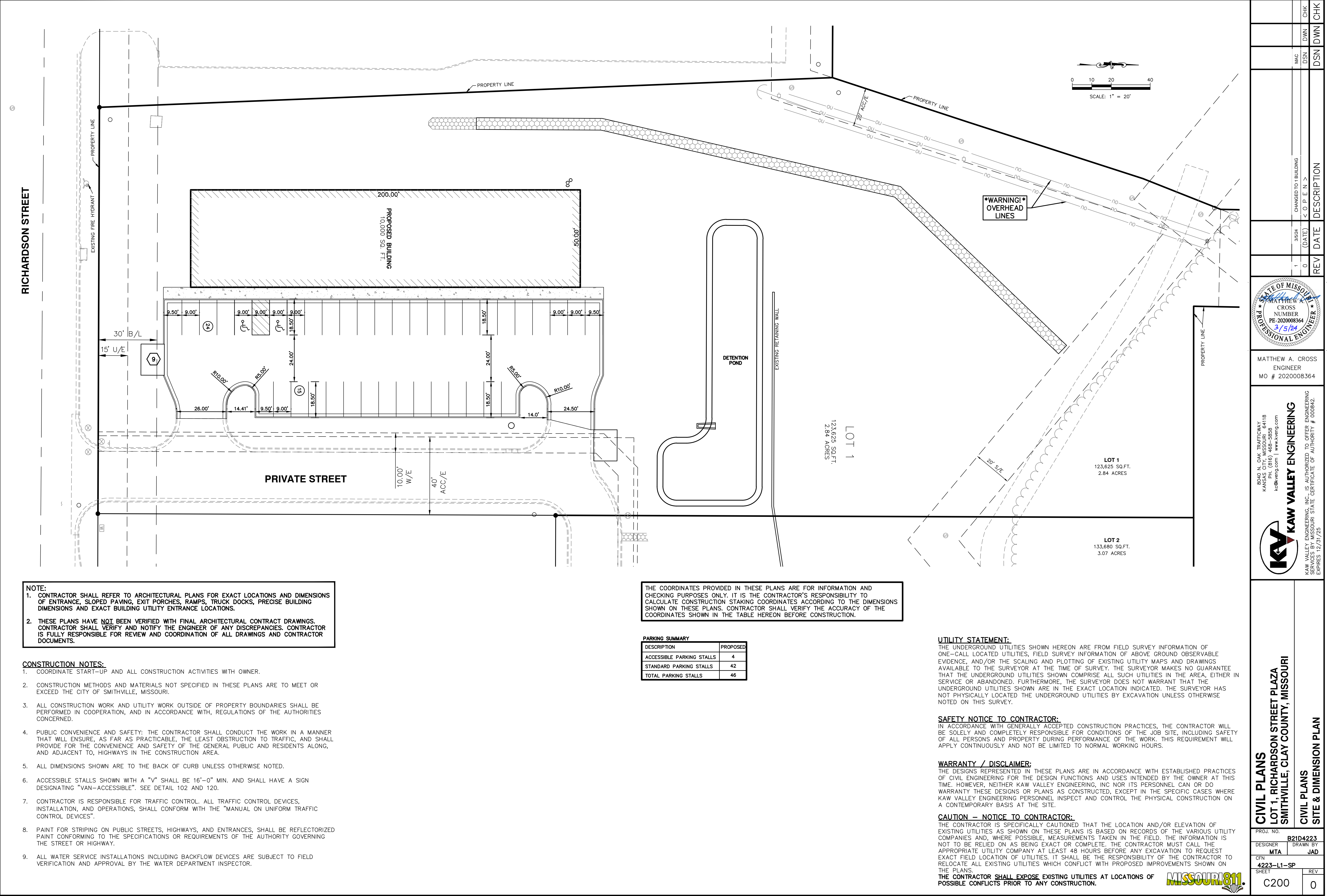
Project number 2575  
Date 01.30.2024

**A202**

Scale 1/8" = 1'-0"

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NOTE:  
1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ENTRANCE, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.  
2. THESE PLANS HAVE NOT BEEN VERIFIED WITH FINAL ARCHITECTURAL CONTRACT DRAWINGS. CONTRACTOR SHALL VERIFY AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES. CONTRACTOR IS FULLY RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND CONTRACTOR DOCUMENTS.

- CONSTRUCTION NOTES:**
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER.
  - CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED THE CITY OF SMITHVILLE, MISSOURI.
  - ALL CONSTRUCTION WORK AND UTILITY WORK OUTSIDE OF PROPERTY BOUNDARIES SHALL BE PERFORMED IN COOPERATION, AND IN ACCORDANCE WITH, REGULATIONS OF THE AUTHORITIES CONCERNED.
  - PUBLIC CONVENIENCE AND SAFETY: THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL ENSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC, AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS ALONG, AND ADJACENT TO, HIGHWAYS IN THE CONSTRUCTION AREA.
  - ALL DIMENSIONS SHOWN ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
  - ACCESSIBLE STALLS SHOWN WITH A "V" SHALL BE 16'-0" MIN. AND SHALL HAVE A SIGN DESIGNATING "VAN-ACCESSIBLE". SEE DETAIL 102 AND 120.
  - CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL. ALL TRAFFIC CONTROL DEVICES, INSTALLATION, AND OPERATIONS, SHALL CONFORM WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
  - PAINT FOR STRIPING ON PUBLIC STREETS, HIGHWAYS, AND ENTRANCES, SHALL BE REFLECTORIZED PAINT CONFORMING TO THE SPECIFICATIONS OR REQUIREMENTS OF THE AUTHORITY GOVERNING THE STREET OR HIGHWAY.
  - ALL WATER SERVICE INSTALLATIONS INCLUDING BACKFLOW DEVICES ARE SUBJECT TO FIELD VERIFICATION AND APPROVAL BY THE WATER DEPARTMENT INSPECTOR.

THE COORDINATES PROVIDED IN THESE PLANS ARE FOR INFORMATION AND CHECKING PURPOSES ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALCULATE CONSTRUCTION STAKING COORDINATES ACCORDING TO THE DIMENSIONS SHOWN ON THESE PLANS. CONTRACTOR SHALL VERIFY THE ACCURACY OF THE COORDINATES SHOWN IN THE TABLE HEREON BEFORE CONSTRUCTION.

PARKING SUMMARY	
DESCRIPTION	PROPOSED
ACCESSIBLE PARKING STALLS	4
STANDARD PARKING STALLS	42
TOTAL PARKING STALLS	46

**UTILITY STATEMENT:**  
THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE, AND/OR THE SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY.

**SAFETY NOTICE TO CONTRACTOR:**  
IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

**WARRANTY / DISCLAIMER:**  
THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER KAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE KAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A TEMPORARY BASIS AT THE SITE.

**CAUTION - NOTICE TO CONTRACTOR:**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.  
**THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.**

PROJ. NO. B21D4223

DESIGNER MTA

CFN 4223-L1-SP

SHEET C200

DRAWN BY JAD

REV 0

CIVIL PLANS

LOT 1, RICHARDSON STREET PLAZA

SMITHVILLE, CLAY COUNTY, MISSOURI

CIVIL PLANS

SITE & DIMENSION PLAN

STATE OF MISSOURI

MATTHEW A. CROSS

CROSS NUMBER

PE-2020008364

3/5/24

PROFESSIONAL ENGINEER

MATTHEW A. CROSS

ENGINEER

MO # 2020008364

8040 N. OAK TRAILWAY

KANSAS CITY, MISSOURI 64118

kc@kvweng.com | www.kvweng.com

**KAW VALLEY ENGINEERING**

KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY # 000842.

EXPRES 12/31/25

MAC

DSN

CHK

CHK

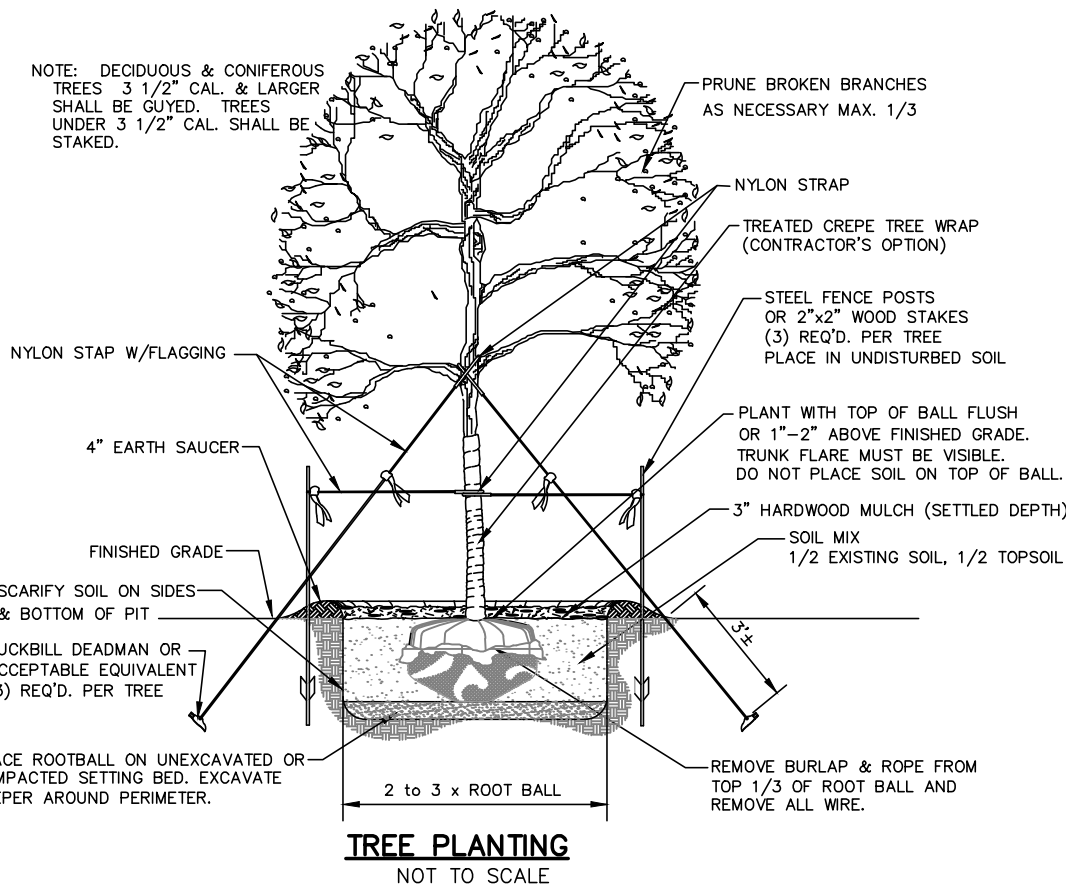
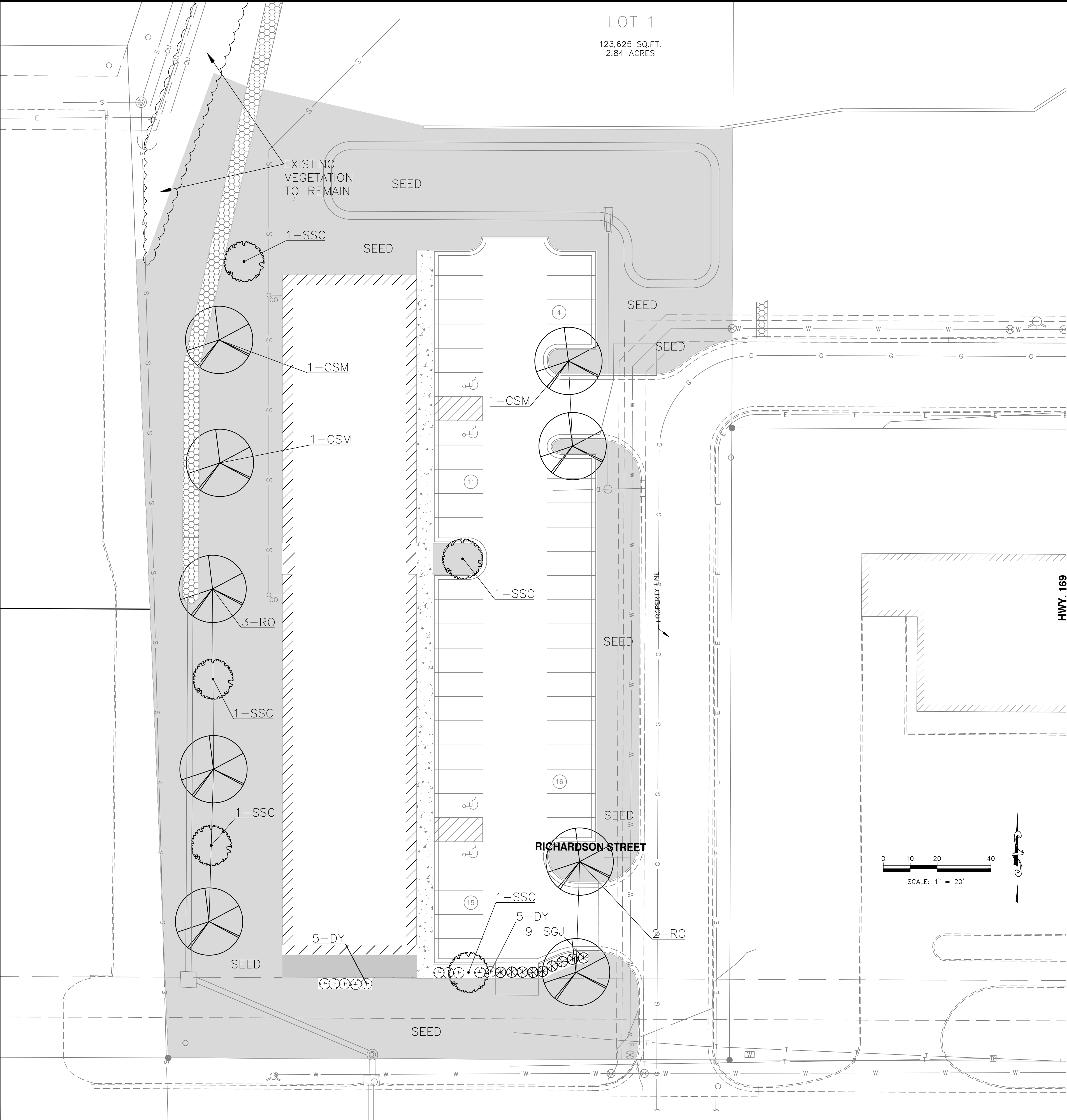
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< O.P.E.N >

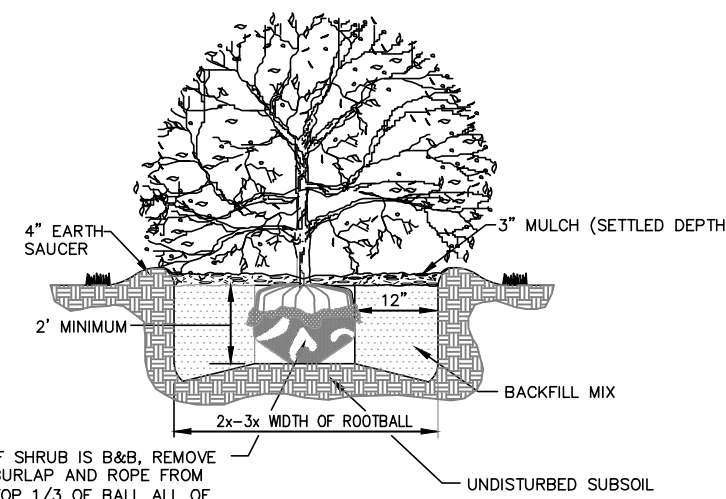
DATE

DESCRIPTION





TREE PLANTING  
NOT TO SCALE



SHRUB PLANTING  
NOT TO SCALE

- LANDSCAPING NOTES:**
1. LOCATE ALL UTILITIES BEFORE LANDSCAPE CONSTRUCTION BEGINS.
  2. NOTIFY OWNER REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES.
  3. ALL EXTERIOR GROUND WITHIN THE LIMITS OF THE CONTRACT, EXCEPT FOR SURFACES OCCUPIED BY BUILDINGS, STRUCTURES, PAVING, AND AS DIRECTED ON THE DRAWINGS AS UNDISTURBED, SHALL BE FILLED WITH SIX INCHES (6") OF TOPSOIL.
  4. ALL DISTURBED AREAS NOT DESIGNATED FOR OTHER PLANTING SHALL BE SEEDED. SEED SHALL CONSIST OF 3 VARIETIES OF IMPROVED TURF TYPE TALL FESCUE (K-31 IS NOT PERMITTED). DISTURBED AREAS ARE SHOWN TO MATCH GRADING LIMITS. AREAS DISTURBED OUTSIDE OF THESE LIMITS MUST BE SCARIFIED, GRADED AND SEEDED.
  5. WEED MAT SHALL BE USED UNDER ALL PLANTING AREAS NOT TO BE SEEDED OR AS DIRECTED ON THE DRAWINGS. THE MAT SHALL BE COVERED WITH MULCH AND SECURED IN-PLACE BY A SOIL ANCHOR.
  6. QUANTITIES INDICATED IN PLANT LIST ARE FOR CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR PLANT QUANTITIES AS ILLUSTRATED ON THE PLAN.
  7. SHREDDED HARDWOOD MULCH SHALL BE USED AS THREE INCH (3") TOP DRESSING IN ALL PLANT BEDS AND AROUND ALL TREES. SINGLE TREES OR SHRUBS SHALL BE MULCHED TO THE OUTSIDE EDGE OF SAUCER OR LANDSCAPE ISLAND (SEE PLANTING DETAILS).
  8. ALL LANDSCAPE BEDS TO HAVE 4" DEEP, CLEAN "SPADE" OR NATURAL EDGE.
  9. FERTILIZE ALL PLANTS AT THE TIME OF PLANTING WITH TIME-RELEASE FERTILIZER (3-4 SLOW-RELEASE TABLETS/PELLETS) AND APPLY MYCORRHIZAE TREATMENT TO EACH ROOT BALL.
  10. IF LEANING OCCURS WITHIN ONE YEAR, TREES SHALL BE RE-STAKED (SEE PLANTING DETAILS).
  11. CONTRACTOR SHALL STAKE ALL PLANT MATERIALS PRIOR TO INSTALLATION FOR THE PURPOSE OF DETERMINING CONFLICTS WITH ROCK, UTILITIES, ETC. NO PLANTS CAN BE PLANTED DIRECTLY ON ROCK OR UTILITIES. NOTIFY ARCHITECT/ENGINEER/OWNER AT ONCE IF ANY CONFLICTS OCCUR. CONTRACTOR WILL BE REQUIRED TO ADJUST PLANT LOCATIONS AT NO ADDITIONAL COST.
  12. ALL DISTURBED AREAS THAT ARE NOT CALLED TO RECEIVE TREES OR SHRUBS SHALL BE SEEDED WITH AN IMPROVED TURF TYPE TALL FESCUE (3 VARIETIES MIN.).
  13. CONTRACTOR IS RESPONSIBLE FOR WATERING ALL PLANTS AND SEED UNTIL ROOTS HAVE KNITTED INTO SOIL AND OWNER HAS OCCUPIED THE BUILDING.
  14. ALL SEEDED SLOPES GREATER THAN 4:1 SHALL RECEIVE 1 YEAR EROSION MAT.

**LANDSCAPE REQUIREMENTS**  
(SECTION 400.435 LANDSCAPING AND BUFFERING REQUIREMENTS)

BUFFER ZONES	REQUIRED			EXISTING			PROVIDED		
	SHADE	ORN.	SHRUBS	SHADE	ORN.	SHRUBS	SHADE	ORN.	SHRUBS
NORTH *				*					
West - Building (250')	4	4	4				4	3	0
STREET LANDSCAPING									
Richardson-Building (50'/75') ((50'/40')*3)	1		5				1		5
Richardson-Parking (60'/75')		1	CONTINUOUS					2	CONTINUOUS

\* Existing vegetation north of site to satisfy buffer requirements.

**PLANT SCHEDULE**

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE/REMARKS
TREES				
CSM	4	ACER SACHARUM 'AUTUMN SPLENDOR'	CADDO SUGAR MAPLE	2" CAL. B&B
RO	5	QUERCUS RUBRA	RED OAK	2" CAL. B&B
SSC	5	MALUS 'SPRING SNOW'	SPRING SNOW CRAB	1.5" CAL. B&B
SHRUBS/GRASSES/GROUND COVER				
DY	10	TAXUS x MEDIA 'DENSIFORMIS'	DENSIFORMIS YEW	24" HT
SGJ	9	JUNIPEROUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	24" HT



STAFF REPORT  
March 8, 2024  
Site Plan Review of Parcel Id #05-802-00-01-015.00

---

Application for a Site Plan Approval

Code Sections:  
400.390 – 400.440      Site Plan Approval

Property Information:

Address:                      208 W. Richardson St.  
Owner:                        KC Properties & Investments LLC  
Current Zoning:              B-3P

Application Date:              January 31, 2024

GENERAL DESCRIPTION:

Applicant seeks to obtain site plan approval for a 10,000 square foot building on lot 1 of Richardson Street Plaza subdivision. Lot 1 has conceptual plan approval for two buildings totaling 12,500 square feet. Applicant seeks to adjust the building from two to one, and reduce the total square footage down to 10,000. The proposal would consist of 8 - 1,250 ft<sup>2</sup> units, each with a regular entry door and one overhead door. The use design is to match the properties to the west of the building, as well as south of the building (NRAD).

Section 400.410 Standard of Review

1. The extent to which the proposal conforms to these regulations.  
*Meets the site plan standards*
2. The extent to which the development would be compatible with the surrounding area.  
*Matches the buildings to the west substantially and provides a buffer from the industrial uses further west.*

3. The extent to which the proposal conforms to the provisions of the City's subdivision regulations concerning the design and layout of the development, as well as water system, sewer system, stormwater protection and street improvements.

*The subdivision was created and approved in accordance with the Overlay district process to create the B-3P zoning.*

4. The extent to which the proposal conforms to the policies and provisions of the City's Comprehensive Plan.

*Complies fully.*

5. The extent to which the proposal conforms to the adopted engineering standards of the City.

*The layout includes stormwater detention as approved with the conceptual plan.*

6. The extent to which the locations of streets, paths, walkways and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

*Complies.*

7. The extent to which the buildings, structures, walkways, roads, driveways, open space and parking areas have been located to achieve the following objectives:

a. Preserve existing off-site views and create desirable on-site views;

*On-site views have historically been sucker brush and weeds.*

b. Conserve natural resources and amenities available on the site;

*The site is vacant, unkempt land that was completely cleared in 2008, so no valuable natural resources existed.*

c. Minimize any adverse flood impact;

*Project includes a storm detention basin in accordance with the approved conceptual plan.*

d. Ensure that proposed structures are located on suitable soils;

*All area is fill, so engineers will adjust footings based upon the soil types.*

e. Minimize any adverse environmental impact; and

*No adverse environmental impact is known. All lots in the development drain into an unusable area owned by the developer and is fully vegetated to reduce any water flow and capture any sediments before entering any waterway.*

f. Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.

*All utilities are available on site.*

#### STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Site Plan with the condition that no permit shall issue until approval of the final design plans of the stormwater detention basin to be contained within the construction plans..

Respectfully Submitted,

S/Jack Hendrix/S  
Director of Development