



Planning and Zoning Commission Meeting

December 10, 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.

Zoom Meeting

<https://us02web.zoom.us/j/87957739700>

Meeting ID: 879 5773 9700

Passcode: **117793**

1. Call to Order

2. Approve the November 12, 2024, Planning Commission Minutes

3. Staff Report

4. Public Hearing

Proposed rezoning of 16000 N. 169 Hwy from R-3 to B-2

5. Rezoning 16000 N. 169 Hwy from R-3 to B-2

Applicant seeks to restore the B-2 zoning to this parcel that was changed in January to foster a specific multifamily development project that is not happening.

6. Public Hearing

Proposed rezoning 800 NW 92 Hwy from A-1 to B-3

7. Rezoning 800 NW 92 Hwy from A-1 to B-3

Applicants seek to change the zoning of their property on 92 Hwy that sits between a B-3 district in the city limits to the east and a commercial district in the county that is to the west.

8. Public Hearing

Amend the Eagle Heights Conceptual Plan to the Lakeside Farms Conceptual Plan and change the density of the development.



9. Amend the Conceptual Plan of Eagle Heights at 18400 N. Eagle Parkway

Applicant seeks to amend the Eagle Heights Conceptual Plan and rename it to the Lakeside Farms Conceptual Plan

10. Public Hearing

Preliminary Plat for Lakeside Farms, a new subdivision at 18400 N. Eagle Parkway to create 245 lots with 289 dwelling units on 80 acres.

11. Preliminary Plat Approval - Lakeside Farms at 18400 N. Eagle Parkway – 245 lots

Applicant seeks Preliminary Plat approval for its 245 lot, 289 dwelling unit subdivision to be called Lakeside Farms.

12. Adjourn



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

November 12, 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: Terry Hall, John Chevalier, Rob Scarborough, Billy Muessig, John Wallace and Mayor Damien Boley. Alderman Melissa Wilson was absent.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The October 8, 2024, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by MUESSIG.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Fairview Crossing has been final platted and recorded. We have all the permit applications for the first 8 buildings (32 units). They want to get the foundations in and work on those over the winter and spring. At some point they will come back for the other 8 permits and start on those.

We anticipate groundbreaking to start soon at Clay Creek Meadows. They are designing phase 2 for all the infrastructure.

We had advertised in the paper for the Lakeside Farms subdivision (formerly Eagle Heights) to be on tonight's agenda. Due to some issues on the Developers end this is being pushed to December's agenda.

4. SITE PLAN REVIEW 110 W. MAIN ST – MAIN & MILL

- **SITE PLAN REVIEW FOR 86 APARTMENTS AND 8,000 SQ FT COMMERCIAL/RETAIL AT MAIN & MILL**

SCARBOROUGH motioned to approve the Site Plan Review at 110 W. Main St – Main & Mill. Seconded by HALL.

Doug Cirricione---728 Spelman Dr---Spoke about his concerns regarding parking that has been proposed for this project.

HENDRIX stated that the staff report has been included in the packet. He addressed questions that Mr. Cirricione had. He included in the packet the latest version of the parking for this complex. The Fire Chief has approved his portion of the plan review for this. He is confident he will be able to get fire trucks in and out safely. The biggest change is that the alleyway next to the United Fiber building will be converted to one way. All traffic would have to go north to get in there. They included in the plans the landscaping that would be installed. The city has asked that no landscaping occur because what has been proposed doesn't match the landscaping that the city currently has installed. We wanted it left out until we could decide on how to make this a citywide complex and make everything look similar. The requirements of 425.200 – 425.230 are applicable to this development and in this case, there are no lands or greenspace not associated with stormwater drainage available in the entire development suitable for dedication. The only compliance method is payment of fees in lieu of dedication, or a comparable amount of work on Parks projects. This project will have 86 units, so the total fee would be \$53,750.00 (86 x \$625.00). In lieu of this payment, the developer shall install a gravel parking lot in the floodplain, with accompanying access roads to be used as a trail head parking lot with the future Riverwalk project. The size of the parking lot will be determined by the Public Works Director and the developer after evaluation of pricing for the standards he requires. In no event shall the lot be smaller than 8 spaces.

Staff recommends approval of the proposed site plan with the following conditions:

1. That the developer and the Public Works Director agree on the design and layout of the future trail head parking lot in lieu or payment of Park Fees.
2. If the applicant provides a recorded easement for ingress/egress or a cross-access agreement with the adjacent property owner, then the original design may be constructed.

DISCUSSION:

HALL stated that he hasn't seen the original plan and in the staff recommendations it states that if they get the easement with United Fiber then the original design could be constructed. He asked Mr. Hendrix how much the original plan differed from what was put in the packet today.

HENDRIX explained that the original design in the packet items provided tonight. Page C7 shows the bus driving through part of the United Fiber lot. The new plan shows that everything has been adjusted so that it's not in the United Fiber lot.

MUESSIG asked how many total spots we had.

HENDRIX stated that we had 46 spots. That's the parking lot that was purchased and the on street that was adjusted.

MAYOR BOLEY explained that the parking lot next to the funeral home will be public during the day between 6:00 am and 6:00 pm. All on-street parking will be public as well. All city parking lots are ADA compliant.

HENDRIX said that the TIF plan lays out the requirements for the parking lot next to the funeral home.

MUESSIG asked how much traffic will be brought in due to this.

HENDRIX stated that the traffic study indicated that there are no improvements needed.

WALLACE asked about the approximate size of the gravel parking lot and if there will be any grading.

HENDRIX stated they will have to excavate the soil, compact the base and add the gravel. The size of it will be however much \$53,750 work of gravel will buy at the time. The city is requiring a minimum of 8 spaces.

SCARBOROUGH asked where the \$53,750 for the gravel parking lot would normally go without this type of agreement. In the agreement for this gravel parking lot for the future Riverwalk, does it require them to spend that amount of money in one way or another. They can't spend less.

HENDRIX stated it would have gone into a Parks Fund for Capital Improvement for parks within a ½ mile of this development. They must spend a minimum of \$53,750.

SCARBOROUGH stated that there are 86 units and much fewer parking spaces. How does that work?

HENDRIX stated that they are adding 81 spots that are non-existent right now. Plus adding all the on-street parking which adds another 14-15 spaces which also don't exist now. The city has approximately 300 public parking spaces within a 2 ½ to 3 blocks from Main and Bridge.

MUESSIG asked how many parking spaces the businesses (restaurant) are going to utilize.

HENDRIX stated that it won't be as many as you would think. If the restaurant holds 100 people and they average 3 people per car that would equal 35 parking spaces.

THE VOTE: MUESSIG-AYE, WALLACE-AYE, SCARBOROUGH-AYE, CHEVALIER-AYE, HALL-AYE, MAYOR BOLEY -AYE.

AYES-6, NOES-0. MOTION PASSED

5. ELECTION OF OFFICERS

CHAIRMAN

MAYOR BOLEY nominated CHEVALIER to remain as the Chairman.
Scarborough seconded.

THE VOTE: MUESSIG-AYE, SCARBOROUGH-AYE, WALLACE-AYE, HALL-AYE,
MAYOR BOLEY-AYE, CHEVALIER-ABSTAIN.

AYES-5, NOES-0, ABSTAINED-1. MOTION PASSED

VICE CHAIRMAN

CHEVALIER nominated WALLACE. MAYOR BOLEY seconded.

THE VOTE: CHEVALIER-AYE, MAYOR BOLEY-AYE, HALL-AYE, MUESSIG-AYE,
SCARBOROUGH-AYE, WALLACE-ABSTAIN.

AYES-5, NOES-0, ABSTAINED-1. MOTION PASSED

SECRETARY

CHEVALIER nominated SCARBOROUGH. MAYOR BOLEY seconded.

THE VOTE: MUESSIG-AYE, CHEVALIER-AYE, MAYOR BOLEY-AYE, HALL-AYE,
WALLACE-AYE, SCARBOROUGH-ABSTAIN.

AYES-5, NOES-0, ABSTAINED-1. MOTION PASSED

6. ADJOURN

MOYOR BOLEY made a motion to adjourn. HALL seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:37 p.m.



Planning and Zoning Commission Procedural Summary

MEETING DATE: 12/10/2024

DEPARTMENT: Development

AGENDA ITEM: Rezoning 16000 N 169 92 Hwy. – Port Side Tie

REQUESTED COMMISSION ACTION:

A motion to approve the findings of fact and recommend approval of the rezoning of 16000 N 169 from R-3 to B-2.

SUMMARY OF PROCEDURE:

The application is to change the zoning of a 4+/- acre parcel of land lying northwest of the Cliff Dr. and 169 Hwy intersection.

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:

- ☒ Ordinance
- ☐ Resolution
- ☒ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes



STAFF REPORT

February 9, 2024

Rezoning of Parcel Id # 05-504-00-02-010.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 16000 N. US 169 Hwy
Owner: Port Side Tie, LLC
Current Zoning: R-3
Proposed Zoning: B-2

Public Notice Dates:

1st Publication in Newspaper: November 21, 2024
Letters to Property Owners w/in 185': November 21, 2024

GENERAL DESCRIPTION:

The applicant seeks to rezone one lot from R-3, back to its' original B-2 district, located on the west side of 169 and north of Cliff Dr. The lot was rezoned from B-2 to R-3 in January of 2024 in anticipation of a new multi-family building that eventually fell through. Applicant seeks this rezoning to restore the original B-2 zoning since the client is no longer interested in the multifamily project at this location.

EXISTING ZONING:

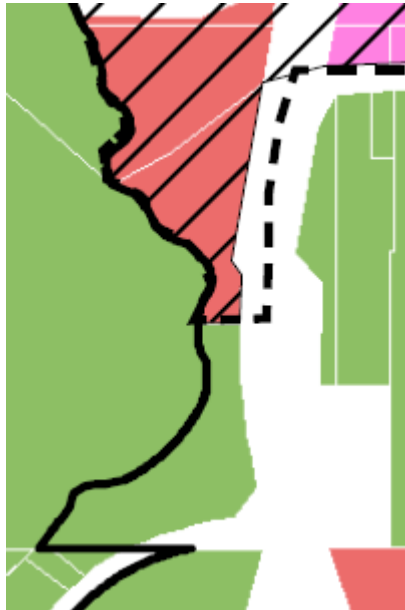
The existing zoning is R-3 and has been in existence since January of 2024 when it was rezoned in anticipation of a specific development project.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

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

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the no anticipated change to the subject property but is adjacent to the downtown overlay area.



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

Streets and Sidewalks:

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owners expense and in accordance with existing APWA standards.

Water, Sewer and Storm water

The city does not have water or sewer to the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is vacant land. The location, size and layout of the lots reveal why the lot was originally zoned B-2 as it has limited use, other than a small, single building development.

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

The property was zoned to its' original district classification at least 1978 and has not been developed since, but was rezoned to R-3 for a specific proposed project in January of 2024,.

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

The proposed district is compatible with the business uses nearby.

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,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Dirk Talley/Port Side Tie, LLC

Land Use Proposed: B-2

Zoning: R-3

Property Location: 16000 N. 169 Hwy

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 December 10, 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 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

2. Consistency with the City's Comprehensive Plan and ordinances.

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the no anticipated change to the subject property but is adjacent to the downtown overlay area.

3. Adequacy of public utilities and other needed public services.

Streets and Sidewalks:

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owners expense and in accordance with existing APWA standards.

Water, Sewer and Storm water

The city does not have water or sewer to the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is vacant land. The location, size and layout of the lots reveal why the lot was originally zoned B-2 as it has limited use, other than a small, single building development.

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to its' existing district classification when annexed, and the agricultural nature is not being changed significantly. The change would add additional housing similar to the adjacent lots.

6. *Compatibility of the proposed district classification with nearby properties.*

The proposed district is compatible with the business uses nearby.

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 December 12, 2023, 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 Rezoning of this property from R-3 to B-2 is governed by Section 400.560 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 rezoning the land to B-2.

BILL NO. 3047-25

ORDINANCE NO. XXXX-25

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 rezoning 16000 N 169 Hwy on October 9, 2024; and

WHEREAS, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 10, 2024; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and,

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 council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 53, Range 33, described as follows:

Beginning at the point of intersection of the South line of said Southeast Quarter of the Southeast Quarter of Section 22, with the center line of U.S. Highway No. 169, as now located, thence South 89 degrees 37 minutes West, along the South line of said Section 22, 667.92 feet to the centerline of Second Creek; thence with the meanderings of said Second Creek North 39 degrees 0 minutes East, 125 feet; thence North 53 degrees 17 minutes East, 370 feet; thence North 9 degrees 51 minutes East, 210 feet to a point, thence East and parallel with the South line of said Section to a point in the centerline of U.S. Highway No. 169, thence Southeasterly along the centerline of U.S. Highway No. 169 to the Point of Beginning, all in Clay County,

is hereby changed from R-3 to B-2.

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 ____, 2025

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: / /2024

Second Reading / /2025



Planning and Zoning Commission Procedural Summary

MEETING DATE: 12/10/2024

DEPARTMENT: Development

AGENDA ITEM: Rezoning 800 NW 92 Hwy. - Lowe

REQUESTED COMMISSION ACTION:

A motion to approve the findings of fact and recommend approval of the rezoning of 800 NW 92 Hwy from A-1 to B-3.

SUMMARY OF PROCEDURE:

The application is to change the zoning of a 35+/- acre parcel of land lying west of the 92 Hwy and 169 Hwy intersection.

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:

- ☒ Ordinance
- ☐ Resolution
- ☒ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes



STAFF REPORT

December 3, 2024

Rezoning of Parcel Id # 05-802-00-02-012.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 800 NW 92 Hwy
Owner: Scott and Jennifer Lowe
Current Zoning: A-1
Proposed Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: November 21, 2024
Letters to Property Owners w/in 185': November 25, 2024

GENERAL DESCRIPTION:

The applicant made application, proposing to rezone approximately 35.5 acres +/- from A-1 to B-3. The property is the furthest west parcel of land within the City Limits on the north side of 92 Highway. To its' east is a parcel zoned B-3. To its' west is land zoned County C-3 (commercial). On the south side of 92 Highway is a 74.68 acre parcel zoned County C-2 (commercial) and another 2.11 acre parcel zoned A-1.

EXISTING ZONING:

The existing zoning is A-1 has been in place since the property was annexed on February 14, 1989.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is predominantly undeveloped or limitedly developed land. Both parcels to the south and the property to the east have no structures on the land. The C-3 property to the west currently has multiple non-permanent structures and includes a landscaping supply business. The properties to the north and south (along

with the subject parcel) are bisected by several large electric transmission lines, which significantly impact the character of the area.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy did not anticipate any substantial growth or development of this area in the 10 years following its' adoption. The 74+ acre property to the south, when annexed, could appropriately become part of the industrial area to the south.

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

Streets and Sidewalks:

The parcel has frontage upon 92 Highway and is adequate to support a commercial use.

Water, Sewer and Storm water

The city has a waterline that touches the east side of the property (with no current service) and sewers will be installed across the east part of the property with the new bypass force main for the south pump station project. Any future development of the property will be required to go through the site plan review process, which will include all utility development processes as needed.

All other utilities

Any future development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is as farmland with a single-family home, but it fronts upon a busy state highway and is more suitable for commercial uses. The parcel is bisected by several large electric supply lines, which limits its usability in that easement area.

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

The property has been zoned A-1 since annexation in 1989 and no additional development has occurred.

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

The proposed district is essentially the same as the existing developed adjacent uses.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY
400.560C.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 meeting the Comprehensive Plan's intent.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Scott and Jennifer Lowe

Land Use Proposed: B-3

Zoning: A-1

Property Location: 800 NW 92 Hwy

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 December 10, 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 predominantly undeveloped or limitedly developed land. Both parcels to the south and the property to the east have no structures on the land. The C-3 property to the west currently has multiple non-permanent structures and includes a landscaping supply business. The properties to the north and south (along with the subject parcel) are bisected by several large electric transmission lines, which significantly impact the character of the area.

2. Consistency with the City's Comprehensive Plan and ordinances.

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy did not anticipate any substantial growth or development of this area in the 10 years following its' adoption. The 74+ acre property to the south, when annexed, could appropriately become part of the industrial area to the south.

3. Adequacy of public utilities and other needed public services.

Streets and Sidewalks:

The parcel has frontage upon 92 Highway and is adequate to support a commercial use.

Water, Sewer and Storm water

The city has a waterline that touches the east side of the property (with no current service) and sewers will be installed across the east part of the property with the new bypass force main for the south pump station project. Any future development of the property will be required to go through the site plan review process, which will include all utility development processes as needed.

All other utilities

Any future development will be conditioned upon installation of all other needed utilities at the cost of the development.

4. Suitability of the uses to which the property has been restricted under its existing zoning.

The current use is as farmland with a single-family home, but it fronts upon a busy state highway and is more suitable for commercial uses. The parcel is bisected by several large electric supply lines, which limits its usability in that easement area.

5. Length of time the property has remained vacant as zoned.

The property has been zoned A-1 since annexation in 1989 and no additional development has occurred.

6. Compatibility of the proposed district classification with nearby properties.

The proposed district is essentially the same as the existing adjacent 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 December 10, 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 Rezoning of this property from A-1 to B-3 is governed by Section 400.560 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 rezoning the land to B-3.

BILL NO. 3049-25

ORDINANCE NO. XXXX-25

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 rezoning 800 NW 92 Hwy on October 9, 2024; and

WHEREAS, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 10, 2024; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and,

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 council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

The Southwest Quarter of the Southeast Quarter of Section 27, Township 53, Range 33, Smithville, Clay County, Missouri, Except that part that lies Southwesterly of said Highway No. 92 as described in said Book 1296 and page 15, subject to that part, if any, in streets, roadways and highways or other public rights-of-way.

is hereby changed from A-1 to B-3.

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 _____, 2025.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/17 /2024

Second Reading 01/07/2025



April 7, 2023
Conceptual Plan Approval of Clay County Parcel Id's
05-302-00-01-005.00 and 05-301-00-01-008.01

Application for a Conceptual Plan Approval (Amendment) – Lakeside Farms

Code Sections:

400.200 et seq. Planned Development Overlay District

Property Information:

Address: 18420 Eagle Parkway
Owner: Eagle Heights Development, LLC
Current Zoning: R-1P and R-2P with a conceptual plan

Public Notice Dates:

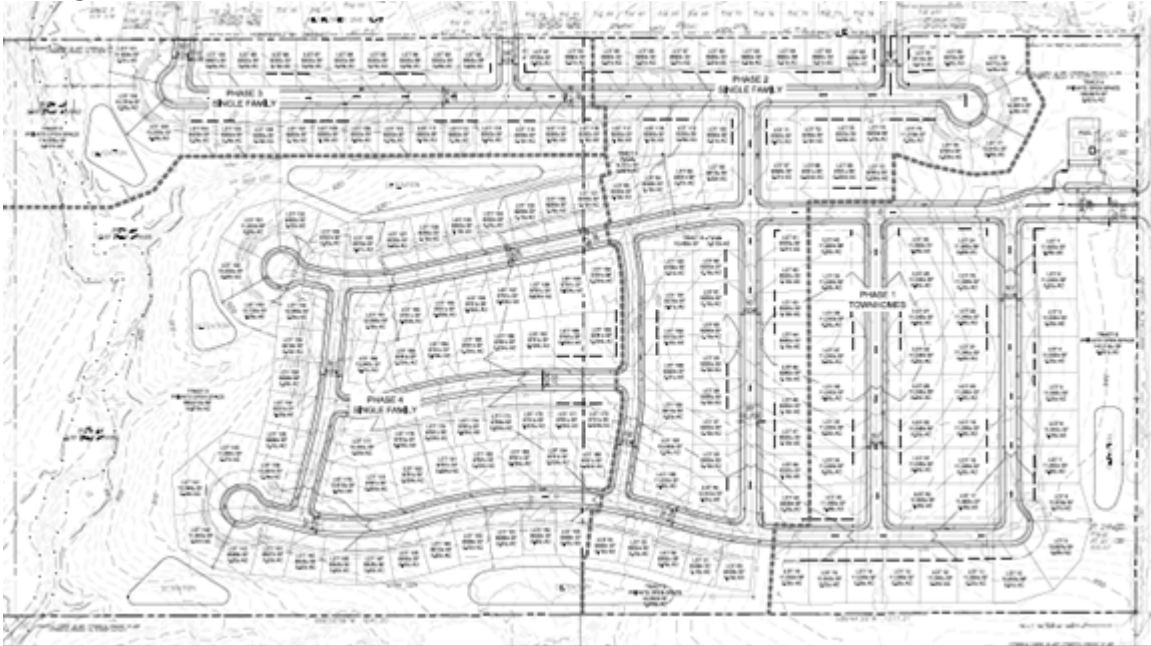
1st Publication in Newspaper: November 20, 2024
Letters to Property Owners w/in 185': November 21, 2024

GENERAL DESCRIPTION:

The property is currently covered by the Eagle Heights Conceptual Plan approved by the Commission and Board in September of 2018. While preparing various aspects of the preliminary plat and development agreement, the developer identified costs were such that further refinement of the sanitary sewers would be needed, and MODOT would need to complete improvements to the 188th Street and 169 Highway intersection prior to moving forward with any construction. The developer has completed its refinement to the sanitary sewer system design, and MODOT finally completed its work at the intersection just a few months ago.

In addition to the layout changes to sewers mentioned above, a long process with MODOT's construction allowed many intervening factors to come into existence. First, the city adopted the 2030 Comprehensive Plan, which called for several changes to city zoning and subdivision codes. That plan changed the

definitions of various density of dwelling units per acre. The previous Comprehensive Plan recommended no more than 3 dwelling units per acre for Single-family residential developments. The new version adjusted the density allowed to between 2-4 units per acre for residential developments. *Plan, pg. 47* Those changes were implemented with several new R-1 single-family districts. Those districts include 50' and 60' wide lot capabilities, as well as building size changes.



Current Eagle Heights Conceptual Plan



Proposed Lakeside Farms Conceptual Plan

As a result of these plan and code changes, and changes to the overall market in the metropolitan area, developers seek to change the overall area and density of the development within the Comprehensive Plan's framework. The existing density and layout included 40 R-2P lots, and 152 R-1P lots, with 75' of frontage on the R-1 lots on 80 acres for a density of 2.9 units. The proposal is to reduce the overall area of the R-2 area and increase the R-1 area, as well as utilize the smaller lot allowances in the new code to increase the density. This new Conceptual Plan would allow 44 two-family lots for 88 dwelling units and 201 new single-family lots, for a new density of 3.6 dwelling units per acre. The new single-family units would be, typically 56' wide, well within the new 50' wide R-1D district. All the original reasons for the Conceptual plan exist, with just these changes to match the new Comprehensive Plan standard allowances.

400.200.B.3 Guidelines for review of a conceptual development plan for a Planned Development Overlay District, the Commission shall consider the requirements in the site plan review provisions in Section 400.390 through 400.440 when evaluating the following:

a. Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.

Development placement maintains the same general layout as the current version and specifically encapsulates the existing drainage areas into the proposed retention pond areas. The proposed layout simply increases the overall density from 2.9 to 3.6 dwelling units per acre and maintains the intent of both the R-2 district and the new R-1D district.

b. Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area or adequately screened. Generally, parking should conform to the required number of spaces appropriate to the development type as contained in Section 400.470. The Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.

While this provision relates primarily to commercial districts, this development is a standard residential layout and contains sufficient off and on-street parking.

c. Setbacks; to ensure buildings provide adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.

Development leaves the setback requirements of R-1D districts as is with no changes.

d. Architecture: to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.

The Development is a standard single-family development. All other elements are identified and required as shown herein.

e. Site plan; to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.

Development prepared and submitted a Stormwater Study and has agreed to construct the required detention structures when the project begins in accordance with plans approved by the city's engineer and in compliance with an approved Stormwater Study as may be revised from time to time.

f. Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance, to ensure existing significant trees are adequately protected.

The Development is generally a standard single-family development with two-family units adjacent to the busiest street, similar to that contained in Harborview to the south.

g. Any other feature or issue associated with the State zoning and planning enabling legislation or the Comprehensive Plan for the City of Smithville for which the Commission feels is appropriate and relevant to the development of the site.

Development will include significant off-site traffic improvements that have been required by MODOT (new turn signal at 188th & 169) as well as a significant amount of connecting trails along Eagle Parkway contained in the Parks Master Plan. In addition, the Comprehensive Plan 2030 identifies this area as standard residential densities of 2-4 units per acre, and the proposal is for 3.6 units per acre. This proposal also 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.4.2 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.

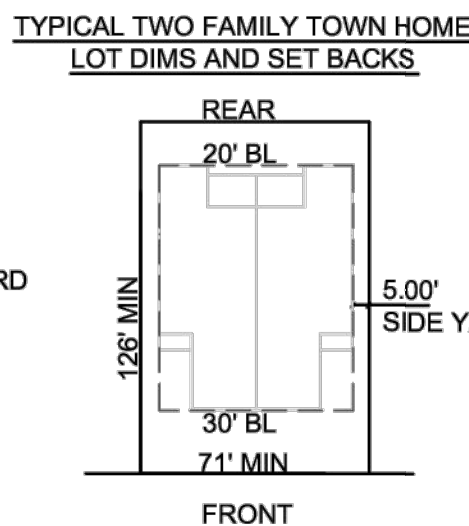
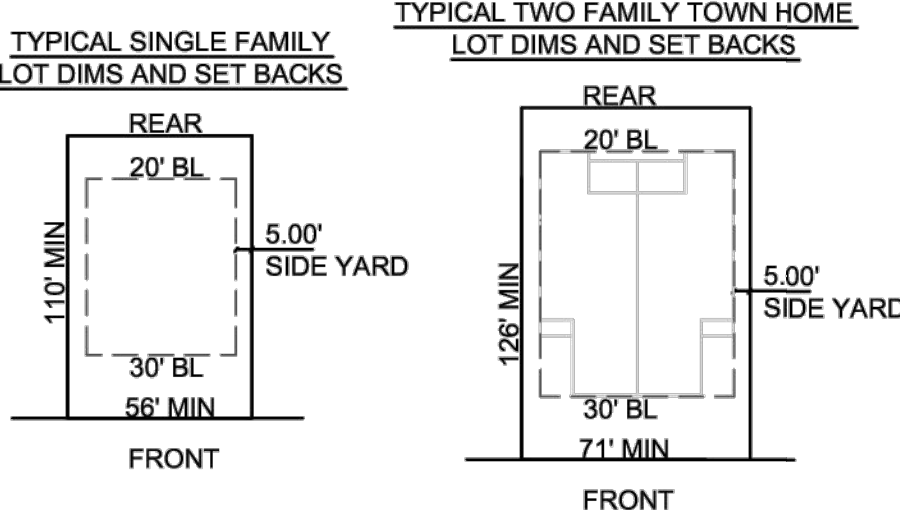
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conceptual plan based upon adherence to the conditions contained in this report, and specifically includes the following recommended findings as contained in 400.200.B.4:

1. That the Commission has reviewed the conceptual development plan with consideration of the issues contained in Subsection (B)(3) above; and
2. That the conceptual development plan is in conformance with the comprehensive land use plan and other appropriate Sections of the Code of Ordinances; and
3. That the conceptual development plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and
4. That the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.

Respectfully Submitted,

_____/s/ Jack Hendrix /s/_____
Director of Development



- NOTE:
1. PROPERTY LAST SURVEYED MAY 2018
 2. PROPOSED ZONING = R-1P
 3. DEVELOPER MAY BE REQUIRED TO MAKE PAYMENTS IN LIEU OF LAND DEDICATION.
 4. ELEVATIONS AND LOCATIONS SHOWN ARE IN CONFORMANCE WITH NAD83 MISSOURI WEST STATE PLANE.

LAKE SIDE FARMS CONCEPTUAL PLAN

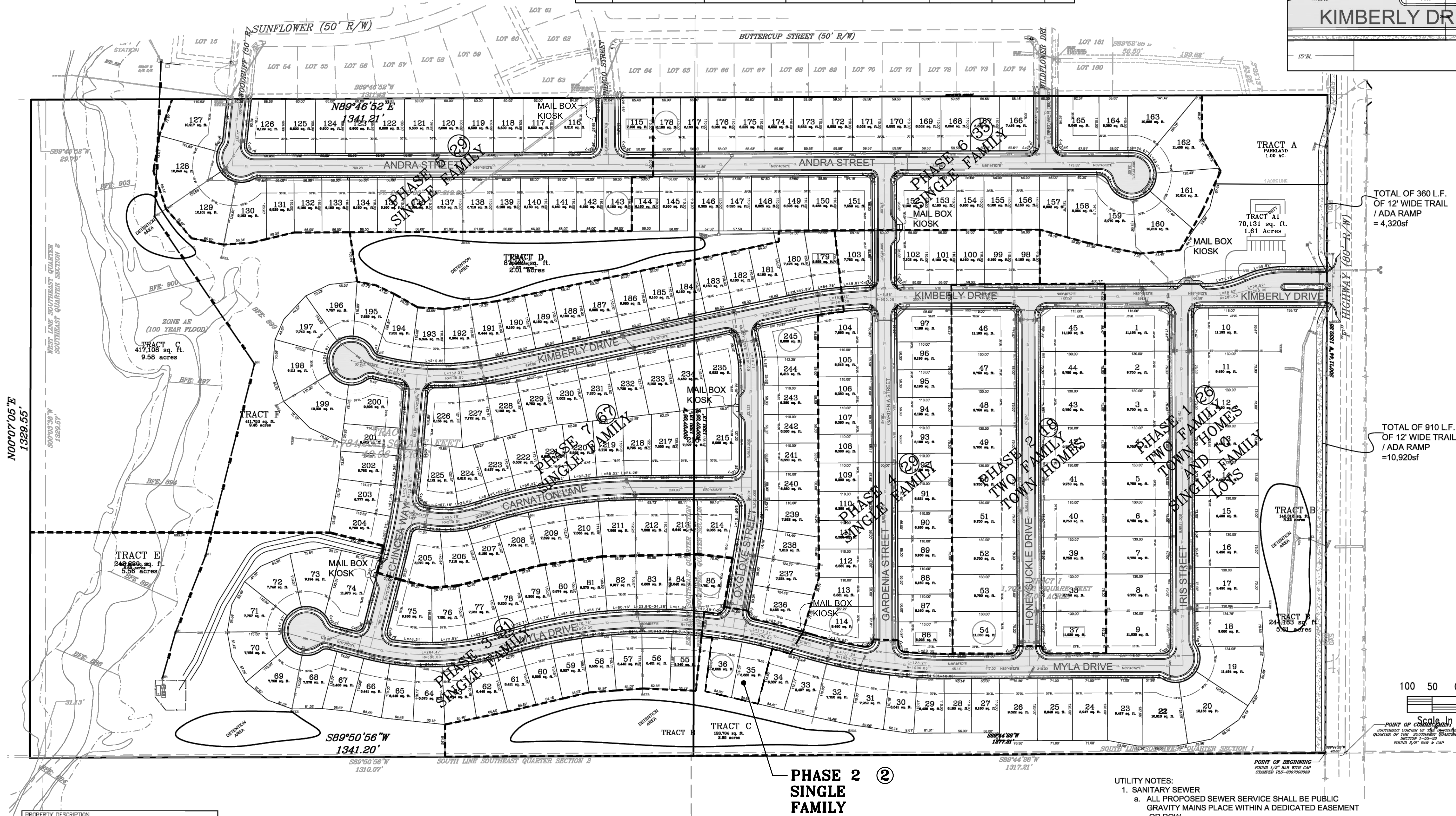
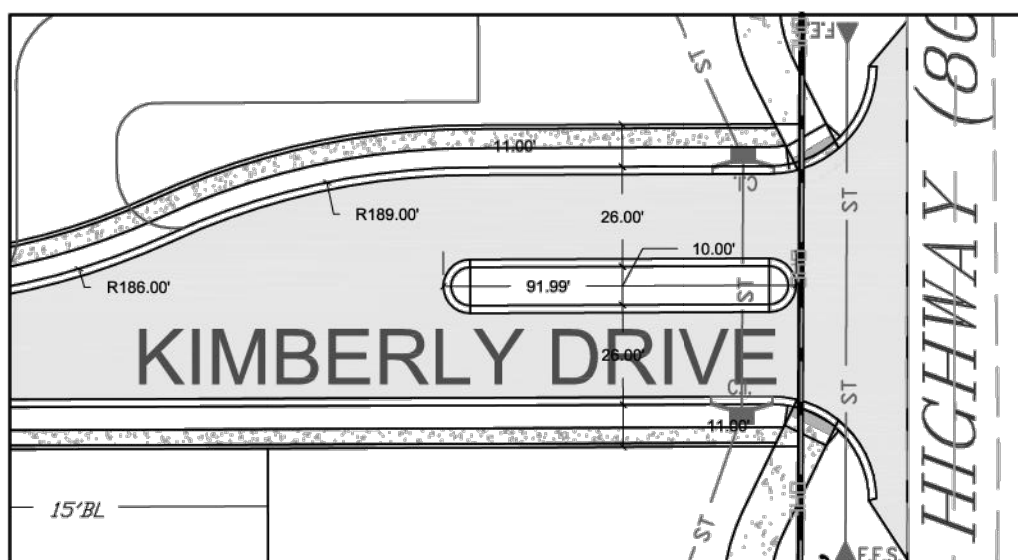
SECTION 1, TOWNSHIP 53, RANGE 33
SECTION 2, TOWNSHIP 53, RANGE 33
SMITHVILLE, CLAY COUNTY MISSOURI
CURRENT ZONING: AG
PROPOSED ZONING: R-1P

LOT AREA(MIN)	6,100 SQ FT
LOT WIDTH (MIN)	56 FT
LOT DEPTH (MIN)	110 FT
BUILDING COVERAGE	45 %
FRONT YARD SETBACK	30 FT
REAR YARD SETBACK	20 FT
SIDE YARD SETBACK	5 FT
CORNER LOT SIDE YARD	15 FT

DEVELOPER:

PHASE	LAND DESCRIPTION	COMMENCEMENT	GROSS AREA	STREET ROW	OPEN SPACE	NET AREA	LOTS
1	TOWN HOMES/SINGLE FAMILY	SUMMER 2025	14.69ac	2.53ac	5.79ac	6.39ac	26/8
2	TOWN HOMES/SINGLE FAMILY	MARKET DEMAND	4.00ac	0.75ac	-	3.27ac	18/2
3	SINGLE FAMILY	MARKET DEMAND	9.82ac	1.78ac	-	8.04ac	31
4	SINGLE FAMILY	MARKET DEMAND	6.96ac	1.40ac	1.97ac	5.56ac	29
5	SINGLE FAMILY	MARKET DEMAND	8.38ac	1.38ac	-	7.00ac	29
6	SINGLE FAMILY	MARKET DEMAND	12.44ac	1.51ac	5.69ac	10.93ac	35
7	SINGLE FAMILY	MARKET DEMAND	23.71ac	3.03ac	9.45ac	20.68ac	67
PHASE TOTAL			80.00ac	12.38ac	22.9ac	61.87ac	245

TOTAL UNITS = 289



TOTAL OF 360 L.F.
OF 12' WIDE TRAIL
/ ADA RAMP
= 4,320sf

TOTAL OF 910 L.F.
OF 12' WIDE TRAIL
/ ADA RAMP
= 10,920sf

PHASE 2 ②
SINGLE FAMILY

- NOTE:
1. TRACTS B, C, D, AND E SHALL BE DESIGNATED AS DRAINAGE AND UTILITY EASEMENT.

UTILITY NOTES:

1. SANITARY SEWER
 - a. ALL PROPOSED SEWER SERVICE SHALL BE PUBLIC GRAVITY MAINS PLACE WITHIN A DEDICATED EASEMENT OR ROW.
 - b. GRAVITY SYSTEM TO BE ROUTED TO THE NEW LIFT STATION TO THE WEST
2. WATER CONNECTION
NEW WATER MAIN OR HYDRANTS ARE PROPOSED
FIRE LINE SHALL BE LOCATED AS SHOWN.
3. FIRE HYDRANT SHALL BE PLACE WITHIN 300 L.F FROM ALL LOTS.
AND TO FIRE DEPARTMENTS RECOMMENDATIONS.
4. SIDEWALKS SHALL BE 5' WIDE ON BOTH SIDES OF ALL ROADS.
5. ALL ROW SHOWN IS 50' EXCEPT THE ENTRANCE AREA.
6. ALL ROADS SHALL BE 28' BACK OF CURB TO BACK OF CURB EXCEPT THE ENTRANCE AREA.

PROJECT CONTACTS: ROBERT WALQUIST, P.E.
821 NE COLUMBUS ST
LEES SUMMIT, MISSOURI 64063
Phone: (816) 550-5675

Quist Engineering Inc.
Civil Engineering for Residential & Commercial Site Development
821 NE Columbus St
Lees Summit, Missouri 64063
Phone: (816) 550-5675
e-mail = rwalquist@quistengineering.com

PRELIMINARY PLAT
LAKE SIDE FARMS
CIVIL PLANS FOR
LAKE SIDE FARMS
SMITHVILLE, CLAY COUNTY, MISSOURI

DRAWN BY: RAW
CHECKED BY: RAW
DATE: 11-7-2024
PROJECT NO.: W24-302
SCALE: 1"=50'

BILL NO. 3048-25

ORDINANCE NO. 31XX-25

AN ORDINANCE APPROVING AN AMENDMENT TO A CONCEPTUAL ZONING PLAN FOR LAKESIDE FARMS ON CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI

WHEREAS, The City of Smithville approved a Conceptual Plan and zoning on October 2, 2018 to create the Eagle Heights subdivision at 18400 N Eagle Parkway; and

WHEREAS, public notice was properly advertised in the Courier Tribune; and

WHEREAS, adjoining property owners were properly notified by certified mail; and

WHEREAS, a public hearing was held before the Planning Commission on December 10, 2024;

WHEREAS, the Commission adopted the findings recommended in the Staff Report and recommended approval of the Amended Lakeside Farms Conceptual Plan.

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 council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as: See Attached Lakeside Farms Conceptual Plan

is hereby designated R-1P and R-2P as contained in the Lakeside Farms Conceptual Plan as approved by the Planning Commission on December 10, 2024 and shown on the attached Lakeside Farms Conceptual Plan.

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 its passage according to law.

PASSED THIS 7th DAY OF January, 2025

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 12/17/2024

2nd reading 07/01/2025



Planning and Zoning Commission Procedural Summary

MEETING DATE: 12/10/2024

DEPARTMENT: Development

AGENDA ITEM: Lakeside Farms Subdivision Preliminary Plat.

REQUESTED COMMISSION ACTION:

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

SUMMARY OF PROCEDURE:

The application is to approve a three phased subdivision that would create 245 lots on 80 +/- acres of land at 18400 N Eagle Parkway.

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 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

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.
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.
- 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.
 - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.
 - (3) A good grade relationship with the abutting streets, preferably somewhat above the street.
 - (4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.
 - (5) Adequate lot depth for outdoor living space.
 - (6) Generally regular lot shapes, avoiding acute angles.
 - (7) Adequate building lots that avoid excessive grading, footings or foundation walls.
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles.
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.
- 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.
- 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.
- h. Each lot in the plat of a residential development has adequate and safe access to/from a local street.
- 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.
- 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.
- 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.
- 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.

STAFF REPORT
August 8, 2024
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 20, 2024
Letters to Property Owners w/in 185': November 21, 2024

GENERAL DESCRIPTION:

The applicant requested an amendment to the existing Eagle Heights Conceptual Plan Overlay approval simultaneously with this application for a Preliminary Plat. That request, if approved and adopted by the Board of Aldermen, would set the zoning at R-2P for Lots 1-26 and 37-54, and R-1P all other remaining Lots. The proposed plat would create 44 two-family Lots and 201 Single-family lots with widths averaging 56'.

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 recommended residential classification (2-4 dwellings per acre).

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 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 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 289 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, special 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.

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 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 ____ day of _____, 2024, 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 generally west of Eagle Parkway and south of Wildflower subdivision in an area proposed to be moderate density housing (2-4 D.U. per acre) in accordance with the Comprehensive Plan with 201 Single-Family residential detached homes and 86 single-family attached units in 2-unit buildings for a density of 3.61 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 Conceptual Plan Plat thereof as Exhibit A attached hereto.

2. Water. 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 188th 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 61 lot in the subdivision and must be substantially completed prior to the issuance of the 61st dwelling unit's building permit in the subdivision. Developer has indicated an intent to install solar street lights throughout the development at his sole cost and expense and will insure that, at a minimum, lights shall be installed and maintained at all intersections and end of roads per the city policy.

4. Stormwater. 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. Sanitary Sewers. 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 289 dwelling units of the Lakeside Farms development, as well as the flow from the existing Wildflower subdivision to the north.

The flow from the Wildflower development to the new lift station shall be conveyed through the construction of a new, 18" gravity interceptor line between the existing Wildflower station and the new Lakeside Farms station. It is further agreed that this new 18" line shall be at a depth approved by the city that is sufficient to meet the standards for the proposed Owens Branch Interceptor, Phase 3 as contained in the 2021 Wastewater Master Plan. This interceptor line will constitute ½ of the total distance of the proposed Phase 3 but is not anticipated to be needed for more than 20 years of development in the north. This new gravity interceptor shall, until such time as the Owens Branch Interceptor located to the south of this development is completed and brought online, act as the required overflow storage for the combined flow from both developments, as required by the DNR.

The developer, whether with this interceptor or not installed, would be required to construct its own independent lift station and overflow storage without this agreement at its sole cost and expense. While this proposal adds significant cost to the developer, it also

provides significant benefits to the city by removing the Wildflower Station from the City's system, including the costs associated with upgrading the Wildflower Station in the near future. As such, the parties do further agree as follows:

The developer shall install the new lift station and all other required elements, as well as the 18" interceptor between the new station and the existing Wildflower station, as well as take the Wildflower station offline at its' expense. This station and interceptor shall be designed and constructed to accommodate both the Wildflower and the Lakeside Farms effluent. In consideration of the developer removing the Wildflower station from the City's system, as well as installing the Owens Branch Interceptor – Phase 3 project as described in the city's wastewater master plan, the city does consider portions of the work involved as "Impact Fee" type projects. As such, the total amount of impact fees this new development would be required to pay (currently \$2,800 Sewer Impact Fee + \$279 North Force Main Fee per unit) shall be reduced by a percentage of the current costs of impact related project costs.

The parties do hereby agree that the current Impact Fees for the 289 units involved would currently total \$889,831.00 dollars for the entire development. The current impact fee related costs of the proposed sewer design are \$661,250.00. The savings associated with the city not having to upgrade the Wildflower station in 2025 are \$75,650.00. These combined costs ($661,250 + 75,650 = 736,900$) represent 82.8 percent of the total impact fees usually required for this type of project. As a result, the City agrees to discount the per unit impact fee cost by that percentage, leaving a required Impact Fee payment of 17.2% of the Impact Fee required at the time of development. This constitutes a current fee of \$529.17 based upon the current \$3,079 fee. IF, in the future, the impact fee amount

is increased by the City, the reduction this development will receive will be 17.2% of the then required fee.

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

a. The development proposes 289 dwelling units which will result in the need for 16.473 acres (717,563.88 ft²) of parkland in accordance with the subdivision formula. (289 d.u. x 2.85 census density x .02 acres per 100 = 16.473) The development proposes 15,240ft² (1,270 ft X 12 ft) of creditable trails along Eagle Parkway. It also includes 50% of Tract A land to be used for a private park for a total of 34,136.5 ft² (68,273 x .5). In addition, the development would include an additional land area of 1 acre (43,560ft²) 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 will include preparing an access point at Eagle parkway for future installation and routing the storm drainage around such entrance point to the road ditch on Eagle Parkway. All three of these dedications represent 13% (92,9365/717,563.88) 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 \$157,143.75.

Ordinarily, that fee is payable in cash at the time a 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 84% ($1320' \times 10' = 13,200\text{ft}^2 \times \$10 \text{ per ft}^2 = \$132,000 / \$157,143.75$) for a total required payment in lieu of dedication amount of \$81.25 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 86th permit to the 110th 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 110th permit is 28% more than the standard 86th permit. If no trail access is constructed from Kimberly Drive to 188th 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 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. 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 parties 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 _____
Mayor

City Clerk

Eagle Heights Development, LLC

By _____
Carlos Lepe, Managing Member

STATE OF MISSOURI)
COUNTY OF CLAY) ss.
)

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 Eagle Heights Development, LLC, and said instrument was signed and sealed on behalf of said Eagle Heights Development, LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said Eagle Heights Development, LLC.

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:
