



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024

DEPARTMENT: Development

AGENDA ITEM: Resolution 1408, Preliminary Plat – Clay Creek Meadows

REQUESTED BOARD ACTION:

A motion to approve Resolution 1408, approving a preliminary plat for Clay Creek Meadows subdivision and authorizing the Mayor to execute a development agreement.

SUMMARY:

Applicant submitted an application to rezone 26.79 acres of land from B-3 Commercial to R-1D and R-3 to allow development of a new 216 unit development with 13 single family lots and 48 multifamily lots to place 203 dwelling units in 3, 4 and 5-family townhomes. A development agreement has been drafted that identifies the timing and scope of improvements the applicant must construct.

That agreement requires the applicant to rehabilitate the overflow basin at the Diamond Crest pump station to accommodate additional sanitary sewer flow. A traffic study was conducted and submitted to both MODOT and the City. The only needed improvements involve restriping 169 Highway at Lake Meadows Drive in accordance with approved MODOT plans and specifications. The Stormwater Study was reviewed and approved by the City's engineers and any and all construction or rehabilitation is the developers responsibility. Lastly, the developer is required, in accordance with the parkland dedication requirements of the subdivision code, to pay \$133,434.00 to the parks fund, or complete other park amenity improvements subject to a future agreement with the city.

At the Planning Commission hearing, following the public hearing portion of the meeting, discussion on several points occurred. While the Commission recommended approving the plat as presented, they asked the applicant to consider adjusting the southwest corner lots from Multi-family to single family or make other adjustments to lessen the potential impact on traffic views at the intersection of Lake Meadows and 169 Highway. The applicant adjusted the number of units on the lot (moved to another lot) and included additional buffering at that intersection in accordance with the Commission's suggestions. The attached plat includes the changes that the Commission sought to have evaluated.

PREVIOUS ACTION:

The property was zoned to B-3 in 1991 and not developed. Concurrently with this application for a preliminary plat, the applicant seeks to rezone the land.

POLICY OBJECTIVE:

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

FINANCIAL CONSIDERATIONS:

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

ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input checked="" type="checkbox"/> Minutes – meeting is viewable online |
| <input type="checkbox"/> Other: | |

RESOLUTION 1408

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR CLAY CREEK MEADOWS SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT

WHEREAS, the applicant seeks to rezone and preliminarily plat a 26.79-acre tract at 169 and W Highways; and

WHEREAS, the Board of Aldermen approved rezoning the property from B-3 to R-1D and R-3 at the meeting this Resolution was heard; and

WHEREAS, the applicant requested a Preliminary Plat to create a new 61 lot subdivision with up to 216 dwelling units in phases, and agreed to a development agreement for it; and

WHEREAS, the Planning and Zoning Commission held a properly advertised public hearing on August 13, 2024 and following that public hearing, recommended approval of the plat.

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

THAT THE PRELIMINARY PLAT FOR CLAY CREEK MEADOWS SUBDIVISION IS HEREBY APPROVED AND THE MAYOR IS AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED DEVELOPMENT AGREEMENT.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of October 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



STAFF REPORT

August 8, 2024

Platting of Parcel Id's # 01-903-00-01-006.00

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

Address: N 169 Hwy and W Hwy
Owner: Clay Creek Meadows, LLC
Current Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: July 25, 2024
Letters to Property Owners w/in 185': July 22, 2024

GENERAL DESCRIPTION:

The applicant requested rezoning 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-1D for Lots 1-13, and R-3 for Lots 14-66. The proposed plat would create 13 lots of Single-Family Small Lots with widths varying from 52' at the west end and increasing as the lots approach the existing homes on Lake Meadows Dr., tapering up to 64.01 feet. The R-3 lots (14-66) would be for buildings varying from 2-family units to 5-family, with the vast majority being 4-family townhomes.

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

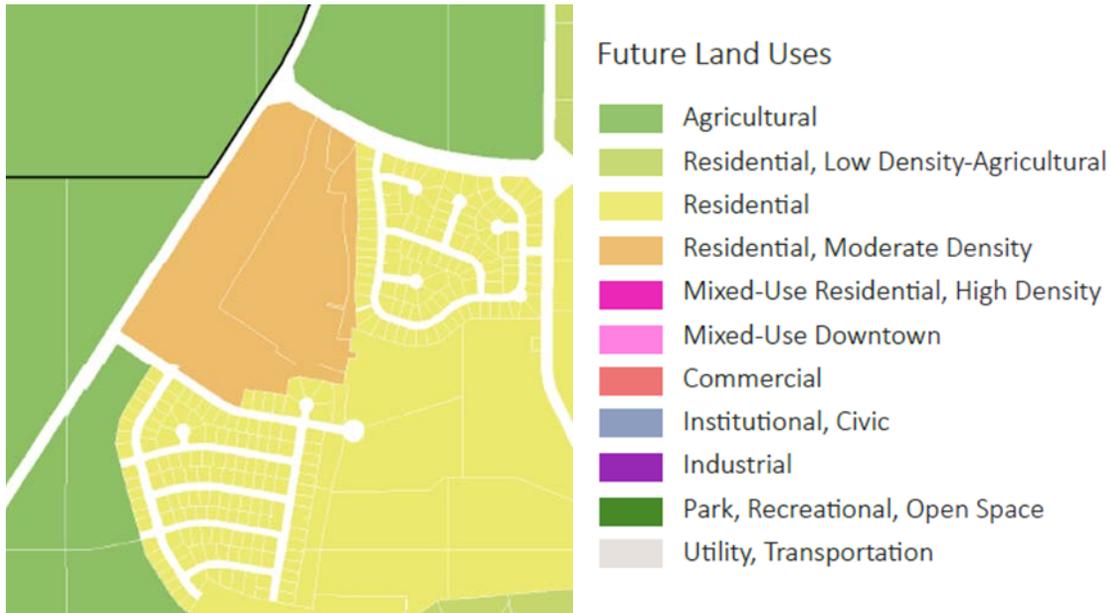
Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat:

- 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, below:



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 drainage basins of the Clay Creek Subdivision.

(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 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-sacs and knuckles, the lots involved are appropriate for the multifamily 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.

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

The plat contains 216 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 limited striping changes on 169, per MODOT's approval. The development will also complete the connection of Corbyn Ln. from Lake Meadows to Clay Creek.

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, off-site 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 (connections to existing 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 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.

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 1st day of October , 2024, by and between **CLAY CREEK MEADOWS, LLC**, (“Developer”) and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation (“City”) as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Clay Creek Meadows located generally west of Clay Creek subdivision and east of 169 Highway, south of W highway in an area proposed to be moderate density housing in accordance with the Comprehensive Plan with 13 Single-Family residential homes and 203 single-family attached units in 2,3 4 and 5-unit buildings for a density of 8.1 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 multi-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 Clay Creek Meadows, the legal description of which is set forth on the Preliminary 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.

3. Streets. That the City and MODOT have accepted and approved the TIS submitted by the Developer. In accordance with the TIS and its' recommendations, developer will be required to restripe 169 Highway at the entrance to Lake Meadows. All such restriping shall be subject to a permit issued by MODOT and in accordance with plans as approved by MODOT.

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 as required.

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. The development will be required to rehabilitate the existing overflow basin at the Diamond Crest lift station sufficiently to hold the peak flows for the entire lift station service area, including its' 216 new units, as a part of its' initial Phase II work. It is understood and agreed that Phase I of the project will include Lots 1-13, which will require extension of gravity sewers for the 13

individual lots, but that the rehabilitation of the overflow basin is not needed with the first 13 units. The parties also agree that, as a result of certain incomplete capacity improvements to the Wildflower Lift Station on the City's Forcemain, the development will be limited to Final Plat approval of no more than 159 dwelling units until such time as those incomplete capacity improvements at the Wildflower Station are completed. It is anticipated that such work can be completed by no later than summer of 2025, but that completion time is not guaranteed. Upon completion of the Wildflower improvements, remaining lots may be platted.

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

a. The development proposes 216 dwelling units which will result in 12.31 acres (536,311 ft²) of parkland in accordance with the subdivision formula. (216 d.u. x 2.85 census density x .02 acres per 100 = 12.31) and the development proposes 6,240ft² of creditable trails. This dedication amount represents 1.16% of the required parkland dedications. The development is then obligated to provide payment in lieu of dedications in the amount of \$617.75 per dwelling unit. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g., Phase I includes 13 dwelling units so will be required to pay a park fee of \$8,030.75 prior to recording said plat. The total amount required is \$133,434.00.*

It is also further agreed that, the city may agree in the future (subject to city review and approval) that the development may also satisfy some or all of the payment in lieu of dedication amount by constructing or assisting in the construction of a parking lot for the

Splash Pad adjacent to the new subdivision and/or extending a sidewalk/trail from the OK Trail to the development property.

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 the 65th dwelling unit. However, the area of the trails located in the public trail easement or otherwise on city owned property shall be further improved to be not less than an 8' concrete path with a minimum of 5" of 4,000lb psi concrete on a compacted gravel 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.

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:
