



Board of Aldermen Request for Action

MEETING DATE: 7/21/2026

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3117-26 – Heritage Farms Rezoning and Preliminary Plat – 2nd Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3117-26, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri and approving a preliminary plat and development agreement for Heritage Farms subdivision. Second reading by title only.

SUMMARY

This ordinance would authorize rezoning 18410 H & H Lake Rd. from County Ag to A-R and approve a development agreement and a Preliminary Plat for Heritage Farms Subdivision.

PREVIOUS ACTION

The current zoning has been in place since the land was annexed into the city, and this will be the first development on the site other than the original farmhouse.

POLICY OBJECTIVE

Comply with the Comprehensive Plan requirements for increasing additional housing stock near existing housing.

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENTS

- | | |
|--|---|
| ☒ Ordinance | ☐ Contract |
| ☐ Resolution | ☒ Plans |
| ☒ Staff Reports | ☐ Minutes |
| ☒ Other: Findings of Fact; Development agreement | |
| P & Z Meeting Minutes Available to view online | |

BILL NO. 3117-26

ORDINANCE NO. 331X-26

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND APPROVING A PRELIMINARY PLAT FOR HERITAGE FARMS SUBDIVISION

WHEREAS, The City of Smithville received an application for rezoning 18410 H & H Lake Rd and a Preliminary Plat entitled Heritage Farms. on April 16, 2026; and

WHEREAS, the public was notified by publishing in the CT paper and notices mailed to adjoining property owners on May 20, 2026 as required by state law.

WHEREAS, a Public Hearing was conducted before the Planning Commission on June 9, 2026 concerning changing the zoning of the land from Ag to A-R in accordance with the Heritage Farms Preliminary Plat; and

WHEREAS, a Public Hearing was also conducted before the Planning Commission on June 9, 2026 concerning a Preliminary Plat for Heritage Farms subdivision on the same land; and

WHEREAS, a Development Agreement for timing of public improvements was presented that allowed the proposed plat to meet development standards; and

WHEREAS, the Planning Commission recommended that the Preliminary Plat for Heritage Farms subdivision, subject to the Development agreement's terms, be approved; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen, attached as Exhibit A, and recommended approval of the rezoning request and approval of the Heritage Farms Preliminary Plat attached as Exhibit B; and,

WHEREAS, the required Development Agreement is attached as Exhibit C.

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 West half of the Southeast Quarter of Section Three (3) and the East half of the Southwest Quarter of Section Three (3), Township Fifty-three (53), Range Thirty-three in Clay County, Missouri.

is hereby changed from Ag to 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. That the Development agreement for Heritage Farms subdivision in substantially the form attached hereto as Exhibit A and incorporated into this ordinance as if fully set forth herein, is approved and the appropriate official of the City is authorized to execute the same on behalf of the City.

Section 4. That the Preliminary Plat for Heritage Farms Subdivision attached hereto as Exhibit B is hereby approved.

Section 5. That the Development Agreement for this subdivision is attached hereto as Exhibit C.

PASSED THIS 21st DAY OF JULY, 2026

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 07/07/2026

Second Reading 07/21/2026

Exhibit A

**FINDING OF FACTS AND
CONCLUSIONS OF LAW**

Applicant: Major and Neth Families

Land Use Proposed: A-R

Zoning: County Ag

Property Location: 18410 H & H Lake 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 June 9, 2026, 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 single family residential housing on roughly 3 acre lots in a large lot subdivision on the west, farmland zoned on the east zoned R-3 and vacant farmland to the north zoned both R-1B and R-3. The south property is farmland in unincorporated Clay County.

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

The existing Comprehensive Plan was approved on November 10, 2020 by the Planning Commission and adopted as the official development plan for the City by the Board of Aldermen on November 17, 2020. The plan did not anticipate significant development in this area and left the area within the agriculture use types. The plan also calls for additional residential uses near existing units to strengthen neighborhoods (HN3.1 & 4.1).

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

Adequate utilities are available and would be extended at the cost of the development.

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

The tract is 152.74 acres and has been agricultural ground with one single-family home previously outside the city's jurisdiction.

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

The property is County Ag. Land and has never developed other than the existing single-family home built in 1950.

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

The proposed district is essentially the same as the existing, developed 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 June 9, 2026, 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 County Ag to A-R is governed by Section 400.550 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 setting the initial city zoning to A-R.



STAFF REPORT

June 9, 2026

Rezoning of Parcel Id # 05-202-00-01-004.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 18410 H & H Lake Rd.

Owner: **Majors and Neths**

Current Zoning: County Ag

Proposed Zoning: A-R

Public Notice Dates:

1st Publication in Newspaper: May 20, 2026

Letters to Property Owners w/in 185': May 21, 2026

GENERAL DESCRIPTION:

The applicant seeks to rezone its' recently annexed property from County Ag to A-R. The proposed zoning classification allows for large lots (not less than 3 acres) on 152.74 acres to allow septic systems to be installed for the area, as the A-R district allows 3 acre lots on septic systems.

EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is single family residential housing on roughly 3 acre lots in a large lot subdivision on the west, farmland zoned on the east zoned R-3 and vacant farmland to the north zoned both R-1B and R-3. The south property is farmland in unincorporated Clay County.

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

The existing Comprehensive Plan was approved on November 10, 2020 by the Planning Commission and adopted as the official development plan for the City by the Board of Aldermen on November 17, 2020. The plan did not anticipate significant development in this area and left the area within the agriculture use types. The plan also calls for additional residential uses near existing units to strengthen neighborhoods (HN3.1 & 4.1).

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

Streets and Sidewalks:

All new street extensions will be at the expense of the developer and in accordance with existing APWA standards. A development agreement also requires adjacent existing streets be improved with asphalt overlays.

Water, Sewer and Storm water

The city does not have sewer in the area, so septic systems will be used, water is adjacent and extensions to create a loop for these lots will be required and no impact to stormwater is expected due to the limited number of lots. Any such impacts will be handled in the normal subdivision process, but the existing systems are more than adequate.

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 A-1, agricultural with a single-family home on 152.74 acres adjacent to several 3-9 acre lots. The highest and best use within the Comprehensive Plan recommendations is large lot (3 acres +) development.

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

The property was zoned to its' existing district classification when Clay county began zoning and the sole residence was constructed in 1950.

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 *400.560.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

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of _____, 2026, by and between **CAROLYN MAJOR AND MIKE AND SHEILA NETH** ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Heritage Farms located at the southwest corner of 188th Street and H & H Lake Road in an area proposed agricultural or low density residential (2-4 D.U. per acre) in accordance with the Comprehensive Plan. The preliminary plat includes three phases of development of 35 lots on land to be zoned A-R for single-family houses on approximately 152 acres for a density of .23 units per acre; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a single-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 Heritage Farms, the legal description of which is set forth on the attached preliminary plat for Heritage Farms as shown on 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 recognizes that the size of the development (35 lots) does not require a full TIS but requested a brief report that analyzes the impact to 188th Street and 169 Highway's study for Lakeside Farms development (289 lots) that is obligated to install a traffic signal after its' 60th permit. This development, being on the other side of 169 Highway does not impact the intersection study or timing and no obligation to assist arises because of this development. The three interior streets in the development must meet the city standards for the subgrade preparation, followed by 8" of asphalt, without curbs and gutters. No sidewalks will be required per code given the lot frontage lengths exceed 200'. The development is adjacent to both 188th Street and H & H Lake Road where residential driveways will be installed. Given the current conditions of both roads and the amount of traffic generated by this development, the City will require a 3" asphalt overlay of 188th Street in one lift with drive coat materials. H & H Lake Road will require a 3" base coat, followed by a 2" drive coat. Both roads will need the ditches cleared and graded to protect the paving as well.

Streetlights will be required at all intersections and end of roads – end of 185th Circle, Hayfield Lane and of Harvest Drive as well as the intersections of the cul de sacs with Harvest Drive. Harvest Drive will also need lights at the knuckle in the middle Lots 25 and 26, the 188th Street intersection and finally 188th Street and H & H Lake Road as per the city's codes. Prior to final approval, street signs at all intersections, as well as a stop sign at 188th and Harvest/Hayfield Dr. will also be required in accordance with the City's Street Sign Policy. These road improvements will all be required when the interior streets are developed and not before to reduce the impact of the construction traffic from the homes in Phases 1 & 2. Each of the Phase 1 and 2 lots will also require concrete drive approaches in anticipation of the paving in phase 3 of the development.

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 allowed to construct septic systems for each lot as public sanitary sewers are well over 2,200 feet away.

6. Parks. The parties agree that the Parkland dedication requirements of the city code will not be met by any parkland dedications for this subdivision. As a result, the development will be required to pay \$625.00 for each lot at the time of filing the Final Plat of any of the lots. (e.g. 11 exterior lots will require \$6,875.00 at final plat)

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 or approval of construction plans required herein.

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 an ordinance 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

By _____
Mayor

ATTEST:

City Clerk

Owner's Name

By _____
President

STATE OF MISSOURI)
COUNTY OF CLAY) ss.
)

On this ____ day of _____, 2026, 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 Owners name, and said instrument was signed and sealed on behalf of said Owners name and he/she acknowledges said instrument to be the free act and deed of said Owners name.

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:
