

MEETING DATE: 9/1/2026**DEPARTMENT:** Development**AGENDA ITEM:** Bill No. 3127-26 AYPa Plat, Rezoning and CUP at 14600 North 169 Highway for Second Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3127-26, approving a plat, changing the zoning from B-3 to I-1 and granting a Conditional Use Permit to AYPa Power for a Battery Energy Storage Facility at 14600 North 169 Highway. Second Reading by title only.

SUMMARY

This ordinance would authorize multiple actions. First, it would approve a subdivision plat of the RV storage facility into two lots in order to divide off 10.37 acres on the north end. This plat would include infrastructure improvements of extending 148th Street nearly 675 feet to provide access to this new lot as well as extend the existing 12" water line to the western property line of the new lot. Second, it would change the zoning classification of the 10.37 acre portion of this new subdivision from B-3 to I-1 in accordance with the Future Land Use Plan Map of the 2020 Comprehensive Plan for the City. Lastly, it would grant a conditional use permit for a Battery Energy Storage Facility under the newly adopted regulations for these facilities on property zoned I-1. The project site is immediately south of the electric substation located in the industrial park near Industrial Drive.

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

PREVIOUS ACTION

The property was developed into an RV Storage facility in 2018 and has an approved site plan for several additional buildings to the north of its' currently constructed limits.

POLICY OBJECTIVE

Fulfill the Comprehensive Plan objective of increasing the industrial base of the city in certain focused areas.

FINANCIAL CONSIDERATIONS

No known expenses necessary, but tax revenue would likely increase.

ATTACHMENTS

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

BILL NO. 3127-26

ORDINANCE NO. 332X-26

AN ORDINANCE APPROVING A PLAT, CHANGING THE ZONING FROM B-3 TO I-1 AND GRANTING A CONDITIONAL USE PERMIT TO AYPower FOR A BATTERY ENERGY STORAGE FACILITY AT 14600 NORTH 169 HIGHWAY

WHEREAS, The City of Smithville received applications for a single-phase final plat, rezoning a portion of said plat land and a Conditional Use Permit for a Battery Energy Storage Facility on industrial zoned ground on a part of 14600 North 169 Highway on June 12, 2026; and

WHEREAS, a public notice was provided in the local newspaper and via certified mail to adjoining property owners in accordance with the law on July 22, 2026; and

WHEREAS, three Public Hearings were conducted before the Planning Commission on August 11, 2026, pertaining to each of the three applications; and

WHEREAS, the Planning Commission recommended approving the Final Plat for Clay Park subdivision attached hereto as Exhibit A; and, presented its' findings of fact concerning the rezoning to the Board of Aldermen attached as Exhibit B which recommended approval of the rezoning request; and, presented its' findings of fact concerning the Conditional Use Permit for a Battery Energy Storage Facility attached hereto as Exhibit C, and issuing a Conditional Use Permit for a Battery Energy Storage Facility.

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

Section 1. That the Single-Phase Final Plat for a two-lot subdivision entitled Clay Park, is hereby approved in accordance with city ordinances.

Section 2. 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:

A tract in the Southeast Quarter of Section 34, Township 53 North, Range 33 West, in Smithville, Clay County, Missouri, being more particularly described as follows: Commencing at the Northeast Corner of said Southeast Quarter; Thence North 89°38'04" West along the North Line of said Southeast Quarter, 663.50 feet to the Point of Beginning; Thence South 01°01'27" West, 672.37 feet; Thence North 89°32'41" West, 671.18 feet; Thence North 00°47'50" East, 671.30 feet to said North Line; Thence South 89°38'05" East along said North Line, 673.85 feet to the Point of Beginning.

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

Section 3. 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, a Conditional Use Permit to operate a Battery Energy Storage Facility on Lot 1 of Clay Park subdivision is hereby issued.

Section 4. 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 5. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 1st DAY OF SEPTEMBER, 2026.

Mayor

ATTEST:

City Clerk

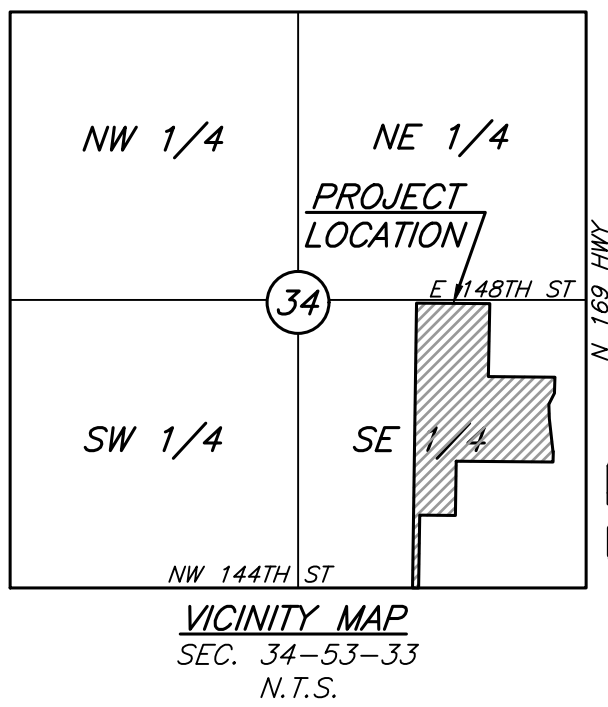
First Reading: 08/18/2026

Second Reading: 09/01/2026

Exhibit A

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

FINAL PLAT CLAY PARK



MISSOURI STATE PLANE COORDINATE SYSTEM

NAD 1983, MISSOURI WEST ZONE (METER)
Reference Monument: SMITHVILLE 3
COMBINED SCALE FACTOR= 0.9999003

MISSOURI STATE PLANE COORDINATES		
Point #	Northing	Easting
1	354904.26(m)	842779.50(m)
19	354388.52(m)	842745.79(m)
25	354390.01(m)	842559.12(m)
26	354343.30(m)	842744.25(m)
27	354312.66(m)	842728.79(m)
28	354272.23(m)	842728.95(m)
29	354178.85(m)	842740.38(m)
33	354150.50(m)	842740.25(m)
38	354152.48(m)	842468.84(m)
39	354000.21(m)	842466.35(m)
40	354001.01(m)	842366.41(m)
202	354391.63(m)	842354.55(m)
203	354596.22(m)	842357.40(m)
204	354594.92(m)	842562.79(m)
205	353801.68(m)	842363.21(m)
206	353801.82(m)	842346.35(m)
207	354178.88(m)	842741.39(m)

CLIENT:

CLAYTHORNE RELIABILITY PROJECT LLC
Jackson Chenoweth
email: JChenoweth@aypa.com

PROPERTY LOCATION:

14600 N 169 Hwy.
Smithville, Missouri 64089

GENERAL SURVEY NOTES:

1.) The plat of LOT LINE ADJUSTMENT PLAT is recorded in Book 1 at Page 36.1 in the Recorder of Deeds Office in Clay County, Missouri.

2.) Deed of record is recorded in Book 9650, Page 42, dated 11/01/2023 in the Recorder of Deeds Office, Clay County, Missouri.

3.) Title Report # 25000370563-02, dated December 5, 2025 at 8:00 AM provided by Stewart Title Guaranty Company, was provided by client.

4.) Bearings used on this survey are established by the Missouri State Plane Coordinate System from GPS observation.

5.) The subject property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map (FIRM) 29047C0102E, effective August 3, 2015.

PROPERTY DESCRIPTION:

A tract of land in the Southeast Quarter of Section 34, Township 53 North, Range 33 West, Smithville, Clay County, Missouri, being more particularly described as follows, surveyed and described on May 22nd, 2026 by Steven P. Timberlake LS-2451 on May 18th, 2026:

Commencing at the Southeast corner of said Southeast Quarter; Thence North 89°32'27" West along the South line of said Southeast Quarter, 1271.90 feet to the Point of Beginning; Thence continuing North 89°32'27" West along said South line, 55.26 feet; Thence North 00°47'50" East, 2635.58 feet to the North line of said Southeast Quarter; Thence South 89°38'05" East along said North line, 673.85 feet; Thence North 01°01'27" West, 672.37 feet; Thence South 89°32'41" East, 612.46 feet to the West line of said Southeast Quarter; US 169, as now established and continuing along said West Right-of-Way, for the next six courses: Thence South 01°52'24" West, 148.45 feet; Thence South 26°45'26" West, 112.59 feet; Thence South 01°38'55" East, 132.71 feet; Thence South 06°22'13" East, 308.27 feet; Thence North 87°57'15" East, 3.31 feet; Thence on a curve to the left, having an initial tangent bearing of South 02°26'32" West, a radius of 17226.47 feet and an arc length of 93.22 feet; Thence North 89°34'55" West, 890.47 feet; Thence South 00°56'18" West, 499.61 feet; Thence North 89°32'44" West, 327.89 feet; Thence South 00°55'15" West, 684.04 feet to the Point of Beginning. Contains 1,667.09 Square Feet or 38.27 Acres, more or less.

PLAT DEDICATION.

The undersigned proprietor of the property described herein has caused the same to be subdivided in the manner shown on this plat and said property shall hereafter be known as:

"CLAY PARK

Known all persons by the presents that the undersigned owner of the land shown and described herein have caused the same to be subdivided in the manner shown on this plat, and do hereby dedicate to the City of Smithville, Missouri and/or to the public, all streets, alleys, easements, right-of-way, and other public areas as shown hereon, that are not heretofore dedicated, for public use forever, easements are hereby reserved for the installation and maintenance of utilities, drainage facilities, and other purposes as indicated on this plat.

STREET DEDICATION:

Streets shown hereon and not heretofore dedicated for public use as street right-of-way are hereby dedicated.

ACKNOWLEDGMENTS:

IN TESTIMONY WHEREOF:
KANSAS CITY GARAGE STORAGE OPERATING LLC, has caused these presents to be executed this _____
day of _____, 2026.

Greg Kranias, Member

STATE OF)
COUNTY OF) ss

Be it remembered that on this _____ day of _____, 2026, before me, a Notary Public in and for said County and State, came Greg Kranias, Member for KANSAS CITY GARAGE OPERATING LLC, to me personally known to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my Notarial Seal in my office the day and year last above written.

Notary Public

My Commission Expires : _____

APPROVALS:

This Final Plat of "CLAY PARK" subdivision was submitted to and approved by the Smithville Planning and Zoning Commission on the ____ day of _____ 2026.

Chairman Secretary

This Final Plat "CLAY PARK" approved by the Board of Aldermen of Smithville, Missouri, this ____ day of _____ 2026.

ATTEST:

Damien Boley, Mayor *Linda Drummond, City Clerk*

Entered on transfer record this _____ day of _____ 2026.

County Recorder



J & J
SURVEY
LLC

11
N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816)741-1017 • FAX (816)741-1018

6-9-26
Date

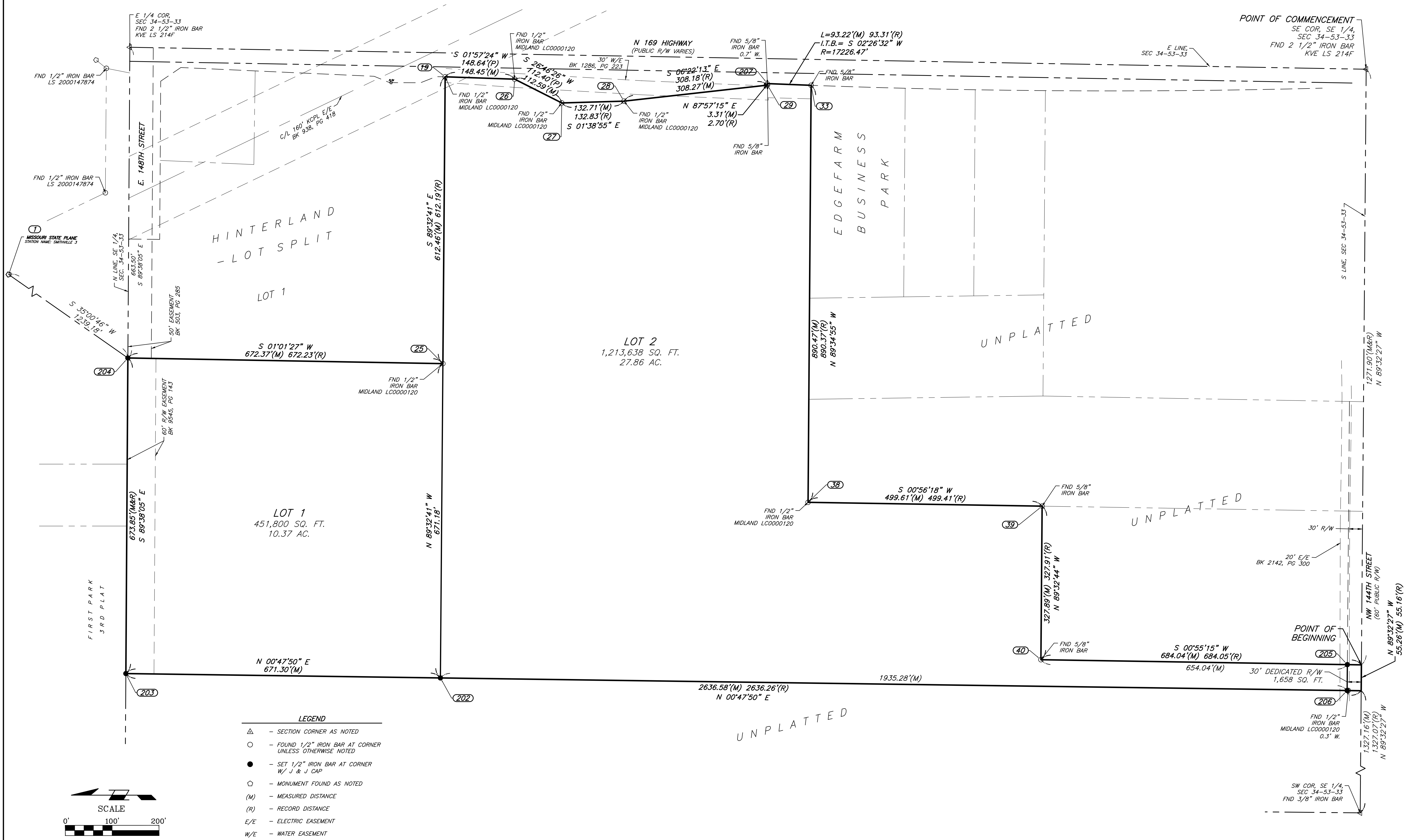
Steven P. Timberlake LS-2451

CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 6th day of April, 2026 and that said survey meets or exceeds the current Missouri Standards for Property Boundary Surveys, as established by the Missouri Board for Architects, Professional Engineers and Land Surveyors, and the Missouri Department of Natural Resources, Division of Geology and Land Survey.

Location: S:\26.033 - 14600 N 169 Hwy\DRAWINGS\2026.05.15 FINAL PLAT\26.033 FINAL PLAT.dwg-Jun 12, 2026-11:54am

[illegible]

FINAL PLAT
CLAY PARK
SE 1/4, SECTION 34, TOWNSHIP 53 NORTH, RANGE 33 WEST
SMITHVILLE, CLAY COUNTY, MISSOURI



CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 6th day of April, 2026 and that said survey meets or exceeds the current Missouri Standards for Property Boundary Surveys, as required by the Missouri State Board of Surveyors, the Missouri Department of Natural Resources, Division of Geology and Land Survey.



Location: S:\26.033 - 14600 N 169 Hwy\DRAWINGS\2026.05.15 FINAL PLAT\26.033 FINAL PLAT.dwg-Jun 12, 2026-11:54am

05-19-26
06-12-26

1
2

NAME & CERTIFICATION CHANGE

INITIAL SUBMITTAL

SHEET 2 OF 2

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Claythorne Reliability Project, LLC

Land Use Proposed: I-1

Zoning: B-3

Property Location: 14600 N. 169 Hwy (north 10.37 acres)

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 August 11, 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 I-1 industrial to the north and B-3 to the south. The majority of the 169 Highway frontage parcels to the north and south are B-3 with various restaurants, shops and offices. Immediately to the north of the proposed parcel is the Smithville electrical substation for Evergy on land in the unincorporated county

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

The existing Comprehensive Plan was approved on November 10, 2020. The Future Land Use Map in that plan identifies the area of this property and much of the area surrounding this parcel to become industrial.

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

Adequate utilities are available for extension to serve this parcel.

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

The current use is B-3 and contains a site plan approved for even more storage units. With recent proliferation of storage units within the city limits as well as in surrounding areas, storage units are nearly saturated within the market. The highest and best use is that which is called for in the FLUM, industrial.

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

The property was zoned to its' existing district classification many years ago and development has stalled on the approved site plan for the parcel.

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 August 11, 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 B-3 to I-1 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 setting the initial zoning to I-1.

CUP Findings of Fact – Claythorne Reliability Project

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public by reducing the need for additional electrical production capacity upon the local grid.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located as it is substantially similar to other nearby uses.
4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site are located such that the outside perimeter of the project area is substantially filled with various types of trees, shrubs and other vegetation and a sight obscuring perimeter fence, 8' tall will be located behind the vegetative buffer; and
 - b. The nature and extent of landscaping and screening on the site is adequate and complies with the code requirements for buffering and landscaping in the site plan ordinance.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect there is no regular traffic to the site, but the limited vehicular traffic will have parking behind the fencing and screening and no residential uses are near.
6. Adequate utility, drainage and other such necessary facilities have been or will be provided during construction phases and subject to updated plans that comply with updated studies as determined by the City.
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys the access to and from the project area are more than sufficient for the limited total traffic needed for maintenance and operation of the site.



STAFF REPORT
August 4, 2026
Platting of Parcel Id #05-820-00-02-003.00

Application for a Plat Approval

Code Sections:

425.285.A.4

Single Phase Final Plat Approval

Property Information:

Address:	14600 N US 169 Hwy
Owner:	KC Garage Storage LLC/AYPA Power
Current Zoning:	B-3
Public Notice Dates:	July 22, 2026
185' Notices:	July 22, 2026

GENERAL DESCRIPTION:

The property is currently a 37-acre parcel partially developed with an RV Storage Facility. The proposal would divide the parcel into two separate parcels, the north 10 acres would become Lot 1 of a new 2 lot subdivision to be called Clay Park. The purpose of the subdivision is to authorize the sale of this 10.37-acre parcel to AYPa Power for a future Battery Energy Storage Facility. In accordance with the zoning and subdivision codes, the current application is for a single-phase subdivision in which all public infrastructure will be completed for the entire subdivision prior to recording the final plat, or proper bonding be put in place in accordance with Chapter 425 that guarantees the performance of certain required improvements.

The applicant has submitted not only a Final Plat for the subdivision, but also a rezoning application to I-1 and a request for a conditional use permit for a BESF on industrial zoned land. These other applications are on the same agenda as this plat request.

GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS *See 425.285.A.4*

The Planning Commission shall consider the following criteria in making a recommendation on the plat:

- a. The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. ***Yes, the layout complies with zoning and subdivision requirements.***
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. ***Yes.***
- 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. ***Yes, the existing drainage areas identified in the currently approved site plan for RV storage will be used for this less impactful project.***
 - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Yes as all grading to prepare this site for RV storage occurred in 2018 and is sufficient for the future development intended. The grading will be minimal, and there are no good trees or desirable natural growth to be preserved or maintained.***
 - (3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***Yes.***
 - (4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy. ***Yes.***
 - (5) Adequate lot depth for outdoor living space. ***N/A as this is B-3 property.***
 - (6) Generally regular lot shapes, avoiding acute angles. ***Yes.***
 - (7) Adequate building lots that avoid excessive grading, footings or foundation walls. ***Yes.***
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. ***Yes.***
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. ***Yes.***
- 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. ***Yes.***
- 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 design reduces the overall flow from currently approved plans and storm study for the RV project.***

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. ***N/A.***

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.

Yes, it is place in an efficient area for public facilities.

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. ***Yes, all right of way was dedicated in 2021.***

l. All applicable submission requirements have been satisfied in a timely manner. ***Yes.***

m. The applicant agrees 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. ***There is a development agreement that will require both waterline and street extensions in accordance with the previously approved site plan of the RV Storage Facility.***

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat conditioned upon completing the requirements contained in the development agreement.

Respectfully Submitted,

Director of Development

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of _____, 2026, by and between **CLAYTHORNE RELIABILITY PROJECT 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 Park located generally west of US 169 and south of the future extension of 148th Street. and being proposed to contain 2 lots; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is sought to be developed as a commercial subdivision; and

WHEREAS, it is in the best interest of both parties to enter into an agreement as to what improvements 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 known as Clay Park Subdivision and, the legal description of which is set forth on said Final Plat as Exhibit A attached hereto.

2. It is recognized that the development will require extension of waterlines from the current end of the waterline lying along the southern edge of the 148th Street

right-of-way to the west property line of Lot 1 of Clay Park subdivision. Said waterline shall be constructed to city standards and be 12" in diameter, with fire hydrants not more than 600' apart. Developer shall be responsible for both the design and construction of said line, subject to city review and approval of the designed plans.

3. That the City and the Developer recognize the need for certain off-site improvements to the adjacent roads as a direct result of the subdivision of land into the proposed subdivision. As a result, the developer shall construct an extension of 148th Street (formerly Commercial) from its' current terminus, westerly along the right of way on the north side of said lots for a total distance of not less than 673.85 feet. Said street shall be constructed as a commercial collector street to city standards. Developer shall be responsible for both the design and construction of said street, subject to city review and approval of the designed plans. In addition, developer shall be responsible to install new street name signs on the stop lights at 169 Highway following approval by MODOT of the sign design and permits.

4. The parties agree that 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.

5. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. The notice to proceed shall not be given by the City until a final plat of Clay Park subdivision has been

approved by the City and final construction plans have been approved. The recording of said plat shall only occur in accordance with city ordinances.

6. 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.

7. 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.

8. 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.

9. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement.

10. This agreement shall not be effective until: (1) 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 _____
Damien Boley, Mayor

Linda Drummond, City Clerk

CLAYTHORNE RELIABILITY PROJECT LLC

By _____

Managing Member

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On the ____ day of _____, 2026, before me, the undersigned Notary Public, personally appeared Damien Boley, to me known, and who, being by me duly sworn, did say that he is the Mayor of Smithville, Missouri, and said instrument was signed and sealed on behalf of said City by authority of its Board of Aldermen and said Mayor acknowledges said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

Notary Public

My Commission Expires:

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On this ____ day of _____, 2021, 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 CLAYTHORNE RELIABILITY PROJECT LLC, and said instrument was signed and sealed on behalf of said CLAYTHORNE RELIABILITY PROJECT LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said CLAYTHORNE RELIABILITY PROJECT LLC.

CLAYTHORNE RELIABILITY PROJECT LLC

Member

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

Notary Public

My Commission Expires:



STAFF REPORT

August 3, 2026

Rezoning of Parcel Id # 05-820-00-02-003.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 14600 169 Highway
Owner: KC Garage Storage LLC / AYPa Power
Current Zoning: B-3
Proposed Zoning: I-1

Public Notice Dates:

1st Publication in Newspaper: July 22, 2026
Letters to Property Owners w/in 185': July 22, 2026

GENERAL DESCRIPTION:

The owner submitted an application proposing to rezone approximately 10 acres from B-3 to I-1. The proposed zoning classification allows for light industrial uses on land, including Battery Energy Storage Facilities with a conditional use permit.

EXISTING ZONING:

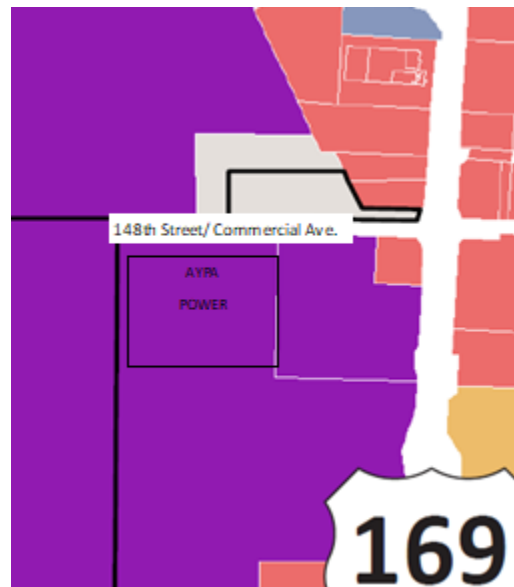
The existing zoning is B-3 and has existed for many years.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is I-1 industrial to the north and B-3 to the south. The majority of the 169 Highway frontage parcels to the north and the south are B-3 with various restaurants, shops and offices. Immediately to the north of the proposed parcel is the Smithville electrical substation for Evergy on land in the unincorporated county.

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

The existing Comprehensive Plan was approved on November 10, 2020. The Future Land Use Map in that plan identifies the area of this property and much of the area surrounding this parcel to become industrial as shown in purple below:



The proposed rezoning is in full compliance with the Future Land Use Map of the Comprehensive Plan.

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

Streets and Sidewalks:

Street extension of 148th Street would be required by the applicant in order to subdivide the lot, but the street system is more than adequate.

Water, Sewer and Storm water

The city has plentiful water, and sewer is available to the site. Stormwater is adequately controlled through the subdivision and development processes. 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 B-3 and contains a site plan approved for even more storage units. With recent proliferation within the city limits as well as in surrounding areas,

storage units are nearly saturated within the market. The highest and best use is that which is called for in the FLUM, industrial.

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

The property was zoned to its' existing district classification many years ago and development has stalled on the approved site plan for the parcel.

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

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

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

No detrimental effects are known.

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

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

STAFF RECOMMENDATION:

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

Respectfully Submitted,

Zoning Administrator



STAFF REPORT
August 3, 2026
Conditional Use Permit for Parcel Id # 05-820-00-02-003.00

Application for a Conditional Use Permit – Industrial District

Code Sections:

400.570	Conditional Use Permit
400.375	Battery Energy Storage Facilities

Property Information:

Address:	14600 169 Highway
Owner:	KC Garage Storage LLC / AYPa Power
Current Zoning:	B-3
Proposed Use:	Battery Energy Storage Facility

Public Notice Dates:

1 st Publication in Newspaper:	July 22, 2026
Letters to Property Owners w/in 185':	July 22, 2026

GENERAL DESCRIPTION:

The applicant seeks to obtain a conditional use permit to operate a Battery Energy Storage Facility on property to be zoned I-1 at 14600 N. 169 Highway.

400.375 BESF

Permitted Locations And Parcel Size Requirements.

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

250 ft is clear

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

N/A

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

10.37 acre parcel

4. Large-Scale BESF in industrial districts must follow the setback and buffering standards described in the Site Plan Development Ordinance, Sections 400.390 through 400.440 of this Code.

The layout is in full compliance with both setbacks and buffers.

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

Fencing is located inside the landscape buffer and is both 8' in total height and includes fabric shields.

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

Photometric plan shows full compliance with off-site shielding.

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

Yes.

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

Yes.

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

Yes.

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

Yes.

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

Complies, updated SWMP required following final grading plan approval and completion.

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

Estimate provided based upon 2026 costs. Surety will be required following new estimate at actual construction year costs.

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

Included in application.

Staff's Recommendation for Findings of Fact:

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

adjoining residential uses and located so as to protect such residential uses from any injurious effect.

6. Adequate utility, drainage and other such necessary facilities have been or will be provided.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conditional Use Permit based upon the proposed findings of fact.

Respectfully Submitted,

Zoning Administrator