



Planning and Zoning Commission Meeting

May 10, 2022

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.

1. **Call to Order**
2. **Approve the April 12, 2022, Planning Commission Minutes**
3. **Staff Report**
4. **Public Hearing**
 - Single Phase Final Plat – McBee's Coffee & Carwash (2 lots)
5. **McBee's Coffee & Carwash Final Plat (2 lots)**
6. **Adjourn**

Join Zoom Meeting
<https://us02web.zoom.us/j/84286623076>
Meeting ID: 842 8662 3076
Passcode: 939534



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

April 12, 2022

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 7:02 p.m.

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

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The January 11, 2022, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by MUESSIG.

Ayes 6, Noes 0, Abstained 1 (WILSON). Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed the Commission that development is still progressing all over Smithville and is moving at an exceedingly fast pace. Currently items submitted to go before the Planning and Zoning Commission have a 6-week lead time and that it is becoming increasingly difficult to get things done by the time the meeting date gets here. This is partly due to the traffic reviews that must be done by us and MODOT. Several MODOT employees have retired recently and there are new employees, so the reviews are taking longer than they used to. You will see on tonight's agenda that we have had to request that several items be postponed due to MODOT not completing the traffic reviews. Due to this we will be slowing down the review timeline on our end to give MODOT more time to catch up.

We have issued 38 or 39 residential building permits so far this year. The medical marijuana facility should complete their construction sometime between May and July of this year. This will provide a huge benefit to the school districts finances.

ALDERMAN CHEVALIER asked for more clarification on why we need to slow down the review process for Planning and Zoning submittals.

HENDRIX stated that the city just cannot keep up and MODOT has slowed down on their review times as well. If we want to do it right, we need to be able to take enough time to review it. If we have several large projects submitted at the same time it requires a lot of work and time to coordinate reviews between 4 departments at the city and then MODOT's review. Our outside engineers are also doing reviews as well so trying to get all of this done in 6 weeks is becoming untenable.

**4. PUBLIC HEARING: PLANNED DEVELOPMENT OVERLAY DISTRICT—
MCBEE'S COFFEE & CARWASH—SMITHVILLE LIBRARY HEIGHTS
TRACT A SE CORNER 169 HWY AND RICHARDSON**

Public Hearing opened

HENDRIX stated that this Conceptual Plan Overlay consists of the applicant wanting to divide an existing lot which will shorten the frontage requirement and the lots will be small. This will require some Conceptual Plan allowable variances from what the basic zoning code actually allows. The purpose of a Conceptual Plan Overlay is to identify to the most maximum extent possible issues that are going to happen on a project. On this project with the traffic information which is what we are working on. The traffic information does not impact the actual Conceptual Plan. It addresses the items in the staff report which are: Is the development placed in a good spot, will it require a lot of extra grading or tearing up natural resources and does it meet the site plan requirements? In this case we have 2 lots but only one of them has a proposal on it. In order to be approved under the Conceptual Plan process they had to lay everything out and show the building design. One of the specific things that the Conceptual Plan allows is other certain variances associated with certain aspects of the code. The bulk requirements & setback requirements can change as long as the overall intent is met. In this particular plan one of the significant requests for a variance is to allow the amalgamation of 3 wall signs into various sizes that wouldn't ordinarily meet

the standards. The other half of the project lies on the south side of the McBee's lot. We cannot say at this time what it will be, but we know who the current owner is, and they may decide to develop there but it is not a requirement. But when/if it develops there will be potential adjustments to that lot and all of that would have to come to the Planning and Zoning Commission for review. 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.

Steve Potter---Midcontinent Public Library Director—Stated that Kristen Stein is in attendance in person at the meeting as well. She is one of their Regional Managers for the library. He stated that he met with Mr. Hendrix and has gotten answers to all of the questions. The library is always interested in all things going on in our communities and wanted to keep apprised that all development that occurs is good for the library and good for the community and hopefully a win/win situation and that is what they are hoping for tonight.

Public Hearing closed

5. MCBEE'S COFFEE AND CARWASH PLANNED DEVELOPMENT OVERLAY DISTRICT—2 LOTS TO BE CREATED WITH SITE PLAN APPROVAL OF MCBEE'S COFFEE AND CARWASH BUILDING

MAYOR BOLEY motioned to approve the McBee's Coffee and Carwash Planned Development Overlay District—Two lots to be created with site plan

approval of McBee's Coffee and Carwash building. Seconded by ALDERMAN CHEVALIER.

DISCUSSION:

DOTSON asked Mr. Hendrix if he knew if a stop light will be needed at this intersection?

HENDRIX stated that this is the same intersection that is subject to a stop light with the Richardson Street Plaza project that was brought to the Commission 4-5 months ago. The intersection already meets 2 warrants. We are working on a scheduling process with MODOT to get both city contribution through developers and the city potentially. We have spoken with Mr. Potter with the Library about be a partial contributor. When the library was coming through back in 2009 with their application, they had a traffic study that said that the light should go in then. At that time MODOT used a different measuring standard and wanted it farther apart and eventually said they did not want a light there.

DOTSON also said that something caught her eye on the landscaping plan. She is really big on using native species in Missouri and noticed that they have burning bush in the plan. Burning bush is in Missouri Department of Conservations invasive species hit list. It would be nice if we could get them to commit to using Missouri native species.

HENDRIX stated that we can address this with them, but we do not have a provision in our code to require this. These folks have been extremely accommodating and a representative for them is here tonight so she will hear this and will be something they can consider addressing.

SCARBOROUGH asked who will ultimately be responsible for funding the stop light?

HENDRIX stated that it will be a combination of adjacent development, the city and MODOT.

SCARBOROUGH asked if it is a negotiation or are there set percentages they will pay?

HENDRIX stated that we have to reasonable with the numbers as far as developer contributions. There will be discussions with the existing library

area and the strip mall on the southeast corner of 169 Hwy and Richardson Street about possible contributions from them as well. The sooner this gets done the better the traffic flow in and out will be. We have percentages we are working on but will not know the final percentages until the end.

MUESSIG asked about the post office and all of the others on that street. How far back will you go?

HENDRIX stated that the city will talk to the first 2 or 3 businesses back on Richardson Street about contributing. These are the businesses that will have the most significant impact. I doubt we will hear anything back from the post office, but we can hope. This is a scenario where they will substantially benefit from having a traffic light. It is currently difficult getting in and out.

MUESSIG asked if McBee's has provided the hours they plan to be open? He feels that traffic could back up quite a bit.

HENDRIX stated no hours have been provided at this time. Possible traffic backups are part of the reason for such a long queuing space in the site design. This will likely be like when Donut Palace opened. Traffic was absolutely horrible at first but now there are no issues.

WILSON asked if traffic does become backed up on 169 Hwy how will that be addressed. Will it be a police issue?

HENDRIX stated that if it becomes an issue the police department usually educates people of the traffic back up on their Facebook page or if they need to be on location they will. For example, when there is a football game the police are all over that because they have to be.

KATHCART asked if there was any discussion of putting in a right turn lane going north?

HENDRIX stated that is part of the traffic information that we need to finalize. We just got our engineers comments back & MODOT may or may not provide comments on this. We have a meeting tentatively schedule later this week with Ashley of McBee's, her engineers and city staff to go over what we are looking for. The city's Public Works Director is a Missouri Engineer, and he will be involved in all of this as well. This will all be in the subdivision information that comes in May, assuming this all works out.

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

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING: SINGLE PHASE FINAL PLAT MCBEE'S COFFEE & CARWASH (2 LOTS)-- *TO BE POSTPONED*****

MAYOR BOLEY motioned to postpone the Public Hearing for the Single-Phase Final Plat for McBee's Coffee & Carwash (2 Lots). Seconded by ALDERMAN CHEVALIER.

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

AYES-7, NOES-0. MOTION PASSED

7. MCBEE'S COFFEE AND CARWASH FINAL PLAT-- *TO BE POSTPONED*****

MAYOR BOLEY motioned to postpone McBee's Coffee and Carwash Final Plat. Seconded by MUESSIG.

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

AYES-7, NOES-0. MOTION PASSED

8. PUBLIC HEARING: REZONING B-3 AND A-1 TO PLANNED DEVELOPMENT OVERLAY DISTRICT WITH R-3 AND B-3 FOR FAIRVIEW CROSSING—NE CORNER OF 144TH AND 169 HWY

Public Hearing opened

HENDRIX stated that this another Conceptual Plan Overlay and has some significant differences than the previous one. On the map provided everything east of the powerline towards the residential areas is currently zoned B-3. The front half is currently zoned agricultural. This proposal would be to put a Conceptual Plan overlay over all of it and change the current B-3 zoning to R-3P and change the front from agricultural to B-3P to allow the commercial development. They have also identified the parking requirement codes and how they plan to comply with those. There are no tenants currently identified so there are no specific building designs that they have requested. This means that anytime a building comes in it will have to come before this commission for site plan approval first. This conceptual plan would allow a total of 13 lots to be created. 10 lots would be commercial and 3 would be multi-family. Lot 1 would be townhomes like Ashmont and Clay Creek. Lot 2 would be apartments. Lots 4-13 that run along the front are all commercial. They have identified anticipated tenants as a hotel on lot 5, and lots 10 and 11 likely fast food. The rest of the lots would be retail, restaurant or whatever the tenants' needs are. The commercial section has a proposed private drive for their access which is another significant reason to have a conceptual plan which allows them to have lots that do not front on a public road. One thing being discussed is the potential public street running through the middle, the exact location of it may change a bit. This is part of the traffic study. The developers traffic study had tons of traffic improvements on it. It has been sent to MODOT and we are now waiting on them. As a result of this we are asking for a postponement of items 10 & 11 on tonight's agenda. What you are approving tonight is mainly for the density, to make sure the parking is taken care of. We will also address the additional landscaping that has to occur. During that process they will get credit for leaving existing good trees in place. Especially along the northern portion of tract A and the eastern portion of tract A, B and C to keep that vegetation there and to keep that buffer between the existing single family. The staff report provided identifies the issues most significant issues and what that would mean for the development. There are also some sewer timing issues that would have to be worked out and we are finalizing this as well. There is no issue with water.

David Lanning---504 NE 192nd Terr. Smithville, MO 64089--- Stated that he knows this is not anywhere close to where he lives but he has the Clay Creek townhomes just north of his house. He has 185' barrier between the homes but the ruffraff is coming down into the single-family homes. We are getting trash and drugs coming down with these temporary housings. He does not see how this will help our city become any better than what it

is. We have a hard enough time getting workers to work at the Burger King and Taco Bell. What we currently have is short staffed, but we are going to bring in more fast-food restaurants. I am not seeing how any of this is going to help us.

Chrysi Mall---340 NE 144th St. Smithville, MO 64089---Stated that she lives a few lots behind this proposed development. She has more questions about this and stated that she is not ok with this development since she lives so close to it and after hearing what the previous gentleman had to say. Is there really a demand for this type of housing in the area? Is it really fulfilling a need that the city has? What type of housing is lot 3 going to be? We live on 144th St and it goes from pavement to gravel and believes there will be a lot of missed turns and 144th St is a dead-end street. How will that be mitigated as far as keeping the traffic on a gravel road to a minimum? Her other concerns are about storm sewers issues, will the road be paved, and curbs installed and there is a flood zone down there. She is concerned about the multi-family housing aspect of this. She already has kids walking in her backyard because they do not think anybody owns it so if it is more populate, she feels like that issue will get worse.

HENDRIX informed her that lot 3 will have apartments similar to lot 2.

Shane Crees---Applicant---13530 Mt. Olivet Rd. Smithville, MO 64089---Stated that prior to purchasing this property he went to the Planning and Development Department at the city to see what could and could not be done on this land. We sat down and went through the city's comprehensive plan to lay this out and meet the overall goal for the next 10 years for the city. There has been a lot of thought put into this and there are a lot of buffer areas for the existing neighbors and subdivisions. This is not something that will happen overnight. It is a long-term growth plan. It is something that would build out over the next 8-10 years. We tried looking at what the overall objective of the city was and that is what you are looking at today.

Public Hearing closed

9. FAIRVIEW CROSSING PLANNED DEVELOPMENT OVERLAY DISTRICT—3 MULTI-FAMILY LOTS & 10 COMMERCIAL LOTS AT THE NE CORNER OF 144TH AND 169 HWY

ALDERMAN CHEVALIER motioned to approve the Fairview Crossing Planned Development Overlay District—3 multi-family lots & 10 commercial lots at the NE corner of 144th & 169 Hwy. Seconded by DOTSON.

DISCUSSION:

DOTSON stated that during the Strategic Planning process this area of town was identified as a multi-family, work, play, shop concept and a lot of people were very much on board with that. She thinks that there are a lot of people that would like to live here and have been asking for more places to live. Single family homes have become so expensive that it is almost impossible so to have a place for them to come to would benefit the city overall. She does understand that there has been issues with drugs and kids and things like that and has that in her own neighborhood. She imagines that we will have to step up the police department to take care of these issues. This type of development in the long run will help the city and the school district because of the taxes coming from this. Roof tops makes for better schools and amenities. If you want more amenities or better improvements in the city there has to be a little bit of, give and take.

KATHCART also stated that during the Strategic Planning process one of the things identified was that we had trouble keeping teachers, fire fighters and police officers here because they cannot live here. They cannot afford a \$350,000 house which is about where we are starting now. So those people are having to go to school districts, fire stations and police stations where they can afford to live. There is a constant turn over in these professions. Look at the want ads for the school itself right now. There are multiple reasons for this but one of the biggest reason is we do not have a place for them to live.

MAYOR BOLEY stated that someone brought up not being able to get workers but kids living in half a million-dollar homes are not jumping to work at Burger King. Also, Lake Meadows subdivision has a lot of rentals, so the crime is not just coming into Lake Meadows from the townhomes or Diamond Crest or anywhere else. There are people who rent there too. He stated that he also lives in an apartment and takes offense to anyone implying that anyone who lives in apartments is riffraff. We have some pretty nice apartments here. We need this and we need workers. We have a 100-billion-dollar development going in on the south end of town that will bring in 1000 workers making prevailing wage that will need a place to live. They will be making anywhere from \$50 to \$100 an hour and he does not

consider that ruffraff. They need a place to eat and sleep and he would rather they spend their tax dollars here than Lee's Summit or somewhere else they are going to drive from. He said it is a great development and we should move forward.

HENDRIX stated that he would like to clarify some things for Mrs. Mall. She had expressed concern about traffic, sewer and all of that. Those items will be subject to the items that will be postponed tonight. Those are subdivision issues and will come back before the Commission at another meeting and she will have a right to come back and speak about those issues at another time. Also, if this goes through lots 1,2 & 3 will have to come back to Planning and Zoning for the site plan process review. They are currently looking at a maximum of 249 total units at full build out at \$625 per unit in parkland fees, which will generate a significant amount of income for purposes of improving the park amenities in this general vicinity and the city as a whole. These items will be accounted for in the future when they submit their proposal. As it relates to stormwater, if you look at the plat provided, tracts B and C are specific detention basins planned for this area. They have submitted a full stormwater study for the drainage area.

WILSON asked how many stories a building has to be before the Fire Department will have to invest in ladder trucks.

HENDRIX stated that our Fire District currently wants to limit it to 4 stories. Anything over that they will have to look into these types of things. Keep in mind that the Fire District will get sales and property taxes from this and that will help generate additional funding for them. The apartments in this development are identified to be 2 stories but that does not mean they cannot be adjusted to 3 stories. The current scenario in the comprehensive plan is that on the far south end of town they could be as tall as 6 stories but where this project is they are not intended to be that tall.

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

AYES-7, NOES-0. MOTION PASSED

10. PUBLIC HEARING: MAJOR SUBDIVISION—FAIRVIEW CROSSING TO CREATE 13 LOTS-- *TO BE POSTPONED*****

11. FAIRVIEW CROSSING PRELIMINARY PLAT (13 LOTS)--*TO BE POSTPONED*****

MAYOR BOLEY motioned to postpone items 10 & 11 on the agenda.
Seconded by KATHCART.

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

AYES-7, NOES-0. MOTION PASSED

12. ADJOURN

MAYOR BOLEY made a motion to adjourn. ALDERMAN CHEVALIER seconded the motion.

VOICE VOTE: UNANIMOUS

KATHCART declared the session adjourned at 7:56 p.m.

NOT YET APPROVED



May 6, 2022

Single Phase Final Plat for Clay County Parcel Id # 05-909-00-03-011.00

Application for a Plat Approval – McBee’s Corner Final Plat– 2 lots

Code Sections:

425.285.A.4

Single Phase Final Plat Approval

Property Information:

Address:

Richardson St. and 169 SE Corner

Owner:

Jolarub, LLC

Current Zoning:

B-3

Public Notice Dates:

1st Publication in Newspaper:

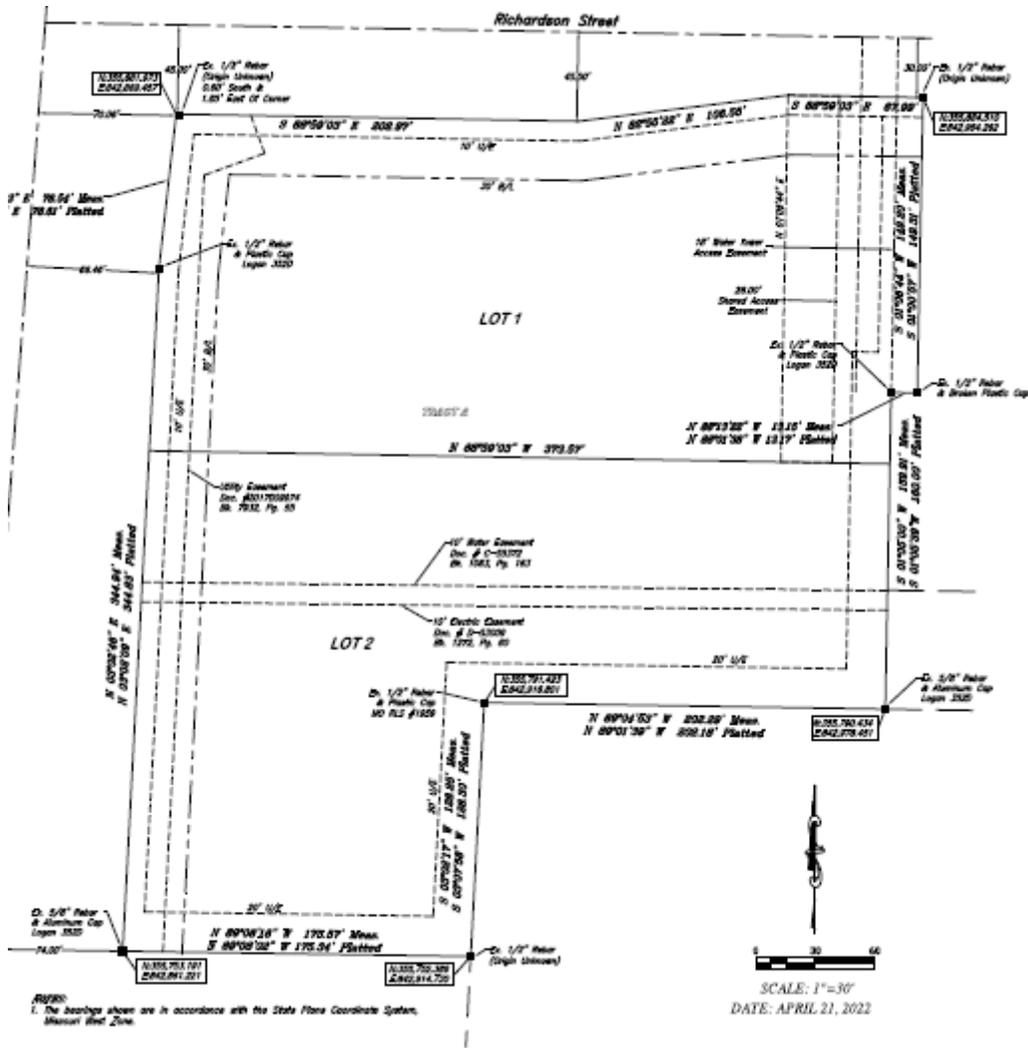
March 24, 2022

Letters to Property Owners w/in 185’:

March 28, 2022

GENERAL DESCRIPTION:

The property is currently Tract A, Smithville Library Heights subdivision. This Final Plat is the same as the Conceptual Plan document reviewed in the April Commission hearing. Approval of this plat is conditional to that plan approval due to the lot size and frontage variations, as well as certain sign size and location variants. This development was submitted with both stormwater and Traffic studies to address the impact of both upon the area.



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:
- 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 when compared to the approved conceptual plan.***
 - The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. ***The Development pattern is similar to the existing zoning on the property.***
 - The development shall be laid out in such a way as to result in:
 - Good natural surface drainage to a storm sewer or a natural watercourse. ***The property is to be graded to provide two flat building pads, with limited retaining walls on the south side of the lots to***

account for the slight grade to the south. Sufficient detention areas are provided per the submitted storm report, and the final construction plans must be approved prior to construction on any lot.

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. *Again, grading of the development is limited to level the areas in the lots to account for slight grade, and there are no trees or other desirable natural growth to preserve.*

(3) A good grade relationship with the abutting streets, preferably somewhat above the street. *Each lot will have access through the development in accordance with an approved Conceptual Plan using a private drive throughout. Initial development of a car wash site will have access from the east end of the lot from Richardson St. and includes a shared access drive with lot 2. A development agreement on this project requires that development of Lot 2 also include a shared access drive in the event a second access is granted onto 169 Highway.*

(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.*

(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. *There are no new public roadways considered, but improvements to 169 and Richardson will be partially funded by this development in accordance with its' impact on the intersection. (The intersection already meets the MODOT warrants for a traffic light). This particular project used the traffic study for Richardson Street Plaza northeast of the 169 intersection as the basis for its additional data. Both developments have nearly the same amount of traffic into the Intersection of Richardson St. and 169 Highway. With this equal traffic impact, the city has placed equal obligations on assisting funding for a traffic light at the intersection.*

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, the development will be extending a waterline from the north and connecting with an existing waterline that travels west across Lot 2, which will be abandoned, and the easement vacated when complete. The existing sewer line to the north will be extended*

south through lot 1 and leave a connection point for Lot 2 as well. Sidewalks already exist on the west and north of the project area.

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 development meets this standard.***

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.***

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval. ***Annexed.***

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, the plat includes the required dedications, and a development agreement ensures traffic impact costs are provided.***

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. **The development will be responsible for a portion of the cost to install a traffic light at 169 Highway and Richardson St. that matches the contribution of Richardson Street Plaza's requirements.**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat based upon adherence to the conditions contained in this report, including executing the Development Agreement.

Respectfully Submitted,

Director of Development

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of _____, 2022, by and between **MCBEE COMPANIES LLC AND/OR JOLARUB, LLC**, ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as McBee's Corner located generally east of US 169 and south of Richardson St. and being proposed to contain 2 commercial lots; and

WHEREAS, the Developer desires to create a Conceptual Plan for said commercial development; 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

now known as MCBEE'S CORNER, the legal description of which is Smithville Library Heights, Tract A.

2. It is recognized that the development will require extension of waterlines from Richardson St. to create a new connection to the existing line that exits the water tower area in order to abandon the existing waterline that bisects the proposed Lot 2 of the new subdivision. The developer agrees to install a new 12" waterline from the existing 12" waterline on Richardson St. to the existing supply line at the water tower and abandon the existing 8" supply line that leaves the water tower and travels west to a waterline on 169. All such construction will be after construction plans are approved and notice to proceed is issued by the City. Upon successful completion of the construction of the waterline, and abandonment of the existing line, the City hereby agrees to abandon the waterline easement on Lot 2 where the abandoned portion of the line is located.

3. That the City and the Developer recognize the need to construct a sewer extension from the north side of Richardson St., southerly to a point inside the boundaries of the proposed lot 2 of the subdivision. All such construction will be after construction plans are approved and notice to proceed is issued by the City.

4. 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 of the Developer's traffic study, which added additional data to a traffic study completed in 2021 for the same intersection, it was shown that the Richardson St./169 intersection currently met some of MODOT's traffic

warrants for a new stop light to be installed and that the additional traffic from the proposed development would exacerbate the existing conditions and also meet additional traffic MODOT warrants. As a result of a discussion with MODOT by the parties in the adjacent development, a funding path forward was suggested to be the best option. The Developers traffic data and the other development's traffic data indicated an nearly equal amount of traffic into the intersection. As a result, the parties do hereby agree that the Developer will match the contribution of the adjacent development and contribute 25% of the currently projected construction costs of a stop light at the intersection. The current estimate is \$400,000.00 for total construction cost. The Developer shall pay to the City the sum of \$100,000.00 prior to recording the subdivision plat to be held in escrow by the city solely for improvements to the 169 & Richardson St. intersection. It is understood that the City will work with MODOT to provide funding to assist in the construction of the stop lights, including contributions this and additional development to the northwest and potentially from other governmental entities that impact the intersection. Upon payment of said funds, the Developer shall have no further obligation to contribute funds for said stop light construction.

5. The parties agree and understand that currently only Lot 1 is intended to immediately begin construction on Lot 1 and that the access to streets for Lot 1 is on Richardson St. The parties further agree and understand that there may be a future request for an addition access point onto 169 from Lot 2 and that if and when that request is made, there must be another traffic impact report by that owner/developer

to identify the need for turn lane from 169. It is also understood that any such access to said lot 2 will be limited to a right-in, right-out configuration and an additional shared access easement from this access that traverses Lot 2 and connects with the current shared access easement on Lot 1.

6. 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.

7. 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 McBee's Corner 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 and this agreement.

8. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.

9. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both parties.

10. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.

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

12. This agreement shall not be effective until: (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 _____
Mayor

JOLARUB, LLC/MCBEE COMPANIES

By _____
Managing Member

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On the ____ day of _____, 2021, 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 Jolarub, LLC / McBee Companies, LLC, and said instrument was signed and sealed on behalf of said Jolarub, LLC / McBee Companies, LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said Jolarub, LLC / McBee Companies, LLC

Jolarub, LLC / McBee Companies, LLC

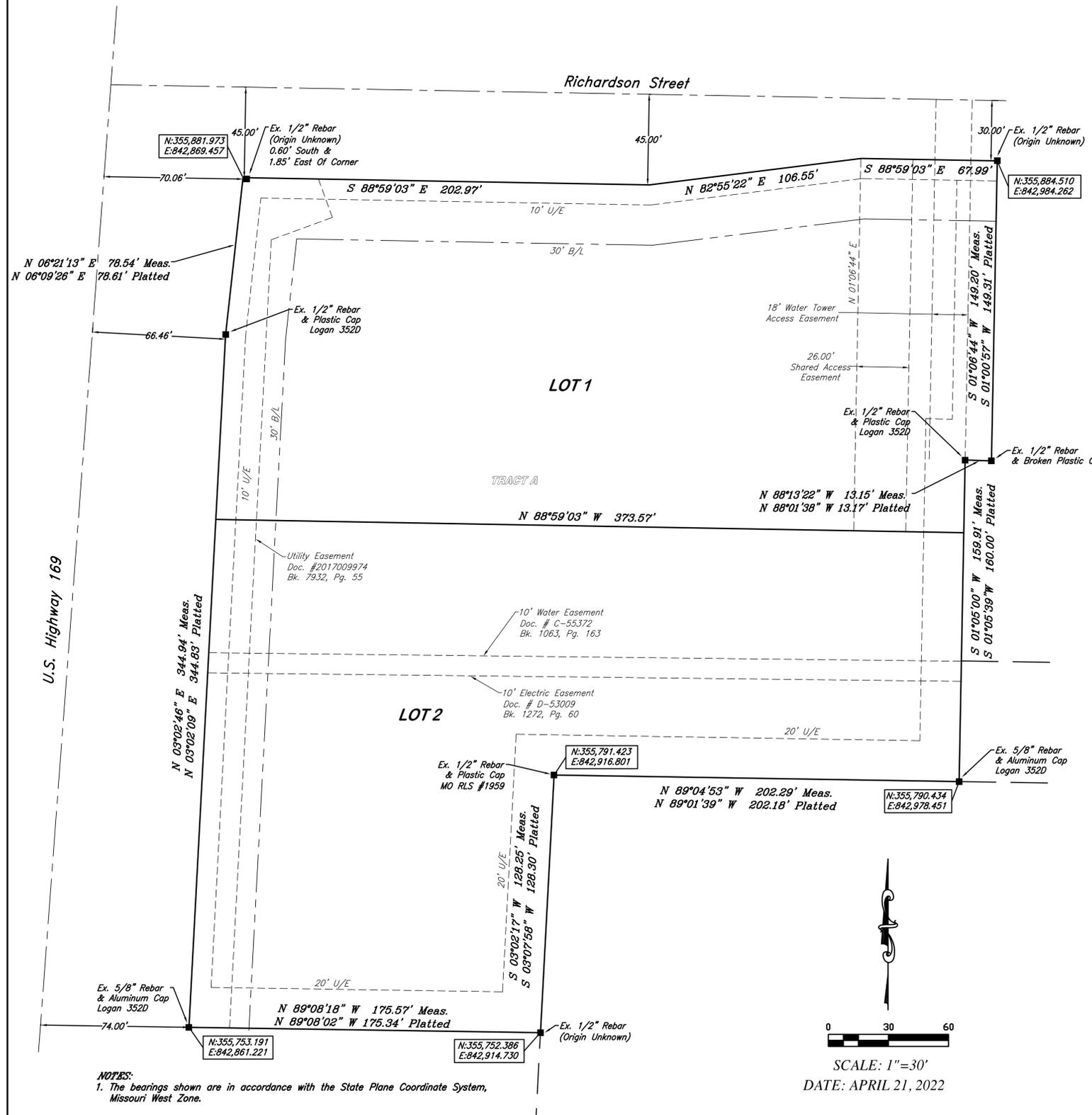
Member

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:

FINAL PLAT
McBee's Corner
 REPLAT TRACT A, SMITHVILLE LIBRARY HEIGHTS,
 SMITHVILLE, CLAY COUNTY, MISSOURI



DESCRIPTION:
 TRACT A, SMITHVILLE LIBRARY HEIGHTS, A SUBDIVISION IN SMITHVILLE, CLAY COUNTY, MISSOURI

DEDICATION:
 The undersigned proprietors of the above described tract have caused the same to be subdivided in the manner shown on the accompanying plat, which plat and subdivision shall hereafter be known as:

McBee's Corner

STREETS:
 Street right-of-way shown on this plat not heretofore dedicated to public is hereby dedicated.

EASEMENTS:
 An easement or license is hereby granted to the City of Blue Springs, Missouri, to locate, construct, and maintain or authorize location, construction, maintenance and use of conduits for all or any purpose, water, gas, sewer mains, poles and wires or all or any of them, over, under, an along the strips of land marked "UTILITY EASEMENT" or "U/E".

TESTIMONY WHEREOF:
 Jolarub, LLC, a Missouri Limited Liability Company, have caused these presents to be signed by its owner, Eduardo Garcia, this _____ day of _____ 2022.

Notary Public _____ Eduardo Garcia, owner
 State of _____
 County of _____, SS.

Be it remembered that on this _____ day of _____, 20____, before me, a notary public in and for said County and State, came Eduardo Garcia, owner, 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 the day and year above written.

My Commission Expires: _____

The final plat of McBee's Corner subdivision was submitted to and approved by the Smithville Planning and Zoning Commission on the _____ day of _____, 20____.

Seal _____
 Melissa Wilson, Chairman

Seal _____
 Deb Dotson, Secretary

The approval of the plat by the Board of Aldermen in the following form:

This plat approved _____ by the Board of Aldermen of Smithville, Missouri, this _____ day of _____, 20____.

(Seal) _____
 Damien Boley, Mayor

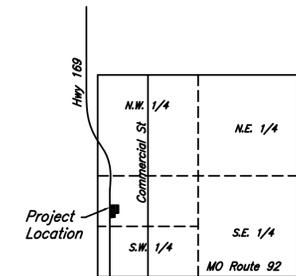
Attest: _____
 Linda Drummond, City Clerk

Entered on transfer record this _____ day of _____, 20____.

 Katee Porter, County Recorder

LEGEND

- EXISTING 1/2" REBAR
- SET 5/8" REBAR & ALUMINUM CAP
MO PLS #1958
- SET 1/2" REBAR & PLASTIC CAP
MO PLS #1958
- U/E UTILITY EASEMENT



SECTION 26, T-48-N, R-32-W

NOTES:
 1. The bearings shown are in accordance with the State Plane Coordinate System, Missouri West Zone.



SCALE: 1"=30'
 DATE: APRIL 21, 2022

PROPERTY ADDRESS:
 Highway 169 and Richardson Street

PREPARED FOR/ DEVELOPER:
 McBee's Coffee and Carwash
 1203 E US Hwy 24
 Independence Mo. 64050

I hereby certify that the within Plat of "McBee's Corner" subdivision is based upon an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current minimum standards for property boundary surveys as established by the Department of Natural Resources, Division of Geology and Land Survey, of the State of Missouri, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. I further certify that I have complied with all statutes, ordinances, and regulations governing the practice of surveying and platting of subdivisions to the best of my professional knowledge and belief.

 THOMAS W. CLEMONS, M.O. P.L.S. NO. 1958