



Planning and Zoning Commission Meeting

August 13, 2024

7:00 p.m. – City Hall Council Chambers and Via Videoconference

Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city's YouTube page through YouTube Live or may use the Zoom link below to access the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/88650763060>

Meeting ID: 886 5076 3060

Passcode: 689717

1. **Call to Order**
2. [Approve the July 9, 2024, Planning Commission Minutes](#)
3. **Staff Report**
4. [Site Plan Review 14450 N. 169 Highway, Suite B – Montessori Academy](#)
Site Plan Review for a 5,109 ft2 addition
5. **Public Hearing**
Proposed amendments to 400.400, 400.450, 400.570, and 425.090 to remove all provisions concerning fees into the Board of Aldermen's Annual Schedule of Fees.
6. [Ordinance amending the Zoning Code](#)
Recommendation for changes to various code provisions to place all fee provisions into the Board of Aldermen's Annual Schedule of Fees.
7. **Public Hearing**
Rezoning 26.79 acres from B-3 General Business to R-1D and R-3 at the southeast corner of 169 Hwy and W Hwy.
8. [Rezoning 26.79 acres of land at 169 Hwy and W Hwy](#)
Applicant seeks to rezone land from commercial to residential to allow a residential subdivision.
9. **Public Hearing**
Preliminary Plat of Clay Creek Meadows to create a 62-lot subdivision on 26.79 acres
10. [Preliminary Plat Approval – 66 lot subdivision with 216 Dwelling Units](#)



Applicant seeks Preliminary Plat approval for a 66-lot subdivision with 13 single-family lots and 53 multifamily lots with a combined total of 216 dwelling units.

11. Adjourn



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

July 9, 2024

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 7:00 p.m.

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

Staff present: Jack Hendrix and Brandi Schuenger.

2. MINUTES

The June 11, 2024, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by SCARBOROUGH.

Ayes 5, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

The Fairview Crossing North Strip Mall has opened. 3 tenants are currently operational. A permit for a new donut shop in the strip mall should be issued soon. Another lot in Fairview Crossing North is on tonight's agenda for site plan approval.

Fairview Crossing has started grading and stormwater. Once all infrastructure work is completed this will open up a lot for 64 townhomes.

On our August agenda we anticipate a subdivision and rezoning at W and 169 Hwy. This is proposed to be called Clay Creek Meadows and will have multi-family and single family homes.

Construction plans should be submitted soon for the strip center at Richardson Street Plaza. The site plan for this has already been approved back in March 2024.

The development south of Wildflower subdivision may be submitting soon.

4. SITE PLAN REVIEW 14790 N. FAIRVIEW DR – NODAWAY VALLEY BANK

- **SITE PLAN REVIEW FOR A 4,273 FT2 BANK BUILDING**

ALDERMAN WILSON motioned to approve the Site Plan for Nodaway Valley Bank at 14790 N. Fairview Dr. Seconded by DOTSON.

DISCUSSION:

HENDRIX stated that the staff report is included in the packet. For the last 4 to 5 months city staff and representatives for the bank worked through adjustments to get ingress/egress to meet standards. The traffic study and stormwater study was completed and also meet our standards. Staff's recommendation is approval.

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

AYES-5, NOES-0. MOTION PASSED

5. STREET DESIGNATION AND NAME CHANGE DISCUSSION

- **5TH ST. CIRCLE**
- **FOURTH ST. TERRACE**
- **THIRD ST. TERRACE**
- **NORTHBOUND/SOUTHBOUND COMMERCIAL AVE/ST**
- **EASTBOUND/WESTBOUND COMMERCIAL ST/AVE TO 148TH STREET**

MAYOR BOLEY motioned to make recommendations for Street Designation and Name Change Discussion. Seconded by SCARBOROUGH.

HENDRIX stated that the staff report is included in the packet. Staff's recommendations are as follows:

- Fifth Street Circle changes to Fifth Circle or Fifth Drive.
- Fourth Street Terrace changes to Fourth Terrace.
- Third Street Terrace changes to Third Terrace.
- Northbound/Southbound Commercial Ave/St changes to Commercial Ave. But Commercial Street is an option also.
- Eastbound/Westbound Commercial St/Ave changes to 148th Street.

HENDRIX requested that they start by discussing changes for Fifth Street Circle.

ALDERMAN WILSON stated that she prefers Fifth Circle.

MAYOR BOLEY stated that this is a road that currently doesn't exist and Mr. Chevalier has always wanted a road named Old Rock Road. We should just name it that.

CHEVALIER stated that he is ok with this and thinks it's a good idea.

CHEVALIER motioned to change Fifth Street Circle to Old Rock Road. Seconded by MAYOR BOLEY.

VOICE VOTE: AYES: 4 NOES: 1

HENDRIX moved on to discussing changes for Fourth Street Terr.

MAYOR BOLEY motioned to change Fourth Street Terr to Fourth Terr. Seconded by ALDERMAN WILSON.

VOICE VOTE: AYES: 5 NOES: 0

HENDRIX moved on to discussing changes for Third Street Terr.

SCARBOROUGH motioned to change Third Street Terr to Third Terr. Seconded by ALDERMAN WILSON.

VOICE VOTE: AYES: 4 NOES: 1

HENDRIX moved on to discussing changes for Northbound/Southbound Commercial Ave/St.

MAYOR BOLEY motioned to change Northbound/Southbound Commercial Ave/St. to Commercial Ave. Seconded by DOTSON.

VOICE VOTE: AYES: 5 NOES: 0

HENDRIX moved on to discussing changes for Eastbound/Westbound Commercial Ave/St.

MAYOR BOLEY motioned to change Eastbound/Westbound Commercial Ave/St. to 148th St. Seconded by SCARBOROUGH.

VOICE VOTE: AYES: 5 NOES: 0

6. ADJOURN

SCARBOROUGH made a motion to adjourn. ALDERMAN WILSON seconded the motion.

VOICE VOTE: AYES: 4 NOES: 1

CHAIRMAN CHEVALIER declared the session adjourned at 7:27 p.m.



Planning and Zoning Commission Procedural Summary

MEETING DATE: 8/13/2024

ACTION ITEM: Site Plan Review

AGENDA ITEM: Site Plan Review 14450 N. 169 Hwy – Montessori Academy

REQUESTED COMMISSION ACTION:

A motion to approve the Site Plan for the expansion of the Montessori Academy building

SUMMARY OF PROCEDURE:

The application is to authorize amending the size and layout of the Montessori Academy building at the Major Mall. When reviewing site plans the following conditions are to be considered:

1. The extent to which the proposal conforms to these regulations.
2. The extent to which the development would be compatible with the surrounding area.
3. The extent to which the proposal conforms to the provisions of the City's subdivision regulations concerning the design and layout of the development, as well as water system, sewer system, stormwater protection and street improvements.
4. The extent to which the proposal conforms to the policies and provisions of the City's Comprehensive Plan.
5. The extent to which the proposal conforms to the adopted engineering standards of the City.
6. The extent to which the locations of streets, paths, walkways and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
7. The extent to which the buildings, structures, walkways, roads, driveways, open space and parking areas have been located to achieve the following objectives:
 - a. Preserve existing off-site views and create desirable on-site views;
 - b. Conserve natural resources and amenities available on the site;
 - c. Minimize any adverse flood impact;
 - d. Ensure that proposed structures are located on suitable soils;
 - e. Minimize any adverse environmental impact; and
 - f. Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.

ATTACHMENTS:

- | | |
|--|---|
| <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Other: |



STAFF REPORT
August 8, 2024
Site Plan Review of Parcel Id #05-820-00-02-006.00

Application for a Site Plan Approval

Code Sections:
400.390 – 400.440 Site Plan Approval

Property Information:

Address: 14450 N. 169 Hwy, Suite B
Owner: Major Lumber Co. Inc.
Current Zoning: B-3

Application Date: June 18, 2024

GENERAL DESCRIPTION:

Applicant seeks to obtain site plan approval for a 6,000+ square foot addition to the Major Mall building. The applicant presented the same proposal in 2021, but took no action on the approval. In accordance with our regulations, that approval was valid for only one year. The purpose of that limitation is to require new applications to comply with the newest requirements. In this case, the applicant needed to provide a Traffic Impact Assessment to determine if a full study would be required and provide an assessment of the extent of change of the impervious areas of the site to determine if any stormwater study would be needed.

The TIA was provided that clearly showed that no traffic study was required. The City's Public Works department determined that the additional impervious area was less than 1% of the total area of the project site and no new study would be required. All other aspects of the project are the same as was previously approved by the Commission and the Board of Aldermen. The following excerpt is from the 2021 staff report on the matter:

Since it is an expansion, the proposal is required to make the addition as cohesive with the existing structure as is practical.

The existing structure is shown here:



As shown on the attached plan sheets, the request is to extend the lower level out from the existing façade. The roof is proposed to contrast the existing metal on the roof and the second story façade, and the three sides of the addition to be clad with a faux red brick material. The entrance to the new structure will include a new canopy using black metal. The stucco areas will be beige colored.

To the extent that the construction will occur over existing paved areas, and the only additional areas of pavement will be a small area for three parking spaces, no adverse impact to the stormwater drainage will occur. The area will continue to drain naturally to the south over the existing vegetation and into the road ditch.

In there is an addition to an existing building scenario, the purpose of this review is to verify the addition will not bring the overall building/project out of compliance with the code. In this case, the contrasting style, material and color scheme actually upgrade the buildings' compliance with the code while still blending with the existing structure.

STAFF RECOMMENDATION:

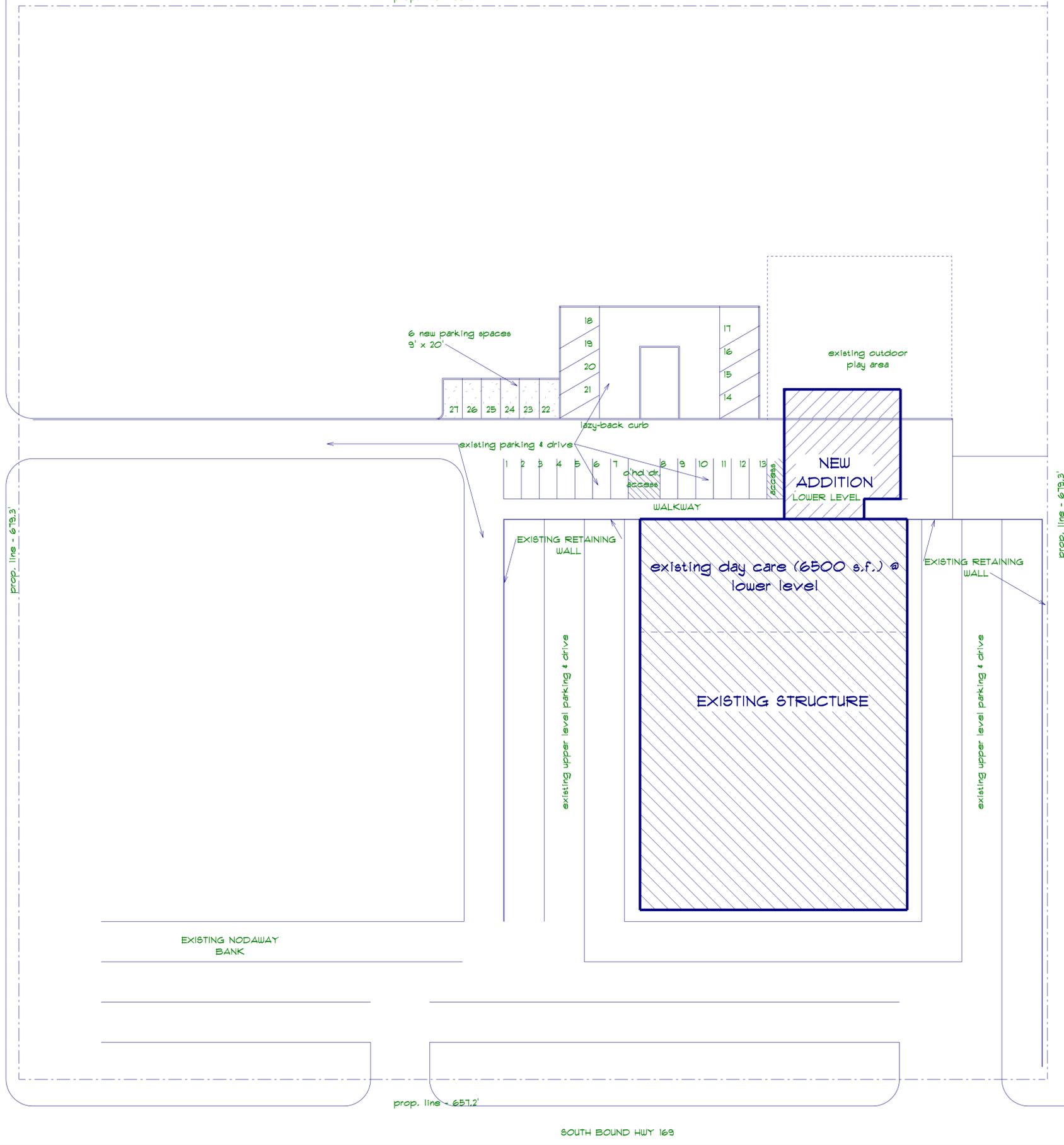
Staff recommends APPROVAL of the proposed Site Plan with the condition that no permit shall issue until approval of the final design plans have been reviewed and approved by both the City and the Fire District.

Respectfully Submitted,

S/Jack Hendrix/S
Director of Development

existing zone B-3

prop. line - 657.2'



5109 s.f. addition to 6500 s.f. existing day care @ lower level.
 Upper level approx. 28,000 s.f.
 Existing Zoning B-3
 Existing Site - 443,379 s.f. , 10.18 acres

existing zoning B-3



SITE PLAN
 SCALE: 1/4" = 1'-0"

existing zoning R-1B

existing zoning across 169 - A-1



GROUND SNOW LOAD - 20#/S.F.
 WIND SPEED - 90 M.P.H.
 SEISMIC DESIGN CATEGORY - A
 FROST LINE DEPTH - 36"

Renovations to the
 Smithville Montessori
 14450 US Hwy 169
 Suite B

Dennis E. Tuck,
 Architect
 12319 Moffitt
 Liberty, MO 64068

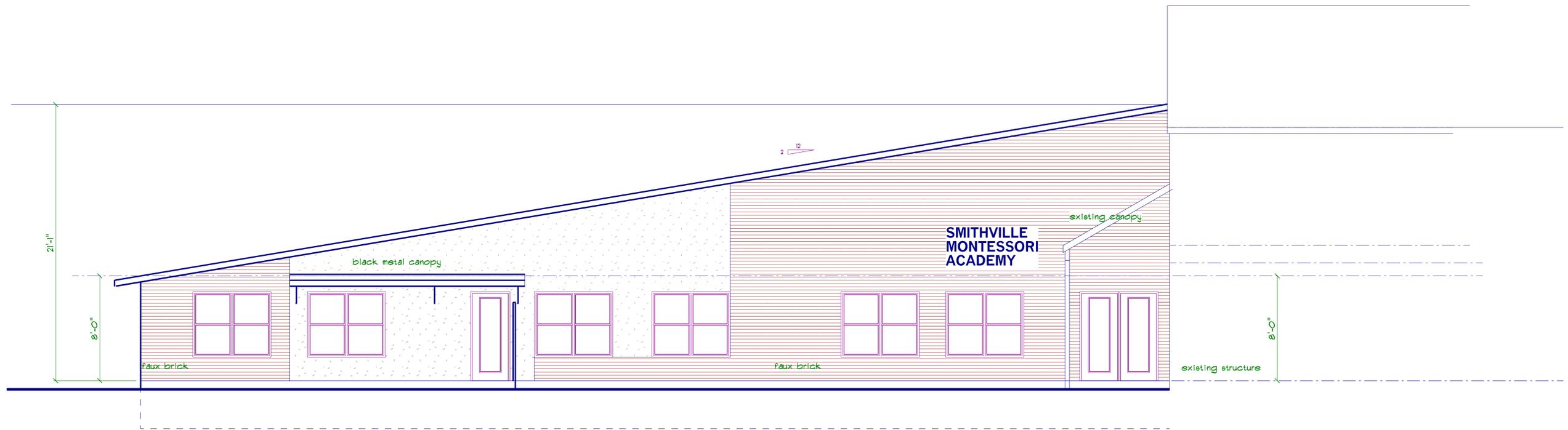
Archituckture
 816.622.5013

Sheet
 1
 Wednesday, June 19, 2020
 Job. NO.
 20.011

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WEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Renovations to the
Smithville Montessori
14450 US Hiway 169
Suite B

GROUND SNOW LOAD - 20#/S.F.
WIND SPEED - 90 M.P.H.
SEISMIC DESIGN CATEGORY - A
FROST LINE DEPTH - 36"

Dennis E. Tuck,
Architect
12319 Moffitt
Liberty, MO 64068

Archituckture
816.628.5013

Sheet
3

Wednesday, June 18, 2020
Job. NO.
20.011

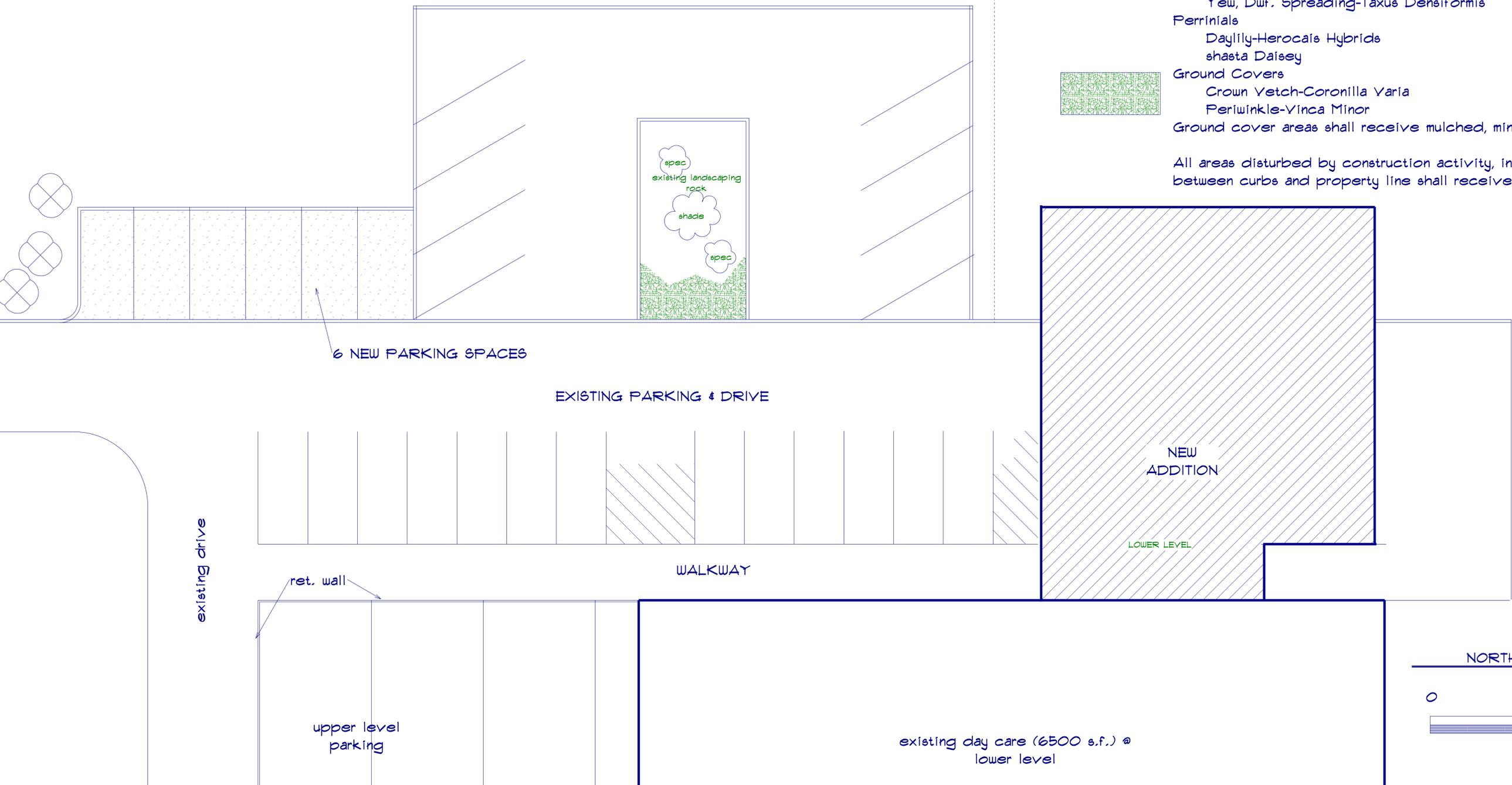
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LANDSCAPING SCHEDULE
Recommended Species

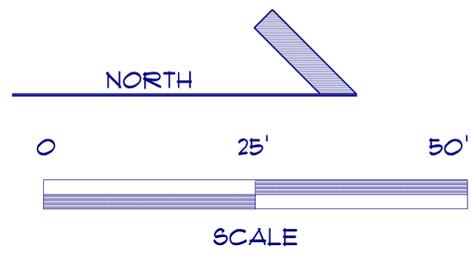
✳	Evergreens Pine, Austrian-Pinus Nigra	6'-8'
☁ shade	Trees, shade Maple, Silver-Acer Saccharinum Ash, Marshall's Seedless-Fraxinum Pennsylvanica Plane Tree, London-Platanus Acerifolia	2-2.5" cal. 2-2.5" cal. 2-2.5" cal.
☁ spec	Trees, Specimen Crab, Radiant-Malus sp Redbud (1 stem)-Cercis Canddensis Locust, Sunburst-Gleditsia Triacantos Inermis (Red Oak, Cottonless Cottonwood, Hackberry, Silver Maple, Pecan Sycamore, Walnut, Bradford Pear and Autumn Olive may be considered)	2-2.5" cal. 1-1.5" cal.
⊗	Shrubs Euonymus, Dwf. Winged-Euonymus Compactus Spirea, Goldflame-Spirea h.v. Forsythia, Showy Border-Forsythia Intermedia Quince, Japanese Fowerint-Chaenomeles Japonica Euonymus, Jewell-Euonymus Fortuei Euonymous, Paul i - Euonymus Ki autschovi cus Pyracanta, Lowboys - Pyracantha Cocci nea Yew, Dwf. Spreading-Taxus Densiformis	18-24" 3 gal.
☒	Pennials Daylily-Herocals Hybrids shasta Daisey	1 gal. 1 gal.
☒	Ground Covers Crown Vetch-Coronilla Varia Periwinkle-Vinca Minor	4" pot 36/flat

Ground cover areas shall receive mulched, min. 2" deep.

All areas disturbed by construction activity, including areas between curbs and property line shall receive sod.



LANDSCAPING PLAN



Renovations to the
 Smithville Montessori
 14450 US Hwy 169
 Suite B
 Dennis E. Tuck,
 Architect
 12319 Mcbritt
 Liberty, MO 64068
Archituckture
 816.622.5013
 Sheet
 1A
 Wednesday, June 13, 2024
 Job. NO.
 20.011
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**Planning and Zoning Commission
Procedural Summary**

MEETING DATE: 8/13/2024

DEPARTMENT: Development

AGENDA ITEM: Zoning and Subdivision Code Fees amendment

REQUESTED COMMISSION ACTION:

A motion to Adopt the proposed recommendations attached to the proposed ordinance to the Board.

SUMMARY OF PROCEDURE:

The application is to The procedures for amending text of the zoning code are governed by §400.560 of the code. The relevant provisions are here:

- A. Recommendations. Upon the conclusion of the public hearing, the Planning and Zoning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Governing Body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendation shall be included.
- B. Amendments To The Text. When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the Planning and Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:
 1. Whether such change is consistent with the intent and purpose of these regulations;
 2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
 3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected or in the area of jurisdiction of such changed or changing conditions.

A draft Statement from the Commission is presented, along with an Ordinance that will be submitted to the Board of Aldermen. The motion to approve (listed above) must be seconded, and if seconded, discussion on the matters of the public hearing and any documents provided may be discussed.

ATTACHMENTS:

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



Date:	August 8, 2024
Prepared By:	Jack Hendrix, Development Director
Subject:	Zoning Code Amendment – Fee Provisions to Move to Schedule of Fees

During budget work this year, it was identified that there are several provisions throughout the code of ordinances that still contain specific references to the cost or permits or fees for applications. Over the last several years, fee provisions in various ordinances have been changed to direct all such inquiries into one consistent location that contains all the City's fees and charges. It was identified that most of the zoning code provisions and all of the subdivision code fee provisions have not been referred into that Schedule.

Since the Board of Aldermen annually review the fees contained in the Schedule of Fees, it is more efficient to have all ordinances refer the actual fee provisions of the respective matters to be found in the Schedule of Fees. This will allow the Board of Aldermen full control of the expenditures and costs on an annual basis and to avoid the Board directing staff to present the proposed fee change to the Commission for its review, simply because it is located within the zoning code or the subdivision code. Since all changes to such codes must come through the Planning & Zoning Commission, this eliminates the need for the Commission to review the changes proposed by the Board of Aldermen.

The accompanying ordinance contains provisions to refer the fees for Site Plan Review, Rezoning, Conditional Use Permits and all subdivision code fees to the Schedule of Fees as adopted by the Board of Aldermen annually.

The proposed Statement of the Nature and Effect of text changes required by §400.560.B of the code are attached at the end of the proposed ordinance.

BILL NO. 3038-24

ORDINANCE XXXX-24

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400 OF THE ZONING CODE AND CHAPTER 425 OF THE SUBDIVISION CODE PERTAINING TO FEES AND COSTS

WHEREAS, the Planning Commission advertised and held a public hearing on February 13, 2024 related to proposed changes to various provisions of the zoning and subdivision codes that pertain to the amount of fees and costs; and

WHEREAS, following the public hearings, the Planning and Zoning Commission approved the changes based upon the desire to incorporate all fees for zoning and subdivision matters be identified in the City's Schedule of Fees and to be addressed by the Board of Aldermen on an annual financial basis; and

WHEREAS, the Planning Commission has provided its' statement required by §400.560.B of the Code, which is attached as Exhibit A;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for consistent oversight of the costs of each application and the overall financial stability of the City.

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

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.440 regarding Site Plan Review Fees in its' entirety and replacing it with the following new Section 400.400:

Section 400.400 Application and Fees.

A site plan application, together with a site plan application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted to the Development Director. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 2. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.550.E regarding Rezoning Application Fees in its' entirety and replacing it with the following new Section 400.550.E:

400.550 General Provisions

E. Fees. An application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted with the application. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with public notices, certified letters, map reprinting, as well as engineering and legal costs incurred in reviewing and approving the applicant's request.

SECTION 3. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.570.B regarding Conditional Use Permit Application Fees in its' entirety and replacing it with the following new Section 400.570.B

B. Procedure. The consideration of a Conditional Use permit application shall be handled in the same manner as a zoning amendment regarding the requirement for public hearing, notices, protests and action by the Planning Commission and Governing Body. The application shall include fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees.

SECTION 4. Chapter 425 of the Code of Ordinances is amended by deleting Section 425.090 Filing and Permit Fees in its' entirety and replacing it with the following new Section 425.090.

Section 425.090 Filing and Permit Fees.

For all applications in this Chapter 425, a fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be paid. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 5. This ordinance shall be in full force from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this _____th day of _____, 2024.

Damien Boley, Mayor

ATTEST

Linda Drummond, City Clerk

First Reading: / /2024

Second Reading / /2024

EXHIBIT A

STATEMENT OF PLANNING COMMISSION ON FEES CODE AMENDMENTS

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are all zoning districts as it relates to the fees to be paid to make amendments or changes to the zoning or subdivision status of the property.
3. This amendment is made necessary to provide consistent and regular Board of Aldermen review of all fees and costs charged for zoning and subdivision changes.



Planning and Zoning Commission Request for Action

MEETING DATE: 8/13/2024

DEPARTMENT: Development

AGENDA ITEM: Rezoning 26.79 acres at 169 Hwy and W Hwy

REQUESTED COMMISSION ACTION:

A motion to approve the Findings of Fact and make its' recommendation for approval or disapproval.

SUMMARY OF PROCEDURE:

The application is to rezone the subject property from the current zoning of B-3 to both R-1D and R-3 in accordance with the proposed preliminary plat for a new subdivision. A draft findings of fact are presented, along with an Ordinance that will be submitted to the Board of Aldermen. The motion to approve (listed above) must be seconded, and if seconded, discussion on the matters of the public hearing and any documents provided may be discussed.

Voting to approve the Findings of Fact will send the draft version to the Board. If a Commissioner seeks to amend one or all of the proposed findings, then a motion to amend (paragraph #) with language on what change is sought should be made. If that motion to amend is seconded, it then becomes the discussion point of the Commission. This process continues until there are no more proposed amendments.

Once the original motion is amended, or if no amendments are made, discussion can focus on the proposed findings. When discussion is complete, the chair shall call for a vote.

ATTACHMENTS:

- | | |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Findings of Fact | |



STAFF REPORT

August 8, 2024

Rezoning of Parcel Id # 01-903-00-01-006.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: N 169 Hwy and W Hwy
Owner: Clay Creek Meadows, LLC
Current Zoning: B-3
Proposed Zoning: R-1D and R-3

Public Notice Dates:

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

GENERAL DESCRIPTION:

The applicant submitted an application proposing to rezone approximately 26.79 acres +/- from B-3 to R-1D and R-3. The proposed zoning classifications allow for 50' wide single family lots along Lake Meadows Drive, and multi-family lots around the existing Clay Creek multi-family lots.

EXISTING ZONING:

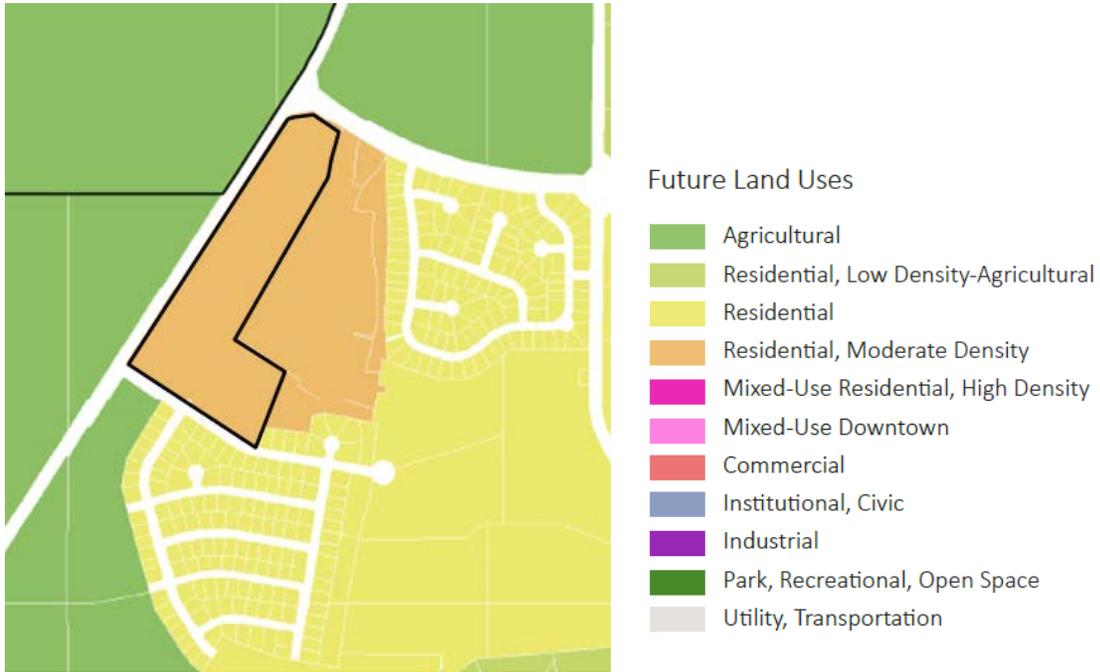
The existing zoning is B-3 and has been in place since July 9, 1991.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is multi-family, 4 unit townhomes to the east in the Clay Creek subdivision, and single-family detached housing south of Lake Meadows Dr. and at the southeast corner of said parcel. The parcel itself has been farmed in previous years with row crops, and west of 169 and north of W Highways are also farmed.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy identifies the area in question as moderate density residential (5-18 units per acre) as shown in orange below. That moderate density designation on a combined 47.28 acres (Clay Creek and Clay Creek Meadows properties) would allow between 237 units (5 DUPA) and (851 DUPA):



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

Streets and Sidewalks:

Street extension of Corbyn Lane and any new streets to be constructed will be at the sole cost and expense of the developer and in accordance with existing APWA standards. The property has adjacent access to both W Highway to the north and 169 Highway to the west.

Water, Sewer and Storm water

The city as water and sewer lines in the area to be extended at the developer's expense, and the existing detention basins of Clay Creek have more than enough capacity for all detention so no impact to stormwater is expected. Any such impact 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*

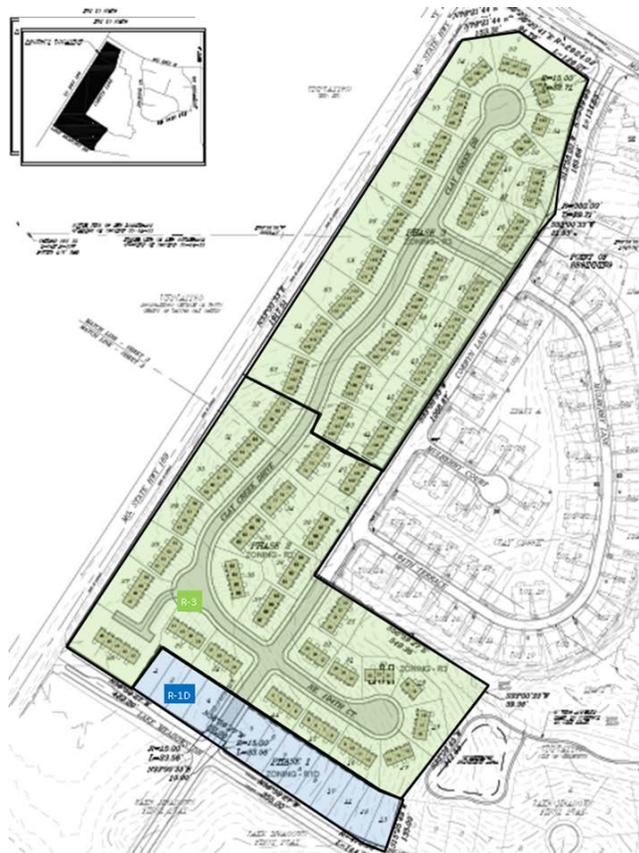
The current use is as farmland, but it is allowed commercial uses through its' current zoning of B-3 General Business.

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

The property has been zoned commercial for 33 years and no development has occurred.

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

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



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

No detrimental effects are known.

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

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

STAFF RECOMMENDATION:

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

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Clay Creek Meadows, LLC

Land Use Proposed: R-1D and R-3

Zoning: B-3

Property Location: Southeast Corner of 169 Hwy and W Hwy

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on August 13, 2024, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.

The surrounding area is multi-family, 4 unit townhomes to the east in the Clay Creek subdivision, and single-family detached housing south of Lake Meadows Dr. and at the southeast corner of said parcel. The parcel itself has been farmed in previous years with row crops, and west of 169 and north of W Highways are also farmed.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy identifies the area in question as moderate density residential (5-18 units per acre) as shown in orange below. That moderate density designation on a combined 47.28 acres (Clay Creek and Clay Creek Meadows properties) would allow between 237 units (5 DUPA) and (851 DUPA):

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

All of the public utilities and needed public services are available, and any upgrades to the systems are the sole responsibility of the development.

4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is as farmland, but has been zoned for commercial for many years, with no development..
5. Length of time the property has remained vacant as zoned.
The property has been vacant as zoned for 33 years with no development.
6. Compatibility of the proposed district classification with nearby properties.
The proposed district matches the adjacent existing 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 13, 2024, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Zoning of this property from B-3 General Business to both R-1D Single Family and R-3 Multifamily is governed by Section 400.620 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 zoning the property to R-1D and R-3 as shown on the proposed preliminary plat for Clay Creek Meadows.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI.

WHEREAS, The City of Smithville received an application for rezoning on June 18, 2024 for property located at the southeast corner of 169 and W Highways; and

WHEREAS, a Public Hearing was conducted before the Planning Commission on August 13, 2024; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as A-R.

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

The property legally described as:

ALL THAT PART OF THE EAST ONE-HALF OF SECTION 35, TOWNSHIP 54 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTHEAST QUARTER OF SAID SECTION 35, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35, THENCE N89°38'39" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, ALSO BEING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1048.84 FEET TO A POINT ON THE WESTERLY LINE OF CLAY CREEK, A SUBDIVISION OF LAND IN SMITHVILLE, CLAY COUNTY, MISSOURI AND THE WESTERLY RIGHT OF WAY LINE OF CORBYN LANE, ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE S33°00'33"W, ALONG THE EASTERLY LINE OF SAID CLAY CREEK AND THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE, A DISTANCE OF 1066.87 FEET TO THE WESTERLY MOST CORNER OF SAID CLAY CREEK; THENCE S56°59'27"E, ALONG THE SOUTHERLY LINE OF SAID CLAY

CREEK, A DISTANCE OF 549.36 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S33°00'33"W, A DISTANCE OF 39.38 FEET TO A CORNER ON SAID SOUTHERLY LINE; THENCE S38°09'45"W, A DISTANCE OF 342.55 FEET TO THE NORTHWEST CORNER OF LOT 10, LAKE MEADOWS FIRST PLAT, A SUBDIVISION OF LAND IN SMITHVILLE, CLAY COUNTY, MISSOURI; THENCE S15°25'48"W, ALONG THE WESTERLY LINE OF SAID LOT 10, A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF LAKE MEADOWS DRIVE; THENCE NORTHWESTERLY, ALONG THE NORTHERLY LINE OF SAID LAKE MEADOWS AND THE NORTHERLY RIGHT OF WAY LINE OF SAID LAKE MEADOWS DRIVE, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N74°34'12"W HAVING A RADIUS OF 470.00 FEET, AN ARC DISTANCE OF 144.20 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 355.00 FEET; THENCE NORTHWESTERLY AND NORTHEASTERLY CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.56 FEET; THENCE N33°00'33"E, CONTINUING ALONG SAID LINE, A DISTANCE OF 10.00 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 60.00 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S33°00'33"W HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.56 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 422.20 FEET TO THE NORTHERLY MOST CORNER OF SAID LAKE MEADOWS FIRST PLAT, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY NO. 169; THENCE N33°00'33"E, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID MISSOURI STATE HIGHWAY NO. 169, A DISTANCE OF 1917.51 FEET; THENCE N78°21'44"E, A DISTANCE OF 153.31 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY W; THENCE S56°20'41"E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID MISSOURI STATE HIGHWAY W, A DISTANCE OF 94.79 FEET; THENCE SOUTHEASTERLY, CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE LEFT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 2924.02 FEET, AN ARC DISTANCE OF 126.07 FEET TO A POINT ON THE WESTERLY LINE OF SAID CLAY CREEK; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID CLAY CREEK, ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 22.71 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE; THENCE CONTINUING SOUTHERLY ALONG THE WESTERLY LINE OF SAID CLAY CREEK AND THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE, ALONG A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 539.95 FEET, AN ARC DISTANCE OF 131.65 FEET; THENCE S13°58'00"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 185.68 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID LINE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE HAVING A RADIUS OF 300.00 FEET, AN ARC DISTANCE OF 99.71 FEET; THENCE S33°00'33"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 21.93 FEET TO THE POINT OF BEGINNING.

is hereby set as R-1D and R-3 in accordance with the attached Preliminary Plat.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS _____ DAY OF _____, 20_____

Mayor

ATTEST:

City Clerk

First Reading: / /2024

Second Reading / /2024



Planning and Zoning Commission Procedural Summary

MEETING DATE: 8/13/2024

DEPARTMENT: Development

AGENDA ITEM: Clay Creek Meadows Subdivision Preliminary Plat.

REQUESTED COMMISSION ACTION:

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

SUMMARY OF PROCEDURE:

The application is to approve a three phased subdivision that would create 66 lots on 26.79 +/- acres of land at 169 and W Highways.

The Commission shall take into account the public hearing input, the staff report and any other documents or photographs provided at the hearing. The staff report is organized with each of the Guidelines for Review identified in §425.275.A.3 of the Code of Ordinances with staff and engineering findings of each item for evaluation.

In cases where the recommendation is for the disapproval of the plat, the applicant shall be notified of the reason for such action and what requirements shall be necessary to obtain the recommendation of approval of the Planning and Zoning Commission.

ATTACHMENTS:

- Development Agreement
- Plans

- Staff Report
- Other: Guidelines for Review



STAFF REPORT

August 8, 2024

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

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

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

Public Notice Dates:

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

GENERAL DESCRIPTION:

The applicant requested rezoning approval simultaneously with this application for a Preliminary Plat. That request, if approved and adopted by the Board of Aldermen, would set the zoning at R-1D for Lots 1-13, and R-3 for Lots 14-66. The proposed plat would create 13 lots of Single-Family Small Lots with widths varying from 52' at the west end and increasing as the lots approach the existing homes on Lake Meadows Dr., tapering up to 64.01 feet. The R-3 lots (14-66) would be for buildings varying from 2-family units to 5-family, with the vast majority being 4-family townhomes.

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

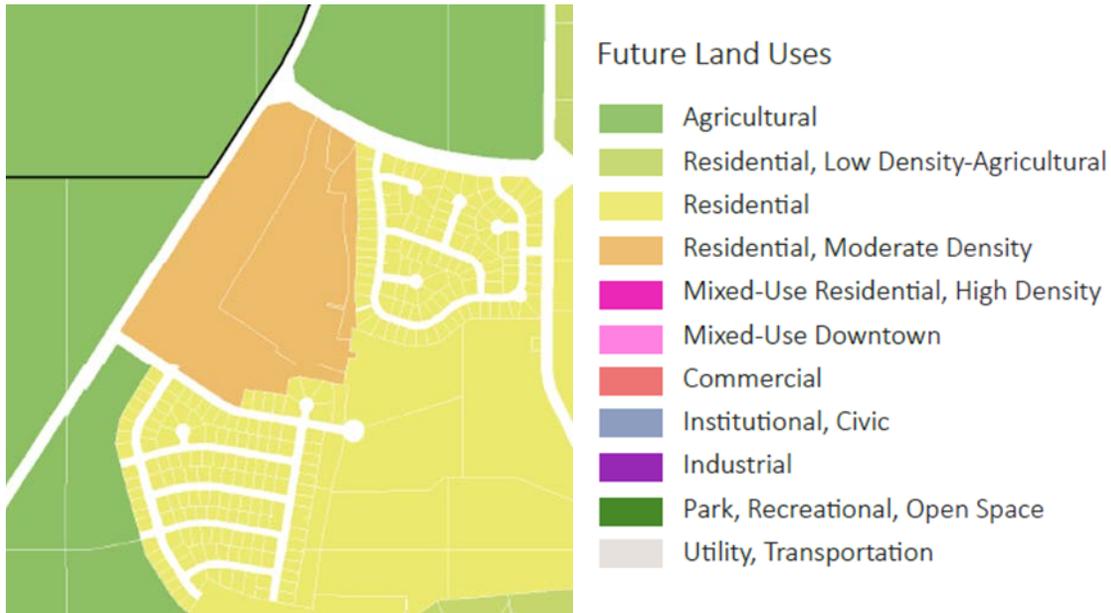
Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat:

- a. The plat conforms to these regulations and the applicable provisions of Chapter 400, Zoning Regulations, and other land use regulations.

The plat conforms to the subdivision zoning regulations of the City.

b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.

The plat is consistent with the Comprehensive Plan's future land use map, below:



The proposal specifically addresses multiple Action Steps in the Comprehensive Plan as follows:

HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.

HN 3.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

HN 3.2 Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities.

HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

HN.4.2 Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network.

RC.2.1 Encourage development, mainly residential development, near existing and proposed trail networks.

RC.2.2 Encourage new developments to provide access and pathways to existing and proposed trail networks.

c. The development shall be laid out in such a way as to result in:

(1) Good natural surface drainage to a storm sewer or a natural watercourse.

The subdivision drains to existing drainage basins of the Clay Creek Subdivision.

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.

The area is generally an undeveloped farm field with a corner area that was untended for many years. The grading needed will allow the drainage areas to remain protected while giving sufficient developable areas for construction.

(3) A good grade relationship with the abutting streets, preferably somewhat above the street.

Yes, to the extent possible, lots are generally above the adjacent streets which will be used for access.

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.

Yes, the lots widths meet the standards in the zoning code for the proposed districts, including all setbacks.

(5) Adequate lot depth for outdoor living space.

The lots meet the minimum sizes.

(6) Generally regular lot shapes, avoiding acute angles.

To the extent practicable with cul-de-sacs and knuckles, the lots involved are appropriate for the multifamily and single family uses intended.

(7) Adequate building lots that avoid excessive grading, footings or foundation walls.

The amount of grading is not excessive in any area so footings and foundation walls will be within the normal range.

d. The plat contains a lot and land subdivision layout that is consistent with good land planning and site engineering design principles.

The plat is laid out following standard design principles.

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

The plat contains 216 potential dwelling units with multiple access roads. The proposal was subject to the State of Missouri's Traffic Impact Study requirements (in addition to the City's) and approval of that report is conditioned upon completion of limited striping changes on 169, per MODOT's approval. The development will also complete the connection of Corbyn Ln. from Lake Meadows to Clay Creek.

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement.

The developer and city have proposed a development agreement for limited highway improvements, off-site sewer improvements and park dedication improvements as required by the code.

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development.

The proposed layout and detention areas will not exceed the detention areas with off-site stormwater runoff and is in accordance with engineering standards. The final design of all stormwater systems (connections to existing systems) will be subject to final plan review and approval in accordance with the Final Plat procedures and the standards in place at the time of proposed construction.

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

Yes.

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

The location is located such that it will actually reduce sprawl and all extensions and expansions of existing public facilities are completed in the most efficient manner allowable on the lot.

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

n/a

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

The development is bound by a development agreement that addresses all dedication requirements.

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

m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans.

Yes.

STAFF RECOMMENDATION:

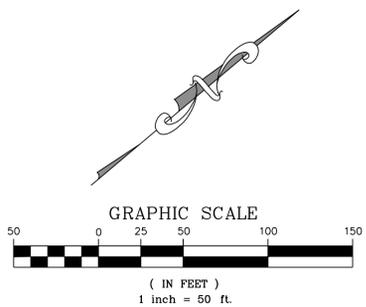
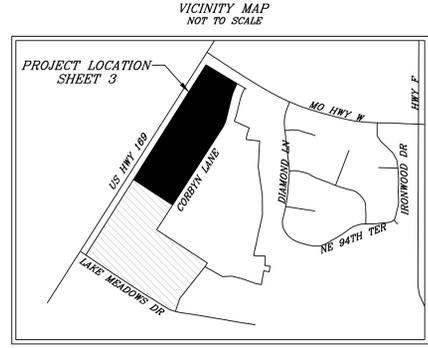
Staff recommends APPROVAL of the proposed Preliminary Plat following approval and execution of the Development Agreement as approved by the Board of Aldermen.

Respectfully Submitted,

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

APPLICANT/OWNER:
CLAY CREEK MEADOWS, LLC
19935 HIGHWAY B
EDGERTON, MO 64444

PRELIMINARY PLAT
CLAY CREEK MEADOWS
A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER
OF SECTION 35, TOWNSHIP 54 NORTH, RANGE 33 WEST
SMITHVILLE, CLAY COUNTY, MISSOURI



LEGEND
B/L = BUILDING LINE
I/E = INGRESS-EGRESS EASEMENT
U/E = UTILITY EASEMENT
W/E = WATER LINE EASEMENT
L/E = LANDSCAPE EASEMENT
S/L = SETBACK LINE

SETBACK DATA - R1D
FRONT - 30'
REAR - 20'
SIDE - 5'

SETBACK DATA - R3
FRONT - 30'
REAR - 20'
SIDE - 7.5'

NOTE: EACH UNIT SHALL HAVE A SEPARATE SEWER SERVICE AND WATER SERVICE CONNECTION.

MATCH LINE - SHEET 2
MATCH LINE - SHEET 3



SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF SURVEYS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ROBERT G. YOUNG, PLS-2007000089
06/10/2024 DATE

FOR CLAY CREEK MEADOWS, LLC
PRELIMINARY PLAT (SHEET 3 OF 3)

R.L. Buford & Associates, LLC
LAND SURVEYING - DEVELOPMENT CONSULTANTS
R.L. BUFORD & ASSOCIATES, LLC, MO. CERT. OF AUTHORITY: 000000000

P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152

SEC-TWP-RGE.	COUNTY	JOB NO.
35-54-33	CLAY	L-23197
DATE	FIELD BOOK	
06/11/2024		

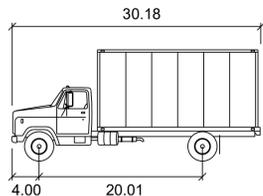
DRAWN BY: J.K.R.

COPYRIGHT 2024, R.L. BUFORD & ASSOCIATES, LLC

PRELIMINARY PLAT
FIRE TRUCK INCOMING & OUTGOING MANEUVER
CLAY CREEK MEADOWS

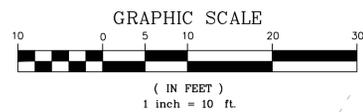
A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER
 OF SECTION 35, TOWNSHIP 54 NORTH, RANGE 33 WEST
 SMITHVILLE, CLAY COUNTY, MISSOURI

APPLICANT/OWNER:
 CLAY CREEK MEADOWS, LLC
 19935 HIGHWAY B
 EDGERTON, MO 64444



SU

Feet
 Width : 7.87
 Track : 7.87
 Lock to Lock Time : 6.0 s
 Steering Angle : 31.8 deg



SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF SURVEYS, AND THE MISSOURI BOARD OF SURVEYING AND MAPPING. THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

FOR
CLAY CREEK MEADOWS, LLC
 PRELIMINARY PLAT (SHEET 4 OF 4)

R.L. Buford & Associates, LLC
 LAND SURVEYING - DEVELOPMENT CONSULTANTS
 R.L. BUFORD & ASSOCIATES, LLC, MO. CERT. OF AUTHORITY 03-0031977
 P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152

SEC.-TWP.-RGE.	COUNTY	JOB NO.
35-54-33	CLAY	L-23197
DATE	FIELD BOOK	
08/11/2024		

DRAWN BY
 J.K.R.



ROBERT G. YOUNG, PLS-2007000099 08/06/2024 DATE

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DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of _____, 2024, by and between **CLAY CREEK MEADOWS, LLC**, ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

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

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a large multi-family subdivision; and

WHEREAS, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code will be required of Developer; and

WHEREAS, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Clay Creek Meadows, the legal description of which is set forth on the Preliminary Plat thereof as Exhibit A attached hereto.

2. Water. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve fire flows and waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements.

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

4. Stormwater. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in accordance with an approved stormwater study, and any updates to such study as required.

5. Sanitary Sewers. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for gravity-flow sanitary sewers throughout the subdivision. The development will be required to rehabilitate the existing overflow basin at the Diamond Crest lift station sufficiently to hold the peak flows for the entire lift station service area, including its' 216 new units, as a part of its' initial Phase II work. It is understood and agreed that Phase I of the project will include Lots 1-13, which will require extension of gravity sewers for the 13

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

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

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

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

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

b. The parties further agree that the park amenities described on development property within the preliminary plat are subject to Section 425.230.B. In accordance with that section, and Section 425.300, the trails shown on the preliminary plat shall be constructed prior to occupancy of the 65th dwelling unit. However, the area of the trails located in the public trail easement or otherwise on city owned property shall be further improved to be not less than an 8' concrete path with a minimum of 5" of 4,000lb psi concrete on a compacted gravel subgrade.

7. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development.

8. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. Notice to proceed shall not be given by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.

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

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

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

Notary Public

My Commission Expires:
