

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

August 11, 2026

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, Terry Hall, Billy Muessig, Mayor Damien Boley and Deb Dotson. Rob Scarborough was absent.

Staff present: Jack Hendrix and Linda Drummond.

2. MINUTES

The July 14, 2026, Regular Session Meeting Minutes were moved for approval by HALL, Seconded by DOTSON.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Project Rocketship is moving forward on the south end of town.

There is a tenant finish permit pending for a new Mexican food restaurant at the old Price Chopper location. This is in addition to the one approved recently for La Fuente in the new strip center.

The diesel repair shop located in the First Park subdivision is close to completing construction. Walston Architectural Supply is open and operational. The spec building on the north end of the First Park subdivision is almost complete as well.

Next month we will only have 1 item on the agenda. It's the rezoning and Conceptual Plan for the Smithville Plaza Apartments.

4. PUBLIC HEARING – CLAY CREEK MEADOWS PHASES II & III CONCEPTUAL PLAN

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED REQUEST TO CREATE A CONCEPTUAL PLAN TO AUTHORIZE A COLLECTIVE LOT COVERAGE LIMIT INSTEAD OF AN INDIVIDUAL LOT COVERAGE LIMIT.**

Public hearing opened.

HENDRIX informed that the packet includes the staff report, plat document and the proposed findings.

No citizens present wished to speak.

Public hearing closed.

5. CONCEPTUAL PLAN FOR CLAY CREEK MEADOWS PHASES II & III

- **APPLICANT SEEKS TO ALLOW CALCULATION OF THE LOT COVERAGE LIMITS IN A COLLECTIVE FASHION INSTEAD OF AN INDIVIDUAL FASHION AS STILL REMAIN BELOW THE 30% LOT COVERAGE REQUIREMENT.**

DOTSON motioned to approve the Conceptual Plan for Clay Creek Meadows Phase II & III. Seconded by MAYOR BOLEY.

Discussion:

HENDRIX explained that the applicant and several representatives for the applicant are here for any questions. The issue stems from the layout of

multifamily lots, where some lots exceed the 30% lot coverage limit while others fall well below it. Although the development has sufficient total acreage, the configuration of individual lots prevents certain buildings from fitting within current requirements. Rather than seeking a variance or exception, which is not permitted for a private project in Missouri, the applicant is requesting a zoning-related change that would allow lot coverage to be calculated across the development as a whole. This approach remains consistent with the zoning district's intent and is considered an acceptable flexibility under the existing code, particularly because the lot coverage requirement is primarily related to stormwater management and density control.

ALDERMAN WILSON asked if this was something that should have been presented to us when we first seen this development for the site plan.

HENDRIX stated no, it's not something that would have been identified at that stage. When the site plan was prepared, the focus was on setbacks, including front, rear, and side property line requirements, to ensure the proposed development would fit within the lots. Until a specific buyer and building plan are identified, it is difficult to determine the exact lot coverage. Lot coverage varies because lot sizes differ, particularly along curved roads where parcel dimensions are not uniform. As a result, the calculations at that stage were limited to confirming compliance with setback requirements. At the time, the developer knew only that the project would consist of multifamily buildings and did not have the exact building designs or dimensions needed to calculate lot coverage. Because the proposed structures appeared to fit within the lots based on setback standards, there was no reason for staff or decision makers to anticipate or specifically inquire about lot coverage calculations. The conceptual plan process allows changes to the bulk regulations, which is height, width, setbacks, lot coverage as long as the overall intent of the district is met. In this case, they're seeking to change how that 30% lot coverage is calculated versus individual lots. In this scenario their maximum lot coverage is down to 24.8%, so it's substantially below where it could be if they wanted to redesign their buildings to make them all fit.

ALDERMAN WILSON asked if this was not successful, what would they have to do?

HENDRIX explained there are two potential impacts. The buildings would need to be redesigned to maintain the currently planned unit count, but a

redesign could also create an opportunity to increase development intensity. By increasing lot coverage and raising the whole thing up, the project could gain additional square footage and potentially generate more revenue. In that scenario, development could approach the 30% coverage cap, which was originally established to help limit stormwater impacts.

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

AYES-6, NOES-0. MOTION PASSED

6. PUBLIC HEARING – SINGLE PHASE FINAL PLAT FOR CLAY PARK SUBDIVISION FROM A PORTION OF 14600 N 169 HWY

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED SINGLE PHASE FINAL PLAT FOR A NEW 2 LOT SUBDIVISION ON THE FORMER KCI RV STORAGE (NOW OUTRIG) LAND FOR THE INSTALLATION OF A BATTERY ENERGY STORAGE FACILITY.**

Public hearing opened.

HENDRIX stated that the Staff Report, plat document and proposed development agreement have been provided in the packet.

No citizens present wished to speak.

Public hearing closed.

7. SINGLE PHASE FINAL PLAT FOR CLAY PARK SUBDIVISION

- **APPLICANT SEEKS APPROVAL OF A FINAL PLAT TO DIVIDE THE EXISTING PARCEL INTO TWO LOTS, INCLUDING A NEW 10-ACRE PARCEL AT THE NORTH END OF THE PARCEL AS WELL AS THE REMAINING PORTION OF THE PARCEL.**

MAYOR BOLEY motioned to approve the Single-Phase Final Plat for the Clay Park Subdivision. Seconded by MUESSIG.

Discussion:

HENDRIX explained that the applicant and its representatives are here for questions.

Several representatives for the Claythorne Reliability Project by AYPa Power were present. They provided a presentation to the commission. They were also available for any questions and concerns that the commission had.

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

AYES-6, NOES-0. MOTION PASSED

8. PUBLIC HEARING – REZONING A PORTION OF 14600 N 169 HWY FROM B-3 TO I-1

- **APPLICANT SEEKS TO REZONE THE NORTH 10 ACRES OF 14600 N 169 HWY (APPROXIMATELY 600 W. 148TH STREET) FROM B-3 TO I-1 IN ACCORDANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE PLAN**

Public hearing opened.

HENDRIX stated the staff report and a draft version of findings of fact were provided in the packet.

No citizens present wished to speak.

Public hearing closed.

9. REZONING A PORTION OF 14600 N 169 HWY TO I-1

- **APPLICANT SEEKS TO REZONING THE PROPERTY IN ACCORDANCE WITH THE FUTURE LAND USE PLAN**

DOTSON motioned to approve the rezoning at 14600 N US 169 Hwy to I-1.
Seconded by HALL.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

10. PUBLIC HEARING – CONDITIONAL USE PERMIT – BATTERY ENERGY STORAGE FACILITY ON A PORTION OF 14600 N 169 HWY APPROXIMATELY 600 W. 148TH ST. ON LAND ZONED I-1

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON A PROPOSED BATTERY ENERGY STORAGE FACILITY TO BE LOCATED ON 10 ACRES NORTH OF THE FORMER KCI RV (NOW OUTRIG) FACILITY AND SOUTH OF THE EVERGY SUBSTATION AT APPROXIMATELY W. 148TH STREET, WEST OF 169 HWY.**

Public hearing opened.

HENDRIX stated the staff report, application document and proposed CUP findings were provided in the packet.

Mark Maus – 16731 Riverview Rd Smithville, MO 64089— Stated that he was here to speak on behalf of AYPAs power. While they were coming in to meet with city officials and Jack over the last year they always made an effort, and if I was available to meet with us, this usually occurred once to twice a month to make sure that we felt comfortable and had

confidence in what they were doing. I know my 1st question to them was, what would Chief Cline say and they had great responses. They talked about the International Fire Code that they have to follow, and as soon as they started talking about it, I glanced over it and knew that it was a Chief Cline answer that I didn't need to explore. I just wanted to say thank you to them for being so communicative from the start, we really appreciate that. As the School District, there might be a chance that we would get some students out there on the site as they're constructing. We appreciate them bringing this to Smithville. And I think we have the same hope others do limit future energy.

Public hearing closed.

11. CONDITIONAL USE PERMIT – BATTERY ENERGY STORAGE FACILITY AT APPROXIMATELY 600 W. 148TH STREET

- **APPLICANT SEEKS APPROVAL OF A CONDITIONAL USE PERMIT FOR A BATTERY ENERGY STORAGE FACILITY ON LAND ZONED I-1 IN ACCORDANCE WITH THE NEW BESF RULES ADOPTED BY THE BOARD OF ALDERMEN.**

HALL motioned to approve the Conditional Use Permit for a Battery Energy Storage Facility at approximately 600 W. 148th Street. Seconded by MUESSIG.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

12. PUBLIC HEARING – REZONING WHISPERING CREEK FARMS AT APPROXIMATELY 4200 NE 144TH STREET FROM COUNTY AG TO A-R

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED REZONING FROM COUNTY AG TO A-R.**

Public hearing opened.

HENDRIX stated that included in the packet is the staff report, draft findings of fact and conclusions of law document and also submitted an ordinance.

CHEVALIER also informed the commission that Mr. Yeatman left a packet for us with an email and some documents as well.

Jerry Brant – 25 Main Street Liberty, MO — Stated that the proposed 32-lot subdivision raises significant public safety concerns. Issues include a single entrance serving the development, limited visibility at the proposed intersection on 144th Street, potential fire code compliance problems, and the presence of four cul-de-sacs. Noted that a second access point may be possible and recommends review by the local fire protection district. Additional concerns included septic systems and potential drainage impacts to Smithville Lake, traffic safety and emergency access.

Larry Yeatman – 4014 NE 144th Street Smithville, MO 64089 — Stated that he is a neighboring property owner and states that they are not opposed to development but believe the subdivision should be redesigned to reduce impacts on nearby residents and improve safety. He spoke about the county's previous denial of a similar proposal because of concerns about a single entrance at a dangerous intersection. Noted that the developer controls land that could accommodate a second access point and referenced engineering alternatives that would connect the subdivision to Mount Olivet Road. Stated that a second entrance would improve visibility, buffering, emergency access, and overall public safety.

David Dugan -- 4017 NE 144th Street Smithville, MO 64089 — Stated that he has lived on Northeast 144th Street for 10 years and opposes the proposed subdivision entrance on 144th Street due to safety concerns. Because of both professional experience as a surgeon and personal experience living next to the proposed access point, he feels that limited sight distance and high vehicle speeds create a substantial risk of serious accidents. He believes the dangers are avoidable because safer alternative access options exist and urges decision-makers to prioritize public safety.

John Lee – 4400 NE 144th Street Smithville, MO 64089 — Stated that he is a neighboring landowner whose farm borders the proposed development. He objects to the increasing density of the Whispering Creek subdivision. He noted that the property was originally divided into large-acreage parcels, but successive development proposals have increased the number of lots from 28 to 32 and now 34, reducing average lot sizes. He believes this change undermines the original character of the area, could reduce neighboring property values, and requests that the development be limited to 15 lots.

Cheryl Lee – 4400 NE 144th Street Smithville, MO 64089 — Stated that the subdivision has two major design flaws: lack of a genuine second access point and a hazardous primary entrance. Stated that the proposed secondary connection through a floodplain is unlikely to be built due to cost and construction challenges, leaving residents with only one entrance and exit. She is also concerned about poor visibility, speeding traffic, severe winter snow drifting, emergency vehicle access, and potential fire code compliance issues. She believes a safer and more practical access route exists and urges decision-makers to reject the current entrance design.

Jeff Cindrich – 4814 NE 144th Street Smithville, MO 64089 — Stated that he opposes the proposed density of the development because it would increase traffic and alter the quiet character of the area. He explained that he purchased their 20-acre property with the expectation that surrounding land would remain in larger parcels. Due to past experience when traffic was temporarily rerouted through the area, he stated that higher traffic volumes reduce quality of life, create safety concerns, and undermine the peaceful rural environment that residents value.

Ana Maguire – 4803 NE 144th Street Smithville, MO 64089 — Stated that she opposes the proposed 32-lot subdivision, stating that it conflicts with the city's goals of preserving agricultural land and rural character. She noted that local roads are not designed to handle the increased traffic the development would generate, potentially creating safety issues and infrastructure costs. She also raises concerns about the environmental and public health risks associated with 32 individual septic systems. As a local resident and small farm owner, she believes the development would negatively affect the area's rural lifestyle, safety, and quality of life.

Dale Greene – 4807 NE 144th Street Smithville, MO 64089 — Stated that he is a 40-year resident of the area and opposes the proposed

subdivision entrance because he believe it would create a dangerous traffic situation on a narrow, hilly rural road. He stated that the proposed safety measures merely attempt to compensate for a fundamentally flawed road design and do not adequately protect residents. Because of firsthand knowledge of serious accidents in the area, he urges officials to prioritize safety over cost and consider alternative access routes, particularly a connection to Mount Olivet Road or a secondary entrance through Greenbrier.

Michael Ballenger – 14975 Mount Olivet Rd Smithville, MO 64089

— Stated that he does not oppose development but emphasizes the need for thorough traffic and safety planning. As a parent of future teenage drivers, he is concerned that existing traffic studies do not adequately evaluate the cumulative impact of nearby developments or the effects on the Mount Olivet Road and 144th Street intersection. He spoke about increasing traffic volumes, recent serious accidents, and difficult driving conditions in the area, and urged decision-makers to conduct a broader traffic analysis and prioritize infrastructure improvements to ensure public safety.

Nicole Pfaff – 3405 NE 144th Street Smithville, MO 64089 — Stated that her house is located at the corner of 144th St and Mt. Olivet Rd. Stated this is a dangerous intersection. Her son was involved in an accident while pulling onto 144th Street due to limited visibility from a blind hill, overgrown brush, and speeding traffic. Accidents occur there, and many drivers travel at high speeds through the area, making it unsafe. Stated she is not opposed to development but believes it should be designed in a way that minimizes negative impacts on nearby residents. She is concerned that a large, high-density subdivision across the street would increase traffic and safety risks. Other approved developments with larger lots and lower density could serve as examples of a more appropriate approach. Additional concerns included light pollution, which would affect the dark, rural environment that residents enjoy, as well as questions about sewer or septic infrastructure. She encouraged consideration of development options that better fit the character of the area and reduce impacts on neighboring properties.

Public hearing closed.

13. REZONING WHISPERING CREEK FARMS TO A-R AT 4200 NE 144TH STREET.

- **THE APPLICANT SEEKS TO REZONE THE PORTION OF ITS 158 +/- ACRES AT APPROXIMATELY 4200 NE 144TH STREET FROM COUNTY AG TO A-R FOR A NEW 32 LOT SUBDIVISION.**

DOTSON motioned to approve the Rezoning of Whispering Creek Farms to A-R at 4200 NE 144th Street. Seconded by MAYOR BOLEY.

Discussion:

HENDRIX explained that the proposed zoning is A-R, which is our agricultural - residential use. Minimum lot size is 2 acres with sewers, 3 acres without sewers. With this one the lot sizes are an average of just under 5 acres. They range from 3 - 14 acres. This commission has to focus on the items in the findings of fact for the rezoning which is included in the packet.

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

AYES-6, NOES-0. MOTION PASSED

14. PUBLIC HEARING – SINGLE PHASE FINAL PLAT FOR A NEW 32 LOT SUBDIVISION AT 4200 NE 144TH STREET ON 158+/- ACRES.

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED SINGLE PHASE FINAL PLAT ON 158+/- ACRES FOR A NEW LARGE LOT SUBDIVISION.**

Public hearing opened.

HENDRIX stated that the commission should consider and incorporate the public comments made during the previous public hearing, as many of those concerns were directly related to this proposal. He reminded the commission to evaluate the project based on the applicable subdivision review standards. The proposal is for a single-phase final plat subdivision, meaning

the entire development would be constructed at once rather than in stages. This would include construction of streets, required water system upgrades, and installation of utilities and infrastructure. Any additional improvements, such as power line extensions and utility connections, would be required to comply with the applicable city review and approval processes.

Jerry Brant – 25 Main Street Liberty, MO — Stated that residents are not opposed to development but want it done responsibly and safely. Major concerns include the dangerous, low-visibility intersection at the proposed entrance, the unusually long cul-de-sac road design, potential emergency access issues, and compliance with fire safety standards. He noted that the combination of these factors poses significant safety risks and urged officials to deny the proposed subdivision.

Larry Yeatman – 4014 NE 144th Street Smithville, MO 64089 — Stated that requiring warning signs or traffic signal devices at the proposed entrance is an acknowledgment that the intersection is inherently dangerous. He questioned the wisdom of creating a new subdivision entrance that would require special safety measures and expressed concern about placing responsibility for maintaining traffic control devices on a small homeowners' association, citing potential liability and insurance issues. His primary concern was the proposed road location adjacent to their property. He stated that increased traffic would reduce privacy, alter the rural character of the area, and create safety concerns for family members and horses that use the property's perimeter. He urged officials to reject the current road plan and instead consider alternative subdivision designs that would minimize impacts on existing neighboring properties.

Jeff Cindrich – 4814 NE 144th Street Smithville, MO 64089 — Expressed concern that the subdivision proposal is being reconsidered after previously being rejected by the county. He stated that residents are not opposed to development but want it to be consistent with the character of the surrounding area. He noted that nearby properties along Mount Olive and 144th Street have much larger lot sizes and questioned why the proposal appears to meet only minimum standards. He stated that the perspectives of existing homeowners, who have invested in the area and chosen it as their long-term home, should be given significant weight in the decision-making process..

Michael Ballenger – 14975 Mount Olivet Rd Smithville, MO 64089 — Stated that a similar proposal for the property was previously rejected by

county officials due to safety concerns. He stated that those concerns remain unaddressed in the current proposal and that increasing the number of lots from 28 to 32 may further worsen the safety issues. He encouraged the commission to review the history of the project and consider the reasons the earlier proposal was denied when evaluating the current subdivision plan.

Ana Maguire – 4803 NE 144th Street Smithville, MO 64089 — Stated that most residents are not opposed to development but believe the proposed density is too high. They questioned why a 32-lot subdivision is being considered when a previous 28-lot proposal was rejected by the county due to safety concerns and urged the commission to review the reasons for that denial. Additional concerns included potential impacts on property values, increasing development pressures in the area, traffic growth, infrastructure maintenance, septic system oversight, and environmental protection. She emphasized the need for careful planning that preserves the area's rural character, protects natural resources and public safety, and minimizes impacts on existing residents. She suggested that fewer homes and access from a larger road would be more appropriate and again encouraged consideration of the county's previous concerns.

Dale Greene – 4807 NE 144th Street Smithville, MO 64089 — Expressed concern that traffic studies may underestimate actual road usage because the area experiences significant cut-through traffic from surrounding neighborhoods. He noted that many drivers use local roads as an alternative route to avoid busier highways, contributing to higher traffic volumes and speeding. Given the already hazardous intersection and existing traffic patterns, he believes adding a subdivision entrance would worsen safety issues and create additional problems for area residents.

Public hearing closed.

15. SINGLE PHASE FINAL PLAT FOR A NEW 32-LOT SUBDIVISION AT 4200 NE 144TH STREET.

- **APPLICANT SEEKS TO CREATE A NEW LARGE LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION ON LAND ZONED A-R TO BE CALLED WHISPERING CREEK FARMS PHASE II.**

MAYOR BOLEY motioned to approve the Single-Phase Final Plat for a new 32-lot subdivision at 4200 NE 144th Street. Seconded by DOTSON.

Discussion:

The Commission and Mr. Hendrix had a lengthy discussion which included comments and concerns from Smithville Area Fire Protection District Chief Cline's, septic system oversight, motor vehicle accident statistics, speed limits, HOA's responsibility to the traffic control device, single entrance versus second entrance, Development Agreement, lot sizes, city police patrol, and streetlights.

Lindsay Vogt with RL Buford & Associates Engineering also spoke regarding the traffic study that was conducted.

MAYOR BOLEY motioned for a condition for approval to require a full Traffic Impact Study for Mt. Olivet and 144th Street for Whispering Creek Farms Phase II. Seconded by HALL.

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

AYES-6, NOES-0. MOTION PASSED

ALDERMAN WILSON motioned for a condition for approval to require 28 lots or less for Whispering Creek Farms Phase II. Seconded by DOTSON.

THE VOTE: MAYOR BOLEY-AYE, MUESSIG-NAY, HALL-NAY, CHEVALIER-AYE, DOTSON-AYE, ALDERMAN WILSON-AYE.

AYES-4, NOES-2. MOTION PASSED

HALL motioned to postpone approval of the Single-Phase Final Plat for a new subdivision at 4200 NE 144th Street until the October 13, 2026, Planning Commission Meeting. Seconded by MUESSIG.

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

AYES-6, NOES-0. MOTION PASSED

16. ADJOURN

MAYOR BOLEY made a motion to adjourn. HALL seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 9:19 p.m.