

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

May 5, 2020

7:00 P.M.

Council Chambers

Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app. City staff were at City Hall for the meeting.

Planning and Zoning Commission members and City Administrator attended via the Zoom meeting app. The meeting was streamed live on the city's FaceBook page through FaceBook Live. Attendance in person for the Public Hearing was made accessible for public comment on the agenda items at the Senior Center.

Those attending the meeting: Deb Dotson, Carmen Xavier, Connor Samenus, Alderman Steve Sarver, Dennis Kathcart, Mayor Damien Boley, Chairman Rand Smith and Development Director Jack Hendrix.

1. CALL TO ORDER

Chairman Rand Smith called the meeting to order at 7:09 p.m.

2. MINUTES

The March 10, 2020 Meeting Minutes were moved for approval by SAMENUS, Seconded by DOTSON.

Ayes 6, Noes 0, Abstain 1 (SMITH), Motion carried.

3. STAFF REPORT

HENDRIX reported:

Construction is still moving forward. Price Chopper and Porter's are being built. We should have a site plan request for a new 8,400 square foot commercial strip mall to go in south of Scooter's Coffee.

White Iron Ridge Event Center is under construction.

KCI RV Storage is still under construction. They are getting very close to opening the first phase.

The medical marijuana dispensary has a permit to do the interior rehab work at their facility.

The medical marijuana manufacturing is still finalizing all their plans and have yet to begin construction on the development even though they have everything in order to do that. Once they deliver a bond they can record the plat and start.

4. REZONING A PORTION (8 ACRES) OF 18601 N. 169 HWY FROM R-1B AND B-3 TO B-2

HENDRIX explained that this is a request to rezone the north 8 acres of this property. They are proposing to put an office there in the B-2 district. He explained to the commission that there is a Findings of Fact and Conclusions of Law document in the packet for the rezoning. Item # 2 of this is where they will need to make a decision. A recommendation of either 2 (A) or 2 (B) is needed. Also in the same document is the Recommendation of the Planning Commission, based upon whether 2 (A) or 2 (B) is the recommendation by the Commission, we will need to make adjustments to sections B and C accordingly.

Public Hearing:

Dirk Talley---Show Me Real Estate---Applicant---This will be the Stanley M. Herzog Charitable Foundation. It will be their office headquarters. It is solely for the financial assistance of children seeking aid for schools of faith based education. It will be the largest financially funded foundation in the Kansas City area. It will employ a staff of 10-15 full time jobs here in our town. If everything goes smoothly they hope to be breaking ground in July 2020. This is not a school. It is strictly the office headquarters for administering this foundation. Mr. Talley explained he is just helping them acquire the land and go through the zoning. He said he is honored that they have chosen Smithville when they could have gone anywhere in the US. Some may be a surprise that the church would even entertain selling a tract of land. The church has set forth a very strict set of covenants that the foundation will have to follow, and those covenants will stay with

the land forever. They felt that if anything was going to be built beside them this was the most suitable. If this property were ever to sell there is a Right of First Refusal attached to the property so the church will have the first option to buy it back.

SMITH stated that on the overview it appeared that there were to buildings. What will the other building be?

Mr. Talley stated that there is only 1 building. The other building he might be seeing is the existing church.

KATHCART asked if excavation and construction traffic will impact 188th Street or would be minimal since this is a pretty significant road to get to a neighborhood and a school?

Mr. Talley stated he did not think it will be any different that a normal construction job as far as traffic goes. There will be construction equipment and concrete trucks in and out so there will not be zero impact, but it won't be the same as when we are building a subdivision.

SMITH asked if they have plans to put anything else on this property eventually?

MR. TALLEY as of right now to his knowledge they only have plans for this one building. They may create a nice park area down on the eastern portion.

HENDRIX stated that most of those items will be submitted with the site plan approval if it is approved.

XAVIER asked what the mission statement was and is there anything formal in front of you that says what this organization is all about?

MR. TALLEY stated that he does not have formal documents as they are still in the process of forming this foundation. The Herzog family in St. Joseph and Stanley M. Herzog had a passionate desire for a large percentage of his net worth to go towards this foundation. The official name of it is the Stanley M. Herzog Charitable Foundation and its sole purpose will be for financial assistance of children seeking aid for schools of faith based education.

XAVIER asked if this was a 501(C)(3)?

MR. TALLEY said that is correct.

XAVIER asked if there has been any communication between this organization and the superintendent of the schools in regard to any effect on the public school system? I am wondering what benefit this will be of the city since we will not get any property tax. Am I correct?

HENDRIX stated that she is correct. Currently it is church land and is not taxed now. So the proposed change to 501(C)(3) will keep it tax exempt.

XAVIER asked if there is any money from the city coffers that will be participating in the construction of this building?

HENDRIX stated that as it relates to the building no. There is a part of the submittal that you have before you there is a development agreement. We are still hammering out the final details and will be subject to the Board of Alderman's approval. It will entail public infrastructure improvements to 188th Street.

XAVIER stated that being a former School Board member she has a personal obligation to public education. She has a concern that a faith-based education might drain out monetarily or expenses wise. She stated that she will vote in favor of this as a zoning Commissioner but personally she would not support this otherwise.

ALDERMAN SARVER asked if we did not rezone this it would be zoned residential?

HENDRIX stated it is currently zoned partially at R-1B single family. The 2.25 acres in the extreme northwest corner is currently zoned B-3. This application is to rezone the B-3 to B-2 which is a substantial reduction in the allowable uses and will expand the area from 2.25 acres to a total of 8 acres. This is 100% contingent on the church actually selling it.

MR. TALLEY stated that he appreciated everyone's perspective on this. To say that this would be no benefit to Smithville would not be a fair assessment. During the development agreement they are going to make significant improvements to the road and sidewalks. The other impact we could see is a large effort to use local contractors on this project. It would

not surprise him that the final build cost of this building to be in the 2-4 million dollar range. Also, this project is very well funded and they are not looking to come to a community and drain the public school system at all.

Public Hearing closed

HENDRIX stated that the Commission now needs to make a recommendation to the Board. He asked that they take a look at the Findings of Facts and Recommendation of Law document in the packet. Paragraph 2 has an A and B option:

2. *Consistency with the City's Comprehensive Plan and ordinances.*
 - A. The existing Comprehensive Plan was approved on October 6, 2005 and calls for low density housing. The proposed district of B-2 does not comply with the Comprehensive Plan.

or

- B. The existing Comprehensive Plan was approved on October 6, 2005 and calls for low density housing. This plan was adopted after the property was rezoned to its' current zoning of B-3 and R-1B. The current B-3 district area does not comply with the Comprehensive Plan recommendations but is fully developable as B-3. The proposed B-2 district, while larger in area than the current B-3, substantially reduces the available uses from that B-3 district and brings the area closer to compliance with the Comprehensive Plan.

Once the Commission makes a decision to accept either A or B of this document then a vote can be taken.

DOTSON made a motion to amend the Findings of Facts and Recommendation of Law to approve paragraph 2 option B. Kathcart seconded the motion.

Discussion:

SAMENUS asked Mr. Hendrix if the current work on the Comprehensive plan is aligning with option B?

HENDRIX stated yes and that based on the public input so far it is leaning in that direction.

MR. TALLEY stated that when you drive into Smithville from the north the first thing you see is the church. He does not feel that this building will take away from that. He feels that if anything it will add to it.

DOTSON stated that when looking at the overview of the building and landscaping it appears to be an elegant rendition. People have complained in the past of buildings looking tacky but this building is anything but.

THE VOTE: SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

SAMENUS made a motion to approve the Findings of Facts and Recommendation of Law as amended. DOTSON seconded the motion.

Discussion: None

THE VOTE: KATHCART-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

5. SINGLE PHASE SUBDIVISION---HERZOG FOUNDATION

Hendrix explained that this will divide 8 acres off the north end of the Catholic church property at 18601 N 169 Hwy. It will create one lot solely for that purpose. It will be zoned B-2. There will be a development agreement and one of the items in it is the road improvement the developer will have to do and will have to meet with the MODOT plans that are currently being finalized for the intersection improvements at 188th Street and 169 Hwy. Staff's recommendation is that it meets all of our standards and would recommend approval.

Public Hearing: None

Public Hearing closed.

MAYOR BOLEY made a motion to approve the Single Phase Subdivision for the Herzog Foundation. SAMENUS seconded the motion.

Discussion: None

THE VOTE: DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

6. ADJOURN

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

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:50 p.m.