

# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

March 9, 2021

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 attended via the Zoom meeting app. The meeting was streamed live on the city's YouTube page through YouTube Live.**

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

### **1. CALL TO ORDER**

Chairman Rand Smith called the meeting to order at 6:59 p.m.

### **2. MINUTES**

The February 9, 2021 Meeting Minutes were moved for approval by SAMENUS, Seconded by MAYOR BOLEY.

Ayes 7, Noes 0. Motion carried.

### **3. STAFF REPORT**

HENDRIX reported:

We have issued a tenant finish permit for a Domino's Pizza carry out in the strip mall at the Smithville Marketplace.

We have also issued a permit for Burger King which will be built on the lot just north of the Smithville Marketplace entrance.

We are about ready to go to the Board of Alderman with the final plat approval for the Eagle Ridge subdivision up by the high school. They will be paving the roads soon.

Next month they are hoping to bring in a new conceptual plan for the Eagle Heights subdivision on the north end of town. They are changing it substantially by taking out all the R-2 zoning and making in all single family homes and changing the lot sizes. They will also be changing the name of the subdivision.

For the May P & Z meeting we will have a few more initial zonings to set due to annexations at the Lakeside Crossing subdivision.

We had our in person meeting with the building code auditor who rates us on how well we are doing. We anticipate hearing back from them in the next couple of months indicating if we went up or down in our building code enforcement rating which is part of the ISO system.

SMITH asked when the estimated completion date for Burger King will be?

HENDRIX stated that he estimates a 6-7 month construction window. It's a small facility with not a lot of seating. Primarily drive thru.

XAVIER asked if there is a saturation level on fast food restaurants? Are we going to turn into a town full of fast food restaurants?

HENDRIX stated that this will be left up to the market. The market is pushing that real hard right now. Keep in mind that we have 9 or 10 gas stations. He believes that the new census data that will be coming out soon will change how people see Smithville. He estimated that our population is around 11,000 which will bump us up into another category. He believes this is why we are seeing all of these new places coming.

MAYOR BOLEY stated that local restaurants still out number fast food chains. Alderman Chevalier and Alderwoman Wilson both have addressed this well on this on Facebook. We provide the infrastructure. We provide our comprehensive plan. There are plenty of survey numbers out there that says what our restaurant numbers should be. We would love to see more local business plans submitted but at the end of the day we can't really restrict it.

HENDRIX stated that if we try and restrict this and word gets out that we are trying to restrict businesses then everyone will be leery of coming here. What we need to have is an environment that invites those folks. He thinks that with the comprehensive plan discussion later in the meeting you will see that we are getting ready to start down that path.

MAYOR BOLEY also stated that he likes to remind people that we did just pass a 1 cent sales tax so any business generating sales tax helps support our parks and storm water. As a city our focus is on healthy lifestyles and outdoor activities. If a business did the research and wants to buy the land and pull the permit there is nothing we can do about that.

ALDERWOMAN WILSON stated that she reached out to Mr. Hendrix to address the storage units on the south end of town. What we had approved through the Planning and Zoning commission and Board of Alderman were enclosed units and that is not what is happening right now. Her understanding is that they have ran into some additional costs so that is delaying them on building what they originally submitted. This frustrated her because this is not what we originally approved, and it didn't come back to us or even let us know of that change. She stated Mr. Hendrix explained to her that their current zoning allows them to have open storage. She is wondering if we need to look at the ordinance for open storage going forward to make sure it has solid fencing or something to enhance the look when you drive by? She wanted to leave this concern with the Planning Commission and ask that they discuss it and see what can be done. This will be one of her last meetings and thinks that it's something the committee needs to address moving forward.

MAYOR BOLEY stated that he agrees with Alderwoman Wilson. Just like what we did with fencing downtown there are a lot of things we can look at.

MR. HENDRIX stated that it is open storage for right now, but they are anticipating on performing the landscaping along the east side and the south side that was required for the buildings. They still have plans to do all the buildings. The waterline crossing increased construction costs by a couple hundred grand. They had anticipated hooking to the water line that runs along the same side of the road, but it is not big enough for fire. The site plan that we approved was for a building and if they can't get that done in 18 months they will have to come back to us anyway because site plans without construction lapse.

#### **4. PUBLIC HEARING: REZONING 319 E. MAIN ST. FROM R-1B TO R-3**

##### **Public Hearing:**

Dan Hartman stated that he is present along with Clayton and Lindsay Cox. He will let Todd Polk speak about the project since he is the engineer. We will be available for any questions.

**TODD POLK---CFS ENGINEERING---**Stated that he read through the staff report that Mr. Hendrix put together and it's precise. The important thing to note is that the adjoining properties along Main Street are also zoned R-3 and it follows the guide of the Comprehensive Plan.

ALDERWOMAN WILSON stated that she drove by this property and she will be glad to see it cleaned up.

##### **Public Hearing closed**

#### **5. REZONING 319 E. MAIN ST.**

MAYOR BOLEY motioned to approve the Finding of Facts as stated for the rezoning of 319 E Main Street from R-1B to R-3. Seconded by ALDERWOMAN WILSON.

##### **DISCUSSION:**

MAYOR BOLEY stated that he likes this and agreed with Alderwoman Wilson that that it will be good to see something done with it and we are in need for a little density downtown.

**THE VOTE:** DOTSON-AYE, SAMENUS-AYE, MAYOR BOLEY-AYE, ALDERWOMAN WILSON-AYE, KATHCART-AYE, XAVIER-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**6. PUBLIC HEARING: REZONING 15901 N. 169 HWY FROM R-1B AND B-2 TO R-3 AND B-3**

**Public Hearing:**

**ANGELINA CHITTUM---105 W SUMMIT ST---**Stated that she is speaking on behalf of her property as well as 101 & 103 W Summit. They have looked through the notes for the meeting and the main concern is based upon the general description of the property and an easement that we assumed was a right of way from the City that we use and is showing up as ownership of this property. We are concerned about the right of way to our properties.

HENDRIX stated that his guess is that this driveway for these 3 houses has been there for more that 20 years. A descriptive easement at a minimum would have been created so it can't go away under the law. That would be up to the owner of the property to describe what his intent is in that area.

MS. CHITTUM stated that this was their understanding as well. This was really their main concern this evening and wanted to make sure that this was a known issue of the 3 residences that access off that road.

**DIRK TALLEY---APPLICANT---17270 169 HWY SMITHVILLE, MO 64089---**Stated that he is the owner of the project that is being proposed. He did hear Ms. Chittam's comment and that was noted in the survey that the easement had never been perfected. We have no reason to obstruct that and will be happy to clear that up with the project and perfect that easement. He stated that this property has sat vacant for what feels like forever and feels like what they are proposing fits the area. There will obviously be a little bit of commercial use but mainly multi-family. I think we are fitting the guidelines.

ALDERWOMAN WILSON asked Mr. Talley what the structures would look like going up in the R-3 zoned section?

MR. TALLEY stated that it's so early in the project and he is not sure if he is the eventual developer of a project like this. It may end up being a bigger project than he would take on. Apartment type housing is what we are focusing on.

**Public Hearing closed**

## **7. REZONING 15901 N. 169 HWY**

MAYOR BOLEY motioned to approve the Finding of Facts as stated for the rezoning of 15901 N. 169 Hwy to R-3 and B-3. Seconded by KATHCART.

**DISCUSSION:** NONE

**THE VOTE:** MAYOR BOLEY-AYE, ALDERWOMAN WILSON-AYE, KATHCART-AYE, SAMENUS-AYE, DOTSON-AYE, XAVIER-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **7. DISCUSSION OF COMPREHENSIVE PLAN RECOMMENDATIONS**

- **DISCUSS R-3 DWELLING UNIT SIZES FOR APARTMENTS**
- **ADJUST LOT SIZES IN R-1 DISTRICTS**

HENDRIX informed that Commission that if they have had a chance to look at our Comprehensive plan since November 2020 you would have noticed in the back there are 2 tables that identify actions recommended as a city that we take care of. One of the items that we need to consider is listed as a high priority and first 3 year plan and that would be to look at the dwelling unit size in the R-3 district. Currently the minimum dwelling unit size for a 20 unit apartment building is 900 square feet. The Comprehensive plan recommends adjusting that. When you look at our ordinances associated with dwelling unit sizes they are all over the place. The first thing we need to look at is dwelling unit size in all our districts so that we are clarified on what we are doing. It will also allow us to eventually consider the tiny home concept and how that would potentially work here in Smithville. The other aspect we need to consider is lot sizes in the single family districts. We currently have a 100 foot wide single family district and a 75 foot wide single family district and that's it. If anyone wants to have any other sized front yard than those they must go through the planned development process with a conceptual plan overlay which is generally a cumbersome process. After speaking with the Mayor, he asked what all the other cities in the area do? He asked the commission to take a look at their packet specifically Table 1 which gives comparison of local cities districts and lot sizes. This gives a comparison of Kearney, Excelsior Springs, Liberty, Gladstone and Raymore. He included Raymore because they are also booming with construction and they are on the other side of Kansas City.

You will see that there is a large array of lot dimensions. You will see in most of the growing communities there is a large option available. He then asked that they look at Table 2 in the packet that explains dwelling unit sizes by districts in Smithville and what is required. The last spreadsheet included in the packet is Table 3 and is a sample of area market apartment sizes. So, the discussion point in the Comprehensive plan is should that not be something the developer in an apartment complex considers? They usually don't want all 3 bedrooms and they also usually don't want a single bedroom. In order to give them options like you see in the spreadsheets the consideration is should we dismiss the 900 foot requirement? Should there be a minimum requirement? He explained that his intent is to have a general discussion and then if there is a consensus he will draft an ordinance, advertise it and bring it back at the next meeting. Let's start with 900 square foot dwelling unit size in multifamily. What are your thoughts, options or opinions on what would be best for us?

MAYOR BOLEY stated that his opinion is that we don't need a minimum. Developers won't build it if it's not going to rent.

MR. TALLEY stated that one of the projects that they really like is Copper Ridge in Liberty. They have a mix of studios, one bedrooms and two bedrooms. That developer decided to mix what sizes would rent best. Having a 900 square foot studio is going to be pretty limiting on how they can design those buildings.

MAYOR BOLEY stated that he kids who go to high school here graduate and leave and don't really have an option to rent something here. If you look around at our restaurants. They can't staff right now. If you look around at our housing I don't know that we have housing for the folks who want to work there.

HENDRIX stated that even if we were able to get them built at that size the price will go up because the developer can't get the density they need in a building without making it massive. If they wanted to come down to varying sizes like Copper Ridge they would have to go through a conceptual plan process, every building would have to be laid out and designed so that this board could approve it through a conceptual plan process if they were going to vary that much from all of those items. In an R-3 district it's just so onerous I don't think they will want to do it that much.

ALDERWOMAN WILSON asked if we were to set a minimum what would it be? 350 or 400 square feet for a studio or what is the average size for a studio?

HENDRIX stated that the average appears to be 557 square feet, but some have been down to as low as 490 square feet. He doesn't believe we will have a whole lot of interest for 3 bedroom apartments because of the cost associated with them. He thinks that the mayor said it well as far as someone who just graduates high school and wants to live alone, they only way they will be able to afford it is if it's fairly small. The housing affordability really sets the tone on that.

MAYOR BOLEY stated that he thought Mr. Talley or Mr. Hartman had at one time stated that it costs about \$100 a foot to build right now. Maybe even more.

MR. TALLEY stated that he believes there is reason to put a minimum in there. I would probably say a minimum of 400 square feet. It's extremely expensive for a developer to even start the process of engineering architectural drawing and then not even know if the city will allow it. We may be the first project to make use of the new ordinance. I would highly encourage you all to get the minimums set so that developers are not just working foolishly on something that might not get approved.

MAYOR BOLEY stated that he is fine with setting the minimum at 400 square feet. Based off current construction costs that we be about \$50,000 a unit at that point.

SMITH also things 400 square feet is a good number.

ALDERWOMAN WILSON stated that she is ok with that number as well.

HENDRIX stated that this makes sense. He asked that the commission also look at the statement at the bottom of Table 2 in their packet. It states:

*It is important to note that there are differences between the zoning code definitions and the building code definitions of what constitutes a dwelling. Single Family Attached Units are generally townhomes with not less than two sides of the building open to the street or a yard from the foundation to the roof. If that is not met, then it is considered multifamily under the building codes and must be constructed under the International Business*

*Code, not the Residential Code. Our zoning requires both multi-family and single-family attached (townhomes) be constructed in the R-3 District.*

He stated that all of the units in Ashmont, Harborview Townhomes and Clay Creek are all considered single family dwelling units under the building code. They had to meet that 1100 square feet minimum. If someone is wanting to build a lot of 900 square foot townhomes with the same concept of an apartment it would be simply a vagary of the building codes and would trigger them having a bigger unit even though it's a multi-family rental or whatever else than if they did a 4 story building with all kinds of stuff in it. You may want to consider the 1100 square foot size if you are in the R-3 district anyway. One of the base assumptions of the R-3 districts is that they will have more density. If we are looking at dwelling unit sizes you have to consider what the purpose of them and where are they most appropriate?

SMITH asked if Mr. Hendrix has a recommendation?

HENDRIX stated that he hasn't drafted anything yet and wanted to get a feel from this commission first. His perspective is to at least consider that A-1, A-R, R-1A & R-1B districts all have at least a minimum of 1000 to 1100 square feet dwelling size. If we do a smaller lot size, which we will get into that discussion here in a little bit, he suggested that they consider a smaller dwelling size. Smaller than 1100 square feet.

MAYOR BOLEY stated that he agrees with Mr. Hendrix. On R-3 he thinks we should go with 800 square feet minimum and do something similar on the smaller lots when we get to that discussion later.

XAVIER asked that with all of this discussion about density. Our decision reflects a consideration for traffic and the ability for infrastructure to hold?

HENDRIX stated that this is one of the benefits of our structure. They can do whatever they want on their land but when they come in to divide it we require a traffic impact study and sewer impact. The developer has to pay for all of these infrastructure improvements so that their development will fit and work on our system. Single family development will be the preferred development on the north end of town. Currently we only have room in our sewer system for 605 new houses that could attach to that force main before we have to do a \$7.9 million project.

ALDERWOMAN WILSON stated that she understood that through the Comprehensive plan the north section would not be high density. From that standpoint she would prefer to see the single family dwelling minimum size for R-1A & R-1B stay where it is at right now. She is ok with R-3 minimum dwelling size going down to 800 square feet.

HENDRIX stated that in the R-2 district he suggests we consider a dwelling unit size that is a little smaller as well. Something under 1100 square feet. Does anyone have a thought?

ALDERWOMAN WILSON stated she though 900 square feet might work.

SMITH asked Mr. Talley or Mr. Hartman what their thoughts were.

MR. HARTMAN stated that this is something that the National Association of Realtors has talked about at great lengths across the country. Especially for the places that have more density and housing. He thinks there is beginning to be a popularity in the sense that there are people who don't need a larger square footage of homes, so they are ok with smaller living quarters because they want to be outside more or traveling. He believes some demand will come forward in the future if it's not already here.

MAYOR BOLEY asked Mr. Hartman what the cost of building is per square foot right now?

MR. HARTMAN stated that last year's number was \$145 per square foot for Smithville. We are probably closer to \$160-\$165 per square foot right now.

HENDRIX stated that if we have an 800 or 900 square foot minimum it doesn't mean that every unit in R-2 is going to be 900 square feet. If they want to build that small they can but if they want to build bigger they can. What they can't do is build smaller a smaller size. What he is hearing from the Commission is 1100 square foot in single family and 900 square foot in R-2. In R-3, 800 square foot if it's an independent single family unit or 400 square foot if it's a multi-family storied building. This is easy enough for him to draft something up if you think this is the direction to go in. Any thoughts on this?

SMITH stated that he thinks it sounds good.

HENDRIX stated that they now need to discuss lot sizes. He stated that the commission was supplied information about this via email. He explained that the below information is what we currently allow in the R-1A and R-1B districts:

*SECTION 400.100: R-1A SINGLE-FAMILY SUBURBAN DWELLING DISTRICT:*

*Lot Area – 10,000 ft<sup>2</sup>, lot width – 100', habitable floor space – 1,100 ft<sup>2</sup>, side yard – 10'*

*SECTION 400.110: R-1B SINGLE-FAMILY DWELLING DISTRICT:*

*Lot Area – 7,500 ft<sup>2</sup>, lot width – 75', habitable floor space – 1,100 ft<sup>2</sup>, side yard – 7.5'*

We are proposing to add another district, R-1C. That would be suggesting that the minimum lot width (road frontage) be 60 feet, minimum lot area of 6,000 square feet, side yard area not less than 6 feet, and single family dwellings have a minimum of 880 square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space. You could certainly keep the dwelling unit size at 1100 square feet to match the other R-1 districts, but it would change the look of the building to get it to fit. Land cost in Smithville is very expensive and adding this district would mean less land cost.

MAYOR BOLEY stated that he is ok with 50 foot wide lots and maybe even a little bit less and possibly dropping the dwelling square footage requirements on this. You are responsible for maintaining everything on your property, sidewalks, mowing the yard, etc. Some places have code issued because people can't get out to mow the big yard or the sidewalk is cracking, and you can't fix it because you have a lot of responsibility there. When it comes to overall home responsibility we need to do something better than a 75 foot lot width for a minimum.

HENDRIX asked the Commission to have a discussion on this.

MAYOR BOLEY asked Samenus what his thoughts were on this since recently moved here and he is part of the younger demographic.

SAMENUS stated that he likes what Jack has proposed. When he moved here he would have leaned towards a larger lot if he were able to afford it but based on where he ended up buying in Smithville he was pleased with the size of the lot. He lives by Maple Elementary school and it fits their needs.

HENDRIX stated that a lot of the lots in Mr. Samenus' neighborhood are 90 feet wide lots, so they are bigger than the standard subdivisions today which are at 75 feet wide.

MAYOR BOLEY asked what the size of the lots are downtown near Heritage Park.

HENDRIX stated that those lot sizes are all over the place. Some are 60 feet wide but there are blocks that have 40 to 50 foot wide lots in the downtown area. He stated that the real question for this commission is if you would like to consider adding a R-1C zoning district to give more options.

SMITH & XAVIER expressed interest in what Mr. Talley and Mr. Hartman both had to say about this.

MR. TALLEY asked Mr. Hendrix his opinion on Liberty's use of these guidelines? He likes to follow areas that have developed well and look well after they are developed.

HENDRIX stated that Kearney looks at it slightly different. They actually have a density in their design. They have options depending on what the district is. They really focused on the density of units per acre and the setbacks from the road. Liberty has all kinds of options, but they also have some dwelling unit per acre in theirs. In ours, density is addressed through our Comprehensive plan not through our zoning codes. In areas of Kansas City and Liberty they give themselves options and then regulate it through the zoning hearing.

MR. TALLEY stated that getting a better path forward so that when a developer comes in and starts spending money conceptual wise he knows where it fits so he can pursue the land in that area.

MR. HARTMAN agreed with Mr. Talley. He stated that they are always keeping an eye out as land developers and for our builders as to what makes sense based on the Comprehensive plan that is before them. Anything that can help compliment the Comprehensive plan specific to what you're working on as a Planning and Zoning Board can't hurt.

SMITH stated that is sounds like Jack has a pretty sound plan.

MR. HENDRIX stated that we currently have R-1A with 100' lot width & R-1B with 75' lot width in place now. I can propose that we add an R-1C with 60' lot width and R-1D at 50' lot width. The current R-1D that we have in our zoning code now will change to R-1M for manufactured housing so that we won't have any confusion. This will still give developers the option to go through the conceptual plan process. He stated that he can certainly draft this and have it ready for the

April Planning and Zoning Commission meeting. At that meeting it would be required to have a public hearing on the actual zoning code change. This will give all of you and the public a little more time to think about it and come back with more specific questions, concerns or issues.

SMITH stated that this sounds good.

ALDERWOMAN WILSON stated that she really like how ours is set up currently. When requests come in it's pretty cut and dry. I think the changes make it more challenging with what could come forward. She is trying to wrap her head around this and decide if this is the route we really want to go. She asked if what she is saying makes sense?

HENDRIX stated absolutely. From his perspective, what this does is provides more power to the Planning Commission to differentiate which size houses and which size lots can go where. It lessens the cost to the developer which ultimately means the end product will be cheaper since not as much cost will go into engineering and then be added on in the end.

ALDERWOMAN WILSON asked if this gives them a wider area to say no instead of yes?

HENDRIX stated that it gives you an opportunity to say no. For example, if someone wants to put an R-1B subdivision next to an existing R-1B subdivision in our current code it's really difficult to say no to that since because it's exactly the same. If some one is wanting to put a 50' wide lot next to a 100' wide lot subdivision that may cause a little bit of concern. That is where the developer could get creative and say how they would want it.

DOTSON stated that it sounds like there is more planning to the zoning.

HENDRIX said absolutely. More thought.

SMITH asked if the commission is good with Jack drafting this proposal to bring forward later?

The consensus was yes.

HENDRIX stated that he will have a draft of all of the changes we have discussed ready for the April meeting. This will also be advertised in the

paper for a public hearing. This doesn't mean that it has to be voted on and approved at the next meeting, but we will start the discussion at a more robust level, and it can go to the Board of Alderman following the April meeting if you all are fine with it.

## **8. ADJOURN**

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

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 8:37 p.m.