



## Planning and Zoning Commission Meeting

September 14, 2021

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

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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.

1. Call to Order
2. Approve the August 10, 2021, Planning Commission Minutes
3. Staff Report
4. Single Phase Final Plat – Liberty Acres 2<sup>nd</sup> Plat
  - a replat of Lot 2, Liberty Acres Subdivision to create one new lot (2 total)
5. Adjourn

Join Zoom Meeting

<https://us02web.zoom.us/j/84398365053>

Meeting ID: 843 9836 5053

Passcode: 476136



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

August 10, 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, Alderman John Chevalier, Mayor Damien Boley, Dennis Kathcart, Carmen Xavier, Chairman Rand Smith, and Development Director Jack Hendrix.

**1. CALL TO ORDER**

Chairman Rand Smith called the meeting to order at 7:02 p.m.

**2. MINUTES**

The July 13, 2021, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by DOTSON.

Ayes 6, Noes 0. Motion carried.

**3. STAFF REPORT**

HENDRIX reported:

Connor Samenus has resigned from the Planning and Zoning commission. We did have some applications already on file for possible new commission members and if the Board of Aldermen approve the mayor will have someone next week to appoint to the open position and we will be back to full staff for our next meeting. Mr. Samenus sat as our Vice Chairman so we will have to have new elections for Vice Chairman and any other positions.

All future Planning and Zoning meetings will be through Zoom until further notice. Notification will be sent when we are able to open the in person meetings up again.

We have issued 37 single family homes since January 1, 2021.

The cabins at the Herzog Foundation permit has been issued. We issued 4 separate permits so that we would properly keep track of inspections for each cabin. Doing it this way will skew the commercial building permit total numbers. This is technically just 1 building project. Our reports will show that we have issued 7 commercial building permits since Jan 1, 2021, but the true total is just 4.

The Eagle Ridge subdivision was really close to passing their proof roll until the rain today. The moisture that we have had in the last 6 to 8 weeks has cause a lot of problems for getting that soil compacted properly.

First Park 2<sup>nd</sup> Plat construction has been slowed due to the rain as well.

The medical marijuana facility is under construction.

We did get a submittal for a new retail business park subdivision at the existing Stewart Commercial Park where the post office is. They are looking to put 3 lots in around the post office area. They are hoping to have everything together in time for the September Planning Commission meeting.

The Diamond Creek subdivision property has been sold and the new developer will be coming in to pay for the permits so they can start work on this. They have indicated that if everything goes well with their construction they anticipate in March 2022 coming back with phase 2 and may bring forth plans related to the old Weatherstone portions of the plat as well.

At our November meeting Jack will be giving you all an update on the Comprehensive plan. That will be the 1-year anniversary of it's adoption so he will let you know where we are and what we have done since then.

**4. Continuation – Kylee Acres Final Plat – 2 lots from 63-acre parcel at 2000 NE 132<sup>nd</sup> St. *Public Hearing was conducted June 8<sup>th</sup> – Matter continued to this date for vote.***

HENDRIX stated that the public hearing was on June 8, 2021. The final plat approval was continued because we had to work out some issue with the developer. At the public hearing no one spoke for or against this. The staff report was provided in the packet for each commission member to read through. They are asking to divide 10 acres from the remaining 63 acres. The lots are served by county water not city. No improvements were required or requested by our Public Works department. This will match what is out there already. The lot size is 10 acres because if it was less than 10 acres they would have to rezone the property. Staff recommends approval.

MAYOR BOLEY motioned to approve the Kylee Acres Final Plat. Seconded by DOTSON.

**DISCUSSION:** None

**THE VOTE:** ALDERMAN CHEVALIER-AYE, XAVIER-AYE, SMITH-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE.

**AYES-6, NOES-0. MOTION PASSED**

**5. Site Plan Ordinance Revisions**

HENDRIX stated that Commission members were provided a draft of the site plan review ordinance that shows everything we are taking and adding in. Our Comprehensive Plan called out for us to review and update this. Also, with what happened with the Herzog Cabins dispute we wanted to eliminate the ambiguities. This way there is no question as to what the developments responsibility is. We also fully anticipate that we will have more and more R-3 developments coming forward and there was no real specific mechanism either for Board of Aldermen or Planning Commission review. It was simply staff handled the review process if someone submitted those applications unless they were going to do a plat or a rezoning. He suggests adding that R-3 zoned property would have to come through the Planning Commission in the site development process this way the Commission can review it and send it through with a recommendation to the Board of Aldermen for final

approval. Hendrix stated that Commission member Dotson did bring forth a couple of issue and he will let her talk about these items.

DOTSON stated that she and Mr. Hendrix talked through this and was really satisfied with what she was told. The main thing she wanted addressed was landscaping with invasive species. The state of Missouri is having a terrible time trying to find the funds to get rid of invasive species. It seems that the smart thing to do is encourage developers and landscapers to at least check with the Missouri Department of Conservation to see if their landscape plans follow along with their guidelines. She stated that she is originally from Florida and there are hardly any native species left. Missouri is her adopted home, and she would hate to see this happen here. She stated that she and Mr. Hendrix discussed everything else and doesn't really have anything else to add except for maybe issues relating to dark sky.

HENDRIX stated that this is an issue that can be rediscussed. He provided Deb with a background on the lighting stuff we had. When we created the site development regulations and the and the site plan review process to a more modern version that we have now that was a very long multiple conversation over many meeting at the Planning Commission level about the dark sky, creating a dark sky ordinance and requiring everything to be dark sky compliant. When it got down to the vote it was a 6-1 vote at the Planning Commission level to not include this based upon the cost associated with dark sky.

DOTSON stated that there is certainly a huge cost involved. Her main concern was using making sure developers were using native species and not invasive. Because in the end it will be our tax dollars that are spent by the state to get rid of it.

HENDRIX stated that he would draft a statement on behalf of this commission to the Board of Aldermen related to the issues. Basically, what the code requires is that this commission tells the Board that these are good changes and necessary changes and will be beneficial to all of the districts that we have impacted in this (Commercial and R-3). But really what is impacted by this is all of the residential surrounding them. That's what this is for, to protect the residences surrounding these districts.

DOTSON motioned to approve the Site Plan Ordinance Revisions. Seconded by KATHCART.

## **DISCUSSION:**

XAVIER asked if we are not voting for something that doesn't exist? Something that has yet to be authored.

HENDRIX stated that it was sent out in the packet for this meeting.

XAVIER said that Hendrix just stated that he would author something on our behalf.

HENDRIX said that the statement is not in the packet.

XAVIER said that she wanted to make sure everyone else knew that she was saying yes to something that has not been authored yet.

**THE VOTE:** DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, ALDERMAN CHEVALIER-AYE, XAVIER-NO, SMITH-AYE.

**AYES-5, NOES-1. MOTION PASSED**

## **6. ADJOURN**

XAVIER made a motion to adjourn. KATHCART seconded the motion.

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:30 p.m.



September 10, 2021

Single Phase Final Plat Approval of County Parcel Id # 05-905-00-02-011.02

Application for a Plat Approval – Liberty Acres Second Plat – 2 lots

Code Sections:

425.285.A.4                      Single Phase Final Plat Approval

Property Information:

Address:                      525 S. Commercial  
Owner:                         Robert Blake  
Current Zoning:              R-1B

Public Notice Dates:

1st Publication in Newspaper:              August 26, 2021  
Letters to Property Owners w/in 185':      August 30, 2021

GENERAL DESCRIPTION:

The property is approximately an 18.79-acre parcel with a single-family home. The proposal is to divide 6.51 acres from the east side of the tract, with 250' of frontage on Liberty Street. The owner lives on the west side and desires to sell off the Liberty Street frontage.

GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS *See 425.285.A.4*

The Planning Commission shall consider the following criteria in making a recommendation on the plat:

- a. The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. ***Yes, the layout complies with zoning and subdivision requirements.***
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. ***The Development pattern is similar to the existing zoning on the property.***

- 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 property is naturally suited for development on the 6.51 acres.***
  - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. **No significant grading is needed or anticipated.**
  - (3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***Each lot will have access to a public street.***
  - (4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access, and privacy. **Yes.**
  - (5) Adequate lot depth for outdoor living space. **Yes.**
  - (6) Generally regular lot shapes, avoiding acute angles. **Yes.**
  - (7) Adequate building lots that avoid excessive grading, footings or foundation walls. **Yes.**
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. **Yes.**
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. ***There are no new roadways as the existing lots are on existing paved roads.***
- f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries. ***Yes, the new lot will have all utilities available at the street frontage.***
- g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development. ***The proposed development meets this standard.***
- h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. **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. **Yes.**
- j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval. ***Annexed.***

k. The applicant agrees to dedicate land, right-of-way, and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein. **Yes, the plat includes the dedications for the proposed new sidewalk on Commercial, and prior to recording the Final Plat, Park fees in the amount of \$625.00 must be paid.**

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

m. The applicant agrees to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans. **No improvements are necessary for one new lot.**



**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the proposed Final Plat based upon adherence to the conditions contained in this report.

Respectfully Submitted,

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Director of Development

