

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

May 10, 2022

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 7:00 p.m.

A quorum of the Commission was present: Melissa Wilson, Alderman John Chevalier, Mayor Damien Boley, Billy Muessig (arrived at 7:01 pm), Rob Scarborough and Deb Dotson. Dennis Kathcart was present via Zoom.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The April 12, 2022, Regular Session Meeting Minutes were moved for approval by DOTSON, Seconded by SCARBOROUGH.

Ayes 6, Noes 0, MUESSIG was not present at the time of the vote. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that he was hopeful that the Fairview Crossing project that was brought to the commission last month would be back on tonight's agenda but that didn't happen. There are a lot of discussions going on that relates to the traffic impact for this project. At the earliest it may be on the agenda for the June P & Z meeting.

June's P & Z meeting will be busy. So far on the agenda there will be 2 rezoning requests. One item is for several lots in Waits Acres which is requesting rezoning from B-3 to R-1A. The other item is taking property with a single family home on it just north of the river and rezoning it to B-4 so

that they can potentially operate a business out of it. We also have our first telecommunications tower conditional use permit. There was one in process when he first started here 15 years ago. This one will be the first he has handled himself. He also anticipates a couple of small subdivisions on this agenda as well.

Eagle Ridge subdivision will be putting down their final layer of pavement this week depending on the weather.

Diamond Creek subdivision is redoing a couple of curbs and some pavement changes in their area. After the first rain it was noticed that their install was not perfect and there were puddles that were created and could not drain. The Board of Alderman approved their final plat at their last meeting on May 3, 2022. This subdivision will be opening up for lot sales and houses soon. They have completed 98% of the work and have some offsite improvements that the city is going to ask that they bond.

We have issued 48 residential building permits so far this year. That is almost the same as what we had by the end of the year last year.

On the south end of town at the Attic Storage site you will see some dirt work and equipment which has been going on for some time. They had to bore 200 some feet under the highway to put a bigger water line there for fire flow. This is now complete, and they have started the foundation for the climate controlled building.

WILSON asked Jack about the location where the new convenience store was built and the creek next to it. Is the city involved with any of the work they are doing to try and correct the issues?

HENDRIX stated yes the city is involved. A while back a concrete truck drove in an area near the wall where there was not enough stabilization on the top which caused that truck to fall into the creek and destroyed part of the wall. We have required them to get a separate engineer to come in and evaluate the wall after it collapsed. The engineer was required to give us stamped letter informing us if the wall was safe or not and give us a corrective action plan for a contractor to come in and rebuild it. It has been a slow process, but we are monitoring that. It has already been decided internally and with the Fire District that we are not going to issue a final certificate of occupancy until such time as the wall is rebuilt.

HENDRIX stated that Commissioner Dotson and himself attended an Affordable Housing seminar today that was put on by the Mid America Regional Council. He asked Dotson if she had any comments about the seminar that she would like to share.

DOTSON stated that she didn't feel like she came away with much information on how to solve the affordable housing issue. She did pick up some interesting information from commissioners in surrounding cities. The seminar was good in a lot of way and in others it was frustrating.

HENDRIX agreed with Dotson. It was frustrating because they didn't have answers to this issue. What they did was give us questions to start thinking and talking about.

SCARBOROUGH asked Hendrix if they city knows what the estimated sales price of a new home is at the time the building permit is pulled?

HENDRIX stated no. The only cost that we collect at the time of permitting is what the county assessor requires and that is the cost of the materials to build the home.

MUESSIG asked if there was anything that could be done to get the pricing under \$300,000 for a home?

HENDRIX stated that there really wasn't much that could be done. Currently it costs \$250 per square foot to build a new home. You could build a little 1000 square foot home and it's still going to cost you a quarter million.

MUESSIG asked what the average cost of a home in Smithville is?

HENDRIX stated that he doesn't maintain that data and that would be a question for a realtor. He would imagine that the average cost is somewhere around \$280,000 for new and old homes. For new homes he doesn't believe there are any that are under \$300,000.

4. PUBLIC HEARING: SINGLE PHASE FINAL PLAT MCBEE'S COFFEE & CARWASH (2 LOTS)

Public Hearing opened

HENDRIX informed that at our meeting in April we had the Conceptual Plan that was submitted. The purpose of the Conceptual Plan was primarily to adjust the lot sizes. We have a lot size requirement in the B-3 district of 3 acres unless you have a conceptual plan. You may recall in this conceptual plan process that there are 2 lots. The north lot will have McBee's on it. On the east side of this lot there will be a driveway coming in off of Richardson Street and you will see that it also has a shared access drive going all the way to lot 2. In the development agreement you will see a proposal for when lot 2 eventually develops and if they are able to get a separate shared access easement off of 169 Hwy from MODOT they will have to create a pathway of shared access so that both lots can get through. Staff recommends approval as it meets all of the standards.

Ashley Smith---Applicant—Preconstruction Project Manager for McBee's Coffee & Carwash— Stated that she would like to discuss the Development Agreement that was given to her last week. We agree to all of the items except for the traffic portion for the intersection. Since the beginning of this Mr. Hendrix has given us fore warning that we would be contributing to the traffic light. A rough estimate of \$10,000 to \$20,000 was given. We are not against contributing towards the traffic light nor are we against it going in, but the amount is a little bit of an issue. During the preapplication process we hired a traffic engineer to do an evaluation as far as our percentage of traffic for lot 1 & 2. There is a letter from this traffic engineer and on the last page it gets to the fact that if McBee's and Lot 2 (possibly a restaurant) were a high traffic area in the future for both lots we were looking at 8.3%. The traffic light portion is estimated to cost \$400,000 which Mr. Hendrix had been working with MODOT to get that estimate. With the traffic letter we understood that we were now looking at more like \$35,000 instead of \$10,000 to \$20,000 for that 8% of \$400,000. In the Development Agreement the City did ask for \$100,000 which is 25% of that \$400,000 cost. I am not sure of the city's budget. I know that the whole process had basically been that the city was asking for 25% from all 4 corners of this intersection and that traffic evaluations had been done for other parts of the intersection. I am not sure if numbers need to be reevaluated for other neighbors. Mr. Hendrix had mentioned there was possibly something in the works as far as negotiations with another neighbor. She is not sure how to resolve where the money needs to come from, but the McBee's are not super happy with the \$100,000 ask. They are willing to do 10% which would be \$40,000 or even 15% which would be \$60,000. She is happy to open this up for discussion and see what the commissions thoughts are and any comments they may have.

Public Hearing closed

5. MCBEE'S COFFEE AND CARWASH FINAL PLAT (2 lots)

MAYOR BOLEY motioned to approve the McBee's Coffee and Carwash Final Plat (2 lots). Seconded by MUESSIG.

DISCUSSION:

HENDRIX stated that Ms. Smith brought up some points that need to be discussed with the commission so you can see where we are at. The amounts that she had identified from early on came from GBA which is their traffic analysis firm. Since we just completed a full intersection analysis from the project across the street (Richardson Street Plaza) we asked them to take all of that data and throw their data into it so that we would have a better understanding of where things were. The development agreement for Richardson Street Plaza was \$100,000 so that is how this this number was reached. Richardson Street Plaza had about 7% of all the traffic in the intersection and McBee's Coffee and Carwash will have 8.3%. We did not evaluate it from a perspective of how much is going into the intersection primarily because the vast majority of the traffic drives by there every day. We have 18,000 cars a day going north and south on 169 Hwy. The bigger concern is the traffic going east and west into it because that is what will trigger the light. We have tried to work with MODOT on this and they have indicated that we get more input from the surrounding neighbors and are discussing themselves about putting some of their money into this as well. I don't know that the city really ever said that this would be a certain dollar amount because we really wanted to know what their traffic was going to be related to across the street and when we got that number late last week we sent them the development agreement. This development agreement is the same one we used with the Richardson Plaza folks other than adjusting locations and other language to focus it on this project. We have been in clear agreement with everything else. They are going to have to move a water line and extend sewers and they have no issues with this to make this work.

SCARBOROUGH asked if we could go to other businesses that will benefit from the traffic light and ask for money towards this? We can ask but there

is no reason for them to say "Here, take our money"? Is that a fair statement?

HENDRIX stated yes, and there is no method for us to do it. We have had conversations with the library district, and they are willing to contribute. It's another governmental entity so their budget is a same scenario where we are at as well. That negotiation is pending.

MAYOR BOLEY stated that when Cadence developed the Smithville Marketplace we didn't go to the hospital, the nursing home and Hildebrand Dental and ask. It is the development that is impacting the intersection that is responsible.

SCARBOROUGH asked where the rest of the money will come from?

HENDRIX stated that some of it will likely come from MODOT, and some will hopefully come from some Federal grant funding.

MUESSIG asked if the city has any money in the budget for this?

HENDRIX stated no. Now that we have the potential to have funding from both of these developments and know we will have this certain dollar amount. We will see where that goes.

WILSON asked Mr. Hendrix if he knew what percentage of money would come from MODOT or the grants?

HENDRIX stated we have no idea.

DOTSON asked what is staff's recommendation of this?

HENDRIX stated that the staff report recommends that these folks pay what the other folks are going to pay when they get done. We recommend that we be consistent. Especially since the traffic is the same.

DOTSON asked what will happen when the restaurant goes in on the lot to the south of McBee's? Will they be required to pay \$100,000 too?

HENDRIX stated no. This happens at the time of the subdivision. Let's say that the restaurant comes in 2 years. Their obligation would be to do their own full traffic study of what they are proposing and how that impacts the

entire intersection. McBee's just had to supplement the study that Richardson Street Plaza conducted. We will also require that the restaurant do a shared access so that people can come off of Richardson St and onto lot 2 and anyone on lot 2 can go out onto McBee's lot. For example, when they do their traffic study if MODOT requires a turn lane they would have to construct that on their own.

ALDERMAN CHEVALIER stated that Mr. Hendrix just mentioned that we gave McBee's a study and they just had to supplement that. If we didn't already have that would they have had to do a full blown traffic study on their own?

HENDRIX stated yes. It would have cost them a little more but not a massive amount.

ALDERMAN CHEVALIER stated that they were already getting some sort of assistance just from that right?

HENDRIX stated yes. This was just an evaluation letter. They didn't have to pull the data because it was already assembled and the evaluation for the intersection was already done. All their engineers had to do was throw in additional data. It didn't make any significant design changes.

MUESSIG asked what the cost of a traffic study would have been if they had to do this themselves?

HENDRIX stated somewhere between \$8000 to \$15,000 depending on what kind of data they can get without having to do their own traffic counts.

KATHCART stated that the brunt of the cost of this traffic light doesn't fall on existing residents or occupants or future ones, it's solely on this business and the other proposed business.

HENDRIX stated not the business. It's the lots in the subdivision. In this case the lots are for a business. The other proposal has a potential for 4 buildings on 3 lots and this one is 2 buildings on 2 lots.

KATHCART said that in the meantime we are going to be waiting until we collect enough money to put a light in.

HENDRIX stated no. MODOT's position was once the funds are available come back and we can start the conversation about when this can happen.

We don't have any funds from the other development because the final plat hasn't been recorded. That's when all of this occurs. For McBee's, once the waterline has been installed and sewer line is installed and has been inspected and approved they can record their final plat. Unless they want to bond all of that, but most people don't.

ALDERMAN CHEVALIER stated that from his perspective, if we already have someone across the street that is already paying this agreement I feel like we need to stay consistent as a city. If there are potentials for some reimbursements down the road maybe we can talk at that point. But from an agreement perspective I think that we need to be consistent.

KATHCART stated that he feels like they came back with a healthy counter offer instead of coming back and saying that the city said \$35,000 in the beginning and we are sticking with that. I think that is a consideration.

DOTSON stated that she liked what Alderman Chevalier had to say about keeping it consistent. But it does seem like there could be some wiggle room there. You have 4 buildings in one development paying \$100,000 and 2 buildings in another development also paying \$100,000.

HENDRIX stated that this was why we wanted the traffic study updated. To the extent that the percentages of traffic are nearly identical is how we got these figures. I think that if the percentage had been nearly half of the other development we probably would have been in a different scenario.

WILSON stated that she agrees with Alderman Chevalier. Staying consistent and move this on to the Board of Alderman. Ms. Smith can come and present this to them since they have the ultimate final say on this agreement.

ALDERMAN CHEVALIER stated that a resident also asked him if there will be any water recycling with this project?

MS. SMITH stated that they do recycle most of the water. She didn't know the exact amount but thinks it's about 70-80% that is recycled. We try to recycle as much as possible.

THE VOTE: MAYOR BOLEY-AYE, KATHCART-NO, DOTSON-AYE, SCARBOROUGH -AYE, MUESSIG -AYE, WILSON-AYE, ALDERMAN CHEVALIER-AYE.

AYES-6, NOES-1. MOTION PASSED

6. ADJOURN

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

VOICE VOTE: UNANIMOUS

WILSON declared the session adjourned at 7:44 p.m.