

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

September 13, 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, Billy Muessig, Rob Scarborough and Deb Dotson. Mayor Damien Boley & Dennis Kathcart were present via zoom.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The August 9, 2022, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by MAYOR BOLEY.

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

3. STAFF REPORT

HENDRIX reported:

Informed that we are still at 54 single family residential building permits since January 1, 2022.

An update was provided on the following commercial construction:

The Shamrock gas station (now Phillips 66) will be opening for business soon. They received their liquor license last week. They will now start stocking the store and cleaning up around the property.

We should have a site plan approval request coming to us soon for the old Price Chopper building for some exterior improvements. Interior work for Napa Auto Parts has already begun.

Attic Storage is just about ready to put the second story on their building.

We anticipate construction starting soon for McBee's Coffee N Carwash and Richardson Street Plaza. These project are both fully approved.

DOTSON stated that she has noticed that construction on the townhomes between E Main Street and E Meadow St seems to have stalled. Why?

HENDRIX stated that construction there has stalled, and the developer is working to resolve the issue that has stopped them. If it continues much longer we will make contact with them on Code Enforcement type issues.

4. PUBLIC HEARING:

- **REZONING 413 WINNER RD FROM R-1B TO R-3**

Public Hearing Opened

HENDRIX stated that there are 2 buildings on one lot. One is a three plex and the other is a two plex. These are multi-family units built on a single family zoned lot. This occurred in the 1990's. Tonight's proposal is to change the zoning to match the use which is R-3.

Public Hearing closed

5. REZONING 413 WINNER RD FROM R-1B TO R-3

KATHCART motioned to approve the Rezoning at 413 Winner Rd from R-1B to R-3. Seconded by MUESSIG.

DISCUSSION: NONE

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

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING:

- **REZONING 1103 S COMMERCIAL FROM B-2 TO B-3**

Public Hearing Opened

HENDRIX stated that this property was formerly the old Catholic Church but is now the Our Savior Lutheran School. They have a long piece of property with a lot of frontage on 92 Hwy. They have an entity that is looking to purchase some land off of the back side of it for a very specific use related to the Smithville School District. They are looking to build a bus barn so the school district can have it on their property. Since it not education related it is required to be zoned and the only zoning that would allow that use is B-3.

Public Hearing closed

7. REZONING 1103 S COMMERCIAL FROM B-2 TO B-3

MAYOR BOLEY motioned to approve the Rezoning at 1103 S Commercial from B-2 to B-3. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER stated that when he first came on board as an alderman he remembers that Stonebridge had reached out several times about the school district and water drainage problems. Has anything happened with that recently?

MAYOR BOLEY stated that he has met with them several times and as Mr. Hendrix mentioned since this use is not an educational use it will require a storm water study. Stonebridge still has not submitted anything to us from their engineers. We met with them 4 or 5 times and were supposed to submit something to the city.

HENDRIX confirmed that the mayor is correct, and this will require a storm water study for the drainage basins just like anything else.

MUESSIG asked how they would be bringing the buses in and out? Isn't there limited access there?

HENDRIX stated that they will access this off of the South entrance off of 92 Hwy. MODOT won't let them access it any other way. We will address this when they bring the site plan to us for review which will include what the building will look like, traffic study, and storm water.

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

AYES-7, NOES-0. MOTION PASSED

8. SITE PLAN REVIEW

- **1300 S 169 HWY – HERITAGE TRACTOR ADDITION**

ALDERMAN CHEVALIER motioned to approve the Site plan review at 1300 S 169 Hwy for the Heritage Tractor Addition. Seconded by DOTSON.

DISCUSSION:

HENDRIX stated that one on the engineers is present via Zoom if anyone has any questions. The building itself meets all of our general standards. The only other item is that staff recommendation is that a limited amount of low-stature bushes be placed in 5 areas in the green space along the 169 side of the property. This is similar to what you see at QuikTrip.

SCARBOROUGH asked if the purpose of this is just for beautification of 169 Hwy?

HENDRIX stated yes.

THE VOTE: MUESSIG-AYE, WILSON-AYE, ALDERMAN CHAVALIER-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE.

AYES-7, NOES-0. MOTION PASSED

9. PUBLIC HEARING

- **ZONING CODE AMENDMENT – OUTDOOR STORAGE REGULATIONS**

Public Hearing Opened

HENDRIX stated that he went thought the conversation points at last month's meeting and made the changes requested. A draft of the proposed amendment has been provided to each commission member and he believes he has addressed all of the commissions issues as it relates to storage and how it can happen outdoors and what type of screening is required.

Public Hearing closed

10. ZONING CODE AMENDMENT – OUTDOOR STORAGE REGULATIONS

KATHCART motioned to approve the Zoning Code Amendment for Outdoor Storage Regulations. Seconded by SCARBOROUGH.

HENDRIX stated when we deal with a textual change versus a district change the zoning code requires slightly different findings. In this case, at the back of the staff report and is also included as an exhibit on the

proposed ordinance are the draft statements that would meet the standard of the code. The findings are as follows:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are those zoned commercially, and these properties will be affected by the new provisions for outdoor storage behind storage screening where it is currently completely prohibited.
3. This amendment is made necessary as a result of significant investment in commercial construction and the commercial development of the city, as well as the evolving nature of the districts.

If you have any discussion points to changes you would like to make to these finding or the ordinance we can discuss them.

WILSON stated that on the first page of the ordinance under 400.155.B.7 reads: *No outdoor storage except the display of merchandise for sale to the public while the bus, but only when the business is open and only during daylight hours.* There are some extra words in there and needs to be reworded.

HENDRIX agreed and stated that "while the bus" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public, but only when the business is open and only during daylight hours.*

ALDERMAN CHEVALIER stated that the next paragraph (400.160.B.7 and 400.165.B.8) also sounds funny. It reads: *No outdoor storage except the display of merchandise for sale to the public, or except outdoor storage completely enclosed in proper storage screening.* He suggested delete "or".

HENDRIX stated that "or" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public, except outdoor storage completely enclosed in proper storage screening.*

DOTSON stated that the next paragraph (400.170.B.8) also has "or" in it. It reads: *No outdoor storage except the display of merchandise for sale to the public during business hours, or except outdoor storage completely enclosed in proper storage screening.* She requested that "or" be deleted from this as well.

WILSON and ALDERMAN CHEVALIER also agreed with that.

HENDRIX stated that "or" will be deleted and this will now read: *No outdoor storage except the display of merchandise for sale to the public during business hours, except outdoor storage completely enclosed in proper storage screening.*

THE VOTE: SCARBOROUGH-AYE, MUESSIG-AYE, WILSON-AYE, ALDERMAN CHAVALIER-AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-ABSTAINED.

AYES-6, NOES-0, ABSTAIN-1. MOTION PASSED

11. ADJOURN

DOTSON made a motion to adjourn. MUESSIG seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN WILSON declared the session adjourned at 7:29 p.m.