

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

December 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 7:02 p.m.

A quorum of the Commission was present: Melissa Wilson, Alderman John Chevalier, Billy Muessig, Dennis Kathcart, Deb Dotson & Mayor Damien Boley. Rob Scarborough was absent.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The November 8, 2022, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by DOTSON.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

We are at 58 single family residential building permits since January 1, 2022 with a total value of \$16,740,950.00.

We have several commercial construction projects from permits issued in 2021 that are still under construction or nearing completion. In 2022, we have issued 2 new commercial construction permits for new buildings and have issued 15 commercial tenant finish permits (remodel of a building). For the 17 commercial permits issued this year it equals a total value of \$6,525,676.00.

4. REVISION TO THE FENCING REGULATIONS – FINAL DRAFT

ALDERMAN CHEVALIER motioned to discuss and approve the revision to the fencing regulations. Seconded by MAYOR BOLEY.

DISCUSSION:

WILSON stated that she read through this and it looks like Mr. Hendrix covered everything that was discussed.

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

AYES-6, NOES-0. MOTION PASSED

5. SITE PLAN REVIEW – 122 N 169 HWY (FORMER PRICE CHOPPER BUILDING)

ALDERMAN CHEVALIER motioned to approve the site plan review for 122 N 169 Hwy. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER asked if we had any idea regarding what kind of tenants will occupy this building?

HENDRIX stated he has not heard of any specific tenants yet. There is a tenant identified in the rear portion but we have not been given a name.

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

AYES-6, NOES-0. MOTION PASSED

6. PUBLIC HEARING:

- **REZONING NE CORNER OF SECOND CREEK BRIDGE RD. AND LOWMAN RD. FROM A-1 TO R-1B AND R-3**

Public Hearing Opened

Clayton Cox—215 Doubletree Lane—Stated that he bought the property to build single family affordable homes. There will be some townhomes or duplexes on it as well. He has a private investor and is currently selling the property but he will still be involved with this project.

Shane Crees—13530 Mt. Olivet Rd—Stated that he is one of the applicants and also the developer of this project. The project has been designed to be in compliance and to compliment the vision of the city's long term comprehensive plan. This project will help fill a much needed void in housing in the city of Smithville. This project will provide additional tax dollars that will benefit the Smithville School District. This will provide housing that fits the budget of first time home buyers. The development is not based upon rental homes. Each townhome lot will consist of 2 homes per lot. He hoped that they see the value that this project brings to the community and appreciates their consideration of this project.

Jennifer Langston-Justus—13317 Mt. Olivet Rd—Stated that she supports this project. Informed that she was involved in the vision planning of 2019 and it was made abundantly clear that Smithville has a growing and aging population and needs more housing and neighborhood options. Currently our model doesn't serve any of those that work within our workforce that includes teachers, fire fighters and police. This development also provides all of this. It is an opportunity to provide great housing for our community, keep more residents in Smithville.

Will Ruder—600 E 103rd St. Kansas City, MO 64131—Stated that he is the Executive Vice President of the Homebuilders Association of Greater Kansas City. He spoke in general support of residential construction development and some of the difficulties associated with it. Smithville had 58 new home permits issued since January 1, 2022 which is in contrast to the 653 new family homes in Clay County which is just shy of 9% of the new single family homes for the entire county occurring in Smithville. The metro area in general needs about 9,000 new single family homes a year in order to meet the new demographic demand. 6,500 new homes were started over the course of 2021. We are behind and not capable of building

at the rate the market is calling for both in volume and velocity. We encourage our governing bodies to consider the future housing needs of their communities and start taking actions immediately so that in the coming months as we emerge out of these strange economic times that there are buildable lots available for families to build their home on.

Roberta Lowman—16251 Lowman Rd—Stated that she is opposed to the way the subdivision plat has been set up. She spoke about her contract for the sale of this property and it was totally contingent with her agent Dan Hartman in that it would only be single family homes and what the price range of those homes would be. Mr. Hartman was very much aware that I would not sell that property if it was going to be multifamily homes. This was agreed upon and placed in her contract. She supplied the commission with a copy of her contract and asked that they take into consideration and review this. She asked that they consider postponing this until the next meeting.

Derek Ramsay—5050 Main Kansas City, MO 64112—Stated that he is with the Kansas City Regional Association of Realtors. He spoke about the current housing market and why a project like this is so important to our region. Since Covid 19 they have seen a growing trend of homeowners selling their more traditional large lot suburban single family homes and seeking somewhat smaller and easier to maintain homes with more amenities. Just like the rest of Clay County, the State of Missouri and the entire country, Smithville needs more housing options at all price points to continue to grow and prosper. Building more housing choices as this development will do gives buyers options when considering Smithville as their new residence and helps to ensure that the people who serve community can live in this community as well.

Jeff Bloemker—1404 NE 182nd Terr—Stated that he is speaking in favor of this proposal. As a longtime advocate for entry level housing in our community this project would allow opportunities for our young professionals to establish roots in Smithville. We have a significant deficit of these type of homes which will allow our nurses, teachers and other young professionals in our community to not only work here but live here and establish and plant roots and grow their families here. He encourage the commission to stick to the Findings of Fact that this plan does indeed meet the Comprehensive Plan and move this along to the next stage.

Dirk Talley—17270 Hwy 169—Stated that he is here in support of the project. It follows the Comprehensive Plan. He offered his advice to those who have concern which was to be more involved when it comes time to bring forward the plats. This is when you can have more of an effect on what that project could look like and can voice concerns with the Developer and Engineer and the City at that time.

Dan Hartman—408 E Meadow St—Stated that he has been involved with this project from the beginning. Spoke about the contract that was provided by the seller (Ms. Lowman). During the process Mr. Cox was forced to begin to sell the property because the bank called the note. The property has been posted for sale and listed on multiple websites. The original seller had every opportunity to purchase the entire property along with anyone else. We had a few inquiries and had a contract come forth and their intent is to move forward with the intent of building single family residences. The preliminary plat will be brought to the January 10, 2023, meeting and will be open to your questions. There has never been any other motive but to move forward with providing housing for those who can attain that. Encouraged that the commission stick to the Finding of Facts.

Deborah Mahoney—2600 Lowman Rd—Stated that she is not opposed to development or housing but feels that there are some serious issues with this property. It floods and has a smell. For someone to have affordable housing should they be subjected to that? They would go in unknowingly. A lot of the lower income housing has a tendency to look like army barracks. When they say \$250,000 in today's market that is not much of a house and what will it look like. She is opposed to this and thinks it's the wrong piece of property.

Nick Domann—2630 Lowman Rd—Stated that he too is not opposed to development and agrees that Smithville needs additional development. He spoke more about the smell. He lives a little over a half a mile from this property and it's very frequent that we get a strong odor from the sewer treatment plant. Has there been any attempt to address that problem with this development? Spoke about access to the site and didn't see any improvements to the existing intersection of Lowman Rd and Second Creek Rd. This will obviously put an additional load on that and thinks there should be further discussion on that as well. He also seconds Ms. Lowman's comment about the multifamily residences. He is in favor of a single family subdivision.

Public Hearing Closed

7. REZONING NE CORNER OF SECOND CREEK BRIDGE RD. AND LOWMAN RD. FROM A-1 TO R-1B AND R-3

MAYOR BOLEY motioned to approve Rezoning NE Corner of Second Creek Bridge Rd. and Lowman Rd. from A-1 to R-1B and R-3. Seconded by DOTSON.

DISCUSSION:

ALDERMAN CHEVALIER stated that a couple of things that were brought quite a bit while listening to the public comment was the smell and the flooding. What can be done to address these issues?

HENDRIX stated that as it relates to the flooding issue, any development would have to be brought to 1 foot above where the flood level is. This is required anywhere in our city where the floodplain happens to be. There would be some grading involved to bring the multifamily area up. The rest of the development is not in the floodplain. As it relates to the sewer smell, that actually is generally caused by the homes that are really far away. We have a massive force main system and all of the waste on those force mains sits for a couple of days as it works its way down and when the pumps come on that is when it gets rancid. The new interceptor that we just installed for this area would be the first in and the first out and it wouldn't have much time to create a smell. All of these are in the future CIP process that the city is looking at. Including expanding the plant, etc. There is not a lot we can do associated with that smell.

DOTSON asked if the changes Mr. Hendrix was just talking about would mitigate that somehow.

HENDRIX stated when we get out of the force main scenario and expand the system to interceptors this will lessen the amount of time that this waste can sit in the pipe and stew. This is only with future development. That's why it's on the long term and short term CIP.

DOTSON asked if doing something like this does it move things along quicker?

HENDRIX stated that one of the things this scenario does from a financial standpoint is when you have more houses on a shorter amount of pipe it's easier for us as a city to maintain it and we have more people paying for it. So, it becomes more cost effective in those scenarios.

WILSON asked if we should have city council look at the contract that was provided to us by Ms. Lowman? We are not attorneys.

HENDRIX stated that he would ask that the commission look at it from this perspective. Whether you agree or disagree with either side of the story you have to apply that to the proposed Finding of Facts. And which one of those proposed Finding of Facts does that issue address.

DOTSON stated that she just finished the Mid America Regional Council webinar for Planning and Zoning Commissioners and one of the things brought up was perception of single family versus multifamily. In a duplex or a townhome situation where basically you have 2 homes together it's still single family. It's considered single family attached or single family detached. Multifamily comes into play when you have a quad, a tri or an apartment complex. Even though you have townhomes, 2 to a lot, the use is still single family not multifamily.

MUESSIG asked if there is a minimum lot size?

HENDRIX stated that there is a minimum lot size and all of this is met with this development.

WILSON stated that we are going to move on to discussing the Finding of Facts and Conclusions of Law. Items #1-9.

1. *Character of the neighborhood.*

The surrounding area is a mix of a few single-family houses on agriculturally zoned land, R-3 land to the west across Lowman Road and farmland in unincorporated Clay County to the south. Significantly larger residential subdivisions lie just west of the parcel, and the proposed Downtown overlay district is to the east.

Discussion: None

2. *Consistency with the City's Comprehensive Plan and ordinances.*
 - A. The existing Comprehensive Plan was approved on November 10, 2020, and calls for an overlay district for expanding downtown to just east of the boundary with Second Creek itself. The proposed density in the proposed subdivision is less than most other new subdivisions proposed in the recent past and completes infill development between the expanded downtown and the dense subdivisions to the west.

Discussion:

ALDERMAN CHEVALIER stated that this is exactly what the Comprehensive Plan calls out for. It definitely fits.

3. *Adequacy of public utilities and other needed public services.*

The application is to rezone to allow a 53 single-family and 17 multifamily lot subdivision to be constructed. All utilities and services are available currently but must be extended through this facility at the applicant's sole cost and expense.

Discussion:

MAYOR BOLEY stated that it sounds like we have plenty of sewer with the wastewater plant right there.

ALDERMAN CHEVALIER stated that the other concerns will be addressed with the plat next month.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is farm/pasture, but the subject portion of the land is undeveloped.

Discussion: None

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to the existing district classification when annexed into the city. With the recent completion of gravity sewers along the property near the river, the land has become more developable.

Discussion: None

6. *Compatibility of the proposed district classification with nearby properties.*

The adjacent land (other than 3 houses on lots larger than 3 acres) is undeveloped farm or pastureland. Nearby is commercial land on the east, R-3 multifamily across Lowman Road with two larger subdivisions to the west of that land. The city's sewer treatment plant is just north of the subject parcel as well.

Discussion:

MAYOR BOLEY stated that it meets our Comprehensive plan for infill development and everything around it.

7. *The extent to which the zoning amendment may detrimentally affect nearby property.*

No detriment is anticipated to the adjacent housing or vacant lands.

Discussion: None

8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*

No loss to landowners is expected.

Discussion:

WILSON stated that as we have heard today we need more housing.

9. That in rendering this Finding of Fact, testimony at the public hearing on December 13, 2022, has been taken into consideration as well as the documents provided.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

8. PUBLIC HEARING

- **PRELIMINARY PLAT FOR SECOND CREEK MEADOWS**

9. PRELIMINARY PLAT FOR SECOND CREEK MEADOWS

WILSON stated due to the fact that they don't have all of the necessary traffic studies items 8 & 9 on the agenda will need to be postponed

MUESSIG motioned to postpone. Seconded by MAYOR BOLEY.

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

AYES-6, NOES-0. MOTION PASSED

10. PUBLIC HEARING

- **REZONING A PORTION OF 18601 N 169 HWY FROM R-1B TO R-3 WITH A CONCEPTUAL PLAN OVERLAY**

Public Hearing Opened

Anthony Luca—1722 Main Street Kansas City, MO 64108—Stated he is the Architect on the project and speaking on behalf of the Herzog Foundation. We were here 2 months ago requesting a rezoning to B-3 for a project called the Herzog Lodge. During that meeting there were numerous members from the community that offered their feedback and their thoughts on the project. Since then, we have taken that feedback into consideration and reevaluated the project. The previous request of rezoning to B-3 created an obvious discomfort due to potential uses. After hearing the feedback, we are coming forward with a different proposal that we feel fits in much more nicely with the Comprehensive plan and surrounding context. We are now seeking to rezone to R-3P with a Planned Development Overlay. The Planned Development Overlay allows us to place additional

restrictions on top of the already allowed R-3 zoning. The R-3 zoning allows us to stay within the residential classification that this site is already zoned as. The B-3 zoning would have allowed for hotel uses for commercial benefit for the owner however the Herzog Education Center is not a hotel nor is it being built for commercial purposes. It's primary purpose is to be an educational center supporting the mission of the Stanley Herzog Foundation with dormitory rooms that allow for overnight stay of the centers guests. We feel that this use better aligns with the currently requested R-3P zoning which allows dormitories not hotels as a use. The city's Comprehensive Plan set aside this land for civic or institutional development. We feel that this project is directly in line with the comprehensive plan set out by the city and aligns with those community oriented uses and educational facility uses. We feel that the Herzog Foundation is a stable and reliable presence in the Smithville community and is a mission driven institution that is focused on mission and not driven by profit and are engaged in the community. The foundation is also a job creator in Smithville. 28 new jobs were created with the Herzog Foundation and an additional 15 new jobs to support the Herzog Educational Center. They will also be a good neighbor through responsible designs and maintenance budgets that will allow the grounds to be taken care of to the level that Smithville deserves. In the R-3 district there is a list of permitted uses. We are essentially restricting all uses except for dormitories. Any alternate use that this site could potentially be used for would require another public hearing and another alteration to the city's underlying code. We are restricting any of the conditionally permitted uses to further limit what can potentially happen. Under R-3 the height restriction is 5 stories. We are adding a restriction that we will limit the maximum structure height to 2 stories. We are also revising the setbacks to increase them even further than what is currently outlines. The front setback is required to be 55 feet but we are increasing to be at 100 feet. The side setback which is required to be at 7.5 feet we have increased to 40 feet.

Dirk Talley—17270 Hwy 169—Stated that he was here when they first brought the Herzog Foundation through for rezoning approval in 2020. The Foundation building has become a benchmark of what we see coming into town. This Education Center is just an extension of it. He is in support of it.

Darrell Jones—712 Apache Ct—Stated he is the President of the Herzog Foundation. He handed out a packet to the Commission which included emails from local vendors here in Smithville and other Christian Schools in the metro area who are in support of this project. Over the last year they have found that their niche is serving to educate educators and to be a

school for schools. Over the last year they have educated nearly 600 educators from 41 different states. Every meal that we have had for a 3 day conference for 50 educators have been catered by local vendors. While our primary focus is Christian schools it has been interesting the number of public schools that have benefited from the training we have done. They feel that what they are doing can be done more efficiently with this new building which will serve for a number of break out rooms and small group rooms that our current facility just doesn't have. We do believe that it does fit with the long term planning of this commission.

David Horrocks—18405 N. Main St—Stated that he was here at the first meeting a couple months ago. Stated that it looks like traffic from this project will come out off on N. Main St. He addressed his concerns about the road and asked if the city going to take over the road and take care of it? Will the property owners suffer on this with the road breaking down? He spoke about a discussion he had with Mr. Hendrix about the road. This project will add more pressure onto the sewer line and spoke his concerns about this as well. He has no problem with what they are wanting to do. It's a beautiful property.

Scott Ready—18608 Woodruff St—Stated that he is a member of the Good Shepherd Church which is located right next to the Herzog Foundation. He drives by this building everyday and feels blessed as a community to have this organization here. He likes the adjustments they have made. He supports this project. To have a building like this will also bring these people into our community and gives them a place to stay.

Jamie Champlin—208 Doubletree Ln—Stated that she is the Finance Director for the Herzog Foundation and spoke in support of this project. In just 2 short years the Herzog Foundation is expected to drive just over \$6 million dollars into the Clay County economy.

Todd Graves—8460 E Hwy Edgerton, MO 64444—Stated that he is the Chairman of the Herzog Foundation. Spoke as to why this Foundation was built in Smithville. Stated that he feels the whole institution will be a great benefit to Smithville in terms of what it will bring to the community. They want to be good neighbors and hopes the community continues to support them.

Trudy LaForce—411 NE 188th St—Stated her property is east of the Herzog Foundation property. Spoke about how today's plan for the property

has changed from the original plan submitted back when the Herzog Foundation building was brought forward. Stated that N. Main St is an issue. Spoke about all of the improvements that the Herzog Foundation did in their initial phase to contain the water that flows but there is still flooding that is occurring even after all of that work was done. Spoke about the look of the building and how it doesn't look like anything in this area. Asked what the long range plans for this building be? Spoke about the access being off of N. Main St and how there have been problems in this area.

Mitch McGuire—18511 N. Main St—Stated that he is also concerned about the street and the flooding. He understood from the last meeting that they would do some improvements to the north end of the road but asked what the city would do on the south side. Said that he has heard about an economic plan and is interested in hearing more about that.

Heather LaForce Ward—411 NE 188th St—Spoke about her concerns regarding N. Main St and its maintenance, the flooding, sewer concerns and feels the city should take some responsibility for this if it's approved. Stated that even though this is not a hotel you still have 75 rooms and people coming in and out and it's not the proper place for this and thinks it should have been in their original plans to begin with.

Public Hearing Closed

11. REZONING A PORTION OF 18601 N. 169 HWY FROM R-1B TO R-3 WITH A CONCEPTUAL PLAN OVERLAY

MAYOR BOLEY motioned to approve rezoning a portion of 18601 N.169 Hwy from R-1B to R-3 with a Conceptual Plan Overlay. Seconded by MUESSIG.

DISCUSSION:

WILSON stated that she feels that they did a really good job with their presentation and took to heart what we discussed 2 months ago and came back with tonight's plan.

ALDERMAN CHEVALIER agreed and thinks that the new plan looks phenomenal. He thinks it will be obscured by the trees and will fit right in with the area.

MUESSIG stated that it looks like they added a gate and that will kind of limit some of the traffic on N. Main Street.

MAYOR BOLEY stated that it also has a lot of water detention and the detention basin on this are massive. Not too worried about that. There was also some road improvements mentioned.

HENDRIX reminded the commission that all of the improvements needed would be addressed at the site plan review later down the road.

ALDERMAN CHEVALIER asked if the plan would even be able to come to the commission without insuring that the road improvements are made?

HENDRIX stated that it can but from a staff perspective it won't because we want it fixed too. And so do they. When it does come to you for approval you will have a list of all of the improvements that we have negotiated and you can approve or deny.

WILSON stated that she has a question for someone from Herzog. She sat on Planning and Zoning when the Foundation building and the cabins were presented to us. With adding this other facility, did this grow to be more than you had even anticipated as far as people coming to you guys for trainings? Did this evolve from your original thought process and planning? MAYOR BOLEY stated that himself and others have met with multiple hotel developers and they have unanimously said they are not interested. We don't have the ability in Smithville to occupy a hotel 90% of the time. Herzog would get them closer but it still wouldn't be occupied 90% occupied of 200 rooms.

MR.JONES stated that yes, it has evolved. Over the course of the last 2 years, we have seen that training is really needed across the country. Seeing these needs the cabins are just not sufficient enough. We feel that in the long term we can be more efficient by bringing them here and keeping them here and giving them an opportunity to recreate here as well.

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

AYES-6, NOES-0. MOTION PASSED

12. PUBLIC HEARING

- **HERZOG EDUCATIONAL CENTER SUBDIVISION (1 LOT)**

Public Hearing Opened

David Horrocks—18405 N. Main St—Spoke about the traffic study and MODOT improvements at 169 Hwy and 188th St. Asked why they didn't push for a round about at that location. Stated that he thinks the city needs to push the state to install a round about to slow everybody down instead of a turn lane.

Public Hearing Closed

13. HERZOG EDUCATIONAL CENTER FINAL PLAT

MAYOR BOLEY motioned to approve the final plat for the Herzog Educational Center. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER stated that MODOT has licensed engineers to help figure out what is needed at that intersection, correct?

HENDRIX stated that MODOT did evaluate a round about and rejected it as not appropriate for the area. But all of the other concerns are being addressed. That intersection will drop about 5 feet and will raise the low spot and are adding several turn lanes on 169 Hwy.

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

AYES-6, NOES-0. MOTION PASSED

14. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN WILSON declared the session adjourned at 8:39 p.m.