



Planning and Zoning Commission Meeting

September 13, 2022

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

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 or may use the Zoom link below to access the meeting.

- 1. Call to Order**
- 2. Approve the August 9, 2022, Planning Commission Minutes**
- 3. Staff Report**
- 4. Public Hearing**
 - Rezoning 413 Winner Rd. from R-1B to R-3.
- 5. Rezoning 413 Winner Rd. from R-1B to R-3**
- 6. Public Hearing**
 - Rezoning 1103 S. Commercial from B-2 to B-3
- 7. Rezoning 1103 S. Commercial from B-2 to B-3**
- 8. Site Plan Review – 1300 S. 169 Hwy – Heritage Tractor Addition**
- 9. Public Hearing**
 - Zoning Code Amendment – Outdoor Storage Regulations
- 10. Zoning Code Amendment – Outdoor Storage Regulations**
- 11. Adjourn**

Join Zoom Meeting
<https://us02web.zoom.us/j/85351295289>

Meeting ID: 853 5129 5289
Passcode: 950289



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

August 9, 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 7:03 p.m.

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

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The July 12, 2022, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by MAYOR BOLEY.

Ayes 5, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that we are still at 52 single family residential building permits since January 1, 2022. This equals 13.54 million dollars in construction costs. For Commercial projects there is still a lot of it under construction, but no new building permits have been issued since January 1, 2022. We issued 9 new commercial building permits in 2021 which equaled 32.65 million dollars in construction costs.

A request has been received from a citizen about changing our fencing requirements. Mr. Hendrix directed the citizen to speak with their Alderman member. At the last Board of Alderman meeting in July this Alderman member requested that the Planning and Zoning Commission have a

discussion about this and see if they felt that any changes should be made to the current fence requirements. The current fence code can be viewed by clicking this link: <https://ecode360.com/28674922> . The specific matter to be discussed is fencing in front yards. This particular citizen is looking to see if vinyl coated chain link fences could be allowed in the front yards of residential districts. It is important to note that a "front yard" is defined as any yard area adjacent to a public street, and on corner lots, there are two "front yards". Currently in front yards and corner lots the fence requirements are 4 foot tall, 50% open and decorative or ornamental. The specific issue being brought forward is the definition of "decorative or ornamental", which the code specifically states that "Chain-link fences, fence wires, wire mesh fences, snow fences or fences constructed in any part with such materials shall not be considered decorative or ornamental". Hendrix asked for a general consensus from the commission members on whether they felt changes should be made. Click the attached link to listen to the entire discussion: <https://youtu.be/yPwu4MeITP8>.

MAYOR BOLEY stated that he felt no changes should be made.

KATHCART stated that he felt no changes should be made.

CHAIRMAN WILSON stated that she was ok with the current code. She questioned if we should expand upon what is considered decorative or ornamental. Should we state in the code what is acceptable?

HENDRIX stated that our code states specifically what we don't allow so there is no reason to be more specific since the interpretation is clear.

CHAIRMAN WILSON stated she understood and doesn't want any additional work from staff to better define these definitions. It sounds like we have a consensus.

HENDRIX stated that it sounds like the consensus from this commission is to not make any change the current fence code.

4. PUBLIC HEARING:

- **SINGLE PHASE FINAL PLAT – HILDEBRAND ESTATES – CREATING 1 LOT AT 16391 LOWMAN RD.**

Public Hearing Opened

HENDRIX stated that the developer has acquired 43 acres of land. 11 acres is on the north side of a very deep valley which has access to Lowman Rd. The developer has a buyer that would like to buy this 11 acres. We got our attorney involved as far as what needed to happen for the public roadway dedication that is located on the far left of the plat. Our attorney has confirmed that it complies with all of the ordinance requirements for having public road frontage and all of the other requirements. The land is currently zoned agricultural and since the minimum size requirement for agricultural is 10 acres no rezoning will be required.

Dan Hartman---408 E Meadow St--- Stated that he is here on behalf of the applicants. Show Me Real Estate is representing Robin and Matt Hildebrand and Mr. Hartman is representing through Show Me Real Estate Clayton and Lindsey Cox. He stated that he is here for any question the commission may have.

Public Hearing closed

5. SINGLE PHASE FINAL PLAT – HILDEBRAND ESTATES 1 LOT AT 16391 LOWMAN RD.

MAYOR BOLEY motioned to approve the Single Phase Final Plat for Hildebrand Estates 1 lot at 16391 Lowman Rd. Seconded by KATHCART.

HENDRIX informed that the staff report included in the packet indicates from Development and Public Works that all of our issues were taken care of. Our Engineers have confirmed that it meets our code.

DISCUSSION: NONE

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

AYES-5, NOES-0. MOTION PASSED

6. ZONING CODE AMENDMENT – OUTDOOR STORAGE REGULATIONS

MAYOR BOLEY motioned to approve the Zoning Code Amendment for Outdoor Storage. Seconded by DOTSON.

DISCUSSION:

HENDRIX provided the commission members with a copy of the staff report which explains the following:

Staff completed a much more significant dive into the research of the history of City ordinances on the subject since last meeting. Some of that research is helpful to inform you as to how we got here, which may have impacts upon your thoughts on the matters discussed. Staff left the meeting with the consensus to restore the code provisions to what existed prior to the code overhaul in 2013. We were able to find previously unknown ordinances that address storage over time. The following is a timeline, as best as can be determined (some incomplete/confusing minutes from the early 1990's) of outdoor storage regulations in Smithville.

It appears as though the general provisions in all business districts was as follows:

"All business, servicing, storage and display of goods (except of off-street parking and loading) shall be conducted within completely enclosed structures." This language was apparently in ALL commercial and industrial districts. In 1994, Ordinance 1563 was presented to the Board of Aldermen that would change the outdoor storage rules, for what was then the B-2 district. That ordinance changed the rule for "outdoor storage associated with permitted uses as described in appendix A shall only be permitted as a conditional use". The difficulty with this ordinance is that it assumes that the outdoor storage could be different in the same district depending upon whether or not it was considered under the permitted uses of the old Table of Uses provisions of our code. That is simply a misunderstanding of how the code was organized and how code interpretations work in a court of law. As said, this version was adopted in 1994 at the August Board meeting. There does not appear to be any specific listing of the discussions that occurred after this original approval by the Board other than it was referred to the P & Z for further discussion. In addition, none of the minutes of the P & Z between the August approval and the Board meeting that occurred on

May 5, 2022, reveal any discussions on outdoor storage. In the Board meeting, they approved Ordinance 1615 concerning outdoor storage. While the ordinance lists several findings of the Planning Commission in the Whereas provisions, again, no minutes or agendas show such discussion. Ordinance 1615 changed the outdoor storage regulations by adding definitions (which have not changed to today) for Display of Merchandise for Sale to the Public, Outdoor Storage and Storage Screening. It also identified changes to the Use Limitations sections in the B-2, B-4, I-1 and I-2 districts. (The B-3 district contained a provision referencing the standards in the B-2 district). Following that ordinance, the commercial and Industrial districts contained the following provisions related to Outdoor Storage:
B-1: "All business, servicing, storage and display of goods (except of off-street parking and loading) shall be conducted within completely enclosed structures."

B-2, B-3, I-1 and I-2: "No outdoor storage shall be permitted except for the display of merchandise for sale to the public or outdoor storage completely enclosed in proper storage screening.

B-4: "No outdoor storage, except the display of merchandise for sale to the public, shall be permitted."

Following Ordinance 1615 above, there were several additional minor tweaks to the Industrial and B-4 districts, and other changes to the nuisance codes. The nuisance code had a provision barring unlicensed vehicles (except car dealers) from being in the public view. That provision applied to ALL districts and required the vehicles to be "*confined within a structure or fence that shields the vehicle or portion thereof from view from adjacent property or public rights of way*". This ultimately resulted in much confusion that we are now attempting to resolve.

With the original consensus to restore the pre-2013 provisions, staff wants to show clearly what that might mean and offer a couple of tweaks based upon the actual district. First, there would be three different levels of outdoor storage requirements, as discussed above:

The B-1 district would require ALL storage to be inside a building, and it would prohibit any outside display of merchandise to be sold.

The B-4 district would require storage to be inside a building except the display of merchandise to be sold.

All other districts (commercial and industrial) would be allowed to display merchandise for sale and store outside if behind proper storage screening (6 ft. fence, etc.)

The impact on the B-1 district would be that the types of businesses (e.g. clothing stores, hardware stores, antique stores) allowed would not be able

to display any wares outside (except in limited drive-up businesses or gas stations) if such business is approved with a conditional use permit. The B-4 district would only be allowed to display merchandise for sale to the public with no other outdoor storage ability.

All other districts would be able to have display for sale items as well as outdoor storage behind proper storage screening.

The B-1 and B-4 districts generally have the highest likelihood of impacting a residential use, but the other districts certainly can impact residential.

With a complete restoration, here are a couple of probable issues:

The B-4 district allows residential uses, but the old provision would not differentiate between the use. So, one likely unintended consequence would be that a single-family home in the B-4 district would not be able to have outdoor storage at all. Depending upon how strictly the provision would be construed, it arguably could have an impact on the lumberyard to the extent it has outdoor storage (in standard lean-tos) that are nothing more than basically a roof. While the entire perimeter of that facility has sufficient "storage screening" by either a building wall or sight obscuring fencing, the previous version of the B-4 could prohibit it altogether. Staff seeks guidance on whether the B-4 district should address the residential impact by excluding residential uses located in the B-4 district altogether, and whether allowing outdoor storage that is properly screened would be appropriate as well.

Lastly, since B-1 districts are likely located at busy intersections in residential areas, should the total ban stay, or would an allowance for display of merchandise "during normal operating hours" be more appropriate?

HENDRIX asked the commission to have a discussion on what we should require on B-1 and B-4 zonings for outdoor storage.

DOTSON asked Mr. Hendrix what his recommendation would be.

HENDRIX stated that B-1 has an impact on the residential properties. He recommends that B-1 needs to be inside a building. They don't need to have it outside. However, during business hours allow them to have outdoor storage of the merchandise for sale. He thinks this would be very reasonable.

KATHCART asked if it would stay out or have to be put away.

HENDRIX stated that in B-1 he recommends that after the business closes for the day it would have to be brought back inside.

MAYOR BOLEY asked if for the B-1 that we do have, for example the lot by the Harborview Townhomes, if someone built a non-gas station convenience store they can't sell ice or propane?

HENDRIX stated that if the ice and propane were inside the dispensing bins he felt they could. But they couldn't have firewood or cases of water stacked up outside for sale.

SCARBOROUGH asked Hendrix what he meant by "hours of operation" because some businesses are open 24-7 like QuikTrip.

HENDRIX stated that it would depend on the use of the property. B-1 would allow it but the lighting restriction as far as how close they are to single family residential makes it less. The other thing is B-1 cannot have gasoline unless there is a conditional use permit. I fully anticipate that if they wanted to have a conditional use permit to have gasoline sold their hours of operation would be one of those issues discussed at the time of approval for that.

WILSON stated that she thinks that B-1 should be the most restrictive.

SCARBOROUGH asked how a lawn and tractor facility would be handled or how it is handled now?

HENDRIX stated that it's considered display of merchandise for sale. Like a car lot.

MAYOR BOLEY stated those types of businesses are only allowed in B-2 or B-3.

HENDRIX explained what type of businesses are allowed in the B-1 district. He stated that if it's an office type of scenario then he doesn't believe there would be any type of outdoor storage needed. But a retail businesses would be affected.

KATHCART stated that he agrees with making them put it away after business hours. Because if you don't it will grow and grow but if they have to put it away every night they won't put as much stuff outside.

HENDRIX stated that he believes he understands what the commission wants as far as B-1. We discussed B-2 and B-3 districts at our last meeting and is also clear on what the commission wants. Now let's discuss the B-4 district. This district will have more pedestrians. The district is a lot bigger than just the downtown area so keep that in mind. The significant area of the businesses portion are the ones that have their buildings built on the front property line and their side yards are the wall to the building next to them. So generally, they only have area in the rear that is usable for potential outdoor storage. If they are going to do outdoor storage in this scenario should it be screened like the B-3 areas?

DOTSON asked for some examples of existing businesses in the B-4 zonings.

MAYOR BOLEY stated Callahan's Auto Body Shop, the bike shop. Outdoor storage must be kept within their property lines. We have had some downtown businesses use the alleyways to store stuff which is not their property to so.

HENDRIX stated that the question is if it should be allowed to be outside if you have a fence to obscure it from the public or should it always be stored inside a building?

MAYOR BOLEY stated that this is really what brought up this discussion in the first place. Putting it in a building is too burdensome is what the argument has been.

KATHCART stated that if they have extra stock especially. If a business has a showroom like the bike shop but has a lot of sales and maybe has 50 extra bikes needing stored.

HENDRIX stated that the same thing would apply at the car repair place which is a grandfathered use, and he is able to continue it. If he is repairing the cars that are there and getting them out of there that is great but it's the biggest eyesore in town.

MAYOR BOLEY stated that they are also parking the cars needing repaired in the park which is public land.

HENDRIX stated that Courtyard Park is our showcase, and it has some ugliness near it. Storage screening by its definition is designed to make it look less ugly.

MAYOR BOLEY stated that there are a few businesses in downtown that have proper screening which are The Kissinger's, Mr. Electric and the fence installation company. His recommendation is at a minimum the B-4 district should have sight obscuring fencing.

DOTSON stated that she agrees with this recommendation. We need to make Smithville look nice.

HENDRIX stated that based off the comments tonight he will have an ordinance drafted and brought back for the September Planning and Zoning meeting.

7. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN WILSON declared the session adjourned at 7:39 p.m.



STAFF REPORT

September 9, 2022

Rezoning of Parcel Id 05-617-00-17-013.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 413 Winner Ave
Owner: Ron Major
Current Zoning: R-1B
Proposed Zoning: R-3

Public Notice Dates:

1st Publication in Newspaper: August 25, 2022
Letters to Property Owners w/in 185': August 29, 2022

GENERAL DESCRIPTION:

The applicant submitted an application proposing to rezone an existing lot from R-1B to R-3. The lot has two buildings located on the lot, a two-family duplex, and a three-family triplex.



The existing constructed buildings do not match the appropriate zoning district. The purpose of the rezoning is to attribute the built environment properly and correctly to the zoning layers. The zoning change would also allow the buildings and the individual units to be divided into independent ownership units.

EXISTING ZONING:

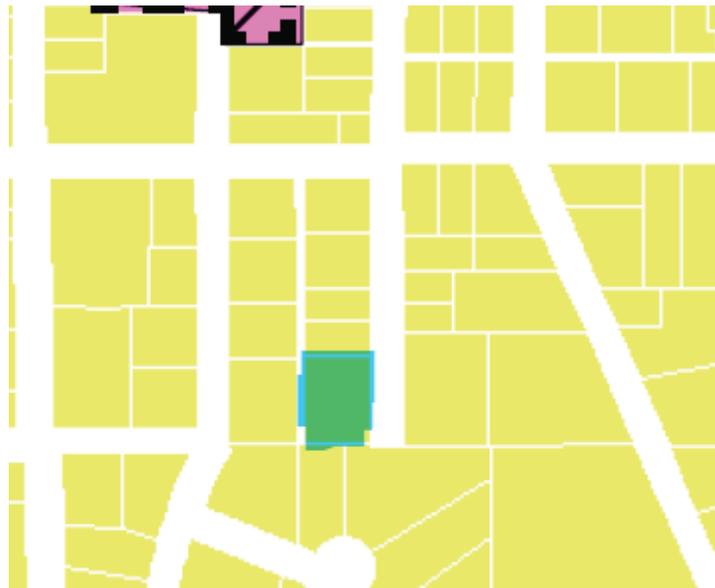
The existing zoning likely was created when zoning was created by the original zoning ordinance #711 from 1966.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a completely built area, with primarily mid-century or older single family residential housing on Winner, with 1990-2000's houses to the south in a different subdivision. All these single-family houses surround the two and three family buildings at 413 Winner Ave.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The existing Comprehensive Plan was approved in November of 2020 and this built environment existed at the time of implementation.



ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The area is a completely built environment.

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is R-3 multifamily, but the zoning is R-1B single family. The proposed zoning change would enable the zoning layers to match the built environment.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to its' existing district classification when zoning was created, and the property was built with two multi-family buildings at some point after the zoning. This construction is similar in timing to the N. Main St. issue from a couple of months ago.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district is often controversial if it was to be a new construction area, but to the extent the area has remained consistent and not controversial in the past with the existing buildings, it has become compatible.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560.C.7*

N The proposed district is often controversial if it was to be a new construction area, but to the extent the area has remained consistent and not controversial in the past with the existing buildings, it has become compatible

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Ron Major

Land Use Proposed: R-3

Zoning: R-1B

Property Location: 413 Winner Ave

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on September 13, 2022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.

The surrounding area is a completely built area, with primarily mid-century or older single family residential housing on Winner, with 1990-2000's houses to the south in a different subdivision. All these single-family houses surround the two and three family buildings at 413 Winner Ave.

2. Consistency with the City's Comprehensive Plan and ordinances.

The existing Comprehensive Plan was approved in November of 2020 and this built environment existed at the time of implementation.

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

The area is a completely built environment.

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

The current use is R-3 multifamily, but the zoning is R-1B single family. The proposed zoning change would enable the zoning layers to match the built environment.

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

The property was zoned to its' existing district classification when zoning was created, and the property was built with two multi-family buildings at some point after the zoning. This construction is similar in timing to the N. Main St. issue from a couple of months ago.

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

The proposed district is often controversial if it was to be a new construction area, but to the extent the area has remained consistent and not controversial in the past with the existing buildings, it has become compatible

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

The proposed district is often controversial if it was to be a new construction area, but to the extent the area has remained consistent and not controversial in the past with the existing buildings, it has become compatible

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

No detrimental effects are anticipated to adjacent properties.

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

Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Rezoning of this property from R-1B to R-3 is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of rezoning the property to R-3.



STAFF REPORT

September 9, 2022

Rezoning of Parcel Id # 05-909-00-01-014.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 1103 S. Commercial
Owner: Our Savior Lutheran School
Current Zoning: B-2
Proposed Zoning: B-3

Public Notice Dates:

Public Notice Dates:
1st Publication in Newspaper: August 25, 2022
Letters to Property Owners w/in 185': August 29, 2022

GENERAL DESCRIPTION:

The Smithville School District (acting as the agent for Our Savior Lutheran Academy) submitted an application proposing to rezone property of approximately 9.51 acres +/- from B-2 to B-3. The proposed zoning classification is proposed to allow the district to purchase land from the Lutheran School for the construction of a bus barn location.

EXISTING ZONING:

The existing zoning is B-2 from 2015. Prior to the Lutheran academy, the zoning was A-1 and the Catholic Church was located on the property.

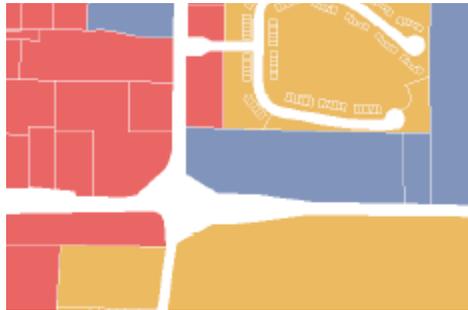
CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is B-3 properties to the west and southwest of the 92 Hwy/Commercial St. intersection. The property to the south of 92 Hwy is currently A-1

and predominantly vacant other than the original farm house. To the north is the R-3 zoned Stonebridge subdivision

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The existing Comprehensive Plan was approved in November of 2020 and calls for this property to be "Institutional/Civic", which includes schools and churches so it is in compliance with the plan.



ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

Water, Sewer and Storm water

The site can be served by water and sewer to the north through Stonebridge. Impact to stormwater will be handled during the site plan review process.

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is B-2, but a school bus bar and yard must be in B-3 zoned land. Eventhough this is the school district, they are subject to the zoning jurisdiction on this parcel because the bus barn use is not considered a "school" function covered by zoning exemptions in state law.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to its' existing district classification when the Lutheran academy purchased the property, and the eastern half of the property has remained vacant.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district is slightly higher than the current B-2 classification and both matches the zoning on two of the other corners of the busy 92/Commercial roundabout intersection. Any construction will be subject to the Site Plan review processes of the city, and any buffering needs will be met at that time.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY
400.560C.7

No detrimental effects are known.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING
PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Smithville School District (on behalf of Lutheran School)

Land Use Proposed: B-3

Zoning: B-2

Property Location: 1103 S. Commercial

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on September 13, 2022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.

The surrounding area is B-3 properties to the west and southwest of the 92 Hwy/Commercial St. intersection. The property to the south of 92 Hwy is currently A-1 and predominantly vacant other than the original farmhouse. To the north is the R-3 zoned Stonebridge subdivision.

2. Consistency with the City's Comprehensive Plan and ordinances.

The existing Comprehensive Plan was approved in November of 2020 and calls for this property to be "Institutional or Civic", which includes schools and churches so it is in compliance with the plan.

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

The site can be served by water and sewer to the north through Stonebridge. Impact to stormwater will be handled during the site plan review process.

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

The current use is B-2, but a school bus bar and yard must be in B-3 zoned land. Even though this is the school district, they are

subject to the zoning jurisdiction on this parcel because the bus barn use is not considered a "school" function covered by zoning exemptions in state law.

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

The property was zoned to its' existing district classification when the Lutheran academy purchased the property, and the eastern half of the property has remained vacant.

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

The proposed district is slightly higher than the current B-2 classification and both matches the zoning on two of the other corners of the busy 92/Commercial roundabout intersection. Any construction will be subject to the Site Plan review processes of the city, and any buffering needs will be met at that time.

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

No detrimental effects are known.

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

No detrimental effects are anticipated to adjacent properties.

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

Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Rezoning of this property from R-1B to R-3 is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of rezoning the property to B-3.

Date:	September 9, 2022
Prepared By:	Jack Hendrix
Subject:	Heritage Tractor Site Plan Amendment

Heritage Tractor, located at 1407 S. 169 Hwy, seeks approval of an addition to its' building. All the existing structures were conducted prior to any site plan review process in Smithville. When looking to make additions to an existing site plan, there is discretion as to the ultimate scope of compliance efforts. Given that the existing layout of the lot and the buildings are already designed, constructed and in use for over 40 years, most of the compliance efforts will be with just the addition, and staff recommends some minor landscape buffering additions.

First, the addition is to an existing structure with a siding design that is no longer allowed in B-3 districts – the old metal building corrugated siding. The very front portion of the existing building has limited placement of brick pilasters on that façade. In order to tie in the old with the new, applicant seeks approval to match the existing brick material with a brick wainscot along the west and south sides of the addition (the only portions that are visible from the public road) and use a different style of metal material from the wainscot to the roof line. To the extent the west façade of the addition will be located behind the existing lean-to portion of the current facility, that lean-to roof line will adequately break up the façade. All colors will match the existing facility color palette.

The only other item is that staff suggest that a limited amount of low-stature bushes be placed in the green space along the 169 side of the property. Staff would suggest a similar treatment as the Quik Trip facility to the south, as shown here:



No tall stature trees are recommended as they would likely block views of entering and exiting vehicles. This treatment is recommended at the locations shown below in green:



It is recommended that these areas highlighted in green be treated with a relatively small 5' x 10' landscaped area with several low-stature bushes or flowering plants in each. Any plant that would exceed 4' in height at maturity is not recommended.

With the addition of the limited landscaping enhancements, staff's recommendation is for approval.



Date:	September 6, 2022
Prepared By:	Jack Hendrix
Subject:	Outdoor Storage Ordinance and Findings

The attached Outdoor Storage Ordinance and Findings represent my understanding of the general consensus of the Commission at the August meeting. This ordinance specifically adds new storage provisions to the B-1, B-2, B-3 and B-4 districts that had been removed in 2013. These provisions also delineate different treatment for the B-1 district from those of the B-2 and B-3 districts, as well as a different treatment in the B-4 district. No changes are included in the two industrial districts, for reasons explained herein.

First, the B-1 districts are those districts that are most likely to be incorporated into residentially zoned districts, so the proliferation of outdoor storage would become problematic in the future. There was a consensus that products for display for sale to the public could be allowed, but concerns about the length of time that were presented. To address those comments, staff drafted the current provision specifically to allow display of merchandise, but with two additional restrictions: That such outdoor display of merchandise can only occur during business open hours, and that no such outdoor display of merchandise can occur outside the daylight hours. The second provision is recommended to address the potential 24-hour operations. If in the future a Conditional Use Permit was issued for a gas station, there would be a chance that the specific additional condition of outdoor storage could be lost if the establishment was authorized for 24-hour operations.

Second, the B-2 and B-3 districts were given the same treatment because of their lower likelihood of being adjacent to residential districts. These districts currently have no provision for outdoor storage, so this change opens the opportunity for storing items outdoor and allows for product to be displayed outdoors at all times. If there was a limitation on the display of merchandise provisions here, there would be a significant impact to automobile and farm/home equipment dealers.

Third, the B-4 district was given similar treatment as the B-2 and B-3 districts except for permanent display of merchandise is limited to business hours. Given the close proximity to residential uses, as well as the increasing pedestrian activity, this limited restriction meets the public welfare requirements.

Lastly, the current I-1 and I-2 provisions allow for "the outdoor storage of manufactured materials or products provided all outside storage is screened from any public right-of-way." There is no provision for display of merchandise due to the

limitation of retail activities in the industrial district related to the building itself. Allowing merchandise display could effectively eliminate the purpose of limiting retail activity in the industrial districts. Again, the I-2 district gains this same authority through the inclusion of all uses in the I-1 district. These provisions also limit the storage screening requirements to just from the public rights of way.

In order to move this to the Board, a recommendation and findings are required. Here is a staff draft of a compliant findings document. If there are suggested changes, it should be through the suggestion of an amendment, a second and a vote.

STATEMENT OF PLANNING COMMISSION ON OUTDOOR STORAGE CODE AMENDMENTS

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

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 because of significant investment in commercial construction and the commercial development of the city, as well as the evolving nature of the districts.

BILL NO. XXXX-22

ORDINANCE XXXX-2119

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400, THE ZONING CODE RELATED TO OUTDOOR STORAGE.

WHEREAS, the Planning Commission advertised and held a public hearing on July 12, 2022, and again for a public hearing on September 13, 2022 related to potential changes to outdoor storage in the commercial and industrial zoning districts; and

WHEREAS, following the public hearings, the Planning and Zoning Commission provided its' statement on the outdoor storage code amendments attached hereto as Exhibit "A" and recommended the approval of this ordinance; and

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for outdoor storage that is both beneficial to the businesses involved and the public.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

SECTION 1. Chapter 400 of the Code of Ordinance is amended by adding the following new provisions:

(B-1 Districts)

§400.155.B.7

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.

(B-2 and B-3 districts)

§400.160.B.7 and §400.165.B.8

No outdoor storage except the display of merchandise for sale to the public, or except outdoor storage completely enclosed in proper storage screening.

(B-4 district)

§400.170.B.8

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.

SECTION 2. This ordinance shall be in full force from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this ____ day of _____, 2022.

ATTEST

DAMIEN BOLEY
Mayor

LINDA DRUMMOND
City Clerk

First Reading: 9/20/2022
Second Reading 10/03/2022

EXHIBIT A

STATEMENT OF PLANNING COMMISSION ON OUTDOOR STORAGE CODE AMENDMENTS

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Planning and Zoning Commission Chair