

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

January 10, 2023

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 7:01 p.m.

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

Staff present: Jack Hendrix and Brandi Schuerger.

MAYOR BOLEY motioned to adjust the agenda and move item # 6 up to item # 4. Seconded by ALDERMAN CHEVALIER.

Ayes 6, Noes 0. Motion carried.

2. MINUTES

The December 13, 2022, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by KATHCART.

Ayes 5, Noes 0, Abstained 1 (SCARBOROUGH). Motion carried.

3. STAFF REPORT

HENDRIX reported:

We finished 2022 with 58 single family residential building permits. This was the most we have had in 3 years. We also issued 15 commercial rehabilitation permits and 2 new commercial building permits.

He informed the commission that in the packet there is always a staff report for each agenda item. Somehow or another the report for Second Creek

Meadows didn't get added to the packet on Thursday before he left. He has a copy of it and will read it aloud when it comes time instead of giving it to them late and the public not having it either.

4. SITE PLAN REVIEW FOR 14991 N. INDUSTRIAL DR (LOT 15 FIRST PARK) 3600 SQUARE FOOT SPEC BUILDING FOR BILL MANN

MAYOR BOLEY motioned to approve the site plan review for 14991 N. Industrial Dr. (Lot 15 First Park). Seconded by ALDERMAN CHEVALIER.

DISCUSSION:

HENDRIX stated that in the packet is a copy of the site plan layout with some blue and red ink marks on it. We had requested some changes to which Mr. Mann agreed to. This afternoon we received a revised copy of the site plan and explained that a copy was given to the commission for them to review. It is accurate as to the agreement on the matter. This meets all of our standards.

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

AYES-6, NOES-0. MOTION PASSED

5. PUBLIC HEARING:

- **PRELIMINARY PLAT FOR SECOND CREEK MEADOWS (CONTINUED FROM DECEMBER 13, 2022)**

Public Hearing Opened

HENDRIX gave an overview of the proposal. He read through the staff report for this project. The staff report can be viewed here: <G:\Development Department\Planning Commission\Packets\2023\1-10-23\Second Creek Meadows Preliminary Plat Staff Report.pdf>. Staff recommends approval of the proposed Preliminary Plat conditioned upon meeting the requirements of the City's Engineer letters dated January 3 and 4, 2023.

Shane Crees—13530 Mt. Olivet Rd—Stated that he is one of the applicants. The project has been designed to be in compliance with 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. He appreciates their consideration of this project.

Jim Gager—111 Asher Bay St—Stated that he drives by this property every day. He speaks not as a supporter or an opponent but he has questions. He spoke about the traffic study and the impact this subdivision will have. He doesn't think the study was complete and from what he understands the traffic study only took into consideration Lowman Road and thinks Second Creek Rd and 169 Hwy need to be addressed. He also spoke about the flood concerns and infill that has occurred on the north end of the Little Platte River. What is the impact in the flood plain because of that infill? Second Creek and Little Platte River both flow into the Missouri River which is a navigable river defined by the Republicans back in the 1970's Clear Water Act. We are allowing water runoff from hard surfaces to go into the floodplain. Is this permissible and what does the federal law say about it?

Roberta Lowman—16251 Lowman Rd—Stated that she is opposed to the project. She spoke the sale of her property and the understanding with Mr. Hartman that it would only be single family homes. She had 3 contracts. The 3rd one had a plat that was provided to her on the agreement of the contract and she is prepared to give it to the commission. Stated that she spoke with her neighbors during the course of the sale. She mentioned the property to the west of Lowman Road owned by George Lowman that is zoned R-3. She stated that as far as Mr. Lowman knows it's not zoned R-3. She asked where this is located and if it was approved for R-3 zoning when was that? She also had concerns that the traffic study that was done is not complete and doesn't know how this can approved.

Kristine Bunch---18608 Primrose St—Stated that she objects to this plot approval mainly because everyone wants to hang their hat on items that did not make it into the deed. Who is responsible for making the items on the additional terms of the signed contract into the deed? Is it the sellers agent which is Dan Hartman, is the buyer's agent with is Dan Hartman or is it LMW Investments registered agent which is Dan Hartman? She is not

opposed to growth and development in Smithville but when it's at the hands of somebody she feels has been taken advantage of she thinks the public has the right to know. She doesn't think this should be rushed and feels that it should be paused and wait for the litigation to happen in court before making any decisions.

Pat Luce—300 Maple Lane Apt 1— Stated that she is a native of Smithville. When she moved back here in 2009 she was amazed with all of the wonderful growth here and is still amazed with the growth of the community today. She is speaking in support of this proposed development. It is consistent with the comprehensive plan and addresses the needs of the community. She urged the commission to stick to the facts and our comprehensive plan and move forward with the project as submitted.

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 has been making contact with communities throughout the summer and fall to advocate that they consider all applications that come before them. He encourages communities to think outside the box but well within the confines of their comprehensive plans and their statutes to ensure that they know everything is done above board and is suitable to the needs of the community. We encourage that you don't dismiss an application that may be different than what you have seen in the past. We want to partner with communities that are looking for new and exciting ways to add housing inventory so that people up and down the socioeconomic ladder will find a place to call home.

Public Hearing Closed

6. PRELIMINARY PLAT FOR SECOND CREEK MEADOWS

DOTSON motioned to approve the Preliminary Plat for Second Creek Meadows. Seconded by SCARBOROUGH.

DISCUSSION:

MAYOR BOLEY asked for clarification on if the traffic study is complete.

HENDRIX stated a full traffic study was completed. The engineer stated that ordinarily a subdivision of this size wouldn't require a full traffic study but it's the first one for us as a city following our new Transportation Master Plan requirements. It met those standards. It did evaluate turns lanes associated primarily with the Lowman Rd and Second Creek intersection. The numbers were not high enough to generate that. We did require them to provide us with an evaluation of turn lanes that may be necessary at 169 Hwy. It wasn't closed to any of the proctors related to that based upon the additional traffic this development when fully built out in 5-10 years would generate there. It did note that in about 20 years something would likely need to occur at that intersection based upon if the growth continued at its current rate using these 87 units as an example.

ALDERMAN CHEVALIER asked that Mr. Hendrix address Mr. Gagers concerns about the infill and flood issues.

HENDRIX stated that the infills to the north were granted permission. The primary area is KK Hwy and 169 Hwy on the south side of the road. That property was issued a permit to begin filling operations 30 some years ago. In order to get the permit, they have to perform a hydrological evaluation and a no rise certificate is issued by a Missouri engineer. The hydrological data comes from the Corp of Engineers and FEMA. Once they get this and it's certified that is when the city can issue a permit. All of the folks who have requested this have gotten it and it only applies in the floodway. If it's in the floodplain they would only be required to get a Floodplain Development Permit that we issue based upon an erosion control plan to keep additional mud from getting into the river or the drainage area. In this scenario there is no floodway being encroached upon it's only floodplain and have a development permit that is required. Mr. Gager also spoke about the Clean Water Act of 1972. In 2013, the City of Smithville was declared by the State of Missouri to be a town of 10,000 even though our population was only 8,500 because of various factors. When we were declared at that level we entered what is called the MS4 permit program (Municipal Separate Storm Sewer Systems). We are on our second permit cycle and when we get to the end of this one we anticipate we will have to begin outfall testing to test the quality of water as it comes out (areas where water comes out of a concrete pipe and dumps into a drainage area that dumps into a river). We have hundreds of outfalls throughout the city. Our engineers have pushed us towards keeping as much water on the ground as possible because the vegetation filters that water. Ms. Lowman has concerns about the R-3 designation and was approved by the time Mr. Hendrix started

working here (prior to 2007). Prior to a contract with the Clay County Assessor office where they now put the zonings for each parcel on their GIS website, annually the Planning Commission would see a map and approve the zoning map. He can't find anything associated with any of the zoning on any of the parcels around there, other than every year those zoning maps were approved by the Planning Commission up until 2013. Mr. Lowman's property has a small parcel that was designated as R-3 on the corner. When, where, why and how I can't tell you since I can't find the ordinance but has seen all of the maps that were approved.

WILSON stated that she also had that same quest and started going back through all of the minutes from every Planning and Zoning meeting and couldn't find anything and it had to of been done a long time ago.

A question was asked by Ms. Lowman from the audience area that was unidentifiable.

HENDRIX responded that he would agree with her and he has never found the ordinance. The methodology of those changes is once the Planning Commission adopts that map as the official map annually it because the zoning of all the properties on it. That is how we got all of the existing zoning onto the counties system. We gave them a copy of the most recently approved map.

ALDERMAN CHEVALIER stated that we have had a few of these come up recently where the zoning has been really crazy. He asked if Mr. Lowman has an opportunity if he would like to have it all rezoned.

HENDRIX stated yes. He can down zone it or up zone it in accordance with the comprehensive plan.

WILSON stated that the property owner would have to be the one to come and request that.

HENDRIX stated yes.

Another question was asked by Ms. Lowman from the audience area that was unidentifiable.

HENDRIX stated that it's the SE corner of the property. It joins both Second Creek and Lowman Rd. It does not include the house that sits up there

which is a 1 or 3 acre parcel, and that, according to our old maps was never zoned. This property was annexed in 1984. The property across the street was annexed in 1986 and 1987. And just west of George Lowman's property is the property that was Kenny Brownlee's was annexed in 1987. As you know, when we do annexations we follow up with initial zoning but there is a lot of that which didn't occur a long time ago.

ALDERMAN CHEVALIER asked if the multifamily units will be fourplexes or duplexes?

HENDRIX stated they will be duplexes. Our recommendation of approval in the development agreement is based upon 87 total units which is 53 single family homes and 17 multifamily which will be duplexes.

KATHCART asked if we have a price point yet.

HENDRIX stated no since the houses are about a year out.

MAYOR BOLEY stated that Eagle Ridge came to us about 4 years ago and they were trying to get under \$200,000 and now they are selling for significantly higher.

SCARBOROUGH asked if traffic studies get posted for public review.

HENDRIX stated that we have never posted them in the past but we certainly can if that is something this commission wants to see happen.

The entire commission agreed that these should be posted for public view for all future meetings. Mr. Hendrix stated these will be posted going forward. He stated that we can also put the stormwater studies on there as well. These will be posted under "additional documents" on the city's website under agenda and minutes.

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

AYES-6, NOES-0. MOTION PASSED

*During the week following this meeting Mr. Hendrix did further research and discovered that the property owned by Mr. Lowman across the street from this proposed subdivision is zoned B-3 not R-3 as mentioned in these minutes. (Ordinance # 1245 back in 1989)

7. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN WILSON declared the session adjourned at 7:56 p.m.