



Planning and Zoning Commission Meeting

November 14, 2023

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 October 10, 2023, Planning Commission Minutes**
3. **Staff Report**
4. **Public Hearing**

Proposal would rezone 17 multifamily lots in the Second Creek Meadows approved Preliminary Plat from R-3 to R-1B

5. **Rezone 17 lots in Second Creek Meadows from R-3 to R-1B**

Applicant seeks to rezone the current 17 multifamily lots from R-3 to R-1B.

6. **Adjourn**

Join Zoom Meeting

<https://us02web.zoom.us/j/89590901341>

Meeting ID: 895 9090 1341

Passcode: 381536



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

October 10, 2023

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 7:00 p.m.

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

Staff present: Jack Hendrix and Brandi Schuenger.

2. MINUTES

The September 12, 2023, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by KATHCART.

Ayes 7, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Fairview Crossing North is under construction. There were some issues with MODOT 4 months after we gave them the Development Agreement to review and approve. We have been working with the Developer and MODOT to resolve the issues. We met again today and believe everything has been resolved. There will be a requirement to amend the Development Agreement but this will not have to come back to this commission. With this resolved we should start seeing significant movement with the infrastructure construction. They are hoping to have the curbs in by the first part of November for the new street.

The Micro-brewery located at the corner of Commercial Street and East Meadow Street is hoping to have construction completed and be open by Thanksgiving.

The Transfer Station in the First Park subdivision is a few weeks away from getting final approval on their plans so they can start construction on the development side. Once that happens they will put up a bond for all of the infrastructure they have to install and will then be able to record the final plat.

The old Kay Furniture building is under construction on the inside. They are starting with the demolition work. Once construction is complete they will have some retail space in the front and the rest will be walk in indoor storage. They have not submitted anything for changing the exterior of the building.

DOTSON asked for an update of the progress on the development around the Post Office.

HENDRIX stated that the street, water and sewer are installed. He assumes that they are waiting on getting the first tenant setup. They would then finalize everything, record the final plat and pay the money required for their portion of the traffic light fund.

CHEVALIER asked if there were any updates on the old hospital building downtown.

HENDRIX stated that they are trying to identify the best financing package. The RFP for the parking lot is set to go out in a couple of weeks. Once this has been completed they will start the process with demolition and will then have to go through Planning & Zoning Commission and Board of Aldermen approvals for their site plan.

4. ELECTRIC VEHICLE CHARGING REGULATIONS

- **PROPOSED CHANGES TO THE BUILDING CODES TO ADDRESS ELECTRIC VEHICLE CHARGING STANDARDS**

MUESSIG motioned to discuss Electric Vehicle Charging Regulations. Seconded by DOTSON.

HENDRIX explained that the staff report has been provided to the commission and gave a brief overview of proposed changes.

The commission discussed the agenda item. It was decided that this item would be brought back to discussion next summer when the 2024 building code are released.

5. SHORT-TERM RENTAL ORDINANCE

- **PROPOSAL WOULD ADD REGULATIONSTO THE SHORT-TERM RENTAL INDUSTRY IN SMITHVILLE**

MUESSIG motioned to approve the Short-Term Rental Ordinance. Seconded by DOTSON.

DISCUSSION:

HENDRIX stated that most everything that was discussed in our previous meeting in September has been updated on the ordinance presented tonight. The only thing that was discussed but never resolved was the number of licenses issued for units in apartments. The percentage decided upon was 12.5%. But was this per building or complex?

The commission discussed this issue.

MUESSIG motioned to amend the Short-Term Rental Ordinance Section 625.080 #2 to read: The number of licenses issued for units located in an apartment *complex* shall be one (1), or a maximum of 12.5% of the total units available, whichever is more. Seconded by DOTSON.

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

AYES-5, NOES-1, ABSTAIN-1. MOTION PASSED

ALDERMAN WILSON questioned section 625.100 which gives the number of adults allowed per unit but doesn't speak about children.

Rob Scarborough---603 Quincy Blvd--- Stated that he has never had a scenario come up with his short-term rentals where 1 or 2 adults say they are going to bring an entire soccer team and want all 15 kids in one house.

HENDRIX stated that it would be easiest to adjust this to read:

625.100 Maximum number of adult guests:

The total number of adult guests allowed per unit shall equal (2) adults per bedroom plus (2) adults in common living areas (sleeper sofa, air mattress, etc.).

ALDERMAN WILSON stated that makes sense to her.

ALDERMAN WILSON motioned to amend the Short-Term Rental Ordinance Section 625.100 to read: **Maximum number of adult guests:**

The total number of adult guests allowed per unit shall equal (2) adults per bedroom plus (2) adults in common living areas (sleeper sofa, air mattress, etc.).
Seconded by CHEVALIER.

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

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

ALDERMAN CHEVALIER asked if there is any further discussion on the ordinance as amended.

Discussion: None

ALDERMAN CHEVALIER called for a vote on the main motion.

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

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

6. ADJOURN

ALDERMAN WILSON made a motion to adjourn. SCARBOROUGH seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:06 p.m.

NOT YET APPROVED



STAFF REPORT

November 8, 2023,
Rezoning of Parcel Id # 05-504-00-01-010.01

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Second Creek and Lowman Rd
Owner: Jami D. Pryor Trust by Kevin Turley, agent
Current Zoning: R-1B and R-3
Proposed Zoning: R-1B

Public Notice Dates:

1st Publication in Newspaper: October 26th, 2023
Letters to Property Owners w/in 185': October 26th, 2023

GENERAL DESCRIPTION:

This matter returns to the Planning Commission following its' prior approval of this rezoning. Since the original rezoning, the property transferred via a Deed in Lieu of Foreclosure to the current owner. The owner has a contract to sell the subdivision in place, but seeks to remove the area approved as R-3 (Lots 101-117) into R-1b Single Family.

EXISTING ZONING:

The existing zoning was approved on March 7, 2023 by Ordinance 3177-23. The area highlight below is the subject area to be rezoned to R-1B.



CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding, contiguous area is generally R-1B single family located in the area known as Second Creek Meadows preliminary plat, one large lot single family home on A-1 to the south, and B-3 to the east.

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

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of those Planning Goals include several prioritized action steps to meet those goals. The following are the steps that this rezoning would assist to meet the stated goals:

Housing 2.1 "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

Housing 3.1 "Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville."

Housing 3.2 "Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities."

Housing 4.2 "Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network."

Housing 4.3 "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

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

Streets and Sidewalks:

Any development would be required to improve the adjacent streets. The currently approved development agreement is still in place and if rezoned this subdivision would be required to either amend the agreement through public hearing processes or meet the agreement standards already approved. That agreement includes construction of a portion of the proposed 8' multiuse trail/sidewalk along Second Creek in the City's near future plans.

Water, Sewer and Storm water

The city recently completed the South Sewer Interceptor project through a portion of this parcel, so the land is ideally located for sewers. Water is located on both street sides of the lot, and any upgrades needed will be the developer's responsibility. The property includes both floodplain and floodway areas, so all stormwaters will flow directly into the floodplain and not impact adjacent properties. Any such impacts will be handled in the normal subdivision platting process, but the existing systems are more than adequate.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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 residential. Staff understands that this rezoning is one step in resolving a lawsuit that has clouded the title of the property, but the existing zoning of the subdivision is ready for development.

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

The property was zoned to its' existing district classification on March 7, 2023.

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

The proposed districts would, at full build out of the approved subdivision, would reduce the density of 2.7 units per acre to 2.32, which is less dense than nearly all of the new developments over the last several years. This density (which includes the 17 multifamily lots reduced to single family) has not shown to be incompatible with larger lot housing anywhere in the city and when viewed on a larger scale, is very compatible with the entire area.

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
compliance with the Comprehensive Plan recommendations.

Respectfully Submitted,

Zoning Administrator

PRELIMINARY PLAT FOR SECOND CREEK MEADOWS SE 1/4, SECTION 22, T-53N, R-33W SMITHVILLE, CLAY COUNTY, MISSOURI

PROPERTY DESCRIPTION:

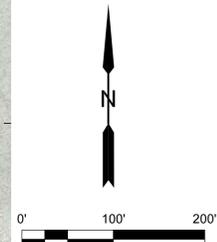
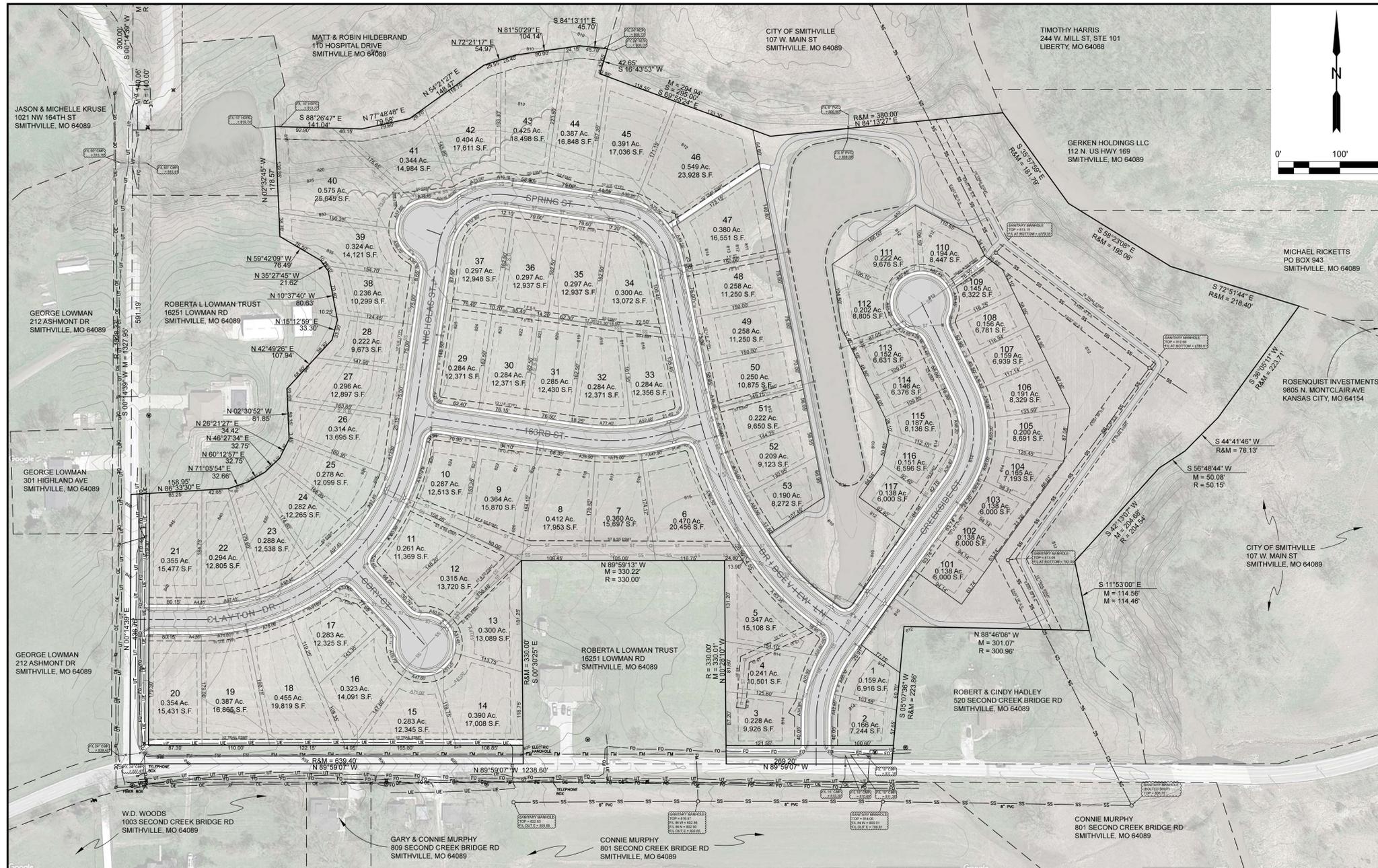
Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West, 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning

The above-described tract of land contains 32.04 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions, and right-of-ways.

PROPERTY OWNER:
LMW INVESTMENTS, LLC
CLAYTON COX
215 DOUBLE TREE LANE
SMITHVILLE, MO 64089
816-352-2961

DEVELOPER:
KANSAS CITY PROPERTIES
& INVESTMENTS LLC
SHANE CREEES
P.O. BOX 475
SMITHVILLE, MO 64089
(816) 719-9327

ENGINEER:
SCHULTE ENGINEERING
DOUG SCHULTE, P.E.
21 GATYES DR.
SMITHVILLE, MO 64079
816-260-3328



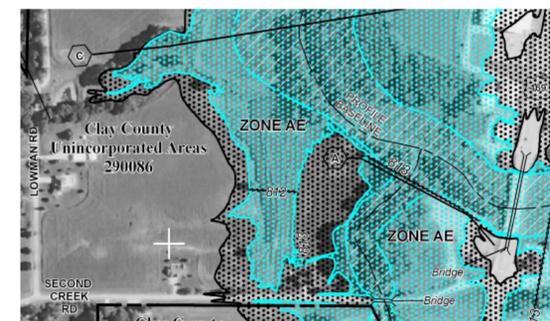
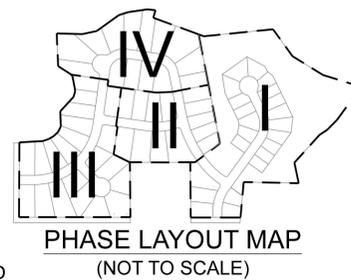
- NOTES FOR SINGLE FAMILY LOTS 1 THRU 53:**
- 1) PROPOSED ZONING IS "R-1B" SINGLE FAMILY DWELLING DISTRICT.
 - 2) MINIMUM LOT AREA IS 7,500 SF.
 - 3) MINIMUM LOT WIDTH IS 75 FT.
 - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
 - 5) SETBACK LIMITS FOR R-1B ZONING ARE:
FRONT - 55.0'
SIDE - 7.5'
REAR - 20.0'

- NOTES FOR MULTIPLE FAMILY LOTS 101 THRU 117:**
- 1) PROPOSED ZONING IS "R-3" MULTIPLE FAMILY DWELLING DISTRICT.
 - 2) MINIMUM LOT AREA IS 5,000 SF.
 - 3) MINIMUM LOT WIDTH IS 50 FT.
 - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
 - 5) SETBACK LIMITS FOR R-3 ZONING ARE:
FRONT - 55.0'
SIDE - 7.5'
REAR - 20.0'

OPEN SPACE DEDICATION REQUIREMENTS (PER SECTION 425.210):

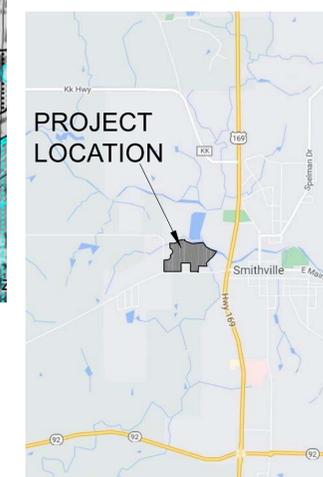
TOTAL DWELLING UNITS:	87 UNITS
CITY OF SMITHVILLE CENSUS DENSITY:	2.85 PERSON/UNIT
REQUIRED RECREATION AREA:	.02 AC/PERSON
DEDICATION REQUIREMENT:	87x2.85x.02 = 4.96 AC

- NOTES FOR DEVELOPMENT:**
- 1) DEVELOPMENT WILL BE PHASED AS INDICATED IN THE PHASE LAYOUT MAP.
 - 2) FULL SITE GRADING WILL BE COMPLETED DURING PH I CONSTRUCTION.
 - 3) UTILITIES SUCH AS WATER, SEWER, AND STORM WILL BE STUBBED FOR FUTURE PHASES AND INSTALLED AS THOSE PHASES DEVELOP.
 - 4) THE COMMON GROUND CONSISTING OF THE LAKE, TRAILS, AND ADJACENT OPEN AREAS SURROUNDING THE MULTI-FAMILY WILL BE DEDICATED FOR OPEN SPACE REQUIREMENT PER CHAPTER 425, SECTION 425.210.
 - 5) TRAIL IN COMMON GROUND WILL BE INSTALLED DURING PHASE II CONSTRUCTION.
 - 6) TRAIL IN DEDICATED EASEMENT WILL BE CONSTRUCTED IN PHASE III.
 - 7) CONNECTING TRAILS LOCATED BETWEEN LOTS SHALL BE CONCRETE. CONNECTING TRAILS LOCATED IN FUTURE PHASES SHALL BE CONSTRUCTED WITH THAT PHASE.
 - 8) ALL TRAILS ARE GRAVEL UNLESS NOTED OTHERWISE.
 - 9) THE EAST PORTION OF THE PROPERTY IS LOCATED WITHIN THE FLOOD PLAIN ACCORDING TO FEMA FLOOD MAP 29047C0014E WITH EFFECTIVE DATE OF 8/3/2015.
 - 10) BASE FLOOD ELEVATION (BFE) IS 812. THE SITE GRADING WILL PROVIDE A MINIMUM FINISHED FLOOR ELEVATION OF 814.
 - 11) WHERE BASEMENTS ARE CONSTRUCTED, BASEMENT FLOOR MUST BE ABOVE ELEVATION 814.



**FEMA FLOOD MAP
(NOT TO SCALE)**

- = GRAVEL
- = ASPHALT
- = CONCRETE



**VICINITY MAP
(NOT TO SCALE)**

	TRAIL EASEMENT ALONG SECOND CREEK RD	01-05-2023	DJS	REV.	DATE	BY	DESCRIPTION
	ROAD NAME REVISIONS	11-08-2022	DJS				
	REVISED PER CITY REVIEW COMMENTS	11-28-2022	DJS				
	SUBMITTED TO CITY FOR PAZ REVIEW	10-14-2022	DJS				
<p>LMW INVESTMENTS, LLC SMITHVILLE, MO</p> <p>CLIENT: LMW INVESTMENTS, LLC SMITHVILLE, MO</p> <p>DATE: 10-14-2022 SCALE: NONE</p> <p>DRAWN BY: DJS PROJECT NUMBER: 2021.29</p> <p>DATE: 10-14-2022 SCALE: NONE</p> <p>SHEET DESCRIPTION: SECOND CREEK MEADOWS SECOND CREEK BRIDGE ROAD SMITHVILLE, MO</p> <p style="text-align: right;">SHT. 1 OF 1 PRELIMINARY PLAT</p>							