



## Planning and Zoning Commission Meeting

May 13, 2025

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.

Join Zoom Meeting

<https://us02web.zoom.us/j/86501579694>

Meeting ID: 865 0157 9694

Passcode: 334762

1. **Call to Order**
2. **Approve the April 8, 2025, Planning Commission Minutes**
3. **Staff Report**
4. **Site Plan Review – 303 W. Meadow St. – EZ Car Sales**
5. **Revocation of Preliminary Plat Approval – Lakeside Farms**

To revoke the Preliminary Plat Approval and require resubmission of Lakeside Farms subdivision as approved by the Board of Aldermen on January 7, 2025, by Resolution 1436.

6. **Public Hearing – Accessory Dwelling Units Ordinance**

The purpose of this hearing is to take public comment on the submitted model ordinance and the issues associated with Accessory Dwelling Units

7. **Accessory Dwelling Unit Discussion**

The Commission shall discuss the model ordinance and recommend changes to the substantive issues of the ordinance based upon the Public Hearing Comments. No vote is requested until a final draft version of the ordinance is presented at the June Hearing.

8. **Adjourn**



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

April 8, 2025

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, Rob Scarborough, John Wallace, Billy Muessig (arrived at 7:01 pm) and Mayor Damien Boley. Terry Hall was absent.

Staff present: Jack Hendrix, William Stubbs and Brandi Schuerger.

**2. MINUTES**

The March 11, 2025, Regular Session Meeting Minutes were moved for approval by WALLACE, Seconded by SCARBOROUGH.

Ayes 6, Noes 0, Motion carried.

**3. STAFF REPORT**

HENDRIX reported:

Clay Creek Meadows phase 1 is under construction. They are installing the water and sewer lines for the single-family homes along Lake Meadows Drive. They have started grading for phase 2.

Street Scape phase 3 is complete, and the bridge is now open.

Construction has started for the apartments and retail space for the 110 Smithville project located across the street from City Hall.

The Commercial Street sidewalk project will be starting in June. The project is located on the east side of Commercial Street and starts at the School District property and ends downtown.

Nodaway Valley Bank construction continues on the lot just south of McDonalds. The Fairview Crossing Townhomes construction continues just south of this.

Construction continues for the strip center just west of the Post Office (Richardson Street Plaza). We anticipate another site plan review coming forward soon for another building in this subdivision.

The former KCI RV location, now known as Outrig Storage, will be meeting with city staff soon to discuss next steps regarding moving forward on permits issued for 3 new storage buildings.

We have received the plans for phase 2 of Fairview Crossing, which is some of the apartments.

The Lakeside Farms subdivision applicants notified us recently that they are delaying the project for a couple of years. The request to pull the Preliminary Plat approval did not make it on tonight's agenda as planned. We have until July to do this, and plan to have this on May's agenda. In a couple of years, they will be required to resubmit.

This commission approved a site plan for Lot 15 in First Park Industrial Park around 13 months ago. The developer contacted city staff today about starting construction. Site Plan approval is valid for 1 year unless extended by the commission. He has not made any changes to the plan and no changes to ordinances have occurred since his approval. Would you like us to bring this back for site plan review again?

The consensus of the commission was to go ahead and let them get started on construction. Hendrix will go ahead and email each commissioner the approved site plan so that they can see what was approved.

WILSON asked about Clay Creek Meadows Phase 1 & 2 and sewer capacity.

HENDRIX explained that phase 1 and 2 combined are going to be a total of 159 units and are within the capacity. Phase 3 will not be able to go in until the capacity issue is resolved at Wildflower.

#### 4. SITE PLAN REVIEW – 303 W. MEADOW ST – EZ CAR SALES

SCARBOROUGH motioned to approve the Site Plan Review for 303 E. Meadow St – EZ Car Sales. Seconded by WILSON.

##### **DISCUSSION:**

HENDRIX stated that the Staff Report, pictures of what the building is proposed to look like, and location of the building are included in the packet. The lot is currently partially developed with a parking lot and access driveway. They are proposing to build a 60' x 40' building. The exterior materials to be used are included. The applicant is here to answer questions.

CHEVALIER asked if they will be selling cars out of this building or is this a shop for maintenance?

**Saif Aljumaylawee – Applicant** - Explained that they currently rent the building located at 123 N 169 Hwy (next to Casey's General Store). They sell cars from that location. Once the new building is built on W. Meadow Street, they will perform the same business there and no longer rent the other location.

WALLACE asked if they will do any reconditioning of the vehicles at this new location?

Mr. Aljumaylawee stated that they will only do small repairs. Same as what they do at their current location.

MAYOR BOLEY stated that he is concerned about the metal that is being used on the exterior of the building. That street is a gateway to our Historical District. The metal buildings along 169 Hwy and even the metal on City Hall has faded. It dents and gets rusty.

HENDRIX stated that he is only going off what the code states and what has been previously approved by this commission. The stucco look metal has been regularly approved.

**Paul Coblentz - Built-Rite Buildings 30002 US Hwy 69 Winston, MO 64689**– Stated that the steel panels that they use has a 40-year paint warranty on them. The board and batten look is relatively new but has some

great testing behind it. He provided samples of the metal that will be used to the commission.

SCARBOROUGH stated that the photo renderings of the building provided in the packet show that the exterior of the building has a fake wood look to it but that samples that were just passed around have a texture to them but are just one solid color.

MR. COBLENTZ stated that there is a wood painted design available which is outstanding and comes in various colors. He did not have samples of this with him.

ALDERMAN WILSON stated that she would like to see a true sample of what is shown in the picture.

CHEVALIER & WALLACE both stated that they would also like to see samples of what is shown in the picture in the packet.

MAYOR BOLEY motioned to postpone the Site Plan Review for 303 E. Meadow St – EZ Car Sales to the May 13<sup>th</sup> agenda. Seconded by ALDERMAN WILSON.

**THE VOTE:** MUESSIG-AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE, SCARBOROUGH -AYE, WALLACE-AYE, MAYOR BOLEY-AYE.

**AYES-6, NOES-0. MOTION PASSED**

**5. PUBLIC HEARING – CONDITIONAL USE PERMIT – 14820 N. INDUSTRIAL DR**

- **TO OPERATE A MUNICIPAL SOLID WASTE TRANSFER STATION IN ADDITION TO THE EXISTING CONSTRUCTION AND DEMOLITION TRANSFER STATION**

**Public hearing opened.**

HENDRIX stated that documents have been included in the packet that describes the CUP. Also provided is Staffs recommended conditions for approval.

**David & Kim Finke 9350 Hwy E Camden Point, MO 64018 –**

Addressed the commission about the picture of a non-Construction & Demolition (C & D) truck entering and leaving their facility. There is no such thing as a non-C & D truck. The truck pictured can pick up Municipal Solid Waste (MSW). Mainly this truck services the businesses in town with the flip top dumpsters. Some of these businesses have what is called comingled recycling. It might contain wood or cardboard. We are not accepting MSW. Redgate is the only one that we let in for recycling. They provided the commission their own pictures of what this truck is bring in. He stated that it's paper and cardboard which is not regulated waste and is not considered MSW. They cannot legally take MSW right now due to not being permitted by the State and have nowhere to take it. They have a contract with Waste Management, and they would not let them bring that there without a permit from the State. They now want to be able to accept MSW due to the volatility that happening with the St. Joseph landfill. They are trying to limit anyone outside of Buchanan County or even St. Joseph from dumping there. Because of this that option is going to be taken away from us. He understands that smell and trash will be everyone's concern. They have spoken with the Developer, Bill Mann, about this and took him a couple Aldermen from their district to the largest transfer station in the city which has residential properties around it. Everyone was pleasantly surprised that there was no odor. We want to be a good partner with the City and want to do it the right way.

**Doug Cirricione 728 Spelman Dr –** Spoke about traffic and accident concerns related to the intersection that this business is located at (Park Dr and 169 Hwy). With the former KCI RV location expanding, will this push up the road extension of the west side of 148<sup>th</sup> Street to allow them to tie into this and allow trucks to utilize the stop light there? Also concerned that what will be brought in there would create issues with our wastewater plant and cause cost increases due to chemicals that are going to be needed to treat whatever else is washed down through the floor drains. Questioned about additional permits through the state that could be required and timing of those. Asked if COP are tied to the property or to the owner.

**Kit Starr 2650 W 223 Bucyrus, KS 66013 –** Stated that he is the owner of Raptor Recycle and Transfer which is Kansas City's newest transfer

station prior to this one opening. Residential homes border his transfer station as close as 400 feet away. It's open 2 ½ years and have not had a single complaint made by anyone to the city for any reason. The Mayor and Council feel good about it because we are providing solutions to the area, and they are seeing what's going on with the landfill space. 9 out of the last 10 landfills that have tried going to go in in Missouri have gotten denied. Transfer stations are going to become more of the required method to get the waste away from people. MSW is very highly regulated through MODNR. They ensure that you have a very comprehensive plan. They come out and test the stormwater runoff in your basins. They monitor our impact on the environment closely. Cities need to be looking forward at how they are going to handle this so that we have responsible ways to handle it and solutions that don't drive the cost way up.

**Public hearing closed.**

**6. CONDITIONAL USE PERMIT AT 14820 N. INDUSTRIAL DR. – MSW TRANSFER STATION**

- **APPLICANT SEEKS TO OBTAIN A CUP TO OPERATE AN INDOOR MUNICIPAL SOLID WASTE TRANSFER STATION AT 14820 N. INDUSTRIAL DR**

SCARBOROUGH motioned to approve the Conditional Use Permit at 14820 N. Industrial Drive – MSW Transfer Station. Seconded by MAYOR BOLEY.

**DISCUSSION:**

HENDRIX stated that any MSW permit that the applicant would obtain from the State is a prerequisite to operation here in Smithville. They currently have a business license that allows them to operate the C & D. In order to add the MSW they would have to provide us a copy of that State license and amend their business license application. Other conditions recommended in the Staff Report is the opportunity for trash and odor inspections to occur. The process would start with us notifying them of the problem and ask that they address it. We would allow a certain amount of time for it to be addressed and if they don't, we can move to canceling or pausing the CUP. This would require them to come back before this Commission to clarify.

ALDERMAN WILSON asked if the CUP belongs to the owner or the business.

HENDRIX stated that this is a zoning determination, so the CUP applies to the land.

WALLACE asked how a transfer station works.

MR. FINKE explained the process of how a transfer station works. He confirmed that its money saving because a transfer trailer can hold more than a dump truck. St. Joseph doesn't allow transfer trailers. The only 2 options available is Courtney Ridge owned by Republic and Johnson County owned by Waste Management. The cost is higher to dump at these 2 locations than it is to use a transfer station. Transfer stations help the cost stay down.

CHEVALIER asked if this will cause additional traffic.

HENDRIX stated that the traffic study that was performed initially is still valid. It anticipated more traffic.

MR. FINKE stated that they anticipate that traffic will go down if the CUP for MSW gets approved.

HENDRIX asked what the anticipated hours of the day trucks will be coming in and out of there.

MR. FINKE stated that they typically have a group of trucks come in between 6:00 – 6:30 am. There is a break after that and another flow between 10:00 am – 3:00 pm. There is almost nothing coming in after 3:00 pm even though we are open until 6:00 pm.

MAYOR BOLEY asked if they plan to take consumer direct waste, or will it only be business to business waste?

MR. FINKE stated that they will take consumer direct waste. We currently have individuals coming in with their C & D. We're seeing 60 to 70 per week with trailers and truck loads.

ALDERMAN WILSON stated that her big concern is the traffic impact.

MR. FINKE stated that if there are certain times of day that traffic is heavy, they try and avoid this because they don't make any money if they are sitting in traffic.

MAYOR BOLEY stated that since the CDL truck driving school is no longer going in there that will reduce the traffic study as well.

MR. FINKE stated that they have also put a contract on the lot across the street from them and will close on that this year.

HENDRIX informed him that this new lot that they are purchasing would not be subject to anything we are talking about right now.

ALDERMAN WILSON stated that she has concerns that if we start getting a lot of requests for transfer stations the city may drop the requirement for a CUP and write the requirements into an ordinance. She doesn't want this to happen. She knows that there is land that is still in the county at the north end of town that could in the future be purchased for this. She doesn't want this.

MAYOR BOLEY stated that these could only be in Industrial zoned properties.

HENDRIX stated that they can only be put in I-1 or I-2 zoned properties. This is a zoning determination, so the Board of Alderman has a lot more flexibility for the Board to address. That would be a valid concern for the Board to deny one either now or in the future.

MAYOR BOLEY stated that he thinks the current Comprehensive Plan wouldn't allow Industrial land anywhere between downtown and W Hwy.

HENDRIX stated that if the land is still in the county and hasn't been annexed into the city the county could allow whatever they want there.

MR. FINKE stated that this will be the only transfer station, C & D or otherwise, that will be located north of the river. The reason for this is because this area can't support it. That's why ours is on the smaller side. Ideally, you don't want another transfer station located any closer than 15-20 miles away. Kansas City has a moratorium on it right now because they have 6 or 7 in their city currently. There is not a need south of the river for this.

**THE VOTE:** SCARBOROUGH -AYE, ALDERMAN WILSON -NO, CHEVALIER-AYE, MUESSIG-AYE, MAYOR BOLEY -AYE, WALLACE-AYE.

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

**7. ACCESSORY DWELLING UNITS**

- **STAFF WILL PRESENT A BRIEF OUTLINE OF THE COMMENTS SUBMITTED AND THE RECOMMENDED STRUCTURE OF AN ADU ORDINANCE. THE PURPOSE OF THIS AGENDA ITEM IS TO CONTINUE THE DISCUSSIONS RELATED TO THE COMPREHENSIVE PLAN IMPLEMENTATION ITEM HN1.3 – EXPLORE ADU'S**

HENDRIX informed that Will Stubbs, Building Inspector, has been leading the research and presented his findings to the board last month. To maintain consistency, he will continue to oversee this project. Will shall now review the comments and preliminary recommendations, aiming to finalize an ordinance in the coming months.

STUBBS informed that he did receive a few emails from this commission. He reviewed the suggestions made by the commission and provided items that need further discussion.

The commission had a lengthy discussion on these matters and determined the following should be considered for the future draft ordinance:

**Recommendations:**

- **Maximum Occupancy:** Limit to two unrelated adults per bedroom.
- **Building Code Compliance:** ADUs must comply with all Building Code & Fire Code requirements as adopted by the city.
- **Lot Size:** Allow ADUs on any lot that can fit one under the provisions and not exceed the 30% lot coverage.

- **Districting:** Allow in the following zonings: A-1, A-R, R-1A, R-1B, R-1C, R-1D and B-4. It's already allowed in R-2 and R-3 zonings.
- **Parking:** Must have a hard surface driveway approach or parking can be addressed case by case during the CUP review.
- **Size Limitation:** Minimum of 10% & maximum of 90% of the primary structure.
- **Design Consistency:** Most felt that ADUs should maintain a similar design to the primary dwelling. Also discussed that this can be addressed case by case during the CUP review. During the review the commission may impose conditions to mitigate any adverse impact on abutting properties to include, but not limited to fencing and screening requirements, frontage requirements, building setback lines and/or parking or emergency vehicle access requirements.
- **Occupancy Restrictions:** Either the primary single-family dwelling or the ADU shall be occupied by the property owner. Require notarized affidavit every 3 years.
- **Utilities:** All sewers, water, gas, and other utility connections must be a part of the primary dwelling unit. We could allow use of sub-meters for tenant billing.
- **Rental and Business Use:** Allow ADUs to be rented but for no less than a 30-day period. No short-term rental use is allowed. No business use within ADUs.
- **Location:** An accessory dwelling unit may be incorporated within the principal structure or may be a separate unit located within 100 feet of the principal structure. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building. ADU's shall not be constructed over or upon any private or public utility, drainage or access easement. Detached ADU's must be a minimum distance of 20 ft from the primary structure.
- **Neighbor notification:** Neighbors within 185 feet of the property will be notified by certified letter as a part of the CUP review process.
- **Ownership:** ADUs must remain under single ownership with the primary dwelling and cannot be sold separately.
- **Quantity:** Limit to one ADU per lot.

**8. ADJOURN**

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:57 p.m.

Not Yet Approved



STAFF REPORT  
May 8, 2025  
Site Plan Review of Parcel Id's # 05-504-00-03-012.00

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**Application for a Site Plan Approval**

Code Sections:  
400.390 – 400.440                      Site Plan Approval

Property Information:

Address:                                      303 W. Meadow St.  
Owner:                                        EZ Car Sales  
Current Zoning:                            B-3

Application Date:                         February 4, 2025

**GENERAL DESCRIPTION:**

Application to approve a site plan for EZ Car Sales at 303 W. Meadow St. for a 2,400 ft<sup>2</sup> building for the business currently located at 123 N. 169 Hwy. This application was continued from the April 8<sup>th</sup> Agenda by the Commission to get samples of the proposed siding materials. Applicant has changed its submission to like what was mentioned in the meeting (stucco look) and will still bring siding examples.

**Section 400.410 Standard of Review**

1. The extent to which the proposal conforms to these regulations.

*The project area is within the B-3 district, and this warehouse/office conforms.*

**1. Building Materials.**

*Any material allowed in Section 400.420.A.1. may be used in the "B-3" District for construction of a new building, and any additional materials, including prohibited materials, may be used if presented in an overall development proposal that does not negatively impact property values in the area.*

***Exterior façades include faux stone wainscoting to 4' above ground level, with the stucco look metal panels from the wainscoting to the roof, a total of 10'. On the gable ends of the building, in the area above the stucco look they've proposed the board and batten look siding to create a third level of color and texture variation.***



***The entrance will still include a covered roof system around the north and west façade corners as shown below.***



## ***2. Building Color.***

*a. Color schemes shall strive to tie building elements together, highlight significant architectural details consistent with original usages and generally be compatible with the surrounding area.*

***The mix of colors used tie elements together and are of general earth tones in the gray and blue gray hues. The color changes will highlight the bottom/top of the building and give it a human scale. The horizontal and vertical articulations with varying color and materials also tie the entire project into one overall look.***

*b. All roof penetrations, building projections and building equipment shall match or complement the permanent color of the building, or be otherwise shielded from view from the public right-of-way. **Complies by shielding or color matching.***

### ***3. Building Massing And Facade Treatment.***

*All new construction shall be designed to enhance the look of the district and should, to the extent practicable, conform to the intent of the overall district.*

***The building is situated on one parcel and there are no adjacent buildings in this zone district of B-3. Adjacent lots are all B-4 to the north and vacant B-3 east. The proposed location is in blue below, with the covered entrance on the upper left corner of the building as shown here:***



*2. The extent to which the development would be compatible with the surrounding area.*

**The building would be compatible with the surrounding area and still meet the façade material standards of the ordinance and prior commission recommendations.**

*3. The extent to which the proposal conforms to the provisions of the City's subdivision regulations concerning the design and layout of the development, as well as water system, sewer system, stormwater protection and street improvements.*

***The development is on existing lot, with existing drive access only located from Meadow St. The proposal does not negatively impact any of the utilities or other infrastructure.***

*4. The extent to which the proposal conforms to the policies and provisions of the City's Comprehensive Plan.*

**The proposal complies.**

*5. The extent to which the proposal conforms to the adopted engineering standards of the City.*

**The building complies.**

6. The extent to which the locations of streets, paths, walkways and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

**The access paths and driveways are designed to minimize adverse traffic impacts and all pedestrian walkways are existing along both 169 and Meadow.**

7. The extent to which the buildings, structures, walkways, roads, driveways, open space and parking areas have been located to achieve the following objectives:

a. Preserve existing off-site views and create desirable on-site views;

**The property is vacant ground, but the landscape buffering will help shield the building façade view from the east with trees and shrubs.**



Baby Gem Boxwood



Emerald Green Arborvitae

b. *Conserve natural resources and amenities available on the site;*

**There were no existing natural resources to conserve.**

c. *Minimize any adverse flood impact;*

**The proposed building will drain directly into the floodplain so detention is not required.**

d. *Ensure that proposed structures are located on suitable soils;*

**The project area is a long-standing vacant lot along 169 with some cuts to the south, but no changes to the existing soil structures are needed.**

e. *Minimize any adverse environmental impact;*

**No adverse environmental impact is known.**

f. *Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.*

**No impact is evident.**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Site Plan with the following condition:

That the applicant amends the building plans to reflect the change from Board and Batten metal panels on all sides to stucco-look metal panels.

Respectfully Submitted,

/s/

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Director of Development



**Built Rite Buildings LLC**  
30002 US Hwy 69  
Winston, MO 64689  
816-449-5256

**BRB Rep:** Wayne Nissley  
**Phone:** (816) 646-3104  
wayne@brbpostframe.com

# SALES CONTRACT

## Building Proposal for Saif Aljumaylawee rev. 5

**Customer:** Ez-Car Sales Saif  
Aljumaylawee  
**Phone:** (801) 809-0985

**Job Address:** 303 W Meadow, Smithville MO 64089  
**Email:** ezcarsales3@gmail.com

### BUILDING SPECIFICATIONS

#### 1. Building Size

- 40' Width
- 60' Length
- 14' Inside Height

#### 2. Attached Wings

- 3'x18' and 3'x14' wraparound awning with metal ceiling (Black Texture)

#### 3. Gable Roof System

- 4' O.C. Trusses
- 4 / 12 Roof Pitch
- Flat 2x4 SPF 2' O.C. Roof Purlins
- 0' Overhangs
- CougarShield Vapor Barrier Under Roof Metal

#### 4. Exterior Post Frame Wall

- Post Hole 3'D X 1' 6" With 14" Precast Concrete Cookie 3 Ply 2x6 Lam. Post (Eaves 8' O.C.) (Gables 10' O.C.)
- SYP 2x12 Double Truss Carrier
- 2x6 SPF 2' O.C. Wall Girts
- Treated 2x8 Skirt Board
- House Wrap On Exterior Walls

#### 5. Interior

- Insulation:
  - Walls: No wall insulation
  - Roof: No roof insulation



**Built Rite Buildings LLC**  
30002 US Hwy 69  
Winston, MO 64689  
816-449-5256

**BRB Rep:** Wayne Nissley  
**Phone:** (816) 646-3104  
wayne@brbpostframe.com

## 6. Metal Cladding

- Roofing: 28 Gauge Steel + \_\_\_\_\_ **Black Texture**
- Siding: 28 Gauge Steel + \_\_\_\_\_ **Gray Strukturoc on main body of building and board and baton siding on gables (see samples)**
- Wainscot: Height \_\_\_\_\_ **4' vinal rock panels (see sample)**
- Trim: 28Ga Painted Steel \_\_\_\_\_ **Black Texture**

## 7. Soffit

- 28 Ga Steel Residential Soffit: \_\_\_\_\_ **Black Texture**
- Steel Residential Perforated Soffit on Eaves
- Steel Residential Solid Soffit on Gables

## 8. Door and Window List Initial for \_\_\_\_\_ Doors and Windows

- 2 - 12' x 10' Residential Insulated Overhead Door
  - 1 - 36" Flush Pole Barn Entry Door
    - Door Knob
  - 1 - 36" Half Glass Pole Barn Entry Door
    - Door Knob
  - 4 - 3'x3' SH White Vinyl Window W/Argon And Screen
  - 2 - Triple 3'x5' SH White Vinyl Window W/Argon And Screen
- ALL doors and windows are white

## 9. Gutter Options

- 5" Seamless Gutter And Down Spouts

## 10. Concrete

- Interior Concrete Main Building: 6" Interior Concrete Floor with rebar on 2' grids with plastic and expansion joints
- Additional Exterior Concrete: No Additional exterior concrete
- Plumbing by other

## 11. Excavation

- Excavation For Building Pad Not Included
- Grade to be within 2" If more excavation is required, that will incur more cost paid by owner

## EXCLUSIONS

- THIS BUILDING ERECTED ON YOUR LEVEL SITE
- CUSTOMER IS RESPONSIBLE FOR ALL REQUIRED PERMITS





W MEADOW ST



3D



Boxwood shrub will be on West and North side



Emerald Green Arborvitae will be on East side



## Planning and Zoning Commission Procedural Summary

**MEETING DATE:** 3/12/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Lakeside Farms – Rescind Preliminary Plat Approval

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### **REQUESTED COMMISSION ACTION:**

A motion to Require resubmittal of the Preliminary Plat of Lakeside Farms.

### **SUMMARY OF PROCEDURE:**

Pursuant to §425.275.A.6 of the Subdivision Code, "[t]he Planning and Zoning Commission may, before the expiration of a period of six (6) months from Board approval, due to substantial justification or change in the area or applicable codes and regulations, require the redesign and/or resubmission of the preliminary plat."

The Lakeside Farms subdivision Preliminary Plat was recommended for approval by this Commission on December 10, 2024, and the Board of Aldermen approved the preliminary plat and development agreement by Resolution 1436 on January 7, 2025. A significant issue in the development agreement was the timing of certain sewer infrastructure improvements and various agreements concerning impact fees for the entire development. Shortly after that approval (in March) the developer indicated that due to various circumstances, they would have to delay starting any work on this project for at least two (2) years.

The timing of the sewer infrastructure improvements was critical, as the developer agreed to remove the Wildflower Pump Station and include its' flow into a newly redesigned pump station. This work eliminated the need for the City to complete certain upgrades to the Wildflower Pump Station to expand the north forcemains capacity. As a result of the delay, the city must proceed with its' Wildflower work and this substantially changes the development agreement. This requires the developer to resubmit its' plat in order to renegotiate the terms of the development agreement.

### **ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance             | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report          | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:                |                                   |

**RESOLUTION 1436**

**A RESOLUTION APPROVING A PRELIMINARY PLAT FOR LAKESIDE FARMS SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT**

**WHEREAS**, the applicant seeks to amend the Conceptual Plan on the subject property, and preliminarily plat an 80-acre tract at 18400 Eagle Parkway; and

**WHEREAS**, the Board of Aldermen approved amending the Conceptual Plan for a new Lakeside Farms on property zoned R-1P and R-2P at the meeting this Resolution was heard; and

**WHEREAS**, the applicant requested a Preliminary Plat to create a new 245 lot subdivision with up to 289 dwelling units in phases, and agreed to a development agreement for it; and

**WHEREAS**, the Planning and Zoning Commission held a properly advertised public hearing on December 10, 2024 and following that public hearing, recommended approval of the plat.

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

**THAT THE PRELIMINARY PLAT FOR LAKESIDE FARMS SUBDIVISION IS HEREBY APPROVED AND THE MAYOR IS AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED DEVELOPMENT AGREEMENT.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7<sup>th</sup> day of January 2025.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



<b>Date:</b>	May 9, 2025
<b>Prepared By:</b>	Jack Hendrix, Development Director
<b>Subject:</b>	Accessory Dwelling Unit Model Ordinance Structure

Given the scope of the changes that will be necessary to incorporate ALL provisions into the zoning code, staff presents a model ADU ordinance that includes the provisions previously identified by the Commission as minimum requirements. We anticipate that following the Public Hearing, the Commission can discuss the model ordinance, and the Public Comments provided to give staff a final direction for the final draft ordinance. That version will include changes to each of the district’s allowed Conditional Use Permits to incorporate your recommendations.

For simplicity and clarity, Will Stubbs has drafted the attached model ordinance that addresses each of the issues the Commission requested be included in any draft. This draft contains those ideas, but in a format that will be refined for a vote at the next meeting. Structurally, our ordinance has several different levels where Conditional Use Permits are addressed. First, they must be listed in the district uses provisions as stated above. Second, there are the general CUP requirements as contained in Section 400.570 of the code. Lastly, there is a subparagraph D in the CUP ordinance that imposes additional requirements for certain identified CUP’s.

There are six (60 different types of uses that require additional information and conditions under this subparagraph. Those six uses are Swimming Pools, Feed Lots, Junk Yards, Short Term Loan Establishments, certain Outpatient Facilities and Telecommunication Towers. Staff proposes adding Accessory Dwelling Units to this list.

Following the Public Hearing, the Commission will be asked to identify the final matters to be considered in the final draft of an ordinance. Staff will then bring forward for final review and approval an ordinance that addresses ALL issues identified by the Commission following the Public Hearing that shall be included in the final version up for consideration by the Commission.

The Model Ordinance is attached.

## 7. Accessory Dwelling Units

**Definition:** An accessory dwelling unit (ADU) is a dwelling unit that is accessory to a principal single family dwelling unit on the same lot.

An ADU will include a building or portion of a building that provides complete independent living facilities for one or more people and provides facilities such as a kitchen, bathroom, and bedroom.

**PURPOSE:** Accessory Dwelling Units are defined as a dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects. The purpose of allowing Accessory Dwelling Units (ADU) is to:

- Allow life-style choices in single-family zoning districts that respond to changing demographics and economic conditions;
- Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security and services;
- Provide homeowners with the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings;
- Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

### a. Review and Approval Process

(1) All accessory dwellings require approval of a Conditional Use Permit from the Planning Commission and Governing Body in accordance with the procedures outlined in this Section and Section 400.570. To approve a request for a Conditional Use Permit, after a public hearing, the approval authority shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.

(2) PROCEDURES: All applicants are encouraged to schedule and hold a pre-application meeting with the Development Director and/ or Chairman of the Planning Commission as a first step toward filing an application for a conditional use permit.

(3) Property owners shall submit for review an application for an Accessory Dwelling Unit, along with all applicable supporting documents, including a site plan, to the Planning & Zoning Department. Upon receipt of all required documents, Staff will review the application and when appropriate, issue a permit for the Accessory Dwelling Unit. The applicant will be required to sign an

affidavit stating they agree to the terms and conditions of an Accessory Dwelling Unit. The applicant shall register this affidavit with the Clay County Register of Deeds Office. The affidavit shall be recorded prior to Staff providing the final permit to the applicant.

**AND OR**

(1) Accessory Dwelling Units shall be registered with the Chairman of the Planning Commission prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all the information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.

(2) At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.

(3) Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements

(4) Applicants shall notify all property owners within 185 feet of the proposed ADU by certified letter.

(5) Attached ADU's will be administratively reviewed and permitted as is currently accepted.

(a) All attached ADU's will not be considered accessory, but as an addition to the principal building and must comply with all: single-family residential building codes, height and yard restrictions.

(6) Accessory Dwelling Units shall be allowed, upon approval of a conditional use permit, in the following zoning districts: "A-1" (Agriculture District), "A-R" (Agriculture Residential District), "R-1A" (Single-Family Suburban Dwelling District), "R-1B" (Single-Family Dwelling District), "R-1C" (Single Family Urban Dwelling District), "R-1D" (Single-Family Small Lot Dwelling District), "R-1M" (Mobile or Manufactured Dwelling District) and "B-4" (Central Business District).

**Performance Standards:**

## **b. Owner Occupancy Requirements**

(1) Either the principal single-family dwelling or the ADU shall be occupied by the property owner.

(a) a temporary waiver of this requirement may be granted by the Development Director in the case of a documented need for the owner-occupant to leave the premises for up to one year due to employment, illness, or other circumstances.

(2) The ADU may only be occupied by one or more persons related by blood or marriage, or up to two unrelated adults, occupying a dwelling unit and living as a single household.

(3) A certificate of occupancy shall be issued by the city prior to use as a dwelling unit.

(a) The homeowner shall obtain a certificate of occupancy from the City every three years so that the accessory dwelling unit can be reviewed for compliance. Issuance of the certificate of occupancy shall be contingent on the homeowner filing a notarized affidavit by stating that the accessory dwelling unit complies with all standards and any conditions of approval of any conditional use permit.

(4) The accessory dwelling unit shall not be rented for periods of less than 30 days.

(5) Business use is not allowed within the accessory dwelling unit.

(6) The accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit.

## **c. Location**

(1) An accessory dwelling unit may be incorporated within the principal structure or may be a separate unit located within 100 feet of the principal structure. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building.

(2) ADU's shall not be constructed over or upon any private or public utility, drainage or access easement.

(3) Detached ADU's must be a minimum distance of 20 ft from the primary structure.

(4) Only one ADU is permitted on a single-family residential lot and must be accessory to a principal single-family dwelling unit on the same lot.

#### **d. Building code**

(1) The ADU must meet all the requirements of Chapter 500 of these regulations, and any applicable building and fire codes as adopted by the City of Smithville.

(2) Any structure to be utilized as an ADU shall be built on a permanent foundation or slab.

(3) The ADU shall not exceed the height of the principal structure.

(4) The ADU footprint shall be a minimum of 10% of the primary residence and maximum of 90% of the primary residence.

#### **e. Utilities**

(1) All sewers, water, gas, and other utility connections must be a part of the primary dwelling unit.

(2) Where public sewer is not available, the ADU shall be required to have an appropriate onsite wastewater system which conforms with Section 700.030 (A)(2).

#### **f. Appearance Standards**

(1) With the issuance of the Conditional Use Permit, the Chairman of the Planning Commission may impose conditions to mitigate any adverse impact on abutting properties to include, but not limited to: fencing and screening requirements, frontage requirements, building setback lines and/or parking or emergency vehicle access requirements.

(2) The Chairman of the Planning Commission reserves the right to waive any and all requirements under this Section when deemed to be in the public interest.