

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

April 14, 2026

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, Terry Hall, Mayor Damien Boley, Rob Scarborough, Billy Muessig and Deb Dotson.

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

2. MINUTES

The February 10, 2026, Regular Session Meeting Minutes were moved for approval by MUESSIG, Seconded by ALDERMAN WILSON.

Ayes 6, Noes 0, Abstain 1 (Scarborough). Motion carried.

3. STAFF REPORT

HENDRIX reported:

At our June 9th meeting we will potentially have our first submittal for the South Employment Overlay District application.

Clay Creek Meadows Phase 2 will be recording their plat soon. Once recorded building permits can start being submitted for review.

We have issued 25 residential building permits since January 1, 2026.

The new strip malls located at the site of the old Kay Furniture building is complete. Pizza Shoppe is moving into one of the spaces and will have their final inspection on Friday.

Anticipates receiving an application for an 8,600 square foot stand-alone building at the Smithville Plaza. 5,000 square foot will be a restaurant and the other remaining 3 units in the building will be 1,200 square feet each. This building will have a fire sprinkler. This may also be on our June 9th meeting agenda.

There is a possibility for 2 different applications for Battery Energy Storage System facilities on our agendas this year.

4. PUBLIC HEARING – SINGLE PHASE FINAL PLAT – WEATHERSTONE 2

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED FINAL PLAT FOR A NEW 20 LOT RESIDENTIAL SUBDIVISION**

Public hearing opened.

HENDRIX informed the commission that the Staff Report and Plat document were provided in the packet. The applicant is here to answer any questions.

No Public Comment.

Public hearing closed.

5. SINGLE PHASE FINAL PLAT – WEATHERSTONE 2 SUBDIVISION

- **APPLICANT SEEKS APPROVAL FOR A FINAL PLAT FOR 20 ADDITIONAL LOTS IN THE WEATHERSTONE SUBDIVISION**

HALL motioned to approve the Final Plat for Weatherstone 2 subdivision. Seconded by SCARBOROUGH.

Discussion:

HENDRIX stated that the Staff Report was included in the packet. This simply ties Diamond Creek into Fourth Terrace. If you've looked at the GIS map in the last 25 years, you've seen all of the undeveloped lots in that area. Those are Weatherstone and the developer of this project purchased those lots. He is going to build the streets and install the water and sewer. His plan is to be the primary builder. The zoning doesn't have to change. It's all R-1B, and he's matching the lot sizes of the existing lots around there. Staff recommendation is for approval.

SCARBOROUGH asked if there are any plans to connect that neighborhood to downtown as far as walkability.

HENDRIX stated that currently there are sidewalks on First Street, but they stop at the Housing Authority and don't go any further up. There is a potential for this in the future. There will be sidewalks inside the subdivision.

THE VOTE: MAYOR BOLEY-AVE, HALL-AYE, DOTSON-AYE, SCARBOROUGH-AYE, MUESSIG-AYE, CHEVALIER-AYE, ALDERMAN WILSON-AYE.

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING – CONDITIONAL USE PERMIT – ACCESSORY DWELLING UNIT (ADU) AT 1600 E. MAIN STREET

- THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON THE PROPOSED ADU BEHIND THE EXISTING HOME AT 1600 E. MAIN STREET**

Public hearing opened.

HENDRIX stated that the Staff Report has been provided in the packet.

No Public Comment.

Public hearing closed.

7. CONDITIONAL USE PERMIT -ADU AT 1600 E. MAIN ST.

- **APPLICANT SEEKS A CONDITIONAL USE PERMIT TO CONSTRUCT AN ADU BEHIND THEIR HOUSE AT 1600 E. MAIN ST.**

ALDERMAN WILSON motioned to approve the Conditional Use Permit for an ADU at 1600 E. Main Street. Seconded by DOTSON.

Discussion:

STUBBS stated everything in this applications follows the ADU guidelines. The property is zoned A-1. Clay County Health Department will need to approve the additional plumbing traps since the property has a septic system. The property is under single ownership. The sizing and location is appropriate. It's located within 100 feet of the primary dwelling and is 86% of the size of the primary dwelling. Lot coverage is well within the maximum. The only potential issue is that the driveway itself is over 100 feet long. If an emergency would happen, we would want to make sure that there are no issues with First Responders making their way down the driveway and having long enough hoses to get there.

HENDRIX did discuss this with Chief Cline. He has no regulations that would require a fire access drive in residential or agricultural. The homeowners will be made aware that if there's a fire down there, it'll take a while to get all the hoses put together to get down there. It's 700 and some feet from the road, but the existing house is 550 feet from the road. The gravel drive entrance is not sufficiently stable enough for them to drive their truck on it. If it's been raining at all, they won't even go down it, because it'll sink their truck and that doesn't do anybody any good.

DOTSON asked if the homeowner will be made aware of this.

HENDRIX stated the homeowner will be made aware of it. They have to pull a building permit, and we'll address it all then.

SCARBOROUGH stated that he thought that the ADU ordinance requires them to recertify every 3 years. Will there be any interior inspections during that time to certify it hasn't become a business.

STUBBS stated no. There is an affidavit that will be signed by the owner confirming they understand they can't have a business located in the ADU.

HENDRIX stated that is more of an enforcement issue. If we discover a business located within the ADU, this is a violation of the terms of that conditional use permit and would allow us to remove their conditional use permit. This would also eliminate the zoning authority to even run as an accessory dwelling unit. We don't really have any provisions other than our normal enforcement provisions. And that's the biggest issue we have in residential and agricultural zonings is people running home occupations that aren't allowed under our zoning code, or they never get a business license. Those are hard to catch. But we do have other ordinances that deal with them.

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

AYES-7, NOES-0. MOTION PASSED

8. PUBLIC HEARING – BATTERY ENERGY STORAGE SYSTEM (BESS) ORDINANCE

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON AN ORDINANCE THAT WOULD PROVIDE SPECIFIC REGULATIONS CONCERNING THESE USES.**

Public hearing opened.

HENDRIX stated an updated ordinance was placed on the commissioner's desks.

Melissa Vancrum – Rouse, Frets, White, Goss Law Firm 801 W 47th Street Suite 500 Kansas City, MO 64112— Stated it's clear that a great deal of thought has gone into this ordinance, and having worked on similar

projects across the country, this is one of the more well-considered examples. It reflects professional standards and provides meaningful guidance, which benefits both the community and applicants by offering protection, predictability, and clarity. This BESS is a proven technology that supports grid reliability, which is especially important for a growing area like Smithville, and it also brings strong economic benefits, including tax revenue and construction jobs. There are a couple of areas that may be worth further consideration, though some may already be addressed in the updated ordinance. While the standards work well for agricultural districts, they may be less suitable for industrial districts, where conditions and surrounding uses differ significantly. Industrial areas already rely on a site plan review process that evaluates setbacks, buffering, lighting, and impacts on a case-by-case basis and treating this use similarly could provide greater flexibility while maintaining appropriate oversight. Another important consideration is fire safety. While the ordinance appropriately references emergency response planning, prescribing specific fire suppression methods may be less effective given how quickly the technology is evolving. Pointing instead to recognized standards and allowing experts to determine best practices would help ensure safety measures remain current and effective. Overall, this is a great ordinance, and we appreciate the time and effort of staff and officials in developing and considering it.

Public hearing closed.

9. BATTERY ENERGY STORAGE SYSTEM ORDINANCE

- **PROPOSED NEW REGULATIONS CONCERNING THESE USES THAT ARE CURRENTLY ALLOWED IN OUR CODE, BUT THERE ARE NO SPECIFIC REGULATIONS ON HOW THEY ARE ADDRESSED**

HALL motioned to approve the Battery Energy Storage System Ordinance. Seconded by SCARBOROUGH.

Discussion:

HENDRIX addressed some of the questions raised by Ms. Vancrum about the ordinance and the changes that have been proposed. To clarify distinctions between industrial and non-industrial areas, the language was revised from "industrial and agricultural" to "industrial and non-industrial" to avoid the need for future amendments. Currently, the use is allowed only with conditional use permits in A-1 and I-1 districts, but the existing standards are extremely limited and do not adequately address issues such as fire safety. Staff believes adding regulations is preferable to relying on unclear or indirect provisions. In developing the ordinance, staff reviewed Missouri examples and found the most comprehensive model in Cass County. The proposed ordinance was adapted through revisions made in consultation with the fire chief and inspectors to determine what standards were necessary. As discussions continued with potential applicants, concerns arose, particularly about applying agricultural-style standards to industrial districts. Because Smithville already has a robust site plan review process for industrial uses that addresses setbacks, buffering, lighting, and similar issues, the ordinance was adjusted so projects in industrial districts follow that existing process. Separate setbacks and buffers were retained for non-industrial areas, which currently are agricultural districts, because those areas often abut residential subdivisions and lack clear, directive standards. The proposal includes a 100-foot setback from all property lines, increased to 250 feet from any residential structure, including existing homes and platted but undeveloped residential lots, to better protect where people live while maintaining flexibility for unplatted land. Noise standards were also reconsidered after discussions with the Chief of Police, who noted that a 50-decibel limit is lower than normal conversational noise and would be impractical to enforce, especially in industrial districts where ambient noise is common. Because these facilities are generally quiet after construction and construction noise is already regulated, the recommendation is to delete the noise provisions and rely on the city's existing noise ordinance. Additional changes include requiring eight-foot-high fencing in all districts as a protective measure. Finally, in response to concerns about fire safety, the ordinance was revised to remove prescriptive fire suppression methods and instead rely on NFPA 855 and International Fire Code standards. The Fire Chief recommended this approach because those are the standards enforced locally and they update regularly as technology evolves. Given how rapidly this field is changing, referencing these nationally recognized standards will ensure the ordinance remains effective without requiring frequent amendments.

HALL asked Fire Chief Dave Cline if since the codes update every 3 years, does the city adopt them every 3 years?

CHIEF CLINE stated the adopted code does not automatically update every 3 years, but it is a cycle that we're working towards with the fire code to keep up to the most current. There's some years, especially the fire code, there aren't necessarily changes that are applicable that worth the work of going through adopting to the most current. That's kind of the guide that we use. I think that is the best approach, though, is to have the most current version of the particular standard reference and we'll just take it then on a case-by-case basis.

MUESSIG asked if the 855 code actually cover battery installations?

CHIEF CLINE stated that it does. It addresses the monitoring system and the suppression system that goes along with that. This technology has greatly evolved and quickly as it's kind of changed with even with the design of the systems, the containers themselves, what types of buildings or structures to put in so that it does go along with the speed of the change. He thinks the current standards that are in there address where it comes to the monitoring. To him, the monitoring is as important as the suppression system and in training and discussions that we've had they're able to shut those devices down and structures down even when things start to get a little out of line long before an actual runway.

HENDRIX explained that he would like to highlight that the ordinance as drafted would be substantially similar to what would be presented to the Board of Aldermen if approval is recommended by this commission tonight. It adopts a new provision establishing specific standards and then adds those provisions to each district where the use is currently allowed. The first change is in Chapter 570, the conditional use permit section, where these standards would be included under the city's supplementary district regulations, similar to how standards exist for uses like boarding kennels and indoor firing ranges. Chapter 570 would incorporate these requirements directly into the CUP process, using the minimum standards outlined in the staff report and referencing additional requirements already established for other uses so they are reviewed consistently and defensible if challenged. The I-1 and A-1 district provisions simply add battery energy storage systems explicitly to the existing language. Staff and the city attorney believe the current categories, such as electric generation plants and utility facilities, are already broad enough to include these uses, meaning they are

effectively allowed today with no specific regulation. This ordinance clarifies that allowance and applies conditional use permits to ensure standards are met. A new provision is also added for the I-2 district. Although no heavy industrial districts currently exist, battery energy storage systems would be permitted there without a conditional use permit as long as they comply with the adopted safety and fire protection standards, unless they are located within 500 feet of a residential structure or lot. In that case, a conditional use permit would be required to provide additional transparency and an opportunity for public comment. The zoning structure already intends I-2 districts to be buffered from residential areas by less intensive industrial districts, and this approach maintains that separation. The final page includes the required Planning Commission statement for a text amendment, along with suggested language for consideration.

ALDERMAN WILSON stated she was reading the conditional use permit. On item 3 page 2, the Large-Scale BESF are prohibited within 250 feet of existing residential dwellings. I personally would like to see that further away. So why 250? Why not 500 like you're doing in the other?

HENDRIX stated the distance is more than any of the other buffers we have anywhere else. The biggest we have is generally 185 feet for notices, etc. Cass County had 250 feet. I thought it was a reasonable number. But if I wanted to bring it into the I-2 district, I wanted that to stretch it out to 500 feet.

DOTSON asked if there was any future or existing residential would be affected by this?

HENDRIX stated no platted lots within or adjacent to any of this for residential. A future residential area would know there's something in place. The first application will likely be coming in on the south side of 148th Street. 148th Street is the extension of Commercial Street. The north part of Outrig Storage, that north 10 acres, is where this would be. So, there's no houses near that area. It's up on the west side by the existing Evergy plant. The other potential application is way down south right next to Kansas City. There is a house near that one. The problem with getting the bigger areas like that is it reduces the usable space on a specific parcel substantially, because with the 500 feet, theoretically could be on 3 sides of it, or 2 sides of it. So, you're talking about a 40-acre parcel and you're probably taking 10 or 12 acres that become unusable. So, 250 feet is a lot when you sit down and look at it.

SCARBOROUGH asked what the risks versus rewards are for having a battery storage facility inside of our city limits.

HENDRIX explained that the risks associated with the technology are largely mitigated by current safety standards, particularly those required under NFPA 855. The reward is that the equipment remains taxable, meaning it would still generate property tax revenue.

ALDERMAN WILSON spoke about a conversation regarding the type of facility that would be built, and you and I talked about if something were to happen of that going up instead of out. Would that be done in the site plan review or how is that taken?

HENDRIX stated that would be handled through the ERP, the emergency response program. All of the fire safety stuff is going to be a check off list that Chief Cline or his successor handles. We want the Fire Department handling the fire stuff. All of the emergency response protocols will be provided to the Fire Department, and he will either like it or not. At the time we get an application, we will probably know that. But the information I gave you about the off-gassing and stuff came directly from Chief Cline.

DOTSON asked if there would be any annual routine inspections by the Fire Department.

CHIEF CLINE stated that there are requirements for them to provide annual reporting. With how these facilities are set up he doesn't believe the Fire Department will do any onsite inspections. These are secure facilities. Inspections could be arranged if needed but from the Fire District side of this we would rely on subject matter experts and a 3rd party inspection and certification. Just like we do with the marijuana grow facility. They have processes in there that we do approve, but we don't do the final inspection. We rely on third party testing. I could check the box and say, yeah, this looks okay, but I rely on them to make that certification.

MUESSIG asked if there are any tax incentives?

HENDRIX stated that there are no incentives. They are doing this purely as an investment.

MAYOR BOLEY stated that it is taxed as commercial property tax and decreases the burden on the residential property tax.

HENDRIX stated that it's taxed at a higher rate. It's not taxed at the residential rate of 0.19 X \$100 assessed valuation. It's taxed at 0.32.

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

AYES-7, NOES-0. MOTION PASSED

10. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:54 p.m.