

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

June 10, 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, Terry Hall, Billy Muessig, John Wallace and Mayor Damien Boley. Rob Scarborough was absent.

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

2. MINUTES

The May 13, 2025, Regular Session Meeting Minutes were moved for approval by HALL, Seconded by MUESSIG.

Ayes 6, Noes 0, Motion carried.

3. STAFF REPORT

HENDRIX reported:

Staff will be discussing with the Board of Aldermen at a future Work Session about the World Cup in 2026. A few other communities have put a temporary moratorium on short-term rentals during a very narrow window of time. Parkville is allowing them between May 1 - July 31, 2026. We would still require them to pull the permit and pay the fee. After the moratorium timeframe is up, they can no longer operate as a short-term rental. We will see where that goes from the Board's perspective.

Another rezoning request has been submitted for the Lowman Road and Second Creek Rd property. They have requested to change it from R-1B to R-D. It will keep the single-family character of it. This will be on our July

meeting agenda. We have not received an application for a subdivision, but they are working on it. It's all planned to be single family detached.

A new retail automotive store is anticipated to go in at the Smithville Marketplace. We have a conceptual plan at this property which was approved in 2018. Due to the conceptual plan this won't need to come to our commission for review.

4. 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**

Public hearing opened.

No Public Comment.

Public hearing closed.

5. ACCESSORY DWELLING UNIT RECOMMENDATION

- **THE COMMISSION SHALL DISCUSS THE PROPOSED FINAL ORDINANCE AND MAKE ITS' RECOMMENDATION TO THE BOARD OF ALDERMEN.**

MAYOR BOLEY motioned to approve the Accessory Dwelling Unit Ordinance. Seconded by HALL.

HENDRIX stated that a draft of the ordinance has been provided to the commission that will go to the Board of Aldermen. We need further clarification on 2 matters:

- Section 2 E.3 Subparagraph 2, Can an ADU be located inside a principle structure with no direct communication between the two units, or does it need to be a separate and distinct building.
- Section 3 D.7 Subparagraph 3, needs more discussion on minimum and maximum size of the ADU. Gave scenarios where not less than

10% nor more than 90% of the area of the primary structure might not work.

Discussion:

MUESSIG suggested deciding on a minimum square footage and keeping “no more than 90% of the area” in the language.

HENDRIX asked if there was a minimum square footage that the commission would feel is appropriate.

MUESSIG and HALL both suggested a minimum square footage of 350.

CHEVALIER asked Mr. Stubbs what the lowest square footage was in all of the research he did.

STUBBS said the lowest square footage he found was 500.

MUESSIG suggested 400 square feet. That would mean a 20’ x 20’ structure.

MAYOR BOLEY suggested keeping it in line with the minimum square foot for an apartment which is 400 square feet.

HENDRIX said that he could change the language to “The ADU is not less than 400 square feet nor more than 90% of the area of the principle structure”.

HALL asked if we could discuss whether the ADU should be attached or detached.

MUESSIG doesn’t think it should be attached to the home. Do we really want to see stairs coming down off the back or sides of homes.

HALL and ALDERMAN WILSON both think it needs to be detached from the home.

CHEVALIER said that he has no issues with it being attached to the home.

MUESSIG and ALDERMAN WILSON both think that additional stairs to access the ADU or an attached garage converted into an ADU would look tacky.

CHEVALIER asked if there are stairs, could we require screening?
HENDRIX stated yes, you could even require that the stairs to change levels be inside the building

ALDERMAN WILSON feels that it needs to be detached from the home.

HALL AND MUESSIG also agree.

WALLACE stated that most garage conversions have the stairs inside the garage.

MUESSIG motioned to amend language in Section 2, E.3, Subparagraph 2, ADU shall be a separate structure. Seconded by HALL.

Discussion: None

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

AYES-3, NOES-3. MOTION FAILED

MAYOR BOLEY motioned to add language in Section 2, E.3, Access points to ADU's within an existing structure shall be adequately screened. Seconded by WALLACE.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

MUESSIG motioned to amend language in Section 3, D.7, Subparagraph 3, ADU is not less than 400 square feet, nor more than 90% of the area of the principle structure. Seconded by ALDERMAN WILSON.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

MAYOR BOLEY explained that we now need to vote on the ordinance as amended.

Discussion: None

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

AYES-6, NOES-0. MOTION PASSED

6. PUBLIC HEARING – 169 SOUTH EMPLOYMENT OVERLAY DISTRICT

Public hearing opened.

No Public Comment.

Public hearing closed.

7. 169 SOUTH EMPLOYMENT OVERLAY DISTRICT DISCUSSION

HENDRIX informed that Mr. Stubbs and himself had a meeting with the consultants recently. Information on this agenda item is in the packet. The consultants have in the plan to allow zonings R-1A, B, C, D, R-2, R-3, B-1, B-2, B-3 plus I-1. Our recommendation to them and to you would be to delete I-1 completely. We don't want anyone particularly concerned about I-1.

However, that light, light industrial that we had talked about going in, could be done by simply giving it a name under one of the use types. And then it has to be by this board's conceptual plan review process. If you're going to want to have a light manufacturing instance of any kind, then it would have to be identified in their plan, the conceptual plan of someone coming forward to develop. And it would have to be specific as to what kind of uses. It couldn't be a general use. It'll be ones that we identify here. Some of them are already identified in this document. Any of them with a P is something that would be permitted in the use. Is short-term rentals something we want to allow in this Employment overlay? I wanted to make sure you thought about that. Given that this is an employment overlay, the athletic clubs and athletic fields may not be an optimal use of land for gaining employment. Fast charging stations and service stations are highlighted. We had conversations in the past and from a public input scenario, putting another gas station in this area is probably not a good use of the land. I wanted to highlight the difference in fast charging stations. There are two different functions. Having a charging parking space in an existing parking area is one thing. But a fast-charging station is literally land set aside solely for coming in and charging EVs. That is not too far removed from a service station. But if you have them as an accessory use to your existing business, for example, you've got a Target store, and you have 6 fast charging stations in its parking lot, it would be an accessory use in that scenario, because it's not a fast-charging station. I look at a fast-charging station as standalone.

CHEVALIER spoke about the mention of a standalone EV service station. He thinks that people that could be seeking out this type of thing in their travels and this might be a place that they want to stop. If they stop here, they're going to be stopping in Smithville.

MAYOR BOLEY stated that in an employment overlay district, you're talking about Class A office space. Do you want people coming in, taking up your parking for employees for that type of thing, or causing traffic? It's not a shopping center scenario. If there's a retailer that wants to add a car charger, that's different. But just having a station for people to charge cars instead of an office building is not economic development and tourism. We need to allow for EV charging in a regular parking lot but only as a part of the development. Melissa, at one point, even brought up that we need to put that in our other ordinances for developers because of some of the mandates that were coming down.

ALDERMAN WILSON stated that we talked about letting the free market dictate that.

MAYOR BOLEY stated that having them at our parks, it does benefit us to have a station there, because then they can park and play at the park and that is tourism and economic development. I don't think a rapid charging, or a service station fits in this overlay district.

HENDRIX stated that it sounds like we will not allow fast charging stations and gas stations in this overlay district.

MAYOR BOLEY stated that the city's not a developer. We're trying to set forth a vision for the future of what we want the land around this area to look like. It's not a mandate. We're trying to set a standard, so we don't end up like Trimble, where it's wall-to-wall storage units. But right now, nothing stops somebody from going into that land and building wall-to-wall storage units. And we don't want it to look like that on our southbound freeway.

HENDRIX stated that the purpose of this overlay is so that we can focus on the types of businesses that bring employment and the attendant housing that would be necessary associated with a lot of that so that it's in this area. We don't need it to be a storage unit, because there's zero employment.

MAYOR BOLEY stated that he just sat through a session that, in the city of Redmond, Washington, where Microsoft's headquartered, they worked with the developer to build the housing. They're donating the money to be able to allow for free childcare in that housing, where people can walk to their office building and not worry about childcare. That's what employers are looking for. Do we have a plan, and do we have standards in place that align with their type of vision?

HENDRIX moved on to a few other items that need discussed. Solar energy systems as accessory, and solar energy systems primary. My thought is, we allow accessory solar energy systems currently in any district now. The question is, would a solar energy system, which would be a farm where you've got them all sitting out in the field somewhere. Would that be an appropriate use?

The commission said no to solar farms.

HENDRIX provided a scenario of having parking spaces that are covered, and they have solar on it, it then still meets the accessory necessary, so it's not a separate unit. My recommendation to them was that I was going to encourage you not to have primary at all, but allow, as we do now, as accessory uses as long as it's attached to an existing building. It can't be a separate accessory sitting out in your yard, it has to be on your building. The other item to discuss is marijuana facilities. There's 8 different types which are listed on pages 2 and 3 under commercial.

MAYOR BOLEY stated that state statute and our current ordinance already regulates that. We're not getting any more licenses, and we already limit it to I-1 for manufacturing.

HENDRIX stated that he just wanted to make sure that we want that. He had a conversation earlier with Alderman Wilson about the dispensary aspect of it. Even if it was allowed here, it wouldn't change any of the other regulations associated with distance requirements and all that. But from my perspective, the only possible one that we should consider would be a dispensary only. The other stuff, while it may have jobs, often bring the odor of the plants as they grow. It's a strong smell. But it's no different than the strong smell of alfalfa, or the strong smell of red clover when it's grown and ready to be harvested. If we completely strike the infused products manufacturing and the cultivation facilities out of it, the only thing left is the dispensary. It is still subject to the state permitting stuff that we've talked about, and it still has the distance provisions. It's another retail outlet from our city perspective. It's got a few employees but it's not a massive number.

MAYOR BOLEY stated from a retail standpoint, it generates more sales tax, percentage wise, than anything, because it has that extra 3% on top. I think we allow it, and if for some reason, the other dispensary goes away there would be a license available for our district. I doubt they're going to look for a new building.

Several commission members agreed that everything, but the dispensary aspect should be removed.

HENDRIX stated one of the other things that we did discuss with the consultant is in the B-1, B-2, B-3, and B-4 zonings, they have permitted several different residential-type structures and with a P. I've recommended that anything, because our underlying B-1, 2, 3 does not allow residential unless it's a mixed-use scenario. But then a mixed-use scenario has to come

through, currently, under some kind of a conceptual plan process. I don't think the P's should be there. They should be checkmarks for any of the residential uses that say P under B-1, 2, or 3. Currently, B-4 allows it, although we can probably just delete the B-4, because the B-4 district is... Downtown. We won't have another B-4 district. We can strike B-4 and I-1 completely and make sure those uses or check marks are permitted under the B-1, 2, or 3.

CHEVALIER asked Mr. Hendrix what the difference is between an athletic club and a gymnasium. Because athletic clubs are permitted but gymnasiums don't look like they are allowed.

HENDRIX stated that a 24-Hour Fitness is an athletic club. When I think of going to the gym, you're going to a basketball gymnasium. We can clarify that however we'd like. Do you want athletic fields in it? That's one of those scenarios where that's a lot of land that could be used for something other than recreation. We can clean up that athletic club's language substantially to make sure everybody understands what that is. A rec center, that'd be like a YMCA that's got a whole bunch of options in it.

HENDRIX stated the purpose of the discussion of the table of uses tonight was primarily to get thoughts and concerns. This process isn't over. He provided the commission of the proposed schedule to move forward with this. There will be another round of public engagement in July. The plan is to come back with a final draft ordinance to this commission at the August 12th meeting. If you are comfortable with it at that point, we can proceed with a vote. If there are a lot of changes it can be brought back at the October 14th meeting.

8. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:13 p.m.