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**City of Smithville, Missouri  
Planning Commission - Regular Session Agenda  
June 9, 2020**

**7:00 pm – Senior Center \*\*Via Videoconference\*\***

**NOTICE:** \*Due to the Governor's Emergency Declaration and the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live.

For Public Hearing Comments you will need to email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto:ldrummond@smithvillemo.org) prior to the meeting to be invited via Zoom.

If you do not have access to the internet you may give your Public Comment in person at the Senior Center – Only one person will be permitted at a time. You will enter in the east door and exit out the west door.

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1. Call to Order
  2. Approve the May 5, 2020 Planning Commission Minutes
  3. Staff Report
  4. Proposed Changes to the 2018 Residential Codes
  5. Adjourn



Accommodations Upon Request

## SMITHVILLE PLANNING COMMISSION

### REGULAR SESSION

May 5, 2020

7:00 P.M.

Council Chambers

**Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app. City staff were at City Hall for the meeting.**

**Planning and Zoning Commission members and City Administrator attended via the Zoom meeting app. The meeting was streamed live on the city's FaceBook page through FaceBook Live. Attendance in person for the Public Hearing was made accessible for public comment on the agenda items at the Senior Center.**

Those attending the meeting: Deb Dotson, Carmen Xavier, Connor Samenus, Alderman Steve Sarver, Dennis Kathcart, Mayor Damien Boley, Chairman Rand Smith and Development Director Jack Hendrix.

#### **1. CALL TO ORDER**

Chairman Rand Smith called the meeting to order at 7:09 p.m.

#### **2. MINUTES**

The March 10, 2019 Meeting Minutes were moved for approval by SAMENUS, Seconded by DOTSON.

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

#### **3. STAFF REPORT**

HENDRIX reported:

Construction is still moving forward. Price Chopper and Porter's are being built. We should have a site plan request for a new 8,400 square foot commercial strip mall to go in south of Scooter's Coffee.

White Iron Ridge Event Center is under construction.

KCI RV Storage is still under construction. They are getting very close to opening the first phase.

The medical marijuana dispensary has a permit to do the interior rehab work at their facility.

The medical marijuana manufacturing is still finalizing all their plans and have yet to begin construction on the development even though they have everything in order to do that. Once they deliver a bond they can record the plat and start.

#### **4. REZONING A PORTION (8 ACRES) OF 18601 N. 169 HWY FROM R-1B AND B-3 TO B-2**

HENDRIX explained that this is a request to rezone the north 8 acres of this property. They are proposing to put an office there in the B-2 district. He explained to the commission that there is a Findings of Fact and Conclusions of Law document in the packet for the rezoning. Item # 2 of this is where they will need to make a decision. A recommendation of either 2 (A) or 2 (B) is needed. Also in the same document is the Recommendation of the Planning Commission, based upon whether 2 (A) or 2 (B) is the recommendation by the Commission, we will need to make adjustments to sections B and C accordingly.

#### **Public Hearing:**

**Dirk Talley---Show Me Real Estate---Applicant---**This will be the Stanley M. Herzog Charitable Foundation. It will be their office headquarters. It is solely for the financial assistance of children seeking aid for schools of faith based education. It will be the largest financially funded foundation in the Kansas City area. It will employ a staff of 10-15 full time jobs here in our town. If everything goes smoothly they hope to be breaking ground in July 2020. This is not a school. It is strictly the office headquarters for administering this foundation. Mr. Talley explained he is just helping them acquire the land and go through the zoning. He said he is honored that they have chosen Smithville when they could have gone anywhere in the US. Some may be a surprise that the church would even entertain selling a tract of land. The church has set forth a very strict set of covenants that the foundation will have to follow, and those covenants will stay with

the land forever. They felt that if anything was going to be built beside them this was the most suitable. If this property were ever to sell there is a Right of First Refusal attached to the property so the church will have the first option to buy it back.

SMITH stated that on the overview it appeared that there were to buildings. What will the other building be?

Mr. Talley stated that there is only 1 building. The other building he might be seeing is the existing church.

KATHCART asked if excavation and construction traffic will impact 188<sup>th</sup> Street or would be minimal since this is a pretty significant road to get to a neighborhood and a school?

Mr. Talley stated he did not think it will be any different that a normal construction job as far as traffic goes. There will be construction equipment and concrete trucks in and out so there will not be zero impact, but it won't be the same as when we are building a subdivision.

SMITH asked if they have plans to put anything else on this property eventually?

MR. TALLEY as of right now to his knowledge they only have plans for this one building. They may create a nice park area down on the eastern portion.

HENDRIX stated that most of those items will be submitted with the site plan approval if it is approved.

XAVIER asked what the mission statement was and is there anything formal in front of you that says what this organization is all about?

MR. TALLEY stated that he does not have formal documents as they are still in the process of forming this foundation. The Herzog family in St. Joseph and Stanley M. Herzog had a passionate desire for a large percentage of his net worth to go towards this foundation. The official name of it is the Stanley M. Herzog Charitable Foundation and its sole purpose will be for financial assistance of children seeking aid for schools of faith based education.

XAVIER asked if this was a 501(C)(3)?

MR. TALLEY said that is correct.

XAVIER asked if there has been any communication between this organization and the superintendent of the schools in regard to any effect on the public school system? I am wondering what benefit this will be of the city since we will not get any property tax. Am I correct?

HENDRIX stated that she is correct. Currently it is church land and is not taxed now. So the proposed change to 501(C)(3) will keep it tax exempt.

XAVIER asked if there is any money from the city coffers that will be participating in the construction of this building?

HENDRIX stated that as it relates to the building no. There is a part of the submittal that you have before you there is a development agreement. We are still hammering out the final details and will be subject to the Board of Alderman's approval. It will entail public infrastructure improvements to 188<sup>th</sup> Street.

XAVIER stated that being a former School Board member she has a personal obligation to public education. She has a concern that a faith-based education might drain out monetarily or expenses wise. She stated that she will vote in favor of this as a zoning Commissioner but personally she would not support this otherwise.

ALDERMAN SARVER asked if we did not rezone this it would be zoned residential?

HENDRIX stated it is currently zoned partially at R-1B single family. The 2.25 acres in the extreme northwest corner is currently zoned B-3. This application is to rezone the B-3 to B-2 which is a substantial reduction in the allowable uses and will expand the area from 2.25 acres to a total of 8 acres. This is 100% contingent on the church actually selling it.

MR. TALLEY stated that he appreciated everyone's perspective on this. To say that this would be no benefit to Smithville would not be a fair assessment. During the development agreement they are going to make significant improvements to the road and sidewalks. The other impact we could see is a large effort to use local contractors on this project. It would

not surprise him that the final build cost of this building to be in the 2-4 million dollar range. Also, this project is very well funded and they are not looking to come to a community and drain the public school system at all.

### **Public Hearing closed**

HENDRIX stated that the Commission now needs to make a recommendation to the Board. He asked that they take a look at the Findings of Facts and Recommendation of Law document in the packet. Paragraph 2 has an A and B option:

2. *Consistency with the City's Comprehensive Plan and ordinances.*

A. The existing Comprehensive Plan was approved on October 6, 2005 and calls for low density housing. The proposed district of B-2 does not comply with the Comprehensive Plan.

or

B. The existing Comprehensive Plan was approved on October 6, 2005 and calls for low density housing. This plan was adopted after the property was rezoned to its' current zoning of B-3 and R-1B. The current B-3 district area does not comply with the Comprehensive Plan recommendations but is fully developable as B-3. The proposed B-2 district, while larger in area than the current B-3, substantially reduces the available uses from that B-3 district and brings the area closer to compliance with the Comprehensive Plan.

Once the Commission makes a decision to accept either A or B of this document then a vote can be taken.

DOTSON made a motion to amend the Findings of Facts and Recommendation of Law to approve paragraph 2 option B. Kathcart seconded the motion.

### **Discussion:**

SAMENUS asked Mr. Hendrix if the current work on the Comprehensive plan is aligning with option B?

HENDRIX stated yes and that based on the public input so far it is leaning in that direction.

MR. TALLEY stated that when you drive into Smithville from the north the first thing you see is the church. He does not feel that this building will take away from that. He feels that if anything it will add to it.

DOTSON stated that when looking at the overview of the building and landscaping it appears to be an elegant rendition. People have complained in the past of buildings looking tacky but this building is anything but.

**THE VOTE:** SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

SAMENUS made a motion to approve the Findings of Facts and Recommendation of Law as amended. DOTSON seconded the motion.

**Discussion:** None

**THE VOTE:** KATHCART-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **5. SINGLE PHASE SUBDIVISION---HERZOG FOUNDATION**

Hendrix explained that this will divide 8 acres off the north end of the Catholic church property at 18601 N 169 Hwy. It will create one lot solely for that purpose. It will be zoned B-2. There will be a development agreement and one of the items in it is the road improvement the developer will have to do and will have to meet with the MODOT plans that are currently being finalized for the intersection improvements at 188<sup>th</sup> Street and 169 Hwy. Staff's recommendation is that it meets all of our standards and would recommend approval.

**Public Hearing:** None

Public Hearing closed.

MAYOR BOLEY made a motion to approve the Single Phase Subdivision for the Herzog Foundation. SAMENUS seconded the motion.

**Discussion:** None

**THE VOTE:** DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

## **6. ADJOURN**

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

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:50 p.m.

Not Yet Approved



### 500.030 International Residential Code Adoption

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Smithville, being marked and designated as the *International Residential Code for One- and Two-Family Dwellings, 2018* including Appendix Chapters A, B, C, F, G, H, J, N, P, Q, R and S. as published by the International Code Council, Inc., be and is hereby adopted as the Residential Code for One- and Two-Family Dwellings of the City of Smithville, in the State of Missouri; for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height in the City of Smithville, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2018 edition, published by the International Code Council on file in the office of the City of Smithville are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.035.

Section 500.035. Additions, Insertions, Deletions and Changes to the International Residential Code.

Section R101.1. Insert: City of Smithville in place of [Name of Jurisdiction].

Section R105.2 Delete subsections (2) and (5).

Section R106.1 Delete the following statement “where required by the statutes of the jurisdiction in which the project is to be constructed.”

Section R112 Delete the entire provision and replace with the following:

All appeals of orders, decisions or determinations made by the building official relative to the application of this code shall be heard and governed by the provisions of Section 400.625, et seq., of this Code.

Table R301.2(1) shall read as follows:

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp°	Ice Barrier Underlayment Requirement	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Wind Speed	Topographic effects		Weathering	Frost Line Depth	Termite					
20	90	No	A	Severe	36"	Yes	6°	No	1978 2015	1034	53.5

Section R302.13 Fire Protection of floors. Is amended by adding an exception “5. Wood I-joists.”

Section R303.4 Mechanical ventilation is amended by changing “five (5) to three (3) air changes”.

Add new subsections to Section R306 as follows:

Section R306.5 New single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Code Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

R306.6 New single-family dwellings construction site maintenance. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained, and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
  2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
  3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
  4. Airborne particles shall be controlled on the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
  - 5.. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.
- Section R313 Delete the entire provision.

Section R319 is amended by adding a new section to be numbered and read as follows:

319.2 Illumination. Single family dwellings shall have the ability to illuminate the address and numbers during the hours of darkness with a power source connected to the house electrical system or other approved source of illumination.

Section 602.6.1 is amended by deleting “eight 10d” and adding “four 10d”

Section N1101.12 Maintenance information shall be amended by deleting everything after the first sentence.

Section 1102.4.1.2 shall be amended by inserting “Where required by the Code Official” at the beginning of the first sentence.

Section 1102.4.4 delete this provision.

Section N1103.3.3 shall be amended by inserting “Where required by the Code Official” at the beginning of the sentence that reads “duct tightness shall be verified by either of the following:”.

Table N1106.4 (R406.4) shall be amended to read as follows:

*N1106.4 (R406.4) Maximum Energy Rating Index*

Climate Zone	Energy Rating Index
4	80

Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

Section P2503 shall be amended by inserting "Where required by the Code Official" at the beginning of the first sentence in Section P2503.4, P2503.5, P2503.6, and P2503.7. Section R2603.5.1 Insert 36" in both locations.

Chapter 33 shall be amended to include a new Section 3304 Future connection(s). In the event a Sump Pit is installed, but no pump is installed, the pit must have a discharge pipe installed to within 24" of the pit and installed to the outside of the building. Such piping must be capped on both ends, and the interior cap shall be marked "SUMP". The pit must be sealed with a lid sufficient to meet the radon protection requirements of the code.

Section 3901.9 shall be amended by deleting the words "vehicle bay" and replacing it with "garage" in two locations.

Section 3901.12 is hereby deleted.

Section E3902.2 shall be amended by inserting the following language at the end of the current language:

Exception: A dedicated receptacle supplying solely a garage door opener, or a refrigerator, or a freezer that is clearly identified as "NOT GFCI PROTECTED".

Section E3902.5 is amended by deleting the Exceptions provision and replacing it with a new provision to be numbered as follows:

Exceptions:

1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system and identified as "NOT GFCI PROTECTED".

2. A dedicated receptacle supplying a sump pump and identified as "NOT GFCI PROTECTED".

3. A dedicated receptacle supplying a refrigerator and/or freezer and identified as "NOT GFCI PROTECTED".

Section E3902.16 is amended by deleting the first sentence thereof and inserting the following language:

All branch circuits that supply 120-volt, single phase 15- and 20-ampere receptacles installed in bedrooms shall be protected by any of the following:

Section E4002.14 is hereby deleted.

Proposed 2018 IRC Changes  
City of Smithville, Missouri

Section	Smithville, MO
302.13 Fire Protection of Floors	Add an additional exception 5. Wood I-joists
303.4 Mechanical ventilation- less than 5 air changes per hour	Amend to less than 3 air changes per hour
R306 Sanitation	Add two provisions to require sanitary toilet facilities nearby and certain provisions for cleaning the site.
Section 319.2 Site Address Lighting (added 2012)	Single family dwellings shall have the ability to illuminate the address numbers during the hours of darkness with a power source connected to the electrical system of the house or other source of illumination.
R405.1 Foundation Drainage	Membrane not required w/ 18" of clean gravel
Section 507.9.2 Lateral Connection (Decks)	Amended to add: Installation of 1/2" lags or bolts spaced not less than 12" on center will be sufficient to attach the band or ledger joist in our area.
R602.6.1 Drilling and notching of top plate (plumbing related)	Requires minimum of 4 (Reduced from 8) - 10d nails per side for plates with > 50% of plate cut for piping.
Chapter 11 Energy Efficiency	Amend the testing requirements throughout the section
Insert Table 1102.1.1 Insulation and Fenestration Requirements	Only significant change from 2012 is improved U factors in windows from .35 to .32.
Section 1104.1 Electrical Power and Lighting Systems	This was deleted in the 2012 code due to cost and ability to get reasonably priced high-efficacy lamps. Now, LED fixtures are both reasonably priced and available. The new standard is that 90% of all permanent lighting must contain high efficacy lamps.
Section P2503 (Plumbing Inspections)	Amend all provisions to include "Where required by the Code Official"
Chapter 33 Storm Drainage	Amended to include specific requirements for sump pit, sump pump and associated piping, including provisions to meet the Radon Gas infiltration protection requirements.
E3901.9 Receptacle Outlets	Amend the portion on garages to require one plug per garage, not per garage bay. Also remove the outlet requirement outside the house adjacent to the HVAC unit since it isn't used by contractors (due to risk of tripping circuits in the house)

Proposed 2018 IRC Changes  
City of Smithville, Missouri

E3902.2 Garages and Accessory Building Receptacles	Added Exception - Receptacles utilizing the provisions of this section shall be permanently marked to indicate "[Type of Equipment] Only - No GFCI Protection". (1) A dedicated receptacle supplying only a garage door opener. (2) A dedicated receptacle supplying only a refrigerator and/or freezer.
E3902.5 Unfinished Basement Receptacles	added Exception 2. A dedicated receptacle supplying only a sump pump. 3. A dedicated receptacle supplying a refrigerator and/or freezer.
E3902.12 Arc-fault Circuit-interrupter Protection	Removed the requirement for AFCI protection in family rooms, dining rooms, living rooms, parlors, libraries, dens, sun rooms, recreation rooms, closets, hallways and similar rooms and areas.
All Swimming Pool Provisions are now contained in a separate code and are addressed in those provisions.	