



## **Planning and Zoning Commission Meeting**

**January 11, 2022**

**7:00 p.m. – City Hall Council Chambers and Via Videoconference**

---

**Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city's YouTube page through YouTube Live or may use the Zoom link below to access the meeting.**

- 1. Call to Order**
- 2. Approve the December 14, 2021, Planning Commission Minutes**
- 3. Staff Report**
- 4. Initial Zoning Public Hearing**  
**Lot 24, Lakeside Crossing 1<sup>st</sup> Plat - 15705 N. Wabash St.**
- 5. Initial Zoning**  
**Lot 24, Lakeside Crossing 1<sup>st</sup> Plat – 15705 N. Wabash St.**
- 6. Adjourn**

Join Zoom Meeting  
<https://us02web.zoom.us/j/83251769607>

Meeting ID: 832 5176 9607  
Passcode: **498937**



# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

December 14, 2021

7:00 P.M.

Council Chambers

**Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app.**

**City Staff and Planning and Zoning Commission members attended via the Zoom meeting app. The meeting was streamed live on the city's YouTube page through YouTube Live.**

Those attending the meeting: Deb Dotson, Alderman John Chevalier, Mayor Damien Boley, Dennis Kathcart, Rob Scarborough, Billy Muessig, Melissa Wilson, and Development Director Jack Hendrix.

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

Chairman Melissa Wilson called the meeting to order at 7:01 p.m.

### **2. MINUTES**

The November 9, 2021, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by DOTSON.

Ayes 7, Noes 0. Motion carried.

### **3. STAFF REPORT**

HENDRIX reported:

As we approach the end of our calendar year this is the updated data as of this morning.

- We issued 46 residential building permits which totaled \$13.9 million in improvement value. This does not include the cost of the land, just the improvements.

- We issued 9 commercial building permits which totaled \$32.5 million in improvement value.

There is a lot of right of way work going on in Smithville. United Fiber and AT&T are both installing fiber. Please be cautious when you are driving.

#### **4. SITE PLAN REVIEW – 319 E MAIN ST – SMITHVILLE TOWNHOMES**

MUESSIG motioned to open discussion of the Site Plan review for 319 E Main St, Smithville Townhomes. Seconded by MAYOR BOLEY.

HENDRIX stated that the commission was given the staff report. In this are some notes that were submitted to the applicant and their engineer who were fine with all of the changes. These changes were related to separate utility connections and where they are located and also requiring that they have a dumpster instead of individual city trash receptacles. The applicant, Clayton Cox, is here if you have any questions.

##### **DISCUSSION:**

MUESSIG asked if they are doing any outside lighting except for what is on the townhomes?

MR. COX stated yes. In the parking lot there will be some lights. We are unsure if it will be streetlights or post lights.

DOTSON asked if the lights would be shielded to keep the glare from going onto other properties?

MR. COX stated if we do the streetlights yes, they will be shielded. If we do the post lights on the front yards no. The post lights will only be 6 to 10 feet tall and only bright enough to provide light to the parking lot.

WILSON asked what the square footage of each unit will be?

MR. COX stated that they are 3 bedroom and 2 bathrooms with a garage. He thinks around 1300 square feet.

HENDRIX stated that he thinks they are a little bigger. More like 1600 square feet.

DOTSON asked if they are going to be for sale or rentals?

MR. COX stated that he has not decided on that yet. He will have to see where he comes in on budget then go from there.

DOTSON asked if he decides to have them as rentals do you have a target rental cost in mind?

MR. COX stated not yet. With the way the market is right now it's hard to give an exact number.

MUESSIG stated that he thought with these being townhomes they would be privately owned.

MR. COX stated that it could go either way. He has spoken with Mr. Hendrix about this.

HENDRIX stated that if he sold these, he would have to do a minor plat and have them surveyed. It would be done like the ones in the Ashmont subdivision and the Harborview townhomes. They sell the footprint only.

WILSON stated that it looks like the only access to this will be off of East Meadow Street. Is that correct?

MR. COX stated yes.

WILSON asked if there will be landscaping on the side that faces East Main Street?

MR. COX stated yes, and they will be adding steps that get down to the park on the East Main Street side as well.

DOTSON asked if he decided to sell these will there be an HOA with covenants to keep the property up?

MR. COX stated yes.

HENDRIX stated that an HOA will be required because of the way it's designed.

SCARBOROUGH stated that it looks like there is one sewer line that connects all of the townhomes. If these are privately owned what happens if one fails that belongs to someone else?

HENDRIX stated that will be part of the HOA responsibility. There is one central sewer line that goes through the entire complex. There are water lines on the back side so they will all have their own individual water lines.

MUESSIG asked what impact this will have on the existing sewer line?

HENDRIX stated that they don't anticipate any issues. This sewer line runs down into a standard 8-inch line and runs to the manhole in front of Mr. Electric which then turns into a 10-inch line and further down turns into a 12-inch line.

DOTSON asked if Main Street would get torn up for any of this utility work?

HENDRIX stated no.

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

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

## **5. SITE PLAN REVIEW – 14450 N 169 HWY SUITE B – SMITHVILLE MONTESSORI ACADEMY EXPANSION**

MAYOR BOLEY motioned to open discussion for the Site Plan review for 14450 N 169 Hwy Suite B Smithville Montessori Academy Expansion. Seconded by MUESSIG.

HENDRIX stated that this is an addition to the existing Major Mall building. It will be located on the lower level on the rear of the building. The proposed addition would be 2,546 square feet in size. It is designed to match the existing part of the building. The goal with additions is for this to match the existing or improves the overall existing site plan compatibility. The fire

district has indicated that this will need to have a fire sprinkler because it's a daycare.

**DISCUSSION:**

MUESSIG asked if this will affect traffic?

HENDRIX stated no, the distances traveled on site are so great that there is no traffic impact.

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

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

**6. ADJOURN**

KATHCART made a motion to adjourn. SCARBOROUGH seconded the motion.

VOICE VOTE: UNANIMOUS

WILSON declared the session adjourned at 7:26 p.m.



## STAFF REPORT

October 12, 2021

Rezoning of Parcel Id # 05-908-00-03-011.00

Application for a Zoning District Classification Amendment

### Code Sections:

400.560.C Zoning District Classification Amendments

### Property Information:

Address: 15705 N Wabash St. (Lot 24)  
Owner: Jeffrey & Alexandra Coulter  
Current Zoning: New annexation  
Proposed Zoning: R-1B

### Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: December 23, 2021  
Letters to Property Owners w/in 185': December 23, 2021

### GENERAL DESCRIPTION:

The applicants recently annexed their home in the Lakeside Crossing subdivision into the City Limits. The initial zoning needs to be set by the City. This home is one of 11 homes that were not annexed into the city when the subdivision annexed over 15 years ago. The area is a single-family residential subdivision with adjacent R-1B zoning.

### EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

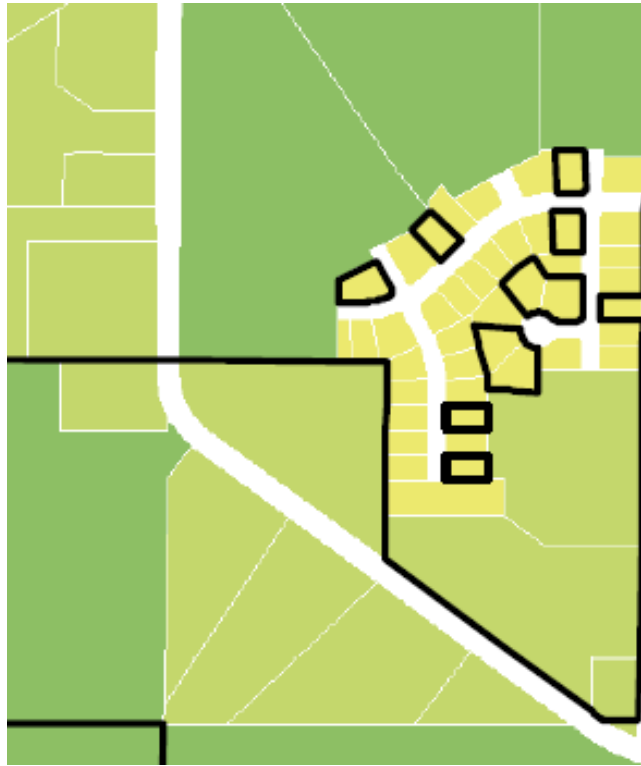
### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is single family residential housing in a standard subdivision.

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

The previous Comprehensive Plan was approved on October 6, 2005, and called for low density housing. It is in compliance with the plan in place at the time of

construction. The current Plan adopted in in November 2020 calls for annexations to clear up the city boundaries.



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

The lot is in a fully completed subdivision with all utilities and public services.  
Streets and Sidewalks:

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4*

The current use is single family residential formerly outside the city limits.

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

The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.

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

The proposed district is the same as the existing adjacent uses.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY  
*400.560C.7*



No detrimental effects are known.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING  
PROPERTY OWNERS RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change  
meets the Comprehensive Plan recommendations.

Respectfully Submitted,

---

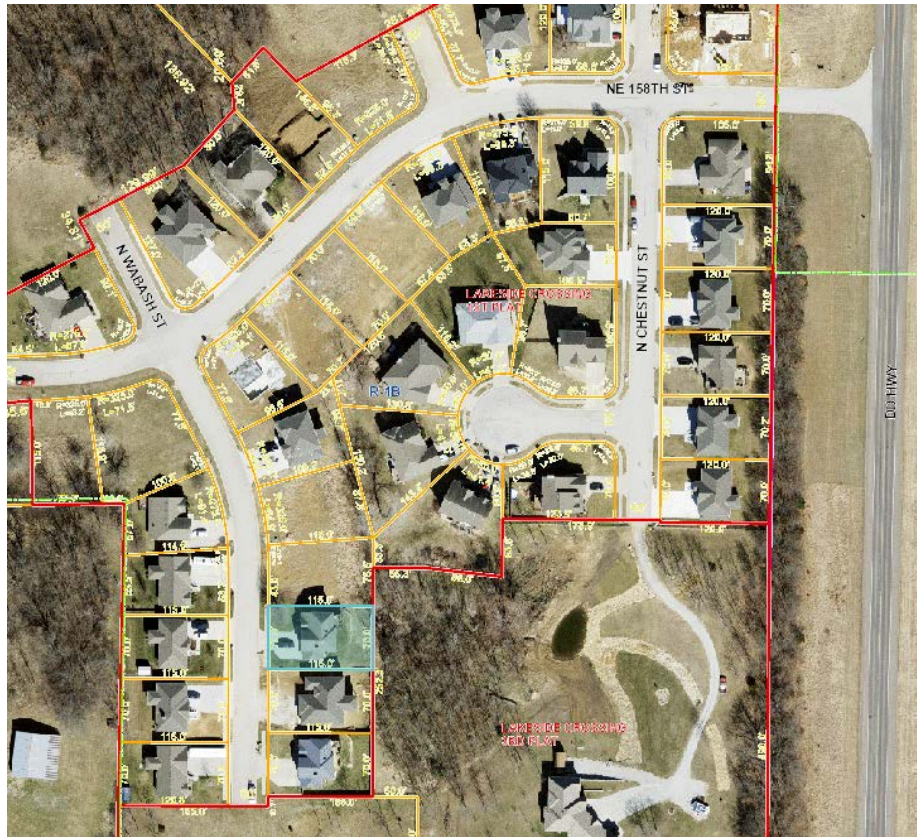
Zoning Administrator

## **OFFICIAL NOTICE**

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on January 11, 2022, the Smithville Planning Commission will conduct a public hearing in person at 107 W. Main St., Smithville or online via Zoom\* and consider the following:

An application for setting the initial zoning of recently annexed property to R-1B located in the Lakeside Crossing Subdivision and legally described as follows:

Lot 24, Lakeside Crossing First Plat and as depicted below.



As provided in the Zoning Ordinances of Smithville, Mo. the above item will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as provided by law.

\*Zoom access link will be published on the official agenda.

*(Publish in the December 23rd Edition of the CT)*

**PROPOSED  
FINDING OF FACTS AND  
CONCLUSIONS OF LAW**

Applicants: Jeffrey and Alexandra Coulter

Land Use Proposed: R-1B

Zoning: County Single Family

Property Locations: 15705 N. Wabash St.

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented at a public hearing of the Planning and Zoning Commission of the City of Smithville, held on January 11, 2022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.  
The surrounding area is single family residential housing in a standard subdivision.
2. Consistency with the City's Comprehensive Plan and ordinances.  
The Comprehensive Plan in effect when the homes were built was approved on October 6, 2005 and calls for low density housing. The current plan adopted in November 2020 recommends that annexations occur to clean up the borders of the city limits. It complies with the plan.
3. Adequacy of public utilities and other needed public services.  
The lot is in a fully completed subdivision with all utilities and public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.  
The current use is single family residential formerly outside the city limits.
5. Length of time the property has remained vacant as zoned.  
The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.
6. Compatibility of the proposed district classification with nearby properties.  
The proposed district matches the adjacent existing uses.
7. The extent to which the zoning amendment may detrimentally affect nearby property.  
No detriment is anticipated.

8. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.  
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearings on January 11, 2022 has been taken into consideration as well as the documents provided.

#### Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Zoning of this property from County Single Family Residential to R-1B is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the property to R-1B.