

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

July 11, 2023

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, Dennis Kathcart, Rob Scarborough (joined via Zoom at 7:01 pm), Deb Dotson, Billy Muessig and Mayor Damien Boley.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The May 9, 2023, Regular Session Meeting Minutes were moved for approval by KATHCART, Seconded by DOTSON.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Construction around the city continues. Attic storage is now completed and finally open.

Since January 1st we have issued 22 new residential building permits this year. 3 more permit applications are on Brandi's desk so we will be at 25 new residential permits once those are approved.

A brief overview of the new Comprehensive Plan Dashboard was given. This lists every action item in the Comprehensive Plan. This is a tool that everyone can look at and see the progress that is being made. This will be placed on the City's website soon for the public to access.

4. PUBLIC HEARING:

- **A CONDITIONAL USE PERMIT TO OPERATE A TRANSFER STATION ON I-1 PROPERTY AT 14820 N. INDUSTRIAL DRIVE IN FIRST PARK INDUSTRIAL SUBDIVISION**

Public Hearing Opened

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. This is our second conditional use permit in the last year and the third in the last 16 years.

There were no members of the public that signed up to speak.

Public Hearing Closed

5. CONDITIONAL USE PERMIT AT 14820 N. INDUSTRIAL DRIVE – TRANSFER STATION

- **APPLICANT SEEKS TO OBTAIN A CUP TO OPERATE AN INDOOR TRANSFER STATION ON LAND ZONED I-1 IN THE FIRST PARK SUBDIVISION**

KATHCART motioned to approve the conditional use permit at 14820 N. Industrial Drive – Transfer Station. Seconded by MUESSIG.

DISCUSSION:

ALDERMAN WILSON stated that she read through the minimum requirements and item # 6 talks about adequate utility, drainage and other such necessary facilities have been or will be provided. It states that any problem waste will be sent to the wastewater treatment facility. What about hazardous waste?

HENDRIX stated that is considered a problem waste. Any waste that we don't want to run over the ground would go into the sanitary sewer.

ALDERMAN WILSON asked if it's ok for hazardous waste to go through there.

HENDRIX stated depending on what it is. If there is a regular problem our codes allow the city to come back and require a pretreatment.

ALDERMAN WILSON also asked about item # 7 which states that adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Do we know what the weight of these vehicles will be coming into the industrial park? Will this create additional wear and tear on that street?

HENDRIX stated that they will be no heavier than the weight of the dumpsters brought through town now. It will create additional wear and tear but we have industrial road construction standards.

ALDERMAN WILSON asked if the current entrance to this subdivision was built to those standards.

HENDRIX stated that he assumes so. It was built 25-30 years ago and has had fire trucks running down it which are as heavy if not heavier than these dumpsters will be.

DOTSON asked if this waste will be coming from other areas and not just Smithville? Will this just basically be a hub?

HENDRIX stated it will come from other areas. The trash will be transported in a dumpster and will only have construction and demolition waste in them. They will go into a proposed building and will be dumped inside the building and sorted. If there is any liquid that will go down a drain on the inside of the building. This will also have to come back to this commission for Site Plan approval.

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

AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING:

- **SINGLE PHASE FINAL PLAT FOR A 2 LOT SUBDIVISION – FIRST PARK 3RD PLAT**

Public Hearing Opened

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents.

John Kullman—2112 S Apache Street Olathe, KS 66062—Stated that his family owns the property to the west of this. He stated that he just wants to make sure that whatever is built there will not create more runoff onto the back side of his property. Is there a timeframe on future development?

HENDRIX stated that the building hasn't been proposed yet, just the zoning has. On the map included in the packet "Tract A" is the stormwater detention area. It has not been designed yet but a stormwater study has been completed. Nothing has been approved yet so there is no timeframe yet.

Public Hearing Closed

7. SINGLE PHASE FINAL PLAT – FIRST PARK 3RD PLAT TO CREATE TWO LOTS

- **APPLICANT SEEKS TO COMPLETE THE FIRST PARK SUBDIVISION WITH A FINAL PLAT TO CREATE 2 LOTS**

MAYOR BOLEY motioned to approve the Single Phase Final Plat – First Park 3rd Plat to create 2 lots for the First Park Subdivision. Seconded by WILSON.

DISCUSSION: None

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

AYES-7, NOES-0. MOTION PASSED

8. SITE PLAN REVIEW – SMITHVILLE SELF STORAGE – 14506 N. 169 HWY

- **REQUEST TO EXTEND THE EXISTING DEVELOPMENT TO THE WEST BOUNDARY BY ADDING 8 ADDITIONAL STORAGE BUILDINGS**

DOTSON motioned to approve the Site Plan Review – Smithville Self Storage – 14506 N. 169 Hwy. Seconded by KATHCART.

DISCUSSION:

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. They are proposing to add the final 8 buildings on the extreme west edge of their property.

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

AYES-7, NOES-0. MOTION PASSED

9. SITE PLAN REVIEW – SMITHVILLE TRANSPORTATION FACILITY – 250 E. 92 HWY

- **SITE PLAN SUBMITTAL FOR A NEW 10,654 SQ FT TRANSPORTATION FACILITY FOR THE SMITHVILLE SCHOOL DISTRICT JUST EAST OF THE LUTHERAN SCHOOL AT 92 AND COMMERCIAL**

MUESSIG motioned to approve the Site Plan Review – Smithville Transportation Facility – 250 E. 92 Hwy. Seconded by SCARBOROUGH.

DISCUSSION:

HENDRIX explained that the staff report has been provided to the commission along with other supporting documents. They did a stormwater study. A traffic study was done and has been approved by MODOT since their access is off of 92 Hwy. They also provided what the building will look like and the buffering from adjacent properties. Staff recommends approval but conditioned upon that they make the north side of that fence site obscuring.

CHEVALIER asked what the height of that fence would be.

HENDRIX stated that he recommends a standard 6 foot tall sight obscuring fence.

CHEVALIER asked if this lot provides room for growth.

HENDRIX stated they don't have room to add on to this. They would have to create another facility.

MUESSIG asked if the gate at the access off of 92 Hwy stays or if it will be removed.

HENDRIX stated that it will be removed and MODOT approved it. Coming out of this access there will be a left and right turn lane. No additional lanes were required on 92 Hwy.

DOTSON asked if residents of Stonebridge were provided notices on this?

HENDRIX stated no. Only those required by state law will receive notice and this one didn't require it.

WILSON stated that she was worried about the type of trees they are going to put on the south side along 92 Hwy which has overhead power lines. This type of tree can get 40-80 feet tall. Are they going to change the type of trees there?

HENDRIX believes that they have these placed far enough away but it will be a discussion point with them.

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

AYES-7, NOES-0. MOTION PASSED

10. DISCUSSION ONLY – A PROPOSED SHORT TERM RENTAL ORDINANCE

- **THIS MATTER IS ONE OF FIRST IMPRESSION HERE IN SMITHVILLE. A DRAFT ORDINANCE WAS PRESENTED TO STAFF FOR DISCUSSION OF THE COMMISSION TO GUAGE IT'S INTEREST AND DIRECTION ON REGULATING SHORT TERM RENTALS.**

HENDRIX stated that he has several entities, commissioners, homeowner's associations as about whether Smithville does or doesn't have one of these. We are talking about Air B&B and VRBO's. This proposed draft was submitted to him and he was asked to have a discussion to see if this is a path that this commission would like to consider. If this is something you would like to consider we can move forward with a more complete draft ordinance and put it out for public notice in the newspaper and have a public hearing on it. The draft ordinance in your packet was not drafted by staff and we have no opinions on this.

MAYOR BOLEY informed Mr. Hendrix that he appreciated him taking time on this. We have short term rentals in town and business owners have put substantial investment in them. Since we don't have a hotel they are used quite often. People just want to get ahead of this. We don't want what happened in Kansas City to happen here. People invested in these properties and then were told to leave.

SCARBOROUGH stated that he is in favor of this. What happened in Kansas City was that they had an unenforceable ordinance from 2018. It led to an oversaturation in some neighborhoods. The City of Kansas City decided to instead of go back to correct their own mistakes they essentially banned all new short term rental licenses from ever being issued in a residentially zoned property. We need to get something in the books here in Smithville that addresses safety issues. It should be required that all short term rentals be required to have fire alarms, fire extinguishers and carbon monoxide and

fire detectors. We need to limit and address oversaturation. For example, we would require only 1 per block or limiting to 5% of the available housing stock.

CHEVALIER asked what the current percentage of housing stock that is used as a short term rental in Smithville today?

HENDRIX stated that we have roughly 3500 dwelling units in Smithville so I don't think we even have 1%.

MAYOR BOLEY asked Mr. Scarborough if that sounded correct based off of research he has done.

SCARBOROUGH stated that we are well under 1%. He believes there might only be 12-15 short term rentals inside city limits of Smithville currently.

KATHCART stated that the sooner we do this the better. He thinks that the draft ordinance provided are very good parameters to start with.

DOTSON stated that she agrees. She is on her homeowner's association. The president of their association read through this and feels like it is tight.

KATHCART believes that existing homeowners would appreciate something like this as well.

ALDERMAN WILSON agrees with that as well. Not everyone lives in a subdivision that has an HOA so this will be a way to protect those citizens.

SCARBOROUGH also wanted to address the popular conception of Air B&B party houses. He stated that he currently manages 25 short term rentals. He stated that he can assure this commission that there is no one in this industry that would want or allow a party house. Does it happen? Occasionally, yes. He believes the good operators will do everything they can to filter that out. If it does happen, the manager and owner will spend so much time and money repairing the house that it won't be available as an Air B&B moving forward. Air B&B is also cracking down on this. If you are under the age of 25 and are renting an Air B&B within so many miles of the zip code that is listed on your profile they will block that reservation.

DOTSON stated that she appreciates this.

ALDERMAN WILSON stated that going forward we need something like this. If we can't get a hotel in Smithville there will be a great demand for this.

HENDRIX stated that we also need to think about the impact of short term rentals on the affordable housing or workforce housing costs. The more houses that you have in the short term rental range makes it a little harder to keep the houses affordable because you are taking houses off the market.

CHEVALIER stated that is his main concern. He is curious if the section about multi-family dwellings being limited to 25% or 1 unit is appropriate or needs adjusted.

HENDRIX stated that the document provided in the packet is just a starting point. His purpose for putting this on the agenda tonight was to see if we needed to spend the money to advertise it to get it out to the public and to start thinking about those bigger issues. It's clear that everyone on this commission is on board. He is going to now take a look at this draft with a little more detail and will craft it to fit our city and our structure. He will have a rough draft for our next meeting and will be advertised to the public in the paper. He proposed that we have the public hearing at our meeting on September 12th.

MUESSIG asked what Mr. Hendrix what he thinks the biggest challenge with this will be?

HENDRIX stated parking is his main concern. He also is not sure that the 5% density is a reasonable number.

ALDERMAN WILSON stated that if we have 4000 homes in Smithville 5% would be 200 short term rentals.

HENDRIX stated that is a lot but thinks that 100 or under is more reasonable. These are the issues that need to be brought to the public and then you all can think about and discuss it.

CHEVALIER asked about business licenses and how that would work.

HENDRIX stated that a company would operate under one business license and then have a short term rental permit for each unit. We would set the fees at a level that would reimburse the city for inspections. The tax payers

should not be paying for this. This will also need to be an annual fee because they will need to be inspected annually.

11. ADJOURN

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

VOICE VOTE: UNANIMOUS

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