

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

August 13, 2024

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman John Chevalier called the meeting to order at 6:59 p.m.

A quorum of the Commission was present: Alderman Melissa Wilson, John Chevalier, Rob Scarborough, Terry Hall, Deb Dotson and Mayor Damien Boley. Billy Muessig was absent.

Staff present: Jack Hendrix and Linda Drummond.

2. MINUTES

The July 9, 2024, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by ALDERMAN WILSON.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

We have issued permits for 3 new buildings at Go Home Port which is formerly known as the KCI RV Center. The site plan has been approved on this for quite some time.

The Nodaway Valley Bank construction should start very soon.

The Richardson Street Plaza strip center should start construction in about 60 days.

A permit was also issued for a tenant finish at the new strip mall at Fairview Crossing North. It will become a donut shop. There is only one more unit available in this strip center.

We are still issuing single family home permits. They are coming in at a slow rate. Based off of the 6 month budget update we will still meet the revenue estimate before the end of the year.

Traffic cones have appeared at 169 Hwy and Commercial Ave. This will be a transition area in the median that will be constructed per the MODOT approval for Fairview Crossing and their new 147th Street entrance. Islands and lighting will be installed. Once this is complete 147th Street will open. It's currently blocked off at the moment.

4. SITE PLAN REVIEW 14450 N. 169 HWY, SUITE B – MONTESSORI ACADEMY

- **SITE PLAN REVIEW FOR A 5,109 FT2 ADDITION**

MAYOR BOLEY motioned to approve The Site Plan Review at 14450 N. 169 Hwy, Suite B – Montessori Academy. Seconded by SCARBOROUGH.

DISCUSSION: None

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

AYES-6, NOES-0. MOTION PASSED

5. PUBLIC HEARING

- **PROPOSED AMENDMENTS TO 400.400, 400.450, 400.570, AND 425.090 TO REMOVE ALL PROVISIONS CONCERNING FEES INTO THE BOARD OF ALDERMEN'S ANNUAL SCHEDULE**

Public hearing opened.

HENDRIX stated that the staff report has been included in the packet.
Instead of the fees being listed in these code sections it will now refer you to the approved schedule of fees.

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

Public hearing closed.

6. ORDINANCE AMENDING THE ZONING CODE

- **RECOMMENDATION FOR CHANGES TO VARIOUS CODE PREVISIONS TO PLACE ALL FEE PROVISIONS INTO THE BOARD OF ALDERMEN'S ANNUAL SCHEDULE OF FEES.**

HALL motioned to approve the Ordinance Amending the Zoning Code.
Seconded by ALDERMAN WILSON.

DISCUSSION:

HENDRIX stated that the staff report has been included in the packet. This meets the Comprehensive Plan standards and staff recommends approval.

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

AYES-6, NOES-0. MOTION PASSED

7. PUBLIC HEARING

- **REZONING 26.79 ACRES FROM B-3 GENERAL BUSINESS TO R-1D AND R-3 AT THE SOUTHEAST CORNER OF 169 HWY AND W HWY.**

Public hearing opened.

HENDRIX stated that the staff report has been included in the packet and lays out each item.

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

Public hearing closed.

8. REZONING 26.79 ACRES OF LAND AT 169 HWY AND W HWY.

- **APPLICANT SEEKS TO REZONE LAND FROM COMMERCIAL TO RESIDENTIAL TO ALLOW A RESIDENTIAL SUBDIVISION**

SCARBOROUGH motioned to approve Rezoning 26.79 acres of land at 169 Hwy and W Hwy. Seconded by DOTSON.

DISCUSSION:

HENDRIX stated that the staff report is included in the packet. The proposal will take the L shaped property at 169 Hwy and W Hwy and rezone it from B-3 Commercial to R-3 and R-1D. The R-1D area will front to Lake Meadows Drive and is part of Phase 1. This zoning allows lots to be 50 feet wide at a minimum but they can be bigger. The Comprehensive Plan calls for this area to be Residential – Moderate density which is 5 to 18 dwellings units per acre. All of the utilities are available on site.

DOUG CIRRICIONE—728 Spelman Dr—Decided not to comment.

ALDERMAN WILSON stated that she was on Planning Commission and on the Board of Aldermen when the Comprehensive Plan was originally presented to us. She overlooked the fact that the future land uses put this for this zoning. The original Clay Creek was built before we adopted this new Comprehensive Plan. While we were going through the strategic plan which was completed before the Comprehensive Plan was done the majority of the discussion when we made the 5 characteristic areas for our community was that the further north you went they would be, in the future, single family detached homes. She shamed herself for not catching this error at that point in time.

DOTSON also stated that she was a part of the Strategic Planning and remembers extensive discussion about the further north you go to keep it more rural and to have single family neighborhoods rather than the higher density. She has received phone calls asking that if this is going to develop

in this way to at least make it attractive. They state that what is there currently are ugly and they don't want to see more ugly.

HENDRIX stated that if approved, any development that is zoned R-3 will have to come back here for site plan approval. That's where we approval that part of the development.

SCARBOROUGH asked if the Comprehensive Plan calls for single family the further north you go.

ALDERMAN WILSON stated that she was just really surprised that the currently plan calls for moderate density but can understand why because Clay Creek was already in existence. She just remembers during the strategic planning that the discussion was very adamant that this stay single family detached going forward.

MAYOR BOLEY stated that he remembers discussion about not allowing multilevel multifamily apartments there.

HENDRIX gave his suggestion as to why or how this happened. It was a Comprehensive plan suggestion to try and lessen the impact. What we are dealing with now is a rezoning matter, the platting is another matter. You have to look at this from the impact that the zoning brings to it. The property is currently zoned commercial. If this isn't rezoned then it has the potential to allow something with a greater impact there. He gave the example of a Walmart or something similar because that is what the current commercial zoning would allow.

CHEVALIER stated that we either keep this commercial or we do something that is a little more reasonable for that area. He isn't sure that the commercial zoning works there.

HALL stated that rezoning would open it up to development. After 33 years it never developed commercially.

THE VOTE: MAYOR BOLEY-AYE, HALL-AYE, CHEVALIER-AYE, DOTSON-AYE, ALDERMAN WILSON-NO, SCARBOROUGH-AYE.

AYES-5, NOES-1. MOTION PASSED

9. PUBLIC HEARING:

- **PRELIMINARY PLAT OF CLAY CREEK MEADOWS TO CREATE A 62-LOT SUBDIVISION ON 26.79 ACRES**

Public hearing opened.

HENDRIX stated that the staff report has been included in the packet and lays out the response to the code. After the packet was posted he identified a few lots that were close to not meeting setback requirements. That issue has been corrected and the adjusted plats were provided to the commission. He also explained items in the Development Agreement, Traffic studies and Stormwater studies.

Robert Bertoncin—403 Lake Meadows Dr— Stated that there is currently a turn lane into the subdivision going northbound. Will they create a turn lane going southbound? There was an accident coming from this direction recently.

HENDRIX stated that the current MODOT report didn't indicate that it was necessary.

Public hearing closed.

10. PRELIMINARY PLAT APPROVAL – 66 LOT SUBDIVISION WITH 216 DWELLING UNITS

- **APPLICANT SEEKS PRELIMINARY PLAT APPROVAL FOR A 66-LOT SUBDIVISION WITH 13 SINGLE FAMILY LOTS AND 53 MULTIFAMILY LOTS WITH A COMBINED TOTAL OF 216 DWELLING UNITS.**

SCARBOROUGH motioned to approve the Preliminary Plat— 66-lot subdivision with 216 Dwelling Units. Seconded by MAYOR BOLEY.

DISCUSSION:

HENDRIX stated that the staff report is included in the packet that addresses each item.

DOUG CIRRICIONE—728 Spelman Dr— Stated that he is quite familiar with the Caly Creek Townhomes as his son has lived there for 5 years. Stated that the preliminary plat layout seems denser than what currently exists in Clay Creek. Spoke about buffer zones between Diamond Crest and Clay Creek but the lack of buffer zones in other areas and if it could possibly be worked in.

ALDERMAN WILSON stated that she spoke with Jack the other day about why there is a 5 unit multifamily building on Lake Meadows Dr to the left of lot 1 of the single family detached. She wondered why they were not building a single family detached home there. Jack explained that you couldn't have a driveway that close to the median where the subdivision sign is. She questions whether that could still be changed to single family detached with the R-1D zoning and have their driveway come off of Clay Creek Drive. This would keep it consistently all single family detached off Lake Meadows Dr.

Mike Kellem—1737 McGee Street KCMO— Stated that they had a lot of discussion about what they were going to do there. If we were to put a single family home there it would create a difference in character from the rest of the neighborhood. We also felt that having a rear access to the home would create other issues. It could be done but we felt like putting the multifamily unit there was the best avenue forward.

ALDERMAN WILSON asked that if it had to stay multifamily could you put a 2 or 3 plex there versus a 5 plex there?

MR. KELLUM stated that was something they could look into. We could talk to staff. A nice buffer could also be installed.

ALDERMAN WILSON stated that she just feels like the 5 plex being there is totally inappropriate when you have the single family home right next to it.

HENDRIX stated that this is something that could be discussed when this comes back for site plan review.

DOTSON agrees with Alderman Wilson. Feels that it should be either a 2 or 3 plex at a maximum.

MR. KELLUM stated that they will take a look at this from a design standpoint and talk with staff. We can also look at buffer options.

DOTSON also suggested maybe having some of these units be single story and not 2 story. She has recently met a few retirees that live in Clay Creek and this was something they would very much like to see.

ALDERMAN WILSON stated that she read through the Development Agreement and would like to discuss the language regarding the parking lot for the playground and splash pad. She would like to see something more definite.

HENDRIX stated this comes down to how much money it's going to take to do this and how much work we can get done. The amount of money that they are required to pay in Parkland fees will not be enough to pave an entire parking lot and do all of the work. If they can come in and grade for the parking lot and pave some of the stuff on the south end to have the linkage to city property they would very much be interested in this in lieu of payment. They are aware that it is an option for the city to request this and they are fine with this.

SCARBOROUGH questioned the traffic study for MODOT and additional cars that this development would add.

HENDRIX explained the traffic study and what was warranted by MODOT.

DOTSON asked if the only entrance will be off of W Hwy.

HENDRIX stated no, Corbyn Lane will be extended to Lake Meadows Drive.

ALDERMAN WILSON stated that traffic is already challenging in this area. Do we know what time of day the traffic study was completed?

HENDRIX stated no.

SCARBOROUGH asked Mr. Hendrix if based off his experience at what point would traffic lights be needed.

HENDRIX stated that it's not even close according to MODOT's numbers.

THE VOTE: MAYOR BOLEY-AYE, HALL-AYE, CHEVALIER-AYE, DOTSON-AYE, ALDERMAN WILSON-NO, SCARBOROUGH-AYE.

AYES-5, NOES-1. MOTION PASSED

11. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:05 p.m.