

# SMITHVILLE PLANNING COMMISSION

## REGULAR SESSION

April 8, 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, Rob Scarborough, John Wallace, Billy Muessig (arrived at 7:01 pm) and Mayor Damien Boley. Terry Hall was absent.

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

### **2. MINUTES**

The March 11, 2025, Regular Session Meeting Minutes were moved for approval by WALLACE, Seconded by SCARBOROUGH.

Ayes 6, Noes 0, Motion carried.

### **3. STAFF REPORT**

HENDRIX reported:

Clay Creek Meadows phase 1 is under construction. They are installing the water and sewer lines for the single-family homes along Lake Meadows Drive. They have started grading for phase 2.

Street Scape phase 3 is complete, and the bridge is now open.

Construction has started for the apartments and retail space for the 110 Smithville project located across the street from City Hall.

The Commercial Street sidewalk project will be starting in June. The project is located on the east side of Commercial Street and starts at the School District property and ends downtown.

Nodaway Valley Bank construction continues on the lot just south of McDonalds. The Fairview Crossing Townhomes construction continues just south of this.

Construction continues for the strip center just west of the Post Office (Richardson Street Plaza). We anticipate another site plan review coming forward soon for another building in this subdivision.

The former KCI RV location, now known as Outrig Storage, will be meeting with city staff soon to discuss next steps regarding moving forward on permits issued for 3 new storage buildings.

We have received the plans for phase 2 of Fairview Crossing, which is some of the apartments.

The Lakeside Farms subdivision applicants notified us recently that they are delaying the project for a couple of years. The request to pull the Preliminary Plat approval did not make it on tonight's agenda as planned. We have until July to do this, and plan to have this on May's agenda. In a couple of years, they will be required to resubmit.

This commission approved a site plan for Lot 15 in First Park Industrial Park around 13 months ago. The developer contacted city staff today about starting construction. Site Plan approval is valid for 1 year unless extended by the commission. He has not made any changes to the plan and no changes to ordinances have occurred since his approval. Would you like us to bring this back for site plan review again?

The consensus of the commission was to go ahead and let them get started on construction. Hendrix will go ahead and email each commissioner the approved site plan so that they can see what was approved.

WILSON asked about Clay Creek Meadows Phase 1 & 2 and sewer capacity.

HENDRIX explained that phase 1 and 2 combined are going to be a total of 159 units and are within the capacity. Phase 3 will not be able to go in until the capacity issue is resolved at Wildflower.

#### **4. SITE PLAN REVIEW – 303 W. MEADOW ST – EZ CAR SALES**

SCARBOROUGH motioned to approve the Site Plan Review for 303 E. Meadow St – EZ Car Sales. Seconded by WILSON.

#### **DISCUSSION:**

HENDRIX stated that the Staff Report, pictures of what the building is proposed to look like, and location of the building are included in the packet. The lot is currently partially developed with a parking lot and access driveway. They are proposing to build a 60' x 40' building. The exterior materials to be used are included. The applicant is here to answer questions.

CHEVALIER asked if they will be selling cars out of this building or is this a shop for maintenance?

**Saif Aljumaylawee – Applicant -** Explained that they currently rent the building located at 123 N 169 Hwy (next to Casey's General Store). They sell cars from that location. Once the new building is built on W. Meadow Street, they will perform the same business there and no longer rent the other location.

WALLACE asked if they will do any reconditioning of the vehicles at this new location?

Mr. Aljumaylawee stated that they will only do small repairs. Same as what they do at their current location.

MAYOR BOLEY stated that he is concerned about the metal that is being used on the exterior of the building. That street is a gateway to our Historical District. The metal buildings along 169 Hwy and even the metal on City Hall has faded. It dents and gets rusty.

HENDRIX stated that he is only going off what the code states and what has been previously approved by this commission. The stucco look metal has been regularly approved.

**Paul Coblentz - Built-Rite Buildings 30002 US Hwy 69 Winston, MO 64689–** Stated that the steel panels that they use has a 40-year paint warranty on them. The board and batten look is relatively new but has some

great testing behind it. He provided samples of the metal that will be used to the commission.

SCARBOROUGH stated that the photo renderings of the building provided in the packet show that the exterior of the building has a fake wood look to it but that samples that were just passed around have a texture to them but are just one solid color.

MR. COBLENTZ stated that there is a wood painted design available which is outstanding and comes in various colors. He did not have samples of this with him.

ALDERMAN WILSON stated that she would like to see a true sample of what is shown in the picture.

CHEVALIER & WALLACE both stated that they would also like to see samples of what is shown in the picture in the packet.

MAYOR BOLEY motioned to postpone the Site Plan Review for 303 E. Meadow St – EZ Car Sales to the May 13<sup>th</sup> agenda. Seconded by ALDERMAN WILSON.

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

**AYES-6, NOES-0. MOTION PASSED**

**5. PUBLIC HEARING – CONDITIONAL USE PERMIT – 14820 N. INDUSTRIAL DR**

- **TO OPERATE A MUNICIPAL SOLID WASTE TRANSFER STATION IN ADDITION TO THE EXISTING CONSTRUCTION AND DEMOLITION TRANSFER STATION**

**Public hearing opened.**

HENDRIX stated that documents have been included in the packet that describes the CUP. Also provided is Staffs recommended conditions for approval.

**David & Kim Finke 9350 Hwy E Camden Point, MO 64018 –**

Addressed the commission about the picture of a non-Construction & Demolition (C & D) truck entering and leaving their facility. There is no such thing as a non-C & D truck. The truck pictured can pick up Municipal Solid Waste (MSW). Mainly this truck services the businesses in town with the flip top dumpsters. Some of these businesses have what is called comingled recycling. It might contain wood or cardboard. We are not accepting MSW. Redgate is the only one that we let in for recycling. They provided the commission their own pictures of what this truck is bring in. He stated that it's paper and cardboard which is not regulated waste and is not considered MSW. They cannot legally take MSW right now due to not being permitted by the State and have nowhere to take it. They have a contract with Waste Management, and they would not let them bring that there without a permit from the State. They now want to be able to accept MSW due to the volatility that happening with the St. Joseph landfill. They are trying to limit anyone outside of Buchanan County or even St. Joseph from dumping there. Because of this that option is going to be taken away from us. He understands that smell and trash will be everyone's concern. They have spoken with the Developer, Bill Mann, about this and took him a couple Aldermen from their district to the largest transfer station in the city which has residential properties around it. Everyone was pleasantly surprised that there was no odor. We want to be a good partner with the City and want to do it the right way.

**Doug Cirricione 728 Spelman Dr –** Spoke about traffic and accident concerns related to the intersection that this business is located at (Park Dr and 169 Hwy). With the former KCI RV location expanding, will this push up the road extension of the west side of 148<sup>th</sup> Street to allow them to tie into this and allow trucks to utilize the stop light there? Also concerned that what will be brought in there would create issues with our wastewater plant and cause cost increases due to chemicals that are going to be needed to treat whatever else is washed down through the floor drains. Questioned about additional permits through the state that could be required and timing of those. Asked if COP are tied to the property or to the owner.

**Kit Starr 2650 W 223 Bucyrus, KS 66013 –** Stated that he is the owner of Raptor Recycle and Transfer which is Kansas City's newest transfer

station prior to this one opening. Residential homes border his transfer station as close as 400 feet away. It's open 2 ½ years and have not had a single complaint made by anyone to the city for any reason. The Mayor and Council feel good about it because we are providing solutions to the area, and they are seeing what's going on with the landfill space. 9 out of the last 10 landfills that have tried going to go in in Missouri have gotten denied. Transfer stations are going to become more of the required method to get the waste away from people. MSW is very highly regulated through MODNR. They ensure that you have a very comprehensive plan. They come out and test the stormwater runoff in your basins. They monitor our impact on the environment closely. Cities need to be looking forward at how they are going to handle this so that we have responsible ways to handle it and solutions that don't drive the cost way up.

**Public hearing closed.**

## **6. CONDITIONAL USE PERMIT AT 14820 N. INDUSTRIAL DR. – MSW TRANSFER STATION**

- **APPLICANT SEEKS TO OBTAIN A CUP TO OPERATE AN INDOOR MUNICIPAL SOLID WASTE TRANSFER STATION AT 14820 N. INDUSTRIAL DR**

SCARBOROUGH motioned to approve the Conditional Use Permit at 14820 N. Industrial Drive – MSW Transfer Station. Seconded by MAYOR BOLEY.

### **DISCUSSION:**

HENDRIX stated that any MSW permit that the applicant would obtain from the State is a prerequisite to operation here in Smithville. They currently have a business license that allows them to operate the C & D. In order to add the MSW they would have to provide us a copy of that State license and amend their business license application. Other conditions recommended in the Staff Report is the opportunity for trash and odor inspections to occur. The process would start with us notifying them of the problem and ask that they address it. We would allow a certain amount of time for it to be addressed and if they don't, we can move to canceling or pausing the CUP. This would require them to come back before this Commission to clarify.

ALDERMAN WILSON asked if the CUP belongs to the owner or the business.

HENDRIX stated that this is a zoning determination, so the CUP applies to the land.

WALLACE asked how a transfer station works.

MR. FINKE explained the process of how a transfer station works. He confirmed that its money saving because a transfer trailer can hold more than a dump truck. St. Joseph doesn't allow transfer trailers. The only 2 options available is Courtney Ridge owned by Republic and Johnson County owned by Waste Management. The cost is higher to dump at these 2 locations than it is to use a transfer station. Transfer stations help the cost stay down.

CHEVALIER asked if this will cause additional traffic.

HENDRIX stated that the traffic study that was performed initially is still valid. It anticipated more traffic.

MR. FINKE stated that they anticipate that traffic will go down if the CUP for MSW gets approved.

HENDRIX asked what the anticipated hours of the day trucks will be coming in and out of there.

MR. FINKE stated that they typically have a group of trucks come in between 6:00 – 6:30 am. There is a break after that and another flow between 10:00 am – 3:00 pm. There is almost nothing coming in after 3:00 pm even though we are open until 6:00 pm.

MAYOR BOLEY asked if they plan to take consumer direct waste, or will it only be business to business waste?

MR. FINKE stated that they will take consumer direct waste. We currently have individuals coming in with their C & D. We're seeing 60 to 70 per week with trailers and truck loads.

ALDERMAN WILSON stated that her big concern is the traffic impact.

MR. FINKE stated that if there are certain times of day that traffic is heavy, they try and avoid this because they don't make any money if they are sitting in traffic.

MAYOR BOLEY stated that since the CDL truck driving school is no longer going in there that will reduce the traffic study as well.

MR. FINKE stated that they have also put a contract on the lot across the street from them and will close on that this year.

HENDRIX informed him that this new lot that they are purchasing would not be subject to anything we are talking about right now.

ALDERMAN WILSON stated that she has concerns that if we start getting a lot of requests for transfer stations the city may drop the requirement for a CUP and write the requirements into an ordinance. She doesn't want this to happen. She knows that there is land that is still in the county at the north end of town that could in the future be purchased for this. She doesn't want this.

MAYOR BOLEY stated that these could only be in Industrial zoned properties.

HENDRIX stated that they can only be put in I-1 or I-2 zoned properties. This is a zoning determination, so the Board of Alderman has a lot more flexibility for the Board to address. That would be a valid concern for the Board to deny one either now or in the future.

MAYOR BOLEY stated that he thinks the current Comprehensive Plan wouldn't allow Industrial land anywhere between downtown and W Hwy.

HENDRIX stated that if the land is still in the county and hasn't been annexed into the city the county could allow whatever they want there.

MR. FINKE stated that this will be the only transfer station, C & D or otherwise, that will be located north of the river. The reason for this is because this area can't support it. That's why ours is on the smaller side. Ideally, you don't want another transfer station located any closer than 15-20 miles away. Kansas City has a moratorium on it right now because they have 6 or 7 in their city currently. There is not a need south of the river for this.



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

**AYES-5, NOES-1. MOTION PASSED**

## **7. ACCESSORY DWELLING UNITS**

- **STAFF WILL PRESENT A BRIEF OUTLINE OF THE COMMENTS SUBMITTED AND THE RECOMMENDED STRUCTURE OF AN ADU ORDINANCE. THE PURPOSE OF THIS AGENDA ITEM IS TO CONTINUE THE DISCUSSIONS RELATED TO THE COMPREHENSIVE PLAN IMPLEMENTATION ITEM HN1.3 – EXPLORE ADU'S**

HENDRIX informed that Will Stubbs, Building Inspector, has been leading the research and presented his findings to the board last month. To maintain consistency, he will continue to oversee this project. Will shall now review the comments and preliminary recommendations, aiming to finalize an ordinance in the coming months.

STUBBS informed that he did receive a few emails from this commission. He reviewed the suggestions made by the commission and provided items that need further discussion.

The commission had a lengthy discussion on these matters and determined the following should be considered for the future draft ordinance:

### **Recommendations:**

- **Maximum Occupancy:** Limit to two unrelated adults per bedroom.
- **Building Code Compliance:** ADUs must comply with all Building Code & Fire Code requirements as adopted by the city.
- **Lot Size:** Allow ADUs on any lot that can fit one under the provisions and not exceed the 30% lot coverage.

- **Districting:** Allow in the following zonings: A-1, A-R, R-1A, R-1B, R-1C, R-1D and B-4. It's already allowed in R-2 and R-3 zonings.
- **Parking:** Must have a hard surface driveway approach or parking can be addressed case by case during the CUP review.
- **Size Limitation:** Minimum of 10% & maximum of 90% of the primary structure.
- **Design Consistency:** Most felt that ADUs should maintain a similar design to the primary dwelling. Also discussed that this can be addressed case by case during the CUP review. During the review the commission may impose conditions to mitigate any adverse impact on abutting properties to include, but not limited to fencing and screening requirements, frontage requirements, building setback lines and/or parking or emergency vehicle access requirements.
- **Occupancy Restrictions:** Either the primary single-family dwelling or the ADU shall be occupied by the property owner. Require notarized affidavit every 3 years.
- **Utilities:** All sewers, water, gas, and other utility connections must be a part of the primary dwelling unit. We could allow use of sub-meters for tenant billing.
- **Rental and Business Use:** Allow ADUs to be rented but for no less than a 30-day period. No short-term rental use is allowed. No business use within ADUs.
- **Location:** An accessory dwelling unit may be incorporated within the principal structure or may be a separate unit located within 100 feet of the principal structure. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building. ADU's shall not be constructed over or upon any private or public utility, drainage or access easement. Detached ADU's must be a minimum distance of 20 ft from the primary structure.
- **Neighbor notification:** Neighbors with 185 feet of the property will be notified by certified letter as a part of the CUP review process.
- **Ownership:** ADUs must remain under single ownership with the primary dwelling and cannot be sold separately.
- **Quantity:** Limit to one ADU per lot.

## **8. ADJOURN**

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 8:57 p.m.