



Planning and Zoning Commission Meeting

April 8, 2025

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.

Join Zoom Meeting

<https://us02web.zoom.us/j/89996776852>

Meeting ID: 899 9677 6852

Passcode: **185819**

- 1. Call to Order**
- 2. Approve the March 11, 2025, Planning Commission Minutes**
- 3. Staff Report**
- 4. Site Plan Review – 303 W. Meadow St. – EZ Car Sales**
- 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

- 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.

- 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**

- 8. Adjourn**



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

March 11, 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, Terry Hall, John Wallace, and Mayor Damien Boley. Billy Muessig was absent.

Staff present: Jack Hendrix and William Stubbs.

2. MINUTES

The February 11, 2025, Regular Session Meeting Minutes were moved for approval by SCARBOROUGH, Seconded by MAYOR BOLEY.

Ayes 6, Noes 0, Motion carried.

3. STAFF REPORT

HENDRIX reported:

A memo was provided to the Commission regarding the Lakeside Farms Development Agreement. Hendrix explained the Preliminary Plat for this subdivision, timeline and the need to require resubmittal based upon their delay in starting (2 years) beyond the original plan. He further discussed our capacity issues up north including the original capacity of 265 units, Greyhawke's use of 95 units, leaving 170 units available. Replacing Wildflowers pumps will add 320 more units for a total of 490 units. Clay Creek Meadows is approved for 159 units in phase 1 and 2. They can't finish until Wildflower work is completed. Since Lakeside Farms was to make improvements but now is delayed, the city must proceed with our original plans for Wildflower to not delay Clay Creek Meadows. The city negotiated

with both developers simultaneously last year but left an option if a delay occurred to proceed to complete Wildflower's improvement. Staff will present a requirement for resubmittal by Lakeside Farms due to changed circumstances.

4. ACCESSORY DWELLING UNITS

- **WILLIAM STUBBS WILL MAKE A PRESENTATION OF HIS RESEARCH INTO ISSUES RELATED TO ADU'S IN THE REGION. THE PURPOSE OF THIS AGENDA ITEM IS TO BEGIN THE DISCUSSIONS RELATED TO THE COMPREHENSIVE PLAN IMPLEMENTATION ITEM HN1.3 – EXPLORE ADU'S**

William Stubbs, Building Inspector, presented his findings to the Commission on regional issues with Accessory Dwelling Units (ADU's). Some things to consider are:

- Zoning in which they would be allowed.
- Amend or modify set back or side yard requirements?
- Restrictions on lot coverage or size of ADU allowed dependent on home size or lot size?
- Require owner occupancy?
- Require deed restriction for owner occupancy?
- Allow by right or regulate on a case-by-case review?
- Allow for business use?
- Require fire separation as if they are multifamily units?
- For garage dwelling, separate means of egress that does not go through principal dwelling?
- Require a registered design professional for plans?
- The overall exterior look of the ADU.
- What is the motive? Aging in place or rental (short term, long term)?
- Require a Special Use Permit?
- Require adjoining neighbors to be notified?
- Allow detached ADU's?
- Allow shipping containers, RV's or movable tiny homes as ADU's?
- Limit occupancy? By size?

Police Chief & Fire Chief should consider:

- Require extra parking?
- Create different addresses or keep the same?
- Separate utilities connections?

HENDRIX asked the Commission to start thinking about this and maybe do a little research of their own. Check out the QR codes that Will provided in his presentation and come up with what they think would be in Smithville's best interest as we move forward with this. The enforceability issues that Will mentioned, we don't have any of them significantly in our code now because we don't allow them. So that isn't an issue. If that becomes an issue the easiest enforcement methodology that he can think of is a Conditional Use Permit or Special Use Permit. Those permits lay out the rules and what happens if they are violated. He asked the Commission members to send an email to Will and himself by April 1st and they would compile everything and would start to get framework ready by the April 8th meeting.

5. ADJOURN

MAYOR BOLEY made a motion to adjourn. ALDERMAN WILSON seconded the motion.

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:45 p.m.



STAFF REPORT
April 8, 2025
Site Plan Review of Parcel Id #05-504-00-03-012.00

Application for a Site Plan Approval

Code Sections:	400.390 – 400.440	Site Plan Approval
Property Information:		
Address:		303 W. Meadow St.
Owner:		EZ Car Sales
Current Zoning:		B-3
Application Date:		February 4, 2025

GENERAL DESCRIPTION:

Applicant seeks to obtain site plan approval for a 2,400 square foot building on the corner of Meadow and 169. The property is currently improved with a paved storage lot, a metal fence around the perimeter, and one access drive from Meadow. The applicant seeks to construct the building at the southeast corner of the existing parking/storage lot. The layout is such that there will be an access drive available on the east side of the building, with landscape buffering east along that access area to buffer from the residential housing to the east.

The siding materials are proposed to be a metal siding that mimic's the board and batten style of wood siding in the middle of the facade, with faux stone wainscoting along the base and contrasting gutting system to create the top of the façade. The color variations will be in the general grey/slate tones.



The entrance will include a covered roof system around two of the sides at one corner.



The landscaping will include 10 Emerald Green Arborvitae along the east side of the building on 6' centers. This variety grows 3-4 feet in width and 12-14 feet tall to become a full buffer to the east. The remaining areas to the north and west, beyond the existing fence will include baby gem boxwoods in small planter beds. This variety is 4-5 feet wide and tall when fully mature.

The existing site layout will not change, other than the building will be on the east side of the lot. All access will be from the existing paved Meadow Street entrance.

Section 400.410 Standard of Review

1. The extent to which the proposal conforms to these regulations.

Meets the site plan standards

2. The extent to which the development would be compatible with the surrounding area.

The lot is zoned B-3, but is immediately south of existing B-4 buildings (one commercial and one residential) as well as a B-3 zoned parcel with a legal, non-conforming residential structure substantially south of the subject lot.

3. The extent to which the proposal conforms to the provisions of the City's subdivision regulations concerning the design and layout of the development, as well as water system, sewer system, stormwater protection and street improvements.

The lot is an existing lot that has access to all utilities from its' Meadow St. right of way.

4. The extent to which the proposal conforms to the policies and provisions of the City's Comprehensive Plan.

Complies fully with both the intent and specific provisions of the plan.

5. The extent to which the proposal conforms to the adopted engineering standards of the City.

The layout includes existing proper street access and all drainage will enter the drainage system located within the floodplain, so detention is prohibited.

6. The extent to which the locations of streets, paths, walkways and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

Complies.

7. The extent to which the buildings, structures, walkways, roads, driveways, open space and parking areas have been located to achieve the following objectives:

a. Preserve existing off-site views and create desirable on-site views;

On-site views will remain as currently set up, with additional landscaping and buffering as required by the code.

b. Conserve natural resources and amenities available on the site;

The site is vacant with an existing paved lot and fence, with limited natural resources other than a small strip of grass along the Meadow and 169 rights of way.

c. Minimize any adverse flood impact;

Project drains into the Meadow Street storm drainage, which is completely located within the floodplain and detention is not recommended in any situation.

d. Ensure that proposed structures are located on suitable soils;

The project location is an existing lot, not created out of fill. All footings will be inspected in accordance with the adopted building codes.

e. Minimize any adverse environmental impact; and

No adverse environmental impact is known.

f. Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.

All utilities are available on site.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Site Plan with the condition that construction is completed, including all landscaping and buffering, prior to a Certificate of Occupancy is granted.

Respectfully Submitted,

S/Jack Hendrix/S

Director of Development



Proposed Building Location in red



Aerial View of Existing Layout



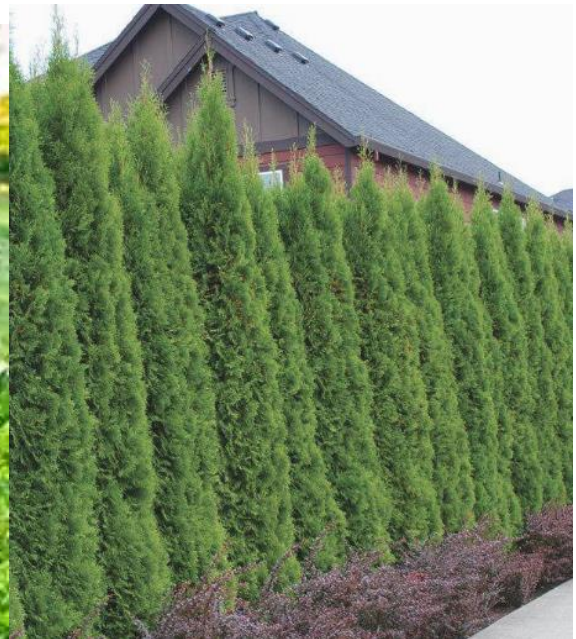
Corner treatment over entrances with covered roof areas.



Board and Batten look metal siding with faux stone look vinyl wainscoting.



Baby Gem Boxwood



Emerald Green Arborvitae

Date:	April 4, 2025
Prepared By:	Jack Hendrix
Subject:	CUP Required findings

In the zoning code, §400.570, it states that “a conditional use permit shall not be granted unless specific written findings of fact directly upon the particular evidence presented support the following conclusions:”

These apply to ALL potential CUP's, so portions may not be specifically implicated.

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
6. Adequate utility, drainage and other such necessary facilities have been or will be provided.
7. 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.

Staff has again provided the proposed draft findings of fact. Please use the above standards as your guide. The proposed findings are simply a tool to allow you to make your determinations on each of the 7 items required to have specific findings. You shall be limited to the testimony and evidence provided at the Public Hearing and in any responses to questions during your discussion at that meeting.

Procedurally, it is suggested that you take each item listed above and discuss among the Commission. Upon completion of the discussion, the proposed finding should be individually voted upon. A majority vote of aye's means that the item is the finding. A tie, or a majority vote of Nays means that the specific finding is NOT met, and a negative finding will be included in the findings. ALL seven of the first items must be voted upon in this manner.

STAFF REPORT

April 4, 2025

Conditional Use Permit for Part of Parcel Id # 05-816-00-05-005.00

Application for a Conditional Use Permit

Code Sections:

400.570 Conditional Use Permits

Property Information:

Address: 14820 N. Industrial Dr.
Owner: Four Leaf Land LLC
Current Zoning: I-1 with a CUP

Public Notice Dates:

1st Publication in Newspaper: March 27, 2025
Letters to Property Owners w/in 200': March 18, 2025

GENERAL DESCRIPTION:

The property owner is operating a Construction Demolition Waste Transfer Station at 14820 N. Industrial Dr. The site plan requirements for a demolition transfer station are substantially the same as that for a Municipal Solid Waste Transfer Station. However, a MSW station will likely generate substantially more traffic than a demolition station. The development itself is, however, designed to include traffic from industrial uses. As currently developed, the entire development is not subject to significant traffic, but it will likely increase with a MSW facility.

The applicant currently is authorized to operate a construction demolition transfer station with all transfer to occur inside the building, with exterior storage areas. The facility takes construction demolition in roll-off containers, dump the materials inside the building and then sort the materials into various types. Some of the materials will be recycled, some will be resold (metals) and the unusable materials will then be transferred to a C & D approved landfill. In the last several weeks, various city staff have specifically seen non-C & D vehicles entering the facility, dumping and departing. It appears that the applicant has exceeded its authority to operate a C & D transfer

station by accepting municipal solid waste. The waste stream itself is highly regulated by the EPA and DNR and we have not been provided with nor are we aware of any state permits for this use being issued.



Transfer Stations are authorized inside the city limits on either I-2 Heavy Industrial zoned land, or with a Conditional Use Permit on I-1 light Industrial land. After discussions with the owner and the potential purchaser, they agreed to seek the conditional use permit to avoid any future concerns about additional uses the I-2 district authorizes by right. This path, if approved, would keep the light industrial zoning, and the only use allowed other than those by right would be this specific facility with any conditions approved to protect against the higher risk operations allowed in I-2.

In order to approve a conditional use permit, the code requires certain findings of fact be made by the commission. Those code requirements, and the staff recommended findings are listed below:

Minimum Requirements. A conditional use permit shall not be granted unless specific written findings of fact directly upon the particular evidence presented support the following conclusions:

- 1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.** The use is specifically authorized upon approval of a Conditional Use Permit.
- 2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.** The transfer station will potentially reduce the number of trash truck trips that must occur by consolidating the individual loads into one larger vehicle and ultimately reduce emissions.
- 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.** The general location of the property, with the specific requirements that the material only be sorted inside the building itself will not significantly impact the adjacent or nearby industrial users, if, and only if a condition is placed upon the permit that allows for frequent

monitoring of the site for waste leaving the building and blowing in the wind as well as odors that may occur. This condition would also require the operator to take all reasonable steps indicated by the City to further reduce any odors.

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of buildings, structures, walls and fences on the site; and The location of the facility, as shown on the site plan layout shows a scale building where vehicles will enter to be weighed. The weighed trucks will then enter the 6,400 ft² building. All waste will be off-loaded, sorted, and then re-loaded into different vehicles to be transported to various recycling or landfill sites. The buildings on site will resemble the other buildings approved in the subdivision.

b. The nature and extent of landscaping and screening on the site. The perimeter of the area will have an 8' security fence that must meet the sight obscuring requirements of 80%.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. The submitted layout includes adequate ingress and egress for the type of facility, as well as substantial future growth room that would all be subject to site plan review if developed with additional buildings in the future. There are no residential uses adjacent to or near this facility, and none that have direct visibility of the site.

6. Adequate utility, drainage and other such necessary facilities have been or will be provided. The project already provided additional stormwater review during the building site plan process, but the subdivision plat is to include a large stormwater detention basin to the east of the facility. Since all the transfer work will occur inside the building, any potential problem wastes will be sent to the wastewater treatment facility with the sanitary sewer system (floor drains are connected to sanitary) and no other issues are anticipated.

7. 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. The use will not generate large amounts of traffic, but substantially more than the existing C & D facility. The traffic it does generate is handled by the current roadway system, and when 148th St. (now Commercial St.) gets extend further west to this site, there will be two separate ingress/egress points onto 169.

STAFF RECOMMENDATION:

Staff recommends the Commission ONLY recommend approval if an a condition is placed that authorizes the facility to be evaluated for trash and odor conditions both on site and off and the operation will stop if a notification is sent that requires additional trash and odor protections being approved by the City, as well as providing the city with all approved operating permits from the State of Missouri and United State as required by law.

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Northland Recycle & Transfer/Four Leaf Land LLC

Land Use Proposed: Transfer Station – Municipal Solid Waste

Zoning: I-1

Property Location: 14820 N. Industrial Dr.

Pursuant to the provisions of Section 400.570 concerning the minimum requirements for the issuance of a special use permit and based on the testimony and evidence presented in a public hearing of the Planning and Zoning Commission held on April 8, 2025 the Planning Commission of the City of Smithville, Missouri hereby makes the following *Finding of Facts and Conclusions of Law*.

Finding of Facts

1. The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.
2. It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the Comprehensive Plan goals to expand industrial uses in this particular area and will help reduce the amount of truck trips to landfills, and potentially reduce waste by recycling materials that would otherwise be in landfills.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The entire area is either zoned industrial or unused, vacant land intended to be added to the industrial district if the Conditions Included in these findings are agreed to and met.
4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The proposal would match the existing types of uses, and the location, size and screening are such that no impact is anticipated if the Conditions included in these findings are agreed to and met.

5. There is sufficient parking for the anticipated vehicles.
6. All utilities will be constructed by the developer prior to this project, and additional stormwater reviews WILL occur at the site plan review of the building(s) themselves if and when changes may occur.
7. Adequate access roads and entrances are provided.
8. The Condition that applicant or future operators of any municipal solid waste transfer station agree to regular inspections for blowing trash and odors leaving the site, and which, if after notification by the City that trash and odors need to be contained or reduced, reasonable compliance with that notification is not met in a timely manner after consultation with the city, that the operations will immediately cease and desist. The applicant will be required to return to the Planning Commission thereafter to reinstate any such conditional use with any additional conditions as the Commission may deem necessary to obtain compliance.
9. That in rendering this Finding of Fact, testimony at the public hearing on April 8, 2025 has been taken into consideration.

Conclusions of Law

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

- A. This application and the granting of a Conditional Use permit is governed by Section 400.570 of the zoning ordinance of Smithville, Missouri.
- B. The proposed use complies with minimum standards required for the issuance of a conditional use permit as set out in Section 400.570 of the zoning ordinance.
- C. A conditional use permit should be granted to allow a transfer station at 14820 N. Industrial Dr. with the conditions stated in paragraph 8 above.

Planning Commission

BILL NO. XXXX-25

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI BY AND GRANTING A CONDITIONAL USE PERMIT TO HUNTLEY DISPOSAL FOR A TRANSFER STATION FOR MUNICIPAL SOLID WASTE AT 14820 N. INDUSTRIAL DR.

WHEREAS, On April 8. 2015, the Planning Commission of Smithville, Missouri held a public hearing relative to a request for a conditional use permit; and

WHEREAS, the Planning Commission forwarded consideration of said request to the Board of Aldermen with a recommendation of granting said request; and

WHEREAS, the Board of Aldermen, based on substantial evidence provided by the applicant, staff, and members of the public found that applicant's proposed transfer station would not seriously injure the public or the appropriate use of neighboring property and that said use would conform to the general intent and purpose of the zoning ordinance if the condition identified in paragraph eight of the findings by the Commission; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Section 1. Ordinance Number 711 and the Zoning Map which is made a part thereof, is amended by granting a Conditional use permit for the installation of a municipal solid waste transfer station at 14820 N. Industrial Dr. and more particularly described as follows:

Lot 19, First Park 3rd Plat

Section 2. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS _____ DAY OF _____, 2025.

ATTEST: _____
City Clerk

Mayor

1st Reading: ____/____/____

2nd Reading ____/____/____

Statement of justification for request:

A transfer station will help to keep municipal solid waste removal cost lower for residents of Smithville and the surrounding areas.

Waste transfer stations make solid waste collection more efficient and reduce overall transportation costs, air emissions, energy use, truck traffic, and road wear and tear. This helps lower the cost of solid waste management services.

Communities need transfer stations to move their waste efficiently from the point of collection to distant, regional landfills. By consolidating solid waste collection and disposal points, transfer stations help communities reduce the cost of hauling waste to these remote disposal sites. Waste transfer stations may be the most cost-effective when they are located near a collection area. The use of transfer stations lowers collection costs, as crews spend less time traveling to and from distant disposal sites and more time collecting waste. This reduces costs for labor, fuel and collection vehicle maintenance.

The two closest landfills to Smithville are St. Joseph City Landfill and Courtney Ridge Landfill both located over 20 miles from Smithville. The St. Joseph City Landfill current cell will soon reach capacity, and the city has asked waste hauler to reduce their use of the St. Joseph Landfill by 30% to help extend the life of the current cell while the new cell is constructed. There is a possibility that the landfill could be closed to private hauler if the current cell reaches capacity prior to the new cell opening for operation. The next closest landfills are located in Kansas or almost 90 miles away in Warrensburg, MO. To effectively haul the waste to these landfills the waste needs to be transferred from the garbage trucks to larger semi-trucks.

Additional Benefits:

- Allows for screening of waste for special handling. At many transfer stations, workers screen incoming wastes on concrete floors or conveyor belts to separate out readily recyclable materials or any inappropriate wastes (e.g., tires, automobile batteries) that are not allowed in a landfill.
- Offers citizens facilities for convenient drop-off of waste and recyclables. Some transfer stations have a designated area, often called a convenience center, where residents drop off waste or recyclables in collection containers.