



Planning and Zoning Commission Meeting

August 12, 2025

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

**Meetings are live streamed on the [City's YouTube](#) page.
The recordings are posted to social media and the City's website within 24 hours of the meeting.**

- 1. Call to Order**
- 2. Approve the July 8, 2025, Planning Commission Minutes**
- 3. Staff Report**
- 4. Public Hearing – 169 South Employment Center Overlay**

The purpose of this hearing is to take public comment on the draft Overlay District rules and regulations.

- 5. 169 South Employment Center Overlay - Discussion**

The Commission shall discuss the draft and public comments to allow the consultant the opportunity to prepare the final draft submittal for the October Commission Meeting.

- 6. Adjourn**



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

July 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, Terry Hall, Billy Muessig, John Wallace and Mayor Damien Boley. Rob Scarborough was absent.

Staff present: Jack Hendrix and Linda Drummond.

2. MINUTES

The June 10, 2025, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by ALDERMAN WILSON.

Ayes 6, Noes 0, Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that applications to sign up for the Citizens Academy will be accepted until July 11, 2025. A provision has been added that now requires applicants who wish to join a Board or Committee to have attended this training.

The ordinance approving ADU's was approved by the Board of Aldermen at their July 1st meeting. Staff worked to get the application form completed. We have not received any applications yet.

The South Employment Overlay District will be on the August Planning Commission meeting agenda for a final public hearing. The consultant will

attend this meeting in person to answer any questions. At our October Planning Commission meeting the consultant will present via Zoom a final draft of the ordinance. This will also require a vote from the commission at that time. Assuming there will be a recommendation from the commission, it will then be placed on a work session agenda with the Board of Aldermen on October 21st. The first reading of the ordinance would be placed on the Board of Aldermen regular session meeting agenda on November 4th, and the second reading would be on their November 18th agenda.

The first 2 buildings at the Fairview Crossing Townhomes have been inspected and given Temporary Certificate of Occupancies and are ready for tenants.

On our August 12th meeting agenda, we anticipate an apartment complex request. This will have 4 buildings, 252 units located south of the Fairview Crossing townhomes.

The rezoning request that is on our agenda tonight has not submitted for plating. They are deciding on if they will apply for a preliminary plat or if they will do a single-phase final plat. They want to get the zoning in place before they move forward with this.

Two months ago, we pulled the preliminary plat approval at Lakeside Farms. After recent conversations with them they will be coming back to us for approval. We have informed them that they will be starting the entire process over. The development agreement will be rewritten as well. This could potentially be on our October meeting agenda.

ALDERMAN WILSON asked about the sewer issue for Lakeside Farms and if it would be a part of their agreement.

HENDRIX stated the Wildflower station has to be rehabilitated before it's even eligible and is a critical element of all capacity up north. We have a meeting with their new engineer next week.

MAYOR BOLEY asked if they are still planning to do smaller lots.

HENDRIX stated yes. They want to keep the zoning in place and may change some of the layout.

HENDRIX also informed the commission that the splash pad parking lot is under construction. During this work they found a water leak under the splash pad. The work to fix this issue is about 90% done. Once completed the contractor will come back and complete the parking lot.

4. PUBLIC HEARING – REZONING SECOND CREEK AND LOWMAN ROAD R-1B TO R-1D

- **THE PURPOSE OF THIS HEARING IS TO TAKE PUBLIC COMMENT ON REZONING THE FORMER SECOND CREEK MEADOWS SUBDIVISION FROM R-1B TO R-1D**

Public hearing opened.

HENDRIX explained that the only significant difference between the R-1B to R-1D zoning is the lot sizes. The application also indicates that they want the homes to range from 1,200 – 3,600 square feet in size.

Roberta Lowman 1625 Lowman Rd — Stated that development is going to happen. That's why she sold the property, and she is not opposed to this. The zoning is being changed from R-1B to R-1D with no plat submitted. Do we know how many lots there will be, how many of each size home. Stated that the value of neighboring homes depends on this and could be a detriment. Pointed out areas of the Findings of facts that she doesn't agree with.

Marty Ostronic 8320 N Oak Trfwy Ste 223 KCMO 64118 — Stated that he represents Pat and Marta Grace who are under contract to purchase the property and would close on August 25th. The reason for this zoning change is to give them more flexibility to provide 3-4 different products. These will be built to sell. There has also been some discussion about having larger lots on the NW part of the property. They would also like to incorporate an amenity center that would have a pool and dog park. Instead of coming in with one plat for the whole project they will come in with the first plat and see how that works. That may drive the product type and what our feedback is for the next plat. There may be 3 or 4 more plats on this property. He explained that the homes will be built with ICF construction. The cost of construction is typically more. However, they have their own mobile concrete plant and can produce the concrete for all of the ICF. This

will also allow us to pave all of the roads in concrete instead of asphalt. There will be a stipulation for each builder that the homes are built to a certain energy and smart technology standard.

Marta Grace 9949 N Woodland Ave, Kansas City, MO 64155— We want to have a variety of homes. The homes won't be cookie cutter homes. They will be high end and efficient. The proposed name for the subdivision is Willow Creek. We want to make this beautiful and something that the neighbors will be proud to have next door and raise everyone's values.

Pat Grace 9949 N Woodland Ave, Kansas City, MO 64155— Explained that everyone probably understands that older homes that exist are not going to be comps for new homes. If a property owner with an existing home wanted to get an appraisal, they won't use brand new homes as comparisons. They will use similar age, similar square footage, similar style within a mile. These homes won't affect the value of the 3 homes that are there. He believes this project will fulfill everyone's needs.

Public hearing closed.

5. REZONING SECOND CREEK AND LOWMAN RD – R-1B TO R-1D

- **THE COMMISSION SHALL DISCUSS THE PROPOSED FINDINGS OF FACT AND MAKE ITS RECOMMENDATION TO THE BOARD OF ALDERMEN.**

HALL motioned to approve Rezoning Second Creek and Lowman Rd from R-1B to R-1D. Seconded by MUESSIG.

HENDRIX stated that the Staff Report and Findings of Fact have been provided.

Discussion:

WALLACE asked how many homes could they put on this 30-acre parcel?

HENDRIX explained previously approved plats for this property from the past and the number of homes proposed for each. The density could be 4-5 homes per acre. A good portion of this property is in the flood plain.

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

AYES-5, NOES-1. MOTION PASSED

6. SITE PLAN – 1501 S. 169 HWY – FORMER KAY FURNITURE BUILDING

- **APPLICANT SEEKS TO DEMOLISH THE FRONT PARTS OF THE PROPERTY, ADD ADDITIONAL PARKING AND A NEW FRONT FAÇADE.**

ALDERMAN WILSON motioned to approve the Site Plan for 1501 S. 169 Hwy – Former Kay Furniture Building. Seconded by HALL.

HENDRIX stated that the Staff Report has been provided.

Discussion:

Shane Crees 14191 Cattle Ranch Drive — The end goal of this is to make it look like a brand-new shopping center. This will be very similar to the Fairview Shopping Center. The façade will be a little taller but with similar colors. We hope to bring in quality tenants that will drive more traffic and future growth.

Gene Owen 4512 N Mulberry Dr Kansas City, MO 64116 — Stated that this is a nice project and has needed to be done for a long time.

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

AYES-6, NOES-0. MOTION PASSED

7. SITE PLAN – 14991 N. INDUSTRIAL DR – NEW 12,600 SQ FT INDUSTRIAL BUILDING

- **APPLICANT SEEKS SITE PLAN APPROVAL FOR A NEW BUILDING AT THE NORTH END OF INDUSTRIAL DRIVE.**

MUESSIG motioned to approve the Site Plan for 14991 N. Industrial Dr. – New 12,600 sq ft industrial building. Seconded by ALDERMAN WILSON.

HENDRIX stated that the Staff Report has been provided. A few years ago, this was brought to us for site plan approval for a 3600 sq ft building on this lot for a tenant. That ended up falling through. That site plan approval has expired. A new site plan has been provided in the packet for the new proposed building they want to put there.

Discussion:

Gene Owen 4512 N Mulberry Dr Kansas City, MO 64116 — Stated that he is a representative for the applicant. The layout of this building is about the only thing they could get to fit on this lot and also work with obtaining the Fire Departments approval.

MAYOR BOLEY asked about the number of bathrooms on the inside. Is it because of the square footage of the building? Asked about the gravel storage area in the back and fencing.

HENDRIX stated that bathrooms are subject to the use and building code when they come in for construction plan review. We won't address that here. The gravel storage area will be fenced and meet all other standards for sight obscuring. The area in the front of the building will be asphalt. Also pointed out the temporary turnaround in the right of way that will be asphalt.

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

AYES-6, NOES-0. MOTION PASSED

8. ADJOURN

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

VOICE VOTE: UNANIMOUS

CHAIRMAN CHEVALIER declared the session adjourned at 7:40 p.m.

Not Yet Approved

DEFINITIONS: Except for terms defined below in this section, all terms have the same meaning as those defined in Zoning Code. The following new terms apply only to the Employment Overlay district and mean:

Use definitions		
Live work means a type of residential mixed-use building that combines a dwelling unit with an integrated permissible nonresidential use.	Residential use will comprise no less than 60% of the floor area. Would this include a Home Occupation that allows employees that don't live in the residence?	
Residential Mixed-Use Means a mixed use development containing residential and institutional, commercial, or other non-residential uses for the residents or the public.	75% commercial requirement as a use standard within the same property/building	Should the use types be limited? Regulate height by feet or floors? Should there be any incentives for affordable housing units? This could be a separate regulation and not tied to this specific residential type?
University or College		
Office, Medical		
School, Vocational or Trade means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession, resulting in a certificate, diploma, or degree awarded upon the student's completion of the curriculum. Examples include, but are not limited to, art schools, business colleges, trade schools, massage schools, and beauty schools.		Could expand this to be more specific or create a separate definition to address specific types of employment training.
Commercial Lodging means a building or group of buildings in which, in the aggregate, six or more rooms are used to provide overnight accommodations. The use may also include services such as meeting rooms, business centers (personal computers, and printers for guest use), food service for guests, personal services for guests such as spas or salons,		Existing definitions are likely adequate.

recreational facilities such as swimming pools and fitness centers, ballrooms, exhibit halls, and/or banquet rooms, provided that such services are subordinate to the use of the building or buildings for overnight accommodations.		
Bar, Tavern, or Nightclub means a business that sells alcoholic beverages for on-premises consumption, and/or evening entertainment		Create a definition that defines difference between restaurants and bars
Indoor Recreation and Entertainment: A use that provides amusement and recreational activities indoors including, but not limited to: (1) Arcades; (2) Bowling alleys; (3) Escape rooms; (4) Game arcades (<i>e.g.</i> , video games, skee ball, and comparable amusement machines); (5) Indoor archery ranges; (6) Indoor axe throwing; (7) Indoor mini-golf; (8) Indoor playgrounds (9) Local area network (“LAN”) gaming centers; (10) Recreation centers.		excludes sexually-oriented businesses, indoor firing ranges, fitness instruction or gymnasium, and bars, taverns, or nightclubs This type of use definition allows a more selective list of uses.
Park, Passive means an area of land that provides passive outdoor recreation opportunities for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase “park, passive” includes areas for passive recreational activities including, but not limited to: (1) Jogging, cycling, tot-lots, fitness trails, and playgrounds; (2) Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or (3) Other passive recreation-oriented parks, including picnic areas.		Not sure this is necessary. Depending on the vision of green space beyond preservation or trails, a definition may be helpful
Restaurant means an establishment in which the principal business is the sale of food and beverages that are prepared for customers and served in a ready-to-consume state. A restaurant may include indoor and/or outdoor dining areas, and drive-up, drive-in, or drive-through facilities. Restaurants may also provide live entertainment for customers seated at indoor dining tables. Alcoholic beverages may be produced and sold on the premises as provided in applicable alcohol beverage licenses.		Excludes drive-thrus defined as an establishment whose primary purpose is the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to

		include what is commonly called a cafeteria.
<i>Fitness Instruction or Gymnasium</i> means a business that provides instruction (generally by way of organized, regularly scheduled classes) related to movement and physical fitness within an enclosed building, including but not limited to:		Could be combined with Indoor Entertainment use or Personal Services.
<i>Office, General</i> means buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided.		
<i>Personal Services</i> means a business that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services within an enclosed building, including, but not limited to: (1) Art, music, or computer programming instruction; (2) Beauty salons and barber shops; (3) Cooking instruction; (4) Driving schools; (5) Fitness Instruction or Gymnasium (6) Handicraft or hobby instruction; (7) Laundry or dry-cleaning retail outlets; (8) Portrait shops or photography studios; (9) Shoe repair; (10) Tailor/alterations shops; (11) Tattoo parlors; (12) Spas, massage and related esthetician services		
<i>Retail Sales and Services</i> refers to the use of goods and equipment for sale, lease, or rental to consumers, including those for residential, commercial, and business purposes.		Should there be a list of specific retail types allowed or a list of those prohibited?
<i>Structured Parking</i> Structured parking is the principal use of land if it is not related to a specific land use on the same parcel. Structured parking uses may include electric vehicle charging stations as an accessory use.		
<i>Surface Parking</i> means an area of land that is designated for the parking of passenger motor vehicles in parking spaces, the related parking aisles, the landscaped areas that are surrounded by parking spaces and parking aisles, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the surface parking area gives it a		

regular shape. Surface parking uses may provide electric vehicle charging stations. The phrase “surface parking” does not include driveways on individual residential lots, nor does it include individual garages or carports. Surface parking is a principal use of property if it is not related to a specific land use on the same parcel.		
Community-scale manufacturing/maker space means a facility, generally open to the public, where tools and space can be used for light manufacturing, processing, or assembly using woodworking, welding, ceramic kilns, or other tools at a scale for hobbies or small businesses on site.		Example uses: include, but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.
Cottage Industry and Retail means: A light manufacturing, assembly or processing that is appropriate for commercial contexts and may include retail to customers to participate in the process or sale of goods produced on site. Generally limited to 1,000 sq. ft. of building area.		
Microbusiness Wholesale means limited staff, revenue, and physical footprint that distributes goods to other businesses rather than to individual consumers.		shall not exceed 5,000 square feet?
Micromanufacturing means total floor area of the establishment, including production and retail areas, shall not exceed 5,000 square feet.		Maybe this isn’t needed? How is it difference from community scale manufacturing.
Research Industry means companies, primarily focused on science, technology, and innovation, can establish offices and laboratories to conduct research and development activities, may be partnered or supported by a university or college to leverage access to specialized facilities, talent pools, and cutting-edge research capabilities, allows collaborative work spaces to foster innovation within the industry; serves as a hub for technology-based businesses to grow and develop new ideas through shared infrastructure and expertise.		<p>Possible uses:</p> <p>Biotech Companies: Developing new drugs and medical therapies by leveraging access to advanced lab equipment and expertise in life sciences.</p> <p>Software development firms: Creating new software applications while collaborating with computer science researchers on cutting-edge algorithms.</p>

		<p>Robotics companies: Designing and testing new robotic systems with access to specialized robotics labs and engineering talent.</p> <p>Cleantech startups: Developing sustainable energy technologies, benefiting from research on renewable energy sources and environmental science.</p> <p>Incubator Space, Technology, etc</p>
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[illegible]

[illegible]

MANUFACTURING/INDUSTRIAL										
Community Scale Manufacturing	-	-	-	-	-	✓	✓	P	P	
Electrical, Mechanical, Plumbing, HVAC							✓	✓	P	Must have a retail showroom that comprises more than 25 percent of the gross floor area
Microbusiness Wholesale Facility	-	-	-	-	-	-	P	P	P	
Micromanufacturing	-	-	-	-	-	✓	P	P	P	small manufacturing operations that serve a retail or general sales outlet in the same premises such as bakeries, brew pubs, candy or confectioneries, picture frame manufacturing, repair and sales, cabinetmakers, printing shops, sign shops, home decor product manufacturing and other similar, low impact manufacturing operations that primarily serve a retail outlet at the same location.
Research Industry	-	-	-	-	-	-	✓	P	P	May include biotech, cleantech startups, incubator space,
Testing	-	-	-	-	-	-	P	P	P	-
OTHER										
Solar Energy Systems (Rooftop Only)	P	P	P	P	P	P	P	P	P	-
Data Farms -	-	-	-	-	-	-	-	✓	✓	

P = Permitted

✓ = Discretionary Approval through Zoning Overlay Application Review

SECTION 400.220: PLANNED DEVELOPMENT OVERLAY DISTRICT

A. Intent

Any of the zoning districts mentioned above shall have a separate and distinct counterpart known and herein referred to as a “Planned Development”. Such Planned Development shall be designated by adding thereto the designation of “P” to the underlying district, such as B-3-P. The Planned Development shall be for the purpose of permitting and regulating the uses permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards, open spaces, etc. subsequent to final approval of the plan. The result is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations. The purpose of this district is to also provide for and encourage the appropriate grouping of buildings to reduce vehicle trips, maximize open space and for the beautification of the district.

Generally, the height and bulk of buildings, the amount of open space, the concentration of people and traffic and the parking and loading requirements shall be equal to those in the underlying district classification. The uses permitted in the Planned Development shall be the same as in *the underlying district unless the property is located within a City-initiated Overlay District. In City initiated Overlay Districts, the uses permitted are those contained within the specific district regulations and those uses specifically identified in* . In all other Planned Development Overlay Districts, variations and departures from the standard requirements of the underlying district may be permitted. Each building need not front onto a public street, and more than one principal building may be located on one lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements, where other adjacent, maintained permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot-lines than otherwise permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property.

B. Creating a Planned Development Overlay District

Planned Development Overlay Districts come in two types: City Initiated and Private Initiated Districts. In City Initiated Districts, the City shall create the regulations concerning uses as well as the allowable variations to standard district requirements, similar to those in Private Initiated Districts. City Initiated Districts do not change the underlying zone districts of the land contained within such district. When development occurs within a City Initiated District, the developer shall include such rezoning request that meets the underlying proposed uses as described within the Conceptual Plan submitted.

1. A tract of land may be zoned to a Planned Development district by the applicant in conjunction with a conceptual development plan. For applicants seeking Planned Development District zoning or amendments, a conceptual development plan must be submitted to the Commission for approval. The applicant shall pay a fee of \$250.00 and submit an application that contains, at a minimum, the following elements:
 - a. The boundaries of the tract to be zoned and the area adjacent for a distance of 250 feet.
 - b. The existing and proposed topography with contour intervals not greater than ten (10) feet intervals on a plan at a scale of one-inch equals 200 feet or larger. The proposed topography shall be clearly delineated on the plan.
 - c. Proposed location, number and arrangement of buildings, structures, parking areas, existing and proposed streets, drives, open spaces, drainage landscaping, and other

reasonable information required by the Commission. Sufficient approximate dimensions to indicate the relationship between building, streets, drives, and property lines should be on the plans as well.

- d. The plan shall be accompanied by a plat giving a full legal description of the boundaries of the property.
 - e. A draft of Conditions, covenants and restrictions (CCR's) easements, associations and maintenance agreements as well as specifications for ingress/egress to the property and any other legal requirements which will run with the property.
 - f. Preliminary elevation and plan drawings of proposed buildings which sufficiently depict the architectural theme of the project.
 - g. Preliminary Signage Plan that identifies the materials, sizes, heights and locations proposed to be used on signs within the project. The Signage Plan shall be consistent with the overall architectural theme of the buildings and project.
 - h. A list of all property owners within 185 feet of the boundaries of the proposed area.
2. The commission shall hold a public hearing on the conceptual development plan and after such public hearing shall approve, approve with conditions, or disapprove the conceptual development plan. At such time as the conceptual development plan is approved, approved with conditions or disapproved by the commission, the same shall be forwarded on to the Board of Aldermen for final action. The procedures for noticing and holding a public hearing for a conceptual development plan shall be the same as specified in Section 400.550, et seq. The approval of the conceptual development plan is in addition to, not in substitution of, the required statutory rezoning process.
3. In reviewing conceptual development plans for a Planned Development Overlay District, the commission shall consider the requirements in the Site Plan Review provisions in Section 400.350 - .400 when evaluating the following:
- a. Topography: to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.
 - b. Parking: to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area or adequately screened. Generally, the parking should conform to the required number of spaces appropriate to the development type as contained in Section 400.420 - 450. The commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.
 - c. Setbacks: to ensure buildings provide for adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.

d. Architecture: to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.

e. Site plan: to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed

f. Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance; to ensure existing significant trees are adequately protected.

g. Any other feature or issue associated with the state zoning and planning enabling legislation or the Comprehensive Plan for the City of Smithville for which the commission feels is appropriate and relevant to the development of the site.

4. Prior to approving a conceptual development plan for the purposes of this section, the commission shall make the following findings:

a. That the commission has reviewed the conceptual development plan with consideration of the issues contained in Subsection three (3) above; and

b. That the conceptual development plan is in conformance with the comprehensive land use plan and other appropriate sections of the Code of Ordinances; and

c. That the conceptual development plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and

d. That the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.

5. Upon final approval of the plan and the zoning or rezoning of the tract as required by law, building permits may be issued and conformance with the plan and all supporting documentation is mandatory. Substantial deviation from the plan shall require resubmittal to the commission and Board in the same manner as the original procedure.

C. City Initiated Overlay Districts

The following is a list of the City Initiated Overlay Districts. The rules and regulations for such district(s) are available as a separate district document, with it's text and requirements having the full force and effect of all other zoning requirements, as amended by that document.

1. 169 South Employment District

09-202-00-01-041.00; 09-202-00-01-042.00; 09-202-00-01-043.00; 09-202-00-01-045.00

169 South Employment Overlay District



SMITHVILLE
missouri

Intent: The 169 South Employment Overlay District, (169 SE-O) located on the west side of HWY 169 in the southern portion of Smithville’s municipality, creates an opportunity to bolster local economic development opportunities. The overlay district intends to provide flexibility within the Comprehensive Plan’s Future Land Use Map should future development provide substantial employment opportunities in this area.

While the Future Land Use map designates the intended future use as Mixed-Use High-Density Residential, the 169 South Employment Overlay District also encourages additional commercial, and flex uses potentially in-lieu of residential uses. Smithville encourages future development in this district that maximizes benefits for the City of Smithville and its residents. These benefits may include but are not limited to, increases in employment opportunities, higher-paying jobs, and fiscal returns for the City.

Definitions: For the purpose of this Plan, all previously defined terms in Section 400.075 of the Code shall apply except certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Common Open Space: A centrally located, functional open area accessible to all residents of the development, planned for passive or active recreation.

Cottage Industry and Retail: A light manufacturing, assembly or processing that is appropriate for commercial contexts and may include retail to customers to participate in the process or sale of goods produced on site. Generally limited to 1,000 sq. ft. of building area. Could include ‘maker space’, a facility generally open to the public where tools and space can be used for light manufacturing, processing, or assembly using woodworking, welding, ceramic kilns, or other tools at a small businesses scale.

Dwelling, Live-Work: A residential dwelling unit that allows an integrated permissible nonresidential use. Residential and commercial spaces must be occupied by the same tenant, and no portion of the unit may be rented or sold separately. Residential shall comprise no less than sixty percent of the gross floor area.

Indoor Recreation and Entertainment: A use that provides amusement and recreational activities indoors

Pocket Residential Development (PRD): A clustered housing development consisting of dwelling units around shared open space and amenities.

Research Industry: Companies, primarily focused on science, technology, and innovation, can establish offices and laboratories to conduct research and development activities, may be partnered or supported by a university or college to leverage access to specialized facilities, talent pools, and cutting-edge research capabilities, allows collaborative work spaces to foster innovation within the industry; serves as a hub for technology-based businesses to grow and develop new ideas through shared infrastructure and expertise.

Residential, Mixed-Use: A development containing residential and institutional, commercial, or other non-residential uses for the residents or the public. Non-residential use(s) shall comprise no less than seventy-five percent of the building.

Permitted Uses: The following table outlines permitted uses and uses that may be allowed with the consideration and approval of a conceptual plan with Overlay Zoning District. All uses are subject to requirements and/or restrictions outlined within that zoning district section of the chapter, including height, lot area, distance from adjacent uses, landscaping requirements, etc.

[illegible]

COMMERCIAL											
Animal Care Facilities											Must comply with Section xxx.xxx
Bank/Credit Union/Financial Services Inst.	-	-	-	-	-	-	P	P	P		
Catering Services	-	-	-	-	-	-	P	P	P	-	
Clinics & Public Health Facilities	-	-	-	-	-	P	P	P	P	-	
Department Stores	-	-	-	-	-	-	P	P	P		
General Retail (Grocery/Apparel/Chain/Etc.)	-	-	-	-	-	-	P	P	P	-	
Hotels/Motels	-	-	-	-	-	-	P	P	P	-	
Indoor Recreation and Entertainment	-	-	-	-	-	-		✓	P		Excludes sexually-oriented businesses and indoor firing ranges.
Limited Repair Services	-	-	-	-	-	-	✓	P	P		
Medical Marijuana Dispensary Facility	-	-	-	-	-	-	✓	✓	✓	-	
Offices (Admin/Professional/Shared/Etc.)	-	-	-	-	-	✓	P	P	P	-	
Offices (Medical/Clinic)	-	-	-	-	-	✓	✓	P	P	-	
Personal Services (Tanning/Laundry/Salon/Etc.)	-	-	-	-	-	✓	P	P	P	-	
Restaurant & Food Services	-	-	-	-	-	✓	P	P	P		Excludes establishments with drive-thrus.
Specialty School (Trade/Business/Etc.)	-	-	-	-	-	-	✓	P	P		
Taverns - Bars/Brewpubs/Drinking Establishments	-	-	-	-	-	✓	P	P	P	-	
Theaters (Excluding Drive-Ins)	-	-	-	-	-	-	✓	✓	✓	-	
MANUFACTURING/INDUSTRIAL											
Community Scale Manufacturing	-	-	-	-	-	✓	✓	P	P		
Electrical, Mechanical, Plumbing, HVAC							✓	✓	P		Must have a retail showroom that comprises more than 25 percent of the gross floor area
Microbusiness Wholesale Facility	-	-	-	-	-	-	P	P	P		

Micromanufacturing	-	-	-	-	-	✓	P	P	P	small manufacturing operations that serve a retail or general sales outlet in the same premises such as bakeries, brew pubs, candy or confectioneries, picture frame manufacturing, repair and sales, cabinetmakers, printing shops, sign shops, home decor product manufacturing and other similar, low impact manufacturing operations that primarily serve a retail outlet at the same location.
Research Industry	-	-	-	-	-	-	✓	P	P	May include biotech, cleantech startups, incubator space,
Testing	-	-	-	-	-	-	P	P	P	-
OTHER										
Solar Energy Systems (Rooftop Only)	P	P	P	P	P	P	P	P	P	-
Data Farms -	-	-	-	-	-	-	-	✓	✓	

P = Permitted

✓ = Discretionary Approval through Zoning Overlay Application Review

Concept Plan/Planned Development Standards: The 169 SE-O district allows for mixing residential environments with workplaces and services in a manner that encourages these uses to occur in a pedestrian-oriented manner and varying build-out sizes rather than in continuous strips along arterial streets. Development in the 169 SE-O district must accommodate transportation systems, adjacent environments, and pedestrian movement. The purpose of the 169 SE-O Development Standards is to allow a preliminary review of a proposed development before substantial technical work has been undertaken. A concept plan shall generally include plans and supporting documents that address the following:

A. Development Process. The approval process within the Overlay has been modified to address site size and the types of uses permitted on each site. Building Design Conformity finding is required with all Site Development Plans. A Concept Plan will be required for developments larger than two acres to ensure the primary purpose of commercial development is accomplished in conjunction with the addition of housing. The Concept Plan grants additional flexibility for the configuration of a site and for the arrangement of uses. No Concept Plan for Mixed-use development shall be approved that does not specify appropriate commercial tenant space sizes, orientation, and total square footage in a project. An appropriate mix of commercial and residential development will be evaluated on a case-by-case basis to ensure a mixed-use project fulfills the redevelopment goals of the 169 South Employment Overlay District (169 SE-O) for commercial development that incorporates community commercial uses and uses that are complementary to the overall vision of the overlay.

1. A plan outlining the general location, design characteristics, and functions of all proposed streets, stormwater management, open spaces, civic spaces, and circulation networks, whether public, common, or private, that will create the public realm for the plan.
2. A Concept Plan will be required to identify specific land uses and their density intensity, block and lot patterns, building types and scale, materials and design characteristics, and other building and site design elements. This plan shall have a particular emphasis on how these elements relate to one another and where transitions between these elements occur at a parcel or block scale both within the development and in coordination with abutting property. The land use and development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of the Development Code. A conceptual development plan must be submitted to the Commission for approval. The applicant shall pay a non-refundable deposit of two hundred fifty dollars (\$250.00) and submit an application that contains, at a minimum, the following elements:

Concept Plan Requirements:

- a. A proposed development schedule.
- b. The boundaries of the tract to be zoned and the area adjacent for a distance of two hundred fifty feet (250) feet.
- c. The existing and proposed topography with contour intervals not greater than ten (10) feet intervals on a plan at a scale of one (1) inch equals two hundred (200) feet or larger. The proposed topography shall be clearly delineated on the plan.
- d. Proposed location, number and arrangement of buildings, structures, parking areas, existing and proposed streets, drives, open spaces, drainage landscaping, and other reasonable information required by the Commission.
- e. Sufficient approximate dimensions to indicate the relationship between building, streets, drives and property lines should be on the plans as well.
- f. A circulation Plan identifying existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities and location including the location of parking and loading facilities.
- g. The plan shall be accompanied by a plat giving a full legal description of the boundaries of the property.
- h. Schematic architectural plans and elevations drawings of proposed buildings that indicate building height, bulk, and materials.
- i. Preliminary signage plan that identifies the materials, sizes, heights and locations proposed to be used on signs within the project. The signage plan shall be consistent with the overall architectural theme of the buildings and project.
- j. A list of all property owners within one hundred eighty-five (185) feet of the proposed area's boundaries.
- k. A draft of conditions, covenants and restrictions (CCRs) easements, associations and maintenance agreements as well as specifications for ingress/egress to the property and any other legal requirements which will run with the property.

Single Family Code(s):

Single-family residential development will be permitted as allowed in Sections 400.100 -400.120 when it is developed as a buffer adjacent to open space and green space or as a transition from larger suburban and agricultural residential to higher-density development.

Residential Development may be the same as in the underlying district when located in a residential development only in use. Variations and departures from the standard requirements of the underlying district may be permitted. Each residential unit need not front onto a public street. Buildings may be constructed on platted tracts that are smaller than the minimum lot size requirements where other adjacent, maintained permanent open space is provided. Buildings may be grouped in clusters or around courtyards and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property.

Additionally, Pocket Neighborhood Development (PND) may be permitted through the approval of a concept plan. PNDs allow a variety of housing choices that may serve a diverse population in terms of age, income, household makeup, and affordability while providing a sense of community and compatibility. They allow for flexibility in density and lot development standards. PNDs will be defined by the inclusion of the following design features:

- a. A clustered group of 4 – 10 dwellings per cluster and oriented around a common open space.
- b. A common open space area that is usable for active and passive use.
- c. Residential Units shall be designed with porch-fronted dwellings with auto access through an alley. Where no reasonable alternative exists, dwellings may have direct access to a street.
- d. Live-work dwellings may be allowed.
- e. Dwelling unit size should vary and be as small as 850 square feet.

Permitted Uses in a PND

- a. Single Family Detached
- b. Single Family Attached/Duplex
- c. Townhouses/Rowhouses
- d. Live-Work Units
- e. Accessory Dwelling Units.

General Development Standards:

- 1) **Maximum Density:** 7-12 Units/Acre or up to 2 times the base density of the underlying zone.
- 2) **Lot Coverage:** Maximum 50% lot coverage for structures, with a minimum of 25% dedicated to common open space, provided stormwater requirements are met.
- 3) **Building Height:** Maximum 3 stories.
- 4) **Setbacks:**
 - a) Front: 5 feet to porch, minimum*
* In a cluster, the front yard shall be the side to the common open space. A street shall be considered the front yard when a dwelling unit faces a street.
 - b) Side: 5 feet, if constructed in accordance with Fire Code
 - c) Rear: 10 feet
 - d) Between structures: Minimum 10 feet
- 5) **Open Space Requirement:** At least 400 square feet of common open space per unit.
- 6) **Parking Requirements:**
 - a) Minimum 0.75 spaces per unit.
 - b) Guest parking at 1 space per 4 units.
 - c) Shared or off-site parking may be permitted with appropriate agreements.
- 7) **Access:** Developments must be served by a public or private street with pedestrian-friendly pathways.

General Single Family Design Standards in a PND

1. **Architectural Character:** Homes should incorporate varied rooflines, porches, and complementary materials

to create visual interest. In order to preserve a sense of safety a minimum of one residential dwelling window shall face the common space area.

2. **Front Porch:** Front porches are viewed as a key element to foster neighborhood connections. They should be designed with placement, scale, size, and relation to private and public spaces. Each ground-level dwelling shall have a porch oriented toward the common open space or street and not be enclosed. Front Porches must be a minimum of 5 feet in depth.
3. **Street-Facing Facades:** All street-facing facades shall include one of the following: a porch, windows, dormers, building articulation with a minimum depth of one foot, or changes in exterior building materials or paint colors.
4. **Common Areas:** Developments must provide communal gathering spaces, such as courtyards, gardens, or playgrounds. Each cluster requires a minimum of 400 square feet of common open space per dwelling unit. Parking areas, yard setbacks, private open space, and driveways do not qualify as common open space. At least 75 percent of the dwelling units shall be within 60 feet measured from the nearest entrance of the dwelling. The common open space shall have dwellings abutting at least two sides. Shared features within common areas should be considered and could include BBQs, Grills, seating areas, gardens, and other similar amenities.
5. **Fencing & Landscaping:** Perimeter fencing is allowed but must not exceed 4 feet in height in the front yard. All other fences shall comply with Section 400.350 Landscaping must buffer development edges.
6. **Lighting:** Low-intensity lighting to minimize light pollution and ensure pedestrian safety.
7. **Pedestrian Network.** Individual PND clusters shall be connected through a network of pedestrian pathways, including sidewalks along public streets, mid-block walkways, and other connections where appropriate. Each PND cluster may be limited to residents and their guests.

Open Space and Natural Areas: Developments within the 169 South Employment Overlay District are expected to provide some open space in formal and informal design and use. These areas can serve as areas for intentional and organized use or preserve natural features as they exist for passive use. A minimum of 5 percent and a maximum of 15 percent of developed area, net of public street right of ways, shall be in open space. Civic spaces in the form of greens, squares, and plazas

Environmentally sensitive open space may be protected against building development and environmental damage by conveying to the municipality, association, or land trust an open space servitude restricting the area in perpetuity from development and certain characteristics shall be preserved such as: retaining and preserving pre-existing or natural water features, sites should be designed in a manner that preserves specimen trees and significant groups of mature deciduous trees, and developments should adapt itself, as much as possible, to the existing topography to minimize the amount of grading necessary to achieve a viable street network.

The following will be allowed as open space and be incorporated when appropriate:

- a. Environmental corridors
- b. Protected natural areas
- c. Community parks and trails
- d. Streams, wetlands, and other water bodies, and
- e. Stormwater detention/retention facilities

Street Layout & Design: To increase the effectiveness of walkability, developments shall promote walking and bicycling, connecting neighborhoods to each other and to destinations such as employment, open space, and retail areas.

- A. **Block pattern.** New development shall establish a regular pattern of blocks to the extent feasible to avoid creating large "superblocks" that limit pedestrian, bicycle, and vehicular circulation. When adjacent to existing developments, efforts shall be made to match established block patterns. On large sites pedestrian, bicycle, and vehicular circulation access to surrounding neighborhoods shall be maintained to the maximum extent feasible.
- B. **Sidewalks required.** All development within the overlay shall provide a network of on-site pedestrian walkways that provide and encourage walkability. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets pursuant to the standards of City. Connectivity is a crucial element in implementing the goals related to the overlay initiative that the City is committed to. Sidewalks shall be 5 ft. in width in all instances with

a 6 ft. planting strip, except those located within mixed-use developments, commercial areas, or that are part of the City trail system. In these instances, sidewalks shall be 10 ft in width.

C. Off-site pedestrian connections. In high automobile traffic areas, pedestrian walkways and crosswalks in public streets shall be identified to motorists and pedestrians through the use of one or more of the following methods:

1. Changing paving color;
2. Painted crosswalks; or
3. Stamped concrete.

D. Pedestrian circulation routes along storefronts shall be emphasized with special design features that establish them as areas, where pedestrians are physically separated from the flow of vehicular traffic and/or, are protected from the elements. Techniques shall include one or more of the following:

1. Arcades, porticos, or other shade structures;
2. Pedestrian light features;

Mixed Use

Mixed-use developments are highly desirable within the 169 South Employment Overlay District (169 SE-O). These areas shall be developed and designed as activity centers that include a mix of uses within buildings adjacent to streets. Required parking shall be located at the rear and sides of buildings or on the street. In specific instances, it may be provided in front of buildings when other options are not viable. The following regulations shall apply to building design and site layout:

A. Building Orientation.

1. Individual buildings.

- a. At least one operable entrance shall be located on the portion of the structure facing the primary street.
- b. Each street facing façade shall provide a minimum of thirty percent transparency. On a corner lot each street-facing façade.
- c. For buildings with active ground floor commercial uses, transparency must allow direct views into the primary business space.
- d. Non-residential use(s) shall be limited to the bottom two floors of a building.

2. Multi-building developments.

- a. Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, and screen parking areas.
- b. Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:
- c. Entrance orientation.
To the maximum extent feasible, the principal building entrance shall face an adjacent public street, plaza, public walkway.
- d. In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).

3. Outparcel development.

- a. To the maximum extent practicable, out parcels and their buildings shall be clustered to define street edges, entry points, and considerations for seating between buildings. Typical pad side development on out parcels in a widely-spaced pattern along streets is strongly discouraged.
- b. Spaces between buildings on out parcels shall be improved to provide small-scale pedestrian amenities such as pedestrian connections, gathering spaces, or well-landscaped parking areas.

B. Building Design

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. In order to achieve harmonious design throughout architectural design guidelines shall be submitted with the concept plan.
2. These guidelines are intended to serve as a minimum standard for architectural design. Alternative architectural designs that meet the spirit and intent of this ordinance may be submitted for consideration.
 - a. The exterior finish of material on all facades shall be limited to brick, natural stone, wood siding, cementitious siding and/or stucco. Additional materials not listed here can be approved by the Director of Planning provided they are not the primary building material of the overall exterior finish.
 - b. The architectural features, material and the articulation of a façade of a building shall be continued on all sides visible from a public street or dedicated public open space.
 - c. The building design shall include architectural details to create visual interest and design diversity, such as transoms, brick soldier course, corbel, cornice, lintels, projecting window bays, inset windows, canopies, parapet variation.
 - d. The front façade of the principal building on any lot in a commercial or industrial base zoned district shall face onto a public street or public open space.
 - e. The front façade should not be oriented to face directly toward an off-street parking facility, other than on-street parking.
 - f. For commercial buildings, a minimum of thirty-five (35) percent of the front-facing on the ground floor shall be glass (transparent), including window or door openings allowing a view into and out of the interior.
 - g. Structures on opposite sides of the same street are encouraged to follow similar design guidelines in order to foster compatibility between developments. This provision shall not apply to buildings bordering civic uses.
 - h. Buildings and parking placement within mixed-use and multi-family developments should be arranged to create appropriately scaled continuous building facades with as few non-pedestrian oriented breaks as possible.
 - i. Building wall materials may be combined on each façade only horizontally, with the heavier generally below the lighter. Walls along the street shall be made of brick or block and stucco or other material to match the facade of the principal building.
 - j. No exterior metal siding shall be allowed.
 - k. The facades on retail frontages shall be detailed as storefronts and glazed no less than thirty-five (35) percent of the sidewalk-level story.
 - l. Exterior mechanical equipment shall be screened from view to the satisfaction of the Planning Commission. Rooftop mechanical equipment shall not be visible from the street, adjoining lot or adjacent street.
 - (i) For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground shall be screened from ground level view from abutting streets by a sight obscuring fence and/or shrubs that achieve a minimum opacity of approximately 75%. Such shrubs shall be at least 75% the height of the mechanical equipment at the time of installation. Screening shall be at least 6 inches higher than the average height of the mechanical equipment at full growth. Fences shall be equal to the average height of the equipment. Electric vehicle chargers and their associated cabinets are not a mechanical unit and are not subject to screening.
 - (ii) All mechanical equipment mounted on roofs, or on the walls of buildings, shall be screened from the ground level view from both abutting streets and of any abutting residentially zoned lot with materials that are the same color as the principal siding or trim materials of the exterior of the building. Required screening shall be completely opaque and shall ensure that at least

75% of the height of the mechanical unit is screened or otherwise unseen.

C. Parking Standards.

Parking shall be provided in accordance with the Smithville Parking Ordinance, notwithstanding the modified parking requirements of this zoning district. Uses not listed below are subject to the following standard parking requirements:

1 Bedroom Dwelling Unit	0.8 spaces/DU
2 Bedroom Dwelling Unit	1 space/DU
3 Bedroom Dwelling Unit	2.5 spaces/DU
4 Bedroom Dwelling Unit	3.0 spaces/DU
General Office	3 spaces /1000 sq. ft.
Medical Office	6 spaces /1000 sq. ft
Retail and Service-Standalone	3 spaces/1000 sq. ft.
Restaurant and Fast Food-Standalone	9 spaces /1000 sq. ft. (gross floor area)
Restaurant or Bar uses with Retail and Service Use	5 spaces /1000 sq. ft

Development within the Overlay may seek approval of a parking reduction. Parking reductions are subject to City Council approval with a Concept Plan. Parking requirements may be modified to either reduce parking requirements by twenty percent or to apply a five (5) parking spaces per 1,000 square feet of gross floor area for all Commercial and Industrial Uses. Parking reductions of up to 25% of the required parking may be approved for a site with shared parking or collective parking allowances for use by other adjacent commercial properties that are also approved for collective parking. Residential parking spaces may be approved as part of a shared or collective parking plan for commercial uses when there is at a minimum one parking space available per dwelling unit.