



Board of Alderman Request for Action

MEETING DATE: 7/19/2022

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2948-22 Rezoning 211 North Bridge Street - Second Reading

REQUESTED BOARD ACTION:

A motion to read Bill No. 2948-22 for Second Reading by Title Only to rezone 211 North Bridge Street from R-3 to B-4

SUMMARY:

The applicant seeks to rezone their home from R-3 to B-4 to allow them to conduct a retail operation.

BACKGROUND:

The property is the first house north of the bridge on Bridge Street on the east side of the road. It is currently zoned for multi-family uses. The applicant sought to operate a limited retail operation from their home, but having customers come to their house is not allowed as a home occupation. They seek to change the zoning to B-4, so that their property matches the zoning on the south of the river, and similar to the house across the street's zoning (Patterson House is B-3) given the anticipated streetscape construction and transition of the general area.

PREVIOUS ACTION:

The property was zoned multifamily many years ago and has had the existing single family home for that same time.

POLICY ISSUE:

Comprehensive Plan downtown mixed use oasis area.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Planning and Zoning Meeting recording is available online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: John & Alyssa Sanders

Land Use Proposed: B-4

Zoning: R-3

Property Location: 211 N. Bridge St.

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on June 14, 2022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. *Character of the neighborhood.*
The surrounding area is mix of Multi-family districts to the east and north, with B-3 across the street and B-4 on the south side of the river.
2. *Consistency with the City's Comprehensive Plan and ordinances.*
The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for incentivizing mixed residential and commercial uses in the downtown area.
3. *Adequacy of public utilities and other needed public services.*

The property is currently developed and no additional impact on utilities is anticipated.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The current use is a single-family home adjacent to the currently revitalized downtown commercial area. With anticipated streetscape expansion into this block of N. Bridge St. (including bridge pedestrian improvements) coming next year, this general area will continue to become more active
5. *Length of time the property has remained vacant as zoned.*

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966. It has been a single-family home since its' construction.

6. *Compatibility of the proposed district classification with nearby properties.*

The property is adjacent to a dense-use residential area to the east (Housing Authority Apartments) and across the street from the Patterson House museum and Bed and Breakfast. With the current transition of downtown including significant investment and revitalization, this district is compatible with adjacent districts.

7. *The extent to which the zoning amendment may detrimentally affect nearby property.*

No detrimental effects are anticipated to the adjacent property values.

8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*

No detrimental effects are anticipated to adjacent properties.

9. That in rendering this Finding of Fact, testimony at the public hearing on June 14, 2022, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

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

- A. This application and the Rezoning of this property from R-3 to B-4 is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of rezoning the property to B-4.

BILL NO. 2948-22

ORDINANCE NO. 31XX-22

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT.

WHEREAS, The City of Smithville received an application for rezoning 211 North Bridge Street. on April 26, 2022; and

WHEREAS, the public was notified by publishing in the CT paper on May 26, June 2 and 9, 2022 and notices were mailed to adjoining property owners on May 26, 2022.

WHEREAS, a Public Hearing was conducted before the Planning Commission on June 14, 2022; and

WHEREAS, the rezoning is to change the zoning from R-3 to B-4; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and,

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

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

A part of the North Half of the Southwest Quarter of Section 23, Township 53, Range 33, Smithville, Clay County, Missouri, described as follows: Commencing at a point on the centerline of Bridge Street in the City of Smithville, 289 feet South of the intersection of said centerline with the centerline of said Section 23; thence East 225 feet; thence South 105 feet; thence West to the centerline of Bridge Street; thence North along said centerline of Bridge Street to the point of beginning.

Is hereby changed from R-3 to B-4

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted

and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 19th DAY OF JULY, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 06/21/22

Second Reading 07/19/22



STAFF REPORT
June 9, 2022

Rezoning of Parcel Id's# 05-617-00-01-006.00

Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 211 N. Bridge St.
Owner: John & Alyssa Sanders
Current Zoning: R-3
Proposed Zoning: B-4

Public Notice Dates:

1st Publication in Newspaper: May 26, 2022
Letters to Property Owners: May 26, 2022

GENERAL DESCRIPTION

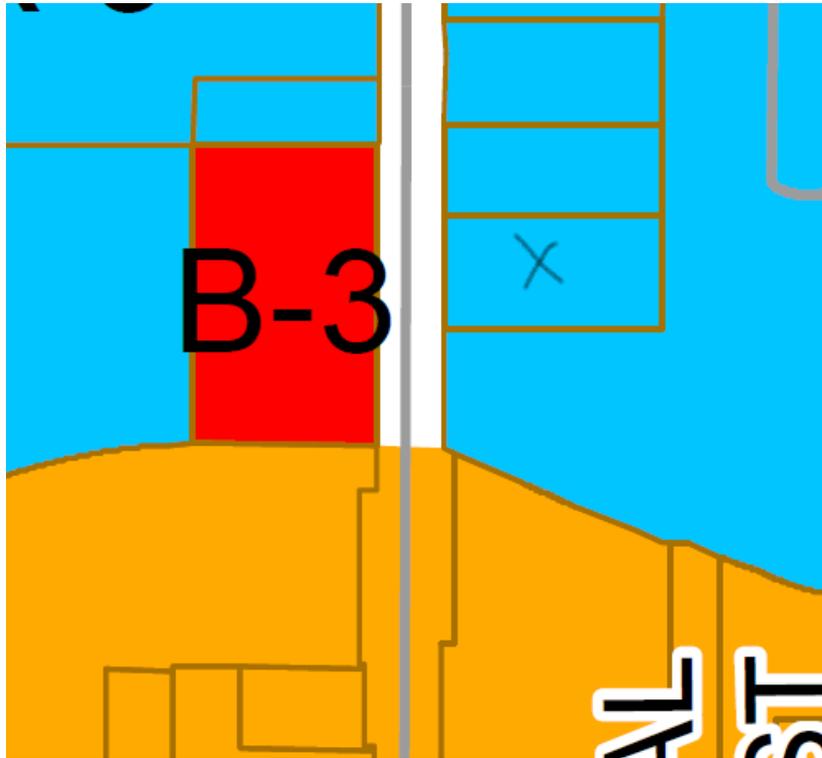


The applicant seeks to rezone the subject property to B-4 from R-3. The structure is a single family residence in multifamily zoning. The applicant seeks to change the zoning to B-4, which would allow the use of the property for a

home occupation that would include potential customers coming to the location. Home occupations in ALL residential districts are restricted from customers coming to the location. B-4 districts allow both residential and commercial uses.

EXISTING ZONING:

The existing zoning is R-3.



CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a near the downtown business District (B-4) with a B-3 district at the Patterson House property across the street. All other adjacent property is zoned multifamily.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for incentivizing mixed residential and commercial uses in the downtown area.

ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The property is currently developed and no additional impact on utilities is anticipated.

SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4.*

The current use is a single-family home adjacent to the currently revitalized downtown commercial area. With anticipated streetscape expansion into this block of N. Bridge St. (including bridge pedestrian improvements) coming next year, this general area will continue to become more active.

TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966. It has been a single family home since its' construction.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The property is adjacent to a dense-use residential area to the east (Housing Authority Apartments) and across the street from the Patterson House museum and Bed and Breakfast. With the current transition of downtown including significant investment and revitalization, this district is compatible with adjacent districts.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560C.7*

No detrimental effects are anticipated to the adjacent property values.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to B-4 be approved.

Respectfully Submitted,

Zoning Administrator