



# Board of Aldermen Request for Action

**MEETING DATE:** 3/5/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3027-24 – Rezoning 16000 and 16100 North 169 Highway to R-3 – 1<sup>st</sup> Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3027-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 16000 and 16100 North 169 Highway by Title Only for First Reading.

**SUMMARY:**

Applicant seeks to rezone two adjacent lots fronting on 169 Highway currently zoned R-1B and B-2 to R-3 to allow for townhomes to be constructed.

**PREVIOUS ACTION:**

None

**POLICY OBJECTIVE:**

Implement the Comprehensive Plan elements for the downtown 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: Findings of Fact |                                   |

## FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Port Side Tie, LLC  
Land Use Proposed: R-3  
Zoning: R-1B and B-2  
Property Location: 16000 and 16100 N. 169 Hwy

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 February 13, 2024, 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 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

2. *Consistency with the City's Comprehensive Plan and ordinances.*

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the north lot to be part of the Downtown overlay area, and the south lot is just left as agricultural.

3. *Adequacy of public utilities and other needed public services.*

#### Streets and Sidewalks:

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owners' expense and in accordance with existing APWA standards.

#### Water, Sewer, and Storm water

The city does not have water or sewer at the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

#### All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is vacant land. The location, size and layout of the lots limit their use to anything other than limited multifamily, which is the highest and best use.

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to its' existing district classification at least 1978 and has not been developed since.

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

The proposed district is compatible with the business uses nearby.

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

No detriment is anticipated.

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

No loss to landowners is expected.

9. That in rendering this Finding of Fact, testimony at the public hearing on February 13, 2024, 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-1B and B-2 to R-3 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 R-3.

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, The City of Smithville received an application for rezoning 16000 and 16100 North 169 Highway on December 4, 2023; and

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on February 13, 2024; and

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

**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: SEE Attached Exhibit A

is hereby changed from R-1B and B-2 to R-3.

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.

**BE IT REMEMBERED** that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this \_\_\_ day of \_\_\_\_\_, 2024.

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Damien Boley, Mayor

ATTEST

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Linda Drummond, City Clerk

First Reading: 3/5/2024  
Second Reading 3/19/2024

## Exhibit A

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 53, Range 33, described as follows:

Beginning at the point of intersection of the South line of said Southeast Quarter of the Southeast Quarter of Section 22, with the center line of U.S. Highway No. 169, as now located, thence South 89 degrees 37 minutes West, along the South line of said Section 22, 667.92 feet to the centerline of Second Creek; thence with the meanderings of said Second Creek North 39 degrees 0 minutes East, 125 feet; thence North 53 degrees 17 minutes East, 370 feet; thence North 9 degrees 51 minutes East, 210 feet to a point, thence East and parallel with the South line of said Section to a point in the centerline of U.S. Highway No. 169, thence Southeasterly along the centerline of U.S. Highway No. 169 to the Point of Beginning, all in Clay County,

and

Beginning at the point of intersection of the south line of said Southeast quarter of the Southeast quarter of Section 22 aforesaid with the center line of Highway No. 169, thence south 89° 37' west along the south line of said Section 22, 667.92 feet to the center line of Second Creek; thence with the meanderings of said Second Creek, north 39° 00' east 125 feet; thence north 53° 17' east 370 feet; thence north 9° 51' east 210 feet; thence north 20° 31' west 375 feet to the center line of the Smithville and Platte City Road; thence north 67° 35' east 78.4 feet; thence north 53° 53' 35" east 341.73 feet to the center line of Highway No. 169; thence southerly along the center line of Highway No. 169 to the point of beginning, EXCEPT that part deeded to Herbert J. Weber as shown in Book 405 at page 61, in Smithville, Clay County, Missouri.



## STAFF REPORT

February 9, 2024

Rezoning of Parcel Id # 05-504-00-02-010.00 and 05-504-00-02-009.00

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### Application for a Zoning District Classification Amendment

#### Code Sections:

400.560.C Zoning District Classification Amendments

#### Property Information:

Address: 16000 and 16100 N. US 169 Hwy  
Owner: Port Side Tie, LLC  
Current Zoning: B-2 and R-1B  
Proposed Zoning: R-3

#### Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: January 25, 2024  
Letters to Property Owners w/in 185': January 22, 2024

### GENERAL DESCRIPTION:

The applicant seeks to rezone two adjoining lots from R-1B (north) and B-2 (south) to R-3 located on the west side of 169 and north of Cliff Dr. The lots have remained undeveloped for many years. Applicant seeks this rezoning to allow future construction of two separate townhome buildings.

### EXISTING ZONING:

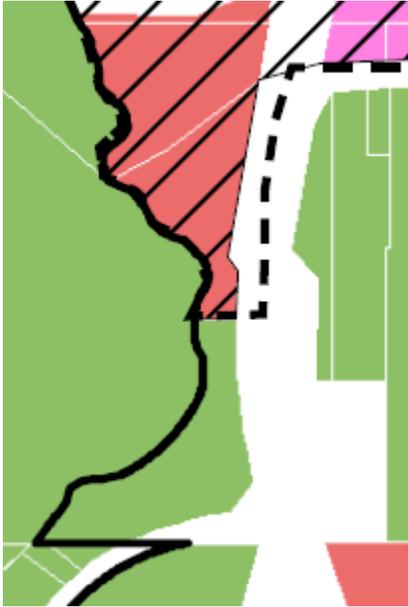
The existing zoning is B-2 and R-1B and has been in existence at least since the 1978 zoning map.

### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

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

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the north lot to be part of the Downtown overlay area, and the south lot is just left as agricultural.



To the extent that the future land use plan map indicates several of the parcels along 169 that are currently zoned B-3 as agricultural as well, including the south lot to match the north lot complies.

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

### Streets and Sidewalks:

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owners expense and in accordance with existing APWA standards.

### Water, Sewer and Storm water

The city does not have water or sewer to the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

### All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is vacant land. The location, size and layout of the lots limit their use as anything other than limited multifamily, which is the highest and best use.

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

The property was zoned to its' existing district classification at least 1978 and has not been developed since.

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

The proposed district is compatible with the business uses nearby.

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

No detrimental effects are known.

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

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

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Zoning Administrator