



Board of Aldermen Request for Action

MEETING DATE: 12/17/2024

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3050-25 Rezoning 800 Northwest 92 Highway to B-3 for First Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3050-25, changing the zoning classification of certain lands in the City of Smithville, Missouri located at 800 Northwest 92 Highway. First reading by title only.

SUMMARY:

Applicant seeks to rezone 800 Northwest 92 Highway from A-1 to B-3.

PREVIOUS ACTION:

The property remains zoned as it was when annexed on February 14, 1989.

POLICY ISSUE:

Comprehensive Plan implementation

FINANCIAL CONSIDERATIONS:

n/a

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: Scott and Jennifer Lowe

Land Use Proposed: B-3

Zoning: A-1

Property Location: 800 Northwest 92 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 December 10, 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 predominantly undeveloped or limitedly developed land. Both parcels to the south and the property to the east have no structures on the land. The C-3 property to the west currently has multiple non-permanent structures and includes a landscaping supply business. The properties to the north and south (along with the subject parcel) are bisected by several large electric transmission lines, which significantly impact the character of the area.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy did not anticipate any substantial growth or development of this area in the 10 years following its' adoption. The 74+ acre property to the south, when annexed, could appropriately become part of the industrial area to the south.

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

Streets and Sidewalks:

The parcel has frontage upon 92 Highway and is adequate to support a commercial use.

Water, Sewer and Storm water

The city has a waterline that touches the east side of the property (with no current service), and sewers will be installed across the east part of the property with the new bypass force main for the south pump station project. Any future development of the property will be required to go through the site plan review process, which will include all utility development processes as needed.

All other utilities

Any 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 as farmland with a single-family home, but it fronts upon a busy state highway and is more suitable for commercial uses. The parcel is bisected by several large electric supply lines, which limits its usability in that easement area.

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

The property has been zoned A-1 since annexation in 1989 and no additional development has occurred.

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

The proposed district is essentially the same as the existing adjacent uses.

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 December 10, 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 A-1 to B-3 is governed by Section 400.560 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 land to B-3.

BILL NO. 3050-25

ORDINANCE NO. 324X-25

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI LOCATED AT 800 NORTHWEST 92 HIGHWAY

WHEREAS, The City of Smithville received an application for rezoning 800 Northwest 92 Highway on October 9, 2024; and

WHEREAS, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 10, 2024; 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:

The Southwest Quarter of the Southeast Quarter of Section 27, Township 53, Range 33, Smithville, Clay County, Missouri, Except that part that lies Southwesterly of said Highway No. 92 as described in said Book 1296 and page 15, subject to that part, if any, in streets, roadways and highways or other public rights-of-way.

is hereby changed from A-1 to B-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.

PASSED THIS 7TH DAY OF JANUARY, 2025.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/17/2024

Second Reading 01/07/2025



STAFF REPORT

December 3, 2024

Rezoning of Parcel Id # 05-802-00-02-012.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 800 NW 92 Hwy
Owner: Scott and Jennifer Lowe
Current Zoning: A-1
Proposed Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: November 21, 2024
Letters to Property Owners w/in 185': November 25, 2024

GENERAL DESCRIPTION:

The applicant made application, proposing to rezone approximately 35.5 acres +/- from A-1 to B-3. The property is the furthest west parcel of land within the City Limits on the north side of 92 Highway. To its' east is a parcel zoned B-3. To its' west is land zoned County C-3 (commercial). On the south side of 92 Highway is a 74.68 acre parcel zoned County C-2 (commercial) and another 2.11 acre parcel zoned A-1.

EXISTING ZONING:

The existing zoning is A-1 has been in place since the property was annexed on February 14, 1989.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is predominantly undeveloped or limitedly developed land. Both parcels to the south and the property to the east have no structures on the land. The C-3 property to the west currently has multiple non-permanent structures and includes a landscaping supply business. The properties to the north and south (along

with the subject parcel) are bisected by several large electric transmission lines, which significantly impact the character of the area.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy did not anticipate any substantial growth or development of this area in the 10 years following its' adoption. The 74+ acre property to the south, when annexed, could appropriately become part of the industrial area to the south.

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

Streets and Sidewalks:

The parcel has frontage upon 92 Highway and is adequate to support a commercial use.

Water, Sewer and Storm water

The city has a waterline that touches the east side of the property (with no current service) and sewers will be installed across the east part of the property with the new bypass force main for the south pump station project. Any future development of the property will be required to go through the site plan review process, which will include all utility development processes as needed.

All other utilities

Any 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 as farmland with a single-family home, but it fronts upon a busy state highway and is more suitable for commercial uses. The parcel is bisected by several large electric supply lines, which limits its usability in that easement area.

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

The property has been zoned A-1 since annexation in 1989 and no additional development has occurred.

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

The proposed district is essentially the same as the existing developed adjacent uses.

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 meeting the Comprehensive Plan's intent.

Respectfully Submitted,

Zoning Administrator