



Board of Aldermen Request for Action

MEETING DATE: 2/20/2025

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3054-25, Rezoning Northeast Corner of Second Creek Bridge Road and Lowman Road – 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3054-25, changing the zoning classifications or districts of certain lands located in the City of Smithville by Title Only for First Reading.

SUMMARY:

Approving the ordinance would authorize changing the zoning district classification of the property located at the northeast corner of Second Creek Bridge Road and Lowman Road from R-1B to AR.

PREVIOUS ACTION:

This property was originally rezoned to R-1B and R-3 to allow creation of Second Creek Meadows subdivision, and again rezoned to change the R-3 land to R-1B.

POLICY OBJECTIVE:

Develop in accordance with the Comprehensive Plan.

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: Meeting is available for viewing online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Jami D Pryor Trust

Land Use Proposed: AR

Zoning: R-1B

Property Location: Northeast Corner of Second Creek and Lowman Rd.

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 August 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 generally large (3 acres) development adjacent to the tract in questions, with very large lot farmstead type housing.

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 identifies the area in question as agricultural with likely no development to occur

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

All of the public utilities and needed public services are available, and any upgrades to the systems are the sole responsibility of the development.

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

The current use is as unused farmland, but has been zoned for higher density residential for 2 years with no development.

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

The property has been vacant as zoned for 2 years with no development.

6. Compatibility of the proposed district classification with nearby properties.
The proposed district matches the adjacent existing 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 February 11, 2025, 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 Zoning of this property from R-1B Single Family Residential to AR 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 zoning the property to AR.

BILL NO. 3054-25

ORDINANCE NO. 32XX-25

**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 on December 11, 2024 for property located at the northeast corner of Second Creek Bridge Road and Lowman Road; and

WHEREAS, a Public Hearing was conducted before the Planning Commission on February 11, 2025; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning for the property to AR.

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 board vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47

feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West. 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter; thence along said West line of the Northwest Quarter of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning

is hereby set as AR.

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 4th DAY OF MARCH, 2025

Mayor

ATTEST:

City Clerk

First Reading: 02/20/2025
Second Reading 03/04/2025



STAFF REPORT

February 6, 2025

Rezoning of Parcel Id # 05-504-00-01-010.01

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Second Creek and Lowman Rd
Owner: Jami Pryor Trust
Current Zoning: R-1b
Proposed Zoning: AR

Public Notice Dates:

1st Publication in Newspaper: January 23, 2025
Letters to Property Owners w/in 185': January 24, 2025

GENERAL DESCRIPTION:

The applicant submitted an application proposing to rezone approximately 29.88 acres +/- from R-1B to AR. The proposed zoning classification allows lots that exceed the front/side ratio of 2.5 to 1 in the R districts.

EXISTING ZONING:

The existing zoning is R-1B and January of 2023.

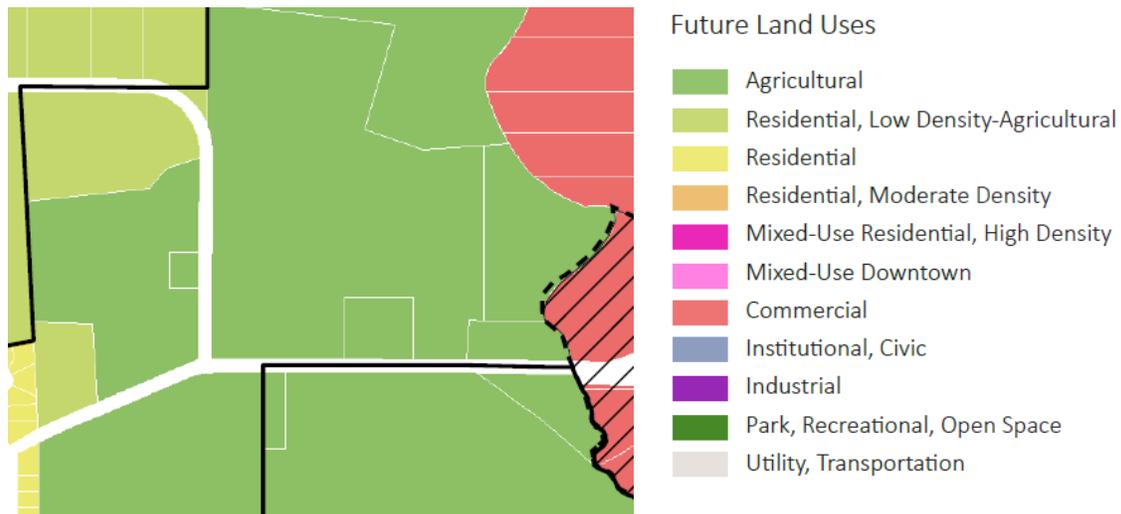
CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is generally large (3 acres) development adjacent to the tract in questions, with very large lot farmstead type housing.

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 identifies the area in question as agricultural with likely no development to occur



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

Streets:

Second Creek and Lowman Rd. are both sufficient to handle the load from this agricultural land.

Water, Sewer and Storm water

The city has water and sewer lines on the property. Any such impact will be handled in the normal subdivision process, but the existing systems are more than adequate.

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, unused farmland, but it zoned and platted for 70+ housing units.

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

The property has been zoned residential for 2+ years but no 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 recommendations.

Respectfully Submitted,

Zoning Administrator