



Board of Aldermen Request for Action

MEETING DATE: 3/3/2026

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3102-26 - 1503-1505 East Main Rezoning - 1st Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3102-26, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri. First reading by title only.

SUMMARY

This ordinance would authorize rezoning 1503 and 1505 East Main Street from A-1 and County AG to B-3 for future development of cabins.

PREVIOUS ACTION

The current zoning has been in place since the land was annexed into the city.

POLICY OBJECTIVE

Comply with the Comprehensive Plan requirements for Commercial Uses that support the lake in the area that is included in a future Overlay District as well.

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 checked="" type="checkbox"/> Minutes Available to view on line |
| <input type="checkbox"/> Other: | |

BILL NO. 3102-26

ORDINANCE NO. 329X-26

**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 1503 and zoning newly annexed 1505 East Main Street on August 6, 2025 pending annexation approval; and

WHEREAS, 1505 East Main Street was annexed on February 3, 2026; 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 Hearings conducted before the Planning Commission on February 10, 2026; and

WHEREAS, the Planning Commission presented its' findings (attached as "Exhibit A" 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 along with Findings of Fact and Conclusions of Law attached hereto as **Exhibit A**, 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 in **Exhibit B**, attached hereto and incorporated into this ordinance as if fully set forth herein, are hereby changed to the B-3 zoning classification.

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 24th DAY OF MARCH 2026

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 03/03/2026

Second Reading: 03/24/2026

EXHIBIT A

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Lepe Construction LLC and Otoe-Missouri Park LLC

Land Use Proposed: B-3

Zoning: A-1 and County AG

Property Location: 1503 and 1505 E. Main 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 February 10, 2026, 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 consists of US Corps of Engineers land occupied by the City's Smith's Fork Park to the north, B-3 zoned land occupied by Grace Community Church to the east and southeast and a 43+/- acre farm to the south. The nearest residential housing is over 700 feet away.

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

The existing Comprehensive Plan was approved on November 10, 2020, by the Planning Commission and adopted as the official development policy of the City on November 17, 2020, by the Board of Aldermen. That plan calls for a new Smith's Fork Park Commercial Overlay District to be created once the Corps land to the north is annexed. The boundaries of the future overlay district is suggested to include the 43=/- acre farm to the south, the subject properties and the Corps Land to the North. The proposed district will encourage flexibility in uses but specifically allow Commercial establishments relating to Smithville Lake that encourage more visitors and customers to this area.

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 A-1, agricultural and County AG, with no real agricultural uses on either property, just a former home and an abandoned, orphaned parcel of ground left unused since the 1980's.

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

The property was zoned to its' existing district classification when annexed, and the agricultural nature is subject to change with the proposed commercial overlay district.

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

The proposed district is compatible with the adjacent uses, particularly when the proposed overlay is completed.

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 10, 2026, 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 A-1 and County AG 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 zoning the property to B-3.

Exhibit B

All That Part Of The Southwest Quarter Of Section 24, Township 53 North, Range 33 West, In Clay County, Missouri, Being Described As Follows: Beginning At The Northwest Corner Of Said Southwest Quarter; Thence $S89^{\circ}49'07''E$, Along The North Line Of Said Southwest Quarter, A Distance Of 317.38 Feet To A Point On The Northwestern Right Of Way Line Of Missouri Route Dd; Thence Southwesterly, Along Said Right Of Way Line, Along A Curve To The Left Having An Initial Tangent Bearing Of $S72^{\circ}11'01''W$, A Radius Of 513.34 Feet, An Arc Distance Of 138.47 Feet; Thence $S79^{\circ}04'36''W$, Continuing Along Said Line, A Distance Of 29.67 Feet; Thence $S49^{\circ}48'55''W$, Continuing Along Said Line, A Distance Of 110.11 Feet; Thence $S25^{\circ}44'23''W$, Continuing Along Said Line, A Distance Of 77.85 Feet; Thence Southwesterly, Continuing Along Said Line, Along A Curve To The Left Having An Initial Tangent Bearing Of $S33^{\circ}22'28''W$, A Radius Of 513.34 Feet, An Arc Distance Of 104.26 Feet To A Point On The West Line Of Said Southwest Quarter; Thence $N00^{\circ}27'26''E$, Along Said Line, A Distance Of 299.62 Feet To The Point Of Beginning.

and

All That Part Of The Southeast Quarter Of Section 23, Township 53 North, Range 33 West, In The City Of Smithville, Clay County, Missouri, Being Described As Follows: Beginning At The Northeast Corner Of Said Southeast Quarter; Thence $S00^{\circ}27'26''W$, Along The East Line Of Said Southeast Quarter, A Distance Of 299.62 Feet To A Point On The Northwestern Right Of Way Line Of Missouri Route Dd; Thence Southwesterly, Along Said Right Of Way Line, Along A Curve To The Left Having An Initial Tangent Bearing Of $S21^{\circ}44'13''W$, A Radius Of 513.34 Feet, An Arc Distance Of 16.39 Feet; Thence $N89^{\circ}12'53''W$, Parallel With The North Line Of Said Southeast Quarter, A Distance Of 144.23 Feet; Thence $N00^{\circ}27'26''E$, Along A Line Parallel With The East Line Of Said Southeast Quarter, A Distance Of 315.02 Feet To A Point On The North Line Of Said Southeast Quarter; Thence $S89^{\circ}12'53''E$, Along Said North Line, A Distance Of 149.94 Feet To The Point Of Beginning.



STAFF REPORT

January 21, 2026

Rezoning of Parcel Id # 05-618-00-01-009.00 & 05-604-00-01-003.02

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 1503 & 1505 E. Main St.
Owner: Lepe Construction LLC &
OTOE-MISSOURIA PARK LLC
Current Zoning: A-1 & County AG
Proposed Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: January 21, 2026
Letters to Property Owners w/in 185': January 21, 2026

GENERAL DESCRIPTION:

The owners have submitted an application proposing to rezone approximately 1.84 acres from A-1 to B-3 and set the initial zoning on newly annexed land from County AG to B-3. The proposed zoning classification is intended to match the future overlay district requirements in the Smith's Fork Park Commercial Overlay District focused on Commercial establishments relating to Smithville Lake that encourage more visitors and customers to this area.

EXISTING ZONING:

The existing zoning of 1503 is the same as that when it was annexed many years ago, and 1505 is recently annexed land with the original county zoning, both for agricultural uses.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area consists of US Corps of Engineers land occupied by the City's Smith's Fork Park to the north, B-3 zoned land occupied by Grace Community

Church to the southeast and a 43+/- acre farm to the south. The nearest residential housing is over 700 feet away.

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

The existing Comprehensive Plan was approved on November 10, 2020, by the Planning Commission and adopted as the official development policy of the City on November 17, 2020, by the Board of Aldermen. That plan calls for a new Smith's Fork Park Commercial Overlay District to be created once the Corps land to the north is annexed. The boundaries of the district is suggested to include the 43+/- acre farm to the south, the subject properties and the Corps Land to the North. The proposed district will encourage flexibility in uses but specifically allow Commercial establishments relating to Smithville Lake that encourage more visitors and customers to this area. The subject properties are in red:



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

Streets and Sidewalks:

Main Street and the Main Street trail represent the southeast boundary of the subject property and are fully adequate for the intended district

Water, Sewer and Storm water

The city has water service bisecting the two properties, and sanitary sewers are available uphill from the project on city park property. Developer will be required to install all necessary improvements to attach to these utilities.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development, but all utilities were available on the site for the recently demolished house.

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

The current use is A-1, agricultural and County AG, with no real agricultural uses on either property, just a former home and an abandoned, orphaned parcel of ground left unused since the 1980's.

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

The property was zoned to its' existing district classification when annexed, and the agricultural nature is subject to change with the proposed commercial overlay district.

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

The proposed district is compatible with the adjacent uses, particularly when the proposed overlay is completed.

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

Zoning Administrator