



Board of Alderman Request for Action

MEETING DATE: 7/19/2022

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2951-22, Rezoning Eagle Ridge Subdivision

REQUESTED BOARD ACTION:

A motion to read Bill No. 2951-22 for First Reading by Title Only to rezone Eagle Ridge subdivisions commercial property from B-1P to B-3.

SUMMARY:

The ordinance would change the zoning to allow an office building for a Development and Construction company along with equipment and material storage which does not match the "professional office" designation in the current zoning district.

BACKGROUND:

The property is the B-1P commercial lot contained in the Eagle Ridge Subdivision that was initially rezoned from A-1 to R-1P, R-2P and B-1P in 2018 and located at 561 S. Commercial. The existing zoning was B-1P for the potential location of an office building. Upon request to develop the land and construct the office building, staff requested a full list of intended uses to verify zoning compliance. The plan was described that a 70' x 120' building would be constructed which would contain the offices of both a development company and its' sister construction company. It was also identified that the plan was to use some of the building for storage, including materials and equipment of the companies. Since the proposal was not for traditional professional offices (accountants, real estate, law, doctors, etc.) it was determined that the minimum zoning required was B-3. If approved, any future construction is subject to the newly revised site plan review ordinances.

PREVIOUS ACTION:

The B-1P zoned land was rezoned in 2018 for potential office uses.

POLICY ISSUE:

Complies with the Comprehensive Plan uses for the area.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

Ordinance

Contract

Resolution

Plans

Staff Report

Minutes

Other: Planning and Zoning meeting is available for viewing online

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: ER Development, LLC

Land Use Proposed: B-3

Zoning: B-1P

Property Location: 561 S. Commercial 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 July 12, 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 a transitional area with mix of various Multi-family districts to the east, west and south, with the ATT switching station also to the south, as well as B-3 uses further to the west and south. Commercial St. is the most significant north-south arterial street that serves from downtown to 169 near McDonalds.
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 maintaining the existing buffer vegetation in the area, with no significant changes to the existing uses.
3. *Adequacy of public utilities and other needed public services.*

The property is currently accessible to all utilities.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The property is vacant, undeveloped land. Given the grade differential to Commercial, most development has been unaffordable. The area is within 500 yards of the Eagle Ridge two family townhomes to the south and east, as well as the Mixed use zoned property to the north west that stretches from 169 to Commercial.
5. *Length of time the property has remained vacant as zoned.*

The property was zoned to the existing district classification in 2018, and was A-1 for its' entire time in the city limits.

6. *Compatibility of the proposed district classification with nearby properties.*
The property is adjacent to a higher density residential areas to the south, east and west, with B-3 zoned land within 200 feet. 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.*
With proper buffering in the site plan review process, the only property that would be able to see the developable land is the single family property to the north on the 12.23 acre parcel. 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 July 12, 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 B-1P to B-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 B-3.

BILL NO. 2951-22

ORDINANCE NO. _____

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 561 South Commercial on June 102, 2022; and

WHEREAS, the public was notified by publishing in the CT paper on June 23, 2022 and notices were mailed to adjoining property owners on June 27, 2022.

WHEREAS, a Public Hearing was conducted before the Planning Commission on July 12, 2022; and

WHEREAS, the rezoning is to change the zoning from B-1P to B-3; 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:

All that part of the south half of the northwest quarter of section 26, Township 53 North, Range 33 West, Smithville, Clay County, Missouri being described as follows:

Beginning at the Northwest corner of a tract of land Deeded to Southwestern Bell Telephone Company in Book 870 at page 186 said point lying on the east right of way line of Commercial Avenue; Thence N08°56'33"W, Along Said Right Of Way Line, A Distance Of 73.57 Feet; Thence Northerly, Continuing Along Said Line, Along A Curve To The Right Being Tangent To The Last Described Course, Having A Radius Of 900.00 Feet, An Arc Distance Of 192.35 Feet; Thence N03°18'11"E, Continuing Along Said Right Of Way Line, A Distance Of 116.63 Feet To A Point On The North Line Of The South Half Of Said Northwest Quarter; Thence S89°33'43"E, Along Said North Line, A Distance Of 250.00 feet; thence S00°79'71"W a distance of 381.27 feet; thence N00°41'81"W a Distance of 34.17 feet to the Northeast Corner of the tract recorded in Book 870 at page

186; thence along the north line of said tract to the point of beginning a distance of 200.51 feet.

Changed from B-1P 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 _____ DAY OF _____, 20_____

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 07/21/2022

Second Reading / /



STAFF REPORT
June 9, 2022

Rezoning of Parcel Id's# 05-905-00-10-001.00
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 561 S. Commercial St.
Owner: ER Development LLC
Current Zoning: B-1P
Proposed Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: June 23, 2022
Letters to Property Owners: June 23, 2022

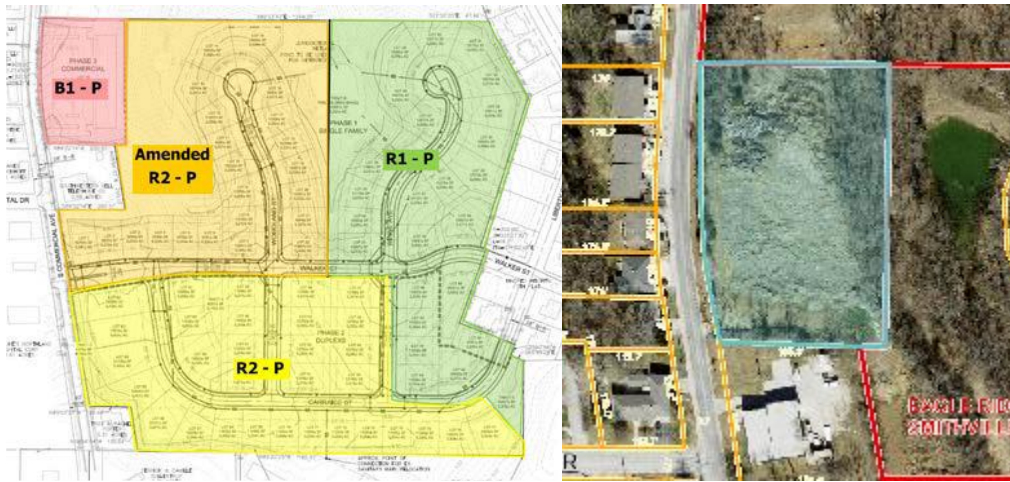
GENERAL DESCRIPTION



The applicant seeks to rezone the subject property to B-3 from B-1P. The property is currently a vacant parcel of ground. The applicant seeks to change the zoning to B-3, which would allow the use of the property for an office building for its construction and development companies, including an area for equipment and vehicles to be securely parked.

EXISTING ZONING:

The existing zoning is B-1P.



CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The property is located near the B-3 zoned St. Luke's Hospital complex. The properties to the east and west are zoned for multifamily (R-2 and R-3 Districts) with the ATT switching station building immediately to the south. The property to the north is a single-family home on 12.23 acres of mostly wooded land.

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 retaining the natural vegetative buffers surrounding the specific parcel, with no specific anticipated changes to the uses in the next 10 years.

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

The property is currently served with water along the property's boundary with Commercial St., and sewers are accessible to the south. All other utilities are available.

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

The current use is contained in the B-1P district. This district allows offices, including ones for contractors or developers but makes no allowances for storage of equipment and materials for those underlying office uses.

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

The property was zoned to the existing district classification in 2018, and was zoned A-1 prior.

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

The property is adjacent to two+ family zoning on the east, west and south, with the ATT switching station located immediately to the south. The southwest corner of Hospital Dr. and Commercial St. is the B-3 zoned Hospital complex, and just west of the R-3 properties along Commercial is more B-3 zoned property. With screening and landscape buffering imposed using the site plan review process, any potential negative impacts on the single family land to the north would be eliminated.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560.C.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-3 be approved.

Respectfully Submitted,

Zoning Administrator