



Planning and Zoning Commission Meeting

March 9, 2021

7:00 p.m. – City Hall and Via Videoconference

NOTICE: *Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's YouTube page through YouTube Live.

1. Call to Order
2. Approve the February 9, 2021 Planning Commission Minutes
3. Staff Report
4. Public Hearing:
 - Rezoning 319 E. Main St. from R-1B to R-3
5. Rezoning 319 E. Main St.
6. Public Hearing:
 - Rezoning 15901 N. 169 Hwy from R-1b and B-2 to R-3 and B-3
7. Rezoning 15901 N. 169 Hwy
8. Discussion of Comprehensive Plan recommendations
 - Discuss R-3 dwelling unit sizes for Apartments
 - Adjust lot sizes in R-1 Districts
9. Adjourn



SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

February 9, 2021

7:00 P.M.

Council Chambers

Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app. City staff were at City Hall for the meeting.

Planning and Zoning Commission members attended via the Zoom meeting app. The meeting was streamed live on the city's YouTube page through YouTube Live.

Those attending the meeting: Deb Dotson, Alderwoman Melissa Wilson, Dennis Kathcart, Carmen Xavier, Connor Samenus, Mayor Damien Boley, Chairman Rand Smith, and Development Director Jack Hendrix.

1. CALL TO ORDER

Chairman Rand Smith called the meeting to order at 6:59 p.m.

2. MINUTES

The December 8, 2020 Meeting Minutes were moved for approval by SAMENUS, Seconded by ALDERWOMAN WILSON.

Ayes 7, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

We finished 2020 with 50 single family home permits. This is close to what we anticipated. Since January 1, 2021 we have only issued 4 single family home permits.

Commercial construction was very big for us last year. This year also seems to be starting off well. We have received the first tenant finish permit application for the strip mall at the Smithville Marketplace. This will be on

the south end of the building and will be a Domino's Pizza. The other 6 units remain unspoken for currently.

The lot north of the entrance to the Smithville Marketplace will be transferring hands soon. It will likely be another fast-food franchise going in there. It is not quite a done deal so we cannot release any names just yet.

We will be getting a revised application for First Park Industrial subdivision. The sales of these lots have gone so well that they are preparing to do the final phase. This will extend the road further to the south. They will probably come back with a preliminary plat change. They are going to put in another road that runs further to the west to get in a few smaller lots. They are not seeing much interest in the 10, 12 and 18 acre tracts but all their 1, 2 and 5 acre lots are gone already. We should expect this at our April or May meeting.

We have a couple of rezoning requests that will be on the March meeting agenda. One of them is a property across 169 Hwy from the Smithville Marketplace. It's the Farmer tract that has been sitting vacant for some time now.

The other rezoning request is just east of City Hall on Main Street across from Heritage Park. They are seeking to rezone it to R-3. They will tear down an old house that sits on the property and build a new set of apartments. Everything around this property is already zoned R-3.

4. PUBLIC HEARING (FOUR SEPARATE PUBLIC HEARINGS):

- **SET INITIAL ZONING FOR 2411 NE 157TH TERR**
- **SET INITIAL ZONING FOR 15726 N CHESTNUT ST**
- **SET INITIAL ZONING FOR 15701 N WABASH ST**
- **SET INITIAL ZONING FOR 15808 N CHESTNUT ST**

HENDRIX stated we have 4 properties in the Lakeside Crossing subdivision that recently annexed into the city. We now need to set the initial Smithville zoning for them. Each of the 4 lots will require their own public hearing.

2411 NE 157th Terr:

Public Hearing:

Travis Torres—Son of Mario Torres---Stated that he is filling in for his father and doesn't have much to say about the actual properties themselves. He is just looking at getting a little more informed about what is going on.

Public Hearing closed

15726 N Chestnut St:

Public Hearing: None

Public Hearing closed

15701 N Wabash St:

Public Hearing: None

Public Hearing closed

15808 N Chestnut St:

Public Hearing:

Ron Eason---**15808 N Chestnut St---**Stated that he would like to thank Mr. Hendrix personally for reaching out to them 6-8 months ago after they had purchased this property. They were unaware of there being a voluntary annexation motion. As Mr. Hendrix explained everything to us the impact to them would be neutral and this seemed to make sense.

Pam Eason---**15808 N Chestnut St---**Stated that they were also there tonight to see if there was anything they had not been informed of and that they do need to be aware of.

Public Hearing closed

5. ZONING FOUR LOTS IN LAKESIDE CROSSING TO R-1B (ONE ORDINANCE RECOMMENDATION)

HENDRIX stated that in the packet the Commission has the proposed Findings of Facts and Conclusions of Law document and a copy of the Ordinance that will go to the Board of Alderman if your recommendation is in favor of or opposed to the rezoning.

MAYOR BOLEY motioned to approve the Finding of Facts and initial zoning for the four lots in Lakeside Crossing to R-1B. Seconded by SAMENUS.

DISCUSSION:

MAYOR BOLEY thanked staff and the residents for all their hard work on getting this taken care of.

THE VOTE: DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SAMENUS-AYE, ALDERMAN WILSON-AYE, XAVIER-AYE, SMITH-AYE.

AYES-7, NOES-0. MOTION PASSED

6. ADJOURN

MAYOR BOLEY made a motion to adjourn. KATHCART seconded the motion.

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:17 p.m.

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on March 9, 2021, the Smithville Planning Commission in City Hall, 107 W. Main St., Smithville, MO will consider the following:

An Application to rezone certain land from R-1 to R-3 on property legally described as follows:

All of Lots 5 and 6 in Block 2, CALVIN SMITH'S ADDITION to the City of Smithville, comprising a strip of land 60 feet wide East and West and 240 feet long North and South and running from Main Street on the North to Meadow Street on the South and bounded on the East on December 15, 1892 by R.P. Russell and on the West by Mary M. DeBerry. ALSO a tract of land described as follows: Beginning in the South line of Main Street at the Northeast corner of Lot 5, in Block 2, CALVIN SMITH'S ADDITION, and running thence South 240 feet to the Southeast corner of Lot 6, in Block 2, aforesaid in the North line of Meadow Street, thence East 55 feet, more or less, to Jacob C. Creek's corner, thence North 120 feet, thence West 35 feet to a point 20 feet East of the Northeast corner of said Lot 6, thence North 120 feet to the South line of Main Street, thence West 20 feet to the Place of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.



As provided in the Zoning and Subdivision Ordinances of Smithville, MO the above item(s) will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes. For those who wish to give testimony during the Public Hearing, you may attend the meeting in person or email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom.

Please publish in the February 18th, 25th and the March 4th Editions of the CT.



STAFF REPORT
March 9, 2021
Rezoning of Parcel Id # 05-617-00-07-007.00

Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 319 E. Main St.
Owner: LMW Investments, LLC
Current Zoning: R-1B
Proposed Zoning: R-3

Public Notice Dates:

1st Publication in Newspaper: February 18, 2021
Letters to Property Owners w/in 185': February 19, 2021

GENERAL DESCRIPTION:

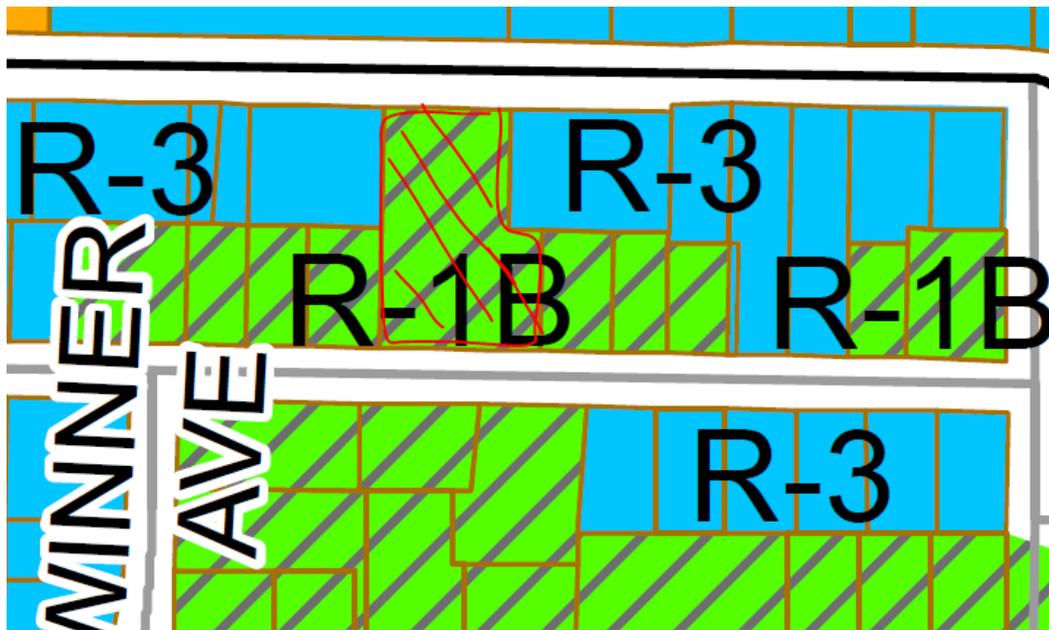


The applicant seeks to rezone the subject property to R-3 to match the zoning on either side of the existing house on the Main St. side of the property.

The stated purpose is to demolish the existing old white house on the property and then design a multifamily development to replace the single-family home. The property is immediately south of the Heritage Park parking lot entrance. The property is a double frontage lot that is addressed from the north side, Main St., but is accessed from the south side, off Meadow St. The street block on the north half of the lot, except this parcel, is all zoned for multifamily, with properties to the east being developed with multifamily housing, and to the west with single family units. The south half of the lot is predominantly zoned single family, with some multifamily just to the east and to the southeast of the property.

EXISTING ZONING:

The existing zoning is R-1B.



CHARACTER OF THE NEIGHBORHOOD 400.560.C.1

The surrounding area is a mix of R-3 multifamily and R-1 single family housing, in a clearly transitional area.

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, in section HN1.1 of the Implementation Matrix for housing states "Support providing additional housing stock throughout the city of Smithville to meet

current and future residents needs by encouraging new residential development in areas identified in the Future land Use Map.”

In addition, section HN2.1 states: “Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville’s Downtown.”

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

Streets and Sidewalks:

Adjacent streets are fully constructed, with improvements planned on the Main St. area this 2021 construction season. The Meadow St. side of the property has sidewalks the entire length, but the Main St. side only has sidewalks through half of the property. During the review of any proposed construction project, extending and improving the north side of the lot’s sidewalk will be required along the entire property length.

Water, Sewer and Storm water

The city has adequate water, sewer, and stormwater infrastructure in this developed area. A stormwater evaluation will be required as a part of the site plan process prior to any construction.

All other utilities

Future Development will be conditioned upon installation of all needed upgraded 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 an old single-family home that has had multiple additions over time. The house sits on a very large lot (.79 acre) with frontage on two streets.

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

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966.

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

The adjacent land on the north half of the property is zoned multifamily, although the properties to the east are developed with single family homes. The south half has mainly single family uses, on varying districts (R-1 or R-3) with some vacant lots.

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

No detrimental effects are known in this clearly transitional area of the city. Investment in the area to rehabilitate viable housing stock and future development has significantly increase in the last three years.

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 that the rezoning to R-3 be approved, with lot development subject to Site Plan Review.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: LMW Investments, LLC

Land Use Proposed: R-3

Zoning: R-1B

Property Location: 319 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 March 9, 2020, 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 mix of R-3 multifamily and R-1 single family housing, in a clearly transitional area.

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, in section HN1.1 of the Implementation Matrix for housing states "Support providing additional housing stock throughout the city of Smithville to meet current and future residents needs by encouraging new residential development in areas identified in the Future land Use Map." In addition, section HN2.1 states: "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

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

Streets and Sidewalks:

Adjacent streets are fully constructed, with improvements planned on the Main St. area this 2021 construction season. The Meadow St. side of the property has sidewalks the entire length, but the Main St. side only has sidewalks through half of the property. During the review of any proposed construction project, extending and improving the north side of the lot's sidewalk will be required along the entire property length.

Water, Sewer and Storm water

The city has adequate water, sewer, and stormwater infrastructure in this developed area. A stormwater evaluation will be required as a part of the site plan process prior to any construction.

All other utilities

Future Development will be conditioned upon installation of all needed upgraded 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 an old single-family home that has had multiple additions over time. The house sits on a very large lot (.79 acre) with frontage on two streets.

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

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966.

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

The adjacent land on the north half of the property is zoned multifamily, although the properties to the east are developed with single family homes. The south half has mainly single family uses, on varying districts (R-1 or R-3) with some vacant lots.

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

No detrimental effects are known in this clearly transitional area of the city. Investment in the area to rehabilitate viable housing stock and future development has significantly increase in the last three years.

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

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

9. That in rendering this Finding of Fact, testimony at the public hearing on March 9, 2021, 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 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.

BILL NO. 2858-20

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT.

WHEREAS, The City of Smithville received an application for rezoning a portion of 18601 169 Hwy on January 28, 2021; and

WHEREAS, the public was notified by publishing in the CT paper on February 18th, 25th and March 4th, 2021 and notices were mailed to adjoining property owners on February 19th, 2021.

WHEREAS, a Public Hearing was conducted before the Planning Commission on March 9 2021; and

WHEREAS, the rezoning is to change the zoning from single to multifamily; 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 of Lots 5 and 6 in Block 2, CALVIN SMITH'S ADDITION to the City of Smithville, comprising a strip of land 60 feet wide East and West and 240 feet long North and South and running from Main Street on the North to Meadow Street on the South and bounded on the East on December 15, 1892 by R.P. Russell and on the West by Mary M. DeBerry. ALSO a tract of land described as follows: Beginning in the South line of Main Street at the Northeast corner of Lot 5, in Block 2, CALVIN SMITH'S ADDITION, and running thence South 240 feet to the Southeast corner of Lot 6, in Block 2, aforesaid in the North line of Meadow Street, thence East 55 feet, more or less, to Jacob C. Creek's corner, thence North 120 feet, thence West 35 feet to a point 20 feet East of the Northeast corner of said Lot 6, thence North 120 feet to the South line of Main Street, thence West 20 feet to the Place of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

is hereby changed from R-1B 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. That the Mayor is authorized and directed to execute the attached Development Agreement with the applicant.

Section 4. 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: / /

Second Reading / /

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on March 9, 2021, the Smithville Planning Commission in City Hall, 107 W. Main St., Smithville, MO will consider the following:

An Application to rezone certain parcels from R-1 and B-2 to R-3 and B-3 on property legally described as follows:

R-3 Description:

A Part Of The Northwest Quarter Of The Northwest Quarter Of Section 26, Township 53 North, Range 33 West, Smithville, Clay County, Missouri. Commencing At The Northwest Corner Of Section 26; Thence South 00 Degrees 22 Minutes 53 Seconds West Along The West Line Of The Northwest Quarter Of The Northwest Quarter 352.50 Feet; Thence North 88 Degrees 57 Minutes 02 Seconds East Departing Said Line 134.12 Feet; Thence South 89 Degrees 41 Minutes 41 Seconds East 176.29 Feet; Thence South 89 Degrees 47 Minutes 13 Seconds East 118.64 Feet To The Point Of Beginning. Thence North 00 Degrees 25 Minutes 40 Seconds East 325.13 Feet To The Southerly Right-Of-Way Of West Summit Street As Now Located; Thence South 89 Degrees 49 Minutes 14 Seconds East Along Said Right-Of-Way 50.26 Feet; Thence South 00 Degrees 21 Minutes 16 Seconds West Departing Said Right-Of-Way 327.56 Feet; Thence South 89 Degrees 50 Minutes 49 Seconds East 137.41 Feet; Thence North 00 Degrees 09 Minutes 11 Seconds East 327.50 Feet To The Said Southerly Right-Of-Way Of West Summit Street As Now Located; Thence South 89 Degrees 48 Minutes 50 Seconds East Along Said Right-Of-Way 182.99 Feet; Thence South 00 Degrees 03 Minutes 27 Seconds East Departing Said Right-Of-Way 324.50 Feet; Thence North 87 Degrees 47 Minutes 46 Seconds West 49.47 Feet; Thence South 00 Degrees 28 Minutes 16 Seconds West 197.51 Feet; Thence South 00 Degrees 28 Minutes 16 Seconds West 150.00 Feet; Thence South 89 Degrees 25 Minutes 36 Seconds East 82.15 Feet; Thence South 03 Degrees 42 Minutes 17 Seconds West 63.20 Feet To The Northwest Corner Of Lot A-3 As Per Book H Page 15; Thence South 89 Degrees 33 Minutes 53 Seconds East Along The Northerly Line Of Said Lot 132.09 Feet; Thence South 03 Degrees 40 Minutes 40 Seconds West 168.21 Feet; Thence South 89 Degrees 35 Minutes 34 Seconds East 154.90 Feet; Thence South 50 Degrees 45 Minutes 39 Seconds East 39.67 Feet To The Westerly Right-Of-Way Of Commercial Street As Now Located; Thence South 03 Degrees 42 Minutes 08 Seconds West Along Said Right-Of-Way 102.50 Feet; Thence North 89 Degrees 33 Minutes 53 Seconds West Departing Said Right-Of-Way 319.40 Feet; Thence South 04 Degrees 46 Minutes 33 Seconds West 255.62 Feet To The South Line Of The Northwest Quarter Of The Northwest Quarter; Thence North 89 Degrees 30 Minutes 55 Seconds West Along Said Line 554.34 Feet The Easterly Right-Of-Way Of Missouri State Highway "169" As Now Located And Along The Following Described Calls; Thence North 07 Degrees 42 Minutes 47 Seconds West 93.72 Feet; Thence North 30 Degrees 27 Minutes 16 Seconds West 172.87 Feet; Thence North 10 Degrees 39 Minutes 51 Seconds West 148.45 Feet; Thence North 73 Degrees 24 Minutes 11 Seconds East Departing Said Right-Of-Way 139.60 Feet; Thence North 12 Degrees 41 Minutes 08 Seconds East 252.50 Feet; Thence North 32 Degrees 01 Minutes 16 Seconds East 253.86 Feet; Thence North 00 Degrees 25 Minutes 40 Seconds East 65.80 Feet; To The Point Of Beginning Containing 14.91 Acres More Or Less

B-3 Description:

A Part Of The Northwest Quarter Of The Northwest Quarter Of Section 26, Township 53 North, Range 33 West, Smithville, Clay County, Missouri. Commencing At The Northwest Corner Of Section 26; Thence South 00 Degrees 22 Minutes 53 Seconds West Along The West Line Of The Northwest Quarter Of The Northwest Quarter 352.50 Feet To The Point Of Beginning. Thence North 88 Degrees 57 Minutes 02 Seconds East Departing Said Line 134.12 Feet; Thence South 89 Degrees 20 Minutes 54 Seconds East 59.73 Feet; Thence South 89 Degrees 52 Minutes 20 Seconds East 116.56 Feet; Thence South 89 Degrees 47 Minutes 13 Seconds East 118.64 Feet; Thence South 00 Degrees 25 Minutes 40 Seconds West 65.80 Feet; Thence South 32 Degrees 01 Minutes 16 Seconds West 253.86 Feet; Thence South 12 Degrees 41 Minutes 08 Seconds West 252.50 Feet; Thence South 73 Degrees 24 Minutes 11 Seconds West 139.60 Feet To The Easterly Right-Of-Way Of Missouri State Highway "169" As Now Located And Along The Following Described Calls; Thence North 10 Degrees 51 Minutes 00 Seconds West 236.76 Feet; Thence North 14 Degrees 43 Minutes 47 Seconds West 83.79 Feet; Thence North 20 Degrees 55 Minutes 46 Seconds West 111.45 Feet To The West Line Of The Northwest Quarter Of The Northwest Quarter; Thence North 00 Degrees 22 Minutes 53 Seconds East Along Said West Line 148.50 Feet; To The Point Of Beginning Containing 3.52 Acres More Or Less.



As provided in the Zoning and Subdivision Ordinances of Smithville, MO the above item(s) will be discussed and considered by the Planning Commission, and all

persons interested in said matter will be heard at this time concerning their views and wishes. For those who wish to give testimony during the Public Hearing, you may attend the meeting in person or email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom.

Please publish in the February 18th, 25th and the March 4th Editions of the CT.



STAFF REPORT
March 9, 2021

Rezoning of Parcel Id's# 05-905-00-03-025.00 and 05-905-00-03-013.04

Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

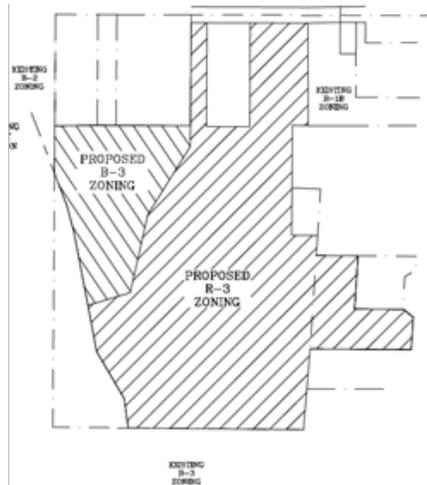
Property Information:

Address: 15901 N 169 Hwy
Owner: High Tide Properties, LLC
Current Zoning: R-1B
Proposed Zoning: R-3

Public Notice Dates:

1st Publication in Newspaper: February 18, 2021
Letters to Property Owners w/in 185': February 19, 2021

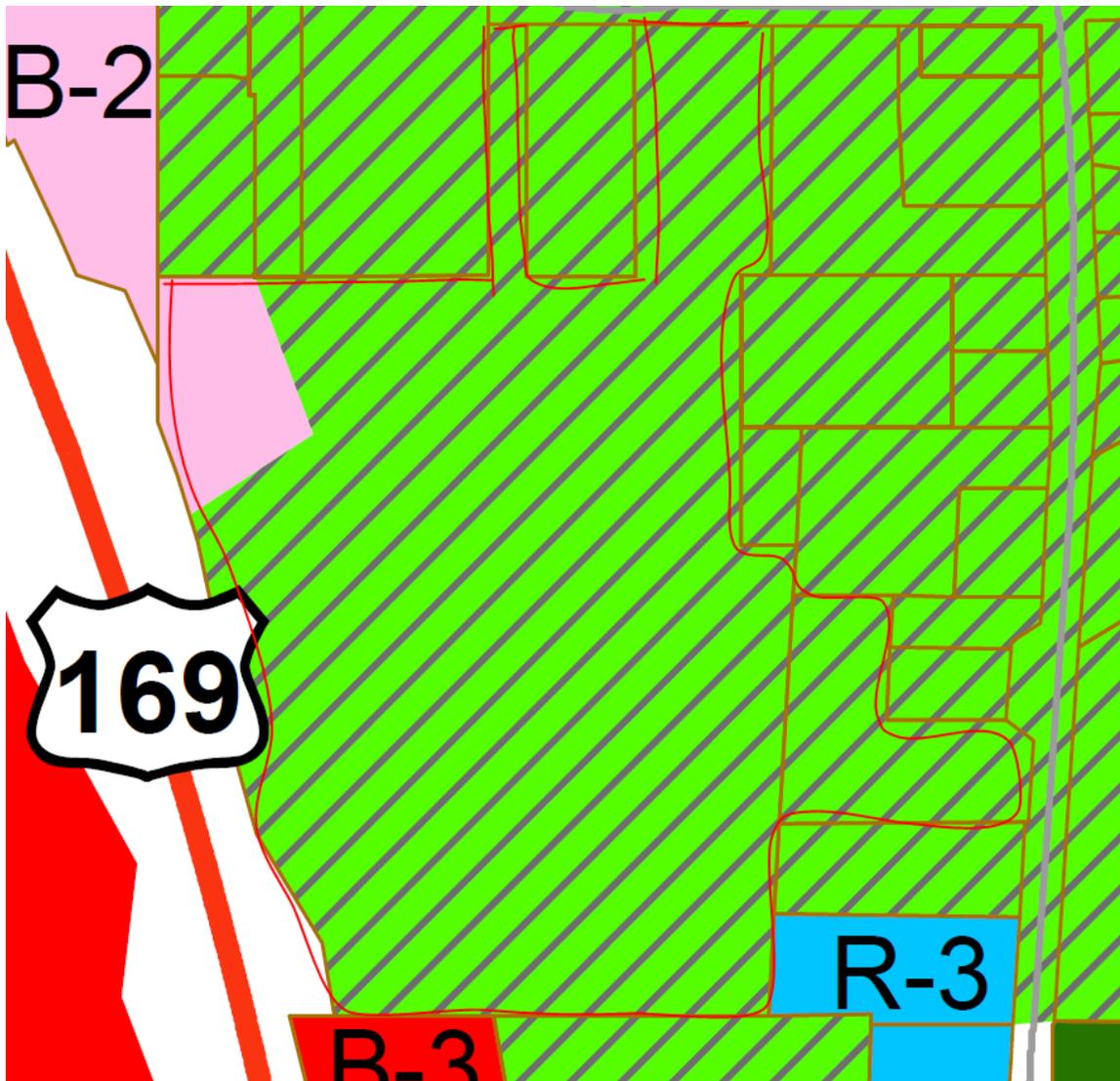
GENERAL DESCRIPTION



The applicant seeks to rezone the subject properties to R-3 and B-3. The total acreage of both vacant parcels is 18.25 acres. The applicant has expressed a desire to develop this long vacant land into mixed uses. The B-3 portion of the property would be the northwest portion of the land adjacent to 169 on the west, and R-3 on the remaining land. The expressed intent is to construct an apartment complex type development in the R-3 area with access across the property from Commercial St. to 169, and future commercial uses along the northwest frontage area.

EXISTING ZONING:

The existing zoning is R-1B and B-2.



CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly R-1B on the north and east of the project area, with some R-3, B-3 and B-2 uses in operation to the northwest and along the south areas.

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, in section HN1.1 of the Implementation Matrix for housing states "Support providing additional housing stock throughout the city of Smithville to meet current and future residents needs by encouraging new residential development in areas identified in the Future land Use Map."

In addition, section HN2.1 states: "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

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

The property is approximately 18.25 acres of undeveloped land that has stood vacant and unused for its' entire time in the city limits. The property fronts upon 169 Hwy across from the new Smithville MarketPlace development and is bisected by a new waterline, and access to sewers on the east side. Any development would be required to upgrade the water, sewer and stormwater infrastructure to meet the ultimately proposed density, and both vehicular and pedestrian access will be subject to Site Plan review.

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

The current use is a vacant tract of land that was previously an unused field. The site had grown up with a large amount of small thorny locust shrubs and weeds. With frontage and primary access off 169, the site is not significantly compatible with its' existing zoning of small lot single family. The highest and best use would be some form of residential and commercial mix to step down the uses as it transitions into single family to the east.

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

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966.

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

The property primarily fronts onto 169 Hwy and is surrounded by commercial uses to its north and south on that frontage. The remainder of the land that is adjacent, is primarily single-family residential land that backs up to this unused field.

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

No detrimental effects are anticipated to the adjacent property values and will not add additional traffic through adjacent residential streets.

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, but the view and solitude of a vacant 18-acre parcel will be removed. The addition of additional housing near downtown and shopping will provide substantial public gain.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to R-3 and B-3 be approved, with lot development subject to Site Plan Review.

Respectfully Submitted,

Zoning Administrator

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: LMW Investments, LLC

Land Use Proposed: R-3

Zoning: R-1B

Property Location: 319 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 March 9, 2020, 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 predominantly R-1B on the north and east of the project area, with some R-3, B-3 and B-2 uses in operation to the northwest and along the south areas.

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, in section HN1.1 of the Implementation Matrix for housing states "Support providing additional housing stock throughout the city of Smithville to meet current and future residents needs by encouraging new residential development in areas identified in the Future land Use Map." In addition, section HN2.1 states: "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

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

The property is approximately 18.25 acres of undeveloped land that has stood vacant and unused for its' entire time in the city limits. The property fronts upon 169 Hwy across from the new Smithville MarketPlace development and is bisected by a new waterline, and access to sewers on the east side. Any development would be required to upgrade the water, sewer, and stormwater infrastructure to meet the ultimately proposed density, and both vehicular and pedestrian access will be subject to Site Plan review.

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

The current use is a vacant tract of land that was previously an unused field. The site had grown up with a large amount of small thorny locust shrubs and weeds. With frontage and primary access off 169, the site is not significantly compatible with its' existing zoning of small lot single family. The highest and best use would be some form of residential and commercial mix to step down the uses as it transitions into single family to the east.

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

The property was zoned to the existing district classification presumably when Smithville implemented zoning in 1966.

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

The property primarily fronts onto 169 Hwy and is surrounded by commercial uses to its north and south on that frontage. The remainder of the land that is adjacent, is primarily single-family residential land that backs up to this unused field.

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

No detrimental effects are anticipated to the adjacent property values and will not add additional traffic through adjacent residential streets.

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, but the view and solitude of a vacant 18-acre parcel will be removed. The addition of additional housing near downtown and shopping will provide substantial public gain.

9. That in rendering this Finding of Fact, testimony at the public hearing on March 9, 2021, 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 to R-3 and 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 R-3 and B-3.

BILL NO. 2858-20

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT.

WHEREAS, The City of Smithville received an application for rezoning a portion of 18601 169 Hwy on January 28, 2021; and

WHEREAS, the public was notified by publishing in the CT paper on February 18th, 25th and March 4th, 2021 and notices were mailed to adjoining property owners on February 19th, 2021.

WHEREAS, a Public Hearing was conducted before the Planning Commission on March 9 2021; and

WHEREAS, the rezoning is to change the zoning from single to multifamily; 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 of Lots 5 and 6 in Block 2, CALVIN SMITH'S ADDITION to the City of Smithville, comprising a strip of land 60 feet wide East and West and 240 feet long North and South and running from Main Street on the North to Meadow Street on the South and bounded on the East on December 15, 1892 by R.P. Russell and on the West by Mary M. DeBerry. ALSO a tract of land described as follows: Beginning in the South line of Main Street at the Northeast corner of Lot 5, in Block 2, CALVIN SMITH'S ADDITION, and running thence South 240 feet to the Southeast corner of Lot 6, in Block 2, aforesaid in the North line of Meadow Street, thence East 55 feet, more or less, to Jacob C. Creek's corner, thence North 120 feet, thence West 35 feet to a point 20 feet East of the Northeast corner of said Lot 6, thence North 120 feet to the South line of Main Street, thence West 20 feet to the Place of Beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

is hereby changed from R-1B 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. That the Mayor is authorized and directed to execute the attached Development Agreement with the applicant.

Section 4. 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: / /

Second Reading / /



STAFF REPORT

Date:	September 23, 2020
Prepared By:	Jack Hendrix
Subject:	Comprehensive Plan Implementation Actions

This report is to identify and begin the work necessary to implement the new Comprehensive Plan. As you may recall, each of the five pillars of the Strategic Plan were identified in the Comprehensive Plan with implementation actions to enact the Pillars into our community as it develops. A secondary layer of the timeframe for implementing each action in each Pillar was also created, with four categories: 0-3 years, 3-7 years, 7-10 years, and Ongoing actions (0-10 years). Lastly, a third layer of the overall priority of each action was created, with just three categories: Low, Moderate and High Priorities.

One of the overall priorities of the community, as shown in the strategic plan work of 2019, and more focused work on the new Comprehensive Plan in 2020 is to provide a broader, more diverse housing stock options for all ages and income levels.

Staff is working on developing the work needed to start the implementation process. Several of the items in the implementation actions list relate to updating the city zoning and subdivision ordinances to assist in implementing the Comprehensive Plan. With this new plan, several of the concepts of the past plan have changed in the housing options and density tolerances. The previous plan focused on low density single family detached housing in most areas of the city.

Using the community input taken over the planning process, the new Comprehensive Plan changes that focus. At this point, Smithville is running very low on available housing lots that are developed for construction. There are numerous discussions going on to bring in new housing developments. Before that process begins in full earnest, some of the Comprehensive Plan's Implementation actions need to be addressed to maintain some control over how and where development occurs.

This report is to address the following Implementation Actions:

Diverse Housing and Neighborhoods – #5 Provide Housing Options for All:

5.4: Adjust and consider removing, maximum floor area requirements in the R-3 zoning District to allow a market-driven variety of unit sizes, particularly in new multi-family developments. 0-3 years, High priority.

5.5: Establish High Density Residential Zoning District to encourage a broader range of housing typologies in Smithville. 3-7 years, Low Priority

5.6 Monitor housing affordability, working to ensure housing options for all income levels in Smithville. Ongoing, Moderate Priority.

While these options all have different priority levels and timing levels, they all would benefit from certain code changes that would allow developments to begin the process of implementing these goals. These changes are all directly tied to each other in the regulatory scheme, so staff is presenting options for each to begin discussions on the matters.

HOUSING AFFORDABILITY

To begin, we have regularly heard the concerns of potential residents of the price of homes in Smithville. That concern has moved from potential residents to real estate sales agents, and now it is coming from developers. We've also heard the concerns that there are limited options for housing in Smithville. This second concern is related not only to the low density focus in past Comprehensive plans, but also directly in the zoning code. One way zoning codes can impact the price level of housing is to require larger lots and larger homes.

Our codes have lot size limitations for new Single-Family detached housing developments (75' street frontage R-1B) and as well as dwelling unit sizes, 1,100 ft² in R-1 districts and 900 ft² in R-3 districts. While these options are capable of being modified, it requires that the development obtain an additional approval of a conceptual plan. This added layer of regulation can be expensive to bring forward, and riskier than the base rezoning request. As a result, we have had limited developments brought forward using this method.

In the last couple of years, construction costs for housing materials have, in some sectors, more than tripled. This obviously adds costs to the new home. Factor in the lot and unit size limitations, we have made it difficult to obtain developments that are considered affordable for most entering the housing market. Staff is proposing discussion on two levels: one that addresses lot sizes to provide options to reduce the overall lot costs and the second that addresses the dwelling unit sizes.

The first issue would be to address the minimum frontage and lot sizes for future developments that incorporate options for many of the new housing concepts that have developed. Reducing the lot sizes increases density, but it also reduces development costs per lot. Lower lot costs translate into lower price points, making housing more affordable. It would be appropriate to also discuss the Tiny House concept at this juncture.

The second issue would be to address the dwelling unit sizes. If those sizes are addressed, it would allow development of more market friendly housing, especially in the R-3 district. Attached to this memo is a draft of a potential new zoning district that will allow the discussion to begin on the lot size issues along with three tables to aid in your discussion.

Table 1. is a comparison of other communities' lot size and spacing regulations to help develop the best practices for Smithville;

Table 2. is a focused spreadsheet on dwelling unit sizes broken out by each district type for our current code;

Table 3. is a spreadsheet of 5 selected apartment complexes in the metro area that is intended to be representative of market-driven apartment sizes in our region.

Based upon the Commission's comments and feedback on these items, staff will draft a proposed ordinance that represents the consensus of the Commission. At a future meeting, staff will publicly advertise for a hearing to receive public input on these changes. Following that public hearing, the Commission can make recommendations for changes to the Board for final approval.

Table 1. - Comparison of Local Cities Districts and Lot Sizes

District	District Density	Lot Area	Lot Coverage	Dimensions	Unit SF	Front	Side	Rear	
R-R Rural	3 acres perunit	120,000	n/a	200x600	1100/1300	60	50	100	
R-1 Low Density	5 DU/Acre	8,250	35%	75x110	1100/1300	25	7.5	30%	
R-2 Two Fam	9 DU/Acre	9,000*	35%	90x110*	800 DU*	25	10*	25*	
R-3 Medium Density	13 DU/Acre	3300/3 units + 1,650 per after	40%			30*	10*	25*	Kearney
R-4 High Density	26 DU/Acre	1,650 per unit	40%			30*	10*	25*	
R-1A Traditional		2,500		40^	1,100	0	3	10	
R-1 New		7,500		70^	1,100	25	7	25	
R-2 Two Family		10,800		90^		30	7	25	Excelsior
R-3 townhome (P)		6,000/3,000 per unit				30	7		
R-4 Medium Density (P)		2K/4units 1.7K/3 1.4k/2				30	15	30	
R-5 High Density (P)		1,000 per unit				30	15	30	
R-1A suburban	\$ Retained District			200x110	864	60	100	25	
R-1B Low Density	\$ Retained District			50x90	864	30	7	30	
RC Rural Conservation 2 DU per acre over 50%		5,000	50%	50x90	864	30	7	30	Liberty
R-1C Standard SF		8,000		70x110	864	30	7	30	
RNC res. Nbhood Cons. 2 DU per acre over 50%		5,000	50%	50x90	864	30	7	30	
RN nbhood Residential		5,000		50x90	864	BW 20-30	10 and 5	20	
R-2 two family		8,000/4,000		70x110		35	8 and 12	30	
R-3 SF cluster	\$ Retained District			40x110		35	10	10	
R-4 Townhouse	\$ Retained District			40x110		35	25	25	
R-5 Garden Apt.		3,500 per unit		40x110		20	10	10	
R-1 Single Family		8,400	30%	70	1,200	35	9	35	
RCH-1 Cluster housing		8,400 per unit	40% district			Planned			Gladstone
R-2 Two Family		10,000	30%	70		35	9	35	
R-3 Garden Apartment		8K 1st, 3k for each after 1st				35	9	25	
R-4 Apartment House		8k 1st, 2k for each after 1st				Not Less	Than bldg	height	
RE Rural Estate		3 acres	30%	220x100		50	15	40	
RR Rural Residential		1 acres	30%	125x100		400	15	30	
R-1A SF		10,000	30%	70x100		30	10	30	Raymore
R-1 SF		8,400	30%	70x100		30	10	30	
R-1.5 SF		6,500	40%	60x100		30	7.5	30	
R-2 Two Family		10,000/5,000DU	30%	70x100		30	10	30	
R-3 Medium Density		11,250/3,750DU	30%						
R-3A Multiple Family		12,000/2,000DU	30%	70x100		30	10	30	
R-3B Apartment		12,000/2,000DU	40%	90x120		30	10	30	

* if SF is built, then SF standards apply

^must meet total area requirements

\$ EXISTING DISTRICTS ONLY, NO NEW DISTRICTS TO BE CREATED

Table 2. Dwelling Unit Sizes by District in Smithville

Zoning District	A-1	A-R	R-1A	R-1B	R-1D	R-2	R-3	
Single Family Dwelling Min. Size	None	None	1,100	1,100	None	None	1,100	
Two-Family Dwelling Min. Size/Unit	N/A	N/A	N/A	N/A	N/A	None	None	
Multi-Family Dwelling* Min. Size/Unit	N/A	N/A	N/A	N/A	N/A	N/A	900	
* Multi-Family Dwelling includes both traditional apartments and townhouses (Single Family Attached)								
<p>It is important to note that there are differences between the zoning code definitions and the building code definitions of what constitutes a dwelling. Single Family Attached Units are generally townhomes with not less than two sides of the building open to the street or a yard from the foundation to the roof. If that is not met, then it is considered multifamily under the building codes and must be constructed under the International Business Code, not the Residential Code.</p> <p>Our zoning requires both multi-family and single-family attached (townhomes) be constructed in the R-3 District.</p>								

Table 3. Sample of Area Market Apartment Sizes				
	Studio	1 Bedroom	2 Bedroom	3 Bedroom
Rivermarket 1	546 ft2	674-864 ft2	864-1377	n/a
Rivermarket 2	n/a	560-800 ft2	912 ft2	n/a
KC North 1	490-634 ft2	637-1050 ft2	1014-1446 ft2	1325-1592 ft2
KC North 2	n/a	648 ft2	864 ft2	n/a
OPKS	n/a	598-725 ft2	952-1087 ft2	1305 ft2
Average	557 ft2	729 ft2	1064 ft2	1007 ft2