



Planning and Zoning Commission Meeting

October 12, 2021

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

Anyone who wishes to view the meeting in real time may do so as it will be streamed live on the city’s YouTube page through YouTube Live.

1. Call to Order - *Mayor Boley to sit as Chair until election of new Chair*
2. Approve the September 14, 2021, Planning Commission Minutes
3. Staff Report
4. Election of Planning Commission Chair
5. Election of Vice-Chair
6. Election of Secretary
7. Public Hearing

Planned Development Overlay District Richardson Street Plaza

ITEM TO BE POSTPONED UNTIL NOVEMBER 9, 2021

8. Richardson Street Plaza Planned Development Overlay District
Three lots to be created at 169 & Richardson (NW Corner)

ITEM TO BE POSTPONED UNTIL NOVEMBER 9, 2021

9. Public Hearing
Single Phase Final Plat – Richardson Street Plaza (3 lots)

ITEM TO BE POSTPONED UNTIL NOVEMBER 9, 2021

10. Public Hearing
Initial Zoning Lot 8 Lakeside Crossing (2413 NE 157th Ter.)

11. Initial Zoning Lot 8 Lakeside Crossing

12. Adjourn

<p>Join Zoom Meeting https://us02web.zoom.us/j/88193143906 ID: 881 9314 3906 Passcode: 386641</p>
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SMITHVILLE PLANNING COMMISSION

REGULAR SESSION
September 14, 2021
7:00 P.M.
Council Chambers

Due to the COVID-19 pandemic this meeting was held via the Zoom meeting app.

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

Those attending the meeting: Deb Dotson (zoom), Alderman John Chevalier (zoom), Mayor Damien Boley (in person), Dennis Kathcart (zoom), Carmen Xavier (zoom), Rob Scarborough (zoom), Chairman Rand Smith (in person), and Development Director Jack Hendrix (in person).

1. CALL TO ORDER

Chairman Rand Smith called the meeting to order at 7:00 p.m.

2. MINUTES

The August 10, 2021, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by ALDERMAN CHEVALIER.

Ayes 7, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

We have issued 41 single family residential permits and 8 commercial building permits since January 1, 2021. Under the zoning permit side (infrastructure permits) we have 3 active construction projects. They are First Park 2nd plat, Eagle Ridge and Diamond Creek subdivisions.

Jack anticipates at the October meeting a 3-lot commercial subdivision located by the Post Office will be brought forward to this commission.

There is also a potential for the Eagle Heights subdivision coming back to this commission soon. We believe the subdivision name will be changing as well. It is the same concept that it was presented to us 3 months ago but was pulled at the last minute by the developer. They have reworked some things and will be bringing this back to us.

SMITH asked Mr. Hendrix about the status of the construction at the Shamrock gas station.

HENDRIX stated that they had to completely remediate the existing gas tanks. There is a process in Missouri on how they do that. Once that is done they will put in the new tanks. They also have a retaining wall in the ditch area on the south side that is not complete but are starting to make progress on. They have had issues with some of the subcontractors but are starting to make some progress now.

SMITH also asked if there was an estimated completion date for Burger King?

HENDRIX stated that there is not. Construction on this project starts and stops. They poured concrete today on the south part of the parking lot and the drive thru lanes. They still do not have power set and not we are 100% certain why. Domino's Pizza is 98% complete but they still don't have power in yet, but they are working on it. Jimmy John's just started work and so has the dental office in that same strip mall.

MAYOR BOLEY stated that a lot of Evergy's linemen have been deployed to Louisiana. Getting work done on electricity up here is prioritized on emergency and then down the line.

KATHCART asked if Attic Storage installed the water line under 169 Hwy yet?

HENDRIX stated that they have not. They are able to build the first buildings on the south side first. Due to the size of these buildings, they are not required to have fire sprinklers. They do have a new water line attachment

and hydrant installed that went through the Public Works department and Fire department.

4. SINGLE PHASE FINAL PLAT – LIBERTY ACRES 2ND PLAT – A REPLAT OF LOT 2, LIBERTY ACRES SUBDIVISION TO CREATE ONE NEW LOT (2 TOTAL)

HENDRIX stated that this is currently a 17-18 acre tract of land that has frontage on Commercial Street and Liberty Street. It is located north of the Eagle Ridge subdivision. The owner, Mr. Blake, currently lives on what would eventually become lot 3 if this is approved. He is seeking to sell off the back side of his property that has frontage on Liberty Street. It would be a roughly 6 acre tract of land.

MAYOR BOLEY motioned to approve the Single Phase Final Plat, Liberty Acres 2nd plat. Seconded by KATHCART.

PUBLIC COMMENT: None

DISCUSSION: None

THE VOTE: SCARBOROUGH-AYE, ALDERMAN CHEVALIER-AYE, XAVIER-AYE, SMITH-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE.

AYES-7, NOES-0. MOTION PASSED

5. ADJOURN

Before the meeting was adjourned Mayor Boley informed the commission that this is Mr. Smith's last Planning and Zoning meeting. He has served on this commission for the last 8 years and 8 months. He was initially appointed to fill an unexpired term. He has served on this commission through a time where a lot of change occurred in Smithville. He has served as Vice Chairman and his most recent role as Chairman. Mayor Boley and Mr. Hendrix presented Chairman Rand Smith with a letter of recognition for all of his hard work and time spent serving this commission.

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

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:13 p.m.

NOT YET APPROVED



STAFF REPORT

October 12, 2021

Rezoning of Parcel Id # 05-908-00-03-030.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 2413 NE 157th Ter. (Lot 8)
Owner: Angela Hutchings
Current Zoning: New annexation
Proposed Zoning: R-1B

Public Notice Dates:

1st Publication in Newspaper: September 23, 2021
Letters to Property Owners w/in 185': September 27, 2021

GENERAL DESCRIPTION:

The applicant recently annexed her home in the Lakeside Crossing subdivision into the City Limits. The initial zoning needs to be set by the City. This home is one of 11 homes that were not annexed into the city when the subdivision annexed over 15 years ago. The area is a single-family residential subdivision with adjacent R-1B zoning.

EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

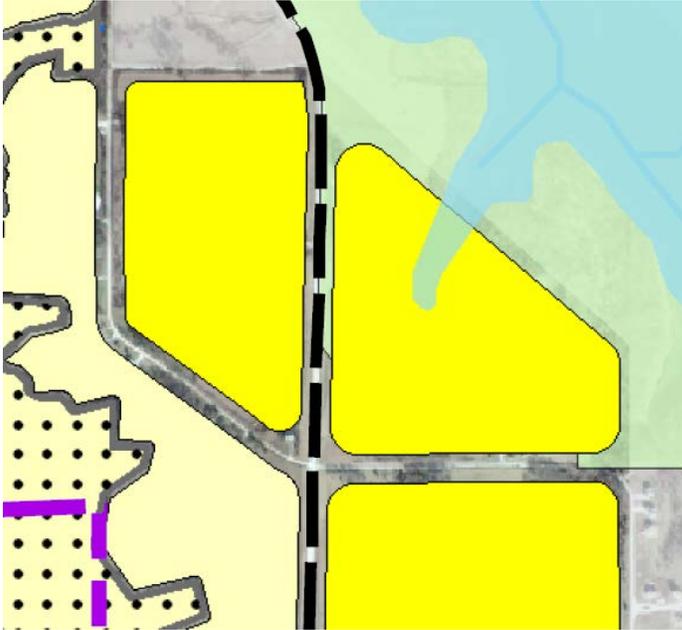
CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is single family residential housing in a standard subdivision.

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

The previous Comprehensive Plan was approved on October 6, 2005, and called for low density housing. It is in compliance with the plan in place at the time of

construction. The current Plan adopted in in November 2020 calls for annexations to clear up the city boundaries.



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

The lot is in a fully completed subdivision with all utilities and public services.
Streets and Sidewalks:

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

The current use is single family residential formerly outside the city limits.

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

The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.

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

The proposed district is the same as the existing 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 meets the Comprehensive Plan recommendations.

Respectfully Submitted,

Zoning Administrator

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on October 12, 2021, the Smithville Planning Commission will conduct virtual public hearings (online via Zoom) and consider the following:

An application for setting the initial zoning of recently annexed property to R-1B located in the Lakeside Crossing Subdivision and legally described as follows:

Lot 8, Lakeside Crossing First Plat and as depicted below.



As provided in the Zoning Ordinances of Smithville, Mo. the above item 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; and any protest of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as provided by law.

For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom to access the meeting via internet or phone.

(Publish in the September 23rd Edition of the CT)

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicants: Angela Hutchings

Land Use Proposed: R-1B

Zoning: County Single Family

Property Locations: 2413 NE 157th Ter.

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 at a public hearing of the Planning and Zoning Commission of the City of Smithville, held on October 12, 2021, 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 single family residential housing in a standard subdivision.
2. Consistency with the City's Comprehensive Plan and ordinances.
The Comprehensive Plan in effect when the homes were built was approved on October 6, 2005 and calls for low density housing. The current plan adopted in November 2020 recommends that annexations occur to clean up the borders of the city limits. It complies with the plan.
3. Adequacy of public utilities and other needed public services.
The lot is in a fully completed subdivision with all utilities and public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is single family residential formerly outside the city limits.
5. Length of time the property has remained vacant as zoned.
The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.
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 hearings on October 12, 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 Zoning of this property from County Single Family Residential to R-1B 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 R-1B.

BILL NO. 2905-21

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 annexation of 2413 NE 157th; and

WHEREAS, after the property was annexed, the City is required to designate the initial zoning of newly annexed property, so a Public Hearing for the land was conducted before the Planning Commission on October 12, 2021; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as R-1B.

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: Lot 8, Lakeside Crossing 1st Plat, a subdivision in Clay County Missouri

is hereby set as R-1B.

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_____

Mayor

ATTEST:

City Clerk

First Reading: 10/19/2021

Second Reading / /

Exhibit A

All that part of the North one half of Section 36, Township 54, Range 33, Clay County, Missouri, described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Section 36; thence North 89 degrees 49 minutes 48 seconds East along the North line of the Northeast Quarter of said Section 36, a distance of 662.69 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence South 0 degrees 20 minutes 18 seconds West along the East line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 663.23 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence North 89 degrees 50 minutes 00 seconds East along the South line of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 590.45 feet to the West line of the East 170 Acres of said Section 36; thence South 0 degrees 26 minutes 29 seconds West along the West line of the East 170 Acres of said Section 36, a distance of 114.37 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 971.22 feet; thence South 56 degrees 32 minutes 56 seconds West, a distance of 98.83 feet; thence South 46 degrees 04 minutes 14 seconds West, a distance of 376.49 feet to the most Westerly corner of Tract "G", HARBOR LAKE FIFTH PLAT, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 89 degrees 43 minutes 06 seconds West, a distance of 238.15 feet; thence South 13 degrees 23 minutes 08 seconds West, a distance of 70.00 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 1004.87 feet to a point on the East line of Lot 1, CARTER FARMS, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 00 degrees 34 minutes 50 seconds East, along the East line of said Lot 1, a distance of 60.52 feet to the Northeast corner of said Lot 1; thence North 89 degrees 28 minutes 47 seconds West, along the North line of said Lot 1, a distance of 528.68 feet to the Northwest corner of said Lot 1, said point also being on the East right of way line of Missouri State Highway "F"; thence North 0 degrees 34 minutes 50 seconds East along said right of way line, a distance of 794.51 feet; thence along said right of way line, along a curve to the left, tangent to the last described course, having a radius of 349.73 feet, an arc distance of 66.19 feet; thence South 89 degrees 38 minutes 07 seconds East, a distance of 192.23 feet; thence North 0 degrees 35 minutes 50 seconds East, a distance of 233.0 feet to the North line of the Northwest Quarter of said Section 36; thence South 89 degrees 38 minutes 07 seconds East along said line, a distance of 1666.64 feet to the point of beginning. Said tract contains 60.87 acres more or less.