



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3030-24, Zoning 14422 Mount Olivet Road. 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3030-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri at 14422 Mount Olivet Road for Second Reading by Title Only.

SUMMARY:

The subject property was annexed into the city limits in January of 2024 and setting the initial zoning is required. Applicant seeks to set the zoning from County Ag to the City's A-R district in order to allow the property to be subdivided into 33 lots with an average size of 5.61 acres. The general character of the surrounding properties are large lot residential uses (3-10+ acres) that are generally zoned A-1 or County Ag. Since any lot less than 10 acres must be zoned A-R and not A-1, the A-R designation is requested. If this zoning is approved following a second reading, the applicant has also submitted a proposed preliminary plat that would create a total of 33 lots that would be submitted by Resolution.

PREVIOUS ACTION:

The subject property was annexed by Ord. 3217-23 on January 16, 2024.

POLICY OBJECTIVE:

Approve development that doesn't require inefficient extensions of public services.

FINANCIAL CONSIDERATIONS:

No direct impact is anticipated, but future property taxes will increase on the land.

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: Planning Commission Minutes available via video
citizen email sent to elected officials | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Yallaly Enterprises, LLC

Land Use Proposed: A-R

Zoning: County Agricultural

Property Location: 14422 Mt. Olivet 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 March 12, 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 large lot residential/agricultural in character.
2. Consistency with the City's Comprehensive Plan and ordinances.
The existing Comprehensive Plan was approved on November 10, 2020. The general area is described as residential/low density residential. The subject property is low density residential and complies with the plan.
3. Adequacy of public utilities and other needed public services.
The land has water and other utilities along the borders of the property by the county water district and other private utilities serve the existing housing.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is agricultural formerly outside the city limits, and the proposed district matches the current uses in the general area.
5. Length of time the property has remained vacant as zoned.
The property was in the unincorporated county but had never previously annexed. This property would be developed into 33 lots, with an average lot size of 5.61 acres.
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 March 12, 2024, 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 A-R 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 A-R.

**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 on November 6, 2023 for property located at 14422 Mount Olivet Road; and

WHEREAS, after the property was annexed, the City is now required to designate the initial zoning of newly annexed property, so a Public Hearing was advertised in the local paper, notice sent to adjoining property owners and then conducted before the Planning Commission on March 12, 2024; and

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

**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:

A TRACT OF LAND IN THE WEST FRACTIONAL HALF OF SECTION 31, TOWNSHIP 53 NORTH, RANGE 32 WEST, IN CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°25'54"E, ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31, A DISTANCE OF 1381.18 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 1704 AT PAGE 152; THENCE N87°49'16"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 370.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT; THENCE N00°26'48"E, ALONG THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 440.24 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT; THENCE N83°02'20"W, ALONG THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 373.13 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N00°25'54"E, ALONG SAID WEST LINE, A DISTANCE OF 770.92 FEET TO THE NORTHWEST CORNER OF SAID

FRACTIONAL SOUTHWEST QUARTER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 31; THENCE N00°15'36"E, ALONG THE WEST LINE OF SAID FRACTIONAL NORTHWEST QUARTER, A DISTANCE OF 899.06 FEET TO THE SOUTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 6085 AT PAGE 14; THENCE S89°34'19"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 5223 AT PAGE 180, A DISTANCE OF 2385.78 TO THE EAST LINE OF SAID FRACTIONAL NORTHWEST QUARTER; THENCE S00°40'41"W, ALONG SAID LINE, A DISTANCE OF 924.90 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31; THENCE S00°40'28"W, ALONG THE EAST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2636.02 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N89°19'35"W, ALONG THE SOUTH LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2367.73 FEET TO THE POINT OF BEGINNING.

is hereby set as A-R.

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 1st DAY OF APRIL, 2024

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 03/19/2024

Second Reading 04/01/2024



STAFF REPORT

March 8, 2024

Initial zoning of Clay County Parcel Id # 06-703-00-02-004.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 14422 Mt. Olivet Rd.
Owner: Yallaly Enterprises, LLC
Current Zoning: New annexation
Proposed Zoning: A-R

Public Notice Dates:

1st Publication in Newspaper: February 22, 2024
Letters to Property Owners w/in 185': February 22, 2024

GENERAL DESCRIPTION:

The applicant recently annexed this 185+/- acre tract of agricultural land into the City Limits. The applicant intends to seek an agricultural subdivision of lots, some of which will be less than 10 acres and the initial zoning needs to be set by the City.



The tract is agricultural in nature, and the applicant seeks to have it zoned A-R to allow for 33 single family A-R homesites of varying sizes. The perimeter lots along 144th and most of Mt. Olivet Rd. are 7 acres +/- . The area is low density residential/agricultural.

EXISTING ZONING:

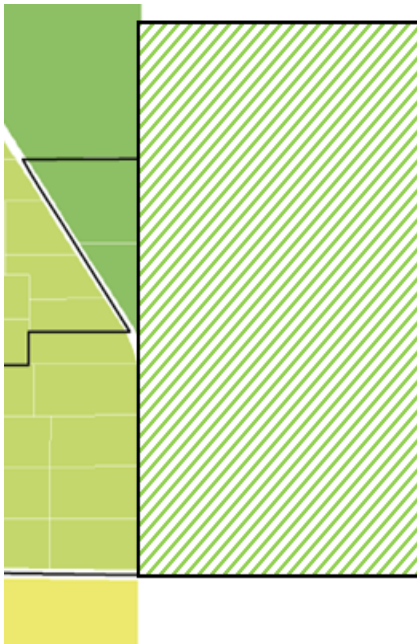
The existing zoning predates the annexation into the city limits and is County Ag

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is large lot residential/agricultural with lot sizes from just below 3 acres to 20+ acres. 11 lots contiguous to the subject parcel are less than 5 acres.

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

The existing Comprehensive Plan was approved on November 10, 2020. The area adjacent (to the west) of the subject property is identified as agricultural (dark green), and low density residential (lighter green). The subject property (green striped) is proposed to be low density residential. It matches the general area of the plan significantly.



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

The area has county water (to be extended by developer in the future), along with all other utilities and public services. The area has no city provided utilities, and the adjacent and future roads will be improved in accordance with city and county standards.

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

The current use is agricultural with a single family home, all formerly outside the city limits.

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

The property has been a farm in the county.

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

The proposed district matches the existing adjacent uses.

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

From: [Damien Boley](#)
To: [Linda Drummond](#); [Cynthia Wagner](#)
Subject: Fwd: Farms at Mt Olivet new neighborhood
Date: Tuesday, March 26, 2024 12:16:05 PM

Mayor Damien Boley
Mayor@smithvillemo.org

From: Michael Ballenger <mikebrx08@gmail.com>
Sent: Tuesday, March 26, 2024 11:38:49 AM
To: Damien Boley <Mayor@smithvillemo.org>; Dan Hartman <dhartman@smithvillemo.org>; Dan Ulledahl <dulledahl@smithvillemo.org>; Melissa Wilson <mwilson@smithvillemo.org>; Ronald Russell <rrussell@smithvillemo.org>; Leeah Shipley <lshipley@smithvillemo.org>; Marvin Atkins <matkins@smithvillemo.org>; Jack Hendrix <JHendrix@smithvillemo.org>
Cc: Kara Ballenger <knballenger@gmail.com>; Ken Beard <mr.ken.beard@gmail.com>; Mom <clanuisdein@tetburycastle.com>
Subject: Farms at Mt Olivet new neighborhood

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Mayor and Aldermen,

I want to ask you about this new neighborhood on Mt Olivet and 144th St. It is moving along very rapidly (phase 1 lots are already listed as of yesterday, less than a week after the board meeting). I attached a link to the 3/19/24 Smithville Board meeting, discussing and ultimately approving the rezoning of this property to allow for 33 lots (fast forward the video to 16:20). A significant portion of the discussion centered around the safety of Mt Olivet with this addition. It was discussed that the city and county are still negotiating a "shared road agreement" but it is clear that this is not finalized. I am very surprised that lots are already being listed despite not having a plan for improving the safety of Mt Olivet, in particular a 4-way stop that was discussed at the intersection of Mt. Olivet and 144th. In addition, the county (not the city of Smithville) is responsible for issuing driveway permits.

My wife, Kara, has been in touch with Jack Hendrix, the Development and Planning Director of Smithville's Planning and Zoning, and he has provided us with some information regarding the addition. He mentioned some surface improvements to the roads and additional street lights, and while these things are helpful, they are not things that would address traffic issues in my opinion. In regards to the additional driveways, Jack Hendrix indicated to Kara via email that Clay County was "requiring" them to have shared driveways. I was really surprised by this information. In my personal dealings with Clay County regarding our own land, I was told that the County would no longer allow shared driveways due to the fact that it could be a significant source of dispute between neighbors. I think this is a serious consideration.

My other, and more significant, concern centers on traffic impact and safety. In the video you can hear someone mention a traffic study, but no one asked any further questions about this.

Did this traffic study actually happen? It is not clear. I have communicated via email with Kipp Jones, the Planning Director for Clay County Planning and Zoning since the portion on Mt Olivet in question is still under county jurisdiction. Here is the reply I received from him: "I watched the meeting last week and my opinion is that this is a city project and the county has no jurisdiction over any of the requirements. It seems like Smithville's process is different than what we do with county projects, I am working on a project now where the county has requested a traffic analysis but it was requested before we have the first public meeting but it seems that their process is different. If I receive any information that shows that my opinion is incorrect or if additional light is shed on this development I will let you know. Let me know if you have any additional questions."

From watching the Smithville Board meeting, my email communication with Kipp Jones, and past experience with zoning issues I am wondering what the city's process is for this matter. It would make more sense to me to complete all necessary evaluations such as a traffic impact study, and agree on needed/advised safety improvements such as a 4-way stop at the intersection of Mt Olivet Rd and 144th St prior to approving a project, and definitely prior to allowing developers to list related properties for sale. It seems any leverage for getting these sometimes costly safety analysis and improvements is lost by approving projects before these requirements are even agreed upon and spelled out (I would think it would be preferable for these tasks to be completed prior to approval). I am pretty concerned that the city and county are more interested in developing this land and less concerned about the potential safety impacts of this relatively aggressive and unprecedented development along this rural and antiquated roadway. I am guessing the reason for limiting the number of driveways along Mt Olivet is due low visibility and safety concerns. However, shared driveways are going to dump just as much extra traffic onto Mt Olivet as having the extra driveways.

In the end, one Alderman voted against approving the project while the rest voted for it. When Kara and I watched the recording, it seemed to end with the idea that yes, the rezoning is approved, but nothing has been finalized in regards to improving the safety of Mt Olivet or even a shared road agreement between the city and county. It feels imprudent to already have listings posted for this neighborhood without settling this discussion about the roadways first.

To be honest, based on my limited dealings with the Clay County Highway Department regarding another proposed development nearby that the Clay County Commissioners ultimately rejected after initial Clay County Planning and Zoning approval, I would be a little surprised if a traffic impact study was actually part of approving this development. The representative from the Highway Department that attended the Clay County Planning and Zoning Meeting was very dismissive and honestly disrespectful in basically laughing off safety concerns without any type of traffic impact study. The commissioners on the other hand were much more concerned about potential safety issues and any potential liability that could arise given the history of fatal accidents in this area. I honestly wasn't that opposed to this development because I assumed most, if not all, driveways would empty out to 144th St and Wise Rd due to the much lower traffic volume on those roadways. I am guessing it is less expensive to the developer to have so many houses exit via roadways to Mt Olivet Rd. If I had known that the majority of the driveways would empty out to Mt Olivet Rd I would have vehemently opposed the project. That's my fault for making that assumption.

Obviously, this neighborhood is going to happen at this point, but I am hoping it will be done as safely as possible and hopefully lead to significant road improvements to Mt Olivet Rd. Right now I am concerned that this is not happening and perhaps part of it is inadequate

communication and alignment of expectations between city and county. Thank you for listening to my concerns and hopefully all of you can address these issues and put safety first.

Sincerely,

Mike Ballenger

<https://www.smithvillemo.org/agendaview.aspx?aid=12036&categoryid=877#video>

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