



## Board of Aldermen Request for Action

**MEETING DATE:** 7/15/2025

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3072-25, Rezoning Northeast Corner of Second Creek Bridge Road and Lowman Road – 1st Reading

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### **REQUESTED BOARD ACTION**

A motion to approve Bill No. 3072-25, changing the zoning classifications or districts of certain lands located in the City of Smithville by Title Only for First Reading Reading.

### **SUMMARY**

Approving the ordinance would authorize changing the zoning district classification of the property located at the northeast corner of Second Creek Bridge Road and Lowman Road from R-1B to R-1D.

### **PREVIOUS ACTION**

This property was originally rezoned to R-1B and R-3 to allow creation of Second Creek Meadows subdivision, and again rezoned to change the R-3 land to R-1B. Earlier in 2025, a rezoning to AR was tabled at the request of the applicant.

### **POLICY OBJECTIVE**

Develop in accordance with the Comprehensive Plan.

### **FINANCIAL CONSIDERATIONS**

None

### **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: Meeting is available for viewing <a href="#">online</a> |                                   |

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicant: KC Commercial and Residential Property Management as  
Agent for the Jami D Pryor Trust

Land Use Proposed: R-1D

Zoning: R-1B

Property Location: Northeast Corner of Second Creek and Lowman 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 July 8, 2025, 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 a few single-family houses on agriculturally zoned land, B-3 land to the west across Lowman Road and farmland in unincorporated Clay County to the south. Significantly larger residential subdivisions lie just west of the parcel, and the proposed Downtown overlay district is to the east.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020, by the Board of Aldermen. This Plan calls for an overlay district for expanding downtown to just east of the boundary with Second Creek itself. The allowable density with this district would be at the lowest end of the Moderate Density described in the Comprehensive Plan. This rezoning would allow a new single family detached residential subdivision to complete infill development between the expanded downtown and the denser subdivisions to the west.

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

All of the public utilities and needed public services are available, and any upgrades to the systems are the sole responsibility of any development.

4. Suitability of the uses to which the property has been restricted under its existing zoning.  
The current use is as unused farmland but was rezoned in 2023 to R-1B and R-3, and later rezoned again to entirely R-1B. A pending request to rezone to A-R was tabled and no action has occurred. The area has been zoned for higher density residential for 2 years with no development.
5. Length of time the property has remained vacant as zoned.  
The property has been vacant as zoned for 2 years with no development.
6. Compatibility of the proposed district classification with nearby properties.  
The proposed district is substantially the same as the current district zoning.
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 July 8, 2025, 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 R-1B Single Family Residential to R-1D Single-Family Small Lot Dwelling District 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-1D.

**BILL NO. 3072-25****ORDINANCE NO. 326X-25****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 on May 23, 2025 for property located at the Northeast corner of Second Creek and Lowman Roads; and

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on July 8, 2025; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning for the property to R-1D.

**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: Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East,

104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West, 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter; thence along said West line of the Northwest Quarter of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning.

is hereby set as R-1D.

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 5<sup>th</sup> DAY OF AUGUST, 2025

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Mayor

ATTEST:

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City Clerk

First Reading: 07/15/2025  
Second Reading 08/05/2025



STAFF REPORT  
July 8, 2025  
Rezoning of Parcel Id # 05-504-00-01-010.01

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Second Creek and Lowman Rd.

Owner: Jami Pryor Trust by agent KC  
Commercial & Residential  
Property Management

Current Zoning: R-1B

Proposed Zoning: R-1D

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: June 19, 2025

Letters to Property Owners w/in 185': June 19, 2025

GENERAL DESCRIPTION:

This matter returns to the Planning Commission following several prior rezoning and development requests. The first iteration was in December of 2022 and February of 2023. Following those hearings, the matter was rezoned from A-1 to R-1B and R-3. Sometime thereafter, legal actions were filed that ultimately caused delays in moving forward. In November of 2023, the property was again brought forward for rezoning that would change just the R-3 district to R-1B. Thereafter, nothing further occurred until January of 2025. At that point, a new application to rezone was submitted, along with a new plat document.

The rezoning and plats filed in January of 2025 sought to change the zoning to A-R and create a plat that would create three 10+ acre lots. This Commission recommended that change for approval to the Board of Aldermen. At the subsequent Board meeting on February 20, 2025, the applicant requested that

the matter be tabled by the Board to allow the owner the opportunity to look at another option for selling the property.

Since the February meeting, the current owner has entered into a new sales contract that is contingent upon the existing zoning be changed from the current R-1B district to the R-1D district. The purchasers stated plan is to obtain the zoning for R-1D to allow the to eventually create a new, single-family detached housing subdivision. Due to the past volatility and difficulties of moving forward with development on the property, the purchaser seeks to determine if the zoning will be approved prior to designing its' new preliminary plat for submission and review.

The primary difference between the existing zoning district of R-1B and the proposed R-1D is the lot sizes. The R-1B district requires lots not less than 75 feet wide, and the R-1D district allows lots not less than 50 feet wide. The change will allow more housing to be place within the potential subdivision, with stated intentions of building homes from 1,200 to 3,500 square feet.

#### EXISTING ZONING:

The existing R-1B zoning has been in place since December of 2023..

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is generally large parcel agricultural land with a total of 3 houses contiguous to the overall parcel. In addition, the zoning map shows unincorporated county land to the south, B-3 commercial on the east side of the parcel in what it is proposed to be the Downtown overlay district and also B-3 on the west side, across Lowman road. To the north is a new 10+ acre parcel zoned A-1. The existing contiguous houses are all located on lots larger than 3 acres.

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

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would likely include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of those Planning Goals include several prioritized action steps to meet

those goals. The following are the steps that this rezoning would assist to meet the stated goals:

**Housing 2.1** "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

**Housing 3.1** "Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville."

**Housing 3.2** "Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities."

**Housing 4.2** "Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network."

**Housing 4.3** "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

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

##### Streets and Sidewalks:

Any development would be required to improve the adjacent streets, and depending upon the timing of any construction, would also be responsible to install some of the walking trail project from Cedar Lakes to downtown. All internal streets would also be the developers responsibility.

##### Water, Sewer and Storm water

The city recently completed the South Sewer Interceptor project through a portion of this parcel, so the land is ideally located for sewers. Water is located on both street sides of the lot, and any upgrades needed will be the developer's responsibility. The property includes both floodplain and floodway areas, so all stormwaters will flow directly into the floodplain and not impact adjacent properties. Any such impacts will be handled in the normal subdivision platting process, but the existing systems are more than adequate.

##### All other utilities

Future Development will be conditioned upon installation of all other needed 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 R-1B, single-family residential. The property's location is ideal for residential development with the new sewer interceptor, with new



users assisting in paying for those improvements, but has remained undeveloped.

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

The property was zoned to its' existing district classification in 2023.

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

The proposed district would, at full build out, have a density between 4 and 5 dwelling units per acre, which is listed at moderate density in the Comprehensive Plan. This density has not shown to be incompatible with larger lot housing anywhere in the city and when viewed on a larger scale, is very compatible with the entire area. The placement of R-1D zoning between B-3 zoning on either side is compatible with those uses as well.

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 compliance with the Comprehensive Plan recommendations.

Respectfully Submitted,

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Zoning Administrator