



Board of Aldermen Request for Action

MEETING DATE: 10/21/2025

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3086-25, Rezoning Riverplace 1st Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3086-25, changing the zoning classifications or districts of certain lands located in the City of Smithville by Title Only for First Reading.

SUMMARY

Approving the ordinance would authorize changing the zoning district classification of the property located at approximately 212 KK Highway from R-1P to R-1D and R-2 in accordance with the attached plat. R-1P zoning is an outdated zoning district methodology that was abandoned by the city with the 2013 and 2014 zoning and subdivision code updates. It is important to note that in all R-1 designated properties (R-1P, R-1B, etc.) there are no changes to the use regulations of those lands. The difference between most of these designations (P, B, D, etc.) relate to what are called Bulk regulations (*setbacks, height restrictions, floor area ratios, lot coverage, etc.*)

The current R-1P designation does not have any specific bulk regulations on the lots that pertain to our current system. It could allow a R-1A (100') lot next to a R-1D (50') lot IF those sizes were drawn into the Preliminary Plat. To determine the bulk regulations of any given lot, you would need to look at the original preliminary plat.

The old method also was not compatible with the current mixed district developments (*often called mixed-use*) that are common today. The "P" designation applied to the R-1 feature, and a R-1 and a R-2 district in one subdivision were not compatible with "P" zoning. In our current versions, we have R-1A, 1B, 1C and 1D districts, as well as R-2 and R-3 designations, each with its own specific bulk regulations. The purpose of the plat in the current ordinances is to show the lots that will be R-1D versus R-2, and the locations of those lots within the district. This allows for design flexibility but keeps very specific limits on the number of dwellings.

PREVIOUS ACTION

This property was originally rezoned to R-1P with a preliminary plat of 166 lots of generally R-1B sized lots in 2006 but has never developed.

POLICY OBJECTIVE

Develop in accordance with the Comprehensive Plan.

FINANCIAL CONSIDERATIONS

None

ATTACHMENTS

- | | |
|--|---|
| ☒ Ordinance | ☐ Contract |
| ☐ Resolution | ☒ Plans |
| ☒ Staff Report | ☐ Minutes |
| ☒ Other: Meeting is available for viewing online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicants: HWYKK LLC

Land Use Proposed: R-1D and R-2

Zoning: R-1B – (R-1 with a Preliminary Plat)

Property Location: Approximately 212 KK Hwy

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 October 14, 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 generally approximately 1 acre lots of non-conforming A-1 zoning with single family housing on the east of KK Highway, and R-1B single family zoned undeveloped farmland to the north and west. The current zoning of the property is R-1P using a Preliminary Plat for 166 lots of R-1B sized lots.
2. *Consistency with the City's Comprehensive Plan and ordinances.*
The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential building types with increased densities when possible.
3. *Adequacy of public utilities and other needed public services.*
The property is served with all utilities and will be constructed after the new gravity interceptor sewer is installed through the parcel to improve the overall sewer system.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The current use is vacant single family residential, zoned R-1P (166 R-1B sized lots). The change would allow smaller lots in accordance with zone district updates from 2021, as well as some two-family lots. The current use is farmland, and the approved preliminary plat has remained undeveloped since 2006.

5. *Length of time the property has remained vacant as zoned.*
The property was zoned to the existing district classification of R-1P (R-1B sizes) in 2006 from A-1.
6. *Compatibility of the proposed district classification with nearby properties.*
The property abuts State Highway KK with R-1B, A-1 and R-1A with a commercial business across the highway and undeveloped farmland north and west. The proposed district will significantly match the existing allowed uses on the property.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*
No detrimental effects are anticipated to the adjacent property values.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*
No detrimental effects are anticipated to adjacent properties, with significant improvements to the sewer funding matrix.
9. That in rendering this Finding of Fact, testimony at the public hearing on October 14, 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 Rezoning of this property from R-1P (R-1B sizes) to R-1D and R-2 is governed by Section 400.550 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-1D and R-2.

BILL NO. 3086-25

ORDINANCE NO. 328X-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 the Riverplace subdivision off KK Highway on June 30, 2025; and

WHEREAS, the public was notified by publishing in the Courier Tribune paper and notices mailed to adjoining property owners on September 24 as required by state law.

WHEREAS, a Public Hearing was conducted before the Planning Commission on October 14, 2025; and

WHEREAS, the rezoning is to change the zoning from R-1P (R-1B sizes) to R-1D and R-2 as shown on the attached plat document; 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:

The Southwest Quarter of the Southeast Quarter of Section 15, Township 53, Range 33; that part of the West One-half of the Northeast Quarter of Section 22, Township 53, Range 33, lying North of Smith's Fork of Platte River and that part of the East One - half of the Northeast Quarter of Section 22 lying North of Smith's Fork of Platte River and West of Owen's Branch and West and South of the gravel road as it is now located and that part of the Southeast Quarter of the Southeast Quarter in Section 15, lying West of the gravel road all in Township 53, Range 33, being the same property described in the deed recording June 29, 1988 at Document No. G11339 in the Office of the Recorder of Deeds of Clay County, Missouri, and all in the City of Smithville, Clay County, Missouri,

subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

Changed from R-1P (R-1B sizes) to R-1D and R-2 in accordance with the attached plat.

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 4th DAY OF NOVEMBER, 2025.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 10/21/2025

Second Reading 11/04/2025



STAFF REPORT

October 6, 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:	Approximately 212 KK Highway
Owner:	KKHWY LLC
Current Zoning:	R-1P (R-1B sizes)
Proposed Zoning:	AR

Public Notice Dates:

1 st Publication in Newspaper:	September 24, 2025
Letters to Property Owners w/in 185':	September 24, 2025

GENERAL DESCRIPTION:

The applicant submitted an application proposing to rezone approximately 107.5 acres +/- from R-1P (R-1B sizes) to R-1D and R-2. The proposed zoning classification allows additional density to reduce costs on the city sewer system.

EXISTING ZONING:

The existing zoning is R-1P (R-1B sized lots) from March of 2006.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is generally approximately 1 acre lots of non-conforming A-1 zoning with single family housing on the east of KK Highway, and R-1B single family zoned undeveloped farmland to the north and west. The current zoning of the property is R-1P using a Preliminary Plat for 166 lots of R-1B sized lots.



Existing

Proposed

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

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential with increased densities when possible. The city's future land use map did not anticipate development of this land in the next 10 years, but sewer interceptor projects have escalated that timeline.

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

The property is served with all utilities and will be constructed after the new gravity interceptor sewer is installed through the parcel to improve the overall sewer system.

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

The current use is vacant single family residential, zoned R-1P (R-1B sized lots). The change would allow smaller lots in accordance with zone district updates from 2021, as well as some two-family lots. The current use is farmland, and the approved preliminary plat has remained undeveloped since 2006.

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

The property was zoned to the existing district classification in 2006 from A-1.

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

The property abuts State Highway KK with R-1B, non-conforming A-1 and R-1A with a commercial business across the highway and undeveloped farmland north and

west. The proposed district will significantly match the existing allowed uses on the property.

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

No detrimental effects are anticipated to the adjacent property values.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING
PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

No detrimental effects are anticipated to adjacent properties, with significant improvements to the sewer funding matrix.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district.

Respectfully Submitted,

Zoning Administrator

[illegible]