



Board of Alderman Request for Action

MEETING DATE: 6/21/2022

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2946-22, Rezoning Wait's Acres

REQUESTED BOARD ACTION:

A motion to read Bill No. 2946-22 for First and Second Reading by Title Only (Emergency Ordinance Sponsored by Mayor Boley) to rezone most of Wait's Acres from B-3 to R-1A.

SUMMARY:

The ordinance would correct an oversight in changing the zoning of the lots from B-3 to R-1A to better fit with the character of the neighborhood and the uses on the land.

BACKGROUND:

The property is a single-family subdivision on North Main Street that has been in existence since it was created in 1994. Unfortunately, when the subdivision was created and the houses were constructed, there was no rezoning of the land to residential, since houses are not an allowable uses in the B-3 district. When one owner prepared to sell his property, it was discovered that some of his vacant lots could be developed into business due to the zoning. To avoid this issue, he and his neighbors to the north all sought to correct the zoning. They seek to change the zoning to R-1A, which has a minimum lot frontage of 100 feet, which all lots comply.

PREVIOUS ACTION:

The B-3 zoned land was subdivided into 7 lots in 1994 for single family housing, but there was a failure to rezone the land as required.

POLICY ISSUE:

Complies with the Comprehensive Plan uses for the area.

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: Planning and Zoning meeting is available for viewing online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicants: Dennis Dow, Truman & Cheryl Hiatt and
Dennis Brewer

Land Use Proposed: R-1A

Zoning: B-3

Property Location: 18310, 18304 and 18222 N. 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 June 14, 2022, 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 large lot single family uses on Agriculturally zoned land and standard R-1B single family housing to the north. Vacant B-3 lies to the east and fronts upon 169 Hwy
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 for the most part.
3. *Adequacy of public utilities and other needed public services.*
The property is served with all utilities for the existing homes.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The current use is single family residential, but is zoned B-3. The current uses are inappropriate for a B-3 district, and changing the zoning to the correct use is appropriate.
5. *Length of time the property has remained vacant as zoned.*
The property was zoned to the existing district classification presumably when Smithville annexed into the city limits and was not changed when subdivided in 1994.

6. *Compatibility of the proposed district classification with nearby properties.*
The properties all front on N. Main St. and the proposed district will match the existing uses and lot sizes.
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.
9. That in rendering this Finding of Fact, testimony at the public hearing on June 14, 2022, 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 B-3 to R-1A 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-1A.

BILL NO. 2946-22

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 Lots 1-6 and the north 100.93 feet of Lot 7, Wait Acres on April 19, 2022; and

WHEREAS, the public was notified by publishing in the CT paper on May 26th, June 2nd and 9, 2022 and notices were mailed to adjoining property owners on May 26, 2022.

WHEREAS, a Public Hearing was conducted before the Planning Commission on June 14, 2022; and

WHEREAS, the rezoning is to change the zoning from B-3 to R-1A; and

WHEREAS, the Planning Commission presented 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:

Lots 1-6 and the north 100.93 feet of Lot 7 of Wait Acres, a subdivision in Smithville, Clay County, Missouri.

Changed from B-3 to R-1A

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____

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 06/21/22

Second Reading 06/21/22