



Board of Aldermen Request for Action

MEETING DATE: 12/19/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3022-24 - 19950 North F Highway Rezoning – 1st Reading

REQUESTED BOARD ACTION:

A motion to read Bill No. 3022-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 19950 North F Highway by Title Only for First Reading.

SUMMARY:

Applicant seeks to rezone an assembled 9 acre parcel of land that contains both R-1 and A-1 zoned land into A-R in order to allow subdividing the land into three one-acre parcels.

PREVIOUS ACTION:

None

POLICY OBJECTIVE:

Implement the Comprehensive Plan elements for north Smithville.

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: Findings of Fact | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Dirk Talley

Land Use Proposed: A-R

Zoning: A-1 and R-1B

Property Location: 19950 N. F 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 December 12, 2023, 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 comprised of three single family homes on varying large lots, and the remainder if vacant land being farmed.

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.*

Adequate utilities are available, and the lots are large enough for septic systems.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is A-1, agricultural with a small sliver of R-1B zoned land that is also farmed. The current zoning does not allow for any additional residential building to be constructed, but dividing the land allows the construction, and triggers the more restrictive A-R district.

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to its' existing district classification when annexed, and the agricultural nature is not being changed significantly. The change would additional housing similar to the adjacent lots.

6. *Compatibility of the proposed district classification with nearby properties.*

The proposed district is essentially the same as the existing adjacent 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 December 12, 2023, 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 A-1 and R-1B to A-R is governed by Section 400.560 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 land 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 rezoning 19950 N. F Hwy on October 16, 2023; and

WHEREAS, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 12, 2023; 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:

A tract of land in the Northwest Quarter of Section 36, Township 54 North, Range 33 West, Clay County, Missouri, described as follows: Beginning at a point on the North line of said Northwest Quarter, said point being 130.2 feet North, 88 degrees, 55 minutes East of the Northwest corner of said Northwest Quarter; thence South 00 degrees, 35 minutes East, 660.4 feet; thence North 88 degrees, 55 minutes East, 601.77 feet to a point on the Westerly right-of-way line of State Route F (said point being 2016.4 feet North of the South line of said Northwest Quarter, measured along said Westerly right-of-way line); thence North 00 degrees, 35 minutes West, along said Westerly right-of-way line, 357.75 feet to a point of curve; thence on a curve to the left with a radius of 271.04 feet and a central angle of 88 degrees, 22 minutes, 416.27 feet; thence North 01 degrees, 03 minutes East, 10 feet; thence continuing along said right-of-way line, North 88 degrees, 57 minutes West, 169.9 feet to a point of a curve; thence on a curve to the right, with a radius of 330.33 feet, 79.46 feet to the said North line of said Northwest Quarter; thence South 88 degrees, 55 minutes West, 90.4 feet to the point of beginning.

And Also

Commencing at the Northwest Corner of Section 36, Township 54 North, Range 33 West, Clay County, Missouri; thence along the North line of the Northwest Quarter South 89 degrees 37 minutes 38 seconds East, 130.20 feet; thence South 00 degrees 52 minutes 22 seconds West, 660.40 feet; thence South 89 degrees 38 minutes 13 seconds East, 601.77 feet to the Point of Beginning; thence South 00 degrees 45 minutes 26 seconds West, 36.24 feet; thence North 89 degrees 38 minutes 13 seconds West, 601.84 feet; thence North 00 degrees 52 minutes 22 seconds East, 36.24 feet to the Point of Beginning.

is hereby changed from A-1 and R-1B to 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 16th DAY OF JANUARY, 2024

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/19/2023

Second Reading 01/16/2024



STAFF REPORT
December 7, 2023

Rezoning of Parcel Id's # 01-904-00-01-004.00
and the north ½ acre of 01-904-00-01-006.00
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 19950 N. F Hwy.
Owners: High Tide Properties
Current Zoning: R-1B and A-1
Proposed Zoning: A-R

Public Notice Dates:

1st Publication in Newspaper: November 23, 2023
Letters to Property Owners w/in 185': November 17, 2023

GENERAL DESCRIPTION



The applicants seek to rezone the subject property from R-1B and A-1 to A-R. These properties were zoned many years ago at the time of annexation.

The purpose of the rezoning is to allow three lots to be created to allow homes to be constructed on each lot.

EXISTING ZONING:

The existing zoning is R-1B and A-1.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly agricultural with large lot residential to the east, west and north.

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 seeks to continue developing this north area as residential, so amending this zoning brings this land into the comprehensive plans desired use.

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

The property has existing utilities sufficient for housing and any other A-R use.

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

The current use is farmland with the area surrounding the land developing into large lot residences.

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

The property was zoned to the existing district classification upon annexation and no changes have been sought.

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

The proposed district is compatible with the existing nearby land as all the uses are large lot residential.

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.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to A-R be approved.