



## Board of Aldermen Request for Action

**MEETING DATE:** 12/17/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3048-25 – Rezoning 16000 North 169 Highway to B-2 – 1st Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3048-25, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 16000 North 169 Highway. First reading by title only.

**SUMMARY:**

Applicant seeks to rezone a single lot fronting on 169 Highway currently zoned R-3 back to B-2 after a townhome project did not occur.

**PREVIOUS ACTION:**

Ordinance 3027-24 was passed on March 19, 2024 changing the zoning from B-2 to R-3 for a townhome project.

**POLICY OBJECTIVE:**

Comprehensive Plan compliance

**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/Port Side Tie, LLC

Land Use Proposed: B-2

Zoning: R-3

Property Location: 16000 N. 169 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 10, 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 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

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

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the no anticipated change to the subject property but is adjacent to the downtown overlay area.

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

**Streets and Sidewalks:**

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owner's expense and in accordance with existing APWA standards.

**Water, Sewer and Storm water**

The city does not have water or sewer to the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

**All other utilities**

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is vacant land. The location, size and layout of the lots reveal why the lot was originally zoned B-2 as it has limited use, other than a small, single building development.

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 be additional housing similar to the adjacent lots.

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

The proposed district is compatible with the business uses nearby.

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 R-3 to B-2 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 B-2.

**BILL NO. 3048-25**

**ORDINANCE NO. 324X-25**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR  
DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE,  
MISSOURI LOCATED AT 16000 NORTH 169 HIGHWAY**

**WHEREAS**, The City of Smithville received an application for rezoning 16000 North 169 Hwy on October 9, 2024; 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 10, 2024; 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:

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 53, Range 33, described as follows:

Beginning at the point of intersection of the South line of said Southeast Quarter of the Southeast Quarter of Section 22, with the center line of U.S. Highway No. 169, as now located, thence South 89 degrees 37 minutes West, along the South line of said Section 22, 667.92 feet to the centerline of Second Creek; thence with the meanderings of said Second Creek North 39 degrees 0 minutes East, 125 feet; thence North 53 degrees 17 minutes East, 370 feet; thence North 9 degrees 51 minutes East, 210 feet to a point, thence East and parallel with the South line of said Section to a point in the centerline of U.S. Highway No. 169, thence Southeasterly along the centerline of U.S. Highway No. 169 to the Point of Beginning, all in Clay County,

is hereby changed from R-3 to B-2.

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 7<sup>th</sup> DAY OF JANUARY, 2025

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/17/2024

Second Reading 01/07/2025



## STAFF REPORT

December 9, 2024

Rezoning of Parcel Id # 05-504-00-02-010.00

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### Application for a Zoning District Classification Amendment

#### Code Sections:

400.560.C Zoning District Classification Amendments

#### Property Information:

Address: 16000 N. US 169 Hwy  
Owner: Port Side Tie, LLC  
Current Zoning: R-3  
Proposed Zoning: B-2

#### Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 21, 2024  
Letters to Property Owners w/in 185': November 21, 2024

### GENERAL DESCRIPTION:

The applicant seeks to rezone one lot from R-3, back to its' original B-2 district, located on the west side of 169 and north of Cliff Dr. The lot was rezoned from B-2 to R-3 in January of 2024 in anticipation of a new multi-family building that eventually fell through. The applicant seeks this rezoning to restore the original B-2 zoning since the client is no longer interested in the multifamily project at this location.

### EXISTING ZONING:

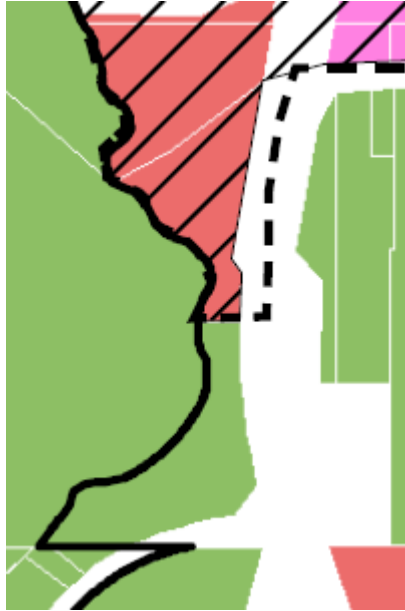
The existing zoning is R-3 and has been in existence since January of 2024 when it was rezoned in anticipation of a specific development project.

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

The surrounding area is 169 Highway frontage with commercial uses throughout and Second Creek to the west. West of the creek is land not within the city limits that is used as agricultural land.

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

The existing Comprehensive Plan was approved on November 10, 2020, and calls for the no anticipated change to the subject property but is adjacent to the downtown overlay area.



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

##### Streets and Sidewalks:

No street extensions will be needed, but Cliff Dr. will need to be upgraded when the south lot develops, including sidewalks at the owners expense and in accordance with existing APWA standards.

##### Water, Sewer and Storm water

The city does not have water or sewer to the lots, so the owner must extend both water and sewer to service the lots at its' own expense and in accordance with existing APWA standards.

##### 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 vacant land. The location, size and layout of the lots reveal why the lot was originally zoned B-2 as it has limited use, other than a small, single building development.

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

The property was zoned to its' original district classification at least 1978 and has not been developed since but was rezoned to R-3 for a specific proposed project in January of 2024,.

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

The proposed district is compatible with the business uses nearby.

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

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Zoning Administrator