

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

PLANNING AND ZONING COMMISSION

Regular Meeting

November 24, 2020

7:00 p.m.

Willard Community Building

222 W. Jackson, Willard, MO

PLANNING AND ZONING MEMBERS

Alderman Whitman

Terry Kathcart, Chairman

Valorie Simpson, Secretary

Mayor Corey Hendrickson

Jose Casanova, Vice-Chairman

Mike McCroskey

Jeff LaMontia

Burnis Coleman

Randy Brown, Director of Development

www.cityofwillard.org

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
November 24, 2020
7:00 P.M.

Notice posted on November 19, 2020

Notice is hereby given that the City of Willard, Planning and Zoning will conduct a regular meeting at 7:00 p.m., November 24, 2020 at the Willard Community Building, 220 W. Jackson, Willard, MO.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

1. Call the meeting to order.
2. Roll Call.
3. Agenda Amendments/Agenda Approval.
4. Approval of the Minutes from the Meeting October 27, 2020.
5. Citizen Input.
6. Public Hearing for Stone Creek Phase 2 & 3 Preliminary Planned Development.
7. Discussion/Vote on Stone Creek Phase 2 & 3 Preliminary Planned Development.
8. Public Hearing for text amendments to the Land Development Regulations Ch. 400, regarding Conditional Use.
9. Discussion/Vote on the text amendment to the Land Development Regulations Ch. 400 regarding Conditional Use.
10. New Business.
11. Unfinished Business.
12. Adjourn.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Jennifer Rowe
224 W. Jackson
Willard, Missouri 65781
(417)742-5302

CITY OF WILLARD, MISSOURI
PLANNING AND ZONING
REGULAR MEETING
October 27, 2020
7:00 P.M.

Staff present: City Administrator, Brad Gray; City Clerk, Jennifer Rowe; and, Director of Development, Randy Brown.

City Attorney Ken Reynolds was present.

Citizens present: Jared Rasmussen, Keith Logan, Vaunda Logan, Kim Haase, Bill Cantrell, Jay Tyler, Deborah Hayes, Tom Keltner, Greg Whitlock and Scott Swatosh.

Meeting opened by Chairman Terry Kathcart at 7:00 P.M.

Roll Call

Present: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson. Not Present: Jose Casanova,

Approval of Agenda

Motion was made by Valorie Simpson with a second by Burnis Coleman to approve the Agenda. Motion carried with a vote of 7-0. Voting aye: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson.

Approval of the Minutes from the Meeting August 25, 2020.

Motion was made by Valorie Simpson with a second by Burnis Coleman to approve the Minutes from the August 25, 2020 Meeting. Motion carried with a vote of 7-0. Voting aye: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson.

Citizen Input.

Keith Logan: 420 Hughes Road, requested information on traffic counts and how they are done in Willard when new subdivisions are being planned.

Public Hearing for Stone Creek Phase 2 & 3 Preliminary Planned Development.

Mayor Hendrickson opened the public hearing for Stone Creek Phase 2 & 3 Preliminary Planned Development at 7:10 p.m.

Keith Logan, 420 Hughes Road, was asking for the traffic counts on Hughes Road. He stated his concern with the road conditions on Hughes and the speeding that is already taking place. He requested information on the anticipated traffic that will be added to that road with this new subdivision.

Tom Keltner, 405 Hughes Road, stated that his property borders the property in question. He is looking forward to this being accomplished. However, he feels that it should only include R-1 housing, no R-2. He also stated that the conditions of the current roads and infrastructure are too weak to support the additional traffic. He stated that the City needs to start addressing the old roads in town and building up the infrastructure. He also had concerns as the detention and runoff was already bad on his property at Ranier branch.

No other citizens wished to speak so Mayor Hendrickson closed the public hearing at 7:22 p.m.

Discussion/Vote on Stone Creek Phase 2 & 3 Preliminary Planned Development.

Greg Whitlock, of Whitlock Engineering discussed the current issues with the Floodplain and the new maps. Discussion was made with Staff and the Developer would like to table this discussion until more information can be determined. City Administrator Brad Gray discussed the steps already taken and the plans with the roads.

Discussion was then made on the potential sinkhole, easements and Right of way issues that would be addressed with Staff. Mr. Whitlock stated that additional right-of-way on Hughes can be donated easy.

Motion was made by Valorie Simpson and seconded by Jeff LaMontia to table the Stone Creek Phase 2 & 3 Preliminary Planned Development. Motion carried with a vote of 7-0. Voting aye: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson.

Public Hearing on Hoffman Hills Planned Development.

Mayor Hendrickson opened the Public Hearing on Hoffman Hills Planned Development at 7:32 p.m.

Bill Cantrell, 817 Saratoga, stated that he was not against the development, but worried with it connecting at Osage into his housing area and that being the only entrance/exit on that side of the new development. He stated that it would significantly increase traffic onto Osage, which was loaded with kids playing and only 20 mph. He feels it will be a big safety issue. He also has an issue with Duplexes also being proposed as that can drop the property values of the neighboring homes. His final issue was that the City needs to build their own sewage treatment and get off Springfield, the more homes we keep adding, the worse it is going to get.

Tom Keltner, 405 Hughes Road, stated he too had a problem with R-2 duplexes being proposed. He has no problem with R-1 homes being build. He would like to see Granite extended to Hughes to allow a connector to 160. He stated that for now, he will be against any R-2 being built until the roads are better.

Keith Logan, 420 Hughes Road, questioned the naming of the streets. He felt Granite should be called Hughes as it is set up to connect to the Hughes on the other side that runs to 160. The current Hughes past Granite should be renamed.

Scott Swatosh, Secretary of Fox Creek HOA, stated there were several concerns posted on Social Media about this development. First, the traffic flow is a big issue. The roads are not equipped to handle it, and they are unsafe along the edges with a drop off. He would like to see Hunt road fixed. Second, he stated that the proposed development aligns their Common Space with Fox Creek Common Space. He asked if a fence would be put up to separate the areas, as their insurance would not cover the new development area. He is curious if they can get the zoning approved to place their own fence in that area and have the HOA cover it. He also has concerns with the current runoff and drainage and feels this development will only worsen that problem. His final concern was on the roads and infrastructure. He would like to see roads in Willard improved and widened before any more development takes place to make it safer.

Jared Rasmussen, 550 E. St. Louis St, stated he was here representing the developer. He discussed the lot density and home sizes being proposed. Discussion was made on the types of homes, the types of buyers this developer caters to, infrastructure and traffic. He stated that traffic studies will be accomplished during the next phase of this development and brought back with the Preliminary Planned Development. He stated that the Granite Road extension to Hughes should eventually happen, but will be costly as a bridge will be required over part of it.

Tom Keltner stated that Hughes Road closed earlier this year due to flooding, which is why more runoff is a concern.

Mr. Gray discussed the Comprehensive Plan and development. Discussion was then made on the floodplain and new maps coming out.

No other citizens wished to speak so Mayor Hendrickson closed the Public Hearing at 8:18 p.m.

Discussion/Vote on Hoffman Hills Planned Development.

Mr. Gray stated that Staff supports this development and requests permission to move forward. Discussion was made on possible stubbed roads for future development out of this area. Discussion was also made on the potential of patio homes in place of duplexes. Mr. Rasmussen stated he would bring back home sizes and characters of the homes being proposed during the Preliminary stage. This sketch plan stage was to gather feedback to take to the developer. Mr. Kathcart stated that in Deerfield, the Apartments and Duplexes near did not affect property values at all. Mr. Rasmussen stated that the Covenants and Restrictions will be in place to protect the properties and surrounding properties, ensuring that proper maintenance is required on all lots including R-2.

Motion was made by Burnis Coleman and seconded by Valorie Simpson to approve the Hoffman Hills Planned Development Sketch Plan. Motion carried with a vote of 7-0. Voting aye: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson.

New Business.

Director of Development Randy Brown updated the Commission on a Trinity Housing Development being proposed, West Ridge, Caterbury Estates, Gauge Crossing and CMH.

Unfinished Business.

None.

Adjourn.

Motion was made by Burnis Coleman and seconded by Valorie Simpson to adjourn. Motion carried with a vote of 7-0. Voting aye: Jeff LaMontia, Valorie Simpson, Burnis Coleman, Mike McCroskey, Terry Kathcart, Alderman Whitman and Mayor Hendrickson.

Meeting adjourned at 8:34 p.m.

Valorie Simpson, Secretary

Terry Kathcart, Chairman



November 19, 2020

Randy Brown
Director of Planning and Development
224 W. Jackson Street
P.O. Box 187
Willard, MO 65781

SENT VIA: develop@cityofwillard.org

RE: Stone Creek Phase II & III Planned Development District – Review #3/Approval
Cochran Project No. SW20-309

Dear Mr. Brown:

Cochran has completed our third review for the above referenced Planned Development District. All previous comments have been addressed. Cochran recommends approval of the Planned Development District.

Engineering Report

1. In the second paragraph of the Introduction, the specified location does not match the location depicted in Appendix B. Please update the location as necessary. **Comment not satisfied.** Appendix B shows the project in the SW ¼ not the NW ¼ and update the county to Greene County not Christian County. **Comment satisfied.**
2. The FEMA Flood Maps are currently being revised for Greene County. The revised maps appear to depict a portion of the property in Phase 2 and Phase 3 in the new floodway and a portion of Lot 1 to Lot 6 and Lot 54 to Lot 57 in the new floodplain. Any construction in the floodplain or floodway will require proper permitting with the Army Corps of Engineers and the City's Floodplain Administrator. **Comment not satisfied.** Verify a residential structure for Lot 2, Lot 3 and Lot 4 can be constructed to meet the City's Floodplain Development requirements. Calculations and modeling might be required if fill is being placed in the floodplain. **Comment satisfied.**
3. Verify detention basin locations are still viable with the new FEMA Flood Maps. **Comment not satisfied.** The floodway encompasses a large portion of the Detention/Common Area south of Lot 48 to Lot 57. Verify adequate detention can be provided. The floodway and 100-year floodplain cover most of Lot 1. Verify adequate detention can be provided. This must be completed prior to approval because it could have a significant impact on the lot layout. **Comment satisfied.**
4. The Stormwater Drainage Section references a Table 1. Unable to locate Table 1 in the report. **Comment satisfied.**
5. Greene County's GIS depicts a sinkhole located south of War Horse Lane. A sinkhole evaluation is required to be submitted prior to approval of any construction plans. **Comment not satisfied.** Greene County's recommendation was to have an investigation and recommendation be made by a licensed geotechnical engineer or geologist if the landowner intends to develop the property. **Comment satisfied.** Developer removed lots containing possible sinkhole for a sinkhole evaluation. These lots are intended to be a future phase.
6. The Traffic Analysis should include possible impacts to Miller Road and State Highway AB. It is highly unlikely all traffic will exclusively utilize Farm Road 94. **Comment satisfied.**
7. Provide exhibits that verify there are not any site distance issues at each connection to Hughes Road. **Comment satisfied.**

Preliminary Development Plan

1. See comments 6 and 7 from Engineering Report comments. **Comment satisfied.**

8 East Main Street
Wentzville, MO 63385
Phone: 636-332-4574
Fax: 636-327-0760

737 Rudder Road
Fenton, MO 63026
Phone: 314-842-4033
Fax: 314-842-5957

530A East Independence Drive
Union, MO 63084
Phone: 636-584-0540
Fax: 636-584-0512

534 Maple Valley Drive
Farmington, MO 63640
Phone: 573-315-4810
Fax: 573-315-4811

2804 N. Biagio Street
Ozark, MO 65721
Phone: 417-595-4108
Fax: 417-595-4109

905 Executive Drive
Osage Beach, MO 65065
Phone: 573-525-0299
Fax: 573-525-0298

2. A significant portion of the woodchip trail is shown in the floodway and floodplain on Exhibit 1. How will this trail not become a maintenance nuisance for the Home Owner's Association? *Comment satisfied.*
3. The woodchip trail crosses the creek in two places. How will pedestrians safely cross the creek? *Comment satisfied.*

Preliminary Plat

1. The Point of Beginning depicted on the plan does not match the property description 1. Please update as necessary. *Comment satisfied.* Was not updated on the Preliminary Development Plan Exhibit 1.
2. The Bearings S02°12'28"W, S61°09'38"W and N87°57'49"W do not match the bearings in property description 1. Please update as necessary. *Comment satisfied.* Was not updated on the Preliminary Development Plan Exhibit 1.
3. Provide existing location of War Horse Lane per City Code Section 400.510, Part I, 2, f, (3). *Comment satisfied.*
4. There is a 30' ingress/egress easement called out on the north side of Lot 60, Lot 61 and Lot 67, the north and west side of Lot 68 and the west side of Lot 69 to Lot 71. Verify if this is an existing easement or proposed easement. Verify if the existing War Horse Lane is contained within this easement. If not, verify how access is going to be provided to the two properties War Horse Lane currently serves. *Comment satisfied.*
5. Verify how emergency vehicles will be able to turnaround on E. Becky Street, S. Betsy Lane, E. Logan Street and S. Devon Street. *Comment satisfied.* It is difficult to see the extent of the proposed access easement for E. Becky Street and E. Logan Street. During construction plan review the Willard Fire Protection District will have to determine if hammerheads are required on Betsy Lane and E. Colby Street.
6. Depict the jurisdictional streams and update the plat to show the new 2019 FEMA Floodplain. *Comment satisfied.*
7. Locate the existing sinkhole per City Code Section 400.510, Part I, 2, f, (4). *Comment satisfied.*
8. Depict drainage patterns per City Code Section 400.510, Part I, 2, f, (7). *Comment satisfied.*
9. Verify how stormwater runoff is being collected and transported to the proposed detention basins for Lot 26 to Lot 35. *Comment satisfied.*
10. Provide travel lanes and other transportation improvements per City Code Section 400.510, Part I, 2, i, (2). *Comment not satisfied.* 5-foot wide sidewalks are not depicted on the plan. Per City Code Section 405.150, "Sidewalks shall be constructed on one (1) side of all streets and shall not be built over water lines." Sidewalk construction will be necessary adjacent to Hughes Road. *Comment satisfied.*
11. Provide a generalized landscape plan per City Code Section 400.510, Part I, 2, i, (4). *Comment satisfied.*
12. Depict the location of water main connection to the City's existing water system. A Corps Permit might be necessary to cross the unnamed tributary to Rainer Branch's floodway to connect to the City's existing water system. *Comment satisfied.*
13. At the dead end water mains on E. Wright Street, E. Becky Street, E. Colby Street and E. Logan Street, provide a fire hydrant assembly, an 8-inch diameter M.J. gate valve and M.J. plug after the fire hydrant assembly. This will allow the City to easily expand their water system. *Comment satisfied.*
14. S. Betsy Lane's water main must have a flushing assembly. *Comment satisfied.*
15. Callout connection to the City's existing sanitary sewer system. A Corps Permit might be necessary to cross the unnamed tributary to Rainer Branch's floodway to connect to the City's existing sanitary sewer system. *Comment satisfied.*

Mr. Randy Brown
Stone Creek Phase II & III PDD – Review #3/Approval
November 19, 2020

Page 3

16. Hughes Road is listed as a Collector on the OTO Major Thoroughfare Plan. Per City Code Section 405.120, A, "In any case additional street right-of-way is required, the additional right-of-way shall be split on both sides of the existing right-of-way unless otherwise approve by the Board of Aldermen." A Collector requires a 65-foot right-of-way. 7.5 feet of additional right-of-way must be granted where the PD District is adjacent to Hughes Road. *Comment satisfied.*

This review is strictly for the City of Willard Planned Development District. No review was completed for compliance with the City's preliminary plat requirements.

Please feel free to contact our office with any questions or comments.

Sincerely,



Mark Blair, P.E.
Cochran

Planning and Development

From: Greg Whitlock <greg@whitlockeng.com>
Sent: Thursday, November 19, 2020 10:10 AM
To: Mark Blair
Cc: Planning and Development; Kim Haase
Subject: Re: Stone Creek Revisions

Mark,

We have addressed your comments as noted below.

1. *On the Preliminary Plat please callout out the two areas of R/W being dedicated to the City. The additional right-of-way is already called out.*
2. *On the Preliminary Plat please move the manhole out of the 100-year floodplain. This can be addressed during the construction plan design phase. The City wants a record of the request. The manhole is no longer in the floodplain.*
3. *~~If you plan to Final Plat Phase II separate from Phase III, please renumber the lots so Phase II has consecutive numbers (1-29) then Phase III starts with Lot 30.~~ Completed per plan just submitted.*
4. *On the Preliminary Plat per Municipal Code Section 405.440(D) - Easements shall be provided for all open channels constructed in the City of Willard that are not located within public rights-of-way. The minimum easement width for open channels is the flow width inundated by a 100-year event plus fifteen (15) feet. Lot 1 needs to have a 15 foot wide drainage easement from the 100-year floodplain. The easement will continue into a small portion of Lot 2. It does not have an effect on the building envelope shown. The easement line is now offset 15' from the floodplain on Lots 1 and 2. We also added a 12' drainage easement on Lots 20 and 21 due to their proximity to the floodway.*
5. *Under Traffic Analysis on the Engineering Report and Traffic Impact of the Preliminary Development Plan, please update the section to two access points instead of three and remove Colby Street since it will be part of Phase IV. The Engineering Report and Preliminary Development Plan have been updated.*

The updated documents can be downloaded here:

https://www.dropbox.com/sh/z4vk3k5de2qfnp1/AAAP3NYRROW8784n0_2D7wJpa?dl=0

Greg Whitlock, P.E.



greg@whitlockeng.com

Phone: 417-379-0640

9648 E. North View Road
Strafford, Missouri 65757

On Wed, Nov 18, 2020 at 3:37 PM Mark Blair <mblair@cochraneng.com> wrote:

Greg,

A couple updates that need to be made.

1. On the Preliminary Plat please callout out the two areas of R/W being dedicated to the City.
2. On the Preliminary Plat please move the manhole out of the 100-year floodplain. This can be addressed during the construction plan design phase. The City wants a record of the request.
3. ~~If you plan to Final Plat Phase II separate from Phase III, please renumber the lots so Phase II has consecutive numbers (1-29) then Phase III starts with Lot 30.~~ Completed per plan just submitted.
4. On the Preliminary Plat per Municipal Code Section 405.440(D) - Easements shall be provided for all open channels constructed in the City of Willard that are not located within public rights-of-way. The minimum easement width for open channels is the flow width inundated by a 100-year event plus fifteen (15) feet. Lot 1 needs to have a 15 foot wide drainage easement from the 100-year floodplain. The easement will continue into a small portion of Lot 2. It does not have an effect on the building envelope shown.
5. Under Traffic Analysis on the Engineering Report and Traffic Impact of the Preliminary Development Plan, please update the section to two access points instead of three and remove Colby Street since it will be part of Phase IV.

Please make these changes to the plans and upload them. If you have any questions, please contact me.

Thank you,

Mark Blair, P.E.



www.cochraneng.com

O: (417) 595-4108

M: (573) 480-2833

HOLD HARMLESS AGREEMENT

FOR TRANSFER OF ELECTRONIC DATA

Background Report for Stone Creek Phase 2 and 3

Date: November 24, 2020

Owner: Kim Haase

Location: South of Stone Creek Phase 1, East and North of Hughes Rd.

Tract size : approximately 27.1 acres

Existing Zoning: R-1

Proposed Zoning: R-1 Planned Development District

Surrounding Land uses:

North: R-1 Planned Development

South: R-1, Agriculture

West: R-1 Agriculture

East: R-1 Agriculture

Utilities: Water was extended into the property with Phase 1, Sewer will be extended from Phase 1. Stormwater- one of the detention basins was previously constructed and is located adjacent to Rainier Branch and is currently impacted by the FEMA flood zone.

Transportation: Ingress and Egress from Hughes Rd.

Staff Comments: Staff received the original submittal from Mr. Haase on October 1, 2020 and forwarded it to Cochran Engineering for review. Staff received comments back from Cochran Engineering on October 14 and sent them back to the developer. Response to city comments were received and reviewed on October 22, 2020. The Planning and Zoning Commission tabled the Preliminary Plat and Plan as requested by the developer's engineer at the October 27, 2020 meeting. The Public hearing was held at the November 9, 2020 B.O.A. meeting and the item was then tabled pending revisions. Staff has since met the City Engineer and Developer Engineer to discuss items of concern and recommended changes that were previously discussed. Staff has received a revised submittal from the Developer's engineer and we have reviewed the documents provided and support the proposed plan as submitted. We have included the revised information and

comments for your review and consideration for approval. If you have any questions feel free to contact me at City Hall.

Randy Brown

Director of Development

Preliminary Development Plan
Stone Creek Phases II & III
A PROPOSED SINGLE-FAMILY RESIDENTIAL
PLANNED DEVELOPMENT DISTRICT
WILLARD, MISSOURI



DANCO INVESTMENTS, INC.
466 W FARM ROAD 80
WILLARD, MISSOURI 65803

PREPARED BY:



9648 E North View Road
Strafford, Missouri 65757
417-379-0640

October 22, 2020
Rev November 17, 2020

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List of Exhibits

Exhibit 1— Preliminary Development Plan

List of Appendices

Appendix A— Declaration of Conventions, Covenants and Conditions





9648 E North View Road
Strafford, Missouri 65757
417-379-0640

Stone Creek Subdivision Phases II & II Planned Development District Willard, Missouri Preliminary Development Plan

I. INTRODUCTION

This plan includes a description of a proposed Planned Development District for Stone Creek Phases II and III. The property consists of approximately 16.6 acres of ground located on the north and east side Hughes Road and south of Granite Road. The development would allow for the creation of 42 single-family lots and common area. A location map is included on the Final Development Plan Exhibit.

The maximum density of the development is 2.53 homes per acre. The development plan allows for building setbacks and lot dimensions that differ from the minimum standards under Willard's R-1 zoning requirements as outlined in this document and the Preliminary Development Plan Exhibit.

The development is consistent with the surrounding single-family residential uses.

II. GENERAL INFORMATION

- A. Legal Description — See the Final Development Plan Exhibit
- B. Total single-family lots: 42
- C. Total acres: 16.6 acres
 - 1. Residential single-family use: 11.8 ac (71%)
 - a. Density 2.53 units per acre
 - 2. Non-residential use: 0.00 ac (0.0%)
 - 3. Private open space: 1.36 ac (8.2%)
 - 4. Public right-of-way: 3.34 ac (20.1%)
 - 5. Off-street parking and loading: 0.00 ac (0.0%)

III. STANDARD FOR DEVELOPMENT PLAN

A. Intensity of Development

- 1. Maximum number dwelling units: 42
- 2. Minimum square footage of dwelling units
 - a. Over crawl space 1,500 sf
 - b. Over basement 1,500 sf main level
 - c. Two-story 2,000 sf
- 3. One Single-family detached dwelling allowed per lot

B. Uses permitted

This PDD is intended primarily for single-family detached dwellings, one (1) dwelling per lot. Other uses necessary to meet education, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district. This PDD allows for conditional uses permitted in R-1 Single Family Residence District as described in the Willard Municipal Code.

C. Lot Size, Bulk, Area and Height Requirements

1. Minimum Lot Size 10,000 sf
2. Lot width: 80'
3. Front Yard Setback: 35'
4. Side Yard Setback: 10' / 20' on corner lots next to street
5. Back Yard Setback: 30'
6. Maximum lot coverage: 40%
7. Maximum structure height for primary structure: 30'
8. Maximum structure height for accessory structure: 16'

D. Public Facilities

A crushed stone nature trail will be constructed on the existing detention tract with a connection to the internal sidewalks in the development. Creek crossings will consist of an at-grade paved trail within the floodway. The homeowners association will provide on-going maintenance.

E. Landscaping Requirements

Landscaping requirements shall be in accordance with the Declaration of Conventions, Covenants and Conditions.

IV. DECLARATION OF CONVENTIONS, COVENANTS AND CONDITIONS

Declaration of Conventions, Covenants and Conditions are included in Appendix A

V. PHASING OF THE DEVELOPMENT

The development will be constructed in two phases as indicated on the Preliminary Development Plan Exhibit. The first phase, to be known as Phase II, will be constructed in 2021. The second phase, to be known as Phase III, is expected to be constructed the following year although market conditions will ultimately dictate the phasing of construction.

All public improvements required and directly related to each phase will be completed prior to final platting of related phase.

VI. TRAFFIC IMPACT

The development is located in a residential area of the City and has three access points off of Hughes Road: Wright Street, Berry Lane, and Colby Street. Hughes Road intersects with Farm Road 94 to the south and Miller Road and State Highway AB to the northwest. The development is located approximately two miles from Hwy 160, a major highway linking Willard to Springfield and Interstate 1-44. Farm Road 94 is the closest arterial and is classified as a secondary arterial.

A. Traffic Generated by the Subdivision

The estimated total amount of traffic generated by this development based on the Institute of Transportation Engineers *Trip Generation* manual is as follows:

1. Average Weekday Trip Ends per Dwelling Unit

Average weekday trip ends per single family detached unit = 9.57 trips per unit
Maximum density = 42 units
Total average weekday traffic from subdivision, $9.57 \times 42 = 402$ trips per day
Directional distribution is 50% entering and 50% exiting

2. Trip Generation for AM Peak Hour

Average rate = 0.77 trips per unit
Total number of AM peak hour trips, $0.77 \times 42 = 32$ trips
Directional distribution is 26% entering and 74% exiting
Trips entering subdivision during the AM peak, $26\% \times 32 = 8$ trips
Trips exiting subdivision during the AM peak, $74\% \times 32 = 24$ trips

3. Trip Generation for PM Peak Hour

Average rate = 1.02 trips per unit
Total number of PM peak hour trips, $1.02 \times 42 = 43$ trips
Directional distribution is 64% entering and 36% exiting
Trips entering subdivision during the PM peak, $64\% \times 43 = 28$ trips
Trips exiting subdivision during the PM peak, $36\% \times 43 = 15$ trips

B. Existing Traffic Counts

Peak AM and PM traffic counts were performed on Hughes Road and Farm Road 94 on September 29, 2020 and September 30, 2020. Farm Road 94 was analyzed because it is the closest arterial to the site. The intersection of the two roads is stop controlled on the southbound lane of Hughes road. There was rarely more than one vehicle at the stop sign at one time and never more than two vehicles observed during the peak hour counts.

The results from the traffic counts are as follows:

1. Hughes Road

AM total = 48 vehicle per hour (vph)
North bound total = 13 vph (27%)
South bound total = 35 vph (73%)

PM total = 71 vph
North bound total = 44 vph (62%)
South bound total = 27 vph (38%)

2. Farm Road 94

AM total = 68 vph
East bound total = 48 vph (71%)
West bound total = 20 vph (29%)

PM total = 86 vph
East bound total = 29 vph (34%)
West bound total = 57 vph (66%)

C. Combined Traffic

Assuming the same directional splits, the anticipated total traffic following the completion of the subdivision is as follows:

1. Hughes Road

AM total = 80 vph
North bound total = 22 vph (27%)
South bound total = 58 vph (73%)

PM total = 114 vph
North bound total = 71 vph (62%)
South bound total = 43 vph (38%)

The combined traffic totals are well within the capacity of a local two-lane road of 1,000 vehicles per hour and the stop control capacity of 35 seconds per vehicle.

Exhibit 1

Appendix A

TITLE: DECLARATION OF CONVENTIONS, COVENANTS AND CONDITIONS
DATE: SEPTEMBER 28, 2020
Grantors: DANCO INVESTMENTS INC.
LEGAL: SEE ATTACHED

DECLARATION OF CONVENTIONS, COVENANTS AND CONDITIONS OF

Stone Creek Phase II and III

This Declaration of Restrictions, Covenants and Conditions of Stone Creek a subdivision in Greene County, City of Willard, Missouri, made on the date hereinafter set forth by Danco Investments Inc., A Missouri Corporation, hereinafter referred to as "Developer."

WITNESSETH:

WHEREAS, Developer is the owner of record of the following described real property, hereinafter called the "Property":

PROPERTY DESCRIPTIONS

DESCRIPTION 1:

COMMENCING AT THE NE CORNER OF THE SW $\frac{1}{4}$ OF SECTION 36, T-30-N, R-23-W, WILLARD, GREENE COUNTY, MISSOURI; THENCE N88°00'39"W, 563.05 FEET FOR THE POINT OF BEGINNING; THENCE S05°44'24"E, 622.59 FEET; THENCE N87°53'37"W, 1123.01 FEET; THENCE S05°45'22"E, 473.29 FEET; THENCE S02°00'46"W, 280.74 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF HUGHES ROAD; THENCE N87°58'21"W, 516.81 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N02°08'30"E, 381.07 FEET; THENCE N88°04'57"W, 197.13 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID HUGHES ROAD; THENCE N02°40'37"E, 553.21 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE S87°57'36"E, 642.12 FEET; THENCE N02°14'31"E, 351.11 FEET; THENCE N88°03'51"W, 636.76 FEET TO THE INTERSECTION WITH SAID EAST RIGHT-OF-WAY LINE; THENCE N01°56'09"E, 50.00 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE INTERSECTION WITH SAID NORTH LINE OF THE SW $\frac{1}{4}$; THENCE S88°04'48"E, 902.11 FEET; THENCE S87°56'08"E, 773.13 FEET TO THE POINT OF BEGINNING. CONTAINING 28.9 ACRES SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION 2:

COMMENCING AT THE SE CORNER OF THE NW $\frac{1}{4}$ OF SECTION 36, T-30-N, R-23-W, WILLARD, GREENE COUNTY, MISSOURI; THENCE N88°00'39"W, 563.05 FEET; THENCE N87°56'08"W, 773.13 FOR THE POINT OF BEGINNING; THENCE N88°04'48"W, 902.11 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF HUGHES ROAD; THENCE N01°56'12"E, 10.96 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID HUGHES ROAD; THENCE N88°00'48"W, 51.78 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N02°08'44"E, 299.51 FEET; THENCE S88°01'48"E, 852.64 FEET; THENCE S01°52'33"E, 309.70 FEET TO THE POINT OF BEGINNING. CONTAINING 6.8 ACRES SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION 3:

COMMENCING AT THE NE CORNER OF THE SOUTH 400.00 FEET OF THE NORTH $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 36, T-30-N, R-23-W, WILLARD, GREENE COUNTY, MISSOURI; THENCE N88°02'15"W, 507.07 FEET ALONG THE NORTH LINE OF SAID SOUTH 400 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING N88°02'15"W, 807.98 FEET ALONG THE NORTH LINE OF SAID SOUTH 400.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF HUGHES ROAD; THENCE N01°43'05"E, 256.15 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE S88°04'00"E, 179.84 FEET; THENCE N01°58'53"E, 250.52 FEET; THENCE N00°24'25"E, 133.03 FEET; THENCE S88°09'07"E, 652.01 FEET; THENCE S03°40'55"W, 641.33 FEET TO THE POINT OF BEGINNING. CONTAINING 10.5 ACRES MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, Developer desires to provide for the development of the Property with open areas, and residential homes, and to provide for the maintenance, improvement and administration of the community and the preservations of the values and amenities of the property, and

WHEREAS, subsequent to the recording of this Declaration, Stone Creek Homeowners association will be organized for the general purposes of managing the Common Area and facilities; administering and enforcing the covenants and restrictions; and collecting and disbursing the assessments as provided for in this Declaration,

NOW THEREFORE, Developer does hereby declares that the Property shall be subject to the restrictions, covenants and conditions, easements and charges, hereinafter set forth, which shall run with the land and be binding on all present and future owners, and shall inure to the benefit of each owner of the land included in the Property.

ARTICLE 1

OWNER'S EASEMENTS OF ENJOYMENT. Every Owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- (a) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area; the right of the Association to limit the number of guests of Owners; the right of the Association to limit the Common Area which may be used by guests of Owners; the right of the Association to impose conditions under which the Common Area may be used by Owners and/or their guests;
- (b) The right of the Association to suspend any Owner's voting rights and the right to use the Common Area for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed ninety (90) days for any infraction of this Declaration, Bylaws of the Association or any Rules which may be imposed by the Association;
- (c) The right of the Association to dedicate or transfer all or any part of the Common Area to any governmental agency, authority, or public or private utility for such purposes;
- (d) The right of the Association to promulgate and enforce the Rules in connection with the property.

Article II

THE STONE CREEK OWNERS ASSOCIATION.

Section 1: Organization.

(a) The Association. The Association is or shall be a non-profit corporation organized and existing under the General Not-For-Profit Corporation Act of the State of Missouri, charged with the duties and invested with the powers prescribed by law and set forth in its Articles of Incorporation (the "Articles"), By-Laws, and this Declaration. Neither the articles nor by-Laws shall, for any reason, be amended or otherwise changed or interpreted as to be inconsistent with this Declaration. The Association will not be dissolved without the consent of the City of Willard, Missouri.

(b) Board of Directors and Officers. The affairs of the Association shall be conducted by a Board of Directors and such officers as the Directors may elect or appoint, and accordance with the Articles and the By-Laws.

(c) The Association when formed: The association shall be formed at any time after completion of 60% of homes. The Board of Directors will be elected at the first meeting on a basis of one vote for each home. The Board will originally consist of three (3) members. This number can be adjusted by majority vote of homeowners but will always be an odd number of directors.

Section 2: Powers and duties of the Association. The Association shall have such rights powers and duties as set forth in the Articles and By-Laws.

Section 3: Rules. By a majority vote of the Board, the Association may, from time to time and subject to the provision of the Declaration, adopt, amend and repeal rules and regulations governing the use of any Common Area by Any Owner, by the family of such Owner, or by and invitee, licensee or lessee of such Owner; provided, however, that such rules may not discriminate among Owners and shall not be inconsistent with the Declaration, the Articles or By-Laws. A copy of such Rules as they may from time to time be adopted, amended or repealed, shall be made available to each Owner and the Owner's request. Upon promulgation the Rules shall have the same force and effect as if they were set forth in and were part of the Declaration.

Section 4: Personal Liability. No member of the Board of Directors of the Association, or any committee thereof, or any officers of the Association shall be personally liable to any Owner, or to any other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or negligence of the Association, the Board, or any other representative or employee of the Association, or any committee, or any office of the Association provided that the person has upon the basis of the information as may be possessed by him, acted without willful or intentional misconduct.

Section 5: Responsibility for Common Areas: The Association shall have the responsibility for maintaining the Common Areas and shall be responsible for the payment of any taxes and insurance on the Common Areas. In the event any Common Area is willfully or maliciously damaged or destroyed by an Owner or any of his guest, tenants, licensees, agents or members of his family, such Owner does hereby authorize the Association to repair said damaged area, and the Association, at its option, shall so repair said damaged area. The cost for such repairs shall be paid by said Owner, upon demand, to the Association and the Association may enforce collections of same in the same manner as if such costs were an assessment and shall have all powers and rights to so collect as set forth in Article III Section 2. The Common Areas will be turned over to the Association upon election of officers of said Association.

Section 6: Common Area open space restrictions and maintenance. That the association shall be responsible for liability insurance, taxes and perpetual maintenance. Membership shall be mandatory for each homeowner and successive buyer and that if in the event the association does not maintain the common and open areas, the city may enter and maintain and access cost ratably and said cost shall be a lien on the property. These requirements are mandatory under the City of Willard ordinance 400.1230

Article III Membership and Voting Rights

Section 1: Membership. Every Owner, either of a fee or undivided interest, of a lot, shall be a Member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

Section 2: Management. Members shall have no rights to manage the business affairs of the Association. The management of the Association is vested entirely in the Board of Directors as set forth in the Articles and By-Laws.

Section 3: Voting Rights. Voting members of the association shall be all those members described in Section 1 hereof, including Developers for so long as Developers own any interest in a Lot. Voting members shall be entitled to one (1) vote for each Lot in which such member owns an interest. When more than one person or entity holds an interest in any Lot, all such person or entities shall be members and the vote for such Lot shall be exercised as they, among themselves, determine but such joint ownership shall not increase the one vote which could otherwise be cast for any Lot.

Any matter to be voted on by the voting members of the association shall be determined by a majority of the votes cast; provided, however, that no vote shall be valid unless the Developers shall have cast their vote or votes or shall have waived such right in writing for so long as Developers own a Lot.

Section 4: Creation of the Lien and Personal Obligations of Assessments. Each owner of any Lot, other than Developer, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association: (1) annual assessments of charges, and (2) special assessments for capital improvements, such assessments to be established and collected as provided. The Developer shall not be considered an Owner of a Lot or a member of the Association for purposes of assessment and the Developer shall not be obligated to pay any annual or special assessments. The annual and special assessments, together with interest, costs and reasonable attorneys' fees, shall, to the full extent permitted by law, be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, cost and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of such property on the effective date of the assessment. The personal obligation for delinquent assessment shall not pass to his successors in title unless expressly assumed by them, but, nevertheless, the lien above-mentioned arising by reason of such assessment shall continue to be a charge and lien upon the land as above provided. Until the Board of Directors specifies the amount of the annual assessment, such assessment for any year shall become due and payable on the 1st day of July of each year, or at such other date as designated by the Board of Directors.

Section 5: Effect of Nonpayment of Assessments; Remedies of the Association. Each Owner shall be deemed to covenant and agree to pay to the Association the assessments provided for herein, and each agrees to the enforcement of the assessments in the manner herein specified. In the event the Association employs an attorney or attorneys for collection of any assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the purpose in connection with the breach of this Declaration, each Owner and Builder agrees to pay reasonable attorneys' fees and costs thereby incurred in addition to any other amounts due or any other relief or remedy obtained against said Owner or Builder. In the event of a default in payment deemed delinquent, and shall bear interest at the rate of eighteen percent (18%) per annum, and in addition to any other remedies herein or by law provided, the Association may enforce each such obligation in any matter provided by law or in equity, or, without any limitation by the foregoing, by either or both the following procedures:

- (a) The Board may cause a suit at law to be commenced and maintained in the name of the Association against any Builder or Owner to enforce each such assessment obligation.
- (b) There is, to the full extent permitted by law, hereby created a claim of lien, with power of sale, on each and every Lot to secure payment to the Association of any and all assessments, interest, attorneys' fees and other cost levied against any and all Owners of such Lots under this Declaration.

Article IV

Section 1: The following restrictions are imposed upon each residential lot for the benefit of all Owners, Builders, and the Developer.

Section 2: Single Family Residential Use. Except as provided in Section 6 for Developer's or Builder's offices, all lots shall be used, improved and devoted exclusively as a one-family dwelling, and no gainful occupation, profession, trade, or other non-residential use shall be conducted on such lot. Nothing herein shall be deemed to prevent the leasing of any such dwelling, from time to time, by the Owner thereof, subject to all of the provisions placed or permitted to remain on any lot except a detached one-family dwelling, together with at least a two-car attached garage. Except as allowed in Section 15. See Section 25 for square footage requirements.

Section 3: Animals. Household pets shall be permitted; however, they shall be restrained in a humane manner so as to be restricted to the owners' property. No livestock or poultry of any kind shall be raised, bred or kept on any lot for commercial purposes. No animal shall pose a nuisance. This shall comply with the City of Willard ordinance on animal control.

Section 4: Antennae. No Antenna or other device for the transmission or reception of electronic signals shall be erected, used or maintained outdoors on any lot, which antenna or other device shall be visible from the street adjoining the front of said lot, unless approved by the Developer. TV antennas shall be erected so as to be as inconspicuous as possible and no such TV antenna shall extend more than six feet above the ridge of the roof of the particular dwelling unit upon which the antenna is located; provided, however, the Developer shall have the authority to ward variances with respect to the foregoing prohibition. Small satellite dishes for TV reception under 36" in diameter will be permitted as long as they are put in an inconspicuous place.

Section 5: Improvements and Alterations: No building, fence, wall, or residence or other structures shall be commenced, erected, improved or structurally altered, without the prior written approval of the Developer.

Section 6: Temporary Occupancy. No trailer, incomplete buildings, tent, shack, or garage and no temporary building or residence on any property within Stone Creek. Temporary buildings or structures used during the construction of a dwelling on any such property shall be removed immediately after the completion of construction. Provided, however, that the Developer or Builder shall have the continuing right to maintain a field sales office and administrative offices in mobile trailers or other approve structures for so long as the Association shall deem it necessary on any lot of Stone Creek, and no Owner shall have standing to object to the maintenance of such office.

Section 7: Trailers and Recreational Vehicles. No trailer, travel trailer, motor home, boat trailer, boat or recreational vehicle shall be parked in front of the front building line of residence. They must be in rear of residence.

Section 8: Motor Vehicles. The operation of any motor vehicles creating loud or annoying noises by virtue of its operation within the properties is strictly prohibited. No unlicensed, wrecked or inoperable vehicles of any type or description shall be parked, left, maintained or located on any lot or adjacent thereto, including the platted streets or common areas. No parking of vehicles shall

be permitted on streets, except for short term visitor parking. This does not pertain to homes under construction.

Section 9: Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any lot within Stone Creek and no odors shall be permitted to arise therefrom so as to render any such lot or portion thereof, unsanitary, unsightly, offensive or detrimental to any other lot in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any such property.

Section 10: Maintenance of Lawns and Plantings. Each owner of a lot within Stone Creek shall keep all shrubs, trees, grass and plantings, including the area located between the boundary line of his property and the street on which Owner's property abuts, neatly trimmed, properly cultivated and free of trash, weeds, and other unsightly material. Additionally, each Owner of a lot within Stone Creek shall maintain two trees of at least six-foot in height in the front yard. Each Owner further agrees to replace said trees in the event that one or both die. All yards shall be sodded, hydra seeded, or seeded and strawed.

Section 11: Repair of Buildings. No buildings, structures or fence upon any lot within Stone Creek shall be permitted to fall into disrepair, and each such building, structure or fence shall be at all times kept in good condition and repair and adequately painted or otherwise finished.

Section 12: Trash Containers and Collection. No garbage or trash shall be placed or kept on any property within Stone Creek except in covered containers of a standard type. All trash containers to be kept at side or rear of property except on collection day.

Section 13: Curb Appeal. No swings, playground equipment, clotheslines, wading pools, or sandboxes may be placed in front of the dwelling, but must be kept in the back or side of the dwelling on said lot.

Section 14: Encroachments. No tree, shrub, or planting of any kind of any lot within Stone Creek shall be allowed to overhang or otherwise encroach upon any sidewalk, street, pedestrian way, or other area from ground level to a height of eight feet, without prior approval of the Developer.

Section 15: Storage Buildings. One (1) Storage Building will be allowed which will be no larger than 12 feet by 16 feet or smaller and maintained in good condition. They must be the same material as the house.

Section 16: Restriction on Further Subdivision. No lot within Stone Creek shall be further subdivided or separated into smaller lots or parcels by any Owner, and no portion less than all of any such lot, or any easement or other interest therein, shall be conveyed or transformed by an Owner. This provision shall not, in any way, limit Developer from subdividing or separating into smaller lots or parcels any property owned by the Developer. However, Owner may purchase more than one lot, but homes must be placed on only one lot. Homes shall not be placed in the center of two adjoining lots. No portion of a single-family residence lots less than the entire lot, together with the improvements thereon, may be rented, and then only to a single family.

Section 17: Signs. No sign of any kind shall be displayed to the public view of any lot except: (a) one sign of not more than five square feet, advertising the property for sale or rent; (b) signs used by Builder to advertise the property during the construction and sales period; (c) signs of such shape, size and location as the Developer deems necessary for security and to advertise the project.

Section 18: Building location. No building shall be located nearer to any lot line than the minimum set-back line shown on the recorded plat of Stone Creek. No building shall be placed in the center of two adjoining lots.

Section 19: Fences.

- a. No Fencing in front yard is permitted.
- b. No chain link fencing shall be permitted.
- c. Privacy fences may not exceed seven feet in height.
- d. No fences in Stone Creek shall extend past the front edge of the house. Supporting structures on all fences shall be placed on the side of the fence facing the property of the Owner building the fence. On corner lots, the fence may extend from the back corner of the house towards the side street, but not beyond the side property line.
- e. No fence or hedge shall be permitted between the front wall of the structure and the adjoining street or across the front yard.

Section 20: Easements. Easements are reserved as shown upon the recorded plat of Stone Creek.

Section 21: Soil Removal. Soil may not be removed from the Subdivision without consent of the Developer.

Section 22: Outside Lighting. Spotlights, floodlights, or similar type high intensity lighting shall be designed, located and constructed as to eliminate or significantly reduce glare on adjoining residences, and the Developer may direct that they be redesigned or eliminated if they determine that it is advisable. Other types of low intensity lighting which do not disturb the Owners or other occupants of the properties may be allowed.

Section 23: Dwelling Exteriors. Front exteriors shall be constructed of brick or stone with the exception of trim around windows and doors. Exterior sliding will be allowed over garage doors and cantilevers. Remainder of home shall be of a maintenance free material.

Section 24: Vehicles. No unlicensed or inoperable vehicles may be kept on premises except in garage.

Section 25: Minimum Square Footage. All homes over a crawl space shall be at least 1500 square feet. All homes over a basement shall be at 1500 square feet on the main level. All two Story homes shall be at least 2000 square feet. No relocated houses, modular homes or trailers shall be permitted.

Section 26: Roof. Minimum pitch of roof shall be 6/12 or greater. No white roofs shall be allowed.

Section 27: Completion of Homes. On all lots sold, homes will need to be completed within 3 (three) years of lot closing date. All homes shall have Liberty Electric for the electric supplier and Spire for the gas. If homes are not hooked up with these utilities then an additional amount will be due the Developer. This is due to utility deposits paid for by Developer, Liberty Electric will be \$3000.00 (three thousand dollars) and Spire will be \$735.00 (seven hundred thirty five dollars). If homes are only hooked to one of the above utilities then the remaining utilities fee will be due immediately to the developer.

Article V

Section 1: Enforcement. The Association of any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration.

Section 2: The Declaration. By acceptance of a deed or by acquiring any ownership interest in any of the Lots in the Property, each person or entity binds himself, his heirs, personal representatives, successors, transferees and assigns to the covenants, conditions, rules and regulations now or hereafter imposed by this Declaration, and any amendments thereto.

Section 3: Property Owners Association. Shall have the right to set property owners' fees for the upkeep and maintenance of all common areas. These restrictions and conditions are to run with the land and shall be binding upon the represent title holders of said land as well as all other persons claiming under them for a period of thirty (30) years from the date of this instruments as recorded, after which time said covenants shall be extended automatically for successive periods of ten (10) years. This Declaration may be amended in part by the Developer or a majority of homeowners. No amendment shall be changed without the written approval of the City of Willard. Developer will develop Stone Creek in phases, by various lots. Developer may supplement, modify, or amend these restrictions, as deemed necessary.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this _____ day of _____, 2020.

Danco Investments Inc.

By: _____

Kim L. Haase, Pres.

Attest: _____

Nancy J. Haase, Sec.

STATE OF MISSOURI)
)
COUNTY F GREENE)

On this _____ day of _____, 2020, before me personally appeared Kim L. Haase to me personally known, who being duly sworn, did say that he is the President of Danco Investments, Inc. that the seal affixed to this instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Kim L. Haase acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in _____, Missouri.

Notary Public

My commission expires: _____

QUESTIONS ON REZONING APPLICATION

(Attach additional sheets if necessary)

1. What is the current use of the property? R-1

2. Why are you requesting a change in zoning? Develop single-family Planned Development District

3. Are there any deed restrictions or restrictive covenants that would affect the use of this property?
If so, what are they?
No

4. Has a rezoning ever been requested for this property in the past by the current owner? What zoning classification was requested and when?
Yes, 2005, Expired single-family Planned Development District

5. If the rezoning is approved, does the applicant intend to develop the property?
Yes

APPLICATION CHECKLIST
ZONING CHANGE (REZONING)
City of Willard, Missouri

This checklist is provided to help you make sure that you submit everything that is required for a complete rezoning application. The application must be complete and all items listed on the checklist must accompany the application or this case will not be processed. The application must be submitted no later than 4:00 p.m. to the Willard City Hall, 30 working days prior to the Planning and Zoning Commission public hearing at which the request for rezoning will be heard. Contact the City Clerk at the telephone number below for filing deadlines and meeting dates.

APPLICATION FORM:	
x	List the current zoning classification of the property.
x	List the zoning classification you are requesting. See the <i>Land Development Regulations</i> , Article V, for specific zoning district classifications.
x	Provide the legal description of the property to be rezoned. You may attach the legal description on a separate sheet.
x	List the current property owner's name, address, and telephone number. If a corporation, list the corporate official and include the corporate seal.
x	Current property owner must sign the application unless there is an authorized representative. If authorized representative, include power of attorney.
x	List the name and address for billing the legal advertising and mail notices for the public hearings before the Planning Commission and Board of Aldermen.
x	Provide an answer to questions 1-5 on the application.
APPLICATION FEE:	
x	Include \$300.00 application fee for zoning application. Applicant also responsible for advertising and notification costs for public hearings.
PROPERTY OWNERS NOTIFICATION:	
x	Provide a list of property owners' names and addresses within 185 feet of the area to be rezoned that has been compiled from the records of the Greene County Assessor's Office or prepared by a title company authorized to issue title policies in the State of Missouri.
x	Provide an addressed, stamped (not metered) business envelope for every property owner listed on the property owners' list.
<p>Note: The Planning and Zoning Commission <u>shall not</u> forward its recommendation to the Board of Aldermen when the applicant or the applicant's agent does not appear at the public hearing to provide evidence regarding the request for a change in zoning classification. Also, final action by the Board of Aldermen shall not be taken until the applicant has reimbursed the City for the costs of advertising and mail notifications to adjacent property owners.</p>	

Submit Applications To:
 Willard City Hall
 224 W. Jackson, PO Box 187
 Willard, MO 65781
 (417) 742-3033

For mail delivery, use the post office box address
 For hand delivery or parcel delivery, use the street address

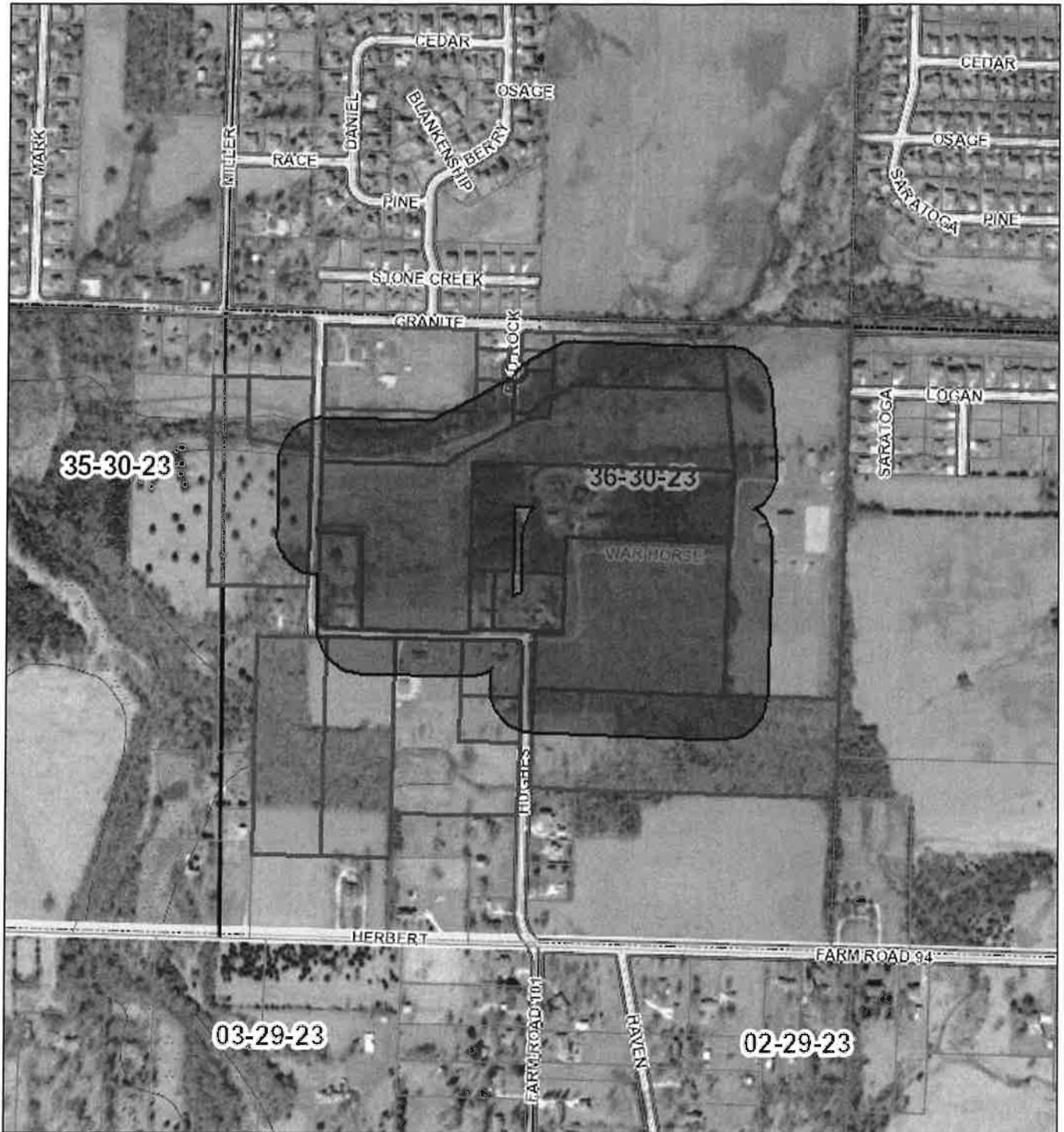
LEGAL DESCRIPTION

DESCRIPTION 1:

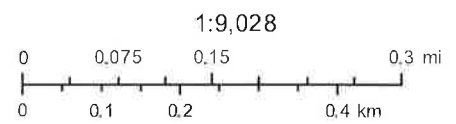
COMMENCING AT THE NE CORNER OF THE SW1/4 OF SECTION 36, T-30-N, R-23-W, WILLARD, GREENE COUNTY, MISSOURI; THENCE N88°00'57"W, 563.05 FEET; THENCE S05°44'42"E, 288.22 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING S05°44'42"E, 334.37 FEET; THENCE N87°53'55"W, 1123.01 FEET; THENCE S05°45'40"E, 473.29 FEET; THENCE S02°00'28"W, 250.74 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF HUGHES ROAD; THENCE N87°58'39"W, 516.81 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N02°06'12"E, 381.07 FEET; THENCE N88°05'15"W, 197.13 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID HUGHES ROAD; THENCE N02°40'19"E, 330.03 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE S88°05'15"E, 527.31 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND A CHORD BEARING OF N54°31'54"E, AN ARC DISTANCE OF 64.40 FEET; THENCE N65°04'28"E, 320.76 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING OF N78°33'20"E, AN ARC DISTANCE OF 58.82 FEET; THENCE S87°57'49"E, 44.02 FEET; THENCE N02°12'28"E, 80.27 FEET; THENCE N61°09'38"E, 116.39 FEET; THENCE S87°57'49"E, 658.39 FEET TO THE POINT OF BEGINNING. CONTAINING 16.60 ACRES SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION 2:

COMMENCING AT THE NE CORNER OF THE SOUTH 400.00 FEET OF THE NORTH 1/2 OF THE SE1/4 OF THE SW1/4 OF SECTION 36, T-30-N, R-23-W, WILLARD, GREENE COUNTY, MISSOURI; THENCE N88°02'33"W, 507.07 FEET ALONG THE NORTH LINE OF SAID SOUTH 400 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING N88°02'33"W, 807.98 FEET ALONG THE NORTH LINE OF SAID SOUTH 400.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF HUGHES ROAD; THENCE N01°42'47"E, 256.15 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE S88°04'18"E, 179.84 FEET; THENCE N01°58'35"E, 250.52 FEET; THENCE N00°24'07"E, 133.03 FEET; THENCE S88°09'25"E, 652.01 FEET; THENCE S03°40'37"W, 641.33 FEET TO THE POINT OF BEGINNING. CONTAINING 10.5 ACRES MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



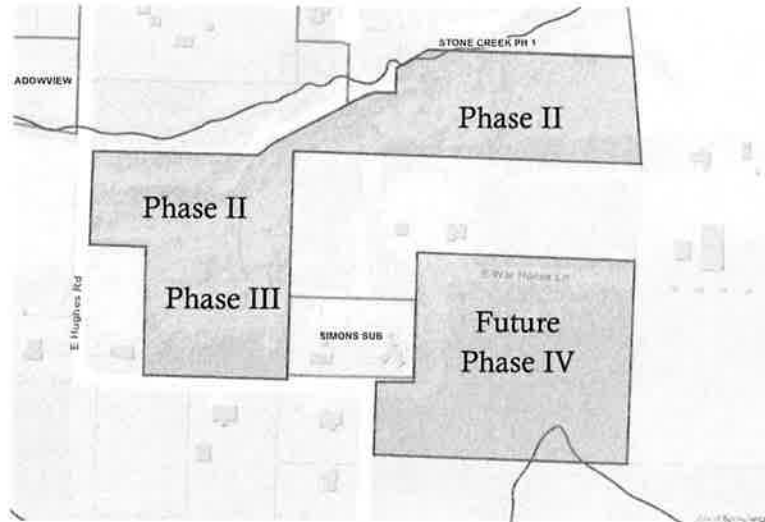
October 1, 2020



parid	owner	address1	address2
736300053	BANKSTON, JAMES M	424 HUGHES RD	WILLARD MO 65781 9548
736300060	KELTNER, THOMAS J	405 HUGHES RD	WILLARD MO 65781 9549
736300072	LOGAN, KEITH R	420 HUGHES E RD	WILLARD MO 65781
736300046	PYRAH, GRANT L TRUSTEE	414 HUGHES RD	WILLARD MO 65781 9548
736300004	SHAEFER, LARRY L	415 HUGHES E RD	WILLARD MO 65781 9549
736300037	DANCO INV INC	PO BOX 44	SPRINGFIELD MO 65801 0044
736300067	DANCO INVESTMENTS INC	PO BOX 44	SPRINGFIELD MO 65801 0044
736300068	DANCO INVESTMENTS INC	PO BOX 44	SPRINGFIELD MO 65801 0044
736300024	LIVGREN, CALVIN A	421 HUGHES RD	WILLARD MO 65781 9567
736300071	LOGAN, KEITH R	420 HUGHES E RD	WILLARD MO 65781
736300025	LYONS, BENJAMIN	419 HUGHES E RD	WILLARD MO 65781
736300035	DREW, EDWARD WILLIAM JR	457 WAR HORSE E LN	WILLARD MO 65781
736300057	LOGAN, KEITH R	420 HUGHES RD	WILLARD MO 65781 9548
736300047	CONDICT, W CAROLYN TR	422 HUGHES RD	WILLARD MO 65781 9548
736300050	PYRAH, GRANT L TRUSTEE	414 HUGHES RD	WILLARD MO 65781 9548
736300015	KELTNER, THOMAS J	405 HUGHES RD	WILLARD MO 65781 9549
736300063	BIERER, FREDERICK	831 RED ROCK	WILLARD MO 65781

Engineering Report

Stone Creek Phases II & III



DANCO INVESTMENTS, INC.
466 W FARM ROAD 80
WILLARD, MISSOURI 65803

PREPARED BY:



9648 E North View Road
Strafford, Missouri 65757
417-379-0640

October 1, 2020
Rev. November 17, 2020

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	Drainage Area Map
APPENDIX B	Preliminary Plat





9648 E North View Road
Strafford, Missouri 65757
417-379-0640

Engineering Report Stone Creek Phases II & III Engineering Report

I. INTRODUCTION

In accordance with Willard's Land Development Regulations, Danco Investments, LLC has retained Whitlock Engineering, LLC to prepare an engineering report for Stone Creek Subdivision Phases II & III in Willard, Missouri. This report addresses stormwater drainage, water supply, wastewater disposal, utilities, traffic impacts and environmental concerns.

The proposed 16.6 acre single-family residential subdivision will consist of 42 single-family residential lots and common area detention basins. The proposed subdivision is located on the north and east side Hughes Road and south of Granite Road. Specifically the site is located in part of the north half of the southwest quarter of Section 36, Township 30N, Range 23W in Greene County Missouri. Refer to Exhibit 1 in Appendix A for a Location Map.

II. STORMWATER DRAINAGE

A. Offsite/Site Drainage Areas

Refer to Exhibit 2 in Appendix A for a Drainage Area Map showing the drainage areas.

The subdivision is located on a ridge that runs east and west through the southern part of the site. The area north of the ridge consists of approximately 30.9-acres that sheet flows in a northerly direction. The south 1.5 acres of the site sheet flows in a southerly direction.

Offsite drainage originates from the east and flows along the north edge of the subdivision. The watershed is approximately 1,070-acres. Development will not occur within proposed floodway except for utility and trail crossings.

B. Storm Drainage System

The storm water on this site will be handled by overland flow, and storm sewers designed in accordance with Chapter 405 of Willard's design standards for public improvements. No modifications to floodplains, floodways, or natural channels are proposed for the proposed residential subdivision.

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C. Stormwater Management

Best management practices (BMP) should be used to control erosion and prevent sediment from leaving the site. Examples of BMPs are: minimize unnecessary land disturbance activities and restore vegetation to disturbed areas following land disturbance activities; apply mulch to areas that will remain exposed for extended periods of time; maintain a minimum 25-foot vegetated buffer along natural drainage ways; and install riprap energy dissipaters at culvert outlets.

All paint, solvents, petroleum waste products and storage containers such as drums, cans, or cartons shall be stored according to BMPs. Materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers.

D. Downstream Drainage Structures

There is a box culvert under Hughes Road at the low point of the subdivision.

E. Stormwater Detention

It is anticipated that one detention basin will be necessary to mitigate the increase in runoff due to the development. Design of the detention basins will be in accordance with Chapter 405 of Willard's design standards for public improvements.

III. WATER SUPPLY

Potable water for this development will be supplied by the City of Willard public water system. Phase II will connect to the existing waterline that was extended from Phase I. The system will be sized to provide for the domestic water usage of this subdivision and fire protection.

IV. GAS SUPPLY

Natural gas supply will be designed and provided by Spire Energy.

V. ELECTRIC SUPPLY

Liberty Electric will provide electric service to the subdivision.

VI. WASTEWATER DISPOSAL

All sewage generated by this subdivision will be collected and routed to the 12" diameter City of Willard sewer main. This line has sufficient capacity for this extension.

VII. TRAFFIC ANALYSIS

The development is located in a residential area of the City and has three access points off of Hughes Road: Wright Street, Berry Lane, and Colby Street. Hughes Road intersects with Farm Road 94 to the south and Miller Road and State Highway AB to the northwest. The development is located approximately two miles from Hwy 160, a major highway linking Willard to Springfield and Interstate 1-44. Farm Road 94 is the closest arterial and is classified as a secondary arterial.

A. Traffic Generated by the Subdivision

The estimated total amount of traffic generated by this development based on the Institute of Transportation Engineers *Trip Generation* manual is as follows:

1. Average Weekday Trip Ends per Dwelling Unit

Average weekday trip ends per single family detached unit = 9.57 trips per unit
Maximum density = 42 units
Total average weekday traffic from subdivision, $9.57 \times 42 = 402$ trips per day
Directional distribution is 50% entering and 50% exiting

2. Trip Generation for AM Peak Hour

Average rate = 0.77 trips per unit
Total number of AM peak hour trips, $0.77 \times 42 = 32$ trips
Directional distribution is 26% entering and 74% exiting
Trips entering subdivision during the AM peak, $26\% \times 32 = 8$ trips
Trips exiting subdivision during the AM peak, $74\% \times 32 = 24$ trips

3. Trip Generation for PM Peak Hour

Average rate = 1.02 trips per unit
Total number of PM peak hour trips, $1.02 \times 42 = 43$ trips
Directional distribution is 64% entering and 36% exiting
Trips entering subdivision during the PM peak, $64\% \times 43 = 28$ trips
Trips exiting subdivision during the PM peak, $36\% \times 43 = 15$ trips

B. Existing Traffic Counts

Peak AM and PM traffic counts were performed on Hughes Road and Farm Road 94 on September 29, 2020 and September 30, 2020. Farm Road 94 was analyzed because it is the closest arterial to the site. The intersection of the two roads is stop controlled on the southbound lane of Hughes road. There was rarely more than one vehicle at the stop sign at one time and never more than two vehicles observed during the peak hour counts.

The results from the traffic counts are as follows:

1. Hughes Road

AM total = 48 vehicle per hour (vph)
North bound total = 13 vph (27%)
South bound total = 35 vph (73%)

PM total = 71 vph
North bound total = 44 vph (62%)
South bound total = 27 vph (38%)

2. Farm Road 94

AM total = 68 vph
East bound total = 48 vph (71%)
West bound total = 20 vph (29%)

PM total = 86 vph
East bound total = 29 vph (34%)
West bound total = 57 vph (66%)

C. Combined Traffic

Assuming the same directional splits, the anticipated total traffic following the completion of the subdivision is as follows:

1. Hughes Road

AM total = 80 vph
North bound total = 22 vph (27%)
South bound total = 58 vph (73%)

PM total = 114 vph
North bound total = 71 vph (62%)
South bound total = 43 vph (38%)

The combined traffic totals are well within the capacity of a local two-lane road of 1,000 vehicles per hour and the stop control capacity of 35 seconds per vehicle.

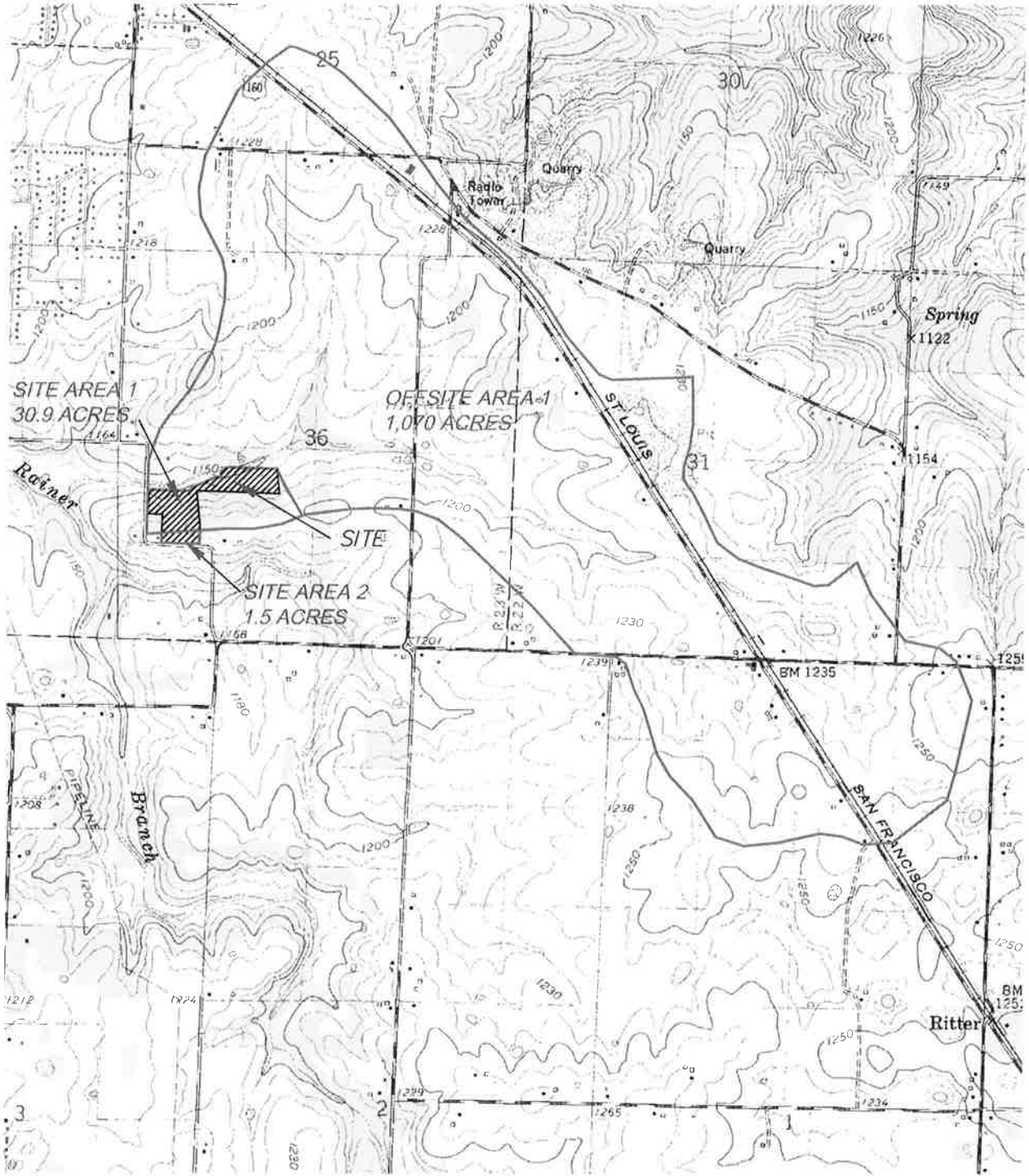
VIII. PRELIMINARY PLAT

Stribling Surveying, LLC, provided the survey and legal descriptions for the Preliminary Plat. A reduced size copy of the Preliminary Plat is included in Appendix C.

IX. PLANNING DATA

Area of Road Right-of-way	3.36 Acres
Area Dedicated to Open Space	1.40 Acres
Density	2.53 D.U. per Acre
Smallest Lot	0.24 Acres
Largest Lot	0.60 Acres
Significant Natural Features	Proposed Floodplain

Appendix A



DRAINAGE AREA MAP

SCALE: 1"=2000'

WHITLOCK
ENGINEERING, LLC
9648 E North View Road
Strafford, Missouri 65757
Phone: 417-379-0640
C.E. Certificate/License No. 2012000438

STONE CREEK SUBDIVISION
WILLARD, MISSOURI
DRAINAGE AREA MAP

EXHIBIT 2
DATE: 11/17/20

Appendix B

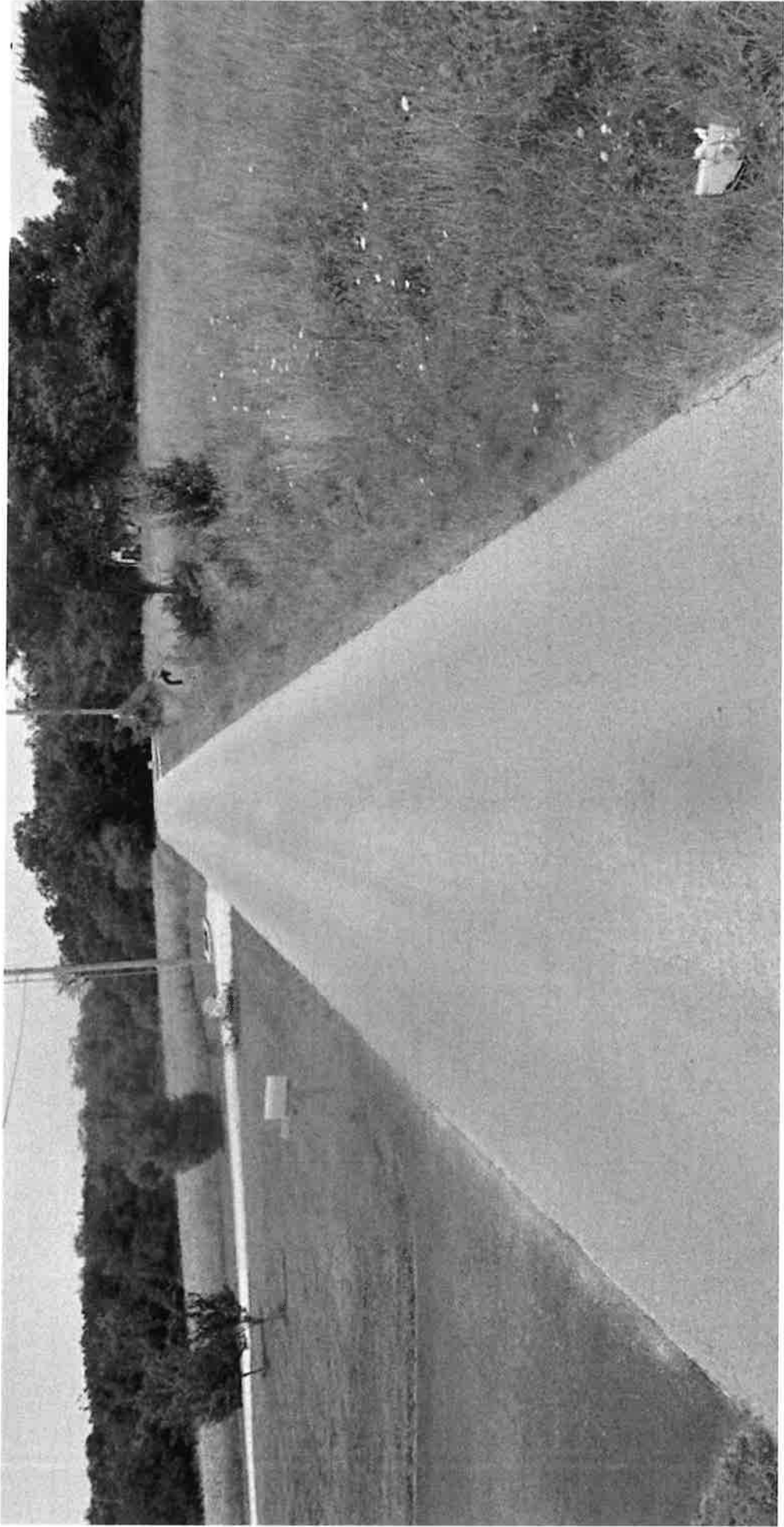
Appendix C



FROM WRIGHT STREET LOOKING NORTH



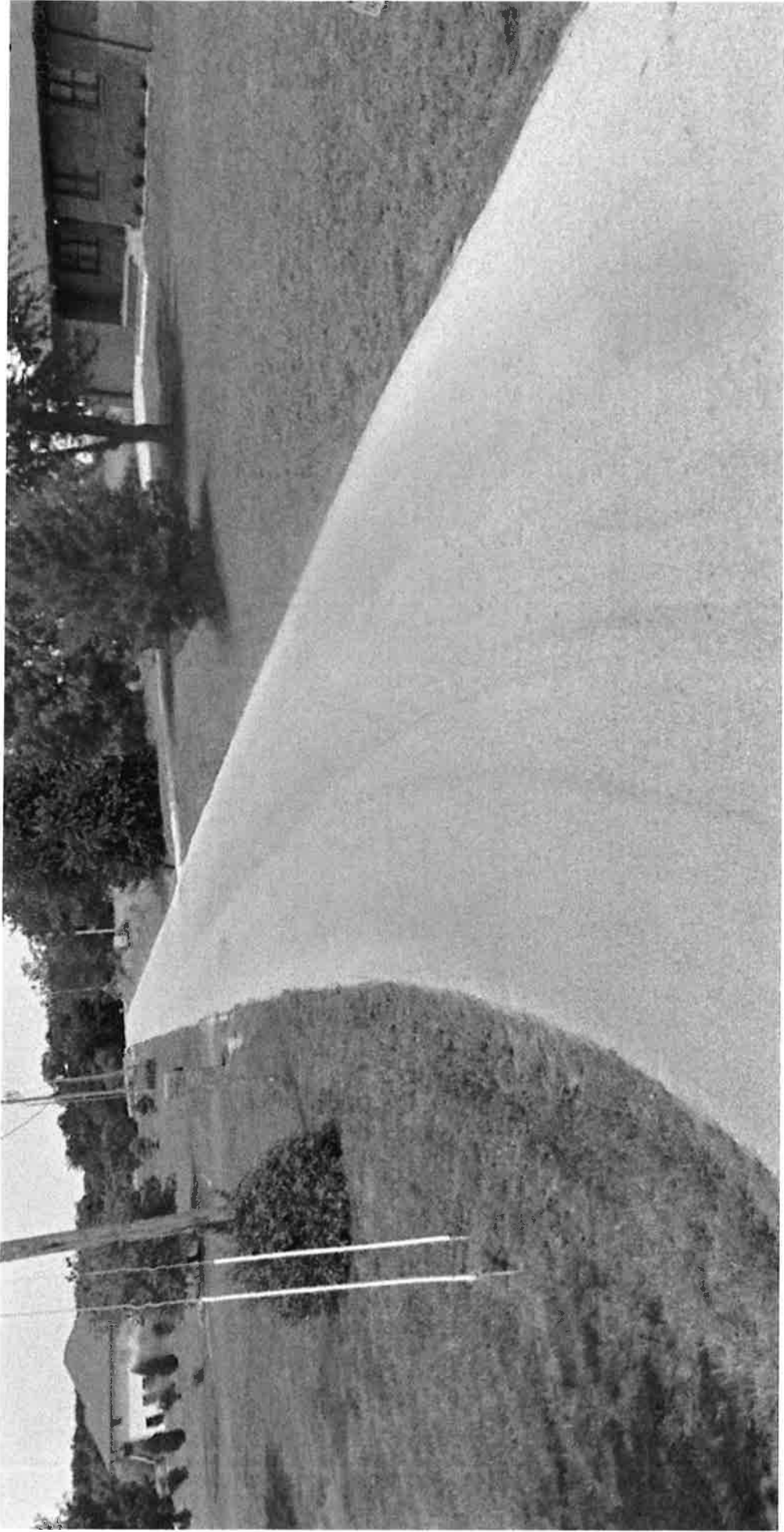
WRIGHT STREET LOOKING SOUTH



FROM BERRY LANE LOOKING WEST



FROM BERRY LANE LOOKING EAST



LOOKING WEST FROM COLBY STREET



FROM COLBY STREET LOOKING SOUTH

FIRST READING: _____

SECOND READING: _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE

**AN ORDINANCE OF THE CITY OF WILLARD, MISSOURI, AMENDING CHAPTER 400
“LAND DEVELOPMENT REGULATIONS” ARTICLE V “ZONING DISTRICT REGULATIONS”
CONDITIONAL USES**

WHEREAS, the City of Willard has determined a need to amend its Zoning Regulations and specifically its Zoning District Regulations to provide for more flexibility in allowing conditional uses within a specific zoning district; and

WHEREAS, the City has determined this additional flexibility will provide for additional growth within the City while at the same time protect each zoning district from incompatible uses; and

WHEREAS, the additional flexibility for conditional use permits will continue to be monitored by City staff and the Board of Alderman

NOW, THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN FOR THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: Ordinances 400.400 B, 400.420 B, 400.430 B, 400.440 B, 400.450 B, 400.460 B, 400.470 B, 400.475 B, 400.480 B and 400.490 C shall be amended to read as follows:

“Conditional Uses. Certain non-conforming uses may be located within the district by written permission by the Board of Alderman after written notice to all landowners within 185 feet of the proposed use, followed by a public hearing; provided that in the Board of Alderman’s judgment, such use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of this Chapter, and, further provided that such use shall comply with the height, area and other regulations of the district in which they may be located, as well as any additional restrictions as may be ordered.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

THE TERMS OF THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS PASSAGE BY THE BOARD OF ALDERMAN AND ITS APPROVAL BY THE MAYOR, CITY OF WILLARD, GREENE COUNTY, MISSOURI.

READ TWO TIMES BY TITLE ONLY AND PASSED AT THE MEETING OF THE BOARD OF ALDERMEN, THE CITY OF WILLARD, LAWRENCE COUNTY, MISSOURI ON THIS ____ DAY OF _____ 2020.

FIRST READING: _____

SECOND READING: _____

BILL NO. _____

ORDINANCE NO. _____

Motion made by Alderman _____ Seconded by Alderman _____

Approved as to form: _____

Kenneth P. Reynolds, City Attorney

Attested by:

Approved by:

City Clerk

Mayor

**MEMBERS OF THE BOARD OF ALDERMEN
FIRST (1ST) READING**

YES

NO

ABSTAINED

Clark McEntire

Samuel Snider

Donna Steward

Larry Whitman

Sam Baird

**MEMBERS OF THE BOARD OF ALDERMEN
SECOND (2ND) READING**

YES

NO

ABSTAINED

Clark McEntire

Samuel Snider

Donna Steward

FIRST READING: _____

BILL NO. _____

SECOND READING: _____

ORDINANCE NO. _____

Larry Whitman

Sam Baird
