

CITY OF WILLARD

PLANNING & ZONING
MEETING

FEBRUARY 27TH, 2007

7:00 P.M.

BOARD MEMBERS:

DALE DUVALL

JEFF BOWERS

LUCILLE MURRAY

CHARLES WHITEHEAD

CHARLES GUGEL

BRADLEY DALTON

MAYOR:

THOMAS J. KELTNER

CITY OF WILLARD
PLANNING & ZONING
FEBRUARY 27TH, 2007
7:00 P.M.

Notice posted on February 23, 2007.

Notice is hereby given that the City of Willard, Planning and Zoning Commission will conduct a meeting at 7:00 p.m. February 27th, 2007 at Willard City Hall, 224 West Jackson, Willard Missouri.

The tentative agenda of this meeting includes:

PUBLIC HEARING TO CONSIDER THE REQUEST FOR ZONING CHANGE
(REZONING) FOR JOSEPH M. HESTAND, 818 S. MILLER ROAD, TO REZONE
FROM R-1 TO R-2 CLASSIFICATION.

1. Call the meeting to order.
2. Agenda Amendments/Approval of agenda.
3. Approve the minutes of the Regular Meeting on January 23rd, 2007.
4. Citizens Input (5-minute limit)
5. Request for rezoning R-1 to R-2 for Joseph M. Hestand. *By Mayer*
Tabled for lack of motion
6. Request to set Public Hearing for annexation of State Highway right-of-way,
and County Road right-of-way.
7. Request to set Public Hearing for amendment to Land Development
Regulations Section 16.2.1.
8. Old Business.
9. Adjourn meeting

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

Kathy Blakemore or Linda Murray
224 West Jackson
P.O. Box 187
Willard, Missouri 65781
(417)-742-3033

IF YOU HAVE SPECIAL NEEDS WHICH REQUIRE ACCOMMODATION, PLEASE
NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE
MADE FOR YOUR NEEDS.

Kathy Blakemore, City Clerk

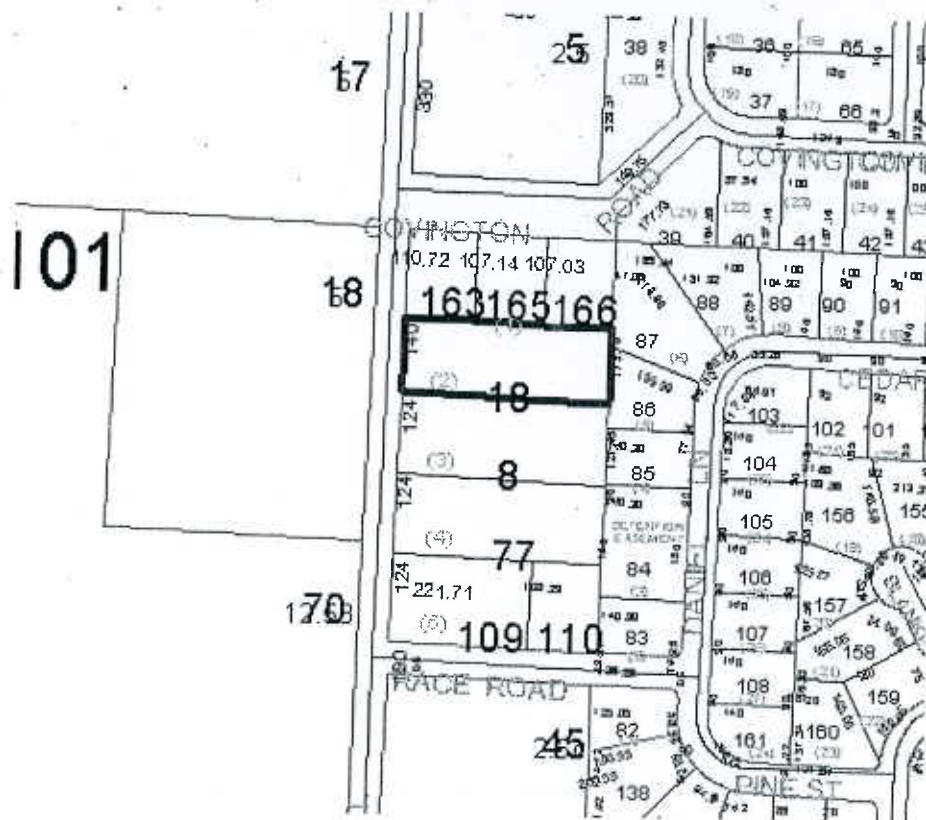
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN to all interested citizens that the Willard **Planning & Zoning Commission** will hold a **Public Hearing on February 27th, 2007** at 7:00 p.m. at the Willard City Hall, 224 West Jackson, Willard Missouri, to consider the Request for Zoning Change (Rezoning) for Joseph M. Hestand, 818 S. Miller Road, to rezone the following described property from R-1 to R-2 classification.

LOT 2 EXCEPT NORTH EIGHT (8) FEET AND ALL OF LOT 3 IN SUNSET VIEW MEADOWS SUBDIVISION.

NOTICE IS HEREBY GIVEN that the Board of Aldermen will hold a **Public Hearing on the 12th day of March 2007** at 7:00 p.m. at the Willard City Hall, 224 West Jackson, Willard Missouri, on the above Request for Zoning Change (Rezoning) and consider the recommendations of the Planning and Zoning Commission thereto and public comments.

Kathy Blakemore
Willard City Clerk



CITY OF WILLARD
PLANNING & ZONING
JANUARY 23RD, 2007
7:00 P.M.

Commission present: Mayor Thomas J. Keltner; Chairmen Dale Duvall; Executive Secretary, Lucille Murray; Charles Gugel; and Bradley Dalton. Vice Chairmen Jeff Bowers; and Charles Whitehead were not present. Jim McKee was also not present. Commission was notified that Jim McKee is resigning from the Planning & Zoning Commission.

Also in attendance: City Administrator, Fred Gress; City Clerk, Kathy Blakemore; Director of Development, Randy Brown; Director of Emergency Management, Donna Gordon; Aldermen Bill Caplinger; Aldermen Gordon O'Quinn; and City Attorney, Ken Reynolds.

Guest present: Nedra White, Nancy Crighton, Ronnie Crighton, Charles & Laurie Peeters, Sonjia & Kaila Dejonge, Ted & Mary Lee, John & Amber O'Quinn, John & Melinda O'Quinn, Mark Gordon, Lori Ryan, Buddy Henley, Ira Henley, Anthony Crumrine, Les Allard, Mr. & Mrs. Gunter Kellotat, and James Textor.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ANNEXATION FOR RANDY A. BROWN TO ANNEX ALL OF LOT THREE (3) IN WEATHERLY ADDITION, CONTAINING .4275 ACRE, INTO THE CITY LIMITS OF WILLARD.

(Public Notice was published in the Cross Country Times on 12/27/06, 01/03/07, & 01/10/07).

Ken asked if anyone wished to speak in favor or opposition.

Nedra White: My name is Nedra White and the property is behind my house. I'm not in the city. I was just wondering will this affect me in any way?

Mayor Thomas J. Keltner: No.

Nedra White: Will anything happen later?

Mayor Thomas J. Keltner: We do not do hostile annexations. You would have to ask to come into the city.

Nedra White: Thank you.

Ken asked if there were any additional comments. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR NANCY CRIGHTON, TO REZONE FROM R-1 TO C-2 CLASSIFICATION.

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR NANCY CRIGHTON, TO REZONE 517 NEW MELVILLE, FROM C-1 TO C-2 CLASSIFICATION.

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds OPENED THE PUBLIC HEARING TO CONSIDER THE APPLICATION FOR ZONING CHANGE (REZONING) FOR RONALD CRIGHTON, TO REZONE 60 ACRES, FROM R-1 TO C-2 CLASSIFICATION.

Ken asked if anyone wished to speak in favor or opposition.

Ted Lee: My name is Ted Lee. I have a letter here from one of our neighbors at 518 Truman. She asked me to read this for her. To whom it my concern, I would like to voice my opinion/vote currently on the issue of said Public Hearing to consider the Application for Zoning Change (rezoning) for Ronald Crighton, to rezone 60 acres, from R-1 to C-2 classification, I would like to vote no. I am not interested in having this so close to the property I purchased on Truman, nor near my subdivision which has many children and young families living there. I feel this would cause problems and become more unsafe environment for our children to live so close to. I will attend future meetings if available regarding this issue. Signed Sheila Akeman.

Sonjia Dejonge: Hi I'm Sonjia Dejonge and I live on 514 Truman Road and I want to read a letter from my husband opposing this.

To whom it my concern, recently a letter was sent to our home in reference to the property located within 185 feet of where we live at 514 Truman Road in Willard. The purpose of this letter was to inform us of an application to rezone property located within 185 feet from R-1 to C-2 classification. We strongly oppose this action and would like to take this opportunity to explain our views concerning this matter. In March of 2004 we purchased our property in the Fox Creek Subdivision to escape the hustle of the Springfield city life. When we purchased our property land around us was zoned R-1. Rezoning of this property owned by Ronald Crighton would allow for commercial businesses to be built instead of residential homes. This would cause a host of problems for the Fox Creek Subdivision. We feel the most obvious problem would be the increase in traffic and noise. Littering and crime rates might also rise because of this change. This would make the Fox Creek Subdivision an undesirable place to own our home. We realize the commercial property creates a substantially more amount of tax revenue than residential property but at what cost. The people who move to and live in Willard do so

because they want a quite place to raise their families, a place to invest in their future. The placement of commercial property would decrease the value of our homes, the homes of middle class citizens. The businesses that would be built on this property could care less about the community they inhabit. All they care about is the profit. To the members of the rezoning commission we asked that you this. Would you want these businesses outside your back door bringing with them all of the problems that would cause tax revenue to keep it up? We asked that the members of the Planning and Zoning Commission take into consideration all of the effects that this rezoning would have on people of Willard and not just look at the amount of money that it would generate. We asked that you also consider that most of Willard's residents work in Springfield which means that the convenience that this is supposed to bring really won't have much effect. It has come to our attention that the zoning change might be to enable a company such as a large shopping center to build in a specified area. We think that the effects that this would have speak for themselves. All you have to do is look at the number of Willard size communities that Wal-Mart has already destroyed or other businesses by putting all of this competition out of business or local competition out of business and forcing the local businesses to close. If we need to go to Wal-Mart, or a store of that nature, Kansas and Kearney is not to far away to travel and may be on the way of the most people working in Springfield. Thank you.

Ken asked if there were additional comments or questions regarding this issue.

John O'Quinn: John O'Quinn I live at 512 Truman in Fox Creek. I have six (6) points I would like to ask. One, the purpose of Planning and Zoning is to ensure a fair and logical blend of residential and commercial areas within a city. Jumping five (5) zoning classifications in a residential area in my opinion is neither fair nor logical. Point two (2) the West and South corners of Fox Creek are already prone to high water and long standing water and this is without the additional 60 acres of the asphalt adding to the problem. I asked for a water runoff study to be done first. Point three (3) traffic congestion, it is my understanding that the Highway Department will not allow anymore access to 160. Hunt Road stays congested at peak traffic times now without the additional of the McDonalds coming on line. It is my opinion that this road cannot sustain a commercial development. I asked for a traffic study to be done. Point four (4) jumping from an R-1 single family dwelling thru R-2, R-3, R-4, C-0, C-1 to C-2 that seems like an extreme jump and I want to know what the legal justification for this size of increment is. Number five (5) I have heard it said that this would help with jobs and would lower the unemployment rate of the city. What is the current unemployment rate of the city? And is this truly a valid argument? And number six (6) the last two years we've had volunteering water cutbacks because the city water supply cannot sustain the houses we've got now. Can the city sustain this size of development right now when we're already doing volunteering cutbacks the last two years?

Ken asked if there were any additional comments or questions.

James Textor: My name is James Textor and I live at 799 Saratoga. My house backs up to a retention basin and I too would like to see what the water runoff is going to be

coming into that area. And also like my neighbor said I'd like to see you know some kind of study done on what the traffic ramifications are going to be. It's a like he said it's nearly impossible to get out of this intersection at peak traffic hours. And a with McDonalds and the convenience store going in there I can imagine it's going to be a lot worse but if this is a commercial area with shopping and offices it's just going to be nearly impossible to use that road. You know unless that road is widened and stuff like that you know I think it would need to be done a lot sooner. I'm just opposed to the you know if there is going to be lights there in the evening or extra trash or whatever I'm just opposed to that going in right there next to my neighborhood.

Ken asked if there were any additional comments or questions.

Chuck Peeters: My name is Chuck Peeters. I'm president of the Fox Creek Homeowners Association. And I wish to say too, I moved here because I didn't want to be around a residential area. We had looked at Republic and other places too and because this was in the middle of a residential area this is why we moved here and that's the reason I would not like to see it happen.

Ken asked if there were any additional comments or questions.

Les Allard: My name is Les Allard, I'm at 519 Truman. The commercial zoning would back right up to my back yard and I share the consideration and concerns of the neighbors that have already spoken as to the traffic and the water. Also just to have a commercial zone that close and between us and the quarry development which we've already had concerns as to blasting and that kind of thing so I'd be worried at to what that might do in combination with the commercial zoning aspect.

Mark Gordon: Hi, my name is Mark Gordon and I live at 511 Truman, E. Truman. I have the same concerns that John has brought up. In addition to that I think I'd like to reemphasize a couple of things that he was talking about was the jump in the zoning. Have you concerned as a committee if you are going to vote something like this in a buffer area around there cause you're going from single family residence to C-2. Once you open that up for whoever going to move in there, whoever's going to build there they'll have the capability to once they have a C-2 rating they'll be able to put anything from a bar to anything like that in there, and once that zoning change has been made probably be next to impossible to make any changes after that. Also just the fact that I was looking at that map over there before the meeting and you know right now it doesn't show that being in the planned development, that being anything but R-1 that whole 60 acre area there. So this is really a big change from what the original plan is, the Transportation Plan, and the Future Land Use plan for the City of Willard. And as residence of Willard, and you all are residence of Willard, I think you need to make sure you have our concerns at your heart when you do vote on this. Because the shoe could be on the other foot the next time around when it's your subdivision and I may be on the board. Thank you.

Ken asked if there were any additional comments or questions.

Melinda O'Quinn: I'm Melinda O'Quinn. I'm also on the Fox Creek Homeowners Association. I would really like to know why my residence, I know that you have a certain mileage that you have to notify, but I really feel as though they were just left out of the loop as far as being able to be notified about this change. And I would like to have the ability to be able to connect with my other owners to let them know, so that they can have a voice in this change as well. Thank you.

Ken asked if there were any additional comments or questions. No one spoke. Ken closed the Public Hearing and turned the meeting over to Chairmen Dale Duvall.

Chairmen Dale Duvall called the meeting to order.

Agenda Amendments/Approval of agenda

Motion made by Lucille Murray with second by Bradley Dalton to approve the agenda. All votes yes. Motion carried.

Minutes 12/19/06 & 12/26/06

Motion made by Thomas J. Keltner with second by Bradley Dalton to approve the minutes of the Special Meeting on December 19th, 2006. All votes yes. Motion carried.

Motion made by Bradley Dalton with second by Lucille Murray to approve the minutes of the Regular Meeting on December 26th, 2006. All votes yes. Motion carried.

Citizen Input

None

Request for annexation-Randy Brown

Motion made by Thomas J. Keltner with second by Bradley Dalton to recommend to the Board of Aldermen to approve the request for annexation for Randy Brown, lot three (3) in Weatherly Addition, containing .4275 acre. All votes yes. Motion carried.

Proposed Rezoning R-1 to C-2, Nancy Crighton

Motion made by Lucille Murray with Charles Gugel to recommend to the Board of Aldermen to approve the proposed rezoning R-1 to C-2 for Nancy Crighton. Charles Gugel-yes. Lucille Murray-yes. Thomas J. Keltner-yes. Bradley Dalton-yes. Dale Duvall-abstained. Motion carried.

Proposed Rezoning C-1 to C-2, Nancy Crighton

Motion made by Thomas J. Keltner with second by Bradley Dalton to recommend to the Board of Aldermen to approve the proposed rezoning C-1 to C-2 for Nancy Crighton. Charles Gugel-yes. Lucille Murray-yes. Thomas J. Keltner-yes. Bradley Dalton-yes. Dale Duvall-abstained. Motion carried.

Proposed Rezoning R-1 to C-2, Ronald Crighton

Motion made by Thomas J. Keltner with second by Charles Gugel to recommend to the Board of Aldermen to approve the proposed rezoning R-1 to C-2 for Ronald Crighton.

Charles Gugel-yes. Lucille Murray-yes. Thomas J. Keltner-yes. Bradley Dalton-no.
Dale Duvall-abstained. Motion carried.

Minor Subdivision-Anthony L. Crumrine 410 ½ S. Main Street
Request dies for lack of motion.

Old Business

City Administrator Fred Gress stated that the recent ice storm has damaged a lot of trees and the city is working on a plan for debris removal.

Motion made by Lucille Murray with second by Charles Gugel to adjourn meeting. All votes yes. Motion carried.

Meeting adjourned.

Kathy Blakemore, City Clerk



City of Willard

Zoning Case No.

Application Date 01-03-07

Application Fee Residential \$50 pd. ck. #1368

Commercial \$75

**APPLICATION
ZONING CHANGE (REZONING)**

We, the undersigned, ask the City of Willard, Missouri Board of Aldermen to approve a zoning change as requested in this application on the tract of land described below. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearings as required by the *Willard Land Development Regulations*. The City of Willard is authorized to prepare and publish all required legal advertising and mail notifications, the cost of which is to be billed to the name listed below for payment.

Present Zoning Classification R-1 Requested Zoning Classification R-2

Legal Description of Property Requested to be Rezoned (attach additional sheet if needed):

Lot 2 except North 8 feet and Lot 3 Sunset View Meadows

Street Address or Other Common Property Description S. Miller Road - 818

Property Owner's Name(s) G & H Properties of Springfield, Joseph M. Hestand

If corporation, Corporate Official Name and Seal: Joseph M. Hestand "No Seal"

Mailing Address 4027 W. Rosebrier Springfield Mo. 65807

Telephone Number 860-1294 Fax Number _____

PROPERTY OWNER'S SIGNATURE:

Joseph M. Hestand
(Not necessary if there is an authorized representative. Authorized representative must sign below).

AUTHORIZED REPRESENTATIVE:

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this application. A power of attorney is attached.

Name _____ Signature _____

Address _____ Telephone _____

BILL ADVERTISING AND NOTIFICATION COSTS TO:

Name Joseph M. Hestand Telephone 860-1294

Address 4027 W. Rosebrier Springfield Mo 65807

QUESTIONS ON REZONING APPLICATION

(Attach additional sheets if necessary)

1. What is the current use of the property? Vacant Land
2. Why are you requesting a change in zoning? to develop a small subdivision with duplex lots.
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?
No
5. If the rezoning is approved, does the applicant intend to develop the property?
yes

Item #6

Request to set Public Hearing for annexation of State Highway right-of-way, and County Road right-of-way.

City Administrator Fred Gress will address this issue.

RGGLaw

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PRINCIPALS:

KENNETH P. REYNOLDS
JON M. GOLD
ROBERT A. GROSSER*†
WAYNE M. KELLER
SAM M. CORING

ASSOCIATES:

STACEY R. PAGE*
JACK N. BRILL II
SHANNON L. DAVIS
DEIDRE D. JEWEL

OF COUNSEL:

MARTIN F. SPIEGEL**
SHANE P. CANTIN

†MANAGING PARTNER

*ALSO LICENSED IN KANSAS

**FORMER SOCIAL SECURITY DISABILITY
ADMINISTRATIVE LAW JUDGE

February 17, 2007

VIA FACSIMILE ONLY - (417) 742-3080

City of Willard
ATTN: Fred Gress and Kathy Blakemore
P.O. Box 187
Willard, MO 65781

Re: Article 16 of the Land Development Regulations

Dear Fred and Kathy:

Please find enclosed with this letter proposed language for posting a bond to ensure completion of improvements of proposed developments inside the City of Willard. This proposed language should allow developers to post bonds rather than have complete installation of all improvements as a prerequisite for applied or development approval. Let me know your thoughts on this matter.

Cordially,



Kenneth P. Reynolds

KPR:sb
Enclosure

Areas of Practice

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WORKERS' COMPENSATION • CRIMINAL DEFENSE/TRAFFIC

We are a designated debt relief agency. We can help people file for bankruptcy relief under the Bankruptcy Code.

**Article 16 Proposed Language
(Continuation of Section 16.2.1)**

16.2.1 (Cont.)

In lieu of substantial construction of improvements, the developer may post a bond with the City to ensure completion of all improvements as set forth in all approved plans and specifications. Said bond shall be submitted to the City Administrator for review and said bond shall be equal to, or greater than, the cost of said improvements.