



# Board of Aldermen Request for Action

**MEETING DATE:** 4/21/2026

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3110-26, Final Plat – Weatherstone 2 Final Plat – 1st & 2nd Reading

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## **REQUESTED BOARD ACTION**

A motion to approve Bill No. 3110-26, approving the Final Plat for Weatherstone 2 subdivision located in the City of Smithville, Missouri. First and second reading by title only.

## **SUMMARY**

Weatherstone 2 is a 20-lot subdivision that would connect Diamond Creek subdivision with the Weatherstone subdivision just east of Spelman Drive. The Planning Commission recommends approval of the Plat conditioned upon completion of the requirements in the attached development agreement. The ordinance would approve both the subdivision plat and the development agreement.

## **PREVIOUS ACTION**

The Weatherstone development was approved in 1989, and the Diamond Creek subdivision was approved in 2022.

## **POLICY OBJECTIVE**

Increase housing density and connectivity in accordance with the Comprehensive Plan requirements.

## **FINANCIAL CONSIDERATIONS**

n/a

## **ATTACHMENTS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Ordinance   | <input type="checkbox"/> Contract                         |
| <input type="checkbox"/> Resolution   | <input checked="" type="checkbox"/> <a href="#">Plans</a> |
| <input checked="" type="checkbox"/> Staff Report  | <input type="checkbox"/> Minutes                          |
| <input checked="" type="checkbox"/> Other: The Planning Commission meeting is available to <a href="#">view online</a> .<br>Development Agreement |   |

**BILL NO. 3110-26**

**ORDINANCE NO. 331X-26**

**AN ORDINANCE APPROVING THE FINAL PLAT FOR WEATHERSTONE 2  
SUBDIVISION LOCATED IN THE CITY OF  
SMITHVILLE, MISSOURI**

**WHEREAS**, The applicant submitted for a Single-Phase Final Plat for a 20 lot subdivision to connect two existing subdivisions and the matter was advertised on March 25, 2026 and letters to adjacent property owners were sent the same day for a public hearing to be held before the Planning Commission on April 14, 2026; and

**WHEREAS**, The Planning Commission conducted that public hearing and then took up and heard the application at the April 14, 2026 hearing; and

**WHEREAS**, the Commission voted unanimously to recommend approval of the final plat be approved with certain off-site improvements and park fees be included in a development agreement to ensure full compliance with the subdivision code; and

**WHEREAS**, the attached Development Agreement includes all off-site and park fee requirements that ensure full compliance with the subdivision code; and

**WHEREAS**, the attached Final Plat and Development agreement are recommended for approval by the Board.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF SMITHVILLE, MISSOURI, THAT;**

Section 1. Pursuant to Section 425.285 of the Code, the City staff and Engineers reviewed the submittal for compliance and the Planning Commission recommended approval, with execution of the development agreement. The Board does hereby approve the development agreement, in substantially the form attached hereto as Exhibit A and incorporated into this ordinance as if fully set forth herein, and directs the Mayor to execute said agreement on behalf of the City.

Section 2. The Final Plat for Weatherstone 2, attached hereto as Exhibit B and incorporated into this ordinance as if fully set forth herein, is hereby approved and may be recorded following full compliance with the terms of the development agreement and the other requirements in Chapter 425 of the Code of Ordinances.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 21<sup>st</sup> DAY OF APRIL, 2026.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 4/21/2026

Second Reading 4/21/2026

**Exhibit A**  
Development Agreement

## **DEVELOPMENT AGREEMENT**

This Development Agreement ("Agreement") is entered into this 21<sup>st</sup> day of April, 2026, by and between **CUB DEVELOPMENT, LLC**, ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

**WHEREAS**, Developer plans on developing its proposed subdivision known as Weatherstone 2 located generally east of Spelman Dr. and south of Diamond Creek subdivision in an area proposed to be moderate density housing (2-4 D.U. per acre) in accordance with the Comprehensive Plan with 20 Single-Family residential detached home lots-unit buildings for a density of 3.14 units per acre; and

**WHEREAS**, the City will make certain requirements for off and on site improvements if said land is developed as a single family subdivision; and

**WHEREAS**, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code will be required of Developer; and

**WHEREAS**, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

**NOW, THEREFORE**, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Weatherstone 2, the legal description of which is set forth on the Weatherstone 2 Final Plat as shown on Exhibit A attached hereto.

2. Water. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve fire flows and waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements, Fire District and City approval.

3. Streets. That the City recognizes that the size of the development is less than half the size needed to require a Traffic Impact Study (TIS) however there will be certain off-site improvements required as a part of this development. Specifically, the developer's construction of Weatherstone subdivisions existing platted lots will require removal and new subgrade preparations before paving to current city standards Fifth Street and Manzanola Lane, which are existing streets that provide access points to Weatherstone. Additionally, Fourth Terrace lying west of the new construction of both Weatherstone and Weatherstone 2 will require an additional 4" asphalt overlay on to of the current pavement. This overlay shall be designed to seamlessly match with the new portions of Fourth Terrace and Manzanola Lane constructed herein. All new street construction, as well as the east ½ of Manzanola Lane shall be constructed with curb, gutter and stormwater conduits. The replacement of Fifth Street and overlay of Fourth Terrace, (as well as the west half of Manzanola Lane) shall remain as open ditch with no curb and gutters.

4. Stormwater. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in accordance

with an approved stormwater study, and any updates to such study may be required from time to time.

5. Sanitary Sewers. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards. It is understood that the replacement of the Smith's Fork force main will be reconstructed and relocated at the City's expense to facilitate this plat. The city also agrees that upon completion of the new force main above it will move to vacate any and all easements for the existing Smith's Fork Force Main that currently bisects several of the proposed Weatherstone 2 and existing Weatherstone lots. Developer will be solely responsible for the design, construction and review costs associated with the sewer service for Weatherstone 2.

6. Parks. The parties agree that the Parkland dedication requirements of the city code will not be met by any parkland dedications for this subdivision, so the development shall be required to pay the full \$625.00 per lot fee in lieu of dedication as required by the Code. This requirement of \$12,500.00 for the fee in lieu for this development (\$625 x 20 lots) shall be paid prior to release of the final plat for recording.

7. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development or approval of construction plans required herein.

8. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. Notice to proceed shall not be given

by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.

9. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.

10. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both parties.

11. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.

12. The undersigned represent that they each have the authority and capacity of the respective parties to execute this agreement.

13. This agreement shall not be effective until: (1) signed by both parties and (2) approved by an ordinance duly enacted by the Board of Aldermen of Smithville, Missouri.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement on the date first above written.

**THE CITY OF SMITHVILLE, MISSOURI**

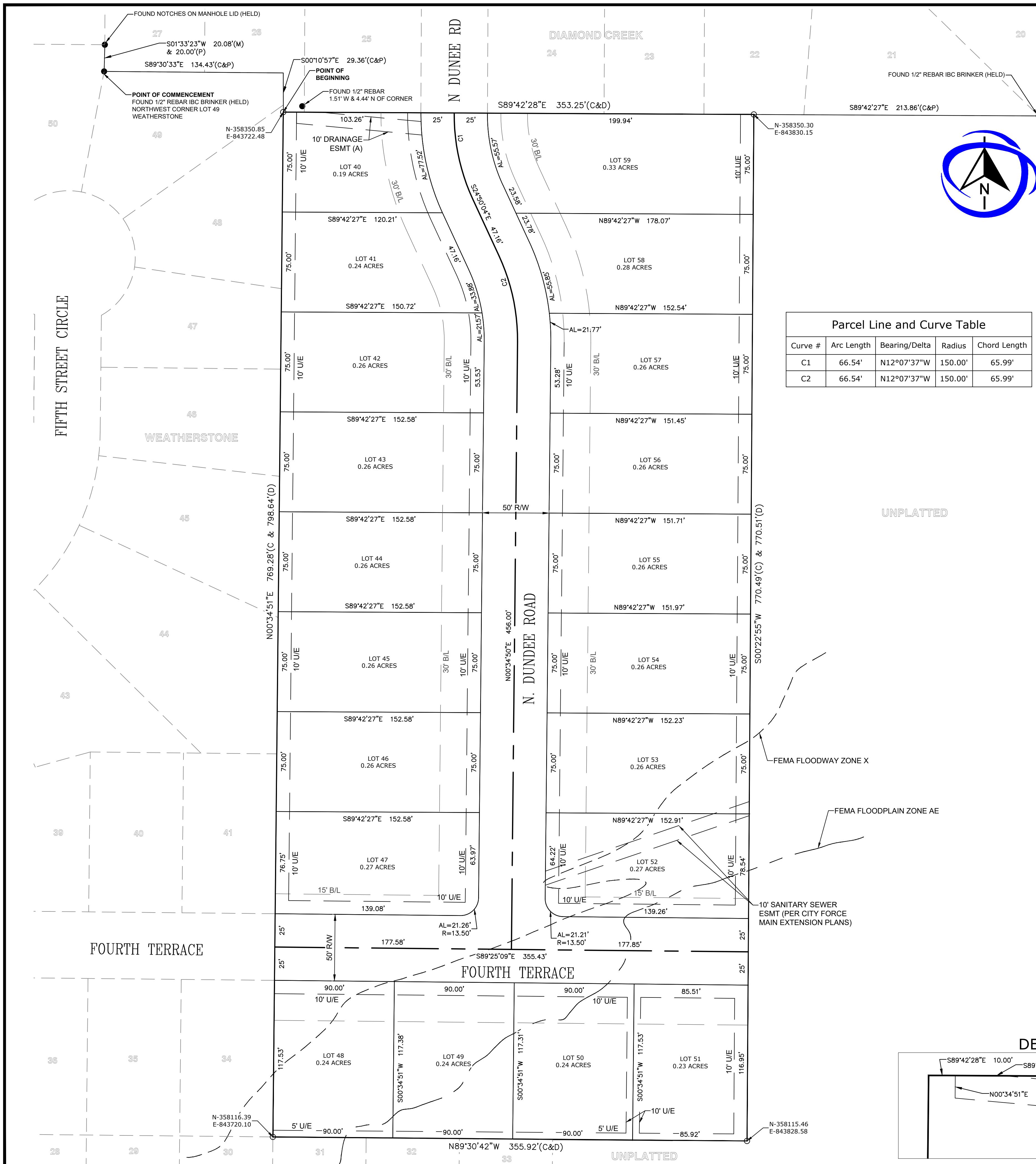
**ATTEST:**

**By** \_\_\_\_\_  
**Damien Boley, Mayor**

\_\_\_\_\_  
**Linda Drummond, City Clerk**

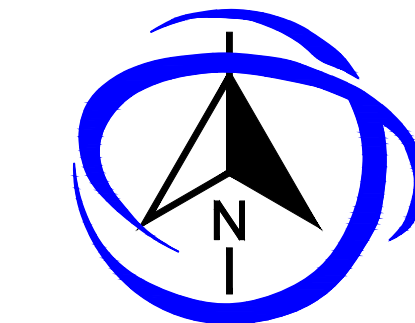


**Exhibit B**  
Final Plat



# WEATHERSTONE NO. 2

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 53 NORTH, RANGE 33 WEST OF THE 5TH P.M., IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI



Curve #	Arc Length	Bearing/Delta	Radius	Chord Length
C1	66.54'	N12°07'37"W	150.00'	65.99'
C2	66.54'	N12°07'37"W	150.00'	65.99'

**DESCRIPTION**  
 ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE 5TH P.M., IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, PREPARED BY ANDREA N WEISHAUB MO PLS 2025003640; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF LOT 49 WEATHERSTONE, A SUBDIVISION OF LAND IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI; THENCE SOUTH 89°30'33" EAST, ALONG THE NORTH LINE OF SAID LOT 49, A DISTANCE OF 134.43 FEET TO THE NORTHEAST CORNER OF SAID LOT 49; THENCE SOUTH 00°10'57" EAST, ALONG THE EAST LINE OF SAID LOT 49 AND THE EAST LINE OF LOT 48 SAID WEATHERSTONE, ALSO KNOWN TO BE A POINT ON THE SOUTH LINE OF DIAMOND CREEK, A DISTANCE OF 29.36 FEET TO A POINT ON THE SOUTH LINE OF DIAMOND CREEK, A SUBDIVISION OF LAND IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 89°42'28" EAST, ALONG THE SOUTH LINE OF SAID DIAMOND CREEK, A DISTANCE OF 353.25 FEET; THENCE SOUTH 00°22'55" WEST, A DISTANCE OF 770.49 FEET; THENCE NORTH 89°30'42" WEST, A DISTANCE OF 355.92 FEET TO THE SOUTHWEST CORNER OF LOT 34 SAID WEATHERSTONE; THENCE NORTH 00°34'51" EAST, ALONG THE EAST LINE OF SAID WEATHERSTONE, A DISTANCE OF 769.28 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 6.27 ACRES MORE OR LESS

**DEDICATION:**  
 THE UNDERSIGNED PROPRIETORS OF THE TRACT OF LAND DESCRIBED HERON HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "WEATHERSTONE NO. 2".

KNOW ALL PERSONS BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT, AND DO HEREBY DEDICATE TO THE CITY OF SMITHVILLE, MISSOURI, AND/OR TO THE PUBLIC, ALL STREETS, ALLEYS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER PUBLIC AREAS AS SHOWN HEREON, THAT ARE NOT HERETOFORE DEDICATED, FOR PUBLIC USE FOREVER. EASEMENTS ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, DRAINAGE FACILITIES, AND OTHER PURPOSES AS INDICATED ON THIS PLAT.

**UTILITY EASEMENT:**  
 AN EASEMENT IS HEREBY GRANTED TO THE CITY OF SMITHVILLE, MISSOURI, AND ITS AUTHORIZED UTILITY PROVIDERS FOR THE PURPOSE OF LOCATING, CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, REPLACING, AND REMOVING PUBLIC AND PRIVATE UTILITY FACILITIES, INCLUDING BUT NOT LIMITED TO WATER, SANITARY SEWER, STORM SEWER, ELECTRIC, GAS, TELECOMMUNICATIONS, AND CABLE FACILITIES, TOGETHER WITH ALL PIPES, CONDUITS, WIRES, MANHOLES, VALVES, HYDRANTS, POLES, AND OTHER ASSOCIATED APPURTENANCES, UPON, OVER, UNDER, AND ALONG THE STRIP(S) OF LAND DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" OR "UJE."

**DRAINAGE EASEMENT:**  
 AN EASEMENT IS HEREBY GRANTED TO THE CITY OF SMITHVILLE, MISSOURI, AND ITS AUTHORIZED AGENTS FOR THE PURPOSE OF LOCATING, CONSTRUCTING, OPERATING, MAINTAINING, INSPECTING, REPAIRING, REPLACING, AND REMOVING STORMWATER AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO STORM SEWERS, DITCHES, SWALES, CULVERTS, CHANNELS, PIPES, INLETS, OUTLETS, HEADWALLS, ENERGY DISSIPATION DEVICES, AND OTHER ASSOCIATED APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS FOR SUCH PURPOSES, UPON, OVER, UNDER, AND ALONG THE STRIP(S) OF LAND DESIGNATED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D/E."

**ACKNOWLEDGEMENT:**  
 BBM DEVELOPMENT LLC

STEVE UNFRED, PRESIDENT  
 STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, SS

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

(SEAL)  
 MY COMMISSION EXPIRES: \_\_\_\_\_

THE FINAL PLAT OF **WEATHERSTONE NO. 2**, SUBDIVISION WAS SUBMITTED TO AND APPROVED BY THE SMITHVILLE PLANNING AND ZONING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

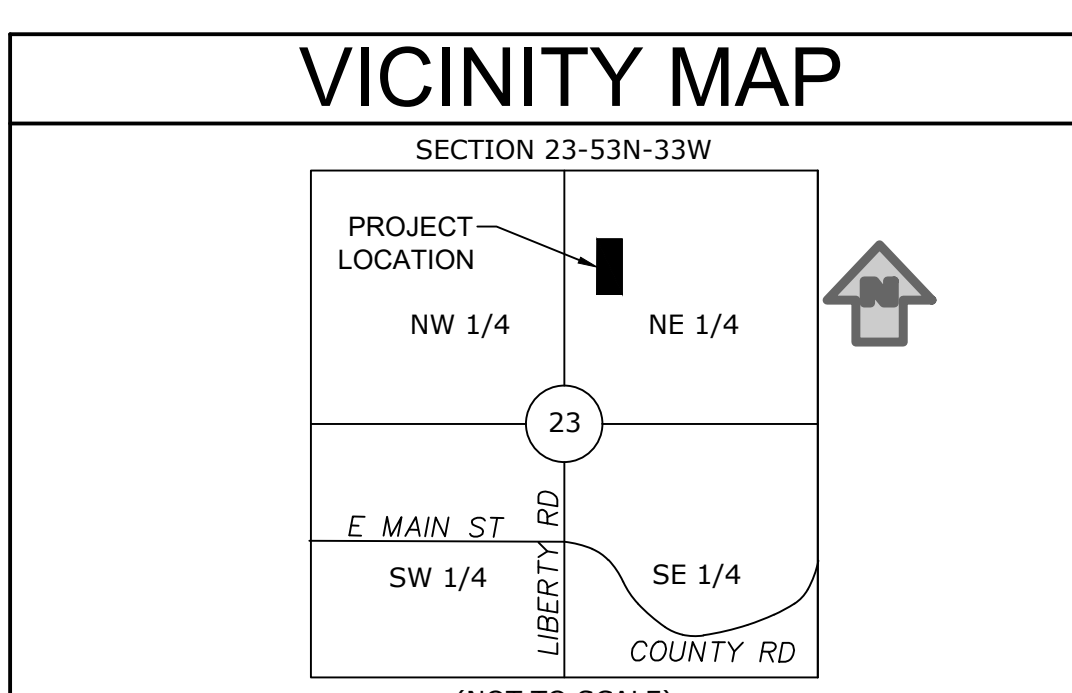
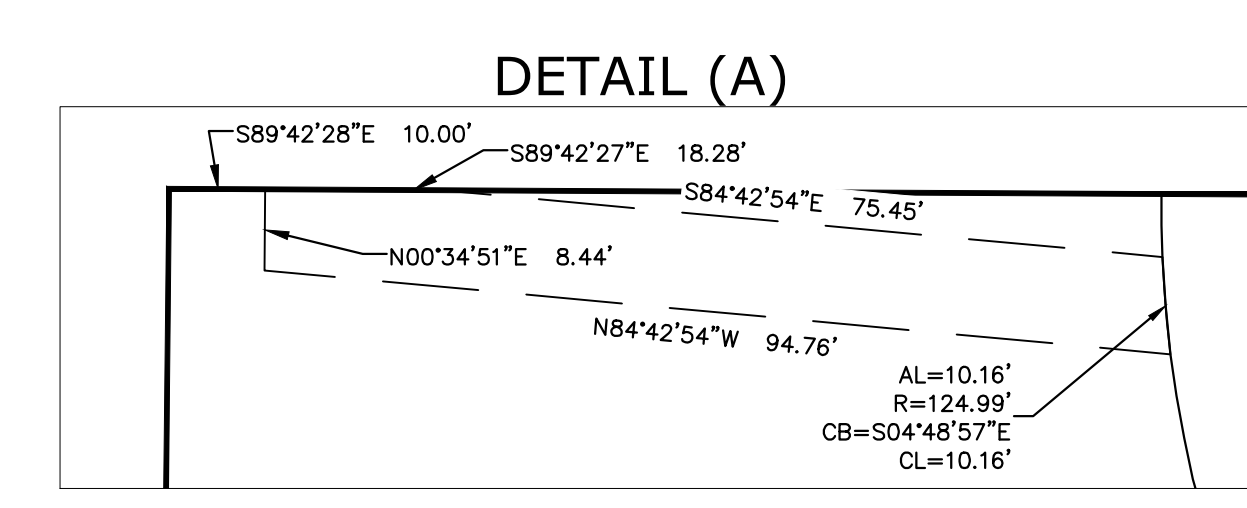
(SEAL) \_\_\_\_\_ CHAIRMAN  
 (SEAL) \_\_\_\_\_ SECRETARY

THIS FINAL PLAT APPROVED BY THE BOARD OF ALDERMEN OF SMITHVILLE, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(SEAL) \_\_\_\_\_ MAYOR  
 ATTEST: \_\_\_\_\_ CITY CLERK

ENTERED ON TRANSFER RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY RECORDER



## FINAL PLAT LEGEND

SECTION CORNER BENCHMARK AS NOTED  
 FOUND PROPERTY CORNER AS NOTED  
 SET 1/2" X 24" REBAR CAP ALC MO CLS 2022014231

## GENERAL NOTES

1. THE BASIS OF BEARING SYSTEM FOR THIS SURVEY IS MISSOURI WEST ZONE.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. WE DID NOT OBSERVE ANY CONSTRUCTION ON THIS PROPERTY.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X ACCORDING TO INSURANCE RATE MAP NO. 29047C0014E, WITH A DATE OF IDENTIFICATION OF AUGUST 3, 2015 IN CLAY COUNTY, STATE OF MISSOURI, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
5. REFERENCE SURVEY:
  - WEATHERSTONE FINAL PLAT
  - DIAMOND CREEK FINAL PLAT
  - SMITHVILLE DOWNS FINAL PLAT
6. CLOSURE PRECISION: 1 PART IN 5622337.500

I DECLARE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS PLAT AND SURVEY MEETS THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS" (RSMO 30-16).

04/02/2026  
 ANDREA WEISHAUB  
 NUMBER PLS-2025003640  
 ANDREA WEISHAUB PLS-2025003640

JOB NO:25-295S

SCALE 40 20 0 40 SCALE IN FEET  
 SEC-TWN-RNG 23-53N-33W  
 PREPARED FOR STEVE UNFRED ADDRESS: SMITHVILLE MO 64089

DATE APRIL 2, 2026



April 15, 2026

Single Phase Final Plat for Clay County Parcel Id # 05-614-00-01-010.00

Application for a Plat Approval – Weatherstone 2; a Single-Phase Final Plat – 20 lots

Code Sections:

425.285.A.4                      Single Phase Final Plat Approval

Property Information:

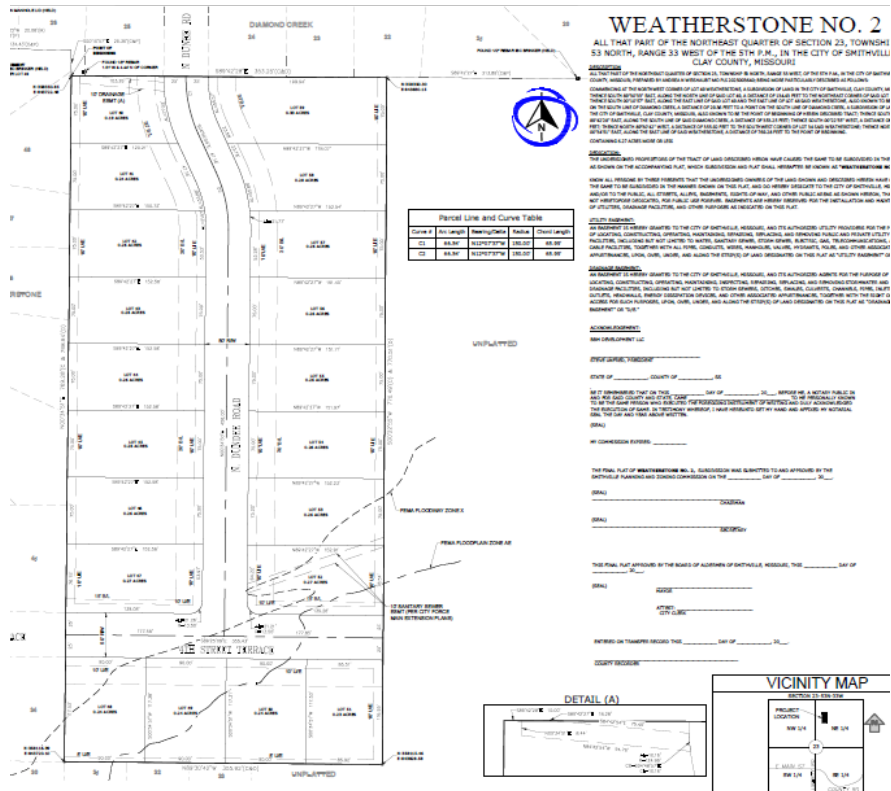
Address:                      South of Diamond Creek  
Owner:                        CUB Development, LLC  
Current Zoning:              R-1B

Public Notice Dates:

1st Publication in Newspaper:              March 25, 2026  
Letters to Property Owners w/in 185':      March 25, 2026

GENERAL DESCRIPTION:

The property consists of 6.37 acres immediately south of the Diamond Creek Subdivision located east of Spelman Rd. and would be accessed from the north via N. Dundee Rd. and from the west via Fourth Terrace. This subdivision would be an extension of the existing Weatherstone subdivision and connect Diamond Creek subdivision through 20 lots facing Dundee Rd. The existing Weatherstone subdivision is the area east of Spelman with numerous platted lots that were never developed, despite the plat's recording. Those undeveloped lots will begin being constructed, with a new City sewer force main being relocated through this area and the new development.



**GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS See 425.285.A.4**

- The Planning Commission shall consider the following criteria in making a recommendation on the plat:
- The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. **Yes, the layout complies with zoning and subdivision requirements and connects two existing subdivision's streets.**
  - The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. **The Development pattern matches the existing adjacent developments.**
  - The development shall be laid out in such a way as to result in:
    - Good natural surface drainage to a storm sewer or a natural watercourse. **The property is laid out to naturally drain into the floodplain area to the east and south.**
    - A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. **There are no desirable trees to be kept as the area has been a crop field for many years. There is a small area that will be filled to bring it out of the floodplain, but the**

*city's relocation of the Smith's Fork force main will facilitate this process.*

(3) A good grade relationship with the abutting streets, preferably somewhat above the street. **Yes.**

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access, and privacy. **Yes.**

(5) Adequate lot depth for outdoor living space. **Yes.**

(6) Generally regular lot shapes, avoiding acute angles. **Yes.**

(7) Adequate building lots that avoid excessive grading, footings, or foundation walls. **Yes.**

d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. **Yes.**

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. ***The street locations are extensions of existing streets and complete connections for the area.***

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries. ***Yes, the land is served all utilities upon extension by the developer at the developer's cost.***

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development. ***The proposed development meets this standard.***

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. ***N***

***Yes***

i. The plat is located in an area of the city that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

***Yes.***

j. If located in an area proposed for annexation to the City, the area has been annexed prior to or will be annexed simultaneously with plat approval.

***Annexed many years ago.***

k. The applicant agrees to dedicate land, right-of-way, and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein. ***Yes, the plat includes the required dedications, including park fees in lieu of dedication. The***

*subdivision is less than one-half the number of lots required to trigger a Traffic Impact Study, so none is provided.*

l. All applicable submission requirements have been satisfied in a timely manner.  
*Yes.*

m. The applicant agrees to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans. **The developer will be making improvements to existing roads with construction of the Weatherstone lots and with the development agreement, additional overlay of Fourth Terrace will be completed.**

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Final Plat based upon adherence to the conditions contained in this report.