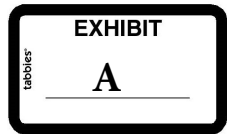




# City of Jackson



## CITY OF JACKSON, MISSOURI PLANNING & ZONING COMMISSION SPECIAL USE PERMIT REQUEST: FINDINGS AND CONCLUSIONS

The Planning & Zoning Commission of Jackson, Missouri hereby notifies the Board of Aldermen, the applicant, and the public of its action taken on June 8, 2022, at a regular meeting in consideration of the following:

**Special Use Permit for a community unit plan for a high-density mixed residential development in a C-2 General Commercial District at 957 West Independence Street**

Applicant: **Brennon Todt**

Filing Date of Application/Fee: **April 26, 2022**

Submission Date of Application to Commission: **May 11, 2022**

Public Hearing Date: **June 8, 2022**

In examining this consideration, the following factors were considered and found as noted:

### Administrative Staff Findings: Yes/No

1. Application provided all necessary information: Yes
2. Generally conforms with City Comprehensive Plan: Yes
3. Generally conforms with Major Street Plan: Yes

### Planning & Zoning Commission Findings: Yes/No

1. Creates adverse effects on adjacent property: No
2. Creates adverse effects on traffic movement or safety: No
3. Creates adverse effects on fire safety: No
4. Creates adverse effects on public utilities: No
5. Creates adverse effects on general health and welfare: No

Following consideration of testimony, comments, exhibits and file contents, the Planning & Zoning Commission duly deliberated the facts pertaining to the proposal and issued the following findings of fact and conclusions:

**THE ABOVE APPLICATION IS:**

☐ **Approved**  
☐ **Disapproved**  
☒ **Approved with conditions specified below**

By a roll call of 5 ayes, 0 nays, 0 abstentions and 4 absent this 8th day of June, 2022.

**SPECIAL CONDITIONS:**

1. The community unit plan shall conform with Section 65-25 Community unit plan regulations.
2. The community unit plan shall remain under one ownership and no individual dwelling, collection of dwellings, dwelling lot(s) or space, or other portion of the parent property shall be sold or otherwise transferred without including the entire property included in this special use permit.
3. The optional layouts provided as part of this application are conceptual and not regulatory. Other layouts and combinations of mobile homes, single-family, attached-single-family, and multi-family dwellings which conform with Section 65-25 and the special conditions of this permit are allowed.
4. Mobile homes in this community unit plan shall be allowed to be owner-occupied or shall be rental mobile homes owned only by the holder of the special use permit.
5. All buildings within this community unit plan shall be limited to two stories with a maximum total height of 35'.
6. All construction related to single-family homes, multi-family dwellings, mobile homes, accessory structures, and alteration to any of these shall be constructed in conformance with the city building code effective at the time of their construction.
7. All new mobile homes shall be compliant with the requirements for new installations as regulated by the Missouri Public Service Commission.
8. All newly installed older mobile homes shall have their original HUD sticker and shall be installed in accordance with all codes of the City of Jackson for mobile home installation, except as varied by this special use permit.
9. The property owner shall have permanent markers for all property corners and for the Barks Street right-of-way found or re-established by a surveyor.
10. All utility upgrades required to service this development shall be the responsibility of the property owner and shall conform with all city requirements and approvals for multi-family utility installations.

11. The following building setbacks shall be maintained:

a. Building street / access road setbacks:

i. All building setbacks herein shall exclude the tongue of a mobile home.

ii. All building setbacks herein shall include porches, decks, and other extensions, enclosed or unenclosed.

iii. Multi-family buildings with front parking:

1. Barks Street public street right-of-way: 20' from property line

2. Private access streets: 20' from edge of private street

iv. Single-family dwellings with offset parking:

1. Barks Street public street right-of-way: 16' from property line

2. Private access streets: 16' from edge of private street

b. Minimum setback between buildings: 16'.

c. Minimum setback to exterior property lines: 20'

d. Exceptions:

i. Existing mobile homes which do not meet these setbacks shall be allowed to remain. When replaced with another mobile home or other type of dwelling, the above setbacks shall apply.

ii. No other setback exceptions established by the zoning code do not apply.

12. No portable or permanent structures shall be installed or maintained within the public Barks Street right-of-way.

13. All units other than the management office shall be used only for single family or multi-family residential dwellings and the following home occupations which comply with the definition of home occupations:

a. Dressmaking or tailoring.

b. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.

c. Teaching, not including music instruction, limited to not more than two (2) pupils at a time.

d. Telephone, computer, or Internet occupations which comply with the zoning code definition of a home occupation.

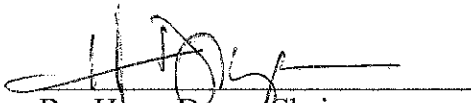
e. Supporting office operations for a business conducted at other locations when the office operations comply with the zoning code definition of a home occupation.

f. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations of the City of Jackson zoning code, with a special use permit only.

14. No construction, fill, grading, structure installation, or other work shall encroach into the floodplain or floodway shown on the currently effective FEMA map without issuance of a floodplain development permit.

15. Number of off-street parking spaces for each building shall conform with the zoning code requirement for minimum parking spaces effective at the time of the building's construction.
16. Off-street parking layout shall conform with the parking requirements of Chapter 65, with the following exception(s):
  - a. Parking for any multiple-family dwelling units located along Barks Street public street right-of-way shall not be required to be set back 10' from the street right-of-way.
17. Installed shipping containers used for long-term storage shall require a separate special use permit in accordance with the city's zoning code.
18. Exterior lighting shall be subject to the following limitations:
  - a. Maximum illumination at street line – 5 footcandles
  - b. Maximum illuminance at property line adjacent to residential district – one-half footcandle.
  - c. Maximum illuminance at any other property line – one footcandle
19. All codes of the City of Jackson shall apply, except as varied by this special use permit.

**CITY OF JACKSON, MISSOURI**

  
By: Harry Dryer, Chairman  
Planning & Zoning Commission

ATTEST:

By:   
Janet Sanders, Building & Planning Manager



## REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 4/26/2022

TYPE OF APPLICATION: ☐ Rezoning ☒ Special Use Permit

PROPERTY ADDRESS (Other description of location if not addressed):

957 W. Independence St. Jackson, MO 63755

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Brennon Todt

Mailing Address: 2905 Valley Creek Rd

City, State ZIP: Cape Girardeau MO 63701

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s): N/A

Mailing Address: N/A

City, State, ZIP: N/A

### CONTACT PERSON HANDLING APPLICATION:

Contact Name: Brennon Todt

Mailing Address: 2905 Valley Creek Rd

City, State ZIP: Cape Girardeau MO 63701

Contact's Phone: 573-382-9636

Email Address (if used): brennon.doran@gmail.com

CURRENT ZONING: (check all that apply)

- ☐ R-1 (Single-Family Residential)
- ☐ R-2 (Single-Family Residential)
- ☐ R-3 (One- And Two-Family Residential)
- ☐ R-4 (General Residential)
- ☐ MH-1 (Mobile Home Park)
- ☐ O-1 (Professional Office)
- ☐ CO-1 (Enhanced Commercial Overlay)

- ☐ C-1 (Local Commercial)
- ☒ C-2 (General Commercial)
- ☐ C-3 (Central Business)
- ☒ C-4 (Planned Commercial)
- ☐ I-1 (Light Industrial)
- ☐ I-2 (Heavy Industrial)
- ☐ I-3 (Planned Industrial Park)

CURRENT USE OF PROPERTY: Mobile Home Park

**PROPOSED ZONING:** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential)       | <input type="checkbox"/> C-1 (Local Commercial)              |
| <input type="checkbox"/> R-2 (Single-Family Residential)       | <input checked="" type="checkbox"/> C-2 (General Commercial) |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential) | <input type="checkbox"/> C-3 (Central Business)              |
| <input type="checkbox"/> R-4 (General Residential)             | <input checked="" type="checkbox"/> C-4 (Planned Commercial) |
| <input type="checkbox"/> MH-1 (Mobile Home Park)               | <input type="checkbox"/> I-1 (Light Industrial)              |
| <input type="checkbox"/> O-1 (Professional Office)             | <input type="checkbox"/> I-2 (Heavy Industrial)              |
| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay)    | <input type="checkbox"/> I-3 (Planned Industrial Park)       |

PROPOSED USE OF PROPERTY: MIXED USE OF SMALL HOMES/ MULTI FAMILY/ MOBILE HOME

LEGAL DESCRIPTION OF TRACT (attach a copy of the deed or other legal description): RECORDERS OFFICE

See Attached

**REASON FOR REQUEST:** State the reason(s) why you believe the requested use will be beneficial to the neighborhood and the City of Jackson. Attach additional page(s) as needed.

The proposed changes will bring additional options for affordable living to Jackson. Located between the park and schools, this property is well positioned to accommodate more families that desire to move to Jackson. It will further beautify the area and bring income to the city as well. Your consideration is appreciated.

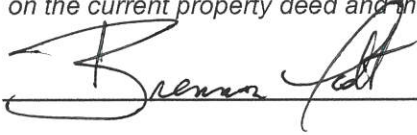
**DRAWINGS (FOR SPECIAL USE PERMITS ONLY):** If one or more buildings or other structures are to be added to the property for a special use permit, attach a scaled plat of the tract(s) showing the location of all buildings. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

See Attached.

**SURROUNDING PROPERTY OWNERS:** A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated by the City as part of this application. The 185' distance is exclusive of right-of-ways. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

**OWNER SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*



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Please submit this application along with appropriate non-refundable application fee to:

Janet Sanders  
Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755

573-243-2300 ext.29 (ph)  
573-243-3322 (fax)  
[jsanders@jacksonmo.org](mailto:jsanders@jacksonmo.org)

**APPLICATION FEE: \$200.00**

---

ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
eRECORDED ON  
10/22/2019 08:30:42 AM  
REC FEE: 30.00  
PAGES: 3

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**WARRANTY DEED**

This Warranty Deed made and entered into this 21 day of October, 2019, by and between **BALSMAN ENTERPRISES LLC**, a Missouri Limited Liability Company, hereinafter referred to as **GRANTOR**, and **Brennon Todt d/b/a SEMO Cardinal Group**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEE**. The mailing address of the Grantee is:

2905 Valley Creek Road, Cape Girardeau, MO 63701

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**WITNESSETH:** The Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid to the Grantor, the receipt of which is hereby acknowledged, does by these presents Grant, Bargain, and Sell, Convey and Confirm unto the Grantee the following described lots, tracts or parcels of land lying, being and situated in the County of Cape Girardeau and State of Missouri, to-wit:

See attached Exhibit A

**TO HAVE AND TO HOLD** the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantee and unto his heirs and assigns **FOREVER**, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claimed title; and that it will warrant and defend the title to said premises unto the said Grantee, and unto his heirs and assigns forever, against the lawful claims and demands of all persons.



IN WITNESS WHEREOF, the said Grantor has hereunto set its hand the day and year first above written.

**GRANTOR:**

BALSMAN ENTERPRISES LLC, a Missouri Limited Liability Company

BY: Melanie Balsman  
Melanie Balsman, Member

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

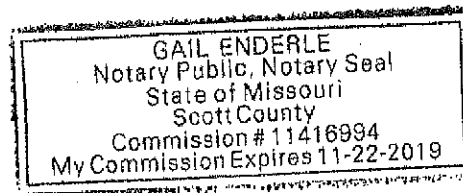
On this 21 day of October, 2019, before me personally appeared **Melanie Balsman** the Member of **BALSMAN ENTERPRISES LLC**, a Missouri Limited Liability Company, to me known to be the person described in and who executed the within Warranty Deed in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Gail Enloe

Notary Public

My commission expires:



1909062

## Exhibit "A"

That part of United States Private Survey No. 327, Township 31 North, Range 12 East, of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri being more particularly described as follows: Beginning at a corner on the South boundary line of Jackson and Farmington Road in a branch, from which the Southwest corner of the Pier of a bridge bears North 7 degrees West 33 links, run South 4 degrees East 8.50 chains an I.P. in the branch; thence South 86 ½ degrees East 8.78 chains to an I.P. in the Jackson and Farmington Road, from which an I.P. in the line 13 feet West; thence North 8 ½ degrees East 7.37 chains to the original corner (an iron pin); thence North 83 degrees West 10.68 chains with the South boundary line of said road to the beginning, containing 7.72 acres, more or less.

LESS AND EXCEPT Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) of Barks Subdivision in the City of Jackson, County of Cape Girardeau, State of Missouri, as shown by plat filed for record in Plat Book 11 at Page 25 in the land records of Cape Girardeau County, Missouri.

LESS AND EXCEPT that part conveyed to The City of Jackson, Missouri described in General Warranty Deed recorded in Book 225 at Page 202 in the land records of Cape Girardeau, Missouri. (end of exceptions)

ALSO, All of Lot One (1) of Barks Subdivision in the City of Jackson, County of Cape Girardeau, State of Missouri, as shown by plat filed for record in Plat Book 11 at Page 25 in the land records of Cape Girardeau County, Missouri.

AND, A strip of land 10 feet wide in U.S. Survey No. 327 in the City of Jackson, Missouri, being the West 10 feet of Barks Street, and being described as follows:  
Commence at the Northwest corner of Lot 2, Block 2 of Green's Subdivision in the City of Jackson, Missouri; thence North 82 degrees 19 minutes West 165 feet for the Point of Beginning of the tract herein described and conveyed; thence North 8 degrees 30 minutes East, parallel to the centerline of the Farmington Road as it existed on September 16, 1963, and 315 feet measured normally from Farmington Street as it existed on September 16, 1963, to the South right of way line of Missouri State Route "D"; thence North 83 degrees West along the South right of way line of State Route "D" a distance of 10 feet to a corner; thence South 8 degrees 30 minutes West, parallel to the centerline of Farmington Road as it existed on September 16, 1963, and 325 feet measured normally from Farmington Road as it existed on September 16, 1963, and continue to the point where said line intersects the North line of the Frederick property (formerly known as the Eugene Clippard property); thence South 82 degrees 19 minutes East 10 feet to the Place of Beginning. It being the intention to describe and convey the West 10 feet of Barks Street and to describe and convey the West 10 feet of the property heretofore conveyed by Wendell Barks and Clodine Barks, his wife, to the City of Jackson, by Warranty Deed dated September 16, 1963, and recorded in Book 225 at Page 202 in the land records of Cape Girardeau County, Missouri.

LESS AND EXCEPT from all of the above any part lying within Missouri State Highway D and Farmington Road.



CONCEPT: 45 - 2 BEDROOM SMALL HOMES  
ON CONCRETE FOUNDATION  
(39 @ 16'X70'  
4 @ 16'X65'  
2 @ 16'X60')

*\*Potential Option\*  
of all tiny homes /  
mobile homes*

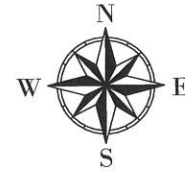
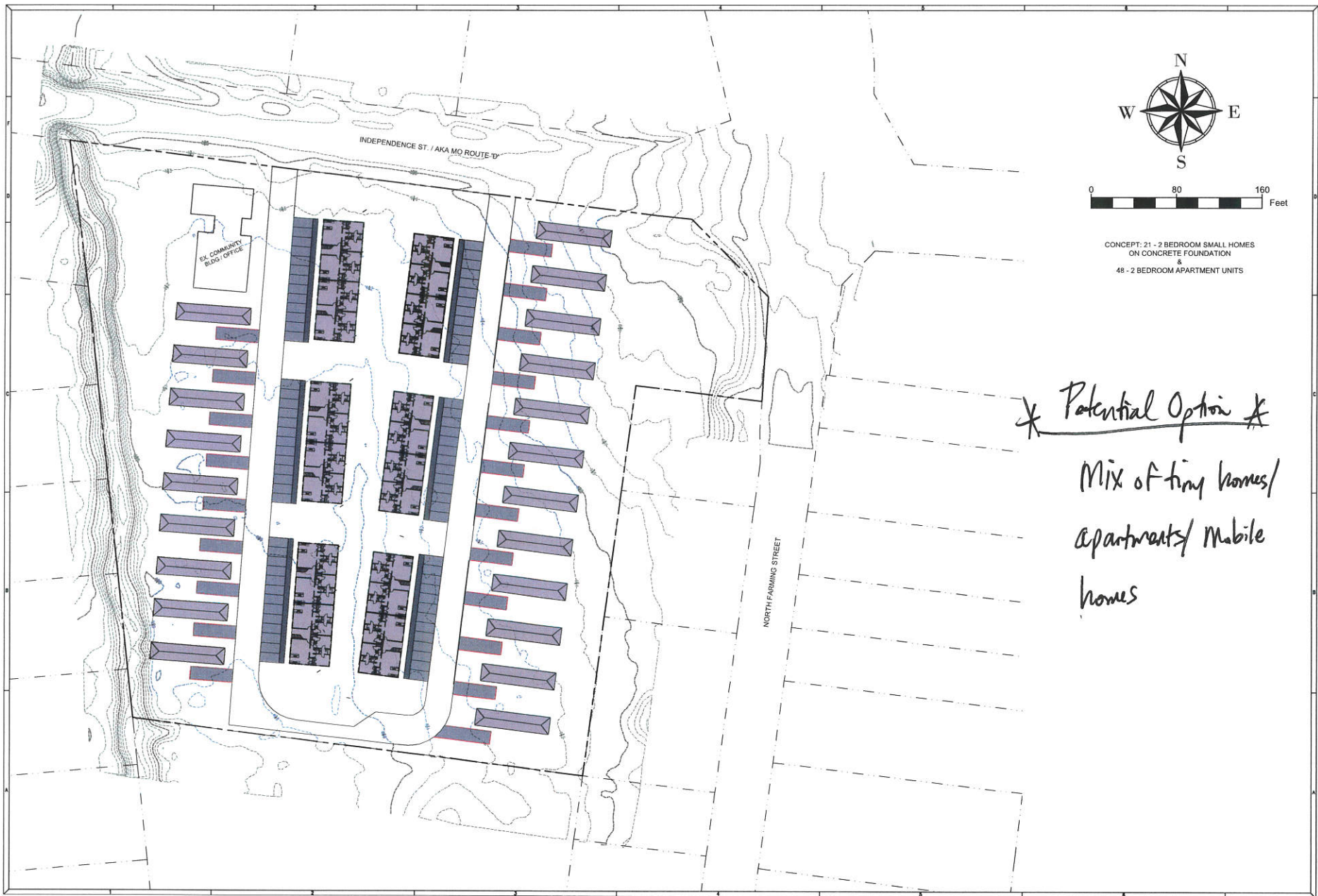
**KE KOEHLER**  
ENGINEERING AND  
LAND SURVEYING, INC.  
MO 15 COA. LS 00002 - NO ENGINEERING COA. 2003019634  
Civil Engineering and Surveying Services - 114 Cedar Lane - Cape Girardeau, MO 63701  
Phone: 573.335.3936 - www.koehlersurveying.com

PRELIMINARY CONCEPT  
MULTI-USE  
RESIDENTIAL DEV.  
BRENNON TODT  
2905 VALLEY CREEK ROAD - CAPE GIRARDEAU, MO  
PH: 573.332.9636 - XXXXXXXXXX.COM

SEAL  
PRELIMINARY  
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF A PROFESSIONAL ENGINEER AND A PROFESSIONAL SURVEYOR. ANY OTHER USE IS UNLAWFUL.

REV	DATE	DESCRIPTION

**SITE CONCEPT 3**  
KEL'S PLOT NO. 3504  
OWNER PLOT NO.    
DESIGNED BY:    
DRAWN BY:    
CHECKED BY:    
DATE: 04.30.2022  
SHEET NO. C-3.0



CONCEPT: 21 - 2 BEDROOM SMALL HOMES  
ON CONCRETE FOUNDATION  
&  
48 - 2 BEDROOM APARTMENT UNITS

*\* Potential Option \**

*Mix of tiny homes/  
apartments/ mobile  
homes*

**KE KOEHLER**  
ENGINEERING AND  
LAND SURVEYING, INC.

MO. LS. COA: LS 000262 - MO. ENGINEERING CO.: 2020/19654  
Civil Engineering and Surveying Services - 134 Cedar Lane - Cape Girardeau, MO 63701  
Phone: 573.332.9262 - www.koehlerengineering.com

PRELIMINARY CONCEPT  
MULTI-USE  
RESIDENTIAL DEV.  
ON THE CORNER OF  
2905 VALLEY CREEK ROAD & E. GIRARDEAU, MO  
PH: 573.332.9262 - XXXXXXXXXX.COM

SEAL  
PRELIMINARY  
CONCEPT  
THIS DRAWING IS SUBJECT TO BE SO REVISED  
WITHOUT THE PRESENCE OF THE CLIENT  
BOUNDARY NOT TO BE USED FOR PROPORTIONAL  
PURPOSES UNLESS INDICATED OTHERWISE

REV	DATE	DESCRIPTION

SITE  
CONCEPT 2  
KEL'S PLOT NO. \_\_\_\_\_ OWNER PLOT NO. \_\_\_\_\_  
DESIGNED BY \_\_\_\_\_ SHEET NO. \_\_\_\_\_  
DRAWN BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
C-2.0  
14.25.2022





\* Potential Option \*  
of all apartment  
buildings.

\* Strictly an option, not set in stone. \*

**KE KOEHLER**  
ENGINEERING AND  
LAND SURVEYING, INC.

MO 15 CON. LS 002022 - MO ENGINEERING CO. 20200119034  
Civil Engineering and Surveying License #14 Colleen Lauer - Colleen Lauer@koehlere.com  
www.koehlere.com

PRELIMINARY CONCEPT  
MULTI-USE  
REDIDENTIAL DEV.

BRENNON TODD  
2905 VALLEY CREEK ROAD • CAPE GIRARDEAU, MO  
PH: 573.382-9636 • XXXXXXXXXX.COM

SEAL

PRELIMINARY  
CONCEPT

THIS DRAWING IS NOT TO BE REPRODUCED  
WITHOUT THE PERMISSION OF KIDDERLY  
ENGINEERING. NOT VALID FOR PRODUCTION  
PURPOSES UNLESS SIGNED AND SEALED

[illegible]

SITE CONCEPT 1	
KELS PJCT NO. 31554	OWNR PJCT NO.
DESIGNED BY CK	
DRAWN BY CK	SHEET NO.
CHECKED BY CK	
DATE 04.25.2022	C-1.0

C-1.0



