



CITY OF JACKSON

PLANNING & ZONING COMMISSION MEETING AGENDA

Wednesday, March 09, 2022 at 6:00 PM

City Hall, 101 Court Street, Jackson, Missouri

Bill Fadler
Tony Koeller
Harry Dryer
Tina Weber

Mike Seabaugh, Chairman
Joe Baker, Alderman Assigned
Tom Kimbel, Alderman Assigned
Janet Sanders, Staff Liaison

Wade Bartels
Heather Harrison
Beth Emmendorfer
Eric Fraley

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of minutes of February 9, 2022 meeting.

PUBLIC HEARINGS

2. Public hearing regarding a request for a Special Use Permit for an in-home daycare as a home occupation in an R-4 General Residential District at 716 West Washington submitted by Angela & Kaleb Hahn,
3. Public hearing regarding a request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation as submitted by Brian Powell.

OLD BUSINESS

4. Request for a Special Use Permit for an in-home daycare as a home occupation in an R-4 General Residential District at 716 West Washington Street submitted by Angela & Kaleb Hahn.
5. Request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation as submitted by Brian Powell.

NEW BUSINESS

6. Request for a Special Use Permit for gun sales in a C-3 Central Business District at 125 Court Street submitted by Jones Drug Store, LLC.
7. Request for a Land Exchange Certification for transfer of 1,989 Sq. Ft. of Property from 1985 Ripken Way to 1944 Ripken Way submitted by B&R Developers, LLC.
8. Request for approval of a minor subdivision plat of Cara's First Subdivision as submitted by Country Life, LLC.

CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA

ADJOURNMENT

This agenda was posted at City Hall on March 2, 2022 at 5:00 p.m.

PLEASE OBSERVE SOCIAL DISTANCING WHEN ATTENDING THIS MEETING.

JOURNAL OF THE PLANNING & ZONING COMMISSION
CITY OF JACKSON, MISSOURI
WEDNESDAY, FEBRUARY 9, 2022, 6:00 P.M.
REGULAR MEETING
CITY HALL COUNCIL ROOM, 101 COURT STREET, JACKSON, MISSOURI

The Planning and Zoning Commission met in regular session with Chairman Mike Seabaugh presiding and Commissioners Heather Harrison, Wade Bartels, Tina Weber, Tony Koeller, Harry Dryer, Beth Emmendorfer, Eric Fraley, and Bill Fadler present. No members were absent. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Aldermen Joe Bob Baker and Tom Kimbel were also present. Citizens attending were Amy Worley, William & Ashley Ruffier, John & Sarah Ryan, Patsy Pulliam, Mary Harriet Talbut, Mike Lackamp, Garrett Lackamp, Angela Hahn, Nolan Bartels, Lacy Giudicy, Carolyn Hahs, Bob & Cindy Lichtenegger, Brian & Angela Powell, and Mandy Hatfield.

Chairman Seabaugh welcomed Eric Fraley as a new member of the Commission.

Approval of the January 12, 2022)
regular meeting minutes)

Minutes of the previous meeting were unanimously approved on a motion by Commissioner Dryer, seconded by Commissioner Koeller.

PUBLIC HEARING

Public hearing regarding a request for)
approval of rezoning of 2.65 acres of)
property addressed as 720 South Old)
Orchard Road from R-1 Single Family)
Residential to C-2 General Commercial)
submitted by Independence Self Storage,)
LLC)

Chairman Seabaugh explained the hearing protocol and opened the hearing. Mrs. Sanders read a report detailing the dates of application and notifications. He asked if anyone was present to speak in favor. Mr. Lackamp said he had nothing to add to Mrs. Sanders report. Finding no one else present to speak in favor, Chairman Seabaugh asked if anyone was present to speak in opposition.

Mr. William Raffier of 688 Old Poplar Road came forward and was sworn in. He said he is not against the development of storage sheds but is concerned that the storage shed use would be a temporary place holder for another use allowed in C-2 zoning such as a marijuana dispensary. He knows of other places where this has been done. He said C-2 zoning should be on major thoroughfares and reminded the Commission of the city motto about beautiful homes. He would like the City to consider granting residential zoning with a special use permit that would limit the property to storage sheds.

Finding no others wishing to speak, Chairman Seabaugh asked Mr. Lackamp if he would like to rebut. Mr. Mike Lackamp came forward with his grandson and was sworn in. He said he is at a disadvantage

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

NEW BUSINESS

Request for approval of a Land Exchange)
Certification for transfer of 0.35 acres of)
property from 3030 Bainbridge Road to)
591 South Oak Hill Road submitted by)
the Patsy Ruth Pulliam Living Trust u/t/a)
July 2, 2018)

Mrs. Sanders reported this is the transfer of land from the back of one property to the back of an adjacent property.

Commissioner Koeller made a motion to approve the request, seconded by Commissioner Fadler. Finding no discussion, a vote was called with unanimous approval.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

Request for a Special Use Permit for a)
bakery as a home occupation in an R-2)
Single family residential district at 828)
Eagle Drive submitted by Darrell & Mandy)
Hatfield)

Mrs. Sanders reported this is for the applicant to do baking in her home to be sold at other locations.

Mandy Hatfield came forward and said she would like to be able to bake from home. She is currently baking at another house in the county. She would be using a separate kitchen in her basement for the baking. It will not be a store and it is irregular for a customer pick up an order. Products are delivered and she would be the only employee.

Mrs. Sanders was asked if there have been similar Special Use Permits granted. She said there was one granted in Rolling Fields subdivision for Barbie's Custom Bistro and another one granted for a catering kitchen run from another home. That location was believed to be Francis Drive.

There was brief discussion about whether a hearing was needed. Since it would not be open to customers, there was no interest expressed in holding a hearing.

Commissioner Fadler made a motion to approve the request. The motion was seconded by Commissioner Harrison and was unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

Request for a Special Use Permit for an)
in-home daycare as a home occupation in)

an R-4 General Residential District at)
716 West Washington Street submitted by)
Angela & Kaleb Hahn)

Mrs. Sanders reported this is a request for an in-home daycare.

Angela Hahn of 716 West Washington came forward. She said she owns the Learn.Play.Grow daycare at 850 Gerald Street where they keep 18 children ages 2 years and up. Her husband is getting the education to take over as director of the existing daycare and she would operate in her home. She said they accept government subsidized children at their daycare. The number of children would be 10 or less. The licensing agency told her to expect the number to be closer to eight based on the size of her house.

Commission Koeller made a motion to set a public hearing. The motion was seconded by Commissioner Fadler and was unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent (to set hearing)

Request for a text amendment to Chapter 65)
(Zoning) related to babysitting as a home)
occupation submitted by Brian Powell)

Mrs. Sanders reported this is a request to change the text of the zoning code from allowing 4 children to be cared for in a home to allowing 6 children before a Special Use Permit is required. She said the code allows no more than 4 which does not include the residents' own children, step-children or those for whom they have legal guardianship, but does include other relatives such as grandchildren, nieces, nephews and others who do not live in the home. The building code allows no more than 5 children before additional building requirements kick in and the building becomes classified as an institutional use or educational use depending on the age of the children. The state allows no more than 6 children before state licensing is required. She said it would be nice if these numbers matched but whether or not the code changes, not all three will match.

Mr. and Mrs. Powell came forward and said they previously tried to get a Special Use Permit for 596 Canyon Trail and then lost their state licensing because that permit was not approved. They had to reduce the number of children they keep and are now under the limit of four. Mrs. Powell said there is a great need for more childcare, and the desperation of those seeking childcare can be seen on semomoms.com. Even if the code was changed to five, that would allow them to keep one more and one more in each at-home location would help. Mr. Powell said he had spoken to the offices of Governor Parsons and Senator Josh Hawley and both are interested in daycares and the need for child care.

Commissioner Koeller made a motion to set a public hearing, seconded by Commissioner Dryer and unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent (to set hearing)

Comprehensive Plan Update)

Mrs. Sanders stated it is time to update the Comprehensive Plan, which was last updated in 2009 and is the city's guide for future development and re-development. The Board of Aldermen has budgeted the update for 2022 and since the process takes at least nine months, it needs to get started. She said the first step is to establish a committee which will consist of herself, Rodney Bollinger (Director of Administrative Services), two Commissioners, and one Alderman. She asked the Commission to choose two members to serve on the committee and explained the Request for Qualifications process used to select a planning firm to develop the updated plan. Commissioner Fadler said he served on the committee for the 2009 update. Commissioners Dryer and Koeller volunteered.

Consider a motion to add items to the)
agenda)

No items were added to the agenda.

Adjournment)

Commissioner Fadler made a motion to adjourn, seconded by Commissioner Emmendorfer and unanimously approved.

Respectfully submitted,



Tony Koeller
Planning and Zoning Commission Secretary

Attest:



Janet Sanders
Building & Planning Manager

NOTE: ACTION (IF ANY) ON LAND EXCHANGE CERTIFICATIONS, COMPREHENSIVE PLAN, AND MAJOR STREET PLAN IS FINAL APPROVAL; ALL OTHER ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION SERVES AS A RECOMMENDATION TO THE BOARD OF ALDERMEN AND NOT AS FINAL APPROVAL OF THE ITEMS CONSIDERED AT THIS MEETING.

Staff Report

ACTION ITEM: Request for a Special Use Permit for an In-Home Daycare in an R-1 Single Family Residential District at 716 W. Washington St.

APPLICANT: Angela & Kaleb Hahn

APPLICANT STATUS: Property Owners / Residents

PURPOSE: To open an in-home daycare in their home to serve up to 10 children

SIZE: Lot size: approx. 6,400 sq. ft.; Home size: 1,026 sq. ft. main floor with full walk-up basement

PRESENT USES: Single family residential

PROPOSED USE: Single Family Residence with in-home daycare

SURROUNDING LAND USE: North – R-4 General Residential; South – R-2 Single Family Residential; East – R-4 General Residential; West – R-4 General Residential

HISTORY: This property is a single-family home built about 1950.

TRANSPORTATION AND PARKING: Parking would need to meet the following requirement for home occupations: 3 off-street parking spaces for home occupation and home. The existing carport and driveway provide 3 parking spaces. On-street parking does not count in this requirement for off-street parking.

APPLICABLE REGULATIONS: Zoning Code (Chapter 65):

Note: R-4's allowance for a Special Use Permit for a stand-alone daycare (not classified as a home occupation) does not apply because lot does not meet 15,000 sq. ft. minimum.

Sec. 65-2. Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, xray, or electrical disturbance to radio or television instruments.

- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

Sec. 65-5. - R-4 General residential district regulations.

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
 - 1. Art studio.
 - 2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Telephone, computer, or Internet occupations which comply with the definition of a home occupation.
 - 8. Supporting office operations for a business conducted at other locations when the office operations comply with the definition of a home occupation.
 - 9. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations with a special use permit only.

Sec. 65-22. - Off-street parking and loading regulations.

- (4) *Schedule of minimum parking spaces required.*
 - b. *Commercial, industrial, and institutional.*

16. Home occupation: three (3) parking spaces, which number may include the required spaces for the residential dwelling and available driveway space.

2009 COMPREHENSIVE PLAN: Residential use

FLOODPLAIN INFORMATION: This property is not located in a floodplain per FEMA panel 29031C0143E dated 9/29/11

PHYSICAL CHARACTERISTICS: This is a mid-block lot with an attached carport and single-wide driveway.

COMMENTS:

The Commission has the option to place additional special conditions on their recommendation, such as hours of operation, number of children, number of off-street parking spaces, etc. The following are staff-recommended recommended special conditions and may be modified as desired by the Planning and Zoning Commission and Board of Aldermen:

1. No more than ten (10) children may be kept.
2. No employee or volunteer worker is permitted other than persons who reside in the home.
3. Operation of the daycare shall comply with State of Missouri regulations.
4. A minimum of three (3) off-street parking spaces shall be provided.
5. Hours of operation shall be no earlier than 6 a.m. and no later than 6 p.m.
6. Compliance with the zoning regulations for home occupations is required.
7. Compliance with city's adopted building code and fire code for in-home daycares is required.
8. Compliance with all other city codes is required.

ACTION REQUIRED: The Commission shall approve or deny this request based on the ability to comply with the regulations for home occupations. A public hearing at this level is optional but is recommended due to the residential neighborhood. A public hearing is required at the Board of Aldermen level. The P&Z decision serves as a recommendation to the Board of Aldermen. A positive recommendation requires a simple majority vote of the Board of Aldermen to approve the request. A negative recommendation requires a 2/3 majority of the vote of the Board of Aldermen for approval.



REZONING / SPECIAL USE PERMIT APPLICATION
City of Jackson, Missouri

APPLICATION DATE: 12/22/21

TYPE OF APPLICATION: Rezoning X Special Use Permit

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

716 W. Washington St. Jackson, MO 63755

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

Property Owner Name(s): Angela & Kaleb Hahn

Mailing Address: 716 W. Washington St.

City, State ZIP: JACKSON, MO 63755

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

Proposed Property Owner(s):

Mailing Address:

City, State, ZIP

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Angela Hahn

Mailing Address: 716 W. Washington St.

City, State ZIP: JACKSON, MO 63755

Contact's Phone: 573-318-6329

Email Address (if used): learn.play.grow@outlook.com

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

CURRENT USE OF PROPERTY: Home

PROPOSED ZONING: (check all that apply)

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

PROPOSED USE OF PROPERTY: in-home, licensed daycare.

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

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.

Attached page

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.

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:

As the current owners and educators at Learn. Play. Grow. LLC, we believe we play a major role in the health and education of our local children. We feel the first five years of a child's life is essential for gaining the knowledge, strength, patience, and social skills to prepare for kindergarten. A few of these things are reasons as to why we feel our in-home childcare would be a great fit for Jackson, MO. We already have the opportunity to give love, support, education, social skills, diversity, a safe space, and new friends to our currently enrolled students and families. Being able to create a second childcare environment for more families in need would be very beneficial. Jackson, MO has a major need for childcare. We feel this will help to solve a lot of issues with families not being able to work or provide for their family due to lack of local childcare. This opportunity would give families in our community the option to provide a more stable and healthy learning environment for local children and families alike. We offer subsidy pay at our current location and plan to offer this at our in-home, this gives low-income families the opportunity to afford childcare. We also plan on enrolling into the food program, which offers healthy meals and snacks to each child, no parent will be left worrying if their child is going without a healthy meal for the day!

eRecorded
DOCUMENT #
2018-04942

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
05/23/2018 1:07:16 PM
REC FEE: 30.00
PAGES: 3

GENERAL WARRANTY DEED

This Warranty Deed made and entered into this 22nd day of May, 2018, by and between **Duncan Property Management LLC, a Missouri Limited Liability Company**, hereinafter referred to as **GRANTOR**, and **Kaleb Hahn, a single person and Angela Schrum, a single person, as joint tenants with right of survivorship** of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEES**. The mailing address of the Grantees is:

716 West Washington, Jackson, MO 63701

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 Grantees 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:

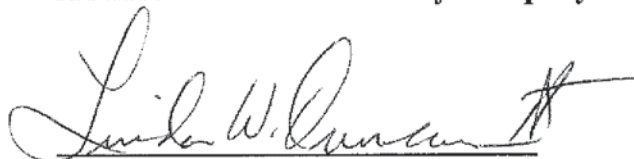
See attached Exhibit "A"

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 Grantees and unto their 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 Grantees, and unto their 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:

**Duncan Property Management, LLC
A Missouri Limited Liability Company**



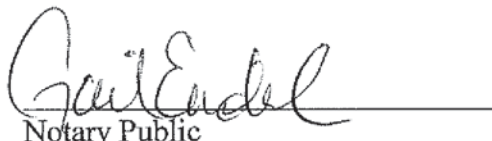
By: Lindon W. Duncan, II

Its: Manager

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

On this 22 day of May, 2018, before me personally appeared Lindon W. Duncan, II the Manager of Duncan Property Management 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 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.



Notary Public

My commission expires:

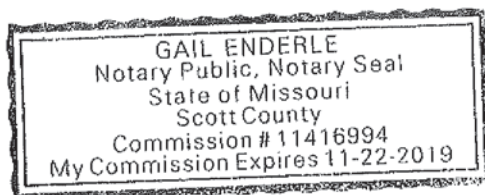



Exhibit A

TRACT NO. 1: ALL THE WEST 59 FEET OF LOT NUMBERED EIGHT (8) IN BLOCK NUMBERED TWO (2) OF MORGANS SECOND ADDITION TO THE CITY OF JACKSON, THE EAST LINE OF THE PART OF THE LOT INTENDED TO BE CONVEYED TO BE PARALLEL TO THE EAST LINE OF SAID LOT 8. TRACT NO. 2: A PARCEL OF LAND BEING A PART OF LOT NUMBERED EIGHT (8) IN BLOCK NUMBERED TWO (2) OF MORGANS SECOND ADDITION TO THE CITY OF JACKSON, DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF SAID LOT 8, BLOCK 2 OF SAID ADDITION; THENCE NORTH 82 DEGREES 00 MINUTES WEST, ALONG THE NORTH LINE OF SAID LOT 8, 135.23 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 04 MINUTES 58 SECONDS WEST, 98.13 FEET TO THE NORTH LINE OF WASHINGTON STREET; THENCE NORTH 5 DEGREES 36 MINUTES 05 SECONDS WEST, 100.0 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE SOUTH 82 DEGREES 00 MINUTES EAST ALONG SAID NORTH LINE, 10.0 FEET TO THE POINT OF BEGINNING.

716 W Washington St.

Write a description for your map.

Legend

 716 W Washington St



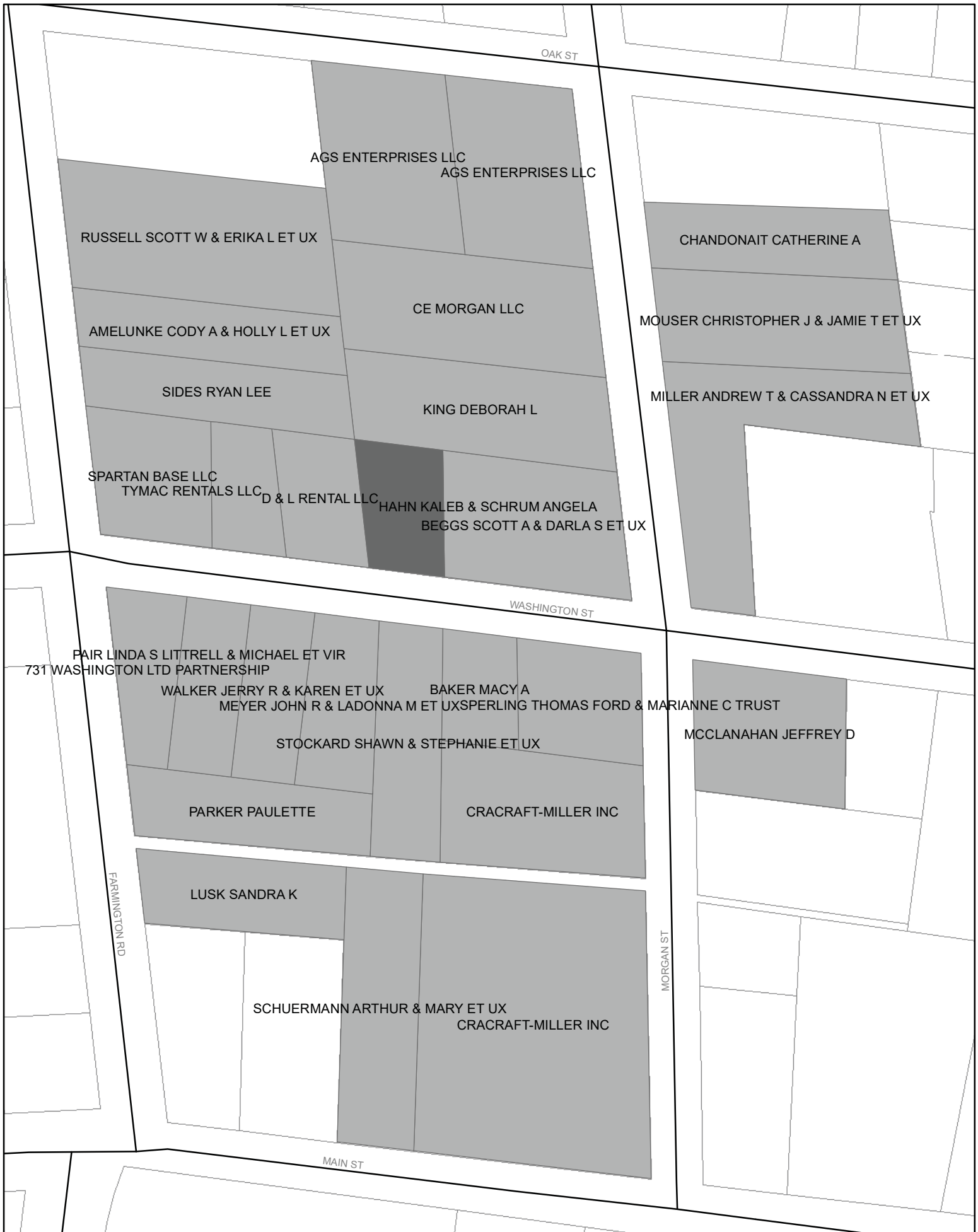
Google Earth

© 2021 Google

6.64 ft







716 W. Washington St.
Properties Within 185'

Staff Report

ACTION ITEM: Request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation

APPLICANT: Brian Powell

APPLICANT STATUS: Property owner and resident of 596 Canyon Trail

PURPOSE: To increase the number of children allowed for in-home babysitting as a home occupation without a special use permit from 4 to 6.

HISTORY: Mr. and Mrs. Powell formerly requested a special use permit for an in-home daycare as a home occupation at 596 Canyon Trail. That special use permit was denied. Prior to moving to Canyon Trail, they had a special use permit for an in-home daycare at their former home at 409 N. Shawnee Blvd. where they were state licensed for 10 children. Special use permits do not transfer from one location to another.

APPLICABLE REGULATIONS: Zoning Code (Chapter 65)

Sec. 65-2. Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, xray, or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

Sec. 65-5. R-1 Residential District Regulations (excerpt)

The wording referencing the R-2 district carries over to the R-2 Single Family, R-3 One and Two-Family, R-4 General Residential, MH-1 Mobile Home District, and O-1 Professional Office District.

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - b. Home occupations listed below which also meet the home occupation definition in [section 65-2](#):
 - a. Art studio.
 - b. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.**
 - c. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - d. Dressmaking or tailoring.
 - e. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - f. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - g. Telephone, computer, or Internet occupations which comply with the definition of a home occupation.
 - h. Supporting office operations for a business conducted at other locations when the office operations comply with the definition of a home occupation.
 - i. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations with a special use permit only.

COMMENTS: A text amendment to the zoning code for home occupations would affect not only Mr. Powell's address, but all property zoned R-1, R-2, R-3, R-4, MH-1, or O-1. Notices for public hearings about text amendments are published in the Cash-Book Journal and the city's website and are not mailed to any individual property owners or posted on any properties.

- The city's zoning code allows care of no more than 4 children at a time as a home occupation without a special use permit. The keeping of more children at a time as a home occupation requires a special use permit. *(The city's policy has been to not count the resident's own children in the total but to count other relatives such as grandchildren, nieces, nephews, etc., unless the resident is the legal guardian of that child.)*
- State of Missouri licensing for family home daycares allows care of no more than 6 children not related to the caregiver in a home before a state license is required. Licenses are administered by the Missouri Department of Health and Senior Services' Child Care Licensing division. *(Per the state's definition, Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.)*

- The city's building code and fire code allows care of no more than 5 children (or other persons in care) in a home to remain classified as one or two-family dwellings. Above that number they are categorized as either institutional facilities or educational facilities depending on the age and number of children and have to meet additional building and fire code requirements. (IBC 308.6.4). *(Since related children or lack of relationship are not referenced in this code, the city follows the same policy as the zoning code.)*

ACTION REQUIRED: Code changes require a public hearing at both the Planning and Zoning level and the Board of Aldermen level prior to each board taking any action.

From: Brian Powell [mailto:brianpowell452369@yahoo.com]
Sent: Tuesday, January 11, 2022 2:45 PM
To: Liza Walker
Subject: Amendment letter.

This is a letter that I was advised to send you. Thanks.

Sent from Yahoo Mail on Android

Attention Liza Walker,

My name is Brian Powell, and I am writing regarding a request or recommendation to a text amendment change to the city ordinance that limits in-home unlicensed daycares to 4 kids in the city limits. I am advocating for the change to be State of Missouri compliant; their guidelines are 6 maximum for in-home daycares that are unlicensed regardless of being in city limits or not. There is a great need for childcare in our area and by amending this it will allow for already established providers in our community to help with the shortage of care. Just 2 more spots per daycare would drastically improve the community's ability to find quality care and helps boost small businesses to financially succeed.

REQUESTED TEXT AMENDMENTS TO BABYSITTING AS A HOME OCCUPATION

The text below is clipped from the zoning code of the city of Jackson and is not complete text of each zoning district or each section. It is intended to represent only the proposed text changes and not the full context of the code sections. Text requested to be changed is highlighted with text proposed to be added in bold and text proposed to be deleted struck through. The full zoning code is available at https://library.municode.com/mo/jackson/codes/code_of_ordinances (Chapter 65)

Sec. 65-2. Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-ray, or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

Sec. 65-4 A-1 Agricultural district regulations.

(1) Use regulations.

v. Home occupations listed below which also meet the home occupation definition in section 65-2.

1. Art studio.
 2. Babysitting, limited to no more than ~~four (4)~~ **six (6) children** under the age of seventeen (17) at one (1) time.
 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 4. Dressmaking or tailoring.
 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 7. Any occupation carried on by telephone, computer, or Internet.
 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-5 R-1 Single-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- b. Home occupations listed below which also meet the home occupation definition in section 65-2.
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-6 R-2 Single-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- c. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-7 R-3 One- and two-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- e. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-8 R-4 General residential district regulations

(1) Use regulations. A building or premises shall be used only for the following purposes.

- i. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-9 MH-1 Mobile home park district regulations

(1) Use regulations. A building or premises shall be used only for the following purposes.

- i. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Sec. 65-10 O-1 Professional office district regulations

(1) Use regulations. A building or premises shall be used only for the following purposes.

- e. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
 - 1. Art studio.
 - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
 - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
 - 4. Dressmaking or tailoring.
 - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
 - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
 - 7. Any occupation carried on by telephone, computer, or Internet.
 - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

Title XII PUBLIC HEALTH AND WELFARE

Chapter 210

< > • Effective - 28 Aug 2020, 4 histories ↓

210.211. License required — exceptions — written notice of licensure status, when.

— 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(3) Any graded boarding school that is conducted in good faith primarily to provide education;

(4) Any summer camp that is conducted in good faith primarily to provide recreation;

(5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

(7) Any school system as defined in section 210.201;

(8) Any Montessori school as defined in section 210.201;

(9) Any business that operates a child care program for the convenience of its customers if the following conditions are met:

(a) The business provides child care for employees' children for no more than four hours per day; and

(b) Customers remain on site while their children are being cared for by the business establishment;

(10) Any home school as defined in section 167.031;

(11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

(13) Any neighborhood youth development program under section 210.278;

(14) Any religious organization elementary or secondary school;

(15) Any private organization elementary or secondary school system providing child care to children younger than school age. If a facility or program is exempt from licensure based upon this exception, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status;

(16) Any nursery school as defined in section 210.201; and

(17) Any child care facility maintained or operated under the exclusive control of a religious organization. If a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a

copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

(RSMo 1949 § 210.230, A.L. 1955 p. 685 § 210.210, A.L. 1982 H.B. 1171, et al., A.L. 1989 S.B. 241, A.L. 1993 H.B. 376, A.L. 1999 H.B. 490 & H.B. 308, A.L. 2004 H.B. 1453, A.L. 2012 H.B. 1323, A.L. 2014 H.B. 1064 merged with H.B. 1831 merged with S.B. 869, A.L. 2019 H.B. 397, A.L. 2020 H.B. 1414)

---- end of effective 28 Aug 2020 ----
use this link to bookmark section 210.211

- All versions

	Effective	End
210.211	8/28/2020	
210.211	8/28/2019	8/28/2020
210.211	8/28/2014	8/28/2019
210.211	8/28/2012	8/28/2014

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

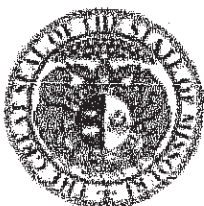


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Missouri Senate



MO.gov



Missouri House

Errors / suggestions -
WebMaster@LR.mo.gov



History and Fun Facts

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Title XII PUBLIC HEALTH AND WELFARE

Chapter 210

< > • Effective - 14 Jul 2021, 4 histories, see footnote ⬇

210.201. **Definitions.** — As used in sections 210.201 to 210.257, the following terms mean:

- (1) **"Child"**, an individual who is under the age of seventeen;
- (2) **"Child care"**, care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) **"Child-care facility"** or **"child care facility"**, a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
 - (a) Six children; or
 - (b) Three children under two years of age;
- (4) **"Child care provider"** or **"provider"**, the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- (5) **"Montessori school"**, a child care program that is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;
- (6) **"Neighborhood youth development program"**, as described in section 210.278;
- (7) **"Nursery school"**, a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;
- (8) **"Person"**, any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;
- (9) **"Religious organization"**, a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

(10) **"School system"**, a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) **"Summer camp"**, a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area.

(RSMo 1949 §§ 210.200, 210.210, A.L. 1955 p. 685 § 210.200, A.L. 1982 H.B. 1171, et al., A.L. 1989 S.B. 241, A.L. 1993 H.B. 376, A.L. 2002 S.B. 923, et al., A.L. 2004 H.B. 1453, A.L. 2019 H.B. 397, A.L. 2020 H.B. 1414, A.L. 2021 H.B. 432)

Prior revision: 1929 § 14133

Effective 7-14-21

---- end of effective 14 Jul 2021 ----

use this link to bookmark section 210.201

- All versions

	Effective	End
210.201	7/14/2021	
210.201	8/28/2020	7/14/2021
210.201	8/28/2019	8/28/2020
210.201	8/28/2004	8/28/2019

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

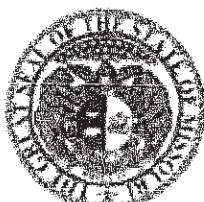


► Other Information

► Other Links



Missouri Senate



MO.gov



Missouri House

Attn: Janet Sanders, Building & Planning Manager

Jackson City Hall
101 Court Street
Jackson, MO 63755

In response to: PUBLIC HEARING FOR TEXT AMENDMENTS TO CHAPTER 65

As I am unable to attend the public hearing, I would like to take this opportunity to express my view regarding the amendment change. I say YES and am in full support of such changes proposed to increase the number of children allowed under the terms "babysitting" in Chapter 65 of the city Jackson code.

As a resident of Jackson, I have personally been affected by the current city ordinance which only allows for 4 children to be watched in a home, whom do not "belong" to the current resident of the home without obtaining a special use permit. My former in-home daycare was not allowed a special use permit by the city because some of the existing neighborhood residents thought it would be a nuisance to their subdivision.

During my transition to a new daycare, I found the city of Jackson was highly inadequate in the number of providers to children needing care. One facility was closing, the second (and only) other option due to any others having a wait list, left me paying \$180 more per month. That does not include the more than \$200 I have now paid this business for care when NO care was provided because of closures due to weather, illness, etc. To those who say there are plenty of functioning daycare businesses, I confidently call them ignorant and out of touch with their community! This proposed change could benefit so many citizens of Jackson! It is not hurting those businesses currently operating; instead it promotes an opportunity and allows parents to make the best decision of childcare providers based on quality not quantity.

This proposal is a reflection due to Missouri changing its law recently in regards to in-home childcare. While the city has the right to govern itself as best for their community, I feel Jackson will be missing out on a much greater need than those who are in opposition. I would like to review the opinions made in that special use permit public hearing and share the reality that has transpired since:

1. Traffic – Claimed that traffic backup on the main street & entrance from 61 would be detrimental. FALSE – I have camera footage from my vehicle that shows this to be untrue. During drop off and pick up NEVER was I stalled in traffic behind more than 1 vehicle, both at peak times of the day around 7:30am & 5:00pm.
2. Housing Value – he said/she said situation. I can provide you with arguments on BOTH sides of this statement regarding the value rising or falling when directly affected by the number of children in the neighborhood. As silly as it sounds, it is a good thing we don't control the population anymore and tell people they aren't allowed to have "X" amount of children.
3. Noise – While I am not there during the day, there was never a noise complaint filed that I'm aware of. Although the police have been called because the opposing neighbors in "Cold Creek" openly videotaped parents' vehicles & their children. **These SCARE TACTICS and INTIMIDATION methods are inexcusable!** Those neighbors felt as though this board & city are in complete agreement with them, this is not my opinion, they have openly said as much. This gave them the right to try and force their opinions onto us. To that I say NO!

Please consider carefully all sides of this proposal. This decision will not affect the few, but the many who need better options for childcare in OUR TOWN!

Thank You,
Natalie Burton



Dear Ms. Sanders,

I am writing in regards to the letter I received regarding the special use permit for 716 West Washington Street. I am part owner of the property at 718 West Washington which is directly next to the property requesting the permit. This is a rental property for us that is occupied.

We have owned this house since 1995 and this street has always been a high traffic street with little to no parking which has been a problem in the past. This street takes a lot of traffic before and after school as it's close to many schools.

I feel that adding an in-home day care to the mix of an already busy street with no extra parking or a driveway that would accommodate the pick-up and drop-off will be very dangerous not only to the residents of the street but to the kids that stay in the home. Traffic moves pretty fast along the street even with a 30 mph limit.

The property requesting has a very small driveway so families won't have enough space to use it to drop their children off or pick up (even with a quick run in or out)

The driveway of our house is much longer and I'm afraid people will use it to park and run in to drop off or pick up because there is no extra on street parking, this causes multiple issues as we can't get in or out of our driveway and possible damage to our property. We maintain the driveway for the use of our renters and we do not want others using the driveway. It's tight enough with cars parking so close to driveway entrances as it is that it's almost a safety issue now. It's hard to pull/back out with minimal room due to cars being parked on both sides of the driveway entrance.

Safety is the most important thing of all concerned and we just don't feel like we can support this business in a residential area.

We are unable to attend the meeting on the 9th due to being out of town so please accept this letter as our opinion on the matter and that we oppose the special use permit.

Thank you,

A handwritten signature in black ink that reads "Jackie Dameron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jackie Dameron

Member, D&L Rentals
718 West Washington

March 9, 2022

Dear Janet Sanders, and those whom it may concern

I am writing you today to express my support in the request to change the text in Chapter 65 (zoning) as it relates to babysitting as a home occupation.

- 1) Jackson does not have enough childcare options as stated by the opposition. A simple call to the local childcare centers would show there is a long waiting list, more so for infants.
- 2) The State of Missouri has passed Nathan's law which says in-home providers may only care for up to 6 children, they're own included. Only three of those total children may be under the age of 24 months. I fail to see how 2 children are more of a bothersome to hostile neighbors than 4.
- 3) I have reached out to local real estate agents who disagree with the oppositions statement that an in-home daycare would negatively impact neighborhood home value. A quick internet search yielded no evidence to this claim as well.
- 4) By further limiting the city of Jackson's childcare availability you send working parents looking for care further away. Let us keep working parents and revenue in the city of Jackson by allowing local providers to create a safe and nurturing childcare environment.

Thank you,

Jessica McQuillen





March 9, 2022

To Janet Sanders, Building and Planning Manager, and Whomever It May Concern:

I am writing this letter in support of the request for an amendment to the City of Jackson zoning code to increase the number of children allowed to be cared for by an in-home childcare provider from four to six.

1. As a full-time working parent and prior Children's Division employee, I have struggled to find childcare on numerous occasions. If you haven't done so recently, I would suggest calling the local licensed daycare facilities in the City of Jackson and inquiring about their waitlists, specifically for an infant child. You will find the average waitlist is anywhere from one to two years. It is no question there is an inadequate amount of childcare options in our area in comparison to the number of working parents.

2. The State of Missouri follows Nathan's Law which allows an in-home provider to care for up to six children (including your own children, and no more than three under the age of two). Individual/s who have no professional childcare experience cannot state this is too many children to provide adequate care for when professionals in this field have already determined this is a sufficient child to provider ratio.

3. It seems as if the opponents to this amendment change are solely worried about their own personal property value decreasing. I was unable to find any professional research indicating an in-home daycare facility has any impact on surrounding property values, so this seems to be based on pure speculation and personal opinion. I find it irrational that having six children in a home as opposed to four children would have any impact on property value.

4. By decreasing the amount of children an in-home provider is able to care for, this will significantly impact the provider's income and livelihood which could ultimately, result in the provider closing their business. In-home providers provide a very meaningful and necessary service to this community.

Thank you for your consideration in this matter.

Kayla Rowe



March 9, 2022

Janet Sanders, building and planning manager

I am writing in regard to the text amendments to chapter 65 (zoning) in favor of changing it from 4 to 6 for in home babysitting. My reasonings as follows:

1. Family childcare provide a professional caregivers home so the child is cared for in an in home setting rather than the more institutional setting of a childcare center. A lot of parents of infants especially prefer this care due to mothers being forced to go back to work after only 6 weeks.
2. All of the daycare centers in Jackson have waiting lists years long. We do not have enough childcare in this community. As a childcare provider myself, I get calls and messages daily. My waiting list is also about 3 years out.
3. Nathan's law made major changes in ensure safety of children in family childcare homes. We want children safe. The Missouri state law is 6 kids with only 3 being under the age of 2 (including your own children). City ordinance says 4 children including your own with no cap on ages. That can lead to issues.
4. I have done childcare for many years in many different areas and traffic is never an issue. The parents of these children are always respectful and drive slow because they want to keep their child safe along with others. We also have contracts in place for these reasons.
5. Changing the city ordinance to align with the Missouri state law for unlicensed providers will only HELP the community. It will help create a little more space for children which will help working parents be able to go to work. The economy is affecting all of us and working parents need safe, reliable childcare where they can feel at ease in a family home environment.

Thank you,

Jessica King

Deerwood dr. Jackson, MO 63755



Dear Janett Sanders,

I am writing this on behalf of myself as a childcare business owner in regard to the amending chapter 65 – Babysitting as a Home Occupation. Like many others, I've recently become aware that Jackson has an ordinance to limit the number of children someone can watch in home to 4 children not related to the provider. I am writing this today to say that I support the movement to change that number to 6 children for unlicensed providers. Below I will list why.

1. Jackson as a whole does not have enough childcare to support the city and surrounding areas. I own a licensed childcare center for 67 children. To my knowledge that is the largest childcare center in Jackson. Even at that we are at capacity and are planning an expansion to help accommodate the needs of the community but even that will not be enough as we are only able to add 13 new spots.
2. As a center we rely on knowing that there are reputable in-home options that we can refer people to that call us looking for a spot if we are unable to enroll due to being full.
3. Per state regulations and laws it is suitable for an in-home provider to watch up to 6 children following that no more than 3 of those children are under that age of 24 months.
 - a. **5 CSR 25-400.105 The Child Care Provider and Other Child Care Personnel (2) Licensing Capacities and Staff/Child Ratios.** (A) A family child care home may be licensed for up to ten (10) children. The following staff/child ratios must be maintained at all times and shall not be exceeded except as permitted under these rules: (B) A family child care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four- (24-) hour day. For the remaining six (6) hours of the twenty-four- (24-) hour day, care may be provided for one-third (1/3) of the licensed capacity of the home. (C) Children five (5) years of age and older who live in the provider's home shall not be counted in the licensed capacity.
4. In regard to the Cold Creek Estates issue directly Angela Powell provided outstanding care for local Jackson families for many years as a **licensed provider** through the state of Missouri. She had to follow the same exact rules as I do in regard to health, sanitation, fire safety and ratios. For the residence in the area to oppose it for their own personal vendetta is appalling.
5. Many providers can not just go and open a licensed business for childcare due to the overhead cost of doing so. Building cost, supplies, legal fees, and hiring staff as well as promotional and advertisement on average would cost \$50,000-\$100,000. Childcare is something people don't get in to for the money or to make a big business move. But rather because people are passionate about children and helping make a difference in their lives.

Due to all of these reasons I am in full support of amending this ordinance to change the number of children an in-home provider can watch from 4 to 6.

Makayla Bryant



3/6/2022

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing to consider a request for a Text Amendment change to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9th.

I am **OPPOSED** to the REQUESTED TEXT AMENDMENT CHANGE TO BABYSITTING AS A HOME OCCUPATION.

While the current City of Jackson code concerning this matter applies to all of the City and all of its residents, as a resident of Cold Creek Estates the matter is of very serious importance to me and my household.

Cold Creek Estates is the neighborhood of the family making the request for the change. On November 1, 2021, our Board of Alderman unanimously denied a special use permit request to operate a daycare to the homeowners of 596 Canyon Trail which is located in an R-1 residential district within Cold Creek Estates.

All homeowners within the City of Jackson are permitted to operate a daycare in their home with no more than 4 children without a special use permit. So why is there a need for a change to the current city ordinance? Apparently to try to meet the desire of personal gain for one family at the cost to many homeowners in Cold Creek Estates and our whole city.

While it may be difficult to prove that having a daycare within a neighborhood decreases adjacent property values or marketability I am confident that it does not increase them.

Additionally, City of Jackson Code has existing restrictions which I feel applies to this situation.

Sec. 65-2. - Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) *No person not a resident on the premises is employed.*
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-ray or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.

Consider the phrase "wholly within the main building" and what that means. Probably doesn't mean 10 or more pieces of playground equipment in the side yard or back yard that is frequently used by the children being kept at the in-home daycare. While hearing children playing outside may be pleasant to some, please think about the neighbor who tries to sleep during the day so they can go to work at night to try to meet their family's personal needs.

The City of Jackson CAN be more restrictive than the State of Missouri on this matter.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Robert Lichtenegger
3019 Clear Spring Place
Jackson, MO 63755

3/4/2022

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing for **Text Amendments** to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9th. I am opposed to the REQUESTED TEXT AMENDMENTS TO BABYSITTING AS A HOME OCCUPATION.

First, the zoning code already provides, in Sec. 65-5 thru 65-8, for the keeping of five (5) or more children. For example, following is the applicable sections in Sec. 65-5.

Sec. 65-5 R-1 Single-family residential district regulations:

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Detached single-family dwellings.
 - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
 2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
 - h. **Child or daycare center, or nursery school, with a special use permit only.**

Sec. 65-2 defines Child or daycare center. Any place, home, or institution which receives five (5) or more children under the age of seventeen (17) years and not of common parentage for care apart from their natural parents, legal guardians, or custodians when received for regular periods of time for compensation; provided, however, this definition shall not include ... children related by blood or marriage within the third degree of the custodial person;

Second, the request for the change suggested that the city is not compliant with State of Missouri laws. Comparing the State of Missouri licensing law with the City of Jackson zoning ordinances is not logical. The state law being compared is in Chapter 210 of Title XII PUBLIC HEALTH AND WELFARE. This state law was created to protect the children. The city of Jackson zoning ordinances are created to define property use to protect property and property owners. Allowing this change will not only be detrimental to neighboring property owners but it also encourages more unregulated daycare which could be detrimental to the children.

Third, it is not uncommon for the city zoning ordinances to be more restrictive than state regulations. Some examples are city ordinances regarding limits on number of dogs and cats you can keep, where kennels are allowed to operate, and speed limits on state highways within city limits. Many people choose to invest in properties within the city limits so that they can be protected by more restrictive limits.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Cynthia Lichtenegger
3019 Clear Spring Place
Jackson, MO 63755

To: Janet Sanders, Building & Planning Manager

I am writing asking you to NOT make the **text amendment** change to Chapter 65 - Babysitting as a Home Occupation and to leave it as is. I am not comfortable with making a change for many reasons:

1. There are many daycare centers in the Jackson area that operate as a business. They provide employment to the area and make Jackson look favorable for other business and families to move/live in Jackson. I would NOT like to see every in-home daycare to increase their childcare numbers and take away from these businesses
2. If someone wants to care for more children, perhaps they should open a business that will contribute to our community. I feel 4 children is plenty for in-home care for adequate attention.
3. It would not be fair to neighbors of an in-home daycare for many reasons. Increase in traffic, confusion & distractions in the neighborhood, them getting a tax advantage on their home, and any other perks they may get for running a business that a homeowner is not allowed.
4. I am afraid the homes in the neighborhood could go down in value or be difficult to sell due to the daycare
5. If someone wants to turn a hobby into a business, they would not be allowed to do so in a neighborhood; automotive repair or detailing, hairstylist, physical fitness instructor, accounting, etc...
6. I am concerned that it will just open the door to situations that would not be controlled. If they are allowed more the 4 children who monitors this? Will the city do inspections and head counts? Will the business get inspected to make sure it a clean and safe for children?

Please just leave it as is, no more than four.

Thank you

Kathy Torchette

Staff Report

ACTION ITEM: Request for a Special Use Permit for gun sales in a C-3 Central Business District at 125 Court Street

APPLICANT: Jones Drug Store, Inc.

APPLICANT STATUS: Property Owner

PURPOSE: To offer by-appointment gun sales in an apartment above Jones Drug Store

SIZE: Approx..3,050 sq. ft. lot size

PRESENT USES: Drug store main level; residential apartments upper level; basement storage

PROPOSED USE: Same with limited gun sales as part of residential use

ZONING: C-3 Central Business District

SURROUNDING LAND USE: C-3 Central Business District in all directions

HISTORY: This building has traditionally been a retail drug store with apartments above.

TRANSPORTATION AND PARKING: All required parking already exists.

APPLICABLE REGULATIONS: Zoning Code (Chapter 65)

Sec. 65-13. - C-3 Central business district regulations.

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-3 Central business district. The purpose of the C-3 Central business district is to provide for compact commercial development in the core area of the city and to maximize the utilization of this area by minimizing lot restrictions and height requirements.

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

gg. Sports and sporting goods stores and gun sales and repair with a special use permit only.

2009 COMPREHENSIVE PLAN: Commercial use

FLOODPLAIN INFORMATION: This property is not located in a floodplain as determined by FEMA map panel 29031C0143E dated 9/29/11.

PHYSICAL CHARACTERISTICS: This location is above Jones Drug Store.

COMMENTS: One of the property owners lives in an apartment above the store and wants to apply for an ATF license to sell guns from his home by appointment.

ACTION REQUIRED: The Commission shall approve or deny this request. Our new city attorney has determined that based on state law wording, all public hearings at this level are required and not optional so a public hearing will be required prior to a decision.



REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 2/25/2022

TYPE OF APPLICATION: Rezoning ☒ Special Use Permit

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

125 Court Street

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

Property Owner Name(s): Jones Davis Stone Inc.

Mailing Address: 125 Court Street

City, State ZIP: Jackson MO. 63755

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

Proposed Property Owner(s): _____

Mailing Address: _____

City, State, ZIP: _____

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Bryan Kiefer

Mailing Address: 125 Court Street

City, State ZIP: Jackson, MO. 63755

Contact's Phone: 573 803 8879

Email Address (if used): bkiefer@charter.net

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

CURRENT USE OF PROPERTY: Pharmacy, owners apartment

PROPOSED ZONING: (check all that apply)

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

PROPOSED USE OF PROPERTY: _____

Personal sale, in home, of firearms

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

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.

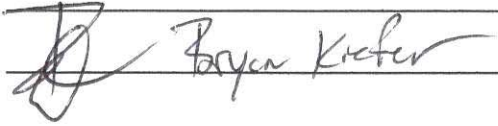
Home office is located at Address

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.

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.)*



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

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

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

APPLICATION FEES: Rezoning: \$200.00
Special Use Permit: \$100.00

LEGAL DESCRIPTION

GENERAL WARRANTY DEED

BOOK 447 PAGE 208

THIS INDENTURE, Made on the 10th day of June A.D. One Thousand Nine Hundred and Eighty-Six by and between John M Finney and Leatha J. Finney, husband and wife, of the County of Cape Girardeau in the State of Missouri. Parties of the First Part, and Jones Drug Store, Inc., a Missouri Corporation, of the County of Cape Girardeau, in the State of Missouri, Parties of the Second Part: (mailing address of said first named grantee is 125 Court Street, Jackson, Missouri 63755).

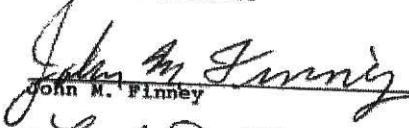

WITNESSETH, That the said parties of the First Part, in consideration of the sum of Ten Dollars and other valuable consideration to them paid by the said parties of the Second Part, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain and Sell, Convey and Confirm, unto the said parties of the Second Part their heirs and assigns, the following described Lots, Tracts or Parcels of Land, lying, being and situate in the County of Cape Girardeau and State of Missouri, to-wit:

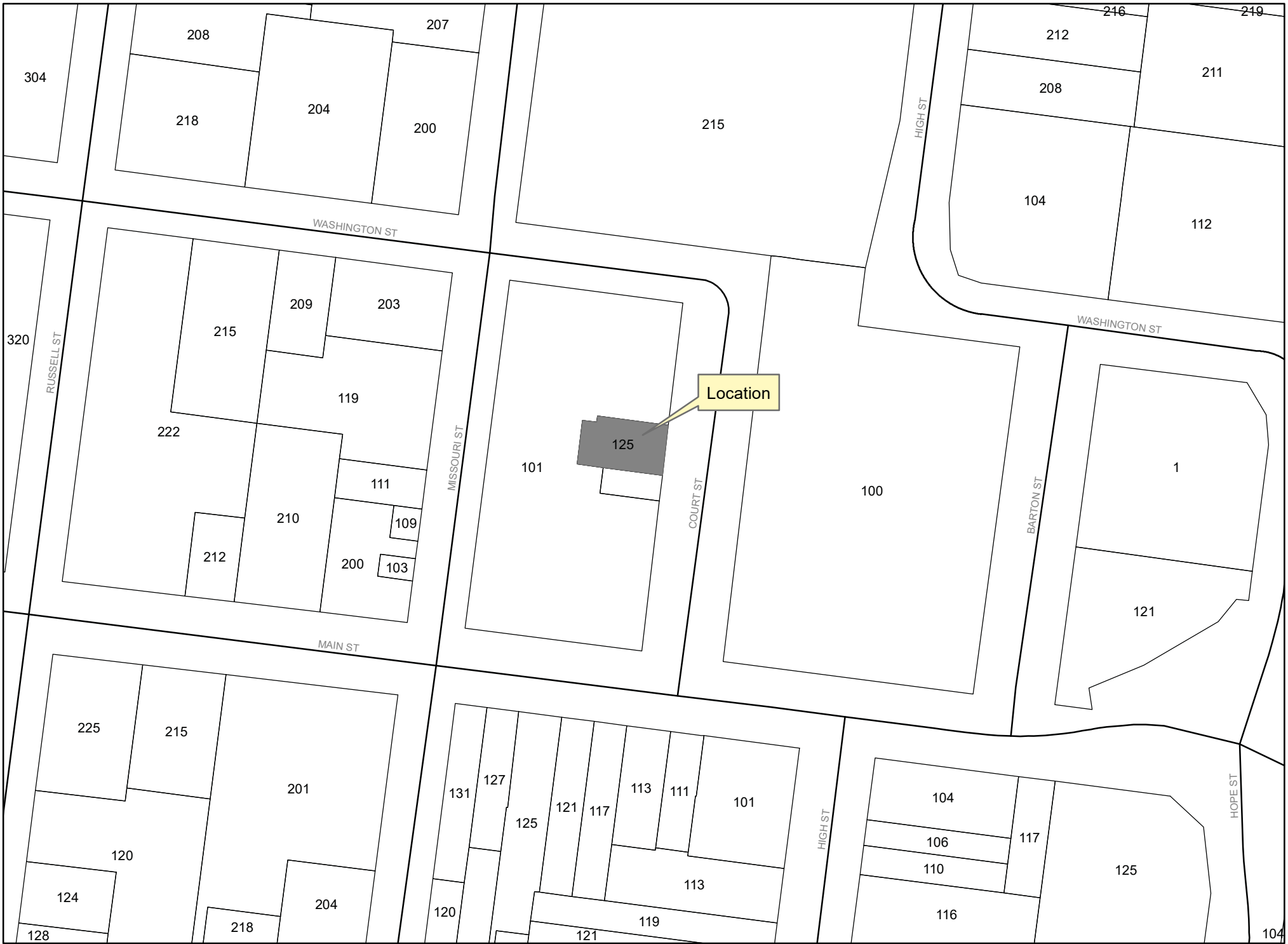
Part of Lot Fifty (50) in the Original Town of Jackson, now City, described by metes and bounds as follows:

Beginning at a point in the West line of Court, Street, that is, 105.75 feet South of the Northeast corner of Lot 50 in Jackson, Missouri; thence West 61.0 feet; thence South 5.5 feet; thence West 12.5 feet; thence South 37.5 feet; thence East 73.5 feet to the West line of Court Street; thence North along said North line 42.75 feet to the point of beginning.

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 parties of the Second Part, and unto their heirs and assigns, FOREVER, the said John M. Finney and Leatha J. Finney, husband and wife, hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear of any encumbrance done or suffered by them or those under whom they claim, and that they will WARRANT AND DEFEND the title to the said premises unto the said parties of the Second Part, and unto their heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the First Part have hereunto set their hands the day and year first above written.


John M. Finney

Leatha J. Finney



125 Court St.
Location Map



BAD TO THE BONE INVESTMENTS LLC

FORD STEPHEN & SHERRI TRUST

PETTIT DARIN J & AUTUMN M FAMILY TRUST

RIVERS EDGE REALTY LC

SARA GERAU AGENCY LLC
MARTIN JERRY D & PATSY D TRUST

JONES DRUG STORE INC

JACKSON CITY OF
TUSCHHOFF DANIEL L & KATHLEEN E ET UX

CAPE GIRARDEAU COUNTY

CAPE GIRARDEAU COUNTY

RUSSELL ST

MISSOURI ST

WASHINGTON ST

HIGH ST

WASHINGTON ST

BARTON ST

COURT ST

MAIN ST

HIGH ST



125 Court St.
Properties Within 185'

Staff Report

ACTION ITEM: Request for approval of a Land Exchange Certification for transfer of 1,989 sq. ft. of property from 1985 Ripken Way to 1944 Ripken Way

APPLICANT: B&R Developers, LLC

APPLICANT STATUS: Granting property owner

PURPOSE: To reduce the size of 1985 Ripken way vacant lot and increase the size of the 1944 Ripken Way lot.

SIZE: 1,989 sq. ft.

PRESENT USES: Residential single family / vacant

PROPOSED USE: Residential single family / vacant

ZONING: R-2 Single Family Residential

SURROUNDING LAND USE: R-2 Single Family Residential in all directions

HISTORY: This property was originally subdivided as Nine Oaks Third Subdivision

TRANSPORTATION AND PARKING: All required street frontage currently exists and parking exists for the house at 1944 Ripken Way and will be added for 1985 Ripken Way when a house is built on that lot.

APPLICABLE REGULATIONS: Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

2009 COMPREHENSIVE PLAN: Residential use

FLOODPLAIN INFORMATION: This property is not in a floodplain per FEMA panel 29031C0144E dated 9/29/11.

PHYSICAL CHARACTERISTICS: No unusual characteristics noted.

COMMENTS: Both resulting lots still meet the minimum frontage and lot size requirements. The sewer wye and water tap for the unbuilt lot will still be on that lot after the property transfer.

ACTION REQUIRED: The Commission shall approve or deny this request based on compliance with the lot size, frontage, and utility access requirements. No action is required by the Board of Aldermen on Land Exchange Certifications.

LAND EXCHANGE CERTIFICATION APPLICATION FORM

City of Jackson, Missouri



DATE OF APPLICATION: February 23, 2022

ADDRESS OF GRANTING PROPERTY: 1944 Ripken Way

ADDRESS OF RECEIVING PROPERTY: 1985 Ripken Way

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

Property Owner Name(s): B & R Developers LLC

Mailing Address: 4930 Nash Road

City, State ZIP: Cape Girardeau, MO 63701

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

Property Owner Name(s): Ron & Marcia Clark

Mailing Address: 1944 Ripken Way

City, State ZIP: Jackson, MO 63755

ENGINEER / SURVEYING COMPANY: Bowen Engineering and Surveying, P.C.

Engineer / Surveyor Contact: Chris Kelley, Survey Manager

Mailing Address: 2121 Megan Drive

City, State ZIP: Cape Girardeau, MO 63701

Contact's Phone: (573) 339 - 5900

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Chris Kelley, Survey Manager

Mailing Address: 2121 Megan Drive

City, State ZIP: Cape Girardeau, MO 63701

Contact's Phone: (573) 339 - 5900

Contact's Email Address (if used): chriskelley@bowenengsurv.com

APPLICATION FOR (check one):

- ☐ Division of land into no more than four lots, all of which are 3 acres or greater in size
☐ Division of land for cemetery usage
☒ Lot line adjustment between adjoining lots
☐ Transfer to adjoining property to improve ingress or egress
☐ Combination or re-combination of previously platted lots. Total number of lots may not be increased and all resulting lots apply with the Land Subdivision Regulations

REASON FOR REQUEST (use additional pages if needed):

To adjust the property line between owners.

CURRENT ZONING: (circle all that apply)

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

LEGAL DESCRIPTION OF TRACT: Submit a copy of the most current deed for the property being divided.

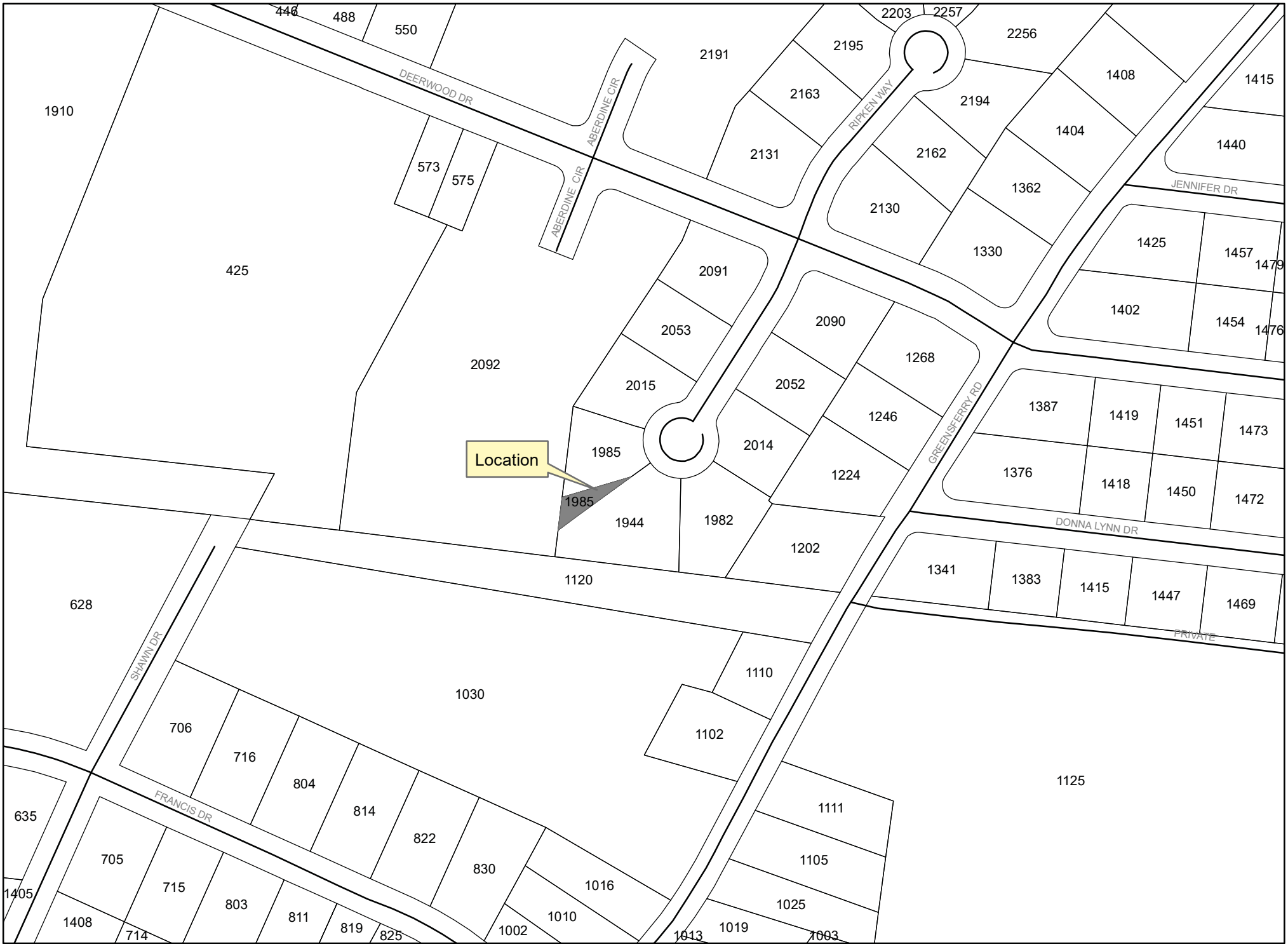
OWNER SIGNATURES:

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.)*

Please submit the completed application along with the applicable application fee to:

Janet Sanders
Building & Planning Manager
City of Jackson
101 Court Street
Jackson, MO 63755
Ph: 573-243-2300 ext. 29
Fax: 573-243-3322
Email: jsanders@jacksonmo.org



Land Exchange from 1985 Ripkin Way to 1944 Ripkin Way
Location Map

SURVEY NOTES:

THIS SURVEY EXCHANGES A 1,989 SQ. FT. PARCEL FROM PART OF LOT NO. 13 TO LOT NO. 12.

MEASURED DIMENSIONS SHOWN WITHOUT PARENTHESES
DEED OR RECORD DIMENSIONS SHOWN WITH PARENTHESES

BASIS OF SURVEY DATUM - NAD83, M.S.P.C. ZONE 2401 EAST
CORS STATION MOJK OF THE MDDOT GPS RTK NETWORK

LATITUDE 37°24'44.45833" NORTH
LONGITUDE 089°39'00.22114" WEST
ELLIPSOID HEIGHT 383.98 U.S. SURVEY FEET
NORTHING 575,956.0987 U.S. SURVEY FEET
EASTING 1,067,057.151 U.S. SURVEY FEET
ELEVATION 477.03 U.S. SURVEY FEET

AS PUBLISHED ON NATIONAL GEODETIC DATA SHEETS,
RETRIEVAL DATE FEBRUARY 04, 2015 AND CONVERTED
FROM METERS TO U.S. SURVEY FEET.

SURVEY CLASS - URBAN

REFERENCES:

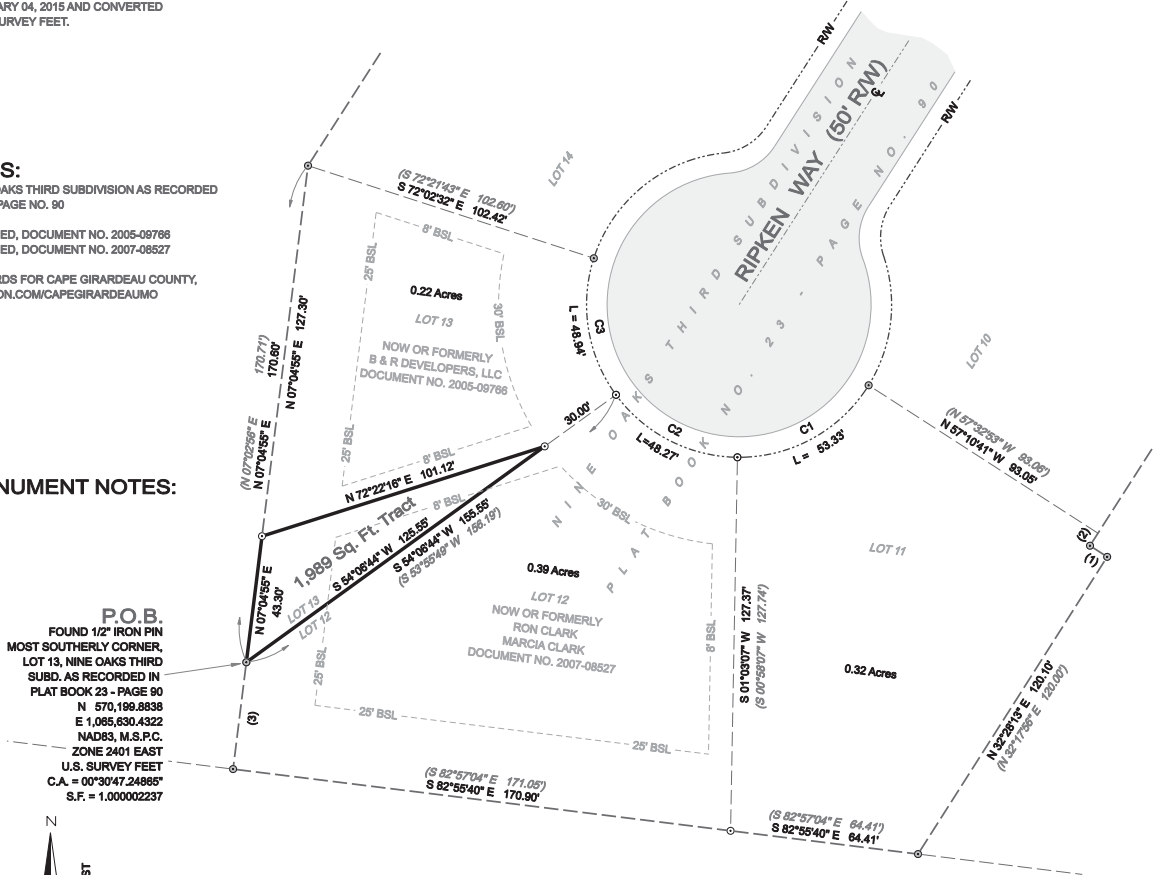
RECORD PLAT OF NINE OAKS THIRD SUBDIVISION AS RECORDED
IN PLAT BOOK NO. 23 AT PAGE NO. 90

GENERAL WARRANTY DEED, DOCUMENT NO. 2005-09766
GENERAL WARRANTY DEED, DOCUMENT NO. 2007-08527

ONLINE MAPPING RECORDS FOR CAPE GIRARDEAU COUNTY,
[HTTPS://MAPS.CAMAVISION.COM/CAPEGIRARDEAU](https://maps.camavision.com/capegirardeau)

SURVEY MONUMENT NOTES:

⊙- FOUND 1/2" IRON PIN
⊙- SET 1/2" IRON PIN



P.O.B.
FOUND 1/2" IRON PIN
MOST SOUTHERLY CORNER,
LOT 13, NINE OAKS THIRD
SUBD. AS RECORDED IN
PLAT BOOK 23 - PAGE 90
N 570,189.8838
E 1,065,630.4322
NAD83, M.S.P.C.
ZONE 2401 EAST
U.S. SURVEY FEET
C.A. = 00°30'47.24865"
S.F. = 1.000002237



GRAPHIC SCALE



LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	N 57°00'22" W	6.97'
	(N 57°32'53" W)	(6.66')
2	N 32°37'35" E	5.05'
	(N 32°27'07" E)	(5.05')
3	S 07°04'55" W	36.70'
	(S 07°02'56" W)	(36.44')

CURVE DIMENSION TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
1	52.00'	58°45'40"	53.33'	29.28'	51.02'	S 61°15'07" W
	(52.00')		(53.11')			
2	52.00'	53°11'09"	48.27'	26.03'	46.56'	N 62°48'28" W
	(52.00')		(48.07')			
3	52.00'	53°59'10"	48.94'	26.45'	47.15'	N 09°13'18" W
	(52.00')		(48.74')			

SURVEY PLAT OF SALE / EXCHANGE OF PARCELS
BETWEEN ADJOINING LOTS WHERE RECORDING
OF A RECORD PLAT IS NOT REQUIRED.

1,989 SQ. FT. TRACT FROM A PART OF
LOT NO. 13, NINE OAKS THIRD SUBDIVISION AS
RECORDED IN PLAT BOOK NO. 23 AT PAGE NO. 90

CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU,
STATE OF MISSOURI

DESCRIPTION - 1,989 SQ. FT.

FROM B & R DEVELOPERS, LLC, DOCUMENT NO. 2005-09766 (PART OF LOT NO. 13)
TO RON & MARCIA CLARK, DOCUMENT NO. 2007-08527 (LOT NO. 12)

A PART OF LOT NO. 13, NINE OAKS THIRD SUBDIVISION AS RECORDED IN
PLAT BOOK NO. 23 AT PAGE NO. 90 OF THE LAND RECORDS OF THE
COUNTY RECORDER'S OFFICE, CITY OF JACKSON, COUNTY OF CAPE
GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN (FOUND) AT THE MOST SOUTHERLY
CORNER OF LOT NO. 13; THENCE N 07° 04' 55" E, 43.30 FEET ALONG
THE WEST LINE OF LOT NO. 13 TO A 1/2" IRON PIN (SET); THENCE
LEAVING SAID WEST LINE, N 72° 22' 16" E, 101.12 FEET TO A 1/2"
IRON PIN (SET) ON THE SOUTH LINE OF LOT NO. 13; THENCE
S 54° 06' 44" W, 125.55 FEET ALONG SAID SOUTH LINE TO THE
POINT OF BEGINNING CONTAINING 1,989 SQUARE FEET, MORE OR LESS.

FILED FOR RECORD

STATE OF MISSOURI)
COUNTY OF CAPE GIRARDEAU) ss

FILED FOR RECORD THIS _____ DAY OF _____, 2022 A.D.

AND DULY RECORDED IN DOCUMENT NO. _____

ANDREW DAVID BLATTNER, CAPE GIRARDEAU COUNTY RECORDER OF DEEDS

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT AT THE REQUEST OF RON CLARK
THE TRACTS SHOWN HEREON WERE SURVEYED UNDER MY DIRECT
SUPERVISION, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED
CORRECTLY ON THIS PLAT. SAID SURVEY WAS EXECUTED IN ACCORDANCE
WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS
OF THE MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS
AND MEASURES. THERE MAY EXIST OTHER DOCUMENTS THAT COULD AFFECT
THIS PARCEL, OF WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY
DISCLOSE. IN WITNESS WHEREOF I HEREBY SET MY SEAL AND SIGNATURE

THIS **25th** DAY OF **February**, 2022 A.D.

R. CHRISTOPHER BOWEN



MO. P.L.S. #2232

2321 Megan Drive
Cape Girardeau, MO 63701
Phone 573.339.1391
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Bowen
ENGINEERING & SURVEYING
Consulting Engineers • Land Surveyors • Testing Laboratories
Bowen Engineering & Surveying, P.C.
Engineering Corporation - Missouri State Certificate of Authority #000383
Land Surveying Corporation - Missouri State Certificate of Authority #000156

RON CLARK
4930 NASH ROAD
CAPE GIRARDEAU, MO

DESCRIPTION	DATE

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JOB NO.	S22-020
DATE	FEB. 18, 2022
FILE	S22022.DGN
CAICE	S22020.ZIP
DWN BY	JAR
CKD BY	CKK
SCALE	1" = 30'

ORIGINAL
SURVEY

SHEET NO.
1 of 1

Staff Report

ACTION ITEM: Request for approval of a minor subdivision plat of Cara's First Subdivision

APPLICANT: Country Life, LLC

APPLICANT STATUS: Property Owner

PURPOSE: To re-subdivide one lot and portions of several other lots of the original Oliver Morton's Fourth Subdivision into two lots, one with the house and one without.

SIZE: .419 acres approx..

PRESENT USES: Single Family residence

PROPOSED USE: Single family residence and buildable lot

ZONING: R-2 Single Family Residential

SURROUNDING LAND USE: R-2 Single Family Residential in all directions

HISTORY: This parcel is made up of one lot in Oliver Morton's Subdivision and

TRANSPORTATION AND PARKING: Unknown parking for existing house; any new construction of a single family home would require at least one off-street parking space be constructed.

APPLICABLE REGULATIONS: Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

2009 COMPREHENSIVE PLAN: Residential Use

FLOODPLAIN INFORMATION: This property is not located in a floodplain per FEMA panel 29031C0144E dated 9/29/11.

PHYSICAL CHARACTERISTICS: Existing house on the western part of the existing parcel. Vacant area with a significant elevation change on the eastern part of the parcel.

COMMENTS: The applicant is requesting a variance from the minimum 75' lot width to allow two 60' wide lots. This parcel is located in an older subdivision with typical 60' lot widths. Both lots will exceed the minimum 8,000 sq. ft. lot size.

ACTION REQUIRED: The Commission shall vote to approve or deny the request, with the variance request made part of the motion to approve. The Commission's vote serves as a recommendation to the Board of Aldermen.



SUBDIVISION APPLICATION

City of Jackson, Missouri

NAME OF SUBDIVISION: Cara's First Subdivision

DATE OF APPLICATION: 02/28/2022

TYPE OF APPLICATION: ☐ PRELIMINARY PLAT
☐ FINAL PLAT
☐ MINOR SUBDIVISION
☒ RESUBDIVISION

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

Property Owner Name(s): Country Life Investments, LLC.

Mailing Address: 1409 County Road 319

City, State ZIP: Jackson, MO 63755

ENGINEER / SURVEYING COMPANY: Sander Land Surveying, LLC.

Engineer / Surveyor Contact: Tim Sander

Mailing Address: _____

City, State ZIP: Sikeston, MO

Contact's Phone: 573-450-2000

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Anthony Koeller

Mailing Address: 2510 Berkley Dr

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-275-4144

Email Address (if used): tkoeller@appraisalark.com

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


☐ I-3 (Planned Industrial Park)

Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES ☐ NO ☒

LEGAL DESCRIPTION OF TRACT: Submit a copy of the most current deed for the property being divided.

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.)*



Please submit the completed application along with the applicable application fee to:

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

Ph: 573-243-2300 ext. 29
Fax: 573-243-3322
Email: jsanders@jacksonmo.org

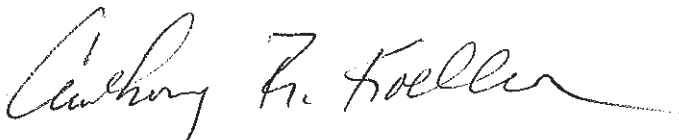
02/26/2022

City of Jackson,

Late last year I purchased the home located at 1108 Morton St, Jackson, from Ms. Landewee. With this property, there is a vacant lot to the west, that is an eyesore. It is grown up and is a large hole (actually perfect for a walk-out basement constructed home. I purchased this property with the full intent to give this extra lot back to Ms. Landewee, as she wants to build a little "spec" home on it. However, at the time of purchase, she had not received the survey.

I am asking the board to grant a variance for the lot size, which includes the variance from the 10 foot easement requirement around the boundary of the Subdvision, see attached survey. Ms. Landewee has home plans exactly like the home she built on another smaller lot, located at 1139 Brandom St. This would be a better fit for the area, than a vacant grown up lot...

Thank You,

A handwritten signature in cursive script, reading "Anthony R. Koeller". The signature is fluid and extends to the right with a long, sweeping underline.

Anthony R Koeller

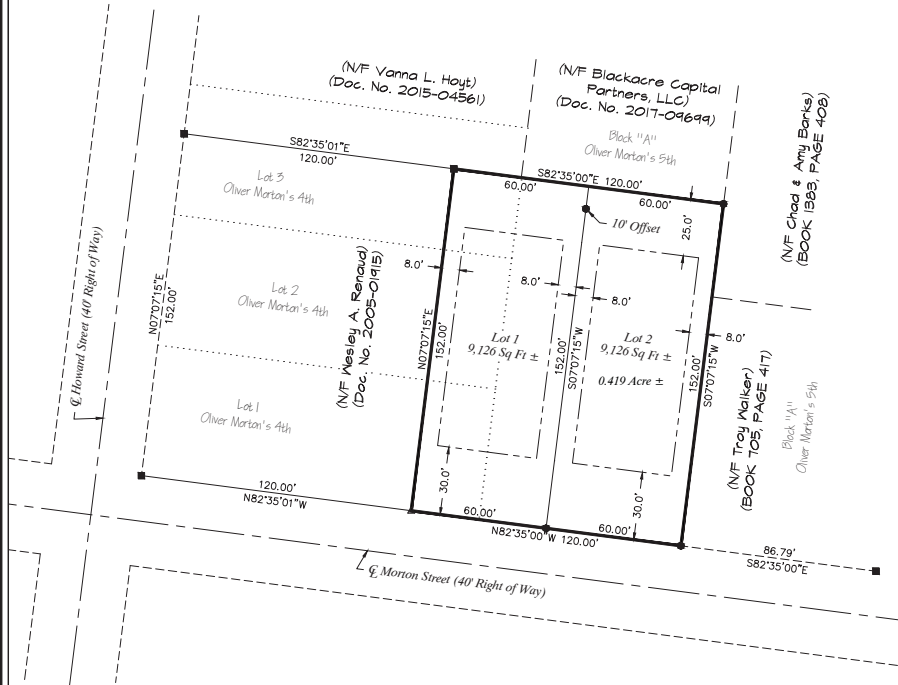
Country-Life Investments, LLC.



Cara's First Subdivision
Location Map

Record Plat of: Cara's First Subdivision

Part of Lot's 1, 2 and 3 of Oliver Morton's Fourth Subdivision and Part of Block "A" of Oliver Morton's Fifth Subdivision all Being a Part of Survey 797, Township 31 North, Range 12 East in the City of Jackson in Cape Girardeau County, Missouri



SUBDIVISION DEDICATION

I, THE UNDERSIGNED, ANTHONY R. KOELLER, COUNTRY LIFE INVESTMENTS, LLC, AND JONATHAN N. RANDOL, COUNTRY LIFE INVESTMENTS, LLC, OWNERS IN FEE OF PART OF LOTS 1, 2 AND 3 OF OLIVER MORTON'S FOURTH SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 20 AND PART OF BLOCK "A" OF OLIVER MORTON'S FIFTH SUBDIVISION AS RECORDED IN PLAT BOOK 4 AT PAGE 35 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, AND PART OF SURVEY 797, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALL IN THE CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, CONTAINING 0.419 ACRE, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southwest Corner of Lot 01 of said Oliver Morton's Fourth Subdivision (Found 1/2" Iron Rod), thence, along the South Line of said Lot 01, S 82°35'00" E, 120.00 feet to the POINT OF BEGINNING; thence N 07°07'15" E, 152.00 feet; thence S 82°35'00" E, 120.00 feet; thence S 07°07'15" W, 152.00 feet to the North Right of Way Line of Morton Street; thence N 82°35'00" W, 120.00 feet to the POINT OF BEGINNING, being subject to any easements of record, do hereby divide said tracts into two lots as shown hereon and do hereby name said subdivision "CARA'S FIRST SUBDIVISION".

ANTHONY R KOELLER

JONATHAN N RANDOL

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

On this _____ day of _____, 2022, before me, a Notary Public for said State and County, appeared Anthony R Koeller of Country Life Investments, LLC and Jonathan N Randol of Country Life Investments, LLC, to me known to be the persons described herein, who did execute the foregoing instrument, and who acknowledged that they executed the same as the free act and deed their will.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this _____ day of _____ A.D., 2022.

My commission expires _____

Notary Public

Approved By:

Dwain Hahn, Mayor

Kent Peetz, Public Works Director.

Mike Seabaugh, Planning and Zoning Chairman.

I, Liza Walker, City Clerk of the Jackson, Missouri, hereby certify that this plat was approved by the City of Jackson, Missouri, by Ordinance

No. _____ passed and approved this _____ day of _____ A.D., 2022.

Liza Walker, City Clerk, City of Jackson, Missouri

NO PORTION OF THE ABOVE DESCRIBED PARCEL LIES WITHIN THE 100 YEAR FLOOD PLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0144E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

SURVEYOR CERTIFICATION

THIS IS TO CERTIFY THAT I, TIMOTHY J SANDER, HAVE SURVEYED THE FORGOING DESCRIBED PARCEL OF LAND AT THE REQUEST OF MARILYN K. LANDEWEE AND ANTHONY KOELLER HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

DONE THIS 21 st. DAY OF JANUARY, 2022.



TIMOTHY J. SANDER, MO-PLS 2003013179
555 COUNTY HIGHWAY 250
BENTON, MISSOURI 63736

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

Filed for record this _____ day of _____ A.D., 2022 in Document Number _____

Andrew David Blattner, Recorder of Deeds
Cape Girardeau County, Missouri

REFERENCES

1. NORTH BASIS GPS OBSERVATION MISSOURI STATE PLANE COORDINATES SYSTEM NAD 88, ZONE EAST.
2. ABSTRACT OF TITLE.
3. P.O.B. = POINT OF BEGINNING.
4. N/F = NOW OR FORMERLY.
5. RECORD PLAT OF OLIVER MORTON'S FOURTH SUBDIVISION (PLAT BOOK 04, PAGE 20).
6. RECORD PLAT OF OLIVER MORTON'S FIFTH SUBDIVISION (PLAT BOOK 04, PAGE 35).

LOT SIZES

TOTAL NUMBER OF LOTS = 2
SMALLEST LOT = 9,126 SQ FT ±
LARGEST LOT = 9,126 SQ FT ±
TOTAL AREA = 0.419 ACRE ±

ZONING

CURRENT ZONING = R2 SINGLE FAMILY

MINIMUM BUILDING SETBACKS
FRONT YARD = 30'
REAR YARD = 25'
SIDE YARD = 8'

RECORD OWNER

COUNTRY LIFE INVESTMENTS, LLC
DOCUMENT NUMBER 2021-06083

DEVELOPER OF SUBDIVISION

COUNTRY LIFE INVESTMENTS, LLC
1409 COUNTY ROAD 319
JACKSON, MO 63755

PLAT PREPARED BY
SANDER LAND SURVEYING
TIMOTHY J SANDER, PLS
555 COUNTY HIGHWAY 250
BENTON, MO 63736



Scale: 1" = 30'

TITLE REFERENCES

DOC. NO. 2021-06083 (SUB)
DOC. NO. 2020-06973 (REF)
DOC. NO. 2005-01915 (ADJ)
DOC. NO. 2015-04561 (ADJ)
DOC. NO. 2017-09699 (ADJ)
BOOK 1383, PAGE 408 (ADJ)
BOOK 705, PAGE 417 (ADJ)

SYMBOL LEGEND

1. ■ = 1/2" IRON ROD (SET).
2. ■ = 1/2" IRON ROD (FND).
3. ▲ = DRILL HOLE IN CONCRETE (SET).
4. 5 = FORMER LOT NUMBER.
5. LOT-1 = NEW LOT NUMBER
6. — = SUBDIVISION BOUNDARY LINE.
7. — = LOT LINE TO BE ELIMINATED.
8. — = BUILDING SETBACK LINE.
9. — = ADJOINER PROPERTY LINE.
10. — = RIGHT OF WAY LINE.
11. — = STREET CENTERLINE.

ASSESSOR'S MAP NUMBER 14-308

PROPERTY SURVEY CLASS..."URBAN"

SANDER LAND SURVEYING

Phone Number: (573)450-2000 E-Mail: sandersurvey2003@gmail.com

TIMOTHY J. SANDER, PLS

109 SUMMERFIELD WAY
CAPE GIRARDEAU, MISSOURI 63701

0 30 60 90
SCALE IN FEET

DATE: 01/21/22

DRAWN BY: TJS

REVISED:

CHECKED BY: TJS



Address: 1114 MORTON ST
PIN: 15-113-00-05-005.00-0000
Owner: COUNTRY LIFE INVESTMENTS LLC
Class: Residential