

JOURNAL OF THE PLANNING & ZONING COMMISSION
CITY OF JACKSON, MISSOURI
WEDNESDAY, MARCH 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 Secretary Tony Koeller serving as Acting Chairman and Commissioners Heather Harrison, Wade Bartels, Tina Weber, Harry Dryer, Beth Emmendorfer, and Bill Fadler present. Absent were Mike Seabaugh and Eric Fraley. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Aldermen Joe Bob Baker and Tom Kimbel were present. Aldermen attending as observers were Larry Cunningham and David Hitt. Citizens attending were Caleb Hayes, Tom & Marianna Sperling, Ron & Marcia Clark, Jeff McClanahan, Darla Beggs, Debi King, Jerry & Karen Walker, Audrey Beggs, Tyler Brugger, David Gentry, Brandon Hill, Pamela Powell, Brian & Angela Powell, Kristina LeGrand, Jessica McQuillen, Erica Hendrix, Caitlin Brown, Mike Gohn, Mary Lu Muhlfeld, Diane Lunsford, Darla Her, Scott Beggs, Chris Brown, Lacy Giudicy, Trent Rogers, Megan Roth, Nick Pfau, Jamie Kurtz, Carl Kurtz, Chris Agbayani, Katelyn Fielder, and Faith Geil (sp?).

Approval of the February 9, 2022)
regular meeting minutes)

Minutes of the previous meeting were unanimously approved on a motion by Commissioner Dryer seconded by Commissioner Emmendorfer with a correction of a reference to the date of the previous meeting.

PUBLIC HEARING

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 Street submitted by Angela &)
Kaleb Hahn)

Acting Chairman Koeller opened the hearing and explained the procedure for public hearings. Mrs. Sanders read a report detailing the dates of application and notifications.

Acting Chairman Koeller asked three times for the applicant to come forward to speak. No applicant was present. He asked if anyone was present to speak in favor, with no response. He then asked if anyone was present to speak in opposition.

Tom Sperling of 117 Morgan Street came forward and was sworn in. He lives at the corner of Morgan and Washington catty-corner across the street. He said Washington Street is one of the busiest streets in town next to Main Street and that the house is not suitable for a daycare. He said the applicants are good neighbors, but he and his wife are totally opposed to the daycare.

Darla Beggs of 706 West Washington Street was sworn in. She and her husband Scott Beggs live next door and the Hahn's driveway is at the side of their house. There has always been trouble with parking on this street. There is not enough parking and they do not want parents using their driveway to drop off children. They both leave early for work. Some people visiting this house already park in their driveway without permission. This is a very busy street, and there have been two accidents at the Morgan Street intersection with a two-way stop. She has told Mrs. Hahn they do not want parents using their driveway and said Mrs. Hahn agreed, but their visitors already park in their driveway without permission. This is a residential area, not a commercial area. The school bus will also be an issue on Washington Street. They are very opposed.

Jeff McClanahan of 118 Morgan Street was sworn in. He expressed concern with traffic. This street has parking on only one side, and the residents of the street use that parking. The applicants have only two parking spaces and do not have room for extra cars. It is a very busy street with no room for additional cars when school is getting in or out.

Kaleb Hays of 709 West Washington Street was sworn in. His concerns are also about traffic. He lives across the street and is concerned about being able to get in and out when they go to work.

Commissioner Fadler asked Mr. Hays if he owns his house because his name does not show on the map. Mr. Hays said he and his wife own the house. Her name is Macy Hays and was found to be listed as Macy Baker.

Debi King of 207 Morgan was sworn in. She said she does not know about the traffic but is concerned with noise and privacy. Her back yard butts against this one. She said the owner's three dogs already bark at everything and the fence is in very bad shape. She works 12-hour swing shifts, likes her privacy, and does not want to have to close her windows because of screaming kids.

Jerry Walker and Karen Walker came forward and were sworn in. Mr. Walker said they are opposed. There is one parking space on one side of the street and no parking on the other. They live on the no-parking side of the street and already have no place for visitors to park. Their visitors have to park down the street or in the next block. The houses are very close together. Many of the neighbors are older and retired, and this will cause more activity that may be a nuisance even though they love children. Pets in the neighborhood already bark at every car.

Audrey Beggs of 409 North Maryland was sworn in. She said she used to live at 706 West Washington with her parents. It was a very busy traffic area. She expressed concerns with the safety of children. The parents would have to park on the road and a kid could step out in front of cars. Her parents, Scott and Darla Beggs, still live at 706 West Washington.

Finding no others in opposition, Acting Chairman Koeller asked again if the applicant was present and had no response.

Commissioner Fadler asked if the property owner is now keeping four children. Mrs. Sanders said she does not think so. Ms. Beggs responded that the applicant has a daycare on Jackson Boulevard and wants to open the house for 8-10 more children. No children are kept at the house now.

Acting Chairman Koeller recognized Mrs. Walker to ask a question. She asked if approving a special use permit transfers to other property owners or if it changes the zoning. Mrs. Sanders clarified that

special use permits are issued to the property owner for that property and do not transfer to another owner or another location. They also do not change the zoning.

Finding no one else wishing to speak, Acting Chairman Koeller closed the hearing.

Public hearing regarding a request for a)
text amendment to Chapter 65 (Zoning))
related to babysitting as a home occupation)

Acting Chairman Koeller opened the hearing. Mrs. Sanders read a report detailing the dates of application and notifications. She pointed out that the Commission had been provided a number of letters of support and opposition and a petition of support.

Acting Chairman Koeller asked the applicant to come forward. Angela Powell of 596 Canyon Trail was sworn in. She lives in Cold Creek Estates subdivision. She said she is representing herself and others in Jackson who would like to be able to keep children to supplement their income. They would like the city to match the state statute Governor Parsons signed in August of 2020, allowing in-home care for six children, which also addresses the ratio of infants & toddlers. She said she saw the need in the state that is not being addressed in our city. Waiting lists are too long for centers and for in-home providers. A text amendment would cost the city no money and would help working families, especially with children from birth to 5 years old. Small changes would make big impact. She has been keeping children since 1996 and has never had any opposition except where she lives now. She has been asked why she does not open a facility, but she wants children to have the 'home away from home' feel. She wears all the hats and does not have to worry that someone does not show up for work or if they are doing their job. Children should be a priority. Families need to work, and children need care. She said people caring for children in their homes is not new. It has been around forever, like the ordinance has been around a long time but is not working any more. The law needs to be amended to give families another affordable alternative. They do not charge as much and minimum wage making families need ways to make ends meet. At her licensed family home at 409 North Shawnee, she was able to keep ten children alone, including two infants. She could help state-paid clients and foster families. When they moved, she lost that ability and also crossed the barrier of who belongs and who does not belong. She has worked hard her whole life and served others. She is a good person, loves Jesus, and was doing what she is called to do. She just wanted a larger home for her growing boys and a location where she can separate her childcare from her living space. This was a perfect house. Providers like her work long hours without benefits such as health insurance, 401K, bonuses, etc. She had no idea what she would face. They do not matter to anyone else but the families they work for. She asked the Commission to support the change and stand up for those who want to make an honest living. She said roads are made for vehicles. It is Planning and Zoning's job to make sure the city is safe. Cars use them and park legally in a parking spot. She parked on the street outside [the meeting] and had to wait to get out of her car. She understands some locations do not work for an in-home [daycare] but when they do, and opposition is ridiculous, they do not have a leg to stand on. They need to be heard. She realizes that people want their personal time and want it to be their way. She wants to have cookouts, have friends over, install their pool, retire someday, and enjoy life. Everyone has their own agenda. Her former home at 409 North Shawnee sold to a family with five children. Do they have too many kids? Backyards are for your own personal use. She has been judged for having too many toys. She said her house will look no different whether she has a daycare or not. She will have grandbabies and they will have every single toy so they will come to their grandma's house. Some people need to put themselves in others' shoes. They should do some homework, grow in love & kindness, and not tear each other down. Laws are

meant to be followed, but some laws have gray areas. The state wants to protect childcare providers as well as those they care for and have a 35-page rule book. She would have stayed licensed if she could. New school buildings have been built to continue growth. She said they had an online petition of support with over 221 signers, but it failed to have the information required by ordinance. She then read some online comments of support submitted by those who signed that petition.

Acting Chairman Koeller asked if she copied these comments. Mrs. Powell explained the online petition allowed people adding their support to make comments. She said she did not think it was fair that these people were in support and she could not read them to the Commission. Mr. Koeller asked if she had a printout. She offered the printed comments to the Commission. She then completed reading the comments.

Mrs. Powell said she has been listening to the opposition. She said the families will respect not parking on other people's property.

Commissioner Weber asked for clarification on the ratio of children. Mrs. Powell referenced the state law that specifies of the six children only three can be under two years old. Infants are up to 12 months and up to 23 months are toddlers. She read the state statute wording that says these providers do not have to be licensed or report they are providing care. This ratio controls the providers' own children under kindergarten age as well. Ratios are a big deal. From parents' perspective, everyone wants their child in a safe environment and wants them to have peers. They are not asking for anything that is not the same as a big family. It would be great if all moms could stay home and watch their own kids, but that is not how it works. She said two parents both need to work, and daycare is expensive.

Acting Chairman Koeller asked if anyone would like to speak in favor. Mrs. Powell asked if it was allowed for those present in support to stand because not everyone was going to speak, and Mr. Koeller agreed. Those in support stood.

Erica Hendrix of 1922 Orchard Drive was sworn in. She said she works at the software company across the street [Vintage Software] and works with numbers. The updated population of Jackson in 2021 was 15,481, 6.2% of which are under the age of five. There are approximately 5,525 households in Jackson. The median value of owner-occupied homes is \$164,800 as estimated between 2014-2019. The median gross rent is \$880. The average household has 2.63 persons and their income on average is \$64,497. These numbers do not account for recent inflation. Prices have increased 7.5% since 2021. Before the pandemic there were seven daycares in Jackson to care for approximately 1,000 children under age five. Several of these daycares have closed. There is not enough care for all 1,000 children. One has such a lengthy waiting list that they are trying to get a Special Use Permit to watch children in their home as well but did not show up tonight. In Cape, the wait lists are even longer than in Jackson. This is 2022, not 1964 when her mother was born and lived next door to grandparents. Her grandfather was a farmer and her grandmother was a housewife. We live in different times where both parents have to work. Grandparents work as well and childcare is necessary for the majority of the population. She is a graduate of Cape Central, a SEMO alum, and moved to Jackson eight years ago. She lives across from West Lane and down from Orchard. Jackson Junior High and Middle School are down the road. She just started working from home 50% of the time but has worked from home 100% the last two years and hears children playing all day. It doesn't bother her. She is a single parent and searched for months to find childcare. She had to take her child thirty minutes away to Friedheim for childcare before she found Angela Powell and was again left without care when Mrs. Powell was denied a Special Use Permit. They chose to continue keeping the younger children because it is so hard to find care for children under two. Angie called all her provider friends and found a fit for her family. Her friend was

not so lucky. They called thirteen facilities in Cape and Jackson and found two openings. One offered no place for the children to eat besides on the floor. The other had children sitting in front of the TV all day. One in Jackson had a poor reputation. They did not want to send their child there. Another friend called facilities in Cape & Jackson. One had a waiting list of over 200 children and two had over 80 on their wait list. One had 40+. These are facilities, not in-home providers. Her own daughter is on several pre-school wait lists. The soonest she may get in is July and that is not guaranteed. She will have to drive 45 minutes to take her child to Cape and get back to Jackson to work. She kept her daughter with Angela for two years because in-home care is a more personal experience. Facilities hire minimum wage employees who may or may not show up for work. For Angie, this is not a hobby or a tax exemption. She treats them like her own and becomes an honorary member of every family she cares for. Her daughter has been sitting on Mr. Powell's lap through the meeting. The children are treated better than at any facility. She said she is shocked at how this has played out, having always viewed Jackson as a community for families, but is now seeing a different side. She asked the Commission to align with the state recommendation for six children and not side with cranky neighbors. [applause]

Caitlin Brown of 225 Oak Meadow Drive, Jackson, was sworn in. She said she supports children, working families and her daycare provider Angela Powell. She said she is one of the ones the previous speaker talked about. She called several facilities and all have forty or more children on their waiting list. Mr. Koeller asked if her child was let go from the Powells. She said no. Her oldest son is turning four and has been on the Jackson school pre-school waiting list since he was six months old, and they have not yet been called. This is a half-day program and she would still need care before and after. She would have to get him to school from 9-11 although she works 8-5. She would also have to find somewhere in the summer for him to go. Two places had openings, but reviews showed that one had all children sleeping in the provider's personal bed and one had no table for the children to eat. Another, where her friend sent a child for two days, had little squares the children had to stay within. She said these things happen when the caregiver has no one to answer to and no rules to follow. The state would have multiple checks, which is why a state license is preferred by many parents. Angela was denied that when she lost her Special Use Permit. This is not about that. It is about changing the number of children one person can keep from 4-6. The need is extremely high and there are no openings in Jackson for newborns. Families are forced to not have children, or one parent must stay at home with the child, but most families must have two incomes to survive. Single parents do not have the option to stay home. Missouri kidscountdata.org lists the child population under age 5, in 2019 as 5,497 and it has grown 24.3% of those children are from single parent homes. Three major daycare facilities have closed. If Special Use Permit requests continue to be denied, the working families of the community need help with what to do with children up to 5. Raising the number to match the state would help two families per provider. They are just trying to provide for their families. She said she thought this was a community-minded town who helps and rallies around those who need help in time of need. She said considering what has happened in the last six months concerning her provider's change of address, she has not seen support. She has not seen such bullying since she was in high school. Neighbors did not make an effort to get to know the person but put in cameras to monitor them. As a mother who takes her child there, it is very uncomfortable. She has serious issues with adults taking pictures of her minor child. A lot of families would benefit from this change. She hopes the Commission will make the needed adjustment.

Mike Gohn of 3663 Boston's Farm Drive, Maryland Heights (Bridgeton area) Missouri was sworn in. He said he was born and raised in Jackson. Most parents and grandparents see the importance of good daycare. His daughter and son-in-law both work, and his grandsons go to Mrs. Powell. Their goal is to have children in a safe environment where they learn social skills and enjoy the environment. He has

seen these qualities in Angela and heard his grandson talks positively of his experiences there. He hopes she can continue to do this with an expanded number of kids. He is here supporting his daughter, son-in-law and two grandsons. He appreciates what the Commission does.

Darla Herr of 212 Cherry Street was sworn in. She said she did not plan to speak. She is one of the special education teachers at Orchard Elementary. She wanted to share how the daycare situation has affected one of her students this year. The pre-school waiting list for Jackson is three years long. When she had her first born, she was told to put him on the wait list before he was six months old, or he might not be able to attend before kindergarten. With the daycares that have closed and the current limit of four children, there are so many children who are being kept unsafely. This school year, one of her students was impacted by this daycare rule. His mother has him and a younger son. She could not get a job with no daycare and could not pay for daycare with no job. She became homeless and the last thing she could do was voluntarily give up her child to foster care. Ms. Herr took in her student. It was mind-blowing that a single mother in Jackson, Missouri would get to that level without support from the community. She has since found daycare in Cape, has her children back, and seems to be improving. This also impacts children in school if their younger siblings are not able to be taken care of. It causes insecurity for them.

Megan Roth of 2032 Cambridge Drive in Cape Girardeau was sworn in. She said she does not live in Jackson but brings her son to Mrs. Powell. She cannot find daycare in Cape and cannot afford the daycare centers. She is a single mom who cannot afford to rent an apartment and is living with her mother. Without Angela she would not be able to work. The daycare she had lined up fell through. She was in tears when she found Angela. People need a safe place for their children and low-income parents need an opportunity for safe care. Raising the number from four to six gives more single and low-income parents the option to know their child is safely cared for. Her child is two and feels like he has a family other than her who can take care of him. She knows that if something happens, Angela will know what to do and will continue to try to contact her until she reaches her. She is a server and cannot always have her phone with her. More people need that care. There are not enough daycares and is a problem that will keep getting worse.

Paige Hester of 564 North Lacey Street was sworn in. She said she was not prepared but wants to share some thoughts. She wanted to speak to points in the opposition letters. She felt the arguments did not hold water. The opposition wants to protect businesses, but daycares have closed. Just Kids closed. She had fortunately just moved her son from there or they would have been without daycare. Her two young children were raised in in-home daycares, and she preferred that home environment for infants to age three or four. They need to be kids and be loved. She has been in in-home daycares with more than four children and had no safety concerns. When she moved her son from in-home care to a facility because her provider was phasing out, he was four years old and was exposed to porn within a couple of months. There was not enough supervision. She has lived the nightmare of trying to find daycare. She felt the opposition must not have young children and are out of touch. She also does not think changing from four to six is a crazy change and is a good thing. Parents are capable of vetting the in-home cares and determining if their children will be safe there.

Katelyn Fielder of 1433 County Road 349 was sworn in. She said she moved here in October of 2020. She is a mixed-animal veterinarian, and her husband is a diesel mechanic. Their jobs provide stress. She is on call 24/7, serving large and small animals. Her daughter has had to come on some of her cattle calls. They moved here with a month's notice. One of the struggles was finding care for her child when she was almost two. Not being a low-income family, they did not qualify for subsidies that some centers have. She called over twenty locations from a list provided by her employer and all had waiting lists up

to four years. To get a child into care, before you have a child you must put your imaginary child on a waiting list. She had the same problem in Columbia. There were wait lists for imaginary children. She said the need is not just here, it is everywhere and is for all incomes. They were one of the lucky ones to find an opening. For three weeks after they moved, her parents from three hours away had to keep her child. Her daughter is now three years old and is in in-home care where a special use permit is not needed because it is not in the city. It is licensed. Her child knows her ABCs, can count to 20, and knows the names of all the other children at her daycare. She does not know much about the special use permits, maybe they are only needed in fancy neighborhoods. She said she would push for reconsideration of the Special Use Permit. She knows the Powells from a bible study class. There needs to be more people capable of caring for children. It is a blessing and a gift some people have.

Kristina LeGrand of 557 Mansfield Place was sworn in. She said she did not plan to speak. Eight years ago, she could not find daycare, called everyone, and then found Angela Powell for her son. She had a child on the pre-school waiting list since birth who is now in pre-school. Mr. Koeller asked if she is referring to the [Jackson R-2] preschool and she said she is. Pre-school costs three times as much and has been awful for him. His behavior became terrible. Pre-school is \$140/half-day where Angela was \$120. With pre-school and additional care she would have been paying \$700/week. She had to quit her job. She was working to pay for high school students who were just on their phones.

Trent Rogers of 183 Comanche Lane in Fruitland was sworn in. He said his son is 13 years old and went to Miss Angie's from age 3 to kindergarten. No one will get rich watching six children, but it will help others and they may get to stay home and watch their own children.

Faith Geil of 194 Clark St. was sworn in. She knows Angela from a 'small group'. She said she and her husband do not have children and have not put their name on a list yet but is starting to think they should. She works at Walmart Vision Center and talks to people. She is on track to be an education major or an optometrist. Her supervisor had taken her kids to Angela and said she is the most phenomenal care giver. It is a home away from home. She [Angela] is trying to follow the laws and do things properly. They are here to support her.

Brian Powell of 596 Canyon Trail was sworn in. He said he knows anyone who knows Tony Koeller knows he has a love & passion for soccer. That is the same love & passion Angela has for kids. He works for Dollar General and does not look forward to going to work every morning, but she does. She does not want run a daycare, but the best daycare and is always looking for new practices. She works within state guidelines and is not just a babysitter but becomes almost a co-parent. She serves the community. Everyone she keeps children for is an essential worker. She provides the care for them so they can provide the essential services for us. The opposition will say it is not personal, but it has caused them a loss of 60% of their income and government grants, invasion of privacy, sleepless nights, and health issues for his wife. Because of the daycare, they have endured stress, loss of income, personal and social media harassment, reputation of daycare affected, vandalism to their property, and invasion of privacy within the 4 ½ months they have lived there. They had to call the police within the first two weeks of living there. The complaints are contradictory. He does not think traffic is the issue. They come and go several times a day and they have FedEx, UPS, DoorDash, & food delivery. For commercial & residential, before you reach their house there are a gym, a car lot, storage units, and residential duplexes. Accountability - state licensing is the best accountability for daycares. Working from home – his wife cannot do it, but he has learned most of them work from home. He said at the licensing [special use permit] hearing he was told their fence would be an eyesore and cause glare. The fence will come but will take time with their loss of income. Their playground toys are not liked. They cannot win for losing. Kids playing is a disruption to people who work at night. Kids down the street

play basketball every day. Are there going to be mowing schedules or schedules for children to play outside? What about playing in their pools? What about all the houses being built in the subdivision? There is construction noise. He has been asked why he doesn't find somewhere else to live or find somewhere to live where they are more welcome. He said they found their forever home. They loved the location and love the home. He said at the license [special use permit] hearing he read a list of things that affected property values. Daycares were not on that list. Bad neighbors were number one. There is no shortage of that. He said he fears if all this gets out about his neighbors and neighborhood, he would not be able to sell the house.

Diane Lunsford of 1030 Odus Drive was sworn in. She supports the change to six. Daycare is very much needed. In-home daycares are only allowed to do so much. Even unlicensed providers are supposed to follow the guidelines, but you do not know if they are. There are registered unlicensed providers whose house has to be approved and can accept state subsidized care. She said foster parents can use state subsidized care and also cannot find places. The daycares that accept foster children only get about \$12/day and cannot ask for the overage to the normal charge. A lot of people providing daycare are not in it for the money, but they do have to survive. A lot of people and single parents cannot afford the big daycares. In a home they get attention. They learn through play. She said she did not know Angela was having trouble, and she was glad to be able to be here. It takes special people to do this type of business. She asked the Commission to consider changing from four to six. Two more is not that much more. She has done it herself. She asked the Commission to support the parents and those trying to make a living in their home whether they are licensed or unlicensed.

Jamie Kurtz of 2632 Braun was sworn in. She lives across from East Elementary and hears children all day long. She provides in-home daycare because she saw a lack of dependable people to take care of her babies. She took a break and tried a desk job for two years. Her children came home from a facility with head lice and saying cuss words. She said she needed to help parents have someone dependable with one-on-one time where you have a relationship with the families and know what is going on in their family. It is totally different from in-home care to a facility. She has been on both sides. She worked on a base in Nebraska for five years and learned a lot from there that she uses in her home daycare. You ask how they are doing, how their night went, how they were doing with deployment. You cannot get that at a center where they have the stress of running a facility and do not have the time or the dependable help. She gets calls every day. She does not have an opening until August of 2023 when one of her kids goes to kindergarten. She put her daughter on the pre-school wait list when they moved here. When they called to say she could start ½ day pre-school, they could not afford it. She worked at St. Francis doing billing and could not afford to pay childcare and the gas to drive to Cape. So she opened her in-home daycare to be home with her daughter and be there for families who can trust her. She cannot get licensed because there is no second exit from her basement but she can love six kids. She kept 10 children on [military] base for five years and not a single child went home hurt and not a single family had a complaint about the care. She thinks they can do it for six. It is the parents' job to go see where their children will be eating, sleeping, and playing, and must know they can trust the provider. There are bad daycares, and her child was in one that was a center. It was her job to see that and make the change. This is an important change. [applause]

Mr. Koeller asked if we know how many unlicensed daycares there are. Mrs. Sanders said there are probably a lot. Mrs. Powell said she knows there are people caring for six, but she knows they are scared to come forward because they are afraid to lose what they have. When the state law was changed to six, she was the first to tell people they could keep six kids and had no idea that did not pertain to them because they live in the city limits of Jackson.

Acting Chairman Koeller asked how many attending keep children. Five people raised their hands.

Finding no others to speak in favor, Acting Chairman Koeller asked if any were present to speak in opposition.

Lacey Guidicy of 2829 Clear Spring Place was sworn in. She said she opposes the amendment. She understands that childcare is not easily accessible and there is a need. The city should make some changes to better serve families in need of childcare. This is not the change that is going to make a difference. The state law was changed in 2020, and this need goes back at least eight years. There has not been a huge change in child care providers and availability since this law has come into place. Because it is new, there is not data supporting that the need has changed or that this is better or safer for children. The increase in income would benefit providers who strive to provide quality childcare. It opens an appeal to others who have no experience, no education, and maybe even poor intentions to start an in-home daycare. Unlicensed, unregistered daycares register with no one, do not have background checks, and are not on a list. There is no regulation and no safety net for parents. If it was just two more children for the providers here, that makes sense. These provide quality child care. Changing the text opens it up to everyone, and that is not the case for everyone. There are daycares with four children who are not providing quality child care that are not safe environments. Those will also be able to watch two more kids. If they have to get a Special Use Permit they must put their name and address on an application and have accountability. The focus of this amendment request has been about childcare but is a distraction from the purpose of the ordinance. The responsibility of the ordinance and the commission is to protect the citizens of Jackson and their investments. Residential zones are for structures that serve as housing. Home occupations that do not disturb the essence of the residential area are permitted. There is a procedure in place for in-home providers to seek a special use permit to watch more kids. In many cases, the in-home daycares don't have a negative impact. Recently, on Main Street and Shawnee Boulevard, there are in-home daycares with special use permits for more than six kids. In other cases they have been denied because of detrimental effects to the neighborhood. Most homes do not have adequate parking for pick-up and drop-off. You would not allow a baker to have twelve pickups a day or a hairdresser to cut twelve people's hair a day in a residential area without a permit. It is not about child care. It is about differentiating residential from commercial. The streets are not designed for the volume of traffic. The ordinance states that home occupations will not be permitted if they generate substantial volumes of traffic. Reviewing case by case is the best way that all interests are considered about an in-home daycare or other special use permit in residential zones. She asked the Commission to protect homes and families from unregulated child care practices by rejecting this request.

David Gentry of 2830 Clear Spring Place was sworn in. He said he wants to say something in rebuttal. He is one of the cranky neighbors and has never spoken to these individuals who said he needs to get to know them. Their play equipment is right on his property line and hears the kids every day. He lives right behind them. They never asked if he minded. He and his wife moved from Washington, D.C. to Jackson. They looked at five different neighborhoods and picked this neighborhood because it was quiet and new. Now they have a daycare center. He thinks four children is plenty. He knows there is a childcare problem. People talked about a two-year wait. In Washington, D.C. the wait is six years, and the cost is \$2,500/wk. for one child. He said there should be a give and take in their neighborhood. He understands the property values. Having the police called is ridiculous. He agrees with four and disagrees with six. They first wanted ten and got four. Now they want six. In two months are they going to want eight or ten again? He is opposed for that reason.

Commissioner Weber asked for clarification of his location. He is right behind.

Finding no others wishing to speak, Acting Chairman Koeller gave Mrs. Powell an opportunity to rebut.

Angela Powell came forward. She said this ordinance pertains to the whole city and the opposition is from her subdivision and against her house. She said her house has a lot of room and is on a dead-end street. There are lots that cannot be built on because of the drainage and whoever buys those properties is going to have to fix that. When you drive from the top of the hill there are two houses and two empty lots. There will be four houses before getting to her house. You turn onto Prairie View Trail past the houses and empty lots and there is their driveway. Their parents do not pull into other driveways or turn around in other driveways. They can pull into their driveway and go right into the home at the basement. Her toys are lined up. She has tried to contact Mr. Gentry and has even returned mail to his house. Whether they moved in or someone else, this is a four bedroom home and anyone could have moved in. She made sure with her realtor there were no covenants or HOAs. They are not here to hurt the residential area. There is a need. They have to work in hiding because people want to sit in their backyard and be peaceful. Towns are not peaceful, acreage in the country is. They can hear truck traffic from Highway 61 and there is commercial right by them. Lacey [Guidicy] lives across the street and is the most impacted in her opinion. Mrs. Powell said they [children] are only outside a little bit in the morning and a little bit in the afternoon. It is like telling a family that moves in there they cannot play outside. She said she would have loved to be friends with all her neighbors. She said that may never happen. She has waved at the Gentrys on multiple occasions but then heard him talking about the situation to a delivery driver at their house who was a complete stranger. She said she is a level-headed person and will talk to anyone who talks back because she has worked with children for so many years. She loves adult interaction. She said a fence will help. She thought when they moved there, they would realize that it was not as bad as they thought it was going to be and there would be less opposition. She said two families spoke in opposition and they are her neighbors. Her Christmas lights were cut. One of them made noise and offended Ms. Guidicy so she turned it down. She provides a service, and they are like a big family. When she first moved in she had six kids. Commissioner Weber asked her percentage. She currently has two children under age three. She kept the infants because they are harder to place. They have had some issues. She talked about laws and gray areas. She said she is a pretty honest person, and could tell everything but then would be held accountable for it so she won't speak on certain things. She would love to share how it works. Her baby didn't make it in another daycare and she could not let him stay there. She said she did what she did and could be reprimanded for that. They are just asking for two more kids. She could help two of their families who would not have to be miserable at their other places. She said she had plenty of room at this house for the daycare but they did not want her here and did not want the toys here. Their income tax check will be used for the fence and they will not have to look at them much longer. Being a licensed daycare is always the best answer. The licensing rules protects both the caregiver and the children. Most states will not allow in-home childcare because of the risk to children. She said for their Special Use Permit, the Planning & Zoning Commission approved it and the Board of Aldermen denied it because of the glare of the fence and the nuisance of the noise. The civic center is across Highway 61. She has had an accident on Highway 61.

The Commission asked her hours. She said her hours are 6:30 to 5:30. The police have been called because a truck blocked one of her parents and her three-year-old daughter from leaving and scared that parent. Their Christmas lights were cut. Mrs. Guidicy sent her son to take pictures because she wants to record her doing something wrong. She has never had over six since being in her new home but Tiny Tots closed for two days for Covid, so she helped out by having six children. She does not want to go to jail or get a ticket. There are no covenants or restrictions where she lives, and she does not understand why her permit did not pass. She said what people want is not fair to what people need.

An audience member asked if they could speak again. Acting Chairman Koeller said their opportunity had ended. He then closed the hearing.

OLD BUSINESS

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)

Chairman Koeller opened the item for discussion. The Commission discussed the parking issue, the small house, and that the applicant did not attend.

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

Vote: 0 ayes, 7 nays, 0 abstentions, 2 absent

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

Commissioner Bartels suggested a compromise at five children. Commissioner Fadler said codes are written to protect property. If he bought in a new neighborhood, he would not want commercial uses. There could be 100 people keeping children. If this is changed for one individual, it is changed for all. He said the Commission previously reviewed a transmission business. The support at this hearing was for Mrs. Powell. The Commission has to look at how it affects the community.

Commissioner Emmendorfer said there is a larger need and the [Powell's] property was ideal. The Commission approved it and the Board of Aldermen denied it. She said it puts this group in a difficult situation.

Commissioner Fadler asked if this increase would require a change to the fire codes. Mrs. Sanders responded that staff would not recommend changing the building or fire code because these are international codes and changing them takes on liability by the City.

Commissioner Harrison said this affects the big picture. It is not their job to control. The codes were written for a previous time and Jackson is growing. The Commission needs to look at whether they still make sense.

Mrs. Sanders was asked about the detention lots. She said there are two lots that share the detention basin, but they are buildable lots.

Commissioner Dryer said state rules are for the whole state, a lot of which is rural with houses far apart. He referenced the definition of home occupation and said it states that a home occupation is to be carried

on wholly within the building. By playing outside, they are violating the code. The home occupation definition also prohibits any substantial volume of traffic. With four children you have 176 vehicles a month. With six it would be 264. This also violates the definition.

Commissioner Bartels disagreed, saying that the allowance to babysit four children presumes that they can come there and play outside. It would be inhumane to keep them from the back yard.

Commissioner Harrison said this is a personal investment. Neighbors with teenage children who all have cars can be more annoying.

Commissioner Fadler made a motion to approve the request, seconded by Commissioner Harrison.

Commissioner Bartels said he had more discussion. He again recommended five children. This would be middle ground, seems logical, and can match the building and fire code. It is not an individual situation anymore. Others agreed.

Commissioner Fadler withdrew his motion. Commissioner Harrison withdrew her second.

Commissioner Bartels moved to approve recommending amending the code to five children. The motion was seconded by Commissioner Weber. A roll call vote was taken with Commissioners Bartels, Emmendorfer, Harrison, Weber, and Koeller voting yes. Commissioners Fader and Dryer voted no.

Vote: 5 ayes, 2 nays, 0 abstentions, 2 absent

NEW BUSINESS

Request for s Special Use Permit for gun)
sales in a C-3 Central Business District)
at 125 Court Street submitted by Jones)
Drug Store, LLC)

Mrs. Sanders pointed out the new city attorney interprets the code and state law to require public hearings at the Planning and Zoning level for all rezonings, special use permits, and code changes. Therefore, a public hearing will need to be set. She reported one of the owners of Jones Drug Store lives in an upper level apartment and this is a request for by-appointment sales on the upper level of the Jones Drug Store building. Mr. Brian Kiefer came forward and stated he wants to get a Federal Firearms License to sell to friends. He lives upstairs.

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

Vote: 7 ayes, 0 nays, 0 abstentions, 2 absent (to set public hearing)

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)

Mrs. Sanders reported this is the transfer of a sliver of property from one lot on the Ripken Way cul-de-sac to an adjacent lot. Both lots will still meet the minimum lot size and frontage requirements.

Ron Clark came forward and said he is selling the vacant pie-shaped lot but wants to keep part of it to be able to mow around his retaining wall.

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

Request for approval of a minor subdivision)
Plat of Cara's First Subdivision submitted)
By Country Life, LLC)

Acting Chairman Koeller recused himself and moved to the audience. Mrs. Sanders said this is property that was previously owned by Marilyn Landewee who was going to subdivide it but then sold the entire property to Country Life, which is Tony Koeller. The application includes a variance request from the minimum lot frontage and from the requirement to add a 10' easement around the boundary. The lot frontage would be 60' for each lot which is consistent with the other lots in the neighborhood.

Mr. Koeller said she kept postponing the subdivision. He bought some rental houses from her including this property and agreed to finish the subdivision and give one lot back to her. It is time to give it back. She plans to build a shotgun style rental house on the lot that is a big hole.

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

Vote: 6 ayes, 0 nays, 1 abstention, 2 absent

Consider a motion to add items to the)
agenda)

Mrs. Sanders reported the Request for Qualifications for the Comprehensive Plan Update has been published on the APA website and emailed to SEMO Regional Planning and Houseseal Lavigne Associates who completed the city's last comprehensive plan. It will also be published in the Cash-Book Journal in their next edition. The due date to receive qualifications is March 31st and a committee meeting will be scheduled for a date shortly afterward to review the submitted qualifications.

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.