



CITY OF JACKSON
PLANNING & ZONING COMMISSION MEETING AGENDA

Wednesday, February 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 the January 12, 2022 meeting

PUBLIC HEARINGS

2. 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 (contingent upon successful annexation).

OLD BUSINESS

3. Request for approval of rezoning of 2.65 acres of property addressed as 720 South Old Orchard Road from R-1 Single Family Residential District to C-2 General Commercial District submitted by Independence Self Storage, LLC.

NEW BUSINESS

4. 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.
5. 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.
6. 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.
7. Request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation submitted by Brian Powell.

CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA

ADJOURNMENT

This agenda was posted at City Hall on February 3, 2022 at 4:30 PM.

PLEASE OBSERVE SOCIAL DISTANCING WHEN ATTENDING THIS MEETING.

JOURNAL OF THE PLANNING & ZONING COMMISSION
CITY OF JACKSON, MISSOURI
WEDNESDAY, JANUARY 12, 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 Tony Koeller, Beth Emmendorfer, Wade Bartels, Heather Harrison, and Tina Weber present. Harry Dryer and Bill Fadler were absent. One position is currently vacant. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Alderman Joe Bob Baker and Tom Kimbel were also present. Citizens attending were Stacey Abrams-McIntosh, Michael Lackamp and Garrett Lackamp.

Approval of the December 8, 2021)
regular meeting minutes)

The minutes of the previous meeting were unanimously approved on a motion by Commissioner Koeller, seconded by Commissioner Emmendorfer.

NEW BUSINESS

Request for a Special Use Permit)
for an existing daycare under new)
ownership in an R-4 General Residential)
District at 1327 East Main Street as)
submitted by Tot Spot Academy and)
Preschool, LLC)

Mrs. Sanders reported the existing Just Kids daycare on East Main Street has been sold. Since Special Use Permits do not transfer with the property, the new property owner must apply for their own permit. The recommended special conditions are the same conditions that were applied to the previous owner's permit.

Mrs. Abrams-McIntosh came forward and said she has received a \$30,000 grant for a daycare and was looking for a house or other building when her realtor advised her that Just Kids Daycare had been for sale in the past. She contacted the property owner and bought the Just Kids property. She said she thought the property was zoned commercial and it was not disclosed that there was a special use permit. When she applied for her business license, she found out from Mrs. Sanders that a new special use permit was required. She said if the special use permit is not approved, she will have to pay back the grant money. The money is being used for new ceilings and flooring, remodeling the bathrooms that smelled of urine, new fixtures, etc. Mrs. Abrams-McIntosh said she has been in education for 20 years and serves the Parents as First Teachers for Jackson schools. She has hired an assistant director for the daycare and her husband will also be involved. The daycare is currently closed, and she took possession of the building on December 17th.

Parking was discussed, along with the proposed special conditions. Mrs. Abrams-McIntosh said the existing parking will be re-configured to better utilize the space and will have more than the required spaces. The circle drop-off lane is also two cars wide. She said she could meet all the conditions.

Commissioner Emmendorfer made a motion to approve the request with the special conditions recommended in the staff report, seconded by Commissioner Koeller. The motion was unanimously approved.

Vote: 6 ayes, 0 nays, 0 abstentions, 2 absent (1 vacant position)

Request for rezoning of 2.65 acres of)
Property at 720 South Old Orchard Road)
From R-1 Single Family Residential to)
C-2 General Commercial submitted by)
Independence Self Storage, LLC)
(contingent upon successful annexation))

Mrs. Sanders reported this development was begun in the county and the owner would now like to annex into the city to have city utilities available. He is currently in the annexation process and there are several simultaneous moving parts to make this annexation possible, including the need to rezone to C-2 General Commercial and obtain a variance for setbacks due to the location of the sewer main. She said if any piece fails the annexation will not proceed and the storage units will still be built, but in the county.

Mrs. Sanders reminded the Commission they have the option to hold a public hearing, and a public hearing is required by the Board of Aldermen. Opposition by nearby property owners can be expected since there was opposition to the recent rezoning of the future portion of McKendree Crossing subdivision to duplex zoning on the other side of Old Orchard Road.

Chairman Seabaugh asked Mr. Lackamp if he had anything to add. He did not.

Commissioner Koeller made a motion to set a public hearing. Commissioner Emmendorfer seconded the motion and it was unanimously approved.

Vote: 6 ayes, 0 nays, 0 abstentions, 2 absent (1 vacant position)

Consider a motion to add items to the agenda)
agenda)

No items were added to the agenda.

Consider a motion to adjourn)

Commissioner Koeller made a motion to adjourn, seconded by Commissioner Bartels 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 rezoning of a 2.65-acre tract at 720 South Old Orchard Road from R-1 Single Family Residential to C-2 General Commercial.

APPLICANT: Independence Self Storage, LLC

APPLICANT STATUS: Property Owner

PURPOSE: To rezone newly annexed property from the default R-1 Single Family Residential zoning upon annexation

SIZE: 2.65 acres

PRESENT USES: Out of city – site work begun in county for self-storage units

PROPOSED USE: Commercial – in city

SURROUNDING LAND USE: North – R-2 Single Family Residential District; South – out of city; East – R-1 Single Family Residential, C-2 General Residential & CO-1 Commercial Overlay; West – out of city

HISTORY: This county property is currently being developed as self-storage units. The city's Williams Creek Interceptor Sewer was designed and constructed between the designed buildings of this development.

TRANSPORTATION AND PARKING: Required street frontage currently exists on South Old Orchard Road. There are no parking requirements for self-storage units.

APPLICABLE REGULATIONS: Zoning Code (Chapter 65)

Sec. 65-12. - C-2 General commercial 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-2 General commercial district. The purpose of the C-2 General commercial district is to provide areas for general commerce and services typically associated with major thoroughfares.

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

ww. The following uses when located fifty (50) feet or more from any residential district (as measured to the property line) and separated from an adjacent residential district by a privacy fence:

2009 COMPREHENSIVE PLAN: Regional Center (commercial)

FLOODPLAIN INFORMATION: This property is not located in a floodplain per FEMA panel 29031C0163E dated 9/29/11

PHYSICAL CHARACTERISTICS: This property has been cleared and graded for development prior to application for annexation.

COMMENTS: The property is currently in the county and is in the process of annexation. A variance application has also been submitted to the Board of Adjustment for a reduction in the 50' buffer between the self-service storage and the adjacent residentially zoned property, for a reduction in the front setback, and the allowance of a tree buffer in lieu of the required privacy fence between this commercial use and residentially zoned property. The variance request was heard and by the Board of Adjustment on January 27th. Both variances for reduced setbacks were approved. The variance to allow a tree buffer in lieu of a privacy fence was tabled pending code interpretation needed from the city attorney.

South Old Orchard Road was originally developed as a commercial corridor similar to Siemer's Drive in Cape Girardeau. The right-of-way acquired for this road is 100' wide to accommodate future expansion to a four-lane road. As property along this road came into the city, the intent was for it to be zoned commercial. However, the parent tract for McKendree Crossing Subdivision was approved as R-2 and R-3 zoning for a residential development along South Old Orchard Road.

Successful annexation will also be contingent upon approved rezoning and variances. Without annexation, the development of self-storage will continue as planned, but remain in the county.

ACTION REQUIRED: The Commission shall vote to recommend approval or denial of this request. A public hearing by P&Z is optional. A public hearing is required at the Board of Aldermen level.

Any approval must be contingent upon successful annexation.

CURRENT USE OF PROPERTY: Self Storage

PROPOSED ZONING: (check all that apply)

R-1	(Single-Family Residential)	C-1	(Local Commercial)
R-2	(Single-Family Residential)	<u>C-2</u>	(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: Self Storage

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.

Growing need for self storage including Climate Control units.

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:

Michael H. Lachamp
Sandra K. Lachamp

TRACT 1 - DESCRIPTION

THAT PART OF U.S.P.S. NO. 324, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF MCKENDREE CROSSING SUBDIVISION, AS RECORDED IN DOCUMENT NO. 2018-05914 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI; THENCE SOUTH 80°51'49" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 566.88 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 06°40'44" WEST 204.32 FEET; THENCE NORTH 80°51'49" WEST 562.37 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH OLD ORCHARD ROAD; THENCE NORTH 05°24'59" EAST ALONG SAID EAST RIGHT OF WAY LINE, 204.56 FEET TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 2.65 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, AND LICENSES AFFECTING THE SAME, EITHER WRITTEN OR IMPLIED.

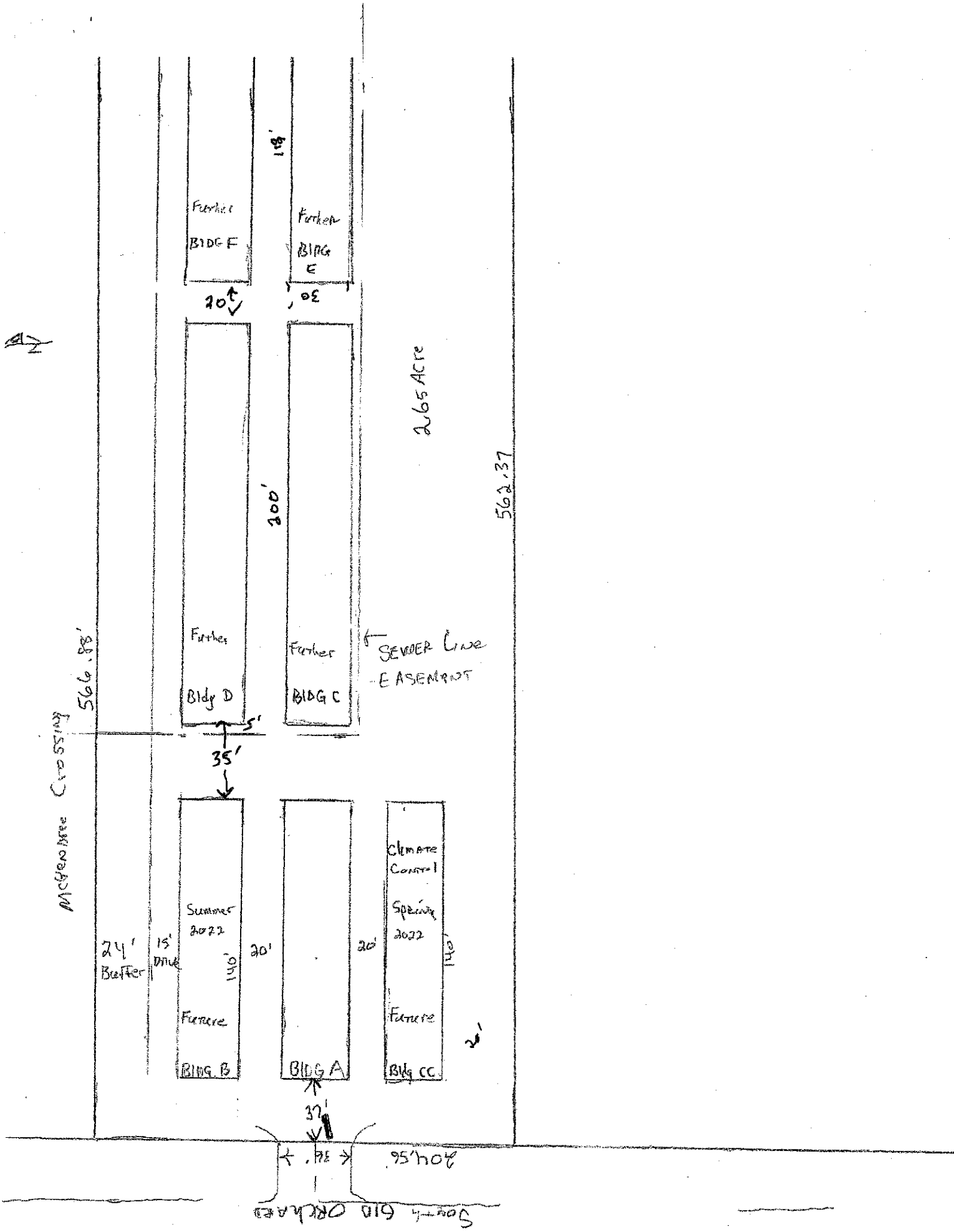
THIS SURVEY CREATES A NEW PARCEL FROM A TRACT DESCRIBED IN DOC. NO. 2012-06110 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI.

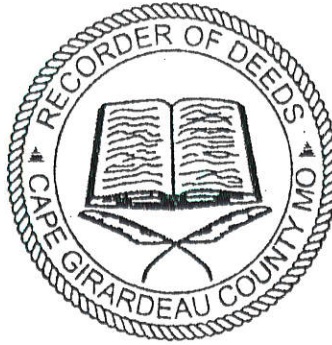
STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU

FILED FOR RECORD THIS _____ DAY OF _____, 2021 AND DULY

RECORDED IN DOCUMENT NUMBER _____

2





eRecorded
DOCUMENT #
2021-16567

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
12/16/2021 10:26:40 AM
REC FEE: 27.00
PAGES: 2

WARRANTY DEED

This Warranty Deed made and entered into this 16th day of December, 2021, by and between **W & L Enterprises, LLC, a Missouri Limited Liability Company**, hereinafter referred to as **GRANTOR**, and **INDEPENDENCE SELF STORAGE, LLC, a Missouri Limited Liability Company**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEE**. The mailing address of the Grantee is:

6839 State Hwy D, Oak Ridge, MO 63769

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

That part of USPS No. 324 Township 31 North, Range 13 East of the Fifth Principal Meridian, Cape Girardeau County, Missouri, being more particularly described as follows: Begin at the southwest corner of McKendree Crossing Subdivision, as recorded in document No. 2018-05914 in the land records of Cape Girardeau County Missouri: thence South 80°51'49" East along the south line of said subdivision, 566.88 feet; thence leaving said south line, South 06°40'44" West 204.32 feet; thence North 80°51'49" West 562.37 feet to a point on the east right of way line of South Old Orchard Road; thence North 05°24'59" East along said east right of way line 204.56 feet to the point of beginning.

The herein described tract contains 2.65 acres, more or less. Description taken from survey dated 07/09/2021 by Rodney W. Amos, PLS# 2007000072 of Strickland Engineering, Project #21-153,

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

Michael H. Lackamp
Michael H. Lackamp, Member

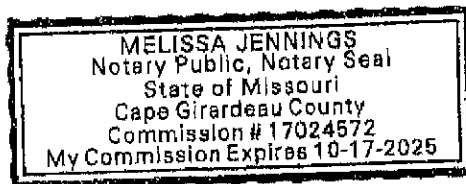
Sandra K. Lackamp
Sandra K. Lackamp, Member

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

On this 16 day of December, 2021, before me personally appeared **Michael H. Lackamp and Sandra K. Lackamp, Members of W & L Enterprises, LLC, a Missouri Limited Liability Company**, to me known to be the person described in and who executed the within Warranty Deed in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

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

Melissa Jennings
Notary Public
My commission expires:



2109049

BOUNDARY SURVEY FOR INDEPENDENCE SELF STORAGE

Part of U.S.P.S. No. 324, Township 31 North,
Range 13 East of the Fifth Principal Meridian
Cape Girardeau County, Missouri.



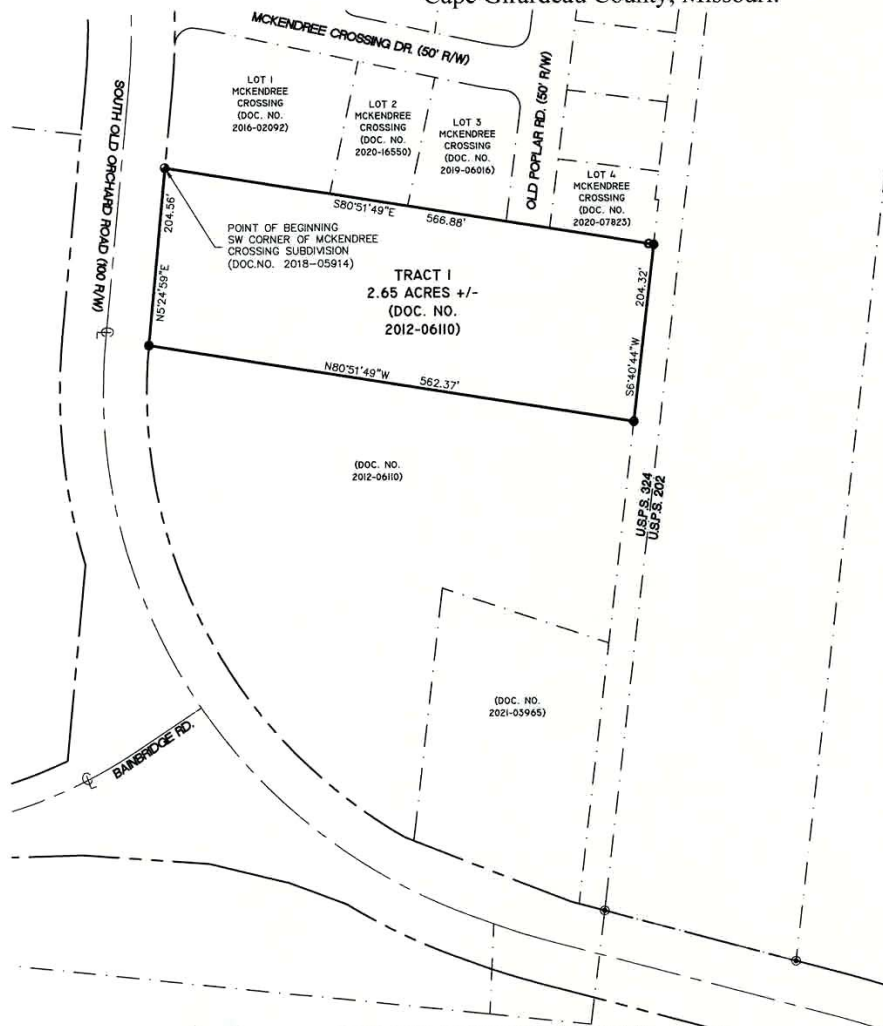
REFERENCES

1. DOCUMENT NO. 2012-06110 (SUBJECT)
2. DOCUMENT NO. 2016-02092
3. DOCUMENT NO. 2020-16550
4. DOCUMENT NO. 2019-06016
5. DOCUMENT NO. 2020-07823
6. MCKENDREE CROSSING SUBDIVISION, DOCUMENT NO. 2018-05914
7. PREVIOUS SURVEYS DATED 02-02-2010, 02-07-2011, & 12-03-2013

ACCURACY STANDARD: TYPE RURAL

LEGEND

1. 1/2" IRON ROD (SET)
2. 5/8" IRON ROD W/ALUM CAP (SET)
3. IRON ROD W/CAP (FOUND)
4. IRON ROD (FOUND)
5. IRON PIPE
6. STONE
7. COTTON PICKER SPINDLE
8. CHISELED CROSS
9. AXLE
10. ALUMINUM MONUMENT
11. RIGHT-OF-WAY MARKER
12. (M) MEASURED
13. (R) RECORDED



THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE
CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY
BOUNDARY SURVEYS AS MADE EFFECTIVE JUNE 30, 2017. IN
WITNESS WHEREOF, I HAVE SET MY SEAL AND SIGNATURE
THIS 9TH DAY OF JULY 2021.

RODNEY W. AMOS MO-PLS 2007000072
113 WEST MAIN STREET
JACKSON, MISSOURI 63755

TRACT I - DESCRIPTION

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THIS SURVEY CREATES A NEW PARCEL FROM A TRACT DESCRIBED IN DOC. NO. 2012-06110 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI.

STATE OF MISSOURI
COUNTY OF CAPE GIRARDEAU
FILED FOR RECORD THIS 16TH DAY OF July, 2021 AND DULY

RECORDED IN DOCUMENT NUMBER 2021-09601

ANDREW DAVID BLATTNER
RECORDER OF DEEDS OF CAPE GIRARDEAU COUNTY, MISSOURI

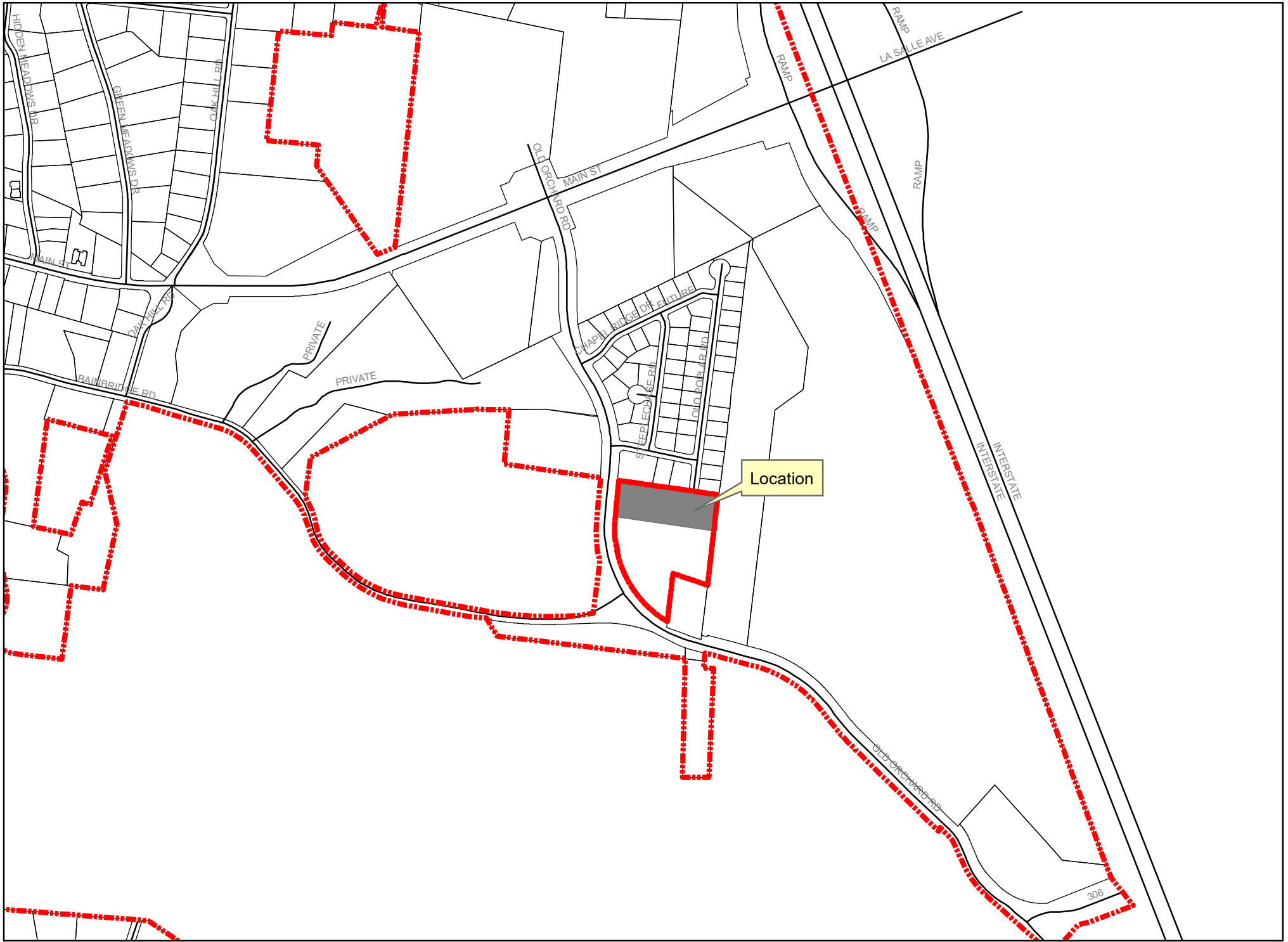
STRICKLAND ENGINEERING

113 WEST MAIN STREET
JACKSON, MISSOURI 63755
TEL: 573-243-4080
FAX: 573-243-2191

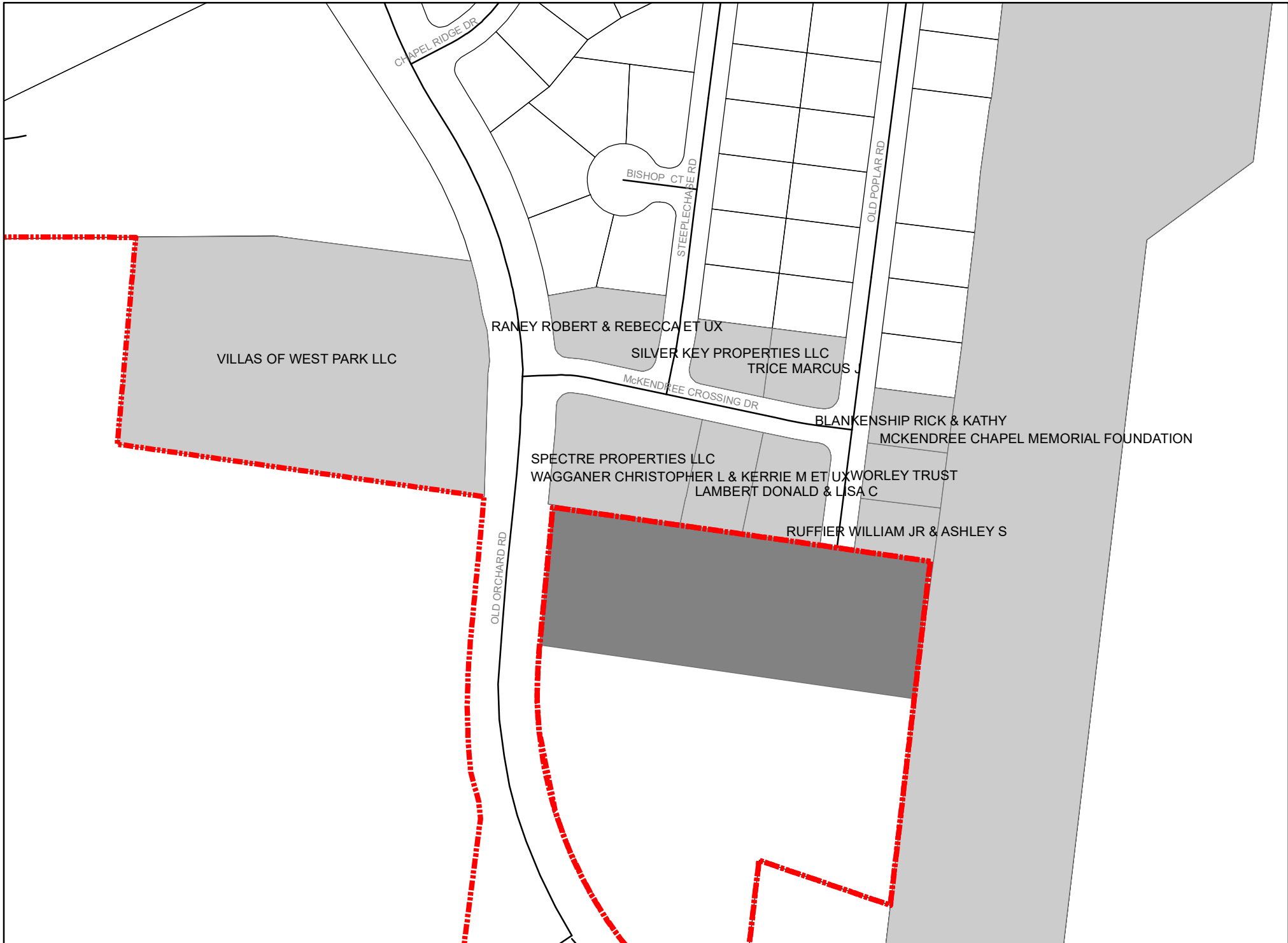
CIVIL - MECHANICAL - ELECTRICAL ENGINEERING - LAND SURVEYING

**BOUNDARY SURVEY FOR
INDEPENDENCE SELF STORAGE
SOUTH OLD ORCHARD RD
JACKSON, MO**

SCALE	1"=100'
DATE	07-09-2021
DRAWN BY	RA
CHECKED BY	DR
PROJECT #	21-153

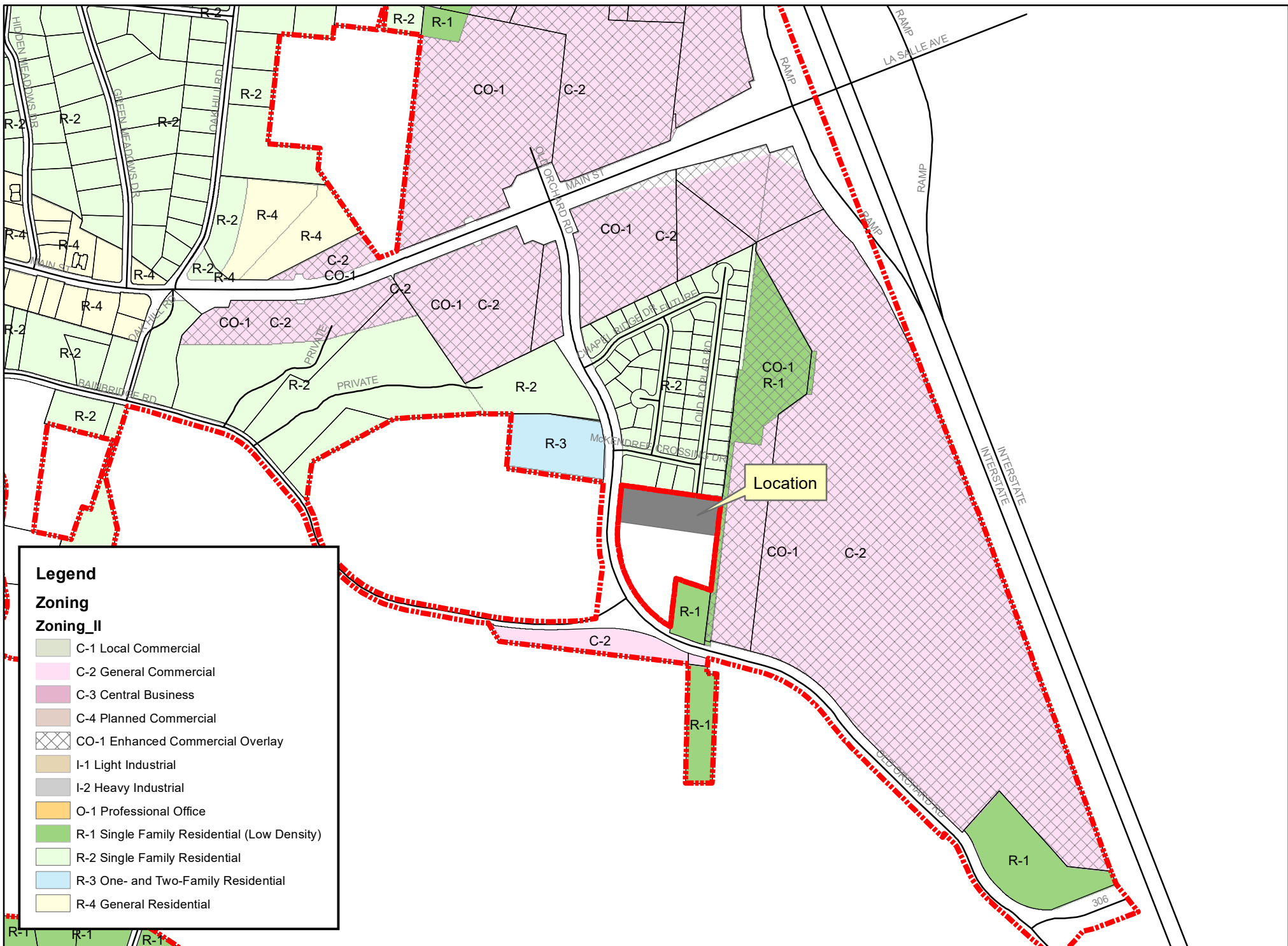


720 S. Old Orchard Rd.
Location Map



720 S. Old Orchard Rd.
Properties Within 185'

1/7/2022 / jls



720 S. Old Orchard Rd.
Surrounding Zoning

1/7/2022 / jls

January 18, 2022

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

Dear Ms. Sanders:

This is in response to the letters dated January 13, 2022 that we received from the City regarding request for variance of 26' from the required 50' buffer zone from a residential district and a 23' variance from a front setback in a C2 General Commercial District.

We strongly oppose these requests and hope that the City will stand by their 50' buffer zone requirements. The construction so far in this area has all but destroyed a beautiful wooded area just south of our neighborhood and privacy that the trees provided. Even a 50' buffer zone is not going to be enough to try to salvage some of the beauty that it once was. Even at 50', there would still need to be a fence constructed around the storage units. If no fence is constructed, people will be able to view our neighborhood homes from the storage units and even trespass at will.

The City of Jackson should think about what they are allowing to happen to our beautiful town. Trees are why we moved here two years ago, but the landscape is rapidly changing and not for the better.

As we won't be able to attend these meetings, please voice our concern on these issues.

Thank you.

Rick + Kathy Blankenship + family

The Blankenship Family
Old Poplar Rd.
Jackson, MO

January 27, 2022

Janet,

Unfortunately I have COVID, so I will be unable to make tonight's meeting.

However, I would still like you to voice my opinions regarding the variance.

Given the close proximity of the storage units, I feel that a privacy fence and keeping the existing tree line is necessary.

As for the fence, these storage units will be able to be accessed throughout the day and night. A fence is a necessity to prevent the potential of people wandering into the neighborhood/people's backyards. I have a wife, a young daughter, and another baby on the way, and this possibility is very concerning.

As for the trees, the storage units will create noise from use during the day and have lights on them at night. The tree line will serve as a noise and light barrier.

Additionally, if this passes C-2 and if the storage units eventually get sold to be something else, a tree line will be a critical barrier for the light/noise pollution potential from another type of business.

As I just referred to, my biggest concern is the property being zoned C-2. One of the oldest tricks in land zoning is putting storage units or a relatively unoffensive structure up to get the desired zoning, so you can flip the property to a different owner and not have to go through the city for a new type of business. If this land is ever sold after being zoned C-2, businesses such as a liquor store, a bar, a substance abuse facility, a cannabis dispensary, tattoo parlors, etc. would be legal businesses zoned C-2 right next to the neighborhood. I am not anti-development, but in order to protect the neighborhood from having this scenario unfold, I would request the land be zoned R-1 with a special use permit for the storage units. If not R-1, at minimum a more restrictive zoning than C-2.

Thank for your considerations of my concerns. I know many others in the neighborhood share the same concerns.

-William and Ashley Ruffier



Staff Report

ACTION ITEM: 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

APPLICANT: The Patsy Ruth Pulliam Living Trust, u/t/a July 2, 2018.

APPLICANT STATUS: Property owner of 3030 Bainbridge Road

PURPOSE: To transfer a portion of property from one lot to an adjacent lot.

SIZE: 0.35 acres

PRESENT USES: Single Family Residential

PROPOSED USE: Same

ZONING: R-2 Single Family Residential

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

HISTORY: Not known.

TRANSPORTATION AND PARKING: All required street frontage and parking currently exist.

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: The piece to be transferred is a long narrow, wooded strip.

COMMENTS: Both resulting lots exceed the minimum lot size and frontage requirements.

ACTION REQUIRED: The Commission shall approve or deny this request. Land exchanges between adjacent property are allowed as an exemption from the subdivision process per the Land Subdivision Regulations. The Commission's approval is the final approval. No action is required by the Board of Aldermen.

LAND EXCHANGE CERTIFICATION APPLICATION FORM

City of Jackson, Missouri



DATE OF APPLICATION: January 12, 2022

ADDRESS OF GRANTING PROPERTY: 3030 Bainbridge Road

ADDRESS OF RECEIVING PROPERTY: 591 S. Oak Hill Road

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

Property Owner Name(s): The Patsy Ruth Pulliam Living Trust, u/t/a July 2, 2018

Mailing Address: 3030 Bainbridge Road

City, State ZIP: Jackson, MO 63755

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

Property Owner Name(s): John T. & Sarah Y. Ryan

Mailing Address: 591 S. Oak Hill Road

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 - 3030 Bainbridge Rd. to 591 S. Oak Hill Rd.
Location Map

SURVEY NOTES:

THIS SURVEY CREATES A NEW 0.35 ACRE TRACT FROM THE PARENT TRACT RECORDED IN DOCUMENT NO. 2019-01414

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 MoDOT 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 GREEN MEADOWS SECOND SUBDIVISION
AS RECORDED IN PLAT BOOK NO. 18 - PAGE NO. 10

RECORD PLAT OF PULLIAM SUBDIVISION AS RECORDED IN
PLAT BOOK NO. 23 - PAGE NO. 33

GENERAL WARRANTY DEED, BOOK NO. 665 - PAGE NO. 786
GENERAL WARRANTY DEED, BOOK NO. 702 - PAGE NO. 249
GENERAL WARRANTY DEED, DOCUMENT NO. 2015-13429
BENEFICIARY DEED, BOOK NO. 861 - PAGE NO. 222

ONLINE MAPPING RECORDS FOR CAPE GIRARDEAU COUNTY,
HTTPS://MAPS.CAMAVISION.COM/CAPEGIRARDEAUMO

SURVEY MONUMENT NOTES:

- ⊙ - FOUND 1/2" IRON PIN (NO CAP), UNLESS OTHERWISE SHOWN
- - SET 1/2" IRON PIN
- - ANGLE POINT, NO CORNER SET

ORIGINAL SURVEY
TO SET OUT A NEW

0.35 ACRE TRACT FROM THE PARENT TRACT
RECORDED IN DOCUMENT NO. 2019-01414
A PART OF
LOT NO. 1, PULLIAM SUBDIVISION AS RECORDED
IN PLAT BOOK NO. 23 AT PAGE NO. 33
LYING IN
UNITED STATES PRIVATE SURVEY NO. 324,
T 31 N, R 13 E, OF THE 5th P.M.

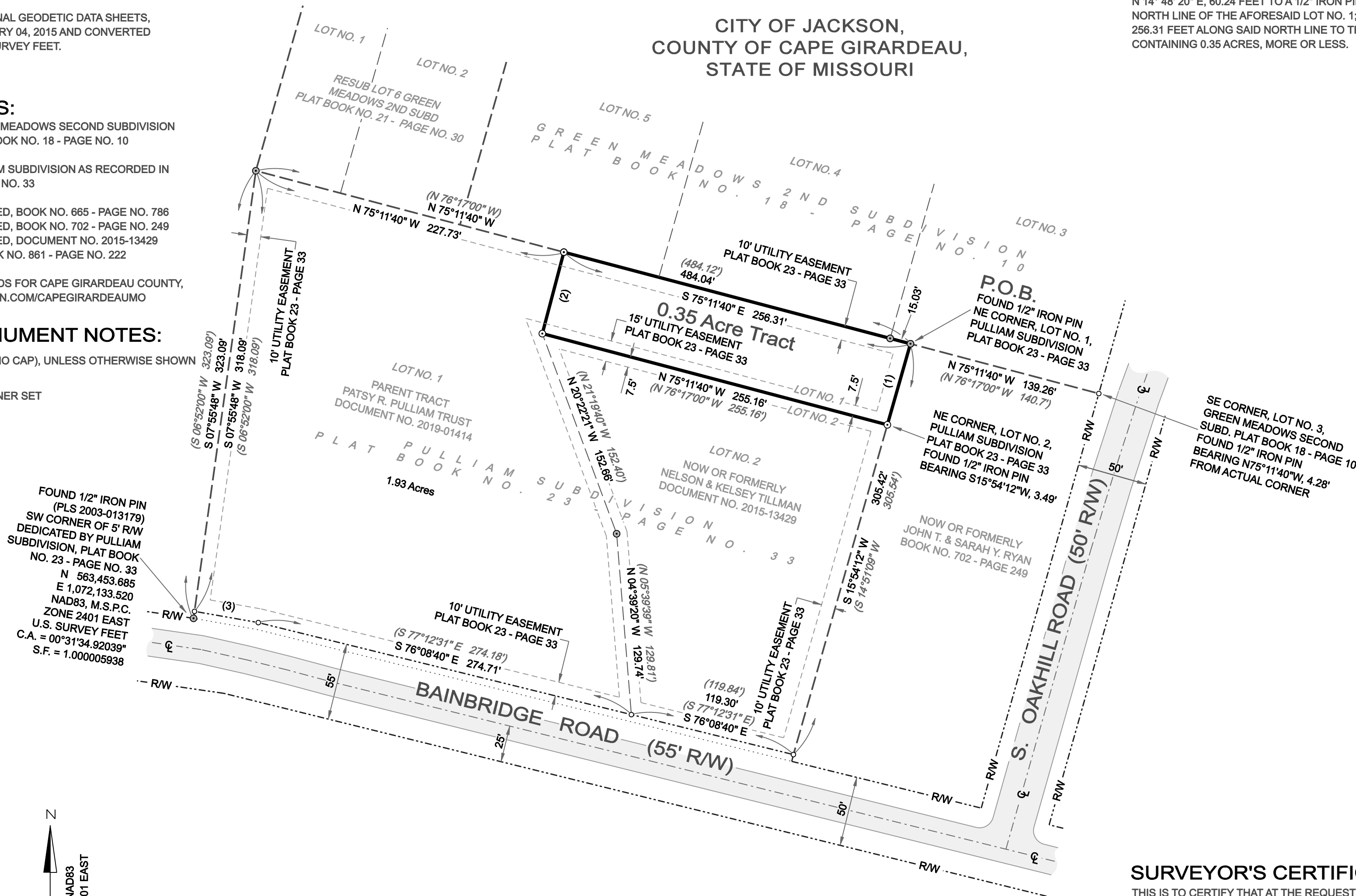
CITY OF JACKSON,
COUNTY OF CAPE GIRARDEAU,
STATE OF MISSOURI

DESCRIPTION - 0.35 ACRE TRACT

FROM PATSY R. PULLIAM, DOCUMENT NO. 2019-01414
TO JOHN T. & SARAH Y. RYAN, BOOK NO. 702 - PAGE NO. 249

A PART OF LOT NO. 1, PULLIAM SUBDIVISION AS RECORDED IN PLAT
BOOK NO. 23 AT PAGE NO. 33 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 NORTHEAST CORNER OF
LOT NO. 1, PULLIAM SUBDIVISION; THENCE S 15° 54' 12" W, 60.25
FEET ALONG THE EAST LINE OF LOT NO. 1 TO THE NORTHEAST CORNER OF
LOT NO. 2 OF SAID SUBDIVISION; THENCE N 75° 11' 40" W,
255.16 FEET ALONG THE NORTH LINE OF SAID LOT NO. 2 TO A 1/2"
IRON PIN (SET) AT THE NORTHWEST CORNER THEREOF; THENCE
N 14° 48' 20" E, 60.24 FEET TO A 1/2" IRON PIN (SET) ON THE
NORTH LINE OF THE AFORESAID LOT NO. 1; THENCE S 75° 11' 40" E,
256.31 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING,
CONTAINING 0.35 ACRES, 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 JOHN RYAN
THE TRACT SHOWN HEREON WAS 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 HERETO SET MY SEAL AND SIGNATURE

THIS 11th DAY OF January, 2022 A.D.

R. CHRISTOPHER BOWEN

MO. P.L.S. #2232

Bowen
ENGINEERING & SURVEYING
Consulting Engineers • Land Surveyors • Testing Laboratories

2121 Megan Drive
Cape Girardeau, MO 63701
Ph 573.339.5900
Fax 573.339.1391
www.bowensurvey.com

Bowen Engineering & Surveying, P.C.
Engineering Corporation - Missouri State Certificate of Authority #000383
Land Surveying Corporation - Missouri State Certificate of Authority #000166

JOHN RYAN
591 S. OAKHILL ROAD
JACKSON, MO 63755

DESCRIPTION	DATE

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Bowen Engineering & Surveying, P.C.

JOB NO.	S21-179
DATE	JAN. 10, 2022
FILE	S21179.DGN
CAICE	S21179.ZIP
DWN BY	JAR
CKD BY	CCK
SCALE	1" = 60'

ORIGINAL
SURVEY

SHEET NO.
1 of 1

Staff Report

ACTION ITEM: Request for a Special Use Permit for an in-home bakery as a home occupation in an R-2 Single Family Residential District at 828 Eagle Drive

APPLICANT: Darrell & Mandy Hatfield

APPLICANT STATUS: Property Owners

PURPOSE: To bake as a home occupation and provide the baked items for sale through local businesses.

SIZE: Approx. 8,700 s.f.

PRESENT USES: Single family residence

PROPOSED USE: Same, with home occupation by occupant

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

HISTORY: This property is located in Fairway Estates Subdivision

TRANSPORTATION AND PARKING: All required street frontage and parking currently exist.

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.

R-2 Residential 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 R-2 Single-family residential district. The purpose of the R-2 Single-family residential district is to provide for compact, detached single-family residential development, excluding two-family and multifamily housing, with provisions for adequate light, air, and open space.

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
 - a. Detached single-family dwellings.
 - b. Bed and breakfast dwellings, with a special use permit only.
 - 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) 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.

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: This house is located on a curving corner of Eagle Drive.

COMMENTS: Home occupations are required to comply with the definition and regulations in the zoning code as shown above.

ACTION REQUIRED: The Commission has the option to hold a public hearing prior to voting. The P&Z vote serves as a recommendation to the Board of Aldermen. A public hearing is required at the Board of Aldermen level. A negative recommendation from P&Z requires a 2/3 majority vote of the entire board (6 positive votes) to approve the application.



REZONING / SPECIAL USE PERMIT APPLICATION
City of Jackson, Missouri

APPLICATION DATE: January 25, 2022

TYPE OF APPLICATION: Rezoning ☒ **Special Use Permit**

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

828 Eagle Dr. Jackson MO 63755

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

Property Owner Name(s): Darrell & Mandy Hatfield

Mailing Address: 828 Eagle Drive

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): N/A

Mailing Address: N/A

City, State, ZIP: N/A

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Cheryl Burlbaugh

Mailing Address: 211 Paradise Lane

City, State ZIP: Oak Ridge MO 63769

Contact's Phone: 573-266-3292

Email Address (if used): _____

CURRENT ZONING: (check all that apply)

☐ R-1 (Single-Family Residential)

☒ R-2 (Single-Family Residential)

☐ R-3 (One- And Two-Family Residential)

☐ R-4 (General Residential)

☐ MH-1 (Mobile Home Park)

☐ O-1 (Professional Office)

☐ CO-1 (Enhanced Commercial Overlay)

☐ C-1 (Local Commercial)

☐ C-2 (General Commercial)

☐ C-3 (Central Business)

☐ C-3 (Central Business)

☐ C-4 (Planned Commercial)

☐ I-1 (Light Industrial)

☐ I-2 (Heavy Industrial)

☐ I-3 (Planned Industrial Park)

CURRENT USE OF PROPERTY: Residence Single Family

PROPOSED ZONING: (check 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) |

PROPOSED USE OF PROPERTY: I wish to bake as an 'in-home' occupation with the intention of wholesaling my products to local businesses

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.

There are no particular benefits to the neighborhood but there is also no intention of changing the residential character of our home or the neighborhood. As for the City of Jackson, I hope the benefit to our community is to have access to gluten free sweets and to help those with dietary restrictions... in regard to sweets.

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.)*

X Mandy Hatfield

X Danice Hatfield

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

WARRANTY DEED

This Warranty Deed made and entered into this 14 day of April, 2016, by and between **Janey T. Foust and Alan W. Foust, Trustees of The Alan W. and Janey T. Foust AB Living Trust dated March 14, 2007**, hereinafter referred to as **GRANTOR**, and **Darrell Hatfield and Mandy Hatfield, husband and wife**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEES**. The mailing address of the Grantees is:

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:

All of Lot One (1) in Block Three (3) of Fairway Estates, a subdivision in the City of Jackson, County of Cape Girardeau, State of Missouri, as shown by plat filed for record in Plat Book 16 at Page 44 in the land records of Cape Girardeau County, Missouri.


Janey T. Foust and Alan W. Foust further state that they are the current acting trustees of the **The Alan W. and Janey T. Foust AB Living Trust dated March 14, 2007** that said trust has not been amended or revoked, and that he/she/they have the authority, under of the terms of said trust, to convey the subject property.

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.

828 Eagle Dr

Write a description for your map.

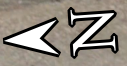
Legend

 828 Eagle Dr



Google Earth

© 2022 Google



6.91 ft



828 Eagle Drive Special Use Permit Request
Location Map



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)

☐ R-1 (Single-Family Residential)

☐ R-2 (Single-Family Residential)

☐ R-3 (One- And Two-Family Residential)

☒ R-4 (General Residential)

☐ MH-1 (Mobile Home Park)

☐ O-1 (Professional Office)

☐ CO-1 (Enhanced Commercial Overlay)

☐ C-1 (Local Commercial)

☐ C-2 (General Commercial)

☐ C-3 (Central Business)

☐ C-3 (Central Business)

☐ C-4 (Planned Commercial)

☐ I-1 (Light Industrial)

☐ I-2 (Heavy Industrial)

☐ 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:

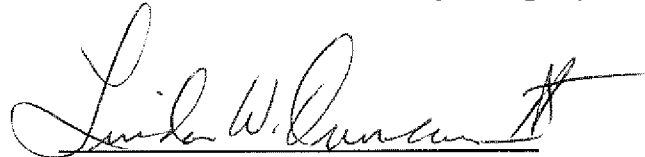
See attached Exhibit "A"

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**

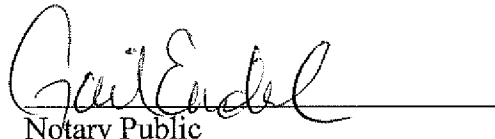


**By: Lindon W. Duncan, II
Its: Manager**

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:

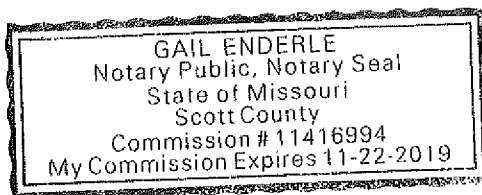
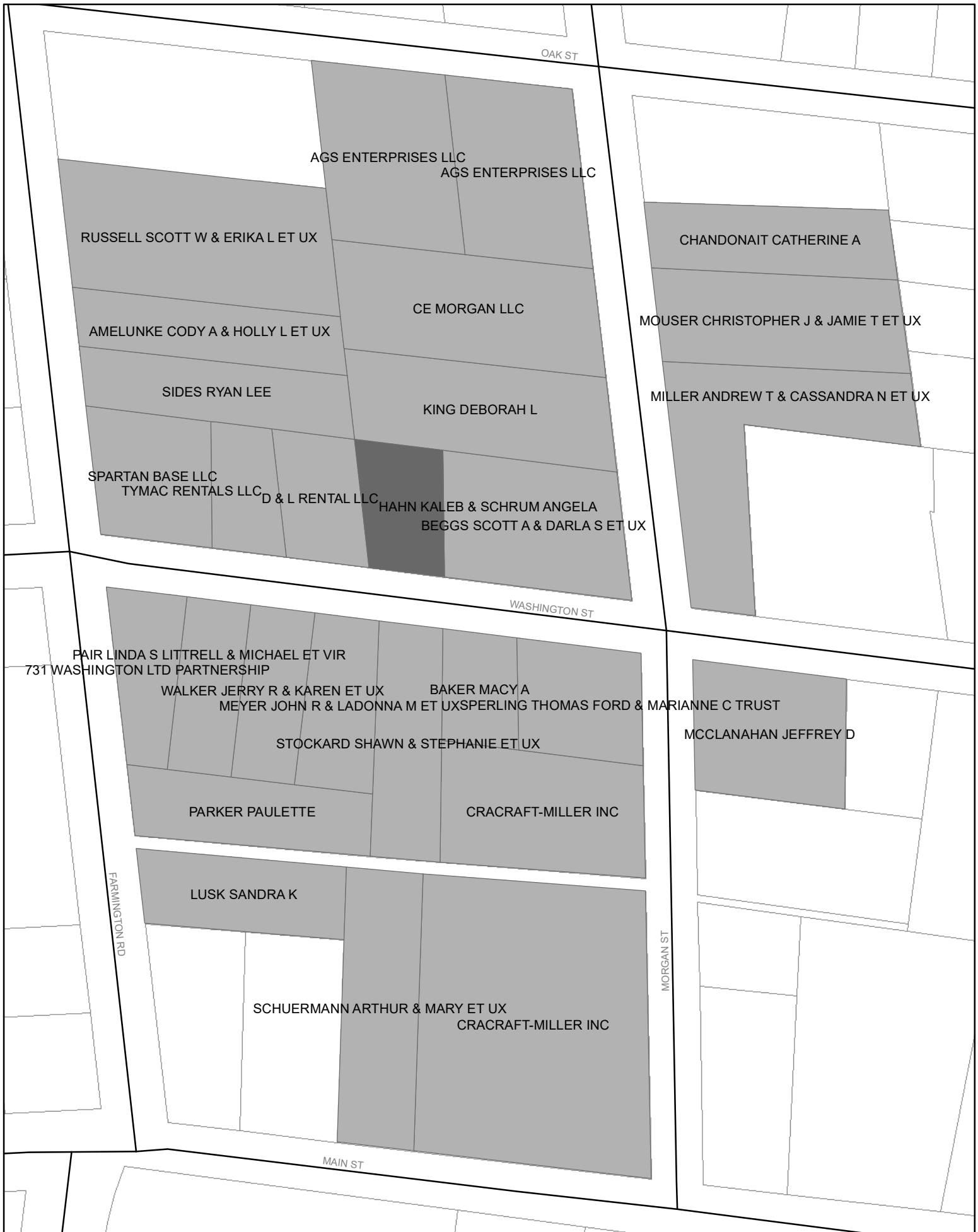


Exhibit A

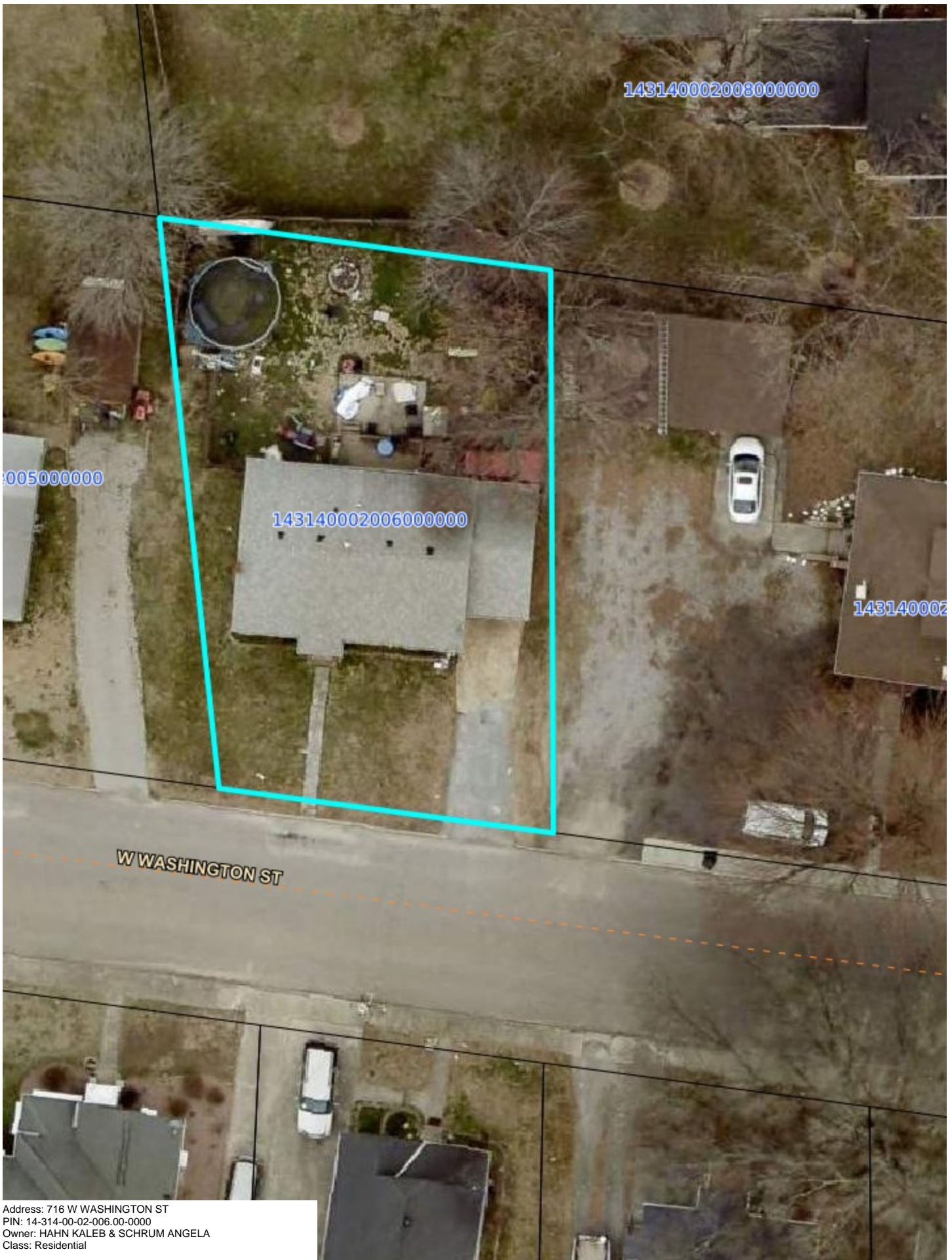
TRACT NO. 1: ALL THE WEST 59 FEET OF LOT NUMBERED EIGHT (8) IN BLOCK NUMBERED TWO (2) OF MORGANS SECOND ADDITION TO THE CITY OF JACKSON, THE EAST LINE OF THE PART OF THE LOT INTENDED TO BE CONVEYED TO BE PARALLEL TO THE EAST LINE OF SAID LOT 8. TRACT NO. 2: A PARCEL OF LAND BEING A PART OF LOT NUMBERED 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.
Location Map




716 W. Washington St.
Properties Within 185'



Address: 716 W WASHINGTON ST
PIN: 14-314-00-02-006.00-0000
Owner: HAHN KALEB & SCHRUM ANGELA
Class: Residential

716 W Washington St.
Write a description for your map.

Legend

 716 W Washington St



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.

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.

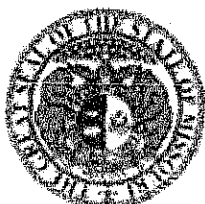


► Other Information

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Missouri Senate



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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**

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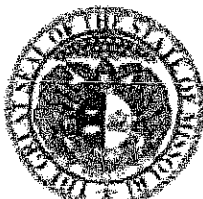


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