

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

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

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

Approval of the January 12, 2021)
regular meeting minutes)

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

PUBLIC HEARING

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

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

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

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

because he is hard of hearing and did not hear what was said. He said the storage facility will be built whether or not the property is annexed. If it is in the city, it will be another utility customer and tax payer for the city.

Mr. Raffier asked if the property was sold, could it be another C-2 use and was the Commission opposed to a special use permit.

Commissioner Fadler pointed out that Old Orchard Road was built as a commercial street and the property along it was supposed to be commercial. The developer of McKendree Crossing requested to put a residential subdivision in the middle of it. Commissioner Fadler asked for confirmation from Mrs. Sanders.

Mrs. Sanders agreed it is constructed as a commercial street with a 100' right of way to allow it to be expanded to a four lane road with a turn lane in the future.

Mr. Raffier said since the city approved the residential subdivision, they should uphold those standards around their neighborhood.

Finding no others wishing to speak, Chairman Seabaugh closed the hearing.

OLD BUSINESS

Request for 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 on successful annexation.)

Commissioner Bartels made a motion to approve the rezoning, seconded by Commissioner Weber and the item was opened for discussion.

Mrs. Sanders was asked if another zone and a special use permit is possible. She said an intermediate zoning can be granted with a special use permit, but the more appropriate zoning would be C-1 Local Commercial, not residential, and that raises a question of spot zoning. The C-1 district allows a lesser group of commercial uses and is intended to be a neighborhood type commercial zone. If the Commission decides to consider an intermediate zone, the item must be tabled to allow new notification to the surrounding properties.

Mr. Raffier spoke from the rear, saying there are still a lot of commercial uses allowed in C-1 including medical marijuana dispensaries. He would like R-3 or R-4 and his house is the closest. He is not concerned with the storage sheds but what would happen with a change in ownership.

Finding no further discussion among the Commission, Chairman Seabaugh called for a vote and the motion was unanimously approved.

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comprehensive Plan Update)

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

Consider a motion to add items to the)
agenda)

No items were added to the agenda.

Adjournment)

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

Respectfully submitted,

Tony Koeller
Planning and Zoning Commission Secretary

Attest:

Janet Sanders
Building & Planning Manager

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