



City of Jackson

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

The Planning & Zoning Commission of Jackson, Missouri, hereby notifies the Board of Aldermen, the applicant, and the public of its action taken on May 10, 2023, at a regular meeting in consideration of the following:

Request for a comprehensive rezoning of 403 and 409 East Main Street and 108 South Georgia Street from an I-2 Heavy Industrial District to a C-3 Central Business District.

Applicant: **City of Jackson**

Filing Date of Application/Fee: **March 20, 2023**

Submission Date of Application to Commission: **May 10, 2023**

Public Hearing Date: **Waived**

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

Administrative Staff Findings:		Yes/	No
1.	Application provided all necessary information:	<u>X</u>	<u> </u>
2.	Generally conforms with City Comprehensive Plan:	<u>X</u>	<u> </u>
3.	Generally conforms with Major Street Plan :	<u>X</u>	<u> </u>
Planning & Zoning Commission Findings:		Yes/	No
1.	Creates adverse effects on adjacent property:	<u> </u>	<u>X</u>
2.	Creates adverse effects on traffic movement or safety:	<u> </u>	<u>X</u>
3.	Creates adverse effects on fire safety:	<u> </u>	<u>X</u>
4.	Creates adverse effects on public utilities:	<u> </u>	<u>X</u>
5.	Creates adverse effects on general health and welfare:	<u> </u>	<u>X</u>

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

May 17, 2023


THE ABOVE APPLICATION IS:

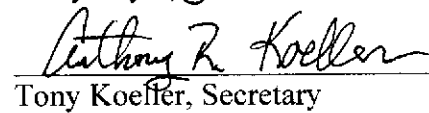
☒ **Approved**
☐ **Disapproved**
☐ **Approved with conditions specified below**

By a roll call of 7 ayes, 0 nays, 0 abstentions, and 2 absent this 10th day of May 2023.

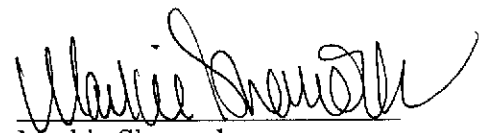
SPECIAL CONDITIONS:

CITY OF JACKSON, MISSOURI

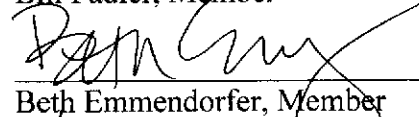

Harry Dryer, Chairman

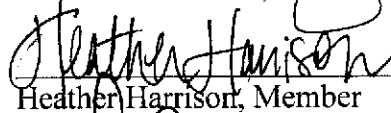

Tony Koeller, Secretary

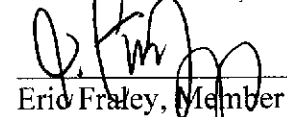
ATTEST:

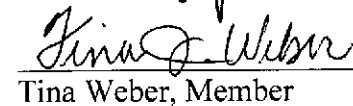

Markie Sharrock
Administrative Assistant

Bill Fadler, Member

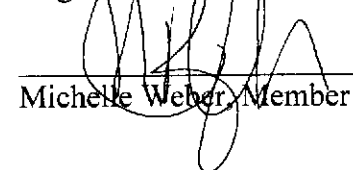

Beth Emmendorfer, Member


Heather Harrison, Member


Eric Fraley, Member


Tina Weber, Member

Angelia Thomas, Member


Michelle Weber, Member



REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: March 20, 2023

TYPE OF APPLICATION: ☒ Rezoning ☐ Special Use Permit

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

403 and 409 E Main Street / 108 S Georgia Street

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

Property Owner Name(s): Varies

Mailing Address: n/a

City, State ZIP: n/a

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

Proposed Property Owner(s): Varies

Mailing Address: n/a

City, State, ZIP: n/a

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Larry Miller, Building and Planning Manager

Mailing Address: 101 Court Street

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-243-2300

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-4 (Planned Commercial)
- ☐ I-1 (Light Industrial)
- ☒ I-2 (Heavy Industrial)
- ☐ I-3 (Planned Industrial Park)

CURRENT USE OF PROPERTY: Single-Family Residential

PROPOSED ZONING: (check all that apply)

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

PROPOSED USE OF PROPERTY: Same

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.

Request by Board of Alderman to correct non-conforming uses and properties with split zoning and to
provide for more consistent zoning area

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.

SIGNATURES:

I state upon my oath that all of the information contained in this application is true.

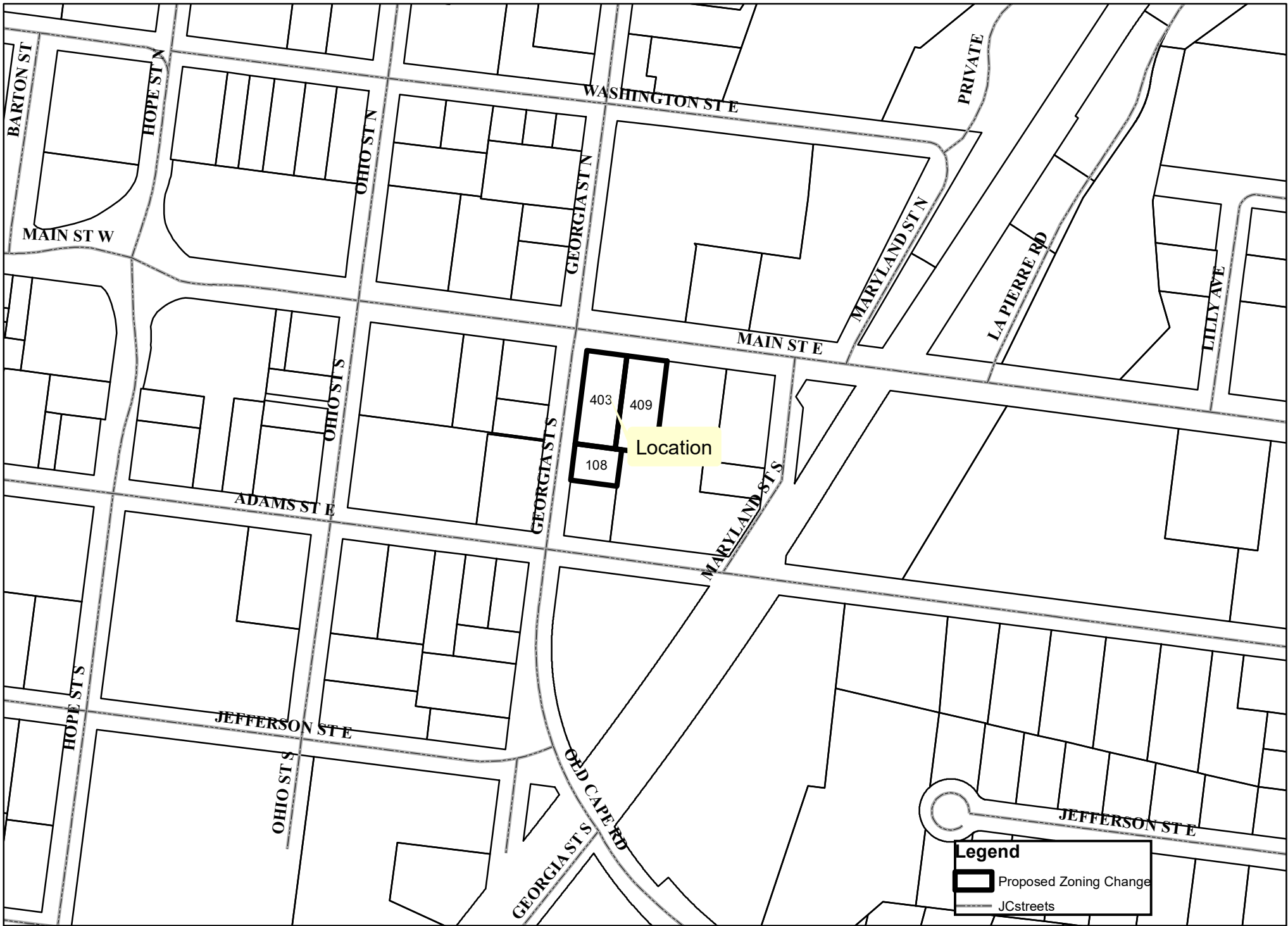
Larry Miller

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

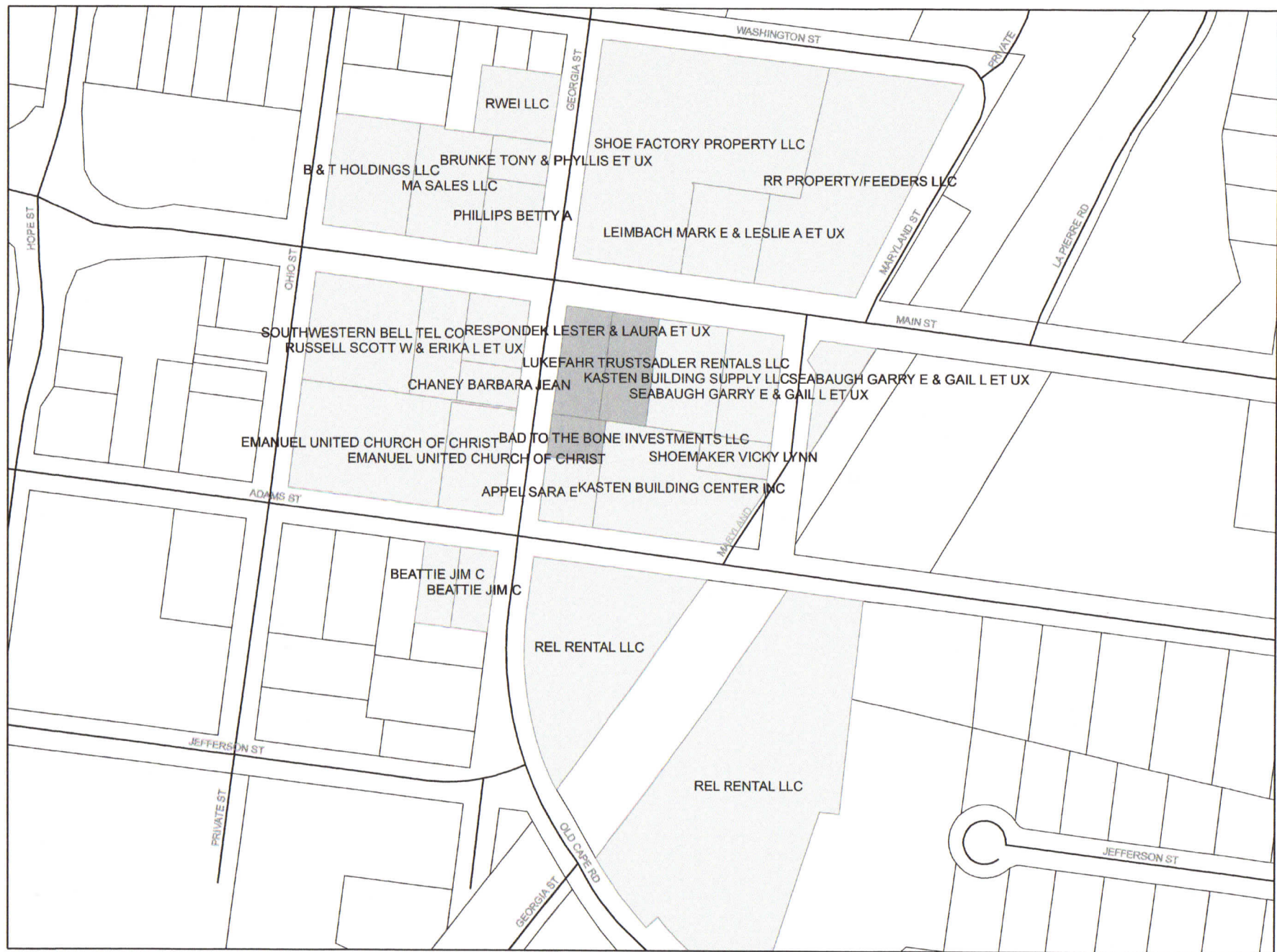
Larry Miller
Building & Planning Manager
City of Jackson
101 Court Street
Jackson, MO 63755

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

APPLICATION FEE: \$200.00

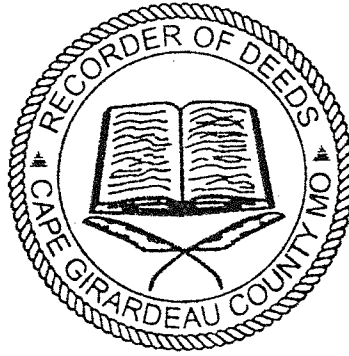


108 South Georgia Street, 403/409 East Main
Location Map



Comprehensive Rezoning - 403 & 409 E. Main and 105 S. Georgia St.
Properties Within 185'

4/7/2023 / jls



eRecorded
DOCUMENT #
2022-12121

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
11/22/2022 02:21:15 PM
REC FEE: 27.00
PAGES: 2

WARRANTY DEED

This Warranty Deed made and entered into this 22nd day of November, 2022, by and between **Bad to the Bone Investments LLC, a Missouri Limited Liability Company**, hereinafter referred to as **GRANTOR**, and **Bryan White, a single person**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEE**. The mailing address of the Grantee is:

108 S. Georgia Street, Jackson, MO 63755

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:

All of the North 60 feet of the West one-half of Lot 161, on the official plat of the Original Town, now City of Jackson, Cape Girardeau County, Missouri, recorded in Plat Book 1 at Page 21 of the land records of said county, fronting 60 feet on Third East Street (now S. Georgia Street) and having a depth of 74.25 feet.

Also an easement from the Southeast corner of the above lot South to Adams Street (1st South Street) over a ten foot strip inside the South part of the West one-half of said Lot 161 for the purpose of constructing and maintaining a sewer.

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

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

GRANTOR:

Bad to the Bone Investments LLC, a
Missouri Limited Liability Company

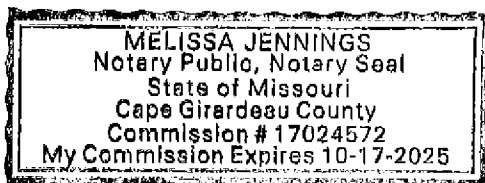
BY: Mark Whitaker
Mark Whitaker, Manager

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

On this 02 day of November, 2022, before me personally appeared **Mark Whitaker**, the **Manager of Bad to the Bone Investments 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 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:

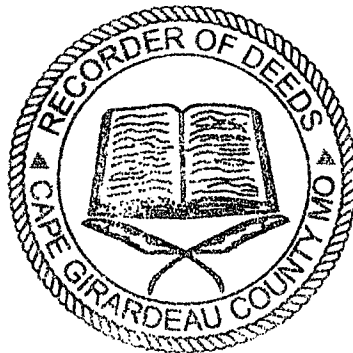


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Tx:4073119

DOCUMENT #
2015-03863



ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
04/23/2015 8:53:14 AM
REC FEE: 27.00
PAGES: 2

Title of Document: **QUITCLAIM DEED**
Date of Document: April 16, 2015
Grantor(s)/Donor: Pervis L. Lukefahr and Judy F. Lukefahr, husband and wife
Grantee(s)/Donee: Pervis L. Lukefahr and Judy F. Lukefahr, Trustees of the Lukefahr Living Trust dated April 16, 2015, and any amendments thereto.
Mailing Address(s): HC 1 Box 76 A, Leopold, MO 63760
Legal Description: See Below
Reference Book and Page: Book 1005; Page 472

This Deed, made and entered into by and between PERVIS L. LUKEFAHR and JUDY F. LUKEFAHR, husband and wife ("Grantors"), whose mailing address is: HC 1 Box 76 A, Leopold, MO 63760, and Pervis L. Lukefahr and Judy F. Lukefahr, Trustees of the Lukefahr Living Trust dated April 16, 2015, and any amendments thereto. ("Grantee"), whose mailing address is: HC 1 Box 76 A, Leopold, MO 63760.

Witnesseth, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged;

Grantor does hereby Remise, Release and forever Quitclaim to Grantee, and Grantee's heirs and assigns, the following described real property in Cape Girardeau County, Missouri:

Sixty Four and One Fourth feet (64 $\frac{1}{4}$ ') off the West side of Lot No. One Hundred Sixty (160) of the City of Jackson, Missouri, fronting Sixty Four and One Fourth feet (64 $\frac{1}{4}$ ') on Main Street by One Hundred Forty Eight and One Half feet (148 $\frac{1}{2}$ ') deep on Third Street, and being same Lot acquired from Emmitt Summers by Warranty Deed recorded in Book 39 at Page 253 of the Cape Girardeau County Land Records.

Subject to all easements, rights-of-way and restrictions affecting the same either written or implied.

Legal description provided by clients and not independently verified by our office.

Property is more commonly known as 403 E. Main Street, Jackson, MO 63755.

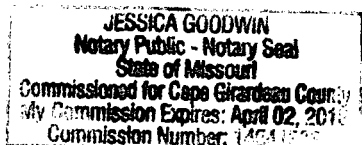
To have and to hold the same, with all rights, immunities, privileges and appurtenances thereto belonging, unto Grantee and Grantee's heirs and assigns, forever; so that neither Grantor, nor Grantor's heirs, nor any other person or persons for Grantor or in Grantor's name or behalf, shall claim or demand any right or title to these premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

Judy F. Lukefahr
Judy F. Lukefahr
Grantor

On this 16th day of April, 2015, before me personally appeared PERVIS L. LUKEFAHR and JUDY F. LUKEFAHR, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Jessica Good

SEAL





8 1 6 8 3 7 4
Tx:4099029

DOCUMENT #
2017-02168

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
02/24/2017 2:08:31 PM
REC FEE: 27.00
PAGES: 2



CORPORATION SPECIAL WARRANTY DEED

THIS INDENTURE, made on the 24th day of February, 2017, by and between **WOOD & HUSTON BANK**, a Missouri Banking Corporation, Grantor, and **SADLER RENTALS, LLC**, a Limited Liability Company, organized under the laws of the State of Missouri (mailing address: Post Office Box 2, Jackson, MO 63755), Grantee.

WITNESSETH: THAT THE SAID GRANTOR, in consideration of the sum of ONE and MORE DOLLARS, to it paid by the said Grantee (the receipt of which is hereby acknowledged) does by these presents SELL and CONVEY unto the said Grantee, its successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Cape Girardeau and State of Missouri, to-wit:

Part of Lot 160 of the Original Town (Now City) of Jackson, Missouri, described as follows: Commence at the Northwest corner of said Lot 160 and run East parallel with the South line of Main Street, 64 1/4 feet to a stake for a place of beginning; thence run East with the North line of said lot and South line of Main Street, 64 1/4 feet; thence South parallel with the East line of said Lot, 148 1/2 feet to the South line of said lot; thence West 64 1/4 feet with the South line of said lot to a stake; thence North, 148 1/2 feet parallel with the East line of Third East Street and West side of said lot to the place of beginning. Subject to terms, conditions, restrictions, reservations and easements of record, if any.

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 **WOOD & HUSTON BANK** hereby covenanting that the said premises are

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed by its Cape Girardeau Branch President the day and year first above written.

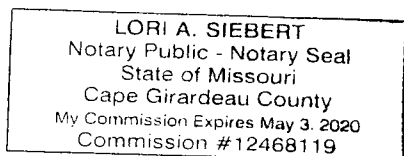


BY: Clint Karnes
Clint Karnes, President

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

On this 24th day of February, 2017, before me the undersigned Notary Public in and for the State of Missouri, appeared **Clint Karnes** to me personally known, who being by me duly sworn, did say that he is President of the Cape Girardeau Branch of the Wood & Huston Bank, a Missouri Banking Corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and did acknowledge said instrument to be the free act and deed of said corporation and for the purposes therein stated.

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



Joni A. Subert
NOTARY PUBLIC