

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF JACKSON, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF JACKSON, MISSOURI, FROM R-1 TO C-2, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI.

WHEREAS, KB413, LLC, owner of a certain tract of land herein referred to, has heretofore submitted to the City Planning and Zoning Commission for its consideration the rezoning of certain territories located in the City of Jackson, Missouri, said properties being described as all of 2336 South Old Orchard Road within the city limits as set out in Exhibit A which is attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the City Planning and Zoning Commission has heretofore reported to the Board of Aldermen that it approved the requested zoning change; and,

WHEREAS, the City Planning and Zoning Commission and the Board of Aldermen have heretofore complied with all of the provisions of Chapter 65 of the Code of Ordinances of the City of Jackson, Missouri; and,

WHEREAS, the Board of Aldermen believes it is in the best interest of the citizens of the City of Jackson, Missouri, to rezone the aforesaid area as requested by the applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That the Zoning Ordinance and the accompanying "Official Zoning District Map" of the City of Jackson, Missouri, are hereby amended insofar as they relate to the property described on Exhibit A which is attached hereto and incorporated herein as if fully set forth; that

said property is hereby rezoned from R-1 Single-Family Residential District to C-2 General Commercial District.

Section 2. That the application for rezoning as submitted by the owner is attached hereto, marked Exhibit A and incorporated herein as if fully set forth.

Section 3. That the City Clerk of the City of Jackson, Missouri, shall and is hereby directed to amend the "Official Zoning District Map" of the City of Jackson, Missouri, and to certify same and to keep said map on file in the office of the City Clerk and an updated copy shall be placed at City Hall, City of Jackson, Missouri.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: _____.

SECOND READING: _____.

PASSED AND APPROVED this _____ day of _____, 2022, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

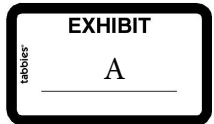
BY: _____
Mayor

ATTEST:

City Clerk



City of Jackson



CITY OF JACKSON, MISSOURI PLANNING & ZONING COMMISSION REZONING REQUEST: 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 December 8, 2021, at a regular meeting in consideration of the following:

Request for rezoning 4.0 acres of 2336 South Old Orchard Road from R-1 Single Family Residential to C-2 General Commercial

Applicant: **KB413, LLC**

Filing Date of Application/Fee: **November 23, 2021**

Submission Date of Application to Commission: **December 8, 2021**

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: ☐ Yes ☐ No
2. Generally conforms with City Comprehensive Plan: ☐ Yes ☐ No
3. Generally conforms with Major Street Plan: ☐ Yes ☐ No

Planning & Zoning Commission Findings: Yes/No

1. Creates adverse effects on adjacent property: ☐ No ☐ Yes
2. Creates adverse effects on traffic movement or safety: ☐ No ☐ Yes
3. Creates adverse effects on fire safety: ☐ No ☐ Yes
4. Creates adverse effects on public utilities: ☐ No ☐ Yes
5. Creates adverse effects on general health and welfare: ☐ No ☐ Yes

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:

THE ABOVE APPLICATION IS:

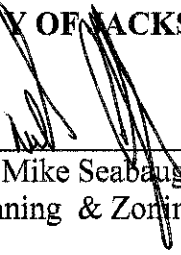
☒ **Approved**
☐ **Disapproved**
☐ **Approved with conditions specified below**

By a roll call of 8 ayes, 0 nays, 0 abstentions and 1 absent this 8th day of December, 2021.

Special Conditions:

THIS APPROVAL IS CONTINGENT UPON SUCCESSFUL ANNEXATION

CITY OF JACKSON, MISSOURI


By: Mike Seabaugh, Chairman
Planning & Zoning Commission

ATTEST:

By: 
Janet Sanders, Building &
Planning Manager



REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 10-15-2021

TYPE OF APPLICATION: X Rezoning Special Use Permit

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

2336 Old Orchard Rd

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

Property Owner Name(s): KB413, LLC

Mailing Address: 1210 Greenwood Dr.

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: SAME AS ABOVE

City, State, ZIP:

CONTACT PERSON HANDLING APPLICATION:

Contact Name: John W. King III (Bill)

Mailing Address: 1385 Kimbel Lane

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-225-6440

Email Address (if used): bill@united-lt.com

CURRENT ZONING: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential) | <input type="checkbox"/> C-1 (Local Commercial) |
| <input type="checkbox"/> R-2 (Single-Family Residential) | <input checked="" 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) |

NONE

CURRENT USE OF PROPERTY: Vacant

PROPOSED ZONING: (check all that apply)

- | | | | |
|------|-----------------------------------|------------|-----------------------------|
| R-1 | (Single-Family Residential) | C-1 | (Local Commercial) |
| R-2 | (Single-Family Residential) | <u>C-2</u> | <u>(General Commercial)</u> |
| 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: Sports facility / Gym

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.

DRAWINGS (FOR SPECIAL USE PERMITS ONLY): If one or more buildings or other structures are to be added to the property for a special use permit, attach a scaled plat of the tract(s) showing the location of all buildings. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

SURROUNDING PROPERTY OWNERS: A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated by the City as part of this application. The 185' distance is exclusive of right-of-ways. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

OWNER SIGNATURES:

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*

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

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

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

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

Tract 1 - Description

THAT PART OF U.S.P.S. NO. 788 AND THAT PART OF U.S.P.S. NO. 202, ALL IN TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 9, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE NORTH 83°32'12" WEST ALONG THE NORTH LINE OF SAID U.S.P.S. NO. 788, 132.00 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 18°38'48" WEST 248.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AN OVERHEAD ROAD TO INTERSTATE 55 FOR THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, NORTH 68°42'48" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 78.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF INTERSTATE ROUTE 55; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, SOUTH 21°17'12" EAST ALONG SAID EAST RIGHT OF WAY LINE, 498.80 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 68°12'18" WEST 222.13 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF SOUTH OLD ORCHARD ROAD; THENCE NORTH 48°23'12" WEST ALONG SAID NORTHERN RIGHT OF WAY LINE, 522.39 FEET TO THE INTERSECTION OF SAID NORTHERN RIGHT OF WAY LINE AND SAID SOUTH RIGHT OF WAY LINE OF SAID OVERHEAD ROAD TO INTERSTATE 55; THENCE LEAVING SAID NORTHERN RIGHT OF WAY LINE, AND ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING COURSES, NORTH 42°11'48" EAST 112.68 FEET; THENCE NORTH 79°35'40" EAST 73.19 FEET; THENCE NORTH 69°09'31" EAST 97.40 FEET; THENCE NORTH 68°42'48" EAST 111.94 FEET TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 4.00 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, AND LICENSES AFFECTING THE SAME, EITHER WRITTEN OR IMPLIED.

Tract 2 - Description

¹⁴ "NOT INCLUDED"

THAT PART OF U.S.P.S. NO. 788, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE FROM THE POINT OF BEGINNING, CONTINUE SOUTH 21°17'12" EAST ALONG SAID WEST RIGHT OF WAY LINE, 216.20 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 12°45'21" EAST 101.09 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 68°42'48" WEST 46.33 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF SOUTH OLD ORCHARD ROAD; THENCE NORTH 48°23'12" WEST ALONG SAID NORTHERN RIGHT OF WAY LINE, 352.96 FEET; THENCE

a.

BOUNDARY SURVEY FOR BILL KING

Part of U.S.P.S. No. 788 and U.S.P.S. No. 202,
Township 31 North, Range 13 East of the Fifth
Principal Meridian, Cape Girardeau County, Missouri.



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THENCE FROM THE POINT OF BEGINNING, NORTH 68°42'48" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 78.08 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF INTERSTATE ROUTE 55; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, SOUTH 21°17'12" EAST ALONG SAID EAST RIGHT OF WAY LINE, 488.80 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 88°12'18" WEST 222.13 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF SOUTH OLD ORCHARD ROAD; THENCE NORTH 48°23'12" WEST ALONG SAID NORTHERN RIGHT OF WAY LINE, 522.39 FEET TO THE INTERSECTION OF SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH RIGHT OF WAY LINE OF SAID OVERHEAD ROAD TO INTERSTATE 55; THENCE LEAVING SAID NORTHERN RIGHT OF WAY LINE, AND ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING COURSES, NORTH 42°11'48" EAST 112.68 FEET; THENCE NORTH 79°33'40" EAST 73.19 FEET; THENCE NORTH 69°09'31" EAST 97.40 FEET; THENCE NORTH 68°42'48" EAST 111.94 FEET TO THE POINT OF BEGINNING.

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TRACT 2 - DESCRIPTION "NOT INCLUDED"

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THE HEREIN DESCRIBED TRACT CONTAINS 1.01 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 NEW PARCELS FROM A TRACT DESCRIBED IN DOC. NO. 2016-07094 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 _____

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
BILL KING
2336 S. OLD ORCHARD RD
JACKSON, MO**

SCALE	1"=100'
DATE	11-02-2021
DRAWN BY	RA
CHECKED BY	DR
PROJECT #	21-220



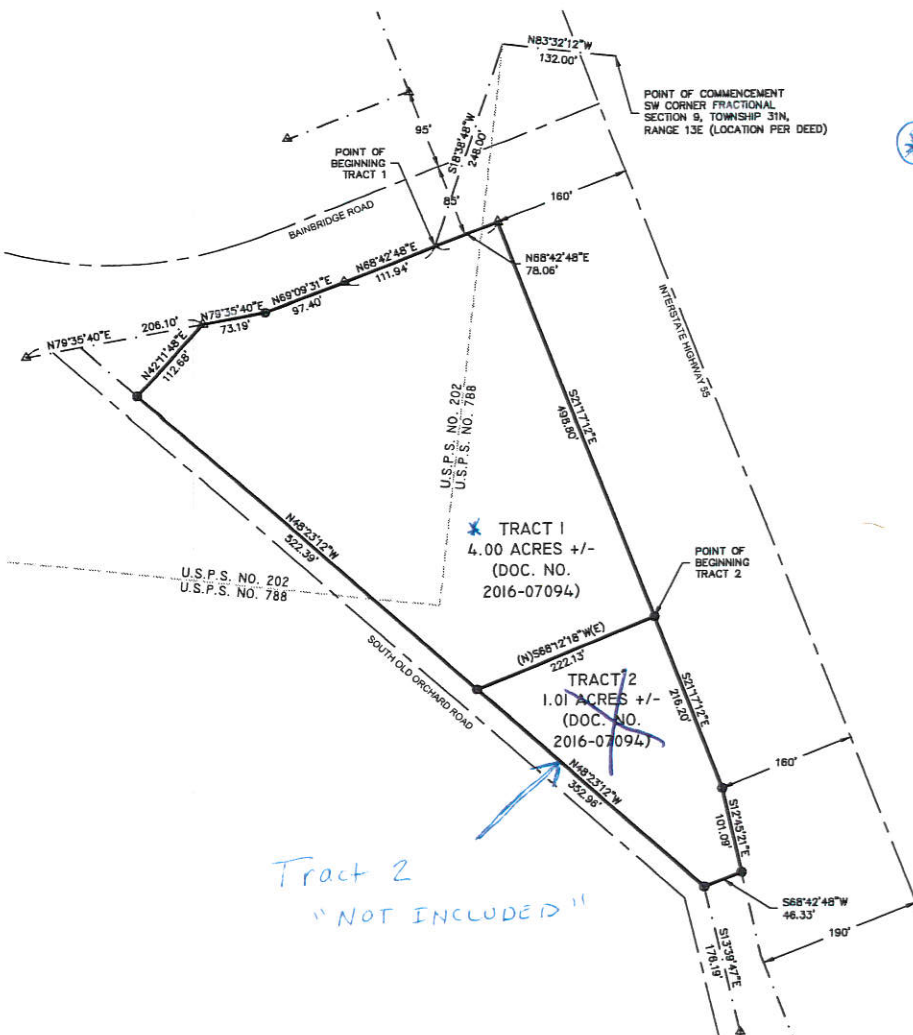
- REFERENCES
1. DOCUMENT NO. 2016-07094 (SUBJECT)
 2. INTERSTATE ROUTE 55 PLANS
 3. SURVEY BY BRIAN W. STRICKLAND, PLS 2005000069, DATED 06-13-05

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 2ND DAY OF NOVEMBER 2021.

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



b.



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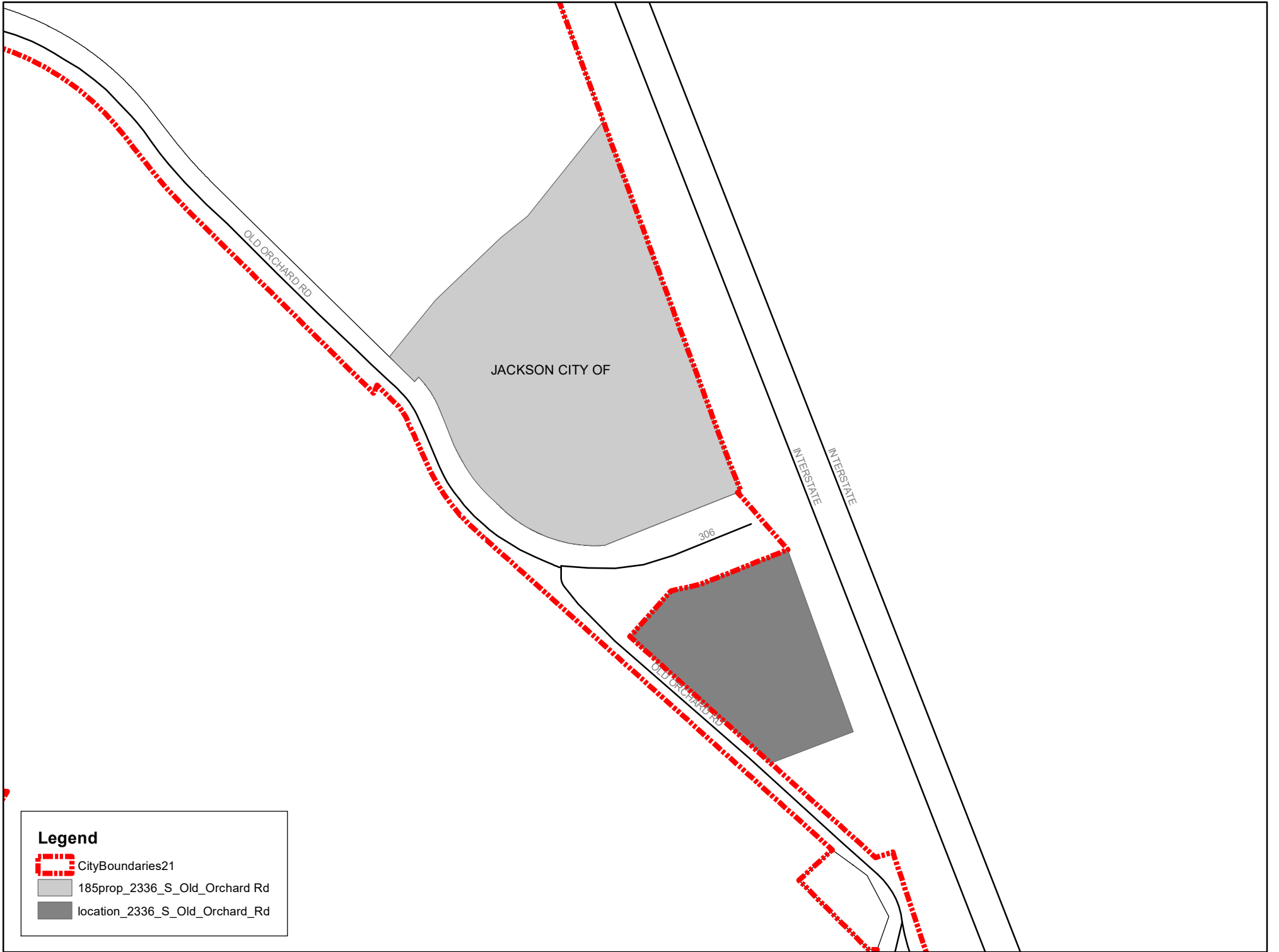
Tract 2 - Description

¹⁴ "NOT INCLUDED"




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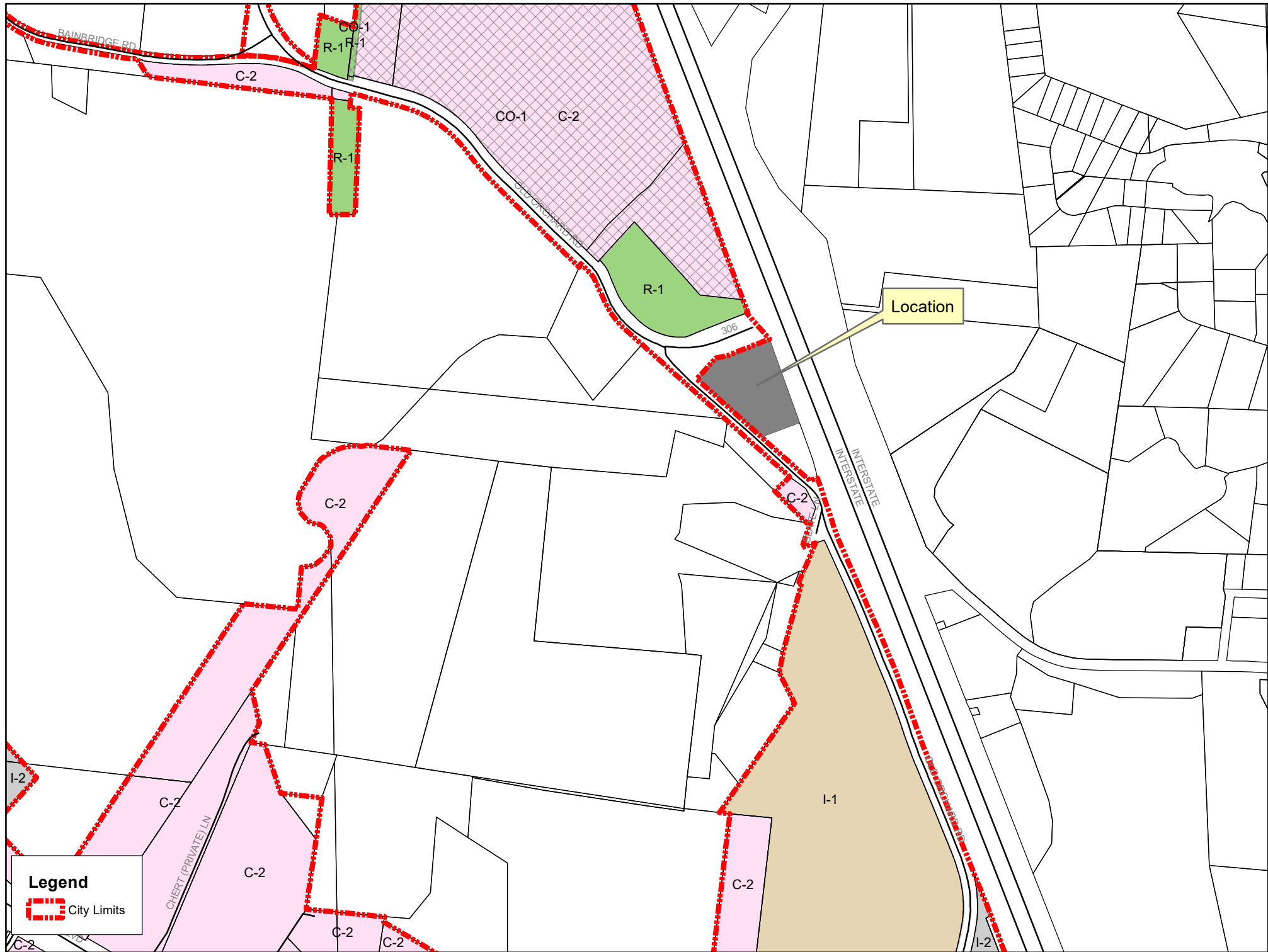
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Legend

-  CityBoundaries21
-  185prop_2336_S_Old_Orchard Rd
-  location_2336_S_Old_Orchard_Rd





2336 S. Old Orchard Rd.
Surrounding Zoning

12/1/2021 / jls

