



**CITY OF JACKSON**  
**PLANNING & ZONING COMMISSION MEETING AGENDA**

**Wednesday, September 14, 2022 at 6:00 PM**

**City Hall, 101 Court Street, Jackson, Missouri**

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Bill Fadler  
Tony Koeller  
Michelle Weber  
Tina Weber

**Harry Dryer, Chairman**  
Joe Baker, Alderman Assigned  
Mike Seabaugh, Alderman Assigned  
Janet Sanders, Staff Liaison

Angelia Thomas  
Heather Harrison  
Beth Emmendorfer  
Eric Fraley

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Approval of minutes of August 10, 2022 meeting.

**PUBLIC HEARINGS**

**OLD BUSINESS**

2. Request for approval of a preliminary plat of Savers Farm Subdivision Phase 9 submitted by Cape Land & Development, LLC.

**NEW BUSINESS**

3. Request for rezoning of property addressed as 385-389-391 Timber Lane from R-1 Single-Family Residential to R-4 General Residential submitted by JWRPM Properties, LLC
4. Request for a Special Use Permit for a towing business in a C-2 General Commercial District located on 1.6 acres of 1383 South Hope Street submitted by Land Escapes, LLC.
5. Educational Session by City Attorney Curt Poore

**CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA**

**ADJOURNMENT**

This agenda was posted at City Hall on September 8, 2022 at 5:00 PM.

PLEASE OBSERVE SOCIAL DISTANCING WHEN ATTENDING THIS MEETING.

JOURNAL OF THE PLANNING & ZONING COMMISSION  
CITY OF JACKSON, MISSOURI  
WEDNESDAY, AUGUST 10, 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 Harry Dryer presiding. Also present were Commissioners Heather Harrison, Angelia Thomas, Tina Weber, Tony Koeller, Michelle Doughten Weber, Eric Fraley, and Bill Fadler. Beth Emmendorfer was absent. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Aldermen Joe Bob Baker and Mike Seabaugh were also present. Citizens present was Patrick Morgan, Brennon Todt, Melanie Balsman, Stuart Higgerson, George & Sharon Spanzynksi, Kaitlyn Cormier, Ron Kucera, Jr, and Teddy Eggimann.

Chairman Dryer called the meeting to order, and Commissioner Koeller called roll.

APPROVAL OF MINUTES )

Minutes of the July 13, 2022, meeting were unanimously approved on a motion by Commissioner Harrison, seconded by Commissioner Koeller.

PUBLIC HEARINGS

Public hearing regarding a request for a )  
Special Use Permit for a towing business )  
in a C-2 General Commercial District at )  
1405 South Farmington Road submitted )  
by Land Escapes, LLC )

Chairman Dryer opened the hearing and explained the hearing procedure. Mrs. Sanders read a report detailing the dates of application and notifications for this hearing.

Mr. Patrick Morgan came forward and gave his address as 1000 North High Street. He stated that is the current location of his towing business and he has outgrown the space. He wants to stay within the city limits and continue to offer services to the fire department for extrication training on wrecked vehicles. He currently provides wrecked vehicles any time they need to train a new employee or practice with new equipment. He said in cases of stolen vehicles, the police often perform their search of the vehicle on his lot. Being in the city limits is convenient for those departments.

Chairman Dryer confirmed with Mr. Morgan that he plans to use one half of the duplex as a residence and one half as his office space.

Commissioner Koeller asked if the training is always during business hours from 8 a.m. to 5 p.m. Mr. Morgan said there have been two times in the last five years where there was after-dark training to allow them to train with lights because accidents do not only happen during the day. They set up accident scenes for the training. Commissioner Koeller asked if nearby residents can be warned when there would be night training.

Mr. Morgan said the training operations are not loud and there will be about 400 feet of tree buffer between the towing yard and the residential properties that will deafen sound.

Commissioner Tina Weber asked how much of the property will be cleared. Mr. Morgan said his lot will be to the south in an area approximately 150' x 200' and he will build an approximately 50' x 100' building south of the lot with a cleared area in front of it.

Commissioner Koeller said 400' is more than the length of a football field. Chairman Dryer confirmed with Mrs. Sanders that the distance for individual notification is 185'. Commissioner Michelle Weber asked how many residents were notified individually. Mrs. Sanders said there were 24 including the current property owner and the City of Jackson, who also owns property within that area.

Chairman Dryer read the list of proposed special conditions, so the audience was aware. He confirmed with Mr. Morgan that he had received these conditions. He then asked if anyone else was present to speak in favor. Finding none, he asked if anyone was present to speak in opposition.

Stuart Higgerson of 1625 Jackson Ridge came forward and was sworn in. He expressed concern this will cause a negative impact on property values. He had not been aware that there would be a time limit on how long vehicles can remain on the lot. He asked what forces the 400' buffer.

George Spanzynski of 513 Jackson Ridge came forward and was sworn in. He asked what keeps them from expanding into this 400' buffer and what stops oil and gas from leaking onto the property. There is a creek in the back. Mr. Spanzynski said he has been inside the current location, and it is a mess inside.

Commissioner Koeller said this is a commercial property.

Mr. Ron Kucera, Jr. came forward and was sworn in. He gave his address as 1437-1439 Dogwood Avenue. He expressed concerns with development in the floodplain and floodway and said DNR must agree to any development in the floodplain. He wants to make sure that Mr. Morgan understands those regulations so that he does not buy property he cannot use. Mr. Kucera's business is the second on the left on Dogwood Avenue, located between Midwest Sterilization and Langford Mechanical.

Chairman Dryer invited Mr. Morgan to come forward again to answer the concerns about the buffer, the gas/oil, and the floodplain.

Mr. Morgan said that 90% of the time, any leaking gas or oil ends up on the streets during towing. For leaking vehicles, matting is placed underneath, or they are put on a concrete pad where it can be cleaned up. He was asked if DNR ever visits to his business, and he said there have been no visits. He said the 400' buffer can be a condition of the permit because he will still have room to expand to the south. He is also aware that the building will need to be elevated. Mrs. Sanders had printed for him a copy of the floodplain and floodway map.

Mrs. Sanders reminded the Commission this property will have two businesses, the towing business and the landscaping business. The landscaping business does not require a special use permit. She said Mr. Morgan had also been educated on the floodplain requirements when he was looking at a different property in the floodplain and floodway.

Clarification was then requested about whether the two businesses will be in separate locations. Mr. Morgan said they will not be separated. The office work for both will be in the same office.

The Commission briefly discussed that only five houses are directly affected.

Chairman Dryer then closed the hearing.

## OLD BUSINESS

Request for a Special Use Permit for a )  
towing business in a C-2 General )  
Commercial District at 1405 South )  
Farmington Road submitted by Land )  
Escapes, LLC )

Chairman Dryer asked for a motion on this item. Commissioner Koeller made a motion to approve the request with an additional condition that a 400-foot wooded and shrubbery area remain, to extend from the north property line. The motion was seconded by Commissioner Thomas. Commissioner Fadler pointed out to the audience that the Special Use Permit is issued to this owner and does not transfer if the property is sold. The motion was unanimously approved.

Vote: 8 ayes, 0 nays, 0 abstentions, 1 absent (with additional special condition)

Request for approval of a preliminary plat )  
of Savers Farm Subdivision Phase 9 )  
submitted by Cape Land and Development, )  
LLC )

The Commission unanimously voted to remove this item from the table on a motion by Commissioner Fadler, seconded by Commissioner Tina Weber.

Mrs. Sanders reported the application and Board of Aldermen are still in the process of completing a Memorandum of Understanding regarding the potential for privately maintained streets and other items. The engineer also has not yet submitted the response to the staff review letter for this phase. The applicant has provided written consent to extend the time frame for approval of this plat for an additional sixty days to allow these items to be completed. Mrs. Sanders requests that the item be re-tabled for up to sixty days rather than to a specific meeting date.

Commissioner Koeller made a motion to re-table this item for up to 60 days. The motion was seconded by Commissioner Thomas and was unanimously approved.

Vote (to re-table): 8 ayes, 0 nays, 0 abstentions, 1 absent

## NEW BUSINESS

Request for approval of a Land Exchange )  
Certification for division of a 61.6-acre )  
parent tract on South Old Orchard Road )  
into four tracts, all three acres or larger, )  
submitted by Villas of West Park, LLC )

Mrs. Sanders reported this is the division of the large undeveloped tract north of Buchheits on South Old Orchard Road. The land is being cleared under an existing grading permit and the owner has potential buyers for the two smaller tracts. The size of the tracts complies with the exception that allows division of up to four tracts without having to install utilities and other requirements of the Land Subdivision Regulations.

Commissioner Fraley made a motion to approve the request, seconded by Commissioner Koeller and unanimously approved.

Vote: 8 ayes, 0 nays, 0 abstentions, 1 absent

Request for approval of a Special Use )  
Permit for shipping containers as long-term )  
Storage in a C-2 General Commercial )  
District at 957 West Independence Street )  
Submitted by Brennon Todt )

Mrs. Sanders reported this is a separate special use permit from the one approved for redevelopment of the property into a high-density mixed residential development because this use is expected to be temporary for the period of redevelopment.

Mr. Brennon Todt came forward and said he has three shipping containers to allow storage of tools and building materials in a dry and safe environment.

Chairman Dryer commended him on the improvements that have been made to this property. He asked if the shipping containers will be located on vacant lots and Mr. Todt said they would.

Commissioner Koeller asked for a time frame. Mr. Todt said he expects redevelopment to take two to five years, but they have to work around current leases. There may be some re-shuffling.

Mrs. Sanders explained the difference between the short-term storage and long-term storage use of shipping containers.

Commissioner Harrison made a motion to approve the request, seconded by Commissioner Doughten and unanimously approved.

Vote: 8 ayes, 0 nays, 0 abstentions, 1 absent

Request for approval of a minor subdivision )  
Estates submitted by Teddy D. & )  
Cara E. Eggimann )

Mrs. Sanders reported this plat is to combine multiple lots and pieces of lots into two individually defined lots.

Mr. Teddy Eggimann came forward and said they own Lots 2, 3, 4, and part of Lot 5. He wants to leave Lot 2 separate and combine the other lots. He said he had his house appraised and since they only counted one 50' x 100' lot with his house, it hurt his appraisal. Commissioner Koeller confirmed that

the Eggiman's house was considered to be on a single lot and the larger portion of the property is considered to be part of the house next door that they also own. This plat will switch the larger area to his personal home.

Commissioner Koeller made a motion to approve the plat, seconded by Commissioner Weber and unanimously approved.

Vote: 8 ayes, 0 nays, 0 abstentions, 1 absent

Request for re-approval of a preliminary     )  
plat of Jackson North Industrial Park     )  
Subdivision submitted by the City of     )  
Jackson     )

Mrs. Sanders said it is again time to re-approve this plat. Preliminary plat approvals are good for one year.

Commissioner Koeller made a motion to approve the plat, seconded by Commissioner Fadler and unanimously approved.

Consider a motion to add items to the     )  
agenda     )

Mrs. Sanders informed the Commission that next month's meeting will include an educational session from the city attorney.

Adjournment     )

Commissioner Tina Weber made a motion to adjourn, seconded by Commissioner Koeller 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.*

### 60 Day Request for Extension

Cape Land and Development, LLC submitted to the Planning and Zoning Commission Savers Farm Subdivision Phase 9- Preliminary Plat. The Savers Farm Subdivision Phase 9- Preliminary Plat was supposed to be discussed at the P & Z Commission meeting scheduled for August 10, 2022.

Pursuant to the Code of the City of Jackson, Missouri Section 57-5 (d)(4), the commission and the applicant can consent to an extension of the sixty (60) daytime frame to approve or disapprove a preliminary plat.

Brandon Williams on behalf of Cape Land and Development, LLC is requesting a sixty (60) day extension for approval of the Savers Farm Subdivision Phase 9- Preliminary Plat. Cape Land and Development, LLC is requesting their Preliminary Plat be tabled during the September 14, 2022, Planning and Zoning meeting and discussed at the October 12, 2022, Planning and Zoning Commission meeting.

Cape Land and Development, LLC

A handwritten signature in black ink, appearing to read 'Brandon Williams', is written over a horizontal line.

Brandon Williams, Sole Member



## **Staff Report 2**

**ACTION ITEM:** Request for approval of a preliminary plat of Savers Farm Subdivision Phase 9

**APPLICANT:** Cape Land & Development, LLC

**APPLICANT STATUS:** Property owner

**PURPOSE:** To provide an additional phase of a county subdivision on land that is already inside the city limits but only accessible from the county

**SIZE:** 17.29 acres

**PRESENT USES:** Undeveloped land

**PROPOSED USE:** Single-family residential subdivision

**ZONING:** R-2 Single Family Residential

**SURROUNDING LAND USE:** North – out of city; South – R-2 Single Family Residential; East – R-2 Single Family Residential; West – R-2 Single Family Residential

**HISTORY:** This piece of property was found to already be inside the city limits on a 1961 city limits map. The property to the south developed as Bent Creek Golf Course and Bent Creek Subdivision, which provided for no stubbed streets to access this property.

In 2019, P&Z reviewed and the Board of Aldermen approved new code language in Chapter 57 (Land Subdivision Regulations) to allow limited access land development. This allows a subdivision to have access other than a public city street when no city street right-of-way is available for a connection. This code language was developed due to this specific property.

**TRANSPORTATION AND PARKING:** All required street frontage and parking will be developed as part of the subdivision development and building construction.

**APPLICABLE REGULATIONS:** Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

**2009 COMPREHENSIVE PLAN:** Residential use

**FLOODPLAIN INFORMATION:** This property includes an area of floodplain that will be located in the rear yard of seven lots and does not prevent an adequate buildable area for those lots.

**PHYSICAL CHARACTERISTICS:** No access is available except through previous Savers Farm Subdivision phases located in the county.

**COMMENTS:** This subdivision contains 40 lots.

This subdivision is proposed to have privately maintained streets. They will also have Ameren Electric because no city electric service is available to this location. The subdivision will install city water and sewer. The developer will install a water main extension from the existing main near Greensferry Road through a new easement across adjacent undeveloped property. City sanitation and emergency services will serve these lots. City staff and administration are aware of this hybrid mixture of public and private infrastructure.

NOTE: This application form looks different from the traditional application form because it was submitted through the Building & Planning Department's new online portal. We expect to begin to see more applications in this format.

**NOTE: The Board of Aldermen is still negotiating a Memorandum of Understanding with the developer. It is the opinion of the city attorney that this plat cannot be approved prior to resolution of that MOU. Due to several absences at the Board of Aldermen meeting on the 6<sup>th</sup>, they requested this again be on their study session for September 19<sup>th</sup>, a date which is past the P&Z meeting. An additional extension approval has been requested from the developer.**

**Revisions to the plat and review comments have been included in the September P&Z packet.**

**ACTION REQUIRED:** The Commission shall approve or deny this subdivision based on compliance with the Land Subdivision Regulations **or may table the request if the developer provides written agreement.**



# Subdivision Permit Application

Date: 06/15/2022

## Applicant / Current Owner

Applicant Name: Brandon Williams  
 Address: 2985 Boutin Drive  
 City, State, Zip: Cape Girardeau, MO 63701  
 Phone: 573-335-3382  
 Email: bowconstruction@aol.com

Owner Name: Cape Land & Development, LLC  
 Address: 2985 Boutin Drive  
 City, State, Zip: Cape Girardeau, MO 63701  
 Phone:  
 Email:

## Proposed Owner / General Project Information

Owner Name: Cape Land & Development, LC  
 Address: 2985 Boutin Drive  
 City, State, Zip: Cape Girardeau, MO 63701  
 Phone:  
 Email:

Site Address: SAVERS FARM SUBDIVISION PHASE 9  
 City, State, Zip:  
 Current Use:  
 Current Zoning: R-2 Single-Family Residential  
 Proposed Zoning: R-2 Single-Family Residential

Project Description:

## Annexation

Rezoning App?: No  
 Special Use App?: No

Current Use:  
 Legal:

## Rezoning / Special Use / Variance Information

Request Reason:  
 Current Use:  
 Proposed Use:

Prior Variance: No  
 Prior Request:  
 Permission to Visit: No

## Subdivision Information / Current Zoning

Subdivision Type: Preliminary Plat  
 Current Use:  
 Proposed Use:  
 Subdivision Name: Savers Farm Subdivision - Phase 9  
 Engineer Company: Strickland Engineering  
 Contact: Marc Mahnke / Brian Strickland  
 Mailing Address: 113 W. Main Street  
 City, State, Zip: Jackson, MO 63755  
 Phone: 573-243-4080  
 Other Permit: No  
 Legal:

R-1: ☐  
 R-2: ☒  
 R-3: ☐  
 R-4: ☐  
 MH-1: ☐  
 O-1: ☐  
 CO-1: ☐  
 C-1: ☐  
 C-2: ☐  
 C-3: ☐  
 C-4: ☐  
 I-1: ☐  
 I-2: ☐  
 I-3: ☐

**Proposed Zoning**

R-1: ☐  
R-2: ☒  
R-3: ☐  
R-4: ☐  
MH-1: ☐  
O-1: ☐  
CO-1: ☐

C-1: ☐  
C-2: ☐  
C-3: ☐  
C-4: ☐  
I-1: ☐  
I-2: ☐  
I-3: ☐

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**Land Exchange Information**

Current Use:  
Request Reason:  
Granting Property:  
Receiving Property:  
Engineer Company:  
Engineer Contact:  
Address:  
City, State, Zip:  
Phone:

Granting Owner:  
Address:  
City, State, Zip:  
Receiving Owner:  
Address:  
City, State, Zip:  
Application For:      Combination or re-  
                                 combination of previously  
                                 platted lots

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**Additional Comments**

SUBDIVISION OF LAND

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I do hereby certify that the information contained herein is true and correct.

Brandon Williams

Name

06/15/2022

Date



STRICKLAND  
ENGINEERING

113 W. Main Street, Suite 1 Jackson, MO 63755  
Tel. 573-243-4080 Fax 573-243-2191  
[www.stricklandengineering.com](http://www.stricklandengineering.com)

August 22, 2022

City Of Jackson  
Attn: Ms. Janet Sanders  
101 Court Street  
Jackson MO 63755

RE: Savers Farm Subdivision Phase 9

Dear Ms. Sanders:

The developers of Phase 9 of Savers Farm Subdivision are requesting the following variance for the property:

- A variance from the 1,000 foot block length requirement for the looped street Highlander Circle.

Please contact me if you have any questions or need any further information.

Sincerely,

Marc T Mahnke, PE

### 60 Day Request for Extension

Cape Land and Development, LLC submitted to the Planning and Zoning Commission Savers Farm Subdivision Phase 9- Preliminary Plat. The Savers Farm Subdivision Phase 9- Preliminary Plat was supposed to be discussed at the P & Z Commission meeting scheduled for August 10, 2022.

Pursuant to the Code of the City of Jackson, Missouri Section 57-5 (d)(4), the commission and the applicant can consent to an extension of the sixty (60) daytime frame to approve or disapprove a preliminary plat.

Brandon Williams on behalf of Cape Land and Development, LLC is requesting a sixty (60) day extension for approval of the Savers Farm Subdivision Phase 9- Preliminary Plat. Cape Land and Development, LLC is requesting their Preliminary Plat be tabled during the August 10, 2022 Planning and Zoning meeting and discussed at the September 14, 2022 Planning and Zoning Commission meeting.

Cape Land and Development, LLC

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Brandon Williams, Sole Member



August 22, 2022

City Of Jackson  
Attn: Ms. Janet Sanders  
101 Court Street  
Jackson MO 63755

RE: Savers Farm Subdivision Phase 9 – Preliminary Plat

Dear Ms. Sanders:

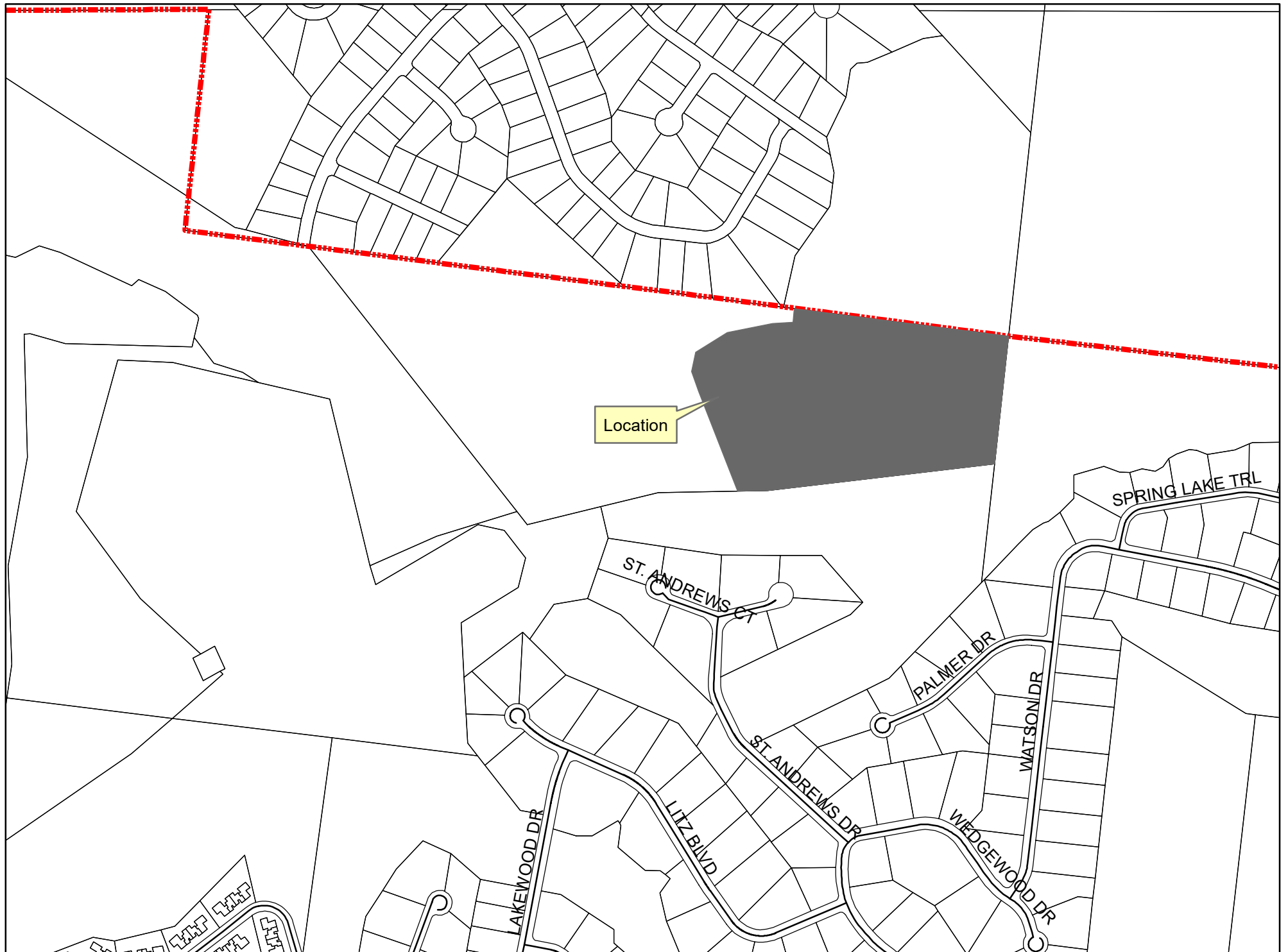
Attached is an updated preliminary plat for the above referenced project. The review comments from your June 29, 2022 letter are further addressed below:

1. Strickland Engineering was not involved in the design of the bridge. Information regarding the bridge capacity will need to be provided by the developer.
2. I have attached an exhibit which shows this phase and the relationship to existing properties to the east. As you can see the entire eastern property line is bordered by Bent Creek Golf Course and is not an undeveloped tract. The developer wants to keep phases 8 and 9 separate from each other and wants to avoid doing any work in the floodplain & floodway beyond what is absolutely necessary for utility service, so no change has been made to connect the two phases.
3. I have attached a letter formally requesting a variance to the maximum block length requirement.
4. Easements will be provided on the final plat of the development for the detention basins as well as for providing access to them. I've also added a note to the preliminary plat stating this.
5. Easements will be provided on the final plat.
6. A 20' easement will be provided on the final plat. I have also shown the easement on the preliminary plat where it is currently anticipated to be located.
7. The developer would prefer that the streets match the streets throughout the remainder of the development and as a result would prefer to keep them private.

Please contact me if you have any questions or need any further information.

Sincerely,

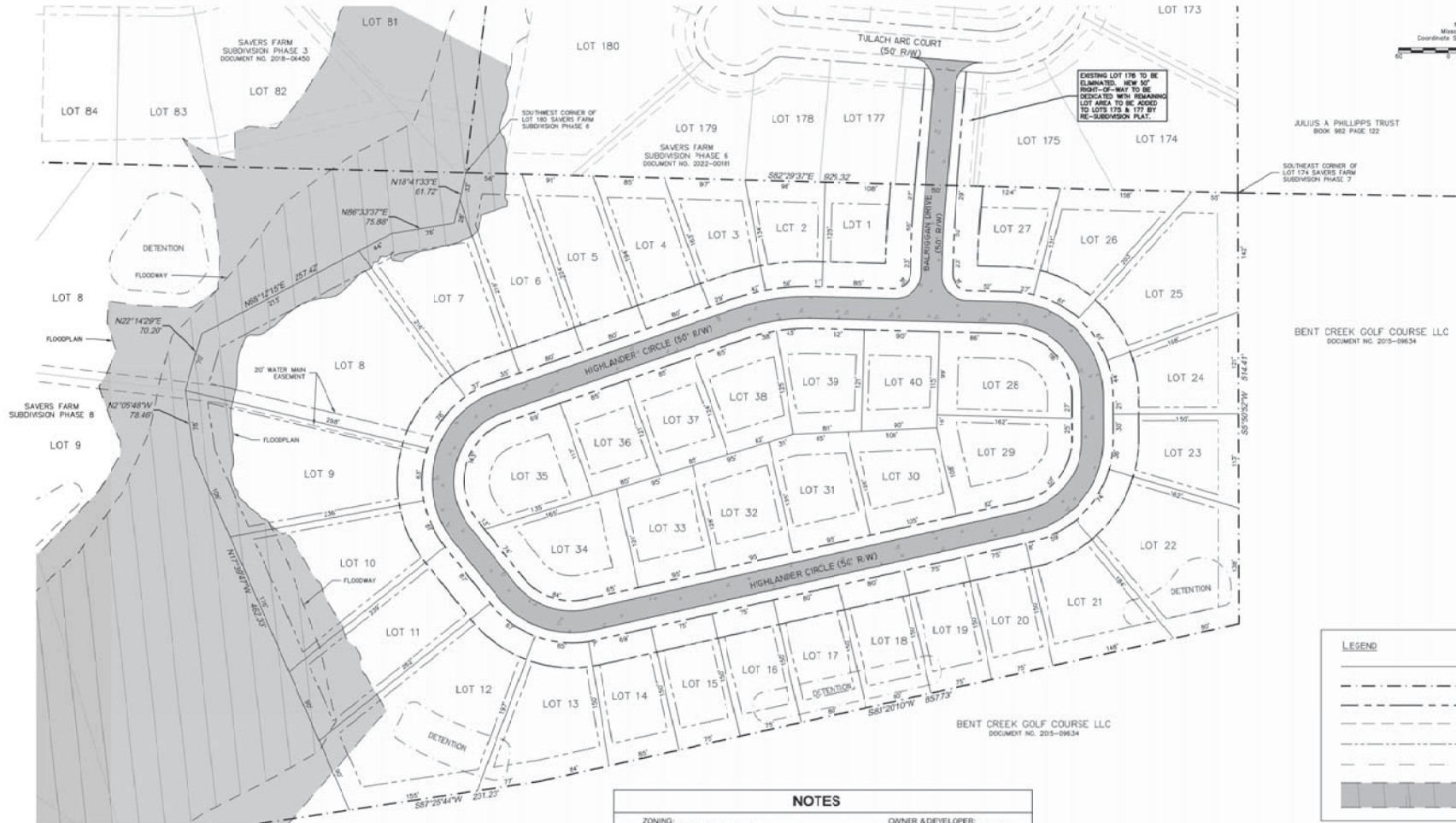
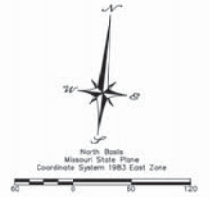
Marc T Mahnke, PE





# SAVERS FARM SUBDIVISION - PHASE 9

Part of U.S.P. SURVEY 318, Township 31 North Range 13 East of the Fifth Principal Meridian  
in the City of Jackson and County of Cape Girardeau, Missouri.



## LEGEND

- LOT LINE
- - - PROPERTY BOUNDARY LINE
- - - RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE
- - - 100-YEAR FLOODPLAIN LINE
- 100-YEAR FLOODPLAIN

## NOTES

**ZONING:**  
R2 SINGLE FAMILY RESIDENTIAL

**EASEMENT NOTES:**  
15' FRONT (MINIMUM)  
15' REAR (MINIMUM)  
10' PERIMETER OF SUBDIVISION (MINIMUM)  
ALL DETENTION BASINS WILL HAVE EASEMENT PROVIDING ACCESS TO BASIN AND AROUND PERIMETER  
20' WATER MAIN (AS SHOWN)

**BUILDING SETBACKS:**  
FRONT YARD SETBACK = 30'  
REAR YARD SETBACK = 15'  
SIDE YARD SETBACK = 5'

**DESIGN STANDARDS:**  
50' RIGHT-OF-WAY WIDTH

26" WIDE PRIVATE CONCRETE STREETS WITH CURB TO BE MAINTAINED BY THE SAVERS FARM SUBDIVISION HOMEOWNERS ASSOCIATION.

**OWNER & DEVELOPER:**  
CAPE JANI & DEVELOPMENT, LLC  
c/o BRANDON WILLIAMS  
2865 BOUTIN DRIVE  
CAPE GIRARDEAU, MO 63701


**PREPARED BY:**  
STRICKLAND ENGINEERING  
113 W MAIN STREET SUITE 1  
JACKSON, MO 63755  
(573) 243-4080

ACCURACY STANDARD: TYPE URBAN

## LOCATION MAP



**FLOODPLAIN NOTE:**  
A PORTION OF THE DESCRIBED TRACT IS LOCATED WITHIN A FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 290312144E.

 <b>STRICKLAND ENGINEERING</b> CIVIL - MECHANICAL - ELECTRICAL ENGINEERING - LAND SURVEYING	113 WEST MAIN STREET P.O. BOX 159 JACKSON, MISSOURI 63755 TEL: 573-243-4080 FAX: 573-243-2191
	<b>PRELIMINARY PLAT FOR SAVERS FARM SUBDIVISION PH. 9</b>  <b>JACKSON, MISSOURI</b>
	SCALE 1" = 60' DATE 8-22-2022 DRAWN BY MTM CHECKED BY RA/BS PROJECT # 22-074

## **Staff Report**

**ACTION ITEM:** Request for rezoning 385-389-391 Timber Lane from R-1 Single Family Residential to C-2 General Commercial

**APPLICANT:** JWRPM Properties, LLC

**APPLICANT STATUS:** Property owner

**PURPOSE:** To rezone newly annexed property to match existing use as a triplex.

**SIZE:** 0.59 acres

**PRESENT USES:** Residential triplex

**PROPOSED USE:** Same

**SURROUNDING LAND USE:** North – R-1 Single Family Residential; South – out of city; East – R-1 Single Family Residential; West – out of city

**HISTORY:** This property was originally part of a 6.67-acre lot in the Grandview Acres Subdivision that was not annexed with the remainder of the subdivision under a previous owner. It is now a separate lot from the remainder of the original tract under separate ownership. According to the tax records, the building was built in 1969 and is listed in tax records as a duplex.

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

**APPLICABLE REGULATIONS (code excerpt):** Zoning Code (Chapter 65):

**Sec. 65-8. - R-4 General residential district regulations.**

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

f. Multiple-family dwellings.

**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 the last residential property on the south side of Timber Lane. All other residences are single family homes. To the west is a large shop building located on the remainder of the original 6+ acre tract.

**COMMENTS:** The property is in the annexation process due to failure of the existing septic system. When annexed it will be eligible to connect to city sewer with a small sewer main extension that is the responsibility of the property owner. This property is currently served by

city water under a long-existing agreement for non-citizen water service. These types of service are no longer created.

Zoning this one standard-sized lot R-4 could be considered spot zoning. However, R-4 General Residential is the first residential district that allows multi-family housing so is the only option to make the property a conforming zoning use. Remaining R-1 Single Family Residential would make the property a non-conforming (grandfathered) use as a triplex in a single-family residential district. Non-conforming status includes the risk that if the building was destroyed by any means, voluntary or involuntary, by more than 65%, the property must then be brought into conformance with R-1 Single Family zoning allowable uses.

**ACTION REQUIRED:** The Commission shall vote to recommend approval or denial of the request for rezoning. A public hearing at this level is optional and is required at the Board of Aldermen level.



## REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 8-1-2022

TYPE OF APPLICATION: ☒ Rezoning ☐ Special Use Permit

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

385 ~~2820-0840~~ Timber Lane, Jackson, MO 63755-8121

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

Property Owner Name(s): JWRPM Properties LLC

Mailing Address: 110 Talbot Dr

City, State ZIP: Cape Girardeau, MO 63701-8871

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: \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

### CONTACT PERSON HANDLING APPLICATION:

Contact Name: Chris Collier

Mailing Address: 1107 Anise Ln

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-450-7466

Email Address (if used): \_\_\_\_\_

CURRENT ZONING: (check all that apply)

- |   |  |
|---|--|
| <input checked="" 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 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) |

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)      |
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| <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: General residential

**LEGAL DESCRIPTION OF TRACT** (attach a copy of the deed or other legal description):

PT Lot 1 Block 3 ; PT Block 8 Grandview Acres Second 07/05

**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.

Able to be tied into the city sewers

**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.)*

 B Wayland

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

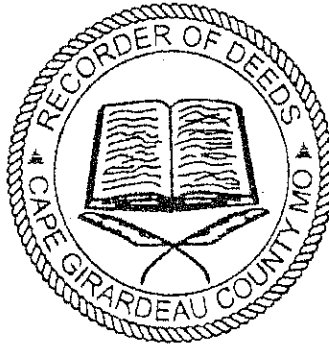
Janet Sanders  
Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755

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

**APPLICATION FEE: \$200.00**

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eRecorded  
DOCUMENT #  
2022-02307

ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
eRECORDED ON  
03/03/2022 08:31:01 AM  
REC FEE: 27.00  
PAGES: 2

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### WARRANTY DEED

This Warranty Deed made and entered into this 2nd day of March, 2022, by and between **Keith Brugger and Christy Brugger, husband and wife**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTORS**, and **JWRPM Properties 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:

1429 Kurre Lane, Cape Girardeau, MO 63701

**WITNESSETH:** The Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid to the Grantors, the receipt of which is hereby acknowledged, do 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:

Part of Block 8 and part of Lot 1 in Block 3 of Grandview Acres Second Subdivision in Section 13, Township 31 North, Range 12 East of the Fifth Principal Meridian, Cape Girardeau County, Missouri, as shown by plat filed for record in Plat Book 7 at Page 5 in the land records of Cape Girardeau County, Missouri, more particularly described as follows:  
Commence at a found iron pin at the Northeast corner of U.S.P.S No. 186; thence South 06 degrees 18 minutes 45 seconds West 112.47 feet to a found iron pin; thence South 83 degrees 44 minutes 13 seconds East 160.98 feet to a set iron pin for the point of beginning; thence North 06 degrees 25 minutes 09 seconds East 204.71 feet to a set iron pin; thence North 46 degrees 49 minutes 21 seconds East 66.05 feet to a set iron pin on the West line of Sunset Lane; thence along said West line, South 06 degrees 08 minutes 30 seconds West 34.99 feet to a found iron pin on the South line of Timber Lane; thence along said South line, South 83 degrees 21 minutes 46 seconds East 71.34 feet to a set iron pin; thence leaving said South line, South 06 degrees 25 minutes 09 seconds West 219.44 feet to a set iron pin; thence North 83 degrees 44 minutes 13 seconds West 114.32 feet to the point of beginning. The herein described tract contains 0.59 acres, more or less.

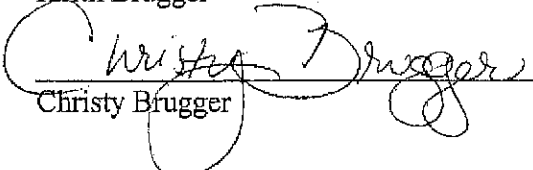
*SUBJECT TO an easment for ingress and egress as set out in General Warranty Deed recorded 10/22/2014 in Document No. 2014-11063 in the land records of Cape Girardeau County, Missouri.*

**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 Grantors hereby covenanting that they are lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by them or those under whom they claimed title; and that they 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 Grantors have hereunto set their hands the day and year first above written.

**GRANTORS:**

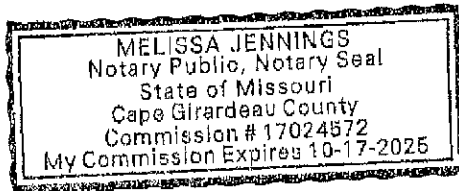
  
Keith Brugger

  
Christy Brugger

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

On this 2 day of March, 2022, before me personally appeared **Keith Brugger and Christy Brugger, husband and wife**, to me known to be the persons described in and who executed the within Warranty Deed, and acknowledged to me that they executed the same as their free act and deed and 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

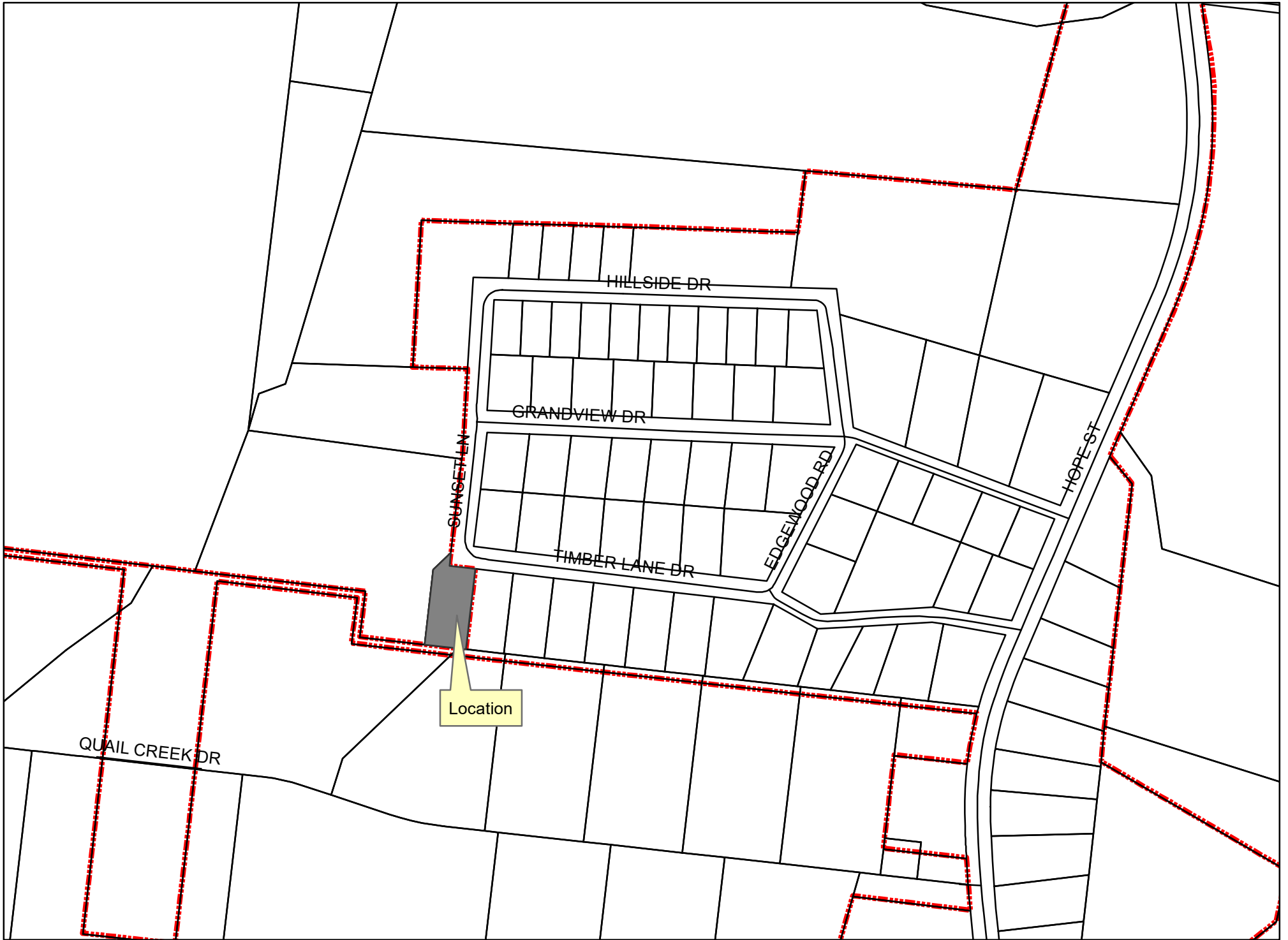
My commission expires:



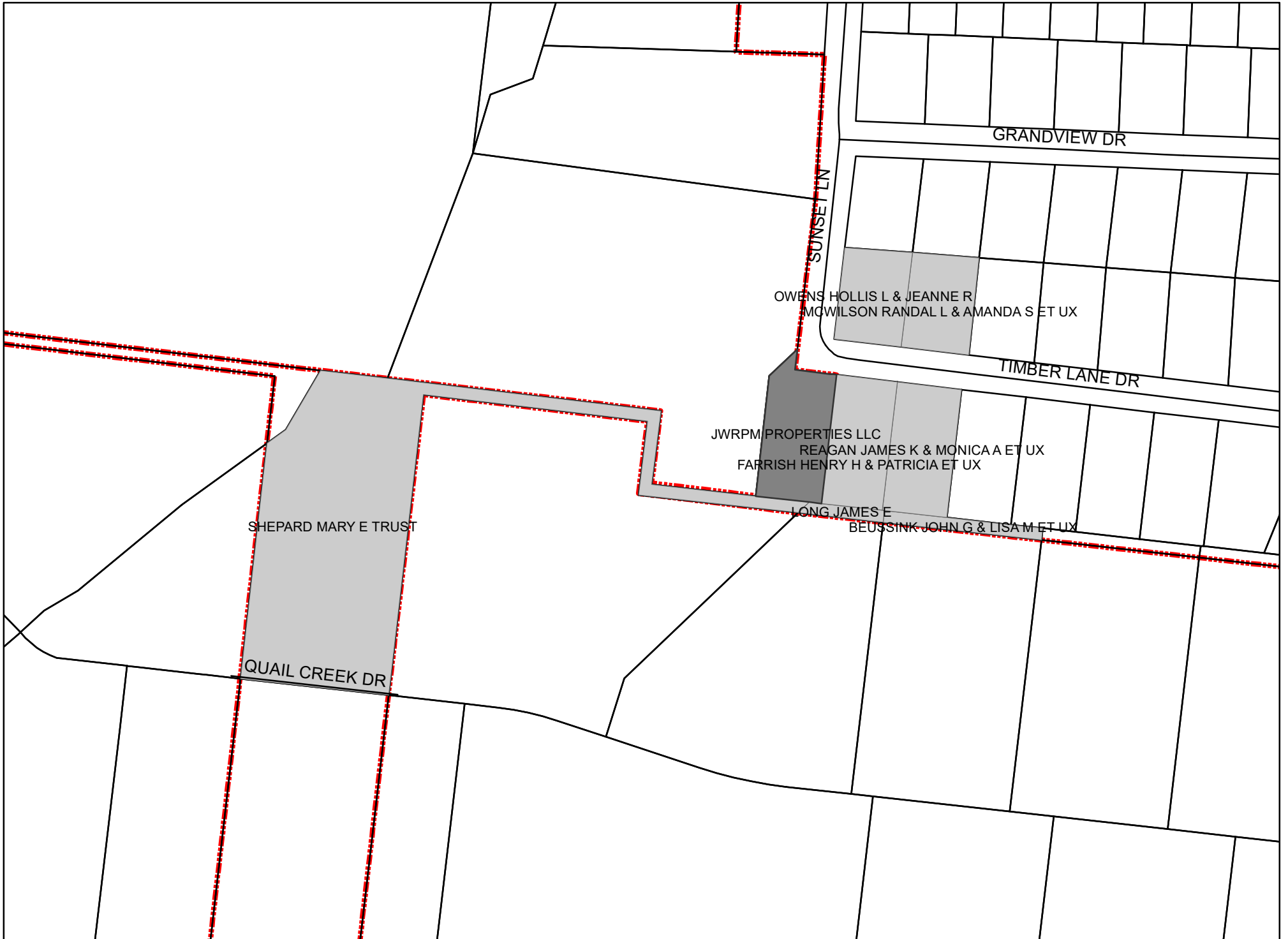


385 Timber Lane - Existing Triplex  
Property Aerial Photo





385 Timber Lane - Existing Triplex  
Location Map



## **Staff Report**

**ACTION ITEM:** Request for a Special Use Permit for a towing business in a C-2 General Commercial District located on 1.6 acres of 1383 South Hope Street

**APPLICANT:** Land Escapes, LLC

**APPLICANT STATUS:** Proposed Property Owner

**PURPOSE:** To relocate an existing towing business to a new location inside Jackson

**SIZE:** 1.6 acres within the city limits. Additional acreage outside the city limits.

**PRESENT USES:** Vacant land

**PROPOSED USE:** Towing & landscaping businesses

**ZONING:** C-2 General Commercial

**SURROUNDING LAND USE:** North – I-1 Light Industrial; South – C-2 General Commercial; East – out of city; West – C-2 General Commercial & R-2 Single Family Residential

**HISTORY:** This property was part of a previous agricultural tract. Part of the original property has been developed into storage sheds by another developer.

**TRANSPORTATION AND PARKING:** All required street frontage exists on South Hope Street and West Jackson Trail. Required parking will be provided as part of the building construction.

**APPLICABLE REGULATIONS:** Zoning Code (Chapter 65): Towing businesses are not specifically listed as a use in any zoning district so fall under the following category  
**Sec. 65-12. - C-2 General commercial district regulations.**

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

- xx. Any other type of business, institutional, governmental, professional, or medical use, retail store or service use not specifically permitted herein, when authorized by the board of aldermen after receipt of review and recommendations from the planning and zoning commission, and only when such use is consistent with the intent and purpose of the C-2 General commercial district regulations.

Specifically listed categories related to vehicles in the C-2 district include the following when located fifty feet or more from any residential district:

- 5. Automobile service and filling station, provided that storage tanks are underground.
- 16. Farm machinery and equipment sales and repair, feed and seed stores.

20. Bus terminal or taxi station.
21. Automobile, boat, or trailer display and sales offices, including used car sales or storage lot.
22. Commercial garage, automobile repair or body shop, or automobile car wash.
23. Motorcycle repair, sales, and rental.
29. Tire sales and service, including vulcanizing.

**2009 COMPREHENSIVE PLAN:** Single Family Residential Use

**FLOODPLAIN INFORMATION:** This property is not located in a floodplain per FEMA panel 29031C0143E dated 9/29/11.

**PHYSICAL CHARACTERISTICS:** The property is located at the intersection of South Hope Street and West Jackson Trail and is currently mostly wooded.

**COMMENTS:** The intent of the applicant is to construct a building for his businesses on the lot within the city limits and have the towing lot to the rear, primarily outside the city limits.

This property is more than 50' from any residential zoning district.

No special use permit is required in this zoning district for the landscaping business.

The following special conditions are recommended by staff to be added to any approval of a special use permit for this application:

- 1. No wrecked or inoperable vehicle is to remain on the property within the city limits for a period to exceed 45 days, unless stored inside a completely enclosed building.**
- 2. All wrecked vehicles within the city limits must be visibly screened from all public streets and surrounding city property by a privacy fence or a dense evergreen hedge of sufficient height to form a visible screen.**
- 3. No stripping or tearing down of vehicles is permitted on the property.**

**ACTION REQUIRED:** The Commission shall vote to approve or deny this request. A public hearing at this level is optional. A public hearing is required at the Board of Aldermen level.



**REZONING / SPECIAL USE PERMIT APPLICATION**  
City of Jackson, Missouri

APPLICATION DATE: 8-30-22

TYPE OF APPLICATION: ☐ Rezoning ☒ Special Use Permit

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

1383 S. Hope St.

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

Property Owner Name(s): Land Escapes Landscaping LLC

Mailing Address:

City, State ZIP:

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

Proposed Property Owner(s): Land Escapes Landscaping LLC

Mailing Address:

City, State, ZIP

**CONTACT PERSON HANDLING APPLICATION:**

Contact Name:

Pat Morgan

Mailing Address:

998 W High St

City, State ZIP

Jackson MO 63755

Contact's Phone:

573-225-4653

Email Address (if used):

PMorgan7564@yahoo.com

**CURRENT ZONING:** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential)       | <input checked="" type="checkbox"/> C-1 (Local Commercial) |
| <input type="checkbox"/> R-2 (Single-Family Residential)       | <input type="checkbox"/> C-2 (General Commercial)          |
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| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay)    | <input type="checkbox"/> I-3 (Planned Industrial Park)     |

CURRENT USE OF PROPERTY:

NA

**PROPOSED ZONING:** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential)       | <input type="checkbox"/> C-1 (Local Commercial)        |
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| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay)    | <input type="checkbox"/> I-3 (Planned Industrial Park) |

PROPOSED USE OF PROPERTY:

TOWING + Landscaping

**LEGAL DESCRIPTION OF TRACT** (attach a copy of the deed or other legal description):

14-319-00-03-016.04-0000

**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.

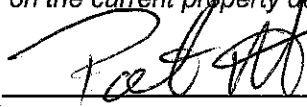
Moving ~~from~~ From current location we will own new location

**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.

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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.)*



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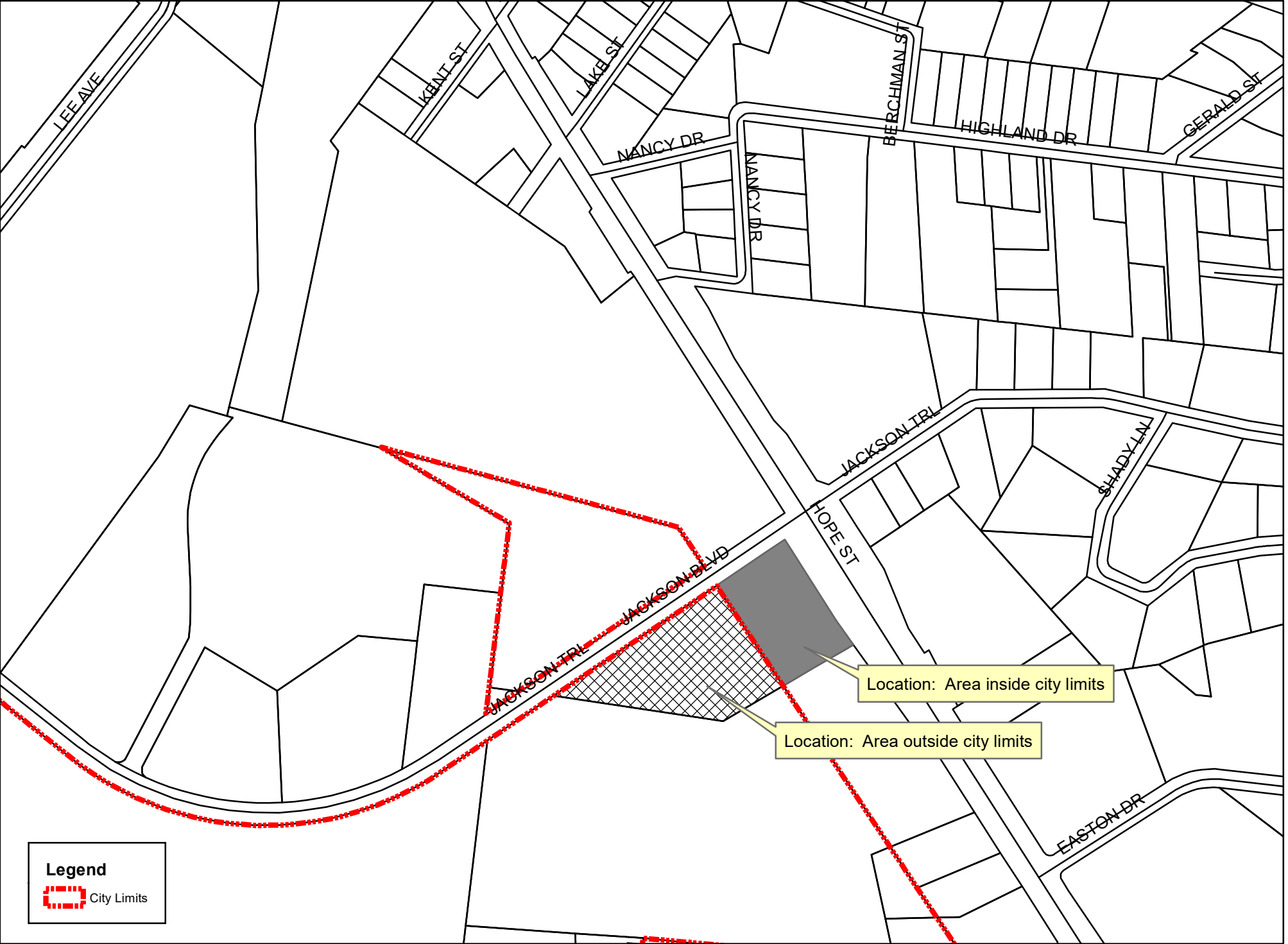
Janet Sanders  
Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755

573-243-2300 ext.29 (ph)  
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[jsanders@jacksonmo.org](mailto:jsanders@jacksonmo.org)

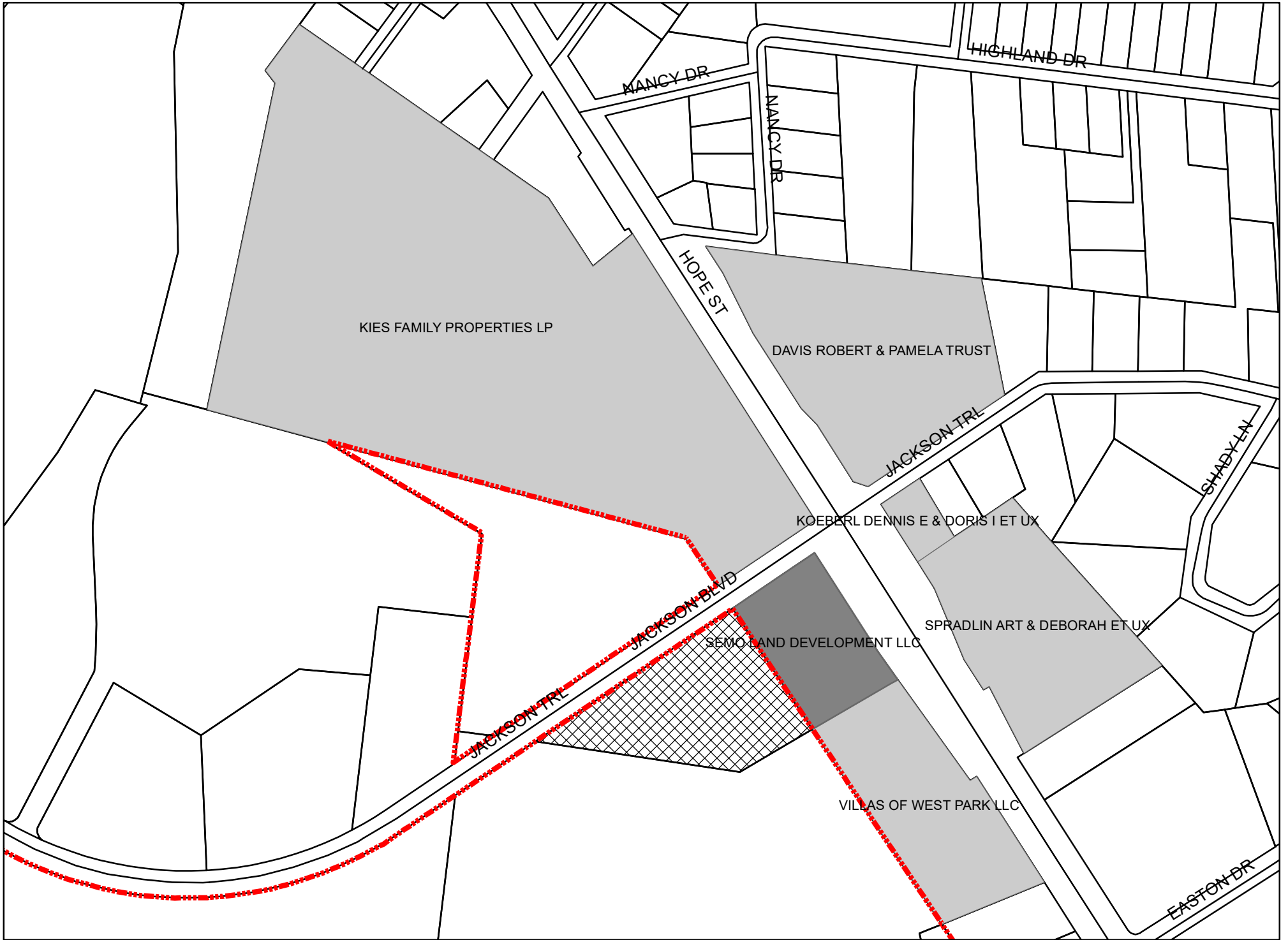
**APPLICATION FEE: \$200.00**

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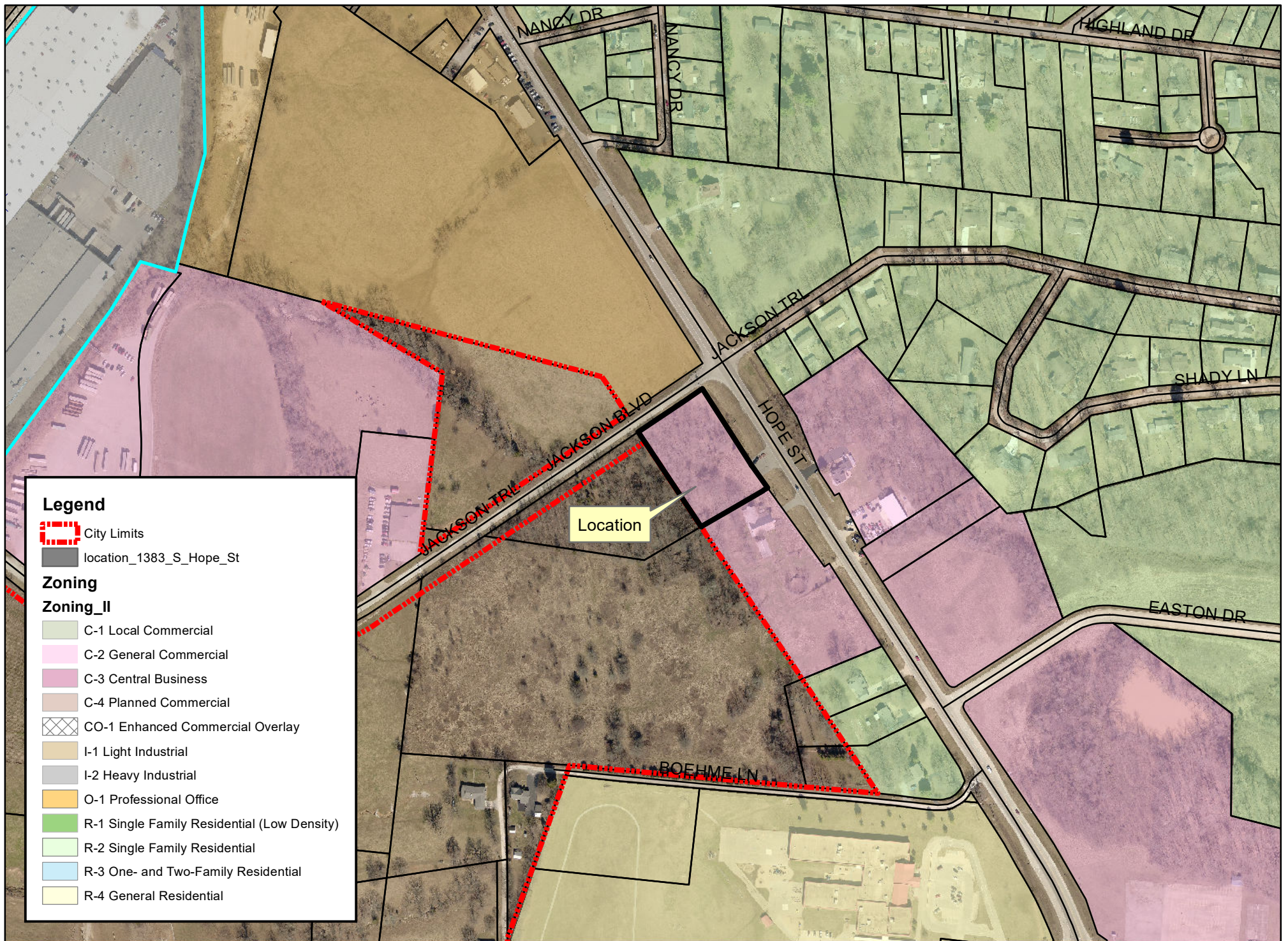
1383 S. Hope St.  
Location Map



1383 S. Hope St.  
Properties Within 185'

9/1/2022 - jls





1383 S. Hope St.  
Surrounding Zoning

9/8/2022 - jls

