

SUBDIVISION APPLICATION FORM

City of Jackson, Missouri

NAME OF SUBDIVISION:	Terrace Above The Green	ns Subd	ivision	
DATE OF APPLICATION:	6-26-2024			
PROPERTY OWNERS: (all legal property owners exactly as listed on the deed)				
Names, Addresses & Phor	ne #s: MHRR LLC, Marshall 1 1410 Wedgewood Dr Jackson, MO 63755	rawick		
CONTACT PERSON HANDLING APPLICATION:				
Contact's Name:	Susan Dodds			
Contact's Mailing Address: 194 Coker Ln Cape Girardeau, MO 63701				
Contact's Phone:	573.335.3026			
ENGINEER / SURVEYOR: Company Name, Addresses & Phone #: Koehler Engineering and Land Surveying 194 Coker Ln Cape Girardeau, MO 63701				
TYPE OF SUBDIVISION APPLICATION: (check all applicable items)				
Preliminary plat approval Final plat approval				
Minor subdivision approval		e-subdiv	ision plat approval	
LEGAL DESCRIPTION OF TRACT: (attach separate page if necessary) See attached plat				
ZONING: Indicate the current zoning district classification of the entire tract to be developed (circle all that apply):				
R-1 Single Family Resi R-2 Single Family Resi R-3 One and Two Fam R-4 General Residentia MH-1 Mobile Home Park CO-1 Enhanced Comme	dential ily Residential al	C-1 C-2 C-3 C-4 CO-1 I-1 I-2	Local Commercial General Commercial Central Business District Planned Commercial District Enhanced Commercial Overlay Light Industrial Heavy Industrial Planned Industrial Park	
Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES NO				

OWNERS' SIGNATURES:

I state upon my oath that all of the information contained in this application is true. (Original signatures of all persons listed in Item No. 3)

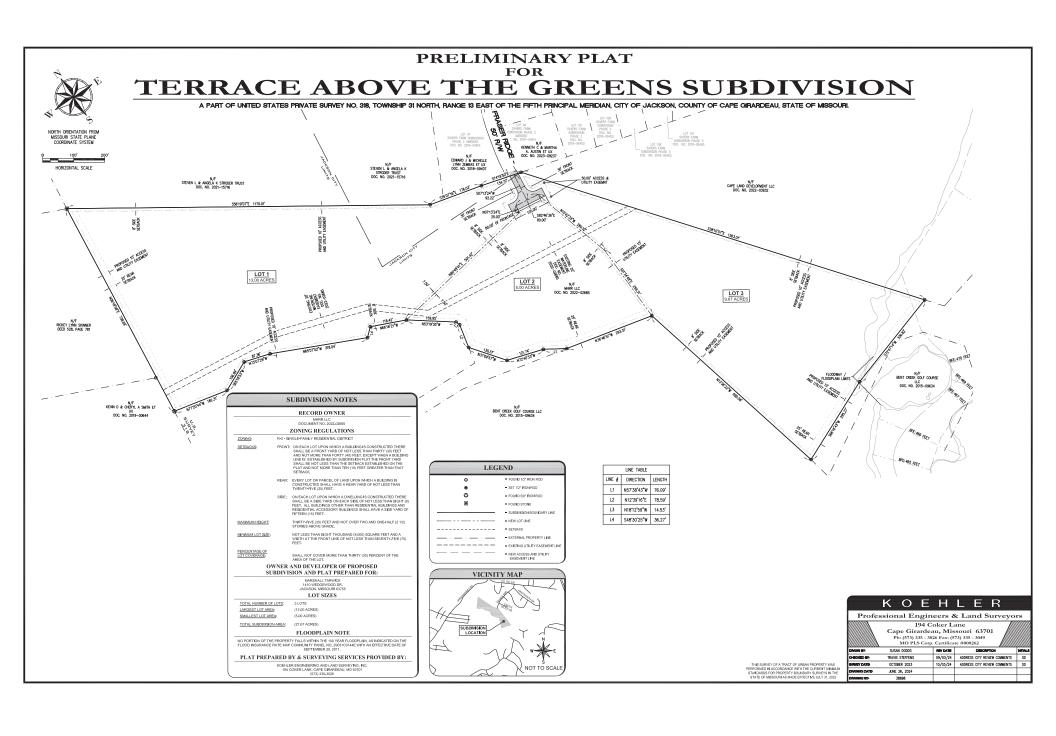
Please submit the completed application along with the applicable application fee to:

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

Ph: 573-243-2300 ext. 29 Fax: 573-243-3322

Email: permits@jacksonmo.org

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City of Jackson

September 13, 2024

Mr. Marshall Trawick MHRR, LLC 1410 Wedgewood Dr Jackson, MO 63755

RE: Terrace Above the Greens Subdivision - Preliminary Plat

Dear Marshall,

City Departments have completed the review of the Terrace Above the Greens Subdivision preliminary plat and provided the comments below.

Some items will not meet the requirements of the city's Land Subdivision Regulations and, unless brought into compliance, will have to be requested as variances. City staff does not recommend variances, but the Board of Aldermen can approve a subdivision with one or more variances with a 2/3 majority vote of the entire Board of Aldermen after review and a recommendation from the Planning and Zoning Commission. Variances from the Land Subdivision Regulations must be requested by a letter signed by the property owner, clearly stating each variance requested and the hardship of the property that makes the subdivision unable to meet the code. A summary of the items requiring a variance is included at the end of the comments.

PUBLIC WORKS AND BUILDING AND PLANNING DEPARTMENTS

- 1. The portion of land outside the Jackson City limits needs to be annexed. For information on the annexation process, please get in touch with Director of Administrative Services Rodney Bollinger at 573-243-3568 x 2037.
- 2. Missing lot lines for Parcel Number 15-101-00-02-011.01-0000 and Parcel Number 15-101-00-02-011.02-0000 need to be shown.
- 3. Label the checkered area in the lower portion of lot 1.
- 4. Label the easement for the water line and include the Doc. NO.
- 5. A variance would be required if privately maintained streets are proposed. The city will provide no street sweeping, plowing, or maintenance of privately maintained streets and the associated storm sewer inlets and pipes.
- 6. If the street is to be privately maintained, an MOU with the developer will be required to show ownership and maintenance responsibilities.
- 7. City Land Subdivision Regulations specify the arrangement of streets in new subdivisions. They shall make provisions to continue the principal existing streets in adjoining areas (or other proper projections where adjoining land is not

subdivided). A variance is required if the extension to the adjoining properties is proposed.

- a. Bent Creek Golf Course LLC. Doc. NO. 2015-09634 Parcel Number 15-101-00-02-011.01-0000
- b. Bent Creek Golf Course LLC. Doc. NO. 2015-09634 Parcel Number 15-101-00-02-011.02-0000
- c. Stub out street on lot 1 for connector street between Greensferry Rd and Fraser Ridge.
- 6. City street specifications for public streets require a minimum street width of 28', with parking restricted to one side. City code prohibits variances from the minimum width, so the street width must be altered to comply with the code.
 - a. Clean up the wording around the hammerhead street to make it more legible.
- 7. City street specifications for new residential streets require sidewalks on both sides. A variance would be required if sidewalks are not to be constructed.
- 8. The city code prohibits the division of residential lots without a minimum of 75' frontage on a public right of way.
 - a. Unable to read what the lot frontage is.
 - b. Clean up the wording around the hammerhead street to make it more legible.
- 9. Please note that access and utility easements between lots will not allow fences to be constructed over them. Although these easements are not typically called out as access easements due to the need to access the water main in the rear of the properties, they are appropriate in this case.
- 10. Utility easements between lots must be 15' wide with 7.5' on each lot.
- 11. A street with the right-of-way needs to be added from the Fraser Ridge/Eagle Crossing junction to the bottom of lots two and three to allow for future land development the Bent Creek Golf Course LLC owns, as shown on their master plan. Otherwise, these pieces of land will become landlocked.
- 12. Show the location of the required detention basin easement and the easement to access the detention basin.
- 13. The Villas of West Park, LLC constructed this water main to serve Savers Farm Subdivision Phases 8 & 9. It has not yet been put into service or accepted by the city for permanent maintenance. Prior to acceptance, the developer will need to verify that the water main is within the easement.
- 14. The required depth of the water main (including during building development) is 42 inches. This cannot be varied during construction or future landscaping.
- 15. Fire hydrants are required every 600 feet, accessible on the street.
- 16. For final plans, water service curb stops may be no more than 10' from the main.
- 17. Sanitary sewer is available on Lot 3. City code requires that all lots be provided with city sanitary sewer service. A variance would be required if other sanitary sewage disposal is proposed for the other lots.
- 18. The city does not have electric service available in this area. Ameren will need to provide it. Please contact them to coordinate the installation of electric service.
- 19. How is trash service proposed to be picked up on these private streets?

- 20. The following items should not be included on a preliminary plat and need to be removed:
 - a. Subdivision dedication block

NOT TO CODE / VARIANCES REQUIRED

- 1. Privately maintained streets.
- 2. Fraser Ridge does not extend to the adjacent undeveloped properties.
- 3. Sidewalk requirement for each side of the street.
- 4. Septic instead of sewer main extension.
- 5. Lot lines are not perpendicular or radial to the right of way.

Please have your engineer address the above comments and provide a digital copy of the revised plat. No revised printed copy needs to be provided for this preliminary phase since I will print small copies for the upcoming meeting packets.

If you have any questions, please contact me at 573-243-2300 x 2029 or lmiller@jacksonmo.org.

Respectfully,

Larry Miller Building and Planning Manager

cc. Koehler Engineering and Land Surveying (Susan Dodds)



KOEHLER ENGINEERING & LAND SURVEYING, INC.

194 Coker Lane CAPE GIRARDEAU, MO 63701 PH: (573) 335-3026 FX: (573) 335-3049

Oct. 2, 2024

Mr. Larry Miller
Building and Planning Manager
City of Jackson, Missouri
101 Court Street
Jackson, Missouri 63755
Via email @ lmiller@jacksonmo.org

RE: Terrace Above the Greens Subdivision – Preliminary Plat

Mr. Miller,

This communication is in regards to the City staff comments and concerns regarding the above referenced proposed development. In particular, this response is related to your letter of Sept. 13.

Due to the location of the property, the development options are somewhat limited. The presence of Bent Creek along the southern and eastern limits prohibits the probable extension of roadways and utilities into those areas, and there is only a single access point to the development at present.

The developer desires to create a unique, very desirable, low density residential enclave within the City, but due to the existing location, topography, and availability of utilities and access, he is requesting several variances from the City's ordinances form the city's development code. Responses to your comments, and request for variances where appropriate, are indicated in the following list:

With regard to general comments, we offer the following (The numbers correspond to the comment numbers of your letter):

- 1) The Developer desires to annex the balance of the property to the City limits in conjunction with the record plat of the proposed subdivision. If this plat is approved through P&Z, the annexation petition will be filed immediately thereafter.
- 2) The missing parcel lines have been added to the preliminary plat.
- 3) The checkered area has been removed. This area was for proposed detention, however after our meeting in August it was discussed that if we decreased the density to a total of three lots, a waiver for detention would be considered. See additional comments on item #12.
- 4) This easement has been labeled.
- 5) The Developer is requesting a wavier to provide private streets. The Developer is aware that private streets would require private street sweeping, plowing, and maintenance of all infrastructure. He is proposing to create a homeowners association that would bear these responsibilities, and each lot would pay a pro-rata share of all costs associated with infrastructure maintenance. The street would be constructed in accordance with City standards. We are requesting variances for this, see discussion later in this submission.
- 6) The Developer is prepared to enter into a MOU that will outline ownership and maintenance responsibilities, and this MOU will be incorporated into the HOA responsibilities.
- 7) We are requesting variances for the extension of the streets to adjacent property lines, see discussion later in this submission.
 - a. The development will provide a turn around at the end of an existing dead end street, with three homes accessing the street from the turn-around.



- b. The turn-around will be a hammerhead configuration meeting the requirements of the international fire code.
- c. This was discussed with City staff in our recent meeting and I understood that the staff would support this as long as we limited the number of lots to no more than 3 lots.
- 6) The street width has been revised to indicate 28' pavement.
- 7) We are requesting variances for the provision of sidewalks. There are no sidewalks to connect to, and if the other variances are allowed for street extension, there is no probability that there ever would be a route to extend the sidewalks to.
- 8) Each of the lots has over 75 feet of frontage on the private roadway. The lot lines do extend to the center of the street, as the HOA will be responsible for street maintenance.
- 9) This has been indicated.
- 10) These easements have been added.
- 11) As noted in our meeting, we are requesting this variance. It is not cost effective for either development to extend the street to the boundary of the subdivision, and in the event that this is required, the property would just develop as a single lot, and no street extension would be required under that scenario.
- 12) In accordance with discussions in our meeting, we are requesting a variance from providing detention on this lot. Splitting this land into three tracts will have minimal impact on runoff, and we are requesting a waiver from requiring stormwater detention within this development.
- 13) The developer is willing to create deed restrictions for each lot that will prohibit excavation over the existing water line which would reduce the required cover.
- 14) We will have the exact line of the main located and verify that it is within the easement, or if needed, we will grant a new easement should the main be found to be outside the existing easement
- 15) If this plat is approved by P&Z, we would propose to extend a main along one of the lot lines (between lots 2 and 3) to the street easement. Since there is less than 600 feet of street frontage, one hydrant would be sufficient.
- 16) We would run a short main along the street frontage, generally across the full frontage of lot 2, which would provide a meter location and curb stop within 10 feet of the main along the frontage.
- 17) Lot 3 would connect to the sanitary sewer. In accordance with our discussions during our meeting, lots 1 and 2 would have septic systems.
- 18) The developer has contacted Ameren UE and they are willing to provide power for the proposed lots.
- 19) Trash service will be handled through a private contactor.
- 20) This block has been removed.

With regard to variances, the following paragraphs outline the variance requests and supporting statements for each variance.

1) **Privately owned** / **maintained streets:** This development parcel is unique as it is connected to the Bent Creek Golf Course on two sides, which eliminates or severely restricts the probability of future growth in those directions. Access to the site is via an existing privately maintained roadway which is not part of the City's system. Since the roadways do not connect to existing City of Jackson roadways, it would be out of the way for city crews to service this area. Additionally the developer wishes to create a very private and exclusive enclave for their residents, and as such, the developer wishes to put in a private street with the potential provision for an entry gate, although that is not



- proposed at the present time. In the event the entry gate is approved in the future, provisions would be made for auto opening for emergency services vehicles, etc. For all of these reasons, the developer is requesting a variance from the code to allow for a private street
- 2) In conjunction with the request for a private street, the developer requests that no street be extended to the development perimeter. This is in keeping with the nature of the private street nature and feel desired for the development. This was discussed with City Staff, and we understood that if we limited the number of lots to 3 or fewer, this could be supported. With the streets being private and privately maintained, the developer and future owners would want to eliminate traffic within the development that was not for residents within the development.
- 3) The developer requests a variance for the construction of sidewalks. There would be no sidewalks to connect to, and if the 2nd variance above is allowed, never would be. The construction of an isolated segment a few hundred feet long to provide sidewalks to serve only 3 lots does not seem appropriate.
- 4) Due to the cost of extending sanitary sewers to serve lots 1 and 2, and in consideration of the large size of these lots, we are requesting a variance to allow lots 1 and 2 to be served by private septic systems.
- 5) We are requesting a variance for the non-perpendicular lot lines. That requirement is typically to allow for regular platting of lots, and is would not be considered critical for large tracts such as proposed in this instance.

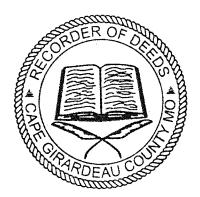
We believe if we can have some accommodations / variances from city staff and P&Z officials from certain requirements of the Development Code, we can create a wonderful residential housing addition to the City of Jackson that will provide a quality living environment within the City despite the challenges associated with the development of this parcel.

If you need any further information, have any questions, or I can be of any further assistance in any capacity, please contact me at your earliest convenience.

Best Regards,

KOEHLER ENGINEERING & LAND SURVEYING, INC.

Chris Koehler, PE, PLS



eRecorded DOCUMENT # 2022-02685

ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
03/11/2022 01:12:59 PM

REC FEE: 30.00 PAGES: 3

WARRANTY DEED

This Warranty Deed made and entered into this 11th day of March, 2022, by and between LITZ BROTHERS, INC., a Missouri Corporation a/k/a LITZ BROS., INC., hereinafter referred to as GRANTOR, and MHRR 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: 130 Quarterback Ridge, 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:

See Attached Exhibit "A"

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

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

	GRANTOR:
	LITZ BROTHERS, INC., a Missouri Corporation
	BY: Nobert Letzelfeller Robert Litzelfelner, President
	ATTEST: BY: Mike L/Litzelfelper Secretary/Treasure
STATE OF MISSOURI)	
) ss. COUNTY OF CAPE GIRARDEAU)	
President and Mike L. Litzelfelner, Secretary Missouri Corporation a/k/a LITZ BROS., IN	C., to me known to be the person described in behalf of said corporation and acknowledged to
IN WITNESS WHEREOF, I have hereunday and year first above written.	nto set my hand and affixed my official seal, the
	Sephanie A Muelle
	Notary Public
STEPHANIE A. MUELLER Notary Public - Notary Seal STATE OF MISSOURI Perry County	My commission expires:
My Commission Expires: June 21, 2023 Commission #15421492	

2202136

Exhibit A

A PART OF UNITED STATES PRIVATE SURVEY NO. 318, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE (FOUND) ON THE WEST LINE OF U.S.P.S. 318, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN DOCUMENT NO. 2010-09594, FROM WHICH A 1/2" IRON PIN (FOUND) AT THE SOUTHEAST CORNER OF U.S.P.S. 183 BEARS, S 06° 19' 07" W, 5,746.35 FEET; THENCE S 56° 04' 34" E, 1,168.67 FEET ALONG THE SOUTH LINE OF SAID TRACT RECORDED IN DOC. 2010-09594 TO A 1/2" IRON PIN (SET) AT THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN DOCUMENT NO. 2014-05062; THENCE ALONG THE SOUTH LINE OF SAID TRACT THE FOLLOWING COURSES AND DISTANCES:

S 76° 14' 31" E, 177.45 FEET TO A ½" IRON PIN (SET); THENCE S 74° 28' 31" E, 133.23 FEET TO A ½" IRON PIN (SET); THENCE S 38° 20' 01" E, 1,363.88 FEET TO A ½" IRON PIN (SET); THENCE LEAVING SAID SOUTH LINE, S 72° 47' 14" W, 336.82 FEET TO A ½" IRON PIN (SET); THENCE S 66° 16' 43" W, 295.27 FEET TO A ½" IRON PIN (SET); THENCE N 13° 36' 22" W, 690.58 FEET TO A ½" IRON PIN (SET); THENCE N 76° 46' 51" W, 293.31 FEET TO A ½" IRON PIN (SET); THENCE N 57° 38' 43" W, 76.09 FEET TO A ½" IRON PIN (SET); THENCE N 72° 40' 33" W, 121.74 FEET TO A ½" IRON PIN (SET); THENCE N 37° 09' 57" W, 130.51 FEET TO A ½" IRON PIN (SET); THENCE N 12° 39' 16" E, 78.59 FEET TO A ½" IRON PIN (SET); THENCE N 18° 12' 59" W, 14.53 FEET TO A ½" IRON PIN (SET); THENCE N 53° 19' 35" W, 159.95 FEET TO A ½" IRON PIN (SET); THENCE N 66° 16' 21" W, 118.42 FEET TO A ½" IRON PIN (SET); THENCE S 48° 30' 25" W, 36.27 FEET TO A ½" IRON PIN (SET); THENCE N 65° 07' 02" W, 318.04 FEET TO A ½" IRON PIN (SET); THENCE N 73° 07' 29" W, 87.36 FEET TO A ½" IRON PIN (SET); THENCE S 65° 18' 53" W, 106.99 FEET TO A ½" IRON PIN (SET); THENCE N 76° 19' 07" E, 739.57 FEET ALONG THE WEST LINE OF SAID SURVEY TO THE POINT OF BEGINNING, CONTAINING 27.55 ACRES, MORE OR LESS.

2202136