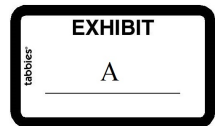




SUBDIVISION APPLICATION FORM City of Jackson, Missouri



NAME OF SUBDIVISION: Terrace Above The Greens Subdivision

DATE OF APPLICATION: 6-26-2024

PROPERTY OWNERS: (all legal property owners exactly as listed on the deed)

Names, Addresses & Phone #s: MHRR, LLC
1410 Wedgewood Dr
Jackson, MO 63755
573-208-0556

CONTACT PERSON HANDLING APPLICATION:

Contact's Name: Susan Dodds

Contact's Mailing Address: 194 Coker Lane
Cape Girardeau, MO 63701

Contact's Phone: 573-335-3026

ENGINEER / SURVEYOR:

Company Name, Addresses & Phone #: Koehler Engineering and Land Surveying
194 Coker Lane
Cape Girardeau, MO 63755

TYPE OF SUBDIVISION APPLICATION: (check all applicable items)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Preliminary plat approval | <input checked="" type="checkbox"/> Final plat approval |
| <input type="checkbox"/> Minor subdivision approval | <input type="checkbox"/> Re-subdivision 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 Residential | C-1 Local Commercial |
| <u>R-2</u> Single Family Residential | C-2 General Commercial |
| R-3 One and Two Family Residential | C-3 Central Business District |
| R-4 General Residential | C-4 Planned Commercial District |
| MH-1 Mobile Home Park | CO-1 Enhanced Commercial Overlay |
| CO-1 Enhanced Commercial Overlay | I-1 Light Industrial |
| | I-2 Heavy Industrial |
| | I-3 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:

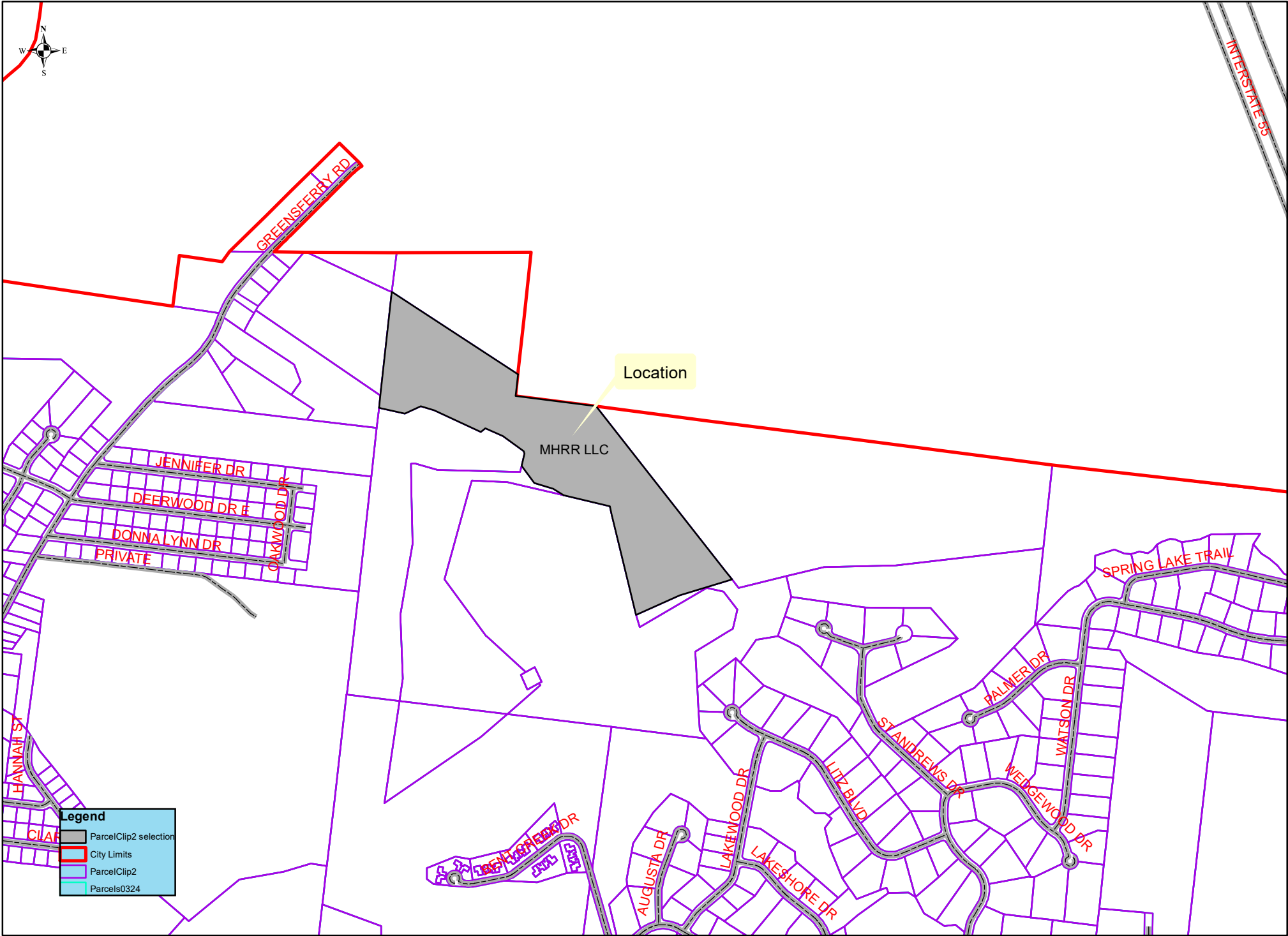
Building & Planning Superintendent
City of Jackson
101 Court Street
Jackson, MO 63755

Ph: 573-243-2300 ext. 29

Fax: 573-243-3322

Email: permits@jacksonmo.org

Location





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 from 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 contractor.
- 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.

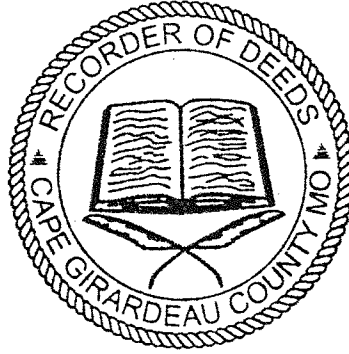
If you need any further information, have any questions, or I can be of any further assistance in any capacity, please contact me at your earliest convenience.

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: Robert Litzelfelner
Robert Litzelfelner, President

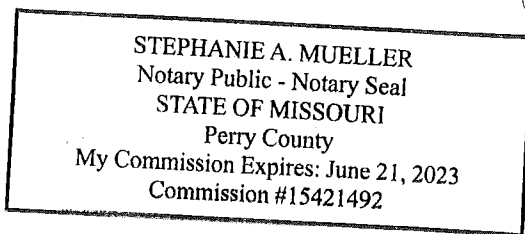
ATTEST:

BY: Mike L. Litzelfelner
Mike L. Litzelfelner, Secretary/Treasurer

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

On this 11 day of March, 2022, before me personally appeared **Robert Litzelfelner, President and Mike L. Litzelfelner, Secretary/Treasurer of LITZ BROTHERS, INC., a Missouri Corporation a/k/a LITZ BROS., INC.**, to me known to be the person described in and who executed the within Warranty Deed, in behalf of said corporation and acknowledged to me that he 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.



Stephanie A. Mueller

Notary Public

My commission expires:

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 ½" 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 ½" 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 77° 20' 44" W, 182.31 FEET TO A ½" IRON PIN (SET) ON THE WEST LINE OF U.S.P.S. 318; THENCE N 06° 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.