



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN STUDY SESSION**  
**Monday, March 21, 2022 at 6:45 PM**  
**Board Chambers, City Hall, 101 Court St.**

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**AGENDA**

**DISCUSSION ITEMS**

- [1.](#) Special Event Permit application for the UJRO's Jackson in Bloom
- [2.](#) March 9 Planning & Zoning Commission packet
- [3.](#) March 14 Park Board packet
- [4.](#) Park Concession Stand Operations Program - bid tabulation
- [5.](#) West Mary Street Low-Water Crossing Replacement Project - engineering services proposal for construction inspections
- [6.](#) Utility relocations for the Bridge Replacement and Highway 61 Improvements Project - engineering services proposals
7. Hubble Creek and Recreation Trail Clean Up Event
8. Previously tabled items
9. Additional items (unspecified)

Posted on 03/18/2022 at 04:00 PM.



# CITY OF JACKSON - SPECIAL EVENT PERMIT APPLICATION

Item 1.

"Special Event" includes any event with over 70 attendees held in a city park or on city-owned property or any event of any size held within a city street or at any outdoor location utilizing a loudspeaker. Special events include parties, receptions, dances, festivals, tournaments, rallies, runs, shows, carnivals, circuses, concerts, or similar events.

All Special Event Permit Applications for events are to be filed at least fourteen (14) days prior to initial advertisement of the event. Events requesting use of the band shell or pyrotechnics must be submitted at least thirty (30) days prior to initial advertisement of the event. Submission of the application does not constitute approval of the permit. A permit will be issued to the applicant upon City approval. Applications for events are to be filed to:

City Clerk  
101 Court St., Jackson, MO 63755  
573-243-3568

## I. APPLICANT INFORMATION

Applicant Name:	JANNA CLIFTON		
Business or Organization Name:	UPTOWN JACKSON REVITALIZATION ORGANIZATION		
Mailing Address:	100 NORTH MISSOURI STREET		
Contact Person for Event Organization:	Address: SAME (city, state, zip)	Phone: (573) 200-6542	Email: uptownjacksonmo@gmail.com
Contact Person Available at Event:	Address: SAME (city, state, zip)	Phone: SAME	Email: SAME

## II. EVENT INFORMATION

Event Name:	JACKSON IN BLOOM		
Is this a New Event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, specify previous event location: _____		
Type of Event:	<input checked="" type="checkbox"/> Festival <input type="checkbox"/> Parade <input type="checkbox"/> Run/Walk <input type="checkbox"/> Concert <input type="checkbox"/> Carnival <input type="checkbox"/> Circus <input type="checkbox"/> Party <input type="checkbox"/> Reception <input type="checkbox"/> Dinner <input type="checkbox"/> Picnic <input type="checkbox"/> Block Party <input type="checkbox"/> Other		
Purpose/description of event (be specific):	In celebration of spring, JIB focuses on landscaping, gardening, earth-friendly products, services, pets, and outdoor activities. We feature the Jackson High School plant sale, a native plant vendor, food, free crafts & activities for children. It's the perfect opportunity for all ages to enjoy the day in Uptown Jackson.		
Anticipated number attending, including event staff:	1000		
Time Period of Event:	Beginning & Ending Date of event activities:	Hours of Operation of event activities:	
9a-2p	April 30, 2022	9am - 2pm	
	Beginning Date & Time of Setup/Street Closure:	Ending Date & Time of Setup/Street Closure:	
	April 30, 2022 10am	April 30, 2022 4pm	

## III. PROPERTY/LOCATION INFORMATION:

Address or description of site:	Court Street - Main to Harold's Jewelers Main Street - Missouri - Barton High Street - Main to halfway between Adams & Jefferson	Adams - from Grand about to backside of Barrel 131
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**IV. EVENT ACTIVITIES AND ORGANIZATION:** Answer "yes" or "no" to indicate if any of the following will be part of the event.

Closure or blockade of city street(s). If yes, include detailed map of areas needing closure.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Item 1.
Outdoor loudspeaker use (for music, announcements, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Temporary electric power hookups needed (available in limited locations)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Park band shell requested (application must be received at least 30 days prior to advertising the event)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Alcoholic beverages sold by event organizers or participating vendors/sponsors/others	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Alcoholic beverages served at no charge by event organizers or participating vendors/sponsors/others	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Alcoholic beverages allowed as BYOB or as open containers from adjoining businesses/restaurants	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Beer/wine garden (barricaded area required for outdoor sales and/or open containers outdoors – barricades not required for small private events using immediate area of reserved park pavilion or reserved Civic Center patios)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Temporary water hookups needed (available in limited locations)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Tents - excluding canopies open on all sides (requires fire marshal inspection after setup)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Carnival rides, inflatable rides, or animal rides If yes, please specify: <u>MAY POSSIBLY be animal rides</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Animal shows, parades, displays, or activities If yes, please specify: <u>MAY have SEND Pets w/ adoptable pets</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Temporary restroom facilities located on city street, sidewalk, park or other city property If yes, name of firm: <u>AT YOUR SERVICE</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Private security If yes, name of firm: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Private trash disposal provided (may be required based on scope of event) If yes, name of firm: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Food and/or beverage sales (requires separate Cape County Health Department approval)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Merchandise sales and/or sales of services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Pyrotechnics or fireworks (only allowed with Board of Aldermen approval)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**V. REQUIRED DOCUMENTATION/FEEES**

1.	<b>A copy of the applicant's driver's license shall be included with this application.</b>
2.	<p>For events other than those contained within a park pavilion - attach a detailed site plan for the proposed location showing all applicable event facilities and activities. Site plan should include the entire location to be utilized by the event and include:</p> <ul style="list-style-type: none"> <li>• Requested street closure blockade locations.</li> <li>• Emergency vehicle access (blocked streets require maintenance of an 18' wide fire lane containing no parked vehicles, trailers, stages, vendor booths, tents, etc. Some temporary, lightweight tables and chairs may be allowed to encroach into fire lane, upon approval of the Fire Marshal.)</li> <li>• Merchandise/service vendor locations (specific names of vendors not required on site plan)</li> <li>• Food vendor locations (specific names of vendors not required on site plan)</li> <li>• Location of rides and other attractions/activities, and all tent locations (vendor locations are assumed to possibly include pop-up canopies and are not required to be shown separately as tents).</li> <li>• Stage locations / lighting plans / sound system locations.</li> <li>• A complete list of all vendors selling merchandise, services, or food/beverage at the event, including their contact information.</li> <li>• For parades and run/walks, a map of the entire route, staging area, starting and finish lines.</li> <li>• Any other pertinent features of the event.</li> </ul>
3.	<b>For events including the sale of alcohol</b> , attach a copy of State of Missouri Division of Alcohol and Tobacco Control Picnic or Temporary Caterer's License for the event.
4.	<b>ONLY</b> for events including the sale of alcohol, a City of Jackson Temporary Caterer's or Picnic License for the sale of intoxicating beverages is required. <b>Please submit the required \$10 license fee for application for this license, if applicable.</b> This license will be issued to the applicant/organization for the event.



5.	ONLY for event applicants/organizations selling food, beverages, merchandise, or services at the event, a current City of Jackson vendor's license is required for the organization, unless the organization is a non-profit corporation. <span style="border: 1px solid black; padding: 2px;">Item 1.</span> <b>submit a completed City of Jackson Business License Application, Missouri Certificate of No Tax Due (<a href="http://dor.mo.gov/tax/business/sales/notaxdue/">http://dor.mo.gov/tax/business/sales/notaxdue/</a>), and required \$10 license fee for application for this license.</b>
6.	ONLY for events with sales of food, beverages, merchandise or services by other than the applicant/organization, a complete list of all vendors (including the hosting organization, if applicable) must be submitted at least 3 business days prior to the event. All vendors must have a current City of Jackson business, merchant's, or vendor's license.
7.	<b>FOR ALL EVENTS INVOLVING BUSINESSES, ORGANIZATIONS, OR NOT FOR PROFITS, AND FOR ALL EVENTS SELLING ALCOHOLIC BEVERAGES AND FOR EVENTS WITH OVER 50 ATTENDEES PROVIDING ALCOHOL FREE OF CHARGE.</b> attach a certificate of insurance as evidence of coverage as follows: premises and operations, including products liability, in amount of one million dollars (\$1,000,000) for bodily injury, one hundred thousand dollars (\$100,000 for property damage); or combined single limit of one million dollars (\$1,000,000). The City is to be named as an additional insured. Insurance for events selling alcoholic beverages must include an alcohol provision in the insurance policy. The applicant's insurance carrier shall notify the city ten (10) days prior to any change or cancellation of the policy.
<b>VI. APPLICANT RESPONSIBILITIES</b>	
1.	The applicant is responsible for maintaining lawful use of any location and/or facilities, and must report immediately to the Jackson Police Department any illegal activity or disturbance occurring at the event.
2.	The applicant is responsible for the care of any city-provided barricades, utility equipment, and other city-provided items before, during, and after the event. Street barricades will be provided on site, and are to be set in place by the applicant no sooner than the beginning of the approved street closure time, and must be removed to the side of streets no later than the ending of the approved street closure time.
3.	The applicant is expected to contact adjacent property owners and obtain their consent to any street closure requests which temporarily restrict access to any private property.
4.	The applicant is responsible for restoring the area to a presentable appearance immediately upon the close of the event.

Site inspections may occur prior to or during the event by City staff. Failure to obtain the required permit and/or failure to abide by the conditions of an issued permit, or to abide by city ordinances or state or federal law may result in revocation of the permit and/or closure of the event.

#### **HOLD HARMLESS AGREEMENT:**

To the fullest extent permitted by law, the applicant agrees to indemnify, defend and hold harmless the City of Jackson, its officers, agents, volunteers, and employees from and against all claims, damages, losses, and expenses, including but not limited to attorney's fees, court costs, or other alternative dispute resolution costs arising out of, resulting from, or otherwise occurring from the use of City facilities and infrastructure under this Agreement; provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, death or personal injury, or property damage, but only to the extent caused in whole or in part by the actual or alleged negligent acts, errors, or omissions of the applicant, participants, volunteers or others associated with the event, or anyone directly or indirectly employed or hired by the applicant or other agent of the event or anyone for whose acts the applicant may be liable.

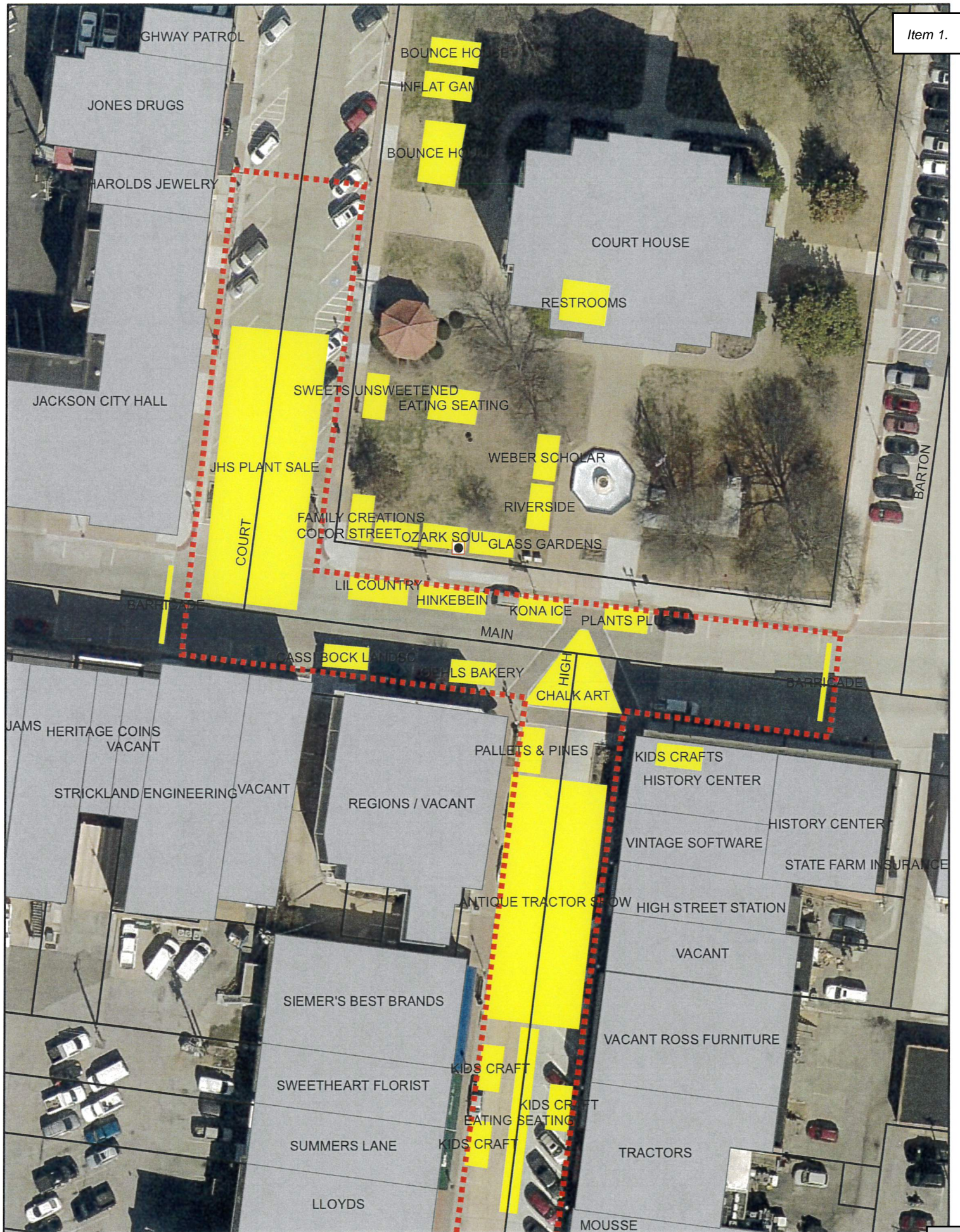
#### **SIGNATURE:**

I certify that the above information is correct to the best of my knowledge and belief. The applicant and/or sponsor agrees to follow the requirements of all applicable City of Jackson ordinances. The applicant and/or sponsor also agrees to hold the City of Jackson harmless from any and all suits, claims, damages, and causes of action of any kind arising from or relating to the proposed Special Event, including property damage and injury to persons, including death. The applicant and/or sponsor further agrees to be responsible for any expenses incurred by the City as a result of the special event for stolen or damaged City property, costs of materials and utilities, and for City employee overtime wages.

23 February 22  
Date

  
Signature of Applicant  
Joanna K Clifton  
Printed Name of Applicant





# JACKSON IN BLOOM EVENT MAP



# MEMO



**TO:** Mayor Hahs and Members of the Board of Aldermen  
**FROM:** Janet Sanders, Building & Planning Manager  
**DATE:** March 18, 2022  
**SUBJECT:** March, 2022, Planning & Zoning Report

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The following action was taken at the March P&Z meeting:

- A public hearing was held for a Special Use Permit for an in-home daycare as a home occupation in an R-4 General Residential District at 716 West Washington Street. The applicant was not present, and the Commission voted to recommend denial of this request.. This application was then withdrawn by the applicant.
- A public hearing was held for a text amendment to Chapter 65 (Zoning) regarding babysitting as a home occupation to increase the number of children allowed without a Special Use Permit from four to six. The Commission voted to recommend increasing the maximum number from four to five to match the number at which the building code stipulates specific code requirements for in-home daycares.
- A public hearing was scheduled for the April meeting for a request for gun sales in a C-3 Central Business District at 125 Court Street.
- A Land Exchange Certification for transfer of 1,989 sq. ft. of property from 1985 Ripken Way to 1944 Ripken Way was approved. No action is required by the Board of Aldermen.
- A minor subdivision plat of Cara's First Subdivision was approved for recommendation with a variance for the lot width and requirement for a 10' easement around the perimeter. Due to the variance requests, approval will require a 2/3 majority vote of the entire Board of Aldermen.



As always, if you have questions on any items, please give me a call at 243-2300 or email me at [jsanders@jacksonmo.org](mailto:jsanders@jacksonmo.org).

JOURNAL OF THE PLANNING & ZONING COMMISSION  
CITY OF JACKSON, MISSOURI  
WEDNESDAY, MARCH 9, 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 Secretary Tony Koeller serving as Acting Chairman and Commissioners Heather Harrison, Wade Bartels, Tina Weber, Harry Dryer, Beth Emmendorfer, and Bill Fadler present. Absent were Mike Seabaugh and Eric Fraley. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Aldermen Joe Bob Baker and Tom Kimbel were present. Aldermen attending as observers were Larry Cunningham and David Hitt. Citizens attending were Caleb Hayes, Tom & Marianna Sperling, Ron & Marcia Clark, Jeff McClanahan, Darla Beggs, Debi King, Jerry & Karen Walker, Audrey Beggs, Tyler Brugger, David Gentry, Brandon Hill, Pamela Powell, Brian & Angela Powell, Kristina LeGrand, Jessica McQuillen, Erica Hendrix, Caitlin Brown, Mike Gohn, Mary Lu Muhlfeld, Diane Lunsford, Darla Her, Scott Beggs, Chris Brown, Lacy Giudicy, Trent Rogers, Megan Roth, Nick Pfau, Jamie Kurtz, Carl Kurtz, Chris Agbayani, Katelyn Fielder, and Faith Geil (sp?).

Approval of the February 9, 2022 )  
regular meeting minutes )

Minutes of the previous meeting were unanimously approved on a motion by Commissioner Dryer seconded by Commissioner Emmendorfer with a correction of a reference to the date of the previous meeting.

#### PUBLIC HEARING

Public hearing regarding a request for a )  
Special Use Permit for an in-home daycare )  
as a home occupation in an R-4 General )  
Residential District at 716 West )  
Washington Street submitted by Angela & )  
Kaleb Hahn )

Acting Chairman Koeller opened the hearing and explained the procedure for public hearings. Mrs. Sanders read a report detailing the dates of application and notifications.

Acting Chairman Koeller asked three times for the applicant to come forward to speak. No applicant was present. He asked if anyone was present to speak in favor, with no response. He then asked if anyone was present to speak in opposition.

Tom Sperling of 117 Morgan Street came forward and was sworn in. He lives at the corner of Morgan and Washington catty-corner across the street. He said Washington Street is one of the busiest streets in town next to Main Street and that the house is not suitable for a daycare. He said the applicants are good neighbors, but he and his wife are totally opposed to the daycare.



Darla Beggs of 706 West Washington Street was sworn in. She and her husband Scott Beggs live next door and the Hahn's driveway is at the side of their house. There has always been trouble with parking on this street. There is not enough parking and they do not want parents using their driveway to drop off children. They both leave early for work. Some people visiting this house already park in their driveway without permission. This is a very busy street, and there have been two accidents at the Morgan Street intersection with a two-way stop. She has told Mrs. Hahn they do not want parents using their driveway and said Mrs. Hahn agreed, but their visitors already park in their driveway without permission. This is a residential area, not a commercial area. The school bus will also be an issue on Washington Street. They are very opposed.

Jeff McClanahan of 118 Morgan Street was sworn in. He expressed concern with traffic. This street has parking on only one side, and the residents of the street use that parking. The applicants have only two parking spaces and do not have room for extra cars. It is a very busy street with no room for additional cars when school is getting in or out.

Kaleb Hays of 709 West Washington Street was sworn in. His concerns are also about traffic. He lives across the street and is concerned about being able to get in and out when they go to work.

Commissioner Fadler asked Mr. Hays if he owns his house because his name does not show on the map. Mr. Hays said he and his wife own the house. Her name is Macy Hays and was found to be listed as Macy Baker.

Debi King of 207 Morgan was sworn in. She said she does not know about the traffic but is concerned with noise and privacy. Her back yard butts against this one. She said the owner's three dogs already bark at everything and the fence is in very bad shape. She works 12-hour swing shifts, likes her privacy, and does not want to have to close her windows because of screaming kids.

Jerry Walker and Karen Walker came forward and were sworn in. Mr. Walker said they are opposed. There is one parking space on one side of the street and no parking on the other. They live on the no-parking side of the street and already have no place for visitors to park. Their visitors have to park down the street or in the next block. The houses are very close together. Many of the neighbors are older and retired, and this will cause more activity that may be a nuisance even though they love children. Pets in the neighborhood already bark at every car.

Audrey Beggs of 409 North Maryland was sworn in. She said she used to live at 706 West Washington with her parents. It was a very busy traffic area. She expressed concerns with the safety of children. The parents would have to park on the road and a kid could step out in front of cars. Her parents, Scott and Darla Beggs, still live at 706 West Washington.

Finding no others in opposition, Acting Chairman Koeller asked again if the applicant was present and had no response.

Commissioner Fadler asked if the property owner is now keeping four children. Mrs. Sanders said she does not think so. Ms. Beggs responded that the applicant has a daycare on Jackson Boulevard and wants to open the house for 8-10 more children. No children are kept at the house now.

Acting Chairman Koeller recognized Mrs. Walker to ask a question. She asked if approving a special use permit transfers to other property owners or if it changes the zoning. Mrs. Sanders clarified that

special use permits are issued to the property owner for that property and do not transfer to another owner or another location. They also do not change the zoning.

Finding no one else wishing to speak, Acting Chairman Koeller closed the hearing.

Public hearing regarding a request for a )  
text amendment to Chapter 65 (Zoning) )  
related to babysitting as a home occupation )

Acting Chairman Koeller opened the hearing. Mrs. Sanders read a report detailing the dates of application and notifications. She pointed out that the Commission had been provided a number of letters of support and opposition and a petition of support.

Acting Chairman Koeller asked the applicant to come forward. Angela Powell of 596 Canyon Trail was sworn in. She lives in Cold Creek Estates subdivision. She said she is representing herself and others in Jackson who would like to be able to keep children to supplement their income. They would like the city to match the state statute Governor Parsons signed in August of 2020, allowing in-home care for six children, which also addresses the ratio of infants & toddlers. She said she saw the need in the state that is not being addressed in our city. Waiting lists are too long for centers and for in-home providers. A text amendment would cost the city no money and would help working families, especially with children from birth to 5 years old. Small changes would make big impact. She has been keeping children since 1996 and has never had any opposition except where she lives now. She has been asked why she does not open a facility, but she wants children to have the 'home away from home' feel. She wears all the hats and does not have to worry that someone does not show up for work or if they are doing their job. Children should be a priority. Families need to work, and children need care. She said people caring for children in their homes is not new. It has been around forever, like the ordinance has been around a long time but is not working any more. The law needs to be amended to give families another affordable alternative. They do not charge as much and minimum wage making families need ways to make ends meet. At her licensed family home at 409 North Shawnee, she was able to keep ten children alone, including two infants. She could help state-paid clients and foster families. When they moved, she lost that ability and also crossed the barrier of who belongs and who does not belong. She has worked hard her whole life and served others. She is a good person, loves Jesus, and was doing what she is called to do. She just wanted a larger home for her growing boys and a location where she can separate her childcare from her living space. This was a perfect house. Providers like her work long hours without benefits such as health insurance, 401K, bonuses, etc. She had no idea what she would face. They do not matter to anyone else but the families they work for. She asked the Commission to support the change and stand up for those who want to make an honest living. She said roads are made for vehicles. It is Planning and Zoning's job to make sure the city is safe. Cars use them and park legally in a parking spot. She parked on the street outside [the meeting] and had to wait to get out of her car. She understands some locations do not work for an in-home [daycare] but when they do, and opposition is ridiculous, they do not have a leg to stand on. They need to be heard. She realizes that people want their personal time and want it to be their way. She wants to have cookouts, have friends over, install their pool, retire someday, and enjoy life. Everyone has their own agenda. Her former home at 409 North Shawnee sold to a family with five children. Do they have too many kids? Backyards are for your own personal use. She has been judged for having too many toys. She said her house will look no different whether she has a daycare or not. She will have grandbabies and they will have every single toy so they will come to their grandma's house. Some people need to put themselves in others' shoes. They should do some homework, grow in love & kindness, and not tear each other down. Laws are



meant to be followed, but some laws have gray areas. The state wants to protect childcare providers as well as those they care for and have a 35-page rule book. She would have stayed licensed if she could. New school buildings have been built to continue growth. She said they had an online petition of support with over 221 signers, but it failed to have the information required by ordinance. She then read some online comments of support submitted by those who signed that petition.

Acting Chairman Koeller asked if she copied these comments. Mrs. Powell explained the online petition allowed people adding their support to make comments. She said she did not think it was fair that these people were in support and she could not read them to the Commission. Mr. Koeller asked if she had a printout. She offered the printed comments to the Commission. She then completed reading the comments.

Mrs. Powell said she has been listening to the opposition. She said the families will respect not parking on other people's property.

Commissioner Weber asked for clarification on the ratio of children. Mrs. Powell referenced the state law that specifies of the six children only three can be under two years old. Infants are up to 12 months and up to 23 months are toddlers. She read the state statute wording that says these providers do not have to be licensed or report they are providing care. This ratio controls the providers' own children under kindergarten age as well. Ratios are a big deal. From parents' perspective, everyone wants their child in a safe environment and wants them to have peers. They are not asking for anything that is not the same as a big family. It would be great if all moms could stay home and watch their own kids, but that is not how it works. She said two parents both need to work, and daycare is expensive.

Acting Chairman Koeller asked if anyone would like to speak in favor. Mrs. Powell asked if it was allowed for those present in support to stand because not everyone was going to speak, and Mr. Koeller agreed. Those in support stood.

Erica Hendrix of 1922 Orchard Drive was sworn in. She said she works at the software company across the street [Vintage Software] and works with numbers. The updated population of Jackson in 2021 was 15,481, 6.2% of which are under the age of five. There are approximately 5,525 households in Jackson. The median value of owner-occupied homes is \$164,800 as estimated between 2014-2019. The median gross rent is \$880. The average household has 2.63 persons and their income on average is \$64,497. These numbers do not account for recent inflation. Prices have increased 7.5% since 2021. Before the pandemic there were seven daycares in Jackson to care for approximately 1,000 children under age five. Several of these daycares have closed. There is not enough care for all 1,000 children. One has such a lengthy waiting list that they are trying to get a Special Use Permit to watch children in their home as well but did not show up tonight. In Cape, the wait lists are even longer than in Jackson. This is 2022, not 1964 when her mother was born and lived next door to grandparents. Her grandfather was a farmer and her grandmother was a housewife. We live in different times where both parents have to work. Grandparents work as well and childcare is necessary for the majority of the population. She is a graduate of Cape Central, a SEMO alum, and moved to Jackson eight years ago. She lives across from West Lane and down from Orchard. Jackson Junior High and Middle School are down the road. She just started working from home 50% of the time but has worked from home 100% the last two years and hears children playing all day. It doesn't bother her. She is a single parent and searched for months to find childcare. She had to take her child thirty minutes away to Friedheim for childcare before she found Angela Powell and was again left without care when Mrs. Powell was denied a Special Use Permit. They chose to continue keeping the younger children because it is so hard to find care for children under two. Angie called all her provider friends and found a fit for her family. Her friend was

not so lucky. They called thirteen facilities in Cape and Jackson and found two openings. One offered no place for the children to eat besides on the floor. The other had children sitting in front of the TV all day. One in Jackson had a poor reputation. They did not want to send their child there. Another friend called facilities in Cape & Jackson. One had a waiting list of over 200 children and two had over 80 on their wait list. One had 40+. These are facilities, not in-home providers. Her own daughter is on several pre-school wait lists. The soonest she may get in is July and that is not guaranteed. She will have to drive 45 minutes to take her child to Cape and get back to Jackson to work. She kept her daughter with Angela for two years because in-home care is a more personal experience. Facilities hire minimum wage employees who may or may not show up for work. For Angie, this is not a hobby or a tax exemption. She treats them like her own and becomes an honorary member of every family she cares for. Her daughter has been sitting on Mr. Powell's lap through the meeting. The children are treated better than at any facility. She said she is shocked at how this has played out, having always viewed Jackson as a community for families, but is now seeing a different side. She asked the Commission to align with the state recommendation for six children and not side with cranky neighbors. [applause]

Caitlin Brown of 225 Oak Meadow Drive, Jackson, was sworn in. She said she supports children, working families and her daycare provider Angela Powell. She said she is one of the ones the previous speaker talked about. She called several facilities and all have forty or more children on their waiting list. Mr. Koeller asked if her child was let go from the Powells. She said no. Her oldest son is turning four and has been on the Jackson school pre-school waiting list since he was six months old, and they have not yet been called. This is a half-day program and she would still need care before and after. She would have to get him to school from 9-11 although she works 8-5. She would also have to find somewhere in the summer for him to go. Two places had openings, but reviews showed that one had all children sleeping in the provider's personal bed and one had no table for the children to eat. Another, where her friend sent a child for two days, had little squares the children had to stay within. She said these things happen when the caregiver has no one to answer to and no rules to follow. The state would have multiple checks, which is why a state license is preferred by many parents. Angela was denied that when she lost her Special Use Permit. This is not about that. It is about changing the number of children one person can keep from 4-6. The need is extremely high and there are no openings in Jackson for newborns. Families are forced to not have children, or one parent must stay at home with the child, but most families must have two incomes to survive. Single parents do not have the option to stay home. Missouri kidscountdata.org lists the child population under age 5, in 2019 as 5,497 and it has grown 24.3% of those children are from single parent homes. Three major daycare facilities have closed. If Special Use Permit requests continue to be denied, the working families of the community need help with what to do with children up to 5. Raising the number to match the state would help two families per provider. They are just trying to provide for their families. She said she thought this was a community-minded town who helps and rallies around those who need help in time of need. She said considering what has happened in the last six months concerning her provider's change of address, she has not seen support. She has not seen such bullying since she was in high school. Neighbors did not make an effort to get to know the person but put in cameras to monitor them. As a mother who takes her child there, it is very uncomfortable. She has serious issues with adults taking pictures of her minor child. A lot of families would benefit from this change. She hopes the Commission will make the needed adjustment.

Mike Gohn of 3663 Boston's Farm Drive, Maryland Heights (Bridgeton area) Missouri was sworn in. He said he was born and raised in Jackson. Most parents and grandparents see the importance of good daycare. His daughter and son-in-law both work, and his grandsons go to Mrs. Powell. Their goal is to have children in a safe environment where they learn social skills and enjoy the environment. He has

seen these qualities in Angela and heard his grandson talks positively of his experiences there. He hopes she can continue to do this with an expanded number of kids. He is here supporting his daughter, son-in-law and two grandsons. He appreciates what the Commission does.

Darla Herr of 212 Cherry Street was sworn in. She said she did not plan to speak. She is one of the special education teachers at Orchard Elementary. She wanted to share how the daycare situation has affected one of her students this year. The pre-school waiting list for Jackson is three years long. When she had her first born, she was told to put him on the wait list before he was six months old, or he might not be able to attend before kindergarten. With the daycares that have closed and the current limit of four children, there are so many children who are being kept unsafely. This school year, one of her students was impacted by this daycare rule. His mother has him and a younger son. She could not get a job with no daycare and could not pay for daycare with no job. She became homeless and the last thing she could do was voluntarily give up her child to foster care. Ms. Herr took in her student. It was mind-blowing that a single mother in Jackson, Missouri would get to that level without support from the community. She has since found daycare in Cape, has her children back, and seems to be improving. This also impacts children in school if their younger siblings are not able to be taken care of. It causes insecurity for them.

Megan Roth of 2032 Cambridge Drive in Cape Girardeau was sworn in. She said she does not live in Jackson but brings her son to Mrs. Powell. She cannot find daycare in Cape and cannot afford the daycare centers. She is a single mom who cannot afford to rent an apartment and is living with her mother. Without Angela she would not be able to work. The daycare she had lined up fell through. She was in tears when she found Angela. People need a safe place for their children and low-income parents need an opportunity for safe care. Raising the number from four to six gives more single and low-income parents the option to know their child is safely cared for. Her child is two and feels like he has a family other than her who can take care of him. She knows that if something happens, Angela will know what to do and will continue to try to contact her until she reaches her. She is a server and cannot always have her phone with her. More people need that care. There are not enough daycares and is a problem that will keep getting worse.

Paige Hester of 564 North Lacey Street was sworn in. She said she was not prepared but wants to share some thoughts. She wanted to speak to points in the opposition letters. She felt the arguments did not hold water. The opposition wants to protect businesses, but daycares have closed. Just Kids closed. She had fortunately just moved her son from there or they would have been without daycare. Her two young children were raised in in-home daycares, and she preferred that home environment for infants to age three or four. They need to be kids and be loved. She has been in in-home daycares with more than four children and had no safety concerns. When she moved her son from in-home care to a facility because her provider was phasing out, he was four years old and was exposed to porn within a couple of months. There was not enough supervision. She has lived the nightmare of trying to find daycare. She felt the opposition must not have young children and are out of touch. She also does not think changing from four to six is a crazy change and is a good thing. Parents are capable of vetting the in-home cares and determining if their children will be safe there.

Katelyn Fielder of 1433 County Road 349 was sworn in. She said she moved here in October of 2020. She is a mixed-animal veterinarian, and her husband is a diesel mechanic. Their jobs provide stress. She is on call 24/7, serving large and small animals. Her daughter has had to come on some of her cattle calls. They moved here with a month's notice. One of the struggles was finding care for her child when she was almost two. Not being a low-income family, they did not qualify for subsidies that some centers have. She called over twenty locations from a list provided by her employer and all had waiting lists up



to four years. To get a child into care, before you have a child you must put your imaginary child on a waiting list. She had the same problem in Columbia. There were wait lists for imaginary children. She said the need is not just here, it is everywhere and is for all incomes. They were one of the lucky ones to find an opening. For three weeks after they moved, her parents from three hours away had to keep her child. Her daughter is now three years old and is in in-home care where a special use permit is not needed because it is not in the city. It is licensed. Her child knows her ABCs, can count to 20, and knows the names of all the other children at her daycare. She does not know much about the special use permits, maybe they are only needed in fancy neighborhoods. She said she would push for reconsideration of the Special Use Permit. She knows the Powells from a bible study class. There needs to be more people capable of caring for children. It is a blessing and a gift some people have.

Kristina LeGrand of 557 Mansfield Place was sworn in. She said she did not plan to speak. Eight years ago, she could not find daycare, called everyone, and then found Angela Powell for her son. She had a child on the pre-school waiting list since birth who is now in pre-school. Mr. Koeller asked if she is referring to the [Jackson R-2] preschool and she said she is. Pre-school costs three times as much and has been awful for him. His behavior became terrible. Pre-school is \$140/half-day where Angela was \$120. With pre-school and additional care she would have been paying \$700/week. She had to quit her job. She was working to pay for high school students who were just on their phones.

Trent Rogers of 183 Comanche Lane in Fruitland was sworn in. He said his son is 13 years old and went to Miss Angie's from age 3 to kindergarten. No one will get rich watching six children, but it will help others and they may get to stay home and watch their own children.

Faith Geil of 194 Clark St. was sworn in. She knows Angela from a 'small group'. She said she and her husband do not have children and have not put their name on a list yet but is starting to think they should. She works at Walmart Vision Center and talks to people. She is on track to be an education major or an optometrist. Her supervisor had taken her kids to Angela and said she is the most phenomenal care giver. It is a home away from home. She [Angela] is trying to follow the laws and do things properly. They are here to support her.

Brian Powell of 596 Canyon Trail was sworn in. He said he knows anyone who knows Tony Koeller knows he has a love & passion for soccer. That is the same love & passion Angela has for kids. He works for Dollar General and does not look forward to going to work every morning, but she does. She does not want run a daycare, but the best daycare and is always looking for new practices. She works within state guidelines and is not just a babysitter but becomes almost a co-parent. She serves the community. Everyone she keeps children for is an essential worker. She provides the care for them so they can provide the essential services for us. The opposition will say it is not personal, but it has caused them a loss of 60% of their income and government grants, invasion of privacy, sleepless nights, and health issues for his wife. Because of the daycare, they have endured stress, loss of income, personal and social media harassment, reputation of daycare affected, vandalism to their property, and invasion of privacy within the 4 ½ months they have lived there. They had to call the police within the first two weeks of living there. The complaints are contradictory. He does not think traffic is the issue. They come and go several times a day and they have FedEx, UPS, DoorDash, & food delivery. For commercial & residential, before you reach their house there are a gym, a car lot, storage units, and residential duplexes. Accountability - state licensing is the best accountability for daycares. Working from home – his wife cannot do it, but he has learned most of them work from home. He said at the licensing [special use permit] hearing he was told their fence would be an eyesore and cause glare. The fence will come but will take time with their loss of income. Their playground toys are not liked. They cannot win for losing. Kids playing is a disruption to people who work at night. Kids down the street

play basketball every day. Are there going to be mowing schedules or schedules for children to play outside? What about playing in their pools? What about all the houses being built in the subdivision? There is construction noise. He has been asked why he doesn't find somewhere else to live or find somewhere to live where they are more welcome. He said they found their forever home. They loved the location and love the home. He said at the license [special use permit] hearing he read a list of things that affected property values. Daycares were not on that list. Bad neighbors were number one. There is no shortage of that. He said he fears if all this gets out about his neighbors and neighborhood, he would not be able to sell the house.

Diane Lunsford of 1030 Odus Drive was sworn in. She supports the change to six. Daycare is very much needed. In-home daycares are only allowed to do so much. Even unlicensed providers are supposed to follow the guidelines, but you do not know if they are. There are registered unlicensed providers whose house has to be approved and can accept state subsidized care. She said foster parents can use state subsidized care and also cannot find places. The daycares that accept foster children only get about \$12/day and cannot ask for the overage to the normal charge. A lot of people providing daycare are not in it for the money, but they do have to survive. A lot of people and single parents cannot afford the big daycares. In a home they get attention. They learn through play. She said she did not know Angela was having trouble, and she was glad to be able to be here. It takes special people to do this type of business. She asked the Commission to consider changing from four to six. Two more is not that much more. She has done it herself. She asked the Commission to support the parents and those trying to make a living in their home whether they are licensed or unlicensed.

Jamie Kurtz of 2632 Braun was sworn in. She lives across from East Elementary and hears children all day long. She provides in-home daycare because she saw a lack of dependable people to take care of her babies. She took a break and tried a desk job for two years. Her children came home from a facility with head lice and saying cuss words. She said she needed to help parents have someone dependable with one-on-one time where you have a relationship with the families and know what is going on in their family. It is totally different from in-home care to a facility. She has been on both sides. She worked on a base in Nebraska for five years and learned a lot from there that she uses in her home daycare. You ask how they are doing, how their night went, how they were doing with deployment. You cannot get that at a center where they have the stress of running a facility and do not have the time or the dependable help. She gets calls every day. She does not have an opening until August of 2023 when one of her kids goes to kindergarten. She put her daughter on the pre-school wait list when they moved here. When they called to say she could start ½ day pre-school, they could not afford it. She worked at St. Francis doing billing and could not afford to pay childcare and the gas to drive to Cape. So she opened her in-home daycare to be home with her daughter and be there for families who can trust her. She cannot get licensed because there is no second exit from her basement but she can love six kids. She kept 10 children on [military] base for five years and not a single child went home hurt and not a single family had a complaint about the care. She thinks they can do it for six. It is the parents' job to go see where their children will be eating, sleeping, and playing, and must know they can trust the provider. There are bad daycares, and her child was in one that was a center. It was her job to see that and make the change. This is an important change. [applause]

Mr. Koeller asked if we know how many unlicensed daycares there are. Mrs. Sanders said there are probably a lot. Mrs. Powell said she knows there are people caring for six, but she knows they are scared to come forward because they are afraid to lose what they have. When the state law was changed to six, she was the first to tell people they could keep six kids and had no idea that did not pertain to them because they live in the city limits of Jackson.

Acting Chairman Koeller asked how many attending keep children. Five people raised their hands.

Finding no others to speak in favor, Acting Chairman Koeller asked if any were present to speak in opposition.

Lacey Guidicy of 2829 Clear Spring Place was sworn in. She said she opposes the amendment. She understands that childcare is not easily accessible and there is a need. The city should make some changes to better serve families in need of childcare. This is not the change that is going to make a difference. The state law was changed in 2020, and this need goes back at least eight years. There has not been a huge change in child care providers and availability since this law has come into place. Because it is new, there is not data supporting that the need has changed or that this is better or safer for children. The increase in income would benefit providers who strive to provide quality childcare. It opens an appeal to others who have no experience, no education, and maybe even poor intentions to start an in-home daycare. Unlicensed, unregistered daycares register with no one, do not have background checks, and are not on a list. There is no regulation and no safety net for parents. If it was just two more children for the providers here, that makes sense. These provide quality child care. Changing the text opens it up to everyone, and that is not the case for everyone. There are daycares with four children who are not providing quality child care that are not safe environments. Those will also be able to watch two more kids. If they have to get a Special Use Permit they must put their name and address on an application and have accountability. The focus of this amendment request has been about childcare but is a distraction from the purpose of the ordinance. The responsibility of the ordinance and the commission is to protect the citizens of Jackson and their investments. Residential zones are for structures that serve as housing. Home occupations that do not disturb the essence of the residential area are permitted. There is a procedure in place for in-home providers to seek a special use permit to watch more kids. In many cases, the in-home daycares don't have a negative impact. Recently, on Main Street and Shawnee Boulevard, there are in-home daycares with special use permits for more than six kids. In other cases they have been denied because of detrimental effects to the neighborhood. Most homes do not have adequate parking for pick-up and drop-off. You would not allow a baker to have twelve pickups a day or a hairdresser to cut twelve people's hair a day in a residential area without a permit. It is not about child care. It is about differentiating residential from commercial. The streets are not designed for the volume of traffic. The ordinance states that home occupations will not be permitted if they generate substantial volumes of traffic. Reviewing case by case is the best way that all interests are considered about an in-home daycare or other special use permit in residential zones. She asked the Commission to protect homes and families from unregulated child care practices by rejecting this request.

David Gentry of 2830 Clear Spring Place was sworn in. He said he wants to say something in rebuttal. He is one of the cranky neighbors and has never spoken to these individuals who said he needs to get to know them. Their play equipment is right on his property line and hears the kids every day. He lives right behind them. They never asked if he minded. He and his wife moved from Washington, D.C. to Jackson. They looked at five different neighborhoods and picked this neighborhood because it was quiet and new. Now they have a daycare center. He thinks four children is plenty. He knows there is a childcare problem. People talked about a two-year wait. In Washington, D.C. the wait is six years, and the cost is \$2,500/wk. for one child. He said there should be a give and take in their neighborhood. He understands the property values. Having the police called is ridiculous. He agrees with four and disagrees with six. They first wanted ten and got four. Now they want six. In two months are they going to want eight or ten again? He is opposed for that reason.

Commissioner Weber asked for clarification of his location. He is right behind.



Finding no others wishing to speak, Acting Chairman Koeller gave Mrs. Powell an opportunity to rebut.

Angela Powell came forward. She said this ordinance pertains to the whole city and the opposition is from her subdivision and against her house. She said her house has a lot of room and is on a dead-end street. There are lots that cannot be built on because of the drainage and whoever buys those properties is going to have to fix that. When you drive from the top of the hill there are two houses and two empty lots. There will be four houses before getting to her house. You turn onto Prairie View Trail past the houses and empty lots and there is their driveway. Their parents do not pull into other driveways or turn around in other driveways. They can pull into their driveway and go right into the home at the basement. Her toys are lined up. She has tried to contact Mr. Gentry and has even returned mail to his house. Whether they moved in or someone else, this is a four bedroom home and anyone could have moved in. She made sure with her realtor there were no covenants or HOAs. They are not here to hurt the residential area. There is a need. They have to work in hiding because people want to sit in their backyard and be peaceful. Towns are not peaceful, acreage in the country is. They can hear truck traffic from Highway 61 and there is commercial right by them. Lacey [Guidicy] lives across the street and is the most impacted in her opinion. Mrs. Powell said they [children] are only outside a little bit in the morning and a little bit in the afternoon. It is like telling a family that moves in there they cannot play outside. She said she would have loved to be friends with all her neighbors. She said that may never happen. She has waved at the Gentrys on multiple occasions but then heard him talking about the situation to a delivery driver at their house who was a complete stranger. She said she is a level-headed person and will talk to anyone who talks back because she has worked with children for so many years. She loves adult interaction. She said a fence will help. She thought when they moved there, they would realize that it was not as bad as they thought it was going to be and there would be less opposition. She said two families spoke in opposition and they are her neighbors. Her Christmas lights were cut. One of them made noise and offended Ms. Guidicy so she turned it down. She provides a service, and they are like a big family. When she first moved in she had six kids. Commissioner Weber asked her percentage. She currently has two children under age three. She kept the infants because they are harder to place. They have had some issues. She talked about laws and gray areas. She said she is a pretty honest person, and could tell everything but then would be held accountable for it so she won't speak on certain things. She would love to share how it works. Her baby didn't make it in another daycare and she could not let him stay there. She said she did what she did and could be reprimanded for that. They are just asking for two more kids. She could help two of their families who would not have to be miserable at their other places. She said she had plenty of room at this house for the daycare but they did not want her here and did not want the toys here. Their income tax check will be used for the fence and they will not have to look at them much longer. Being a licensed daycare is always the best answer. The licensing rules protects both the caregiver and the children. Most states will not allow in-home childcare because of the risk to children. She said for their Special Use Permit, the Planning & Zoning Commission approved it and the Board of Aldermen denied it because of the glare of the fence and the nuisance of the noise. The civic center is across Highway 61. She has had an accident on Highway 61.

The Commission asked her hours. She said her hours are 6:30 to 5:30. The police have been called because a truck blocked one of her parents and her three-year-old daughter from leaving and scared that parent. Their Christmas lights were cut. Mrs. Guidicy sent her son to take pictures because she wants to record her doing something wrong. She has never had over six since being in her new home but Tiny Tots closed for two days for Covid, so she helped out by having six children. She does not want to go to jail or get a ticket. There are no covenants or restrictions where she lives, and she does not understand why her permit did not pass. She said what people want is not fair to what people need.

An audience member asked if they could speak again. Acting Chairman Koeller said their opportunity had ended. He then closed the hearing.

## OLD BUSINESS

Request for a Special Use Permit for an )  
in-home daycare as a home occupation )  
in an R-4 General Residential District at )  
716 West Washington Street submitted )  
by Angela & Kaleb Hahn )

Chairman Koeller opened the item for discussion. The Commission discussed the parking issue, the small house, and that the applicant did not attend.

Commissioner Fadler made a motion to approve the request. The motion was seconded by Commissioner Weber and unanimously failed.

Vote: 0 ayes, 7 nays, 0 abstentions, 2 absent

Request for a text amendment to Chapter )  
65 (Zoning) related to babysitting as a )  
home occupation )

Commissioner Bartels suggested a compromise at five children. Commissioner Fadler said codes are written to protect property. If he bought in a new neighborhood, he would not want commercial uses. There could be 100 people keeping children. If this is changed for one individual, it is changed for all. He said the Commission previously reviewed a transmission business. The support at this hearing was for Mrs. Powell. The Commission has to look at how it affects the community.

Commissioner Emmendorfer said there is a larger need and the [Powell's] property was ideal. The Commission approved it and the Board of Aldermen denied it. She said it puts this group in a difficult situation.

Commissioner Fadler asked if this increase would require a change to the fire codes. Mrs. Sanders responded that staff would not recommend changing the building or fire code because these are international codes and changing them takes on liability by the City.

Commissioner Harrison said this affects the big picture. It is not their job to control. The codes were written for a previous time and Jackson is growing. The Commission needs to look at whether they still make sense.

Mrs. Sanders was asked about the detention lots. She said there are two lots that share the detention basin, but they are buildable lots.

Commissioner Dryer said state rules are for the whole state, a lot of which is rural with houses far apart. He referenced the definition of home occupation and said it states that a home occupation is to be carried

on wholly within the building. By playing outside, they are violating the code. The home occupation definition also prohibits any substantial volume of traffic. With four children you have 176 vehicles a month. With six it would be 264. This also violates the definition.

Commissioner Bartels disagreed, saying that the allowance to babysit four children presumes that they can come there and play outside. It would be inhumane to keep them from the back yard.

Commissioner Harrison said this is a personal investment. Neighbors with teenage children who all have cars can be more annoying.

Commissioner Fadler made a motion to approve the request, seconded by Commissioner Harrison.

Commissioner Bartels said he had more discussion. He again recommended five children. This would be middle ground, seems logical, and can match the building and fire code. It is not an individual situation anymore. Others agreed.

Commissioner Fadler withdrew his motion. Commissioner Harrison withdrew her second.

Commissioner Bartels moved to approve recommending amending the code to five children. The motion was seconded by Commissioner Weber. A roll call vote was taken with Commissioners Bartels, Emmendorfer, Harrison, Weber, and Koeller voting yes. Commissioners Fader and Dryer voted no.

Vote: 5 ayes, 2 nays, 0 abstentions, 2 absent

## NEW BUSINESS

Request for s Special Use Permit for gun )  
 sales in a C-3 Central Business District )  
 at 125 Court Street submitted by Jones )  
 Drug Store, LLC )

Mrs. Sanders pointed out the new city attorney interprets the code and state law to require public hearings at the Planning and Zoning level for all rezonings, special use permits, and code changes. Therefore, a public hearing will need to be set. She reported one of the owners of Jones Drug Store lives in an upper level apartment and this is a request for by-appointment sales on the upper level of the Jones Drug Store building. Mr. Brian Kiefer came forward and stated he wants to get a Federal Firearms License to sell to friends. He lives upstairs.

Commissioner Fadler made a motion to set a public hearing. The motion was seconded by Commissioner Bartels and was unanimously approved.

Vote: 7 ayes, 0 nays, 0 abstentions, 2 absent (to set public hearing)

Request for a Land Exchange Certification )  
 for transfer of 1,989 sq. ft. of property from )  
 1985 Ripken Way to 1944 Ripken Way )  
 submitted by B&R Developers, LLC )



Mrs. Sanders reported this is the transfer of a sliver of property from one lot on the Ripken Way cul-de-sac to an adjacent lot. Both lots will still meet the minimum lot size and frontage requirements.

Ron Clark came forward and said he is selling the vacant pie-shaped lot but wants to keep part of it to be able to mow around his retaining wall.

Commissioner Fadler made a motion to approve the request. The motion was seconded by Commissioner Harrison and was unanimously approved.

Request for approval of a minor subdivision )  
 Plat of Cara's First Subdivision submitted )  
 By Country Life, LLC )

Acting Chairman Koeller recused himself and moved to the audience. Mrs. Sanders said this is property that was previously owned by Marilyn Landewee who was going to subdivide it but then sold the entire property to Country Life, which is Tony Koeller. The application includes a variance request from the minimum lot frontage and from the requirement to add a 10' easement around the boundary. The lot frontage would be 60' for each lot which is consistent with the other lots in the neighborhood.

Mr. Koeller said she kept postponing the subdivision. He bought some rental houses from her including this property and agreed to finish the subdivision and give one lot back to her. It is time to give it back. She plans to build a shotgun style rental house on the lot that is a big hole.

Commissioner Fadler made a motion to approve the request. The request was seconded by Commissioner Bartels and was unanimously approved.

Vote: 6 ayes, 0 nays, 1 abstention, 2 absent

Consider a motion to add items to the )  
 agenda )

Mrs. Sanders reported the Request for Qualifications for the Comprehensive Plan Update has been published on the APA website and emailed to SEMO Regional Planning and Housesel Lavigne Associates who completed the city's last comprehensive plan. It will also be published in the Cash-Book Journal in their next edition. The due date to receive qualifications is March 31<sup>st</sup> and a committee meeting will be scheduled for a date shortly afterward to review the submitted qualifications.

Adjournment )

Commissioner Fadler made a motion to adjourn, seconded by Commissioner Emmendorfer 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.*



## CITY OF JACKSON

### PLANNING & ZONING COMMISSION MEETING AGENDA

Wednesday, March 09, 2022 at 6:00 PM

City Hall, 101 Court Street, Jackson, Missouri

Bill Fadler  
Tony Koeller  
Harry Dryer  
Tina Weber

**Mike Seabaugh, Chairman**  
Joe Baker, Alderman Assigned  
Tom Kimbel, Alderman Assigned  
Janet Sanders, Staff Liaison

Wade Bartels  
Heather Harrison  
Beth Emmendorfer  
Eric Fraley

#### CALL TO ORDER

#### ROLL CALL

#### APPROVAL OF MINUTES

1. Approval of minutes of February 9, 2022 meeting.

#### PUBLIC HEARINGS

2. Public hearing regarding a request for a Special Use Permit for an in-home daycare as a home occupation in an R-4 General Residential District at 716 West Washington submitted by Angela & Kaleb Hahn,
3. Public hearing regarding a request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation as submitted by Brian Powell.

#### OLD BUSINESS

4. Request for a Special Use Permit for an in-home daycare as a home occupation in an R-4 General Residential District at 716 West Washington Street submitted by Angela & Kaleb Hahn.
5. Request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation as submitted by Brian Powell.

#### NEW BUSINESS

6. Request for a Special Use Permit for gun sales in a C-3 Central Business District at 125 Court Street submitted by Jones Drug Store, LLC.
7. Request for a Land Exchange Certification for transfer of 1,989 Sq. Ft. of Property from 1985 Ripken Way to 1944 Ripken Way submitted by B&R Developers, LLC.
8. Request for approval of a minor subdivision plat of Cara's First Subdivision as submitted by Country Life, LLC.

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

#### ADJOURNMENT

This agenda was posted at City Hall on March 2, 2022 at 5:00 p.m.

PLEASE OBSERVE SOCIAL DISTANCING WHEN ATTENDING THIS MEETING.



JOURNAL OF THE PLANNING & ZONING COMMISSION  
CITY OF JACKSON, MISSOURI  
WEDNESDAY, FEBRUARY 9, 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 Mike Seabaugh presiding and Commissioners Heather Harrison, Wade Bartels, Tina Weber, Tony Koeller, Harry Dryer, Beth Emmendorfer, Eric Fraley, and Bill Fadler present. No members were absent. Building & Planning Manager Janet Sanders was present as staff liaison. Assigned Aldermen Joe Bob Baker and Tom Kimbel were also present. Citizens attending were Amy Worley, William & Ashley Ruffier, John & Sarah Ryan, Patsy Pulliam, Mary Harriet Talbut, Mike Lackamp, Garrett Lackamp, Angela Hahn, Nolan Bartels, Lacy Giudicy, Carolyn Hahs, Bob & Cindy Lichtenegger, Brian & Angela Powell, and Mandy Hatfield.

Chairman Seabaugh welcomed Eric Fraley as a new member of the Commission.

Approval of the January 12, 2022 )  
regular meeting minutes )

Minutes of the previous meeting were unanimously approved on a motion by Commissioner Dryer, seconded by Commissioner Koeller.

#### PUBLIC HEARING

Public hearing regarding a request for )  
approval of rezoning of 2.65 acres of )  
property addressed as 720 South Old )  
Orchard Road from R-1 Single Family )  
Residential to C-2 General Commercial )  
submitted by Independence Self Storage, )  
LLC )

Chairman Seabaugh explained the hearing protocol and opened the hearing. Mrs. Sanders read a report detailing the dates of application and notifications. He asked if anyone was present to speak in favor. Mr. Lackamp said he had nothing to add to Mrs. Sanders report. Finding no one else present to speak in favor, Chairman Seabaugh asked if anyone was present to speak in opposition.

Mr. William Raffier of 688 Old Poplar Road came forward and was sworn in. He said he is not against the development of storage sheds but is concerned that the storage shed use would be a temporary place holder for another use allowed in C-2 zoning such as a marijuana dispensary. He knows of other places where this has been done. He said C-2 zoning should be on major thoroughfares and reminded the Commission of the city motto about beautiful homes. He would like the City to consider granting residential zoning with a special use permit that would limit the property to storage sheds.

Finding no others wishing to speak, Chairman Seabaugh asked Mr. Lackamp if he would like to rebut. Mr. Mike Lackamp came forward with his grandson and was sworn in. He said he is at a disadvantage

because he is hard of hearing and did not hear what was said. He said the storage facility will be built whether or not the property is annexed. If it is in the city, it will be another utility customer and tax payer for the city.

Mr. Raffier asked if the property was sold, could it be another C-2 use and was the Commission opposed to a special use permit.

Commissioner Fadler pointed out that Old Orchard Road was built as a commercial street and the property along it was supposed to be commercial. The developer of McKendree Crossing requested to put a residential subdivision in the middle of it. Commissioner Fadler asked for confirmation from Mrs. Sanders.

Mrs. Sanders agreed it is constructed as a commercial street with a 100' right of way to allow it to be expanded to a four lane road with a turn lane in the future.

Mr. Raffier said since the city approved the residential subdivision, they should uphold those standards around their neighborhood.

Finding no others wishing to speak, Chairman Seabaugh closed the hearing.

## OLD BUSINESS

Request for rezoning of 2.65 acres of )  
 property addressed as 720 South Old )  
 Orchard Road from R-1 Single Family )  
 Residential to C-2 General Commercial )  
 submitted by Independence Self Storage, )  
 LLC )

(Contingent on successful annexation.)

Commissioner Bartels made a motion to approve the rezoning, seconded by Commissioner Weber and the item was opened for discussion.

Mrs. Sanders was asked if another zone and a special use permit is possible. She said an intermediate zoning can be granted with a special use permit, but the more appropriate zoning would be C-1 Local Commercial, not residential, and that raises a question of spot zoning. The C-1 district allows a lesser group of commercial uses and is intended to be a neighborhood type commercial zone. If the Commission decides to consider an intermediate zone, the item must be tabled to allow new notification to the surrounding properties.

Mr. Raffier spoke from the rear, saying there are still a lot of commercial uses allowed in C-1 including medical marijuana dispensaries. He would like R-3 or R-4 and his house is the closest. He is not concerned with the storage sheds but what would happen with a change in ownership.

Finding no further discussion among the Commission, Chairman Seabaugh called for a vote and the motion was unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

## NEW BUSINESS

Request for approval of a Land Exchange )  
 Certification for transfer of 0.35 acres of )  
 property from 3030 Bainbridge Road to )  
 591 South Oak Hill Road submitted by )  
 the Patsy Ruth Pulliam Living Trust u/t/a )  
 July 2, 2018 )

Mrs. Sanders reported this is the transfer of land from the back of one property to the back of an adjacent property.

Commissioner Koeller made a motion to approve the request, seconded by Commissioner Fadler. Finding no discussion, a vote was called with unanimous approval.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

Request for a Special Use Permit for a )  
 bakery as a home occupation in an R-2 )  
 Single family residential district at 828 )  
 Eagle Drive submitted by Darrell & Mandy )  
 Hatfield )

Mrs. Sanders reported this is for the applicant to do baking in her home to be sold at other locations.

Mandy Hatfield came forward and said she would like to be able to bake from home. She is currently baking at another house in the county. She would be using a separate kitchen in her basement for the baking. It will not be a store and it is irregular for a customer pick up an order. Products are delivered and she would be the only employee.

Mrs. Sanders was asked if there have been similar Special Use Permits granted. She said there was one granted in Rolling Fields subdivision for Barbie's Custom Bistro and another one granted for a catering kitchen run from another home. That location was believed to be Francis Drive.

There was brief discussion about whether a hearing was needed. Since it would not be open to customers, there was no interest expressed in holding a hearing.

Commissioner Fadler made a motion to approve the request. The motion was seconded by Commissioner Harrison and was unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent

Request for a Special Use Permit for an )  
 in-home daycare as a home occupation in )

an R-4 General Residential District at )  
 716 West Washington Street submitted by )  
 Angela & Kaleb Hahn )

Mrs. Sanders reported this is a request for an in-home daycare.

Angela Hahn of 716 West Washington came forward. She said she owns the Learn.Play.Grow daycare at 850 Gerald Street where they keep 18 children ages 2 years and up. Her husband is getting the education to take over as director of the existing daycare and she would operate in her home. She said they accept government subsidized children at their daycare. The number of children would be 10 or less. The licensing agency told her to expect the number to be closer to eight based on the size of her house.

Commission Koeller made a motion to set a public hearing. The motion was seconded by Commissioner Fadler and was unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent (to set hearing)

Request for a text amendment to Chapter 65 )  
 (Zoning) related to babysitting as a home )  
 occupation submitted by Brian Powell )

Mrs. Sanders reported this is a request to change the text of the zoning code from allowing 4 children to be cared for in a home to allowing 6 children before a Special Use Permit is required. She said the code allows no more than 4 which does not include the residents' own children, step-children or those for whom they have legal guardianship, but does include other relatives such as grandchildren, nieces, nephews and others who do not live in the home. The building code allows no more than 5 children before additional building requirements kick in and the building becomes classified as an institutional use or educational use depending on the age of the children. The state allows no more than 6 children before state licensing is required. She said it would be nice if these numbers matched but whether or not the code changes, not all three will match.

Mr. and Mrs. Powell came forward and said they previously tried to get a Special Use Permit for 596 Canyon Trail and then lost their state licensing because that permit was not approved. They had to reduce the number of children they keep and are now under the limit of four. Mrs. Powell said there is a great need for more childcare, and the desperation of those seeking childcare can be seen on semomoms.com. Even if the code was changed to five, that would allow them to keep one more and one more in each at-home location would help. Mr. Powell said he had spoken to the offices of Governor Parsons and Senator Josh Hawley and both are interested in daycares and the need for child care.

Commissioner Koeller made a motion to set a public hearing, seconded by Commissioner Dryer and unanimously approved.

Vote: 9 ayes, 0 nays, 0 abstentions, 0 absent (to set hearing)

Comprehensive Plan Update )



Mrs. Sanders stated it is time to update the Comprehensive Plan, which was last updated in 2009 and is the city's guide for future development and re-development. The Board of Aldermen has budgeted the update for 2022 and since the process takes at least nine months, it needs to get started. She said the first step is to establish a committee which will consist of herself, Rodney Bollinger (Director of Administrative Services), two Commissioners, and one Alderman. She asked the Commission to choose two members to serve on the committee and explained the Request for Qualifications process used to select a planning firm to develop the updated plan. Commissioner Fadler said he served on the committee for the 2009 update. Commissioners Dryer and Koeller volunteered.

Consider a motion to add items to the )  
agenda )

No items were added to the agenda.

Adjournment )

Commissioner Fadler made a motion to adjourn, seconded by Commissioner Emmendorfer 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.*

## Staff Report

**ACTION ITEM:** Request for a Special Use Permit for an In-Home Daycare in an R-1 Single Family Residential District at 716 W. Washington St.

**APPLICANT:** Angela & Kaleb Hahn

**APPLICANT STATUS:** Property Owners / Residents

**PURPOSE:** To open an in-home daycare in their home to serve up to 10 children

**SIZE:** Lot size: approx. 6,400 sq. ft.; Home size: 1,026 sq. ft. main floor with full walk-up basement

**PRESENT USES:** Single family residential

**PROPOSED USE:** Single Family Residence with in-home daycare

**SURROUNDING LAND USE:** North – R-4 General Residential; South – R-2 Single Family Residential; East – R-4 General Residential; West – R-4 General Residential

**HISTORY:** This property is a single-family home built about 1950.

**TRANSPORTATION AND PARKING:** Parking would need to meet the following requirement for home occupations: 3 off-street parking spaces for home occupation and home. The existing carport and driveway provide 3 parking spaces. On-street parking does not count in this requirement for off-street parking.

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

*Note: R-4's allowance for a Special Use Permit for a stand-alone daycare (not classified as a home occupation) does not apply because lot does not meet 15,000 sq. ft. minimum.*

### Sec. 65-2. Definitions.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, xray, or electrical disturbance to radio or television instruments.

- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

### **Sec. 65-5. - R-4 General residential district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
  - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
    - 1. Art studio.
    - 2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Telephone, computer, or Internet occupations which comply with the definition of a home occupation.
    - 8. Supporting office operations for a business conducted at other locations when the office operations comply with the definition of a home occupation.
    - 9. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations with a special use permit only.

### **Sec. 65-22. - Off-street parking and loading regulations.**

- (4) *Schedule of minimum parking spaces required.*
  - b. *Commercial, industrial, and institutional.*

16. Home occupation: three (3) parking spaces, which number may include the required spaces for the residential dwelling and available driveway space.

**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 a mid-block lot with an attached carport and single-wide driveway.

**COMMENTS:**

The Commission has the option to place additional special conditions on their recommendation, such as hours of operation, number of children, number of off-street parking spaces, etc. The following are staff-recommended recommended special conditions and may be modified as desired by the Planning and Zoning Commission and Board of Aldermen:

1. No more than ten (10) children may be kept.
2. No employee or volunteer worker is permitted other than persons who reside in the home.
3. Operation of the daycare shall comply with State of Missouri regulations.
4. A minimum of three (3) off-street parking spaces shall be provided.
5. Hours of operation shall be no earlier than 6 a.m. and no later than 6 p.m.
6. Compliance with the zoning regulations for home occupations is required.
7. Compliance with city's adopted building code and fire code for in-home daycares is required.
8. Compliance with all other city codes is required.

**ACTION REQUIRED:** The Commission shall approve or deny this request based on the ability to comply with the regulations for home occupations. A public hearing at this level is optional but is recommended due to the residential neighborhood. A public hearing is required at the Board of Aldermen level. The P&Z decision serves as a recommendation to the Board of Aldermen. A positive recommendation requires a simple majority vote of the Board of Aldermen to approve the request. A negative recommendation requires a 2/3 majority of the vote of the Board of Aldermen for approval.





## REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 12/22/21

TYPE OF APPLICATION: \_\_\_\_\_ Rezoning X Special Use Permit

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

716 W. Washington St. Jackson, MO 63755

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

Property Owner Name(s): Angela & Kaleb Hahn

Mailing Address: 716 W. Washington St.

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:

City, State, ZIP

**CONTACT PERSON HANDLING APPLICATION:**

Contact Name: Angela Hahn

Mailing Address: 716 W. Washington St.

City, State ZIP: JACKSON, MO 63755

Contact's Phone: 573-318-6329

Email Address (if used): learn.play.grow@outlook.com

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

☐ R-1 (Single-Family Residential)

☐ R-2 (Single-Family Residential)

☐ R-3 (One- And Two-Family Residential)

☒ R-4 (General Residential)

☐ MH-1 (Mobile Home Park)

☐ O-1 (Professional Office)

☐ CO-1 (Enhanced Commercial Overlay)

☐ C-1 (Local Commercial)

☐ C-2 (General Commercial)

☐ C-3 (Central Business)

☐ C-3 (Central Business)

☐ C-4 (Planned Commercial)

☐ I-1 (Light Industrial)

☐ I-2 (Heavy Industrial)

☐ I-3 (Planned Industrial Park)

**CURRENT USE OF PROPERTY:** Home

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

- |      |                                   |     |                           |
|------|-----------------------------------|-----|---------------------------|
| R-1  | (Single-Family Residential)       | C-1 | (Local Commercial)        |
| R-2  | (Single-Family Residential)       | C-2 | (General Commercial)      |
| 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:** in-home, licensed daycare.

**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.

Attached page

**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:**

As the current owners and educators at Learn. Play. Grow. LLC, we believe we play a major role in the health and education of our local children. We feel the first five years of a child's life is essential for gaining the knowledge, strength, patience, and social skills to prepare for kindergarten. A few of these things are reasons as to why we feel our in-home childcare would be a great fit for Jackson, MO. We already have the opportunity to give love, support, education, social skills, diversity, a safe space, and new friends to our currently enrolled students and families. Being able to create a second childcare environment for more families in need would be very beneficial. Jackson, MO has a major need for childcare. We feel this will help to solve a lot of issues with families not being able to work or provide for their family due to lack of local childcare. This opportunity would give families in our community the option to provide a more stable and healthy learning environment for local children and families alike. We offer subsidy pay at our current location and plan to offer this at our in-home, this gives low-income families the opportunity to afford childcare. We also plan on enrolling into the food program, which offers healthy meals and snacks to each child, no parent will be left worrying if their child is going without a healthy meal for the day!



eRecorded  
DOCUMENT #  
2018-04942

ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
eRECORDED ON  
05/23/2018 1:07:16 PM  
REC FEE: 30.00  
PAGES: 3

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**GENERAL WARRANTY DEED**

This Warranty Deed made and entered into this 22<sup>nd</sup> day of May, 2018, by and between **Duncan Property Management LLC, a Missouri Limited Liability Company**, hereinafter referred to as **GRANTOR**, and **Kaleb Hahn, a single person and Angela Schrum, a single person, as joint tenants with right of survivorship** of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEES**. The mailing address of the Grantees is:

716 West Washington, Jackson, MO 63701

**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 Grantees 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"

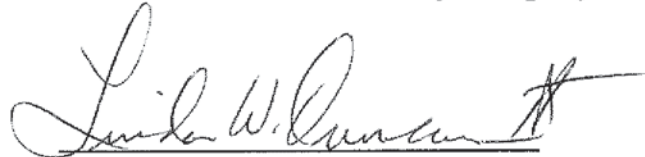
**TO HAVE AND TO HOLD** the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantees and unto their heirs and assigns FOREVER, the said Grantor hereby covenanting that it is lawfully seized of an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



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

**GRANTOR:**

**Duncan Property Management, LLC  
A Missouri Limited Liability Company**

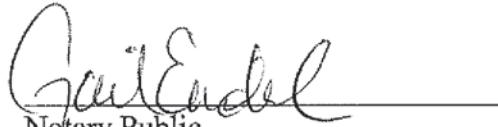


**By: Lindon W. Duncan, II  
Its: Manager**

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

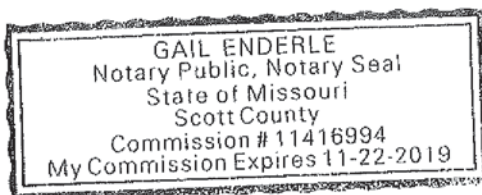
On this 22 day of May, 2018, before me personally appeared Lindon W. Duncan, II the Manager of Duncan Property Management LLC, a Missouri Limited Liability Company, to me known to be the person described in and who executed the within Warranty Deed in behalf of said limited liability company and acknowledged to me that 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.



Notary Public

My commission expires:



## Exhibit A

TRACT NO. 1: ALL THE WEST 59 FEET OF LOT NUMBERED EIGHT (8) IN BLOCK NUMBERED TWO (2) OF MORGANS SECOND ADDITION TO THE CITY OF JACKSON, THE EAST LINE OF THE PART OF THE LOT INTENDED TO BE CONVEYED TO BE PARALLEL TO THE EAST LINE OF SAID LOT 8. TRACT NO. 2: A PARCEL OF LAND BEING A PART OF LOT NUMBERED EIGHT (8) IN BLOCK NUMBERED TWO (2) OF MORGANS SECOND ADDITION TO THE CITY OF JACKSON, DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF SAID LOT 8, BLOCK 2 OF SAID ADDITION; THENCE NORTH 82 DEGREES 00 MINUTES WEST, ALONG THE NORTH LINE OF SAID LOT 8, 135.23 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 04 MINUTES 58 SECONDS WEST, 98.13 FEET TO THE NORTH LINE OF WASHINGTON STREET; THENCE NORTH 5 DEGREES 36 MINUTES 05 SECONDS WEST, 100.0 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE SOUTH 82 DEGREES 00 MINUTES EAST ALONG SAID NORTH LINE, 10.0 FEET TO THE POINT OF BEGINNING.



716 W Washington St.

Write a description for your map.

Legend



716 W Washington St

Item 2.



Google Earth

© 2021 Google



38

6.64 ft



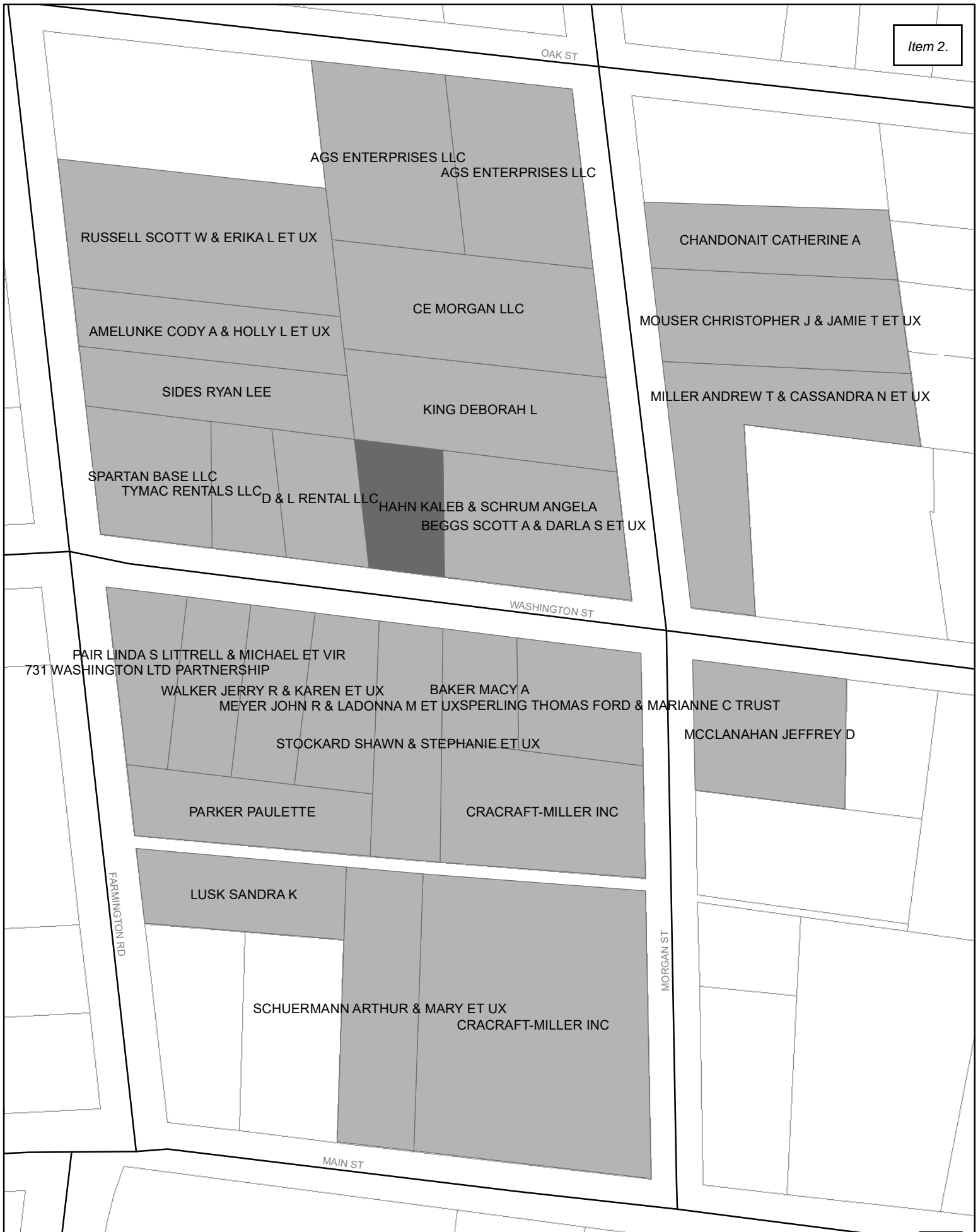


Item 2.

Location



716 W. Washington St.  
Location Map



716 W. Washington St.  
Properties Within 185'



## Staff Report

**ACTION ITEM:** Request for a text amendment to Chapter 65 (Zoning) related to babysitting as a home occupation

**APPLICANT:** Brian Powell

**APPLICANT STATUS:** Property owner and resident of 596 Canyon Trail

**PURPOSE:** To increase the number of children allowed for in-home babysitting as a home occupation without a special use permit from 4 to 6.

**HISTORY:** Mr. and Mrs. Powell formerly requested a special use permit for an in-home daycare as a home occupation at 596 Canyon Trail. That special use permit was denied. Prior to moving to Canyon Trail, they had a special use permit for an in-home daycare at their former home at 409 N. Shawnee Blvd. where they were state licensed for 10 children. Special use permits do not transfer from one location to another.

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

### **Sec. 65-2. Definitions.**

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, xray, or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

## Sec. 65-5. R-1 Residential District Regulations (excerpt)

*The wording referencing the R-2 district carries over to the R-2 Single Family, R-3 One and Two-Family, R-4 General Residential, MH-1 Mobile Home District, and O-1 Professional Office District.*

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
  - b. Home occupations listed below which also meet the home occupation definition in [section 65-2](#):
    - a. Art studio.
    - b. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.**
    - c. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - d. Dressmaking or tailoring.
    - e. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - f. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - g. Telephone, computer, or Internet occupations which comply with the definition of a home occupation.
    - h. Supporting office operations for a business conducted at other locations when the office operations comply with the definition of a home occupation.
    - i. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations with a special use permit only.

**COMMENTS:** A text amendment to the zoning code for home occupations would affect not only Mr. Powell's address, but all property zoned R-1, R-2, R-3, R-4, MH-1, or O-1. Notices for public hearings about text amendments are published in the Cash-Book Journal and the city's website and are not mailed to any individual property owners or posted on any properties.

- The city's zoning code allows care of no more than 4 children at a time as a home occupation without a special use permit. The keeping of more children at a time as a home occupation requires a special use permit. *(The city's policy has been to not count the resident's own children in the total but to count other relatives such as grandchildren, nieces, nephews, etc., unless the resident is the legal guardian of that child.)*
- State of Missouri licensing for family home daycares allows care of no more than 6 children not related to the caregiver in a home before a state license is required. Licenses are administered by the Missouri Department of Health and Senior Services' Child Care Licensing division. *(Per the state's definition, Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.)*

- The city's building code and fire code allows care of no more than 5 children (or other persons in care) in a home to remain classified as one or two-family dwellings. Above that number they are categorized as either institutional facilities or educational facilities depending on the age and number of children and have to meet additional building and fire code requirements. (IBC 308.6.4). *(Since related children or lack of relationship are not referenced in this code, the city follows the same policy as the zoning code.)*

**ACTION REQUIRED:** Code changes require a public hearing at both the Planning and Zoning level and the Board of Aldermen level prior to each board taking any action.

**From:** Brian Powell [mailto:brianpowell452369@yahoo.com]  
**Sent:** Tuesday, January 11, 2022 2:45 PM  
**To:** Liza Walker  
**Subject:** Amendment letter.

This is a letter that I was advised to send you. Thanks.

Sent from Yahoo Mail on Android

Attention Liza Walker,

My name is Brian Powell, and I am writing regarding a request or recommendation to a text amendment change to the city ordinance that limits in-home unlicensed daycares to 4 kids in the city limits. I am advocating for the change to be State of Missouri compliant; their guidelines are 6 maximum for in-home daycares that are unlicensed regardless of being in city limits or not. There is a great need for childcare in our area and by amending this it will allow for already established providers in our community to help with the shortage of care. Just 2 more spots per daycare would drastically improve the community's ability to find quality care and helps boost small businesses to financially succeed.

## REQUESTED TEXT AMENDMENTS TO BABYSITTING AS A HOME OCCUPATION

Item 2.

*The text below is clipped from the zoning code of the city of Jackson and is not complete text of each zoning district or each section. It is intended to represent only the proposed text changes and not the full context of the code sections. Text requested to be changed is highlighted with text proposed to be added in bold and text proposed to be deleted struck through. The full zoning code is available at [https://library.municode.com/mo/jackson/codes/code\\_of\\_ordinances](https://library.municode.com/mo/jackson/codes/code_of_ordinances) (Chapter 65)*

### Sec. 65-2. Definitions.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-ray, or electrical disturbance to radio or television instruments.
- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

### Sec. 65-4 A-1 Agricultural district regulations.

#### (1) Use regulations.

- v. Home occupations listed below which also meet the home occupation definition in section 65-2.
    1. Art studio.
    2. Babysitting, limited to no more than ~~four (4)~~ **six (6) children** under the age of seventeen (17) at one (1) time.
    3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    4. Dressmaking or tailoring.
    5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    7. Any occupation carried on by telephone, computer, or Internet.
    8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.



### Sec. 65-5 R-1 Single-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- b. Home occupations listed below which also meet the home occupation definition in section 65-2.
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

### Sec. 65-6 R-2 Single-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- c. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

### Sec. 65-7 R-3 One- and two-family residential district regulations

- (1) Use regulations. A building or premises shall be used only for the following purposes.
- e. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

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

Item 2.

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

- i. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

## Sec. 65-9 MH-1 Mobile home park district regulations

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

- i. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.

## Sec. 65-10 O-1 Professional office district regulations

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

- e. Home occupations listed below which also meet the home occupation definition in [section 65-2](#).
    - 1. Art studio.
    - 2. Babysitting, limited to no more than ~~four (4)~~ **six (6)** children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Any occupation carried on by telephone, computer, or Internet.
    - 8. Supporting office operations for a business conducted at other locations besides the home.
- When home occupations are not within the above listed uses, a special use permit shall be required.



## Title XII PUBLIC HEALTH AND WELFARE

## Chapter 210



Effective - 28 Aug 2020, 4 histories

**210.211. License required — exceptions — written notice of licensure status, when.**

— 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(3) Any graded boarding school that is conducted in good faith primarily to provide education;

(4) Any summer camp that is conducted in good faith primarily to provide recreation;

(5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

(7) Any school system as defined in section 210.201;

(8) Any Montessori school as defined in section 210.201;

(9) Any business that operates a child care program for the convenience of its customers if the following conditions are met:



(a) The business provides child care for employees' children for no more than four hours per day; and

Item 2.

(b) Customers remain on site while their children are being cared for by the business establishment;

(10) Any home school as defined in section 167.031;

(11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

(13) Any neighborhood youth development program under section 210.278;

(14) Any religious organization elementary or secondary school;

(15) Any private organization elementary or secondary school system providing child care to children younger than school age. If a facility or program is exempt from licensure based upon this exception, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status;

(16) Any nursery school as defined in section 210.201; and

(17) Any child care facility maintained or operated under the exclusive control of a religious organization. If a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep

copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

Item 2.

(RSMo 1949 § 210.230, A.L. 1955 p. 685 § 210.210, A.L. 1982 H.B. 1171, et al., A.L. 1989 S.B. 241, A.L. 1993 H.B. 376, A.L. 1999 H.B. 490 & H.B. 308, A.L. 2004 H.B. 1453, A.L. 2012 H.B. 1323, A.L. 2014 H.B. 1064 merged with H.B. 1831 merged with S.B. 869, A.L. 2019 H.B. 397, A.L. 2020 H.B. 1414)

---- end of effective 28 Aug 2020 ----  
use this link to bookmark section 210.211

#### - All versions

	Effective	End
210.211	8/28/2020	
210.211	8/28/2019	8/28/2020
210.211	8/28/2014	8/28/2019
210.211	8/28/2012	8/28/2014

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

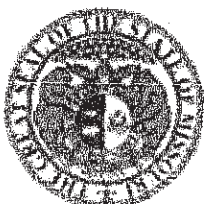


#### ► Other Information

#### ► Other Links



Missouri Senate

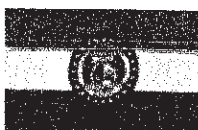


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Missouri House

Errors / suggestions -  
WebMaster@LR.mo.gov



History and Fun Facts

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Title XII PUBLIC HEALTH AND WELFARE

Chapter 210

< > • Effective - 14 Jul 2021, 4 histories, see footnote ↓

**210.201. Definitions.** — As used in sections 210.201 to 210.257, the following terms mean:

- (1) **"Child"**, an individual who is under the age of seventeen;
- (2) **"Child care"**, care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) **"Child-care facility"** or **"child care facility"**, a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
  - (a) Six children; or
  - (b) Three children under two years of age;
- (4) **"Child care provider"** or **"provider"**, the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- (5) **"Montessori school"**, a child care program that is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;
- (6) **"Neighborhood youth development program"**, as described in section 210.278;
- (7) **"Nursery school"**, a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;
- (8) **"Person"**, any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;
- (9) **"Religious organization"**, a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

(10) **"School system"**, a program established primarily for education and that meets the following criteria:

Item 2.

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) **"Summer camp"**, a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area.

(RSMo 1949 §§ 210.200, 210.210, A.L. 1955 p. 685 § 210.200, A.L. 1982 H.B. 1171, et al., A.L. 1989 S.B. 241, A.L. 1993 H.B. 376, A.L. 2002 S.B. 923, et al., A.L. 2004 H.B. 1453, A.L. 2019 H.B. 397, A.L. 2020 H.B. 1414, A.L. 2021 H.B. 432)

Prior revision: 1929 § 14133

Effective 7-14-21

---- end of effective 14 Jul 2021 ----

use this link to bookmark section 210.201

#### - All versions

	Effective	End
210.201	7/14/2021	
210.201	8/28/2020	7/14/2021
210.201	8/28/2019	8/28/2020
210.201	8/28/2004	8/28/2019

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

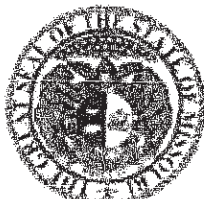


#### ► Other Information

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Missouri Senate



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Missouri House

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<b>Petition summary and background</b>	Amend city ordinance to allow daycares in city limits to care for up to 6 children.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to

[illegible]



Attn: Janet Sanders, Building & Planning Manager

Jackson City Hall  
101 Court Street  
Jackson, MO 63755

In response to: PUBLIC HEARING FOR TEXT AMENDMENTS TO CHAPTER 65

As I am unable to attend the public hearing, I would like to take this opportunity to express my view regarding the amendment change. I say YES and am in full support of such changes proposed to increase the number of children allowed under the terms "babysitting" in Chapter 65 of the city Jackson code.

As a resident of Jackson, I have personally been affected by the current city ordinance which only allows for 4 children to be watched in a home, whom do not "belong" to the current resident of the home without obtaining a special use permit. My former in-home daycare was not allowed a special use permit by the city because some of the existing neighborhood residents thought it would be a nuisance to their subdivision.

During my transition to a new daycare, I found the city of Jackson was highly inadequate in the number of providers to children needing care. One facility was closing, the second (and only) other option due to any others having a wait list, left me paying \$180 more per month. That does not include the more than \$200 I have now paid this business for care when NO care was provided because of closures due to weather, illness, etc. To those who say there are plenty of functioning daycare businesses, I confidently call them ignorant and out of touch with their community! This proposed change could benefit so many citizens of Jackson! It is not hurting those businesses currently operating; instead it promotes an opportunity and allows parents to make the best decision of childcare providers based on quality not quantity.

This proposal is a reflection due to Missouri changing its law recently in regards to in-home childcare. While the city has the right to govern itself as best for their community, I feel Jackson will be missing out on a much greater need than those who are in opposition. I would like to review the opinions made in that special use permit public hearing and share the reality that has transpired since:

1. Traffic – Claimed that traffic backup on the main street & entrance from 61 would be detrimental. FALSE – I have camera footage from my vehicle that shows this to be untrue. During drop off and pick up NEVER was I stalled in traffic behind more than 1 vehicle, both at peak times of the day around 7:30am & 5:00pm.
2. Housing Value – he said/she said situation. I can provide you with arguments on BOTH sides of this statement regarding the value rising or falling when directly affected by the number of children in the neighborhood. As silly as it sounds, it is a good thing we don't control the population anymore and tell people they aren't allowed to have "X" amount of children.
3. Noise – While I am not there during the day, there was never a noise complaint filed that I'm aware of. Although the police have been called because the opposing neighbors in "Cold Creek" openly videotaped parents' vehicles & their children. **These SCARE TACTICS and INTIMIDATION methods are inexcusable!** Those neighbors felt as though this board & city are in complete agreement with them, this is not my opinion, they have openly said as much. This gave them the right to try and force their opinions onto us. To that I say NO!

Please consider carefully all sides of this proposal. This decision will not affect the few, but the many who need better options for childcare in OUR TOWN!

Thank You,  
Natalie Burton



Dear Ms. Sanders,

I am writing in regards to the letter I received regarding the special use permit for 716 West Washington Street. I am part owner of the property at 718 West Washington which is directly next to the property requesting the permit. This is a rental property for us that is occupied.

We have owned this house since 1995 and this street has always been a high traffic street with little to no parking which has been a problem in the past. This street takes a lot of traffic before and after school as it's close to many schools.

I feel that adding an in-home day care to the mix of an already busy street with no extra parking or a driveway that would accommodate the pick-up and drop-off will be very dangerous not only to the residents of the street but to the kids that stay in the home. Traffic moves pretty fast along the street even with a 30 mph limit.

The property requesting has a very small driveway so families won't have enough space to use it to drop their children off or pick up (even with a quick run in or out)

The driveway of our house is much longer and I'm afraid people will use it to park and run in to drop off or pick up because there is no extra on street parking, this causes multiple issues as we can't get in or out of our driveway and possible damage to our property. We maintain the driveway for the use of our renters and we do not want others using the driveway. It's tight enough with cars parking so close to driveway entrances as it is that it's almost a safety issue now. It's hard to pull/back out with minimal room due to cars being parked on both sides of the driveway entrance.

Safety is the most important thing of all concerned and we just don't feel like we can support this business in a residential area.

We are unable to attend the meeting on the 9<sup>th</sup> due to being out of town so please accept this letter as our opinion on the matter and that we oppose the special use permit.

Thank you,



Jackie Dameron

Member, D&L Rentals  
718 West Washington



March 9, 2022

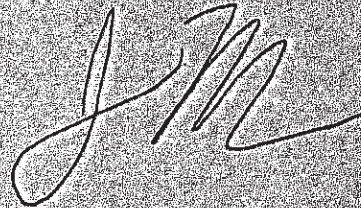
Dear Janet Sanders, and those whom it may concern

I am writing you today to express my support in the request to change the text in Chapter 65 (zoning) as it relates to babysitting as a home occupation.

- 1) Jackson does not have enough childcare options as stated by the opposition. A simple call to the local childcare centers would show there is a long waiting list, more so for infants.
- 2) The State of Missouri has passed Nathan's law which says in-home providers may only care for up to 6 children, they're own included. Only three of those total children may be under the age of 24 months. I fail to see how 2 children are more of a bothersome to hostile neighbors than 4.
- 3) I have reached out to local real estate agents who disagree with the oppositions statement that an in-home daycare would negatively impact neighborhood home value. A quick internet search yielded no evidence to this claim as well.
- 4) By further limiting the city of Jackson's childcare availability you send working parents looking for care further away. Let us keep working parents and revenue in the city of Jackson by allowing local providers to create a safe and nurturing childcare environment.

Thank you,

Jessica McQuillen







March 9, 2022

To Janet Sanders, Building and Planning Manager, and Whomever It May Concern:

I am writing this letter in support of the request for an amendment to the City of Jackson zoning code to increase the number of children allowed to be cared for by an in-home childcare provider from four to six.

1. As a full-time working parent and prior Children's Division employee, I have struggled to find childcare on numerous occasions. If you haven't done so recently, I would suggest calling the local licensed daycare facilities in the City of Jackson and inquiring about their waitlists, specifically for an infant child. You will find the average waitlist is anywhere from one to two years. It is no question there is an inadequate amount of childcare options in our area in comparison to the number of working parents.

2. The State of Missouri follows Nathan's Law which allows an in-home provider to care for up to six children (including your own children, and no more than three under the age of two). Individual/s who have no professional childcare experience cannot state this is too many children to provide adequate care for when professionals in this field have already determined this is a sufficient child to provider ratio.

3. It seems as if the opponents to this amendment change are solely worried about their own personal property value decreasing. I was unable to find any professional research indicating an in-home daycare facility has any impact on surrounding property values, so this seems to be based on pure speculation and personal opinion. I find it irrational that having six children in a home as opposed to four children would have any impact on property value.

4. By decreasing the amount of children an in-home provider is able to care for, this will significantly impact the provider's income and livelihood which could ultimately, result in the provider closing their business. In-home providers provide a very meaningful and necessary service to this community.

Thank you for your consideration in this matter.

Kayla Rowe



March 9, 2022

Janet Sanders, building and planning manager

I am writing in regard to the text amendments to chapter 65 (zoning) in favor of changing it from 4 to 6 for in home babysitting. My reasonings as follows:

1. Family childcare provide a professional caregivers home so the child is cared for in an in home setting rather than the more institutional setting of a childcare center. A lot of parents of infants especially prefer this care due to mothers being forced to go back to work after only 6 weeks.
2. All of the daycare centers in Jackson have waiting lists years long. We do not have enough childcare in this community. As a childcare provider myself, I get calls and messages daily. My waiting list is also about 3 years out.
3. Nathan's law made major changes in ensure safety of children in family childcare homes. We want children safe. The Missouri state law is 6 kids with only 3 being under the age of 2 (including your own children). City ordinance says 4 children including your own with no cap on ages. That can lead to issues.
4. I have done childcare for many years in many different areas and traffic is never an issue. The parents of these children are always respectful and drive slow because they want to keep their child safe along with others. We also have contracts in place for these reasons.
5. Changing the city ordinance to align with the Missouri state law for unlicensed providers will only HELP the community. It will help create a little more space for children which will help working parents be able to go to work. The economy is affecting all of us and working parents need safe, reliable childcare where they can feel at ease in a family home environment.

Thank you,

Jessica King

Deerwood dr. Jackson, MO 63755



Dear Janett Sanders,

I am writing this on behalf of myself as a childcare business owner in regard to the amending chapter 65 – Babysitting as a Home Occupation. Like many others, I've recently become aware that Jackson has an ordinance to limit the number of children someone can watch in home to 4 children not related to the provider. I am writing this today to say that I support the movement to change that number to 6 children for unlicensed providers. Below I will list why.

1. Jackson as a whole does not have enough childcare to support the city and surrounding areas. I own a licensed childcare center for 67 children. To my knowledge that is the largest childcare center in Jackson. Even at that we are at capacity and are planning an expansion to help accommodate the needs of the community but even that will not be enough as we are only able to add 13 new spots.
2. As a center we rely on knowing that there are reputable in-home options that we can refer people to that call us looking for a spot if we are unable to enroll due to being full.
3. Per state regulations and laws it is suitable for an in-home provider to watch up to 6 children following that no more than 3 of those children are under that age of 24 months.
  - a. **5 CSR 25-400.105 The Child Care Provider and Other Child Care Personnel (2) Licensing Capacities and Staff/Child Ratios.** (A) A family child care home may be licensed for up to ten (10) children. The following staff/child ratios must be maintained at all times and shall not be exceeded except as permitted under these rules: (B) A family child care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four- (24-) hour day. For the remaining six (6) hours of the twenty-four- (24-) hour day, care may be provided for one-third (1/3) of the licensed capacity of the home. (C) Children five (5) years of age and older who live in the provider's home shall not be counted in the licensed capacity.
4. In regard to the Cold Creek Estates issue directly Angela Powell provided outstanding care for local Jackson families for many years as a **licensed provider** through the state of Missouri. She had to follow the same exact rules as I do in regard to health, sanitation, fire safety and ratios. For the residence in the area to oppose it for their own personal vendetta is appalling.
5. Many providers can not just go and open a licensed business for childcare due to the overhead cost of doing so. Building cost, supplies, legal fees, and hiring staff as well as promotional and advertisement on average would cost \$50,000-\$100,000. Childcare is something people don't get in to for the money or to make a big business move. But rather because people are passionate about children and helping make a difference in their lives.

Due to all of these reasons I am in full support of amending this ordinance to change the number of children an in-home provider can watch from 4 to 6.

Makayla Bryant



3/6/2022

Item 2.

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing to consider a request for a **Text Amendment** change to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9<sup>th</sup>.

I am **OPPOSED** to the REQUESTED TEXT AMENDMENT CHANGE TO BABYSITTING AS A HOME OCCUPATION.

While the current City of Jackson code concerning this matter applies to all of the City and all of its residents, as a resident of Cold Creek Estates the matter is of very serious importance to me and my household.

Cold Creek Estates is the neighborhood of the family making the request for the change. On November 1, 2021, our Board of Alderman unanimously denied a special use permit request to operate a daycare to the homeowners of 596 Canyon Trail which is located in an R-1 residential district within Cold Creek Estates.

All homeowners within the City of Jackson are permitted to operate a daycare in their home with no more than 4 children without a special use permit. So why is there a need for a change to the current city ordinance? Apparently to try to meet the desire of personal gain for one family at the cost to many homeowners in Cold Creek Estates and our whole city.

While it may be difficult to prove that having a daycare within a neighborhood decreases adjacent property values or marketability I am confident that it does not increase them.

Additionally, City of Jackson Code has existing restrictions which I feel applies to this situation.

Sec. 65-2. - Definitions.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on **wholly within the main building** or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) *No person not a resident on the premises is employed.*
- (3) No equipment shall be used which creates **offensive noise**, vibration, sound, smoke, dust, odors, heat, glare, x-ray or electrical disturbance to radio or television instruments.
- (4) **No generation of substantial volumes of vehicular** or pedestrian traffic or substantial parking demand shall be created.

Consider the phrase "wholly within the main building" and what that means. Probably doesn't mean 10 or more pieces of playground equipment in the side yard or back yard that is frequently used by the children being kept at the in-home daycare. While hearing children playing outside may be pleasant to some, please think about the neighbor who tries to sleep during the day so they can go to work at night to try to meet their family's personal needs.

The City of Jackson CAN be more restrictive than the State of Missouri on this matter.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Robert Lichtenegger  
3019 Clear Spring Place  
Jackson, MO 63755



3/4/2022

Dear Planning & Zoning Commission Members,

I will be out of town and not able to attend the public hearing for **Text Amendments** to Chapter 65 (Zoning) of the Code of the City of Jackson related to babysitting as a home occupation on March 9<sup>th</sup>. I am opposed to the REQUESTED TEXT AMENDMENTS TO BABYSITTING AS A HOME OCCUPATION.

**First**, the zoning code already provides, in Sec. 65-5 thru 65-8, for the keeping of five (5) or more children.

For example, following is the applicable sections in Sec. 65-5.

**Sec. 65-5 R-1 Single-family residential district regulations:**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
  - a. Detached single-family dwellings.
  - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
    2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
  - h. Child or daycare center, or nursery school, with a special use permit only.**

**Sec. 65-2 defines Child or daycare center. Any place, home, or institution which receives five (5) or more children under the age of seventeen (17) years and not of common parentage for care apart from their natural parents, legal guardians, or custodians when received for regular periods of time for compensation; provided, however, this definition shall not include ... children related by blood or marriage within the third degree of the custodial person;**

**Second**, the request for the change suggested that the city is not compliant with State of Missouri laws. Comparing the State of Missouri licensing law with the City of Jackson zoning ordinances is not logical. The state law being compared is in Chapter 210 of Title XII PUBLIC HEALTH AND WELFARE. This state law was created to protect the children. The city of Jackson zoning ordinances are created to define property use to protect property and property owners. Allowing this change will not only be detrimental to neighboring property owners but it also encourages more unregulated daycare which could be detrimental to the children.

**Third**, it is not uncommon for the city zoning ordinances to be more restrictive than state regulations. Some examples are city ordinances regarding limits on number of dogs and cats you can keep, where kennels are allowed to operate, and speed limits on state highways within city limits. Many people choose to invest in properties within the city limits so that they can be protected by more restrictive limits.

Please recommend **rejection** of this text change to the Board of Aldermen.

Thank you for your time and service,



Cynthia Lichtenegger  
3019 Clear Spring Place  
Jackson, MO 63755

To: Janet Sanders, Building & Planning Manager

I am writing asking you to NOT make the **text amendment** change to Chapter 65 - Babysitting as a Home Occupation and to leave it as is. I am not comfortable with making a change for many reasons:

1. There are many daycare centers in the Jackson area that operate as a business. They provide employment to the area and make Jackson look favorable for other business and families to move/live in Jackson. I would NOT like to see every in-home daycare to increase their childcare numbers and take away from these businesses
2. If someone wants to care for more children, perhaps they should open a business that will contribute to our community. I feel 4 children is plenty for in-home care for adequate attention.
3. It would not be fair to neighbors of an in-home daycare for many reasons. Increase in traffic, confusion & distractions in the neighborhood, them getting a tax advantage on their home, and any other perks they may get for running a business that a homeowner is not allowed.
4. I am afraid the homes in the neighborhood could go down in value or be difficult to sell due to the daycare
5. If someone wants to turn a hobby into a business, they would not be allowed to do so in a neighborhood; automotive repair or detailing, hairstylist, physical fitness instructor, accounting, etc...
6. I am concerned that it will just open the door to situations that would not be controlled. If they are allowed more the 4 children who monitors this? Will the city do inspections and head counts? Will the business get inspected to make sure it a clean and safe for children?

Please just leave it as is, no more than four.

Thank you

*Kathy Torchette*

## Staff Report

**ACTION ITEM:** Request for a Special Use Permit for gun sales in a C-3 Central Business District at 125 Court Street

**APPLICANT:** Jones Drug Store, Inc.

**APPLICANT STATUS:** Property Owner

**PURPOSE:** To offer by-appointment gun sales in an apartment above Jones Drug Store

**SIZE:** Approx..3,050 sq. ft. lot size

**PRESENT USES:** Drug store main level; residential apartments upper level; basement storage

**PROPOSED USE:** Same with limited gun sales as part of residential use

**ZONING:** C-3 Central Business District

**SURROUNDING LAND USE:** C-3 Central Business District in all directions

**HISTORY:** This building has traditionally been a retail drug store with apartments above.

**TRANSPORTATION AND PARKING:** All required parking already exists.

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

### **Sec. 65-13. - C-3 Central business district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the C-3 Central business district. The purpose of the C-3 Central business district is to provide for compact commercial development in the core area of the city and to maximize the utilization of this area by minimizing lot restrictions and height requirements.

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

gg. Sports and sporting goods stores and gun sales and repair with a special use permit only.

**2009 COMPREHENSIVE PLAN:** Commercial use

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

**PHYSICAL CHARACTERISTICS:** This location is above Jones Drug Store.

**COMMENTS:** One of the property owners lives in an apartment above the store and wants to apply for an ATF license to sell guns from his home by appointment.



**ACTION REQUIRED:** The Commission shall approve or deny this request. Our new city attorney has determined that based on state law wording, all public hearings at this level are required and not optional so a public hearing will be required prior to a decision.



## REZONING / SPECIAL USE PERMIT APPLICATION

City of Jackson, Missouri

APPLICATION DATE: 2/25/2022

TYPE OF APPLICATION: Rezoning ☒ Special Use Permit

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

125 Court Street

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

Property Owner Name(s): Jones Davis Stone Inc.

Mailing Address: 125 Court Street

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: \_\_\_\_\_

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

**CONTACT PERSON HANDLING APPLICATION:**

Contact Name: Bryan Kiefer

Mailing Address: 125 Court Street

City, State ZIP: Jackson, MO. 63755

Contact's Phone: 573 803 8879

Email Address (if used): bkiefer@charter.net

**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 type="checkbox"/> C-2 (General Commercial)          |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential) | <input checked="" type="checkbox"/> C-3 (Central Business) |
| <input type="checkbox"/> R-4 (General Residential)             | <input type="checkbox"/> C-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)     |

CURRENT USE OF PROPERTY:

Pharmacy, owners apartment

Item 2.

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

- |      |                                   |            |                           |
|------|-----------------------------------|------------|---------------------------|
| R-1  | (Single-Family Residential)       | C-1        | (Local Commercial)        |
| R-2  | (Single-Family Residential)       | C-2        | (General Commercial)      |
| R-3  | (One- And Two-Family Residential) | <u>C-3</u> | (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:**

Personal sale, in home, of firearms

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

See Attached.

**REASON FOR REQUEST:** State the reason(s) why you believe the requested use will be beneficial to the neighborhood and the City of Jackson. Attach additional page(s) as needed.

Home office is located at Address

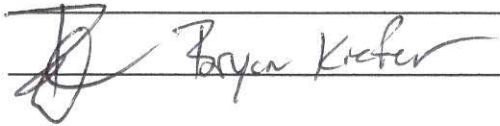
**DRAWINGS (FOR SPECIAL USE PERMITS ONLY):** If one or more buildings or other structures are to be added to the property for a special use permit, attach a scaled plat of the tract(s) showing the location of all buildings. If any buildings are to be less than the standard minimum setbacks, include these 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.)*

Item 2.

 Bryan Kiefer

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](mailto:jsanders@jacksonmo.org)

<b>APPLICATION FEES:</b>	Rezoning:	\$200.00
	Special Use Permit:	\$100.00



## LEGAL DESCRIPTION

GENERAL WARRANTY DEED

BOOK 447 PAGE 208

THIS INDENTURE, Made on the 10th day of June A.D. One Thousand Nine Hundred and Eighty-Six by and between John M Finney and Leatha J. Finney, husband and wife, of the County of Cape Girardeau in the State of Missouri. Parties of the First Part, and Jones Drug Store, Inc., a Missouri Corporation, of the County of Cape Girardeau, in the State of Missouri, Parties of the Second Part: (mailing address of said first named grantee is 125 Court Street, Jackson, Missouri 63755).

WITNESSETH, That the said parties of the First Part, in consideration of the sum of Ten Dollars and other valuable consideration to them paid by the said parties of the Second Part, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain and Sell, Convey and Confirm, unto the said parties of the Second Part their heirs and assigns, the following described Lots, Tracts or Parcels of Land, lying, being and situate in the County of Cape Girardeau and State of Missouri, to-wit:

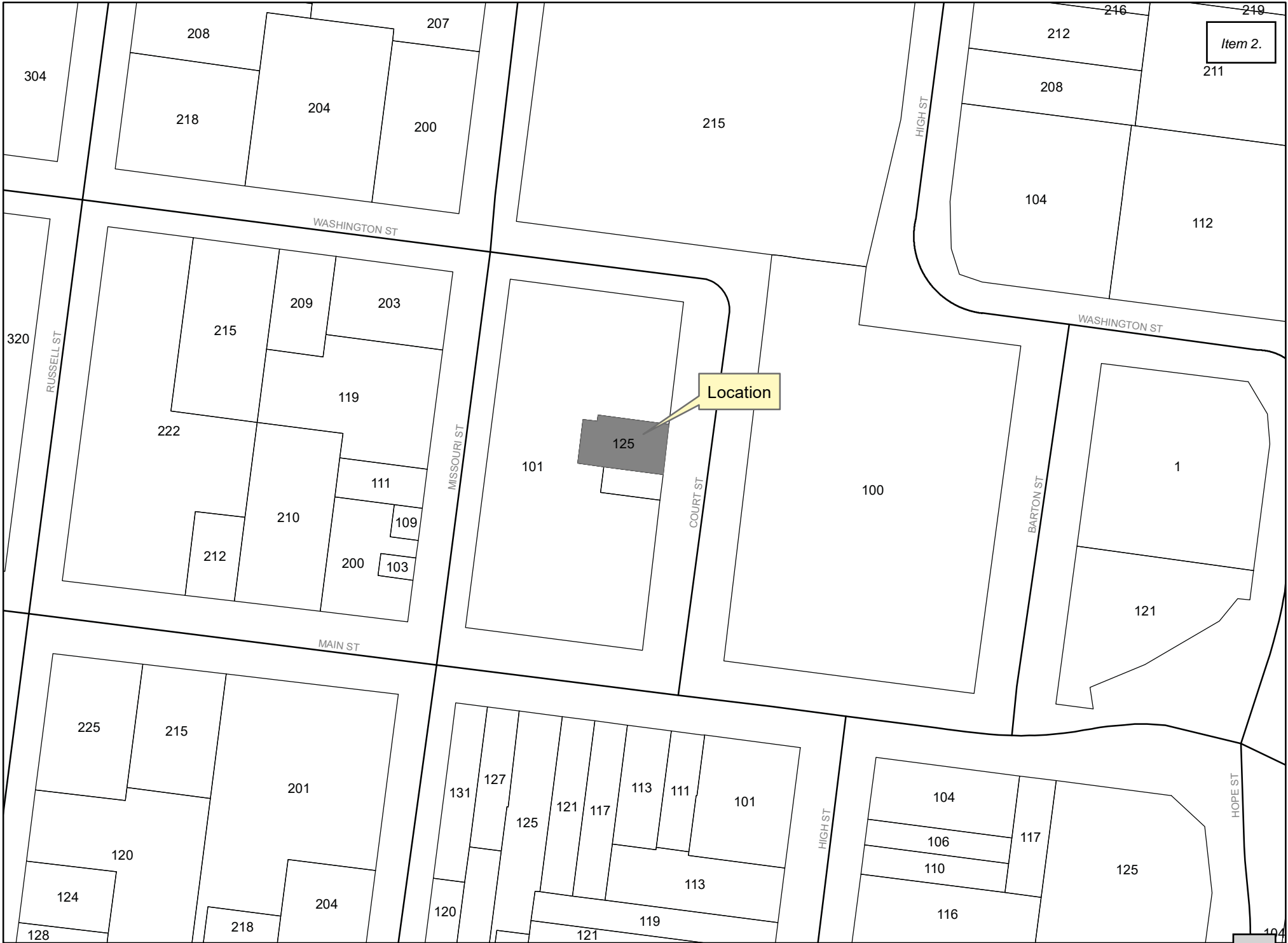
Part of Lot Fifty (50) in the Original Town of Jackson, now City, described by metes and bounds as follows:

Beginning at a point in the West line of Court, Street, that is, 105.75 feet South of the Northeast corner of Lot 50 in Jackson, Missouri; thence West 61.0 feet; thence South 5.5 feet; thence West 12.5 feet; thence South 37.5 feet; thence East 73.5 feet to the West line of Court Street; thence North along said North line 42.75 feet to the point of beginning.

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 parties of the Second Part, and unto their heirs and assigns, FOREVER, the said John M. Finney and Leatha J. Finney, husband and wife, 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 encumbrance done or suffered by them or those under whom they claim, and that they will WARRANT AND DEFEND the title to the said premises unto the said parties of the Second Part, and unto their heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the First Part have hereunto set their hands the day and year first above written.

*John M. Finney*  
John M. Finney  
*Leatha J. Finney*  
Leatha J. Finney



125 Court St.  
Location Map



125 Court St.  
Properties Within 185'

## Staff Report

**ACTION ITEM:** Request for approval of a Land Exchange Certification for transfer of 1,989 sq. ft. of property from 1985 Ripken Way to 1944 Ripken Way

**APPLICANT:** B&R Developers, LLC

**APPLICANT STATUS:** Granting property owner

**PURPOSE:** To reduce the size of 1985 Ripken way vacant lot and increase the size of the 1944 Ripken Way lot.

**SIZE:** 1,989 sq. ft.

**PRESENT USES:** Residential single family / vacant

**PROPOSED USE:** Residential single family / vacant

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

**SURROUNDING LAND USE:** R-2 Single Family Residential in all directions

**HISTORY:** This property was originally subdivided as Nine Oaks Third Subdivision

**TRANSPORTATION AND PARKING:** All required street frontage currently exists and parking exists for the house at 1944 Ripken Way and will be added for 1985 Ripken Way when a house is built on that lot.

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

**2009 COMPREHENSIVE PLAN:** Residential use

**FLOODPLAIN INFORMATION:** This property is not in a floodplain per FEMA panel 29031C0144E dated 9/29/11.

**PHYSICAL CHARACTERISTICS:** No unusual characteristics noted.

**COMMENTS:** Both resulting lots still meet the minimum frontage and lot size requirements. The sewer wye and water tap for the unbuilt lot will still be on that lot after the property transfer.

**ACTION REQUIRED:** The Commission shall approve or deny this request based on compliance with the lot size, frontage, and utility access requirements. No action is required by the Board of Aldermen on Land Exchange Certifications.



# LAND EXCHANGE CERTIFICATION APPLICATION FORM

City of Jackson, Missouri



DATE OF APPLICATION: February 23, 2022

ADDRESS OF GRANTING PROPERTY: 1944 Ripken Way

ADDRESS OF RECEIVING PROPERTY: 1985 Ripken Way

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

Property Owner Name(s): B & R Developers LLC

Mailing Address: 4930 Nash Road

City, State ZIP: Cape Girardeau, MO 63701

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

Property Owner Name(s): Ron & Marcia Clark

Mailing Address: 1944 Ripken Way

City, State ZIP: Jackson, MO 63755

**ENGINEER / SURVEYING COMPANY:** Bowen Engineering and Surveying, P.C.

Engineer / Surveyor Contact: Chris Kelley, Survey Manager

Mailing Address: 2121 Megan Drive

City, State ZIP: Cape Girardeau, MO 63701

Contact's Phone: (573) 339 - 5900

**CONTACT PERSON HANDLING APPLICATION:**

Contact Name: Chris Kelley, Survey Manager

Mailing Address: 2121 Megan Drive

City, State ZIP: Cape Girardeau, MO 63701

Contact's Phone: (573) 339 - 5900

Contact's Email Address (if used): chriskelley@bowenengsurv.com

**APPLICATION FOR (check one):**

- ☐ Division of land into no more than four lots, all of which are 3 acres or greater in size  
☐ Division of land for cemetery usage  
☒ Lot line adjustment between adjoining lots  
☐ Transfer to adjoining property to improve ingress or egress  
☐ Combination or re-combination of previously platted lots. Total number of lots may not be increased and all resulting lots apply with the Land Subdivision Regulations

**REASON FOR REQUEST** (use additional pages if needed):

To adjust the property line between owners.

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

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

**LEGAL DESCRIPTION OF TRACT:** Submit a copy of the most current deed for the property being divided.

**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.)*

 Marcia Clark

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

Janet Sanders  
 Building & Planning Manager  
 City of Jackson  
 101 Court Street  
 Jackson, MO 63755  
 Ph: 573-243-2300 ext. 29  
 Fax: 573-243-3322  
 Email: jsanders@jacksonmo.org



## SURVEY NOTES:

THIS SURVEY EXCHANGES A 1,989 SQ. FT. PARCEL FROM PART OF LOT NO. 13 TO LOT NO. 12.

MEASURED DIMENSIONS SHOWN WITHOUT PARENTHESES  
DEED OR RECORD DIMENSIONS SHOWN WITH PARENTHESES

BASIS OF SURVEY DATUM - NAD83, M.S.P.C. ZONE 2401 EAST  
CORS STATION MOJK OF THE MDDOT GPS RTK NETWORK

LATITUDE	37°24'44.45833"	NORTH
LONGITUDE	089°39'00.22114"	WEST
ELLIPSOID HEIGHT	383.98	U.S. SURVEY FEET
NORTHING	575,956.0987	U.S. SURVEY FEET
EASTING	1,067,057.151	U.S. SURVEY FEET
ELEVATION	477.03	U.S. SURVEY FEET

AS PUBLISHED ON NATIONAL GEODETIC DATA SHEETS,  
RETRIEVAL DATE FEBRUARY 04, 2015 AND CONVERTED  
FROM METERS TO U.S. SURVEY FEET.

SURVEY CLASS - URBAN

## REFERENCES:

RECORD PLAT OF NINE OAKS THIRD SUBDIVISION AS RECORDED  
IN PLAT BOOK NO. 23 AT PAGE NO. 90

GENERAL WARRANTY DEED, DOCUMENT NO. 2005-09766  
GENERAL WARRANTY DEED, DOCUMENT NO. 2007-08527

ONLINE MAPPING RECORDS FOR CAPE GIRARDEAU COUNTY,  
[HTTPS://MAPS.CAMAVISION.COM/CAPEGIRARDEAU](https://maps.camavision.com/capegirardeau)

## SURVEY MONUMENT NOTES:

⊙- FOUND 1/2" IRON PIN  
⊙- SET 1/2" IRON PIN

**P.O.B.**  
FOUND 1/2" IRON PIN  
MOST SOUTHERLY CORNER,  
LOT 13, NINE OAKS THIRD  
SUBD. AS RECORDED IN  
PLAT BOOK 23 - PAGE 90  
N 570,189.8838  
E 1,065,630.4322  
NAD83, M.S.P.C.  
ZONE 2401 EAST  
U.S. SURVEY FEET  
C.A. = 00°30'47.24865"  
S.F. = 1.000002237



## GRAPHIC SCALE

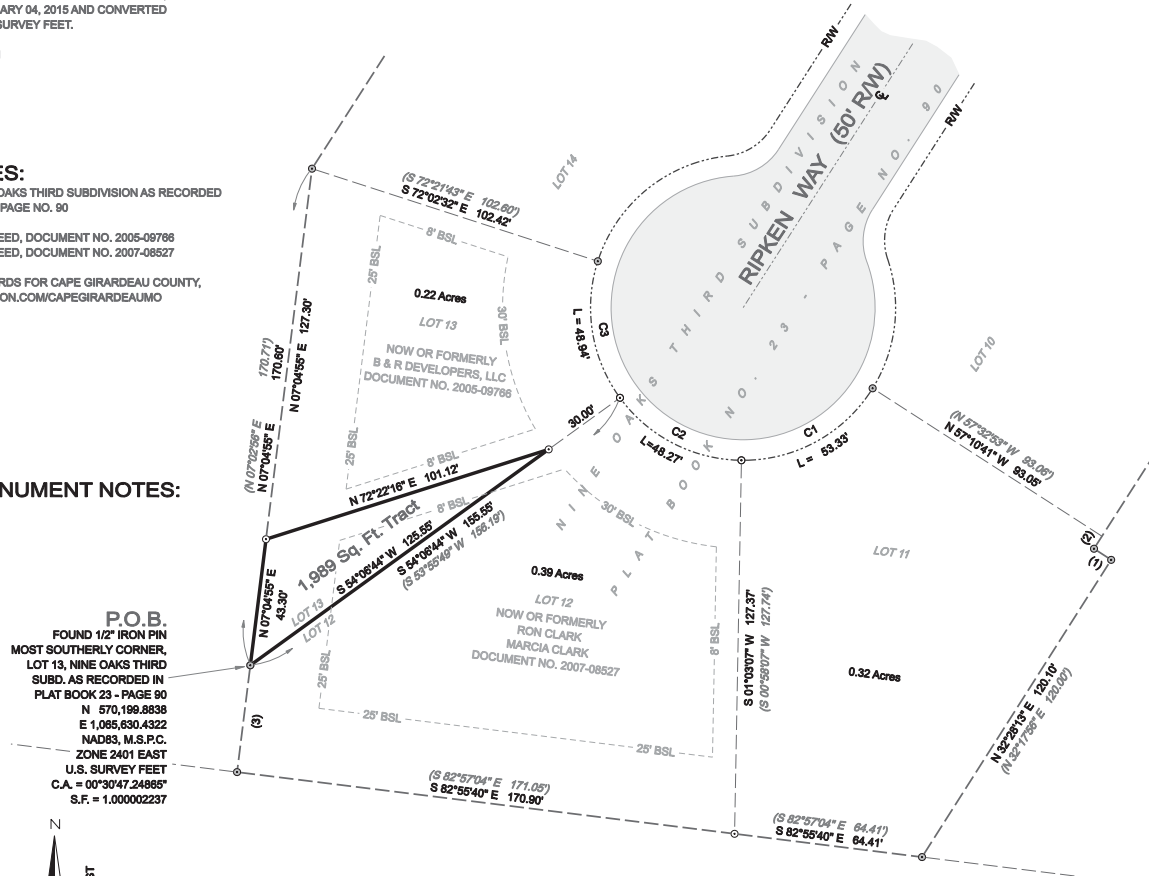
0' 30' 60' 90' 120'

## LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	N 57°00'22" W	6.97'
	(N 57°32'53" W)	(6.66')
2	N 32°37'35" E	5.05'
	(N 32°27'07" E)	(5.05')
3	S 07°04'55" W	36.70'
	(S 07°02'56" W)	(36.44')

## CURVE DIMENSION TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
1	52.00'	58°45'40"	53.33'	29.28'	51.02'	S 61°15'07" W
	(52.00')		(53.11')			
2	52.00'	53°11'09"	48.27'	26.03'	46.56'	N 62°48'28" W
	(52.00')		(48.07')			
3	52.00'	53°59'10"	48.94'	26.45'	47.15'	N 09°13'18" W
	(52.00')		(48.74')			



## FILED FOR RECORD

STATE OF MISSOURI )  
COUNTY OF CAPE GIRARDEAU ) ss

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 A.D.

AND DULY RECORDED IN DOCUMENT NO. \_\_\_\_\_

ANDREW DAVID BLATTNER, CAPE GIRARDEAU COUNTY RECORDER OF DEEDS

SURVEY PLAT OF SALE / EXCHANGE OF PARCELS  
BETWEEN ADJOINING LOTS WHERE RECORDING  
OF A RECORD PLAT IS NOT REQUIRED.

1,989 SQ. FT. TRACT FROM A PART OF  
LOT NO. 13, NINE OAKS THIRD SUBDIVISION AS  
RECORDED IN PLAT BOOK NO. 23 AT PAGE NO. 90

CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU,  
STATE OF MISSOURI

## DESCRIPTION - 1,989 SQ. FT.

FROM B & R DEVELOPERS, LLC, DOCUMENT NO. 2005-09766 (PART OF LOT NO. 13)  
TO RON & MARCIA CLARK, DOCUMENT NO. 2007-08527 (LOT NO. 12)

A PART OF LOT NO. 13, NINE OAKS THIRD SUBDIVISION AS RECORDED IN  
PLAT BOOK NO. 23 AT PAGE NO. 90 OF THE LAND RECORDS OF THE  
COUNTY RECORDER'S OFFICE, CITY OF JACKSON, COUNTY OF CAPE  
GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN (FOUND) AT THE MOST SOUTHERLY  
CORNER OF LOT NO. 13; THENCE N 07° 04' 55" E, 43.30 FEET ALONG  
THE WEST LINE OF LOT NO. 13 TO A 1/2" IRON PIN (SET); THENCE  
LEAVING SAID WEST LINE, N 72° 22' 16" E, 101.12 FEET TO A 1/2"  
IRON PIN (SET) ON THE SOUTH LINE OF LOT NO. 13; THENCE  
S 54° 06' 44" W, 125.55 FEET ALONG SAID SOUTH LINE TO THE  
POINT OF BEGINNING CONTAINING 1,989 SQUARE FEET, MORE OR LESS.

## SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT AT THE REQUEST OF RON CLARK  
THE TRACTS SHOWN HEREON WERE SURVEYED UNDER MY DIRECT  
SUPERVISION, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED  
CORRECTLY ON THIS PLAT. SAID SURVEY WAS EXECUTED IN ACCORDANCE  
WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS  
OF THE MISSOURI DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS  
AND MEASURES. THERE MAY EXIST OTHER DOCUMENTS THAT COULD AFFECT  
THIS PARCEL, OF WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY  
DISCLOSE. IN WITNESS WHEREOF I HEREBY SET MY SEAL AND SIGNATURE

THIS **25th** DAY OF **February**, 2022 A.D.

R. CHRISTOPHER BOWEN  
REGISTERED LAND SURVEYOR  
LS-2232  
MO. P.L.S. #2232

Item 2.

2321 Megan Drive  
Cape Girardeau, MO 63701  
www.bowen.com  
Bowen Engineering & Surveying, P.C.  
Consulting Engineers • Land Surveyors • Testing Labor  
Engineering Corporation - Missouri State Certificate of Authority #00038  
Land Surveying Corporation - Missouri State Certificate of Authority #0001

RON CLARK  
4930 NASH ROAD  
CAPE GIRARDEAU, MO

DESCRIPTION	DATE

Copyright © 2022 by  
Bowen Engineering & Surveying, P.C.

JOB NO.	S22-020
DATE	FEB. 18, 2022
FILE	S22022.DGN
CAICE	S22020.ZIP
DWN BY	JAR
CKD BY	CKK
SCALE	1" = 30'

ORIGINAL  
SURVEY

SHEET NO.  
1 of 77



## Staff Report

**ACTION ITEM:** Request for approval of a minor subdivision plat of Cara's First Subdivision

**APPLICANT:** Country Life, LLC

**APPLICANT STATUS:** Property Owner

**PURPOSE:** To re-subdivide one lot and portions of several other lots of the original Oliver Morton's Fourth Subdivision into two lots, one with the house and one without.

**SIZE:** .419 acres approx..

**PRESENT USES:** Single Family residence

**PROPOSED USE:** Single family residence and buildable lot

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

**SURROUNDING LAND USE:** R-2 Single Family Residential in all directions

**HISTORY:** This parcel is made up of one lot in Oliver Morton's Subdivision and

**TRANSPORTATION AND PARKING:** Unknown parking for existing house; any new construction of a single family home would require at least one off-street parking space be constructed.

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

**2009 COMPREHENSIVE PLAN:** Residential Use

**FLOODPLAIN INFORMATION:** This property is not located in a floodplain per FEMA panel 29031C0144E dated 9/29/11.

**PHYSICAL CHARACTERISTICS:** Existing house on the western part of the existing parcel. Vacant area with a significant elevation change on the eastern part of the parcel.

**COMMENTS:** The applicant is requesting a variance from the minimum 75' lot width to allow two 60' wide lots. This parcel is located in an older subdivision with typical 60' lot widths. Both lots will exceed the minimum 8,000 sq. ft. lot size.

**ACTION REQUIRED:** The Commission shall vote to approve or deny the request, with the variance request made part of the motion to approve. The Commission's vote serves as a recommendation to the Board of Aldermen.



## SUBDIVISION APPLICATION

### City of Jackson, Missouri

NAME OF SUBDIVISION: Cara's First Subdivision

DATE OF APPLICATION: 02/28/2022

TYPE OF APPLICATION: ☐ PRELIMINARY PLAT  
☐ FINAL PLAT  
☐ MINOR SUBDIVISION  
☒ RESUBDIVISION

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

Property Owner Name(s): Country Life Investments, LLC.

Mailing Address: 1409 County Road 319

City, State ZIP: Jackson, MO 63755

**ENGINEER / SURVEYING COMPANY:** Sander Land Surveying, LLC.

Engineer / Surveyor Contact: Tim Sander

Mailing Address: \_\_\_\_\_

City, State ZIP: Sikeston, MO

Contact's Phone: 573-450-2000

**CONTACT PERSON HANDLING APPLICATION:**

Contact Name: Anthony Koeller

Mailing Address: 2510 Berkley Dr

City, State ZIP: Jackson, MO 63755

Contact's Phone: 573-275-4144

Email Address (if used): tkoeller@appraisalark.com

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

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


☐ I-3 (Planned Industrial Park)

Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES ☐ NO ☒

**LEGAL DESCRIPTION OF TRACT:** Submit a copy of the most current deed for the property being divided.

**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 the completed application along with the applicable application fee to:

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

Ph: 573-243-2300 ext. 29  
Fax: 573-243-3322  
Email: [jsanders@jacksonmo.org](mailto:jsanders@jacksonmo.org)

02/26/2022

City of Jackson,

Late last year I purchased the home located at 1108 Morton St, Jackson, from Ms. Landewee. With this property, there is a vacant lot to the west, that is an eyesore. It is grown up and is a large hole (actually perfect for a walk-out basement constructed home. I purchased this property with the full intent to give this extra lot back to Ms. Landewee, as she wants to build a little "spec" home on it. However, at the time of purchase, she had not received the survey.

I am asking the board to grant a variance for the lot size, which includes the variance from the 10 foot easement requirement around the boundary of the Subdvision, see attached survey. Ms. Landewee has home plans exactly like the home she built on another smaller lot, located at 1139 Brandom St. This would be a better fit for the area, than a vacant grown up lot...

Thank You,



Anthony R Koeller

Country-Life Investments, LLC.





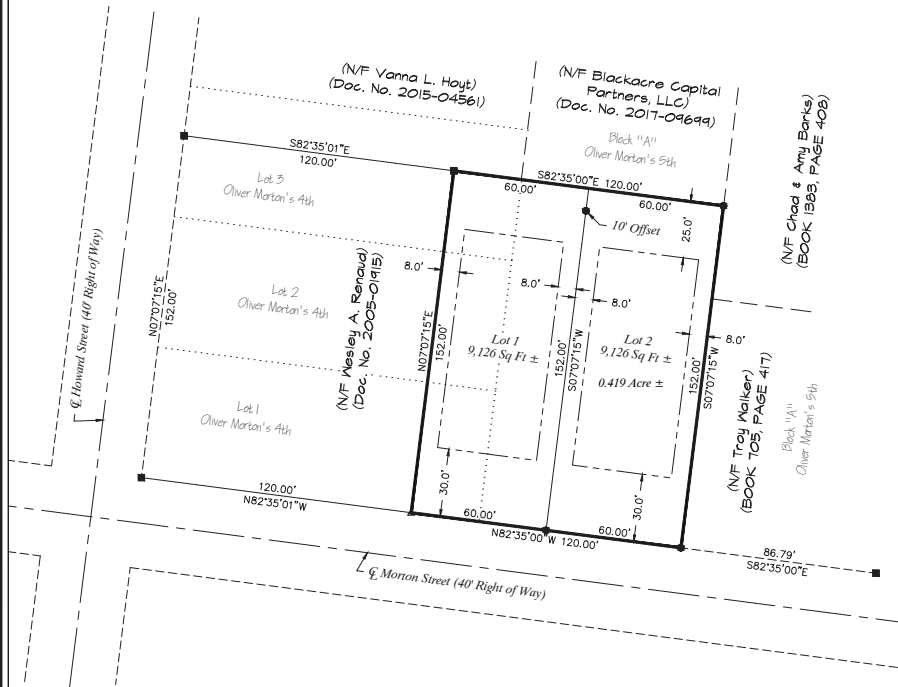
Item 2.

Location

Cara's First Subdivision  
Location Map

# Record Plat of: Cara's First Subdivision

Part of Lot's 1, 2 and 3 of Oliver Morton's Fourth Subdivision and Part of Block "A" of Oliver Morton's Fifth Subdivision all Being a Part of Survey 797, Township 31 North, Range 12 East in the City of Jackson in Cape Girardeau County, Missouri



## SUBDIVISION DEDICATION

I, THE UNDERSIGNED, ANTHONY R. KOELLER, COUNTRY LIFE INVESTMENTS, LLC, AND JONATHAN N. RANDOL, COUNTRY LIFE INVESTMENTS, LLC, OWNERS IN FEE OF PART OF LOTS 1, 2 AND 3 OF OLIVER MORTON'S FOURTH SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 20 AND PART OF BLOCK "A" OF OLIVER MORTON'S FIFTH SUBDIVISION AS RECORDED IN PLAT BOOK 4 AT PAGE 35 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, AND PART OF SURVEY 797, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALL IN THE CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, CONTAINING 0.419 ACRE, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southwest Corner of Lot 01 of said Oliver Morton's Fourth Subdivision (Found 1/2" Iron Rod), thence, along the South Line of said Lot 01, S 82°35'00" E, 120.00 feet to the POINT OF BEGINNING; thence N 07°07'15" E, 152.00 feet; thence S 82°35'00" E, 120.00 feet; thence S 07°07'15" W, 152.00 feet to the North Right of Way Line of Morton Street; thence N 82°35'00" W, 120.00 feet to the POINT OF BEGINNING, being subject to any easements of record, do hereby divide said tracts into two lots as shown hereon and do hereby name said subdivision "CARA'S FIRST SUBDIVISION".

ANTHONY R KOELLER

JONATHAN N RANDOL

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public for said State and County, appeared Anthony R Koeller of Country Life Investments, LLC and Jonathan N Randol of Country Life Investments, LLC, to me known to be the persons described herein, who did execute the foregoing instrument, and who acknowledged that they executed the same as the free act and deed their will.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2022.

My commission expires \_\_\_\_\_

Notary Public

Approved By:

Dwain Hahn, Mayor

Kent Peetz, Public Works Director.

Mike Seabaugh, Planning and Zoning Chairman.

I, Liza Walker, City Clerk of the Jackson, Missouri, hereby certify that this plat was approved by the City of Jackson, Missouri, by Ordinance

No. \_\_\_\_\_ passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2022.

Liza Walker, City Clerk, City of Jackson, Missouri

NO PORTION OF THE ABOVE DESCRIBED PARCEL LIES WITHIN THE 100 YEAR FLOOD PLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP NUMBER 29031C0144E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

## SURVEYOR CERTIFICATION

THIS IS TO CERTIFY THAT I, TIMOTHY J SANDER, HAVE SURVEYED THE FORGOING DESCRIBED PARCEL OF LAND AT THE REQUEST OF MARILYN K. LANDEWEE AND ANTHONY KOELLER HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

DONE THIS 21 st. DAY OF JANUARY, 2022.



TIMOTHY J. SANDER, MO-PLS 2003013179  
555 COUNTY HIGHWAY 250  
BENTON, MISSOURI 63736

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2022 in Document Number \_\_\_\_\_

Andrew David Blattner, Recorder of Deeds  
Cape Girardeau County, Missouri

## REFERENCES

1. NORTH BASIS GPS OBSERVATION MISSOURI STATE PLANE COORDINATES SYSTEM NAD 88, ZONE EAST.
2. ABSTRACT OF TITLE.
3. P.O.B. = POINT OF BEGINNING.
4. N/F = NOW OR FORMERLY.
5. RECORD PLAT OF OLIVER MORTON'S FOURTH SUBDIVISION (PLAT BOOK 04, PAGE 20).
6. RECORD PLAT OF OLIVER MORTON'S FIFTH SUBDIVISION (PLAT BOOK 04, PAGE 35).

## LOT SIZES

TOTAL NUMBER OF LOTS = 2  
SMALLEST LOT = 9,126 SQ FT ±  
LARGEST LOT = 9,126 SQ FT ±  
TOTAL AREA = 0.419 ACRE ±

## ZONING

CURRENT ZONING = R2 SINGLE FAMILY

## MINIMUM BUILDING SETBACKS

FRONT YARD = 30'  
REAR YARD = 25'  
SIDE YARD = 8'

## RECORD OWNER

COUNTRY LIFE INVESTMENTS, LLC  
DOCUMENT NUMBER 2021-06083

## DEVELOPER OF SUBDIVISION

COUNTRY LIFE INVESTMENTS, LLC  
1409 COUNTY ROAD 319  
JACKSON, MO 63755

## PLAT PREPARED BY

SANDER LAND SURVEYING  
TIMOTHY J SANDER, PLS  
555 COUNTY HIGHWAY 250  
BENTON, MO 63736



Scale: 1" = 30'

## TITLE REFERENCES

DOC. NO. 2021-06083 (SUB)  
DOC. NO. 2020-06973 (REF)  
DOC. NO. 2005-01915 (ADJ)  
DOC. NO. 2015-04561 (ADJ)  
DOC. NO. 2017-09699 (ADJ)  
BOOK 1383, PAGE 408 (ADJ)  
BOOK 705, PAGE 417 (ADJ)

## SYMBOL LEGEND

1. ■ = 1/2" IRON ROD (SET).
2. ■ = 1/2" IRON ROD (FND).
3. ▲ = DRILL HOLE IN CONCRETE (SET).
4. 5 = FORMER LOT NUMBER.
5. LOT-1 = NEW LOT NUMBER
6. — = SUBDIVISION BOUNDARY LINE.
7. — = LOT LINE TO BE ELIMINATED.
8. — = BUILDING SETBACK LINE.
9. — = ADJOINER PROPERTY LINE.
10. — = RIGHT OF WAY LINE.
11. — = STREET CENTERLINE.

ASSESSOR'S MAP NUMBER 14-308

PROPERTY SURVEY CLASS..."URBAN"

**SANDER LAND SURVEYING**

Phone Number: (573)450-2000 E-Mail: sandersurvey2003@gmail.com

**TIMOTHY J. SANDER, PLS**

109 SUMMERFIELD WAY  
CAPE GIRARDEAU, MISSOURI 63701

0 30 60 90  
SCALE IN FEET

DATE: 01/21/22

DRAWN BY: TJS

REVISED:

CHECKED BY: TJS





Address: 1114 MORTON ST  
PIN: 15-113-00-05-005.00-0000  
Owner: COUNTRY LIFE INVESTMENTS LLC  
Class: Residential

# Jackson Park Board

Item 3.



March 14, 2022

6:00 pm

Regular Meeting | Civic Center

## Agenda

Board Members Present

Recognition Of Visitors:

Reading Of Previous Meeting Minutes

### Old Business

- 1) Hubble Ford Replacement Bridge Project
- 2) Dog Park Project
- 3) Civic Center Digital Sign
- 4) Soccer Park Field Project
- 5) Rotary Lake Aerator Grant Application
- 6) Eat Smart in Parks Grant Application
- 7) Pool Rates and Programs

### New Business

- 1) Special Event Permit Application – Cub Scout Day Camp
- 2) Special Event Permit Application – Jackson Reads
- 3) Donation Form – Pickleball Benches
- 4) Donation Form – Pickleball Information Sign
- 5) Storage Building Specifications

Committee Reports

Civic Center Report

Parks & Recreation Director's Report

Adjournment



# MEMO



**To:** Mayor and Board of Aldermen  
**From:** Jason Lipe, Parks and Recreation Director  
**Date:** Thursday, March 17, 2022  
**Re:** Park Concession Stand Operations Program Bid Tabulation

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Bids were solicited for the Park Concession Stand Operations Program on Wednesday, March 2. A Notice to Bid was published in the Cash-Book Journal newspaper on March 2 and 9. Sealed bids were opened on Tuesday, March 15. One bidder submitted a bid. The bid tabulation sheet is attached to this memo. Staff is currently acquiring the required insurance information and signatures on the contract.



**Park Concession Stand Operations Program**  
**Bid Opening 10:00 AM, March 15, 2022**

Company	Base Bid
ROCKHILL + SONS	2090

Witnesses: 



# City of Jackson

TO: Mayor and Board of Aldermen

CC: Jim Roach, City Administrator

FROM: Kent Peetz, Director of Public Works

DATE: March 11, 2022

RE: Recommendation for Task Order Request from Cochran Engineering to Provide Construction Inspection and Engineering Services

Attached you will find a Task Order Request in the amount of \$81,682.00 from Cochran Engineering to provide construction engineering and inspection services for the Mary Street Bridge and Sidewalk Project.

I recommend award of this Task Order.

## SUPPLEMENTAL AGREEMENT #2 –

Item 5.

### CONSTRUCTION PHASE

March 4, 2022

This Supplemental Agreement is made part of the Task Order No. 20-13, as approved by the Board of Aldermen on November 2, 2020, between the **City of Jackson** and **Cochran** under the terms and conditions of the Master Services Agreement contract, as approved by the Board of Aldermen on March 19, 2018. The purpose for this Supplemental Agreement is to provide Construction Engineering Services for the Mary Street Bridge and Sidewalk Connection Project. In accordance with previous discussions with City Staff, we offer the following professional services:

#### CONSTRUCTION PHASE:

1. Serve as the City's representative for administering the terms of the construction contract.
2. Attend a preconstruction conference to discuss project details with the successful contractor.
3. Provide on-site inspection services to inspect the Contractor's progress and quality of work and to determine if the work conforms to the contract documents.
4. Reject work not conforming to the project documents.
5. Prepare change orders for issuance by the City as necessary and assure that proper approvals are made prior to work being performed.
6. Measure and document quantities, and review monthly estimates for payments due the Contractor.
7. Inspect materials, review material certifications furnished by the Contractor, perform field testing, sample materials as required, and provide laboratory testing.

#### FEE:

1. The total amount of fee to be paid for the "Construction Phase" outlined in this supplemental agreement shall be a lump sum fee of \$81,682.00.

Supplement Agreement No. 2 accepted as defined herein:

Sincerely,



Dave Christensen, P.E.  
Vice President

Acceptance:  
City of Jackson

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





# City of Jackson

TO: Mayor and Board of Aldermen

CC: Jim Roach, City Administrator

FROM: Anna Bergmark, City Engineer

DATE: March 16<sup>th</sup>, 2022

RE: Highway 61 Utility Relocations

City staff has met with MoDOT concerning their upcoming Highway 61 Reconstruction Project. The City will be responsible for relocating City utilities from under the roadway. MoDOT requested that the City determine any additional Right of Way (ROW) needed to accomplish the utility relocation. City staff has asked Strickland Engineering and Allen & Hoshall to put together Task Order requests. Strickland Engineering would be completing the survey of existing City ROW, locates for all existing utilities within the project limits, and the design of the utility relocation for water and sanitary sewer. Allen & Hoshall will be coordinating with Strickland to design the relocation for electric. Staff will be presenting the Task Orders for approval during the Regular Session of the April 4<sup>th</sup> Mayor and Board meeting.