Jefferson City
Planning & Zoning Commission

September 8, 2016

Case No. P16012
J&S Properties of Jefferson City, LLC
615 E Capitol Avenue

Rezoning from RA-2 to C-O

PLANNING STAFF REPORT
JEFFERSON CITY PLANNING AND ZONING COMMISSION
September 8, 2016

Case No. P16012 – 615 East Capitol Avenue, Rezoning from RA-2 to C-O. Request filed by J&S Properties of Jefferson City LLC, property owner, for a rezoning of 0.25 acres from RA-2 High Density Residential to C-O Office Commercial. The purpose of the request is to permit an office use in the existing building with apartment above. The property is located on the north side of East Capitol Avenue 250 feet west of Lafayette Street and is described as part of Inlots 135 and 136, Jefferson City, Missouri.

Nature of Request

There is an existing building on the property that has been used as a two unit apartment building in the past, with one unit accessible from the main entrance and one unit located on the second floor and accessible from a stairway on the east side of the building. The property owner wishes to market the main level unit as a commercial office rather than an apartment. The current zoning of RA-2 Multi-Family Residential does not permit conversion of the structure into an office, so the property owner is requesting a rezoning to the C-O Office Commercial zoning district to permit the office and second floor residential use.

Central Eastside Neighborhood Plan

City staff are in the process of finalizing documents that would implement the Central Eastside Neighborhood Plan (which was adopted as a component of the Comprehensive Plan in 2006) through a combination of rezoning and application of overlay districts. The Capitol Avenue area that includes this property is identified as being ideal for mixed office and residential use. The timeline for the rezoning and overlay district implementation has not been finalized (there are a number of items that will require additional public input after drafting).

Zoning History

Many of the properties and buildings along Capitol Avenue are currently occupied with office uses, despite being zoned RA-2. This is largely a result of past zoning, which permitted offices in the RA-2 district with a conditional use permit. Many of the properties received conditional use approval for use as an office, and their office use can continue indefinitely.

Zoning and Surrounding Land Use

Current Zoning: RA-2 Current Use: Residential
Requested Zoning: C-O Intended Use: Office with second floor apartment.

	Surrounding Zoning	Surrounding Uses
North	RA-2	Vacant Property
South	RA-2	Offices and Residences
East	C-1	Event Center
West	RA-2	Office Building

Allowed Uses:

Permitted uses within the C-O Office Commercial zoning district include offices, assisted living facilities, daycares, nursing homes, dance schools, and funeral homes. Please see the Land Use Matrix in the Zoning Code for a more detailed list of permitted uses.

Staff Analysis

Standard checklist for rezoning:	Yes	No	Notes:
Complies with Comprehensive Plan	X		The Central Eastside Neighborhood Plan identifies the Capitol Avenue area as ideal for mixed office and residential use. The proposed rezoning would not be in conflict with that plan.
Has access to necessary utilities	X		The property has access to necessary utilities.
Located outside flood zone	X		The property does not lie within the 100 year floodplain.
Meets district size requirement	X		There is no minimum district size for the C-O district.

Standard checklist for rezoning:	Yes	No	Notes:
Benefit to City is substantial when compared to adverse affects on adjacent property	X		The area is identified in city plans as being ideal for office use.
After rezoning, the allowed uses would be compatible with uses allowed in adjacent districts	X		An office commercial use of the property would be compatible with the mix of offices and residences along Capitol Avenue.
After rezoning, the allowed uses would be compatible with adjacent existing land uses	X		The property to the east is used as a commercial event center and many of the properties along Capitol Avenue are used as commercial offices.
If not rezoned, the owner would be deprived of use advantages enjoyed by surrounding owners (reverse spot zoning)	X		The property to the east enjoys a commercial zoning and many of the properties along Capitol Avenue have received conditional use permits for office uses.
The requested rezoning would be an expansion of an existing district	X		The rezoning would be an expansion of the adjacent commercial zoning.

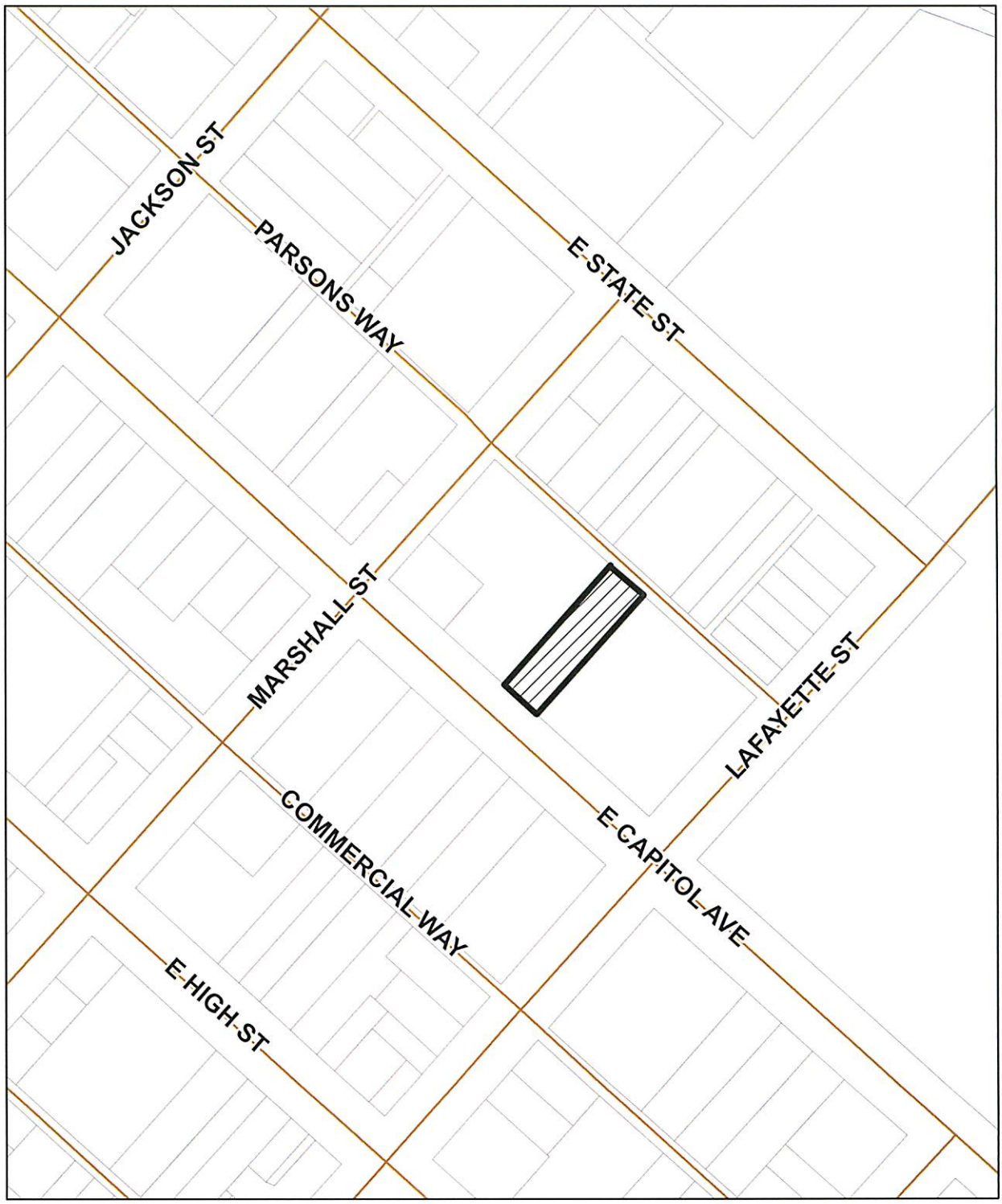
Rezoning Request:
Staff recommends approval of the request to rezone the property from RA-2 to C-O. The rezoning request is compatible with the office and residential mixed use called for within the Central Eastside Neighborhood Plan and would be compatible with the existing land use pattern for Capitol Avenue. While city staff intend to rezone the area (including this property) to a mixed use district in the near future, an immediate rezoning of the property to commercial office would allow the property owner to market the building as office space immediately.

	Approve	Deny	Neutral
Staff Recommendation	X		

Form of Motion
Motion to approve the request to rezone the property from RA-2 to C-O.

City of Jefferson Planning & Zoning Commission

VICINITY



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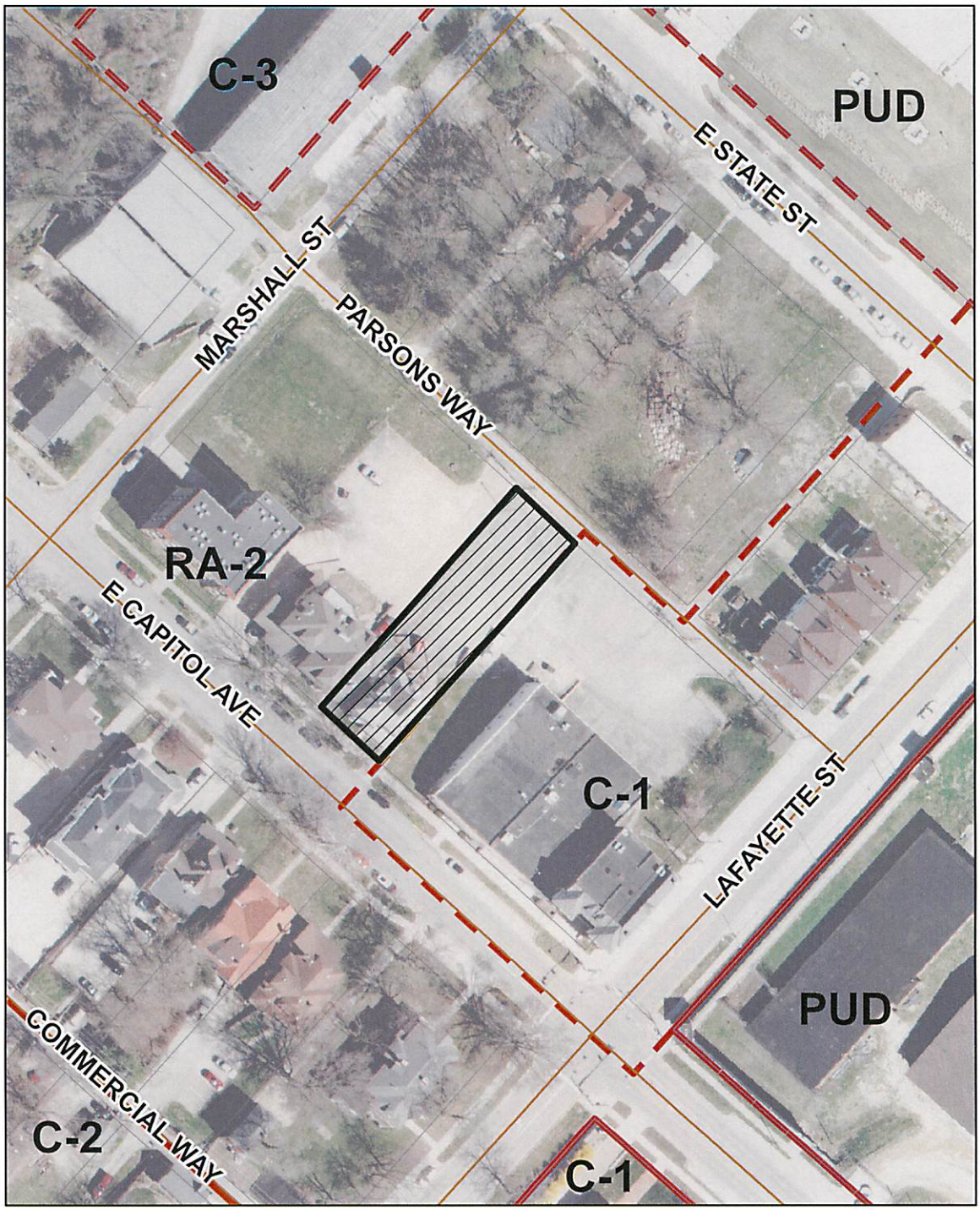
Case No. P16012
615 E Capital Ave
Rezoning from RA-2 to C-O

City of Jefferson Planning & Zoning Commission

LOCATION MAP



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Case No. P16012
615 E Capital Ave
Rezoning from RA-2 to C-O

City of Jefferson
Department of Planning & Protective Services
320 E. McCarty Street
Jefferson City, MO 65101
Phone: 573-634-6410
jcplanning@jeffersoncitymo.gov

RECEIVED
AUG 11 2016
PLANNING & PROTECTIVE SERVICES

APPLICATION FOR ZONING AMENDMENT

The undersigned hereby petitions the Planning and Zoning Commission and City Council of the City of Jefferson, Missouri, for the following amendment to the Zoning Code:

☐ Zoning Text Amendment (Describe below or attach complete narrative)
Article and Section Affected (if applicable)_____

Description of proposed text amendment:_____

☑ Zoning Map Amendment (Rezoning of Real Estate)
The undersigned hereby state they are the owners of the following described real estate:

Property Address: 615 E Capitol, Jefferson City MO 65101

Legal/Property Description (write out or attach as an exhibit): (attached)

Who petition to rezone the above described real estate from its present classification of RA 2 district to CO district. The purpose of this rezoning request is to: allow office use downstairs and residence upstairs

ALL OWNERS OF REAL PROPERTY PROPOSED TO BE REZONED MUST SIGN THE APPLICATION, AND ALL SIGNATURES MUST BE NOTARIZED. IF ADDITIONAL SIGNATURES ARE NEEDED, PLEASE ATTACH SEPARATE SHEETS.

J+S Properties of JC, L.L.C.
Rachelle (Shellie) Pervinich — *Property Owner #1 Name (type or print)*
R.E. Pervinich — *Property Owner Signature*

Property Owner #2 Name (type or print) — *Property Owner Signature*

ANNE M. STRATMAN
Notary Public - Notary Seal
State of Missouri
Commissioned for Osage County
My Commission Expires: August 27, 2019
Commission Number: 15386130

Subscribed and sworn before me this 11th **day of** August **in the year** 2016.

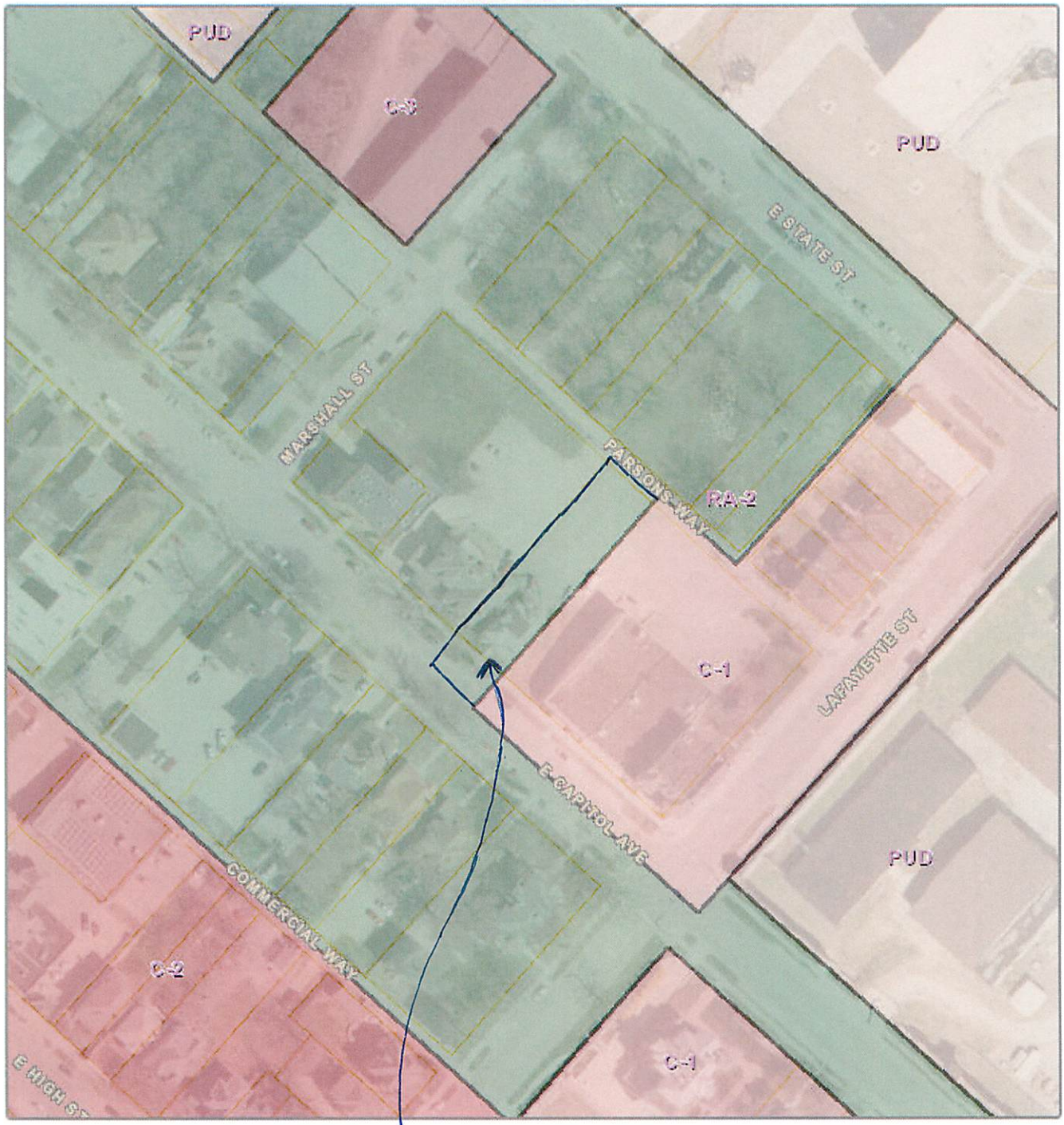
Anne M Stratman
Notary Public

Address of Property Owner #1	
Name	Rachelle Pervinich
Mailing Address	1413 Inglenook Dr. J.C. MO 65109
Phone Number	(573) 635-2297 (home) (573) 645-0527 (cell)
Address of Property Owner #2	
Name	
Mailing Address	
Phone Number	

For City Use Only: Application Filing Fee $210 (Revised June 30, 2015) City of Jefferson
Payment Received: ____Cash (Receipt #_____); ____Check (Copy; check #_____)
Attachments: ___Additional sheets or documentation ___Applicant/Project Information Sheet ___Location Map

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

MidMoGIS, MO



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Map Scale
1 inch = 67 feet
8/26/2016

Proposed Rezoning
RA-2 to C-0

State of Missouri
Cole County
Ralph C. Bray Jr, Recorder of Deeds
RECORDED

Receipt #: 286189 Total Fees: $33.00
Reception: 201502278

Pages Recorded: 4
Date Recorded: 3/18/2015 1:29:48 PM

SH

CCA

SEAL COLE COUNTY MISSOURI

TRUSTEE WARRANTY DEED

This Indenture, made to be effective as of the 12 day of March, 2015, by and between Robert E. Dallmeyer, III, and Elizabeth Anne Blair, Successor Co-Trustees of the Robert E. Dallmeyer, Jr. Trust dated June 5, 1995, of the County of Cole, State of Missouri, First Party/**Grantors**; and J & S Properties of Jefferson City, LLC, a limited liability company organized and existing under the laws of the State of Missouri, Grantee's mailing address: 1413 Inglenook Dr. J.C. MO 65109, of the County of Cole, State of Missouri, Second Party/**Grantee**.

First Party warrants that Robert E. Dallmeyer, Jr. was deceased on October 6, 2012, and under the terms of the Trust Agreement, Robert E. Dallmeyer, III, and Elizabeth Anne Blair, became the duly acting Successor Co-Trustees of the Trust; and that said Trust is in full force and effect; and that all powers granted Trustees under said Trust, including those hereinafter described, remain in full force and effect; and that the Trust Grantor did not revoke said Trust Agreement, nor amend it in any manner inconsistent with the granting of this deed, and did not request withdrawal from the Trust of the hereinafter described real property, and that Trustees have full power and authority under the Trust Agreement to sell or exchange any real property of the trust; and

First Party further warrants that there are no other provisions in said Trust, or any amendments thereto, which limit the aforementioned powers nor are there any provisions in said Trust by which the Trust Grantor retained or gave to any other person or organization the right to negate, consent or approve of the conveyance by Successor Trustee of the real property hereinafter described.

WITNESSETH, that First Party, in consideration of Ten Dollars ($10.00) and other valuable consideration to First Party paid by Second Party, the receipt of which is hereby acknowledged, does by these presents SELL and CONVEY unto the said Second Party and Second Party's successors or assigns; the following described tract of land situated in the County

ADMIN01/9900999.00052/14132429.3

CCA 21824

of Cole, State of Missouri, to wit:

SUBDIVISION NO. 6 OF A SUBDIVISION OF INLOTS NOS. 134 AND 135, IN THE CITY OF JEFFERSON, MISSOURI FRONTING 34 FEET 10 INCHES ON E. CAPITOL AVENUE FORMERLY KNOWN AS MAIN STREET AND RUNNING BACK 199 FEET TO AN ALLEY.

ALSO, THAT PART OF INLOT NO. 136, BEGINNING AT THE SOUTHWEST CORNER OF SAID INLOT, ON EAST CAPITOL AVENUE FORMERLY KNOWN AS MAIN STREET; THENCE RUNNING EASTERLY 20 FEET; THENCE NORTHERLY 198 FEET 9 INCHES TO AN ALLEY; THENCE WESTERLY ALONG SAID ALLEY 20 FEET; THENCE SOUTHERLY 198 FEET 9 INCHES TO THE POINT OF BEGINNING.

SUBJECT TO all exceptions, reservations, restrictions, of record, if any.

TO HAVE AND TO HOLD the premises aforesaid, together with all and singular the rights, immunities, privileges and appurtenances to the same belonging or in anywise appertaining unto the said Second Party, and Second Party's successors or assigns forever; the said First Party/Grantors in said party's capacity as Successor Co-Trustees and not personally, hereby covenanting that said party is lawfully seized of an estate in fee in the premises herein conveyed, and has good right to convey same, and that said premises are free and clear of any encumbrances done or suffered by said party; and further that the said Successor Co-Trustees, in said party's capacity as such, will WARRANT AND DEFEND the title to the said premises unto the said Second Party and Second Party's successors or assigns, forever, against the lawful claims and demands of all persons claiming under Grantor, except for real estate taxes for 2015 and subsequent years and as set forth above.

IN WITNESS WHEREOF, the said First Party has hereunto set their hands the day and year first above written.

Signature Pages Follow

City of Jefferson
Department of Planning & Protective Services
320 E. McCarty St.
Jefferson City, MO 65101

Carrie Tergin, Mayor
Janice McMillan, AICP, Director
Phone: 573-634-6410
Fax: 573-634-6457

August 25, 2016

Dear Property Owner:

This letter is to notify you that the Jefferson City Planning and Zoning Commission will meet at 5:15 p.m. on Thursday, September 8, 2016 in the Council Chambers of the John G. Christy Municipal Building, 320 East McCarty Street, to consider the following matter (see map on back):
Case No. P16012 – 615 East Capitol Avenue, Rezoning from RA-2 to C-O. Request filed by J&S Properties of Jefferson City LLC, property owner, for a rezoning of 0.25 acres from RA-2 High Density Residential to C-O Office Commercial. The purpose of the request is to permit an office use in the existing building with apartment above. The property is located on the north side of East Capitol Avenue 250 feet west of Lafayette Street and is described as part of Inlots 135 and 136, Jefferson City, Missouri.

As a nearby landowner and/or neighbor, you have the privilege of attending this hearing. Unfortunately, we are unable to record comments received by telephone, however, written comments may be directed to the Planning and Zoning Commission in one of the following ways:

e-mail: jcplanning@jeffcitymo.org
fax: Dept. of Planning and Protective Services / Planning Division 573-634-6457
mail: Dept. of Planning and Protective Services / Planning Division
John G. Christy Municipal Building, 320 E. McCarty Street Jefferson City, MO 65101

Written comments received on or before 1:00 p.m. on the day of the meeting will be made a part of the official record and copied and distributed to Commission members at the meeting. Those unable to provide written comments in advance are invited to deliver their comments to the Commission Chairman only at the meeting. Correspondence received after 1:00 p.m. will be included in the official record, but there is no guarantee that copies will be made for distribution to all Commission members.

For your information, this case is tentatively scheduled for a public hearing in front of the City Council on October 17, 2016. The City Council meets at 6:00 p.m. in the Council Chambers of the John G. Christy Municipal Building, 320 East McCarty Street.

Information regarding this case may be viewed on the Planning and Zoning Commission webpage at: www.jeffersoncitymo.gov.

If you have any questions concerning this matter, please feel free to contact us at 573.634.6475.

Sincerely,

Eric Barron

Eric Barron, AICP
Senior Planner

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.
Please call (573) 634-6410 with questions regarding agenda items.

S, L L C
1685 HWY 94
HOLTS SUMMIT, MO 65043
100 LAFAYETTE ST
102 LAFAYETTE ST
622 E STATE ST
620 E STATE ST
618 E STATE ST

SALTER, JAMES E & CHRISTINA R
6 VICTORIA LN
HOT SPRINGS VILLAGE, AR 71909-3435
104 LAFAYETTE ST

ORGANIZED INVESTMENTS L L C
#9 ARIAS WAY
HOT SPRINGS, AR 71909
106 LAFAYETTE ST
108 LAFAYETTE ST
110 LAFAYETTE ST

CAIN, JAMES D & MELISSA R
2214 BUEHRLE DR
JEFFERSON CITY, MO 65109
610 E STATE ST

OUSLEY GROUP L L C
2000 E BROADWAY, STE 176
COLUMBIA, MO 65201
608 E STATE ST

BUETTNER, GARY A & LINDA K
606 E STATE ST
JEFFERSON CITY, MO 65101
606 E STATE ST

PHILLIPS, WAYNE T
600 E STATE ST
JEFFERSON CITY, MO 65101
600 E STATE ST

CITY OF JEFFERSON
C/O CITY COUNSELORS OFFICE
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
MARSHALL ST

LAUX, PAUL L & FRANCES M
2711 TANNER BRIDGE RD
JEFFERSON CITY, MO 65101
601 E CAPITOL AVE

WEBER, JAMES L & ELIZABETH
3420 COUNTRY CLUB DR
JEFFERSON CITY, MO 65109
611 E CAPITOL AVE

J & S PROPERTIES OF JEFFERSON CITY, L L C
1413 INGLENOOK DR
JEFFERSON CITY, MO 65109
615 E CAPITOL AVE *(Subject Property)*

STITT BARONY L L C
619 E CAPITOL AVE
JEFFERSON CITY, MO 65101
619 E CAPITOL AVE

MONACO, MILDRED P
C/O CENTRAL TRUST INVESTMENT CO, TRUSTEE
PO BOX 779
JEFFERSON CITY, MO 65102
624 E CAPITOL AVE

MISSOURI RETAILERS ASSOCIATION
PO BOX 1336
JEFFERSON CITY, MO 65102
618 E CAPITOL AVE

LEPAGE, JAMES T, TRUSTEE
616 E CAPITOL AVE
JEFFERSON CITY, MO 65101
616 E CAPITOL AVE

FLOTRON, FRANCIS E JR &, ET'AL
LEWIS, DOROTHY ANNE
612 E CAPITOL AVE
JEFFERSON CITY, MO 65101
612 E CAPITOL AVE

GERMANO, GREGORY C
71120 N THUNDERBIRD TER
RANCHO MIRAGE, CA 92270-3522
606 E CAPITOL AVE

FACT PROPERTIES L L C
231 SUMMERHILL DR
JEFFERSON CITY, MO 65109
600 E CAPITOL AVE

Case No. P16012
615 E Capital Ave
Rezoning from RA-2 to C-O

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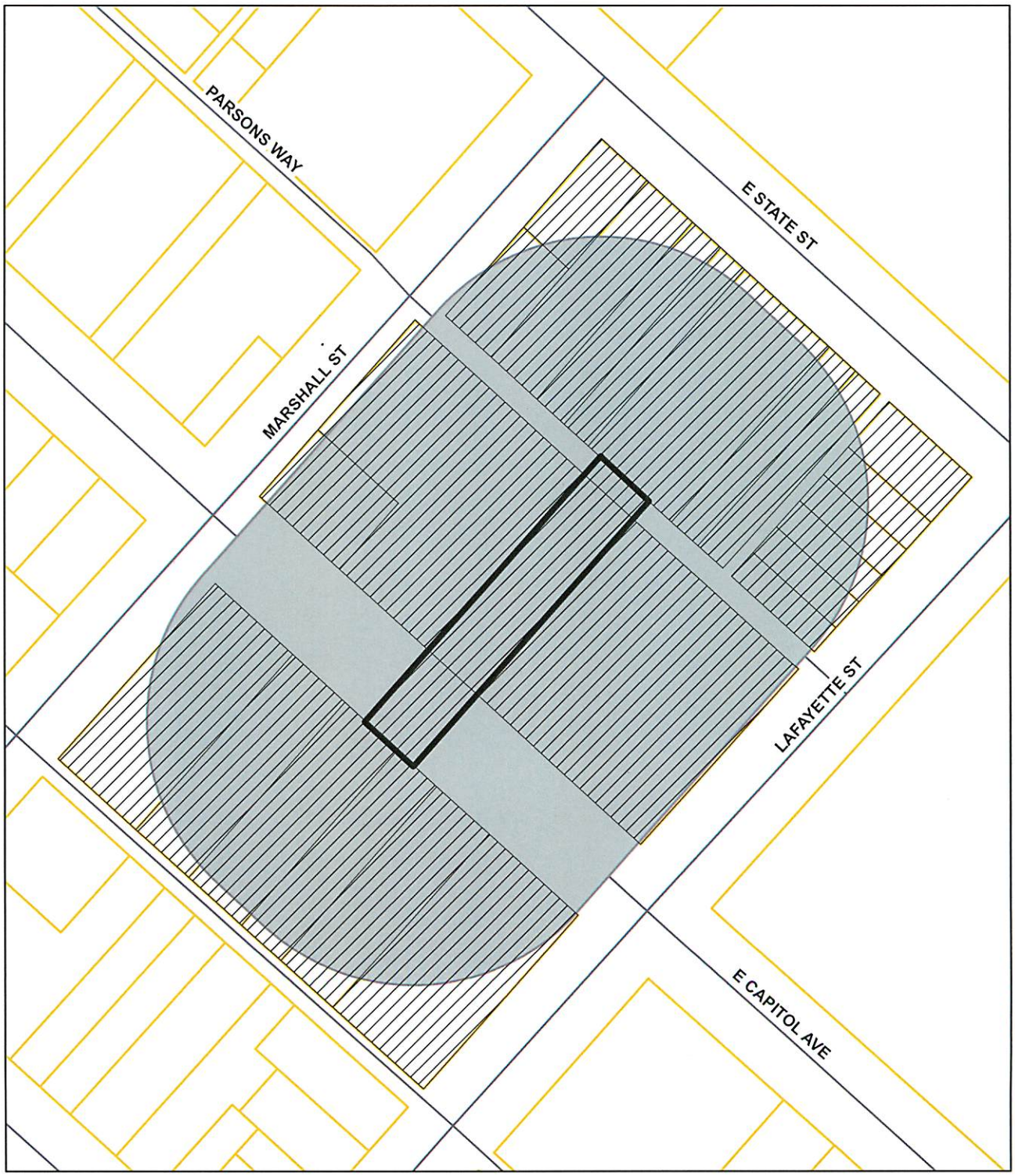
185 ft. Notification Buffer