

Jefferson City
Planning & Zoning Commission

November 10, 2016

Case No. P16017
Green Industries, Inc.
612 Broadway Street

- A. Rezoning from RA-2 to C-2**
- B. Comprehensive Plan Amendment**

**PLANNING STAFF REPORT
JEFFERSON CITY PLANNING AND ZONING COMMISSION
November 10, 2016**

Case No. P16017 – 612 Broadway Street, Rezoning from RA-2 to C-2 and Comprehensive Plan Amendment. Request filed by Green Industries Inc, property owner, for a rezoning of 0.17 acres from RA-2 High Density Residential to C-2 General Commercial and an associated amendment to the Development Plan Map of the Comprehensive Plan. The purpose of the request is to utilize the existing building as a contractors office with parts store. The property is located on the northwest corner of the intersection of Broadway Street and West Cedar Way and is described as part of Inlots 789 and 790, Jefferson City, Missouri.

Nature of Request

The property owner desires to convert the existing residential structure on the property, currently in use as a three unit apartment building, into a commercial business on the main level with residence above. The specific business that the property owner intends to lease the space to is a mechanical contractor, who would use the space as an office and in town base for service crews along with an off-site area in Centerville used for fabrication and storage. A four bay garage at the rear of the property would be used for storage of materials and vehicles and the front of the main building would be used for a small showroom and parts business. A small parking area would be constructed in the yard space behind the main building to meet the parking needs of the business.

The intended business would be classified by the Zoning Code as a contractor/trade shop with indoor operations and storage, which is a permitted use in the C-2 zoning district. The property owner has submitted a rezoning application to rezone the property to C-2, which would match the zoning of the property to the south (across the alley). The development plan map of the Comprehensive Plan identifies the property as intended for high density residential use, and the property owner has submitted an application to designate the property as intended for commercial use in order to support the proposed rezoning.

Zoning History

The property has been zoned for multi-family use since approximately 1968. The zoning designation of the property prior to that was for two family use.

Zoning and Surrounding Land Use

Current Zoning: RA-2

Current Use: Three unit residential

Requested Zoning: C-2

Intended Use: Commercial

	Surrounding Zoning	Surrounding Uses
North	RA-2	Three unit residential
South	C-2	Commercial
East	PUD	Daycare
West	C-2	Multi-family Residential

There are a number of commercial businesses along this block of Broadway Street, including the Schaefer House located across the alley from the subject property, a daycare located across Broadway Street, and a salon located a half block away at the corner of Elm Street and Broadway Street.

Allowed Uses:

Permitted uses within the C-2 General Commercial zoning district include general retail, offices, hotels, sit-down or drive through restaurants, banks, automobile sales, automobile repair, contractor and trade shops, and gas stations. 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 Comprehensive Plan identifies the property as intended for high density residential use. An amendment is proposed change the designation of the property within the Comprehensive Plan to Commercial.
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		The rezoning would be an expansion of the existing C-2 district to the south.
Benefit to City is substantial when compared to adverse affects on adjacent property	X		The property is located on a block that has a mix of residential and commercial uses. Use of the property as commercial would benefit the city while conforming to the existing mixed land use along the street.
After rezoning, the allowed uses would be compatible with uses allowed in adjacent districts	X		The commercial zoning would be compatible with the adjacent commercial uses along Broadway Street.
After rezoning, the allowed uses would be compatible with adjacent existing land uses	X		There are several existing businesses along this block of Broadway street.
If not rezoned, the owner would be deprived of use advantages enjoyed by surrounding owners (reverse spot zoning)	X		The adjacent property to the south enjoys a C-2 zoning and the property to the east is approved for a mixed commercial residential use.
The requested rezoning would be an expansion of an existing district	X		The rezoning would be an expansion of the adjacent commercial zoning.

Comprehensive Plan Amendment:

Staff recommends approval of the request to amend the Comprehensive Plan Development Plan Map to show the property as Commercial. The property is located within a pocket of land designated as intended for high density residential use, with commercial designations on all sides and several properties within the pocket that are either non-conforming commercial or approved for commercial use through PUD processes. Re-designation of the property as commercial would be a minor change in the intended land use pattern for the area.

Rezoning Request:

Staff recommends approval of the request to rezone the property from RA-2 to C-2. The property is bordered to the south and west with commercial zoning and several commercial businesses exist along this block of Broadway Street.

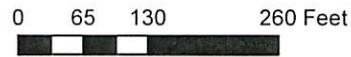
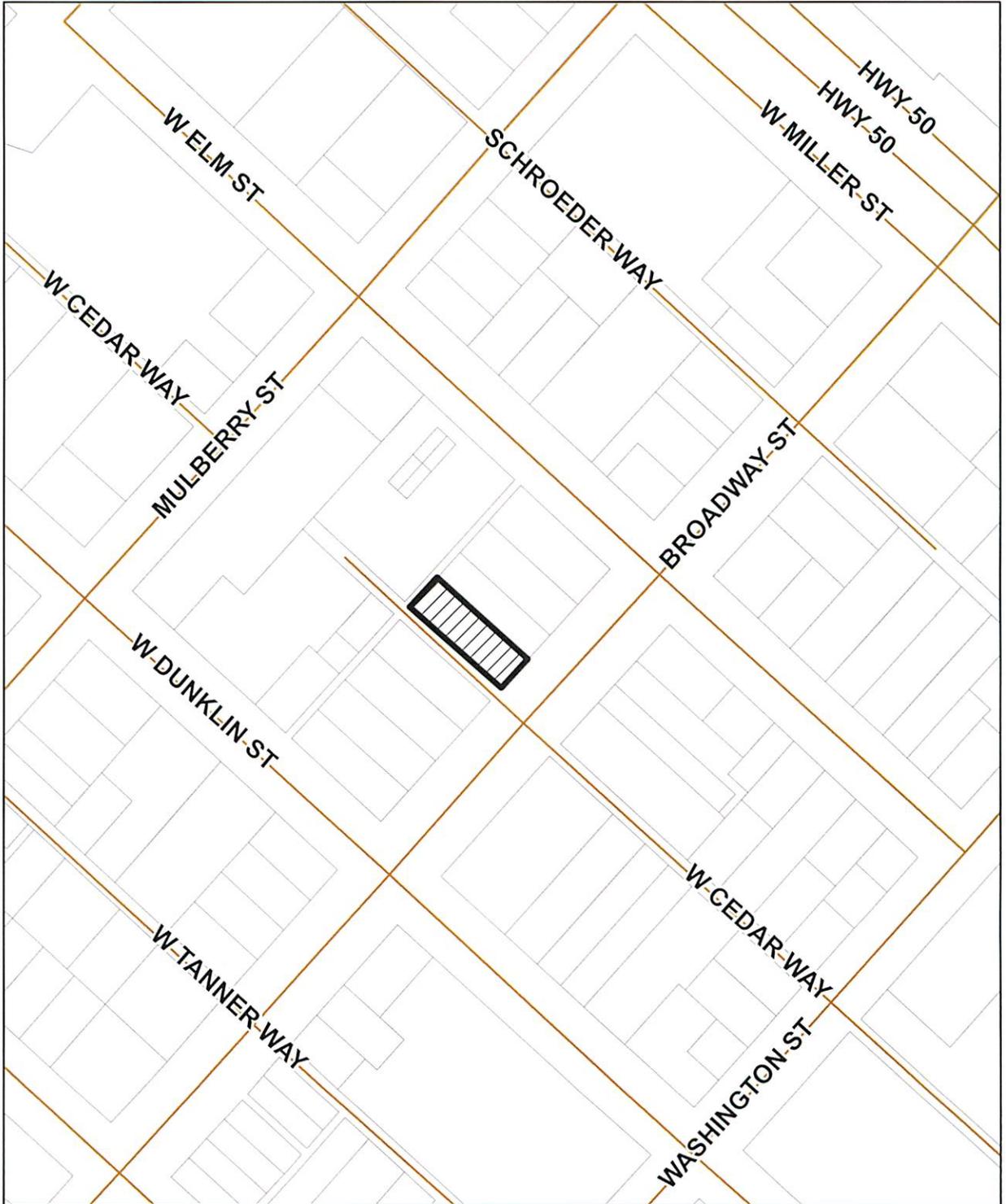
	Approve	Deny	Neutral
Staff Recommendation	X		

Form of Motion

1. Motion to approve the comprehensive plan amendment request to show the property as Commercial on the Development Plan Map of the Comprehensive Plan.
2. Motion to approve the request to rezone the property from RA-2 to C-2.

City of Jefferson Planning & Zoning Commission

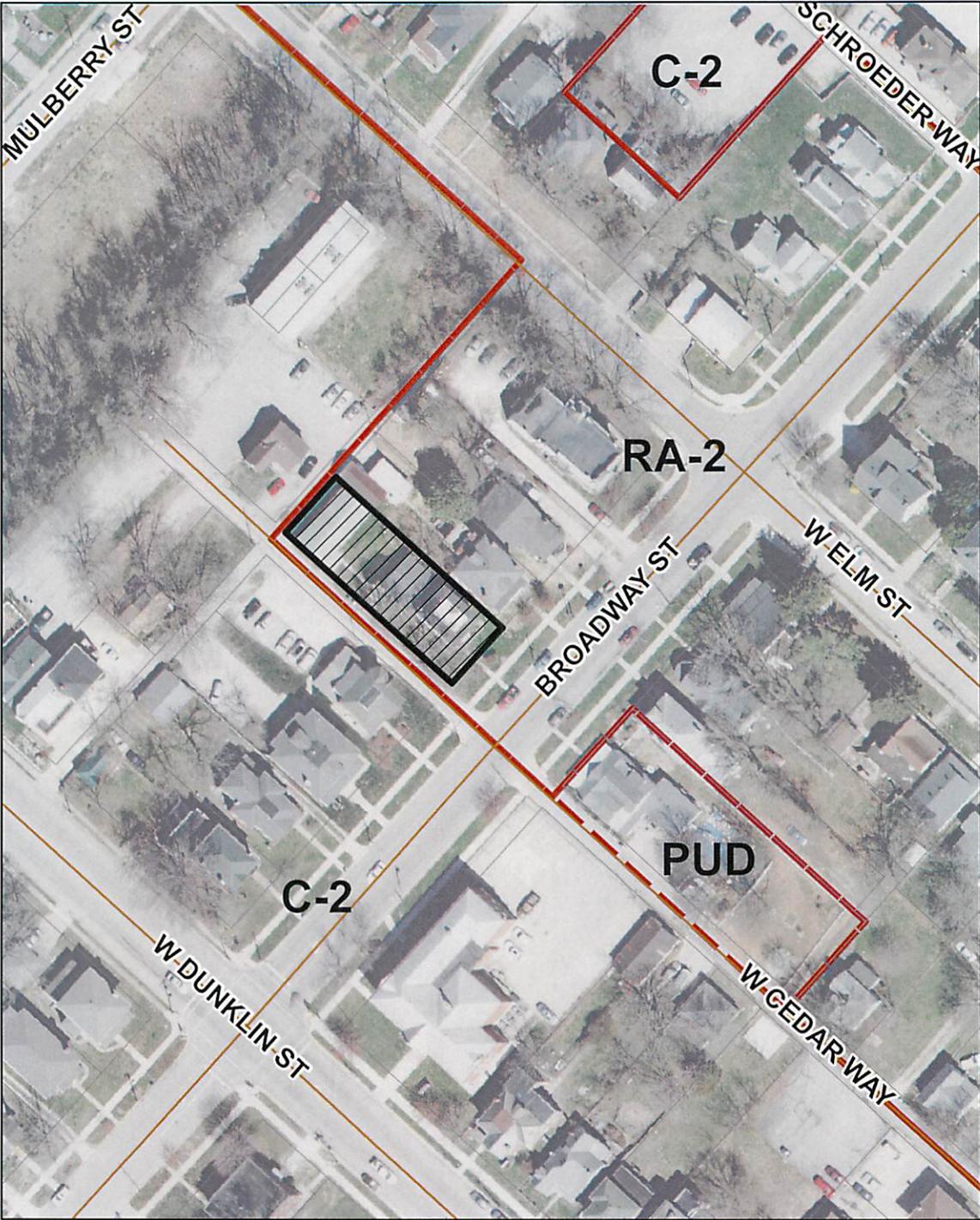
VICINITY



Case No. P16017
612 Broadway St
Rezoning From RA-2 to C-2
and Comprehensive Plan
Amendment

City of Jefferson Planning & Zoning Commission

LOCATION MAP



Case No. P16017
612 Broadway St
Rezoning From RA-2 to C-2
and Comprehensive Plan
Amendment





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



JOSHUA R. HANLIN
 Notary Public - Notary Seal
 STATE OF MISSOURI
 County of Cole
 My Commission Expires 9/15/2019
 Commission # 15638231

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: 612 Broadway, Jefferson City, MO

Legal/Property Description (write out or attach as an exhibit): PT inlots 789 & 790, Lot 12

Who petition to rezone the above described real estate from its present classification of RA2 district to C2 district. The purpose of this rezoning request is to: use property as commercial contractors office/appliance parts store

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.

Danny J. Greer President G.I.F. Danny J. Greer
 Property Owner #1 Name (type or print) Property Owner Signature

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

Subscribed and sworn before me this 11th day of October in the year 2016.
 Notary Public - Notary Seal
 STATE OF MISSOURI
 County of Cole
 My Commission Expires 9/15/2019
[Signature]
 Notary Public

Address of Property Owner #1	
Name	Danny Greer
Mailing Address	3108 Hunt Ridge Rd., J.C. MO 65109
Phone Number	573-230-3379
Address of Property Owner #2	
Name	
Mailing Address	
Phone Number	

For City Use Only: Application Filing Fee \$210 (Revised June 30, 2015)
 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.

Commission # 13638231
Expiration Expires 01/15/2010
County of Cole
STATE OF MISSOURI
Public Health Seal
MISSOURI
ELECTORAL COLLEGE
COUNTY OF COLE
COMMISSION # 13638231
EXPIRES 01/15/2010

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Get this

1/1/10

MISSOURI
STATE OF MISSOURI
County of Cole
Commission Expires 01/15/2010
Commission # 13638231



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



APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN

The undersigned hereby petitions the Planning and Zoning Commission and City Council of the City of Jefferson, Missouri, for the following amendment(s) to the City's Comprehensive Land Use Plan or Development Plan Map.

Text Amendment Map Amendment

Current Development Plan Map Designation high density residential

Proposed Development Plan Map Designation commercial

Applications for Map amendments shall include a location map and level of detail required for site plan review as outlined in Exhibit 35-71.

All applications shall attach a narrative which addresses the following criteria, as outlined in Section 35-74.A.4, Jefferson City Zoning Code.

- a. Whether there was error in the original Comprehensive Plan adoption in that the Planning and Zoning Commission failed to take into account then existing facts, projections or trends that were reasonably foreseeable to exist in the future.
- b. Whether events subsequent to the Comprehensive Plan adoption have invalidated the Commission's original premises and findings made upon plan adoption.
- c. Whether the change is consistent with the goals, objectives and policies of the Plan.
- d. Whether events subsequent to the Comprehensive Plan adoption have changed the character and/or condition of the area so as to make the application acceptable.
- e. Whether the change is needed to improve consistency between the Comprehensive Plan and other adopted plans.
- f. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, schools, parks and recreational facilities, roads, libraries, solid waste collection and disposal, and others are adequate to serve development for the type and scope suggested by the proposed zone. If utilities are not available, whether they can be extended reasonably.
- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.
- h. Whether there will be benefits derived by the community or area by the proposed change.

Amendment Requested by: Property Owner Staff Planning and Zoning Commission

Danny J. Green
 Name (typed or printed)

Danny J. Green
 Signature

Property Owner Name Danny J. Green President Green Industries, Inc

Address 3108 Hunt Ridge Rd. Jefferson City MO 65109

Phone Number(s): 573-230-3379

Applicant Name (if different from owner): _____

Address: _____

Phone Number(s) _____

For City Use Only: Application Filing Fee \$210 (Revised June 30, 2015)
 Application Filing Fee Received: _____ Cash (receipt # _____) _____ Check (copy; check # _____)

Attachments: _____ Narrative _____ Map _____ Applicant/Project Information Sheet

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.

COMPREHENSIVE PLAN AMENDMENTS
Excerpt from Section 35-74 Legislative Approval - Development Permits
Ordinance No. 13361

Property Address: 612 Broadway, Jefferson C.ty. MO.

- A. Whether there was error in the original Comprehensive Plan adoption in that the Planning and Zoning Commission failed to take into account then existing facts, projections or trends that were reasonably foreseeable to exist in the future.

This area of Broadway Street has transitioned a mixed commercial and residential use, although the Comprehensive Plan shows the area as intended for High Density Residential use. The property across the street is used as a residence/daycare and a nearby property is used as a salon.

- B. Whether events subsequent to the Comprehensive Plan adoption have invalidated the Commission's original premises and findings made upon plan adoption.

This area of Broadway Street has had several residential homes converted into commercial uses since adoption of the Comprehensive Plan.

- C. Whether the change is consistent with the goals, objectives and policies of the Plan.

The change would allow for more commercial uses adjacent to an existing commercial area.

- D. Whether events subsequent to the Comprehensive Plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

Several houses have been converted to commercial uses along Broadway Street since adoption of the Comprehensive Plan.

- E. Whether the change is needed to improve consistency between the Comprehensive Plan and other adopted plans.

There is no known conflict with any adopted plans.

- F. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, schools, parks and recreation facilities, roads, libraries, solid waste collection and disposal, and others are adequate to serve development for the type and scope suggested by the proposed zone. If utilities are not available, whether they can be extended reasonably.

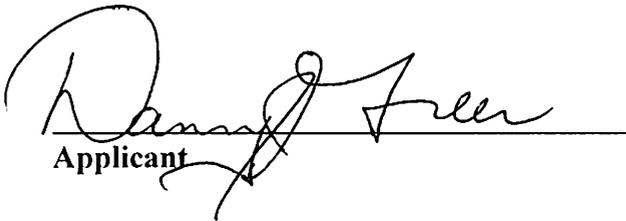
All necessary utilities and facilities are in place to accommodate the proposed change.

G. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

The proposed change would allow for more commercial land in an existing mixed commercial and residential area.

H. Whether there will be benefits derived by the community or area by the proposed zone.

The community would benefit from the commercial use in an existing mixed commercial and residential area.


Applicant

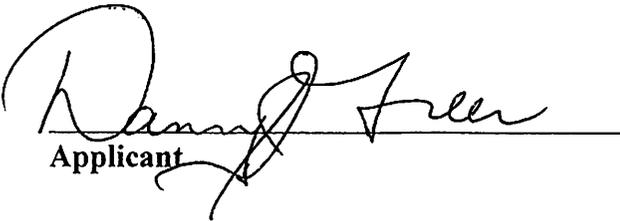
10-11-16
Date

G. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

The proposed change would allow for more commercial land in an existing mixed commercial and residential area.

H. Whether there will be benefits derived by the community or area by the proposed zone.

The community would benefit from the commercial use in an existing mixed commercial and residential area.


Applicant

10-11-16
Date

No. 200416016
Bk 513 Pg 6
State of Missouri
Cole County
RECORDED
Dec 13, 2004
2:52:36 PM
Larry D. Rademan,
Recorder of Deeds
Fees \$27.00



INDEPENDENT PERSONAL REPRESENTATIVE DEED

THIS INDENTURE made and entered into the 10th day of December, 2004, by and between Robert M. Strange, Independent Personal Representative of the Estate of Robert Lee Strange, deceased, as Grantor and Green Industries, Inc., a Missouri Corporation, as Grantee, of the County of Cole, State of Missouri. The mailing address of the Grantee is 3108 Hunt Ridge Road, Jefferson City, MO 65109.

WITNESSETH:

WHEREAS, On August 14, 2004, Robert Lee Strange, a single person of Cole County Missouri, died intestate while owning certain real property in Cole County Missouri; and

WHEREAS, on the 23rd day of August, 2004, letters of administration as an independent personal representative were granted to the undersigned Robert M. Strange by the Probate Division of the Circuit Court of Cole County, Missouri, according to law, in estate number 04PR323198; and

WHEREAS, by virtue of appointment as independent personal representative, the undersigned is empowered, in his discretion, to sell and convey the real property hereinafter at private sale on such terms, in the undersigned's discretion, as might seem best; and

WHEREAS, Green Industries, Inc., a Missouri Corporation of Cole County, Missouri, has purchased the real estate hereinafter described on page 2 of this deed at private sale,

NOW THEREFORE, in consideration of the premises, the sum of Sixty Eight Thousand Five Hundred Dollars and no/100 (\$68,500) and other valuable consideration, the said Robert M. Strange, independent personal representative of the estate of Robert Lee Strange, deceased, does SELL AND CONVEY unto Green Industries, Inc., its successors, and assigns forever, all of the decedent's right, title and interest which the said Robert Lee Strange, deceased, had at the time of his death in and to the following described real property lying, being and situated in Cole County, Missouri, to-wit:

Legal Description

Lot twelve of a subdivision of inlots numbered 788, 789, 791, 793 and 794 in the City of Jefferson, Missouri, fronting 49 feet 8 1/4 inches on Broadway and running back 150 feet to a private alley. Subject to any restrictions or easements of record.

TO HAVE AND TO HOLD the same unto the said Green Industries, Inc., successors and assigns forever.

IN WITNESS WHEREOF, I Robert M. Strange, independent personal representative of the estate of Robert Lee Strange, deceased, have executed this document on this 10th day of December, 2004.

Robert M. Strange
Robert M. Strange, Independent Personal Representative of Estate of Robert Lee Strange

ACKNOWLEDGMENT

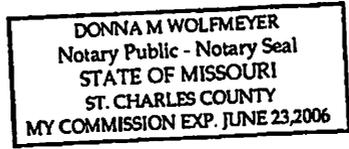
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

On this 10th Day of December, 2004, before me, the undersigned, a notary public in and for said county and state, personally appeared, Robert M. Strange, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as independent personal representative of the estate of Robert Lee Strange, deceased.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in Cole County, Missouri, the day and year last above written.

Donna M. Wolfmeyer
Notary Public

My commission expires:



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

October 27, 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, November 10, 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. P16017 – 612 Broadway Street, Rezoning from RA-2 to C-2 and Comprehensive Plan Amendment. Request filed by Green Industries Inc, property owner, for a rezoning of 0.17 acres from RA-2 High Density Residential to C-2 General Commercial and an associated amendment to the Development Plan Map of the Comprehensive Plan. The purpose of the request is to utilize the existing building as a contractors office with parts store. The property is located on the northwest corner of the intersection of Broadway Street and West Cedar Way and is described as part of Inlots 789 and 790, 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 December 19, 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,

A handwritten signature in blue ink that reads '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.

Property Owner List

Case No. P16017

612 Broadway Street

November 10, 2016

H & H GLOBAL INVESTMENTS L L C
58 LARAND DR
HOLTS SUMMIT, MO 65043
301 W ELM ST

REED, DANIEL
608 BROADWAY
JEFFERSON CITY, MO 65101
608 BROADWAY

SILVEY, EDWARD R
1922 SUN MEADOW LN
JEFFERSON CITY, MO 65109
610 BROADWAY

GREEN INDUSTRIES INC
3108 HUNT RIDGE RD
JEFFERSON CITY, MO 65109
612 BROADWAY

HOLT, JANET SUE
1950 COUNTY RD 382
HOLTS SUMMIT, MO 65043
616 BROADWAY

SCHAEFER, PATRICK H & JEANNINE
SCHAEFER, JOSEPH L & JOYCE A
3108 CEDAR BEND RD
JEFFERSON CITY, MO 65109
618 BROADWAY

TANNER HOUSE L L C
630 BROADWAY
JEFFERSON CITY, MO 65101
620 BROADWAY

FAST, STANLEY P & MELVA M
630 BROADWAY
JEFFERSON CITY, MO 65101
630 BROADWAY

MAHFOOD, KATHLEEN A
C/O KATHLEEN JACQUOT
7311 NORTHSORE DR
HARTSBURG, MO 65039
305 W CEDAR WAY
310 W DUNKLIN ST
308 W DUNKLIN ST

JOHNSON, LARRY R
PO BOX 1424
JEFFERSON CITY, MO 65102-1424
307 W CEDAR WAY

CAPITAL CITY PROPERTIES L L C
5502 WARDSVILLE RD
JEFFERSON CITY, MO 65101
306 W CEDAR WAY
307 W ELM ST

CITY OF JEFFERSON
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
605 MULBERRY ST
601 MULBERRY ST

CARPENTERS DISTRICT COUNCIL OF
GREATER ST LOUIS & VICINITY
1401 HAMPTON
ST LOUIS, MO 63139
230 W DUNKLIN ST

GREEN, DANNY J & KATHLEEN A
3108 HUNT RIDGE RD
JEFFERSON CITY, MO 65109
213 W ELM ST

GREEN INDUSTRIES INC
PO BOX 104656
JEFFERSON CITY, MO 65110
215 W ELM ST
601 BROADWAY
607 BROADWAY

GREEN, DANNY J & KATHLEEN A
PO BOX 104656
JEFFERSON CITY, MO 65110-4656
609 BROADWAY

LONG, ROSEMARY J
613 BROADWAY
JEFFERSON CITY, MO 65101
613 BROADWAY

MEEKS, THOMAS R & NINA L
912 OAKWOOD DR
JEFFERSON CITY, MO 65101
222 W DUNKLIN ST

EICHHOLZ, ALLEN C & DIANA L
1401 BALD HILL RD
JEFFERSON CITY, MO 65101
218 W DUNKLIN ST

Case No. P16017
612 Broadway St
Rezoning From RA-2 to C-2
and Comprehensive Plan
Amendment



185 ft. Notification Buffer

