

Jefferson City  
Planning & Zoning Commission

November 10, 2016

**Case No. P16020**  
**Phoenix Healthcare Realty Holdings LLC**  
**310 & 312 W Elm**

- A. Rezoning from C-2 to RA-2**
- B. Final Subdivision Plat**

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

**Case No. P16020 – 310 and 312 W. Elm Street, Rezoning from C-2 to RA-2 and Final Subdivision Plat.** Request filed by Phoenix Healthcare Realty Holdings LLC, property owner, for a rezoning of 0.12 acres from C-2 General Commercial to RA-2 High Density Residential and a three lot subdivision. The purpose of the request is to divide the property into three lots and align the zoning boundary along the lot lines so that the property can be used as a commercial parking lot in the rear and two residential lots in the front. The property is located on the north side of West Elm Street 150 feet west of Broadway Street and is described as Inlot 686, Jefferson City, Missouri (Bartlett and West, Consultant).

**Nature of Request**

This property consists of single tract (one of the original Inlots of Jefferson City) with two houses, each of which has been converted into a two unit building, and a parking lot at the rear of the property. Of the two houses, both are vacant and one is in a state of severe dilapidation and in need of demolition. The property was recently acquired by Phoenix Healthcare, who have offices located a short distance away at 500 Broadway Street, and they are interested in the parking lot portion of the property only with no desire to retain ownership of the houses. After consultation with Planning Division Staff, they have submitted a plan that would divide the property into 3 lots (one lot for each house and one for the parking lot). A variance from the Zoning Code street frontage requirement for the parking lot tract (allowing it to be split from the rest of the property although it's only access is from an alley) was approved by the Board of Adjustment at their September 13 meeting. Variances from the 60 feet minimum lot width requirement were also approved by the Board of Adjustment to permit the two houses to be plated on separate lots with 52 feet of lot width each. A rezoning proposal to shift the C-2/RA-2 zoning boundary on the property to align with the lot line boundary between the residential lots and commercial parking lot is included with the subdivision plat application. Easements across the parking lot tract would be granted to each of the residential lots so that vehicle access and parking could be accommodated at the rear of the residential lots (negating the need for driveway access from Elm Street).

**Zoning History**

Prior to 1987, the property was entirely zoned RA-2. In 1987 the rear portion of the property was rezoned to C-2 for the purpose of constructing a parking lot.

**Zoning and Surrounding Land Use**

Current Zoning: C-2

Current Use: Residential with commercial parking lot in rear

Requested Zoning: RA-2

Intended Use: Residential with commercial parking lot in rear

	Surrounding Zoning	Surrounding Uses
North	C-2	Commercial parking lot / hotel, retail, office uses
South	RA-2	Vacant residential structures / apartment buildings
East	RA-2	Single family and two unit residential
West	RA-2	Single family residential

**Allowed Uses:**

The RA-2 district permits single family, duplex, and multi-family uses as well as residential care facilities and similar uses. Please see Exhibit 35-28 for a complete list of authorized uses.

Minimum lot area for two family uses within the RA-2 district are 3,000 sf per dwelling and minimum lot area for multi-family uses within the RA-2 district are 1,500 sf per dwelling unit.

**Staff Analysis of Rezoning Proposal**

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, which would support the requested rezoning.
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 an existing RA-2 district.
Benefit to City is substantial when compared to adverse affects on adjacent property	X		The rezoning would realign the zoning boundary with the property lines shown on the associated subdivision plat.
After rezoning, the allowed uses would be compatible with uses allowed in adjacent districts	X		The RA-2 zoning would match the zoning of the properties to each side.
After rezoning, the allowed uses would be compatible with adjacent existing land uses	X		The RA-2 district would be compatible with the surrounding area.
If not rezoned, the owner would be deprived of use advantages enjoyed by surrounding owners (reverse spot zoning)	X		The C-2/RA-2 zoning boundary currently bisects the residential portion of the property. Realigning the boundary to the future lot line is appropriate.
The requested rezoning would be an expansion of an existing district	X		The rezoning would be an expansion of the adjacent RA-2 zoning.

**Staff Analysis of Subdivision Plat**

The final subdivision plat, titled “Inlot 686 Subdivision”, shows three lots. Lot 1 and Lot 2 are drawn around the existing houses fronting on Elm Street. Lot 3 is drawn around the existing parking lot located to the rear of the property. Lots 1 and 2 would each include a small portion of the existing parking lot, which would serve the parking needs of each lot, and a proposed 20 feet wide access easements for each lot is shown across the parking lot tract. Lots 1 and 2 are shown with a lot width of 52 feet each, which would not meet the standard 60 feet lot width of the RA-2 district, however, the Board of Adjustment approved a lot width variance for these two lots to permit the 52 feet lot width. Lot 3 would not meet the Zoning Code requirement for street frontage, as the only frontage for the lot is along an alley (which does not qualify as a street), however, the Board of Adjustment approved a variance from the street frontage requirement to allow the lot to have sole access from an alley. A condition of that variance is that no permanent structure may be constructed upon the lot.

**Staff Recommendations:**

**Rezoning Request:** Staff recommends approval of the request to rezone the property from C-2 to RA-2. The proposed rezoning consists of a small portion of the property, which is currently in residential use, and would align the zoning boundary with the proposed lot lines of the subdivision plat.

**Final Subdivision Plat:** Staff recommends approval of the Final Subdivision Plat. With the lot width and street frontage variances approved by the Board of Adjustment, and subject to technical comments on the plat document identified by staff, the plat meets the requirements of subdivision plats and applicable zoning regulations.

	Approve	Deny	Neutral
Staff Recommendation	X		

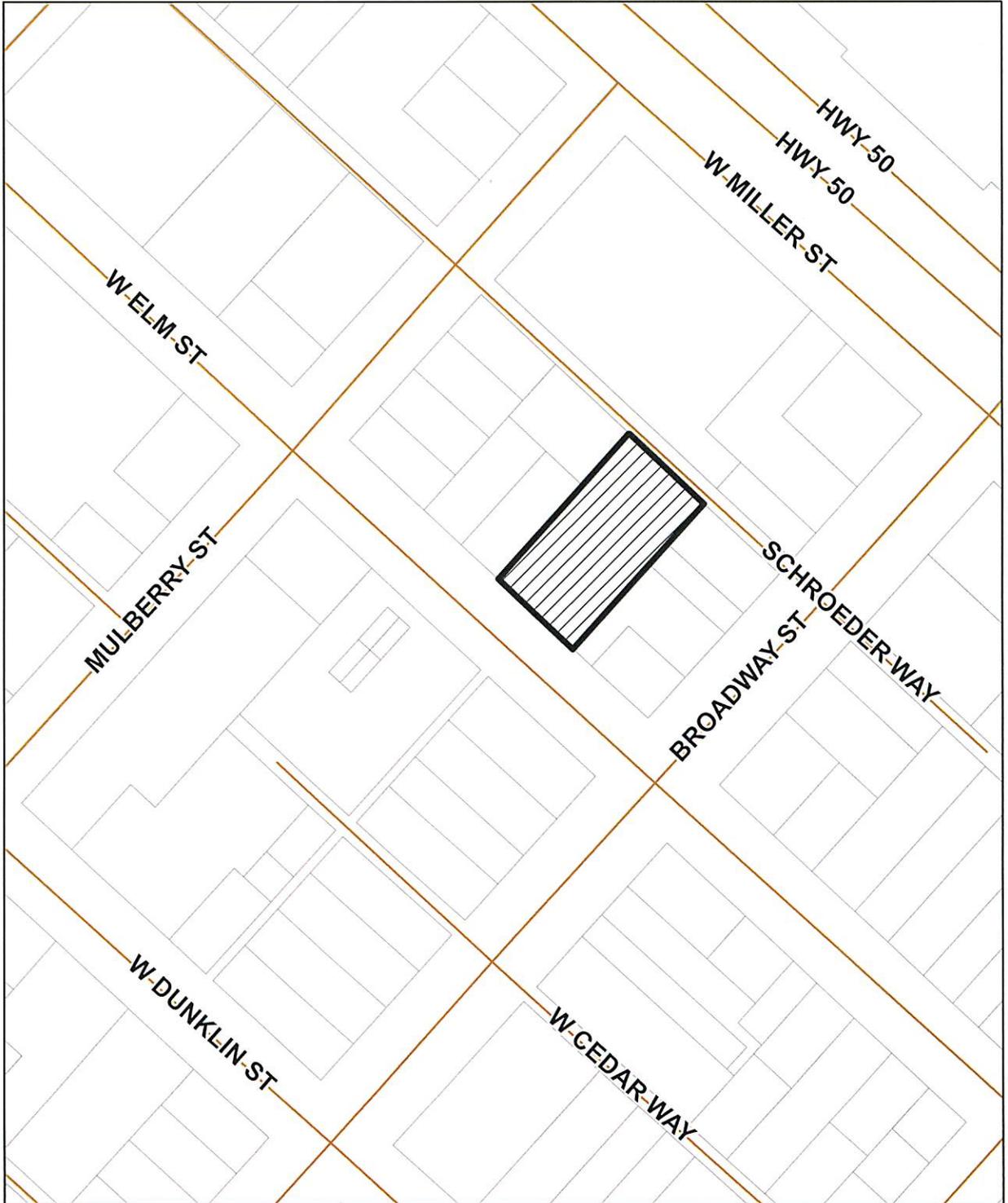
**Form of Motion**

1. Motion to approve the request to rezone the property, consisting of 0.12 acres, from C-2 to RA-2.
2. Motion for approval of the Final Subdivision Plat of Inlot 686 Subdivision, subject to the following conditions:
  - a. Compliance with the comments and technical corrections of the Planning and Engineering Divisions.
  - b. Submittal of a signed plat document prior to introduction to the City Council.

**Staff Note:** these two items will be forwarded to the City Council as separate council bills, one for the rezoning and one for the subdivision plat. The rezoning bill will include a public hearing before the council. The subdivision plat is not subject to public hearing requirements. Depending on when the signed final plat document is received and forwarded for consideration by the City Council, the two bill may proceed to the City Council on different dates and timelines.

# City of Jefferson Planning & Zoning Commission

## VICINITY



0 55 110 220 Feet

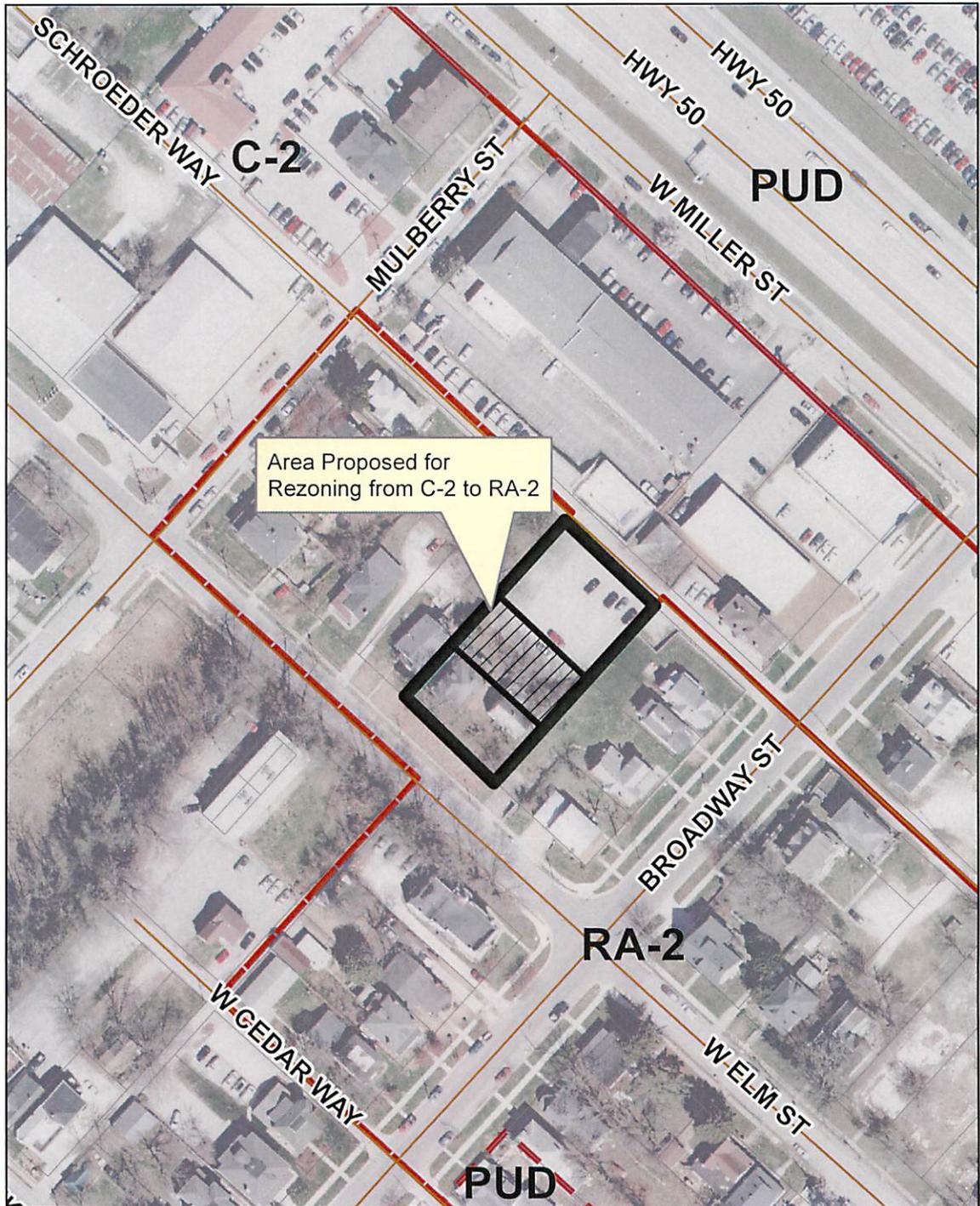


Case No. P16020  
310 & 312 W, Elm St.  
Rezoning from C-2 to RA-2  
& Final Subdivision Plat

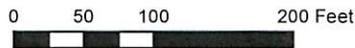


# City of Jefferson Planning & Zoning Commission

## LOCATION MAP



Case No. P16020  
310 & 312 W, Elm St.  
Rezoning from C-2 to RA-2  
& Final Subdivision Plat





City of Jefferson  
 Department of Planning & Protective Services  
 320 E. McCarty Street  
 Jefferson City, MO 65101  
 Phone: 573-634-6410  
[jcplanning@jeffcitymo.org](mailto:jcplanning@jeffcitymo.org)  
[www.jeffersoncitymo.gov](http://www.jeffersoncitymo.gov)



### 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: 312 W. Elm Street

Legal/Property Description (write out or attach as an exhibit): Inlot 686

Who petition to rezone the above described real estate from its present classification of RA-2 AND C2 district to RA-2 AND C2 district. The purpose of this rezoning request is to: Move the current zoning line from the Northerly 140 feet of Inlot 686 to the south line of Lot 3 of the proposed Subdivision of Inlot 686.

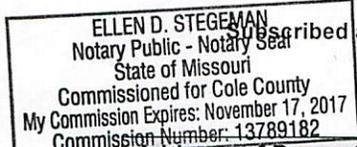
**ALL OWNERS OF REAL PROPERTY PROPOSED TO BE REZONED MUST SIGN THE APPLICATION, AND ALL SIGNATURES MUST BE NOTARIZED. IF ADDITIONAL SIGNATURES ARE NEEDED, PLEASE ATTACH SEPARATE SHEETS.**

JEFFREY W BUKER *Exo. Director*  
 Property Owner #1 Name (type or print)

*Jeffrey W Buker*  
 Property Owner Signature

Property Owner #2 Name (type or print)

Property Owner Signature



Subscribed and sworn before me this 6<sup>th</sup> day of October in the year 2016.

*Ellen D Stegeman*  
 Notary Public

Address of Property Owner #1	
Name	JEFFREY W BUKER,
Mailing Address	312 DEERFIELD PL, JEFFERSON CITY, MO 65109
Phone Number	573-619-2031
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.



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



**APPLICATION FOR SUBDIVISION PLAT**

The undersigned hereby petitions the Planning and Zoning Commission and City Council of the City of Jefferson, Missouri for the following type of subdivision:  Preliminary Plat  Final Plat

1. Name of Subdivision: Subdivision of Inlot 686
2. General location: 312 W. Elm Street
3. Existing/Proposed zoning: RA-2 and C2
4. Existing/Proposed use of the property: RA-2 and C2
5. Size of the property in acres: 0.48 acres
6. Total number of lots proposed: 3

7. The following items need to be submitted with the plat drawing, if applicable:

A. Public improvement construction plans are to be submitted to the Engineering Division with a final plat.

Signature of the Division Director, or his/her designee, is needed to certify that plans have been submitted:

\_\_\_\_\_  
 Signature NA \_\_\_\_\_ Date (N/A if no plans are required)

B. Description of any variances to the Subdivision Regulations being requested (please note section number of the regulation below and attach a letter stating justification for the variance(s):

\_\_\_\_\_;

C. Appropriate application filing fee: \$ \_\_\_\_\_ Preliminary Plat - Residential-\$213\* plus \$4 per lot  
 Preliminary Plat - Commercial/Industrial-\$213\* plus \$4 per lot  
 Final Plat - \$240\* plus \$4 per lot  
 \*Revised June 30, 2015

JEFFREY W BUKER *Exec. Director* *Jeffrey W Buker* 10/6/16  
 Property Owner Name (type or print) Property Owner Signature Date

\_\_\_\_\_  
 Engineer Name (type or print) Engineer Signature Date  
Dustin E. Kaiser *Dustin E. Kaiser* 10/6/16  
 Surveyor Name (type or print) Surveyor Signature Date

Contact person for this application:

Name: JEFFREY W BUKER  
 Address: 312 DEERFIELD PL, JEFFERSON CITY, MO 65109  
 Phone Number: 573-619-2031

For Staff Use Only

Attachments:

- Variance request letter
- Additional documentation

Notes:

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.

*\$252*



## 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. P16020 – 310 and 312 W. Elm Street, Rezoning from C-2 to RA-2 and Final Subdivision Plat.** Request filed by Phoenix Healthcare Realty Holdings LLC, property owner, for a rezoning of 0.12 acres from C-2 General Commercial to RA-2 High Density Residential and a three lot subdivision. The purpose of the request is to divide the property into three lots and align the zoning boundary along the lot lines so that the property can be used as a commercial parking lot in the rear and two residential lots in the front. The property is located on the north side of West Elm Street 150 feet west of Broadway Street and is described as Inlot 686, Jefferson City, Missouri (Bartlett and West, Consultant).

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](mailto: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](http://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.

Property Owner List

Case No. P16020

310 &amp; 312 W. Elm Street

November 10, 2016

HOTEL DEVILLE L L C  
827 VALLEY CREEK DR  
FARMINGTON, MO 63640-1974  
319 W MILLER ST

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

STEWART, TIMOTHY T  
509 MULBERRY ST  
JEFFERSON CITY, MO 65101  
509 MULBERRY ST

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

GREEN INDUSTRIES INC  
PO BOX 104656  
JEFFERSON CITY, MO 65110  
511 MULBERRY ST

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

BARFIELD, BILLIE JEAN  
513 MULBERRY ST  
JEFFERSON CITY, MO 65101  
513 MULBERRY ST

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

CROOK, KANDY, TRUSTEE  
515 MULBERRY ST  
JEFFERSON CITY, MO 65101  
515 MULBERRY ST

PHOENIX HEALTHCARE REALTY HOLDINGS L L C  
3033 S KANSAS EXPWY  
SPRINGFIELD, MO 65087  
500 BROADWAY  
312 W ELM ST (*Subject Property*)

PRENGER, MICHAEL W & JANICE I, TRUSTEES  
902 TANYA LYNN DR  
JEFFERSON CITY, MO 65109  
315 W SCHROEDER WAY  
318 W ELM ST  
314 W ELM ST  
512 BROADWAY  
514 BROADWAY  
516 BROADWAY

NORTHWAY, TOMMY LEE & AMY ROSE  
1336 BONITA PASEO  
JEFFERSON CITY, MO 65109  
508 BROADWAY

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

BROWN, RON  
510 BROADWAY  
JEFFERSON CITY, MO 65101  
510 BROADWAY

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

DUNKMANN, JAMES K & JAYNE A  
12624 NORTHVIEW DR  
HOLTS SUMMIT, MO 65043  
518 BROADWAY

R R R E HOLDINGS L L C  
501 BROADWAY  
JEFFERSON CITY, MO 65101  
501 BROADWAY

GREEN INDUSTRIES INC  
PO BOX 104656  
JEFFERSON CITY, MO 65110  
509 BROADWAY  
601 BROADWAY  
607 BROADWAY

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

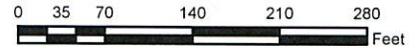
GREEN, DANNY J & KATHLEEN A  
3108 HUNT RIDGE RD  
JEFFERSON CITY, MO 65109  
513 BROADWAY

SCHROEDER, JULIANNA M  
FERBER, SUSAN K  
224 W ELM ST  
JEFFERSON CITY, MO 65101  
224 W ELM ST

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

Case No. P16020  
310 & 312 W, Elm St.  
Rezoning from C-2 to RA-2  
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185 ft. Notification Buffer

