

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED ON THE SOUTHWEST CORNER OF HOPPER ROAD AND OLD HOPPER ROAD, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO R-3

WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this Ordinance from R-1, Single-Family Suburban Residential District, to R-3, High Density Single-Family Residential District; and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and a public hearing was held on Monday, November 19, 2018; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to rezone the property described in Article 1 from R-1, Single-Family Suburban Residential District, to R-3, High Density Single-Family Residential District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby amended to change the zoning from the present R-1, Single-Family Suburban Residential District, to R-3, High Density Single-Family Residential District, for the following described property:

Part of the East Half of the Northeast Quarter of Section 34, Township 31 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri, more particularly described as follows:

Begin at a found axle marking the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 34; thence along said East line of Section 34, South 00 degrees 10 minutes 33 seconds East 1364.02 feet; thence leaving said East line South 89 degrees

34 minutes 23 seconds West 275.66 feet; thence North 21 degrees 17 minutes 52 seconds West 1165.59 feet; thence South 69 degrees 45 minutes 47 seconds West 52.00 feet; thence North 20 degrees 15 minutes 28 seconds West 383.25 feet; thence North 89 degrees 54 minutes 10 seconds East 732.00 feet; thence North 89 degrees 03 minutes 59 seconds East 143.91 feet to the East line of Section 34; thence along said East line, South 00 degrees 22 minutes 09 seconds East 65.05 feet to the point of beginning. The herein described tract contains 18.51 acres, more or less.

ARTICLE 2. The City Council hereby finds and declares that the property described in Article 1 hereof is at the present time particularly suitable for the purposes and uses of the R-3, High Density Single-Family residential District, and that such changes authorized hereby are reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 3rd DAY OF December, 2018.



Bob Fox, Mayor

ATTEST:



Bruce Taylor, Deputy City Clerk



CITY OF CAPE GIRARDEAU, MISSOURI

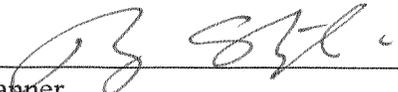
City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. 1378

LOCATION: SW Corner of Hopper/Old Hopper

STAFF REVIEW & COMMENTS:

Brandon O. Williams is requesting to rezone property at the southwest corner of Hopper Road & Old Hopper Road from the R-1 (Single-family Suburban Residential) district to the R-3 (High Density Single-family Residential) district. SEE STAFF REPORT FOR FURTHER INFORMATION



City Planner

9/24/18

Date

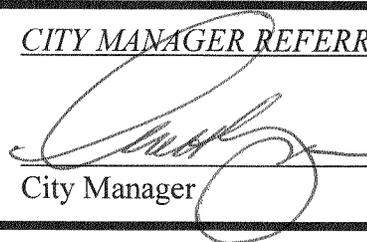


City Attorney

SEPT. 24, 2018

Date

CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:



City Manager

Sept. 24, 2018

Date

Planning & Zoning Commission

Public Hearing Sign Posting Date: 10-3-18 Public Hearing Date: 10/10/18

RECOMMENDED ACTION:

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scott McClanahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 2 Abstain

COMMENTS:

CITIZENS COMMENTING AT MEETING:



Kevin Greaser
Planning & Zoning Commission Secretary

City Council Action

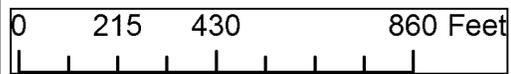
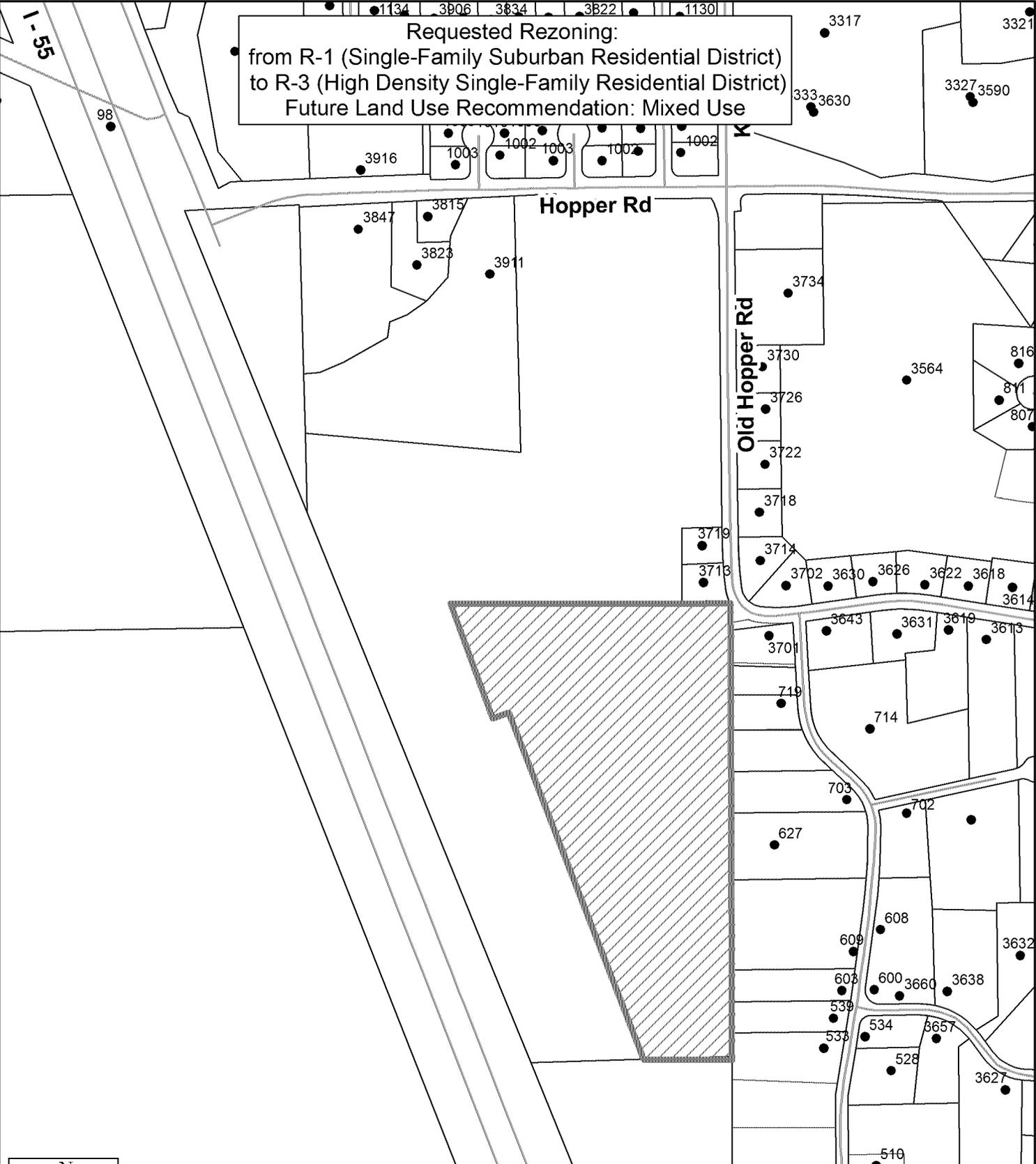
Posting Dates: Sign _____ Newspaper _____ Public Hearing Date: _____
Ordinance 1st Reading _____ Ordinance 2nd & 3rd Reading: _____

VOTE COUNT: _____ Favor _____ Oppose _____ Abstain

ORDINANCE # _____ **Effective Date:** _____

Rezoning Request - SW Corner of Hopper Road & Old Hopper Road

Requested Rezoning:
from R-1 (Single-Family Suburban Residential District)
to R-3 (High Density Single-Family Residential District)
Future Land Use Recommendation: Mixed Use

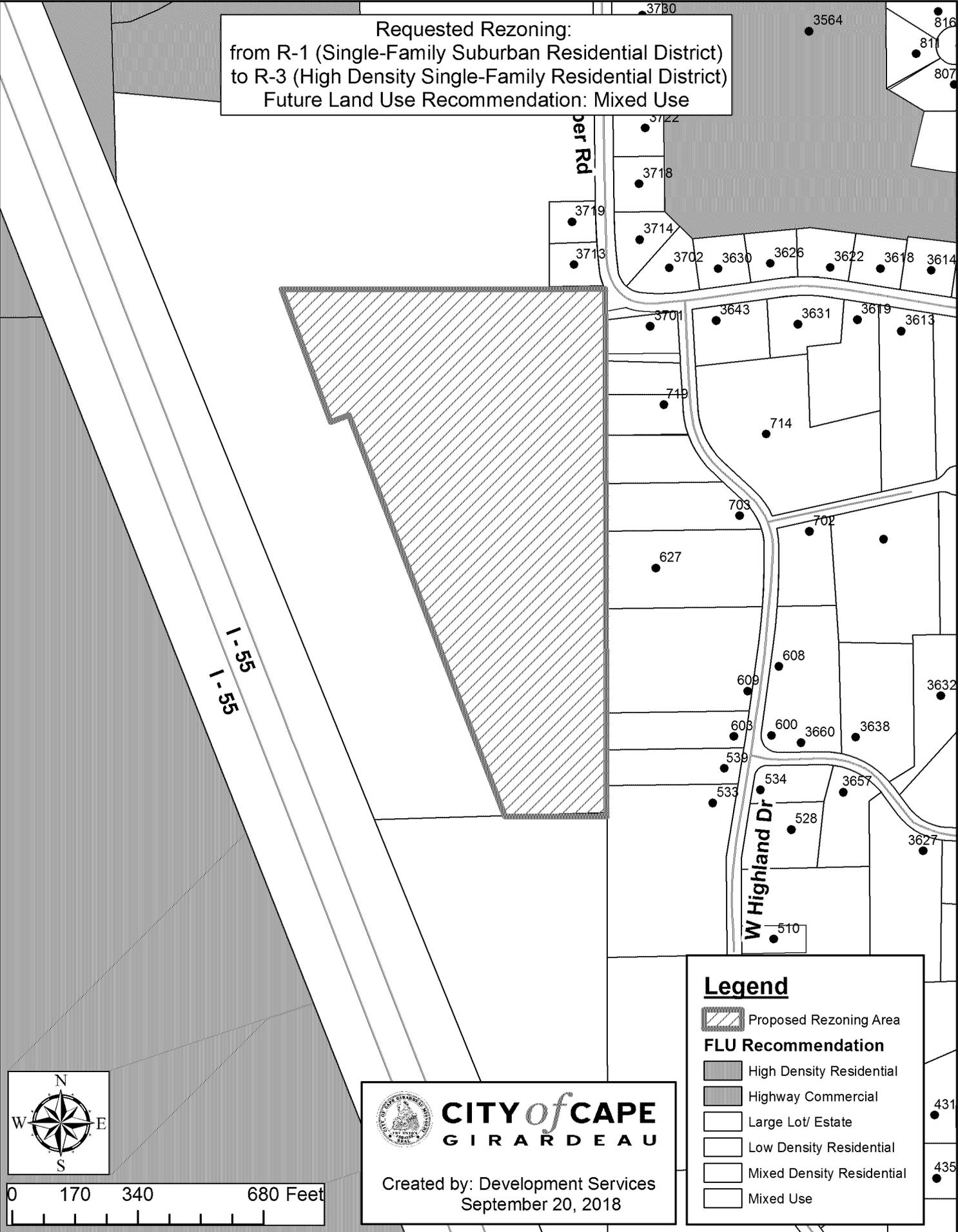


 **CITY of CAPE GIRARDEAU**
Created by: Development Services
September 20, 2018

Legend
 Proposed Rezoning Area
Zoning District
 R1

Rezoning Request - SW Corner of Hopper Road & Old Hopper Road

Requested Rezoning:
from R-1 (Single-Family Suburban Residential District)
to R-3 (High Density Single-Family Residential District)
Future Land Use Recommendation: Mixed Use



Legend

- Proposed Rezoning Area
- FLU Recommendation**
- High Density Residential
- Highway Commercial
- Large Lot/ Estate
- Low Density Residential
- Mixed Density Residential
- Mixed Use

0 170 340 680 Feet

CITY of CAPE GIRARDEAU

Created by: Development Services
September 20, 2018



REZONING / SPECIAL USE PERMIT APPLICATION
CITY of CAPE GIRARDEAU

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Property Address/Location

Southwest Corner of Hopper Road & Old Hopper Road/Kage Road

Applicant Brandon O. Williams		Property Owner of Record (if other than Applicant) Cape Land & Development, LLC	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
2985 Boutin Drive	Cape Girardeau, MO 63701	2985 Boutin Drive	Cape Girardeau, MO 63701
Telephone (573) 335-3382	Email bowconstruction@aol.com	Telephone (573) 335-3382	Email bowconstruction@aol.com
Contact Person (If Applicant is a Business or Organization) Brandon O. Williams		(Attach additional owners information, if necessary)	
Type of Request: Rezoning, Special Use Permit, or Both Rezoning			
Existing Zoning District R1		Proposed Zoning District (Rezoning requests only) R3	

Legal description of property to be rezoned and/or upon which the special use is to be conducted

Part of the East Half of the Northeast Quarter of Section 34, Township 31 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri, more particularly described as follows:

Begin at a found axle marking the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 34; thence along said East line of Section 34, South 00 degrees 10 minutes 33 seconds East 1364.02 feet; thence leaving said East line South 89 degrees 34 minutes 23 seconds West 275.66 feet; thence North 21 degrees 17 minutes 52 seconds West 1165.59 feet; thence South 69 degrees 45 minutes 47 seconds West 52.00 feet; thence North 20degrees 15 minutes 28 seconds West 383.25 feet; thence North 89 degrees 54 minutes 10 seconds East 732.00 feet; thence North 89 degrees 03 minutes 59 seconds East 143.91 feet to the East line of Section 34; thence along said East line, South 00 degrees 22 minutes 09 seconds East 65.05 feet to the point of beginning.
 The herein described tract contains 18.51 acres, more or less.

Describe the proposed use of the property.

Approximately 37.32 acres will remain as R1 zoning and consist of single-family detached homes.

The proposed R3 zoning will consist mainly of duplex units (approximately 18.51 acres).

Application continues on next page

OFFICE USE ONLY			
Date Received & By	9-19-18 cp	File No.	1378
		MUNIS Application No.	8101
Planning & Zoning Commission Recommendation		Date	
City Council Final Action		Date	

Special Use Criteria (Special Use Permit requests only)

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
- 2) The proposed special use will not substantially increase fire hazards.
- 3) The proposed special use will not adversely affect the character of the neighborhood.
- 4) The proposed special use will not adversely affect the general welfare of the community.
- 5) The proposed special use will not overtax public utilities.

**ADDITIONAL ITEMS
REQUIRED**

See Instructions for more
information.

In addition to this completed application form, the following items must be submitted:

- Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
- One (1) list of names and mailing addresses of adjacent property owners
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
- One (1) set of Planned Development documents (Planned Development rezonings only)

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.



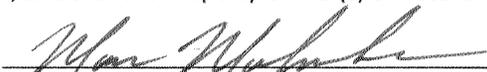
Property Owner of Record Signature and Printed Name

(Provide additional owners signatures and printed names in the space below, if applicable)

9-19-18

Date

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.



Applicant Signature and Printed Name

9-19-18

Date

Adjacent Property Owners – Hopper Road Rezoning Request

1002 Dearmore Court	Dennis & Marlene Long 1002 Dearmore Ct. Cape Girardeau, MO 63701
1003 Camino Court	Andrew & Betty Proffer 1003 Camino Court Cape Girardeau, MO 63701
1002 Camino Court	Dorothy & Renfrow Digirolamo 1002 Camino Court Cape Girardeau, MO 63701
1003 Oak Ridge Court	Jay & Deborah Reisenbichler 1003 Oak Ridge Court Cape Girardeau, MO 63701
1002 Oak Ridge Court	Kevin & Gretchen Morse 1002 Oak Ridge Court Cape Girardeau, MO 63701
3317 Kage Road	Anne Norman 3317 Kage Road Cape Girardeau, MO 63701
3734 Old Hopper Road	Debra Mitchell Braxton 609 North Mt. Auburn Road Cape Girardeau, MO 63701
3730 Old Hopper Road	Schott Family 2000 Trust 132 Summerfield Way Cape Girardeau, MO 63701
3726 Old Hopper Road	Eric & Teresa Wilke 3726 Hopper Road Cape Girardeau, MO 63701
3722 Old Hopper Road	Kathy Fitzpatrick 3722 Old Hopper Road Cape Girardeau, MO 63701
3718 Old Hopper Road	Schild Trust 3718 Old Hopper Road Cape Girardeau, MO 63701
3714 Old Hopper Road	Alexander & Amy McElroy 3714 Old Hopper Road Cape Girardeau, MO 63701

3702 Old Hopper Road	Sandra Shandy Trust 3702 Old Hopper Road Cape Girardeau, MO 63701
3719 Old Hopper Road	Daniel Ellinghouse 235 Meyers Lake Court Benton, MO 63736
3713 Old Hopper Road	Gary & Darlene Gaines 2971 Beaver Creek Cape Girardeau, MO 63701
3701 Old Hopper Road	Lonnie & Brenda Hasty 3701 Old Hopper Road Cape Girardeau, MO 63701
719 W. Highland Drive	Michael & Bonnie Smith 1549 Greenbriar Cape Girardeau, MO 63701
0 W. Highland Drive	Arthur & Naomi Suzuki 339 N. Bast Jackson, MO 63755
703 & 627 W. Highland Drive	Patrick & Paula Suzuki 627 W. Highland Cape Girardeau, MO 63701
603 W. Highland Drive	Barry & Peggy Zerbe 603 W. Highland Cape Girardeau, MO 63701
539 W. Highland Drive	Darryl & Gina LeGrand 539 W. Highland Cape Girardeau, MO 63701
533 W. Highland Drive	Daniel & Cheryl Essner 533 W. Highland Drive Cape Girardeau, MO 63701
0 I-55 (adjacent south)	John Hoffman Trust 376 County Road 317 Cape Girardeau, MO 63701
3911 Hopper Road	Jewel Habeck 3911 Hopper Road Cape Girardeau, MO 63701

Sec. 30-322. - R-1, single-family suburban residential district.

- (a) *Purpose.* The R-1 district is intended primarily for single-family detached dwellings with a maximum density of four (4) units per acre. It is designed to provide for quality single-family residential neighborhoods in a conventional subdivision setting, while encouraging a mix of housing styles, designs and development. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the single-family residential character of the district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwelling, with only one (1) dwelling per lot.
 - (2) Cluster subdivisions, as permitted in chapter 25 of the City Code.
 - (3) Golf courses; this shall not include separate miniature golf courses, driving ranges and other similar activities operated as a business.
 - (4) Public parks, playgrounds, and recreational facilities.
 - (5) Police and fire stations.
 - (6) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
 - (7) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association.
 - (8) Home for eight (8) or fewer unrelated mentally or physically handicapped persons, including no more than two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than three hundred seventy (370) feet to any other such home.
 - (9) A private residence licensed by the Missouri Division of Family Services or Missouri Department of Mental Health to provide foster care to one (1) or more, but less than seven (7), children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-403, supplemental regulations.
 - (2) In home elderly care, with a maximum of three (3) persons as permitted in section 30-411, supplemental regulations.
 - (3) Home occupations, as permitted in section 30-405, supplemental regulations.
 - (4) Home day cares, with no more than four (4) unrelated children in a twenty-four (24) hour period as permitted in section 30-408, supplemental regulations.
 - (5) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (6) Short term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(d) *Special uses.*

- (1) Home day cares, with five (5) or more unrelated children in a twenty-four (24) hour period, as permitted in section 30-408, supplemental regulations.
- (2) Libraries, on a minimum of two (2) acres of land.
- (3) Cemeteries, on a minimum of ten (10) acres of land.
- (4) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (5) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (6) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(e) *Height, area, bulk and setback regulations.*

- (1) *Maximum height:* Two and one-half (2½) stories not to exceed thirty-five (35) feet.
- (2) *Minimum lot area:* Ten thousand (10,000) square feet.
- (3) *Maximum density:* Four (4) units per one (1) acre. Higher densities may be approved with a cluster subdivision, as permitted in chapter 25 of the City Code.
- (4) *Minimum lot width:* Eighty (80) feet.
- (5) *Minimum yard requirements:*
 - a. *Front yard:* Thirty (30) feet.
 - b. *Rear yard:* Twenty-five (25) feet.
 - c. *Side yard:* Six (6) feet.

- (f) *Parking regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in section 25-202. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of twenty-four thousand (24,000) pounds, except as provided in sections 26-137 and 26-256 of the Code of Ordinances.

(Ord. No. 5012, art. 4, 10-2-17)

Editor's note— Ord. No. 5012, art. 4, adopted Oct. 2, 2017, repealed the former § 30-322 and enacted a new section as set out herein. The former § 30-322 pertained to similar subject matter and derived from Ord. No. 4109, art. 2, adopted March 1, 2010; Ord. No. 4149, art. 4, adopted Aug. 16, 2010; and Ord. No. 4206, art. 7, adopted March 7, 2011.

Sec. 30-324. - R-3, high density single-family residential district.

- (a) *Purpose.* This district is intended to accommodate single-family, two-family and townhouse residential developments at maximum densities of up to nine (9) units per acre. This district will serve as a transition between lower density and higher density residential districts. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the residential character of this district.
- (b) *Permitted principal uses.*
- (1) Single-family detached dwellings, with only one (1) dwelling per lot.
 - (2) Duplexes, two-family dwelling units.
 - (3) Townhouses.
 - (4) Cluster subdivisions, as permitted in chapter 25 of the City Code.
 - (5) Public parks, playgrounds, and recreational facilities.
 - (6) Police and fire stations.
 - (7) Elementary and middle schools, or development centers for elementary and middle school age children with handicaps or development disabilities, on a minimum of five (5) acres of land.
 - (8) Noncommercial, not-for-profit residential neighborhood facilities consisting of indoor and outdoor recreational facilities, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association.
 - (9) Home for eight (8) or fewer unrelated mentally or physically handicapped persons, including no more than two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that:
 - a. The exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood; and
 - b. Such home shall not be located closer than three hundred seventy (370) feet to any other such home.
 - (10) A private residence licensed by the Missouri Division of Family Services or Missouri Department of Mental Health to provide foster care to one (1) or more, but less than seven (7), children who are unrelated to either foster parent by blood, marriage or adoption, provided that all applicable building and safety codes are met and an occupancy permit issued therefor.
- (c) *Permitted accessory uses.*
- (1) Private garages, carports and accessory structures, as permitted in section 30-403, supplemental regulations.
 - (2) Home occupations, as permitted in section 30-405, supplemental regulations.
 - (3) Home day cares, with no more than four (4) unrelated children in a twenty-four-hour period as permitted in section 30-408, supplemental regulations.
 - (4) In home elderly care, with a maximum of three (3) persons as permitted in section 30-411, supplemental regulations.
 - (5) Solar energy systems, as permitted in section 30-410, supplemental regulations.
 - (6) Short term use of shipping containers for accessory uses, as permitted in section 30-402,

supplemental regulations.

(d) *Special uses.*

- (1) Home day cares, with five (5) or more unrelated children, as permitted in section 30-408, supplemental regulations.
- (2) Bed and breakfasts.
- (3) Cemeteries, on a minimum of ten (10) acres of land.
- (4) Transitional housing.
- (5) Wind energy conversion systems, as permitted in section 30-410, supplemental regulations.
- (6) Public utilities, except for buildings and accessory structures that are normal and customary in a zoning district which would allow other buildings of the same nature as a use-by-right.
- (7) Long term use of shipping containers for accessory uses, as permitted in section 30-402, supplemental regulations.

(e) *Height, area, bulk and setback requirements.*

(1) *Maximum height:*

- a. When side yards are less than fifteen (15) feet in width, two and one-half (2½) stories not to exceed thirty-five (35) feet.
- b. When side yards are fifteen (15) feet in width or greater, three (3) stories, not to exceed forty-five (45) feet.

(2) *Minimum lot area:*

- a. Each townhouse must be on a separate platted lot consisting of at least one thousand four hundred (1,400) square feet.
- b. Duplexes, three thousand seven hundred fifty (3,750) square feet per unit.
- c. Single-family, five thousand (5,000) square feet.

(3) *Maximum density:* Nine (9) units per one (1) acre. Higher densities may be approved with a cluster subdivision as permitted in chapter 25 of the City Code.

(4) *Minimum lot width:*

- a. *Townhouses and duplexes:* Twenty (20) feet.
- b. *All other uses:* Thirty (30) feet.

(5) *Minimum yard requirements:*

a. *Front yard:*

1. *Each townhouse:* Ten (10) feet.
2. *All other uses:* Twenty (20) feet.

b. *Rear yard:*

1. *Each townhouse:* Twenty (20) feet.
2. *All other uses:* Twenty (20) feet.

c. *Side yard:*

1. *Townhouses and duplexes:* None.
2. *All other uses:* Three (3) feet.