



# CITY OF CAPE GIRARDEAU, MISSOURI

## City Council Agenda

Stacy Kinder, Mayor  
Dan Presson, Ward 1  
Tameka Randle, Ward 2  
Nate Thomas, Ward 3  
David J. Cantrell, Ward 4  
Ryan Essex, Ward 5  
Mark Bliss, Ward 6

City Council Chambers  
City Hall  
44 N. Lorimier St

Agenda Documents, Videos  
Minutes, and Other Information:  
[www.cityofcape.org/citycouncil](http://www.cityofcape.org/citycouncil)

**October 21, 2024**  
**5:00 PM**

- **City residents desiring to speak about items NOT on the agenda must register no later than 8:00 am, on Monday, October 21, 2024, by using the form found at [cityofcape.org/council](http://cityofcape.org/council), by emailing [cityclerk@cityofcape.org](mailto:cityclerk@cityofcape.org), or by calling 573-339-6320.**

### **Invocation**

Father John Braun of St. Vincent De Paul Catholic Church

### **Pledge of Allegiance**

### **Study Session**

- Administer Oath of Office for City Council Member for Ward 5.

### **Presentations**

- Arts Council Eclipse Photo Contest Presentation - Kelly Downes

### **Communications/Reports**

### **Items for Discussion**

- Appearances by Advisory Board Applicants
- Consent Agenda Review

### **Regular Session**

### **Call to Order/Roll Call**

### **Adoption of the Agenda**

## Public Hearings

1. A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses. (Item No. 12, BILL NO. 24-107)

## Consent Agenda

The Consent Agenda is a meeting method to make City Council meetings more efficient and meaningful to the members of the audience. All matters listed within the Consent Agenda have been distributed to each member of the Cape Girardeau City Council for reading and study, are considered to be routine, and will be enacted by one motion of the council with no separate discussion. Staff recommends approval of the Consent Agenda. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council.

2. Approval of the October 7, 2024, City Council Regular Session Minutes.
3. BILL NO. 24-98, an Ordinance annexing land located at 560 Silverado Trail into the city limits of the City of Cape Girardeau, Missouri. Second and Third Readings.
4. BILL NO. 24-99, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 560 Silverado Trail as R-1, Single-Family Suburban Residential District. Second and Third Readings.
5. BILL NO. 24-100, an Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri. Second and Third Readings.
6. BILL NO. 24-102, an Ordinance approving the record plat of Cape West Crossing East – Third Subdivision. Second and Third Readings.
7. Accept the Improvements and Authorizing Final Payment to Penzel Construction Company, Inc for the Renovation of Central Municipal Pool.

## Items Removed from Consent Agenda

8. BILL NO. 24-101, an Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri. Second and Third Readings.

## New Ordinances

### **Mayor will ask for appearances after each Ordinance is read.**

Individuals who wish to make comments regarding the item must be recognized by the Mayor/Mayor Pro Tempore. Each speaker is allowed 3 minutes and must stand at the public microphone and state his/her name and address for the record. The timer will buzz at the end of the speaker's time.

9. BILL NO. 24-104, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Improvement of Parking Areas. First Reading. DEV - Ryan Shrimplin
10. BILL NO. 24-105, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Access Management. First Reading. DEV - Ryan Shrimplin
11. BILL NO. 24-106, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Utilities. First Reading. DEV - Ryan Shrimplin
12. BILL NO. 24-107, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses. First Reading. DEV - Ryan



Shrimplin

13. BILL NO. 24-108, an Ordinance authorizing the issuance of Special Tax Bills for various properties for the demolition of dangerous buildings, located in the City and County of Cape Girardeau, Missouri. First Reading. DEV - Ryan Shrimplin
14. BILL NO. 24-109, an Ordinance accepting Easements from various property owners for Whitener Street Sanitary Sewer relocation, in the City of Cape Girardeau, Missouri. First Reading. PW - Casey Brunke

## **Appointments**

15. Appointments to the Planning and Zoning Commission

## **Other Business**

### **Appearances regarding items not listed on the agenda.**

This is an opportunity for the City Council to listen to comments regarding items not listed on the agenda. The Mayor may refer any matter brought up to the City Council to the City Manager if action is needed. Individuals who wish to make comments must first be recognized by the Mayor or Mayor Pro Tempore. Each speaker is allowed 3 minutes. Please face and speak directly to the City Council as a whole. The Mayor and Council Members will not engage or answer questions during the speaker's time at the podium. The timer will sound at the end of the speaker's time.

## **Meeting Adjournment**

## **Closed Session**

The City Council of the City of Cape Girardeau, Missouri, may, as a part of a study session or regular or special City Council meeting, vote to hold a closed session to discuss issues listed in RSMo. Section 610.021, including but not limited to: legal actions, causes of legal action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, personnel issues, or confidential or privileged communications with its attorneys.

## **Future Appointments and Memos**

- Appointments to the Tree Board
- Appointment to the Golf Course Advisory Board
- Appointment to the Parks and Recreation Advisory Board

## **Advisory Board Minutes**

- Advisory Board Minutes



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

<b>AGENDA REPORT</b> Cape Girardeau City Council	<b>24-168</b>
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**SUBJECT**

A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses.

**EXECUTIVE SUMMARY**

A public hearing has been scheduled for October 21, 2024 to consider a proposed amendment to Chapter 30 of the Code of Ordinances regarding Accessory Structures and Uses. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City’s Code of Ordinances). Currently, this section does not allow an accessory structure or use on a lot without a principal structure or use. The amendment adds an exception for off-street parking facilities (i.e., parking lots) located in the AG, C-1, C-2, M-1, M-2, or A-1 district. In these districts, an off-street parking facility would not be required to be located on a lot with a principal use. The amendment also includes some minor changes for purposes of clarity and consistency.

A public hearing has been scheduled for October 21, 2024 to consider the amendment. The first reading of an ordinance approving the amendment is on this agenda as a separate item.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**PUBLIC OUTREACH**

The City Council's public hearing on the amendment was advertised in the Southeast Missourian on October 5, 2024.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11, 2024 REVISED (Edits Copy).pdf</a>	Chapter 30 Amendment Regarding Accessory Structures and Uses (Edits Copy)
<a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11, 2024 REVISED (Clean Copy).pdf</a>	Chapter 30 Amendment Regarding Accessory Structures and Uses (Clean Copy)

TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None

**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, ~~use.~~ **use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts.** No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is ~~located.~~ **located, subject to the provisions of section 30-116.** Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
- a. 1,000 square feet for lots one acre or less;
  - b. 1,500 square feet for lots greater than one acre but less than two acres; and
  - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
- (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
- (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall **only** be permitted in the rear or side yard, subject to the following requirements:
- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
  - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located, subject to the provisions of section 30-116. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
- a. 1,000 square feet for lots one acre or less;
  - b. 1,500 square feet for lots greater than one acre but less than two acres; and
  - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
- (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
- (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall only be permitted in the rear or side yard, subject to the following requirements:
- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
  - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

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**Staff:** Gayle L. Conrad, CMC/MPCC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

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**SUBJECT**

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Approval of the October 7, 2024, City Council Regular Session Minutes.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">DRAFT_Council.RegularSession_Minutes.10-07-2024.pdf</a>	Regular Session minutes 10-07-2024

Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 7, 2024                      MM-87

**STUDY SESSION – October 7, 2024**

**NO ACTION TAKEN DURING THE STUDY SESSION**

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall on Monday, October 7, 2024, starting at 5:00 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Dan Presson, Tameka Randle and Nate Thomas present. Council Member Rhett Pierce resigned effective September 28, 2024.

**REGULAR SESSION –October 7, 2024**

**CALL TO ORDER**

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, October 7, 2024, starting at 5:43 p.m. with Mayor Stacy Kinder presiding and Council Members Mark Bliss, David J. Cantrell, Dan Presson, Tameka Randle and Nate Thomas present. Council Member Rhett Pierce resigned effective September 28, 2024.

**ADOPTION OF THE AGENDA**

A Motion was made by Tameka Randle, Seconded by Dan Presson, to approve and adopt the agenda.

Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

**PUBLIC HEARINGS**

A public hearing to consider the proposed voluntary annexation and zoning of property located at 3082 County Road 620. Mayor Stacy Kinder opened the public hearing.

There being no appearances, the public hearing was closed.

A public hearing to consider the proposed voluntary annexation and zoning of property located at 3268 Perryville Road. Mayor Stacy Kinder opened the public hearing.

There being no appearances, the public hearing was closed.

A public hearing to consider a request for a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway. Mayor Stacy Kinder opened the public hearing.

Mr. Brandon Beninati of Todt Roofing, Ms. Liz Haynes of Old Town Cape, and Ms. Michelle Latham spoke in favor of the request.

There being no further appearances, the public hearing was closed.

The Agenda report in the agenda packet presented for the record, a certified copy of the following



Proceedings of the City Council, City of Cape Girardeau, Mo.  
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items: (1) Section 30-104 entitled “Special Use Permits” from the City Code; (2) the application for Special Use Permit; and (3) the application file.

**CONSENT AGENDA**

Approval of the September 16, 2024, City Council Regular Session Minutes, and the September 20, 2024, City Council Closed Session Minutes.

BILL NO. 24-93, an Ordinance appropriating funds for operating expenditures, capital expenditures, and transfers for the fiscal year ending June 30, 2024, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 24-94, a Resolution authorizing the City Manager to execute an Agreement with Fronabarger Concreters, Inc., for the PRS2 Stormwater Projects. Reading and Passage.

BILL NO. 24-95, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Rust Communications, Inc., to place certain improvements at 418 Broadway, in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 24-96, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Gifford Qualified Spousal Trust, to place certain improvements along North Sprigg Street adjacent to property located at 439 Marie Street, in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 24-97, a Resolution authorizing the City Manager to execute a License and Indemnity Agreement with Richard Newland and Colleen Newland, to place certain improvements on an unimproved portion of Flad Avenue, in the City of Cape Girardeau, Missouri. Reading and Passage.

BILL NO. 24-103, a Resolution establishing a schedule for election of a Council Member from Ward 5, in the City of Cape Girardeau, Missouri. Reading and Passage.

Accept the Improvements and Authorize the Final Payment to Fronabarger Concreters, Inc., for the West End Boulevard Improvements.

Accept the Improvements and Authorize Final Payment to Lappe Cement Finishing, Inc., for the Pedestrian Walkway and Kingshighway Intersection Improvements, TAP-1501(020)

A Motion was made by Dan Presson, Seconded by Nate Thomas, to approve and adopt. Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

BILL NO. 24-93 will be Ordinance NO. 5778; BILL NO. 24-94 will be Resolution NO. 3625; BILL NO. 24-95 will be Resolution NO. 3626; BILL NO. 24-96 will be Resolution NO. 3627; BILL NO. 24-97 will be Resolution NO. 3628; and BILL NO. 24-103 will be Resolution NO. 3629.

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**NEW ORDINANCES**

BILL NO. 24-98, an Ordinance annexing land located at 560 Silverado Trail into the city limits of the City of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Dan Presson, Seconded by Nate Thomas, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

BILL NO. 24-99, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 560 Silverado Trail as R-1, Single-Family Suburban Residential District. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Nate Thomas, Seconded by Dan Presson, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

BILL NO. 24-100, an Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Nate Thomas, Seconded by David J. Cantrell, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

BILL NO. 24-101, an Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Dan Presson, Seconded by Nate Thomas, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

BILL NO. 24-102, an Ordinance approving the record plat of Cape West Crossing East – Third Subdivision. First Reading. Mayor Kinder called for public appearances regarding this Bill. No one appeared.

A Motion was made by Dan Presson, Seconded by Tameka Randle, to approve.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

**APPOINTMENTS**

Appointment to the Airport Advisory Board

A Motion was made by Nate Thomas, Seconded by Mark Bliss, to appoint Kent Ward to the Airport Advisory Board for a term expiring April 30, 2025.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

Proceedings of the City Council, City of Cape Girardeau, Mo.  
Regular Session                      October 7, 2024                      MM-90

Appointment of a City Council Member to represent Ward 5 until seat is filled by special election.

A Motion was made by Tameka Randle, Seconded by David J. Cantrell, to appoint Ryan Essex as the City Council Ward 5 Representative until the seat is filled by a special election.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

**OTHER BUSINESS**

Appearances regarding items not listed on the agenda.

Mr. Chris Snider, 912 Karau Lane, appeared and requested the Nuisance Abatement Office be moved from the Police Department back to the Development Services Department.

Ms. Susan Barrett, 1414 Jefferson, appeared regarding the condition of the property next door to her.

**MEETING ADJOURNMENT**

A Motion was made to adjourn by Tameka Randle, Seconded by Dan Presson.  
Motion passed. 6-0. Ayes: Bliss, Cantrell, Kinder, Randle, Presson. Thomas. Absent: None.

The regular session ended at 6:03 pm.

\_\_\_\_\_  
Stacy Kinder, Mayor

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Gayle L. Conrad, City Clerk



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-161**

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## SUBJECT

An Ordinance annexing land located at 560 Silverado Trail into the city limits of the City of Cape Girardeau, Missouri.

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## EXECUTIVE SUMMARY

The attached ordinance annexes the property at 560 Silverado Trail into the city limits. A public hearing was held on September 3, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

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## BACKGROUND/DISCUSSION

On July 15, 2024, the City Council acknowledged receipt of an annexation petition for the property at 560 Silverado Trail. A public hearing was held on September 3, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the zoning and ward boundary extension are on this agenda as separate items.

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## SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Annexing property is necessary for the orderly growth of the City. By annexing and zoning properties such as this, the property owners and the community as a whole will benefit from regulations intended to protect the public health, safety, and general welfare.

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## STAFF RECOMMENDATION

Staff recommends approval of the ordinance annexing the property at 560 Silverado Trail.

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## PUBLIC OUTREACH

Notice of the City Council's public hearing was advertised in the Southeast Missourian on August 17, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

### **ATTACHMENTS:**

Name:	Description:
<a href="#">24-98_560 Silverado Trail Annexation Ordinance.doc</a>	Ordinance
<a href="#">Map - 560 Silverado Trail to be Annexed.pdf</a>	560 Silverado Trail - Annexation Map

BILL NO. 24-98

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING LAND LOCATED AT 560  
SILVERADO TRAIL INTO THE CITY LIMITS OF THE  
CITY OF CAPE GIRARDEAU, MISSOURI

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WHEREAS, Tyler D. Haden and Hannah R. Haden, husband and wife, have presented to the City Council of the City of Cape Girardeau, Missouri, a Verified Petition requesting annexation as the owners of all fee interest of record of a certain tract of land which they propose to be annexed to the City of Cape Girardeau, Missouri; and

WHEREAS, a public hearing was held on Tuesday, September 3, 2024, after due notice was given in accordance with Section 71.012 RSMo; and

WHEREAS, at said public hearing all interested persons were allowed to present evidence regarding the proposed annexation; and

WHEREAS, the City Council has determined that the annexation is reasonable and necessary to the proper development of the City and, further, that the City has the ability to furnish normal municipal services to the tract to be annexed within a reasonable time; and

WHEREAS, the City Council has determined that the tract proposed to be annexed is contiguous and compact and adjacent to the existing corporate limits of the City of Cape Girardeau, Missouri, and further, the tract proposed to be annexed is in an unincorporated area.

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

ARTICLE 1. The corporate limits of the City of Cape Girardeau, Missouri, shall be extended so as to annex the following-described unincorporated tract of land, which is contiguous and compact and adjacent to the existing corporate limits of the City, and to extend the limits of the City over said tract as described herein below, to-wit:

560 Silverado Trail

A PARCEL OF LAND BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot Numbered One-Hundred Eighty-Eight (188) of the Enclave On Silverado-Amended Subdivision, as shown in Document #2011-04087 of the Land Records of Cape Girardeau County, Missouri; thence N.70°57'21"E., a distance of 275.98 feet to a 1/2" Iron Rod; thence N.40°35'15"E., a distance of 226.21 feet to a 1/2" Iron Rod; thence S.63°15'57"E., a distance of 232.82 feet to a 1/2" Iron Rod; thence S.40°59'14"W., a distance of 192.65 feet to a 1/2" Iron Rod; thence S.50°30'51"W., a distance of 343.48 feet to a 1/2" Iron Rod; thence N.31°38'05"W., a distance of 214.85 feet to a 1/2" Iron Rod; thence S.76°05'20"W., a distance of 249.84 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod; thence departing from said Right-of-Way, N.76°05'20"E., a distance of 147.00 feet to the POINT OF BEGINNING. Containing 2.769 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024. Subject to existing Easements of Record if any.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES ACROSS ALL OF THE "EASEMENT LOT" AS SHOWN ON THE ENCLAVE ON SILVERADO-AMENDED SUBDIVISION, LOCATED IN DOCUMENT #2011-04087 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, AND ALSO BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot #188 of said The Enclave on Silverado-Amended Subdivision; thence N.70°57'21"E., a distance of 50.20 feet to a Point; thence S.13°54'40"E., a distance of 54.49 feet to a Point; thence S.76°05'20"W., a distance of 197.00 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod at the Southwest Corner of said Lot #188; thence N.76°05'20"E., along the South Line thereof, a distance of 147.00 feet to the POINT OF BEGINNING. Containing 0.229 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri, does hereby find and determine that the annexation of the above-described unincorporated tract of land is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the tract to be annexed within a reasonable time. Further, the City Council hereby finds and determines that with respect to the tract to be annexed into the City of Cape Girardeau, Missouri, that all of the owners of all fee interest of record have requested such annexation by appropriate Petition.

ARTICLE 3. The City Clerk is authorized and directed to cause three (3) certified copies of this ordinance in its final form to be filed with the Clerk of Cape Girardeau County in accordance with Section 71.012 RSMo.

ARTICLE 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 5. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

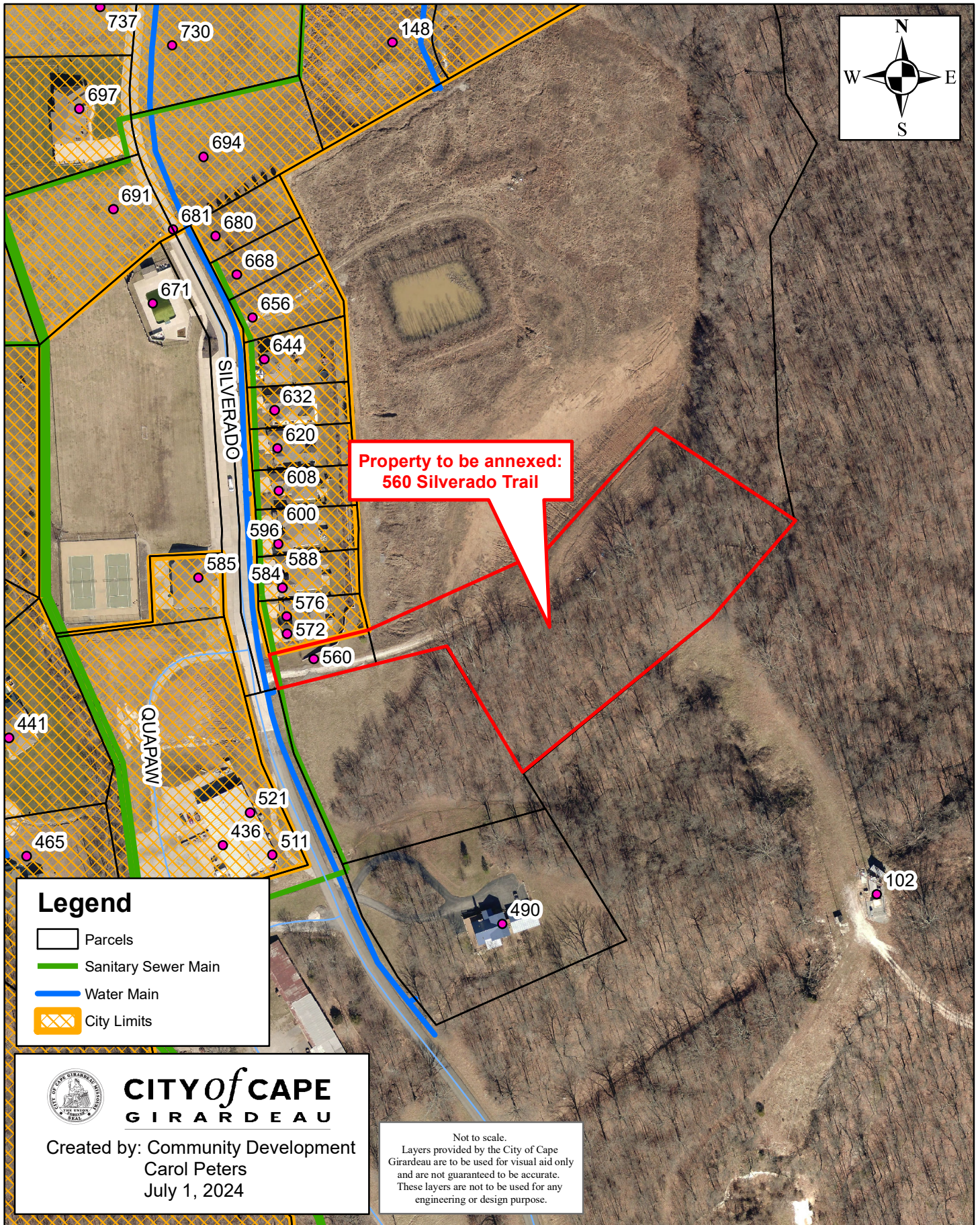
ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk





# 560 Silverado Trail Annexation Request





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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-162**

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**SUBJECT**

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning newly annexed property located at 560 Silverado Trail as R-1, Single-Family Suburban Residential District.

**EXECUTIVE SUMMARY**

The attached ordinance zones the property at 560 Silverado Trail as R-1 (Single-Family Suburban Residential District) upon annexation. A public hearing was held on September 3, 2024 to consider the proposed annexation and zoning of the property as R-1. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

**BACKGROUND/DISCUSSION**

On July 15, 2024, the City Council acknowledged receipt of an annexation petition for the property at 560 Silverado Trail. As part of the annexation process, the Planning and Zoning Commission was charged with making a recommendation to the City Council regarding how the property should be zoned upon annexation.

The adjacent properties are zoned R-3 (High Density Single-Family Residential District) to the northwest and M-1 (Light Manufacturing/Industrial District) to the west. The other adjacent properties are outside the city limits and are not zoned. This area is characterized by single-family residential, two-family residential, and light industrial uses. The Cape Vision 2040 Comprehensive Plan's Future Land Use Map shows the subject property as Low Density Residential.

A public hearing was held on September 3, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). The attached ordinance zones the property as R-1 upon annexation. Ordinances for the annexation and ward boundary extension are on this agenda as separate items.

**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

In considering a zoning district for a property to be annexed, the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The owners of the subject property intend to build a single-family detached dwelling on it. R-1 (Single-Family Suburban Residential District) permits the proposed use by right and is consistent with the Comprehensive Plan's Future Land Use recommendation for the property, making it reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended zoning the property as R-1 (Single-Family Suburban Residential District) upon annexation.

## BOARD OR COMMISSION RECOMMENDATION

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The Planning and Zoning Commission, at its August 14, 2024 meeting, held a public hearing and recommended zoning the property as R-1 (Single-Family Suburban Residential District) upon annexation, with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

## PUBLIC OUTREACH

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Notice of the City Council's public hearing was advertised in the Southeast Missourian on August 17, 2024. In addition, a sign containing the date, time, location, and subject of the public hearing was posted on the property.

### **ATTACHMENTS:**

Name:	Description:
<a href="#">24-99_560_Silverado_Trail_Zoning_R-1.doc</a>	Ordinance
<a href="#">Staff_Review-Referral-Action_Formpdf</a>	560 Silverado Trail - Staff RRA Form
<a href="#">Map_-_Zoning_-_560_Silverado_Trail.pdf</a>	560 Silverado Trail - Zoning Map
<a href="#">Map_-_FLU_-_560_Silverado_Trail.pdf</a>	560 Silverado Trail - FLU Map
<a href="#">Sec._30-57._-R-1_Single-Family_Suburban_Residential_District.pdf</a>	R-1 District Regulations

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING NEWLY ANNEXED PROPERTY LOCATED AT 560 SILVERADO TRAIL AS R-1, SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

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WHEREAS, the City Planning and Zoning Commission has recommended zoning all of the newly annexed property described in Article 1 of this ordinance as R-1, Single-Family Suburban 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 Tuesday, September 3, 2024; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri has elected to zone the property described herein as set out below.

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 zone the following newly annexed property as R-1, Single-Family Suburban Residential District:

560 Silverado Trail

A PARCEL OF LAND BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot Numbered One-Hundred Eighty-Eight (188) of the Enclave On Silverado-Amended Subdivision, as shown in Document #2011-04087 of the Land Records of Cape Girardeau County, Missouri; thence N.70°57'21"E., a distance of 275.98 feet to a 1/2" Iron Rod; thence N.40°35'15"E., a distance of 226.21 feet to a 1/2" Iron Rod; thence S.63°15'57"E., a distance of 232.82 feet to a 1/2" Iron Rod; thence S.40°59'14"W., a distance of 192.65 feet to a 1/2" Iron Rod; thence S.50°30'51"W., a distance of 343.48 feet to a 1/2" Iron Rod; thence

N.31°38'05"W., a distance of 214.85 feet to a 1/2" Iron Rod; thence S.76°05'20"W., a distance of 249.84 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod; thence departing from said Right-of-Way, N.76°05'20"E., a distance of 147.00 feet to the POINT OF BEGINNING. Containing 2.769 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024. Subject to existing Easements of Record if any.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES ACROSS ALL OF THE "EASEMENT LOT" AS SHOWN ON THE ENCLAVE ON SILVERADO-AMENDED SUBDIVISION, LOCATED IN DOCUMENT #2011-04087 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, AND ALSO BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot #188 of said The Enclave on Silverado-Amended Subdivision; thence N.70°57'21"E., a distance of 50.20 feet to a Point; thence S.13°54'40"E., a distance of 54.49 feet to a Point; thence S.76°05'20"W., a distance of 197.00 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod at the Southwest Corner of said Lot #188; thence N.76°05'20"E., along the South Line thereof, a distance of 147.00 feet to the POINT OF BEGINNING. Containing 0.229 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri hereby finds that the property described in Article 1 of this ordinance is at the present time particularly suitable for the purposes and uses of the R-1, Single-Family Suburban 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. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



**CITY OF CAPE GIRARDEAU, MISSOURI**

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

FILE NO. 1471

LOCATION: 560 Silverado Trail

**STAFF REVIEW & COMMENTS:**

Contiguous property being annexed at 560 Silverado Trail to be placed into an appropriate zoning district. SEE STAFF REPORT FOR FURTHER INFORMATION.

[Signature]  
City Planner

7/16/24  
Date

[Signature]  
City Attorney

7/16/24  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
City Manager

7/16/24  
Date

**Planning & Zoning Commission**

Sign Posting Date: 08-07-14 Meeting Date: 08-14-24

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor 0 Oppose 0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

[Signature]  
Chris Martin  
Planning & Zoning Commission Secretary

**City Council Action**

Posting Dates: Sign \_\_\_\_\_ Newspaper \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_  
Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

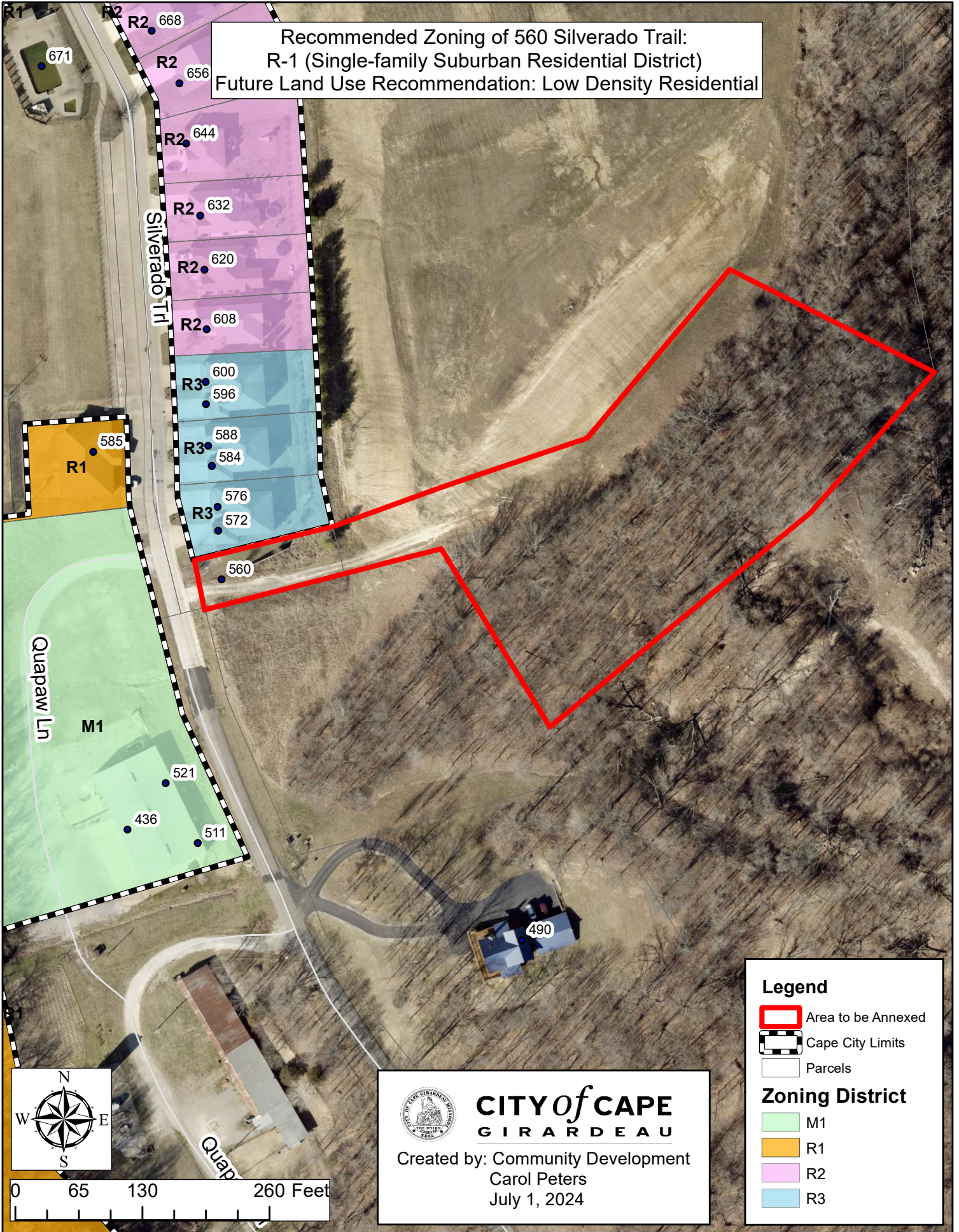
VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_



# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 560 Silverado Trail:  
R-1 (Single-family Suburban Residential District)  
Future Land Use Recommendation: Low Density Residential




**Legend**

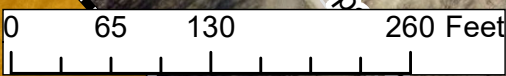
- Area to be Annexed
- Cape City Limits
- Parcels

**Zoning District**

- M1
- R1
- R2
- R3

 **CITY of CAPE GIRARDEAU**

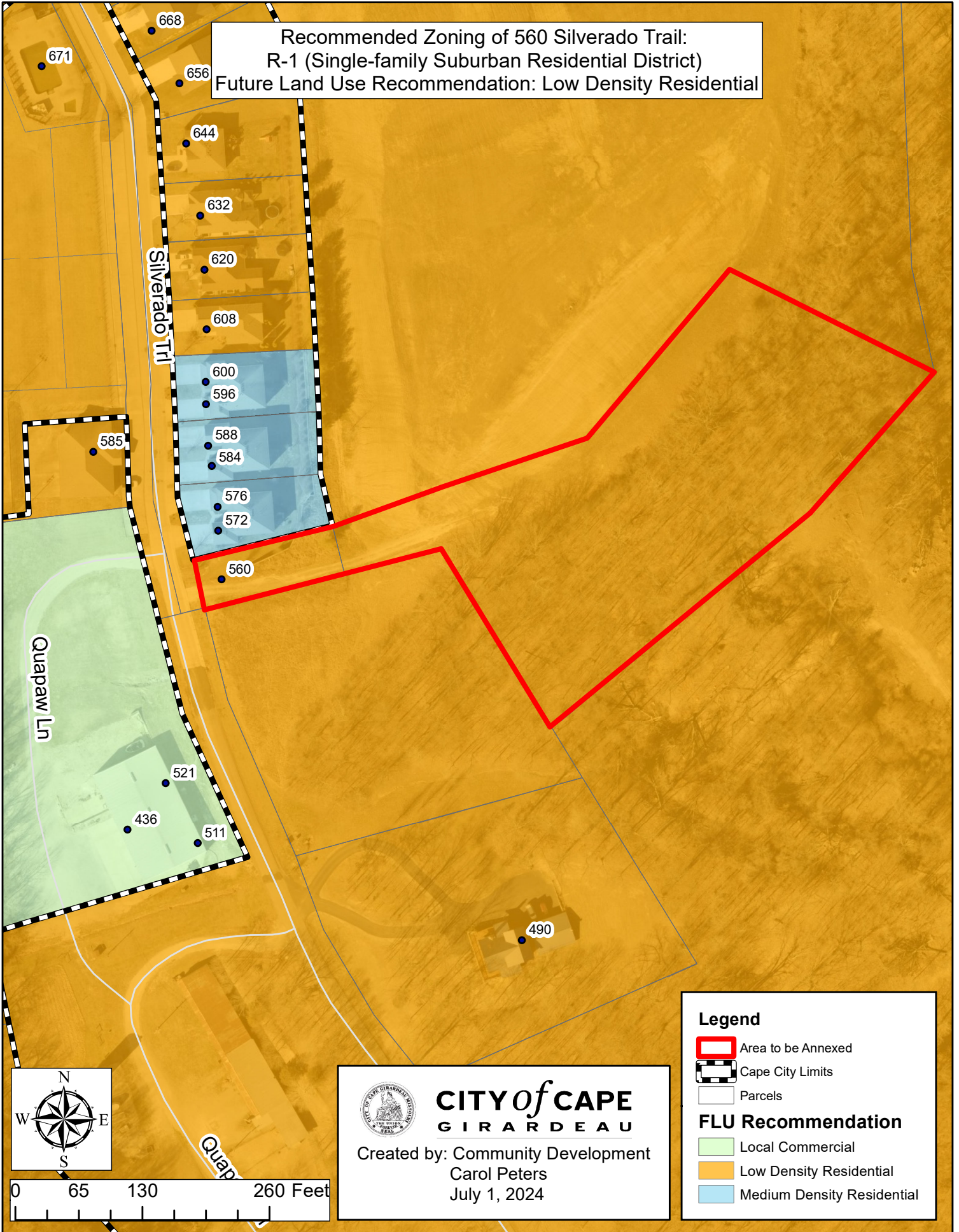
Created by: Community Development  
Carol Peters  
July 1, 2024





# Zoning Recommendation for Property to be Annexed

Recommended Zoning of 560 Silverado Trail:  
R-1 (Single-family Suburban Residential District)  
Future Land Use Recommendation: Low Density Residential



## Legend

- Area to be Annexed
- Cape City Limits
- Parcels

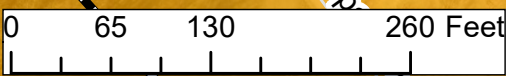
## FLU Recommendation

- Local Commercial
- Low Density Residential
- Medium Density Residential



**CITY of CAPE GIRARDEAU**

Created by: Community Development  
Carol Peters  
July 1, 2024





Sec. 30-57. - 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 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 dwelling per lot.
- (2) Cluster subdivisions, as permitted in [chapter 25](#).
- (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 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 or fewer unrelated mentally or physically handicapped persons, including no more than two 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 370 feet to any other such home.
- (9) A private residence licensed by the state division of family services or state department of mental health to provide foster care to one or more, but less than seven, 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 30-106](#).
- (2) In home elderly care, with a maximum of three persons as permitted in [section 30-114](#).
- (3) Home occupations, as permitted in [section 30-108](#).
- (4) Home day cares, with no more than four unrelated children in a 24-hour period as permitted in [section 30-111](#).
- (5) Solar energy systems, as permitted in [section 30-113](#).
- (6) Short-term use of shipping containers for accessory uses, as permitted in [section 30-105](#).

(d) *Special uses.*

- (1) Home day cares, with five or more unrelated children in a 24-hour period, as permitted in [section 30-111](#).
- (2) Libraries, on a minimum of two acres of land.
- (3) Cemeteries, on a minimum of ten acres of land.
- (4) Wind energy conversion systems, as permitted in [section 30-113](#).

(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 30-105.

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

(1) Maximum height: 2½ stories not to exceed 35 feet.

(2) Minimum lot area: 10,000 square feet.

(3) Maximum density: Four units per one acre. Higher densities may be approved with a cluster subdivision, as permitted in chapter 25.

(4) Minimum lot width: 80 feet.

(5) Minimum yard requirements:

a. Front yard: 30 feet.

b. Rear yard: 25 feet.

c. Side yard: Six 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 25-46. No parking, stopping, or standing of trucks or commercial motor vehicles licensed for a gross weight in excess of 24,000 pounds, except as provided in sections 26-147 and 26-298.

(Code 1990, § 30-322; Ord. No. 5012, art. 4, 10-2-2017)

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

<b>AGENDA REPORT</b> Cape Girardeau City Council	<b>24-163</b>
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**SUBJECT**

An Ordinance extending the boundaries of Ward 4 to include property newly annexed into the city limits of the City of Cape Girardeau, Missouri.

**EXECUTIVE SUMMARY**

The attached ordinance extends the boundaries of Ward 4 to include newly annexed property located at 560 Silverado Trail. A public hearing was held on September 3, 2024 to consider the proposed annexation and zoning of the property as R-1 (Single-Family Suburban Residential District). Ordinances for the annexation and zoning are on this agenda as separate items.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance extending the boundaries of Ward 4 to include the newly annexed property at 560 Silverado Trail.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">24-100_560_Silverado_Trail_Ward_4_Boundary_Ext.doc</a>	Ordinance
<a href="#">Map - 560 Silverado Trail - Ward Boundary Extension.pdf</a>	560 Silverado Trail - Ward Boundary Extension Map

AN ORDINANCE EXTENDING THE BOUNDARIES OF WARD 4 TO INCLUDE PROPERTY NEWLY ANNEXED INTO THE CITY LIMITS OF THE CITY OF CAPE GIRARDEAU, MISSOURI

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

ARTICLE 1. The boundary of "Ward 4" is hereby amended by adding the legal description of the following property newly annexed into the City of Cape Girardeau, Missouri:

560 Silverado Trail

A PARCEL OF LAND BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot Numbered One-Hundred Eighty-Eight (188) of the Enclave On Silverado-Amended Subdivision, as shown in Document #2011-04087 of the Land Records of Cape Girardeau County, Missouri; thence N.70°57'21"E., a distance of 275.98 feet to a 1/2" Iron Rod; thence N.40°35'15"E., a distance of 226.21 feet to a 1/2" Iron Rod; thence S.63°15'57"E., a distance of 232.82 feet to a 1/2" Iron Rod; thence S.40°59'14"W., a distance of 192.65 feet to a 1/2" Iron Rod; thence S.50°30'51"W., a distance of 343.48 feet to a 1/2" Iron Rod; thence N.31°38'05"W., a distance of 214.85 feet to a 1/2" Iron Rod; thence S.76°05'20"W., a distance of 249.84 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod; thence departing from said Right-of-Way, N.76°05'20"E., a distance of 147.00 feet to the POINT OF BEGINNING. Containing 2.769 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024. Subject to existing Easements of Record if any.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES ACROSS ALL OF THE "EASEMENT LOT" AS SHOWN ON THE ENCLAVE ON SILVERADO-AMENDED SUBDIVISION,

LOCATED IN DOCUMENT #2011-04087 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, AND ALSO BEING PART OF SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod at the Southeast Corner of Lot #188 of said The Enclave on Silverado-Amended Subdivision; thence N.70°57'21"E., a distance of 50.20 feet to a Point; thence S.13°54'40"E., a distance of 54.49 feet to a Point; thence S.76°05'20"W., a distance of 197.00 feet to a 1/2" Iron Rod on the Easterly Right-of-Way Line of Silverado Trail; thence N.13°54'40"W., along said Right-of-Way, a distance of 50.00 feet to a 1/2" Iron Rod at the Southwest Corner of said Lot #188; thence N.76°05'20"E., along the South Line thereof, a distance of 147.00 feet to the POINT OF BEGINNING. Containing 0.229 acres, more or less, in Cape Girardeau County, Missouri, dated June of 2024.

ARTICLE 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

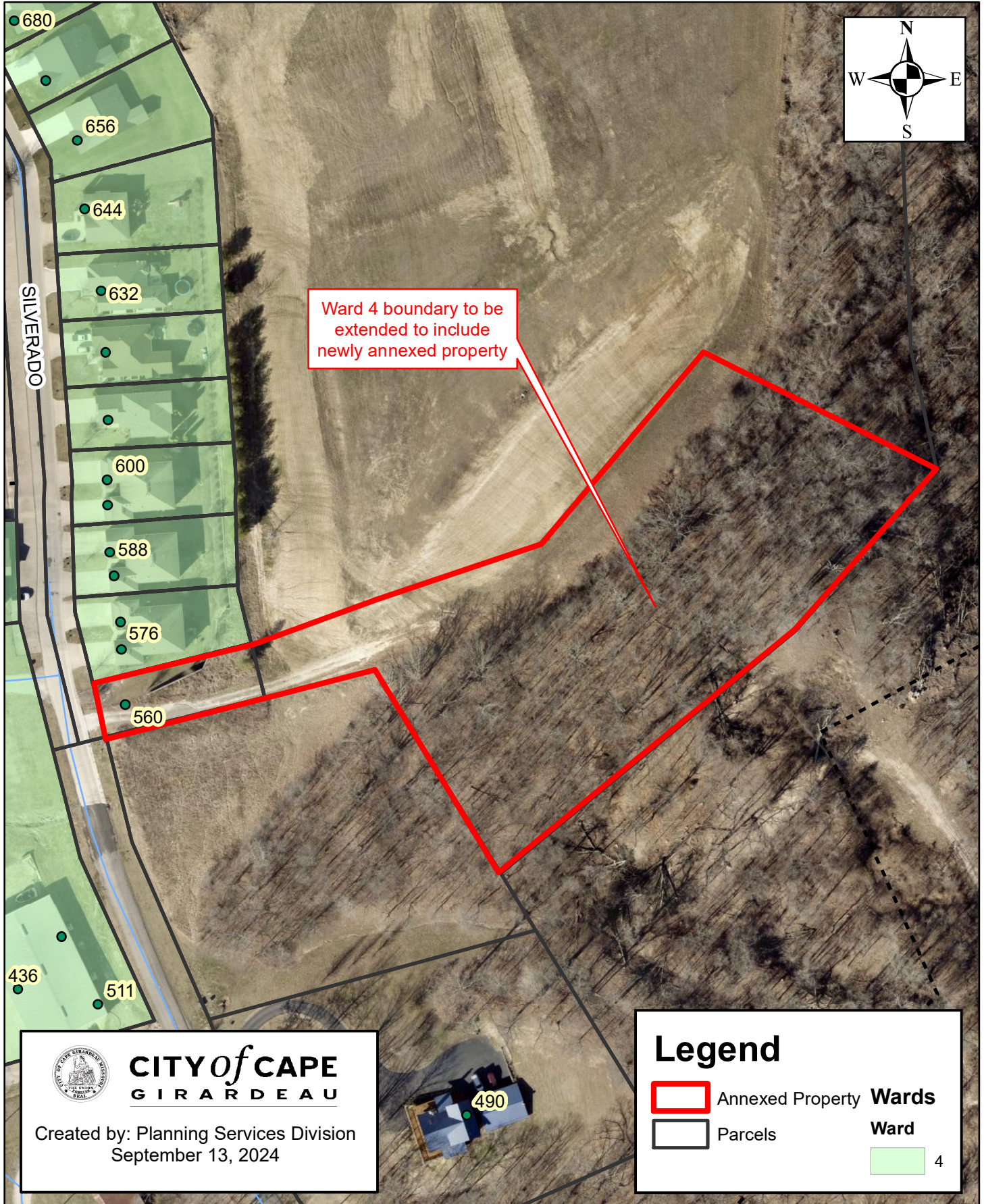
ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk





# 560 Silverado Trail Ward Boundary Extension



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-165**

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## SUBJECT

An Ordinance approving the record plat of Cape West Crossing East – Third Subdivision.

## EXECUTIVE SUMMARY

The attached ordinance approves a record plat for a two-lot commercial subdivision at 520, 550, and 580 South Mt. Auburn Road.

## BACKGROUND/DISCUSSION

A record plat has been submitted for Cape West Crossing East – Third Subdivision, located at 520, 550, and 580 South Mt. Auburn Road and zoned C-2 (Highway Commercial). The plat resubdivides three commercial lots to create two new lots. As part of the plat, the property owners are requesting that the City release certain public utility easements. Staff supports releasing the easements because there are no existing or proposed utilities in them.

## STAFF RECOMMENDATION

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

## BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its August 14, 2024 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

### ATTACHMENTS:

Name:	Description:
<a href="#">24-102_Cape_West_Crossing_East-Third_Ordinance.doc</a>	Ordinance
<a href="#">staff_Review-Referral-Action_Form.pdf</a>	Cape West Crossing East – Third Subdivision - Staff RRA Form
<a href="#">Map - Cape West Crossing East - Third Subdivision.pdf</a>	Cape West Crossing East – Third Subdivision - Map
<a href="#">Application - Cape West Crossing East - Third Subdivision.pdf</a>	Cape West Crossing East – Third Subdivision - Application
<a href="#">BC23162_Cape_West_Crossing_East - Third Subdivision.pdf</a>	Cape West Crossing East – Third Subdivision - Record Plat

BILL NO. 24-102

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
CAPE WEST CROSSING EAST - THIRD SUBDIVISION

---

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

ARTICLE 1. The record plat of Cape West Crossing East - Third Subdivision, being all of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision per plat recorded as Document No. 2023-00441 in the Cape Girardeau County, Missouri land records lying in Township 30 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri, submitted by Mayson Investments, LLC and MCP Real Estate Investments, LLC, bearing the certification of Michael D. Zahner, a Registered Land Surveyor, dated the 28th day of August, 2024, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk






**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action - Subdivision Application

FILE: **Cape West Crossing East - Third Subdivision**

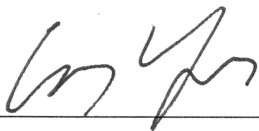
LOCATION: South Mt. Auburn Road

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted to create a new two (2) lot subdivision on South Mt. Auburn Road. SEE STAFF REPORT FOR MORE DETAILS.

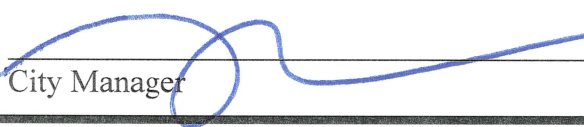
  
 \_\_\_\_\_  
 City Planner

7/30/24  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 City Attorney

7/30/24  
 \_\_\_\_\_  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
 \_\_\_\_\_  
 City Manager

\_\_\_\_\_  
 Date

***Planning & Zoning Commission***


**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**VOTE COUNT:** 8 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

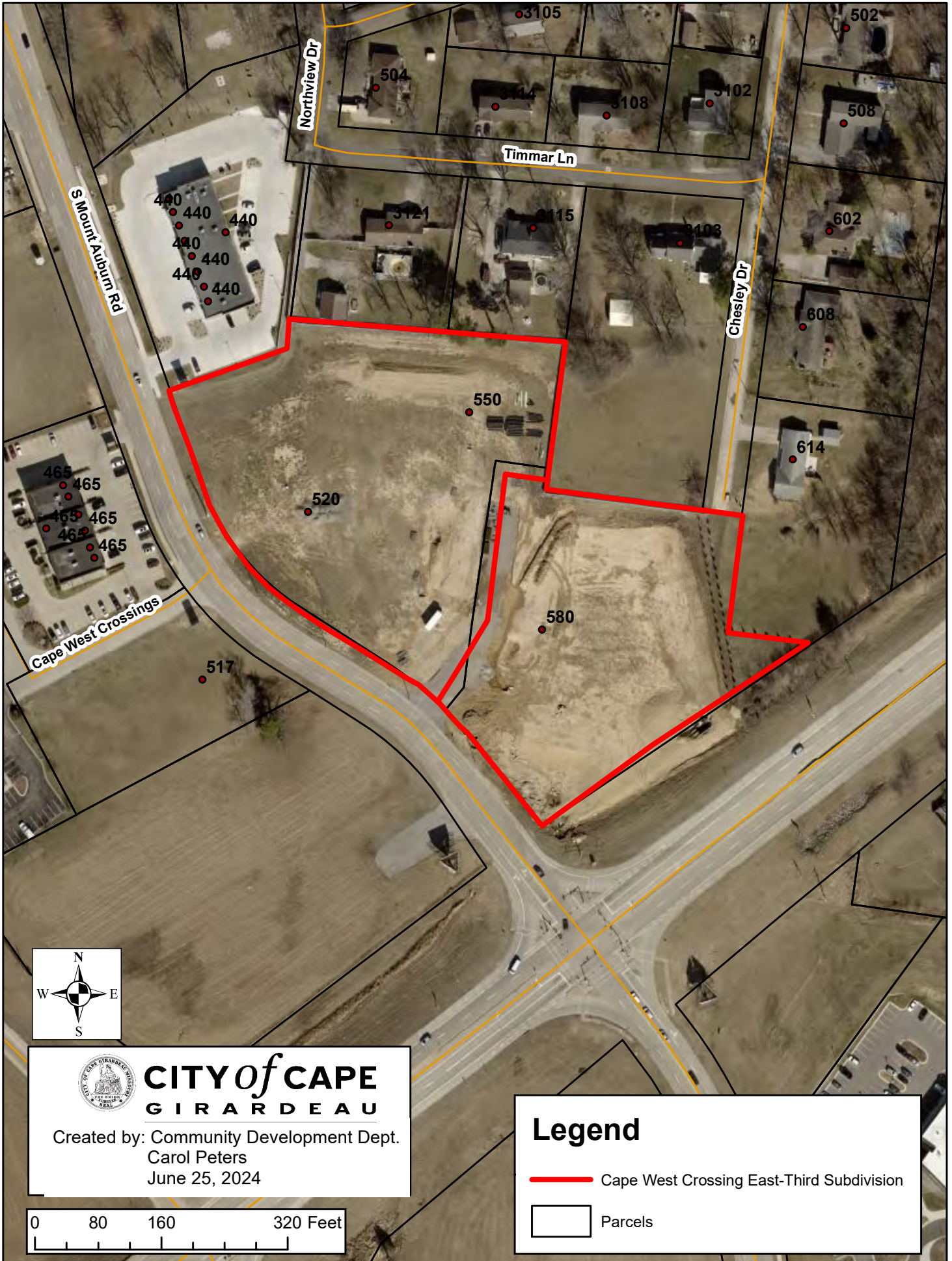
  
 \_\_\_\_\_  
 Chris Martin  
 Planning & Zoning Commission Secretary

***City Council Action***

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

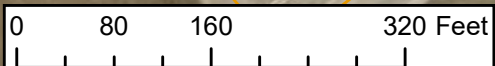
ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# Cape West Crossing East - Third Subdivision





**CITY of CAPE GIRARDEAU**

Created by: Community Development Dept.  
Carol Peters  
June 25, 2024



## Legend

 Cape West Crossing East-Third Subdivision

 Parcels





**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

COMMUNITY DEVELOPMENT DEPARTMENT, 44 NORTH LORIMIER STREET, CAPE GIRARDEAU, MO 63701 (573) 339-6327

<b>Name of Subdivision</b> Cape West Crossing East - Third Subdivision		<b>Type of Plat</b> <input checked="" type="checkbox"/> Record <input type="checkbox"/> Preliminary <input type="checkbox"/> Boundary Adjustment	
<b>Applicant</b> Zahner & Associates, Inc.		<b>Property Owner of Record</b> <input type="checkbox"/> Same as Applicant Mayson Investments, LLC	
<b>Mailing Address</b> 200 Zahner Place	<b>City, State, Zip</b> Perryville, MO 63775	<b>Mailing Address</b> 1650 N. Kingshighway, Ste. 304	<b>City, State, Zip</b> Cape Girardeau, MO 63701
<b>Telephone</b> 573-547-1771	<b>Email</b> laurah@zahnerinc.com	<b>Telephone</b> 573-334-1610	<b>Email</b> jeff.maurer@maysoncapital.com
<b>Contact Person (if Applicant is a Business or Organization)</b> Laura Hayden		<i>(Attach additional owners information, if necessary)</i> MCP Real Estate Investments, LLC 1610 N. Kingshighway, Cape Girardeau, MO 63703	
<b>Professional Engineer/Surveyor (if other than Applicant)</b> Zahner & Associates/Michael D. Zahner		<b>Developer (if other than Applicant)</b> Mayson Investments, LLC	
<b>Mailing Address</b> 200 Zahner Place	<b>City, State, Zip</b> Perryville, MO 63775	<b>Mailing Address</b> 1650 N. Kingshighway, Ste. 304	<b>City, State, Zip</b> Cape Girardeau, MO 63701
<b>Telephone</b> 573-547-1771	<b>Email</b> zahner@zahnerinc.com	<b>Telephone</b> 573-2334-1610	<b>Email</b> jeff.maurer@maysoncapital.com

**ADDITIONAL ITEMS  
REQUIRED**

See Instructions for more information.

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

- Review Fee (payable to City of Cape Girardeau)  
\$21.00 per lot (**\$210.00 minimum**)
- Recording Fee Deposit (payable to City of Cape Girardeau)
 

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$46.00	\$26.00
24" x 36"	\$71.00	\$31.00

*(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)*
- One (1) full size print of the plat
- Digital file of the plat in .pdf format (can be emailed to [cityplanning@cityofcape.org](mailto:cityplanning@cityofcape.org))
- Completed minimum requirements checklist

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. Furthermore, I hereby acknowledge that the plat submitted with this application must meet certain requirements in order to be approved including, but not limited to: a) successfully addressing all review comments, and b) any and all new public improvements for the subdivision being completed and/or covered under a performance guarantee agreement in accordance with the City's Code of Ordinances. If I am an agent, I hereby certify that I have notified the Property Owner(s) of Record and the developer of these requirements.

Anna Kangas  
Digitally signed by Anna Kangas  
 DN: cn=US, email=akangas@boulderconstructionllc.com, o=Boulder Construction LLC, cn=Anna Kangas  
 Reason: I attest to the accuracy and integrity of this document  
 Date: 2024.06.13 12:11:06-0500  
 Applicant Signature and Printed Name

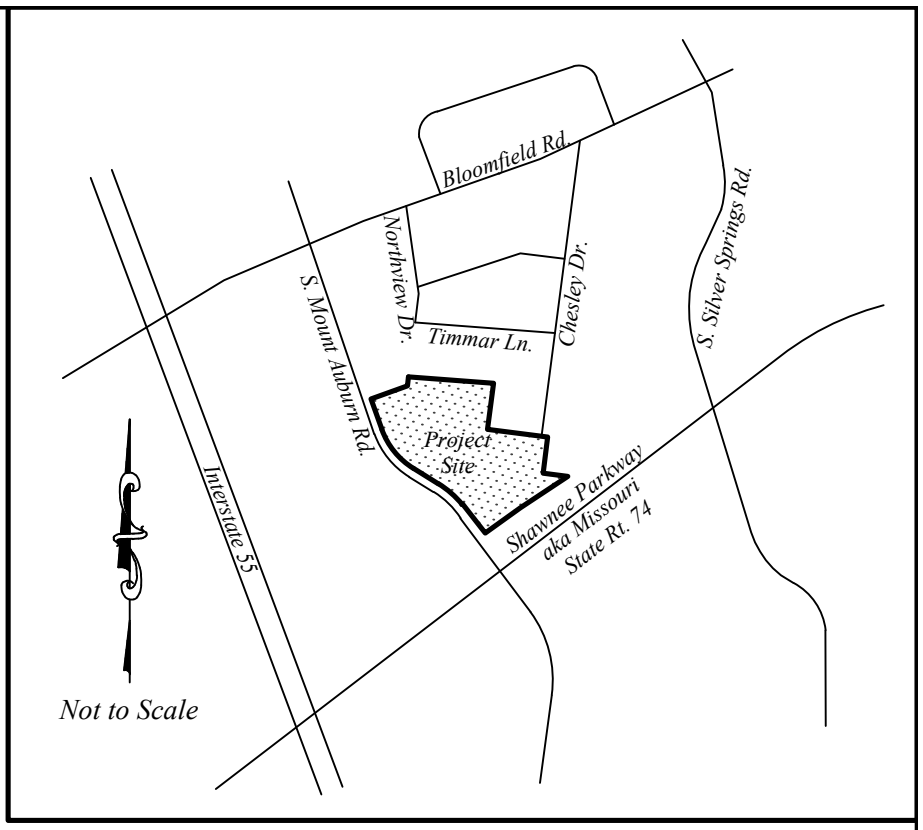
6/13/24  
 Date

<b>OFFICE USE ONLY</b>			
Date Received & By	<u>06/21/24</u>	File #	MUNIS Application # <u>15447</u> MUNIS Permit # _____
Review Fee Received \$	<u>210.00</u>	Recording Fee Received \$	<u>121.00</u> <input type="checkbox"/> Check # _____ <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Cash
Preliminary and Record Plats: Planning & Zoning Commission Recommendation _____ Date _____ City Council Final Action _____ Date _____			

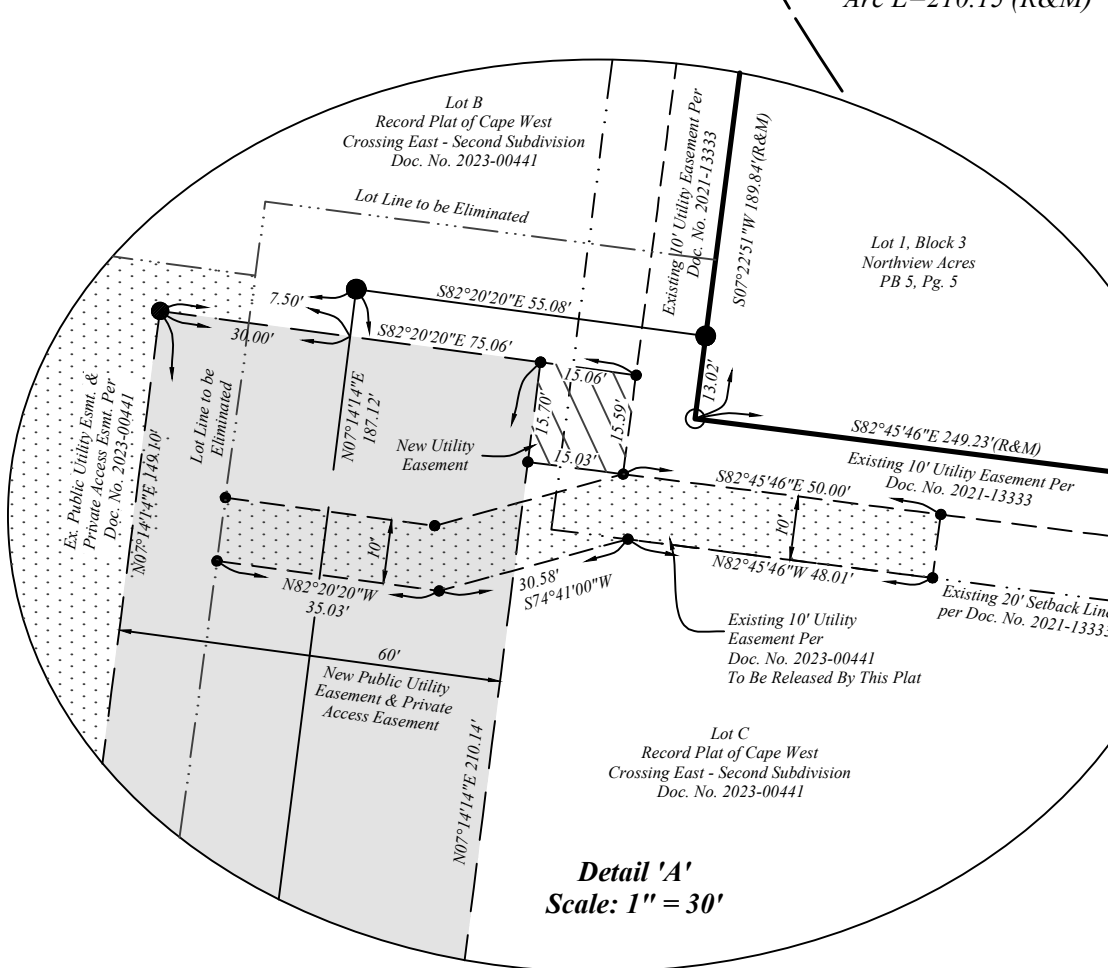
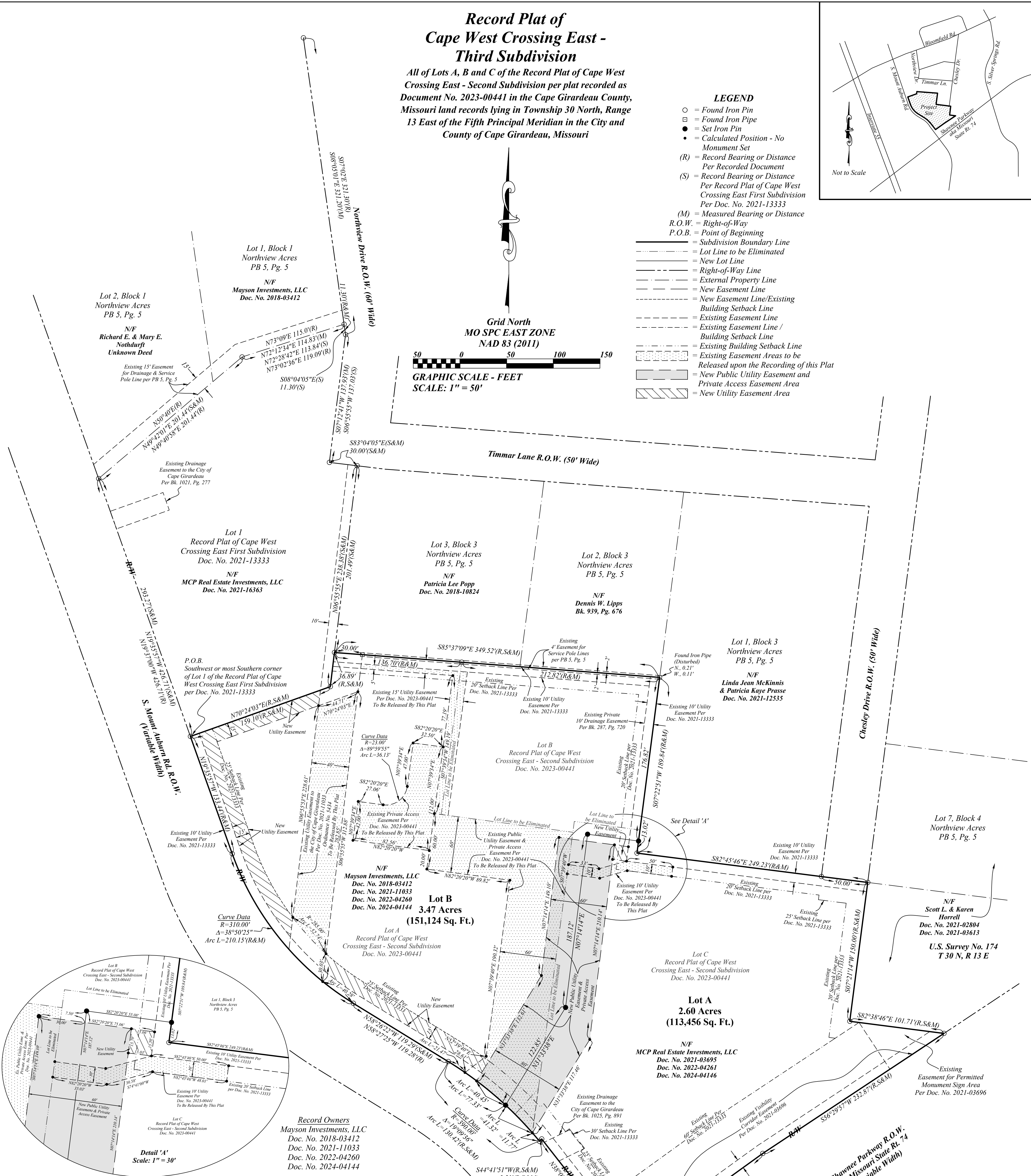
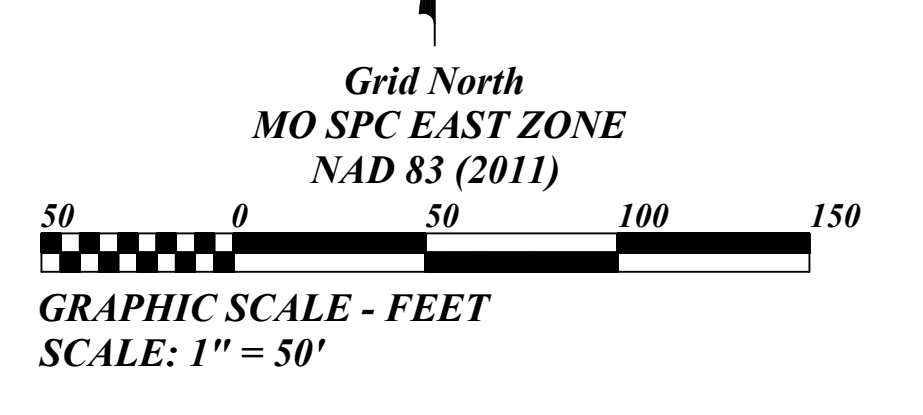


# Record Plat of Cape West Crossing East - Third Subdivision

All of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision per plat recorded as Document No. 2023-00441 in the Cape Girardeau County, Missouri land records lying in Township 30 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri



- LEGEND**
- = Found Iron Pin
  - = Found Iron Pipe
  - = Set Iron Pin
  - = Calculated Position - No Monument Set
  - (R) = Record Bearing or Distance Per Recorded Document
  - (S) = Record Bearing or Distance Per Record Plat of Cape West Crossing East First Subdivision Per Doc. No. 2021-13333
  - (M) = Measured Bearing or Distance
  - R.O.W. = Right-of-Way
  - P.O.B. = Point of Beginning
  - = Subdivision Boundary Line
  - - - = Lot Line to be Eliminated
  - = New Lot Line
  - - - = Right-of-Way Line
  - - - = External Property Line
  - - - = New Easement Line
  - - - = New Easement Line/Existing Building Setback Line
  - - - = Existing Easement Line / Building Setback Line
  - - - = Existing Building Setback Line
  - - - = Existing Easement Areas to be Released upon the Recording of this Plat
  - - - = New Public Utility Easement and Private Access Easement Area
  - - - = New Utility Easement Area



**Record Owners**  
 Mayson Investments, LLC  
 Doc. No. 2018-03412  
 Doc. No. 2021-11033  
 Doc. No. 2022-04260  
 Doc. No. 2024-04144

**Developer of Subdivision and Plat Prepared for:**  
 Mayson Investments, LLC  
 c/o Jeffrey J. Maurer, Manager  
 P.O. Box 1807  
 Cape Girardeau, MO 63701

**Plat Prepared by and Land Surveying Services Provided By:**  
 Zahner & Associates, Inc.  
 200 Zahner Place  
 Perryville, MO 63775  
 (573)547-1771  
 State of Missouri )  
 ) ss  
 County of Cape Girardeau )

**References**  
 Plat Book 5, Pg. 5  
 Bk. 287, Pg. 720  
 Bk. 939, Pg. 676  
 Bk. 1021, Pg. 277  
 Bk. 1025, Pg. 891  
 Doc. No. 2018-03412  
 Doc. No. 2018-10824  
 Doc. No. 2021-02804  
 Doc. No. 2021-03613  
 Doc. No. 2021-03695  
 Doc. No. 2021-03696  
 Doc. No. 2021-11033  
 Doc. No. 2021-13333  
 Doc. No. 2021-16363  
 Doc. No. 2022-04260  
 Doc. No. 2022-04261  
 Doc. No. 2023-00441  
 Doc. No. 2024-04144  
 Doc. No. 2024-04146

**Stormwater Management Note**  
 The owner of each lot within the subdivision is jointly and severally responsible for the maintenance of all components of the stormwater management system not located in a public right-of-way or public drainage easement as required by Chapter 23 of the Code of Ordinances of the City of Cape Girardeau, Missouri. This provision hereby constitutes a deed restriction in satisfaction of Chapter 25 of said Code of Ordinances. Said deed restriction is perpetual and shall run with the land.

**SURVEYOR'S NOTES:**  
 1. (MCP Real Estate Investments, LLC)  
 Information provided in commitment for title insurance by Old Republic National Title Insurance Company, Policy No. OX-13695533, Effective Date: March 17, 2021 has been reviewed. Easements affecting the subject property are shown hereon where applicable.  
 2. (Mayson Investments, LLC)  
 Information provided in commitment for title insurance by Old Republic National Title Insurance Company, Policy No. 81225-214109624, Effective Date: April 17, 2021 has been reviewed. Easements affecting the subject property are shown hereon where applicable.

I hereby certify that during the month of November, 2023, by order of Boulder Construction, a survey was completed under my supervision and that this plat is an accurate representation of the data obtained during said survey to my best knowledge and belief. I further certify that said survey was executed in accordance with the current Missouri Standards for Property Boundary Surveys for Urban Class Property.

08-28-2024  
 Michael D. Zahner  
 Missouri Land Surveyor No. 2294  
 Zahner & Associates, Inc.

**Zoning District Regulations**  
 C-2 - Highway Commercial District  
 Maximum Height: 60 feet, not to exceed 5 stories  
 Minimum Lot Area: None  
 Minimum Lot Width: None  
 Minimum Open Space: 15% of the lot area  
 Minimum Setbacks:  
 Front Yard: 25 feet  
 Rear Yard: None, except 20 feet when adjacent to a residential use or district, or 10 feet when adjacent to an agricultural use or district  
 Side Yard: None, except 20 feet when adjacent to a residential use or district, or 10 feet when adjacent to an agricultural use or district

**Area and Lot Information**  
 Total Subdivision Area: 6.07 Acres (264,580 Sq. Ft.)  
 Total Number of Lots: 2  
 Smallest Lot Size: 2.60 Acres (113,456 Sq. Ft.)  
 Largest Lot Size: 3.47 Acres (151,124 Sq. Ft.)

**Floodplain Note**  
 No portion of the property falls within the special flood hazard area subject to inundation by the 1% annual chance flood, as indicated on the Flood Insurance Rate Map No. 29031C0262E with an effective date of September 29, 2011.

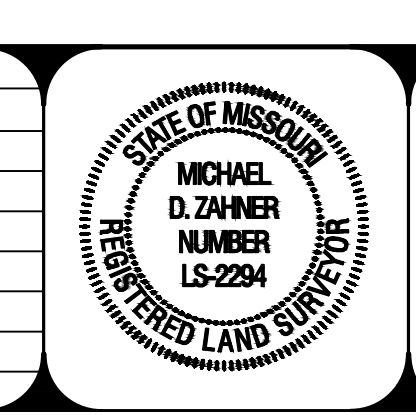
Filed for record in the office of the Recorder of Deeds of Cape Girardeau, County, Missouri,  
 In Document No. \_\_\_\_\_, at Jackson, Missouri,  
 On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Job No.: BC23162 Boulder Construction  
 File No.: BC23162 Subdivision Plat  
 Drawn By: LH  
 Reviewed By: MDZ/DJH  
 Parcel No: 20-314-00-07-006.00-0000 & 20-314-00-07-009.00-0000  
 Cape Girardeau County, Missouri

**Prepared for:**  
**Boulder Construction**  
 Being all of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision, T 30 N, R 13 E of the 5th P.M. in the City and County of Cape Girardeau, Missouri

Date	By	Notes
12-27-2023	LH	Initial Release
06-10-2024	LH	Added Land Swap Documents
08-14-2024	LH/MJM	Revisions per City Review
08-28-2024	LH	Revisions per 2nd City Review



**Zahner & Associates, Inc.**  
 Professional Land Surveyors  
 Michael D. Zahner, LS2294  
 200 Zahner Place  
 Perryville, MO 63775  
 (573) 547-1771  
 zahner@zahnerinc.com  
 Missouri Corporation Certificate of Authority No. LC000277



**Record Plat of  
Cape West Crossing East -  
Third Subdivision**

All of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision per plat recorded as Document No. 2023-00441 in the Cape Girardeau County, Missouri land records lying in Township 30 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri

Mayson Investments, LLC, a Missouri limited liability company

Jeffrey J. Maurer  
Manager

State of Missouri )  
) ss  
County of Cape Girardeau )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public for said State and County, personally appeared Jeffrey J. Maurer, Manager of Mayson Investments, LLC, a Missouri limited liability company, to me personally known, who did acknowledge that he executed the foregoing instrument as the free act and deed of said company.

In witness whereof, I hereunto set my hand and affix my official seal in the aforesaid State and County, the date first above written.

My term expires: \_\_\_\_\_

Notary Public

MCP Real Estate Investments, LLC, a Missouri limited liability company  
By: Alliant Services, LLC, a Missouri limited liability company; its Manager

By: Jeffrey J. Maurer, its Manager

State of Missouri )  
) ss  
County of Cape Girardeau )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public for said State and County, personally appeared Jeffrey J. Maurer, Manager of Alliant Services, LLC, a Missouri limited liability company, Manager of MCP Real Estate Investments, LLC, a Missouri limited liability company, to me personally known, who did acknowledge that he executed the foregoing instrument as the free act and deed of said company.

In witness whereof, I hereunto set my hand and affix my official seal in the aforesaid State and County, the date first above written.

My term expires: \_\_\_\_\_

Notary Public

On behalf of the City of Cape Girardeau, Missouri, I hereby release certain public utility easements, as shown hereon, upon the recording of this plat.

Dr. Kenneth Haskin, City Manager  
City of Cape Girardeau County, Missouri

State of Missouri )  
) ss  
County of Cape Girardeau )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public for said State and County, personally appeared Dr. Kenneth Haskin, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a municipal corporation and political subdivision of the State of Missouri, and that he executed the foregoing instrument on behalf of said City, and that he executed the same as the free act and deed of said City.

In witness whereof, I hereunto set my hand and affix my official seal in the aforesaid State and County, the date first above written.

My term expires: \_\_\_\_\_

Notary Public

I, \_\_\_\_\_, City Clerk, of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri.

By Ordinance No. \_\_\_\_\_

Passed and Approved on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City Clerk of the City of Cape Girardeau, Missouri

State of Missouri )  
) ss  
County of Cape Girardeau )

Filed for record in the office of the Recorder of Deeds of Cape Girardeau, County, Missouri.

In Document No. \_\_\_\_\_, at Jackson, Missouri.

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

**Subdivision Dedication**

The undersigned, Jeffrey J. Maurer, Manager of Mayson Investments, LLC, a Missouri limited liability company, and Manager of Alliant Services, LLC, a Missouri limited liability company, Manager of MCP Real Estate Investments, LLC, a Missouri limited liability company, owners of all of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision per plat recorded as Document No. 2023-00441 in the Cape Girardeau County, Missouri land records lying in Township 30 North, Range 13 East of the Fifth Principal Meridian in the City and County of Cape Girardeau, Missouri and being more particularly described as follows:

Beginning at an iron pin on the Northeast right-of-way line of South Mount Auburn Road at the Southwest or most Southern corner of Lot 1 of the Record Plat of Cape West Crossing East First Subdivision per plat recorded as Document No. 2021-13333 in the Cape Girardeau County, Missouri land records; Thence North 70°24'03" East along the Southeast line of said Lot 1 distance of 159.10 feet to an iron pin at the Southeast corner thereof; Thence North 06°55'55" East along the Eastern boundary line of said Lot 1 a distance of 36.89 feet to an iron pin at the Southwest corner of Lot 3 in Block 3 of Northview Acres per plat recorded in Plat Book 5, Page 5 in the Cape Girardeau County, Missouri land records; Thence leaving said Eastern boundary line South 85°37'09" East along the South line of said Lot 3 and the South line of Lot 2 in said Block 3 of Northview Acres a distance of 349.52 feet to the Southeast corner of said Lot 2 on the West line of Lot 1 in said Block 3 of Northview Acres; Thence South 07°22'51" West along said West line of said Lot 1 a distance of 189.84 feet to an iron pin at the Southwest corner thereof; Thence South 82°45'46" East along the South line of said Lot 1 and the Easterly extension thereof a distance of 249.23 feet to an iron pin at the Southwest corner of Lot 7 in Block 4 of said Northview Acres and being the Northwest corner of Parcel II as conveyed to Scott L. Horrell and Karen Horrell, his wife, by deed recorded as Document No. 2021-03613 in the Cape Girardeau County, Missouri land records; Thence South 07°21'14" West along the West line of said Horrell tract a distance of 150.00 feet to an iron pin at the Southwest corner thereof; Thence South 82°38'46" East along the South line of said Horrell tract a distance of 101.71 feet to an iron pin at the intersection of said South line with the Northwest right-of-way line of Shawnee Parkway; Thence leaving said South line South 56°29'57" West along said right-of-way line a distance of 232.87 feet to an iron pin; Thence continuing along said right-of-way line South 54°09'15" West a distance of 177.13 feet to an iron pin at the intersection of said right-of-way line with the aforesaid Northeast right-of-way line of South Mount Auburn Road; Thence along and with said right-of-way line of South Mount Auburn Road as follows: North 38°00'49" West a distance of 151.30 feet to an iron pin; South 44°41'51" West a distance of 3.51 feet to an iron pin; Northwesterly along the arc of a curve to the left having a radius of 390.00 feet and a central angle of 19°09'36" a distance of 130.42 feet (chord bearing and distance = North 48°51'34" West, 129.81 feet) to an iron pin at a point of tangent; North 58°26'22" West a distance of 119.29 feet to an iron pin at a point of curvature; Northwesterly along the arc of a curve to the right having a radius of 310.00 feet and a central angle of 38°50'25" a distance of 210.15 feet (chord bearing and distance = North 39°01'09" West, 206.15 feet) to an iron pin at a point of tangent; North 19°35'57" West a distance of 133.44 to the beginning containing 6.07 acres and subject to any easements, reservations or restrictions on record or now in effect.

SUBJECT TO a perpetual non-exclusive cross access easement across all of Lots 1, 2 and 3 of the Record Plat of Cape West Crossing East First Subdivision as recorded in Document No. 2021-13333 in the Cape Girardeau County, Missouri land records.

Hereby resubdivides said tracts into lots as shown hereon, which is a true and accurate representation of said subdivision, which is hereby named "Cape West Crossing East - Third Subdivision". The utility easements shown hereon are hereby granted to the City of Cape Girardeau, Missouri in perpetuity for public purposes, including the installation, maintenance, repair, replacement and expansion of city water and sewer systems, and as may be authorized by the City of Cape Girardeau, Missouri to be used by a public or private utility provider for purposes related to the installation, maintenance, repair, replacement and expansion of such utility systems. A perpetual non-exclusive private access easement is hereby established as shown hereon for the use and benefit of the current and future owners of Lots A and B and their respective tenants and invitees, for the sole purpose of providing ingress and egress between Lots A and B and between said Lots and the adjacent streets. Said access easement shall be solely over such drive aisles as may from time to time be constructed and maintained for such use.

All of an existing 10 foot utility easement, part of an existing 15 foot utility easement, all of an existing private access easement, and all of a public utility easement and private access easement, as previously granted per the Record Plat of Cape West Crossing East - Second Subdivision recorded as Document No. 2023-00441 in the Cape Girardeau County, Missouri land records, and part of an existing 40 foot utility easement as previously granted per Document No. 2021-11033 in said land records, all of which are shown hereon as stippled [stippled] are hereby released upon the recording of this plat.

I hereby certify that during the month of November, 2023, by order of Boulder Construction, a survey was completed under my supervision and that this plat is an accurate representation of the data obtained during said survey to my best knowledge and belief. I further certify that said survey was executed in accordance with the current Missouri Standards for Property Boundary Surveys for Urban Class Property.

Michael D. Zahner  
Missouri Land Surveyor No. 2294  
Zahner & Associates, Inc.  
08-28-2024

Job No.: BC23162 Boulder Construction
File No.: BC23162 Subdivision Plat
Drawn By: LH
Reviewed By: MDZ/DJH
Parcel No: 20-314-00-07-006.00-0000 & 20-314-00-07-009.00-0000
Cape Girardeau County, Missouri

**Prepared for:**  
**Boulder Construction**  
Being all of Lots A, B and C of the Record Plat of Cape West Crossing East - Second Subdivision, T 30 N, R 13 E of the 5th P.M. in the City and County of Cape Girardeau, Missouri

Date	By	Notes
12-23-2023	LH	Initial Release
6-10-2024	LH	Added Land Swap Documents
08-14-2024	LH/MJM	Revisions per City Review
08-28-2024	LH	Revisions per 2nd City Review



**Zahner & Associates, Inc.**  
Professional Land Surveyors  
Michael D. Zahner, LS2294  
200 Zahner Place  
Perryville, MO 63775  
(573) 547-1771  
zahner@zahnerinc.com  
Missouri Corporation Certificate of Authority No. LC000277

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**Staff:** Doug Gannon, Parks and  
Recreation Director  
**Agenda:** 10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-169**

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## **SUBJECT**

Accept the Improvements and Authorizing Final Payment to Penzel Construction Company, Inc for the Renovation of Central Municipal Pool.

---

## **EXECUTIVE SUMMARY**

As part of the Parks, Recreation and Storm water Tax passed by voters in 2018, \$6 million was allocated to the renovation of the existing Central Municipal Pool located on the campus of Cape Central Jr. High School.

Central Municipal Pool was constructed in 1979 and served the community well for over 40 years. Due to its age, the pool fell victim to many structural and mechanical issues related to the pool basin, inflatable structure, and all major mechanical components. The pool had surpassed its usable life and required renovation.

Major renovations of the facility included repairs to the pool basin, installation of a permanent building, and new mechanical components including filter and chemical systems, HVAC/Dehumidification, and electrical components. Since the renovation has been completed, the facility is basically like new and will continue to serve the community for years to come.

Central Municipal Pool is a very popular venue for competitive swimming, fitness and instructional programs as well as recreational swimming.

---

## **BACKGROUND/DISCUSSION**

In July 2022, the City issued a Request for Qualifications (RFQ) seeking interested design-build teams to construct a renovated Central Municipal Pool at 1920 Whitener Street. Five design-build proposals were received. A review team consisting of representatives from the Parks and Recreation Department, Development Services, the Parks and Recreation Advisory Board and the Cape Girardeau Public School District reviewed the proposals and created a short-list of two firms to give presentations on their proposals. The review team selected the top qualified design-build entity, Penzel Construction Company, Inc., and proceeded with the design-build process. The renovation began in February 2023 and completed September 9, 2024.

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## **FINANCIAL IMPACT**

The budget for this project was \$6,000,000. This project was funded by the Parks, Recreation and Storm Water Phase 2 (PRS2) Tax.



## STAFF RECOMMENDATION

---

Staff recommends the acceptance of the improvements and final payment for the renovation of Central Municipal Pool located at 1920 Whitener Street.

<b>ATTACHMENTS:</b>	
Name:	Description:
<input type="checkbox"/> <a href="#">Engineer s Final Report 6272.pdf</a>	Engineers Final Report

September 9, 2024

## Final Report on the Central Municipal Pool located at 1920 Whitener Street (project 6272)

To the City Manager  
Of the City of Cape Girardeau, Missouri

Dear Sir:

I hereby report the construction of the **Central Municipal Pool Project** has been completed by Penzel Construction Company, Inc.

The newly constructed Central Municipal Pool is located at 1920 Whitener Street in the city of Cape Girardeau. The project included major renovations of the Central Municipal facility including repairs to the pool basin, installation of a permanent building, and new mechanical components including filter and chemical systems, HVAC/Dehumidification, and electrical components.

The work was completed by Penzel Construction Company, Inc. in accordance with the plans, specifications, and agreement documents as modified by six (6) Change Orders.

The original contract amount was \$6,000,000.00. Change Order #1 added amenities to the pool building, pool access and competitive starting blocks. This increased the contract amount to \$6,130,000.00. Change Order #2 added sand blasting and coat of paint for additional swim lane and making the lanes regulation size, added a 20' deck level air intake, and additional concrete work with main drain replacement for a cost of \$46,200.00, making the new contract total \$6,176,200.00. Change Order #3 was for time only. Change Order #4 added an epoxy resin floor installed in the Pool Bathhouse and brought the bathhouse doors to ADA Compliance. This added \$49,605.00 to the contract, making the new contract total \$6,225,805.00. Change Order #5 added air conditioning to the Facility Electric Room and upgraded the interior Trusscore panels to a gray color. These two items added \$3,828.00 to the contract bringing the contract amount to \$6,229,633.00. Change Order #6 added a second coat of epoxy resin to the Pool Bathhouse floors. This added \$6,600.00 to the contract, making the new contract total \$6,236,233.00. Change Order #7 was for time only.

The original contract time stated all work was to be substantially complete by December 1, 2023. Change Order #3 added forty-five (45) calendar days for a revised completion date of January 15, 2024. Change Order #7 added (116) calendar days for a revised completion date of May 10, 2024 and a final completion date of September 12, 2024.



# CITY of CAPE GIRARDEAU

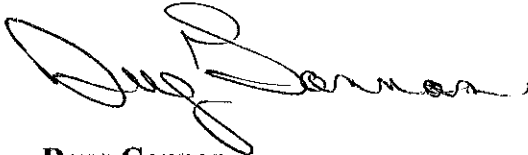
COMMUNITY DEVELOPMENT

Staff computed the cost of said improvement as follows:

FINAL COST OF MUNICIPAL POOL RENOVATION	\$ 6,236,233.00
LESS PREVIOUS PAYMENTS	\$ 5,924,421.38
AMOUNT DUE CONTRACTOR	\$ 311,811.62
DESIGN ENGINEERING COSTS	\$ 11,345.16
CONSTRUCTION INSPECTION COSTS	\$ 2,008.82
<b>TOTAL CONSTRUCTION COSTS</b>	<b>\$ 6,249,586.98</b>

Ordinance No. 5246 passed on November 18, 2019 authorizing the City Manager to enter into an agreement with Penzel Construction Company, Inc., for this project.

Sincerely,



**Doug Gannon**  
Director of Parks and Recreation

DG/kj

**Project Reference Codes**

**Purchase Order No. 231181** -- Central Municipal Pool  
3857030-71140-P1902 -- General Municipal Pool fund  
3857030-71140-P2403 -- Bathhouse Epoxy Floor and Stanley Door



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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-164**

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## **SUBJECT**

An Ordinance granting a special use permit to KEENMAC, LLC for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri.

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## **EXECUTIVE SUMMARY**

The attached ordinance grants a special use permit for a restaurant drive-through at 716 and 718 Broadway. A public hearing on the special use permit request was held on October 7, 2024.

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## **BACKGROUND/DISCUSSION**

A special use permit application has been submitted for the property at 716 and 718 Broadway, zoned CBD (Central Business District) and DCC (Downtown Commercial Corridor Overlay District). The property contains a two-story building with commercial space on the ground floor and residential space on the upper floor. It abuts a public alley to the west. The applicant is requesting a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through on the alley side of the building. The CBD regulations require all permitted uses to be conducted entirely indoors, with some exceptions. A special use permit is required for any use that is not conducted entirely indoors and does not fall under one of the exceptions but would otherwise be a permitted use in the CBD.

Certified copies of the application, application file, and the following applicable sections of the City Code are attached:

Section 30-65 - CBD, Central Business District

Section 30-104 - Special Use Permits

The attached ordinance grants a special use permit for the restaurant drive-through. A public hearing on the special use permit request was held on October 7, 2024.

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## **SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

See the attached staff report for analysis.

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## **STAFF RECOMMENDATION**

Per the staff report, if the request is approved, the City will install “Do Not Enter” signs on both sides of the alley, facing Broadway. A License and Indemnity Agreement is required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.

---

## **BOARD OR COMMISSION RECOMMENDATION**

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The Planning and Zoning Commission held a public hearing at its September 11, 2024 meeting and recommended approval of the special use permit request with a vote of 7 in favor, 0 in opposition, and 0 abstaining.

## **PUBLIC OUTREACH**

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The City Council's public hearing was advertised in the Southeast Missourian on September 21, 2024. In addition, a sign containing the date, time, location, and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">24-101_SUP_KEENMAC-Ronis_Mac_Bar_Drive_Through_716_718_Broadway.docx</a>	Ordinance
<a href="#">Staff_Review-Referral-Action_Form_-_716_718_Broadway.pdf</a>	716 & 718 Broadway - Staff RRA Form
<a href="#">Staff_Report_P_Z_SUP_716_718_Broadway_(Restaurant_Drive-Through).pdf</a>	716 & 718 Broadway - Staff Report
<a href="#">Map_-_716_718_Broadway_SUP_-_Zoning.pdf</a>	716 & 718 Broadway - Zoning Map
<a href="#">Map_-_716_718_Broadway_SUP_-_FLU.pdf</a>	716 & 718 Broadway - FLU Map
<a href="#">Application_-_716_718_Broadway_SUP.pdf</a>	716 & 718 Broadway - Application
<a href="#">Sec._30-65._- CBD_Central_Business_District.pdf</a>	CBD District Regulations
<a href="#">Sec._30-104._- Special_Use_Permits.pdf</a>	Special Use Permit Regulations

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KEENMAC, LLC FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, AND OPERATING A RESTAURANT DRIVE-THROUGH AT 716 AND 718 BROADWAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

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WHEREAS, Semo Cardinal Group LLC is the owner of certain property on which KEENMAC, LLC desires to construct, maintain, and operate a restaurant drive-through for an indefinite period of time, said property being located at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri; and

WHEREAS, said property is presently zoned CBD, Central Business District and DCC, Downtown Commercial Corridor District; and

WHEREAS, a Special Use Permit is required for a restaurant drive-through in the CBD, Central Business District.

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

ARTICLE 1. The City Council, having duly considered the application, finds that the granting of the Special Use Permit will not substantially increase traffic hazards, congestion, or fire hazards, nor will it adversely affect the general character of the neighborhood or the general welfare of the community, nor will it overtax public utilities or be in conflict with the comprehensive plan.

ARTICLE 2. A Special Use Permit for the purposes of constructing, maintaining, and operating a restaurant drive-through in the City of Cape Girardeau, Missouri, located on the following-described property:

716 and 718 Broadway

All of Lot Numbered Two (2) of Thompson Subdivision as recorded in Plat Book 24 at Page 71 in the land records of the County Recorder's Office, in the City and County of Cape Girardeau, State of Missouri.

is hereby granted to KEENMAC, LLC, to be effective ten (10) days after the date of passage and approval of this ordinance. The special use shall comply with all regulations set forth in the



Zoning Code for the district in which the use is located except those which have been specifically excepted under this permit, and all other applicable ordinances of the City of Cape Girardeau, Missouri, and any special conditions contained in the Special Use Permit, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. The City Manager is hereby authorized to execute the Special Use Permit for and on behalf of the City of Cape Girardeau, Missouri.

ARTICLE 3. Attached hereto as Exhibit B is the formal Findings and Conclusions of the City Council.

ARTICLE 4. This ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



## **SPECIAL USE PERMIT**

KEENMAC, LLC is hereby granted a Special Use Permit for the purposes of constructing, maintaining, and operating a restaurant drive-through at 716 and 718 Broadway, in the City of Cape Girardeau, Missouri, on the following-described property for an indefinite period of time:

All of Lot Numbered Two (2) of Thompson Subdivision as recorded in Plat Book 24 at Page 71 in the land records of the County Recorder's Office, in the City and County of Cape Girardeau, State of Missouri.

This Special Use Permit is granted upon the condition that the grantee be bound by all City ordinances pertaining to the Special Use Permit and that the grantee be bound by the following special conditions that are imposed as a condition of issuance of this Special Use Permit. Upon the failure of the grantee to comply with these special conditions, the Special Use Permit shall automatically terminate and the City shall have the right to enter upon the land to abate such special use.

### **SPECIAL CONDITIONS:**

1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.

NOW, THEREFORE, the City Manager of the City of Cape Girardeau, Missouri, affixes his signature this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Dr. Kenneth Haskin, City Manager

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



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

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me personally appeared Dr. Kenneth Haskin, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a municipal corporation organized and existing under the laws of the State of Missouri, that the seal affixed to the foregoing instrument is the seal of said City, that said instrument was signed and sealed on behalf of said City by authority of its City Council, and that he acknowledged said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

(IF APPROVED)  
CITY OF CAPE GIRARDEAU, MISSOURI  
CITY COUNCIL  
FINDINGS AND CONCLUSIONS

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 22, 2024 filed by Todt Roofing & Construction for the property located at 716 and 718 Broadway, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a restaurant drive-through for an indefinite period of time.

In examining said application, the following factors were considered and findings were made, as follows:

City Council Findings:

The proposed Special Use, with the stated conditions, would:

	Yes	No	N/A
1. Substantially increase traffic hazards or congestion	_____	<u>  X  </u>	_____
2. Substantially increase fire hazards	_____	<u>  X  </u>	_____
3. Adversely affect the character of the neighborhood or, in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood	_____	<u>  X  </u>	_____
4. Adversely affect the general welfare of the community	_____	<u>  X  </u>	_____
5. Overtax public utilities	_____	<u>  X  </u>	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, and the testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposed Special Use and issued the following conclusion:

THE APPLICATION IS:

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Denied
- X   Approved subject to the conditions stated in the attached Special Use Permit

CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



**(IF DENIED)**  
**CITY OF CAPE GIRARDEAU, MISSOURI**  
**CITY COUNCIL**  
**FINDINGS AND CONCLUSIONS**

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the Cape Girardeau City Council considered the application for a Special Use Permit dated August 22, 2024 filed by Todt Roofing & Construction for the property located at 716 and 718 Broadway, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a restaurant drive-through for an indefinite period of time.

In examining said application, the following factors were considered and findings were made, as follows:

**City Council Findings:**

The proposed Special Use, with the stated conditions, would:

	Yes	No	N/A
1. Substantially increase traffic hazards or congestion	_____	_____	_____
2. Substantially increase fire hazards	_____	_____	_____
3. Adversely affect the character of the neighborhood or, in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood	_____	_____	_____
4. Adversely affect the general welfare of the community	_____	_____	_____
5. Overtax public utilities	_____	_____	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, and the testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposed Special Use and issued the following conclusion:

**THE APPLICATION IS:**

- \_\_\_\_\_ Approved
- X   Denied
- \_\_\_\_\_ Approved subject to the conditions stated in the attached Special Use Permit

CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
 Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
 Gayle Conrad, City Clerk



**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action on Special Use Permit Application

FILE NO. 1474

LOCATION: 716 & 718 Broadway

**STAFF REVIEW & COMMENTS:**

Todt Roofing & Construction is requesting a SUP to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) zoning district at 716 & 718 Broadway. SEE STAFF REPORT FOR FURTHER INFORMATION.

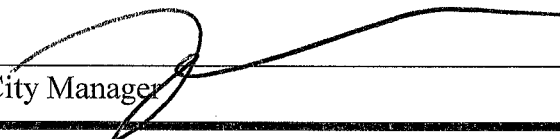
  
 City Planner

8/29/24  
 Date

  
 City Attorney

8/29/24  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
 City Manager

9/3/24  
 Date

**Planning & Zoning Commission**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

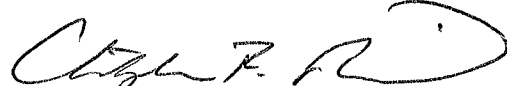
**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Blank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nick Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robbie Guard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sommer McCauley-Perdue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

  
 Chris Martin  
 Planning & Zoning Commission Secretary

**City Council Action**

Public Hearing Posting Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_



## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Ryan Shrimplin, City Planner

**MEETING DATE:** September 11, 2024

**SUBJECT:** Special Use Permit Request for Property at 716 & 718 Broadway

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A special use permit application has been submitted for the property at 716 and 718 Broadway, zoned CBD (Central Business District) and DCC (Downtown Commercial Corridor Overlay District). The property contains a two-story building with commercial space on the ground floor and residential space on the upper floor. It abuts a public alley to the west. The applicant is requesting a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through on the alley side of the building. The CBD regulations require all permitted uses to be conducted entirely indoors, with some exceptions. A special use permit is required for any use that is not conducted entirely indoors and does not fall under one of the exceptions but would otherwise be a permitted use in the CBD.

The Zoning Code (Chapter 30 of the City's Code of Ordinances) authorizes the City Council to grant special use permits in accordance with Section 30-104. In order for a special use permit to be granted, the Planning and Zoning Commission and the City Council must consider and make findings of fact with regard to certain criteria. Staff has reviewed the application according to the criteria and made the following findings:

**Criterion #1:** The proposed special use will not substantially increase traffic hazards or congestion.

**Finding:** The alley is 16 feet wide. It was not designed to allow modern vehicles to pass each other. The drive-through traffic will preclude any other traffic from using the south half of the alley in this block.

**Criterion #2:** The proposed special use will not substantially increase fire hazards.

**Finding:** There are no inherent fire hazards with a restaurant drive-through. The restaurant itself will be compliant with the Fire Code.

**Criterion #3:** The proposed special use will not adversely affect the character of the neighborhood.



Finding: The property is located in the Central Business District (CBD), which contains a mix of commercial and residential uses. In general, a restaurant drive-through could potentially have an adverse effect on the character of any neighborhood containing residential uses, which is why it is listed as a special use in the CBD. In this case, the main effect on the character of the neighborhood will be the drive-through traffic in the alley.

Criterion #4: The proposed special use will not adversely affect the general welfare of the community.

Finding: As stated previously, the drive-through traffic will preclude any other traffic from using the south half of the alley in this block. Traffic will not be able to enter the alley from Broadway.

Criterion #5: The proposed special use will not overtax public utilities.

Finding: The drive-through will not require any public utilities other than those needed for the restaurant. There is sufficient capacity to serve the restaurant.

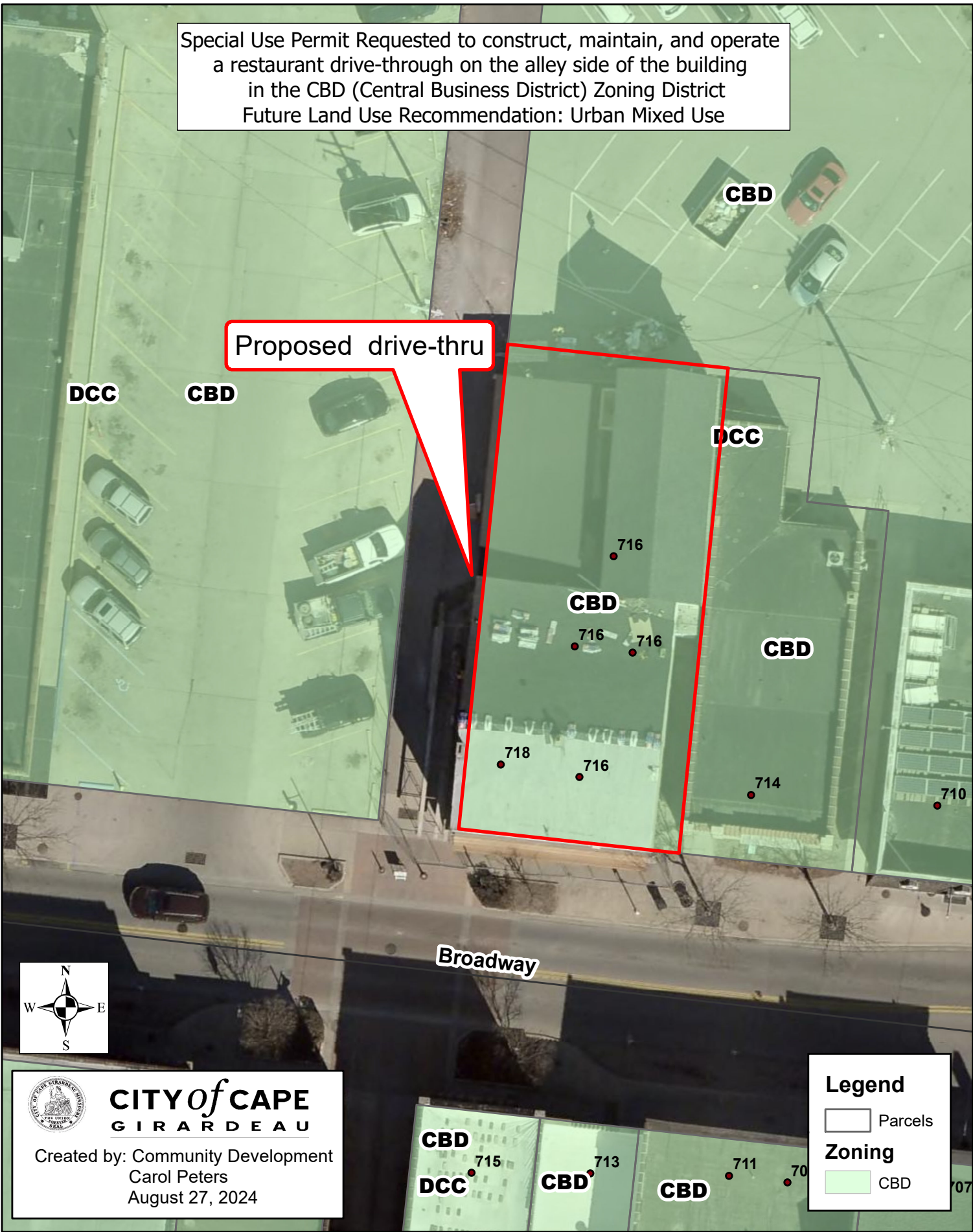
Based on the above findings, staff has no recommendation with regard to the request. If the request is approved, the City will install "Do Not Enter" signs on both sides of the alley, facing Broadway. A License and Indemnity Agreement is required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.



# 716 & 718 Broadway Special Use Permit Request

Special Use Permit Requested to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) Zoning District  
Future Land Use Recommendation: Urban Mixed Use

Proposed drive-thru



**CITY of CAPE**  
G I R A R D E A U

Created by: Community Development  
Carol Peters  
August 27, 2024

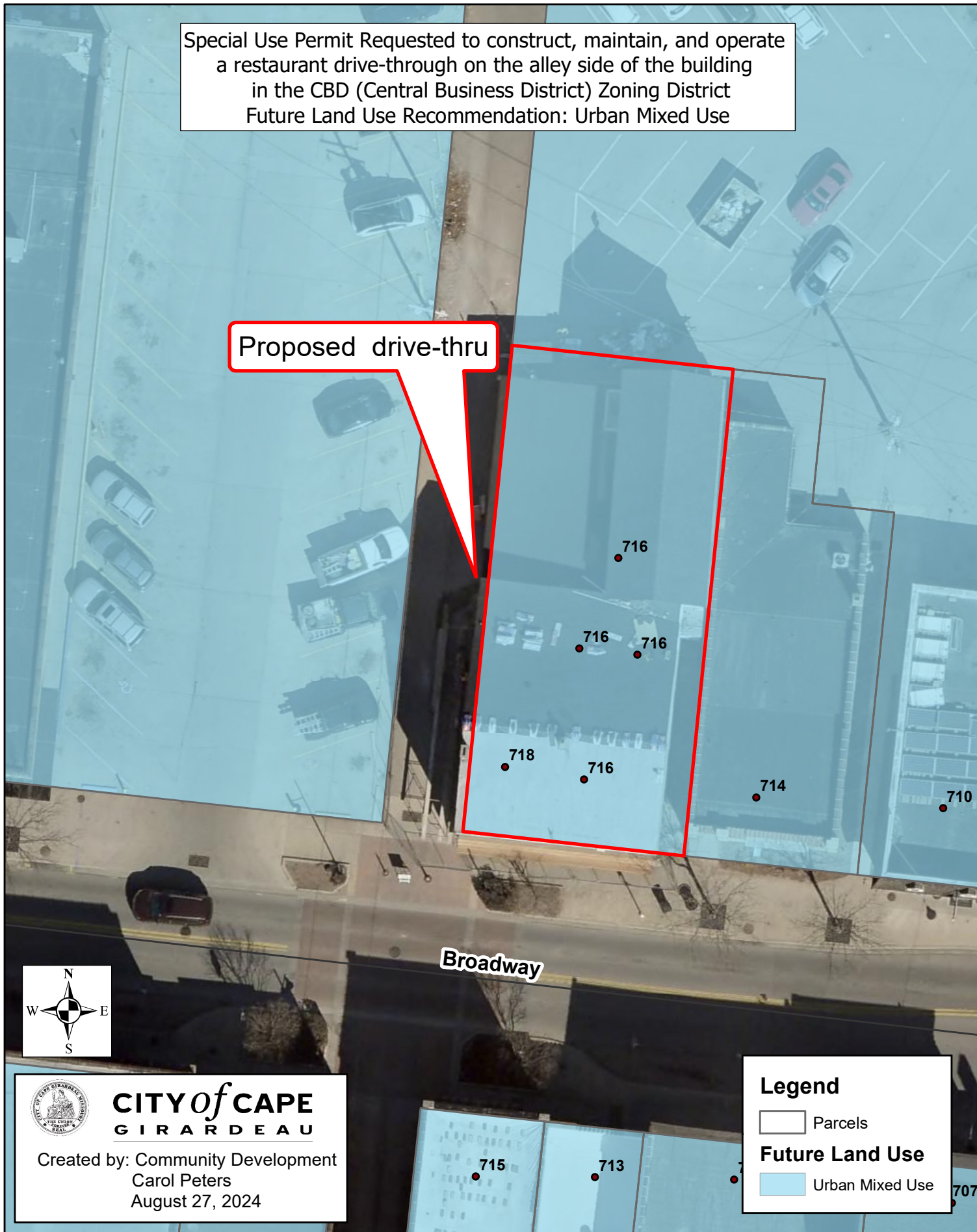
### Legend

- Parcels
- Zoning
- CBD

# 716 & 718 Broadway Special Use Permit Request

Special Use Permit Requested to construct, maintain, and operate a restaurant drive-through on the alley side of the building in the CBD (Central Business District) Zoning District  
Future Land Use Recommendation: Urban Mixed Use

Proposed drive-thru



**CITY of CAPE**  
GIRARDEAU

Created by: Community Development  
Carol Peters  
August 27, 2024

**Legend**

- Parcels
- Future Land Use**
  - Urban Mixed Use





REZONING / SPECIAL USE PERMIT APPLICATION  
**CITY of CAPE GIRARDEAU**

COMMUNITY DEVELOPMENT DEPARTMENT, 44 NORTH LORIMIER STREET, CAPE GIRARDEAU, MO 63701 (573) 339-6327

Property Address/Location

716/718 Broadway

Applicant Todt Roofing & Construction		Property Owner of Record <input type="checkbox"/> Same as Applicant Semo Cardinal Group LLC	
Mailing Address 2905 Valley Creek Rd	City, State, Zip Cape Girardeau, MO 63701	Mailing Address 1439 Minnesota Ave	City, State, Zip Cape Girardeau, MO 63701
Telephone 573-275-3168	Email projectmgmt@todtroofing.com	Telephone 573-803-1802	Email office@semocardinalgroup.com
Contact Person Brandon Beninati		<i>(Attach additional owners information, if necessary)</i>	
Type of Request <input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Both		Proposed Special Use (Special Use Permit requests only) Alley access for drive thru	
Existing Zoning District CBD, Central Business District <input type="checkbox"/>		Proposed Zoning District (Rezoning requests only) Choose a Zoning District	

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

To utilize the alley on the west side of the buidling for drive-thru to the restaraunt

\* SEE ATTACHED PLANS \*

Describe the proposed use of the property.

Commercial space of building will be a restaraunt with drive-thru and occupant seating

\* SEE ATTACHED PLANS \*

Application continues on next page

OFFICE USE ONLY			
Date Received & By	08/23/24	File #	1474
MUNIS Application #	15650	MUNIS Permit #	
Application Fee Received \$	148-	<input type="checkbox"/> Check #	<input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Cash
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.*  
Should not have a "substallal" effect
- 2) *The proposed special use will not substantially increase fire hazards.*  
Will not substantially increase fire hazards
- 3) *The proposed special use will not adversely affect the character of the neighborhood.*  
Will not affect the character of of the nieghborhood in a negative manner
- 4) *The proposed special use will not adversely affect the general welfare of the community.*  
Will not adversely affect the general welfare of the community
- 5) *The proposed special use will not overtax public utilities.*  
Will not overtax public utilities

**ADDITIONAL ITEMS  
REQUIRED**

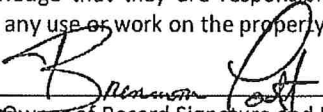
See Instructions for more information.

- In addition to this completed application form, the following items must be submitted:
- Base Application fee - \$148.00 payable to City of Cape Girardeau
  - Planned Development rezoning only - Additional \$88 payable to City of Cape Girardeau
  - List of adjacent property owners (*see Instructions for requirements*)
  - One (1) set of mailing envelopes, stamped and addressed to adjacent property owners OR \$2.85 per adjacent property owner, if stamped envelopes are not submitted
  - 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)
  - 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 the special use permit, if approved, will become 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

8/22/24  
 \_\_\_\_\_  
 Date

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

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.

*Brandon Beninati*  
 \_\_\_\_\_  
 Applicant Signature and Printed Name

8/22/24  
 \_\_\_\_\_  
 Date









**ARCHITECTURAL SITE PLAN**

NOTE: THIS DRAWING IS NOT A CONTRACT

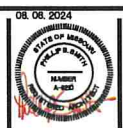
2 1 1 3 4 1 5 1 6

AS1.1

PROJECT NO.	23-45
DATE	08.06.2024
DRAWN BY	PHS
CHECKED BY	PHS
DATE	08.06.2024
PROJECT NAME	RONI'S MAC BAR
CLIENT NAME	PHS
CLIENT ADDRESS	718 BROADWAY STREET, CAPE GIRARDEAU, MISSOURI 63701
ARCHITECT NAME	PHS
ARCHITECT ADDRESS	423 THOMAS STREET, CAPE GIRARDEAU, MISSOURI 63701
ARCHITECT PHONE	573.651.9601
ARCHITECT EMAIL	PHS@PHSARCHITECT.COM

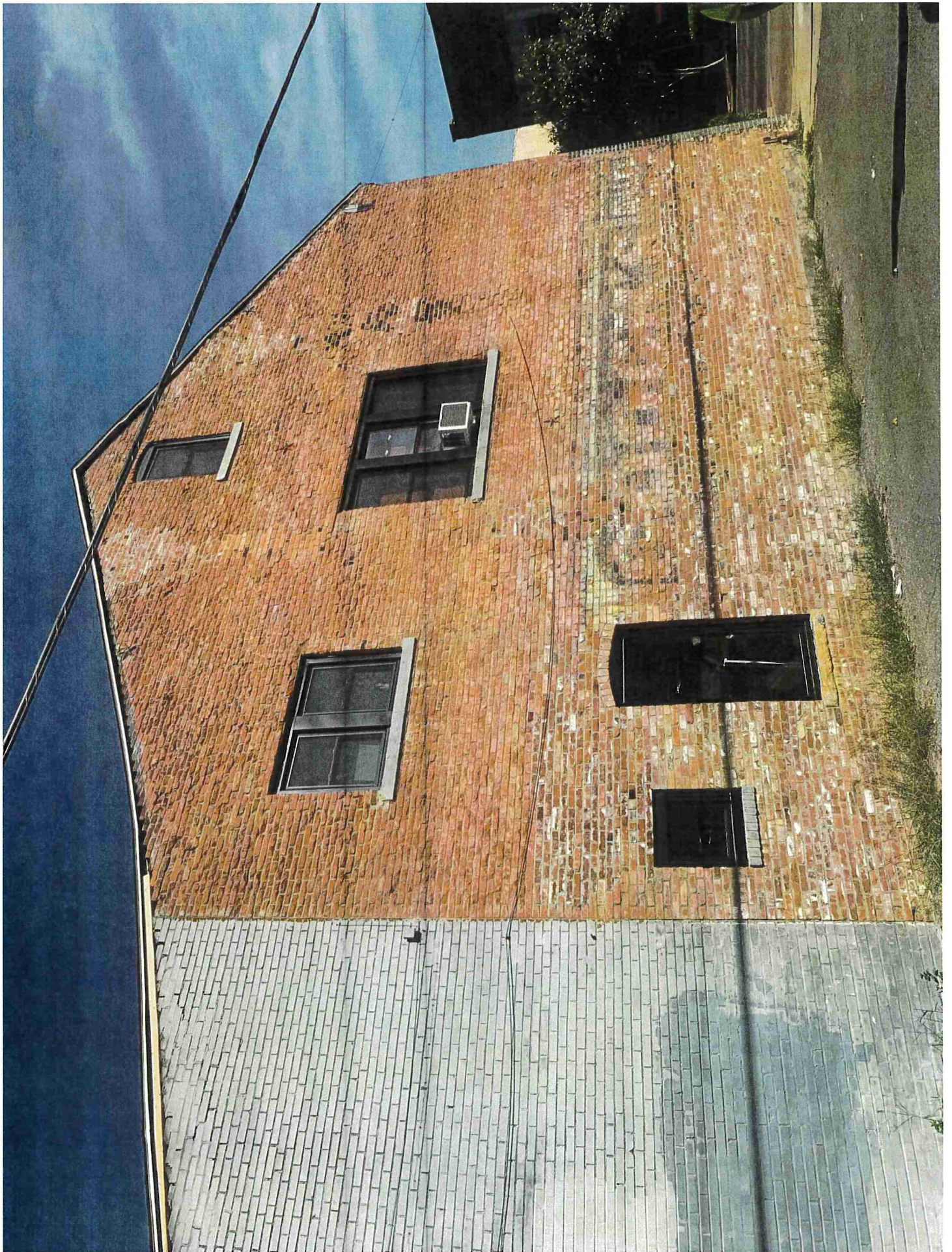
MARK	DATE	DESCRIPTION
08.06.2024	CONGT. DOC.	

Interior Renovation  
**Roni's Mac Bar**  
 718 Broadway Street  
 Cape Girardeau, Missouri



**Phillip B. Smith**  
**ARCHITECT LLC**  
 423 Thomas Street Cape Girardeau, Missouri 63701  
 Phone: 573.651.9601 Phillip@PhillipBSmithArchitect.com









Bellevue St

N Ellis St

N Sprigg St

Broadway

211060001015001000

211060001012000000

211060001003000000

211060001011000000

211060001004000000

211060001005000000

A

B

211060001006000000

211060001009000000

211060001006050000

C

G

F

D

E

211060014005000000

0600140190000000

2110700190

211060014013000000



A

**Parcel Number:** 21-106-00-01-008.00-0000  
**Deed Holder:** VICTORY C4 LLC  
**Property Address:** 724 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 2443 FILMORE STREET #380-8164  
SAN FRANCISCO, CA 94115-0000 USA

B

**Parcel Number:** 21-106-00-01-006.00-0000  
**Deed Holder:** REMEDY CAPITAL LLC  
**Property Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000 USA

C

**Parcel Number:** 21-106-00-01-006.04-0000  
**Deed Holder:** REMEDY CAPITAL LLC  
**Property Address:** 714 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5514  
**Mailing Address:** 710 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000 USA

D

**Parcel Number:** 21-106-00-14-004.00-0000  
**Deed Holder:** LAKEWOOD INVESTMENTS LLC  
**Property Address:** 709 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5513  
**Mailing Address:** 13350 LAKEWOOD DR  
STE GENEVIEVE, MO 63670-8623 USA

E

**Parcel Number:** 21-106-00-14-005.00-0000  
**Deed Holder:** SPROUSE MICHAEL W & DEBRA L TRUST  
**Property Address:** 713 BROADWAY  
CAPE, MO  
**Mailing Address:** 3208 KAGE HILLS RD  
CAPE GIRARDEAU, MO 63701-0000 USA

F

**Parcel Number:** 21-106-00-14-006.00-0000  
**Deed Holder:** ARPAD LLC  
**Property Address:** 715 BROADWAY ST  
CPE GIRARDEAU, MO 63701-5513  
**Mailing Address:** 912 KARAU LN  
CPE GIRARDEAU, MO 63701-4409 USA

G

**Parcel Number:** 21-106-00-14-015.00-0000  
**Deed Holder:** YOUNG BRYAN B & RHONDA ET UX  
**Property Address:** 721 BROADWAY  
CAPE GIRARDEAU, MO 63701-0000  
**Mailing Address:** 790 HYDE PARK  
JACKSON, MO 63755-8693 USA

Sec. 30-65. - CBD, Central Business District.

(a) *Purpose.* The CBD is the city's urban mixed-use district. It encompasses the downtown area and contains a wide range of uses and lot sizes. It also has the largest concentration of historic buildings. In order to preserve the unique character of the CBD, uses involving outdoor activities are limited to those that do not detract from the pedestrian-oriented nature and visual appeal of the district. New buildings, as well as exterior alterations and additions to existing buildings, are required to meet certain design standards to ensure compatibility. To accommodate existing lots and provide for flexibility in the design of new development and redevelopment projects, there are no minimum lot standards or setbacks.

(b) *Permitted principal uses.*

- (1) Art galleries or museums.
- (2) Auditoriums or theaters.
- (3) Banks or other financial institutions.
- (4) Banquet facilities.
- (5) Bed and breakfasts.
- (6) Commercial day cares.
- (7) Commercial recreation facilities.
- (8) Funeral homes or mortuaries.
- (9) Governmental facilities.
- (10) Health or fitness centers.
- (11) Hospitals.
- (12) Hotels or motels.
- (13) Institutions of higher education, including universities and business, career, or technology schools.
- (14) Instructional schools for art, dance, music, martial arts, or other disciplines.
- (15) Libraries.
- (16) Medical marijuana dispensary facilities, as permitted in [section 30-118](#).
- (17) Meeting halls.
- (18) Microbreweries or microdistilleries.
- (19) Nursing homes.
- (20) Offices.
- (21) Parks, playgrounds, or recreation facilities.
- (22) Personal service establishments.
- (23) Police or fire stations.
- (24) Residential treatment facilities.
- (25) Residential uses, excluding manufactured homes.
- (26) Restaurants or bars.
- (27) Retail or rental establishments.
- (28) Small-scale light manufacturing and industrial facilities primarily utilizing artisans or digital machinery.
- (29) Transitional housing.
- (30) Veterinary clinics or animal hospitals, excluding livestock and kennels.

(c) *Permitted accessory uses.*

- (1) Accessory structures and uses customarily incidental to the above uses, as permitted in section 30-106.
- (2) Short-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (3) Solar energy systems, as permitted in section 30-113.

(d) *Special uses.*

- (1) Any use not meeting the requirements of subsection (e)(1) of this section which would otherwise be a permitted use in this section.
- (2) Excursion gambling boats or floating gambling facilities.
- (3) Helicopter facilities, in conjunction with a hospital.
- (4) Long-term use of shipping containers for accessory uses, as permitted in section 30-105.
- (5) Marinas or docks.
- (6) Public utilities, except for buildings or accessory structures that are normal and customary in a zoning district which would allow other buildings or structures of the same nature as a use-by-right.
- (7) Telecommunication towers, as permitted in section 30-107.
- (8) The allowance of additional height up to a total of 60 feet, not to exceed five stories.
- (9) Vehicle fueling, service or repair facilities, excluding body or paint shops.
- (10) Wind energy conversion systems, as permitted in section 30-113.

(e) *Standards.*

- (1) All permitted uses shall be conducted entirely indoors except the following:
  - a. Drive-through or automatic teller machine (ATM) facilities associated with a bank or other financial institution.
  - b. Eating or drinking facilities.
  - c. Live musical performances or the playing of recorded music, provided that such activities do not violate other provisions of the city Code.
  - d. Mobile food or beverage service facilities, provided that such activities do not violate other provisions of the city Code.
  - e. Parking or loading facilities.
  - f. Parks or playgrounds.
  - g. Permitted accessory uses that are customarily conducted outdoors, in conjunction with a dwelling.
  - h. Public art.
  - i. Public recreation facilities.
  - j. Shipping containers, as permitted in subsection (c)(2) of this section.
  - k. Solar energy systems, as permitted in subsection (c)(3) of this section.
  - l. Temporary uses, as permitted in section 30-109.
  - m. Walk-up windows for food or beverage service, provided that such activities do not violate other provisions of the city Code.
  - n. Waste containers, subject to screening provisions as required elsewhere in the city Code.
- (2) Design standards for new buildings. New buildings shall be compatible with the general architectural character of the surrounding buildings in terms of setback, orientation, height, scale, massing, materials, and colors. New buildings shall not:



- a. Disrupt an existing pattern of setbacks along a street;
  - b. Disrupt an existing pattern of buildings being oriented toward a street; or
  - c. Result in disproportionate height, scale, or massing relative to the surrounding buildings.
- (3) Design standards for exterior alterations and additions to existing buildings.
- a. Exterior alterations and additions to existing buildings shall be compatible with the architectural character of the building being altered or added to in terms of setback, orientation, height, scale, massing, materials, and colors. Exterior alterations and additions shall not:
    1. Remove, materially alter, or obscure significant character-defining features such as parapets, cornices, belt courses, corbels, quoins, and patterned brickwork;
    2. Remove, materially alter, or obscure non-storefront wall openings in a manner that disrupts an existing wall opening pattern on a public-facing building elevation;
    3. Reduce or expand non-storefront wall openings to fit replacement windows or doors, except for minor shimming; or
    4. Replace double-sash windows or divided light windows with windows consisting of a single, undivided light.
  - b. Exterior alterations and additions to existing buildings shall be compatible with the general architectural character of the surrounding buildings in terms of setback, orientation, height, scale, massing, materials, and colors. Exterior alterations and additions shall not:
    1. Disrupt an existing pattern of setbacks along a street;
    2. Disrupt an existing pattern of buildings being oriented toward a street; or
    3. Result in disproportionate height, scale, or massing relative to the surrounding buildings.
- (4) CBD design standards approval.
- a. Except as provided for in subsection (e)(5) of this section, CBD design standards approval shall be required for any new building or any exterior alteration or addition to an existing building, excluding signs and ordinary maintenance and repair.
  - b. Application for CBD design standards approval shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. Such application shall be processed administratively in accordance with procedures established by the city manager.
- (5) Certificate of appropriateness.
- a. A certificate of appropriateness shall be required for any of the following:
    1. Demolition in whole or in part of any building, excluding any building demolished by the city pursuant to chapter 7, article XIII of this code;
    2. Painting of an unpainted surface on the exterior of any building, excluding new construction;
    3. Painting of an exterior wall and the roof, trim, or architectural details attached thereto or contained therein, in the same color, unless such condition already exists; or
    4. Addition or alteration of a mural on the exterior of any building. For the purposes of this section, the term "mural" means any sign or piece of graphic artwork that is painted or applied directly to a wall, roof, or other portion of a building.
  - b. Application for a certificate of appropriateness shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. Such application shall be processed in accordance with the criteria and procedures set forth in section 30-74(j) through (r).

(f) *Height, area, width, density, setback, and open space requirements.*

(1) Maximum height: 40 feet, not to exceed three stories.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Maximum density: None.

(5) Minimum setbacks:

a. Front yard: None.

b. Rear yard: None.

c. Side yard: None.

(6) Minimum open space: None.

(Ord. No. 5694, art. 1, 11-6-2023)

**Editor's note—** Ord. No. 5694, art. 1, adopted Nov. 6, 2023, repealed the former § 30-65 and enacted a new section as set out herein. The former § 30-65 pertained to similar subject matter and derived from Ord. No. 5607, art. 1, adopted Dec. 19, 2022; and Ord. No. 5615, art. 2, adopted Feb. 6, 2023.

Sec. 30-104. - Special use permits.

- (a) *Purpose.* Subject to the provisions of this section, the city council may, by ordinance on its own motion or on application, grant a special use permit for any special use specifically identified in the zoning district in which the special use is proposed. The city council may impose appropriate conditions and safeguards for the issuance of the special use permit, such as a limitation of the duration of the special use, a limitation of the parties who may carry out such use, and limitations upon or requirements for the size or design of buildings and other improvements on the property. In cases where a special use permit application is submitted for a property in the H district, the historic preservation commission shall make a recommendation to the city council in lieu of approving or denying a certificate of appropriateness for any work covered by the special use permit.
- (b) *Application for special use permit.* Application for a special use permit shall be submitted to the city manager using a form provided by the city and contain all necessary information as determined by the city manager. The special use permit fee shall be per the city's fee schedule. Such application shall be processed in the same manner as provided in section 30-32 relating to application for a zoning district change.
- (1) In reviewing an application for a special use permit, the city council shall determine whether or not the proposed special use will:
- a. Substantially increase traffic hazards or congestion;
  - b. Substantially increase fire hazards;
  - c. Adversely affect the character of the neighborhood;
  - d. Adversely affect the general welfare of the community; and
  - e. Overtax public utilities.
- (2) If the council's finding is negative as to all of the criteria in subsection (b)(1) of this section, the application may be granted; if affirmative as to any of the aforementioned criteria, then such special use permit shall be denied.
- (3) Any use for which a special use permit is granted shall otherwise comply with all of the regulations set forth in this chapter for the zoning district in which such use is located.

(Code 1990, § 30-401; Ord. No. 5012, art. 7, 10-2-2017)

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**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

<b>AGENDA REPORT</b> Cape Girardeau City Council	<b>24-170</b>
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**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Improvement of Parking Areas.

**EXECUTIVE SUMMARY**

The attached ordinance amends Section 25-49, Improvement of Parking Areas, of the Development Code (Chapter 25 of the City’s Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Section 25-49, Improvement of Parking Areas, of the Development Code (Chapter 25 of the City’s Code of Ordinances). The amendment restructures the existing requirements and changes some of the wording for purposes of clarity and consistency.

The attached ordinance amends Section 25-49 as proposed.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">24-104 Amending Ch 25 Improvement of Parking Areas.doc</a>	Ordinance
<a href="#">Chapter 25 Amendment Regarding Improvement of Parking Areas - September 11 2024 (Edits Copy).pdf</a>	Chapter 25 Amendment Regarding Improvement of Parking Areas (Edits Copy)
<a href="#">Chapter 25 Amendment Regarding Improvement of Parking Areas - September 11 2024 (Clean Copy).pdf</a>	Chapter 25 Amendment Regarding Improvement of Parking Areas (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING IMPROVEMENT OF PARKING AREAS

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

ARTICLE 1. Section 25-49, entitled "Improvement of parking areas", of Article II of Chapter 25 of the City Code, reading as follows:

Sec. 25-49. Improvement of parking areas.

- (a) Grades and drainage. Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent, provided that transitional and approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the city.
- (b) Access. Ingress and egress shall be only by way of paved driveways or openings as specified in standards contained in article IX of chapter 24, streets. Access driveways shall be free of objects which might interfere with the ability of drivers to see pedestrians and other vehicles.
- (c) Paving, curbs and marking.
  - (1) All new and expanded vehicle parking and maneuvering areas in commercial, planned development and multifamily residential zoning districts must be paved with a concrete, asphalt, or permeable/porous pavers or pavement. The use of grass pavers, reinforced gravel, and reinforced turf is allowed and encouraged for use in overflow parking areas, as approved by the city manager. All new and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts must be paved with a concrete, asphalt or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with a clean aggregate or gravel if dust control measures are in place. The access driveways to all

parking areas must be paved with a concrete surface a minimum of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.

- (2) Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.
  - (3) Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
  - (4) All paving, curbs and markings shall be continuously maintained in good condition, to the above standards, after installation.
- (d) Lighting. Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas and meet the requirements of article III of this chapter.

is hereby repealed in its entirety and a new Section 25-49, entitled "Improvement of parking areas", of Article II of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-49. Improvement of parking areas.

- (a) Access. Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) Slopes and drainage. Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) Surfacing. New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow

parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.

- (d) Barriers. Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) Markings. Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) Lighting. Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in Article III of this chapter.
- (g) Maintenance. Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.



ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None

**Sec. 25-49. - Improvement of parking areas.**

- (a) ~~Grades and drainage.~~ Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent, provided that transitional and approach driveways which do not serve directly abutting parking spaces may be designed to a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Storm drainage control and facilities shall be designed to satisfy the requirements of the storm drainage standards of the city.
- (b) ~~Access.~~ Ingress and egress shall be only by way of paved driveways or openings as specified in standards contained in article IX of chapter 24, streets. Access driveways shall be free of objects which might interfere with the ability of drivers to see pedestrians and other vehicles.
- (c) ~~Paving, curbs and marking.~~
- (1) ~~All new and expanded vehicle parking and maneuvering areas in commercial, planned development and multifamily residential zoning districts must be paved with a concrete, asphalt, or permeable/porous pavers or pavement. The use of grass pavers, reinforced gravel, and reinforced turf is allowed and encouraged for use in overflow parking areas, as approved by the city manager. All new and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts must be paved with a concrete, asphalt or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with a clean aggregate or gravel if dust control measures are in place. The access driveways to all parking areas must be paved with a concrete surface a minimum of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the type of vehicles using the parking area.~~
  - (2) ~~Parked vehicles shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other means.~~
  - (3) ~~Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.~~
  - (4) ~~All paving, curbs and markings shall be continuously maintained in good condition, to the above standards, after installation.~~
- (d) ~~Lighting.~~ Lights shall be required for all parking areas intended for night use. Lights shall be arranged or shielded to direct illumination away from residences and from public streets and other public areas and meet the requirements of article III of this chapter.
- (a) **Access.** Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) **Slopes and drainage.** Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) **Surfacing.** New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from

Chapter 25 Amendment Regarding Improvement of Parking Areas  
September 11, 2024

the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.

- (d) *Barriers.* Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) *Markings.* Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) *Lighting.* Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in article III of this chapter.
- (g) *Maintenance.* Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

**Sec. 25-49. - Improvement of parking areas.**

- (a) *Access.* Access to parking areas shall be only by way of paved driveways in accordance with the city's standard specifications and drawings. Driveways shall be free of objects that might interfere with the ability of drivers to see pedestrians and other vehicles.
- (b) *Slopes and drainage.* Parking areas shall be designed to ensure positive drainage, but shall not exceed a slope of ten percent. Transitional and approach driveways that do not serve directly abutting parking spaces may be designed with a slope of up to 15 percent, if accompanied by appropriate landing grades and vertical curves at points of transition. Drainage design for parking areas shall comply with the stormwater management regulations in chapter 23.
- (c) *Surfacing.* New and expanded vehicle parking and maneuvering areas in commercial, planned development, and multifamily residential zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. Overflow parking areas may be surfaced with grass pavers, reinforced turf, or clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. New and expanded vehicle parking and maneuvering areas in the front yards in manufacturing zoning districts shall be paved with concrete, asphalt, or permeable/porous pavers or pavement. New and expanded vehicle parking and maneuvering areas in the rear and side yards in manufacturing zoning districts may be surfaced with clean gravel or other aggregate if dust control measures are in place, as approved by the city manager. Driveways to parking areas shall be paved with a concrete surface for a minimum distance of 75 feet from the property line. Pavement cross section shall be determined by the owner based on considerations of durability, subsurface conditions, and the types of vehicles using the parking area.
- (d) *Barriers.* Parked vehicles shall be prevented from encroaching on walkways, driveways, travel lanes, and adjacent properties by means of walls, fences, curbs, wheel stops, or other barriers, as approved by the city manager.
- (e) *Markings.* Parking spaces shall be delineated, and appropriate traffic flow indications given, by use of reflectorized paint on the parking area pavement.
- (f) *Lighting.* Parking areas intended for night use shall be illuminated in accordance with the exterior lighting regulations in article III of this chapter.
- (g) *Maintenance.* Parking areas shall be continuously maintained in good condition. Missing or damaged improvements shall be replaced or repaired in a timely manner as determined by the city manager.

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

<b>AGENDA REPORT</b> Cape Girardeau City Council	<b>21-171</b>
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**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Access Management.

**EXECUTIVE SUMMARY**

The attached ordinance amends Article IX, Access Management, of the Development Code (Chapter 25 of the City’s Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Article IX, Access Management, of the Development Code (Chapter 25 of the City’s Code of Ordinances). The City’s standard specifications and drawings require a minimum spacing of 10 feet between residential driveways. The amendment adds a separate standard for driveways serving a townhouse or two-family (duplex) dwelling. Such driveways would have to be separated by a landscaping strip having a minimum width of 18 inches. The amendment also restructures the existing requirements and changes some of the wording for purposes of clarity and consistency.

The attached ordinance amends Article IX as proposed.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">24-105_Amending_Ch_25_Access_Management.doc</a>	Ordinance
<a href="#">Chapter_25_Amendment_Regarding_Access_Management_-_September_11_2024_REVISED_(Edits_Copy).pdf</a>	Chapter 25 Amendment Regarding Access Management (Edits Copy)
<a href="#">Chapter_25_Amendment_Regarding_Access_Management_-_September_11_2024_REVISED_(Clean_Copy).pdf</a>	Chapter 25 Amendment Regarding Access Management (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ACCESS MANAGEMENT

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

ARTICLE 1. Section 25-249, entitled "Driveway spacing requirements; multifamily residential and nonresidential uses", of Article IX of Chapter 25 of the City Code, reading as follows:

Sec. 25-249. Driveway spacing requirements; multifamily residential and nonresidential uses.

(a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Seek an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 24-345(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

is hereby repealed in its entirety and a new Section 25-249, entitled "Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses", of Article IX of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.



- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

ARTICLE 2. Section 25-250, entitled "Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses", of Article IX of Chapter 25 of the City Code, reading as follows:

Sec. 25-250. Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum distance between

driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Seek an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

is hereby repealed in its entirety and a new Section 25-250, entitled "Number and spacing of driveways; multifamily residential and nonresidential uses", of Article IX of Chapter 25 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.

(a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:

(1) Apply for an exception; or

(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).

(b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

ARTICLE 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 4. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 5. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

**ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:**

ARTICLE IX. - ACCESS MANAGEMENT

Sec. 25-246. - Applicability.

Sec. 25-247. - Standards.

Sec. 25-248. - Driveway standards generally.

~~Sec. 25-249. - Driveway spacing requirements; multifamily residential and nonresidential uses.~~

Sec. 25-249. - Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.

~~Sec. 25-250. - Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.~~

Sec. 25-250. - Number and spacing of driveways; multifamily residential and nonresidential uses.

Secs. 25-251–25-276. - Reserved.

**~~Sec. 25-249. Driveway spacing requirements; multifamily residential and nonresidential uses.~~**

- (a) ~~For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:~~
- ~~(1) Seek an exception; or~~
  - ~~(2) Establish a common driveway with an adjacent lot in accordance with section 24-345(1).~~
- (b) ~~The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.~~

**Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.**

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

**~~Sec. 25-250. Driveway spacing requirements; single-family detached, townhouse, and two-family (duplex) residential uses.~~**

- (a) ~~For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum distance between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:~~
- ~~(1) Seek an exception; or~~
  - ~~(2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).~~
- (b) ~~The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.~~

**Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.**

- (a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
  - (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.

**Sec. 25-249. Number and spacing of driveways; single-family detached, townhouse, and two-family (duplex) residential uses.**

- (a) For single-family detached, townhouse, and two-family (duplex) residential uses, one driveway per unit shall be permitted for each full 80-foot section of lot frontage along an arterial, collector, or local street. A lot frontage less than 80 feet along an arterial, collector, or local street shall be permitted one driveway per unit. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings, subject to the provisions of subsection (c) of this section. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.
- (c) Driveways serving a townhouse or two-family (duplex) dwelling shall be separated by a landscaping strip having a minimum width of 18 inches and completely covered with at least one of the groundcover types in section 25-225(1). The landscaping strip shall extend from the dwelling or end of the driveways on the property to the right-of-way line or access easement line.

**Sec. 25-250. Number and spacing of driveways; multifamily residential and nonresidential uses.**

- (a) For multifamily residential and nonresidential uses, one driveway shall be permitted for each full 150-foot section of lot frontage along an arterial street or each full 75-foot section of lot frontage along a collector or local street. A lot frontage less than 150 feet along an arterial street or 75 feet along a collector or local street shall be permitted one driveway. A circular driveway shall count as two driveways. The minimum spacing between driveways shall be per the city's standard specifications and drawings. Where a lot lacks sufficient frontage to meet the requirements in this section or in the city's standard specifications and drawings, the property owner may:
- (1) Apply for an exception; or
  - (2) Establish a common driveway with an adjacent lot in accordance with section 25-248(1).
- (b) The required spacing between driveways may be waived due to topographical constraints, as approved by the city manager.



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-172**

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**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Utilities.

**EXECUTIVE SUMMARY**

The attached ordinance amends Article X, Utilities, of the Development Code (Chapter 25 of the City’s Code of Ordinances).

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Article X, Utilities, of the Development Code (Chapter 25 of the City’s Code of Ordinances). The amendment adds a definitions section.

The attached ordinance amends Article X as proposed.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**ATTACHMENTS:**

Name:	Description:
<a href="#">24-106 Amending Ch 25 Utilities.doc</a>	Ordinance
<a href="#">Chapter 25 Amendment Regarding Utilities - September 11 2024 (Edits Copy - Revised).pdf</a>	Chapter 25 Amendment Regarding Utilities (Edits Copy)
<a href="#">Chapter 25 Amendment Regarding Utilities - September 11 2024 (Clean Copy - Revised).pdf</a>	Chapter 25 Amendment Regarding Utilities (Clean Copy)

BILL NO. 24-106

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE  
OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU,  
MISSOURI, REGARDING UTILITIES

---

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

ARTICLE 1. There is hereby enacted a new Section 25-276 of  
Article X of Chapter 25 of the Code of Ordinances of the City of  
Cape Girardeau, Missouri, entitled "Definitions", in words and  
figures, to read as follows:

Sec. 25-276. - Definitions.

The following words, terms and phrases, when used in this  
article, shall have the meanings ascribed to them in this  
section, except where the context clearly indicates a different  
meaning:

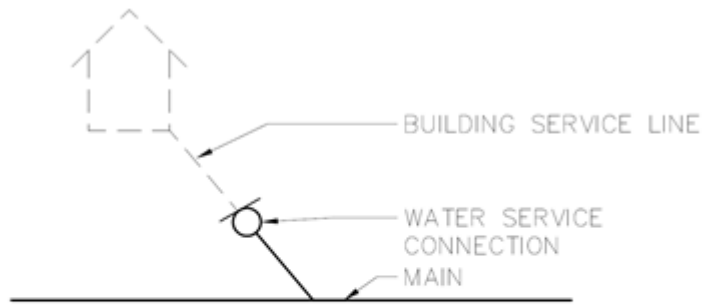
*Building service line* means the privately maintained  
portion of a water line or sanitary sewer line that connects a  
building to a water service connection or wye, as illustrated in  
Figures 1 and 2.

*Main* means a pipe used for conveying water to building  
service lines as part of a water distribution system or  
conveying wastewater from building service lines as part of a  
sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves,  
meter, meter box, and all other fixtures owned by the city and  
used to connect a building service line to a public water main,  
as illustrated in Figure 1.

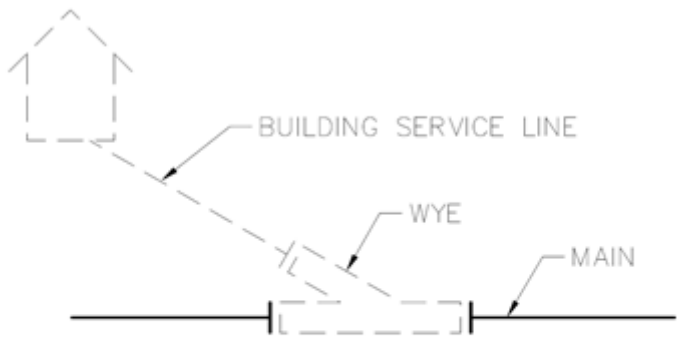
*Wye* means a "Y"-shaped privately maintained sewer fitting  
that connects a building service line to a public sanitary sewer  
main, as illustrated in Figure 2.

Figure 1. Water service connection



--- (DASHED) - PRIVATELY MAINTAINED  
— (SOLID) - PUBLICLY MAINTAINED

Figure 2. Sanitary sewer connection



--- (DASHED) - PRIVATELY MAINTAINED  
— (SOLID) - PUBLICLY MAINTAINED

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk



**TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~**

**TEXT TO BE ADDED IS SHOWN IN RED**

**ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT:**

ARTICLE X. - UTILITIES

**Sec. 25-276. - Definitions.**

Sec. 25-277. - Applicability.

Sec. 25-278. - General utility requirements.

Sec. 25-279. - Water and sanitary sewer mains.

Sec. 25-280. - Water and sanitary sewer connections.

Sec. 25-281. - Sanitary sewer connections.

Sec. 25-282. - Water connections.

Sec. 25-283. - Storm sewers and private stormwater management facilities.

Sec. 25-284. - Private utilities.

Secs. 25-285–25-301. - Reserved.

**Sec. 25-276. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building service line* means the privately maintained portion of a water line or sanitary sewer line that connects a building to a water service connection or wye, as illustrated in Figures 1 and 2.

*Main* means a pipe used for conveying water to building service lines as part of a water distribution system or conveying wastewater from building service lines as part of a sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves, meter, meter box, and all other fixtures owned by the city and used to connect a building service line to a public water main, as illustrated in Figure 1.

*Wye* means a “Y”-shaped privately maintained sewer fitting that connects a building service line to a public sanitary sewer main, as illustrated in Figure 2.

Figure 1. Water service connection

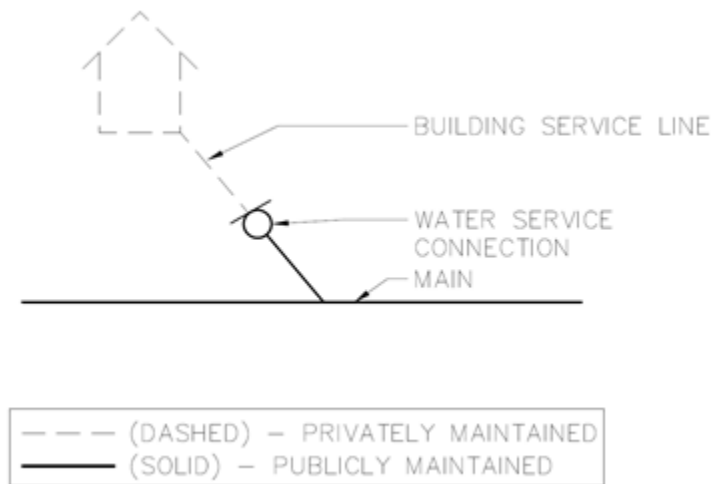
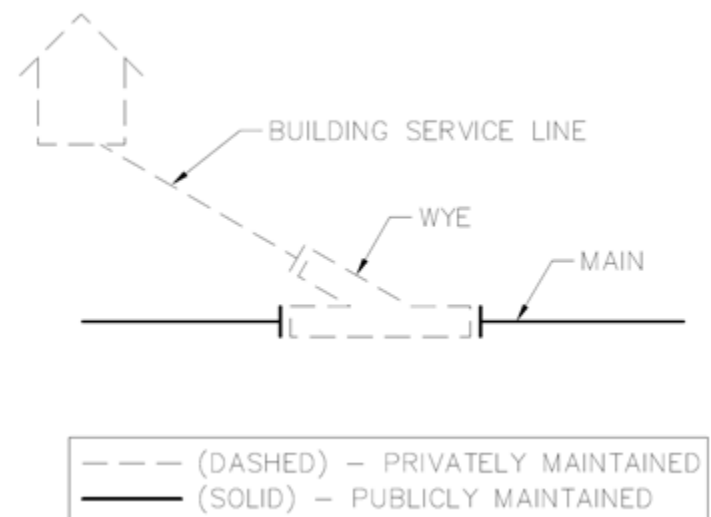


Figure 2. Sanitary sewer connection



**Sec. 25-276. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building service line* means the privately maintained portion of a water line or sanitary sewer line that connects a building to a water service connection or wye, as illustrated in Figures 1 and 2.

*Main* means a pipe used for conveying water to building service lines as part of a water distribution system or conveying wastewater from building service lines as part of a sanitary sewer system, as illustrated in Figures 1 and 2.

*Water service connection* means the pipe, fittings, valves, meter, meter box, and all other fixtures owned by the city and used to connect a building service line to a public water main, as illustrated in Figure 1.

*Wye* means a “Y”-shaped privately maintained sewer fitting that connects a building service line to a public sanitary sewer main, as illustrated in Figure 2.

Figure 1. Water service connection

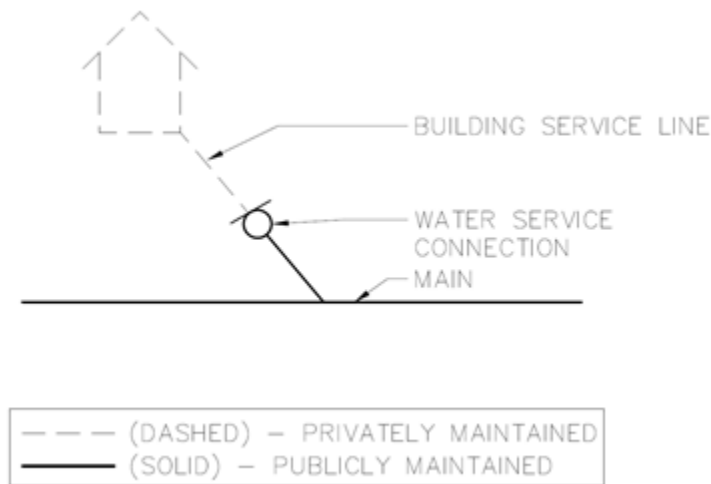
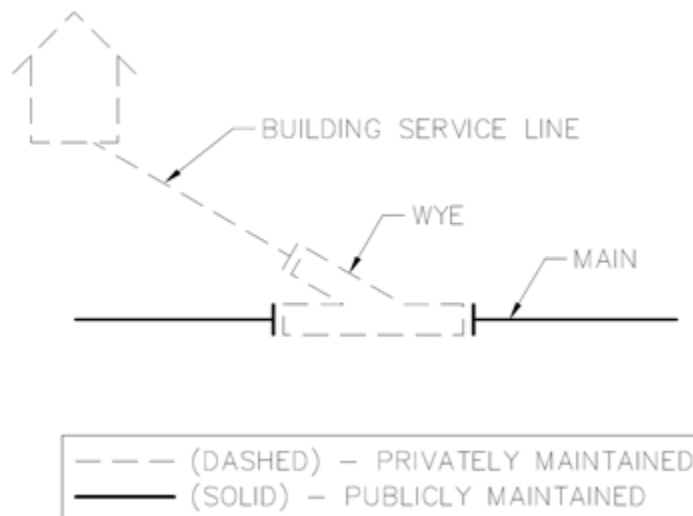


Figure 2. Sanitary sewer connection





**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-173**

**SUBJECT**

An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Accessory Structures and Uses.

**EXECUTIVE SUMMARY**

The attached ordinance amends Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City's Code of Ordinances). A public hearing on the amendment was held on October 21, 2024.

**BACKGROUND/DISCUSSION**

Attached is a proposed amendment to Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City's Code of Ordinances). Currently, this section does not allow an accessory structure or use on a lot without a principal structure or use. The amendment adds an exception for off-street parking facilities (i.e., parking lots) located in the AG, C-1, C-2, M-1, M-2, or A-1 district. In these districts, an off-street parking facility would not be required to be located on a lot with a principal use. The amendment also includes some minor changes for purposes of clarity and consistency.

The attached ordinance amends Section 30-106 as proposed. A public hearing on the amendment was held on October 21, 2024.

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission reviewed the amendment at its meeting on September 11, 2024 and recommended approval by a vote of 6 in favor, 0 in opposition, and 0 abstaining.

**PUBLIC OUTREACH**

The City Council's public hearing on the amendment was advertised in the Southeast Missourian on October 5, 2024.

**ATTACHMENTS:**

Name:	Description:
<a href="#">24-107 Amending Ch 30 Accessory Structures Uses.doc</a>	Ordinance
<a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11 2024 REVISED (Edits Copy).pdf</a>	Chapter 30 Amendment Regarding Accessory Structures and Uses (Edits Copy)
<a href="#">Chapter 30 Amendment Regarding Accessory Structures and Uses - September 11 2024 REVISED (Clean Copy).pdf</a>	Chapter 30 Amendment Regarding Accessory Structures and Uses (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING ACCESSORY STRUCTURES AND USES

---

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

ARTICLE 1. Section 30-106, entitled "Accessory structures and uses", of Article IV of Chapter 30 of the City Code, reading as follows:

Sec. 30-106. Accessory structures and uses.

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b) (1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
  - (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
    - a. 1,000 square feet for lots one acre or less;
    - b. 1,500 square feet for lots greater than one acre but less than two acres; and
    - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
  - (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal

structure it is intended to serve except as permitted in section 30-116.

(3) Residential swimming pools and landscape features with water greater than two feet in depth shall be permitted in the rear or side yard, subject to the following requirements:

a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and

b. It shall be enclosed in accordance with chapter 7, article IV.

(c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

is hereby repealed in its entirety and a new Section 30-106, entitled "Accessory structures and uses", of Article IV of Chapter 30 of the City Code, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 30-106. Accessory structures and uses.

(a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located, subject to the provisions of section 30-116. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.

(b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b) (1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional

accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.

- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
    - a. 1,000 square feet for lots one acre or less;
    - b. 1,500 square feet for lots greater than one acre but less than two acres; and
    - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
  - (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
  - (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall only be permitted in the rear or side yard, subject to the following requirements:
    - a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
    - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



TEXT TO BE DELETED IS SHOWN IN ~~STRIKETHROUGH~~

TEXT TO BE ADDED IS SHOWN IN RED

ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None



**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, ~~use~~ **except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts.** No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is ~~located.~~ **located, subject to the provisions of section 30-116.** Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
- a. 1,000 square feet for lots one acre or less;
  - b. 1,500 square feet for lots greater than one acre but less than two acres; and
  - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
- (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
- (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall **only** be permitted in the rear or side yard, subject to the following requirements:
- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
  - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

**Sec. 30-106. Accessory structures and uses.**

- (a) *General provisions.* Accessory structures and uses shall be incidental and subordinate to the principal structures or uses they are intended to serve, and each one shall be located on the same lot as the principal structure or use, except that an off-street parking facility shall not be required to be located on the same lot as the principal use in the AG, C-1, C-2, M-1, M-2, and A-1 districts. No accessory structure or use shall be constructed or established unless it complies with the standards of the district in which it is located, subject to the provisions of section 30-116. Furthermore, no accessory structure or use shall be constructed or established unless the principal structure is being used, or the principal use is active, in accordance with the provisions of this chapter.
- (b) *Standards for accessory structures in residential districts.* Except as set out in subsection (b)(1)c of this section, no more than one accessory structure shall be permitted per lot in residential districts. Furthermore, one additional accessory structure no greater than 150 square feet in area shall be permitted per lot and may be placed anywhere on the lot, subject to the provisions of subsections (a) and (b) (2) of this section.
- (1) *Maximum footprint.* No accessory structure in a residential district shall exceed the following maximum footprint requirements:
- a. 1,000 square feet for lots one acre or less;
  - b. 1,500 square feet for lots greater than one acre but less than two acres; and
  - c. Lots having two or more acres shall be permitted up to a total of four accessory structures, provided that the sum of the footprints does not exceed 2,500 square feet.
- (2) *Maximum height.* No accessory structure in a residential district shall exceed the height of the principal structure it is intended to serve except as permitted in section 30-116.
- (3) *Residential swimming pools and landscape features.* Residential swimming pools and landscape features with water greater than two feet in depth shall only be permitted in the rear or side yard, subject to the following requirements:
- a. The swimming pool or landscape feature shall be located a minimum of five feet from all property lines and a minimum of 20 feet from the nearest principal structure on any adjoining lot; and
  - b. It shall be enclosed in accordance with chapter 7, article IV.
- (c) *Personal cultivation of marijuana.* The personal cultivation of marijuana, as defined in section 30-118, shall comply with all applicable state laws and regulations, including, but not limited to, identification cards, number and type of marijuana plants, safety, security, screening, storage, odor control, waste disposal, inspections, and use or consumption of marijuana or marijuana-infused products. Additionally, the personal cultivation of marijuana shall comply with all other applicable requirements of the city Code to the extent authorized by the state laws and regulations.

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-174**

**SUBJECT**

An Ordinance authorizing the issuance of Special Tax Bills for various properties for the demolition of dangerous buildings, located in the City and County of Cape Girardeau, Missouri.

**EXECUTIVE SUMMARY**

The attached ordinance authorizes the issuance of special tax bills to recover costs incurred by the City in demolishing condemned buildings at 416 North Frederick Street, 1108 William Street, and 139 South Pacific Street.

**BACKGROUND/DISCUSSION**

Certain buildings at 416 North Frederick Street, 1108 William Street, and 139 South Pacific Street were condemned under Chapter 7 of the City's Code of Ordinances. The City mailed a notice to each owner, ordering them to repair or demolish their respective buildings within 30 days. In addition, a sign was posted on each building giving notice of the condemnation. After the owners of the buildings failed to respond by their respective deadlines, the City held hearings and the Building Supervisor issued orders to repair or demolish each of the buildings by a certain deadline. The owners again failed to respond by their respective deadlines. As provided for in Chapter 7, the City hired a contractor to demolish the buildings. Prior to hiring the contractor, the City procured asbestos survey/testing reports for each of the buildings. Pursuant to orders issued by the Building Supervisor, special tax bills have been prepared to recover these costs. The special tax bills, along with the orders and the invoices, are attached.

**FINANCIAL IMPACT**

The amounts for the special tax bills are as follows:

416 North Frederick Street = \$14,075.00

1108 William Street = \$10,125.00

139 South Pacific Street = \$11,575.00

Each special tax bill will bear an interest rate of eight percent (8%) annually on the outstanding balance until it is paid.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance authorizing the issuance of the special tax bills.

**ATTACHMENTS:**

Name:	Description:
<a href="#">24-108_Ord_Special_Tax_Bills_N_Frederick_William_S_Pacific.pdf</a>	Ordinance
<a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_416_N_Frederick.pdf</a>	Order for Tax Bill - 416 North Frederick Street

<a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_1108_William.pdf</a>	Order for Tax Bill - 1108 William Street
<a href="#">Order_Causing_Tax_Bills_to_be_Issued_-_139_S_Pacific.pdf</a>	Order for Tax Bill - 139 South Pacific Street
<a href="#">Invoice_for_Demolition.pdf</a>	Demolition Contractor's Invoice
<a href="#">Invoice_for_Asbestos_Inspection.pdf</a>	Asbestos Inspector's Invoice

BILL NO. 24-108

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL TAX BILLS FOR VARIOUS PROPERTIES FOR THE DEMOLITION OF DANGEROUS BUILDINGS, LOCATED IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI

---

WHEREAS, the Building Supervisor of the City of Cape Girardeau, Missouri, issued Orders causing certain dangerous buildings to be demolished; and

WHEREAS, the City of Cape Girardeau did cause said buildings to be demolished in accordance with the Orders, thereby incurring certain expenses; and

WHEREAS, the Building Supervisor authorized the issuance of Special Tax Bills for said expenses; and

WHEREAS, Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, authorizes the issuance of Special Tax Bills to recover said expenses.

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

ARTICLE 1. There is hereby levied, and the City Clerk is hereby authorized and ordered to place on file, the following Special Tax Bills issued in accordance with the Order of the Building Supervisor which shall be liens against the following described properties in accordance with law, in the following amounts, until paid or collected by the City of Cape Girardeau, Missouri:

416 North Federick Street - \$14,075.00

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

1108 William Street - \$10,125.00

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.

139 South Pacific Street - \$11,575.00

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri as shown by plat recorded in Plat Book 2 at Page 8.

ARTICLE 2. Said Special Tax Bills shall bear an interest rate of eight per cent (8%) per annum.

ARTICLE 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk





No. 319-0001

Amount \$14,075.00

**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**FREDDIE M. & NIKITA L. WADDY  
813 PRYORTOWN RD  
VILLA RIDGE, IL 62996-2402**

for the following property:

**416 North Frederick Street, Cape Girardeau, MO**

**Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.**

**Parcel No. 16719002302600000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated June 7, 2021, and the cost incurred for said demolition was Fourteen Thousand and Seventy-five dollars (\$14,075.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Fourteen Thousand and Seventy-five dollars (\$14,075.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

416 North Frederick Street, Cape Girardeau, MO

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat

recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

Parcel No. 167190023026000000

the same being the sum fixed as costs by the report of the Building Supervisor.

This Special Tax Bill bears interest at the rate of eight per cent (8%) per annum from sixty (60) days after its date and is a special lien against the land herein described. The lien hereof shall continue ten (10) years after the date of issue, unless sooner paid, and in the event suit is brought to enforce such lien, then until the expiration of such litigation.

Issued by authority of Ordinance No. \_\_\_\_\_ passed and approved November 4, 2024.

IN WITNESS WHEREOF, as City Clerk of the City of Cape Girardeau, Missouri, I have hereunto set my hand under the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Gayle L. Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Gayle L. Conrad, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Cape Girardeau, Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**COMPASS HOMES, LLC  
108 CHAD WAYNE DRIVE  
MURRAY, KY 42071**

for the following property:

**1108 William Street, Cape Girardeau, MO**

**Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.**

**Parcel No. 211060036014000000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated March 15, 2022, and the cost incurred for said demolition was Ten Thousand, One Hundred and Twenty-five dollars (\$10,125.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Ten Thousand, One Hundred and Twenty-five dollars (\$10,125.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

1108 William Street, Cape Girardeau, MO

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.

Parcel No. 211060036014000000

the same being the sum fixed as costs by the report of the Building Supervisor.

This Special Tax Bill bears interest at the rate of eight per cent (8%) per annum from sixty (60) days after its date and is a special lien against the land herein described. The lien hereof shall continue ten (10) years after the date of issue, unless sooner paid, and in the event suit is brought to enforce such lien, then until the expiration of such litigation.

Issued by authority of Ordinance No. \_\_\_\_\_ passed and approved November 4, 2024.

IN WITNESS WHEREOF, as City Clerk of the City of Cape Girardeau, Missouri, I have hereunto set my hand under the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Gayle L. Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Gayle L. Conrad, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Cape Girardeau, Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

**SPECIAL TAX BILL FOR  
DEMOLITION OF A DANGEROUS BUILDING**

To the City of Cape Girardeau, Missouri:

For work done and costs and expenses incurred in abating a nuisance by demolition of a dangerous building under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and chargeable against:

**COMPASS HOMES, LLC  
108 CHAD WAYNE DRIVE  
MURRAY, KY 42071**

for the following property:

**139 South Pacific Street, Cape Girardeau, MO**

**Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 2 at Page 8.**

**Parcel No. 211060030013000000**

in the City of Cape Girardeau, Missouri; said building has been demolished in accordance with the Order of the Building Supervisor dated August 28, 2023, and the cost incurred for said demolition was Eleven Thousand, Five Hundred, and Seventy-five dollars (\$11,575.00).

I, Gayle L. Conrad, City Clerk of the City of Cape Girardeau, Missouri, do hereby certify that the demolition work was done as reported to the City Building Supervisor under the provisions of Chapter 7-353(6), said report dated September 10, 2024.

I also certify that the costs and expenses incurred by the City for said demolition were Eleven Thousand, Five Hundred, and Seventy-five dollars (\$11,575.00), which amount the City Council has ordered assessed as a special tax against the following described property, to-wit:

139 South Pacific Street, Cape Girardeau, MO

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape

Girardeau, Missouri, as shown by plat recorded in Plat Book 2 at Page 8.

Parcel No. 211060030013000000

the same being the sum fixed as costs by the report of the Building Supervisor.

This Special Tax Bill bears interest at the rate of eight per cent (8%) per annum from sixty (60) days after its date and is a special lien against the land herein described. The lien hereof shall continue ten (10) years after the date of issue, unless sooner paid, and in the event suit is brought to enforce such lien, then until the expiration of such litigation.

Issued by authority of Ordinance No. \_\_\_\_\_ passed and approved November 4, 2024.

IN WITNESS WHEREOF, as City Clerk of the City of Cape Girardeau, Missouri, I have hereunto set my hand under the corporate seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Gayle L. Conrad, City Clerk

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me appeared Gayle L. Conrad, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Cape Girardeau, Missouri, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

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



## ORDER OF BUILDING SUPERVISOR

### CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

1. That the building on the property described as follows:

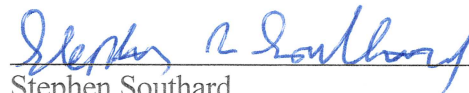
416 North Frederick Street, Cape Girardeau, MO

Lot Three (3) of Normal Avenue Place Addition in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 1 at Page 62, land records of Cape Girardeau County, Missouri.

has been demolished in accordance with the Order of the Building Supervisor dated the 7<sup>th</sup> day of June, 2021.

2. That the cost incurred in the asbestos removal was three hundred seventy five dollars (\$375.00) and the cost of demolition of this building was thirteen thousand seven hundred dollars (\$13,700.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of fourteen thousand and seventy-five dollars (\$14,075.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor



## ORDER OF BUILDING SUPERVISOR

### CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

1. That the building on the property described as follows:

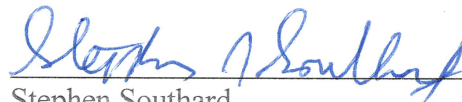
1108 William Street, Cape Girardeau, MO

Lot Three (3) of Ireland Subdivision in the City and County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 23 at Page 41.

has been demolished in accordance with the Order of the Building Supervisor dated the 15<sup>th</sup> day of March, 2022.

2. That the cost incurred in the asbestos removal was three hundred twenty-five dollars (\$325.00) and the cost of demolition of this building was nine thousand eight hundred dollars (\$9,800.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of ten thousand one hundred and twenty-five dollars (\$10,125.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor



## ORDER OF BUILDING SUPERVISOR

### CAUSING TAX BILLS TO BE ISSUED AGAINST PROPERTY

COMES now the Building Supervisor of the City of Cape Girardeau, Missouri, this 10<sup>th</sup> day of September, 2024, and hereby finds the following:

That the building on the property described as follows:

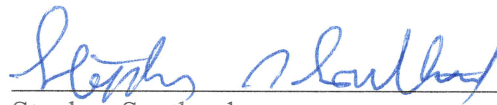
139 South Pacific Street, Cape Girardeau, MO

Lot Sixteen (16) in Block Sixteen (16) of West End Addition, a subdivision in the City and County of Cape Girardeau, Missouri as shown by plat recorded in Plat book 2 at Page 8.

has been demolished in accordance with the Order of the Building Supervisor dated the 28<sup>th</sup> day of August, 2023.

2. That the cost incurred in the asbestos removal was three hundred seventy-five dollars (\$375.00) and the cost of demolition of this building was eleven thousand two hundred dollars (\$11,200.00), true and accurate copies of which are attached hereto and marked "Exhibit A".

WHEREFORE, the Building Supervisor enters an order directing the City Clerk of the City of Cape Girardeau, Missouri, to issue tax bills against the heretofore described property in the amount of eleven thousand five hundred and seventy-five dollars (\$11,575.00), for the costs incurred in said asbestos removal and demolition.



Stephen Southard  
Building Supervisor



# Exhibit A

## INVOICE

JAC3 Contracting, LLC  
18 Carlyle Dr  
Scott City, MO 63780

jac3contracting@gmail.com  
+1 (573) 579-1731



### City of Cape Girardeau\*

#### Bill to

City of Cape Girardeau  
44 North Lorimier Street  
Cape Girardeau, MO 63702

#### Ship to

City of Cape Girardeau  
44 North Lorimier Street  
Cape Girardeau, MO 63702

#### Invoice details

Invoice no.: 6220  
Terms: Due on receipt  
Invoice date: 09/05/2024  
Due date: 10/01/2024

#	Date	Product or service	Description	Qty	Rate	Amount
1.		<b>02.10 Demo</b>	Demolition, removal, disposal and applying seed/straw to: 416 N Frederick St 139 S Pacific 1108 William St	1	\$34,700.00	\$34,700.00

**Total** **\$34,700.00**

### Ways to pay



Contact JAC3 Contracting, LLC to pay.

[View and pay](#)

# Exhibit A

# Invoice

## Midwest Environmental Studies

P.O.Box 737

Cape Girardeau, MO 63702

Phone 5732704029

Date	Invoice #
5/10/2024	5226

Bill To
City of Cape Girardeau 1 44 N. Lorimier Cape Girardeau, MO 63701

P.O. No.
<b>242190</b>

Item	Description	Qty	Rate	Amount
inspection	Asbestos inspection at 416 N. Frederick		375.00	375.00
inspection	Asbestos inspection at 1108 William		325.00	325.00
inspection	Asbestos inspection at 36/38 N. Henderson		400.00	400.00
inspection	Asbestos inspection at 1024 Jefferson		300.00	300.00
inspection	Asbestos inspection at 139 S. Pacific		375.00	375.00
			<b>Total</b>	\$1,775.00
			<b>Balance Due</b>	\$1,775.00

**Staff:** Casey Brunke, P.E., Public Works  
**Agenda:** Director  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-175**

---

**SUBJECT**

An Ordinance accepting three (3) permanent sewer easements for the Whitener Street Sanitary Sewer Relocation, for property located at 1619 Whitener Street, 1625 Whitener Street, and 1632 Independence Street, in the City of Cape Girardeau, Missouri.

**BACKGROUND/DISCUSSION**

It was brought to City Staff's attention that a sanitary sewer was blocked at 1619 Whitener Street. Upon further inspection, the sanitary sewer was broken under the residential structure at 1619 Whitener Street. The sanitary sewer was relocated from under the structure at 1619 Whitener Street. New easements are needed over the relocated sanitary sewer from 1619 Whitener Street. City Staff also obtained sewer easements from 1625 Whitener Street and 1632 Independence Street because an easement was not obtained when the Longview Drive right-of-way was vacated many years ago.

A separate item on a future Council agenda will vacate part of the existing sewer easement for 1619 Whitener Street.

**FINANCIAL IMPACT**

The easements were donated.

**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easements are necessary to enable the City, its agents, servants and assigns, to use said property to excavate, build, maintain, construct, operate, and repair utilities in, on, upon, under or across said property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith, said property located in the City and County of Cape Girardeau, Missouri.

**STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting three (3) sewer easements for the Whitener Street Sanitary Sewer Relocation, for property located at 1619 Whitener Street, 1625 Whitener Street, and 1632 Independence Street, in the City of Cape Girardeau, Missouri.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">24-109_PSE_Whitener_St_Sanitary_Sewer_Relocation.doc</a>	Ordinance
<a href="#">Exhibit_for_Sewer_Relocation_at_1619_Whitener_.pdf</a>	Exhibit - 1619 Whitener
<a href="#">Exhibit_for_Sewer_Relocation_Overall_Esmt_changes.pdf</a>	Exhibit - Overall Easement Changes
<a href="#">1625_Whitener_Esmt_Madelyn_Rasche_Trust_EXECUTED.pdf</a>	Easement - 1625 Whitener



<a href="#">1619_Whitener_Esmt_Jill_Holzum_EXECUTED.pdf</a>	Easement - 1619 Whitener
<a href="#">1632_Independence_Esmt_EXECUTED_James_Mark_Amy_Darlene_Ketcher.pdf</a>	Easement - 1632 Independence
<a href="#">Legal_Descriptions.docx</a>	Legal Description

BILL NO. 23-109

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR WHITENER STREET SANITARY SEWER RELOCATION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

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

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept, three Permanent Sewer Easements from various property owners, in the City of Cape Girardeau, Missouri, described as follows:

Tract 1 - 1625 Whitener Street - The Madelyn C. Rasche Trust, dated May 23, 1983

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO. 24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE N 07° 09' 20" E, 30.76 FEET; THENCE S 81° 16' 02" E, 18.12 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG THE CENTERLINE OF VACATED LONGVIEW DRIVE, S 06° 57' 34" W, 15.01 FEET; THENCE LEAVING SAID CENTERLINE, N 81° 16' 01" W, 3.16 FEET; THENCE S 07° 09' 20" W, 15.29 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 5, BLOCK 3; THENCE N 83° 02' 35" W, 15.00 FEET ALONG SAID EASTERLY PROLONGATION TO THE POINT OF BEGINNING, CONTAINING 505 SQUARE FEET.

Tract 2 - 1619 Whitener Street - Timber Creek Real Estate, LLC

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF LOT 4, BLOCK 2, AND A PART OF VACATED LONGVIEW DRIVE AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, BEING COMMON WITH THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 4, S 06° 57' 25" W, 17.17 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE LEAVING SAID EAST LINE, N 77° 09' 28" W, 137.60 FEET; THENCE N 81° 16' 02" W, 8.12 FEET TO CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG SAID CENTERLINE, N 6° 57' 34" E 15.01 FEET; THENCE LEAVING SAID CENTERLINE OF LONGVIEW DRIVE, S 81° 16' 02" E, 9.12 FEET; THENCE S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

Tract 3 - 1632 Independence Street - James Mark Ketcher and Amy Darlene Ketcher

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY PROLONGATION S 83° 02' 35" E, 18.22 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE S 06° 57' 34" W, 119.54 FEET TO THE NORTH RIGHT OF WAY LINE OF INDEPENDENCE STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, N 82° 39' 14" W, 18.62 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 07° 09' 20" E, 119.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,201 SQUARE FEET.

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Stacy Kinder, Mayor

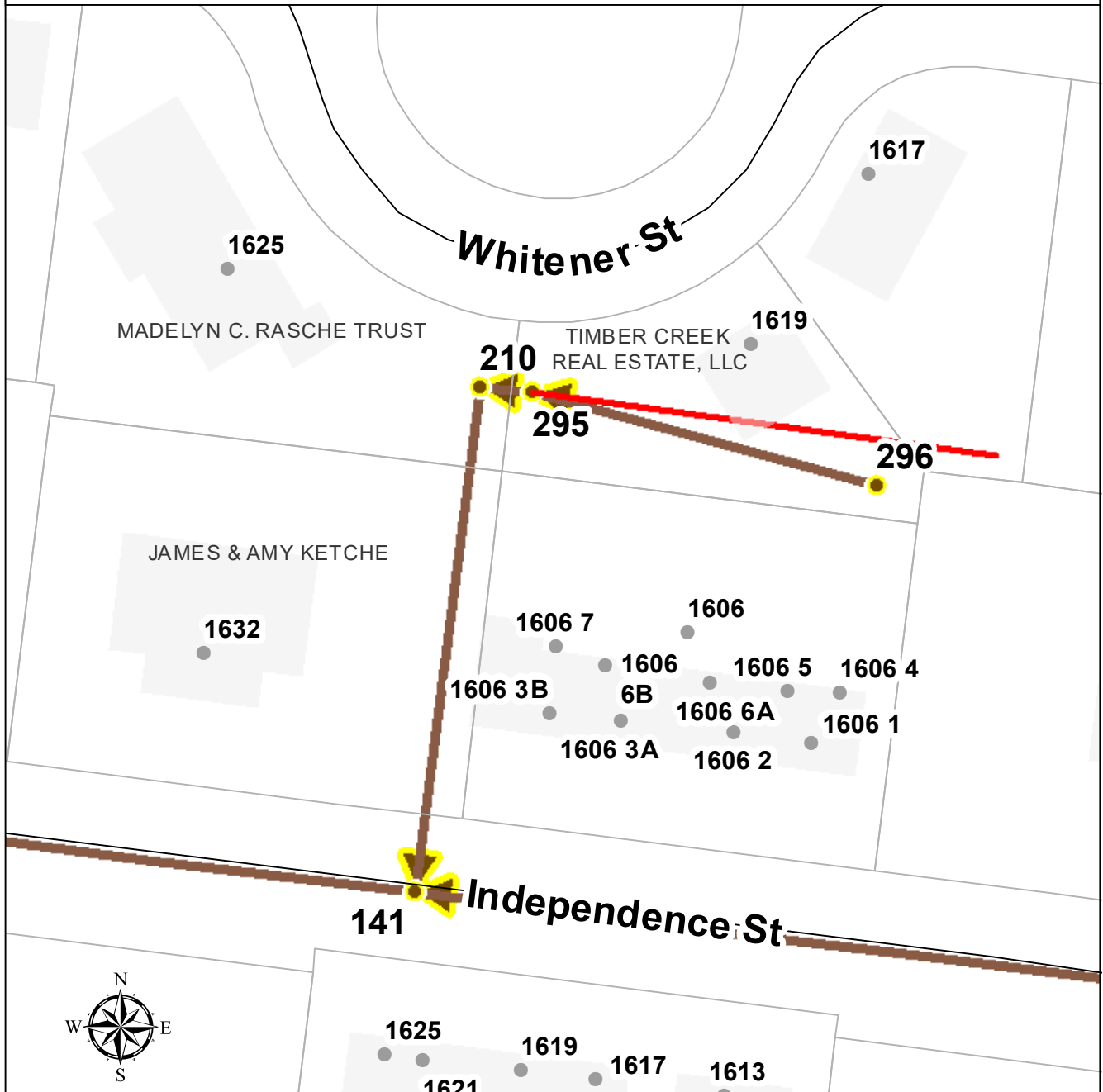
ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk





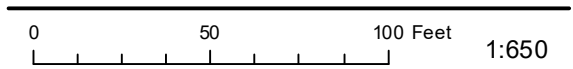
# Relocated Sewer Line at 1619 Whitener St



- Cape City Addresses
- Parcel
- Current Structures

- Abandoned Sewer
- Sanitary Structures
- Sanitary Sewer Lines

### LEGEND

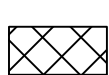
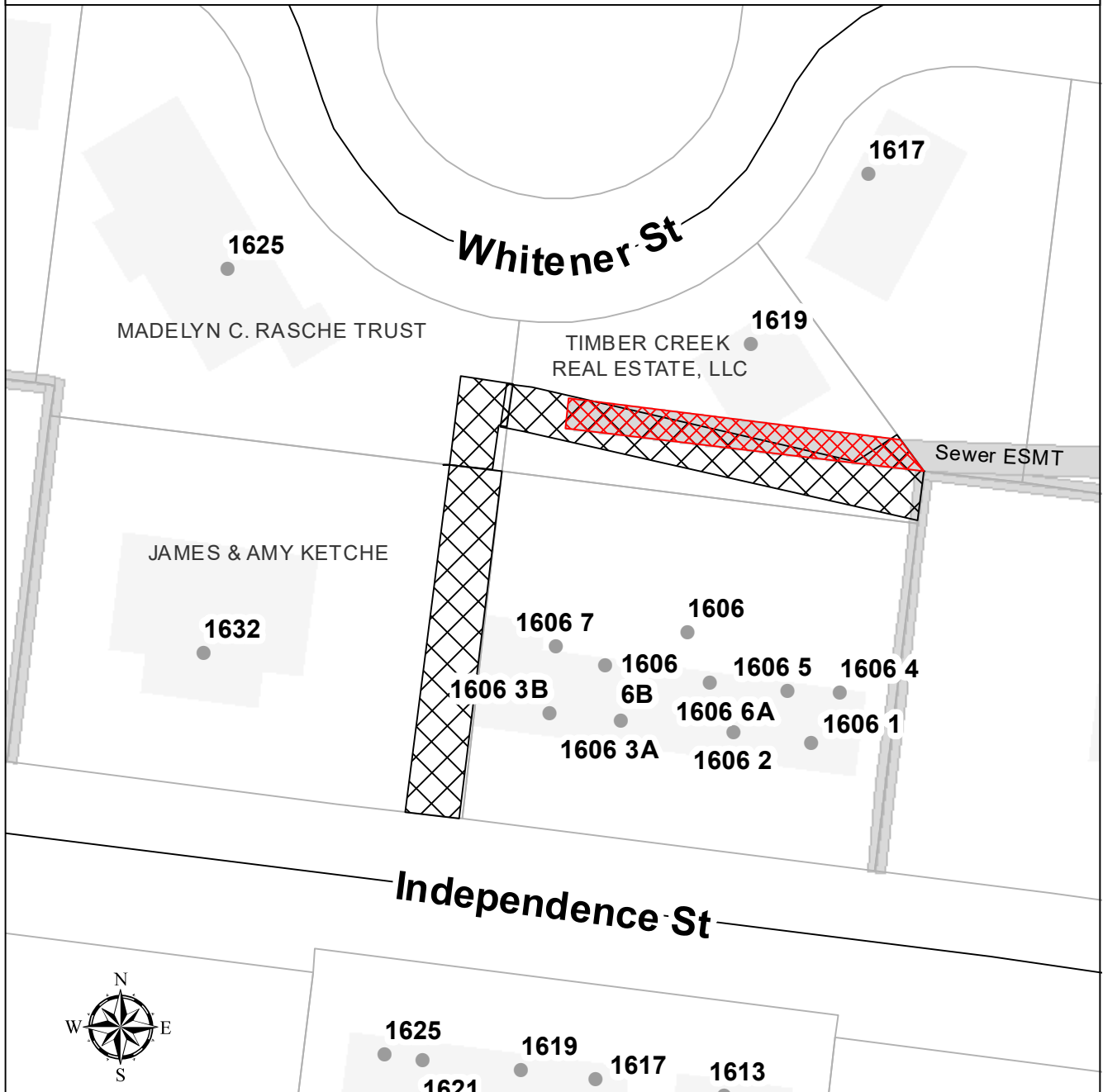


Date: 10/4/2024  
 Created by: Development Services  
 Teresa Heffner, Alliance Water Resources  
 Data Source(s):  
 City of Cape Girardeau Government, MO

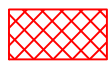
**CITY of CAPE GIRARDEAU**  
 Layers provided by the City of Cape Girardeau are to be used for visual aid only and are not guaranteed to be accurate. These layers are not to be used for any engineering or design purpose.



# Whitener St Relocated Sewer Line Easements to be Vacated & Acquired



New Easements to Acquire



Easement to be Vacated



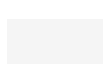
Existing Easements



Cape City Addresses

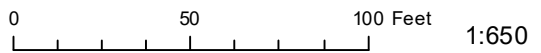


Parcel



Current Structures

### LEGEND



Date: 10/4/2024

Created by: Development Services  
Teresa Heffner, Alliance Water Resources

Data Source(s):  
City of Cape Girardeau Government, MO

### CITY of CAPE GIRARDEAU

Layers provided by the City of Cape Girardeau are to be used for visual aid only and are not guaranteed to be accurate. These layers are not to be used for any engineering or design purpose.



**PERMANENT SEWER EASEMENT**  
**1625 Whitener St**

KNOW ALL MEN BY THESE PRESENTS: **THE MADELYN C. RASCHE TRUST**, dated **May 23, 1983**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the "City", the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO. 24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE N 07° 09' 20" E, 30.76 FEET; THENCE S 81° 16' 02" E, 18.12 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG THE CENTERLINE OF VACATED LONGVIEW DRIVE, S 06° 57' 34" W, 15.01 FEET; THENCE LEAVING SAID CENTERLINE, N 81° 16' 01" W, 3.16 FEET; THENCE S 07° 09' 20" W, 15.29 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 5, BLOCK 3; THENCE N 83° 02' 35" W, 15.00 FEET ALONG SAID EASTERLY PROLONGATION TO THE POINT OF BEGINNING, CONTAINING 505 SQUARE FEET.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and its related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

*[Signature page to follow]*

The undersigned covenant that he/she is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this easement this 19<sup>th</sup> day of August, 2024.

Madelyn C. Rasche  
Signature

MADELYN C. RASCHE CO-TEE  
Printed Name and Title

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

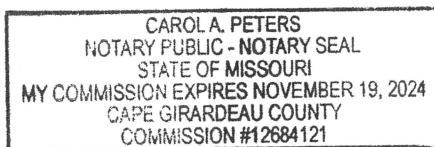
BE IT REMEMBERED, that on this 19<sup>th</sup> day of August, 2024 before me, the undersigned notary public, personally appeared, Madelyn C. Rasche, who being by me duly sworn, did state that he/she has the authority to sign as Trustee of The Madelyn C. Rasche Trust, dated May 23, 1983, as a free act and deed of the above said property, that the within instrument was executed on behalf of said Trust, and acknowledged that he/she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

Carol A. Peters  
Notary Public

My Commission Expires:  
November 19, 2024

Carol A. Peters  
Notary Printed Name

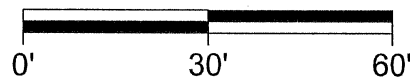


### SURVEY LEGEND

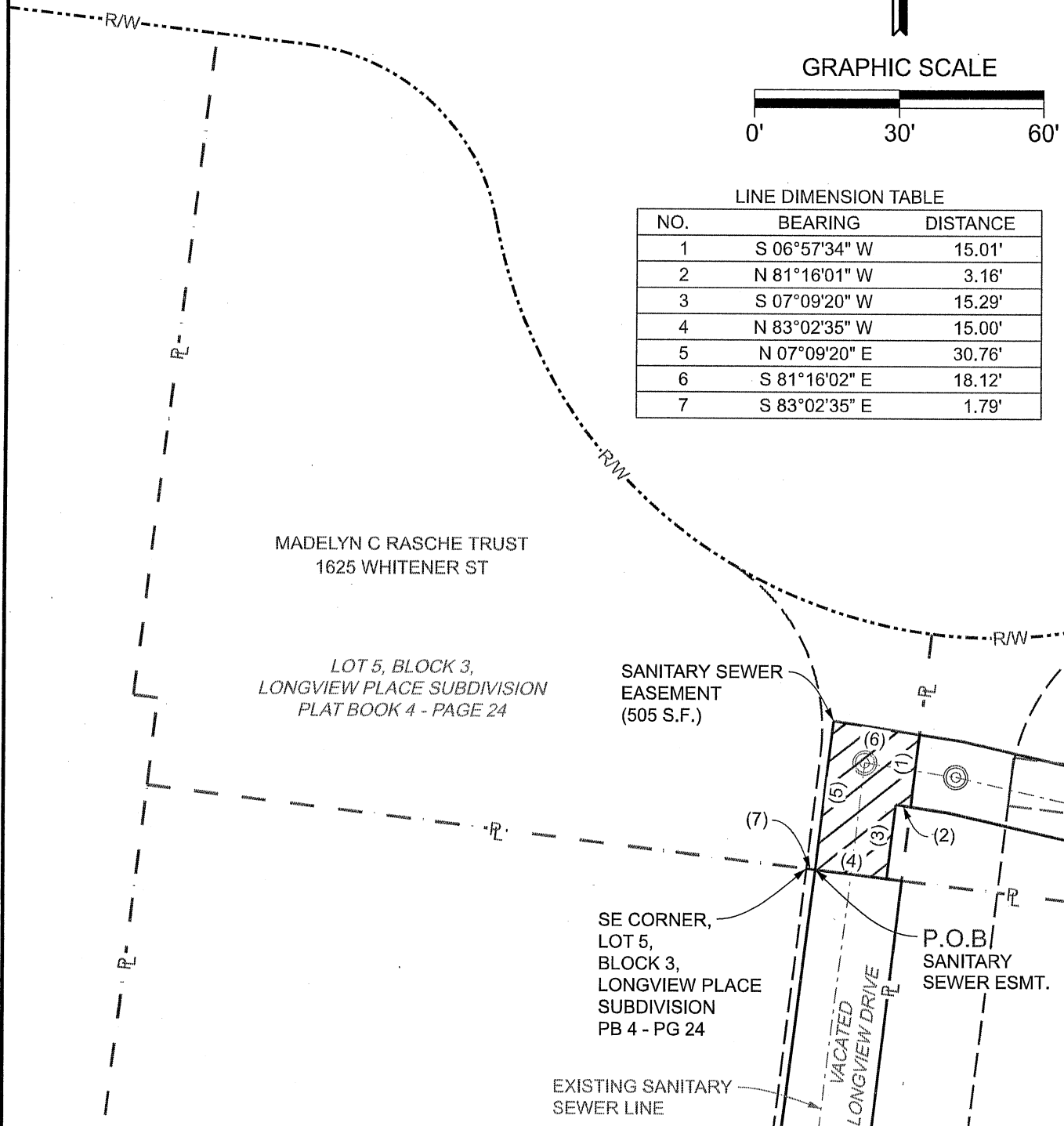
- PROPERTY LINE - - - - - P - - - - -
- RIGHT OF WAY LINE - - - - - R/W - - - - -



### GRAPHIC SCALE



WHITENER ST.



LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	S 06°57'34" W	15.01'
2	N 81°16'01" W	3.16'
3	S 07°09'20" W	15.29'
4	N 83°02'35" W	15.00'
5	N 07°09'20" E	30.76'
6	S 81°16'02" E	18.12'
7	S 83°02'35" E	1.79'

MADelyn C RASCHe TRUST  
1625 WHITENER ST

LOT 5, BLOCK 3,  
LONGVIEW PLACE SUBDIVISION  
PLAT BOOK 4 - PAGE 24

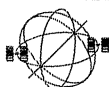
SANITARY SEWER  
EASEMENT  
(505 S.F.)

SE CORNER,  
LOT 5,  
BLOCK 3,  
LONGVIEW PLACE  
SUBDIVISION  
PB 4 - PG 24

P.O.B/  
SANITARY  
SEWER ESMT.

EXISTING SANITARY  
SEWER LINE

VACATED  
LONGVIEW DRIVE



# Bowen

## ENGINEERING & SURVEYING, P.C.

Engineering Corporation      Land Surveying Corporation  
MO State Cert. of Authority #000383      MO State Cert. of Authority #000166

2121 Megan Drive  
Cape Girardeau, MO 63701  
Ph: 573 339 5900  
Fax: 573 339 1391  
www.bowenengsurv.com

### EASEMENT SKETCH TRACT 1

WHITENER STREET  
SANITARY SEWER RE-ROUTE  
CITY OF CAPE GIRARDEAU

JOB NO: S23-068

DATE: 10/13/2023

SHEET: 1 OF 1

November 7, 2023

Ms. Jill Holzum  
Timber Creek Real Estate  
230 Cedar Creek Lane  
Jackson, Missouri 63755

**RE: 1619 Whitener Street  
Permanent Sewer Easement  
Sewer Relocation and Repair Project**

Dear Jill,

Enclosed please find the Permanent Sewer Easement documents we spoke about on the phone. The enclosed documents will need to be signed, notarized, and mailed back to the City of Cape Girardeau Public Works Department at the address below. Please call with any questions at 573-339-6351. We would be happy to meet on-site to discuss the project further if needed or pick up the signed documents in Cape or Jackson.

Sincerely,

Brock Davis  
Assistant Public Works Director

**PERMANENT SEWER EASEMENT  
1619 Whitener St**

KNOW ALL MEN BY THESE PRESENTS: **TIMBER CREEK REAL ESTATE, LLC**, a Missouri limited liability company, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the "City", the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

A PART OF LOT 4, BLOCK 2, AND A PART OF VACATED LONGVIEW DRIVE AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, BEING COMMON WITH THE SOUTHWEST CORNER OF LOT 3 BLOCK 2 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID LOT 4, S 06° 57' 25" W, 17.17 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE LEAVING SAID EAST LINE, N 77° 09' 28" W, 137.60 FEET; THENCE N 81° 16' 02" W, 8.12 FEET TO CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE ALONG SAID CENTERLINE, N 6° 57' 34" E 15.01 FEET; THENCE LEAVING SAID CENTERLINE OF LONGVIEW DRIVE, S 81° 16' 02" E, 9.12 FEET; THENCE S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and the related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

*[Signature page to follow]*



The undersigned covenant that he/she is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this easement this 7 day of December, 2023.

[Signature]  
Signature

Jill Holzum, Member  
Printed Name and Title

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

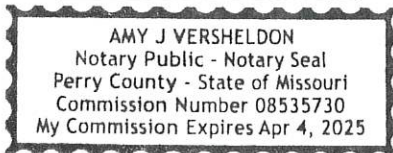
BE IT REMEMBERED, that on this 5<sup>th</sup> day of December, 2023 before me, the undersigned notary public, personally appeared, Jill Holzum, who being by me duly sworn, and who executed the foregoing instrument, did state that he/she has the authority to execute the same on behalf of Timber Creek Real Estate, LLC, a Missouri limited liability company, and acknowledged that he/she has executed the same for the purposes therein contained as a free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

[Signature]  
Notary Public

My Commission Expires:

Amy J. Versheldon  
Notary Printed Name



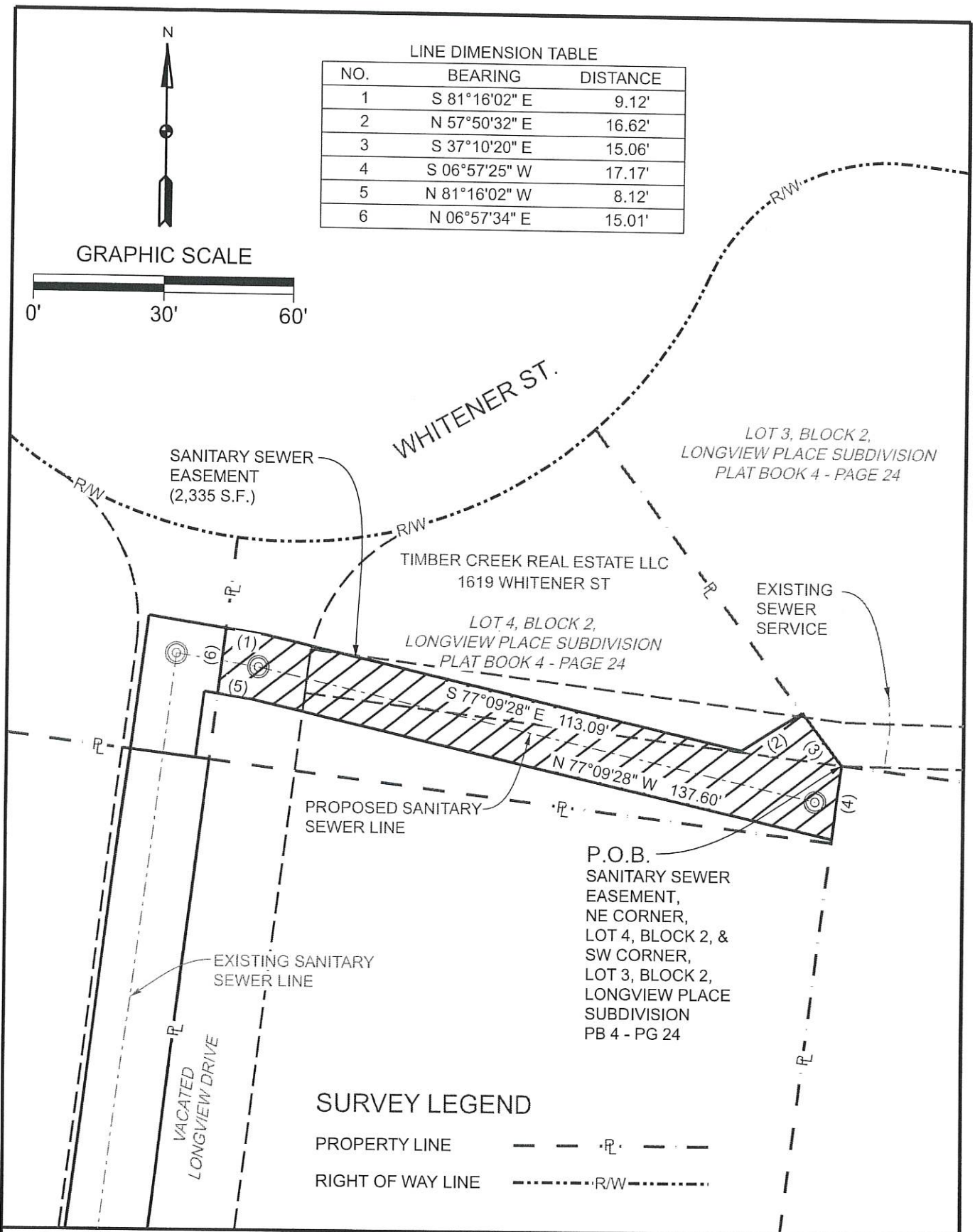
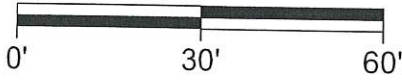




LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	S 81°16'02" E	9.12'
2	N 57°50'32" E	16.62'
3	S 37°10'20" E	15.06'
4	S 06°57'25" W	17.17'
5	N 81°16'02" W	8.12'
6	N 06°57'34" E	15.01'

GRAPHIC SCALE



SURVEY LEGEND

- PROPERTY LINE      - - - P.L. - - -
- RIGHT OF WAY LINE      - · · · · · R/W · · · · ·

 **Bowen**  
 ENGINEERING & SURVEYING, P.C.  
 Engineering Corporation      Land Surveying Corporation  
 MO State Cert. of Authority #000383      MO State Cert. of Authority #000166

2121 Megan Drive  
 Cape Girardeau, MO 63701  
 Ph 573 339 5900  
 Fax 573 339 1391  
 www.bowenengsurv.com

**EASEMENT SKETCH TRACT 2**  
 WHITENER STREET  
 SANITARY SEWER RE-ROUTE  
 CITY OF CAPE GIRARDEAU

JOB NO: S23-068      DATE: 10/13/2023      SHEET: 1 OF 1

**PERMANENT SEWER EASEMENT**  
**1632 Independence St**

KNOW ALL MEN BY THESE PRESENTS: **JAMES MARK KETCHER AND AMY DARLENE KETCHER, husband and wife**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the "City", the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair sanitary sewer infrastructure and the related components from time to time, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, manholes and appliances in connection therewith.

This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

*[Signature page to follow]*

The undersigned covenant that he/she is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this easement this 4 day of December, 2023.

James Mark Ketcher  
Signature

Amy Darlene Ketcher  
Signature

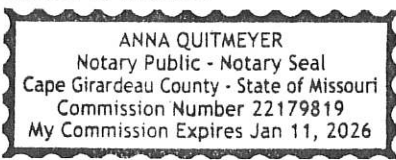
**JAMES MARK KETCHER**  
Printed Name

**AMY DARLENE KETCHER**  
Printed Name

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

BE IT REMEMBERED, that on this 4 day of December, 2023 before me, the undersigned notary public, personally appeared **JAMES MARK KETCHER AND AMY DARLENE KETCHER, husband and wife**, who being by me duly sworn, did state that they are owners in fee of the above said property, have executed the within instrument as a free act and deed as owners of said property and acknowledge that they have executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.



Anna Quitmeyer  
Notary Public

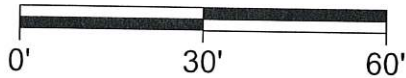
My Commission Expires:  
01/11/2026

Anna Quitmeyer  
Notary Printed Name





GRAPHIC SCALE



LOT 5, BLOCK 3,  
LONGVIEW PLACE SUBDIVISION  
PLAT BOOK 4 - PAGE 24

WHITENER ST.

P.O.B.  
SANITARY  
SEWER ESMT.

SE CORNER,  
LOT 5,  
BLOCK 3,  
LONGVIEW PLACE  
SUBDIVISION  
PB 4 - PG 24

STEPHEN TRICKEY  
1632 INDEPENDENCE ST

LINE DIMENSION TABLE

NO.	BEARING	DISTANCE
1	N 82°39'14" W	18.62'
2	S 83°02'35" E	18.22'
3	S 83°02'35" E	1.79'

SANITARY SEWER  
EASEMENT  
(2,201 S.F.)

VACATED  
LONGVIEW DRIVE

INDEPENDENCE ST.

SURVEY LEGEND

PROPERTY LINE      - - - - - R.L. - - - - -

RIGHT OF WAY LINE      - - - - - R/W - - - - -

EXISTING SANITARY  
SEWER LINE



**Bowen**

ENGINEERING & SURVEYING, P.C.

Engineering Corporation      Land Surveying Corporation  
MO State Cert. of Authority #000383      MO State Cert. of Authority #000166

2121 Megan Drive  
Cape Girardeau, MO 63701  
Ph 573 339 5900  
Fax 573 339 1391  
www.bowenengsurv.com

EASEMENT SKETCH TRACT 3

WHITENER STREET  
SANITARY SEWER RE-ROUTE  
CITY OF CAPE GIRARDEAU

JOB NO: S23-068

DATE: 10/13/2023

SHEET: 1 OF 1

**LEGAL DESCRIPTIONS**  
**WHITENER STREET SANITARY SEWER RELOCATION**

**DESCRIPTION – SANITARY SEWER EASEMENT**  
**1625 WHITENER STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

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**DESCRIPTION – SANITARY SEWER EASEMENT**  
**1619 WHITENER STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

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S 77° 09' 28" E, 113.09 FEET; THENCE N 57° 50' 32" E, 16.62 FEET TO THE EAST LINE OF SAID LOT 4; THENCE ALONG SAID EAST LINE, S 37° 10' 20" E, 15.06 FEET TO THE POINT OF BEGINNING, CONTAINING 2,335 SQUARE FEET.

**DESCRIPTION – SANITARY SEWER EASEMENT  
1632 INDEPENDENCE STREET**

AN EASEMENT FOR SANITARY SEWER, DESCRIBED AS FOLLOWS:

A PART OF VACATED LONGVIEW DRIVE, AS DESCRIBED IN ORDINANCE NO. 1737, LONGVIEW PLACE SUBDIVISION AS RECORDED IN PLAT BOOK NO.4 AT PAGE NO.24, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 3 OF SAID LONGVIEW PLACE SUBDIVISION; THENCE S 83° 02' 35" E, 1.79 FEET ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, BLOCK 3 TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY PROLONGATION S 83° 02' 35" E, 18.22 FEET TO THE CENTERLINE OF VACATED LONGVIEW DRIVE; THENCE S 06° 57' 34" W, 119.54 FEET TO THE NORTH RIGHT OF WAY LINE OF INDEPENDENCE STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, N 82° 39' 14" W, 18.62 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 07° 09' 20" E, 119.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,201 SQUARE FEET.



**Staff:** Gayle L. Conrad, CMC/MPCC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**24-176**

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**SUBJECT**

Appointment of one member to the Planning and Zoning Commission for a term expiring November 1, 2026, and the appointment of two members for terms expiring November 1, 2028.

**EXECUTIVE SUMMARY**

Sommer McCauley-Perdue was serving a term on the Planning and Zoning Commission set to expire November 1, 2026. Mrs. McCauley-Perdue resigned September 11, 2024. In addition Scott Blank and Robbie Guard are serving terms set to expire November 1, 2024. Both are eligible for reappointment, and both have expressed interest in being reappointed to the Commission. Scott Blank has been serving on the Planning and Zoning Commission since 2020 and Robbie Guard has been serving since 2024.

The following have expressed interest in serving on the board, and their applications are attached for your review.

<b>Applicant</b>	<b>Ward</b>	<b>Citizen Academy Graduate</b>
Brock Freeman	2	no
Holly Godwin	5	no
Michelle Latham	4	yes
Joy Livesay	5	no
Emily McElreath	2	no
Dharmiyon Meehan	3	no
Octavious Moore	2	no
Jared Snell	5	no
Benjamin Traxel	5	no

\* Incumbent

**BACKGROUND/DISCUSSION**

The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the executive or legislative officials of the municipality programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission within a reasonable time, all available information it requires for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the commission shall have the power necessary to enable it to perform its functions and promote municipal

planning. The commission shall consist of nine (9) citizen members appointed and approved by the city council. Members of the planning and zoning commission shall serve for terms of four years, beginning on the second day of November.

A copy of the board roster and attendance roster are attached for your reference.

### **STAFF RECOMMENDATION**

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It is recommended that one appointment be made to the Planning and Zoning for a term expiring November 1, 2026, and two appointments for terms expiring November 1, 2028.

### **BOARD OR COMMISSION RECOMMENDATION**

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The Planning and Zoning Commission recommends that Emily McElreath be appointed to the Commission for a term expiring November 1, 2026.

<b><u>ATTACHMENTS:</u></b>	
Name:	Description:
<a href="#">P_Z_Roster.pdf</a>	Planning and Zoning Roster
<a href="#">roster_attendance.p_z.pdf</a>	Planning and Zoning Attendance Roster

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

September 11, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.  
Members may serve for only two consecutive full terms on the same board or commission.

### Planning and Zoning Commission

	<u>Date Appointed</u>	<u>Date Reappointed</u>	<u>Term Expires</u>
Scott Blank	November 2, 2020	---	November 1, 2024
Robbie Guard	April 15, 2024	---	November 1, 2024
Gerald w. Jones II	August 21, 2023	---	November 1, 2025
Kevin Greaser	September 19, 2016	10/17/16;11/02/20;10/18/21	November 1, 2025
Derek Jackson	November 19, 2018	10/17/22	November 1, 2026
Chris Martin	October 17, 2022	---	November 1, 2026
vacant		---	November 1, 2026
Nick Martin	March 15, 2021	11/06/23	November 1, 2027
Trae Bertrand	November 6, 2023	---	November 1, 2027

Serve four-year terms, two full term limit, appointed by Council. Meetings held second Wednesday at 7:00 p.m. in Council Chambers. Commission reviews and recommends actions on zoning changes and land subdivision and plans for the city. Board considers requests for variances from the Development Code provisions. Staff contact – Ryan Shrimplin, City Planner, 339-6327.



**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
10/21/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-022**

**SUBJECT**

Appointment of one member to the Tree Board for a term set to expire February 1, 2025.

**EXECUTIVE SUMMARY**

Sven Svenson resigned from the Tree Board on August 9, 2024. A copy of the roster is attached for your information.

**BACKGROUND/DISCUSSION**

The Tree Board is comprised of the Public Works Director, Parks and Recreation Director, one member of the Parks and Recreation Advisory Board, and four residents of Cape Girardeau selected by the City Council. Members serve a three-year term. The following individuals have expressed interest in serving on this Board, and their advisory board summary sheets are attached.

Applicant Ward Citizen Academy Graduate  
There are currently no applications for the Tree Board

**GENERAL DIRECTION**

Unless directed otherwise, one appointment to the Tree Board will appear on a future City Council agenda for consideration.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">Tree_Board_Roster.pdf</a>	Tree Board Roster
<a href="#">roster_attendance.tree.pdf</a>	Tree Board Attendance Roster

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

September 11, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.  
Members may serve for only two consecutive full terms on the same board or commission.

### Tree Board

	<i><u>Date Appointed</u></i>	<i><u>Date Reappointed</u></i>	<i><u>Term Expires</u></i>
Lewis Jackson Hill, Parks & Rec Brd Appointee	November 2, 2018		(P&R Term Expires)
Robert Harris	August 21, 2017	1/22/19; 04/04/22	February 1, 2025
vacant	February 1, 2016	1/22/19; 4/4/22	February 1, 2025
Angela Wilson	January 22, 2024	----	February 1, 2027
Jennifer Behnken	July 5, 2016	1/22/18; 2/1/21; 1/22/24	February 1, 2027
Parks & Rec Dir			
Casey Brunke, Public Works Dir			

Serve three year terms, appointed by City Council. Meetings held third Monday, bi-monthly beginning in February, at noon at the Osage Community Centre. Study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of public trees in parks, along streets and in other public places. Upon request by City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Two Members added per Ord. 4516, 11/18/13) Staff contact – Parks and Recreation Director, 339-6340.



# TREE BOARD Attendance Record

Ordinance effective 4/13/00

X = present, A = absent

Board meets bi-monthly beginning in February

2024 Bi-Monthly, 2nd Monday	Jan	Feb 12	Mar	Apr 5	May	Jun 3	Jul	Aug 12	Sep	Oct	Nov	Dec	1st letter	2nd letter	3rd letter	appt'ed	termi- nated
Behnken, Jennifer		P		P		P		P								07/05/16	
Harris, Robert		P		P		P		P								08/21/17	
Svenson, Sven		P		P		A		Resigned August 9, 2024				08/27/19	03/04/20	04/22/21	10/18/17	9/24 resigned	
Wilson, Angela		A		P		A		P								01/22/24	
Parks and Rec Appointee																	
Lewis Jackson Hill		P		P		A		P								11/02/18	

2023 Bi-Monthly, 2nd Monday	Jan	Feb 13	Mar	Apr 7	May	Jun 12	Jul	Aug 14	Sep	Oct 9	Nov	Dec 11	1st letter	2nd letter	3rd letter	appt'ed	termi- nated
Behnken, Jennifer		P		P		P		P		P		P				07/05/16	
Harris, Robert		P		P		P		P		P		P				08/21/17	
Klipfel, Laura		P		P		P		P		P		A	08/27/19	03/04/20	04/22/21	10/18/17	
Svenson, Sven		P		P		P		P		P		P					
Parks and Rec Appointee																	
Lewis Jackson Hill		P		P		P		P		P		P				11/02/18	

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**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
10/21/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-023**

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**SUBJECT**

Appointment of two members to the Golf Course Advisory Board for terms expiring November 12, 2027.

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**EXECUTIVE SUMMARY**

Josh Parham and Janet Esicar have terms set to expire November 12, 2024. Each have been serving on the tree board since 2021 and are eligible for reappointment. A copy of the roster is attached for your review.

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**BACKGROUND/DISCUSSION**

The Municipal Golf Course Advisory Board acts in an advisory capacity to the City Council to review, promote and expedite development and use of the Jaycee Municipal Golf Course facilities. The Board may study any problem or condition relating to the construction, operation, maintenance or improvement of, or addition to the golf course or related facilities and may present its findings and related recommendations to the City Council.

The City Council shall appoint the nine members of the Board by formal motion and vote. Members of the Board serve for terms of three years. One member of the Municipal Golf Course Advisory Board shall be a member of Cape Jaycees and designated by that organization as its representative on the Board.

The following individuals have expressed an interest in serving on the board, and their advisory board applications are attached.

<b>Applicant</b>	<b>Ward</b>	<b>Citizen Academy Graduate</b>
Daniel Dowling	3	No
Holly Godwin	5	No
James W. Green	5	No
C. Donald Harris	5	No
Timothy Lynn Kelley	4	No
Jared Snell	5	No
Jody Underwood	4	No

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**GENERAL DIRECTION**

Unless directed otherwise, two appointments to the Golf Course Advisory Board for terms expiring November 12, 2027 will appear on a future agenda for consideration.

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**ATTACHMENTS:**

Name:	Description:
<a href="#">Golf_Roster.pdf</a>	Golf Board Roster
<a href="#">roster_attendance.golf.pdf</a>	Golf Board Attendance Roster
<a href="#">Blackwell_Sam.08-07-2023.pdf</a>	Blackwell, Sam
<a href="#">Cantoni_Philip.08-18-2023.pdf</a>	Cantoni, Phillip
<a href="#">Fee_Carla.08-02-2023.pdf</a>	Fee, Carla
<a href="#">Godwin_Holly.05-13-24.pdf</a>	Godwin, Holly
<a href="#">Harris_C_Donald.02-22-2024.pdf</a>	Harris, C. Donald
<a href="#">Kelley.Timothy.10-27-2023.pdf</a>	Kelley, Timothy Lynn
<a href="#">Stitz.Dan.08-02-2023.pdf</a>	Stitz, Dan

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 7, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.

Members may serve for only two consecutive full terms on the same board or commission.

### **Golf Course Advisory Board**

	<u><b>Date Appointed</b></u>	<u><b>Date Reappointed</b></u>	<u><b>Term Expires</b></u>
Josh Parham	March 1, 2021	11/01/21	November 12, 2024
Janet Esicar Council member, ex-officio	March 1, 2021	11/01/21	November 12, 2024
Nate Saverino	September 18, 2017	11/04/19, 11/7/22	November 12, 2025
Dale Pingel	November 7, 2022	----	November 12, 2025
Cindy Gannon	September 3, 2019	1/21/20; 3/6/23	January 18, 2026
Brad Wittenborn	December 3, 2018 <i>(Council Item term Correction 4/5/21)</i>	4/05/21; 3/6/23	January 18, 2026
Lindsey Pippens	September 5, 2023	----	September 4, 2026
Eric Craiglow (Jaycees)	July 5, 2022	09/05/23	September 4, 2026
Claire Kneer	November 2, 2020	11/20/23	November 12, 2026

Serve three year terms, three full term limit, appointed by City Council. One member shall be a member of Cape Jaycees and designated by that organization is its representative. Regular meetings held fourth Thursday at Noon at the Osage Centre. Parks and Recreation Director and Golf Course Superintendent meet with Board. A City Council Member may serve as liaison. Staff contact –Parks & Recreation Director Doug Gannon, 339-6340.

## GOLF COURSE ADVISORY BOARD Attendance Record

Ordinance effective 4/13/00

X = present, A = absent

2024	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1st	2nd letter	3rd letter	appt'ed	termi-nated
4th Thursday		22		25		27		22		24		26					
Esicar, Janet	M	A	N	P	N	P	N	P	N		N					03/01/21	
Craiglow, Eric (Jaycees)	F	P	O	P	O	A	O	A	O		O		08/28/24			07/05/22	
Gannon, Cindy		P	M	P	M	P	M	P	M		M					09/03/19	
Jones, Kristen		Appointed 9/3/24													09/03/24		
Kneer, Claire		P		P		P		P			P					11/02/20	
Parham, Josh		A		P		P		P			P		09/16/21			03/01/21	
Pingel, Dale		P		P		P		P			P					11/07/22	
Pippens, Lindsey		P		P		P		P			P					09/05/23	
Saverino, Nate		P		P		10-Jun-24							10/09/18	04/30/19		11/07/22	06/10/24
Wittenborn, Brad	G	P	G	P	G	P	G	P	G		G					12/03/18	

2023	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1st	2nd letter	3rd letter	appt'ed	termi-nated
4th Thursday		23		27		22		24		26		7					
Esicar, Janet	N	A	N	P	N	A	N	P	N	P	N	S				03/01/21	
Craiglow, Eric (Jaycees)	O	P	O	P	O	P	O	P	O	P	O	p				07/05/22	
Gannon, Cindy	M	P	M	A	M	P	M	P	M	P	M	p				09/03/19	
Kneer, Claire	F	P	F	A	F	P	F	P	F	P	F	e				11/02/20	
Parham, Josh	F	P	F	P	F	P	F	P	F	P	F	e	09/16/21			03/01/21	
Pingel, Dale		P		P		P		P		A		c				11/07/22	
Pippens, Lindsey		Appointed 9/5/2023															
Saverino, Nate		P		P		A		P		P		a	10/09/18	04/30/19		11/07/22	
Wittenborn, Brad	N	P	N	P	N	P	N	P	N	P	N	a				12/03/18	
Wren, Gary	G	P	G	P	G	A	G	P	G		Termed Out					09/18/17	09/04/23





**Staff:** Gayle L. Conrad, MPCC/CMC,  
Director of Citizen Services/City  
**Agenda:** Clerk  
10/21/2024

**MEMORANDUM**  
Cape Girardeau City Council

**24-024**

**SUBJECT**

Appointment of four members to the Parks and Recreation Advisory Board for terms expiring October 29, 2027.

**EXECUTIVE SUMMARY**

Lewis Jackson Hill (Tree Board Liaison), Darrin Bruenderman, Philip Moore and Anne Dohogne are serving terms on the Parks and Recreation Advisory Board set to expire October 29, 2024. Lewis Jackson Hill has been serving on the Parks and Recreation Advisory Board as the Tree Board Liaison since 2021, Philip Moore and Darrin Bruenderman have been on the board since 2022, and Anne Dohogne has been on the board since 2022. Due to term limits, Anne Dohogne is ineligible to serve again. A copy of the roster is attached for your review.

**BACKGROUND/DISCUSSION**

The Parks and Recreation Advisory Board acts in an advisory capacity to the City Council to review, promote and expedite development of existing and new public park and recreational facilities and activities. The City Council shall appoint eleven members to the Parks and Recreation Advisory Board. Members of the Board serve for three-year terms.

The following individuals have expressed an interest in serving on the board, and their board applications are attached.

Applicant	Ward	Citizen Academy Graduate
Dowling, Daniel	3	No
Freeman, Brock	2	No
Godwin, Holly	5	No
Harris, C. Donald	5	No
Latham, Michelle	4	Yes
Livesay, Joy	5	No
McBride, Marvin	2	No
Meehan, Darmiyon	3	No
Moore, Mark	5	No
Ostrowski, Andrew	3	Yes
Phegley, Missy Nieveen	3	No
Ringwald, Scott	6	No

## GENERAL DIRECTION

Unless directed otherwise, four appointments to the Parks and Recreation Advisory Board for a term expiring October 29, 2027, will appear on a future agenda for consideration.

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">Parks_RecreationRoster.2024-10-03.pdf</a>	Parks & Recreation Roster
<a href="#">roster_attendance.park.pdf</a>	Parks & Recreation Attendance Roster
<a href="#">Bruendeman.Darrin.01-06-21.pdf</a>	Bruendeman, Darren
<a href="#">Dowling_Daniel.10-10-24.pdf</a>	Dowling, Daniel
<a href="#">Freeman_Brock.06-04-24.pdf</a>	Freeman, Brock
<a href="#">Godwin_Holly.05-13-24.pdf</a>	Godwin, Holly
<a href="#">Harris_C_Donald.02-22-2024.pdf</a>	Harris, C. Donald
<a href="#">Livesay_Joy.05-13-2024.pdf</a>	Livesay, Joy
<a href="#">Latham_Michelle.08-16-2024.pdf</a>	Latham, Michelle
<a href="#">Livesay_Joy.05-13-2024.pdf</a>	Livesay, Joy
<a href="#">Mcbride_Marvin.05-13-24.pdf</a>	McBride, Marvin
<a href="#">Meehan_Dharmiyon.05-13-24.pdf</a>	Meehan, Dharmiyon
<a href="#">Moore_Mark.10-01-24.pdf</a>	Moore, Mark
<a href="#">Moore.Philip.07-30-2022.pdf</a>	Moore, Philip
<a href="#">Ostrowski_Andrew.04-17-24.pdf</a>	Ostrowski, Andrew
<a href="#">Phegley_Missy_Nieveen.10-07-24.pdf</a>	Phegley, Missy Nieveen
<a href="#">Ringwald_Scott.04-30-24.pdf</a>	Ringwald, Scott
<a href="#">Snell_Jared.09-09-2024.pdf</a>	Snell, Jared

# CITY OF CAPE GIRARDEAU, MISSOURI

## Roster of Advisory Boards and Committees

October 7, 2024

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.

Members may serve for only two consecutive full terms on the same board or commission.

### *Parks and Recreation Advisory Board*

	<u><i>Date Appointed</i></u>	<u><i>Date Reappointed</i></u>	<u><i>Term Expires</i></u>
Lewis Jackson Hill (Tree Board Liaison)	October 18, 2021	---	October 29, 2024
Darrin Bruenderman	January 24, 2022	---	October 29, 2024
Philip Moore	September 19, 2022	---	October 29, 2024
Anne Dohogne	September 4, 2018	10/15/18; 4/16/19; 10/18/21	October 29, 2024
Percy Huston	July 18, 2022	11/07/22	October 29, 2025
Tamera Buck	November 7, 2022	---	October 29, 2025
John Spear	August 19, 2025	---	October 29, 2025
Thomas Drummond	May 20, 2024	---	October 29, 2025
Beverly Evans	May 21, 2018	10/19/20 ; 10/16/23	October 29, 2026
Jerry Dement	October 16, 2023	---	October 29, 2026
MaryAnn Maloney	October 16, 2023	---	October 29, 2026
Council, Nate Thomas, ex-officio	May, 2022		

Serve three year terms, two full term limit, appointed by Council. Regular meetings held second Monday at 5:30 p.m. in Osage Centre. A Council member may serve as liaison. Staff contact –Parks & Recreation Director, Doug Gannon 339-6340.

## PARKS AND RECREATION ADVISORY BOARD Attendance Record

Ordinance effective 4/13/00

P = present, A = absent

2024 2nd Monday	Jan 9	Feb 12	Mar 11	Apr 8	May 13	Jun 10	Jul 8	Aug 12	Sep 9	Oct 14	Nov 12	Dec 9	1st letter	2nd letter	3rd letter	appt'ed	Term Ended
Bruenderman, Darrin	P	P	P	P	A	P	P	P	P	P	P		05/24/24		09/15/23	01/24/22	
Buck, Tamera	P	P	P	P	P	P	P	P	P	P	P		10/13/23			11/07/22	
Cantrell, David	Resigned 2/6/24											09/15/20	02/22/23	9/15/2023	11/07/22	02/06/24	
Dement, Jerry	A	P	P	P	P	P	P	P	P	P	P						
Dohogne, Ann	P	P	A	A	P	P	P	P	A	P	P		09/19/22	05/09/23	5/24/2024	09/04/18	02/22/19
Drummond, Thomas	Appointed 5/20/24														05/20/24		
Evans, Beverly	P	A	P	P	P	P	P	P	P	P	P					05/21/18	
Huston, Percy	P	P	A	P	P	P	P	P	P	P	P						
Jackson Hill, Lewis	P	P	P	P	P	P	P	P	P	P	P					10/18/21	
Maloney, Mary Ann	P	P	P	P	P	P	P	P	A	P	P						
Moore, Philip	P	P	P	P	A	P	P	P	P	A	P					09/19/22	
Spear, John	Appointed 08/19/2024											P	P			08/19/24	
Stone, Mark	P	P	P	P	A	P	resigned 7/8/24					02/22/23	05/09/23		11/07/22	07/08/24	

2023 2nd Monday	Jan 9	Feb 13	Mar 13	Apr 10	May 9	Jun 12	Jul 10	Aug 14	Sep 12	Oct 11	Nov 14	Dec 12	1st letter	2nd letter	3rd letter	appt'ed	Term Ended
Bruenderman, Darrin	P	P	P	P	P	P	P	A	A	P	P		05/02/24		09/15/23	01/24/22	
Buck, Tamera	P	P	P	P	P	P	P	A	P	A	P	P	10/13/23			11/07/22	
Cantrell, David	P	A	P	P	P	P	P	P	A	P	P	P	09/15/20	02/22/23	9/15/2023	11/07/22	
Dement, Jerry	appointed 10/16/23										P	P			10/16/23		
Noel, Kevin	P	P	A	P	A	P	P	P	P	P	P	P	09/19/22	05/09/23		09/04/18	02/22/19
Evans, Beverly	P	P	A	P	P	A	P	P	P	P	P					05/21/18	
Frazier, Pete	P	A	P	P	P	P	P	P	P	P	termed out		01/06/21	10/20/22	2/22/2023	03/21/16	11/14/23
Huston, Percy	P	P	P	P	P	P	P	P	P	P	P	P	11/21/22			07/18/22	
Jackson Hill, Lewis	P	P	P	P	P	P	P	P	P	P	P	P				10/18/21	
Maloney, Mary Ann	appointed 10/16/23										P	P			10/16/23		
Moore, Philip	A	P	P	P	P	P	P	P	P	P	P	P				09/19/22	
Noel, Kevin	A	P	P	P	P	P	P	P	P	P	med out		12/28/17			09/15/15	10/16/23
Stone, Mark	P	A	P	P	A	P	P	P	P	P	P	P	02/22/23	05/09/23		11/07/22	

Staff:  
Agenda: 10/21/2024

**AGENDA REPORT**  
Cape Girardeau City Council

**SUBJECT**

Advisory Board Minutes

- Airport Advisory Board - 09/10/2024
- Convention & Visitors Bureau Advisory Board - 09/03/2024 draft
- Golf Course Advisory Board - 08/22/2024 draft
- Gun Violence Task Force - 09/19/2024
- Parks & Recreation Advisory Board - 09/09/2024 draft
- Planning and Zoning Commission - 09/11/2024 and 10/10/2024 draft
- TTF 7 Committee - 09/11/2024 and 10/02/2024 - draft

<b>ATTACHMENTS:</b>	
Name:	Description:
<a href="#">📄 AirportBoard-Minutes_9.10.2024_(002).pdf</a>	Airport Board 09-10-2024
<a href="#">📄 9.3.24_Board_Meeting_Minutes_-_Draft.pdf</a>	CVB Minutes.09-03-24 draft
<a href="#">📄 Board_Minutes_8.22.24_draft.pdf</a>	Golf Board Minutes 08-22-2024 draft
<a href="#">📄 MINUTES.GVTF-09-19-24.pdf</a>	Gun Violence Task Force 09-19-2024
<a href="#">📄 9.9.2024_Advisory_Board_Meeting_Minutes_-_Draft.pdf</a>	Park & Rec Minutes 09-09-2024 draft
<a href="#">📄 Planning_and_Zoning_Commission_Minutes_09-11-24_-_Draft.pdf</a>	P&Z Minutes 09-11-2024 draft
<a href="#">📄 Planning_and_Zoning_Commission_Minutes_10-10-24_-_Draft.pdf</a>	P&Z Minutes 10-10-2024 draft
<a href="#">📄 TTF-7_Committee_Minutes_2024-09-11_(Draft).pdf</a>	TTF-7 Minutes 09-11-24 draft
<a href="#">📄 TTF-7_Committee_Minutes_2024-10-02_(Draft).pdf</a>	TTF-7 Minutes 10-02-2024 draft



**Cape Girardeau Regional Airport Advisory Board Meeting - Minutes  
September 10, 2024**

The Cape Girardeau Regional Airport Advisory Board held their monthly meeting on September 10, 2024 at 11:30 am at The Airport Terminal Conference Room.

**Board Members Present:**

Richard Knote, Chair  
Nancy Kopp, Board Member  
Keith Boeller, Board Member  
Bev Clear, Vice Chair  
Justin Davidson, Board Member, Via Phone  
Shawn Wasson, Board Member  
Mark Mehner, Board Member

**Staff Present:**

JoJo Stuart, Airport Manager  
Audrey Lorch, Airport Support Spec.  
Mark Bliss, City Council Liaison

**Others Present** – Alex Barton, KRCU

**Absent:** Bruce Loy, Board Member

**Call to Order/Approval of Minutes** – Mr. Knote called the meeting to order at 11:31 am. Mr. Knote Approved the August 2024 minutes. Mr. Mehner approved and Mr. Boeller second, All were in favor and the motion passed with a unanimous vote.

**Introduction of new Airport Manager** - Ms. Amos, welcomed Mr. JoJo Stuart as the new CGI Airport Manager, starting, August 26, 2024. Mr. Stuart has been with the Cape Fire Department, 16 years and the Captain for the last five years. Mr. Stuart also has a background in Aviation Management.

I. **Old Business** -

- **Airport Activity Report** – Ms. Amos provided the September activity report. Contour had a 15% increase for the month, with a 7% increase YTD including charter flights. Minimal outbound delays.
  - At this time, CGI and Contour will be promoting a fair sale for new fall travel to Chicago, IL O’Hare October 1.
  - Per Ms. Amos, CGI did have another charter flight for SEMO Football, with an enplanement of 118 passengers supported.



- **Cape Aviation Report** – Ms. Amos presented the fuel reports for September, sales have increased 3% for the month, with a 30.6% year over year. The FBO accrued \$5900 for the month in additional fees, such as Crop Duster fees, Facility, and Ramp fees.
  
- **Airport Projects Update -**
  - **New Terminal Building** – Ms. Amos reported CGI has completed the move. Any delays in the project have been due to parking lot and critical items needed for airline and TSA. At this time, CGI is fully functional. There are a few “Punch Line Items” to take follow up with.
    - Grand opening will be on Tuesday October 1. At 10:00am and is on schedule, invitations have been sent.
  
  - **T-Hangars** – Ms. Amos stated, construction continues on track for completion on or about December 19. CGI has sent letters to various tenants interested who are on the “wait list” as well as tenants who are in the larger hangars waiting for a T-Hangar. CGI will be asking for a deposit of \$225.00.
  
  - **Taxiway D Project Update** – Ms. Amos reported the project is progressing; Emery Sapp and Sons INC. has been selected as the general contractor for the project. Taxiway D is considered a “C-2” taxiway, this means the width will be reduced to 35 feet, and this will be able to handle aircraft wheelbase equal to or greater than 18 meters. In fall of 2025, there will be reconfigurations of taxiway E and F.

## II. **New Business –**

**New Member Selection** – The Board Members recommended Kent Ward of Cape Girardeau, to appoint as the newest Board Member, Motion to approve, Shawn Wasson, first, and Bev Clear, second, all were in favor. City Council approved the decision on Monday, October 9.

- **Non-Agenda Items** – Ms. Amos reported CGI, has conducted an Unmanned Aircraft System, (UAS) table top discussion with Home Land Security, and this was to refresh any unauthorized drone usage in CGI’s air space.
  
- **Annual Live ARRF Exercise** – September 16, 17, and 18 conducted here at CGI.
  
- **Annual October/November Table Top Exercise** - date to be determined.

**III. Adjournment** – There being no other business, Mr. Knotte moved to adjourn the meeting, Mr. Boeller, first, Mr. Mehner, second. All were in favor. The meeting adjourned at 12:05pm.

**Minutes prepared by:**

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**Audrey Lorch, Airport Support Specialist**

**DRAFT**  
**Visit Cape**  
**Advisory Board Meeting Minutes**  
**Tuesday, September 3, 2024**

**Board Members Present:**

Liz Haynes, Chairperson  
Quantella Noto, Vice-Chairperson  
Anissa Patel  
Carl Ritter  
Lyle Randolph  
Randy Kluge  
John Echimovich  
Nate Saverino  
Rob Gilligan

Percy Huston, Parks & Recreation Advisory Board Liaison

**Parks and Recreation Department Staff Present:**

Doug Gannon, Parks and Recreation Director  
Brenda Newbern, Visit Cape Manager  
Joshua Robison, Experience Development Specialist  
Scott Williams, Recreation Division Manager  
Penny Williams, Recreation Division Manager  
Moriah Lincoln, Administrative Coordinator

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Chairperson Liz Haynes called the meeting to order at 12:05pm at the Osage Centre.

Chairperson Liz Haynes started introductions. All attending introduced themselves and their involvement with the Community.

Chairperson Liz Haynes asked if everyone had a chance to look over the minutes from the August 9, 2024 meeting and if there were any additions or correction to the minutes. No changes were introduced and the minutes were approved through motion by Lyle Randolph and second by Carl Ritter.

Chairperson Liz Haynes called on Brenda Newbern to discuss the Board Member Retreat set for October 7, 2024. Brenda went over the handout and asked the Board Members for additional topics they would like to cover.

Chairperson Liz Haynes asked Doug Gannon to cover the Open House plan for the Visit Cape offices. Doug provided that construction will start in November 2024 and the plan is to have a formal Open House in January 2025.

Chairperson Liz Haynes called on Joshua Robison to cover the upcoming events within the Cape Girardeau area. Handouts included upcoming tournaments, meetings, events and conferences. Joshua also covered the report management handout given. Scott Williams covered six tournaments for baseball and softball scheduled this fall.

Brenda Newbern spoke on trying to bring meetings, events and conferences to the area during the week to increase the weekday travel. The "Stay and Play" packaging was discussed and how to best market the program. Penny brought up the idea to have team or groups start their stay earlier or extend it if we could find an activity that can be discounted.

Brenda Newbern reported on behalf of Visit Cape. Brenda covered the Simple Trace Activity Report handout which shows the number of calls and emails Joshua sent and received in the month of August. This communication was with potential tour groups and meeting sales.

Penny Williams reported on behalf of the Parks and Recreation Department. The youth soccer season starts September 3 and the Haunted Hall of Horror is coming up in October. Corporate games starts September 15 bringing employees from different organizations to compete in a two-week sports competition. Scott Williams gave an update on the RFP of the Youth Outdoor Sports Complex.

Lyle Randolph advised that in 2025 it would be the 70<sup>th</sup> anniversary of Elvis playing at the A. C. Brase Arena. Having an event that coincided with Elvis week in Memphis might bring some visitors to the area for weekday travel.

The Advisory Board retreat will be October 7, 2024 in lieu of the monthly meeting. We will be meeting at the Canvas Event Center at 8 am.

The next board meeting will be at 12:00 pm Monday November 4, 2024, at the Osage Centre, Room 1AB.

The meeting adjourned at 1:03pm.

Minutes reported by Moriah Lincoln Administrative Coordinator.

*The Convention and Visitors Bureau Advisory Board of the City of Cape Girardeau, Missouri, may, as a part of the regular or special Convention and Visitors Bureau Advisory Board meeting, hold a closed session to discuss legal action, causes of legal action of litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, promotion of personnel or employee labor relations, or confidential or privileged communications with its attorneys..*

*draft*

## GOLF COURSE ADVISORY BOARD

*Minutes*

**August 22, 2024**

**Present:**

Cindy Gannon, Chairperson  
Brad Wittenborn, Vice Chairperson  
Claire Kneer, Board Member  
Nate Saverino, Board Member  
Dale Pingel, Board Member  
Lindsey Pippins, Board Member  
Janet Esicar, Secretary  
Josh Parham, Board Member

**Staff Present:**

Kaed Horrell, Parks Division Manager  
Penny Williams, Recreation Division Manager  
Doug Gannon, Parks and Recreation Director  
Dianne Lawrence, Asst. Recreation Division Mgr  
Mitchell Kramer, Golf Manager  
Russell Golightly, Golf Course Supervisor  
Natalie Beasley, Administrative Coordinator

**Absent:**

Eric Craiglow, Jaycee Member/Liaison

**OPENING**

Cindy Gannon, Chairperson, called the meeting to order at 12:12 pm

**MINUTES**

A motion to approve the June 27, 2024 meeting minutes as written was made by Dale Pingel and seconded by Claire Kneer.

**NEW BUSINESS**

- A. The October Board meeting will include course tour and subcommittee meetings. Dianne Lawrence will be scheduling meeting times and will contact the following:

<u>Promotions &amp; Marketing</u>	<u>Projects &amp; Improvements</u>	<u>Policies &amp; Procedures</u>
Cindy Gannon	Cindy Gannon	Cindy Gannon
Brad Wittenborn	Brad Wittenborn	Josh Parham
Lindsey Pippins	Dale Pingel	Janet Esicar
Eric Craiglow	Claire Kneer	

- B. YTD Financial report given by Doug Gannon, the 2024 Fiscal year is complete and we show a net profit of \$24,126.

- C. The Disc Glow Ball Tournament cancelled with only 1 team registered. Addition of One Person Scramble Tournament is scheduled for September 14, with a \$65 entry fee. Cart and lunch are included. Open to all ages.

## OLD BUSINESS

- A. SEMPO prepared a full color paper copy of the CR 621 & Perryville Road Intersection Study. The members were asked to email their thoughts, concerns or feedback to [amcelroy@cityofcapegirardeau.org](mailto:amcelroy@cityofcapegirardeau.org) . At this time there is no funding available and no time line.
- B. Board member appointment: members reviewed 5 applications and voted by paper ballot to appoint Kristen Jones. Motion made by Claire Kneer and seconded by Josh Parham.
- C. Mitchell Kramer provided a Financial Analysis handout for the Summer Golf Program. Overall the program had a financial gain of \$1,481.25.

## COMMITTEE REPORTS/PROJECTS UPDATES

Marketing & Promotions – No report

Policies & Procedures – No report

Projects & Improvements – Rusty Golightly –

Maintenance is working on tree trimming, water leaks have been repaired. 14 windshields on golf courts have been completed at \$160 each.

Department Projects & Briefs – Doug Gannon, Kaed Horrell-

Youth Sports Complex received 6 proposals from companies, it will be narrowed down to 4, the Spring of 2025 should be the start of this project.

The A.C. Brase Arena building received a fresh coat of paint.

A New PA system was installed at the Shawnee Park Center.

Cape La Croix Trail (Southside) the preliminary plans are back from Engineering and a grant was received to pay for the repair work and improvements.

Motion to adjourn the meeting was made by Brad Wittenborn and seconded by Dale Pingel meeting adjourned at 12:58pm.

*Minutes recorded by*

*Natalie Beasley*

*Administrative Coordinator*

*Osage Centre*





**Gun Violence Task Force**  
**Thursday, September 19, 2024**  
**5:00 p.m.**  
City Hall, 44 North Lorimier Street  
Council Room

## MINUTES

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MEMBERS PRESENT:		MEMBERS ABSENT:	CITY STAFF PRESENT:
Jessica Hill		Adam Kidd	Mayor Stacy Kinder
Dr. Howard Benyon	Clint Tracy	Nita DuBose	Nicolette Brennan
Josh Crowell	Shannon Truxel	Rob Gilligan	Adam Glueck
Alix Gasser	Dr. Carlos Vargas	Laura Selbo	Gayle Conrad
Jared Ritter	Lynn Ware	Dr. Melissa Stickel	Dr. Shannon Farris
Nancy Scheller	Leslie Washington	Adrian Taylor	Randy Morris
Lee Schlitt	Tina Wright	Amber Walker	Trevor Pulley

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Co-Chair Jessica Hill called the meeting to order at 5:00 pm. The minutes from the August 22, 2024 meeting were approved on motion, second and vote.

Ms. Hill stated the task force survey results were included in the agenda packet, and she encouraged to review this information in detail to get a sense of where the members are at so far. In addition to these meetings, the task force requested community feedback, and information submitted through the website is also included in the agenda packet.

Missouri 32<sup>nd</sup> Judicial Circuit District Juvenile Officer Kevin Gruenwald discussed topics relating to the juvenile detention process, staffing, case statistics, operating procedures, delinquent criminal process, Division of Youth Services, certification to the adult system, state statutes and the juvenile court system. His recommendations included:

- Faith-based involvement with youth
- Increased youth and adult interactions
- SOLVE gun violence grant in the community
- Community involved to hold adults responsible
- Increased activities and programs for low income youth
- Detention center in Cape Girardeau County
- Contact local and state representatives to change state statutes
- Educate the public on safety, especially locking vehicles and gun locks
- Eddie Eagle Gun Safe Program for first graders

The next meeting of the Gun Violence Task Force is scheduled for Tuesday, October 8, 2024, 5:00 p.m. in the City Council Chambers at City Hall with a presentation by City Staff regarding nuisance and building codes.

The meeting adjourned at 7:00 a.m.

Minutes taken by: Gayle Conrad, Director of Citizen Services/City Clerk



**DRAFT**  
**Parks and Recreation Department**  
**Advisory Board Meeting Minutes**  
**Monday, September 9, 2024**

**Board Members Present:**

Percy Huston, Chairperson  
Dr. Beverly Evans, Secretary  
Tamara Buck  
Jerry Dement  
Lewis Jackson Hill  
David Cantrell, City Council Liaison  
Darrin Bruenderman  
Anne Dohogne  
Philip Moore

Thomas Drummond  
John Spear

**Absent:**

Mary Ann Maloney

**Parks and Recreation Department Staff Present:**

Doug Gannon, Director of Parks & Recreation  
Scott Williams, Recreation Division Manager  
Penny Williams, Recreation Division Manager  
Kaed Horrell, Parks Division Manager  
Moriah Lincoln, Administrative Coordinator



Chairperson Percy Huston called the meeting to order at 5:31pm at the Osage Centre.

Chairperson Percy Huston introduced new board member John Spear and then asked everyone to introduce himself or herself.

Chairperson Percy Huston asked if everyone had a chance to look at the minutes from the August 12, 2024 meeting and if there were any additions or correction to the minutes. No changes were introduced and the minutes were approved through motion by Phil Moore and second by Thomas Drummond.

Chairperson Percy Huston called on Scott Williams to summarize the Babe Ruth World Series tournament. Scott advised there were 17 teams in the series and that it was the second year of a two-year contract hosting the tournament. Scott indicated Tournament Director, Michael Miner would like to bid the series again to Cape Girardeau in the future.

Chairperson Percy Huston called on Scott Williams to summarize the Barrel and Brews event. Friday night there was about 600 people in attendance and Saturday 1300 people attended. Overall, everyone was very happy with how the event went. Organizers are looking to push the event back to September or October in 2025 for cooler weather.

Chairperson Percy Huston called on Penny Williams to summarize the Doggy Swim Day at Cape Splash held on September 8, 2024. Overall, the event went very well with several groups sold out. Doggy Swim Day marks the final day of Cape Splash operation or the summer. The event made around \$2000.00 for the Foundation.

Percy Huston called on Kaed Horrell for an update on stocking Capaha Pond with Trout. The pond will be stocked on November 1<sup>st</sup>, and will be catch and release until January 31, 2025. Starting February 1, 2025 the Harvest season will begin and follow the fishing laws set into place by the Missouri Department of Conservation.

Percy Huston called on Kaed Horrell for an update on locking bathrooms within the parks. We have hired retired police officer Kevin Orr to come in Monday through Thursday to lock the bathrooms at several parks. Bathrooms are being locked to limit the amount of vandalism occurring during the overnight hours. The Parks department will then unlock the bathrooms each morning.

Chairperson Percy called on Doug Gannon for an update on FY' 25 approved equipment and projects. Doug covered that we will be purchasing scrubbers for the A.C. Brase Arena and the Osage Centre; cameras for the Cape Aquatic Center, a

maintenance plan for the Cape Splash filter system as well as new lounge chairs and umbrellas for Cape Splash. Cape Splash will also be powder coating some picnic tables this off-season. Osage Centre will be updating the lighting to LED, getting two new volleyball net systems, cardio equipment and an updated digital sign.

Scott Williams and Doug Gannon gave an update on the Youth Outdoor Sports Complex project. Percy Huston, Danny Essner, Kaed Horrell, Scott Williams, Rex Crosnoe and Doug Gannon are the committee members. With current funding, the plan is to have five youth baseball/softball turf fields and two soccer grass fields. Completion of the project will keep Cape Girardeau competitive in drawing large tournaments.

Kaed Horrell gave an update on the Cape LaCroix Trail Bridges. The Parks division has finished the bridge by the RV Park and the bridge at Arena Park next to the Pickle ball courts. The bridge by Bloomfield Road started will be completed by the end of the week of September 9. The last bridge next to Shawnee Sports Complex will be completed in the next few weeks.

Penny Williams gave a presentation on Cape Splash Slide Restoration. Safe Slide Restoration is a company from Farmington, Missouri that will clean and resurface the start tub and polish and wax the interior ride path of each slide. They will repaint the out outside of the green slide facing Kingshighway. The run outs will also be repainted and gel coated.

Scott Williams gave an update on the Shawnee Park Center sound system, which was completed and installed last week. The new sound system will be a nice addition to the facility.

Penny Williams gave an update on the August Golf Board Advisory Board meeting. Board discussion included work that may be done in the future at the interchange at Perryville and Route W. Kaed advised they would be looking at replacing the Golf Cart Fleet next year that will be a two-phase approach.

Percy Huston gave an update on the Convention and Visitors Bureau Advisory Board. They will be having a board retreat October 7 geared towards generating ideas on increasing tourism in Cape Girardeau.

Lewis Jackson Hill advised there was no Tree Board meeting in September but he and Jennifer Behnken did walk through Walker Park and looked at the general health of the trees within the park.

David Cantrell, City Council Liaison, gave the City Council report that included an update on the Mall project. Mr. Cantrell also talked about the Water Treatment Plant issues and encouraged anyone interested to go tour the plant to see the needed repairs. The Board was invited out to North County Park Wednesday, September 11 to put out the flags at 7am and to a BBQ from 11am-2pm, where they will serve first responders. They will need help taking down the flags that evening as the weather shows rain in the forecast.

Penny Williams covered the Staff Brief handout noting upcoming programs and events throughout the Parks and Recreation Department. The Visit Cape division will be on the Staff Brief's going forward.

Next Board Meeting will be at 5:30pm, Monday, October 14, 2024 at the Osage Centre, Room 1AB

The meeting adjourned at 6:32pm with a motion by Beverly Evans and seconded by Lewis Jackson Hill.  
Minutes reported by Moriah Lincoln Administrative Coordinator.

***The Park and Recreation Advisory Board of the City of Cape Girardeau, Missouri, may, as a part of the regular or special Park and Recreation Advisory Board meeting, hold a closed session to discuss legal action, causes of legal action of litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, promotion of personnel or employee labor relations, or confidential or privileged communications with its attorneys. Specifically, the Park and Recreation Advisory Board will hold a closed session to discuss legal actions and litigation, confidential communications with legal counsel, property acquisition and personnel matters, pursuant to RSMo. Sections 610.021(2) and 610.021(3).***

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## PLANNING & ZONING COMMISSION

### MEETING MINUTES

September 11, 2024

City Hall – Council Chambers  
44 North Lorimier Street

Commission Members Present: Trae Bertrand, Scott Blank, Robbie Guard, Derek Jackson, Gerry Jones, Chris Martin, Nick Martin

Commission Members Absent: Kevin Greaser

Staff Present: Carol Peters, Trevor Pulley, Ryan Shrimplin

#### Call to Order

Chairman Blank called the meeting to order at 5:30 p.m.

#### Approval of Minutes

The minutes of the August 14, 2024 meeting were unanimously approved upon a motion made by Mr. Chris Martin and seconded by Mr. Jackson.

#### REZONINGS, SPECIAL USE PERMITS, AND EXCEPTIONS

1. A public hearing was held on the proposed zoning of property located at 3082 County Road 620 as M-1 (Light Manufacturing/Industrial District) upon annexation. Chairman Blank opened the public hearing. Seeing no appearances to speak, he closed the public hearing. A staff report was submitted to the Commission, which recommended zoning the property as M-1 (Light Manufacturing/Industrial District) upon annexation. A motion was made by Mr. Nick Martin and seconded by Mr. Bertrand to recommend zoning the property as M-1 (Light Manufacturing/Industrial District) upon annexation. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).
2. A public hearing was held on the proposed zoning of property located at 3268 Perryville Road as R-1 (Single-Family Suburban Residential District) upon annexation. Mr. Guard recused himself from the discussion and vote due to a financial conflict of interest. Chairman Blank opened the public hearing. Seeing no appearances to speak, he closed the public hearing. A staff report was submitted to the Commission, which recommended zoning the property as R-1 (Single-Family Suburban Residential District) upon annexation. A motion was made by Mr. Jackson and seconded by Mr. Bertrand to recommend zoning the property as R-1 (Single-Family Suburban Residential District) upon annexation. The motion passed with a roll call vote of 6 in favor, 0 in opposition, and 1 abstaining (*Aye: Bertrand, Blank, Jackson, Jones, C. Martin, N. Martin; Abstain: Guard*).
3. A public hearing was held on the request of Todt Roofing & Construction, on behalf of Semo Cardinal Group LLC, for a special use permit for the purposes of constructing, maintaining, and operating a restaurant drive-through in the CBD (Central Business District) at 716 and 718 Broadway. Mr. Brandon Beninati, Todt Roofing & Construction, presented the request. He explained that the first floor of the building is being remodeled for a new restaurant tenant, Roni's Mac Bar, and that not having a drive-through would be a deal-breaker. Due to site constraints, the only option is to install

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the drive-through window on the alley side of the building and use the alley for the drive-through lane.

Chairman Blank asked how customers would enter the drive-through. Mr. Beninati replied that signs would be installed to direct customers to enter the alley from Bellevue Street. Mr. Jones asked if other vehicles would be able to use the alley. Mr. Shrimplin stated that the drive-through traffic would preclude any other traffic from using the south half of the alley in this block. He explained that the alley is only 16 feet wide, and it was not designed to allow modern vehicles to pass each other. To access the public parking lot behind the building, vehicles would have to drive down Broadway, turn on to North Sprigg Street, and then turn on to the narrow drive between the two buildings at 211/213 and 215 North Sprigg Street. In addition, vehicles could enter the alley from Bellevue Street.

Mr. Nick Martin asked where the menu board would be placed. Mr. Beninati replied that the menu board would be attached to the wall on the alley side of the building. Mr. Shrimplin explained that the exterior building alterations would be reviewed via a separate design review process established for buildings in the CBD. He continued by stating that a License and Indemnity Agreement would be required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.

Mr. Jones asked if the alley would become a private drive since it would only be used for the drive-through. Mr. Shrimplin stated that it would remain a public alley.

Mr. Bertrand asked what would happen if, assuming the City Council granted the special use permit, the plans for the drive-through fell through or the business was moved or sold. Mr. Shrimplin explained that special use permits contain certain standard conditions of approval. One of the conditions states that the permit shall automatically expire twelve months from the date of issuance if the building permit for the special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then the permit shall automatically expire upon the expiration of the building permit. Another condition states that the permit is not transferable without the approval of the City Council.

In response to a question from Mr. Nick Martin, Mr. Beninati stated that the restaurant owner expects 60 to 80 percent of the sales to come via the drive-through.

Chairman Blank opened the public hearing. Seeing no appearances to speak, he closed the public hearing. Mr. Bertrand stated that he does not like the idea of using a public alley for a drive-through, but he wants to see the building occupied by a business. Mr. Nick Martin agreed. Mr. Bertrand noted that the Planning & Zoning Commission does not make the final decision on special use permit requests. Rather, the Commission makes a recommendation. The City Council makes the final decision. Mr. Chris Martin concurred, and he commended the owner for investing in Cape Girardeau.

A staff report was submitted to the Commission, which did not include a recommendation with regard to the request. The report stated that, if the request is approved, the City will install "Do Not Enter" signs on both sides of the alley, facing Broadway. The report also stated that a License and Indemnity Agreement is required for any items placed within or extending into the alley, such as awnings, canopies, signs, menu boards, etc.

A motion was made by Mr. Jackson and seconded by Mr. Guard to recommend approval of the special use permit request. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).

Mr. Bertrand left the meeting at this time.

#### OTHER ITEMS AND COMMUNICATION

##### 4. Chapter 25 Amendment Regarding Improvement of Parking Areas

Mr. Shrimplin presented a proposed amendment to Section 25-49, Improvement of Parking Areas, of the Development Code (Chapter 25 of the City's Code of Ordinances). He stated that the amendment restructures the existing requirements and changes some of the wording for purposes of clarity and consistency. In addition, the amendment replaces the term "reinforced gravel" with the phrase "clean gravel or other aggregate if dust control measures are in place, as approved by the city manager" in the list of options for surfacing overflow parking areas.

A motion was made by Mr. Chris Martin and seconded by Mr. Jackson to recommend approval of the amendment as submitted. The motion passed with a roll call vote of 6 in favor, 0 in opposition, and 0 abstaining (*Aye: Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).

##### 5. Chapter 25 Amendment Regarding Access Management

Mr. Shrimplin presented a proposed amendment to Article IX, Access Management, of the Development Code (Chapter 25 of the City's Code of Ordinances). He stated that the City's standard specifications and drawings require a minimum spacing of 10 feet between residential driveways. The amendment adds a separate standard for driveways serving a two-family (duplex) dwelling. Such driveways would have to be separated by a landscaping strip having a minimum width of 18 inches. The amendment also restructures the existing requirements and changes some of the wording for purposes of clarity and consistency.

A motion was made by Mr. Guard and seconded by Mr. Jackson to recommend approval of the amendment as submitted. The motion passed with a roll call vote of 6 in favor, 0 in opposition, and 0 abstaining (*Aye: Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).

##### 6. Chapter 25 Amendment Regarding Utilities

Mr. Shrimplin presented a proposed amendment to Article X, Utilities, of the Development Code (Chapter 25 of the City's Code of Ordinances). He stated that the amendment adds a definitions section.

A motion was made by Mr. Jackson and seconded by Mr. Nick Martin to recommend approval of the amendment as submitted. The motion passed with a roll call vote of 6 in favor, 0 in opposition, and 0 abstaining (*Aye: Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).

##### 7. Chapter 30 Amendment Regarding Accessory Structures and Uses

Mr. Shrimplin presented a proposed amendment to Section 30-106, Accessory Structures and Uses, of the Zoning Code (Chapter 30 of the City's Code of Ordinances). He stated that, currently, this section does not allow an accessory structure or use on a lot without a principal structure or use. The amendment adds an exception for off-street parking facilities (parking lots) located in the AG,

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C-1, C-2, M-1, M-2, or A-1 district. In these districts, an off-street parking facility would not be required to be located on a lot with a principal use. The amendment also includes some minor changes for purposes of clarity and consistency.

A motion was made by Mr. Jackson and seconded by Mr. Nick Martin to recommend approval of the amendment as submitted. The motion passed with a roll call vote of 6 in favor, 0 in opposition, and 0 abstaining (*Aye: Blank, Guard, Jackson, Jones, C. Martin, N. Martin*).

### Commission Communication

Chairman Blank announced that Sommer McCauley-Perdue had resigned from the Commission. Staff provided the City Advisory Board and Commission applications on file for those interested in serving on the Planning & Zoning Commission. Chairman Blank asked the Commission members to review the applications for discussion at the next meeting.

### Staff Communication

Mr. Shrimplin gave the following updates:

1. Update on items from previous Commission meetings going on to City Council

The City Council approved the following on August 19, 2024:

- Park West Hospitality Center No. 3 Subdivision Record Plat – 2<sup>nd</sup> & 3<sup>rd</sup> Readings

The City Council held a public hearing on September 3, 2024 to consider the annexation and zoning of 560 Silverado Trail.

2. TTF-7 Update

Mr. Shrimplin reported that the TTF-7 Committee conducted a survey and held two public meetings to obtain input on transportation needs/project ideas. The Committee then reviewed the responses and selected a group of projects for scoring. Staff will provide cost estimates and data to aid the Committee members in evaluating the projects. Once the scoring is complete, the Committee will hold public meetings to obtain input on a slate of projects. After the public meetings, the Committee will prepare a list of recommended projects and submit it to the City Council for consideration. The TTF-7 tax issue will be on the April 2025 ballot.

### Adjournment

There being no further business, the Commission voted unanimously to adjourn the meeting at 6:05 p.m. upon a motion made by Mr. Nick Martin and seconded by Mr. Jackson.

Respectfully submitted,

Chris Martin, Secretary



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## PLANNING & ZONING COMMISSION

### MEETING MINUTES

October 10, 2024

City Hall – Council Chambers  
44 North Lorimier Street

Commission Members Present: Trae Bertrand, Kevin Greaser, Robbie Guard, Derek Jackson, Gerry Jones, Chris Martin, Nick Martin

Commission Members Absent: Scott Blank

Staff Present: Carol Peters, Ryan Shrimplin

#### Call to Order

In the absence of Chairman Blank, Vice Chairman Nick Martin called the meeting to order at 5:30 p.m.

#### Approval of Minutes

The minutes of the September 11, 2024 meeting were unanimously approved upon a motion made by Mr. Bertrand and seconded by Mr. Chris Martin.

#### Appearances by Commission Applicants

Mr. Brock Freeman, 918 College Street, Ward 2, introduced himself to the Commission. He expressed an interest in serving on the Planning & Zoning Commission and shared his background with the Commission.

#### Water System Presentation

Mr. Shrimplin presented information regarding the water system ballot measure for the November 5, 2024 election. He reviewed a handout containing the ballot language, a summary of the improvements that would be made should the ballot measure be approved, and a Frequently Asked Questions section. He explained that the ballot measure proposes to increase the water rates and fees in order to provide funds for replacing critical infrastructure at the water treatment plant and for replacing aging water mains. For approximately 89% of all water customers, the increase would be in the range of \$8.19 to \$13.89 per month. Currently, the City does not qualify for grants to assist with the costs because its Affordability Index is too low (less than 1.0%).

#### REZONINGS, SPECIAL USE PERMITS, AND EXCEPTIONS

1. A public hearing was held on the request of Derek and Karla Cornelius for a special use permit for the purposes of constructing, maintaining, and operating a V-shaped LED billboard at 3849 Business Park Place, zoned M-1 (Light Manufacturing/Industrial District). Mr. Kevin O'Shea, legal counsel for the applicants, presented the request. He explained that a special use permit for the billboard was previously issued but it expired because the owners did not obtain a building permit within the 12-month time frame due to a vendor issue. The billboard meets all of the applicable code requirements and will be located in the northwest corner of the property, near Interstate 55.

Vice Chairman Nick Martin opened the public hearing. Seeing no appearances to speak, he closed the public hearing. A staff report was submitted to the Commission, which recommended approval of the special use permit request, subject to the following conditions:

1. The special use authorized by this permit shall comply with all applicable laws and regulations.
2. Major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.
4. This permit is not transferable without the approval of the City Council.

A motion was made by Mr. Jackson and seconded by Mr. Greaser to recommend approval of the special use permit request, subject to conditions listed in the staff report. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).

#### SUBDIVISION PLATS

2. The record plat of Athena Properties Subdivision was reviewed by the Commission. Mr. Joseph Uzoaru, representing Athena Property Group LLC, the property owner, presented the plat. He explained that the plat combines two lots at 1416 North Spanish Street in order to construct a new single-family home. A staff report was submitted to the Commission, which recommended approval of the record plat, subject to staff's comments being successfully addressed. A motion was made by Mr. Jackson and seconded by Mr. Guard to recommend approval of the record plat, subject to staff's comments being successfully addressed. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).
3. The record plat of Lutheran Home Southwest Subdivision was reviewed by the Commission. Ms. Rachael Elliott, representing Koehler Engineering & Land Surveying, presented the plat. She explained that the plat combines four lots at 414, 420, and 424 South Silver Springs Road in order to expand the Lutheran Home campus. A staff report was submitted to the Commission, which recommended approval of the record plat, subject to staff's comments being successfully addressed. A motion was made by Mr. Greaser and seconded by Mr. Jackson to recommend approval of the record plat, subject to staff's comments being successfully addressed. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).
4. The record plat of Weston Subdivision was reviewed by the Commission. Mr. Ryan Brase, representing Bowen Engineering & Surveying, presented the plat. He explained that the plat combines two lots at 1217 and 1225 William Street in order to place an accessory structure on the same lot as the principal structure. A staff report was submitted to the Commission, which recommended approval of the record plat, subject to staff's comments being successfully addressed. A motion was made by Mr. Guard and seconded by Mr. Jackson to recommend approval of the record plat, subject to staff's comments being successfully addressed. The motion

passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).

5. The record plat of Kneezle Shed Subdivision was reviewed by the Commission. Mr. Kyle Kneezle and Ms. Lana Kneezle, the property owners, presented the plat. They explained that they purchased the vacant parcel adjacent to their home in order to place an accessory structure on it. The plat combines the two parcels so the accessory structure will be on the same lot as the principal structure. A staff report was submitted to the Commission, which recommended approval of the record plat, subject to staff's comments being successfully addressed. A motion was made by Mr. Greaser and seconded by Mr. Chris Martin to recommend approval of the record plat, subject to staff's comments being successfully addressed. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).

#### OTHER ITEMS AND COMMUNICATION

##### 6. Chapter 30 Amendment Regarding Height and Area Exceptions and Modifications

Mr. Shrimplin presented a proposed amendment to Section 30-116, Height and Area Exceptions and Modifications, of the Zoning Code (Chapter 30 of the City's Code of Ordinances). He stated that, currently, accessory structures greater than 150 square feet in area must follow the setback requirements of the zoning district in which they are located. The amendment adds a provision that allows accessory structures within the rear yard setback, up to ten feet from the rear lot line, as long as they meet all other setback requirements. The amendment also includes a large number of minor changes for purposes of clarity and consistency. Mr. Greaser asked if the amendment is being proposed in response to a specific situation. Mr. Shrimplin explained that, over the years, several variances have been requested by homeowners who wanted to place an accessory structure in the rear yard but could not do so due to the setback requirement (typically 25 feet). He noted that many lots in the city are small, and some of them barely have room for a principal structure due to the setbacks. The amendment would primarily benefit small residential properties that otherwise would not have space available for an accessory structure. Mr. Nick Martin asked how the amendment would affect subdivision covenants and other private restrictions. Mr. Shrimplin explained that the City cannot enforce private restrictions. If an accessory structure permitted by the City violates private restrictions, then it is up to the affected parties to enforce such restrictions. A motion was made by Mr. Greaser and seconded by Mr. Chris Martin to recommend approval of the amendment as submitted. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 0 abstaining (*Aye: Bertrand, Greaser, Guard, Jackson, Jones, C. Martin, N. Martin*).

##### Commission Appointment Recommendation

Due to Ms. McCauley-Perdue's resignation shortly before the last meeting, staff had provided the Commission with the City Advisory Board and Commission applications on file for those interested in serving on the Planning and Zoning Commission. The Commission reviewed the applications. A motion was made by Mr. Bertrand and seconded by Mr. Jones to recommend that the City Council appoint Ms. Emily McElreath to the Commission. The motion passed unanimously. Mr. Guard and Mr. Bertrand thanked Mr. Freeman for attending the meeting and encouraged him to continue serving the community.

##### Commission Communication

None of the Commission members had any communication items.

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### Staff Communication

Mr. Shrimplin gave the following updates:

1. Update on items from previous Commission meetings going on to City Council

The City Council approved the following on October 7, 2024:

- 560 Silverado Trail Annexation, Zoning & Ward Boundary Extension – 1<sup>st</sup> Reading
- 716 & 718 Broadway Special Use Permit – 1<sup>st</sup> Reading
- Cape West Crossing East – Third Subdivision Record Plat – 1<sup>st</sup> Reading

### Other Business

Mr. Joseph Uzoaru addressed the Commission regarding the special use permit request for 716 and 718 Broadway that was recommended for approval by the Commission at the last meeting. He stated that he was not made aware of the request until after the City Council approved the first reading of the ordinance granting the permit on October 7. He asked why he did not receive a letter giving notice of the Commission's public hearing. He stated that his company owns two properties along the alley where the restaurant drive-through is proposed. He expressed concerns about the impact of granting the special use permit. He noted that the City will not consider vacating a street or alley until a petition signed by all of the owners of property abutting the street or alley to be vacated is submitted. In his opinion, allowing an alley to be used for a drive-through serving a business has the same effect as vacating the alley, but without the consent of all of the abutting property owners. The fact that he did not receive a letter because his properties are near, but not adjacent to, the subject property seemed like a flaw in the notification system. His tenants use the alley for access to their parking spaces. The drive-through traffic would hinder that access.

Mr. Bertrand stated that the Commission did consider the impact of the drive-through in the alley, but no one spoke in opposition at the public hearing. Staff had informed the Commission that the owner of the adjacent properties at 706, 710, and 714 Broadway was made aware of the special use permit request well ahead of the public hearing, and he did not oppose the request, verbally or in writing.

Mr. Shrimplin stated that the only notification required by the Zoning Code is the written notice published in the newspaper at least 15 days prior to the City Council's public hearing. The Zoning Code allows for additional forms of notification, but the only required notice is the newspaper ad. As a courtesy, staff posts a sign on the subject property with information about the Commission's public hearing (which is updated for the Council's public hearing if the Commission recommends approval). The sign is posted one week prior to the Commission's hearing. Staff also mails a letter giving notice of the Commission's public hearing to the owners of property abutting or directly across a street or alley from the subject property. These practices have been incorporated into the Commission's Rules of Procedure.

Mr. Bertrand acknowledged Mr. Uzoaru's concerns but stated that he did not feel the notification process needed to change. Mr. Chris Martin stated that he felt the current steps taken by the staff to notify the public were adequate.

The Commission members encouraged Mr. Uzoaru to speak with the Mayor and/or other City Council members prior to the second and third readings of the ordinance on October 21.

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Adjournment

There being no further business, the Commission voted unanimously to adjourn the meeting at 6:15 p.m. upon a motion made by Mr. Guard and seconded by Mr. Jackson.

Respectfully submitted,

Chris Martin, Secretary

## TRANSPORTATION TRUST FUND 7 (TTF-7) COMMITTEE

### MEETING MINUTES

September 11, 2024

Draft

City Hall – Port Conference Room  
44 North Lorimier Street

Committee Members Present: Trae Bertrand, Scott Blank, Tamara Zellars Buck, Shad Burner, Gerry Jones, Nick Martin, Jeff Maurer, Mike Peters, Harry Rediger, Joe Uzoaru

Committee Members Absent: Brock Freeman, Sommer McCauley-Perdue

Staff Present: Nicolette Brennan, Casey Brunke, Brock Davis, Alex McElroy, Carol Peters, Trevor Pulley, Ryan Shrimplin

#### Call to Order

Chairperson Maurer called the meeting to order at 8:30 a.m.

#### Adoption of Agenda

The agenda was unanimously adopted upon a motion made by Mr. Burner and seconded by Mr. Martin.

#### Approval of Minutes

The minutes of the August 14, 2024 meeting were unanimously approved upon a motion made by Ms. Zellars Buck and seconded by Mr. Uzoaru.

#### Recap of Initial Public Input Process

Chairperson Maurer gave a recap of the initial public input process, which included a survey and two public meetings. A flyer containing a QR code linked to the TTF web page with access to an online survey, a printed version of the survey, and information about the public meetings was distributed by the Committee members and staff. Both public meetings were held on August 21, 2024 – one at the Osage Centre and the other at the Shawnee Park Center. The public meetings were lightly attended, but several project ideas were submitted by the attendees. The survey yielded a large number of project ideas. Mr. Rediger shared two project ideas that were not on his initial list: Rampart Street from Lexington Avenue to the north end of the concrete and Ellis Street from North Street to Independence Street.

#### Review of Project Ideas and Selection of Projects for Scoring

Chairperson Maurer stated that staff prepared a tabulation of the project ideas by street/location/area. The Committee reviewed and discussed several of the project ideas. Mr. Uzoaru mentioned that he received several comments about streets in neighborhoods. He noted that several people wanted the potholes and other damaged areas on their street fixed. He asked how much money is spent annually



on neighborhood street repairs. Ms. Brunke stated that the City annually spends about \$2.3 million on concrete street repair projects and \$600,000 on asphalt overlay projects. Mr. Uzoaru stated that, based on the feedback he received, concrete panel replacement in neighborhoods should be a priority. Mr. Pulley stated that the Committee should consider what types of projects benefit all of the citizens of Cape Girardeau in determining which projects to propose. Chairperson Maurer and Mr. Bertrand indicated that it was clear from the public input that the focus should be on taking care of existing streets rather than constructing new streets. Ms. Zellars Buck asked why Perryville Road has not been considered as a specific project. She stated that some sections of the road have curves and slopes that become a hazard in wet and icy conditions. Chairperson Maurer shared two project ideas he received for extensions of Veterans Memorial Drive, one from Hopper Road south and the other from the Sportsplex north.

The Committee selected the following projects for scoring:

- Veterans Memorial Drive from County Road 620 to Sportsplex (Phase 2)
- Veterans Memorial Drive from Hopper Road to Percy Drive (Phase 6)
- Independence Street from North Broadview Street to Caruthers Avenue
- Mount Auburn Road from Kingshighway to William Street
- William Street from Kingshighway to Aquamsi Street
- Broadview Street from Maria Louise Lane to Independence Street
- Fountain Street from Independence Street to William Street
- Bloomfield Street from Kingshighway to Pacific Street
- Perryville Road from Lexington Avenue to Perry Avenue

The Committee included the Independence Street and Fountain Street TTF-5 projects, both of which were suspended and their funds repurposed by the City Council due to high project costs, in order to provide transparency and closure with the public.

Mr. Uzoaru asked the Committee to consider allocating a portion of the TTF-7 funds for non-street improvements such as streetscape enhancements (that are not part of a street project) and trails. Mr. Shrimplin noted that there are several grant programs for sidewalks, trails, and other non-street transportation improvements. TTF funds could be used to meet the match requirement for these grants.

Ms. Zellars Buck requested input from the Police Department regarding the types of streetscape enhancements to avoid for crime deterrent purposes.

Chairperson Maurer noted that Mr. Blank sent an email regarding the Midtown Streetscape Improvement Plan, prepared by the Lawrence Group, which he procured in order to provide recommendations for improving the streetscape along South Sprigg Street, Good Hope Street, Morgan Oak Street, and other streets near Southeast Missouri State University's River Campus. The Committee discussed the need to beautify the city's main entryways such as State Highway 74 at the Bill Emerson Memorial Bridge.

Chairperson Maurer reviewed the next steps in the process. Staff will enter cost estimates and data for the projects into the scoring sheet template and email it to the Committee members. Once they have finished scoring the projects, each Committee member will email their scoring sheet to staff. Staff will calculate the composite score for each project. At the following meeting, the Committee will review the composite scores and select the projects for the final public input process, to be held in October. After the final public input process, the Committee will make any necessary changes and submit the list of recommended projects to the City Council. The Council will determine which projects will be included in the final list for the April 2025 ballot.



Draft

Next Meeting Date and Time

The next meeting was scheduled for September 26, 2024 at 8:30 a.m. Mr. Rediger noted that staff might need more time to provide complete cost estimates and data. The Committee agreed to reschedule the meeting if staff ends up needing more time.

Adjournment

There being no further business, the meeting was adjourned at 10:00 a.m. upon a motion made by Mr. Martin and seconded by Mr. Uzoaru.

Respectfully submitted by:

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Jeff Maurer, Chairperson

## TRANSPORTATION TRUST FUND 7 (TTF-7) COMMITTEE

### MEETING MINUTES

October 2, 2024

City Hall – Port Conference Room  
44 North Lorimier Street

Draft

Committee Members Present: Scott Blank, Tamara Zellars Buck, Shad Burner, Brock Freeman, Gerry Jones, Jeff Maurer, Sommer McCauley-Perdue, Mike Peters, Joe Uzoaru

Committee Members Absent: Trae Bertrand, Nick Martin

Staff Present: Nicolette Brennan, Casey Brunke, Brock Davis, Jake Garrard, Zach Martin, Carol Peters, Trevor Pulley, Ryan Shrimplin

#### Call to Order

Chairperson Maurer called the meeting to order at 8:30 a.m.

#### Adoption of Agenda

The agenda was unanimously adopted upon a motion made by Mr. Burner and seconded by Mr. Freeman.

#### Approval of Minutes

The minutes of the September 11, 2024 meeting were unanimously approved upon a motion made by Ms. Zellars Buck and seconded by Mr. Peters.

Chairperson Maurer acknowledged the recent passing of Harry Rediger. He expressed his gratitude for Mr. Rediger's service on current and past TTF Committees and the vital role he played in TTF's success.

#### Review of Project Scores and Selection of Projects for Final Public Input

Chairperson Maurer thanked staff for getting the cost estimates and data together for the scoring sheet template in a short amount of time.

Mr. Shrimplin explained that the composite scores were calculated by averaging the scores received from the Committee members. The composite scores were used to rank the projects as follows, from highest to lowest:

Project	Composite Score
Sprigg Street from William Street to Route 74	35.09
Mount Auburn Road from Kingshighway to Bloomfield Road	33.41
Broadview Street from Maria Louise Lane to Independence Street	31.89



William Street from Kingshighway to Aquamsi Street	29.36
Perryville Road from Cape Rock Drive to Perry Avenue	28.68
Veterans Memorial Drive from County Road 620 to Sportsplex (Phase 2)	27.11
Bloomfield Street from Kingshighway to Pacific Street	25.67
Independence Street from North Broadview Street to Caruthers Avenue	23.29
Lexington Avenue and Big Bend Road Sidewalk Gap	17.67
Fountain Street from Independence Street to William Street	13.44
Veterans Memorial Drive from Hopper Road to Percy Drive (Phase 6)	11.78

Chairperson Maurer noted that the Independence Street from North Broadview Street to Caruthers Avenue project had a relatively higher score than some of the other projects. However, due to the issues with acquiring right-of-way and easements for the project, he recommended removing it from consideration. He also recommended removing the Fountain Street from Independence Street to William Street project, which was deemed not feasible due to the presence of a sinkhole. The Committee decided to remove both projects from consideration.

Chairperson Maurer asked for comments from Committee members regarding issues that the scoring sheet did not capture. Mr. Burner stated that overall, city streets are in better shape than they have been in the past. However, neighborhood streets are still in need of attention.

Ms. Zellars Buck stated that some of the projects, such as the Mount Auburn Road and William Street projects, cover very long stretches. She suggested shortening the boundaries to focus on the sections that are most in need of repair. Mr. Garrard noted that staff did break some of the projects into sections, with separate cost estimates.

Chairperson Maurer noted that the project with the highest composite score was Sprigg Street from William Street to Route 74 (35.09). Mr. Shrimplin stated that the project was listed as an alternate on the TTF-6 project list. Mr. Garrard explained that funds for the Independence Street from North Broadview Street to Caruthers Avenue project were repurposed due to the project being suspended. Because it was an alternate, the Sprigg Street from William Street to Route 74 project was considered, but staff ultimately decided to spend the funds on repairing a section of North Sprigg Street instead.

Mr. Uzoaru stated that, in his opinion, sidewalks and trails are an integral part of the city's transportation network. He recommended allocating 5% of the TTF budget for new sidewalk and trail construction. He continued by stating that there are several areas in the city that need sidewalks and trails for the safety of pedestrian traffic. Ms. Brunke noted that the trail system is managed by the Parks & Recreation Department, which has been very successful in obtaining grants for trail construction and maintenance. She added that there are no such grants for streets.

Chairperson Maurer noted that, of the \$25 million budget for TTF-6, roughly half (\$13 million) was allocated to general maintenance projects (asphalt overlay, concrete street repair, sidewalk gap and sidewalk repair). Mr. Peters asked if the percentage for general maintenance projects should be higher for TTF-7.

Ms. Zellars Buck stated that, if they are not selected for the final list of recommended projects, she would like to see the Bloomfield Street from Kingshighway to Pacific Street project and the Lexington Avenue and Big Bend Road Sidewalk Gap project listed as alternate projects.

Mr. Freeman expressed his support for the Bloomfield Street from Kingshighway to Pacific Street project. Mr. Uzoaru asked how the estimated cost would be affected if the project boundary were to be shortened to the section from Kingshighway to West End Boulevard. Mr. Garrard replied that it would reduce the cost from \$5 million to \$3.5 million.

Taking into consideration the results of the initial public input process, the project scores, and Committee discussion, the following specific projects were selected for the final public input process:

- Veterans Memorial Drive from County Road 620 to Sportsplex (Phase 2) – \$6.5 million
- Mount Auburn Road from Kingshighway to Hopper Road – \$3.5 million
- Mount Auburn Road from Hopper Road to Independence Street – \$5.5 million
- William Street from Sheridan Drive to West End Boulevard – \$4 million
- Broadview Street from Maria Louise Lane to Independence Street – \$2 million
- Bloomfield Street from Kingshighway to West End Boulevard – \$3.5 million
- Perryville Road from Cape Rock Drive to Perry Avenue – \$3.5 million
- Sprigg Street from William Street to Route 74 – \$4.5 million
- Streetscape and Sidewalk New Connectivity – Various Locations – \$1.25 million

### Discussion on Final Public Input Process

For the final public input process, the Committee decided to hold two open houses (one at the Osage Centre and the other at the Shawnee Park Center) on November 7, 2024 from 4:00 to 6:00 p.m. Mr. Pulley stated that he will check with both facilities to confirm availability. Stations will be set up for the specific projects, plus one for general maintenance projects. Each station will consist of a presentation board displaying the project's name, description, estimated cost (for specific projects), and a map showing the project location (for specific projects), along with a drop box. When a member of the public arrives, they will be given \$25 million in "Cape Cash" to spend on projects by depositing their bills into the drop boxes.

The Committee also decided to conduct an online survey containing two questions. The first question will ask how much of the \$25 million should be spent on general maintenance projects. The second question will ask which specific projects should be funded with the remaining amount. Staff will prepare the survey for review and release by October 23, 2024.

### Other Business

There were no other business items.

### Next Meeting Date and Time

The next meeting was scheduled for November 13, 2024 at 8:30 a.m. at which time the Committee will review the results of the final public input process and prepare the final list of recommended projects for presentation to the City Council on December 2, 2024.

### Adjournment

There being no further business, the meeting was adjourned upon a motion made by Mr. Freeman and seconded by Mr. Burner.

Respectfully submitted by:

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Jeff Maurer, Chairperson