

WITHDRAWN MAY 07 2012

Proposed Committee Amendment
Land Use Committee
April 27, 2012

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE granting a conditional use permit (CUP) in District LI (Light Industrial) for a period of twenty years to operate a solid waste and commingled recyclables processing facility, also known as a transfer station, subject to specified conditions, as to a 6.36± acre tract.

ORDINANCE #4406, April 9, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted for a period of twenty years to operate a solid waste and commingled recyclables processing facility, also known as a transfer station, as to an approximate 6.36± acre tract of land specifically described as follows:

Legal Description: Lots 22 and 23, Corrected plat of Blue Summit Industrial Park, a subdivision in Jackson County, Missouri.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. Prior to approval of construction plans and building permits, the applicant shall replat lots 22 and 23 in the corrected subdivision plat for Blue Summit Industrial Park into one subdivision lot.
2. Prior to approval of construction plans and building permits, a drainage study and erosion control plan that addresses water quality as well as storm water controls shall be completed and approved by the Director of Public Works.
3. Prior to approval of construction plans and building permits, the applicant shall

provide copies of permits and/or approvals from the City of Independence for water service and Kansas City Water Services Department for sewer services.

4. The transfer building will be a metal building with metal panels having a depth of more than one inch or a thickness of more than U.S. Standard 26 gauge. The wall facing the public street shall have a decorative façade with either face brick, "Cherokee" block, stone or similar material that will be approved by Planning and Environmental Health Division during the building permit plan review process.

5. The interior site roads shall be paved with either asphalt or concrete having a minimum pavement thickness of six inches for asphalt or four inches for concrete.

6. The applicant shall provide a copy of all necessary Missouri Department of Natural Resources approvals to the Planning and Environmental Health Division prior to applying for any permits that allow the applicant to move forward with site development.

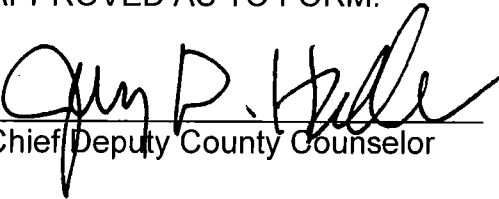
7. The proposed solid waste processing facility must be consistent with the District E - MARC Solid Waste Management District's Solid Waste Management Plan.

8. Overnight parking of vehicles is limited to no more than 15 empty packer and/or transfer vehicles on paved parking areas.

Section 3. The Legislature, pursuant to the application of Deffenbaugh Industries, Inc. (CU-2012-210), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 5 to 4 to recommend DISAPPROVAL of this application in a public hearing on March 15, 2012, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance #4406 introduced on April 9, 2012, was duly ~~passed~~ on WITHDRAWN MAY 07 2012, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas WITHDRAWN MAY 07 2012 Nays _____

Abstaining _____ Absent _____

WITHDRAWN MAY 07 2012

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4406.

Date

Michael D. Sanders, County Executive

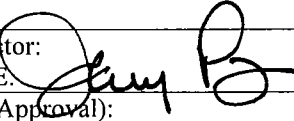
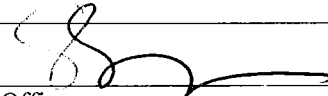
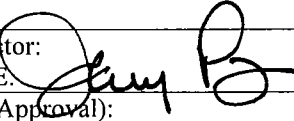
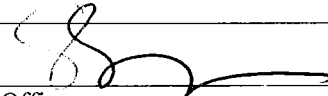
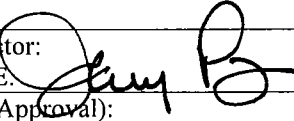
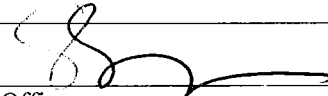
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4406

Sponsor(s): None

Date: April 9, 2012

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Conditional Use Permit (Deffenbaugh Industries, Inc) Case No. CU-2012-210</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="326 527 1198 840"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT
Amount authorized by this legislation this fiscal year:	\$											
Amount previously authorized this fiscal year:	\$											
Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Subdivision and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting Conditional Use Permit (CUP) in District LI (Light Industrial) for a period of 20 years to operate a solid waste and commingled recyclables processing facility (transfer station) on 6.36± acres. The 6.36± acres are near the intersection of 23 rd Street and I-435 highway at 2211 Television Place in the Blue Summit area. Property is legally described as all of lots 22 and 23, corrected plat of Blue Summit Industrial Park, a subdivision in Jackson County, Missouri, aka 2211 Television Place and specifically described on Attachment to RLA-1. The Jackson County Plan Commission on March 15, 2012 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. The applicant was represented by five individuals. There were three persons in support of said application and approximately nine persons who voiced opposition. Staff recommended Approval as this request conforms to the general intent and purpose of the Unified Development Code. The Plan Commission voted 5 to 4 to recommend <u>DISAPPROVAL</u> for a 20 year period provided the following conditions are met (see attachment RLA-2)											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-3											
REVIEW	<table border="1" data-bbox="321 1722 1534 1940"> <tr> <td>Department Director: Jerry A. Page, P.E. </td> <td>Date: 3/29/2012</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 3/2/12</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: Jerry A. Page, P.E. 	Date: 3/29/2012	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: 	Date: 3/2/12	County Counselor's Office:	Date:		
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County Counselor's Office:	Date:											

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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA 1:

Description: Lots 22 and 23, Corrected plat of Blue Summit Industrial Park, a subdivision in Jackson County, Missouri.

ATTACHMENT TO RLA-2

Conditions:

- 1) Prior to approval of construction plans and building permits, the applicant shall replat lots 22 and 23 in the corrected subdivision plat for Blue Summit Industrial Park into one subdivision lot.
- 2) Prior to approval of construction plans and building permits, a drainage study and erosion control plan that addresses water quality as well as storm water controls will need to be approved by the Director Public Works.
- 3) Prior to approval of construction plans and building permits, the applicant must provide copies of permits and/or approvals from the City of Independence for water service and Kansas City Water Services Department for sewer services.
- 4) The transfer building will be a metal building with metal panels having a depth of more than one (1) inch or a thickness of more than U.S. Standard 26 gauge. The wall facing the public street shall have a decorative façade with either face brick, "Cherokee" block, stone or similar material that will be approved by Planning and Environmental Health Division during the building permit plan review process.
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- 6) The applicant shall provide a copy of all necessary Missouri Department of Natural Resources approvals to the Planning and Environmental Health Division prior to applying for any permits that allow the applicant to move forward with site development.
- 7) The proposed solid waste processing facility must be consistent with the District E – MARC Solid Waste Management District's Solid Waste Management Plan.
- 8) Overnight parking of vehicles is limited to no more than 15 packer and/or transfer vehicles on paved parking areas.

ATTACHMENT TO RLA-3:

Attachments

Plan Commission Public Hearing Summary from March 15, 2012

Staff report

Names/Addresses of Surrounding Property Owners

Map showing current zoning districts in area

Application

Informational Booklet

Preliminary Plat

Site Plan

Building Elevations Views

Blue Summit Industrial Park

Covenants and Restrictions

Fact Sheet

Traffic Impact Study

Staff Photos

Summary - Proposed and revised Recycling and Solid Waste Processing Facility

Letter from Sugar Creek

Resolution from Inter City Fire Protection District

Letter from environmental Waste Service, Inc

Letter from Lisa Danbury with MARC and Solid Waste Processing Facility Pamphlet

Pictures of Doniphan County Transfer Station, Wathena, Kansas