

**REQUEST FOR LEGISLATIVE ACTION
EXECUTIVE OFFICE**

Version 6/10/19

Completed by County Counselor's Office:

Res/Ord No.: 5313

Sponsor(s): N/A

Date: February 3, 2020

JAN 22 2020

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Conditional Use Permit – Ozark Ready Mix - CU-2019-232</u></p>																
<p>BUDGET INFORMATION To be completed By Requesting Department and Finance</p>	<table border="1" data-bbox="365 514 1445 693"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td></td> <td>\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><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): _____</p>		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:		\$
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Amount budgeted for this item * (including transfers):		\$															
Source of funding (name of fund) and account code number:		\$															
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): _____ Prior resolutions and (date): _____</p>																
<p>CONTACT INFORMATION</p>	<p>RLA drafted by: RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>																
<p>REQUEST SUMMARY</p>	<p>Requesting a Conditional Use Permit for a period of 15 years to operate a concrete batch plant on 15.20 acres in District HI (Heavy Industrial). The 15.20 ± acres are located in Section 08, Township 47, Range 30, Jackson County, Missouri, at 27700 E. US 50 Highway, in Jackson County, Missouri, and specifically described on Attachment to RLA-1.</p> <p>The Jackson County Plan Commission on January 16, 2020 held a public hearing and accepted testimony pertaining to the Conditional Use Permit. This request conforms to the general intent and purpose of the Unified Development Code.</p> <p>Therefore, the Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> for a 15 year period provided the following conditions are met (see attachment RLA-2)</p>																
<p>CLEARANCE</p>	<p><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)</p>																
<p>COMPLIANCE</p>	<p><input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals</p>																
<p>ATTACHMENTS</p>																	
<p>REVIEW</p>	<table border="1" data-bbox="349 1659 1529 1902"> <tr> <td>Department Director: Brian D. Gaddie, P.E., Director of Public Works</td> <td>Date: 1-22-20</td> </tr> <tr> <td>Finance (Budget Approval): If applicable</td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Quay M. Schulte</i></td> <td>Date: 1-22-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Cousins</i></td> <td>Date: 1/29/2020</td> </tr> </table>		Department Director: Brian D. Gaddie, P.E., Director of Public Works	Date: 1-22-20	Finance (Budget Approval): If applicable	Date:	Division Manager: <i>Quay M. Schulte</i>	Date: 1-22-2020	County Counselor's Office: <i>Bryan Cousins</i>	Date: 1/29/2020							
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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.

CU-2019-232

ATTACHMENT TO RLA 1:

Description:

All of the West 36 acres of the Southwest Quarter of the Southwest Quarter of Section 8, Township 47, Range 30, Jackson County, Missouri, Except that part as follows: Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 8, Township 47, Range 30, Jackson County, Missouri; thence North 88 degrees, 55, minutes East, along the North line of said Quarter Quarter section, a distance of 569.82 feet; thence South parallel with the West line of said Quarter Quarter section, a distance of 967.87 feet; thence North 76 degrees 53 minutes West, 183.65 feet; thence North 59 degrees 40 minutes West, 203.99 feet; thence North 29 degrees 46 minutes West, 311.82 feet; thence North 89 degrees 10 minutes West 60.0 feet to a point of the West line of said Quarter Quarter section; thence North along the West line of Quarter Quarter section 541.24 feet to the point of beginning and Except part in roads and part conveyed to the State of Missouri for highway purposes.

Randy Diehl gave the staff report:

RE: RZ-2019-575

Applicant: Ozark Ready Mix

Location: Section 08, Township 47, Range 30, 27700 E US 50 Hwy

Area: 15.2 ± acres

Request: Change of zoning from District AG (Agricultural) to District HI (Heavy Industrial)

Purpose: Applicant is requesting the change in zoning for a concrete batch plant which requires Heavy Industrial zoning and a Conditional Use Permit.

Current Land Use and Zoning in the Area:

The zoning in the area is Agricultural. Land uses are single family residences on larger acre tracts. To the west of 7 Highway is the Barber Quarry which is inside the City of Lake Lotawana.

Heavy Industrial is appropriate in areas where uses are buffered from residential areas and commercial properties used by the general public.

Permitted uses for District HI are any permitted use allowed within District LI (Light Industrial). However, an asphalt or concrete batch plant requires a Conditional Use Permit as well.

A request for the Conditional Use Permit will also be considered. Conditional uses are those uses which generally are compatible with permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

The applicant had originally included the 44 acres to the East as part of the request. Since no immediate plans for this area are planned, they have requested that just the 15 acres for the batch plant be considered for rezoning.

Access will be onto 7 Highway via the existing access road.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2019-575

Mr. Diehl continued with the report for the Conditional Use Permit since the rezoning and conditional use permit tie in with one another.

RE: CU-2019-232

Applicant: Ozark Ready Mix

Location: Section 08, Township 47, Range 30, 27700 E US 50 Hwy

Area: 15.2 ± acres

Request: Conditional Use Permit for a concrete batch plant

Comments: The plan illustrates a proposed administration office, a batch plant office and batch plant, a washout basin, and aggregate storage.

The area of activity is generally to the South portion of tract and occupies roughly 5 acres of ground.

A Traffic Impact study was conducted and submitted to the Missouri Department of Transportation for their review. MoDot would expect the developer to make the necessary improvements to the Outer Road to accommodate the increased traffic, being primarily truck traffic.

The Missouri Department of Natural Resources requires permits and compliance with Air Pollution and Water Pollution control programs.

The proposed driveway and parking areas shall comply with the standards set forth within the Unified Development Code which states pavement thickness of four (4) inches. Off-street parking shall be provided at the ratio of one (1) space per 200 square feet of office space.

Within the Industrial Performance Standards for District HI (24004.12.f.2) it states, "Outdoor storage areas shall be screened with a solid, opaque six-foot-tall fence". Staff recommends screening along the front portion of the property.

County Plan:

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

Recommendation:

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of CU-2019-232 for a period of 15 years with the following conditions:

- 1) Site must comply with all air and water quality standards as adopted and/or amended by the Missouri Department of Natural Resources.
- 2) Copies of all state licenses shall be provided to the Department of Public Works – Development Division.
- 3) The proposed driveway and parking areas shall be concrete surface with a minimum pavement thickness of four (4) inches. Off-street parking shall be provided at the ratio of one (1) space per 200 square feet of office space.
- 4) Any major changes to the proposed site plan will require a modified site plan to be submitted and may require re-approval of the Conditional Use Permit.
- 5) On-site advertising signs shall comply with Section 240007 in the Unified Development Code.
- 6) All improvements shall be completed and accepted by the Public Works Department prior to occupancy of the concrete batch plant.

Mr. Antey: Are there any questions for Randy?

Mr. Tarpley: Does the applicant have any other plants?

Mr. Diehl: Yes, they have about 19 other plants around the Lake of the Ozarks and the middle portion of the state.

Mr. Antey: You mention in your report about tree buffers in front to screen from the highway. Is that from 7 Highway or 50 Highway?

Mr. Diehl: 50 Highway. Similar to the fireworks trailer storage that is to the east of this location.

Mr. Tarpley: Are we talking wire fence with slats or permanent type fence?

Mr. Diehl: Either one is appropriate, as long as they provide the screening under the guidelines of the UDC. The trailer storage has hurricane fencing with the slats. There is some natural buffering with the trees along the front. The areas that MoDOT does not require removal of brush could serve as a barrier.

Mr. Tarpley: How long are we talking?

Mr. Diehl: Along the front to screen the entrance.

Mr. Crawford: Just along the front?

Mr. Diehl: Yes, otherwise they'd have to screen the entire 15 acres. From the perspective it wouldn't make much of an impact. We are looking at buffering from the view of the highway.

Mr. Haley: What about air quality? Is it going to be very dusty?

Mr. Diehl: Those regulations are with the State's Department of Natural Resources.

Mr. Antey: The regulations are within MDnR requirements. However, when it comes to silica dust, OSHA has a far, far more stringent threshold than the State. It was wondering about that.

Mr. Diehl: That question can be answered by the applicant's representative.

Ms. Mershon: Is this where the landscape place is?

Mr. Antey: This is on the north side of 50 Highway.

Mr. Antey: *Is the applicant here?*

Steve Motto: 614 NW 1801 Rd, Kingsville, MO 64061.

Mr. Antey: *Do you have anything to add to the report?*

Mr. Motto: With Ozark Ready Mix, we run multiple operations. For the silica question, the standards have changed, we are in compliance. The paving for parking for dust (reduction).

Mr. Antey: The reason I ask, is that I've been in the construction industry and have worked around the Ozarks and there are a lot more OSHA inspectors in this area.

Mr. Motto: We are a company that runs in compliance. We are aware of all that and do what we need to do.

Mr. Tarpley: How is the dust monitored?

Mr. Motto: As far as MDnR, they have factors for what your production is, and how much material you handle. The watering of the areas is based on that as well for area that are not paved.

Mr. Hilliard: Is the material stored in bins?

Mr. Motto: The aggregate, rock and sand, are within bins. The powder materials are in silos which have ban houses to control dust.

Ms. Mershon: Will there be a lot a vehicles coming in and out?

Mr. Motto: This size operation will be about 15 to 20 trucks, which will be the ready mix trucks. There will be material trucks coming.

Ms. Mershon: Where does the rock come from?

Mr. Motto: We get it from different sources. Some is local from the metro. There is a granite material that ships in, that is required. Different locations.

Mr. Antey: Concrete can have different mix specifications, which may require different amounts of granite and aggregate to be onsite.

Mr. Antey: Is there anyone else who is in favor of this application?

There were none.

Mr. Antey: Is there anyone who is opposed or has questions regarding this application?

Don Berkstresser: 413 SE Snapple Bit Road, Lee's Summit, Mo. I own the property to the west to here. My handicapped son lives in house. I'm not against this at all, my concern is the traffic and dust. The mailbox is on the frontage road and he'll be getting mail from the box. Dust hopefully will be taken care of. The rock and particles from the trucks bringing material in and out. How will that be controlled?

La Vonda Montgomery: 12024 S Easley Road, Lee's Summit, MO. We own the parcel that is north of the tract east of the 15 acres. Is the tree line on the east property line going to remain?

Mr. Motto: Yes, it is our intention to leave that tree line in place as a buffer.

Ms. Montgomery: I am also concerned about the traffic. (MoDot) has rerouted traffic on the outer roads, that comes out (across 7 Highway from Mr. Berkshire's property). There are no traffic lights (at the outer road and 7 Highway). How will that be addressed?

Mr. Tarpley: Is there a line of site problem?

Ms. Montgomery: No, it's just the traffic coming off (50 Highway). I'm also concerned about lighting, dust and hours of operation.

Mr. Antey: I know you've addressed the dust issue. The main control will be water. What about hours of operation?

Mr. Motto: Typical hours of operation are 7:00 am to 5:00 pm. There may be an earlier start time.

Mr. Antey: And the number of trucks, you said about 15 to 20?

Mr. Motto: Correct.

Mr. Crawford: There was a question about security lighting. It's understandable the you will need some.

Mr. Motto: Our intent is to minimalize that. At this location we don't need to be lit up like a Walmart. We want to be good neighbors. Most should be on the south end.

Mr. Crawford: Pointed down?

Mr. Motto: Yes

Mr. Diehl: The UDC requires to lighting be directional as not to shine over to an adjacent property. It can be shrouded to point downward.

Daryl Montgomery: 12024 S Easley Road, Lee's Summit, MO. My concern is the part of the property to the east. What are the plans for this?

Mr. Antey: At this point that property is not before this Commission. It will remain agricultural. If they wanted to change that, they would need to come before us.

Mr. Diehl: Their original application was for the entire 50 acres to be rezoned. They decided just to rezone the 15 acres for the plant. Mr. Antey is correct in that they would have to apply for a change of zoning and go through the public hearing process. They can use the property at this point for any allowable use with the Agricultural Zoning District.

Mr. Montgomery: What will they do with the land between now and the future?

Mr. Motto: The plan is not to do anything with it at this point. We'll leave it as is. The purchase required both parcels. It is not in our immediate thought process to do anything with it. It will stay crop land.

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Haley seconded.

Discussion under advisement

Mr. Tarpley: I want to address the traffic. I would be nice if they would coordinate with school times to help alleviate any problems for school bus traffic.

Mr. Crawford: I live within a mile of this. The use of the property, the owner has a right to develop it. It could office buildings, possibly. Apartments, a subdivision. I doubt it with the traffic. It probably lends itself to be industrial. A concrete plant usually fires up in the morning and early afternoon it's winding down. I don't perceive any noise in the evening. I personally Googled these people. I got their main site and picked at random a site they have. What I saw from Google Earth is that they run a clean operation. No junk equipment setting around.

Mr. Diehl: Mr. Chairman, to add to your original thoughts and Mr. Crawford, permitted (allowable uses) for Light Industrial also are permitted within District HI, Heavy Industrial. The HI list go beyond those uses for uses such as a batch plant, chemical plants, coal plants, foundries, and metal works. Those uses require a Conditional Use along with the change in zoning.

Mr. Antey: The Condition Use allows another layer of protection and will have to be renewed every so often. We'll look at their track record and that factors into their renewal.

Mr. Diehl: Their original application was for a term of 100 years. Staff suggested a more reasonable term of 15 years for the nature of the business. Usually a term of 3 to 5 years would be reasonable for a day care or boarding kennel.

Mr. Hilliard: The only other concern would be noise. It doesn't appear that there are that many homes in the immediate area. It's at the intersection of both 50 and 7 Highways. East of there is Easley Road.

Mr. Diehl: There are no plans to extend the outer road to east to Easley Road. Just the improvements to the existing road which parallels the west bound lane of 50 Highway.

Mr. Tarpley: Where is the nearest driveway from the outer road?

Mr. Diehl: Mr. Berkstresser's driveway is off the outer road. The next driveway is about 450 feet north of the outer road on 7 Highway.

Mr. Crawford: The only thing is the rocks or material falling off the trucks. I'm sure it'll be up to the owner of the plant to maintain and clear it off. I'm not sure what the County will require.

Mr. Diehl: The right of ways for both 50 and 7 Highways are under MoDot's control, as well as the outer road, which is within the right of way of 50 Highway

RZ-2019-575 Mr. Tarpley moved to approve. Mr. Crawford seconded.

Mr. Tarpley
Mr. Crawford
Ms. Querry
Mr. Haley
Mr. Gibler
Mr. Hilliard
Chairman Antey

Motion Carried 7 – 0

CU-2019-232 Mr. Crawford moved to approve. Mr. Tarpley seconded.

Mr. Tarpley
Mr. Crawford
Ms. Querry
Mr. Haley
Mr. Gibler
Mr. Hilliard
Chairman Antey

Motion Carried 7 – 0

Election of Officers

Mr. Crawford moved to keep the elected officer the same as last year.
Larry Antey Chairman
William Tarpley Co-Chair

Mr. Haley seconded.

Voice vote – All Aye

Meeting Adjourned: 9:10 am

STAFF REPORT

**PLAN COMMISSION
November 21, 2019**

RE: CU-2019-232

Applicant: Ozark Ready Mix

Location: Section 08, Township 47, Range 30, 27700 E US 50 Hwy

Area: 15.2 ± acres

Request: Conditional Use Permit for a concrete batch plant

Comments: The plan illustrates a proposed administration office, a batch plant office and batch plant, a washout basin, and aggregate storage.

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County Plan:

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Recommendation:

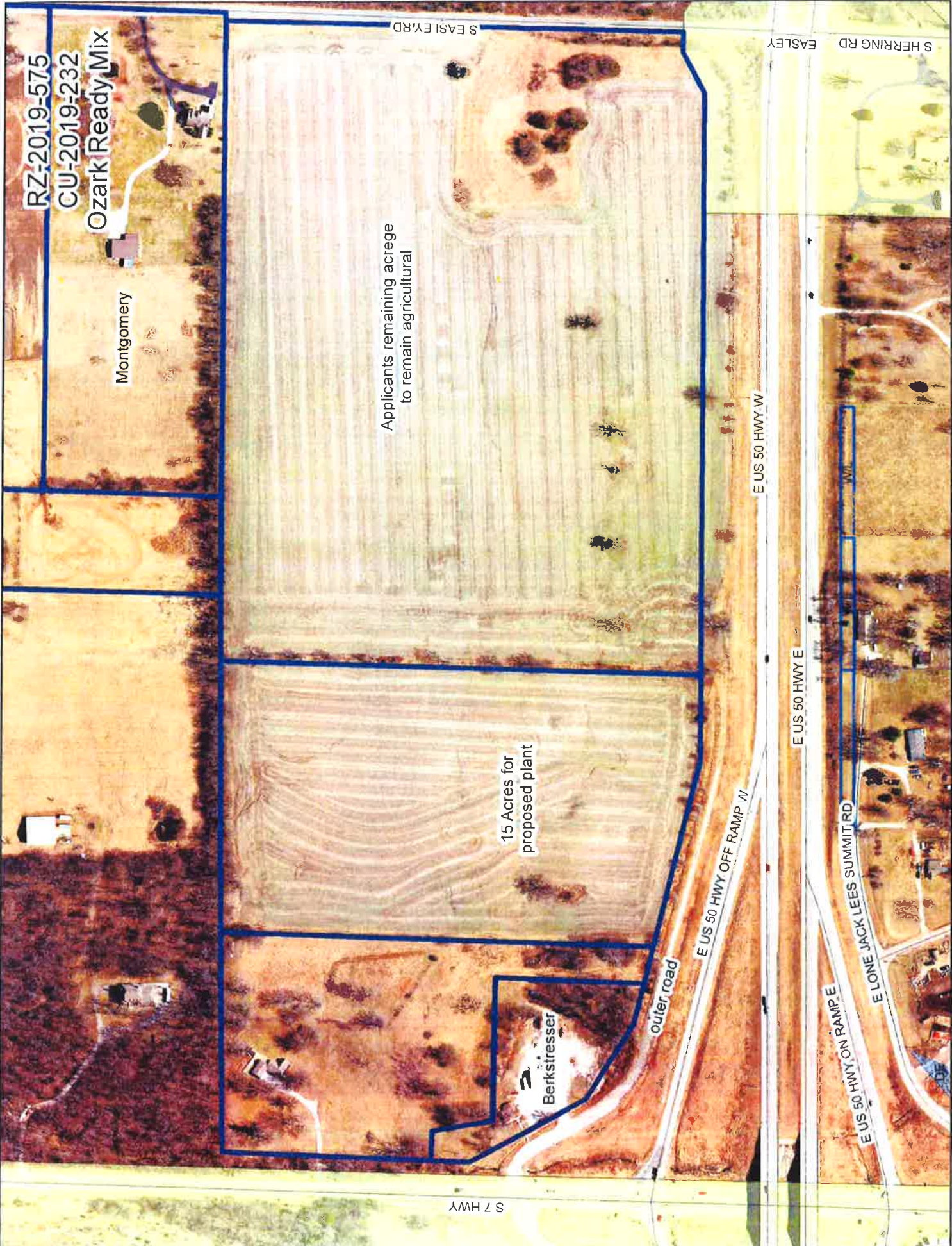
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of CU-2019-232 for a period of 15 years with the following conditions:

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- 2) Copies of all state licenses shall be provided to the Department of Public Works – Development Division.
- 3) The proposed driveway and parking areas shall be concrete surface with a minimum pavement thickness of four (4) inches. Off-street parking shall be provided at the ratio of one (1) space per 200 square feet of office space.
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- 5) On-site advertising signs shall comply with Section 240007 in the Unified Development Code.
- 6) All improvements shall be completed and accepted by the Public Works Department prior to occupancy of the concrete batch plant.

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator



RZ-2019-575
CU-2019-232
Ozark Ready Mix

Montgomery

Applicants remaining acreage
to remain agricultural

15 Acres for
proposed plant

Berkstresser

outer road

E US 50 HWY OFF RAMP W

E US 50 HWY W

E US 50 HWY E

E US 50 HWY ON RAMP E

E LONE JACK LEE'S SUMMIT RD

S 7 HWY

S EASLEY RD

E ASLEY
S HERRING RD

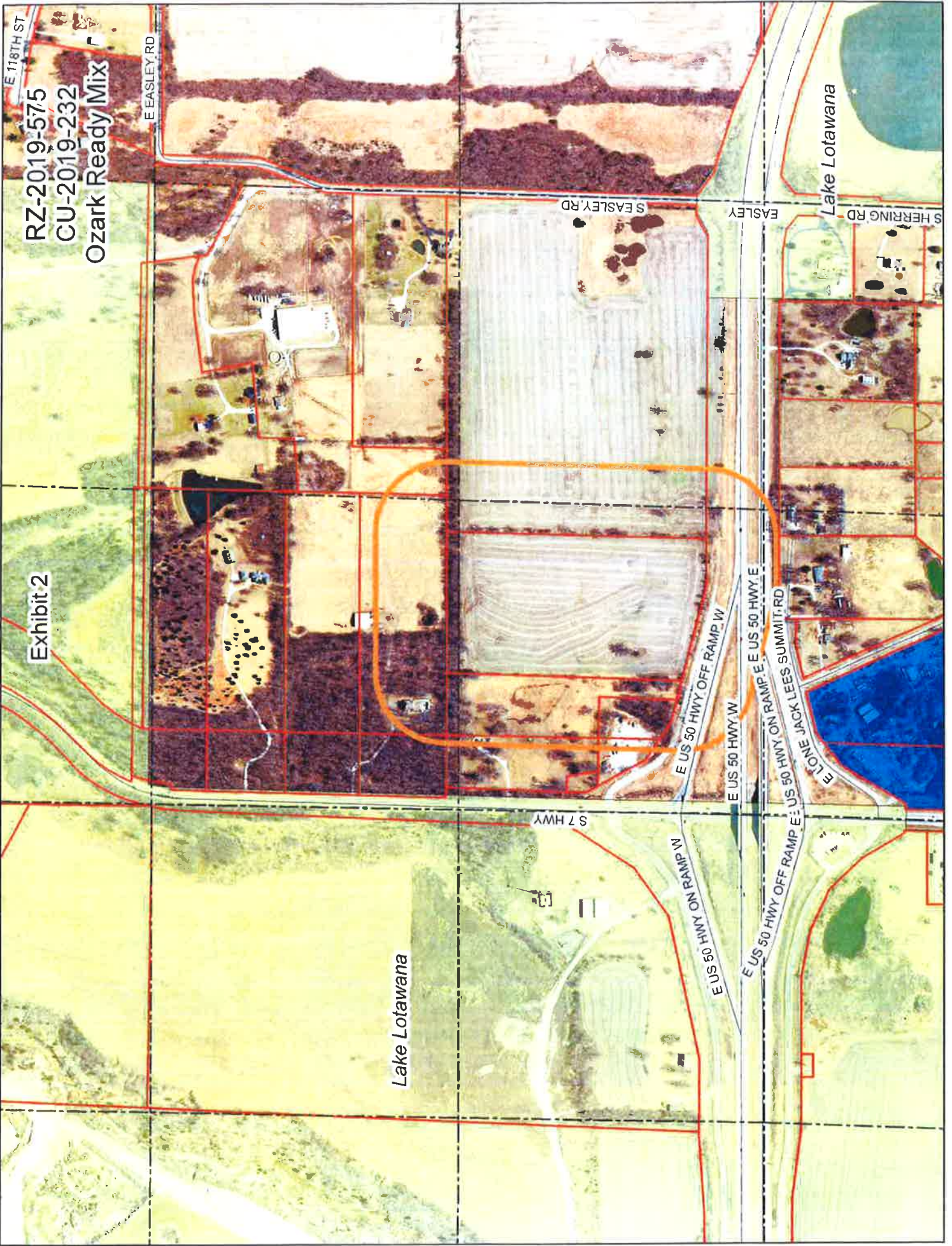


Exhibit 2

Lake Lotawana

Lake Lotawana

E 118TH ST

E EASLEY RD

S 7 HWY

E US 50 HWY ON RAMP W

E US 50 HWY OFF RAMP W

E US 50 HWY W

E US 50 HWY ON RAMP E

E US 50 HWY OFF RAMP E

E US 50 HWY SUMMIT RD

E ONE JACK LEES SUMMIT RD

EASLEY

S EASLEY RD

S HERRING RD

RZ-2019-575
CU-2019-232
Ozark Ready Mix



JACKSON COUNTY Public Works Department

Jackson County Technology Center
303 West Walnut Street
Independence, Missouri 64050
jacksongov.org

(816) 881-4530
Fax: (816) 881-4448

November 6, 2019

RE: Public Hearing: RZ-2019-575 & CU-2019-232
Ozark Ready Mix

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Ozark Ready Mix for a change of zoning from District AG (Agricultural) on 52.17 ± acres to District HI (Heavy Industrial), and also a request for a Conditional Use Permit on 15.2 ± acres for a concrete batch plant. The 52.17 ± acres are located in Section 08, Township 47, Range 30, Jackson County, Missouri, aka 27700 & 28004 E US 50 Highway.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 300' of the subject property.

The public hearing on this matter will be held by the Board of Zoning Adjustment on Thursday, November 21, 2019 at 8:30 a.m. at Fleming Hall, 21906 Woods Chapel Road, Blue Springs, Mo 64015.

Parking is available to the west of Fleming Hall.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4649.

Sincerely,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Frank White, Jr., County Executive

Plan Commission November 21, 2019
 RZ-2019-575 & CU-2019-232
 Property Owners Within 300 feet

parcel	owner	address	city	state	zip
59-500-03-09-00-0-00-000	GORDEN LESLIE D & PEGGY J	12015 S M 7 HWY	LEES SUMMIT	MO	64086
59-500-03-10-00-0-00-000	GORDEN LESLIE D & PEGGY J	12015 S M 7 HWY	LEES SUMMIT	MO	64086
59-500-03-08-01-1-00-000	HENRY NICHOLAS	12103 S 7 HWY	LAKE LOTAWANA	MO	64086
59-500-03-07-01-2-00-000	HENRY NICHOLAS	12103 S 7 HWY	LAKE LOTAWANA	MO	64086
59-500-03-08-01-2-00-000	MOUNTAIN ROAD LLC	413 SE SNAFFLE BIT DR	LEES SUMMIT	MO	64082
59-500-03-08-02-0-00-000	MOUNTAIN ROAD LLC	413 SE SNAFFLE BIT DR	LEES SUMMIT	MO	64082
59-500-03-07-02-0-00-000	MOUNTAIN ROAD LLC	413 SE SNAFFLE BIT DR	LEES SUMMIT	MO	64082
59-500-04-02-00-0-00-000	RUSSELL RAHE J & THE MIDWEST TRUST CO-TR	5901 COLLEGE BLVD STE 100	OVERLAND PARK	KS	66211
59-500-03-24-01-1-00-000	4 A PROPERTIES MANAGEMENT LLC	13512 E 95TH TERR	KANSAS CITY	MO	64138
59-500-03-24-01-2-00-000	MONTGOMERY DARYL E & LA VONDA G	12024 S EASLEY RD	LEES SUMMIT	MO	64086
59-500-03-04-00-0-00-000	THE GIBSON FAMILY LIMITED PARTNERSHIP	922 WALNUT STE 402	KANSAS CITY	MO	64106
59-500-03-07-01-1-00-000	THE GIBSON FAMILY LIMITED PARTNERSHIP	922 WALNUT STE 402	KANSAS CITY	MO	64106

JACKSON COUNTY, MISSOURI
CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, MO 64050 by the deadline on the Plan Commission Calendar.
 2. Application must be typed or printed in a legible manner.
 3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location must accompany application. Refer to Section 24003.22, pertaining to Site Plan Review within the Unified Development Code.
 4. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
 5. The filing fee \$350.00 (non-refundable) must accompany application.
(Check payable to: Manager of Finance)
-

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Conditional Use Permit Number _____ CU- _____
Date filed _____ Date of hearing _____
Date advertised _____ Date property owners notified _____
Date signs posted _____
Hearings: Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____
 Heard by _____ Date _____ Decision _____

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
 - a. Applicant(s) Name: Ozark Ready Mix
Address: 1115 Bluff Drive
Osage Beach, MO 65065
Phone: 573-348-1181
 - b. Owner(s) Name: Gibson Family Limited Partnership
Address: 922 Walnut Ste 402, Kansas City, MO 64106
Phone: _____
 - c. Agent(s) Name: _____

Address: _____

Phone: _____

d. Applicant's interest in Property: Ready mix concrete plant

2. A CONDITIONAL USE PERMIT IS HEREBY REQUESTED for the following described use: proposed Ready mix concrete plant for a period of 100+ years; property described as follows: a tract of land 15.2 square feet/acres in size located at East of MO-7, north of US HWY-50 Road. Present Zoning District Agricultural (AG)

3. Legal Description of Property: (Write Below or Attached 9)

Parcel: 59-500-03-07-01-1-00-000

4. Present Use of Property: Agricultural

5. Proposed Use of Property: Ready mix concrete plant

6. Estimated Time Schedule for Development: Begin construction in Spring 2020

7. What effect will your proposed development have on the surrounding properties?

No effects anticipated

8. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No, property in Zone X designation for flood plain

If so, will any improvements be made to the property which will increase or decrease the elevation? _____

9. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water Jackson County

b. Sewage disposal Septic System

c. Electricity Kansas City Power and Light

d. Heating To be determined

e. Fire and Police protection Lone Jack

10. Describe existing road width and condition: Standard two lane road, average condition

11. What effect will proposed development have on existing road and traffic conditions? Will not effect road conditions, slight increase in traffic

12. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Yes

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): Air and water permits will be applied for depending on rezoning and conditional use permit approval

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature

Date

Property Owner(s)

Jim Jackson
Jim Jackson - President, Ozark Ready Mix

8/2/19

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Cole

On this 2nd day of August, in the year of 2019, before me the undersigned notary public, personally appeared Jim Jackson

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public *Kimberly Marie Quirouet*

Commission Expires 2/14/2021

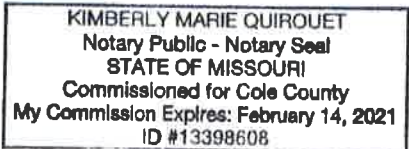
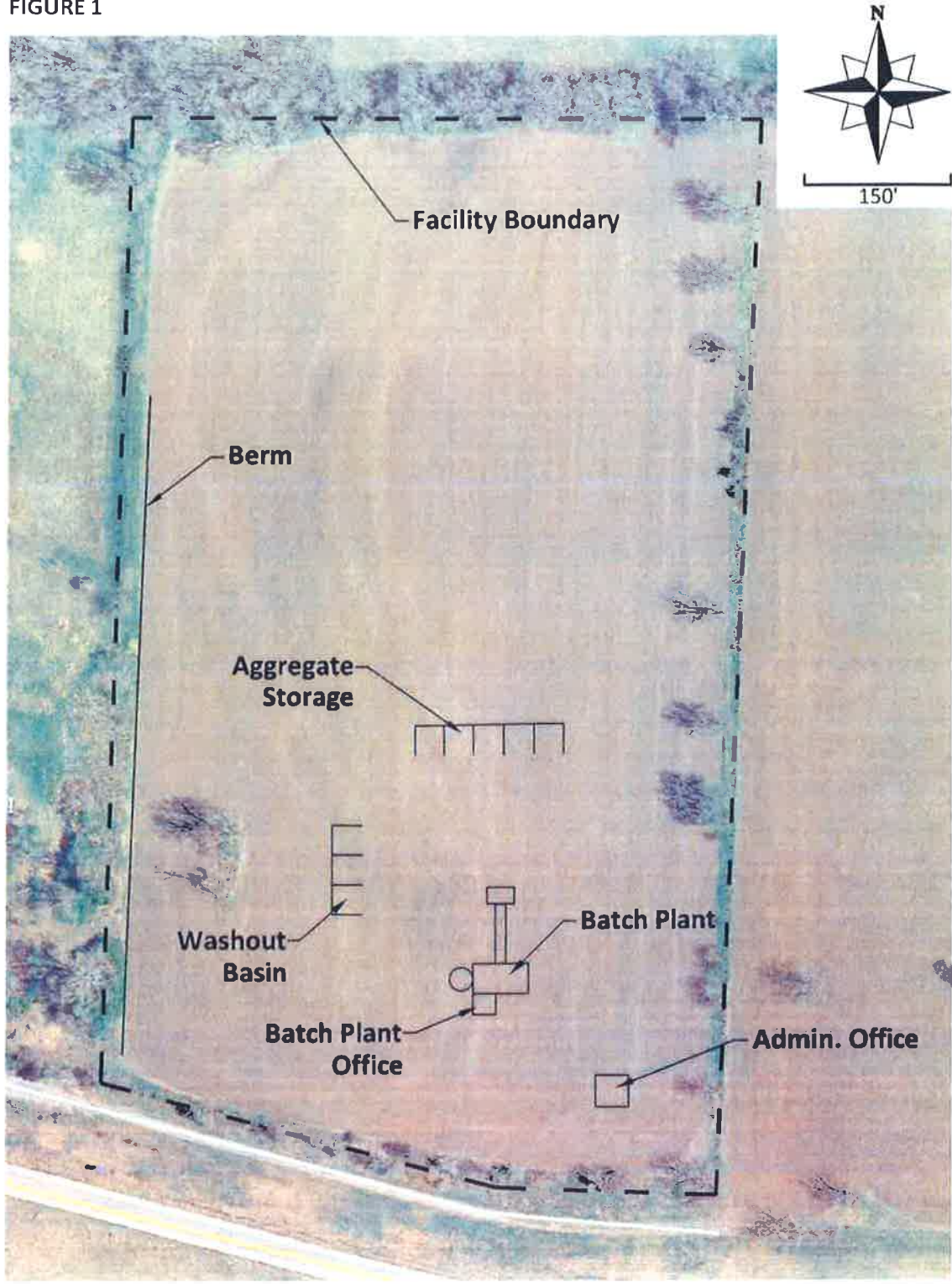


FIGURE 1



TRAFFIC IMPACT STUDY

READY MIX BATCH PLANT

LAKE LOTAWANA, MO

PREPARED FOR:
CENTRAL MISSOURI
PROFESSIONAL SERVICES, INC.

September 20, 2019



THIS SHEET HAS BEEN
SIGNED, SEALED AND DATED
ELECTRONICALLY.





September 20, 2019

Mr. Paul Samson, P.E.
Central Missouri Professional Services, Inc.
2500 E. McCarty Street
Jefferson City, MO 65101

SUBJECT Traffic Impact Study
 Ready Mix Concrete Batch Plant
 Lake Lotawana, Missouri

Dear Mr. Samson:

As requested, Merge Midwest Engineering, LLC has completed the traffic impact study in conjunction with the proposed Ready Mix Batch Plant development in Lake Lotawana, Missouri.

PROJECT LOCATION

The proposed Ready Mix Batch Plant Site is generally located approximately 600' east of Missouri Highway 7, and just north of the N. Outer Road of the US -50 interchange. The approximate location of the development is shown in the Google Earth image below.





EXISTING CONDITIONS

Existing Traffic Volumes: Locations for existing peak-hour turning movement counts were requested by MoDOT staff at the intersections of Missouri Highway 7 with the US-50 eastbound and westbound interchange ramps, and the intersection of Missouri Highway 7 with the N. Outer Road. Gewalt Hamilton Associates, Inc. recorded peak-hour traffic counts on Tuesday, September 10, 2019, via video camera during the hours of 6:00 a.m. – 8:30 a.m., and from 3:00 p.m. to 6:00 p.m. The counts were processed by Miovision Technologies, Inc. and can be found in the Appendix. Based upon the completed counts, the existing AM and PM peak hours were determined to occur from 7:00-8:00 A.M. and from 4:45-5:45 P.M., respectively. **Figure 1** summarizes the existing peak-hour traffic volumes.

Existing Roadway Network: N. Outer Road is generally a two-lane, asphalt roadway. Near the intersection with Missouri Highway 7, N. Outer Road is approximately 28' in width. After approximately 635' east of Missouri Highway 7, N. Outer Road narrows to approximately 12' in width and is overgrown with vegetation and in very poor condition. N. Outer Road dead ends at the east property line of the proposed development. There is not a posted speed limit on N. Outer Road to the east of Missouri Highway 7, although it is posted at 45 mph to the west of Missouri Highway 7.

Missouri Highway 7 is a two-lane roadway that provides one lane northbound and southbound with a posted speed limit of 45 miles per hour (mph). A separate northbound left-turn lane is provided on Missouri Highway 7 at the intersection with the westbound US-50 ramps, as well as a separate southbound left-turn lane at the intersection with the eastbound US-50 ramps. A separate northbound left-turn lane is also provided at the intersection with N. Outer Road.

The intersection of N. Outer Road with Missouri Highway 7 is currently stop-controlled on the minor (N. Outer Road) approaches. The intersections of Missouri Highway 7 with the eastbound and westbound ramps currently operate under signalized control.

Existing Intersection Sight Distance: Intersection sight distance measurements were taken in the field at the intersection of N. Outer Road with the proposed driveway. Based on AASHTO's "*A Policy on Geometric Design of Highways and Streets*", the amount of sight distance that is desirable for a 45-mph road is 500' for a left-turning vehicle (Case B1) and 430' for a right-turning vehicle (Case B2). It should be noted that N. Outer Road currently dead ends to the east, so only right-turning traffic will be leaving the site driveway. Intersection sight distance measurements were taken for possible future left-turning movements if N. Outer Road should ever be extended to the east. The results of the intersection sight distance measured in the field are summarized below:

	<u>AASHTO Recommended</u>	<u>Field Measured</u>
Left-Turning Vehicle	500'	300'
Right-Turning Vehicle	430'	598'



Only approximately 300' of intersection sight distance is provided for the right-turning vehicle leaving the site driveway. Again, N. Outer Road currently dead ends to the east of the site, so the lower than recommended sight-distance is not of concern. If N. Outer Road is ever extended, the vegetation along the property site will need to be cut back to provide better sight lines. This would most likely happen as part of the roadway construction project. If left turns are eventually provided out of the site driveway with a future extension of N. Outer Road, adequate intersection sight distance is available. It should be noted that AASHTO recommends measuring the sight distance from 14.5' from the edge of traveled way. That was not possible at this location as a ditch was present and would be too low to measure properly so measurements were taken as far back as possible.

PROPOSED CONDITIONS

Proposed Land Use: The proposed Ready Mix Batch Plant development consists of a small administrative office, a batch plant office and batch plant, a washout basin, and aggregate storage. The proposed site plan is shown on **Exhibit 1**.



Proposed Access Plan: The proposed Ready Mix Batch Plant development will be served by a single driveway connecting to N. Outer Road, approximately 945' east, center to center, from Missouri Highway 7.

Trip Generation: There is no land-use code in the Institute of Transportation Engineers (ITE) "Trip Generation Handbook" for a concrete batch plant. Therefore, there is no available information for daily, AM, or PM peak-hour traffic volumes for the development. The development team anticipates approximately 50-60 trucks in and out of the site daily, or approximately 100-120 total daily trips. It was assumed that there would be 5 employees on-site as well, adding another 10 daily trips. Traffic studies across the nation have been completed for similar developments and can be found online. Some of the studies had collected data for existing concrete plants to obtain peak-hour generations and directional distributions.

The Trip Generation Handbook does provide a land-use code for:

General Light Industrial – Land Use 110; A light industrial facility is a free-standing facility devoted to a single use. The facility has an emphasis on activities other than manufacturing and typically has minimal office space.

Calculating the trip generation for the proposed development as the General Light Industrial land use with an area of 3,124 square feet would only generate 15 daily trips using the average-rate method, or 70 daily trips using the equation method, yielding daily trips too low for the proposed development. Therefore, it was decided to use the available data online and information from the development team for the proposed trip generations. **Table 1** below summarizes the trip generation assumptions:

Table 1 – Trip Generation										
Land Use	Qty	Unit	ADT (VPD)	AM Peak Hour (VPH)			PM Peak Hour (VPH)			
				TOTAL	IN	OUT	TOTAL	IN	OUT	
N/A	Concrete Batch Plant	3,124	SF	130	18	11	7	16	8	8

Trip Distribution: Estimates of the expected trip distribution to and from the Ready Mix Batch Plant development were based upon the available and planned street network, the existing and anticipated traffic-flow patterns, as well as the anticipated service area for the batch plant. The trip distribution patterns that were utilized for the A.M and P.M. peak hours are as follows:



- To/From the north via Mo. Hwy. 7 20%
- To/From the south via Mo. Hwy. 7 10%
- To/From the east via US-50 10%
- To/From the west via US-50 60%

Existing + Site Traffic Volumes: The expected development-related traffic volumes were assigned to the existing and planned street system. The existing + site A.M. and P.M. peak-hour volumes are shown on **Figures 2 & 3**, respectively.

Future + Site Traffic Volumes: Historic traffic volumes along Missouri Highway 7 were recorded by MoDOT and are available on MoDOT’s website. Looking at past average daily traffic volumes from the years 2000-2016, it was determined that the growth rate near the study area over that time period was 1.59% per year. To be conservative, existing traffic volumes were increased at an assumed growth of 2% per year for 20 years to calculate the background future volumes. The expected development related traffic volumes were added to the background volumes to obtain the future + site traffic volumes. The future + site A.M. and P.M. peak-hour volumes are shown on **Figures 4 & 5**, respectively.

ANALYSES

A series of intersection capacity analyses were completed at the study intersections to determine the expected levels of service, the lengths of delays, and vehicle queues experienced by drivers. The study intersections were analyzed based upon the 6th Edition of the Transportation Research Board’s (TRB) “*Highway Capacity Manual.*” A description of the level-of-service criteria used in these analyses is shown below:

Table 2 – Level of Service Definitions		
Level of Service	Signalized Intersection Average Control Delay (sec/veh)	Unsignalized Intersection Average Control Delay (sec/veh)
A	<10	<10
B	<20	<15
C	<35	<25
D	<55	<35
E	<80	<50
F	>80	>50



All capacity analysis output is included in the Appendix attached to this report. It should be noted that all completed analyses utilized the Synchro 10 software package.

Existing Traffic Conditions: Figures 6 and 7 depict the results of the completed analyses for the existing A.M. and P.M. peak-hour traffic volume scenarios. The completed analyses indicate that most movements at the study intersections currently operate at Level of Service (LOS) "C" or better with minimal queues. The southbound approach at the intersection of Missouri Highway 7 and the westbound US-50 ramps currently operates at LOS "D" during the P.M. peak hour with a 370' queue, which exceeds the 250' available between the intersection with the N. Outer Road.

The southbound left-turn movement at the intersection of Missouri Highway 7 with the eastbound US-50 ramps is currently operating at LOS "D" during the P.M. peak hour with a 140' queue.

Existing + Site Traffic Conditions: As shown on Figures 8 & 9, most movements at the study intersections currently operate at Level of Service (LOS) "C" or better with minimal queues for the Existing + Site traffic volume scenario.

The westbound approach at the intersection of Missouri Highway 7 with N. Outer Road, serving the proposed development-related traffic, would be expected to operate at LOS "D" during the P.M. peak hour with a minimal 25' queue. It is not uncommon for vehicles on stop-controlled approaches from the minor road to experience lower levels of service during peak hours.

The southbound approach at the intersection of Missouri Highway 7 and the westbound US-50 ramps would be expected to continue to operate at LOS "D" during the P.M. peak hour with a 395' queue, which exceeds the 250' available between the intersection with the N. Outer Road.

The southbound left-turn movement at the intersection of Missouri Highway 7 with the eastbound US-50 ramps would be expected to continue to operate at LOS "D" during the P.M. peak hour with a 135' queue.

Future + Site Traffic Conditions: As shown on Figures 10 & 11, all movements at the study intersections would be expected to operate at Level of Service (LOS) "C" or better during the A.M. Future + Site traffic volume scenario. The southbound queue at the intersection of Missouri Highway 7 with the westbound US-50 ramps would be expected to be approximately 300', which would back into the intersection with N. Outer Road.



During the P.M. peak hour, multiple movements would be expected to operate at LOS "D" or "E" including:

1. Missouri Highway 7 & Eastbound US-50 Ramps
 - a. Overall intersection level of service would be expected to operate at LOS "D".
 - b. The eastbound left-turn lane would be expected to operate at LOS "E" with a 350' queue.
 - c. The southbound left-turn movement would be expected to operate at LOS "E" with a 220' queue.
2. Missouri Highway 7 & Eastbound US-50 Ramps
 - a. Overall intersection level of service would be expected to operate at LOS "D".
 - b. The westbound left-turn and right-turn lanes would be expected to operate at LOS "D" with minimal queuing.
 - c. The southbound approach would be expected to operate at LOS "E" with a 670' queue.
3. The westbound approach at the intersection of Missouri Highway 7 with N. Outer Road, serving the proposed development-related traffic, would be expected to operate at LOS "D" during the P.M. peak hour with a minimal 25' queue. Again, it is not uncommon for vehicles on stop-controlled approaches from the minor road to experience lower levels of service during peak hours.

SUMMARY

The proposed Ready Mix Batch Plant development is expected to generate very low traffic volumes during the A.M. and P.M. peak hours and would not have a significant impact on traffic operations in the study area.

N. Outer Road along the frontage of the proposed development is only approximately 12' wide and in very poor condition. Consideration should be given to improving the road to support the truck traffic that will be accessing the proposed site. There are no recommended geometric or traffic control improvements needed at the existing study intersections to serve the low development traffic volumes.

N. Outer Road currently dead ends on the east side of the property, and therefore only right-turning vehicles are expected out of the development. Recommended values for intersection sight distance are available for left-turning traffic but are approximately 200' short for a right-turning vehicle if traffic was approaching from the east. If N. Outer Road is ever extended to the east, vegetation will need to be cleared along the frontage of the property to increase sight lines.



Synchro analyses show that during the P.M. peak hour today, the southbound queue at the intersection of Missouri Highway 7 with the westbound US-50 ramps experiences a queue that backs into the intersection with N. Frontage Road. The proposed Ready Mix Batch Plant development is only expected to add 6 vehicles to this approach during the A.M. peak hour, and 7 vehicles during the P.M. peak hour, and does not significantly increase the queue.

A future + site scenario was analyzed, and operations would be expected to deteriorate at the signalized intersections of the eastbound and westbound US-50 ramps with Missouri Highway 7. The poor operations are due to the increase of the background traffic volumes and not due to the development traffic. MoDOT should monitor conditions at the interchange as the surrounding area develops in the future, and improvements may eventually be needed for acceptable operations. It should be noted that the low development volumes expected with the Ready Mix Batch Plant site do not significantly impact the operations at the interchange.

We appreciate the opportunity to serve you on this very important project. Please feel free to contact us if you should have any questions.

Respectfully submitted,

Merge Midwest Engineering, LLC

A handwritten signature in blue ink that reads "Janelle M Clayton".

Janelle M. Clayton, P.E., PTOE
President

CU-2019-232

ATTACHMENT TO RLA-3:

Attachments

Plan Commission Public Hearing Summary from January 16, 2020

Location Map

Staff Report

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Pictures of Property

CU-2019-232

ATTACHMENT TO RLA-2

Conditional Use Permit for a period of 15 (fifteen) years with the following Conditions:

- 1) Site must comply with all air and water quality standards as adopted and/or amended by the Missouri Department of Natural Resources.
- 2) Copies of all state licenses shall be provided to the Department of Public Works – Development Division.
- 3) The proposed driveway and parking areas shall be concrete surface with a minimum pavement thickness of four (4) inches. Off-street parking shall be provided at the ratio of one (1) space per 200 square feet of office space.
- 4) Any major changes to the proposed site plan will require a modified site plan to be submitted and may require re-approval of the Conditional Use Permit.
- 5) On-site advertising signs shall comply with Section 240007 in the Unified Development Code.
- 6) All improvements shall be completed and accepted by the Public Works Department prior to occupancy of the concrete batch plant.

CU-2019-232

ATTACHMENT TO RLA 1:

Description:

All of the West 36 acres of the Southwest Quarter of the Southwest Quarter of Section 8, Township 47, Range 30, Jackson County, Missouri, Except that part as follows: Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 8, Township 47, Range 30, Jackson County, Missouri; thence North 88 degrees, 55, minutes East, along the North line of said Quarter Quarter section, a distance of 569.82 feet; thence South parallel with the West line of said Quarter Quarter section, a distance of 967.87 feet; thence North 76 degrees 53 minutes West, 183.65 feet; thence North 59 degrees 40 minutes West, 203.99 feet; thence North 29 degrees 46 minutes West, 311.82 feet; thence North 89 degrees 10 minutes West 60.0 feet to a point of the West line of said Quarter Quarter section; thence North along the West line of Quarter Quarter section 541.24 feet to the point of beginning and Except part in roads and part conveyed to the State of Missouri for highway purposes.

Rock Island Conference Call:

1/22/2019 3:30 PM

Agenda:

1. Re-starting the Trail construction project:
 - a. Resolving conditions in Environmental Decision
 - i. Does this have to be completed prior to work beginning?
 - ii. Categorical Exclusion, USACE Permit: could NEPA work completed for FHWA/MoDOT help expedite the process?
 1. Equivalent work was done for FHWA
 - iii. Responsible parties for these tasks.
 - b. When can work begin?
 - i. Effective Date or Execution of Trail Use Agreement?
 1. We need 3 copies of executed agreement back from UP.
 2. Will they send an executed copy to STB or to JC/Hogan Lovells for submittal to STB?
 - c. Preliminary work:
 - i. Survey, utility location, etc... can this go forward prior to construction resuming?
2. Any Questions related to UP Response to Motion