



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 3485 **Version:** 0 **Name:** Sprint PCS zoning request.
Type: Ordinance **Status:** Passed
File created: 4/5/2004 **In control:** Land Use Committee
On agenda: 4/5/2004 **Final action:** 4/26/2004

Title: AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of twenty-five (25) years to construct a 108-ft. monopole commercial communication tower as to a certain tract of land.

Sponsors:

Indexes: USE PERMIT

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/26/2004	0	County Legislature	Consent Agenda	
4/26/2004	0	County Legislature	perfect	Pass
4/26/2004	0	County Legislature	suspend the rules to consider final passage	Pass
4/26/2004	0	County Legislature	Consent Agenda	Pass
4/26/2004	0	County Legislature	adopt	Pass
4/20/2004	0	Land Use Committee		
4/20/2004	0	County Legislature	Go To 3rd Perfection	Pass
4/19/2004	0	Land Use Committee		
4/13/2004	0	County Legislature	Go To 2nd Perfection	Pass
4/12/2004	0	Land Use Committee		
4/6/2004	0	County Legislature	Go To 1st Perfection	Pass
4/5/2004	0	County Legislature	assign to committee	

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of twenty-five (25) years to construct a 108-ft. monopole commercial communication tower as to a certain tract of land.

ORDINANCE # 3485, April 5, 2004

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

Section 1. A conditional use permit (CUP) is hereby granted for a period of twenty-five (25) years on a parcel of land approximately ½ mile north of U. S. Highway 24 on the west side of Blue Mills Road described as follows:

Description: All that part of Sections 16 and 21, Township 50, Range 31, in Jackson County, Missouri, described as follows: Commencing at the Southwest corner of said Section 16; thence due East along the South line of said Section 16, 1250.4 feet to the true point of beginning; thence due North 332.61 feet; thence due East and parallel with the South line of said Section 16, 671.97 feet to a point on the West right-of-way line of Blue Mills Road (40 feet from the centerline thereof); thence Southwesterly along said West right-of-way line 159.47 feet to a point of curve; thence along a curve to the left (having a radius of 1472.25 feet), 185.60 feet to the South line of said Section 16, thence continuing along said curve to the left 159.23 feet to the point of tangency; thence Southwesterly and tangent to last described course, 265.84 feet to a point which is 423.63 feet South of the North line of Section 21, Township 50, Range 31, thence due West and parallel with the North line of said Section 21, 543.98 feet; thence due North 423.63 feet to the true point of beginning.

Section 2. The CUP granted by this ordinance is subject to the following conditions:

1. The commercial communication monopole shall not exceed a height of 108 feet as measured from ground level.
- 2) 2) The monopole and appurtenance shall be installed according to manufacturers' specifications using sound engineering and safety practices.
- 2) The building permit application shall include an engineering report specifying the following information:
 - a) Detailed structural plans for the monopole tower signed and sealed by a Missouri Registered Engineer; and
 - b) An engineer's certification that anticipated levels of electric magnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communication Commission (FCC).
- a) 4. Prior to issuing a building permit to construct the tower, the Catholic Diocese of Kansas City-St. Joseph shall combine the two tax parcels of land where the proposed monopole tower is to be constructed into one tax parcel.
 - 1) 4. An evergreen pine with a minimum three inches caliber at three feet (3') above the grade shall be planted on 10 foot centers along the perimeter of the chain link fence for the tower compound area.
 - 1)

- 4. The monopole tower shall be structurally designed so that at least three users would be allowed space on the tower. The applicant shall make a good faith effort to offer space to the Jackson County Sheriff's Department and other emergency service providers. The County Legislature shall have the right to revoke the conditional use permit if such offering is not made.
 - 1)
- 4. The monopole tower shall be a galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
 - 1)
- 4. The monopole tower shall only be illuminated or required by the Federal Communications Commission and/or the Federal Aviation Agency.
 - 1)
- 4. Any antenna or monopole that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna/tower or property owner shall
 - 5. remove the antenna or tower within 90 days.

Section 3. The Legislature, pursuant to the application of Sprint PCS (CU-2004-177), requesting approval embodied in this ordinance and with notice that the Jackson County Plan Commission unanimously voted to recommend approval of this application in a public hearing on March 18, 2004, 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:

_____ Acting County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3485 introduced on April 5, 2004 was duly passed on _____ April 26 _____, 2004 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 8 _____ Nays _____ 0 _____
 Abstaining _____ 0 _____ Absent _____ 1 _____

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

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3485.

Date

Katheryn J. Shields, County Executive