



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 2918 **Version:** 0 **Name:** use permit - Nextel Communications
Type: Ordinance **Status:** Passed
File created: 6/14/1999 **In control:** Land Use Committee
On agenda: **Final action:** 7/6/1999

Title: Approving a conditional use permit to construct a 147-foot monopole commercial communication tower, as to a certain 0.028 + acre tract.

Sponsors:

Indexes: USE PERMIT

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/6/1999	0	County Legislature	Consent Agenda	
7/6/1999	0	County Legislature	perfect	Pass
7/6/1999	0	County Legislature	suspend the rules to consider final passage	Pass
7/6/1999	0	County Legislature	adopt	Pass
7/6/1999	0	County Legislature	Consent Agenda	Pass
6/29/1999	0	Land Use Committee	recommend for perfection	Pass
6/29/1999	0	County Legislature	Go To 3rd Perfection	Pass
6/28/1999	0	Land Use Committee	hold	Pass
6/22/1999	0	County Legislature	Go To 2nd Perfection	Pass
6/21/1999	0	Land Use Committee	hold	Pass
6/15/1999	0	County Legislature	Go To 1st Perfection	Pass
6/14/1999	0	County Legislature	assign to committee	Pass

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE approving a conditional use permit to construct a 147-foot monopole commercial communication tower, as to a certain 0.028 + acre tract.

ORDINANCE 2918, June 14, 1999

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

Section 1. A conditional use permit for twenty-five years to construct a 147-foot monopole commercial communication tower, subject to restrictions specified, under the Unified Development Code, is hereby approved as to a certain tract of land described as follows:

DESCRIPTION: A 0.028 ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF STARK AVENUE ON THE WEST SIDE OF BLUE RIDGE BLVD. LYING IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 49, RANGE 32 IN JACKSON COUNTY, MISSOURI AND MORE PARTICULARLY DESCRIBED:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N 01 44'33" E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1840.44 FEET; THENCE N 88 15'27" W A DISTANCE OF 165.75 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE CONTINUING N 88 15'27" W A DISTANCE OF 40.00 FEET; THENCE N 01 44'33" E A DISTANCE OF 30.00 FEET; THENCE S 88 15'27" E A DISTANCE OF 40.00 FEET; THENCE S 01 44'33" W A DISTANCE OF 30.00 TO THE POINT OF BEGINNING CONTAINS 1200 SQUARE FEET OR 0.028 ACRES MORE OR LESS. END OF DESCRIPTION.

CONDITIONS:

1) The commercial communication monopole tower shall not exceed a height of 150 feet.

- 2) The monopole tower and appurtenances shall be installed according to manufacturers specifications using sound engineering and safety practices.
- 3) The building permit application shall include an engineering report specifying the following information:
 - a. Detailed structural plans for the tower signed and sealed by a Missouri Registered Engineer; and
 - b. Engineer's certification that anticipated levels of electro magnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) on the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC).
- 4) The access driveway to compound area will need to be concrete surface, 8 inches thick within right-of-way and 4 inches thick outside of right-of way (property line to compound area).
- 5) 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.
- 6) A Notice of Proposed Construction or Alteration of Objects that may effect the Navigable Airspace must be filed with the Federal Aviation Agency (FAA). Information regarding the disposition of the FAA Notice will be submitted subsequent to application for a building permit.
- 7) The tower shall be structurally designed so that at least four users would be allowed space on the tower. The applicant shall make a good faith effort to offer space to emergency services such as the Jackson County Sheriff's department. The County Legislature shall have the right to revoke the conditional use permit if such offering is not made.
- 8) The tower shall be a galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
- 9) The tower shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Agency.
- 10) Any antenna or tower 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 remove the antenna or tower within 90 days.

Section 2. The Legislature, pursuant to the application of Nextel Communications, (CU-99-042), requesting approval embodied in this ordinance and with notice that the Jackson County Planning Commission, by a 5 to 3 vote, failed to recommend approval of this application in a public hearing on May 20, 1999, does adopt this ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning...Attorney
 Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

 County Counselor

I hereby certify that the attached Ordinance, Ordinance #2918 introduced on June 14, 1999, was duly passed on _____ July 6 _____, 1999 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 6 _____ Nays _____ 0 _____
 Abstaining _____ 0 _____ Absent _____ 3 _____

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

 Date Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2918.

 Date Katheryn J. Shields, County Executive