



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Legislation Details (With Text)

File #: 3887 **Version:** 0 **Name:** Monopole Tower for Wireless Communications - Conditional Use Permit
Type: Ordinance **Status:** Passed
File created: 4/2/2007 **In control:** Land Use Committee
On agenda: 4/2/2007 **Final action:** 4/30/2007

Title: AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of fifteen years to construct a 126-ft. monopole tower for wireless communications as to a 0.78± acre tract.

Sponsors:

Indexes: USE PERMIT, WIRELESS COMMUNICATIONS

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------|---|--------|
| 4/30/2007 | 0 | County Legislature | Consent Agenda | |
| 4/30/2007 | 0 | County Legislature | perfect | Pass |
| 4/30/2007 | 0 | County Legislature | suspend the rules to consider final passage | Pass |
| 4/30/2007 | 0 | County Legislature | adopt | Pass |
| 4/30/2007 | 0 | County Legislature | Consent Agenda | Pass |
| 4/27/2007 | 0 | Land Use Committee | | |
| 4/27/2007 | 0 | County Legislature | Go To 4th Perfection | Pass |
| 4/23/2007 | 0 | Land Use Committee | | |
| 4/17/2007 | 0 | County Legislature | Go To 3rd Perfection | Pass |
| 4/16/2007 | 0 | Land Use Committee | | |
| 4/10/2007 | 0 | County Legislature | Go To 2nd Perfection | Pass |
| 4/9/2007 | 0 | Land Use Committee | | |
| 4/6/2007 | 0 | County Legislature | Go To 1st Perfection | Pass |
| 4/2/2007 | 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 fifteen years to construct a 126-ft. monopole tower for wireless communications as to a 0.78± acre tract.

ORDINANCE #3887, April 2, 2007

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 fifteen (15) years to construct a 126-ft. monopole tower for wireless communications as to a 0.78± acres, described as follows:

The 0.78 ± acre lot is located at the intersection of East Langsford Road and Milton Thompson Road and is legally described as Lot 1, Langsford Yard, a subdivision in the Southwest ¼ of the Northwest ¼ of Section 1, Township 47, Range 31 Jackson County, Missouri, more particularly described as follows:

Commencing at the Southeast corner of the Southwest ¼ of the Northwest ¼; thence North (this and subsequent bearings being referred to the East line of said ¼ ¼ section as being North), along the East line of said ¼ ¼ section, a distance of 208.11 feet; thence West and perpendicular to the last described course, a distance of 20.36 feet, to the centerline of existing Milton Thompson Road, and the true point of beginning; thence North 0° 09' 45" East, along the centerline of Milton Thompson Road, a distance of 232.55 feet, to the centerline of existing Langsford Road; thence North 89° 37' 30" West, along the centerline of Langsford Road, a distance of 70.00 feet, thence continuing along the centerline of Langsford Road, on a curve to the left, having a radius of 527.03 feet and an initial tangent bearing of North 89° 37' 30" West, an arc distance of 155.76 feet; thence South, and parallel with the East line of said ¼ ¼ section, a distance of 211.21 feet; thence East, a distance of 223.00 feet, to the centerline of Milton Thompson Road, and the point of beginning, except that part in roads; containing 0.78 acres more or less. All roads shown on this plat and not heretofore dedicated to public use are hereby so dedicated aka 11010 Milton Thompson Road.

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

1. The commercial communication monopole shall not exceed a height of 126 feet as measured
 2. From ground level.
- 1) The monopole and appurtenance shall be installed according to manufacturer's 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 site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC).
 - 3) Six-ft. tall white pine trees shall be planted and maintained on 10 ft. centers along the perimeter of the vinyl coated chain link fence for the tower compound area.
 - 4) The monopole tower shall be structurally designed so that at least three (3) other wireless collocators would be allowed space on the tower.

6. The applicant shall make a good faith effort to offer collocator space to emergency service providers. The County Legislature shall have the right to revoke the Conditional Use Permit if such offering is not made.
7. The monopole tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
8. The monopole shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
9. 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 remove the antenna or tower within 90 days.

Section 3. The Legislature, pursuant to the application of T-Mobile Central LLC, d/b/a T-Mobile (CU-2006-193), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 6 to 0 with 1 abstention to recommend approval of this application in a public hearing on March 15, 2007, 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 #3887 introduced on April 2, 2007, was duly passed on April 30, 2007 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 his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3887.

Date

Michael D. Sanders, County Executive