



## Legislation Text

File #: 3136, Version: 0

### IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI WITHDRAWN 4/09/2001

**AN ORDINANCE** approving a conditional use permit for a period of 75 years to consolidate existing special use permits S-266, S-499, and S-742, pertaining to the quarrying and crushing of rock, as to certain tracts of land totalling 2,406 acres ± in area.

**ORDINANCE 3136**, March 12, 2001

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

Section 1. A conditional use permit for seventy-five years to consolidate existing special use permits S-266, S-499, and S-742, pertaining to the quarrying and crushing of rock, under the United Development Code, is hereby approved as to three tracts of land described as follows:

S-266

Description:

Beginning at the Northwest corner intersection of Langsford Road and State Highway No. 7; thence Westerly along the Northerly line of said right of way to the West line of the East 120 poles of Northeast 1/4 of Sec. 1, Twp. 47 Rng.. **31; thence North along the said West line of said East 120 poles to the North line of said section; thence East to the 120 poles to the North line of said section; thence East to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 36, Twp. 48, Rng. 31; thence North to the Northwest corner of said 1/4 1/4 section ; thence East in the Southwest corner of the East 14 acres of the Northeast 1/4 of the Southwest 1/4 of Section 31, Twp. 48, Rng. 30; thence North along the West line of said 14 acre tract to a point 396 feet South of the North line of said 1/4 1/4 section; thence East parallel to the North line of said 1/4 1/4 section to the Southwesterly right of way line of State Highway No. 7 as now established; thence Southeasterly along said right of way line to the point of beginning.**

S-499

Description:

Area for Special Permit which contains parts of Sections 5, 6, 7 & 8, Twp. 47, Rng. 30, and parts of Sections 1 & 12, Twp. 47, Rng. 31, Jackson County, Missouri.

Beginning at the SE corner of Milton Thompson Road and Langsford Road; thence East along the South line of Langsford Road to the West right-of-way line of Missouri Route 7; thence South along

the West right of way line of Route 7 to the North right of way line of U.S. Highway 50; thence west along the North line of Highway 50 to the East line of the SE 1/4 of Section 12, Twp. 47, Rng. 31; thence North to the NE corner of the S 1/2 of said 1/4 section, thence West to the SW corner of the NE 1/4 of said SE 1/4; thence North to the center of the NE 1/4 of said Section 12; thence West to the SW corner of the NW 1/4 of said NE 1/4; thence North to the SE corner of the NE 1/4 of the SW 1/4 of Section 1, Twp. 47, Rng. 31; thence West to the East line of the right of way of said Milton Thompson Road; thence North to the point of beginning, containing 1,450 acres more or less.

S-742:

Description:

Beginning at the SE Corner of the SW 1/4 of Section 5, Twp. 47, Rng. 30; thence West 1980 feet more or less; thence South 600 feet more or less; thence West to the East line of Missouri State Highway No. 7; thence Northwesterly along the East line of said Highway to the West line of the SE 1/4 of Section 31, Twp. 48, Rng. 30; thence North to the Center of said Section 31; thence Northeasterly along the Southeasterly line of Block S, LAKE LOTAWANA and the extension thereof 1599 feet more or less; thence North 300 feet to the Northwest Corner of the SE 1/4 of the NE 1/4 of said Section 31; thence East 660 feet more or less; thence South 330 feet more or less; thence East 330 feet more or less; thence South 660 feet more or less; thence East 660 feet more or less; thence South 1100 feet more or less; thence East to the West line of Milton Thompson Road Extension; thence South to the line between Twps. 47 and 48; thence West to the East line of the W 1/2 of the NW 1/4 of Section 5, Twp. 47, Rng. 30; thence South to the SW Corner of the E 1/2 of said NW 1/4 of Section 5; thence East to the NW Corner of Block "N" LAKE LOTAWANA; thence Southerly along the Westerly line of Block "N" to the SW Corner of Block "N"; thence East to the East line of the SW 1/4 of Section 5; ;thence South 330 feet more or less to the POINT OF BEGINNING, containing 462.50 acres, more or less.

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

- a) Surface and subsurface rights are in single ownership or under unified control for mining and subsequent use.
- b) A plan of operation indicating the extent of the area proposed to be mined accompanied by profiles describing any proposed subsequent use of the mined-out area shall be included with the site plan submitted to the Director of Public Works.
- c) Blasting shall be restricted to the hours between 8:00 a.m. and 4:00 p.m.
- d) There shall be no blasting within 500 feet of the boundary line as described in the legal description set out in this conditional use permit.
- e) Blasting shall be conducted so that vibration does not exceed .2 inches per second as measured by seismographic tests at adjacent, abutting, and opposite property boundary lines; seismographic tests shall be conducted by and bear the seal of a registered professional engineer or a certified geological scientist.

- f) Seismograph reports of monthly tests shall be submitted to the Public Works Director monthly and daily blasting schedule and seismograph reports shall be available for inspection by the Public Works Director; additional seismograph tests and reports may be required upon written complaint by an affected property owner and such tests and reports may be required upon written complaint by an affected property owner and such tests and reports shall bear the seal of a registered or a certified geological scientist.
- g) No blasting shall be conducted when the atmospheric conditions are such that sound or shock waves are easily conducted or transmitted, such as occur when there is a condition commonly known as a temperature inversion.
- h) Sedimentation ponds and berms shall be designed and constructed under the supervision of a registered professional engineer.
- i) All points of ingress and egress shall be limited to Missouri Highway 7 and U.S. Highway 50 and shall be approved prior to construction in accordance with Missouri Department of Transportation regulations and requirements.
- j) The operator shall be required to file an annual status report with the Public Works Director concerning all development and a survey of the extent of development, certified by a registered land surveyor.

The annual report shall include the following items:

- 1. Written summary of the progress of the mining since the previous report;
  - 2. Drawing showing the increase in the mined areas since the previous report;
  - 3. Aerial photographs showing the changes since the previous report; and
  - 4. Written summary of activity taken place in regards to the reclamation/ "Home At the Lakes" Master Plan since the previous report.
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- k) The quarrying operation shall be conducted in compliance with all existing federal, state, and local laws and regulations, including but not limited to those related to the pollution of air and water.
  - l) The operator shall be required to implement and conform to all plans, specifications, and provisions filed as a part of this application.
  - m) Only biodegradable additives shall be used in the wetting agent which shall be applied

- at the primary and secondary crushing facilities and transfer points; stock piles of rock and truckloads shall also receive wetting treatments sufficient to minimize airborne particulates.
- n) This permit is further subject to all conditions stated in permit No. 0980-005 of the Missouri Department of Natural Resources which is made a part hereof as though set out in its entirety.
  - o) A left turn lane for northbound traffic shall be constructed for traffic entering the quarry at the present entrance on Route 7.
  - p) The left turn lane in condition o) shall be extended approximately 3,000 feet to the north to give loaded trucks a lane to accelerate to the prevailing speed on Route 7.
  - q) If an additional entrance is constructed to the southern part of the quarry, allowing traffic to enter Route 7, a left turn lane for northbound traffic to enter the quarry must be constructed.
  - r) The operator shall extend the widening described in condition q) north to provide a lane of a sufficient distance necessary for the loaded trucks to accelerate to the prevailing speed on Route 7, which is 55 mph.
  - s) The operator shall provide widening of Route 7 creating an additional lane southbound on Route 7 extending to the westbound ramp to Route 50.
  - t) The operator shall provide six feet of widening on the westbound ramp connecting Route 7 with Route 50 to provide a separate lane for trucks up the ramp without inhibiting other traffic.
  - u) The operator shall file a detailed rendering with appropriate plans and specifications pertaining to existing and proposed haul roads; the plans shall include the width of road and composition of road, with appropriate measurements and specific details.
  - v) The operator shall permit to periodic ambient particulate monitoring by any proper federal or state regulatory agency having jurisdiction and if found not to meet the minimum standards of said agency, shall cease operation until the minimum standards can be attained.
  - w) The applicant/operator shall conduct no surface/strip mining or rock crushing operations on property affected by previous Special Use Permit No. S-266 issued by the Board of Zoning Adjustment on December 29, 1972 and on property affected by previous Special Use Permit No. S-742 (amended) issued by the Board of Zoning Adjustment on August 7, 1991.

- x) The applicant/operator shall discontinue surface preparation for underground mining by the year 2006 on property affected by previous Special Use Permit No. S-499 issued by the Board of Zoning Adjustment on July 9, 1981.

Section 3. The Legislature, pursuant to the application of Barber and Sons Co. (CU - 2001 - 153), requesting approval embodied in this ordinance and with notice that the Jackson County Plan Commission unanimously failed to recommend approval of this application after a public hearing of February 15, 2001, does hereby 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:

\_\_\_\_\_ County Counselor

I hereby certify that the attached Ordinance, Ordinance 3136 introduced on March 12, 2001, was duly **withdrawn** BY SPONSOR ARBANAS AND CONCURRED BY TARWATER AND YOUNG on April 9, 2001 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ Nays \_\_\_\_\_  
 Abstaining \_\_\_\_\_ Absent \_\_\_\_\_

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 # 3136.

\_\_\_\_\_ Date Katheryn J. Shields, County Executive