



## Board of Aldermen Request for Action

**MEETING DATE:** 8/28/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3000-23, approving a Conditional Use Permit for a Transfer Station at 14820 North Industrial Drive – 2<sup>nd</sup> reading.

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### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3000-23, to approve a Conditional Use Permit for a Transfer Station at 14820 North Industrial Drive for second reading by title only.

### **SUMMARY:**

The original application was submitted on May 12, 2023 for a CUP to operate a transfer station on I-1 zoned land, simultaneously with an application to approve a final plat on the land located in the First Park industrial subdivision. The plat would create two lots, one of which will become the site for the transfer station. The transfer station would involve transporting roll-off dumpsters from various locations to the site to be weighed, then dumped inside a building. This waste would then be sorted into usable recyclables and the remaining waste. Once enough materials were sorted, the items would then be loaded again onto roll-off dumpsters for transport to either recycling facilities, or certified C&D landfills. The applicant submitted plans to identify how the lot would layout that addresses the most significant concerns – potential hazardous or harmful wastes entering the ground water or surface water, and the stormwater runoff. Following a public hearing, the Commission was presented with draft findings of fact required by the ordinance. After discussion, the commission recommended approval of the CUP with conditions identified in paragraph C of the conclusions of law.

### **PREVIOUS ACTION:**

Planning Commission hearings on July 11.

### **POLICY ISSUE:**

Implementation of the Comprehensive Plan and Zoning Ordinance.

### **FINANCIAL CONSIDERATIONS:**

None anticipated.

### **ATTACHMENTS:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract           |
| <input type="checkbox"/> Resolution  | <input checked="" type="checkbox"/> Plans   |
| <input checked="" type="checkbox"/> Staff Report                                     | <input checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Findings of Fact, Public Hearing Evidence |   |

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicant: William T Mann Trust

Land Use Proposed: Transfer Station

Zoning: I-1

Property Location: Future 14820 N. Industrial Dr.

Pursuant to the provisions of Section 400.570 concerning the minimum requirements for the issuance of a special use permit and based on the testimony and evidence presented in a public hearing of the Planning and Zoning Commission held on July 11, 2023 the Planning Commission of the City of Smithville, Missouri hereby makes the following *Finding of Facts and Conclusions of Law*.

### Finding of Facts

1. The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.
2. It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the Comprehensive Plan goals to expand industrial uses in this particular area and will help reduce the amount of trash in landfills and recycle for other uses materials that would otherwise be in landfills.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The entire area is either zoned industrial or unused, vacant land intended to be added to the industrial district.
4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The proposal would match the existing types of uses, and the location, size and screening are such that no impact is anticipated.
5. There is sufficient parking for the anticipated vehicles.

6. All utilities will be constructed by the developer prior to this project, and additional stormwater reviews WILL occur at the site plan review of the building(s) themselves.
7. Adequate access roads and entrances are provided.
8. That in rendering this Finding of Fact, testimony at the public hearing on July 11, 2023 has been taken into consideration.

#### Conclusions of Law

Based on the foregoing findings of fact, we conclude that:

- A. This application and the granting of a Conditional Use permit is governed by Section 400.570 of the zoning ordinance of Smithville, Missouri.
- B. The proposed use complies with minimum standards required for the issuance of a conditional use permit as set out in Section 400.570 of the zoning ordinance.
- C. A conditional use permit should be granted to allow a transfer station at 14820 N. Industrial Dr. with the following conditions:
  1. That the project be submitted for separate Site Plan Review, including the additional stormwater and TIS reports.
  2. That the area is adequately screened in accordance with the outdoor storage regulations of the city and such storage screen be located inside the perimeter of the area to be landscaped in accordance with the site plan review process.

Planning Commission

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI BY AND GRANTING A CONDITIONAL USE PERMIT TO HUNTLEY DISPOSAL FOR A TRANSFER STATION FOR CONSTRUCTION AND DEMOLITION WASTE AT 14820 NORTH INDUSTRIAL DRIVE**

**WHEREAS**, On July 11, 2023, the Planning Commission of Smithville, Missouri held a public hearing relative to a request for a conditional use permit; and

**WHEREAS**, the Planning Commission forwarded consideration of said request to the Board of Aldermen with a recommendation of granting said request with certain conditions; and

**WHEREAS**, the Board of Aldermen, based on substantial evidence provided by the applicant, staff, and members of the public found that applicant's proposed transfer station would not seriously injure the public or the appropriate use of neighboring property and that said use would conform to the general intent and purpose of the zoning ordinance if the conditions of the Planning Commission recommendation were met; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

Section 1. Ordinance Number 711 and the Zoning Map which is made a part thereof, is amended by granting a Conditional use permit for the installation of a construction and demolition waste transfer station at 14820 North Industrial Drive and more particularly described as follows:

Lot 19, First Park 3<sup>rd</sup> Plat

Section 2. That the Conditional Use Permit contains the following conditions, which are mandatory:

1. That the project be submitted for separate Site Plan Review, including the additional stormwater and TIS reports.
2. That the area is adequately screened in accordance with the outdoor storage regulations of the city and such storage screen be located inside the perimeter of the area to be landscaped in accordance with the site plan review process.

Section 3. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS 28<sup>th</sup> DAY OF AUGUST, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> Reading: 07/18/2023

2<sup>nd</sup> Reading 08/28/2023



## STAFF REPORT

July 7, 2023

Conditional Use Permit for Part of Parcel Id # 05-816-00-05-005.00

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### Application for a Conditional Use Permit

Code Sections:

400.570 Conditional Use Permits

Property Information:

Address: Future 14820 N. Industrial Dr.  
Owner: William T Mann Trust  
Current Zoning: I-1

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: June 22, 2023  
Letters to Property Owners w/in 200': June 22, 2023

### GENERAL DESCRIPTION:

The property owner has a tentative contract for sale of a part of the unplatted portion of First Park Industrial Park. This 3<sup>rd</sup> Plat, Lot 19 parcel differs from the approved preliminary plat due to the exact lot sizes so it is subsequently on the agenda to approve a Single Phase Final Plat that amends the approved Preliminary Plat and authorizes the final plat. The land in the entire development is zoned I-1 light industrial, with the unplatted county land to the south identified as future industrial land in the Future Land Use Plan of the Comprehensive Plan.

The potential purchaser seeks to construct a facility that would allow him to operate a construction demolition transfer station with all transfer to occur inside the building, with exterior storage areas. The facility will take construction demolition in roll-off containers, dump the materials inside the building and then sort the materials into various types. Some of the materials will be recycled, some will be resold (metals) and the unusable materials will then be transferred to a C & D approved landfill. The waste stream itself is highly regulated by the EPA, so removing materials that can be reused or recycled ultimately save money overall by only disposing of unusable demolition waste.

Transfer Stations are authorized inside the city limits on either I-2 Heavy Industrial zoned land, or with a Conditional Use Permit on I-1 light Industrial land. After discussions with the owner and the potential purchaser, they agreed to seek the conditional use permit to avoid any future concerns about additional uses the I-2 district authorizes by right. This path, if approved, would keep the light industrial zoning, and the only use allowed other than those by right would be this specific facility with any conditions approved to protect against the higher risk operations allowed in I-2.

In order to approve a conditional use permit, the code requires certain findings of fact be made by the commission. Those code requirements, and the staff recommended findings are listed below:

**Minimum Requirements. A conditional use permit shall not be granted unless specific written findings of fact directly upon the particular evidence presented support the following conclusions:**

**1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.** The use is specifically authorized upon approval of a Conditional Use Permit.

**2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.** The transfer station will ultimately reduce the amount of Construction and Demolition waste that enters those special landfills, and will reuse and recycle other materials that can also reduce the cost for additional production of those materials. To the extent that much of the traffic of the construction demolition that currently travels through Smithville will be routed to this facility, it will ultimately reduce the waste stream at the end point.

**3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.** The general location of the property, with the specific requirements that the material only be sorted inside the building itself will not impact the adjacent or nearby industrial users

**4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:**

**a. The location, nature and height of buildings, structures, walls and fences on the site; and** The location of the facility, as shown on the site plan layout shows a scale building where vehicles will enter to be weighed. The weighed trucks will then enter the 6,400 ft<sup>2</sup> building. All waste will be off-loaded, sorted, and then re-

loaded into different vehicles to be transported to various recycling or landfill sites. The buildings on site will resemble the other buildings approved in the subdivision.

b. **The nature and extent of landscaping and screening on the site.** The perimeter of the area will have an 8' security fence that must meet the sight obscuring requirements of 80%. The landscaping will be subject to review in the site plan review process with the actual building process.

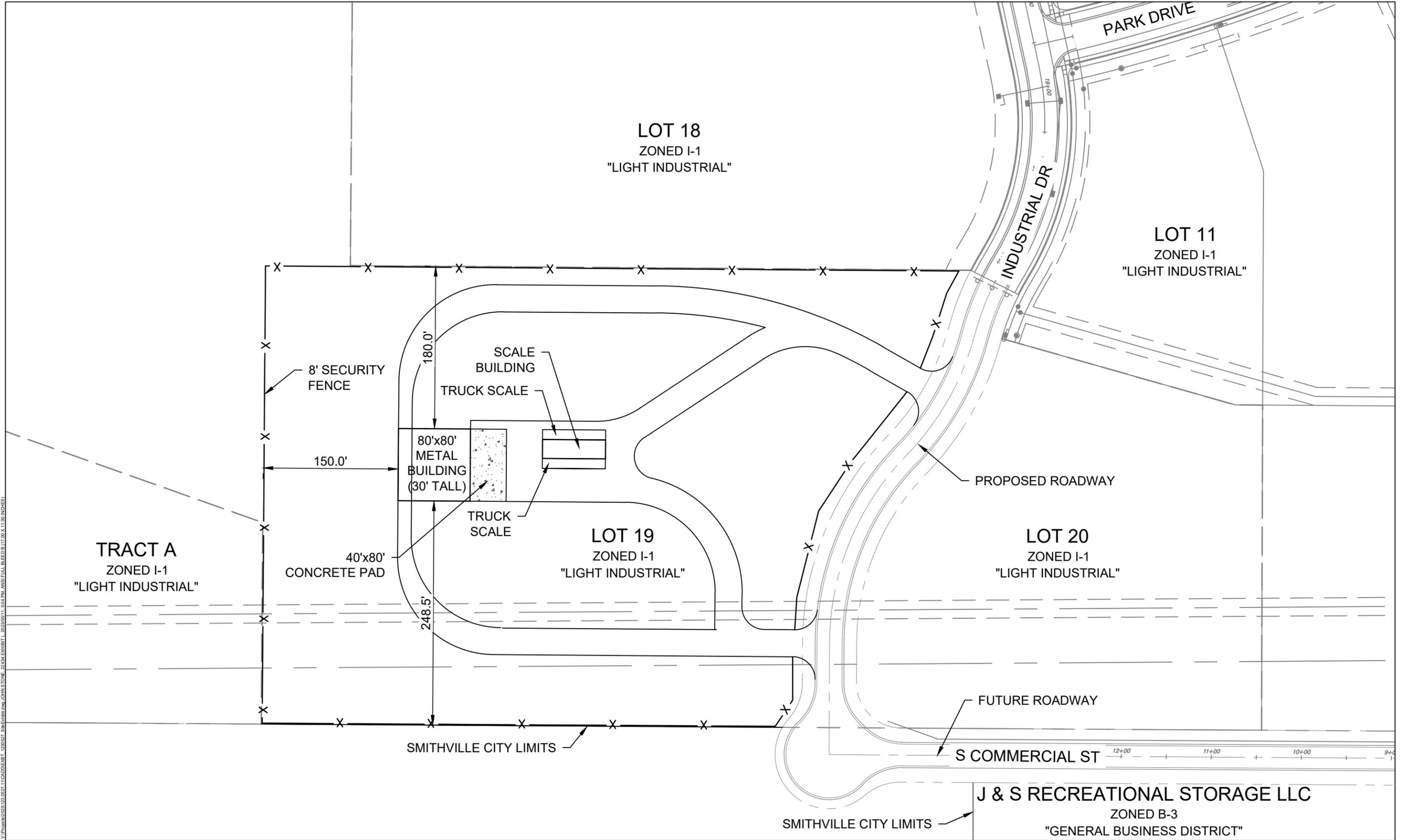
**5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.** The submitted layout includes adequate ingress and egress for the type of facility, as well as substantial future growth room that would all be subject to site plan review if developed with additional buildings in the future. There are no residential properties near this facility, and none that have direct visibility of the site.

**6. Adequate utility, drainage and other such necessary facilities have been or will be provided.** The project will be required to provide additional stormwater review with the building site plan process, but the subdivision plat is to include a large stormwater detention basin to the east of the facility. Since all the transfer work will occur inside the building, any potential problem wastes will be sent to the wastewater treatment facility with the sanitary sewer system (floor drains are connected to sanitary) and no other issues are anticipated.

**7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.** The use will not generate large amounts of traffic. The traffic it does generate is handled by the current roadway system, and when 148<sup>th</sup> St. (now Commercial St.) gets extend further west to this site, there will be two separate ingress/egress points onto 169.

#### STAFF RECOMMENDATION:

Staff recommends Approval CONTINGENT on the applicant: submit for review the entire site plan for separate review under existing Site Plan Review procedures including providing a TIS report; constructs a sight-obscuring fence in accordance with outdoor storage standards inside the landscaping areas as required in the Site Plan review, and updates the stormwater study for the subdivision that accounts for this particular site and use.

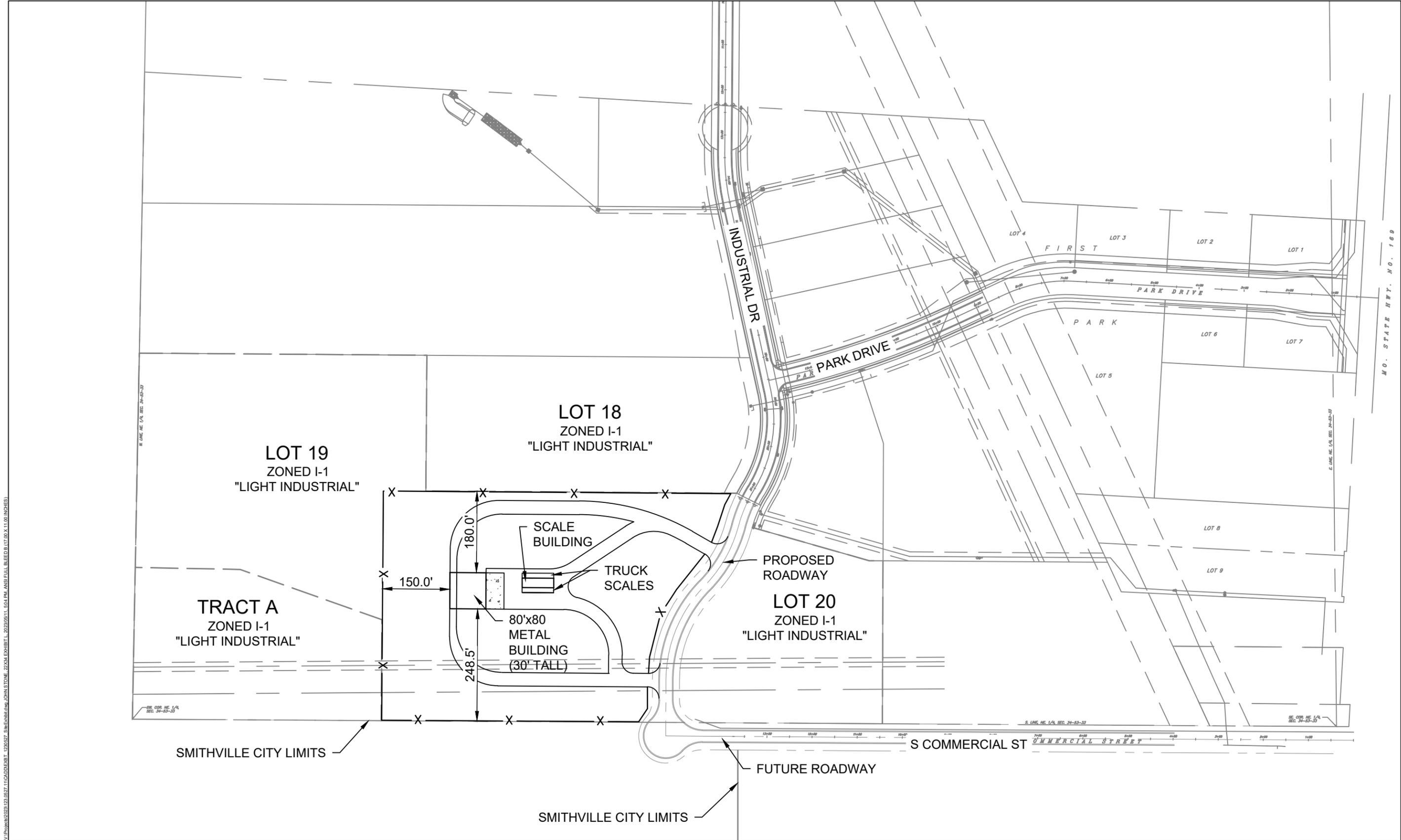


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**FIRST PARK 3RD PLAT**

**SITE EXHIBIT**



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## FIRST PARK 3RD PLAT

## SITE EXHIBIT