

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR ROCK RECLAMATION (MINING) IN DISTRICT AG ON LAND LOCATED AT 2001 NW QUARRY PARK ROAD FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2013-046, submitted by The Family Ranch LLC, requesting a special use permit for rock reclamation (mining) in District AG on land located at 2001 NW Quarry Park Road, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on June 11, 2013, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be denied; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on August 15, 2013, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section 10.410.A.1 of the Unified Development Ordinance to allow rock reclamation in District AG with a Special Use Permit is hereby granted for a period of ten (10) years, with respect to the following described property:

Parcel No. 51-800-01-03-00-0-00-000

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 35, Township 48, Range 32, City of Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Section 35; thence South 86 degrees 35 minutes 26 seconds East along the South line of said Northeast Quarter Section, a distance of 1311.71 feet to the Southeast corner of the Southwest Quarter of said Northeast Quarter Section, thence North 2 degrees 28 minutes 04 seconds East along the East line of the Southwest Quarter of said Northeast Quarter Section and parallel with the West line of said Northeast Quarter Section, a distance of 282.38 feet (282.15 feet Deed); thence North 52 degrees 58 minutes 43 seconds West, a distance of 18.00 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 22.33 feet Deed) to a point on the North right of way line of Interstate No. 470 as now established, said point being the point of beginning; thence continuing North 52 degrees 58 minutes 43 seconds West, a distance of 833.08 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 841.82 feet Deed); thence South 33 degrees 03 minutes 26 seconds West, a distance of 526.71 feet (South 31 degrees 23 minutes 25 seconds West, a distance of 517.25 feet, Deed) to a point on the North right of way line of said Interstate 470; thence South 84 degrees 53 minutes 05 seconds East, a distance of 561.37 feet (South 85 degrees 06 minutes 10 seconds East along said North Highway right of way line, a distance of 561.58 feet, Deed); thence North 87 degrees 59 minutes 25 seconds East, a distance of 201.56 feet (North 87 degrees 46 minutes 20 seconds East along said North right of way line, a distance of 201.56 feet, Deed); thence South 84 degrees 53 minutes 05 seconds East, a distance of 192.65 feet (South 85 degrees 06 minutes 10 seconds East along said North right of way line, a distance of 188.09 feet, Deed); to the point of beginning, subject to that part thereof in roads.

Parcel No. 51-800-02-21-00-0-00-000

All that part of Section 35, Township 48, Range 32, In Lee's Summit, Jackson County, Missouri, described as follows:

From the center of said Section 35, run South 43 rods (709.5 feet); thence North 75 degrees West 9 rods (148.5 feet) to the point of beginning of the tract described herein; thence North 30 degrees East 97 rods (1600.5 feet); thence North 58 degrees West 44-3/4 rods (738.38 feet); to the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; thence North along said East line 10 rods (165 feet) to the Northeast corner of said 1/4 1/4 section; thence West along the North line of said 1/4 1/4 section 970 feet; more or less to a point 350 feet East of the Northwest corner of said 1/4 1/4 section; thence South parallel with the West line of said 1/4 1/4 section 124 feet; thence West parallel with the North line of said 1/4 1/4 section 350 feet to the West line of said 1/4 1/4 section; thence South along said West line, 1225.31 feet to a point 29.31 feet South of the Northwest corner of the Northeast 1/4 of Southwest 1/4 of said Section 35; thence East parallel with the North line of said 1/4 1/4 section, 265.30 feet; thence South parallel with the West line of said 1/4 1/4 section, 441.15 feet to a point in a line bearing South 75 degrees East end passing through the point of beginning, thence South 75 degrees East along said line to the point of beginning, Excepting therefrom those parts in a 30 foot strip and a 60 foot strip deeded to the City of Lee's Summit by Document No 845259 and excepting that part taken for R/W of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri, and excepting that part deeded by Charles B. Cook and Nellie O. Cook, husband and wife to Charles B Cook and Nellie O. Cook, husband and wife in Document No. I-1398491n the office of the Recorder of Deeds and EXCEPTING that part described as follows:

All that part of the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 48, Range 32, described as follows: Beginning at a point 124 feet South of the Northwest corner of said 1/4 1/4 Section; thence East 350 feet; thence South 124 feet; thence West 350 feet to the West line of said 1/4 1/4 Section; thence North 124 feet to the point of beginning.

Also EXCEPTING all that part South of the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri.

Parcel No. 51-800-02-06-00-0-00-000

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 48 North, Range 32 West in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section; thence South 86 degrees 36 minutes 33 seconds East along the North line of said Quarter Quarter Section, a distance of 1308.17 feet to a point being 20.00 feet Westerly of the East line of said Quarter Quarter Section; thence South 02 degrees 29 minutes 11 seconds West (South 03 degrees 00 minutes 16 seconds West-Deed) parallel with the East line of the Southwest Quarter of the Northwest Quarter of said Section 35, a distance of 980.90 feet to a point on the existing North right of way line of I-470 Highway; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) along said existing North right of way line, a distance of 145.28 feet (127.64 feet-Deed) to a point being 150 feet left of Highway Station 354+00; thence North 78 degrees 00 minutes 46 seconds West (North 77 degrees 54 minutes 47 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 201.56 feet to a point being 175 feet left of Highway Station 352+00; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 966.76 feet (967.23 feet-Deed) to a point on the West line of said Quarter Quarter Section; thence North 02 degrees

36 minutes 11 seconds East (North 02 degrees 37 minutes 26 seconds East-Deed) along said West line, a distance of 922.17 feet (923.46 feet-Deed) to the point of beginning.

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for rock reclamation (mining) operations for a period of ten (10) years (this time period is a modification of Section 10.410.A.1.c).
2. A temporary earthen berm shall be provided to screen all activity from I-470. A modification shall be granted to the earthen berm requirement along the east, west, and north property lines.
3. Fencing shall be installed around each phase prior to any reclamation activities within that phase, and shall remain in place as long as any such activities are occurring.
4. The Applicant shall execute a mutually satisfactory agreement with the City which provides for road maintenance from the Development Plan's access point to and from the subject property onto Quarry Park Road towards the west to allow travel to and from the entrance to Superior Asphalt's operations (or their successors and assigns), and to the east onto Pryor Road (south) to State right-of-way at the I-470 intersection, Road maintenance shall be conducted so as to provide a paved condition no less than reasonably adequate for public vehicular transportation, as determined by the City Engineer.
5. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.
6. A detailed map of the subterranean area and a safety plan for the area of operation shall be provided to the Fire Department prior to the commencement of any work in a new phase.
7. A vacation of right-of-way application shall be filed, approved and recorded, prior to the commencement of any work in Phases 4 and 5 that impacts Lowenstein Drive north of I-470.
8. The operation shall have dust control procedures in place to prevent excessive dust from reclamation activities onto adjacent residential properties.
9. The applicant shall submit a preliminary development plan for the subject property within 5 years of the date of approval of this ordinance.
10. The applicant shall provide public notice of planned blasting activities.
11. The applicant shall take seismographic measurements during blasting activities. These measurements shall be taken on the north side and the south side of I-470 and the results shall be made available to the public. The applicant shall coordinate with the City Engineer in order to determine appropriate locations within City owned property or City right-of-way that would be suitable for the placement of seismographic measuring equipment south of I-470. The applicant must comply with any conditions imposed by the City Engineer in placing such equipment on City owned property or within City right-of-way.

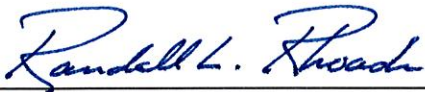
SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City Unified Development Ordinance, enacted by Ordinance No. 5209, amended from time to time.

MODIFIED BILL NO. 13-83

ORDINANCE NO. 7354

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 15th day of August, 2013.



Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 23rd day of August, 2013.



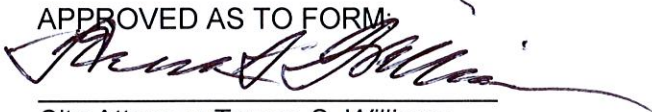
Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:

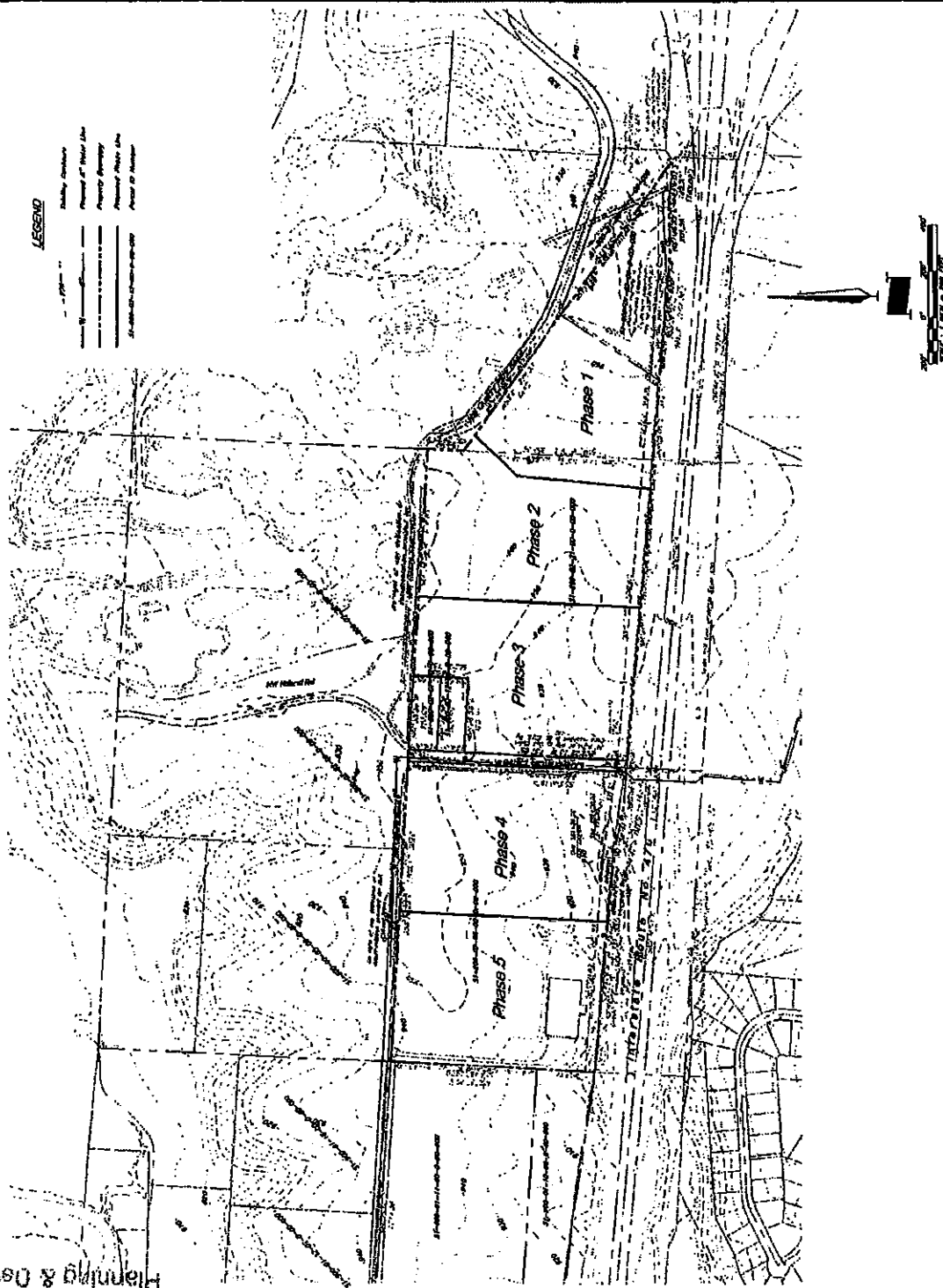


City Attorney Teresa S. Williams

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MAY 21 2013

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LEGEND

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The Family Ranch Reclamation Project

4270 E. Park Road
Lakes Bluff, Missouri

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engineers

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PROPERTY MAP

PREPARED BY BIRM

DATE: 10/1/12

Legend

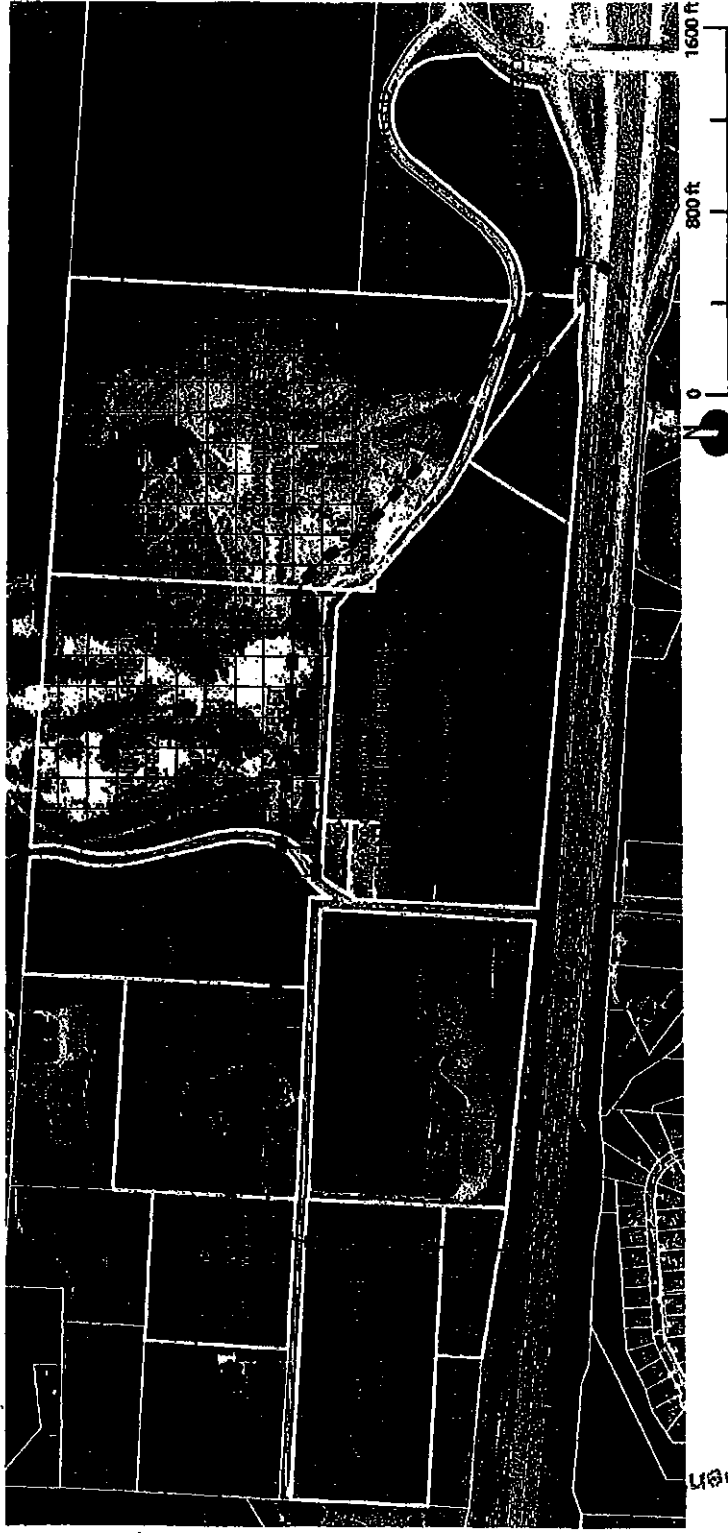
PROPERTY LINES

165' OFFSET

ZONING

AG

PI

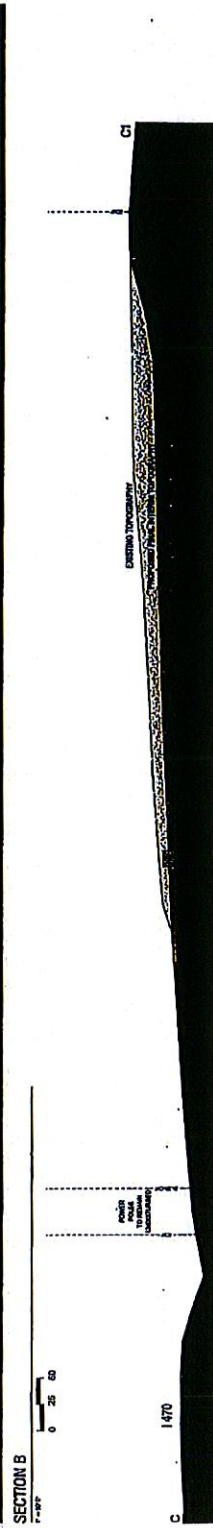
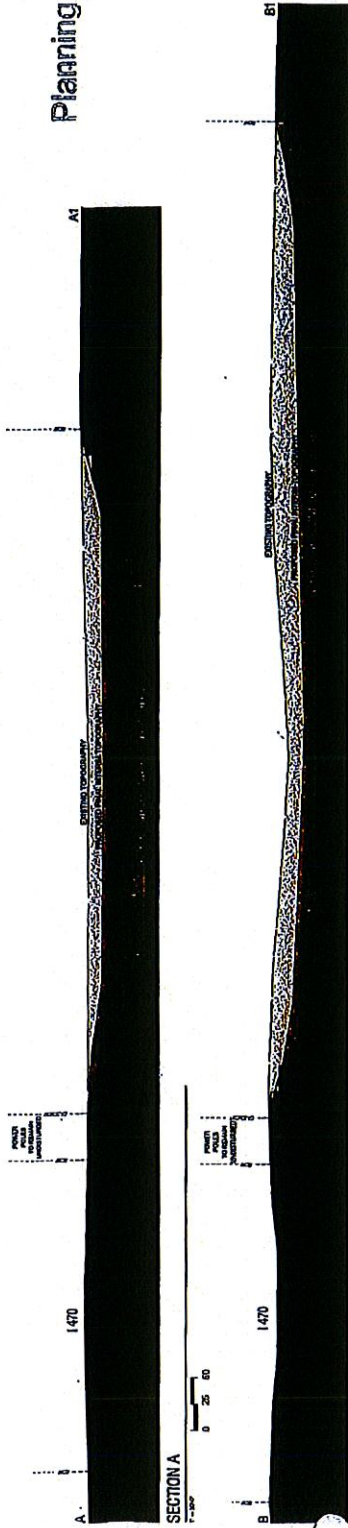


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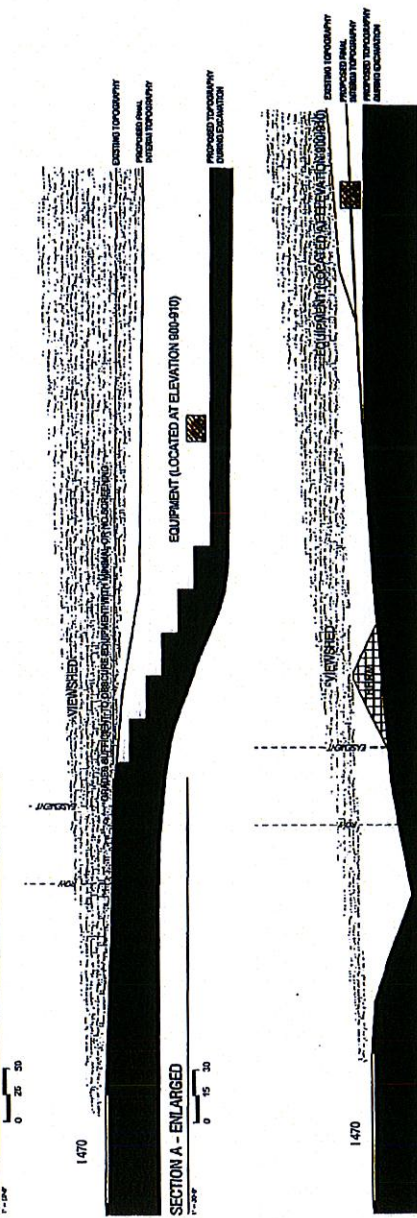
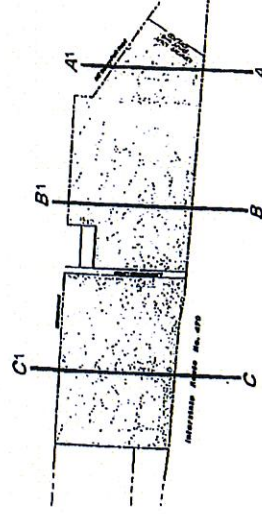
MAY 21 2013

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- SECTION LEGEND
- EXISTING TOPOGRAPHY
 - GREATEST EXTENT OF EXCAVATION
 - FILL TO BE REPLACED ESTABLISHING FINAL INTERNAL GRADE
 - SEDS SUGGESTED FOR SPOILING
 - VIEWERS FROM ITO
 - CRUISING EQUIPMENT LOCATION

1470

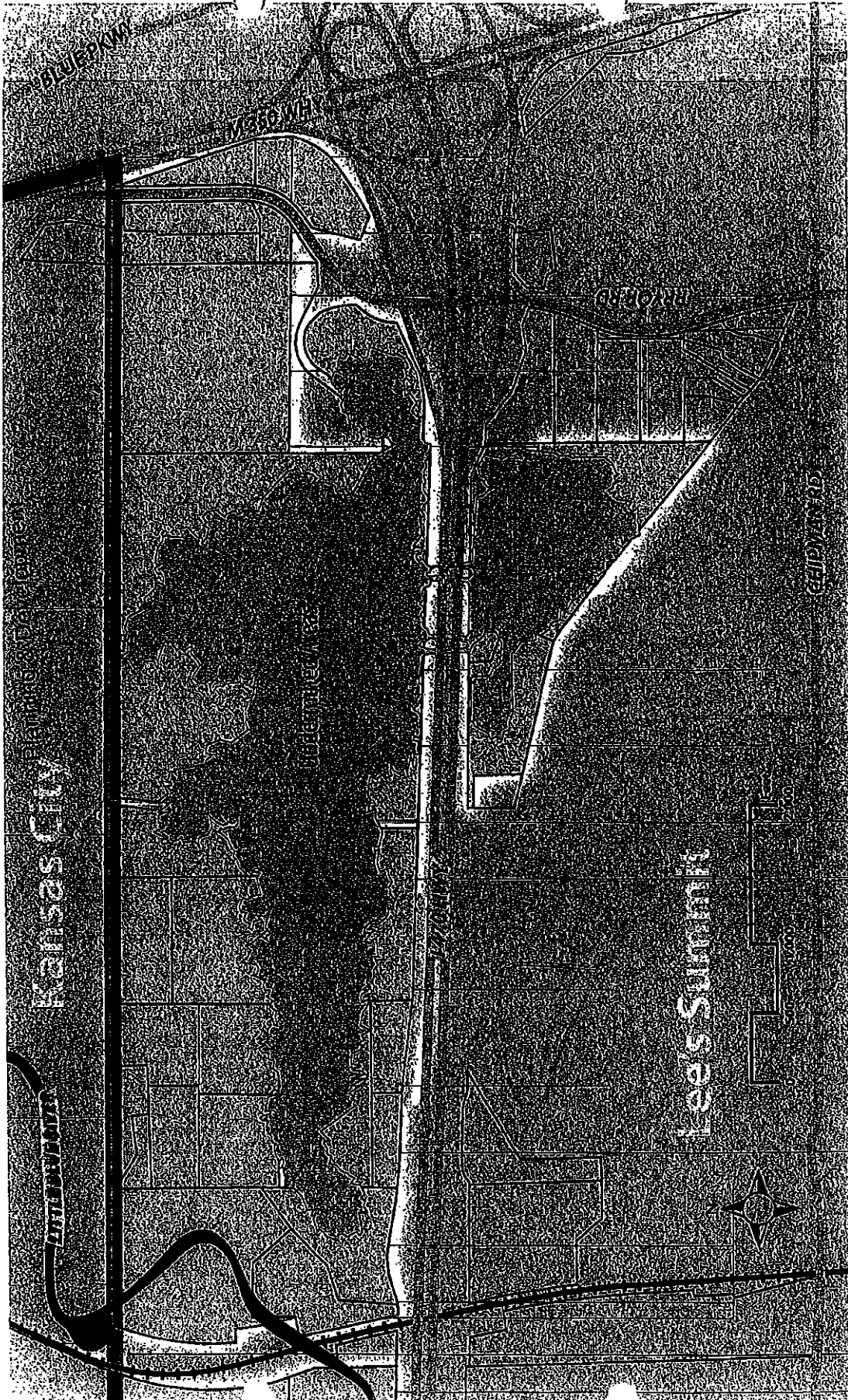


FAMILY RANCH SECTION EXHIBIT
prepared by SH&M - 052113

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Prepared by: The Family Ranch, LLC

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