



## Board of Aldermen Request for Action

**MEETING DATE:** 4/15/2025

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3060-25, approving a Conditional Use Permit for a Transfer Station at 14820 North Industrial Drive – 1<sup>st</sup> reading.

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3060-25, amending the zoning Ordinance of the City of Smithville, Missouri by and granting a conditional use permit to northland recycle & transfer for a transfer station for municipal solid waste at 14820 North Industrial Drive for 1<sup>st</sup> reading by title only.

**SUMMARY:**

The original application was submitted on February 13, 2025 for a CUP to operate a transfer station on I-1 zoned land. The proposed new CUP would expand the current transfer station CUP for Construction and Demolition Waste to include Municipal Solid Waste. This new CUP would, as does the current use, involve transporting waste from various locations to the site to be weighed, then dumped inside a building. This waste would then be transferred into a much larger vehicle and be transported, along with several other trucks waste, to a sanitary landfill. 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:**

Board Approval of C & D CUP on August 1, 2023, and Planning Commission hearings on April 8, 2025.

**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"/> <a href="#">P &amp; Z meeting video</a> |
| <input checked="" type="checkbox"/> Other: Findings of Fact, Public Hearing Evidence |                                                                             |

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

Applicant: Northland Recycle & Transfer/Four Leaf Land LLC

Land Use Proposed: Transfer Station – Municipal Solid Waste

Zoning: I-1

Property Location: 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 April 8, 2025, 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 truck trips to landfills, and potentially reduce waste by recycling 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 if the Conditions Included in these findings are agreed to and met.
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 if the Conditions included in these findings are agreed to and met.

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 if and when changes may occur.
7. Adequate access roads and entrances are provided.
8. The Condition that applicant or future operators of any municipal solid waste transfer station agree to regular inspections for blowing trash and odors leaving the site, and which, if after notification by the City that trash and odors need to be contained or reduced, reasonable compliance with that notification is not met in a timely manner after consultation with the city, that the operations will immediately cease and desist. The applicant will be required to return to the Planning Commission thereafter to reinstate any such conditional use with any additional conditions as the Commission may deem necessary to obtain compliance.
9. That in rendering this Finding of Fact, testimony at the public hearing on April 8, 2025, 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 conditions stated in paragraph 8 above.

Planning Commission

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI BY AND GRANTING A CONDITIONAL USE PERMIT TO NORTHLAND RECYCLE & TRANSFER FOR A TRANSFER STATION FOR MUNICIPAL SOLID WASTE AT 14820 NORTH INDUSTRIAL DRIVE**

**WHEREAS**, On April 8, 2025, 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 municipal solid waste transfer station at 14820 North Industrial Drive and more particularly described as follows:

Lot 19, First Park 3<sup>rd</sup> Plat, commonly known as 14820 North Industrial Drive

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

The applicant or future operators of any municipal solid waste transfer station agree to regular inspections for blowing trash and odors leaving the site, and which, if after notification by the City that trash and odors need to be contained or reduced, reasonable compliance with that notification is not met in a timely manner after consultation with the city, that the operations will immediately cease and desist. The applicant will be required to return to the Planning Commission thereafter to reinstate any such conditional use with any additional conditions as the Commission may deem necessary to obtain compliance.

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

PASSED THIS 6<sup>th</sup> DAY OF MAY, 2025.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> Reading: 04/15/2025

2<sup>nd</sup> Reading: 05/06/2025



## STAFF REPORT

April 4, 2025

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: 14820 N. Industrial Dr.  
Owner: Four Leaf Land LLC  
Current Zoning: I-1 with a CUP

#### Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: March 27, 2025  
Letters to Property Owners w/in 200': March 18, 2025

### GENERAL DESCRIPTION:

The property owner is operating a Construction Demolition Waste Transfer Station at 14820 N. Industrial Dr. The site plan requirements for a demolition transfer station are substantially the same as that for a Municipal Solid Waste Transfer Station. However, a MSW station will likely generate substantially more traffic than a demolition station. The development itself is, however, designed to include traffic from industrial uses. As currently developed, the entire development is not subject to significant traffic, but it will likely increase with a MSW facility.

The applicant currently is authorized to operate a construction demolition transfer station with all transfer to occur inside the building, with exterior storage areas. The facility takes 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. In the last several weeks, various city staff have specifically seen non-C & D vehicles entering the facility, dumping and departing. It appears that the applicant has exceeded its authority to operate a C & D transfer

station by accepting municipal solid waste. The waste stream itself is highly regulated by the EPA and DNR and we have not been provided with nor are we aware of any state permits for this use being issued.



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 potentially reduce the number of trash truck trips that must occur by consolidating the individual loads into one larger vehicle and ultimately reduce emissions.
- 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 significantly impact the adjacent or nearby industrial users, if, and only if a condition is placed upon the permit that allows for frequent

monitoring of the site for waste leaving the building and blowing in the wind as well as odors that may occur. This condition would also require the operator to take all reasonable steps indicated by the City to further reduce any odors.

**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%.

**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 uses adjacent to or 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 already provided additional stormwater review during 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, but substantially more than the existing C & D facility. 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 the Commission ONLY recommend approval if an a condition is placed that authorizes the facility to be evaluated for trash and odor conditions both on site and off and the operation will stop if a notification is sent that requires additional trash and odor protections being approved by the City, as well as providing the city with all approved operating permits from the State of Missouri and United State as required by law.





