



**City of Blue Springs
903 Main Street
Blue Springs, Missouri 64015**

**Development Advisory Commission
MINUTES
Thursday, July 30, 2020**

A State of Emergency for Jackson County, Missouri was declared on March 12, 2020 and subsequent amendments by Jackson County Executive Order requiring residents to stay at home and limiting public gatherings to reduce the spread of the COVID-19 virus. As provided in Sections 610.020(1) and 610.020(4) RSMo., the Development Advisory Commission participated in this meeting via video-conference and telephone to ensure safe social distancing measures were taken. The public was able to attend via telephone conference.

A meeting of the Development Advisory Commission of the City of Blue Springs was held at 10:00 a.m. on Thursday, July 30, 2020 via video-conference and telephone. The following members, guests and staff were in attendance:

MEMBERS PRESENT	Orion Berridge Mitchell Peil, Chairman	Bob Frost Bruce Reynolds
STAFF / OTHERS	Mike Mallon, Acting Director, Community Development Matt Wright, Acting Assistant Director, Community Development Chris Sandie, Director, Public Works Karen Findora, DAC Liaison	
ABSENT	Commissioner Chris White Jackie Sommer, City Attorney Susan Culpepper, Councilmember Liaison Dist. 3	
CALL TO ORDER /	Chairperson Mitchell Peil called the meeting to order at 10:00 a.m.	
ROLL CALL	Karen Findora, DAC Liaison, called the roll. Commissioner Bob Frost joined the meeting at 10:02 a.m.	
APPROVAL OF MINUTES	Chairperson Peil requested action on the Consent Agenda. Commissioner Orion Berridge moved to approve the May 28, 2020 meeting minutes. Seconded by Commissioner Bruce Reynolds. Ms. Findora conducted a roll call vote and motion of approval was carried unanimously.	

AGENDA ITEM 2A /
UNIFIED
DEVELOPMENT
CODE TEXT
AMENDMENT /
UDCT-06-20-7371 /
“Donation Bins”

Mike Mallon, Acting Director, Community Development, informed the Commission that staff is proposing a UDC Text Amendment for Temporary Donation Bins, which would amend Title IV of the UDC, Chapter 401-411 to adopt new standards to the regulations of Temporary Donation Bins. The amendment is scheduled to be heard by the Planning Commission at their Monday, August 10, 2020 meeting and the City Council at their Monday, August 17, 2020 meeting. Currently, the UDC regulates the bins as recycling collection stations and categorizes them as an accessory use. Recently, there has been a desire to further regulate the bins, based upon the increase of illegal dumping. The purposed amendment would create a new temporary use, titled, “Donation Collection Bin,” which would provide regulations for the placement, operation, maintenance, and enforcement of the bins throughout the city.

Mr. Mallon stated that the following would be added under Donation Collection Bin Section 405.070. Temporary Uses.B.6.

6. Donation Collection Bin.

a. Requirements.

- (1) No person shall place, use, or operate a donation collection bin without first obtaining a temporary use permit pursuant to this Chapter. Upon approval, the Director shall issue a temporary use permit that is valid for a period of one year. The Director may approve the renewal of the permit for subsequent one-year periods, subject to payment of a new permit fee, if the use has and continues to fully comply with all applicable city ordinances and conditions of the Temporary Use Permit. An approved Temporary Use Permit may be repealed at the request of the property owner during the one-year time period.
- (2) At a minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.
- (3) Only one bin is permitted per lot, and each bin shall not exceed 200 square feet or be taller than six feet in height. Bins shall be made of metal, steel, or similar durable product.
- (4) No donation collection bin shall be located on property utilized for residential land uses.
- (5) Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin shall not reduce the number of available parking spaces below the minimum number required for the lot.
- (6) No bin shall be placed in the following locations:
 - a. Within a required building or parking setback;
 - b. Within a site visibility triangle;
 - c. Within an access easement;
 - d. In a driveway, sidewalk, or other pedestrian circulation area;

- e. Within three (3) feet of any fire hydrant;
- f. Within any fire lane;
- g. Within required landscaped areas or buffers;
- h. In whole or in part upon any portion of a public-right-of-way or projecting onto or over any part of a public right-of-way; or
- i. On an undeveloped parcel of land or parcel without a principal use or structure.

(7) Each application for a temporary use permit shall include:

- a. An authorization form signed by the property owner or property owner's agent authorizing the placement of the bin on the private property.
- b. An authorization form signed by the property owner or property owner's agent authorizing removal by the City of the bin, its contents and any items dumped outside the bin upon reasonable notice that the maintenance requirements specified in subsection (b) have not been met.

b. Maintenance; enforcement.

- (1) Each bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or City.
- (2) Each bin shall be enclosed by use of a one-way receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (3) Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.
- (4) Upon completion of the temporary use the bin shall be removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

c. Violations and penalties.

- (1) It shall be unlawful for a property owner or donation bin owner to place, use, permit, or allow a donation collection bin to be placed or allow to remain on a property without a permit, or permit or allow operation of a bin that is not in compliance with any requirement of this section. Violations of this section are detrimental to the public health and safety.
- (2) It shall be unlawful for any donation bin owner to fail to maintain or keep in good repair any donation collection bin, including without limitation, the prompt removal of graffiti and

the repairing of any part of the bin that is missing, broken, damaged, or deteriorated.

(3) It shall be unlawful for any property owner or donation bin owner to fail to maintain the area around a donation bin, including without limitation, the prompt removal of dumped items.

(4) Any person, property owner, donation bin owner, or company in violation of this section shall, upon conviction, be issued a fine up to the maximum fine authorized by Section 100.080.A. of the Code of Ordinances.

The purposed change to Section 405.080. Non-Conformities.

10. Donation Collection Bin. Any non-conforming donation collection bin shall, on or before January 1, 2021, be made to comply with all of the provisions of this Chapter or be removed.

The purposed change to Chapter 411. Interpretation

A portable receptacle or container made of metal, steel or any other material designed or intended for the collection and temporary storage of donated clothing or other salvageable personal property. This term does not include Solid Waste Collection/Processing Facilities or Recycling Collection Bins for the collection of recyclable materials as defined herein.

Mr. Mallon displayed photos of current donation bins within the city.

QUESTIONS

Commissioner Bob Frost asked if there is a violation and the City cleans up the violation would the cleanup fee be assessed back to the property owner. Mr. Mallon stated that it would, and if the owner doesn't pay the fee then there would be a lien placed on the property.

Commissioner Frost asked if there could be an addition to the purposed language that if the property owner gives the donation bin business notice to remove the bin then they could cancel or withdraw the permit.

Mr. Mallon stated that yes, the language could read, "At any time the underlying property owner has the right to cancel or withdraw their permit if the donation bin business doesn't keep the bin and area within regulations."

Chairperson Peil, asked how the business owner, the underlying property owner, and the donation bin companies would be notified of the proposed changes. Mr. Mallon stated that staff has sent letters with the purposed language and upcoming meeting dates to all three.

Mr. Mallon asked for direction from the Commission with allowing the exception of the bins to be located on school and church property that may be zoned for residential use but are not used for residences. Currently there are one or two located on church properties.

Matt Wright, Acting Assistant Director, Community Development stated that in the previous UDC before 2015, churches and schools were allowed by right in the "SF-7"

(Single Family) zoning districts. Under the 2015 UDC, schools are still permitted but based on building types. A smaller school may be permitted by right, whereas a larger school would need a campus master plan, and the same goes for churches. If not allowed by right it would be classified as a legal non-conforming use. The Commission expressed that they were in agreement to have bins at churches or schools just not at a residential home.

MOTION Commissioner Bob Frost moved to recommend approval of UDC Text Amendment /
AGENDA ITEM 2A / UDCT-06-20-7371 with the added verbiage to allow temporary donation bins to be
UNIFIED located at churches and schools with a permit.
DEVELOPMENT
CODE TEXT
AMENDMENT /
UDCT-06-20-7371 /
"Donation Bins"

SECOND Commissioner Orion Berridge.

VOTE Bob Frost – Aye Orion Berridge – Aye
Bruce Reynolds – Aye Chris White – Absent
Mitchell Peil, Chairperson – Aye
(APPROVED 4-Aye, 0-No)

AGENDA ITEM 2B / Mike Mallon, Acting Director, Community Development, informed the Commission that
UNIFIED staff is proposing an Ordinance amending Section 403, Development Review Procedures,
DEVELOPMENT to make the Planning Commission the recommending body and the City Council the
CODE TEXT decision-making body for Conditional Use Permits.
AMENDMENT /
UDCT-07-20-7382 / Commissioner Berridge asked on an average how many CUP's are there in a year. Mr.
"Conditional Use Permit" Mallon stated that in 2018 & 2019 there were 13 CUP's per year submitted.

MOTION Commissioner Orion Berridge moved to recommend approval of UDC Text Amendment
AGENDA ITEM 2B / / UDCT-07-20-7382.
UNIFIED
DEVELOPMENT
CODE TEXT
AMENDMENT /
UDCT-07-20-7382 /
"Conditional Use Permit"

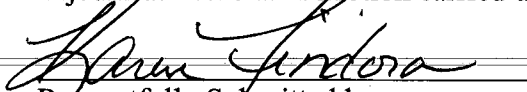
SECOND Commissioner Bruce Reynolds.

VOTE Bob Frost – Aye Orion Berridge – Aye
Bruce Reynolds – Aye Chris White – Absent
Mitchell Peil, Chairperson – Aye
(APPROVED 4-Aye, 0-No)

OTHER BUSINESS None.

ADJOURN

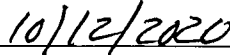
With no further items to come before the Commission, a motion was made by Commissioner Orion Berridge, and seconded by Commissioner Bruce Reynolds, to adjourn at 10:58 a.m. Motion carried unanimously.



Respectfully Submitted by,
Karen Findora, Recording Secretary



Mitchell Peil, Chairperson



Date