

**CITY OF LEE’S SUMMIT, MISSOURI
CITY COUNCIL**

DENIAL OF APPLICATION

IN THE MATTER OF: Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant

RECITALS

1. On March 18, 2016 applicant Selective Site Consultants, Inc. (hereinafter “Applicant”) submitted application #PL2016-053 (hereinafter the “Application”) to the City of Lee’s Summit, Missouri (hereinafter “City”) associated with the construction of a new telecommunications tower located at 244 NW Executive Way.
2. The telecommunications tower proposed in the Application would be 95 feet in height.
3. On May 10, 2016 the City’s Planning Commission recommended approval to the City Council of the Application subject to City Staff’s letter dated May 6, 2016, specifically items one through four.
4. On June 16th, 2016, June 23rd, 2016, and July 7th, 2016 the City Council held public hearings on this Application and the accompanying application for a special use permit (application #PL2016-054) for the telecommunications tower which is the subject of this Application.
5. Article 10, Section 10.600(F)(3)(c)(1) through 10.600(F)(3)(c)(3) of the City’s Unified Development Ordinance (hereinafter “UDO”) states that,
 - (1) A telecommunications tower over ninety (90) feet in height shall be separated from any other telecommunications tower over ninety (90) feet in height by a distance of at least (1) mile.

(2) A telecommunications tower shall be located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use is indicated by the Comprehensive Plan is low density residential use.

(3) This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City.

6. The telecommunications tower proposed in the Application is located approximately 95 feet adjacent (to the north) of a lot zoned R-1.

7. To comply with Article 10, Section 10.600(F)(3)(c)(2) of the UDO, the telecommunications tower would have to be located at least 380 feet from single family/two family zoning districts.

8. Approval of the Application requires a waiver by the City Council of Article 10, Section 10.600(F)(3)(c)(2) of the UDO requiring telecommunications towers to be “located a distance of four (4) times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use...”

9. There was no finding by the City Council that denial of the Application would effectively prevent the provision of telecommunications services within the City.

10. No motion was made or passed by the City Council to waive the provisions of Article 10, Section 10.600(F)(3)(c)(2) of the UDO for this Application.

DENIAL OF APPLICATION

11. The City Council of the City of Lee’s Summit, Missouri hereby denies Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN - telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicants, due to failure to comply with the setback requirements of Section 10.600(F)(3)(c)(2) of the City’s Unified Development Ordinance.

12. Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN – Telecommunications tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant, is hereby **DENIED**.

13. The Mayor of the City of Lee’s Summit is hereby authorized to sign this denial of application on behalf of the City.

City of Lee’s Summit, Missouri

Randall L. Rhoads, Mayor
City of Lee’s Summit, Missouri

Date

Approved as to Form:

Trevor L. Stiles, Chief of Litigation
Office of the City Attorney