

AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR TELECOMMUNICATIONS TOWER AND NEW EXTERNAL ANTENNA CO-LOCATION IN DISTRICT CP-2 ON LAND LOCATED AT 1749 SE LANGSFORD ROAD FOR A PERIOD OF TEN (10) YEARS FROM THE PREVIOUS EXPIRATION DATE, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, on October 5, 2000, by Ordinance No. 5043, the City Council granted a special use permit for a telecommunications tower for a period of ten (10) years on land located at 1749 SE Langsford Road, and said permit will expire on October 5, 2010.

WHEREAS, Application #2010-012, submitted by Clearwire LLC., requesting approval of a new external antenna co-location and renewal of the special use permit for the existing telecommunication tower in District CP-2 on land located at 1749 SE Langsford 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 August 10, 2010, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 2, 2010, 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 10.050 of the Unified Development Ordinance allow a telecommunications tower and new external antenna co-location on the existing tower in District CP-2 with a Special Use Permit is hereby granted for a period of ten (10) years from the previous expiration date, to expire on October 5, 2020, with respect to the following described property:

All of Chouteau corner, a subdivision in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

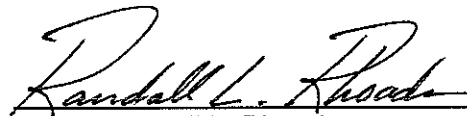
1. The special use permit shall be granted for a period of 10 years from the previous expiration date, to expire on October 5, 2020.
2. Any exterior antennas, mounting equipment, or wiring shall be painted to match the existing tower.
3. A modification shall be granted to the setback requirements of the UDO to allow the tower to remain in its current location.
4. Signs located at the telecommunications tower shall be limited to ownership, contact information, the FCC antenna registration number and any other warning signs required by the FCC. Signs for commercial advertising are prohibited.

5. A copy of the lease between the applicant and the tower owner or a notarized ownership affidavit signed by the tower owner shall be submitted prior to the approval of the related final development plan for the exterior co-location.
6. A copy of the general liability insurance for the tower shall be submitted prior to the approval of the related final development plan for the exterior co-location.
7. A minimum 6 foot tall vinyl fence or masonry wall shall be installed around the base of the tower, and equipped with an anti-climbing device.
8. All missing or loose bolts outlined in the Maintenance and Condition Assessment from Tower Engineering Professionals, dated December 12, 2009 shall be corrected/addressed prior to the approval of the related final development plan for the exterior co-location.
9. A structural analysis following the latest standards TIA/EIA-222-G shall be completed prior to the approval of the final development plan for the exterior antenna co-location.
10. Future co-locations may require a new tower to be constructed.
11. All review fees shall be paid prior to the approval of the related final development plan for the exterior co-location.

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's Unified Development Ordinance, No. 5209.

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.

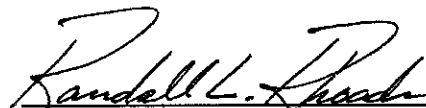
PASSED by the City Council of the City of Lee's Summit, Missouri, this 16th day of September, 2010.


Mayor Randall L. Rhoads

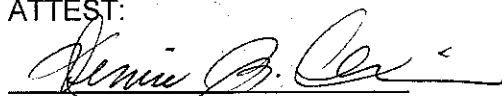
ATTEST:


City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 17th day of September, 2010.


Mayor Randall L. Rhoads

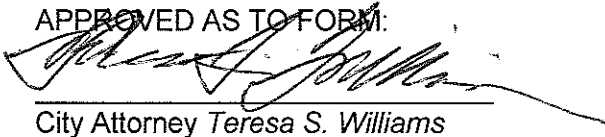
ATTEST:


City Clerk Denise R. Chisum

BILL NO. 10-95

ORDINANCE NO. 6973

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Teresa S. Williams', is written over a horizontal line.

City Attorney *Teresa S. Williams*

