

## **BILL NO. 25-102**

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A TELECOMMUNICATION TOWER IN DISTRICT RDR ON LAND LOCATED AT 1204 NE WOODS CHAPEL ROAD, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, on June 6, 1995, by Ordinance No. 4128, the City Council granted a special use permit, Application #1995-009, for a telecommunications tower for 5 years on land located at 1204 NE Woods Chapel Road, and said permit expired on June 6, 2000; and,

WHEREAS, on October 17, 2006, by Ordinance No. 6290, the City Council granted a special use permit renewal, Application #2006-164, for a telecommunications tower for 15 years from the date of previous special use permit expiration on land located at 1204 NE Woods Chapel Road, and said permit expired on June 6, 2015; and,

WHEREAS, on March 31, 2016, by Ordinance No. 7849, the City Council granted a special use permit renewal, Application #PL2016-164, for a telecommunications tower for 10 years on land located at 1204 NE Woods Chapel Road, and said permit will expire on June 6, 2025; and,

WHEREAS, Application #PL2025-024, submitted by American Tower Corporation, requesting a special use permit renewal for a telecommunication tower in District RDR (Rural Density Residential) on land located at 1204 NE Woods Chapel Road, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a special use permit by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the special use permit on May 8, 2025, and rendered a report to the City Council recommending 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 June 3, 2025, and approved a motion for a second ordinance reading to approve the special use permit for said property.

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 6.1200 of the Unified Development Ordinance to allow for telecommunication towers in District RDR with a special use permit is hereby granted for a twenty (20) year period, with respect to the following described property:

*ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS:*

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COMMENCING AT THE SOUTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 11'37" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 334.06 FEET; THENCE NORTH 0 DEGREES 30' 43" EAST, 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WOOD'S CHAPEL ROAD; THENCE CONTINUING NORTH 0 DEGREES 30' 43" EAST, 73.14 FEET; THENCE NORTH .36 DEGREES 41' 33" EAST, 69.24 FEET; THENCE NORTH 1 DEGREE 02' 19" EAST, 30.55 FEET; THENCE NORTH 80 DEGREES 55' 17" WEST, 75.25 FEET; THENCE NORTH 6 DEGREES 35' 54" EAST 151.60 FEET; TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 24' 06" WEST, 50.00 FEET; THENCE NORTH 6 DEGREES 35' 54" EAST, 50.00 FEET; THENCE SOUTH 83 DEGREES 24' 06" EAST, 50.00 FEET; THENCE SOUTH 6 DEGREES 35' 54" EAST, 50.00 FEET; THENCE SOUTH 83 DEGREES 24' 06" EAST, 50.00 FEET; THENCE SOUTH 6 DEGREES 35' 54" WEST, 50.00 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING .057 ACRES.

SECTION 2. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 6. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

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City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*