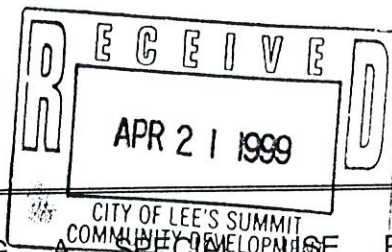


BILL NO. 99-47



ORDINANCE NO. 4765

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A TELECOMMUNICATIONS TOWER IN DISTRICT A ON LAND LOCATED AT 1310 NE COLBERN ROAD, FOR A PERIOD OF FIFTEEN (15) YEARS, ALL IN ACCORDANCE WITH SECTION 280 WITHIN COMPREHENSIVE ZONING ORDINANCE NO. 715, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #1634, submitted by Jerry Davis for Sprint Spectrum, Inc., requesting a special use permit to operate a telecommunications tower in District A (agricultural) on land located at 1310 NE Colbern 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 March 23, 1999, 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 April 8, 1999, 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 280 of the Comprehensive Zoning Ordinance No. 715 to allow a telecommunications tower, in District A (Section 280.A.25.) is hereby granted for a period of fifteen (15) years, with respect to the following described property:

A tract of land in Tract B, Lewis Estates, a platted subdivision of land in the City of Lee's Summit, Jackson County, Missouri being more particularly described as follows: Commencing at the SW corner of Tract B, Lewis Estates, a platted subdivision of land in the City of Lee's Summit, Jackson County, Missouri; thence N 1°38'13"E, along the W line of said Tract B, a distance of 1079.32'; thence S 88°21'47"E, perpendicular to the last described course, a distance of 25.00' to the true point of beginning; thence S 88°21'47"E, a distance of 32.00'; thence S 1°38'13"W, a distance of 32.00'; thence N 88°21'47"W, a distance of 32.00'; thence N 1°38'13"E, a distance of 32.00' to the true point of beginning, containing 1,024 square feet, more or less.

SECTION 2. That the following conditions of approval apply:

1. A waiver shall be granted to the paving requirement for the access road. The approach from Colbern Road shall be paved to the right-of-way line or 30 feet from the edge of the pavement of Colbern Road, whichever is the greater distance.
2. The tower shall be designed to accommodate more than one user.
3. The color and lighting of the tower shall be subject to approval by the FAA.

4. The finish of the tower may be galvanized metal.

SECTION 3. That development shall be in accordance with the final site plan and elevation date stamped March 8, 1999, appended hereto and made a part hereof.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Comprehensive Zoning Ordinance No. 715.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 15th day of April, 1999.


Mayor Karen R. Messerli

ATTEST:


City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 15th day of April, 1999.


Mayor Karen R. Messerli

ATTEST:


City Clerk Denise R. Chisum

APPROVED AS TO FORM:


City Attorney Christine Treat Bushyhead