

BILL NO. 96-104**ORDINANCE NO. 4323**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON LAND LOCATED AT 1850 SE HAMBLER ROAD TO OPERATE A COMMUNICATIONS TOWER FOR A PERIOD OF 10 YEARS IN DISTRICT M-1, ALL IN ACCORDANCE WITH SECTION 280. WITHIN COMPREHENSIVE ZONING ORDINANCE NO. 715 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #1375, submitted by Sprint Spectrum, L.P., requested a special use permit to operate a communications tower on land located at 1850 SE Hamblen Road in District M-1 and was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Planning Commission did hold a public hearing for the request on June 24, 1996, after due public notice in the manner prescribed by law, and then did render a report to the City Council containing findings of fact and a recommendation that the special use permit requested be approved; and,

WHEREAS, due public notice in the manner prescribed by law was given of a public hearing before the City Council of this city for August 6, 1996; and,



WHEREAS, the City Council did hold a public hearing for said application on August 6, 1996, and rendered a decision to grant the requested 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 Comprehensive Zoning Ordinance No. 715, to allow the operation of a communications tower in District M-1 (Section 280.A.25.) is hereby granted for a period of 10 years, with respect to the following described property:

Commencing at the Northeast corner of the Southeast Quarter Section 17, Township 47, Range 31, in the City of Lee's Summit, Jackson County, Missouri, thence S 02°22'12" W along the East line of the said Southeast Quarter a distance of 930.36 feet to a point; thence N 87°37'48" W on a line perpendicular to said East line, a distance of 96.00 feet to the Point of Beginning of the hereinafter described tract, thence S 02°22'12" W a distance of 52.00 feet to a point; thence N 87°37'48" W a distance of 40.00 feet to a point; thence N 02°22'12" E a distance of 52.00 feet to a point; thence S 87°37'48" E a distance of 40.00 feet to the Point of Beginning and containing 0.0477 acres more or less.

SECTION 2. That the following conditions of approval apply:

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1. The drive providing access to the tower from Hamblen Road shall be paved with asphalt or concrete.
2. Information on the fuel supply for the generator shall be provided to the Lee's Summit Fire Department.
3. A Knox Box Rapid Entry System shall be required on all access gates.

SECTION 3. That development of the property located at 1850 SE Hamblen Road shall be in accordance with the site plan dated May 29, 1996, appended hereto and made a part thereof.

SECTION 4. That failure to comply with all 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 for the City of Lee's Summit, Missouri, this 20th day of August, 1996.

Karen R. Messerli
Mayor Karen R. Messerli

ATTEST:

Denise R. Chisum
City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 20th day of August, 1996.

Karen R. Messerli
Mayor Karen R. Messerli

ATTEST:

Denise R. Chisum
City Clerk Denise R. Chisum

APPROVED AS TO FORM:

Christine M. Treat
City Attorney Christine M. Treat