

BILL NO. 96-134**ORDINANCE NO. 4353**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON LAND LOCATED AT 207 SW DOUGLAS TO ERECT A COMMUNICATIONS TOWER FOR A PERIOD OF TWENTY YEARS IN DISTRICT C-2, ALL IN ACCORDANCE WITH SECTION 280, SPECIAL USES, OF COMPREHENSIVE ZONING ORDINANCE NO. 715 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #1401, submitted by Sprint Spectrum L.P. and the City of Lee's Summit, requesting a special use permit to erect a communications tower on land located at 207 SW Douglas, in District C-2, 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 September 9, 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, on September 26, 1996, the Board of Zoning Adjustments granted a variance to Sprint Spectrum, L.P. and the City of Lee's Summit to allow a communication tower in a district zoned C-2.

WHEREAS, due public notice in the manner prescribed by law was given of a public hearing before the City Council of this city for October 1, 1996; and,



WHEREAS, the City Council did hold a public hearing for said application on October 1, 1996, 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, Special Uses, of Comprehensive Zoning Ordinance No. 715 to allow a communications tower, in District C-2 (Section 280.A.25.) is hereby granted for a period of twenty (20) years, with respect to the following described property:

All that part of Lot 8, Block 17, W.B. Howards Addition, a subdivision in the City of Lee's Summit, Jackson County, Missouri described as follows: Commencing at the most northerly corner of said Lot 8, thence South 45° east along the most northeasterly line of said Lot 8, a distance of 4.59 feet, thence south 44°41'08" west parallel to the most northwesterly line of said Lot 8, a distance of 17.24 feet to the point of beginning, thence continuing South 44°41'08" west, a distance of 30.00 feet, thence south 45° east a distance of 40.00 feet, thence north 44°41'08" east, a distance of 30.00 feet, thence north 45° west, a distance of 40.00 feet to the point of beginning.

SECTION 2. That the following conditions of approval apply:

1. The tower shall be constructed in accordance with the plans submitted, with a maximum height of 180 feet .

BILL NO. 96-134**ORDINANCE NO. 4353**

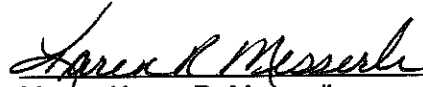
2. The tower design shall be sealed by a registered professional engineer and shall meet the most recent engineering standards for wind loading and tower strength.
3. All applicable federal regulations must be followed including permitting requirements by the Federal Aviation Administration (FAA).
4. Only FAA-required lighting may be placed on a tower. If strobe lights are required by the FAA, a waiver shall be sought to allow non-strobe lights at night.
5. The color of the tower shall be no more obtrusive than that of the existing tower; that is, a light color that will blend into the skyline.

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 Comprehensive Zoning Ordinance No. 715.

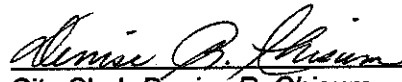
SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

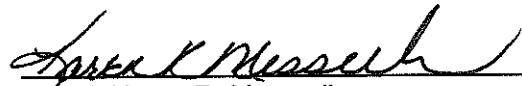
PASSED by the City Council for the City of Lee's Summit, Missouri, this 8th day of October, 1996.


Mayor Karen R. Messerli

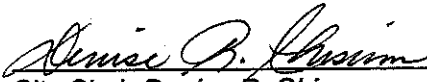
ATTEST:


City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 8th day of October, 1996.


Mayor Karen R. Messerli

ATTEST:


City Clerk Denise R. Chisum

APPROVED AS TO FORM:


City Attorney Christine M. Treat