

AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR TELECOMMUNICATIONS TOWER IN DISTRICT AGRICULTURE ON LAND LOCATED AT 1310 NE COLBERN ROAD FOR A TERM TO EXPIRE ON APRIL 15, 2025, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application 2015-122, submitted by Crown Castle/Global Signal Acquisitions, requesting approval of the special use permit renewal, was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, on April 15, 1999 by Ordinance No. 4765, the City Council granted a special use permit for a telecommunications tower for a period of 15 years on land located at 1310 NE Colbern Road, and said permit expired on April 15, 2014; and,

WHEREAS, Application #PL2015-122, submitted by Crown Castle/Global Signal Acquisitions, requesting a special use permit renewal for telecommunication tower in District AG 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 October 13, 2015, 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 November 5, 2015 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 Sections 10.050 of the Unified Development Ordinance to allow a telecommunications tower in District AG with a Special Use Permit is hereby granted for a period of 10 years from the previous expiration date, to expire on April 15, 2024, 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.

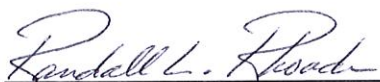
SECTION 2. That the following conditions of approval apply:

1. The special use permit renewal shall be granted to expire April 15, 2025.

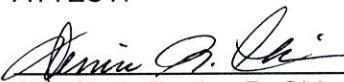
SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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.

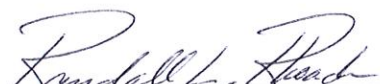
PASSED by the City Council of the City of Lee's Summit, Missouri, this 5th day of November, 2015.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Denise R. Chisum

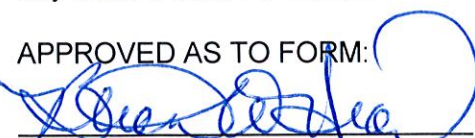
APPROVED by the Mayor of said city this 10th day of November, 2015.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Denise R. Chisum

APPROVED AS TO FORM:


City Attorney Brian W. Head

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AUG 17 2015

PROPERTY DESCRIPTION: OVERALL TOWER EASEMENT (AS SURVEYED)

A 50.59 foot by 69.49 foot Overall Tower Easement, situated in LEWIS ESTATES, in Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 237, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap 154836), said corner also being on the South Right of Way line of NE COLBERN ROAD (Public Right of Way), as it presently exists; thence along said South Right of Way line, North 88°17'05" West, a distance of 154.76 feet to the Northwest Corner of Lot 236, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap); thence leaving said South Right of Way line, North 74°06'22" West, a distance of 408.25 feet to the Southeast Corner said Tract B, LEWIS ESTATES, said corner also being on the North Right of Way line of said NE COLBERN ROAD (Public Right of Way) as it presently exists; thence along the East line of said Tract B, North 01°49'55" East, a distance of 1071.09 feet; thence leaving said East line, North 89°29'30" West, a distance of 71.59 feet to the POINT OF BEGINNING; thence South 00°30'30" East, a distance of 50.59 feet; thence North 89°29'30" West, a distance of 69.49 feet; thence North 00°30'30" East, a distance of 50.59 feet; thence South 89°29'30" East, a distance of 69.49 feet to the POINT OF BEGINNING. Containing 3.515 square feet (0.08± acres).

PROPERTY DESCRIPTION: EXISTING TOWER EASEMENT (AS SURVEYED)

A 2.861 square foot (0.07± acres) Existing Tower Easement, situated in Tract B, LEWIS ESTATES, in Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 237, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap 154836), said corner also being on the South Right of Way line of NE COLBERN ROAD (Public Right of Way), as it presently exists; thence along said South Right of Way line, North 88°17'05" West, a distance of 154.76 feet to the Northwest Corner of Lot 236, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap); thence leaving said South Right of Way line, North 74°06'22" West, a distance of 408.25 feet to the Southeast Corner said Tract B, LEWIS ESTATES, said corner also being on the North Right of Way line of said NE COLBERN ROAD (Public Right of Way) as it presently exists; thence along the East line of said Tract B, North 01°49'55" East, a distance of 1071.09 feet; thence leaving said East line, North 89°29'30" West, a distance of 71.59 feet to the POINT OF BEGINNING; thence South 00°30'30" West, a distance of 50.59 feet; thence North 89°29'30" West, a distance of 69.49 feet; thence North 00°30'30" East, a distance of 50.59 feet; thence South 89°29'30" East, a distance of 69.49 feet to the POINT OF BEGINNING.

PROPERTY DESCRIPTION: ADDITIONAL AREA (AS SURVEYED)

A 20.81 foot by 31.42 foot Additional Area, situated in Tract B, LEWIS ESTATES, in Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 237, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap 154836), said corner also being on the South Right of Way line of NE COLBERN ROAD (Public Right of Way), as it presently exists; thence along said South Right of Way line, North 88°17'05" West, a distance of 154.76 feet to the Northwest Corner of Lot 236, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap); thence leaving said South Right of Way line, North 74°06'22" West, a distance of 408.25 feet to the Southeast Corner said Tract B, LEWIS ESTATES, said corner also being on the North Right of Way line of said NE COLBERN ROAD (Public Right of Way) as it presently exists; thence along the East line of said Tract B, North 01°49'55" East, a distance of 1071.09 feet; thence leaving said East line, North 89°29'30" West, a distance of 71.59 feet; thence South 00°30'30" West, a distance of 50.59 feet; thence North 89°29'30" West, a distance of 69.49 feet; thence North 00°30'30" East, a distance of 50.59 feet; thence South 89°29'30" East, a distance of 69.49 feet to the POINT OF BEGINNING; thence South 00°30'30" West, a distance of 31.42 feet; thence North 00°30'30" East, a distance of 20.81 feet; thence South 00°30'30" West, a distance of 20.81 feet; thence North 00°30'30" East, a distance of 31.42 feet to the POINT OF BEGINNING. Containing 654 square feet (0.02± acres).

PROPERTY DESCRIPTION: NON-EXCLUSIVE ACCESS/UTILITY EASEMENT (AS SURVEYED)

A 20 foot with Non-Exclusive Access/Utility Easement, situated in Tract B, LEWIS ESTATES, in Jackson County, Missouri, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northeast Corner of Lot 237, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap 154836), said corner also being on the South Right of Way line of NE COLBERN ROAD (Public Right of Way), as it presently exists; thence along said South Right of Way line, North 88°17'05" West, a distance of 154.76 feet to the Northwest Corner of Lot 236, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap); thence leaving said South Right of Way line, North 74°06'22" West, a distance of 408.25 feet to the Southeast Corner said Tract B, LEWIS ESTATES, said corner also being on the North Right of Way line of said NE COLBERN ROAD (Public Right of Way) as it presently exists; thence along the East line of said Tract B, North 01°49'55" East, a distance of 1071.09 feet; thence leaving said East line, North 89°29'30" West, a distance of 71.59 feet to the POINT OF BEGINNING; thence South 00°30'30" West, a distance of 50.59 feet; thence North 89°29'30" West, a distance of 69.49 feet; thence North 00°30'30" East, a distance of 50.59 feet; thence South 89°29'30" East, a distance of 69.49 feet to the POINT OF BEGINNING; thence South 00°30'30" West, a distance of 31.42 feet; thence North 00°30'30" East, a distance of 20.81 feet; thence South 00°30'30" West, a distance of 20.81 feet; thence North 00°30'30" East, a distance of 31.42 feet to the POINT OF BEGINNING. Containing 21,988 square feet (0.50± acres).

AS-BUILT SURVEY PART OF SECTION 20-T40N-63W IN JACKSON COUNTY, MISSOURI	
FOR: CROWN CASTLE	DATE: 8-17-2015
BY: 877854 J. L. LAURIE	DATE: 8-17-2015
CROWN CASTLE 1535 S. MAIN ST. JACKSON, MO 64501	
3535 TOWNSEND WAY, JUNE 300 COLUMBIA, MO 65203	
SURVEY SERVICES CORPORATION, LLC 1535 S. MAIN ST. JACKSON, MO 64501	
GEOLINE SURVEYING, INC. 1535 S. MAIN ST. JACKSON, MO 64501	
LA PROJECT NO. 14332	
DRAWN BY: A.C.2. CHECKED BY: J.L.	
DATE: 08-07-14 FIELDWORK: 08-04-14	
NOTES: 1. BEARINGS SHOWN HEREIN ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83). 2. ALL DISTANCES ARE IN FEET AND INCHES. 3. UNLESS SHOWN HEREIN ARE LIMITED TO THE SURVEYED AREA. 4. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PROPERTY. 5. ALL NECESSARY EASEMENTS AND INTERESTS ARE ASSUMED TO BE CORRECTLY DESCRIBED HEREIN. 6. THIS SURVEY IS THE PROPERTY OF CROWN CASTLE AND GEOLINE SURVEYING, INC. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF CROWN CASTLE AND GEOLINE SURVEYING, INC. 7. THE SURVEYOR'S CERTIFICATE IS ON FILE WITH THE JACKSON COUNTY CLERK'S OFFICE. 8. THE SURVEYOR'S CERTIFICATE IS ON FILE WITH THE JACKSON COUNTY CLERK'S OFFICE. 9. THE SURVEYOR'S CERTIFICATE IS ON FILE WITH THE JACKSON COUNTY CLERK'S OFFICE. 10. THE SURVEYOR'S CERTIFICATE IS ON FILE WITH THE JACKSON COUNTY CLERK'S OFFICE.	
MISSOURI CLERK'S OFFICE JACKSON COUNTY, MISSOURI RECEIVED AUG 17 2015	
SHEET 3 OF 3	

DATE: 0-11

 NO SMOKING
NO OPEN FLAMES
NO CIGARETTES
NO LIGHTERS

WILSON & WILSON, INC.

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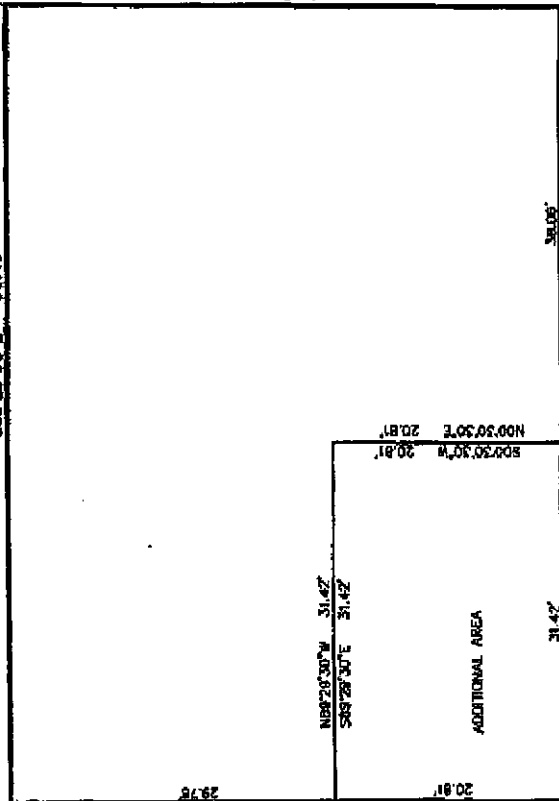
AUG 17 2015

Planning & Codes Admin

BOUNDARY LEGEND

FOUND PROPERTY CORNER	⊙
SET PROPERTY CORNER	⊙
POINT OF COMMENSING	P.O.C.
POINT OF RETURNING	P.O.R.
POINT OF TERMINATION	P.O.T.
RIGHT OF WAY	R/W
CENTERLINE	C/L
ACCESS/UTILITY EASEMENT	AM/UE

S89°29'30"E 69.49'



AREA TABLE
 OVERALL TOWER EASEMENT
 3,505 SQ. FT. (0.08 ACRES)
 EXISTING TOWER EASEMENT
 2,881 SQ. FT. (0.07 ACRES)
 ADDITIONAL AREA
 624 SQ. FT. (0.02 ACRES)
 TOWER COMPOUND
 2,881 SQ. FT. (0.07 ACRES)
 NON-EXCLUSIVE ACCESS/
 UTILITY EASEMENT
 21,968 SQ. FT. (0.50 ACRES)

OWNER: JUBONG PARK AND JACKSON PARK
 PARCEL NO.: 28-000-0016-00-0-00-000
 ZONING: COMMERCIAL

801-1281



SCALE: 1" = 10' 20'

BOUNDARY SURVEY
 PART OF SECTION 28-000-0016-00-0-00-000
 IN JACKSON COUNTY, MISSOURI

FOR: JUBONG PARK
 SET: PROPERTY CORNER
 AM: 877854
 DATE: 08-17-15

CROWN
 2520 THOMPSON WAY, SUITE 300
 JEFFERSON CITY, MO 64109
 SURVEY SERVICES CORPORATION INC.

GEOLINE
 SURVEYING INC.
 1000 N. 10TH STREET
 ALLEN, MO 64801
 PHONE: 417-241-1111
 FAX: 417-241-1112
 WWW.GEOLINE-SURVEYING.COM

LA PROJECT NO: 14332

DATE: 08-07-14 **ORDERED BY: JBL**

NOTES:
 1. BEARINGS SHOWN HEREON ARE BASED ON MISSOURI STATE PLAIN COORDINATE SYSTEM OF 1983 (NAD 83).
 2. NO SURVEY FIELD NOTES OR RECORDS WERE REVIEWED TO LOCATE UNDERGROUND UTILITIES.
 3. UTILITIES SHOWN HEREON ARE LOCATED AND ARE PER OBSERVED EVIDENCE ONLY.
 4. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE ADJACENT PARCELS.
 5. ALL VISIBLE TOWER EQUIPMENT AND APPROPRIATE ARE CONTAINED WITHIN THE DESCRIBED AREA.

CLERK'S CERTIFICATION:
 According to my interpretation of the Community Survey Map, the boundaries of the tract described herein are as shown on the map. The survey was made on 08-07-14, the subject property is a 1.00-acre tract, 1/4 of Section 28, T28N, R16W, S16E, Jackson County, Missouri. The survey was made by the undersigned, a Licensed Professional Surveyor in the State of Missouri, and the results are contained in the attached plat.

SURVEYOR'S CERTIFICATION:
 I, JERRY M. JONES, a Licensed Professional Surveyor in the State of Missouri, have made a personal and independent examination of the field notes and computations of the above described survey, and the results are contained in the attached plat.

DATE: 08-17-15

SHEET 2 OF 3

RECEIVED

AUG 17 2015

PROPERTY DESCRIPTION: OVERALL TOWER EASEMENT (AS SURVEYED)

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Planning & Codes Admin

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PROPERTY DESCRIPTION: ADDITIONAL AREA (AS SURVEYED)

A 20.81 foot by 31.42 foot Additional Area, situated in Tract B, LEWIS ESTATES, in Jackson County, Missouri, more particularly described as follows:

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PROPERTY DESCRIPTION: NON-EXCLUSIVE ACCESS/UTILITY EASEMENT (AS SURVEYED)

A 20 foot by Non-Exclusive Access/Utility Easement, situated in Tract B, LEWIS ESTATES, in Jackson County, Missouri, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northeast Corner of Lot 237, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap LS#836), said corner also being on the South Right of Way line of NE COLBERN ROAD (Public Right of Way), as it presently exists; thence along said South Right of Way line, North 88°17'05" West, a distance of 154.76 feet to the Northwest Corner of Lot 236, AMBER HILLS 6TH PLAT (Found 1/2" Bar with Cap); thence leaving said South Right of Way line, North 74°06'22" West, a distance of 408.25 feet to the Southeast Corner of said Tract B, LEWIS ESTATES, said corner also being on the North Right of Way line of said NE COLBERN ROAD (Public Right of Way) as it presently exists; thence along the East line of said Tract B, North 01°49'55" East, a distance of 1071.09 feet; thence leaving said East line, North 89°29'30" West, a distance of 151.08 feet to the POINT OF BEGINNING of said centerline; thence South 00°30'30" East, a distance of 60.58 feet to a point hereinafter referred to as POINT "A"; thence South 89°29'30" East, a distance of 41.42 feet to the POINT OF TERMINATION; thence BEGINNING at aforementioned POINT "A"; thence South 01°47'29" West, a distance of 1007.53 feet, to the North Right of Way line of NE COLBERN ROAD (Public R/W) as it presently exists and the POINT OF TERMINATION. Containing 21.988 square feet (0.50± acres).

BOUNDARY SURVEY
PART OF SECTION 28--TOWN--EAST
IN JACKSON COUNTY, MISSOURI

FOR CHAIN CERTIFICATE

DATE 07/28/15

BY CROWN

30.00 TOWNSHIP W. 30.00 E.

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#PL2015-122 - SPECIAL USE PERMIT RENEWAL
TELECOMMUNICATION TOWER, 1310 NE COLBERN RD.
CROWN CASTLE/GLOABAL SIGNAL ACQUISITIONS, APPL.

