

**NOVEMBER 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 068

PURPOSE

To consider a Settlement of Litigation for Municipal Communications, LLC regarding Special Land Use Permit application SLUP-9 (Municipal Communications, LLC) of 2015, for property located on the west side of Wade Green Road, south of Clearview Drive in Land Lot 18 of the 20th District. **(Continued by staff until the December 20, 2016 Hearing)**

BACKGROUND

The Special Land Permit for this case was heard and approved by the Board of Commissioners (BOC) on February 16, 2016. The applicant filed an appeal in federal court contending the location condition was an effective denial of the SLUP. Settlement discussions took place during the spring of 2016. As a result of these discussions and a second balloon test, the BOC has decided to place on the November 15, 2016 zoning meeting agenda a proposal to settle the lawsuit by amending the location and the height for the cell tower of the previously approved SLUP application. The proposal under consideration would place the tower on the original leased site but require it to be moved 15-feet further into the tree line. The height would be lowered to 160-feet.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the Settlement of Litigation proposal.

ATTACHMENTS

Staff report from original SLUP application and the zoning hearing minutes.