

## Legislation Text

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File #: 2017-1045, Version: 1

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**PUBLIC HEARING - Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Issue/Request:

***Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:***

- ***Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)***
- ***Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)***
- ***Variation of the tower's appearance (new application revises the tower from a monopole to a stealth monopole, meaning there are no exterior antenna mounts)***

This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

For the sole purpose of illustrating that the proposed tower does not render the remainder of the property undevelopable, the preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

A special use permit application (Appl. #PL2017-037) for a telecommunication tower has been submitted and is also on this agenda for consideration.

Proposed City Council Motion:

I move to direct Staff to prepare an ordinance approving **Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Recommendation: Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

2. An access easement shall be recorded with the Jackson County Recorder's Office prior to the issuance of a building permit.
3. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-037) for the telecommunication tower.

Other Boards and Commissions Assigned: Planning Commission

Planning Commission Action: On the motion of Mr. DeMoro and seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL of Appl. #PL2017-036 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant;** subject to staff's letter of March 10, 2017, specifically Recommendation Items 1 through 3.