



Report to the Plan Commission

February 22, 2010

Legistar I.D. #17488

545 Zor Shrine Place

Conditional Use (Wireless Communications Tower)

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval to construct a wireless communications tower.

Applicable Regulations & Standards: Section 28.04 (23) provides the detailed requirements for telecommunication facilities throughout the City of Madison. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a proposed wireless communications (cellular) tower located at 545 Zor Shrine Place, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Applicant: US Cellular, Madison Cellular Telephone Company; 5117 West Terrace Drive, Madison, WI 53718

Contact: Nathan Ward, Buell Consulting; 1200 Riva Ridge; Racine, WI 53402

Property Owner: High Point Office Park, LLC; 8215 Greenway Boulevard, Suite 500; Middleton, WI 53562

Proposal: The applicant proposes to construct a two-carrier telecommunications tower behind an office building. Construction is estimated to commence in May 2010 with completion anticipated in August 2010.

Parcel Location: The parcel is an approximately 1.82 acre (79,333 square foot) parcel located along Zor Shrine Place, south of West Towne Way. This parcel is located within Aldermanic District 9 and the Madison Metropolitan School District.

Existing Conditions: The property includes two office buildings and surface parking area. A 26-foot wide landscape easement runs along the property's eastern boundary.

Surrounding Land Use and Zoning: The subject property is immediately south and west of West Towne Mall and adjoining retail buildings, zoned C3-L (Commercial Service and Distribution District). Residential condominiums, zoned PCD-SIP (Planned Community Development), are located on the opposite side of Zor Shrine Place. The subject site is north of an office building zoned C2 (General Commercial) and C3L. Beyond that office property is the Zor Shrine Hall Facility, also zoned C3L and the Beltline Highway.

Adopted Land Use Plan: The Comprehensive Plan recommends regional mixed use development for the subject site.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned C2 (General Commercial District). Please note, some of the applicant's materials and the report from Evans Associates label the site zoning as PCD (Planned Community Development) in error.

| Bulk Requirements | Required | Proposed |
|-------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------|
| Lot Area | 6,000 sq ft | 74,982 sq ft |
| Lot Width | 50 ft | 172.09 ft |
| Building Height | | 70 ft (Monopole) |
| Number of Parking Stalls | 142 | 195 (Existing) - 5 (in Leased Area) 190 Total |
| Accessible Stalls | 7 | 7 (See Comment # 18) |
| Number of Bike Parking Stalls | 19 | TBD (See Comment #18) |
| Landscaping | Yes – Landscape Buffer Required along eastern property boundary | TBD (See Comment #18) |
| Other Critical Items | Barrier Free (ILHR 69) | |
| | <i>Table Prepared by Pat Anderson, Assistant Zoning Administrator</i> | |

Analysis, Evaluation, & Conclusion

The applicant, US Cellular, requests conditional use approval to construct a 70-foot tall wireless communications (cellular) tower. The 1.82-acre site is generally located west of West Towne Mall and its outlying retail stores. The Zor Shrine Hall Facility and the Beltline Highway are located south of the subject site. A multi-unit condominium development is located on the opposite side of Zor Shrine Place, across from the subject property.

The subject property now includes two (2) office buildings with surface parking to the side and rear. The proposed monopole and associated equipment are proposed at the rear of the site in an area now occupied by five (5) parking stalls.

The applicant's plans and photo simulations are available for online viewing from the following sites:
http://www.cityofmadison.com/planning/projects/reports/545zsp_site.pdf
http://www.cityofmadison.com/planning/projects/reports/545zsp_photos.pdf

The antenna array will be located at the top of a "stealth" monopole tower. The proposed tower would be painted to match the existing light poles and include a parking lot lighting fixture mounted at 30 feet in height. US Cellular's antenna is proposed at the top of the structure at a height of 65.5 feet. As proposed, the tower provides for one co-location opportunity for a future carrier, located at 55.5 feet. Flush mounted antennas, painted to match the pole structure, would be used to further minimize the structure's visual impact.

The proposed facility compound also includes a 217 square-foot equipment building. The building is 10 feet, six (6) inches in height and includes an exposed aggregate exterior. The compound area would

be surfaced with gravel. A six (6)-inch curb would separate the compound area from the rest of the parking lot. A 26 foot-wide "planting-landscape berm buffer" easement is located along the eastern edge of this property. The proposed structures are not located within this buffer.

Staff note that no additional fencing and screening are proposed around the facility. In addressing the related standards, the applicant indicates no climb assists are incorporated into the design of the monopole. In regards to screening, the applicant indicates the equipment structure will only be marginally visible from off-site views. Staff believes the existing vegetation in the landscape easement should provide screening of the equipment building from properties to the east. The existing office building screens this structure from the properties to the west, including the aforementioned residences. The compound area has some visibility from the adjacent southerly office building property (see Photo Simulation PS-1) and potentially from the Beltline (see Photo-Simulation PS-6). As a condition of approval, staff recommend that additional screening be provided along the southern and eastern side of this structure, for the approval of Planning Division staff.

Outside of the proposed compound is an area outlined for lease by a future carrier. Based on the plans, this area measures 300 square feet and covers three existing parking stalls. The Planning Division recommends a condition of approval that requires the additional carrier to receive administrative approval of the details of this exterior lease compound prior to occupying the remaining position on the proposed tower. The approval of this base compound will ensure that it is sufficiently secured and screened as required in Section 28.04 (23) of the Zoning Ordinance.

In 1998, the Zoning Ordinance was amended to provide specific requirements for telecommunications facilities and antennas. The goals of the ordinance include protecting residential areas and land uses from the potential adverse impacts of telecommunication towers and antennas and limiting the overall number of towers in an effort to reduce their visual impact on the landscape by encouraging the shared use of tower sites. In regards to co-location, the ordinance requires that all new telecommunication towers be designed to accommodate at least three (3) separate antenna arrays on the tower and in the base compound, unless the Commission can determine that it additional height is unwarranted or economically feasible. Staff notes that only (2) arrays are proposed. The standard relating to co-location reads, in part:

All new telecommunications towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards of sec. 28.12(11), a telecommunications tower of such height to accommodate three antenna arrays is unwarranted.

The Zoning Ordinance also requires that an analysis be prepared by the applicant that identifies all reasonable, technically feasible alternative locations and/ or facilities that would be usable for the proposed personal wireless services to substantiate the need for a new tower. A third-party consulting engineer, Evans Associates, is under contract with the City to review the analyses to determine if an applicant has sufficiently proved the need for a new tower. A copy of the consultant report for the proposed tower is attached. Evans has recommended approval of this proposal, noting that the applicant has sufficiently demonstrated a need for building a structure at the proposed site. Further, Evans concludes there are no alternative sites that can reasonably be determined as usable. In regards to co-location opportunities, Evans indicates a third carrier could not be accommodated on the proposed 70-foot tall structure, noting that additional height and girth would need to be added, making it more conspicuous. Evans Associates' recommended conditions of approval are included in the recommendation section of this report.

The proposal is not inconsistent with the Comprehensive Plan.

The Planning Division believes that the conditional use standards can be met for the proposed wireless communications tower, with the conditions recommended below. Considering the residential development roughly 600 feet to the west of the tower, staff believe the proposed smaller tower accommodating only two (2) antenna arrays would be more aesthetically appropriate than a larger structure providing for additional co-location opportunities.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a proposed wireless communications (cellular) tower located at 545 Zor Shrine Place, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the plans for the "future carrier lease area", including the details of any exterior base equipment compound, receive approval of a minor alteration to this conditional use prior to occupying the remaining position on the tower. The approval of this base compound will ensure that it is sufficiently secured and screened as required in the Zoning Ordinance.
2. That the applicant submits a landscape plan, which provides additional screening of the equipment building for approval by Planning Division staff. The applicant is encouraged to work with Planning Division staff on this item prior to resubmitting plans for final sign-off.
3. That wires and conduit, including those installed to serve future providers, shall be installed within the tower and not installed along the tower's exterior.
4. Per the zoning ordinance, prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a facility that has ceased being used for telecommunication purposes is removed. Please see section 28.04(22)(d) of the ordinance or contact zoning staff for more information on this requirement.

The following conditions were submitted by Evans Associates, consultant to the City:

5. All structure components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.
6. A set of detailed design drawings should be reviewed and stamped by a structural engineer licensed by the State of Wisconsin to verify that the latest EIA/TIA standards are being observed and that the tower will support the antennas of an additional possible future wireless co-locator.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

7. In order to accurately update stormwater impervious billing areas, Engineering will need an updated CAD file representing final changes to the existing parking impervious area.
 8. Lessor shall be billed storm water utility charges for the increased impervious area of the leased area.
 9. Applicant shall provide a recorded maintenance agreement for the sanitary sewer lateral that is located below the proposed building to address how the lateral will be maintained and replaced after the building is constructed.
10. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

Traffic Engineering Division (Contact John Leach, 267-8755)

11. The applicant shall indicate the type of City approved bicycle racks to be installed and locations. The bike rack should be located by the entrances to the buildings.
12. When the applicant submits final plans of one contiguous site plan for 545, 549, and 555 Zor Shrine Place to be approved, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. The site has been modified from the original approved plan dated October 30, 1964. In addition, according to M.G.O. shall be brought up to code.
13. The applicant shall prevent encroachment onto adjacent land areas and sidewalk by barriers of some type, which shall be noted on the face of the revised plans.
14. The applicant shall show dimensions for the proposed and/or existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and

Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.

15. A "Stop" sign shall be installed at a height of seven (7) feet at the approach. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

16. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Matt Tucker, 266-4569)

17. Comply with City of Madison General Ordinances Section 28.04(23) telecommunication facilities and antennas ordinances.

18. Per Sec. 28.04(3)(a) the addition of the communications tower to this site will require the site be brought up to compliance with the existing zoning requirements, which include but are not limited to: parking, storage screening, paving, accessible parking, bicycle parking, and landscaping. The submitted plan does not reflect compliance with contemporary requirement for the site as required in MGO 28. An updated site plan must be submitted showing compliance with all requirements outlined in MGO 28 before a building permit will be issued for the proposed tower.

19. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response to this request. Please contact this department with questions related to compliance with Fire Code conformance issues related to this project.

Water Utility (Contact Dennis Cawley, 261-9243)

20. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.