



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Date: May 9, 2016

Plan Commission Meeting: June 6, 2016 per R/B at 5/18/16 Common Council meeting

Common Council Meeting Date: May 18, 2016, June 15, 2016

Item: Special Use Permit #2-16 for a Wireless Telecommunication Tower

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Professional Associates, LLC; Property Owner
Guy Stewart (representing Central States Tower III, LLC); Applicant

Address/Parcel #: 2700 block North Kesting Court (31-1-4025-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for the construction of a new mobile service structure consisting of an 85-foot monopole tower with associated antennas and equipment at the base of the tower.

This special use permit request was referred back to Plan Commission at the May 18, 2016 Common Council meeting by Alderperson Christopher Croatt.

STAFF ANALYSIS

Existing Site Conditions: The subject property is zoned C-2 General Commercial District. Per the City of Appleton Zoning Ordinance, wireless telecommunication towers require a Special Use Permit in the C-2 General Commercial District. The western portion of the lot contains a parking lot, and the eastern portion is a grass area without improvements. The parcel is 10,088 square feet, which is nonconforming based on the minimum 14,000 square foot lot size of the C-2 District; however, as a nonconforming lot of record, the parcel can be developed without a variance per Sec. 23-42(f) *Nonconforming lots of record* of the Zoning Ordinance.

Special Use Permit: The applicant is proposing an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment. This facility will be located in the southeastern portion of the site within a 2,500 square feet (50' x 50') leased area (see attached Development Plan). The proposed location of the tower and ground equipment meet the minimum setback standards of the C-2 District. The proposed tower and ground equipment will be located within a chainlink fence enclosure.

Zoning Code Article XIII Sec. 23-424 (i) (1) requires a 4-foot wide landscape buffer of plant materials that effectively screen the view of the tower site from adjacent property. The applicant is showing a buffer that meets this standard.

The applicant is proposing a new telecommunication tower as opposed to co-locating on an existing tower or structure. The Zoning Code requires that the applicant demonstrate why co-location of their wireless telecommunication equipment was not chosen as an alternative to constructing a new tower. The applicant submitted a statement from Mustafa Siamof, RF Engineer for Verizon Wireless, describing the reasons for constructing a new tower over co-locating on an existing tower or structure (see attached letter).

State Statute Revision (2013): In 2013, the State of Wisconsin revised State Statutes Section 66.0404 (attached) regarding local requirements for mobile towers. Local governments can no longer regulate a number of aspects of tower construction, including, but not limited to:

- Enact an ordinance prohibiting the placement of mobile service support structures in particular locations within the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Prohibit the placement of emergency power systems.
- Limit the duration of any permit that is granted.
- Limit the height of a mobile service support structure to under 200 feet.

Surrounding Zoning and Land Uses:

North:	Zoning:	C-2 General Commercial
	Land Use(s):	Parking lot/Garage
South:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Single-family house
West:	Zoning:	C-2 General Commercial
	Land Use(s):	Office - Harris & Associates, Inc.
East:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Church - Apostolic Truth Church

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City’s 2010-2030 Comprehensive Plan which indicates this area is identified as commercial, indicating it is an appropriate location for a wireless telecommunication tower and associated ground equipment.

Chapter 7: “Utilities and Community Facilities” of the Comprehensive Plan states:

Telecommunications

Private companies provide numerous alternatives for conventional, cellular, and VOIP telephone services within the City of Appleton. Internet services are provided to most customers by companies offering dial-up, DSL, or cable services. An increasing number of companies are offering Wi-Fi services that cover the community. Businesses and other data-intensive users have access to T-1 or T-3 services.

Appleton is part of a regional consortium that will be deploying a regional Wi-Fi network that includes the City of Appleton, City of Neenah, Town of Grand Chute, Outagamie County, Appleton Area School District, Winnebago County and Fox Valley Technical College. The Interactive Network for the Fox Cities (INFOCIS) will start with a 7-mile corridor along College Avenue from Highway 441 to the outer edge of Outagamie County Regional Airport, which is scheduled to come online in 2009. This system is built off a fiber ring that supports several municipalities and agencies in the area.

Article XIII of Appleton's Zoning Ordinance (Sec. 23-420) addresses the siting and design wireless telecommunication facilities (cell towers). The City's ability to regulate wireless telecommunications facilities is limited by the Telecommunications Act of 1996.

The proposed Special Use Permit for the subject parcel is consistent with the following goal of the 2010-2030 Comprehensive Plan:

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods and greenfield development sites at the City's edge.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6) and Article XIII of the Zoning Code, which were found in the affirmative.

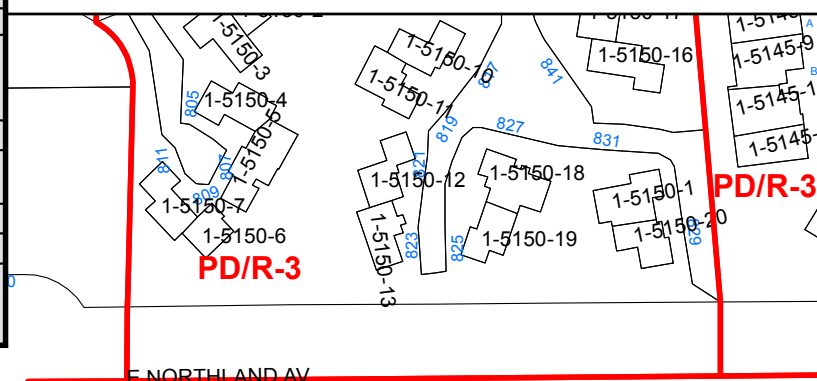
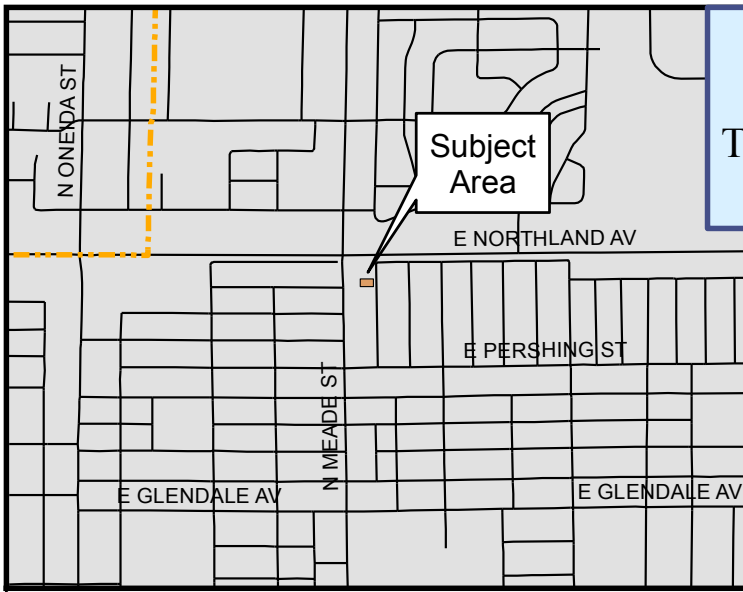
Technical Review Group Report (TRG): This item was discussed at the April 19, 2016 Technical Review Group meeting. The tower's location adjacent to residential properties was discussed.

RECOMMENDATION

Staff recommends and reaffirms, based on the above, that Special Use Permit #2-16 for a wireless telecommunication tower and associated ground equipment, as shown on the attached maps and per attached plan of operation, **BE APPROVED** subject to the following conditions:

1. A Site Plan Review application must be submitted to and approved by the Community and Economic Development Department prior to building permits being issued for the construction of the proposed wireless telecommunication facility.
2. The approved security fencing with privacy slats and landscaping per Sec. 23-424(h) shall be installed and maintained so as to fully screen the wireless telecommunication equipment and the base of the tower. The property owner is responsible for ensuring that screening is maintained.
3. All State and Federal regulations (State Statutes, FAA, FCC) established or administered by agencies other than the City of Appleton shall be adhered to as required.

2700 Block Kesting Court Special Use Permit Tower for Wireless Telecommunication Services Zoning/Vicinity Map



2700 Block Kesting Court Special Use Permit Tower for Wireless Telecommunication Services Aerial Map



Subject Area



CST

CENTRAL STATES TOWER III, LLC

TERRA

ENVIRONMENTAL, ARCHITECTURE, INTERIOR DESIGN

600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

NO.	DATE	DESCRIPTION
1	08/15/15	ISSUED FOR REVIEW
2	01/14/16	REVISION PER THE WARRER COMMENTS
3	02/17/16	ADDITION OF LANDSCAPE PLAN
4	03/17/16	UPDATE PER ILL. COMMENTS
5		

LOC. # 287788
MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

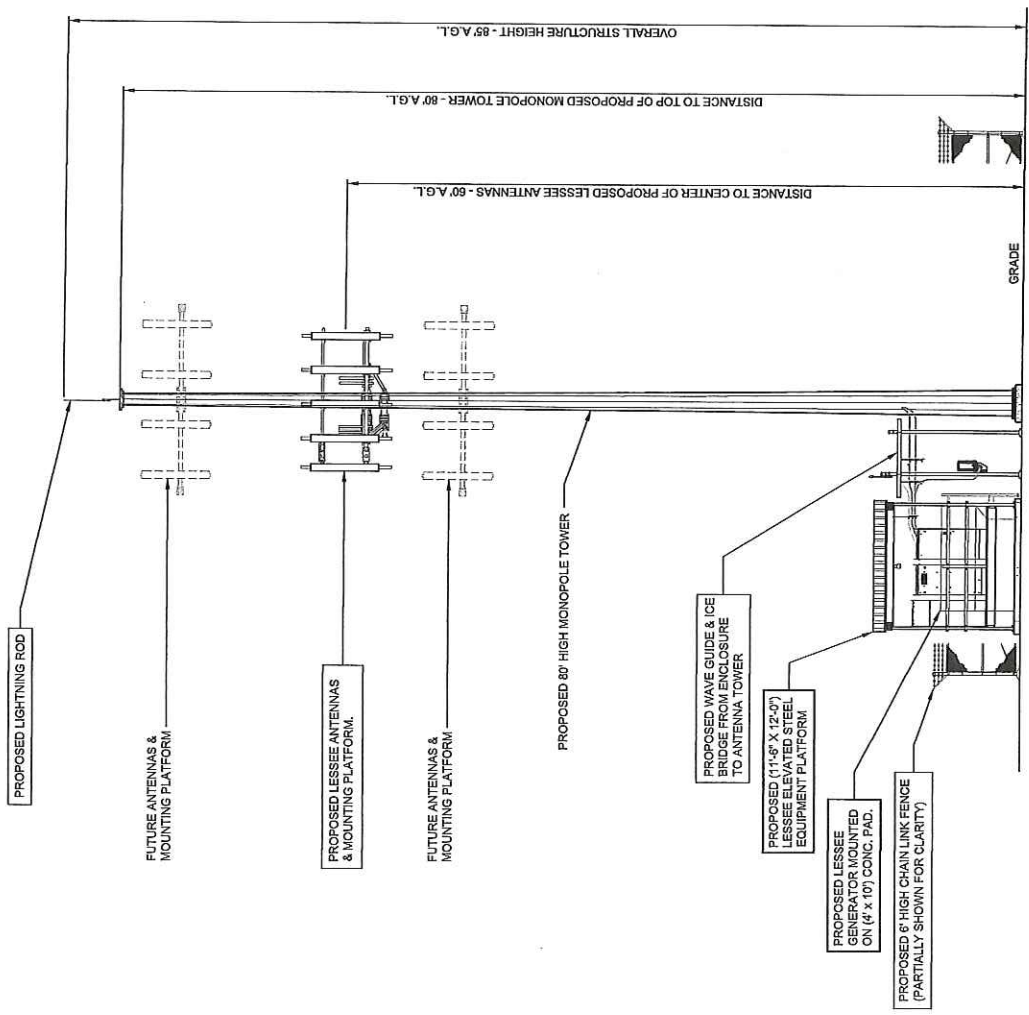
DRAWN BY: CMM
CHECKED BY: TAZ
DATE: 01/15/15
PROJECT #: 20-182

SHEET TITLE
SITE ELEVATION


SHEET NUMBER
ANT-1

SCALE: 3/16" = 1'-0"
2" 1" 0

2X-24" PRINT THE FULL SCALE
FOR ALL DIMENSIONS UNLESS
OTHERWISE NOTED



1 SITE ELEVATION
SCALE: 3/16" = 1'-0"



CST
CENTRAL STATES TOWER III, LLC

TERRA
LANDSCAPE ARCHITECTS, INC.
609 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

NO.	DATE	BY	DESCRIPTION
1	09/19/15	RA	ISSUED FOR REVIEW
2	01/14/16	ZON	REVISED PER TIME WARNER COMMENTS
3	02/17/16	RA	UPDATED WITH CANNETT LAYOUT
4	02/17/16	RA	ADDITION OF LANDSCAPE PLAN
5	03/17/16	JM	UPDATE PER I.L. COMMENTS

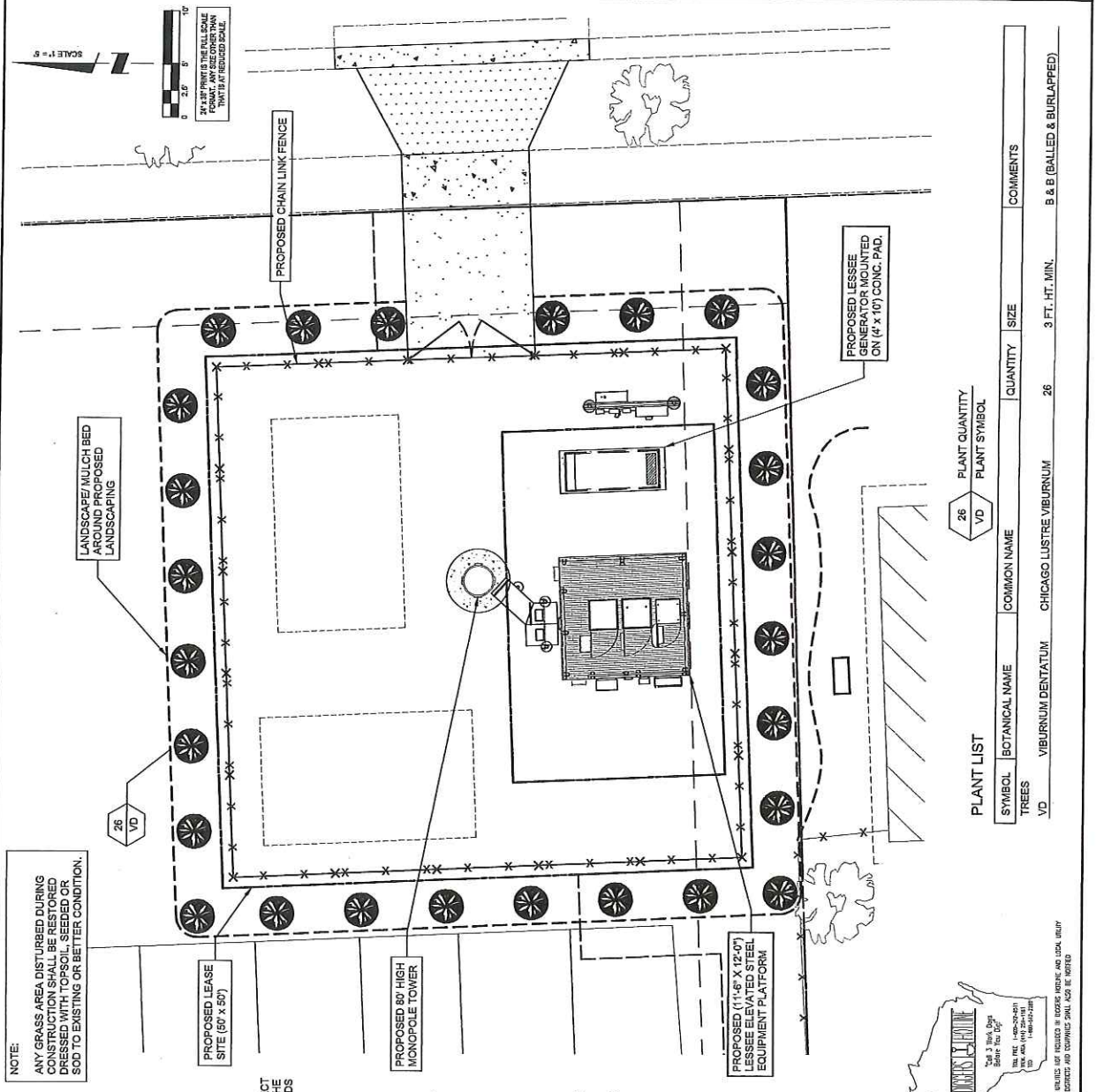
LOC. # 287788
MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

DRAWN BY: CHM
CHECKED BY: TAZ
DATE: 5/12/15
PROJECT#: 50-182

SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
L-1



GENERAL LANDSCAPE NOTES

- PRUNE NEWLY INSTALLED SHRUBS. WORK SHALL BE DONE BY EXPERIENCED PERSONNEL TO THE ACCEPTED HORTICULTURAL AND ARBORICULTURAL STANDARDS. PRUNING SHALL RESULT IN A LOOSE OUTLINE CONFORMING TO THE GENERAL SHAPE OF THE SHRUB TYPE. DO NOT USE HEDGE SHEARS.
- ALL PLANTING STOCK SHALL BE NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE. PLANTS SHALL BE FREE OF DISEASE, INSECTS, EGGS, LARVAE AND DEFECTS SUCH AS KNOTS, SUN-SCALD, INJURIES, ABRASIONS OR DISFIGUREMENT. THEY SHALL HAVE SOUND, HEALTHY VIGOROUS AND UNIFORM GROWTH-TYPICAL OF THE SPECIES AND VARIETY, WELL-FORMED, FREE FROM IRREGULARITIES, WITH THE NURSERY STOCK, AND SIZE CONFORMING TO AMERICAN STANDARDS FOR NURSERY STOCK.
- GUARANTEE: WARRANT ALL PLANT MATERIAL TO BE TRUE TO BOTANICAL NAME AND SPECIFIED SIZE. AFTER COMPLETION OF PLANTING, ALL PLANT MATERIALS SHALL BE WARRANTED AGAINST DEFECTS, INCLUDING DEATH-AND CONSPICUOUS GROWTH FOR A WARRANTY PERIOD OF ONE YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL PLANTS, DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS BEYOND THE CONTRACTOR'S CONTROL, WHICH RESULT FROM NATURAL CAUSES SUCH AS FLOODS, STORMS, FIRES OR VANDALISM.
- REPLACEMENTS: DURING THE WARRANTY PERIOD, REPLACE ONE TIME, AT NO ADDITIONAL COST TO THE OWNER, PLANT MATERIALS THAT ARE DEAD, OR IN THE CONDITION OF SUCH THAT THEY ARE UNUSABLE, UNHEALTHY, OR IN THE CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL PLANTS, DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS BEYOND THE CONTRACTOR'S EXPENSE. REPLACEMENTS ARE TO BE MADE NO LATER THAN THE SUBSEQUENT PLANTING SEASON. RESTORE AREAS DISTURBED BY REPLACEMENT OPERATIONS.
- MULCHING SHALL BE DONE WITHIN 48 HOURS AFTER PLANTING. MULCH SHRUB TO A DEPTH OF 2 INCHES. MULCH SHALL BE CLEAN, FREE OF TWIGS AND PIECES OF COMPOST FINISHING. MULCH SHALL BE APPLIED IN STRIPS AT LEAST OVER THREE INCHES LONG. DO NOT MULCH TREE AND SHRUB PLANTING PITS.
- TOPSOIL SHALL CONSIST OF FERTILE NATURAL LOAM, CONTAINING A LIBERAL AMOUNT OF HUMUS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL. IT SHALL BE FREE OF AD MIXTURES OF SUBSOIL AND FREE OF CRAB APPLES, STICKS AND OTHER EXTRANEOUS MATTER, AND SHALL NOT BE USED FOR PLANTING OPERATIONS WHILE IN A FROZEN OR MUDDY CONDITION.
- REPAIR ALL TURF AREAS BY SEEDING. SEEDING INSTALLATION SHALL BE EXECUTED ONLY AFTER ALL FINISH GRADING HAS BEEN COMPLETED. NO SEEDING WORK SHALL BE DONE PAST SEPTEMBER 15, UNLESS APPROVED BY THE OWNER. SEED SHALL MATCH EXISTING TURF OR BE A 50/50 MIX OF CERTIFIED IMPROVED BLEND OF BLUEGRASS AND CERTIFIED IMPROVED PERENNIAL RYE. MIX SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. SEEDING SHALL BE APPLIED AT A MINIMUM RATE OF 120 POUNDS PER ACRE. FUTERRA BLANKET, OR EQUAL, SHALL BE USED FOR EROSION CONTROL, MULCH WHERE NECESSARY IN LIEU OF HYDRO MULCH.

NOTE:
CONTRACTOR MUST WATER ALL PLANTINGS
DAILY UNTIL ROOTS ESTABLISHED FOR 1 YEAR

EVERGREEN TREE PLANTING
N.T.S.

DATE: 5/12/15
SCALE: 1" = 8'

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	COMMENTS
VD	VIBURNUM DENTATUM	CHICAGO LUSTRE VIBURNUM	26	3 FT. HT. MIN.	B & B (BALLED & BURLAPPED)
VD	VIBURNUM LUSTRE VIBURNUM	CHICAGO LUSTRE VIBURNUM	26	3 FT. HT. MIN.	B & B (BALLED & BURLAPPED)

PLANT LIST

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CENTRAL STATES TOWER III, LLC



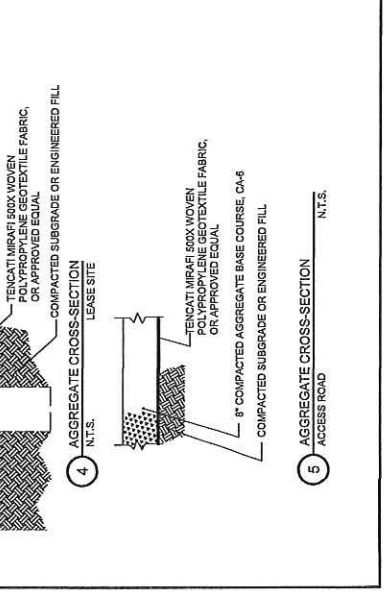
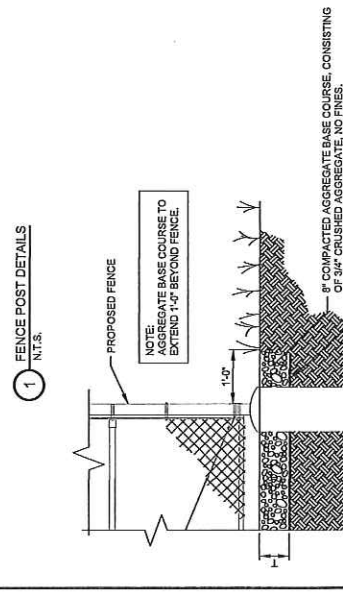
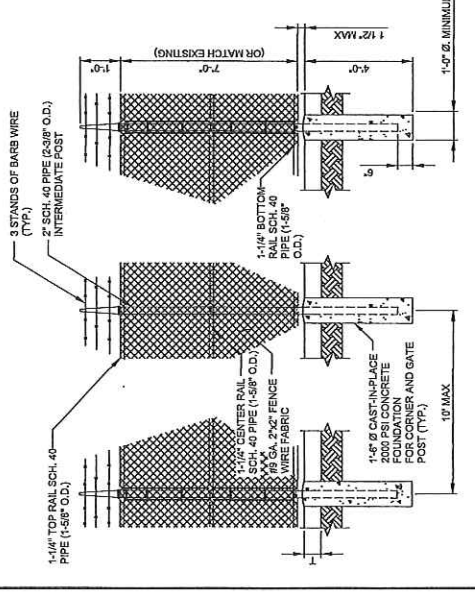
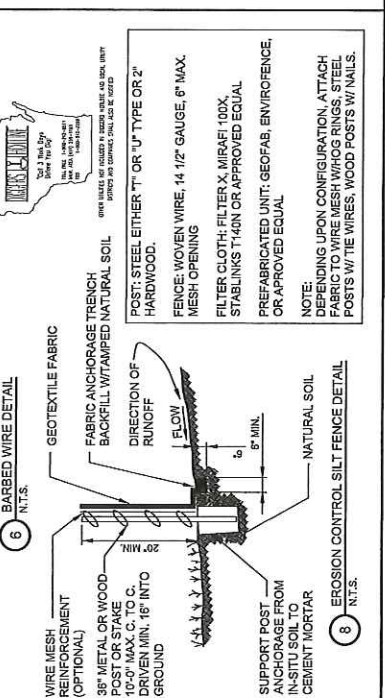
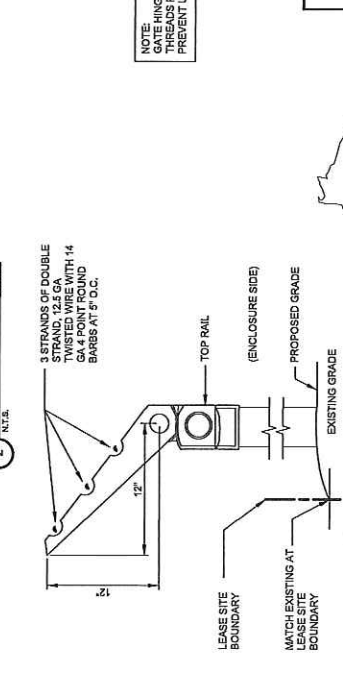
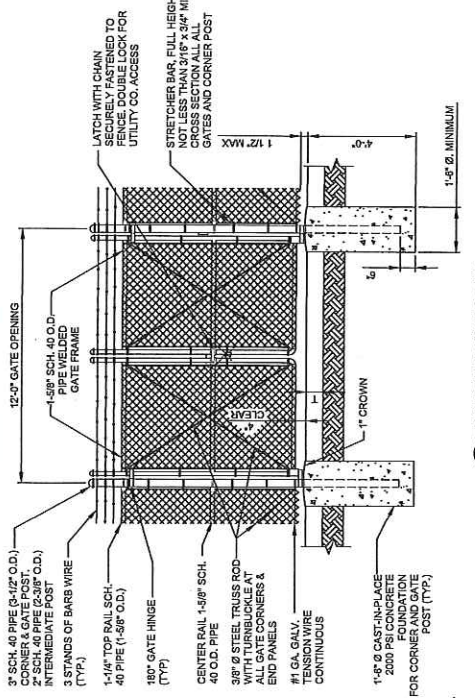
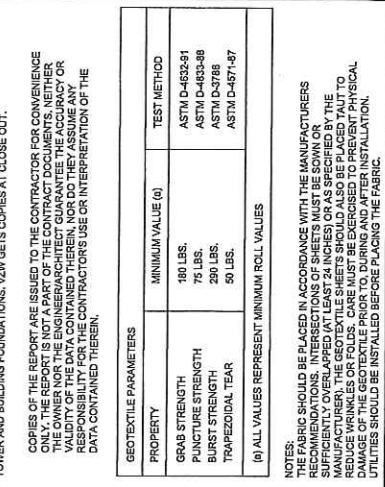
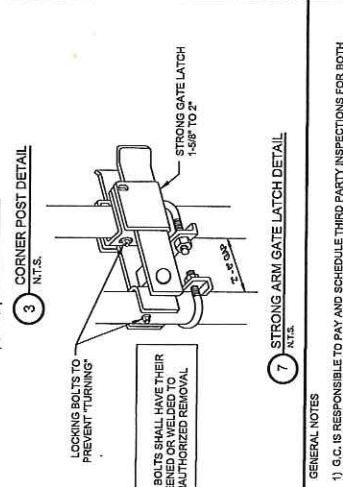
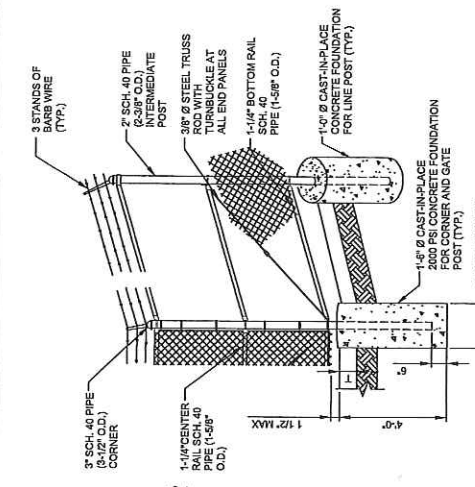
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PH: 847-698-6100
FAX: 847-698-6101

NO.	DATE	DESCRIPTION
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02	09/15/15	REVISED PER TIME WARNER COMMENTS
03	09/15/15	UPDATED WITH CABINET LAYOUT
04	02/27/16	ADDITION OF LANDSCAPE PLAN
05	03/04/16	UPDATE PER I.L. COMMENTS

LOC. # 287788
MEADE STREET

2718 N. MEADE ST.
APPLETON, WI 54913

DRAWN BY: CHM
CHECKED BY: TAZ
DATE: 9/15/15
PROJECT #: 90-182
SHEET TITLE: FENCED DRIVE PAIS
SHEET NUMBER: C-3



GENERAL NOTES

- G.C. IS RESPONSIBLE TO PAY AND SCHEDULE THIRD PARTY INSPECTIONS FOR BOTH TOWER AND BUILDING FOUNDATIONS. V2W GETS COPIES AT CLOSE OUT.

COPIES OF THE REPORT ARE ISSUED TO THE CONTRACTOR FOR CONVENIENCE ONLY. THE REPORT IS NOT PART OF THE CONTRACT DOCUMENTS. NEITHER THE CONTRACTOR NOR THE ENGINEER SHALL BE HELD RESPONSIBLE FOR THE VALIDITY OF THE DATA CONTAINED THEREIN, NOR DO THEY ASSUME ANY RESPONSIBILITY FOR THE CONTRACTOR'S USE OR INTERPRETATION OF THE DATA CONTAINED THEREIN.

PROPERTY	MINIMUM VALUE (a)	TEST METHOD
GRAB STRENGTH	180 LBS.	ASTM D-4832-91
PUNCTURE STRENGTH	75 LBS.	ASTM D-4833-98
BURST STRENGTH	290 LBS.	ASTM D-3788
TRAPEZOIDAL TEAR	50 LBS.	ASTM D-4871-97

(a) ALL VALUES REPRESENT MINIMUM ROLL VALUES

NOTES:
THE FABRIC SHOULD BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. THE FABRIC SHOULD BE PLACED ON A SUFFICIENTLY OVERLAPPED AT LEAST 24 INCHES OR AS SPECIFIED BY THE MANUFACTURER. THE GEOTEXTILE SHEETS SHOULD ALSO BE PLACED TAUT TO REDUCE WRINKLES OR FOLDS. CARE MUST BE EXERCISED TO PREVENT PHYSICAL DAMAGE TO THE FABRIC DURING INSTALLATION. UTILITIES SHOULD BE INSTALLED BEFORE PLACING THE FABRIC.

TEXTILE PARAMETERS

PROPERTY	MINIMUM VALUE (a)	TEST METHOD
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AGENT AUTHORIZATION LETTER

DATE: March 16, 2016

TO: City of Appleton
Community Development Department
100 N. Appleton Street, Appleton, WI 54911

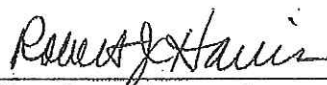
RE: Meade St communication tower
Project name

The undersigned, Robert Harris
Property Owner name
is the owner of property known as 2718 N. Meade Street 311402300, 311402400, 311402500
address, tax key number

The undersigned authorizes Guy Stewart
Agent name
to sign and file an application on behalf of Professional Associates, Inc.
Property Owner name
to Install a communications tower at the above property address
Describe Project
Robert Harris also authorizes

Property Owner name
Guy Stewart to execute any and all other
Agent name
documentation and/or applications required by the City for the intended project
and appear on its behalf before the Plan Commission and Common Council in
proceedings relating to the application.

Executed as of the day and year first above set forth.


Signature of property owner

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: CENTRAL STATES TOWERS / VERIZON WIRELESS

Years in operation: 20 plus

Type of proposed establishment (detailed explanation of business):

COMMUNICATIONS TOWER AND ASSOCIATED
EQUIPMENT

Proposed Hours of Operation:

Day	From	To
Week Day	24/7	
Friday	24/7	
Saturday	24/7	
Sunday	24/7	

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 40 persons

Gross floor area of the existing building(s):

OUTSIDE CABINETS

Gross floor area of the proposed building(s):

SEE ATTACHED

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

SEE ATTACHED

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

50 X 50 LEASED AREA

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

505 ATTACHED

Type, location, size of outdoor display area(s) of merchandise for sale:

50 X 50 LEASED AREA

Number of Employees:

Number of existing employees: 2

Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 2

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

INTERMITTENT GENERATOR TESTING

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

SEE ATTACHED - ATTENUATED ENCLOSURE

How will the noise be controlled?

SEE ATTACHED

Outdoor Lighting:

Type: SERVICE LIGHT SEE ATTACHED

Location: _____

Off-Street Parking:

Number of spaces existing: NONE

Number of spaces proposed: 2

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

SEE ATTACHED

Sabre Industries™

Towers and Poles

March 21, 2016

Mr. Yuri Dobrowolsky
Director of Construction
Central States Tower
323 South Hale Street, Suite 100
Wheaton, IL 60187

RE: Proposed 85 ft Sabre Monopole for Meade Street, WI

Dear Mr. Dobrowolsky,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 40 mph with 1/2" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas" to support at least four cellular carriers.

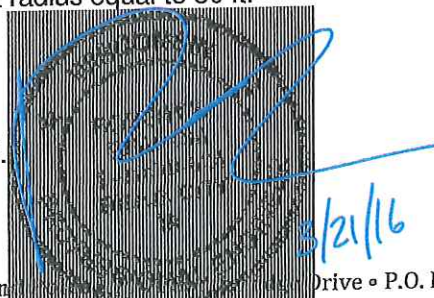
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This would result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this, in turn, would result in collapse of that portion to the ground within a radius equal to 30 ft.

Sincerely,

Robert E. Beacom, P.E., S.E.
Design Engineer II



TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	44-17-11.2 north
Longitude	088-23-41.1 west

Measurements (Meters)

Overall Structure Height (AGL)	25.9
Support Structure Height (AGL)	24.4
Site Elevation (AMSL)	235.6

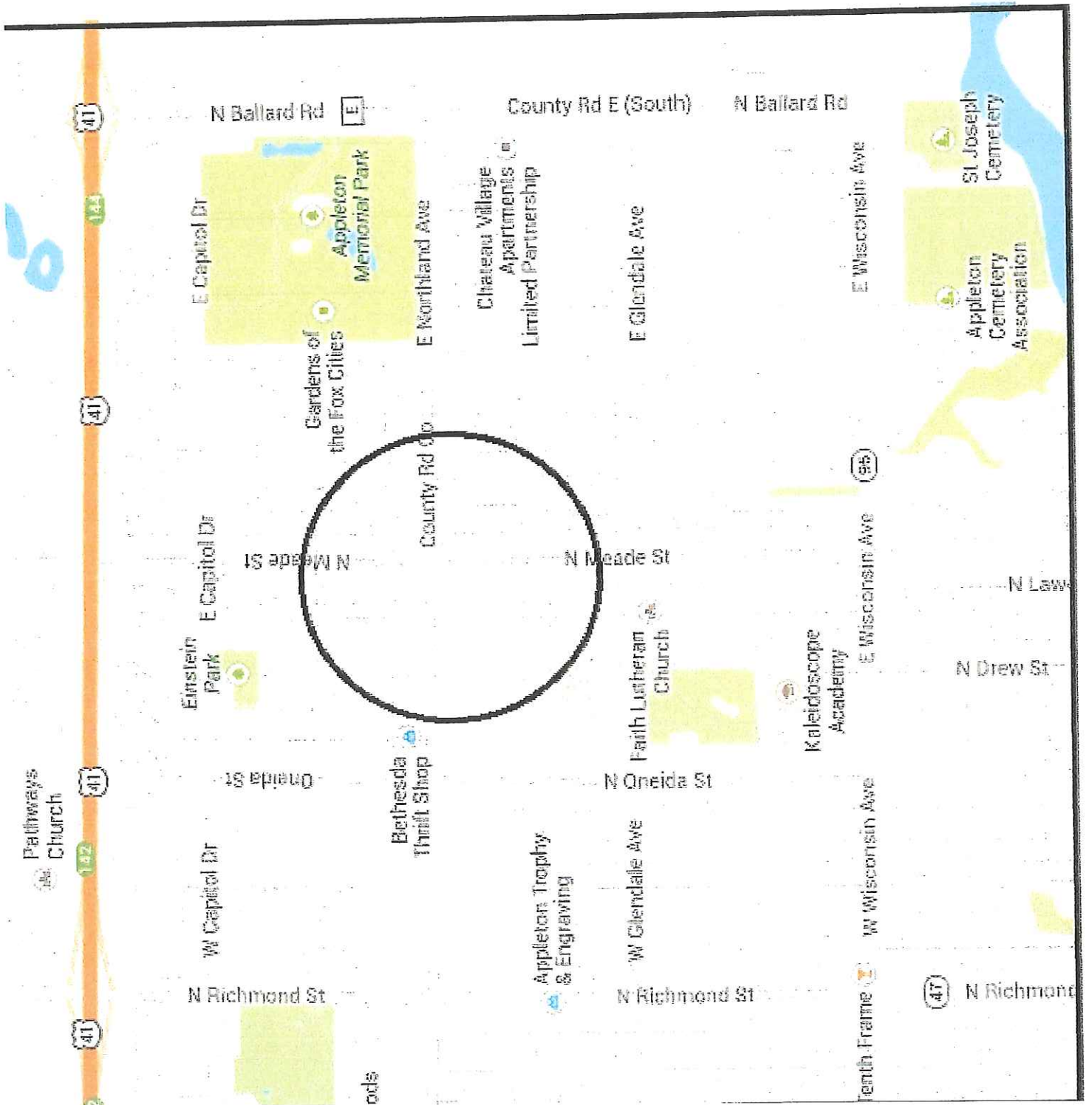
Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW



READ

Real Estate Acquisition & Development, LLC

Jeff Towne
Principal Planner
Department of Community Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54501

April 12, 2016

Re: Special Use Permit Application - Central States Tower III, LLC-New Mobile Service Support Structure and Mobile Service Facility/MTW of Appleton, Inc. Property located at 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

Jeff Towne

Please find enclosed, the required project information along with a completed City of Appleton Special Use Permit application form for Central States Tower III, LLC ("CST") and Verizon Wireless,. This application has been prepared in accordance with the State of Wisconsin Mobile tower siting regulations found at Wis. Stat. Sect. 66.0404. The application procedures for a new mobile service support structure (tower) and mobile service facility (communications equipment) are found at Wis. Stat. Sect. 66.0404(2)(b) and list six (6) requirements for a completed application.

Below is a narrative on these six (6) requirements, including the specific project information. I have also enclosed a copy of the State of Wisconsin regulations for your reference as you review this submittal.

1. The name and business address of, and the contact individual of, the applicant.

Applicant (s):
Central States Tower III, LLC
323 South Hale Street, Suite 100
LLC
Wheaton, IL 60187

Contact Individual:
Guy Stewart
Real Estate Acquisition & Development,
3703 North Point Dr.
Stevens Point WI 54481

Verizon Wireless
1515 Woodfield Road
Schaumburg, IL 60173

2. The location of the proposed support structure.

2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

The location of the proposed 80' monopole tower structure (85' overall with lightning rod) is in the southeast corner of the above referenced parcel within a 50' x 50' lease area as depicted in the enclosed survey and construction drawings.

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3. The location of the proposed mobile service facility.

2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500

CST proposes to construct an 80' monopole type tower structure (85' overall with lightning rod) for the immediate use by Verizon Wireless in the southeast corner of the property 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500. This new tower structure will be located within a 50' x 50' ground lease area as depicted in the enclosed survey and construction drawings. Verizon Wireless will locate its antennas and equipment upon the tower at the 60' centerline, route its coax/cabling down the inside of the tower, and install outside equipment with a generator at grade near the base of the tower structure all within the CST ground lease area. Also, the monopole tower and compound is designed to accommodate at least two (2) additional similar wireless telecommunications equipment installations besides the one contemplated by Verizon Wireless.

4. If the application is to substantially modify an existing support structure...

The application is for a new 80' monopole tower (85' overall with lightning rod), therefore the submittal requirements of this section are not applicable.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

See the enclosed construction drawings showing the proposed CST and Verizon Wireless installations containing the above described information.

6. If the application is to construct a new mobile service support structure, an explanation as to why the application chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has the responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

The Verizon Wireless search ring is depicted in the enclosed Delorme Map labeled "Verizon Wireless Search Area: Wisconsin Avenue Site", where there are no existing structures of any kind within the defined search area available for collocation by Verizon Wireless. Enclosed in the application materials is a sworn statement from the Verizon Wireless Radio Frequency Engineer assigned to the site attesting to the fact that collocation is not feasible option for this site, as there are no existing structures of any kind which exist within the Verizon Wireless Search Area that could be utilized by Verizon Wireless for a collocation.

ADDITIONAL DISCUSSION

This is a joint application for a proposed new communications tower facility which will be owned by Central States Tower III, LLC ("CST"), a national owner and operator of wireless communications

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infrastructure; and an antenna and equipment installation upon this new communications tower facility by its proposed tenant, Verizon Wireless. It is not uncommon for wireless telecommunications service providers to engage the services of a tower company to construct, own, and operate the infrastructure upon which they desire locate their equipment. In this case, Verizon Wireless needs the site to meet its service needs for the defined search area, and has engaged CST to participate as the tower developer/owner for the project.

As described above, the proposed project is for the construction, installation, and operation of an unmanned wireless tower communications facility upon the property located on 2718 N Meade Street Appleton WI 54913. Parcel ID #: 331402300, 311402400, 311402500. This facility will consist of Verizon Wireless antennas and equipment to be mounted at the 60' centerline of a newly constructed CST owned 80' monopole tower (85' with lightning rod), associated coaxial/hybrid cable runs down the inside of the tower, and outside cabinet platform for equipment and backup power generator which will be housed upon a concrete pad/foundation near the base of the tower, all within a 50' x 50' fenced CST compound area as shown in the enclosed plans.

This Special Use Permit will result in a great benefit for the community, in that it will allow for the continued provision of the highest quality, and most technologically advanced wireless communication services to the nearby residents and visitor populations of the City of Appleton. Besides the services which will be provided by Verizon Wireless, the tower facility has been designed so it will be available for at least two (2) other comparable antenna and equipment installations, and shall conform to all applicable ANSI/TIA 222-G, FCC, and FAA regulations and standards governing such facilities. Multiple company collocations on its infrastructure is the core of CST's business, and CST actively markets its portfolio of tower sites for collocation to all communication users nationwide and will do so for this site as well. In this regard, it is CST's experience that the typical wireless communication service provider would require similar or somewhat higher mounting heights than what Verizon Wireless is proposing with this application, and with this in mind CST wants to ensure that the proposed tower structure is designed to remain as marketable as possible. Therefore, it is seeking the approval of a somewhat taller overall tower structure (85' AGL), than the mounting height required (60' AGL) by Verizon Wireless at this location. CST feels that this incremental additional height will both increase the viability of this location for other potential future users needs in this area, while at the same time decreasing the future chances that an additional tower location would need to be sought in this vicinity, both accomplished without materially increasing any potential impact(s) to the surrounding area due to the slight increase in height the proposed taller tower would bring.

The proposed facility will not require any public participation, or result in any public cost for public facilities and services which would be detrimental to the economic welfare of the community. In fact, the wireless communication services offered by Verizon Wireless are desired by both businesses and individuals, and will be an economic asset to the community. The enhanced E-911 services provided by facilities such as these will also assist in the protection of the public health, safety, and welfare of the community.

The equipment will operate continuously at this unmanned facility and will require no additional parking or facilities for employees. Verizon Wireless' cell site technicians will visit the site periodically, typically a couple hours once per month, for the testing and monitoring of the maintenance and security of its equipment. CST personnel will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate any substantial

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traffic, and besides the new tower structure, the remainder of the equipment has a minimal visual impact and generates very little noise.

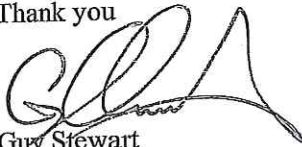
This site is located upon a property in the C-2 General Commercial Zoning District within an established commercial corridor along W. Wisconsin Avenue, and has been positioned upon the underlying parcel to best conform with the current and potential future use(s) of the property. The location of the proposed tower upon the property is setback from the nearest property line by approximately 29', a distance that is less than the height of the proposed tower structure. However, enclosed please find a stamped engineering letter from Sabre Industries Towers and Poles, CST's tower manufacturer, ensuring that that the tower will be designed to collapse within the subject property in the event of structural failure. A landscaping buffer will also be installed around the perimeter of the compound to assist in minimizing any potential impacts to the adjoining properties and nearby view sheds.

Besides the six (6) application requirements defined by Wis. Stat. Sect. 66.0404(2)(b), I have also enclosed a copy of a FCC TOWAIR report for the proposed tower at this location and a check made payable to the City of Appleton in the amount of \$450.00 for the applicable application fee.

I believe the above information satisfies the applicable application requirements as defined by the City of Appleton Zoning Ordinance and as preempted by Wis. Stat. Sect. 66.0404; and is ready to be scheduled for consideration by the City of Appleton Planning Commission. I look forward to the public hearing for this request, and will be present at the meeting to address any remaining questions that the commission or members of the public may have regarding the application and proposed use of the site.

Should you have any additional information needs or questions regarding the application, the enclosed materials, or the proposed use of the site, please contact me directly at (715) 340-2123 or by email at guystewart@charter.net.

Thank you



Guy Stewart
Real Estate Acquisition & Development, LLC
3703 North Point Dr.
Stevens Point WI 54481

Enclosures:

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66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An appli-

cant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

(a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

(b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

(d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(5) **APPLICABILITY.** If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) **DEFINITIONS.** In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

(c) "Radio broadcast service facilities" means commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

(2) **LIMITATIONS ON LOCAL REGULATION.** Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the

ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

(3) **CONTINUED APPLICATION OF EXISTING REGULATIONS.** If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

(4) **DENIAL OF PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES.** If a political subdivision denies a request by any person to place, construct, or modify radio broadcast service facilities in the political subdivision, the denial may be based only on the political subdivision's public health or safety concerns. The political subdivision must provide the requester with a written denial of the requester's request, and the political subdivision must provide the requester with substantial written evidence which supports the reasons for the political subdivision's action.

History: 2013 a. 20; 2013 a. 173 s. 33.

66.0407 Noxious weeds. (1) In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

(b) "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the department of natural resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city may annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls. A town, village or city which has designated as its official newspaper or which uses for its official notices the same newspaper as any other town, village or city may publish the notice under this subsection in combination with the other town, village or city.

(5) This section does not apply to Canada thistle or annual noxious weeds that are located on land that the department of natural resources owns, occupies or controls and that is maintained in whole or in part as habitat for wild birds by the department of natural resources.

History: 1975 c. 394 s. 12; 1975 c. 421; Stats. 1975 s. 66.96; 1983 a. 112, 189; 1989 a. 56 s. 258; 1991 a. 39, 316; 1997 a. 287; 1999 a. 150 ss. 617 to 619; Stats. 1999 s. 66.0407; 2009 a. 55.