
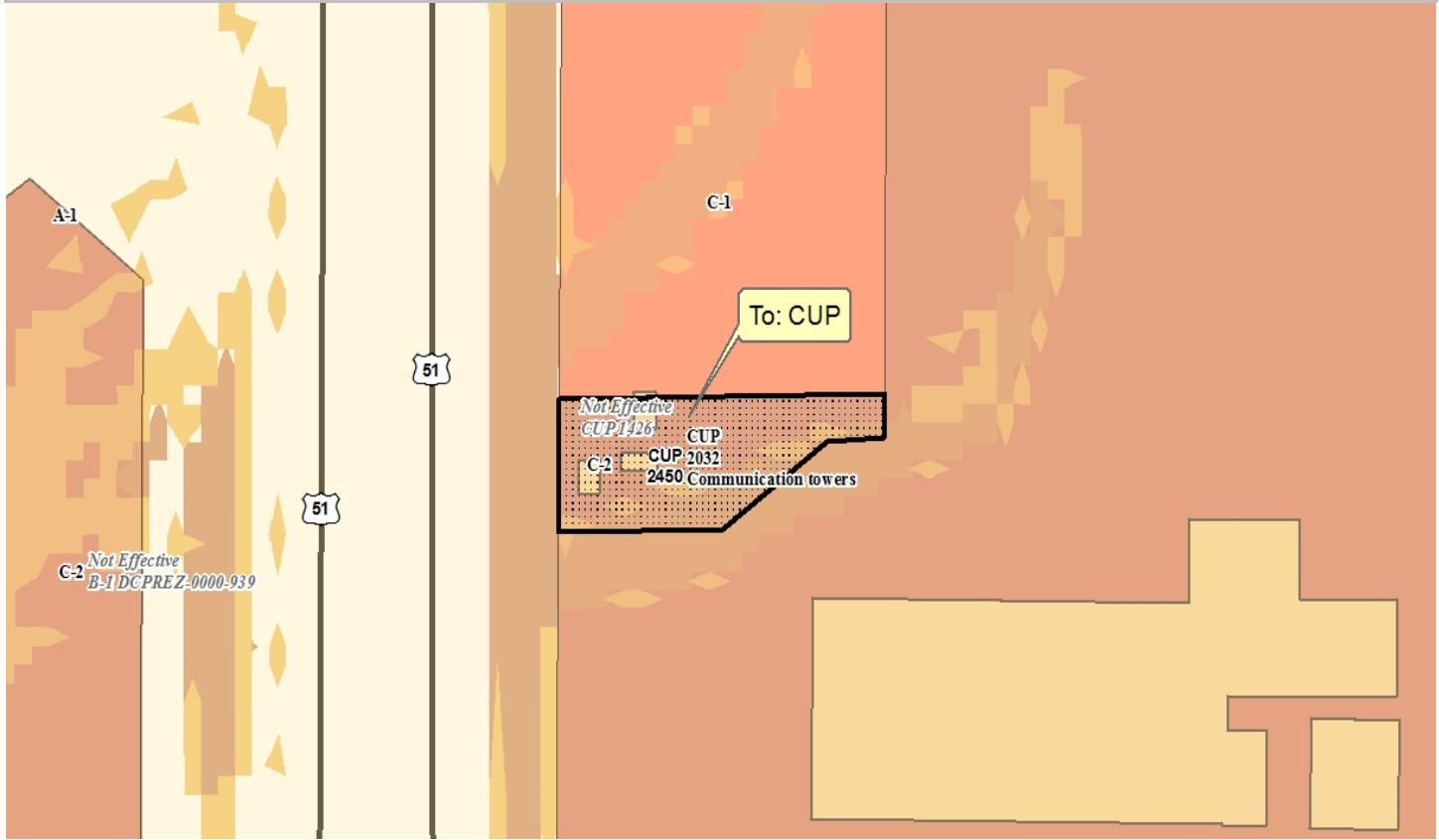


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: February 26, 2019</p>	<p>CUP 02450</p>
	<p><u>Zoning Amendment Requested:</u> TO CUP: COMMUNICATION TOWER</p>	<p><u>Town/Section:</u> BURKE, Section 9</p>
	<p><u>Size:</u> 0.2 Acres</p>	<p><u>Survey Required.</u></p>
	<p><u>Reason for the request:</u> COMMUNICATION TOWER</p>	



DESCRIPTION: Applicant requests an amendment of a height limitation condition on existing Conditional Use Permit #2032 for a communication tower. The property is the site of the village of DeForest water tower, and cellular arrays are mounted on the top of the tower. The height limitation condition was required due to the property and water tower being located in the Height Limitation Overlay Zone of the Dane County Regional Airport. Under the height limitation condition, the cellular arrays were not to exceed the tallest point of the tower and so were initially mounted on the “side” of the tower. Years ago, following routine painting / maintenance on the tower, the arrays were re-mounted on top of the tower along with a railing to address safety and access concerns. This resulted in a violation of the height limitation condition, as the arrays now extend beyond the top of the water tower.

Applicant has also applied for a variance from the Height Limitation Overlay Zone height limit. At the request of the applicant, the variance was deferred indefinitely by the Board of Adjustment pending finalization of an FAA study to determine whether allowing the antennas to remain at the current height will result in a hazard to air navigation. Dane County Regional Airport staff was in agreement with the deferment action pending the FAA study.

OBSERVATIONS: Surrounding land uses include commercial and the US 51 corridor. The Dane County Regional Airport is located approximately 1.2 miles southwest of the subject property. No new development is proposed.

TOWN PLAN: The property is located designated as a commercial planning area in the town of Burke plan.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: Staff recommends that action be postponed on the CUP request pending receipt of the FAA study and resolution of the variance request by the Board of Adjustment.

FEBRUARY 26th ZLR MEETING: The Committee postponed action until the Board of Adjustment made decision on the variance request.

BOARD OF ADJUSTMENT: The Board of Adjustment approved a height variance in order for communication arrays to be placed above the top of the water tower. The FAA had determined that the additional objects placed on the top of the water tower would not be a danger to air traffic.

TOWN: The Town Board approved the CUP with no conditions.

STAFF UPDATE: The proposal allows for the additional co-location of communication arrays on the tower which meets the intent of the communication tower ordinance. Staff is suggesting that the application be approved with the following conditions:

- 1) The communication tower shall comply with the provisions found under Dane County Code of Ordinances Section 10.103(9).
- 2) The primary use of the telecommunication equipment permitted under Conditional Use Permit No. 2450 shall be for the transmission and reception of cellular/PCS wireless telecommunication equipment.
- 3) The height of telecommunication antennas shall not exceed 1082 feet above mean sea level (AMSL) unless approved by the Dane County Regional Airport and the FAA.
- 4) Collocation sites required hereunder shall upon request be made available by the holder of Conditional Use Permit No. 2450 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.
- 5) Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2450.