

## MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission

From: Allison Schwark, Zoning Administrator

Date: February 12, 2024

Re: Conditional Use Permit

Summary of Request	
<b>Requested Approvals:</b>	Conditional Use Permit for WIRELESS TELECOMMUNICATIONS FACILITIES
<b>Location:</b>	797 Indian Mound Parkway
<b>Current Land Use:</b>	City owned Water Tower
<b>Proposed Land Use:</b>	Same use with added Telecommunication facility
<b>Current Zoning:</b>	AT
<b>Proposed Zoning:</b>	N/A
<b>Future Land Use, Comprehensive Plan:</b>	N/A

### Site Plan Review

The applicant is requesting a Conditional Use Permit for a Wireless Telecommunication Facility to be placed on top of the city water tower located at 797 Indian Mound Parkway. Electrical service will be installed to an equipment enclosure. An existing access road inside the property will be extended to allow for ease of access to any ground facilities. The city is agreeable to an agreement to allow the wireless telecommunication facility to be built and located on city owned property, and on the city's operating water tower. The proposed wireless telecommunication facility shall not change the site in any other way, nor shall it impact the site, or the city negatively. The proposed plan meets all requirements of Section 19.55 of our zoning ordinance, which outlines requirements for the telecommunication facilities.

### Planner's Recommendations

- 1) Staff recommends that Plan Commission **APPROVE** the Conditional Use Permit with the following conditions:
  - a) The applicant is responsible for planning, design, and implementation of the grading plan for the site.

- The City of Whitewater shall not be held responsible for any deficiency in the grading plan.
- b) The project shall be developed in accordance with the approved site plan, architecture, and landscape plan. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.
  - c) Any wireless telecommunications facility not continuously operating for a period of twelve months shall be considered abandoned and shall be removed (along with its wireless telecommunication support facilities) within ninety days of receiving an order to remove from the zoning administrator. The cost of removal and site restoration shall be borne entirely by the permit holder. In the event that the permit holder fails to remove the facility, the city may cash the required performance bond and remove the facility and all support facilities itself.
  - d) The permit holder shall be responsible for the continued maintenance and/or replacement of all buildings, fencing, landscaping and other site improvements.
  - e) The permit holder for all wireless telecommunications facilities granted conditional use permit approval after the effective date of this chapter shall file an annual report with the zoning administrator demonstrating continued compliance with approved plans, conditions of approval, the provisions of this chapter as they existed at the time of permit approval, and the standards of Sections 19.63.100 and 19.66.050. The petitioner shall also demonstrate that the term of any performance bond or liability insurance policy required under Section 19.55.050 shall remain in effect for at least two years from the date the annual report is submitted. Such report shall be filed within thirty days of the original month of conditional use permit approval.
  - f) Any conditions stipulated by the PARC.





