

**Print****Conditional Use Permit Application - Submission #787****Date Submitted: 2/15/2024****City of Whitewater**

312 W. Whitewater Street  
P.O. Box 178  
Whitewater, WI 53190  
262-473-0540  
www.whitewater-wi.gov

**Conditional Use Permit Application****NOTICE:**

The Plan Commission meetings are scheduled at 6:00 p.m. on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

**Address of Property\***

312 Elkhorn Rd

**City\***

Whitewater

**State\***

WI

**Zip Code\***

53190

**Owner's First Name\***

Tillman

**Owner's Last Name\***

Infrastructure

**Applicant's First Name\***

LCC

**Applicant's Last Name\***

Telecom Services

**Mailing Address\***

10700 W Higgins Rd Suite 240

**City\***

Rosemont

**State\***

IL

**Zip Code\***

60018

**Phone Number\***

224-803-6451

**Fax Number**

847-608-1299

**Email Address\***

jburchfield@lcctelecom.com

**Existing and Proposed Uses:****Current Use of Property\***

Vacant

**Zoning District\***

B-1

**Proposed Use:\***

Mobile service facility

**Conditions**

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

## APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures; location, height, materials and building elevations.
4. Lighting plan; including location, height, materials and building elevations.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking; locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access; pedestrian, vehicular, service. Points of ingress and egress.
8. Loading ; location, dimensions, number of spaces internal circulation.
9. Landscaping; including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: Location, height, dimensions, color, materials, lighting and copy area.
12. Grading/draining plan of proposed site.
13. Waste disposal facilities; storage facilities for storage of trash and waste materials.
14. Outdoor storage, where permitted in the district; type, location, height of screening devices.

**\*\*One (1) full size, Fifteen (15) 11.x17, and One (1) Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

## STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses.

The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

### Standards

**That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property. Applicant's explanation:\***

With such a small footprint and location in a Community Business (B-1) zoned area, this facility will have little impact on the use and enjoyment of property in the immediate vicinity for the purposes already permitted, nor will there be an adverse effect on property values within the neighborhood. To the contrary, enhanced wireless communications will have a positive influence on the development and values of businesses in this area.

**That utilities, access roads, parking, drainage, landscaping and other necessary site improvements are being provided. Applicant's explanation:\***

improvements are being provided.  
The proposed wireless communications facility is located in an area that will adequately served by existing utilities, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property. The proposed facility only needs power and fiber which are readily available at this site. Access will be from a private driveway and adequate drainage is available on site. No other public services will be necessary for the proposed facility.

**That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance. Applicant's explanations: \***

The application on behalf of Tillman Infrastructure conforms to the applicable regulations of the B-1 Community Business District. Pursuant to the Whitewater Zoning Ordinance, Section 19.27.030(P), wireless telecommunications facilities are listed as a Conditional Use. The proposed wireless telecommunications facility is designed to conform to all federal, state and local regulations.

**That the conditional use conforms to the purpose and intent of the City Master Plan. Applicant's explanation:\***

The future land use of the property upon which the proposed facility is to be built is designated as "Mixed-Use" and is surrounded to the north and east by Community Business, and to the south by Two Family/Townhouse Residential. The provision of wireless services to these locations will be a benefit to future development and are in conformity with the comprehensive plan.

**\*\* Refer to Chapter 19.66 of the City of Whitewater Municipal code, entitled CONDITIONAL USES, for more information.**

**Applicant's Signature\***

**Date**

John Burchfield, LCC Telecom Services on behalf of Tillman Infrastructure

2/15/2024

**Plot Plan Upload**

23028\_Construction Drawing Rev A.pdf

**Plan Upload**

No file chosen

**Lighting Plan Upload**

No file chosen

**Landscape Plan Upload**

No file chosen

**File Upload**

TI-OPP-23028 Exhibit Book - All Items.pdf

**File Upload**

No file chosen

**TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT**

1. Application was filed and the paid at least four weeks prior to the meeting. \$100.00 fee

**Filed on:**

**Received by:**

**Receipt #**

**Application reviewed by staff members**

**3. Class 2 Notice published in Official Newspaper on**

**4. Notices of Public Hearing mailed to property owners on****Plan Commission holds the PUBIC HEARING on**

**Public Comments may also be submitted in person or in writing to City Staff.**

**At the conclusion of the Public Hearing, the Plan Commission will make a decision.**

**ACTION TAKEN****Conditional Use Permit: By the Plan and Architectural Review Commission**

- ☐ Granted  
☐ Not Granted

**CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECHTURAL REVIEW COMMISSION:****Signature of Plan Commission Chairperson****Date**

mm/dd/yyyy

### **Tips for Minimizing Development Review Costs-A Guide for Applicants**

The City of Whitewater assigns its consultant cost associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their application. The tips included in this guide will almost always result in a less costly and quicker review of an application.

#### **MEET WITH NEIGHBORHOOD SERVICES DEPARTMENT BEFORE SUBMITTING AN APPLICATION**

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, The Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

#### **SUBMIT A COMPLETE AND THOROUGH APPLICATION**

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

#### **FOR MORE COMPLEX OR TECHNICAL TYPES OF PROJECTS, STRONGLY CONSIDER WORKING WITH AN EXPERIENCED PROFESSIONAL TO HELP PREPARE YOUR PLANS**

Experienced professional engineers, land planners, architects, surveyors, and landscape architects should be quite familiar with standard developmental review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

#### **FOR SIMPLER PROJECTS, SUBMIT THOROUGH, LEGIBLE, AND ACCURATE PLANS**

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building and floor plans should:

1. Be drawn to be recognized scale and indicate what the scale is (e.g. 1 inch=40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current conditions of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials or other similar improvements.

## SUBMIT YOUR APPLICATION WELL IN ADVANCE OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION MEETING

The city normally requires that a complete application be submitted four (4) weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two (2) weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to response to such questions or requests in a timely manner.

### FOR MORE COMPLEX PROJECTS, SUBMIT YOUR PROJECT CONCEPTUAL REVIEW

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge it's reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

### HOLD A NEIGHBORHOOD MEETING FOR LARGER AND POTENTIALLY MORE CONTROVERSIAL PROJECTS

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand other's perspectives on your proposal, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

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## TYPICAL CITY PLANNING CONSULTANT DEVELOPMENT REVIEW COSTS

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Cost vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with Information on how the applicant can help control costs.

### Type of development review being requested and planning consultant review cost range

#### Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)

- ☐ When land use is a permitted use in the zoning district and for minor downtown building alterations-up to \$600
- ☒ When use also requires a conditional use permit, and for major downtown building alterations-\$700-\$1,500

#### Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)

- ☐ When land use is a permitted use in the zoning district-\$700-\$2,000
- ☐ When land use also requires a conditional use permit- \$1,600-\$12,000

#### Conditional Use Permit with no Site plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)

- ☐ Up to \$600

#### Rezoning

- ☐ Standard (not PCD) zoning district-\$700-\$2,000
- ☐ Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time-\$2,100-\$12,000

#### Land Division

- ☐ Land Survey Map-up to \$300
- ☐ Subdivision Plat- \$1,500-\$3,000
- ☐ Plat (does not include any development agreement time)-\$50-\$1,500

#### Annexation

- ☐ Typically between \$200-\$400

**\*\*Note: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring storm water management plans, major utility work, or complex parking or road access plans. engineering costs are not included above, but will be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.**

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### Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals and/or Common Council. In fact most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

### SECTION A: BACKGROUND INFORMATION-to be completed by the Applicant/Property Owner

#### Applicant's First Name\*

LCC

#### Last Name\*

Telecom Services

#### Applicant's Mailing Address

10700 W Higgins Rd Suite 240

#### City\*

Rosemont

#### State\*

IL

#### Zip Code\*

60018

#### Applicant's Phone Number\*

224-803-6451

#### Fax Number

847-608-1299

#### Applicant's Email Address\*

jburchfield@lcctelecom.com

### Project Information

**Name/Description of Development\***

Tillman Infrastructure Tower TI-OPP-23028

**Address of Development Site\***

312 Elkhorn Road, Whitewater, WI 53190

**Property Owner Information (if different from applicant):****Property Owner's First Name**

Tillman

**Last Name**

Infrastructure

**Property Owner's Mailing Address**

152 West 57th Street, 27th Floor

**City**

New York

**State**

NY

**Zip Code**

10019

**SECTION B: APPLICANT/PROPERTY OWNER COST OBLIGATIONS. To be filled out by the Neighborhood Services Department**

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of the application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all cost incurred up until that time.

**A. Application fee****B. Expected planning consultant review cost****C. Total cost expected of application (A+B)****D. 25% of total cost due at time of application:****Project likely to incur additional engineering or other consultant review costs?**

-- Select One --



**Balance of costs**

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

**SECTION C: AGREEMENT EXECUTION -to be completed by the Applicant and Property Owner**

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

**Signature of Applicant/Petitioner\*****Date**

John Burchfield, LCC Telecom Services on behalf of Tillman Infrastructure

2/15/2024

**Signature of Property Owner (if different)****Date**

mm/dd/yyyy