



**TILLMAN INFRASTRUCTURE LLC  
AT&T MOBILITY**



**APPLICATION FOR CONDITIONAL USE PERMIT FOR  
THE PROPOSED WIRELESS COMMUNICATIONS FACILITY IN THE CITY  
OF WHITEWATER**

**AT**

**1002 S JANESVILLE ST, WHITEWATER, WI 53190  
TILLMAN INFRASTRUCTURE SITE # TI-OPP-29018**

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# Letter of Application

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04/19/24

City of Whitewater Plan Commission  
312 W. Whitewater Street  
P.O. Box 178  
Whitewater, WI 53190

RE: Conditional Use Approval Application  
Tillman Infrastructure Site Number TI-OPP-29018  
1002 S Janesville St, Whitewater, WI 53190 (PIN: WUP 00341)

Dear Commissioners:

Tillman Infrastructure LLC has partnered with AT&T Mobility to construct a new wireless communications facility proposed at the above-referenced location, to be used by AT&T and other wireless carriers. This is a petition for amendment of zoning and an application for a Conditional Use Permit for this proposed telecommunications facility under Wisconsin State Statute section 66.0404 and Chapter 19.55 of the City of Whitewater Code of Ordinances. Additionally, this application requests that the Board of Zoning Appeals grant a variance from Section 19.55.070(F) of the City of Whitewater Code of Ordinances.

The proposed mobile service support structure is intended to fill in coverage gaps and improve AT&T wireless internet service in the eastern area of the City of Whitewater to provide adequate space for AT&T to deploy FirstNet, the first nationwide communications network dedicated for first responders. The proposed structure will consist of a 195'-0" self-support tower, to be located within a 69'-0" x 69'-0" fenced compound located within a 75'-0" x 75'-0" lease area. The proposed tower will be erected, owned, and managed by Tillman Infrastructure, and AT&T Mobility will locate its antennas on the tower and its equipment in the compound upon completion. The facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month after the facility is completed.

On behalf of Tillman Infrastructure LLC and AT&T Mobility, LCC Telecom Services has submitted all required documentation for the proposed tower in accordance with the City of Whitewater Code of Ordinances and Wisconsin State Statute section 66.0404 for this application to be deemed complete. Should you have any questions, please feel free to contact me. I look forward to working with you during the approval process to provide the residents of Whitewater.

Sincerely,

John Burchfield,  
Zoning Project Manager,  
LCC Telecom Services  
Phone: 224-803-6451  
Email: [jburchfield@lcctelecom.com](mailto:jburchfield@lcctelecom.com)

# Application Materials

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# Project Narrative

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As an agent for Tillman Infrastructure LLC and AT&T Mobility, LCC Telecom Services, LLC seeks approval for a Conditional Use Permit and any other permits or approvals necessary to install a new wireless communications facility on property located at 1002 S Janesville St in Whitewater. Tillman Infrastructure LLC has an agreement with AT&T Mobility to develop this site for its carrier services. In addition to this carrier, the site will be offered as a shared facility to any other communication carriers that have a need for a facility in this area. AT&T Mobility has acquired the necessary licenses from the Federal Communications Commission (“FCC”) to provide Personal Communications Services (“PCS”) coverage throughout the United States. These licenses include the City of Whitewater

The property on which the telecommunications facility is proposed is zoned Highway Commercial and Light Industrial (B-3). Per Sections 19.33.025(J) and 19.33.030(S) of the Code of Ordinances, a Conditional Use Permit, subject to the requirements of Chapter 19.55, is required for the siting and construction of any new wireless communications facility in the B-3 District.

The proposed wireless communications facility that Tillman Infrastructure LLC would install for AT&T Mobility is necessary to provide uninterrupted PCS services to the residents of Whitewater, including wireless phone service, voice paging, messaging, and wireless internet and broadband data. All registered wireless providers’ technology operates at various radio frequency bands allocated by the FCC as part of their license.

PCS systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site at 1002 S Janesville St within the geographic area deemed necessary for AT&T Mobility and various other wireless telecommunications providers to provide uninterrupted services. The propagation maps included with this application show the area of coverage need and the coverage provided by this proposed tower.

The proposed wireless communications facility will consist of a 195'-0" tall self-supporting tower within a 100'-0" x 100'-0" lease area. The proposed facility's designated location is within a commercial lot southwest of the intersection of US-12 and WI-59/S Janesville Street. The proposed access to the facility will be through an existing entrance and gravel park lot off of WI-59/S Janesville St.

The facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. There is no need for additional police or fire support. Additionally, there is no impact on town utilities such as water or sanitation as they are not used at the site. The only utilities used in connection with the mobile service facility are power, fiber optic cable, and land-line telephone.

In accordance with FCC regulations, the mobile service facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. PCS technology has become a vital part of emergency services, aiding residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare.

The proposed mobile service facility will be designed and constructed to meet all applicable governmental and industry safety standards, such as National Environmental Protection Act ("NEPA") and National Historic Preservation Act ("NHPA"). Tillman Infrastructure LLC and AT&T Mobility will also comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting, or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Tillman Infrastructure LLC and AT&T Mobility, looks forward to working with the City of Whitewater to bring the benefits of the proposed service to the area. The addition of the facility will ensure the best uninterrupted wireless services for the City. This application addresses all standards and satisfies the requirements of the City of Whitewater Zoning Ordinance and follows Wisconsin state statutes.

# Site Data Sheet

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**Applicant:** Tillman Infrastructure LLC  
152 West 57<sup>th</sup> Street  
27<sup>th</sup> Floor  
New York, NY 10019  
  
AT&T Mobility  
930 National Parkway  
Schaumburg, IL 60173

**Agent:** John Burchfield  
LCC Telecom Services  
10700 Higgins Road  
Suite 240  
Rosemont, IL 60018

**Tower Owner:** Tillman Infrastructure  
152 West 57<sup>th</sup> Street  
27<sup>th</sup> Floor  
New York, NY 10019

**Applicant's Interest in the Property:** Leasehold

**Property Owner:** Hatchet Enterprises LLC

**Address of Property:** 1002 S Janesville St, Whitewater, WI 53190

**Parcel Number:** WUP 00341

**Request:** Application for a Conditional Use Permit, Variance and any other approvals or permits necessary to erect a 195'-0" self-support communications tower to be located within a 100'-0" x 100'-0" lease parcel.

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# Legal Description

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## **PROPOSED LEASE AREA:**

A PART OF THE N1/2 OF THE SW1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST, WITHIN THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NW CORNER OF THE SAID SW1/4 OF SECTION 8; THENCE S89°09'35"W, ALONG THE NORTH LINE OF THE SAID SW1/4, 619.57 FEET TO THE CENTER LINE OF STATE ROAD 59; THENCE S45°15'35"W, ALONG THE SAID CENTER LINE, 744.62 FEET; THENCE N52°01'05"W, 33.27 FEET TO THE WEST LINE OF SAID STATE ROAD 59; THENCE N55°01'20"W, 126.73 FEET; THENCE S51°37'24"W, 145.55 FEET; THENCE S89°58'39"W, 137.78 FEET; THENCE N68°43'56"W, 85.29 FEET; THENCE N38°32'18"W, 50.86 FEET TO THE POINT OF BEGINNING FOR THE LEASE AREA HEREIN INTENDED TO BE DESCRIBED; THENCE S51°27'42"W, 75.00 FEET; THENCE N38°32'18"W, 75.00 FEET; THENCE N51°27'42"E, 75.00 FEET; THENCE S38°32'18"E, 75.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5,825 SQUARE FEET.

## **PROPOSED ACCESS/UTILITY EASEMENT:**

A PART OF THE N1/2 OF THE SW1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST, WITHIN THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NW CORNER OF THE SAID SW1/4 OF SECTION 8; THENCE S89°09'35"W, ALONG THE NORTH LINE OF THE SAID SW1/4, 619.57 FEET TO THE CENTER LINE OF STATE ROAD 59; THENCE S45°15'35"W, ALONG THE SAID CENTER LINE, 744.62 FEET; THENCE N52°01'05"W, 33.27 FEET TO THE WEST LINE OF SAID STATE ROAD 59 AND BEING THE POINT OF BEGINNING FOR THE EASEMENT HEREIN INTENDED TO BE DESCRIBED; THENCE N55°01'20"W, 126.73 FEET; THENCE S51°37'24"W, 145.55 FEET; THENCE S89°58'39"W, 137.78 FEET; THENCE N68°43'56"W, 85.29 FEET; THENCE N38°32'18"W, 50.86 FEET TO THE SE CORNER OF THE PROPOSED LEASE AREA; THENCE S51°27'42"W, ALONG THE SOUTHEASTERLY LINE OF PROPOSED LEASE AREA, 75.00 FEET; THENCE S38°32'18"E, 30.00 FEET; THENCE N51°27'42"E, 45.00 FEET; THENCE S38°32'18"E, 28.70 FEET; THENCE S68°43'56"E, 99.02 FEET; THENCE N89°58'39"E, 153.85 FEET; THENCE N51°37'24"E, 133.64 FEET; THENCE S55°01'20"E, 106.63 FEET TO THE SAID WEST LINE OF STATE ROAD 59; THENCE N30°42'15"E, ALONG THE SAID WEST LINE OF STATE ROAD 59, 30.08 FEET TO THE POINT OF BEGINNING, CONTAINING 17,808 SQUARE FEET.

## **PARENT PARCEL, LEGAL DESCRIPTION (NOT FIELD SURVEYED) PER TITLE**

THE FOLLOWING DESCRIBED REAL ESTATE, TOGETHER WITH THE RENTS, PROFITS, FIXTURES AND OTHER APPURTENANT INTERESTS, IN WALWORTH COUNTY, STATE OF WISCONSIN:

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST OF THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE MIDDLE 1/4 SECTION CORNER OF SAID SECTION 8; THENCE WEST ALONG THE EAST-WEST 1/4 SECTION LINE 619.72 FEET TO THE CENTER LINE OF STATE TRUNK HIGHWAY NO. 59, WHICH POINT IS THE PLACE OF BEGINNING; THENCE SOUTH 43° 35' WEST ALONG THE CENTER LINE OF SAID HIGHWAY 743.72 FEET; THENCE SOUTH 28° 59' WEST ALONG THE CENTERLINE OF SAID HIGHWAY 664.31 FEET; THENCE NORTH 30° 29' WEST 690.20 FEET TO THE SOUTHERLY LINE OF THE C.M. ST. P. & P. RAILROAD RIGHT OF WAY; THENCE NORTH 49° 41' EAST ALONG THE RAILROAD RIGHT OF WAY 774.72 FEET TO THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 8; THENCE EAST ALONG SAID LINE 594.31 FEET TO THE PLACE OF BEGINNING.

ALSO A TRIANGULAR-SHAPED PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST OF THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE MIDDLE 1/4 SECTION CORNER OF SAID SECTION 8; THENCE WEST ALONG THE EAST-WEST 1/4 SECTION LINE 1214.03 FEET TO THE SOUTHERLY LINE OF THE C. M. ST. P. & P. RAILROAD RIGHT OF WAY, WHICH POINT IS THE PLACE OF BEGINNING; THENCE EAST ALONG SAID EAST-WEST 1/4 SECTION LINE 291.155 FEET TO A POINT; THENCE NORTHWESTERLY TO A POINT ON THE SOUTHERLY LINE OF SAID RAILROAD RIGHT OF WAY WHICH POINT IS 200 FEET NORTHEASTERLY, AS MEASURED ALONG THE SOUTHERLY LINE OF SAID RAILROAD RIGHT OF WAY, FROM THE PLACE OF BEGINNING HEREOF; THENCE SOUTH 49° 47' WEST ALONG THE SOUTHERLY LINE OF SAID RAILROAD RIGHT OF WAY 200 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A TRIANGULAR-SHAPED PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST OF THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE MIDDLE 1/4 SECTION CORNER OF SAID SECTION 8; THENCE WEST ALONG THE EAST-WEST 1/4 SECTION LINE 619.72 FEET TO THE CENTER LINE OF STATE TRUNK HIGHWAY NO. 59, WHICH POINT IS THE PLACE OF BEGINNING; THENCE WEST ALONG SAID EAST-WEST 1/4 SECTION LINE 297.155 FEET TO A POINT; THENCE SOUTHEASTERLY TO A POINT ON THE CENTER LINE OF SAID STATE TRUNK HIGHWAY NO. 59 WHICH POINT IS 200 FEET SOUTHWESTERLY, AS MEASURED ALONG THE CENTER LINE OF SAID HIGHWAY, FROM THE PLACE OF BEGINNING HEREOF; THENCE NORTH 43° 35' EAST ALONG THE CENTER LINE OF SAID HIGHWAY 200 FEET TO THE PLACE OF BEGINNING.

FURTHER EXCEPTING LANDS CONVEYED TO THE STATE OF WISCONSIN BY DEED RECORDED AUGUST 28, 2001, AS DOCUMENT NO. 481415.

FURTHER EXCEPTING LANDS CONVEYED TO THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION UNDER AN AWARD OF DAMAGES RECORDED JULY 6, 2009, AS DOCUMENT NO. 767729.

FURTHER EXCEPTING ALL THAT PORTION THEREOF AS IS SET FORTH IN CERTIFIED SURVEY MAP NO. 4547 RECORDED IN VOLUME 29 OF CERTIFIED SURVEYS ON PAGE 352 AS DOCUMENT NO. 890756, BEING A CERTIFIED SURVEY MAP OF PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST, CITY OF WHITEWATER,

WALWORTH COUNTY, WISCONSIN.

PARCEL ID: /RUP 00341

THIS BEING THE SAME PROPERTY CONVEYED TO HATCHETT ENTERPRISES, LLC, A WISCONSIN LIMITED LIABILITY COMPANY FROM PROGRESSING PROPERTIES, LLC, A WISCONSIN LIMITED LIABILITY COMPANY IN A DEED DATED MAY 2, 2022 AND RECORDED MAY 4, 2022 AS INSTRUMENT NO. 1061224, IN WALWORTH COUNTY, WI.

# Statement of Compliance with Wisconsin Statute § 66.0404

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Wis. Stat. § 66.0404(2)(2)(b) sets out specific requirements and timelines for applications to construct a new mobile service support structure. Wis. Stat. § 66.0404(2)(2)(b) (1-6) outlines six categories of information that may be required to constitute a complete application for a substantial modification or new site. Here, five of the six categories are required, as the present application is for a new mobile service facility and support structure.

The five categories of information required by Wis. Stat. § 66.0404(2)(2)(b) (1-6) are described below, with the statutory requirement listed in bold, and the required document or information identified or outlined below the requirement.

1. The name and business address of, and the contact individual for, the applicant. Wis. Stat. § 66.0404(2)(2)(b)(1);

**The applicant is Tillman Infrastructure. John Burchfield of LCC Telecom Services is the agent of and contact individual for Tillman Infrastructure. His business address is 10700 W Higgins Rd. Suite 240 Rosemont, IL 60018.**

2. The location of the proposed or affected support structure. Wis. Stat. § 66.0404(2)(2)(b)(2):

**A support structure is defined in Wis. Stat. §66.0404(1)(l) as “a freestanding structure that is designed to support a mobile service facility. In this case, the proposed support structure is a 195’-0” tall self-support lattice tower. The support structure is proposed to be located at 1002 S Janesville St, Whitewater, WI 53190. The support structure will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). This 70’-0” x 70’-0” fenced area is located within a 100’-0” x 100’-0” lease parcel that is part of a larger parent parcel at the above address. The location of the support structure is depicted on the site plans that have been submitted as part of this application.**

3. The location of the proposed mobile service facility. Wis. Stat. § 66.0404(2)(2)(b)(3);

**A mobile service facility is defined in Wis. Stat. §66.0404(1)(l) as “a 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 discreet geographic area.” In this case, the equipment consists of base station equipment cabinets and generator within a 24’-0” x 16’-0” area, along with antennas, transmitters, receivers, power supplies, cabling and associated equipment. All of the equipment is necessary to operate the 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. Wis. Stat. § 66.0404(2)(2)(b)(4).

**Wis. Stat. §66.0404(2)(2)(b)(4) applies only to substantial modification applications as defined in Wis. Stat. §66.0404(1)(s). This section applies only to modification of existing sites and not to the construction of a new site. Accordingly, this information is not required for the Tillman's application.**

5. 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. Wis. Stat. § 66.0404(2)(2)(b)(5);

**The construction plan required for a new mobile service support structure and facility under Wis. Stat. §66.0404(2)(2)(b)(4) has been submitted as part of this application. The construction plan includes all of the elements required under the state statute.**

6. 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. Wis. Stat. § 66.0404(2)(2)(b)(6).

**Wis. Stat. § 66.0404(2)(2)(b)(5) requires a sworn statement in instances where a carrier is unable to collocate its facilities and must construct a new mobile support structure. A sworn statement has been submitted with the attached application attesting that no other structure within the area would result in the same functionality, coverage, or capacity as the proposed mobile support structure.**

# Statement of Compliance with City of Whitewater Ordinance Chapters 19.55 & 19.66

Per Section 19.55.040 of the City of Whitewater’s Wireless Telecommunications Facilities Ordinance, all new freestanding wireless communication facilities shall require a conditional use permit and meet the standards in Chapters 19.55 and 19.66 in order to obtain approval.

## 19.55.050 - Required application submittal information.

With the application for plan review or conditional use permit for a wireless telecommunications facility, the petitioner shall submit all information required under [Section 19.63.020](#), along with the following additional information:

A. The identity, legal status, signature and contact information of the carrier, service provider, petitioner, and landowner.

**Please see attached site data sheet.**

B. FCC license and registration numbers if applicable.

**Please see FCC Antenna Registration page below:**

ASR Registration Search

### Registration 1326923

[HELP](#)

[New Search](#) [Return to Results](#) [Printable Page](#) [Reference Copy](#) [Map Registration](#)

Registration Detail			
Reg Number	1326923	Status	Granted
File Number	A1253730	Constructed	
EMI	No	Dismantled	
NEPA			
Antenna Structure			
Structure Type	LTOWER - Lattice Tower		
Location (in NAD83 <a href="#">Coordinates - Convert to NAD27</a> )			
Lat/Long	42-49-50.1 N 088-42-39.2 W	Address	312 Elkhorn Road
City, State	Whitewater, WI	County	WALWORTH
Zip	53190	Position of Tower in Array	
Center of AM Array			
Heights (meters)			
Elevation of Site Above Mean Sea Level		Overall Height Above Ground (AGL)	
253.0		60.7	
Overall Height Above Mean Sea Level		Overall Height Above Ground w/o Appurtenances	
313.7		59.7	
Painting and Lighting Specifications			
None			
FAA Notification			
FAA Study	2023-AGL-19759-OE	FAA Issue Date	09/22/2023
Owner & Contact Information			
FRN	0025969999	Owner Entity Type	Limited Liability Company
Owner			
Tillman Infrastructure, LLC Attention To: Regulatory 152 West 57th Street New York, NY 10019		P: (212)706-1677 F: E: dmstipo@tillmaninfrastructure.com	
Contact			
Attention To: Regulatory 152 West 57th Street New York, NY 10019		P: (212)706-1677 F: E: dmstipo@tillmaninfrastructure.com	

C. A report prepared by a Wisconsin licensed engineer certifying the structural design of the telecommunications facility of a new freestanding wireless telecommunications facility as proposed and its physical ability to accommodate, either initially or at some time in the future, a total of at least three antenna arrays for separate providers.

**Please refer to attached site plan showing multiple carrier tower. Applicant is in the business of leasing space on shared towers and all towers constructed are for at least three arrays barring extenuating circumstances. If necessary, Applicant requests that provision of an engineer certified structural design showing capacity for 3 carriers be made a condition of approval.**

D. In the case of a leased site, a lease agreement, option or binding lease instrument which does not preclude the lessee from entering into sub-leases on the site at market rates with another co-locating provider(s) and includes the legal description and amount of property lease.

**Please find Lease Agreement attached with protected business information redacted.**

E. For a proposed wireless telecommunications facility within a one-mile radius of an airport, copies of an affidavit of notification indicating that the airport operator and airport property owner have been notified via certified mail, along with copies of the determination of no hazard from the FAA or any other finds of the Wisconsin State Bureau of Aeronautics, such as they may apply.

**Nearest airport is approximately 1.5 miles SW of proposed facility.**

F. Proof of a satisfactory level of liability insurance coverage, with the city of Whitewater listed as an additional named insured party.

**Please find Certification of Insurance attached.**

G. Certified statement and map prepared by a licensed radio frequency engineer showing the coverage area of the proposed facility.

**Please see attached Propagation Maps.**

H. For a wireless telecommunications facility that requires a conditional use permit, a feasibility analysis that identifies at least three alternative sites, pre-existing freestanding wireless telecommunications facilities, and/or alternative support structures that could technically support a comparable level of service. The intent of this analysis is to present options to minimize the number, size, and adverse environmental impacts of wireless telecommunications facilities. The analysis shall specifically address the potential for co-location on pre-existing freestanding wireless telecommunications facilities and the use of alternative support structures. It shall also explain the rationale for selection of the proposed site in view of the relative merits of the alternatives. Approval of the project is subject to the plan and architectural review commission's determination that the chosen site is more advantageous than any other alternative site that is both technically feasible and available for use. The plan and architectural review commission may choose to independently verify the findings of the analysis at the applicant's expense.

**Please see attached feasibility analysis.**

I. For a wireless telecommunications facility that requires a conditional use permit, a performance bond in the amount of \$20,000.00 naming the city as obligee, as security for the potential future removal of abandoned or inactivated facilities.

**Please see attached Tower Removal Bond.**

J. For a wireless telecommunications facility that would be set back from any property line or, principal building a distance less than the height of the facility, including the height of any alternative support structure, an analysis prepared by a licensed structural engineer demonstrating that the facility would not pose a threat to the public, existing principal buildings or adjacent properties in the event of failure.

**Please see attached Engineer's Fall Zone Letter**

K. The amount and location of any fuel proposed to be stored on site.

**Any fuel stored on site will be located in the tank of AT&T's emergency power backup generator and will be approximately 350 gal of diesel fuel, subject to generator specifications.**

**19.66.050 - Standards for review and approval.**

The plan commission shall use the following standards when reviewing applications for conditional use:

A. That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.

**With such a small footprint and location in a Highway Commercial and Light Industrial (B-3) 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.**

B. That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.

**The proposed wireless communications facility is located in an area that will be 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.**

C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this chapter. Where a variance is required, the plan commission may condition its approval on the subsequent approval of the variance.

**The application on behalf of Tillman Infrastructure conforms to the applicable regulations of the B-3 Highway Commercial and Light Industrial District. Pursuant to the Whitewater Zoning Ordinance, Sections 19.33.025(J) and 19.33.030(S), wireless telecommunications facilities are listed as a Conditional Use. Per WI State Statute Section 66.0404, telecommunications support structures are available as a conditional use in all zoning districts of all municipalities. The proposed wireless telecommunications facility is designed to conform to all federal, state and local regulations.**

D. That the conditional use conforms to the purpose and intent of the city comprehensive plan.

**The future land use of the property upon which the proposed facility is to be built is designated as Community Business and is surrounded by Agricultural/Vacant designated land. The provision of wireless services to these locations will be a benefit to existing travel on major local roads and to future development and are in conformity with the comprehensive plan.**

E. The conditional use and structures are consistent with sound planning and zoning principles.

**Tillman Infrastructure has been sensitive in selecting a site that will minimize the impact on the surrounding property. Its facility will be located on an already highly utilized light industrial parcel in a low-impact area and will not disrupt any future development of other parcels in the area. Due to its location at 1002 S Janesville St, it will not impede the normal and orderly development and improvements of surrounding property for uses permitted in this district. To the contrary, enhanced**

wireless communications will have a positive influence on the development of this area. Wireless telecommunications is a critical system in the current world, both for economic and communications use as well as emergency services; therefore, having robust wireless services is essential for the normal and orderly development of the area.



# Request for Variance from Whitewater Ordinance Section 19.55.070(F)

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Section 19.55.070 of the City of Whitewater Code of Ordinances lists “structural, design, and aesthetic standards” for wireless telecommunications facilities. Applicant respectfully requests a variance from subsection 19.55.070(f):

“Wireless Telecommunications Support Facilities. All wireless telecommunications support facilities shall be located within enclosed buildings or fully screened rooftop locations. Such accessory buildings shall not exceed fifteen feet in height and twelve hundred square feet in area, unless otherwise permitted by the plan and architectural review commission to facilitate co-location. The design and exterior surfacing of all such buildings or rooftop screening structures shall be in harmony with the existing or desired architecture for the area. The exterior walls of all such buildings shall be masonry, stone, stucco, pre-cast, concrete or other similar surface.”

Applicant’s proposed support structures are not designed to be enclosed within a solid structure as required by ordinance. Applicant proposes that, along with the standard required landscaping, the standard equipment cabinets shown in the Site Plan will be in harmony with the existing or desired architecture of the area.

Per Whitewater Ordinance Section 19.72.080, no variance shall be granted unless the Board of Zoning Appeals finds beyond a reasonable doubt that all the following facts and conditions exist:

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

**The supporting equipment used by applicant and its sub-lessor AT&T is designed to be located in an all-weather cabinet. An enclosed building is not necessary and would require special design, construction, and potential permitting concerns that the standard cabinet does not. Additionally, Applicant’s business is leasing space on their tower and within the lease area at the base of the tower for various carriers. An enclosed building would take up additional space within the lease parcel as compared to the standard all-weather cabinet, creating a hardship on Applicant’s use of the parcel.**

- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;

**Properties within the B-3 zoning classification do not generally have wireless telecommunications facilities; therefore, the conditions upon which this variance is based would not be generally applicable to them.**

- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;

**In addition to significantly higher costs of construction, construction of Applicant's equipment within an enclosed structure potentially limits the ability of Applicant or its sub-lessors to modify or replace their equipment in the future in order to keep up with technological upgrades. Inability to make such upgrades would result in poorer telecommunications service to residents and others in the area.**

D. The hardship is not one that is self-created;

**Wireless telecommunications technology is constantly evolving; systems that may have previously been necessary to locate inside of enclosed structures are not necessary to be enclosed. The vast majority of AT&T's sites around the region include the standard all-weather cabinet in this installation, and a custom-built enclosure could slow or prevent future upgrades. Such upgrades in technology are necessary to provide the continuous, high-quality, competitive telecommunications services demanded by the general public.**

E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods;

**The proposed equipment cabinet is approximately 72" tall, smaller and shorter than an enclosed building and will not impair an adequate supply of light and air to adjacent property, increase the danger of fire, nor will it substantially diminish or impair property values within the neighborhood.**

F. The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district;

**Wireless telecommunications facilities are permitted by CUP in the B-3 district, along with their supporting equipment. Allowing this variance is a cosmetic variance from an existing use and does not permit a use not otherwise permitted.**

G. No variance shall be granted in a floodland district where not in compliance with Section 19.46.070C.4. of this title.

**The property is not located in a floodplain.**

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# Site Plan

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Sworn Statement of Carrier - Wis. Stat. §  
66.0404(2)(2)(b)(5)

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# Engineer's Fall Zone Letter

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Per City of Whitewater Zoning Ordinance Section 19.55.070(D), wireless telecommunications towers must be set back from all property lines equal to the height of the support structure. A reduced setback may be considered on the basis of a structural engineering analysis, which has been attached to this application.

Wisconsin State Statute 66.0505(2)(g) additionally provides that:

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.

# Propagation Maps

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# Lease Agreement

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# Tower Removal Bond

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# Certification of Insurance

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