CITY OF FRANKLIN PLAN COMMISSION MEETING* FRANKLIN CITY HALL COUNCIL CHAMBERS 9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN AGENDA

THURSDAY, APRIL 20, 2017, 7:00 P.M.

- A. Call to Order and Roll Call
- B. Approval of Minutes
 - 1. Approval of regular meeting of April 6, 2017.
- C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)
 - 1. WISCONSIN TECHNOLOGY NETWORKING, LLC'S INSTALLATION OF THREE TELECOMMUNICATIONS TOWER MONOPOLES WITHIN CITY RIGHT-OF-WAY. Special Use application by Wisconsin Technology Networking, LLC (d/b/a Mobilitie), to allow for the installation of three telecommunications tower monopoles of such description and height as set forth below, in the public right-of-way upon property zoned and located as set forth below (pursuant to §15-3.0104 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY [public rights-of-way], of the City of Franklin Unified Development Ordinance, all public rights-of-way "if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, waterways, and railroad rights-of-way"):
 - 1) 90-foot galvanized-steel monopole (93-foot overall height with appurtenances) supporting microwave dishes and radios; located within City of Franklin right-of-way on the south side of South Whitnall Edge Road to the north and adjacent to property bearing Taxkey No. 705-8997-003 (Latitude: 42.927082, Longitude: -88.047137); zoned B-3 Community Business District.
 - 2) 90-foot galvanized-steel monopole (93-foot overall height with appurtenances) supporting microwave dishes and radios; located within City of Franklin right-of-way on the north side of West Elm Road to the south and adjacent to property located at 3400 West Elm Road, bearing Taxkey No. 951-9996-016 (Latitude: 42.850862, Longitude: -87.960941); zoned B-7 South 27th Street Mixed Use Office District.
 - 3) 90-foot galvanized-steel monopole (93-foot overall height with appurtenances) supporting microwave dishes and radios; located within City of Franklin right-of-way on the south side of West Airways Avenue to the north and adjacent to

Franklin Plan Commission Agenda 4/20/17 Page 2

property located at 5512 and 5513 West Airways Avenue, bearing Taxkey No. 899-9990-029 (Latitude: 42.866958, Longitude: -87.986648); zoned M-1 Limited Industrial District.

A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

E. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: May 4, 2017

^{**}Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

City of Franklin Plan Commission Meeting April 6, 2017 Minutes

Unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the April 6, 2017 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners Patricia Hogan, Patrick Leon, Kevin Haley, David Fowler and City Engineer Glen Morrow. Excused was Alderman Mark Dandrea. Also present were Principal Planner Nick Fuchs and Planning Manager Joel Dietl.

B. Approval of Minutes

1. Regular Meeting of March 23, 2017.

Commissioner Hogan moved and Commissioner Haley seconded approval of the March 23, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-0).

C. Public Hearing Business Matters

1. X-PER-T'S SERVICES, INC. LANDSCAPING, SNOW REMOVAL AND BUILDING MAINTENANCE **BUSINESS.** Special Use application by Brian F. Drumel, owner, X-Per-T's Services, Inc., to operate a landscaping, snow removal and building maintenance business upon property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 8833 South 27th Street; Tax Key No. 855-9908-001. A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER. [SUBJECT MATTER] CONTINUED FROM THE MARCH 9, 2017 MEETING. THIS PUBLIC HEARING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON MARCH 9, 2017, AND THEN POSTPONED AND CONTINUED TO THE APRIL 6, 2017 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.].

Planning Manager Dietl presented the request by Brian F. Drumel, owner, X-Per-T's Services, Inc., to operate a landscaping, snow removal and building maintenance business upon property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 8833 South 27th Street.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened and continued at 7:02 p.m. and closed at 7:02 p.m.

Commissioner Leon moved and Commissioner Haley seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for a landscaping, snow removal and building maintenance business use upon property located at 8833 South 27th Street with conditions containing 120 days be replaced with the date of June 30, 2017 (weather dependent at the discretion of Department of City Development staff); that all downspouts and the like be removed from connecting to sewer; removal of the existing pole sign; and fence placement shall be approved by the City Engineer. On voice vote, all voted 'aye'. Motion carried (5-0-0).

2. STEPHANIE MARIE DANCE COMPANY, LLC; "DANCE STUDIOS, SCHOOLS, AND HALLS" USE. Special Use application by Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, to operate a dance Company (competitive dance teams ranging in age from 4 to 18 years; noncompetitive classes offered) within a 6,500 square foot vacant tenant space, upon property zoned M-1 Limited Industrial District, located at 11311 West Forest Home Avenue; Tax Key No. 748-9994-003.

Planning Manager Dietl presented the request by Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, to operate a dance company business use within a 6,500 square foot vacant tenant space, upon property zoned M-1 Limited Industrial District, located at 11311 West Forest Home Avenue.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:12 p.m. and closed at 7:12 p.m.

Commissioner Haley moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for a dance instruction use upon property located at 11311 West Forest Home Avenue. On voice vote, all voted 'aye'. Motion carried (5-0-0).

D. Business Matters

1. HOME DEPOT (STORE 4907) OUTDOOR SALES. Temporary Use application by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) located at 6489 South 27th Street; Tax Key No. 714-9996-015.

Planning Manager Dietl presented the request by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) located at 6489 South 27th Street.

Commissioner Fowler moved and Commissioner Leon seconded a motion to approve a Resolution imposing conditions and restrictions for the approval of a Temporary Use for outdoor seasonal tree and shrub sales for property located at 6489 South 27th Street. On voice vote, all voted 'aye'. Motion carried (5-0-0).

E. Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of April 6, 2017 at 7:13 p.m. All voted 'aye'; motion carried. (5-0-0)



REPORT TO THE PLAN COMMISSION

Meeting of April 20, 2017

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use Application, subject to the conditions in the draft resolution.

Project Name: Wisconsin Technology Networking, LLC (Mobilitie)

Project Address: Taxkey No. 705-8997-003, 3400 West Elm Road, 5512-13

W. Airways Ave.

Applicant: Jay Wendt, Mobilitie

Owners (property): City of Franklin (rights-of-way)

Current Zoning: B-3 Community Business District, B-7 South 27th Street

Mixed Use Office District, M-1 Limited Industrial District

Applicant Action Requested: Recommendation of approval of the Special Use

Application

Introduction:

Please note:

- Staff recommendations are <u>underlined</u>, in <u>italics</u> and are included in the draft resolution.
- Staff suggestions are underlined and are not included in the draft resolution.

On March 27, 2017, the applicant filed a Special Use Application requesting to install three telecommunications tower monopoles within City of Franklin right-of-way. The three locations are described below.

Site 1

City of Franklin right-of-way on the south side of South Whitnall Edge Road to the north and adjacent to property bearing Taxkey No. 705-8997-003, being part of the Northwest 1/4 of Section 5, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.927082, Longitude: -88.047137); zoned B-3 Community Business District.

Site 2

City of Franklin right-of-way on the north side of West Elm Road to the south and adjacent to property located at 3400 West Elm Road, bearing Taxkey No. 951-9996-016, being part of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.850862, Longitude: -87.960941); zoned B-7 South 27th Street Mixed Use Office District.

Site 3

City of Franklin right-of-way on the south side of West Airways Avenue to the north and adjacent to property located at 5512 and 5513 West Airways Avenue, bearing Taxkey No. 899-9990-029, being part of the Southwest 1/4 of Section 26, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.866958, Longitude: -87.986648); zoned M-1 Limited Industrial District.

Wisconsin Technology Networking (WITN) is a subsidiary of Mobilitie, which is a utility company that constructs and operates transport services to support a variety of uses, including Machine to Machine (M2M)¹ and Internet of Things (IoT)² applications. According to the applicant, Mobilitie provides cutting edge connectivity to boost throughput and capacity of new and existing networks through its transport network.

According to the applicant, the towers proposed in Franklin are part of a nationwide project. In an email to staff, the applicant further described the company and nationwide project as follows:

The Nationwide Project:

Mobilitie is building a hybrid transport network that will provide high-speed, high capacity bandwidth in order to facilitate the next generation of devices and data-driven services and meet the ever-growing demand for connectivity. Connectivity is a vital component of daily life and Mobilitie works with the nation's leading companies to ensure connectivity for their customers and constituents. Our network combines repeaters, microwave technologies and fiber to ensure that the network is cost-efficient, low-impact to communities, and can be effectively upgraded and augmented in the future. Just as telephone or cable lines transmit data, so does our transport network. The network can support a variety of technologies and services that require connectivity to the internet, including, but not limited to, driverless and connected vehicles (commercial, personal and agricultural), remote weather stations and mobile service providers. We are no different from a telephone or electric grid network, except that we utilize wireless solutions to expand the reach of our network without the need for costly and burdensome excavations.

Utility CLEC Status and operation within the Rights-of-Way:

Mobilitie is not a telecom operator. Instead, telecom operator(s) will utilize our infrastructure to assist in improving the quality of network interconnection.

- Similar to how electrical utilities may allocate infrastructure to support telecom operators, our infrastructure will also support telecom operators.
- WITN does not sell commercial wireless services to retail customers or provide cellular or mobile service to end users.
- WITN does not control the operation of the wireless network.
- WITN does not own licensed spectrum on which wireless services operate.

Acronym for *Machine-to-Machine*, **M2M** is the ability of machines, assets and devices to exchange data with people or company's management systems in need of the information. M2M is derived from telemetry technology and uses similar, but updated versions of those technologies. http://www.webopedia.com/TERM/M/M2M.html

² The **Internet of Things (IoT)** refers to the ever-growing network of physical objects that feature an IP address for internet connectivity, and the communication that occurs between these objects and other Internet-enabled devices and systems. http://www.webopedia.com/TERM/I/internet of things.html

Mobilitie's subsidiary, WITN, is a limited liability company certificated by the Wisconsin Public Service Commission. WITN Possesses certification as a Competitive Local Exchange Carrier (CLEC) and Alternative Telecommunications Carrier granted by the Public Service Commission of Wisconsin to provide telecommunications services in Wisconsin. (These certification documents are attached)

Proposed Infrastructure:

The types of facilities that will comprise the foundation for our network are transport poles and small cells. The current forecast for Franklin is for five transport poles, which will be 90'. We can work with the City to deploy this technology in a sensitive manner and have many creative solutions to draw upon.

Conclusion:

We at Mobilitie/WITN are bringing cutting edge wireless technology to the nation in way that has never been done before. We are committed to working with the City to site our infrastructure in conformance with your ordinances and regulations.

As described above, the transport poles are able to support multiple providers. Mobilitie is currently working with Sprint, which will be the first provider on the network. It has also been noted that collocation is feasible and allowed.

In addition to the three towers currently proposed, the applicant has indicated that they would like to work with staff and the City to find an appropriate location for a fourth tower that would be located in the vicinity of W. Loomis Road and W. St. Martins Road.

According to the applicant, the completed network will also consist of small cells, which can be mounted on traffic lights and other existing facilities. These are much smaller and can be mounted at lower heights, thus are much less noticeable and obtrusive than the larger towers. Separate approvals for these small cells will be required at the time of such installation.

Staff would note however, as indicated in the attached memorandum from Ms. Anita Gallucci of the Boardman & Clark law firm to Ms. Claire Silverman of the League of Wisconsin Municipalities, "...there are still open legal questions, not the least of which is whether WITN is, as it has claimed, a public utility to be treated just as any other public utility in the ROW."

Project Description/Analysis:

The "transport sites" proposed by Mobilitie consist of galvanized-steel poles supporting microwave dishes and radios that provide high-speed connectivity to connect into wireless carriers' core networks, and ultimately into the internet. According to the applicant, the transport sites optimize wireless carriers' networks by providing high-speed bandwidth with the same speed and performance of fiber optic networks. This process is typically referred to as "backhaul."

The proposed monopoles are 90-feet in height (93-foot overall height with appurtenances). The base diameter is approximately 22-inches (33" diameter foot print in the right-of-way). All

equipment is either contained within the pole or directly mounted to the pole. For comparison purposes, it can be noted that telephone poles and street lights within the City's public road right-of-ways rarely exceed 40' in height.

In regard to Site 1 (the location adjacent to the Garden Plaza shopping center outlot):

- <u>Staff recommends that the applicant relocate the proposed transport site to either the right-of-way at the east end of Venture Drive, or to the existing cell tower located at 6321 S. 108th Street.</u>
 - o It can be noted that the adjacent business and light industrial land uses at these two locations are more conducive to the presence of such infrastructure, and that the proposed monopole would be less disruptive to such uses, as compared to the commercial/retail uses at the location proposed by the applicant.
- Please be aware that staff has identified these preferred locations subsequent to the provision of staff comments to the applicant, therefore, they have not yet been discussed with the applicant.
- If approved adjacent to the outlot as requested by the applicant, <u>staff recommends that the monopole be moved slightly to the east to be centered between the Garden Plaza access and the possible future access of the outlot, as opposed to directly adjacent to the future access as currently shown.</u>
 - o The applicant has indicated that they will look into the feasibility of adjusting that location.

In regard to Site 2 (the location on Elm Road), staff has no concerns with the proposed location.

In regard to Site 3 (the location on W. Airways Avenue):

- Staff recommends that the pole across the street from the City's sewer and water building at 5550 W. Airways Avenue be relocated to the north side of the City's property adjacent to another tower already located on that site.
 - The applicant has indicated that they prefer to maintain the current location within the right-of-way.

If approved, staff recommends the following conditions in addition to those noted above.

- 1. The applicant shall receive approval of a Building Permit prior to the commencement of any work. All applicable City and State building and electrical codes shall be met.
- 2. The applicant shall stakeout the exact location of the three proposed monopoles for staff review and approval prior to issuance of a Building Permit. The poles shall be located away from any existing utilities, such as public water and sanitary sewer, street lights, stop signs or anything that will obstruct the vision for public safety signage as well as not interfere with municipal police and fire services
- 3. The applicant shall submit a complete set of design plans stamped by a Structural Engineer for staff review and approval prior to issuance of a Building Permit.
- 4. The applicant shall submit documentation evaluating fall zones of the poles related to adjacent buildings and parking lots, for staff review and approval prior to issuance of a Building Permit.
- 5. <u>Upon the event of a pole no longer serving the special use as described herein, the applicant shall remove the pole within 90 days.</u>

- 6. The applicant shall submit an alternative analysis for each monopole location that demonstrates collocation on any existing tower, buildings or any other structures in the vicinity of the proposed location is not feasible, for staff review and approval prior to issuance of a Building Permit.
- 7. The applicant shall submit a structural analysis, which shall demonstrate the strength of the pole to support the current equipment proposed as well as demonstrate the feasibility of future collocation, for staff review and approval prior to issuance of a Building Permit.
- 8. The applicant shall submit details related to ice shedding and ice throw risk as well as mitigation measures, for staff review and approval prior to issuance of a Building Permit.
- 9. <u>The applicant shall submit an erosion control plan for each site for Engineering</u>

 <u>Department review and approval prior to issuance of a Building Permit, unless the area</u>

 to be disturbed will be restored within 24 hours.
- 10. <u>The applicant shall comply with the Wisconsin Manual on Uniform Traffic Control Devices.</u>
- 11. <u>The applicant shall restore the right-of-way back to its original condition within ten days</u> of completion of work onsite.
- 12. If a monopole collapses for any reason, the applicant shall remove the pole from the site within 12 hours. In cases of emergency where the City must move or relocate a fallen pole, the applicant is responsible for all related costs.
- 13. <u>The applicant shall submit a maintenance plan, detailing when and how the pole will be maintained. The applicant shall be responsible for all maintenance and repairs to the pole.</u>
- 14. <u>Cabinet enclosures shall not be mounted on the side of the poles facing the streets in order to ensure safer and better accessibility and to ensure that access to cabinets and equipment will not interfere with traffic.</u>
- 15. The applicant shall be liable for any and all incidents involving any of the monopoles.
- 16. <u>The monopoles shall be subject to all City and State regulations related to utilities within rights-of-way.</u>
- 17. The applicant shall maintain throughout the life of the monopoles liability insurance, insuring the City and applicant in the minimum amount of: 1) For property damage per claimant: \$1,000,000; 2) For property damage per occurrence: \$2,000,000; 3) For personal injury damages per person: \$3,000,000 and 4) For personal injury damages per occurrence: \$10,000,000.
- 18. <u>Disclaimer of liability. The City shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of the construction, maintenance, repair, use, operation, condition or dismantling of the applicant's system and due to the act or omission of any person or entity other than the City or those persons or entities for which the City is legally liable as a matter of law.</u>
- 19. <u>Indemnification</u>. The applicant shall, at its sole cost and expense, defend, indemnify and hold harmless the City, and its respective officers, boards, commissions, employees, agents, attorneys and contractors (hereinafter referred to as "Indemnities"), from and against:
 - a. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expense (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon,

- incurred by or be asserted against the Indemnities by reason of any act or omission of the applicant, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of, loss of use of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance or condition of the applicant's system or products or services or agents or the applicant's failure to comply with any federal, state or local statute, ordinance, rule, order or regulation.
- b. Any and all liabilities, obligations, damages penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants), which are imposed upon, incurred by or asserted against the Indemnities by reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to the applicant, its contractors or subcontractors, for the installation, construction, operation or maintenance of the system.
- c. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnities by reason of any financing or securities offering by the applicant for violations of the common law or any laws, statutes or regulations of the State of Wisconsin or United States, including those of the Federal Securities and Exchange Commission, whether by the applicant or otherwise.
- 20. Assumption of risk. The applicant undertakes and assumes for its officers, agents, contractors and subcontractors and employees, all risk of dangerous conditions, if any, on or about any City owned or controlled property, including public rights-of-way, and the applicant hereby agrees to indemnify, defend and hold harmless the Indemnities against and from any claim asserted or liability imposed upon the Indemnities for personal injury or property damage to any person arising out of the installation, operation, maintenance or condition of the system or the applicant's failure to comply with any federal, state or local statute, ordinance or regulation.
- 21. <u>Defense of indemnities</u>. In the event that any action or proceeding shall be brought against the Indemnities by reason of any matter for which the indemnities are indemnified hereunder, the applicant shall, upon notice from any of the Indemnities, at the applicant's sole cost and expense, resist and defend the same with legal counsel mutually acceptable to the City and applicant, provided that the applicant shall not admit liability in any such matter on behalf of the Indemnities without the written consent of the City.
- 22. Notice cooperation and expenses. The City shall give the applicant prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of Condition No. 27 above. Nothing herein shall be deemed to prevent the City from cooperating with the applicant and participating in the defense of any litigation by the City's own counsel. The applicant shall pay all reasonable expenses incurred by the City in defending itself with regard to any such actions, suits or

- proceedings. These expenses shall include all attorney fees and shall also include the actual expenses of the City's agents, employees or expert witnesses, and disbursements and liabilities assumed by the City in connection with such suits, actions or proceedings. No withdrawal by the City of any sum under the letter of credit or security deposit shall limit the liability of the applicant to the City under the terms of this section, except that any sum so withdrawn by the City shall be deducted from any recovery which the City might have against the applicant under the terms of this section.
- 23. <u>Nonwaiver of statutory limits. Nothing in this approval shall be construed to in any way limit or waive the provisions of § 893.80, Wis. Stats., as amended from time to time.</u>
- 24. Interference with persons and improvements. The applicant's system, poles and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives or safety of persons or interfere with the rights or reasonable convenience of property owners who adjoin any of the streets or interfere with any improvements the City may deem proper to make, or hinder or obstruct the free use of the streets, bridges, easements or public property.
- 25. Restoration to prior condition. In case of any disturbance of pavement, sidewalk, landscaping, driveway or other surfacing, the applicant shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, landscaping or surface of any street or property disturbed in as good condition as before the work was commenced and in accordance with standards for such work set by the City.
- 26. Erection, removal and common uses of poles.
 - a. No poles shall be erected by the applicant without prior approval of the City with regard to location, height, types and any other pertinent aspect. However, no location of any pole structure of the applicant shall create any vested right or interest accruing to the applicant, and such poles or structures shall be removed or modified by the applicant at its own expense whenever the City determines that the public convenience would be enhanced or served thereby.
 - b. Where poles or other wire-holding structures already existing and installed by a public utility for use in serving the City are available for use by the applicant, but the applicant does not make arrangements or obtain permission from the public utility for such use, the City may require the applicant to use such poles and structures if it determines that the public convenience would be enhanced or served thereby and the terms of the use available to the applicant are reasonable.
 - c. In the absence of any governing federal or state statute, where the City or a public utility serving the City desires to make use of the poles of the applicant, but agreement thereof with the applicant cannot be reached, the City may require the applicant to permit such use for such consideration and upon such terms as the City shall determine to be just and reasonable, if the City determines that such use would enhance or serve the public convenience and would not unduly interfere with the applicant's operations.
- 27. <u>Relocation of system facilities</u>. If at any time the City shall lawfully elect to in any way alter any street or change the grade of any street, the applicant, upon reasonable notice by the City, shall remove or relocate as necessary its poles and other fixtures at its own <u>expense</u>.
- 28. <u>The applicant shall install, keep and maintain all parts of the system in good and proper operating condition.</u>

29. The applicant shall maintain and operate the system in full compliance with the laws, statutes, orders, rules and regulations of the Federal Communication Commission, the United States Congress or the State of Wisconsin. [Amended 12-15-1998 by Ord. No. 98-1526]

Staff Recommendation:

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

MILWAUKEE COUNTY
[Draft 4-14-17]

RESOLUTION NO. 2017-____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR THE INSTALLATION
OF THREE TELECOMMUNICATIONS TOWER MONOPOLES IN THE PUBLIC
RIGHTS-OF-WAY UPON PROPERTY LOCATED AT: THE SOUTH SIDE OF SOUTH
WHITNALL EDGE ROAD TO THE NORTH AND ADJACENT TO PROPERTY
BEARING TAXKEY NO. 705-8997-003 (LATITUDE: 42.927082, LONGITUDE: 88.047137); THE NORTH SIDE OF WEST ELM ROAD TO THE SOUTH AND
ADJACENT TO PROPERTY LOCATED AT 3400 WEST ELM ROAD, BEARING
TAXKEY NO. 951-9996-016 (LATITUDE: 42.850862, LONGITUDE: -87.960941) AND
THE SOUTH SIDE OF WEST AIRWAYS AVENUE TO THE NORTH AND ADJACENT
TO PROPERTY LOCATED AT 5512 AND 5513 WEST AIRWAYS AVENUE, BEARING
TAXKEY NO. 899-9990-029 (LATITUDE: 42.866958, LONGITUDE: -87.986648)
(WISCONSIN TECHNOLOGY NETWORKING, LLC (D/B/A MOBILITIE),
APPLICANT)

WHEREAS, Wisconsin Technology Networking, LLC (d/b/a Mobilitie) having petitioned the City of Franklin for the approval of a Special Use under in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, subs. G. Special Uses, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, to allow for the installation of three telecommunications tower monopoles of such description and height as set forth below, in the public rights-of-way upon property zoned and located as set forth below (pursuant to §15-3.0104 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY [public rights-of-way], of the City of Franklin Unified Development Ordinance, all public rights-of-way "if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, waterways, and railroad rights-of-way"):

- 1) 90-foot galvanized-steel monopole (93-foot overall height with appurtenances) supporting microwave dishes and radios; located within City of Franklin right-of-way on the south side of South Whitnall Edge Road to the north and adjacent to property bearing Taxkey No. 705-8997-003, being part of the Northwest 1/4 of Section 5, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.927082, Longitude: -88.047137); zoned B-3 Community Business District.
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9996-016, being part of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.850862, Longitude: -87.960941); zoned B-7 South 27th Street Mixed Use Office District.

3) 90-foot galvanized-steel monopole (93-foot overall height with appurtenances) supporting microwave dishes and radios; located within City of Franklin right-of-way on the south side of West Airways Avenue to the north and adjacent to property located at 5512 and 5513 West Airways Avenue, bearing Taxkey No. 899-9990-029, being part of the Southwest 1/4 of Section 26, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; (Latitude: 42.866958, Longitude: -87.986648); zoned M-1 Limited Industrial District; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of \$15-3.0805 and \$15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 20th day of April, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to \$15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0805 and §15-3.0701 of the Unified Development Ordinance; recognizing, that in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, include terms and provisions thereof which have been preempted by Wis. Stat. § 66.0404 Mobile tower siting regulations, as they pertain to the subject application. Wis. Stat. § 66.0404(4) Limitations, provides in part: "[w]ith regard to an activity described... [mobile tower installation], a political subdivision *may not* do any of the following: ***

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

- (g) Disapprove an application to conduct an activity described... [mobile tower installation] based solely on aesthetic concerns. ***
- (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting. ***
- (p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity. ***
- (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. ***
- (u) Limit the height of a mobile service support structure to under 200 feet. ****"; and that such terms and provisions which have been preempted have not been applied to the subject application review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Wisconsin Technology Networking, LLC (d/b/a Mobilitie), for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

- 1. That this Special Use is approved only for the use of the subject property by Wisconsin Technology Networking, LLC (d/b/a Mobilitie), successors and assigns, for the telecommunications tower monopoles installations use, which shall be developed in substantial compliance with, and operated and maintained by Wisconsin Technology Networking, LLC (d/b/a Mobilitie), pursuant to those plans City file-stamped April 11, 2017 and annexed hereto and incorporated herein as Exhibit A.
- 2. Wisconsin Technology Networking, LLC (d/b/a Mobilitie), successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Wisconsin Technology Networking, LLC (d/b/a Mobilitie) telecommunications tower monopoles installations use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to \$15-9.0502 thereof and \$1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 3. The approval granted hereunder is conditional upon the Wisconsin Technology Networking, LLC (d/b/a Mobilitie) telecommunications tower monopoles installations use, for the property located as set forth above: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like,

required for and applicable to the project to be developed and as presented for this approval.

- 4. The applicant shall relocate the proposed transport site to either the right-of-way at the east end of Venture Drive, or to the existing cell tower located at 6321 S. 108th Street.
- 5. The monopole for Site No. 1 shall be moved slightly to the east to be centered between the Garden Plaza access and the possible future access of the outlot, as opposed to directly adjacent to the future access as currently shown.
- 6. The pole across the street from the City's sewer and water building at 5550 W. Airways Avenue shall be relocated to the north side of the City's property adjacent to another tower already located on that site
- 7. The applicant shall receive approval of a Building Permit prior to the commencement of any work. All applicable City and State building and electrical codes shall be met.
- 8. The applicant shall stakeout the exact location of the three proposed monopoles for staff review and approval prior to issuance of a Building Permit. The poles shall be located away from any existing utilities, such as public water and sanitary sewer, street lights, stop signs or anything that will obstruct the vision for public safety signage as well as not interfere with municipal police and fire services
- 9. The applicant shall submit a complete set of design plans stamped by a Structural Engineer for staff review and approval prior to issuance of a Building Permit.
- 10. The applicant shall submit documentation evaluating fall zones of the poles related to adjacent buildings and parking lots, for staff review and approval prior to issuance of a Building Permit.
- 11. Upon the event of a pole no longer serving the special use as described herein, the applicant shall remove the pole within 90 days.
- 12. The applicant shall submit an alternative analysis for each monopole location that demonstrates collocation on any existing tower, buildings or any other structures in the vicinity of the proposed location is not feasible, for staff review and approval prior to issuance of a Building Permit.
- 13. The applicant shall submit a structural analysis, which shall demonstrate the strength of the pole to support the current equipment proposed as well as demonstrate the feasibility of future collocation, for staff review and approval prior to issuance of a Building Permit.

- 14. The applicant shall submit details related to ice shedding and ice throw risk as well as mitigation measures, for staff review and approval prior to issuance of a Building Permit.
- 15. The applicant shall submit an erosion control plan for each site for Engineering Department review and approval prior to issuance of a Building Permit, unless the area to be disturbed will be restored within 24 hours.
- 16. The applicant shall comply with the Wisconsin Manual on Uniform Traffic Control Devices.
- 17. The applicant shall restore the right-of-way back to its original condition within ten days of completion of work onsite.
- 18. If a monopole collapses for any reason, the applicant shall remove the pole from the site within 12 hours. In cases of emergency where the City must move or relocate a fallen pole, the applicant is responsible for all related costs.
- 19. The applicant shall submit a maintenance plan, detailing when and how the pole will be maintained. The applicant shall be responsible for all maintenance and repairs to the pole.
- 20. Cabinet enclosures shall not be mounted on the side of the poles facing the streets in order to ensure safer and better accessibility and to ensure that access to cabinets and equipment will not interfere with traffic.
- 21. The applicant shall be liable for any and all incidents involving any of the monopoles.
- 22. The monopoles shall be subject to all City and State regulations related to utilities within rights-of-way.
- 23. The applicant shall maintain throughout the life of the monopoles liability insurance, insuring the City and applicant in the minimum amount of: 1) For property damage per claimant: \$1,000,000; 2) For property damage per occurrence: \$2,000,000; 3) For personal injury damages per person: \$3,000,000 and 4) For personal injury damages per occurrence: \$10,000,000.
- 24. Disclaimer of liability. The City shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of the construction, maintenance, repair, use, operation, condition or dismantling of the applicant's system and due to the act or omission of any person or entity other than the City or those persons or entities for which the City is legally liable as a matter of law.

- 25. Indemnification. The applicant shall, at its sole cost and expense, defend, indemnify and hold harmless the City, and its respective officers, boards, commissions, employees, agents, attorneys and contractors (hereinafter referred to as "Indemnities"), from and against:
 - a. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expense (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnities by reason of any act or omission of the applicant, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of, loss of use of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance or condition of the applicant's system or products or services or agents or the applicant's failure to comply with any federal, state or local statute, ordinance, rule, order or regulation.
 - b. Any and all liabilities, obligations, damages penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants), which are imposed upon, incurred by or asserted against the Indemnities by reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to the applicant, its contractors or subcontractors, for the installation, construction, operation or maintenance of the system.
 - c. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnities by reason of any financing or securities offering by the applicant for violations of the common law or any laws, statutes or regulations of the State of Wisconsin or United States, including those of the Federal Securities and Exchange Commission, whether by the applicant or otherwise.
- 26. Assumption of risk. The applicant undertakes and assumes for its officers, agents, contractors and subcontractors and employees, all risk of dangerous conditions, if any, on or about any City owned or controlled property, including public rights-ofway, and the applicant hereby agrees to indemnify, defend and hold harmless the

Indemnities against and from any claim asserted or liability imposed upon the Indemnities for personal injury or property damage to any person arising out of the installation, operation, maintenance or condition of the system or the applicant's failure to comply with any federal, state or local statute, ordinance or regulation.

- 27. Defense of indemnities. In the event that any action or proceeding shall be brought against the Indemnities by reason of any matter for which the indemnities are indemnified hereunder, the applicant shall, upon notice from any of the Indemnities, at the applicant's sole cost and expense, resist and defend the same with legal counsel mutually acceptable to the City and applicant, provided that the applicant shall not admit liability in any such matter on behalf of the Indemnities without the written consent of the City.
- 28. Notice cooperation and expenses. The City shall give the applicant prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of Condition No. 27 above. Nothing herein shall be deemed to prevent the City from cooperating with the applicant and participating in the defense of any litigation by the City's own counsel. The applicant shall pay all reasonable expenses incurred by the City in defending itself with regard to any such actions, suits or proceedings. These expenses shall include all attorney fees and shall also include the actual expenses of the City's agents, employees or expert witnesses, and disbursements and liabilities assumed by the City in connection with such suits, actions or proceedings. No withdrawal by the City of any sum under the letter of credit or security deposit shall limit the liability of the applicant to the City under the terms of this section, except that any sum so withdrawn by the City shall be deducted from any recovery which the City might have against the applicant under the terms of this section.
- 29. Nonwaiver of statutory limits. Nothing in this approval shall be construed to in any way limit or waive the provisions of § 893.80, Wis. Stats., as amended from time to time.
- 30. Interference with persons and improvements. The applicant's system, poles and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives or safety of persons or interfere with the rights or reasonable convenience of property owners who adjoin any of the streets or interfere with any improvements the City may deem proper to make, or hinder or obstruct the free use of the streets, bridges, easements or public property.
- 31. Restoration to prior condition. In case of any disturbance of pavement, sidewalk, landscaping, driveway or other surfacing, the applicant shall, at its own cost and

expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, landscaping or surface of any street or property disturbed in as good condition as before the work was commenced and in accordance with standards for such work set by the City.

- 32. Erection, removal and common uses of poles.
 - a. No poles shall be erected by the applicant without prior approval of the City with regard to location, height, types and any other pertinent aspect. However, no location of any pole structure of the applicant shall create any vested right or interest accruing to the applicant, and such poles or structures shall be removed or modified by the applicant at its own expense whenever the City determines that the public convenience would be enhanced or served thereby.
 - b. Where poles or other wire-holding structures already existing and installed by a public utility for use in serving the City are available for use by the applicant, but the applicant does not make arrangements or obtain permission from the public utility for such use, the City may require the applicant to use such poles and structures if it determines that the public convenience would be enhanced or served thereby and the terms of the use available to the applicant are reasonable.
 - c. In the absence of any governing federal or state statute, where the City or a public utility serving the City desires to make use of the poles of the applicant, but agreement thereof with the applicant cannot be reached, the City may require the applicant to permit such use for such consideration and upon such terms as the City shall determine to be just and reasonable, if the City determines that such use would enhance or serve the public convenience and would not unduly interfere with the applicant's operations.
- 33. Relocation of system facilities. If at any time the City shall lawfully elect to in any way alter any street or change the grade of any street, the applicant, upon reasonable notice by the City, shall remove or relocate as necessary its poles and other fixtures at its own expense.
- 34. The applicant shall install, keep and maintain all parts of the system in good and proper operating condition.
- 35. The applicant shall maintain and operate the system in full compliance with the laws, statutes, orders, rules and regulations of the Federal Communication Commission, the United States Congress or the State of Wisconsin. [Amended 12-15-1998 by Ord. No. 98-1526]

36. other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Wisconsin Technology Networking, LLC (d/b/a Mobilitie), successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to \$15-9.0502 thereof and \$1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

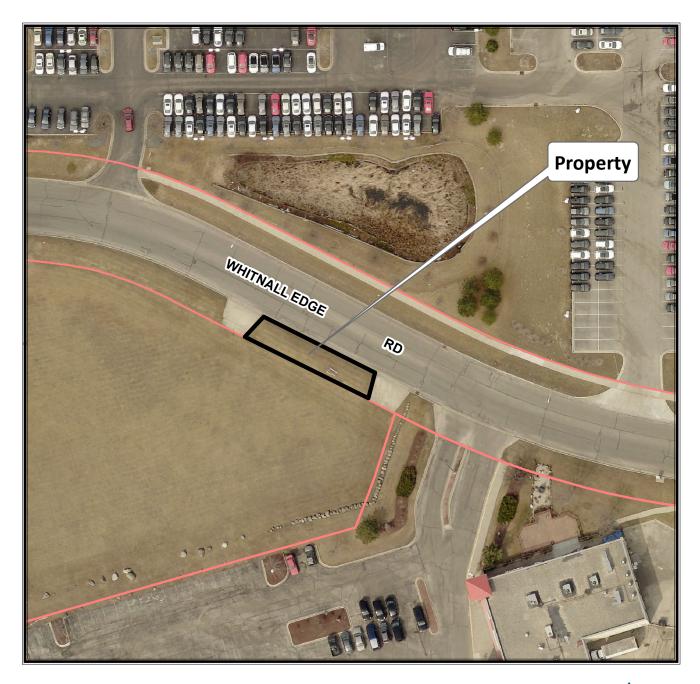
BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

	Introdu	ced a	it a regular	· meeting	of the Cor	nmon (Council of	the City	of Fra	nklın t	his
	day o	f			, 2017.						
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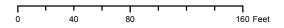
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(D/B/A MOBII	*			
RESOLUTION	l NO. 2017			
Page 10				
			APPROVED:	
			Stephen R. Olson, Mayor	
ATTEST:				
Sandra L. Weso	olowski, City C	Clerk		
AYES	NOES	ABSENT		



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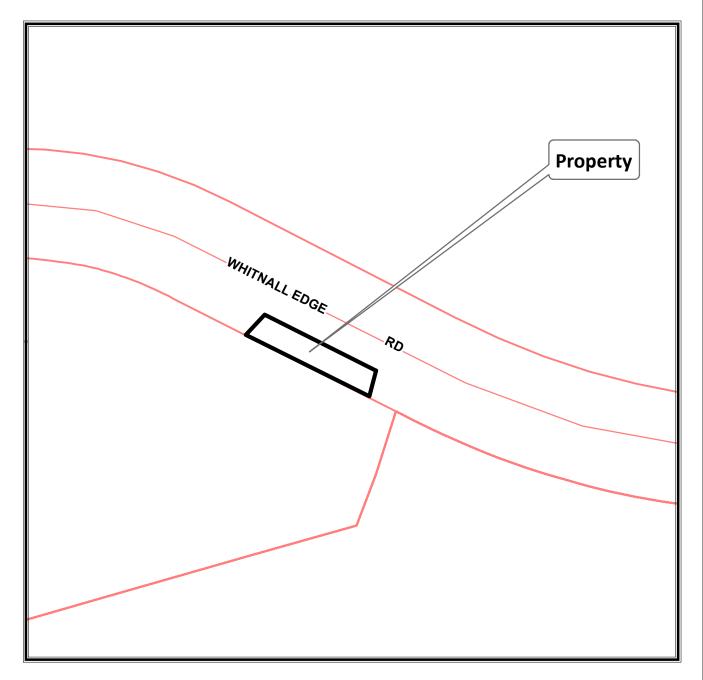
Planning Department (414) 425-4024



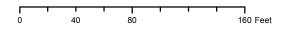
NORTH 2017 Aerial Photo



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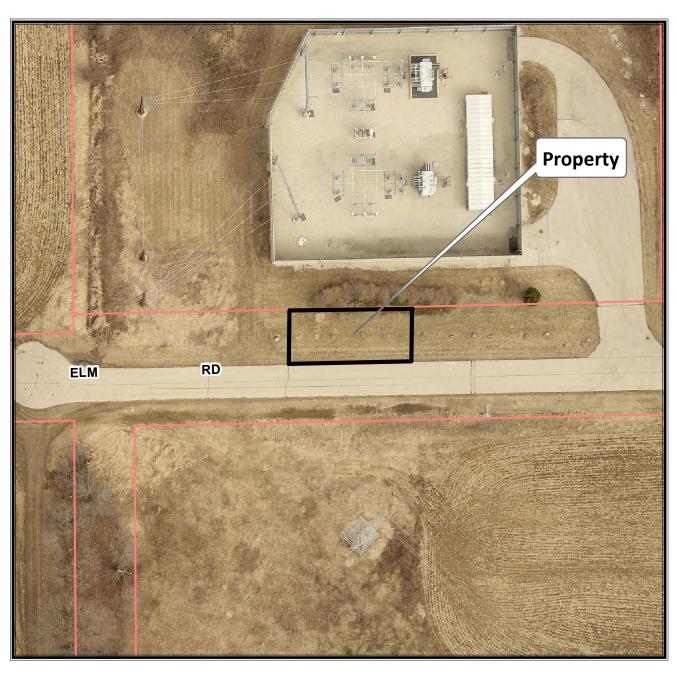
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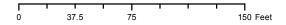
NORTH 2017 Aerial Photo



3400 W. Elm Road TKN 951 9996 016



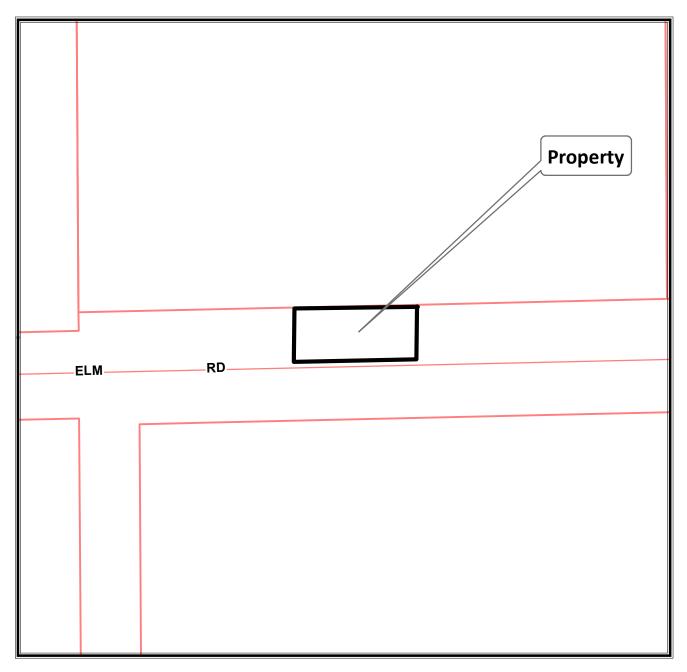
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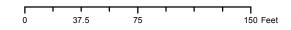




3400 W. Elm Road TKN 951 9996 016



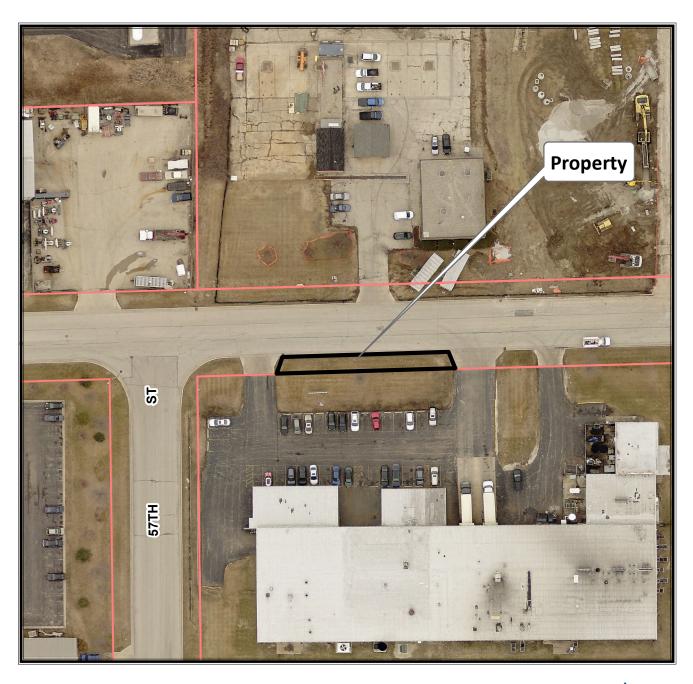
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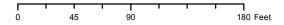
NORTH 2017 Aerial Photo



5512 and 5513 W. Airways Ave. TKN 899 9990 029



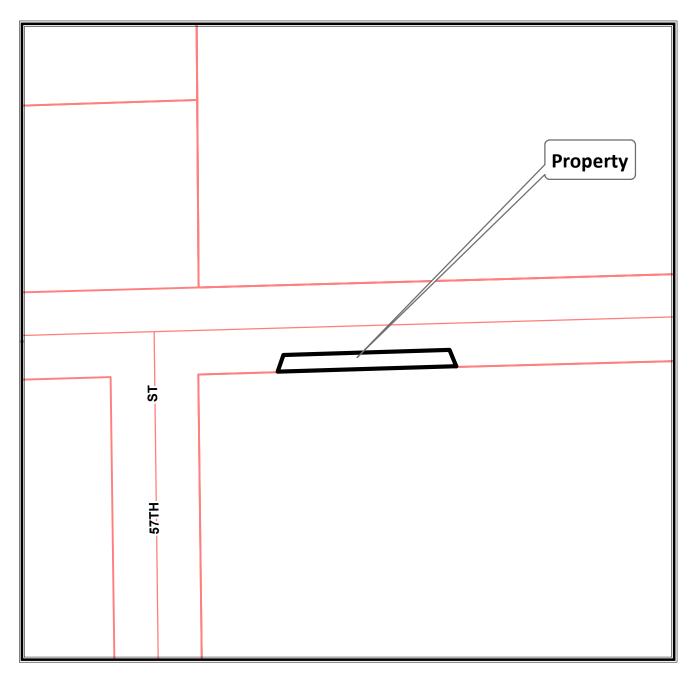
Planning Department (414) 425-4024



NORTH 2017 Aerial Photo



5512 and 5513 W. Airways Ave. TKN 899 9990 029



Planning Department (414) 425-4024



NORTH 2017 Aerial Photo



1 SOUTH PINCKNEY STREET, FOURTH FLOOR, P.O. BOX 927, MADISON, WI 53701-0927
Telephone 608-283-1770
Facsimile 608-283-1709
agallucci@boardmanclark.com

MEMORANDUM

TO: Claire Silverman, Legal Counsel

League of Wisconsin Municipalities

FROM: Anita Gallucci

DATE: April 12, 2016

RE: Regulation of WITN's Poles in Local Right-of-Way

The League has been contacted by several members regarding requests they have received from Wisconsin Technology Networking, LLC ("WITN") to place utility poles in local rights-of-way ("ROW"). In response, I have been asked for a memorandum addressing the following questions:

- 1. What right does WITN have to place poles in local ROW?
- 2. What right does a municipality have to regulate WITN's proposed use of local ROW?
- 3. What sort of regulations may a municipality apply to WITN?
- 4. What may a municipality do if it has not adopted regulations that would apply to utility poles placed in local ROW?

BACKGROUND

WITN has submitted permit applications to various municipalities in southeast Wisconsin, seeking to install one or two 120' "transport utility poles and facilities" in local ROW. WITN's cover letter, submitted with its applications, states that:

WITN is an alternative telecommunications utility ["ATU"] regulated by the Wisconsin Public Service Commission ["PSCW"] to provide intrastate telecommunications service, whether switched or dedicated, including all telecommunications service available, such as intraLATA and interLATA toll telecommunications, access service to telecommunications providers and private-line service.

The letter also states that it is "deploying a hybrid transport network" that can be used to "support a variety of technologies and services that required connectivity to the internet,"

including "mobile service providers." According to the letter, the "transport utility poles and facilities are not dedicated to any particular customer, and, to the extent capacity on the structures is available, are available to be used by other entities, including the [municipality]." In addition, plans submitted by WITN show that the company intends to install two microwave dishes on the poles and install fiber up to the poles.

According to records maintained on the PSCW's website, WITN is listed as an active competitive local exchange carrier (a "CLEC") and, therefore, has ATU status under Wisconsin law. The original certification was granted on June 20, 2007 to a company called Mobilitie, LLC, in PSCW Docket No. 3778-NC-100 (PSC REF#: 77803), and was subsequently transferred to WITN. On April 5, 2016, a company called Mobilitie Management, LLC, applied to the PSCW for authorization to provide competitive local telecommunications services throughout Wisconsin. It is not clear what, if any, connection Mobilitie Management has to WITN and its current build out efforts.

DISCUSSION

A. WHAT RIGHT DOES WITN HAVE TO PLACE POLES IN LOCAL ROW?

Under Wis. Stat. § 182.017(1r), certain "companies" have the right to place their facilities in local ROW subject "to reasonable regulations made by any municipality through which [their] transmission lines or systems may pass." A "company," as defined in the statute, may include a limited liability company organized to furnish telecommunications service¹ to the public or for public purposes. Wis. Stat. § 182.017(1g)(b)1.

An ATU, such as WITN, is a company within the meaning of the statute. Accordingly, WITN has the right to place its utility poles in local ROW. However, that right is a qualified one. WITN must comply with all "reasonable" regulations imposed by the municipality with jurisdiction over the affected ROW.

As an ATU, WITN also has the right to challenge any municipal regulations that it believes are "unreasonable." Those challenges are heard by the PSCW. Wis. Stat. § 182.017(8).

B. WHAT RIGHT DOES A MUNICIPALITY HAVE TO REGULATE WITN'S UTILITY POLES?

Municipalities have police power authority to regulate local ROW. With respect to a company's use of local ROW, such regulations must be reasonable. League members have several questions regarding what is "reasonable regulation" with regard to WITN's utility poles. These questions are addressed as follows:

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¹ "Telecommunications service" is very broadly defined as "the offering for sale of the conveyance of voice, data, or other information, including the sale of service for collection, storage, forwarding, switching, and delivery incidental to such communication regardless of the technology or mode used to make such offering." Wis. Stat. § 182.017(1g)(cq).

1. May a municipality adopt a moratorium on the placement of 120' poles in the ROW in order to have time to put regulations in place that would apply to such structures?

No. According to Wis. Stat. § 182.017(8)(am), a municipal regulation is unreasonable if it "has the effect of creating a moratorium on the placement of company lines or systems" in local ROW.

2. How much time can a municipality take in acting on WITN's permit application?

60 days. According to Wis. Stat. § 182.017(9), a "municipality shall approve or deny a permit application no later than 60 days after receipt of the application." If it fails to act within that time period, then the application is deemed granted. In addition, if the application is denied, the "municipality shall provide the applicant a written explanation of the reasons for the denial" at the time of the denial.

3. May a municipality charge WITN rent for use of its ROW?

No. According to Wis. Stat. § 182.017(8)(b), a municipality may not charge rent to an ATU for use of the ROW. It may only charge fees that compensate the municipality for certain "management functions," such as

- Registering companies, including the gathering and recording of information necessary to conduct business with a company.
- [I]ssuing, processing, and verifying excavation or other company permit applications, including supplemental applications.
- Inspecting company job sites and restoration projects.
- Maintaining, supporting, protecting, or moving company equipment during work in municipal ROWs.
- Undertaking restoration work inadequately performed by a company after providing notice and the opportunity to correct the work.
- Revoking company permits.
- Maintenance of databases.
- Scheduling and coordinating highway, street, and ROW work relevant to a company permit.
- 4. May WITN's poles be regulated on the basis of aesthetics?

No. Municipal regulations are reasonable if they regulate on the basis of an adequate health, safety, or welfare concern. According to the PSCW's ROW rules, a project's

negative aesthetic impact is not an adequate justification for the regulation of utility poles in local ROW. *See* Wis. Admin. Code Ch. PSC 130 (Municipal Regulation of Municipal Rights-of-way).

C. WHAT SORT OF REGULATIONS MAY A MUNICIPALITY APPLY TO WITN?

A municipality may regulate the placement of WITN's poles as it does any other utility structures in the ROW (e.g., telephone or electric utility poles). The following requirements, among others, could be applied to WITN:

- Permit and registrations fees.
- Bonding and insurance requirements during construction in ROW.
- Fall zone and set back restrictions.
- Siting restrictions based on safety factors; for example:
 - Line of sight restrictions (i.e., prohibit the placement of poles in places where a driver's line of sight may be obstructed).
 - Siting restriction due to interference with the provision of municipal police or fire services (e.g., prohibit the placement of the poles within a certain distance of buildings so that the poles do not impede the work of firefighters should the building catch fire).
- Removal requirements for when a pole is no longer serving a permitted use.
- Requirements to comply with all applicable state and local building codes and electric codes.
- Proof of strength requirements (i.e., when equipment is placed on the poles, the company must ensure that the weight of the equipment will not compromise the structural integrity of the pole).

Care should be taken that any such regulations, as applied to WITN's use of local ROW, be competitively neutral and nondiscriminatory. *See* 47 U.S.C. 253(c).² Under state law, the municipality's regulations will be judged on the basis of reasonableness. The PSCW's ROW rules, cited above, and Wis. Stat. § 182.017(8) provide some guidance on what the PSCW will consider reasonable regulation.

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(c) State and local government authority

² That federal statutory provisions provides:

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

D. MAY WITN'S POLES BE REGULATED AS CELL PHONE TOWERS?

League members have also asked whether their zoning ordinances applicable to cell phone towers can be applied to WITN. Such ordinances would apply if WITN's poles are considered "mobile service support structures" within the meaning of Wis. Stat. § 66.0404³. According to the plans it submitted to various municipalities, WITN intends to install two microwave dishes on its poles, and it apparently intends to offer backhaul and other support services to mobile service providers, among others. While WITN's poles and equipment may be used to support the provision of mobile services⁵ by others, it does not appear that such a facility was intended to be treated as a "mobile service facility" within the scope of Wis. Stat. § 66.0404. In other words, WITN is not initially, at least, planning to provide cell phone service using the equipment to be installed on the poles. It is likely that WITN will lease or license pole space and/or equipment to cell phone providers in the future. The future installation of cell phone antennas and other such equipment on WITN poles would be subject to municipal regulations either consistent with or adopted pursuant to Wis. Stat. § 66.0404.

While the municipality's cell tower regulations would not apply at this time, a municipality's ROW regulations would, of course, apply. A municipality should review its ordinances to see if other regulations might apply. For example, some communities regulate the placement of microwave towers. Such regulations would likely apply here because the poles will be used to support microwave equipment for the provision of back haul and other support services.

Ε. WHAT MAY A MUNICIPALITY DO IF IT HAS NOT ADOPTED REGULATIONS THAT WOULD APPLY TO UTILITY POLES PLACED IN **LOCAL ROW?**

A municipality has broad police power authority to manage and control the public ROW under its jurisdiction and may exercise its regulatory powers by, among other things, license,

⁵ Under 47 U.S.C. § 153(33), "mobile service" is defined as:

³ This statute was adopted as part of 2013 Wis. Act 20 and greatly restricts the ability of municipalities to regulate cell phone towers and related facilities.

⁴ In this context, backhaul service provides the link between a carrier's cell site (e.g., base station at the cell tower) and its mobile switching facility and then to the public switched telephone network.

^{. . .} a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (A) both oneway and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

⁶ A "mobile service facility" is defined as "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." Wis. Stat. §

⁷ The municipality should consult with its attorney regarding any such regulations and their applicability to facilities located in the ROW.

regulation, fine, and other necessary or convenient means. *See* Wis. Stat. § 62.11(5) (for cities) and § 61.34(1) (for villages). Accordingly, if a municipality currently has no ROW regulations to apply to the placement of utility poles in local ROW and if it does not have time to do adopt such regulations within the 60-day time period for acting on permit applications, then alternatively, the municipality could enter into a license agreement with WITN.⁸

The terms and conditions to be considered for such an agreement might include:

- A provision granting the company a license to use the ROW, subject to the terms and conditions of the license and setting out the scope of the license (i.e., permitted uses).
- A description of the licensed area (i.e., a legal description of the area of the ROW where the pole(s) will be installed).
- A provision for a license fee, which covers the cost of regulation as discussed above.
- A provision setting out the term of the license agreement and conditions for termination. The agreement should be in place for as long as the pole is being used for a permitted purpose in accordance with the agreement.
- A removal provision, setting out the time frame for removal of the company's equipment from the ROW and the conditions under which removal is required.
- A provision stating what the permitted uses are.
- A requirement to submit construction plans and schedule and list of contractors.
- A requirement that a traffic control plan be submitted in advance of construction if one is necessary.
- Requirements regarding set back and fall zone.
- A requirement that the company be responsible for any damage it does to private property.
- A requirement that the company be responsible for all locates under Wis. Stat. § 182.0175.
- Insurance, indemnification, and bonding requirements.
- A requirement that the company comply with all application laws, regulations, and codes (e.g., Wis. Stat. §§ 86.16(2) and 182.017 and the Wisconsin State Electrical Code).

⁸ The right to regulate ATU and public utility use of local ROW by contract is recognized in Wis. Stat. §§ 182.017(1g)(bm); 182.917(8); 196.58(1g); and 196.58(1r)(a).

- Company responsible for maintenance and improvements.
- Requirement that the licensed area be free from debris, etc.

CONCLUSION

A municipality has 60 days in which to act on WITN's permit application. It is important that, during this relatively short time period, the municipality work with the company to ensure that the public's interest in local ROW is protected. If the municipality's ROW regulations are inadequate or do not exist, the municipality should consider entering into a license agreement with WITN to address the terms and conditions under which the company will be permitted to use local ROW. Care should be taken not to impose any non-neutral, unduly discriminatory, or unreasonable requirements on WITN. Finally, now may be a good time for the municipality to consider adopting a generic ROW ordinance, as these same issues are likely to arise in the future.



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MEMORANDUM

TO: Claire Silverman

League of Wisconsin Municipalities

FROM: Anita Gallucci

DATE: February 9, 2016

RE: Update of April 11, 2016 Memorandum on Regulation of WITN's Poles in Local

Right-of-Way¹

Last April we provided a memorandum addressing certain questions regarding the authority of municipalities to regulate the placement of mobile service support structures in local ROW. That issue arose after many League members were contacted by Wisconsin Technology Networking, LLC ("WITN") requesting permits to place 75-foot poles and/or 125-foot monopoles in local ROW. Since that memorandum, we have learned much more about who WITN is and what the company's business model appears to be. Moreover, while we have a better idea of what sort of regulatory and practical issues are posed by the placement of these very large poles in local ROW, there are still open legal questions, not the least of which is whether WITN is, as it has claimed, a public utility to be treated just as any other public utility in the ROW. This memorandum is intended to update the April 2016 memorandum and to explain the open legal questions.

DISCUSSION

A. WHO IS WITN, WHAT IS IT DOING, AND WHY?

Who Exactly Is WITN?

Mobilitie, the company that owns WITN, has decided that it is time for more transparency.² It will no longer use its various aliases across the country and now will simply be known as

¹ Some of the information provided in this update comes from meetings and conversations the author has had recently with Mobilitie representatives, including Melissa Mullarkey and Bridget A. Sheehan, who are both in Government Relations for the company.

² DeGrasse, Martha, "Mobilitie to increase transparency for jurisdictions," *RCR Wireless News* (Jan. 27, 2016), http://www.rcrwireless.com/20160527/network-infrastructure/mobilitie-utility-tag4.

Mobilitie. Mobilitie is not a wireless carrier but an infrastructure or facility builder. It builds the physical plant that is then used by wireless carriers, such as Sprint, to provide cell phone and data services to retail customers. In fact, Sprint has partnered with Mobilitie to build as many as 70,000 small cell sites across the country and that is what Mobilitie is seeking to do in communities across Wisconsin. The arrangement is simple. Mobilitie builds the small cell and transport sites and then leases the sites to Sprint. Sprint then uses the facilities Mobilitie has built and Sprint's FCC-licensed spectrum to provide cell phone and wireless data services to the public.

What Is a Small Cell Site, and Why Do Wireless Carriers Want Them?

With the advent of the iPhone in 2007, there has been a greater demand for mobile data networks with sufficient bandwidth capacity to support mobile internet browsing. Practically overnight, mobile data networks supporting the iPhone became overloaded. In response, the focus of the wireless industry has shifted from providing adequate coverage for cell phones used while travelling to expanding capacity to keep pace with the exploding use of cell phones in the home and the data requirements of the increasingly ubiquitous "smart" mobile devices. In sum, to keep up with customers' demands, wireless carriers now must address both coverage, capacity, and data network issues.

Carriers are looking to meet that exploding demand with "5G networks." According to one commentator, to prepare for 5G and to provide additional capacity for existing 3G and 4G/LTE networks, "wireless carriers are using compact, low-powered base stations called small cells to provide additional capacity for data-intensive users by offloading mobile voice, data and video traffic from the macro network. Small cell deployment is especially prevalent in urban areas, but is also happening in rural and some suburban areas as well, as demand for wireless data continues to rise." Small cell sites are usually made up of a number of small antennas. An increasingly popular option for providing wireless services is to mount individual antennas on street light poles, electric utility poles, or the carrier's own poles located in the ROW.

A small cell site serves a limited number of users at a time, and the carriers need more sites closer to their users. This has resulted in having more cell sites served by multiple poles, especially in residential or hard-to-serve areas. Carriers across the country are now looking at local ROW for new antenna and tower sites.

Generally, there are two different types of wireless facilities found in the ROW: (1) singular antenna sites and (2) distributed antenna systems ("DAS"). Singular antenna sites are those where a carrier sees a specific need in an area for which no other good option exists. DAS are systems installed by a carrier or a third party for a subsequent carrier to use. These facilities tend

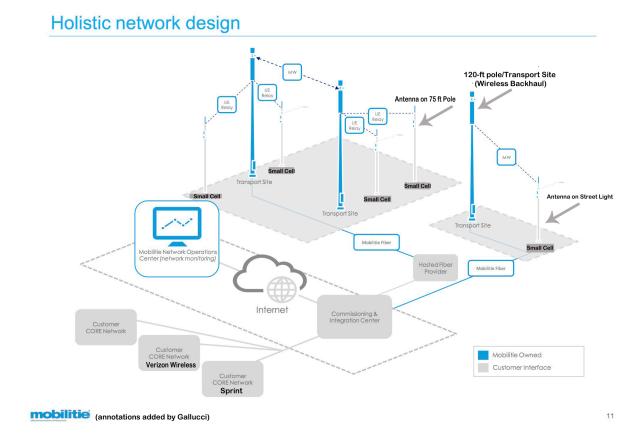
³ A familiar example of a macro network is the water tower base station (comprised of water tower mounted antennas and radio equipment connected to an equipment shelter with additional equipment), with which most municipalities are familiar.

⁴ Mize, Marc, "Reader Forum: Stepping stones to 5G – small cells and fiber simplifying carrier densification efforts," *RCR Wireless News* (Sept. 5, 2016), http://www.rcrwireless.com/20160905/opinion/reader-forum-stepping-stones-5g-small-cells-fiber-simplifying-carrier-densification-efforts-tag10.

to string sites together by using fiber optic lines from pole to pole and are typically used to cover a wider area with a definable network of sites.

What do Mobilitie's Sites Look Like?

The following is a diagram Mobilitie is using to illustrate its proposed network design:



Those communities that have been approached by Mobilitie know that the company has been seeking to place 75-foot poles and 120-foot transport poles in local ROW. The 75-foot poles are to be used to support an individual antenna (each, a small cell). The 120-foot transport poles are to be used for wireless backhaul. This design, which relies on wireless (instead of fiber) backhaul, is somewhat new and driven by the fact that Sprint found itself with an oversupply of 2.5 GHz spectrum. Note that each small cell site in the diagram (i.e., small cell site supporting one antenna) has a microwave connection to a transport (or backhaul) site. As explained in Mobilitie's recent Petition for Declaratory Ruling, it is necessary for each small cell site to have such a connection (be it wireless or fiber) so that the carrier's (in this case, Sprint's) "customers

can send and receive to or from everywhere."5

⁵ See Mobilitie, LLC Petition for Declaratory Ruling, *Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way* (filed with the FCC Nov. 15, 2016). Prompted by Mobilitie's Petition, the Federal Communications Commission ("FCC") has opened WT Docket No. 16-421 to accept comments on *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies* (Dec. 22, 2016).

B. DOES MOBILITIE'S CLEC CERTIFICATION GIVE IT THE RIGHT TO BE IN LOCAL ROW?

Mobilitie Management, LLC (a/k/a Mobilitie) was certified by the Public Service Commission of Wisconsin ("PSCW") by order dated May 11, 2016 in Docket No. 3776-NC-100. Specifically, Mobilitie's certificate authorizes the company to offer, throughout Wisconsin, "facilities-based and resold intrastate telecommunications services, access services, and all other telecommunications services available for certification." The certificate also recognizes that the company "is a telecommunications utility per Wis. Stat. § 196.01(10), an ATU [i.e., alternative telecommunications utility) per Wis. Stat. § 196.01(1d)(f), certified per Wis. Stat. §§ 196.203(2)(a)..."

Mobilitie maintains that, by virtue of this certificate, it has the right to build its infrastructure in local ROW. It is not entirely clear that this is true because it is not entirely clear that Mobilitie is actually providing a "telecommunications service" "available for certification" by the PSCW under Chapter 196 of the Wisconsin Statutes. A full explanation of the argument that Mobilitie is not providing such a telecommunications service is beyond the scope of this memorandum. However, the crux of the argument is that Mobilitie is a facility builder and not a telecommunications service provider and that its facility building activities do not fall within the scope of the company's ATU certification. This issue is one for the PSCW and the courts to decide, and it is a question that is being asked across the country.⁶

Because of the lack of clarity on this issue, one cannot say with certainty what laws apply to Mobilitie's proposed activities in the ROW. On the federal level, it is not clear whether 47 U.S.C. § 332 relating to local siting of wireless facilities or and 47 U.S.C. § 253 relating to local ROW regulation of telecommunications service providers applies. On the state level, it is not clear whether Wis. Stat. § 196.58 or 182.017 pertaining to municipal regulation of telecommunications service providers applies. Equally unclear is whether either the state or federal "shot clock" comes into play. If the FCC shot clock applies, then a municipality would have to act on an application to erect a cell tower or modify an existing structure within either 150 days of receipt in the former case or 90 days in the latter case. If the state shot clock (Wis. Stat. § 182.017(9)) applies, then the municipality must act on an application to place facilities in the ROW within 60 days.

[In establishing] time frames in which state and local governments must act on zoning requests, the FCC declared that "a reasonable period of time" for purposes of § 332(c)(7)(B)(ii) presumptively would be 90 days for personal wireless service facility siting applications requesting collocations and 150 days for all other applications. The FCC further determined that a lack of decision within these time frames would constitute a failure to act under § 332(c)(7)(B)(v). The FCC stated, however, that personal wireless service providers and state or local governments could, by mutual consent, extend the prescribed time frames. In addition, the FCC concluded that, if an applicant submits an incomplete application, the time it takes for the applicant to respond to a state or local government's request for additional information would not count toward the 90- or 150-day time frame if the state or local government notified the applicant that the application was incomplete within 30 days of receiving the application.

⁶ See, e.g., New Jersey State League of Municipalities' White Paper: "Wireless Systems in the Right of Way - What You Need to Know" (Sept. 20, 2016), http://www.njslom.org/bureau/white-papers/BMI.WP 2016 1.pdf

⁷ See City of Arlington v. FCC, 668 F.3d 229, 248 (5th Cir. 2012), aff'd, 133 S. Ct. 1863 (2013) (citations omitted):

Apparently, because of these legal uncertainties, Mobilitie has decided it is best to work with each community so that there can be agreement on the placement of the proposed poles in local ROW or elsewhere. This is discussed in Section C.

C. MOBILITIE'S POLICY FOR WORKING WITH MUNICIPALITIES ON SITING ISSUES.

Mobilitie wants to buildout Sprint's small cell sites as quickly as possible. The company cannot accomplish this if it is in litigation at the PSCW or state court over the scope of its rights to access local ROW. Thus, the company is now more flexible in executing its build out plans, as reflected in its "Telecommunications Facility Siting Policy," which provides as follows:

In general, Mobilitie strives to conform the siting of its telecommunications facilities in a municipality as follows:

- a. First, evaluate attachments to municipal-owned infrastructure or another utility company's infrastructure, where available. Next, evaluate replacing municipal-owned streetlight poles to provide infrastructure for attachments, as needed. Finally, deploy new poles where no suitable attachment candidate is available.
- b. Unless otherwise necessitated as stated above, concentrate siting of new poles within public rights-of-way in industrial and commercial areas, where possible.
- c. Where new poles are proposed, seek to aesthetically blend facilities and equipment with the surrounding area and match adjacent material and structural standards.
- d. Agree with municipalities on the process to submit applications and the number of site locations per submission.

Mobilitie acknowledges that its current deployment is subject to the authority of the municipalities to regulate their public right-of-way. As such, Mobilitie's proposed and constructed site locations comply with all applicable governing requirements and regulations. The siting policy above is focused on selecting site locations that are mindful of municipality concerns and sensitivities in general. Since the responsibility for regulating the public right-of-way and approving site locations rests with each municipality, acting within the authority prescribed to it under law, the requirements and policies can vary from municipality to municipality. Therefore, the siting policy framework above serves as a guide while Mobilitie researches applicable local code

As Mobilitie's policy suggests, when asked, the company will actively work with the community to find alternative sites within the ROW for each small cell or antenna site. Alternative sites would include existing street light poles or electric or telephone poles. Typically, when using an

alternative site, Mobilitie replaces the existing street light pole or utility pole with a new pole that is tall enough and strong enough to support the antenna and any other equipment on the pole. If the city or village owns the pole, then Mobilitie will agree to pay a rental or license fee for the use of the pole. If a third party owns the pole, then Mobilitie would pay a rental or licensee fee to the third-party owner (typically, an investor-owned electric utility). These small cell sites do not necessarily need to be 75-feet tall, and Mobilitie has said that it will work with the municipality regarding the height of the pole, whether it is one that is owned by Mobilitie, the municipality, or the electric company.

Regarding the very tall transport poles, Mobilitie's policy suggests that it will work with the municipality to find a mutually agreeable location for the pole and will also make adjustments in the height of the pole where possible. Moreover, Mobilitie is also open to placing the transport poles on municipally owned property, as long as the financial terms of the lease or license agreement are "reasonable." Mobilitie has also acknowledged that neither its 75-foot nor its 120-foot poles are suitable in residential areas.

D. PROTECTING THE PUBLIC'S USE OF THE ROW.

Municipalities, like Mobilitie, generally prefer to avoid litigation, where possible. Consequently, it may be in the municipality's interest to work with Mobilitie on siting issues. At the same time, however, the municipality has unquestionable police power authority to regulate use of local ROW in furtherance of its duty to protect the public's use of local ROW. Thus, with regard to siting new poles in the ROW, the municipality may impose reasonable conditions on that use.

The April 16, 2016 memorandum listed some examples of conditions a municipality could place on the placement of very tall poles in the ROW. Those included:

- Permit and registration fees to cover the cost of regulation.
- Bonding and insurance requirements during construction in ROW.
- Fall zone and set back restrictions.
- Siting restrictions based on safety factors:
 - Line of sight restrictions (i.e., prohibit the placement of poles in places where a driver's line of sight may be obstructed).
 - Interference with the provision of municipal police or fire services (e.g., prohibit the placement of the poles within a certain distance of buildings so that the poles do not impede the work of firefighters should the building catch fire).
- Removal requirements for when a pole is no longer serving a permitted use.
- Requirements to comply with all applicable state and local building codes and electric codes.
- Proof of strength requirements (i.e., when equipment is placed on the poles, the company must ensure that the weight of the equipment will not compromise the structural integrity of the pole).
- Height restrictions.

The following conditions could be added to this list:

- Analysis of alternative existing sites in ROW.
- Performance of a roadside hazard analysis.
- Ice shedding and ice throw risk assessment and mitigation measures.
- Environmental analysis at each site.
- Requirements pertaining to tree/vegetation removal.
- Proper refuse disposal.
- Erosion control plan where excavation site or ground disturbance is not restored within 24 hours.
- Compliance with the Wisconsin Manual on Uniform Traffic Control Devices.
- Proper ROW restoration.

CONCLUSION

It is worth emphasizing that the municipality's hands are not tied when it receives a permit application to place large poles in local ROW. The municipality has clear authority to impose reasonable ROW regulations on all companies using the ROW, including Mobilitie. Because the source of Mobilitie's right to use the ROW is unclear and given the company's apparent willingness to work with each community to find mutually agreeable sites both inside and outside the ROW, the municipality may be well advised to work with the company, while at the same time taking the necessary steps to protect the public's use of local ROW.

Document3

Planning Department 9229 West Loomis Road

Name & Title (PRINT)

Date: ___

Franklin, Wisconsin 53132 Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024 Fax: (414) 427-7691 Web Site: <u>www.franklinwi.gov</u>

Date of Application:

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

 ${\it Complete, accurate and specific information must be entered. } \underline{{\it Please Print.}}$

Applicant (Full Legal Name[s]):	Applicant is Represented by: (contact person)(Full Legal Name[s])
Name:	
Company:	
Mailing Address:	
City / State: Zip: _	
Phone:	
Email Address:	Email Address:
Project Property Information: Property Address:	Tax Key Nos:
Property Owner(s):	
	Existing Zoning:
Mailing Address:	Existing Use:
City / State: Zip:	
Email Address:	
*The 2025 Comprehensive Master Plan Future Land	Use Map is available at: http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm
the Unified Development Ordinance available at www.complete-collated sets of Application materi	\$1000 Special Use Amendment t \$750, New Special Use under 4,000 square feet compatible format). cial Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of anklinwi.gov. s to include: tt Summary, including description of any new building construction and site work, to be made to property, site improvement costs, estimate of project value and any other east 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include 101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the indscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.) Site Plan/Site Plan Amendment package. applicable. d report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO). ans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).
· · · · · · · · · · · · · · · · · · ·	riew will be conducted within ten business days. require Plan Commission review, a Public Hearing and Common Council approval.
of applicant's and property owner(s)' knowledge; (2) the app the applicant and property owner(s) agree that any approval issued building permits or other type of permits, may be rev execution of this application, the property owner(s) authorize	tatements and other information submitted as part of this application are true and correct to the best ant and property owner(s) has/have read and understand all information in this application; and (3) based on representations made by them in this Application and its submittal, and any subsequently ked without notice if there is a breach of such representation(s) or any condition(s) of approval. By the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 to application is under review. The property owner(s) grant this authorization even if the property has
signed applicant's authorization letter may be provided in	if the business is an LLC, or from the President or Vice President if the business is a corporation. A we of the applicant's signature below, and a signed property owner's authorization letter may be more than one, all of the owners of the property must sign this Application).
Signature - Property Owner	Signature - Applicant
Name & Title (PRINT)	Name & Title (PRINT)
Date:	Date:
Signature - Property Owner	Signature - Applicant's Representative

Name & Title (PRINT)

Date: ___

			Project Locations	
Candidate ID	Latitude	Longitude	Legal Description	
ML90XC844A	42.927082	-88.047137	90-foot monopole (93-foot overall height with appurtenances); located within City of Franklin right-of-way on the south side of South Whitnall Edge Road to the north and adjacent to property bearing Taxkey No. 705-8997-003 (Latitude: 42.927082, Longitude: -88.047137); zoned B-3 Community Business District.	NW 1/4 SEC 5-27-21
ML90XC862A	42.850862	-87.960941	90-foot monopole (93-foot overall height with appurtenances); located within City of Franklin right-of-way on the north side of West Elm Road to the south and adjacent to property located at 3400 West Elm Road, bearing Taxkey No. 951-9996-016 (Latitude: 42.850862, Longitude: -87.960941); zoned B-7 South 27th Street Mixed Use Office District.	NE 1/4 SEC 36-5-21
ML90XC845A	42.866958	-87.986648	90-foot monopole (93-foot overall height with appurtenances); located within City of Franklin right-of-way on the south side of West Airways Avenue to the north and adjacent to property located at 5512 and 5513 West Airways Avenue, bearing Taxkey No. 899-9990-029 (Latitude: 42.866958, Longitude: -87.986648); zoned M-1 Limited Industrial District.	SW 1/4 SEC 26-5-21

Project Description

Mobilitie's Transport Sites consist of a galvanized-steel utility pole supporting microwave dishes and radios that provide high optimize wireless carriers' networks by providing high speed bandwidth with the same speed and performance of fiber optic speed connectivity to connect into wireless carriers' core networks, and ultimately into the internet. These Transport Sites networks. This process is typically referred to as "backhaul".

City of Franklin Department of City Development

Date: April 6, 2017

To: Jay Wendt, Mobilitie

From: Department of City Development Staff

RE: Mobilitie Special Use – Staff

Comments

Please be advised that City Staff has reviewed the above application for three monopole locations within City right-of-way. Department comments are as follows for the Special Use Application submitted by Jay Wendt and date stamped by the City of Franklin on March 24, 2017.

Department of City Development

- 1. General:
 - Will collocation be made available to other wireless communication companies?

Yes

• Is any landscaping proposed?

No, the site will be restored to the current condition.

• Staff recommends providing a sample photo of the proposed monopoles with your submittal to the Plan Commission.

Attached.

- 2. Site 1: City of Franklin right-of-way on the south side of South Whitnall Edge Road to the north and adjacent to property bearing Taxkey No. 705-8997-003; (Latitude: 42.927082, Longitude: -88.047137)
 - Staff recommends locating the monopole further east, away from the future access drive to the adjacent vacant outlot. Staff suggests centering the monopole between the existing curb cuts. Any existing signage for the adjacent shopping center should also be considered in determining the best location.

WITN will explore what flexibility our RF engineering may allow. The current location of our pole was sited based upon initial staff comments.

• Staff also recommends contacting the owner of the outlot to discuss the location relative to potential future development plans for the property.

WITN will follow the process in place for Utilities locating new infrastructure in the right-of-way

- 3. Site 2: City of Franklin right-of-way on the north side of West Elm Road to the south and adjacent to property located at 3400 West Elm Road, bearing Taxkey No. 951-9996-016; (Latitude: 42.850862, Longitude: -87.960941)
 - Staff has no comments regarding this location.
- 4. Site 3: City of Franklin right-of-way on the south side of West Airways Avenue to the north and adjacent to property located at 5512 and 5513 West

Airways Avenue, bearing Taxkey No. 899-9990-029; (Latitude: 42.866958, Longitude: - 87.986648)

• Staff recommends that the monopole be located on the City's north side of the City's sewer and water building located at 5550 W. Airways Avenue, adjacent to the other tower located on that property.

WITN's deployment is focused in the right-of-way as a certificated ATU. The location as proposed is in M1-Industrial district and has no conflicts in the ROW.

5. Please be aware that staff is continuing to consider whether a separate maintenance, access and liability agreement will be needed between the City and Wisconsin Technology Networking, LLC or, alternatively, addressing these types of issues via the Special Use Resolution. Staff will follow up as soon as possible.

Engineering Staff Comments

- 1. Must stakeout the exact location of the three proposed monopoles. The proposed locations are subject to be moved. Poles must be away from the existing utilities such as public water and sanitary sewer, or street lights, stop signs or anything that will obstruct the vision for public safety signage.
- 2. Must apply for a building permit as these poles are considered as structural (±2.0 feet in diameter).
- 3. Must submit a complete set of design plans stamped by the Structural Engineer.
- 4. Is there regular maintenance of the pole? If so, typically how many times will the area be accessed for maintenance purposes?

Yes. One(1) visit annually.

5. Typically, how long will a vehicle be parked on the street? The only way to access these areas is to park the vehicles on the street, so how will traffic and safety be considered and addressed.

We usually pull permits to maintain/access the equipment at the top of the pole. Typically, we will request road closure permits and will provide a Traffic Control Plan upon requesting the permits. We will accommodate the policy the City has in place.

Fire Department Staff Comments

The Fire Department has no comments/Concerns regarding the proposed special use (telecommunications towers) at the three listed locations/addresses.

Police Department Staff Comments

The Franklin Police Department has reviewed the application for WI Technology Networking, LLC. The Police Department has no issues with this request.

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

A. <u>General Standards</u>. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

GENERAL STANDARDS FOR SPECIAL USES

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response:

SECTION 15-3.0701

Wisconsin Technology Networking's (WITN) deployment ties to one of "The Five General Components of Economic Development" listed in Franklin's 2025 Comprehensive Master Plan (CMP) which states:

Infrastructure Development: Infrastructure traditionally included all forms of utilities, transportation services (roads, public transportation, etc.), and other public services such as schools and hospitals. Communications infrastructure, such as **advanced data services and wireless web access**, are becoming increasingly important.

Additionally, the 2025 CMP asked to "Provide adequate infrastructure and public services to meet existing and future conditions. [from one of the 14 goals required by Wisconsin's Comprehensive Planning Legislation for state comprehensive planning grants] Upgrade and expand City (and joint) services, utilities and community facilities as necessary to meet demand. [from public input]."

The chapter continues discussion about communications facilities and states "Franklin shall strive to provide the most up to date technology to **provide an efficient telecommunication network to transmit data**, video and multimedia for all Franklin residents and businesses." (bold type added for emphasis).

The deployment of WITN's hybrid network will help work toward the goals as stated in the City's 2025 CMP by helping lay a foundation of data transport that will position the City for it's future as a connected city and the upcoming "5G". Our communities today are demanding an insatiable amount of data in our day-to-day lives. This data demand requires the augmentation of the Unites States data infrastructure to provide adequate coverage for the resident.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response:

The construction of our transport utility poles follow all local, state, and federal regulations. We comply with all applicable building codes, AASHTO standards, and engineering structural requirements. WITN has worked with the City Staff to place our infrastructure in with non-residential compatible land uses.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response:

WITN's deployment takes place within the public right-of-way and does not interfere with private development. If future public projects take place within the right-of-way, WITN falls under the same requirements as other utilities. The size of our transport utility poles has a 33" diameter foot print.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response:

The only service WITN's transport utility poles require is electric. The sites are adequately served.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response:

The sites have no traffic generation. WITN has submitted traffic control plans for the brief period of our construction.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response:

WITN's deployment takes place within fully developed public right-of-way.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response:

The construction of our transport utility poles follow all local, state, and federal regulations.

B. Special Standards for Specified Special Uses. When the zoning district regulations authorize

a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response:

The construction of our transport utility poles follow all local, state, and federal regulations. WITN's transport utility poles are located in the public right of way and not on a lot of record thus a majority of District and Special Standards do not apply. We meet the special standards of 15-3.0805 that are applicable to a certificated ATU/CLEC operating in the right-of-way.

- C. <u>Considerations</u>. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
- 1. **Public Benefit**. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response:

The deployment of WITN's hybrid network will help work toward the goals as stated in the City's 2025 CMP by helping lay a foundation of data transport that will position the City for it's future as a connected city and the upcoming "5G". Our communities today are demanding an insatiable amount of data in our day-to-day lives. This data demand requires the augmentation of the Unites States data infrastructure to provide adequate coverage for the resident.

2. **Alternative Locations**. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response:

WITN has worked with City Staff to optimize the proposed locations with consideration of the data demand and RF engineering needs of our network.

3. **Mitigation of Adverse Impacts**. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response:

The size of our transport utility poles is a 33" diameter foot print in the right of way for our utility pole, thus minimizing any impact.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area**. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

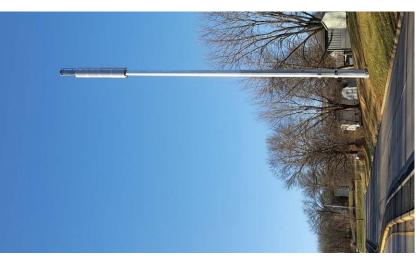
Response:

WITN is a certificated ATU/CLEC by the Public Service Commission of Wisconsin and the construction of our transport utility poles follow all local, state, and federal regulations.

Transport facility installations









Orange County, Florida



Travis County, Texas



9WIX000263A

42.927082°,-88.047137° 6420 S 108th St Franklin, WI 53132



GENERAL NOTES

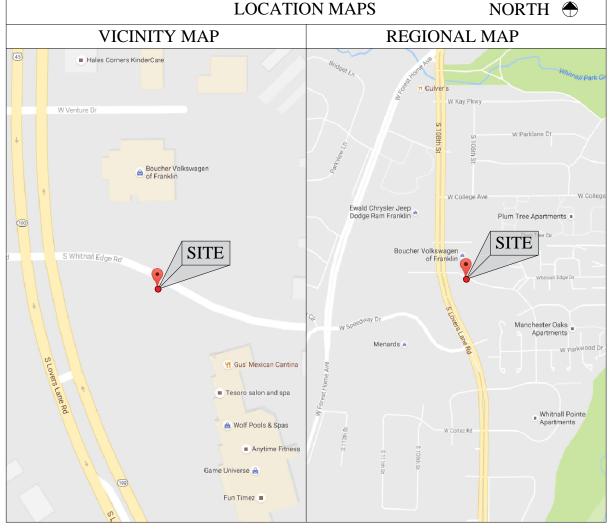
THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SITE INFORMATION

SILLINIONWATION				
POLE ID:	9WIX000263A			
LATITUDE:	42.927082°			
LONGITUDE:	-88.047137°			
ADDRESS/CROSS STREET:	6420 S 108th St			
CITY, STATE ZIP:	Franklin, WI 53132			
PROPERTY OWNER	PUBLIC RIGHT-OF-WAY			
APPLICANT	WISCONSIN TECHNOLOGY NETWORKING, LLC			
APPLICANT ADDRESS	120 S RIVERSIDE PLAZA, SUITE 1800 CHICAGO, IL 60606			

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

1. INSTALL PROPOSED 90' UTILITY POLE

CODES

2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

SHEET INDEX

SHEET #	SHEET DESCRIPTION
0.0	TITLE SHEET
1.0	EXHIBIT PHOTO & SITE PLAN
2.0	GIS R/W MAP
S-1	POLE ELEVATIONS
S-2	EQUIPMENT ELEVATIONS
S-5	FOUNDATION SECTIONS
S-6	GROUNDING DIAGRAM
TC-1	TRAFFIC CONTROL PLANS

ENGINEER

DAAR ENGINEERING, INC.
JOSHUA MOUNT, P.E.
325 N. CHICAGO ST., SUITE 500
MILWAUKEE, WI 53202
PHONE: 414-225-9817
JOSHUA.MOUNT@DAARCORP.COM



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC844A
DRAWN BY:	JW
CHECKED BY:	JHM



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IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT

SITE INFORMATION
9WIX000263A

42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

TITLE SHEET

SHEET NUMBER

0.0

PROPOSED 90'-0"-UTILITY POLE

EXHIBIT PHOTO— S WHITNALL EDGE RD (LOOKING EAST)

SCALE: N.T.S.

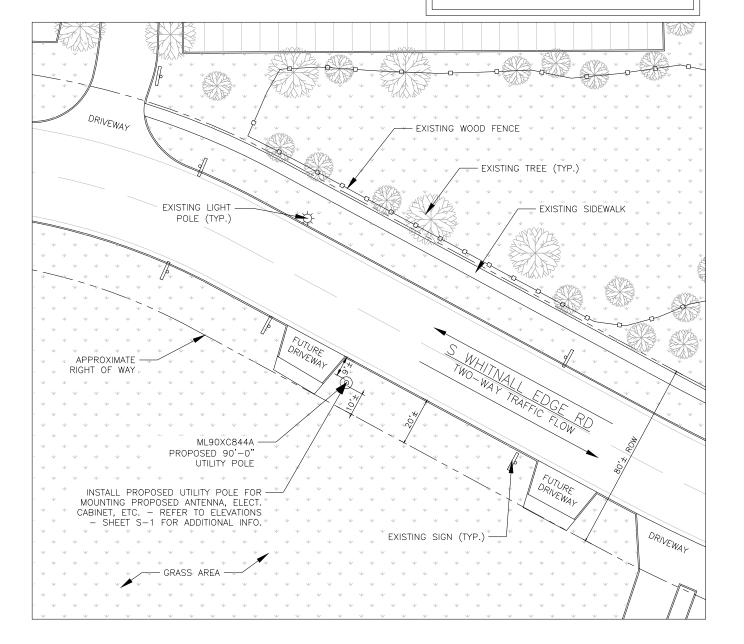


AERIAL SITE LOCATION

NOTE:
THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES, POWER & TELCO UTILITY PLANT CONNECTIONS/ROUTES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED.



NOTE:
PROPOSED 90'0" POLE IN THE R.O.W.
R.O.W. BOUNDARIES TO BE CONFIRMED AFTER
SURVEY





WISCONSIN TECHNOLOGY NETWORKING, LLC

ML90XC844A

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В	12/01/16	REVISION - ROW ADDED	JW
Α	11/23/16	FOR REVIEW	JW

PROJECT NUMBER:

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> SITE INFORMATION 9WIX000263A

42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

EXHIBIT PHOTO & ENLARGED SITE PLAN

SHEET NUMBER

1.0

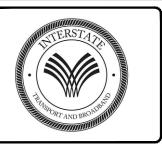
3 ENLARGED SITE PLAN
SCALE: 1" = 20'



NOTE:

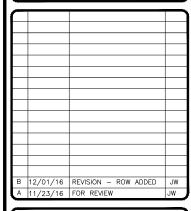
THIS GIS R/W MAP IS EXTRACTED FROM THE MILWAUKEE COUNTY INTERACTIVE MAPPING LOCATED AT http://county.milwaukee.gov/mclio/applications/interactivemapping.html





WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC844A
DRAWN BY:	JW
CHECKED BY:	JHM



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> SITE INFORMATION 9WIX000263A

42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

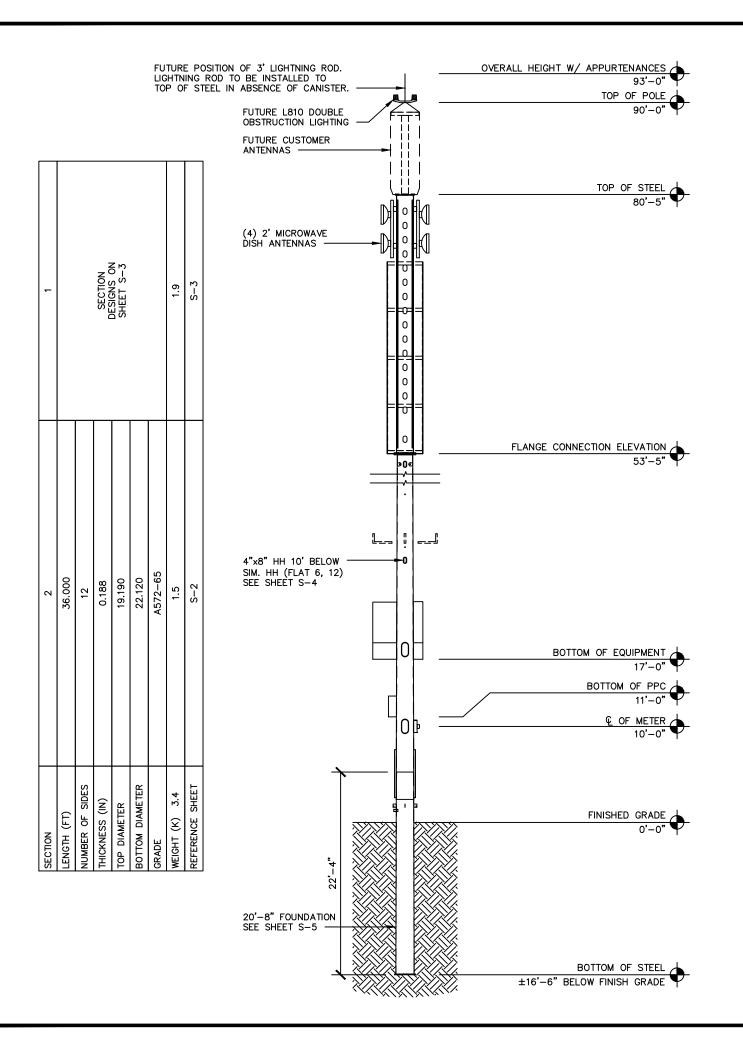
SHEET TITLE

GIS R/W MAP

SHEET NUMBER

2.0

GIS R/W MAP



POLE DESIGN NOTES:

- POLE IS DESIGNED FOR EXPOSURE C TO THE TIA-222-G STANDARD.
- 2. ALL WIND SPEEDS ARE BASED ON 3 SECOND GUSTS.
- POLE IS DESIGNED FOR A 90 MPH BASIC WIND IN ACCORDANCE WITH TIA-222-G STANDARD.
- 4. POLE IS ALSO DESIGNED FOR A 30 MPH BASIC WIND WITH 0.75 IN ICE. ICE IS CONSIDERED TO INCREASE THICKNESS WITH HEIGHT.
- 5. DEFLECTIONS ARE BASED UPON A 60 MPH WIND.
- 6. POLE STRUCTURE CLASS II.
- FOUNDATION DIMENSIONS DETERMINED USING NORMAL SOILS, SITE SPECIFIC GEOTECH REQUIRED FOR FINAL DESIGN

POLE MANUFACTURER NOTES:

- THERMAL STUDY SHALL BE PERFORMED BY THE POLE MANUFACTURER TO DETERMINE IF THE PROPOSED EQUIPMENT INSIDE POLE IS BEING ADEQUATELY COOLED/HEATED AND PROVIDE A CLIMATE CONTROL SYSTEM AS NECESSARY BY DESIGN.
- 2. POLE MANUFACTURER SHALL ENSURE THE THE POLE IS WATERPROOF SO THAT THE INTERIOR COMPONENTS OF THE POLE ARE NOT ADVERSELY AFFECTED BY THE EXTERIOR ELEMENTS.
- POLE ANALYSIS CALCULATIONS AND THERMAL STUDY SHALL BE PROVIDED TO THE ENGINEER OF RECORD WITH THE POLE SUBMITTAL PACKAGE.
- 4. POLE SHAFT AND ALL PORT RIM STEEL TO BE 65 KSI.
- 5. ALL OTHER PLATE TO BE 50 KSI.



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC844A	
DRAWN BY:	JW	
CHECKED BY:	JHM	

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Α	11/23/16	FOR REVIEW	JW

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9WIX000263A

42.927082°,-88.047137° 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

POLE ELEVATION

SHEET NUMBER

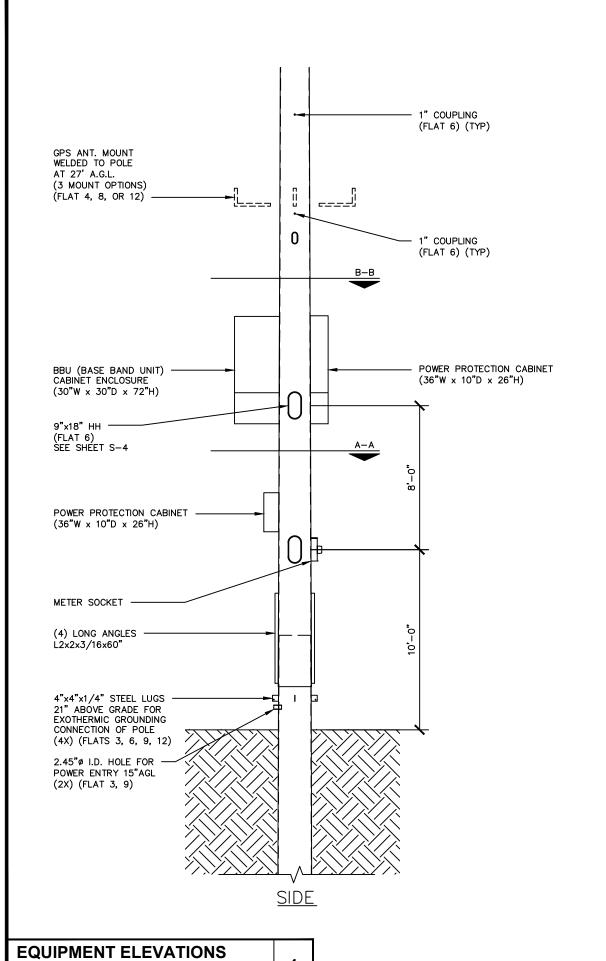
1

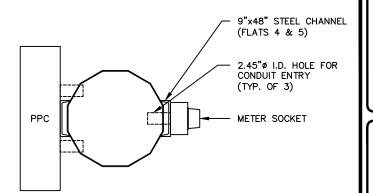
S-1

	М	ATERIAL	STRENGT	Ή		
GRADE	GRADE Fy Fu GRADE Fy Fu					
A572-50	50 ksi	65 ksi	A572-65	65 ksi	80 ksi	

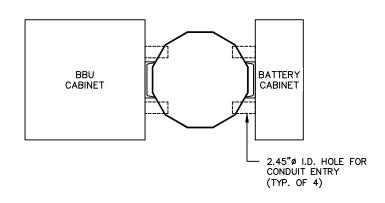
	EQUIPMENT CHART					
QTY	QTY DESCRIPTION CENTERLINE(AGL) DIMENSIONS (HxWxD) WEIG					
4	2' MICROWAVE DISH ANTENNA	61'-10" +/-	12" x 24"ø	30 LBS		

SCALE: 1" = 20'-0" (1" = 10'-0" ON 24"x36" SHEET)





SECTION A-A



SECTION B-B



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:

ML90XC844A

JW

JW
JHM

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A 11/23/16 FOR REVIEW

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9WX000263A 42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

EQUIPMENT ELEVATIONS

SHEET NUMBER

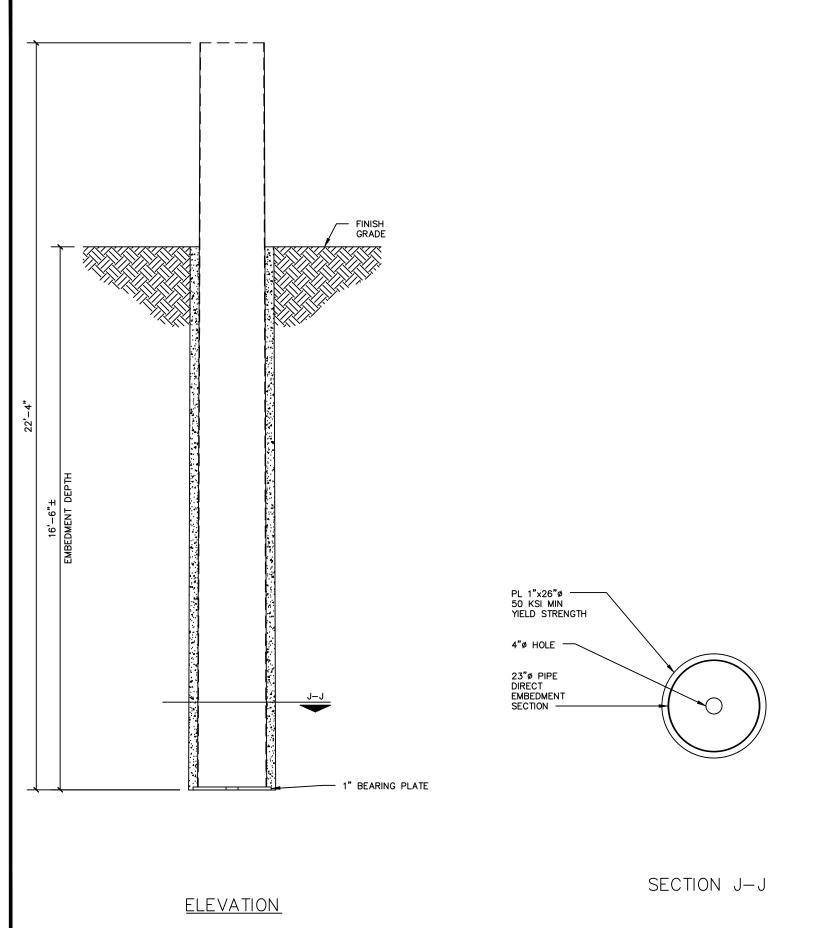
S-2

2

SECTION DETAILS

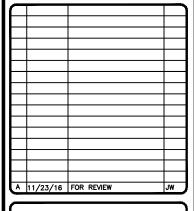
SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)

SCALE: 3/16" = 1'-0" (3/8" = 1'-0" ON 24"x36" SHEET)





PROJECT NUMBER:	ML90XC844A
DRAWN BY:	JW
CHECKED BY:	ЈНМ



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> site information 9WIX000263A 27082°,-88.04713

42.927082°,-88.047137° 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

FOUNDATION SECTIONS

SHEET NUMBER

2

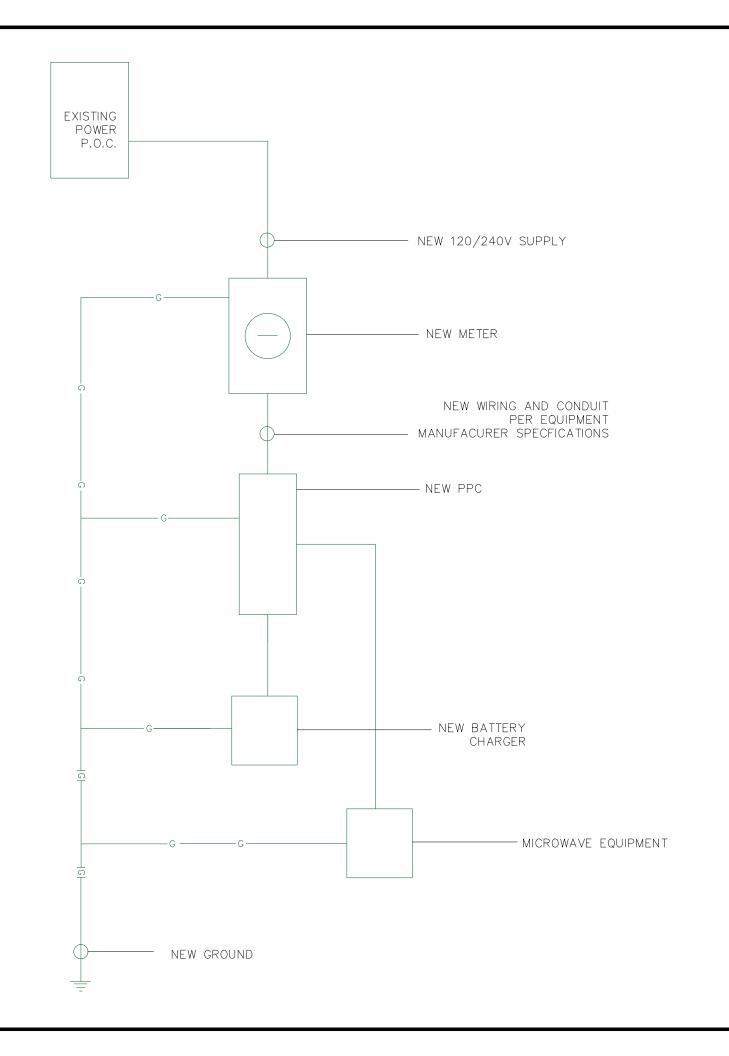
S-5

PLATE DETAILS

SCALE: 3/8" = 1'-0" (3/4" = 1'-0" ON 24"x36" SHEET)

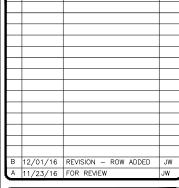
EMBEDMENT SECTION

SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)





PROJECT NUMBER:	ML90XC844A
DRAWN BY:	JW
CHECKED BY:	JHM



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> SITE INFORMATION 9WIX000263A

42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

GROUNDING DIAGRAM

SHEET NUMBER

S-6

1 ELECTRICAL - GROUNDING DIAGRAM

SCALE: N.T.S.

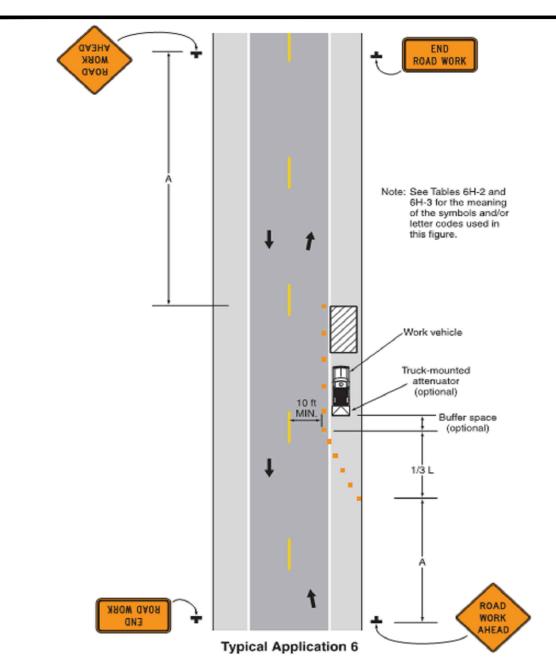


Table 6H-3. Meaning of Letter Codes on Typical Application Diagrams

Bood Time	Dist	tance Between Sig	ns**
Road Type	A	В	С
Urban (low speed)*	100 feet	100 feet	100 feet
Urban (high speed)*	350 feet	350 feet	350 feet
Rural	500 feet	500 feet	500 feet
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet

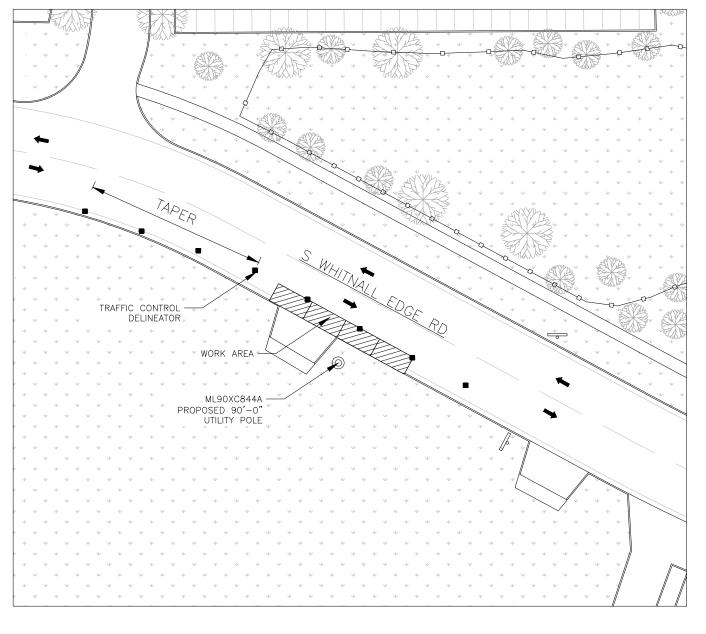
^{*} Speed category to be determined by highway agency

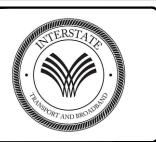
Table 6H-4. Formulas for Determining Taper Length

Speed (S)	Taper Length (L) in feet
40 mph or less	WS²
40 IIIpii oi iess	60
45 mph or more	L= WS

TRAFFIC CONTROL TYPICAL INFO







WISCONSIN TECHNOLOGY NETWORKING, LLC

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B 12/01/16 REVISION - ROW ADDED A 11/23/16 FOR REVIEW

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SITE INFORMATION 9WIX000263A

42.927082*,-88.047137* 6420 S 108th St Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

TRAFFIC CONTROL PLANS

SHEET NUMBER

TC-1

TRAFFIC CONTROL PLANS

SCALE: 1" = 20'

^{**} The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-46. The A dimension is the distance from the transition or point of restriction to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. (The "first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)

Where: L = taper length in feet
W = width of offset in feet
S = posted speed limit, or off-peak 85th-percentile
speed prior to work starting, or the anticipated
operating speed in mph

9WIX000268A

42.850862°,-87.960941° 3617 W Elm Rd Franklin, Wl 53132



GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SITE INFORMATION 9WIX000268A POLE ID: LATITUDE: 42.850862° LONGITUDE: -87.960941° ADDRESS/CROSS STREET: 3617 W Elm Rd CITY, STATE ZIP: Franklin, WI 53132 PROPERTY OWNER PUBLIC RIGHT-OF-WAY APPLICANT WISCONSIN TECHNOLOGY NETWORKING, LLC 120 S RIVERSIDE PLAZA, SUITE 1800 CHICAGO, IL 60606 APPLICANT ADDRESS

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

1. INSTALL PROPOSED 90" UTILITY POLE

CODES

2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

SHEET INDEX

SHEET #	SHEET DESCRIPTION
0.0	TITLE SHEET
1.0	EXHIBIT PHOTO & SITE PLAN
2.0	GIS R/W MAP
S-1	POLE ELEVATIONS
S-2	EQUIPMENT ELEVATIONS
S-5	FOUNDATION SECTIONS
S-6	GROUNDING DIAGRAM
TC-1	TRAFFIC CONTROL PLANS

ENGINEER

DAAR ENGINEERING, INC.
JOSHUA MOUNT, P.E.
325 N. CHICAGO ST., SUITE 500
MILWAUKEE, WI 53202
PHONE: 414-225-9817
JOSHUA.MOUNT®DAARCORP.COM



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC862A
DRAWN BY:	JW
CHECKED BY:	JHM



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> SITE INFORMATION 9WIX000268A

42.850862*,-87.960941* 3617 W Elm Rd Franklin, WI 53132 90' EC POLE VER 1A

3SP MONOPOLE

SHEET TITLE

TITLE SHEET

SHEET NUMBER

0.0



EXHIBIT PHOTO - W ELM RD (LOOKING EAST)

SCALE: N.T.S.



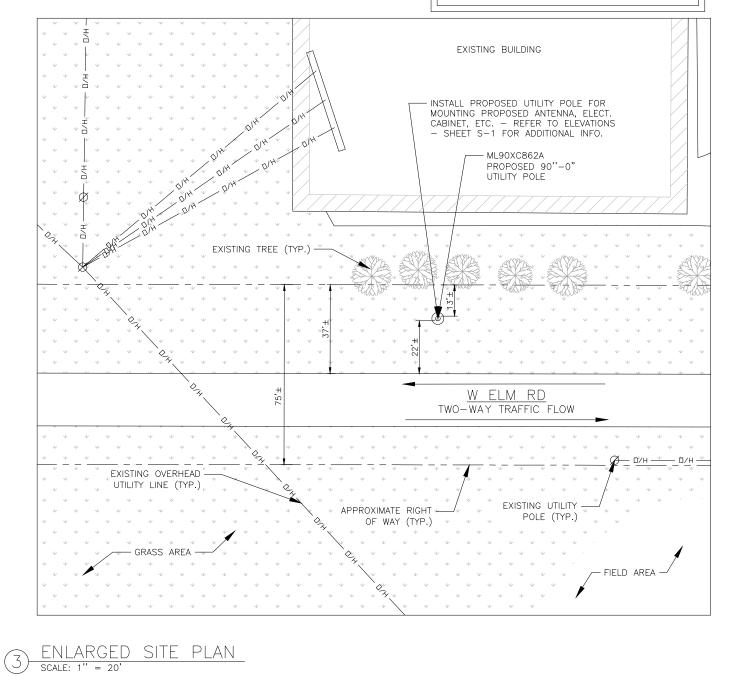
AERIAL SITE LOCATION

SCALE: N.T.S.

NOTE:
THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES, POWER & TELCO UTILITY PLANT CONNECTIONS/ROUTES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED.



NOTE:
PROPOSED 90"0" POLE IN THE R.O.W.
R.O.W. BOUNDARIES TO BE CONFIRMED AFTER
SURVEY



TERST 472

WISCONSIN TECHNOLOGY NETWORKING, LLC

ML90XC862A

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) JW	REVISION-ROW ADDED	12/01/16	В

PROJECT NUMBER:

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> site information 9WIX000268A

42.850862',-87.960941'
3617 W Elm Rd
Franklin, WI 53132
90' EC POLE VER 1A
3SP MONOPOLE

SHEET TITLE

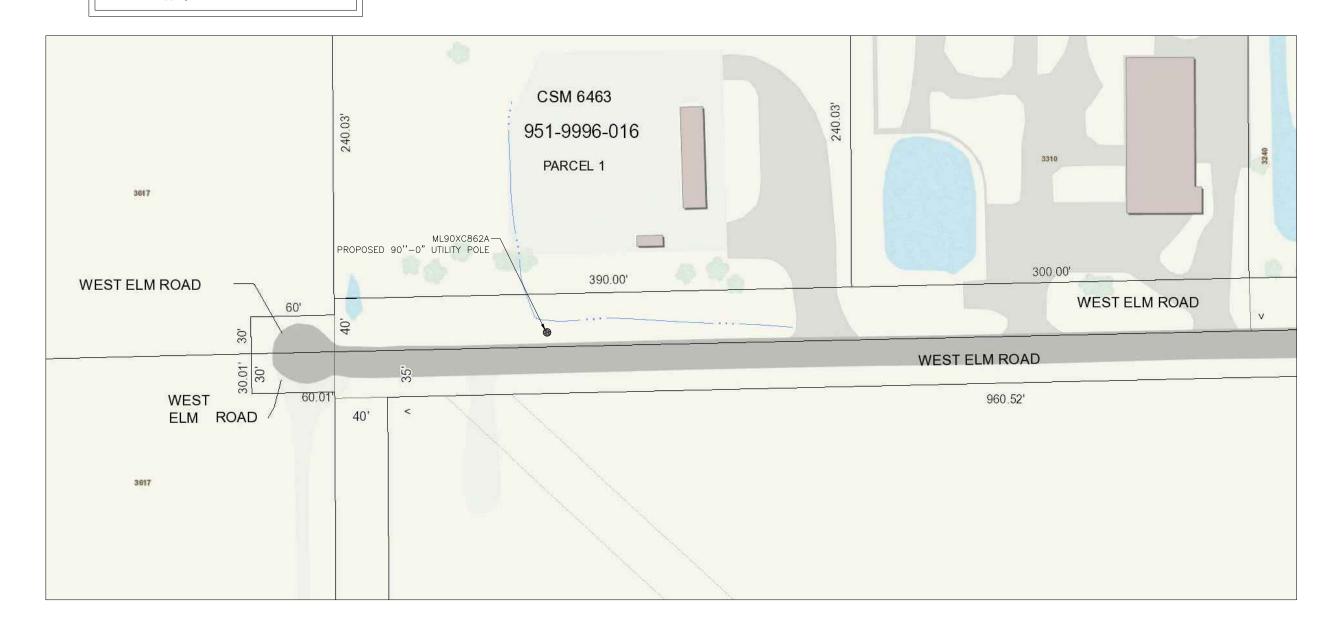
EXHIBIT PHOTO & ENLARGED SITE PLAN

SHEET NUMB

1.0



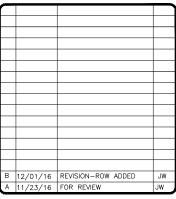
NOTE:
THIS GIS R/W MAP IS EXTRACTED FROM
MILWAUKEE COUNTY INTERACTIVE MAPPING LOCATED
AT https://county.milwaukee.gov/mclio/applications/ interactivemapping.html





WISCONSIN **TECHNOLOGY** NETWORKING, LLC

PROJECT NUMBER:	ML90XC862A
DRAWN BY:	JW
CHECKED BY:	JHM



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SITE INFORMATION

9WIX000268A 42.850862°,-87.960941° 3617 W Elm Rd Franklin, WI 53132 90' EC POLE VER 1A 3SP MONOPOLE

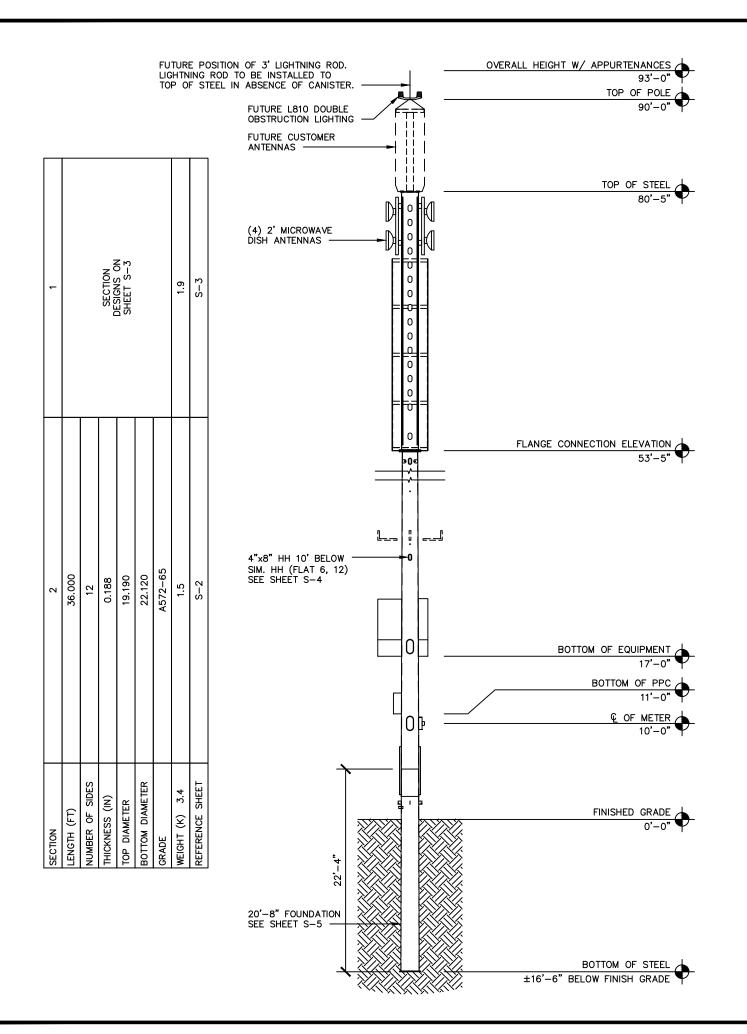
SHEET TITLE

GIS R/W MAP

SHEET NUMBER

2.0

GIS R/W MAP SCALE: N.T.S.



POLE DESIGN NOTES:

- 1. POLE IS DESIGNED FOR EXPOSURE C TO THE TIA-222-G STANDARD.
- 2. ALL WIND SPEEDS ARE BASED ON 3 SECOND GUSTS.
- POLE IS DESIGNED FOR A 90 MPH BASIC WIND IN ACCORDANCE WITH TIA-222-G STANDARD.
- 4. POLE IS ALSO DESIGNED FOR A 30 MPH BASIC WIND WITH 0.75 IN ICE. ICE IS CONSIDERED TO INCREASE THICKNESS WITH HEIGHT.
- 5. DEFLECTIONS ARE BASED UPON A 60 MPH WIND.
- 6. POLE STRUCTURE CLASS II.
- 7. FOUNDATION DIMENSIONS DETERMINED USING NORMAL SOILS, SITE SPECIFIC GEOTECH REQUIRED FOR FINAL DESIGN

POLE MANUFACTURER NOTES:

- THERMAL STUDY SHALL BE PERFORMED BY THE POLE MANUFACTURER TO DETERMINE IF THE PROPOSED EQUIPMENT INSIDE POLE IS BEING ADEQUATELY COOLED/HEATED AND PROVIDE A CLIMATE CONTROL SYSTEM AS NECESSARY BY DESIGN.
- 2. POLE MANUFACTURER SHALL ENSURE THE THE POLE IS WATERPROOF SO THAT THE INTERIOR COMPONENTS OF THE POLE ARE NOT ADVERSELY AFFECTED BY THE EXTERIOR ELEMENTS.
- POLE ANALYSIS CALCULATIONS AND THERMAL STUDY SHALL BE PROVIDED TO THE ENGINEER OF RECORD WITH THE POLE SUBMITTAL PACKAGE.
- 4. POLE SHAFT AND ALL PORT RIM STEEL TO BE 65 KSI.
- 5. ALL OTHER PLATE TO BE 50 KSI.



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC862A
DRAWN BY:	JW
CHECKED BY:	JHM

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11/23/16	FOR REVIEW	JW

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SITE INFORMATION
9WIX000268A

42.850862°,-87.960941° 3617 W Elm Rd Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

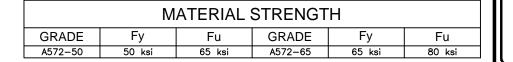
SHEET TITLE

POLE ELEVATION

SHEET NUMBER

1

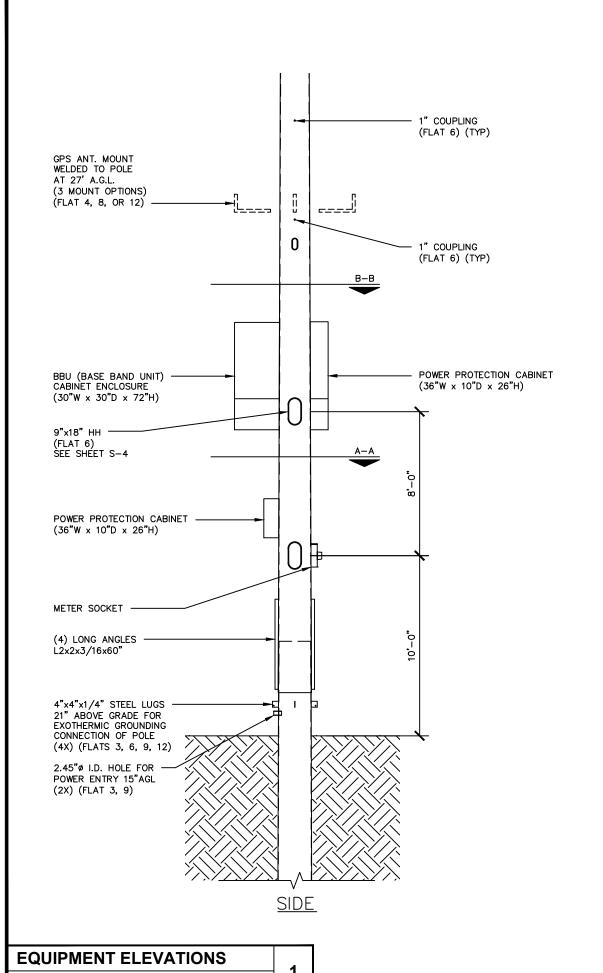
S-1

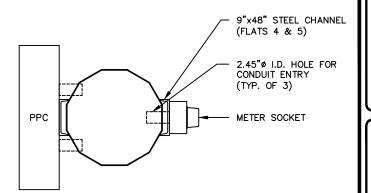


	EQUIPMENT CHART					
QTY	DESCRIPTION	CENTERLINE(AGL)	DIMENSIONS (HxWxD)	WEIGHT		
4	2' MICROWAVE DISH ANTENNA	61'-10" +/-	12" x 24"ø	30 LBS		

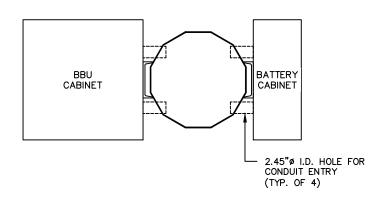
POLE ELEVATION

SCALE: 1" = 20'-0" (1" = 10'-0" ON 24"x36" SHEET)





SECTION A-A



SECTION B-B



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:

ML90XC862A

JW

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9WIX000268A 42.850862*,-87.960941* 3617 W Em Rd

Franklin, WI 53132 90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

EQUIPMENT ELEVATIONS

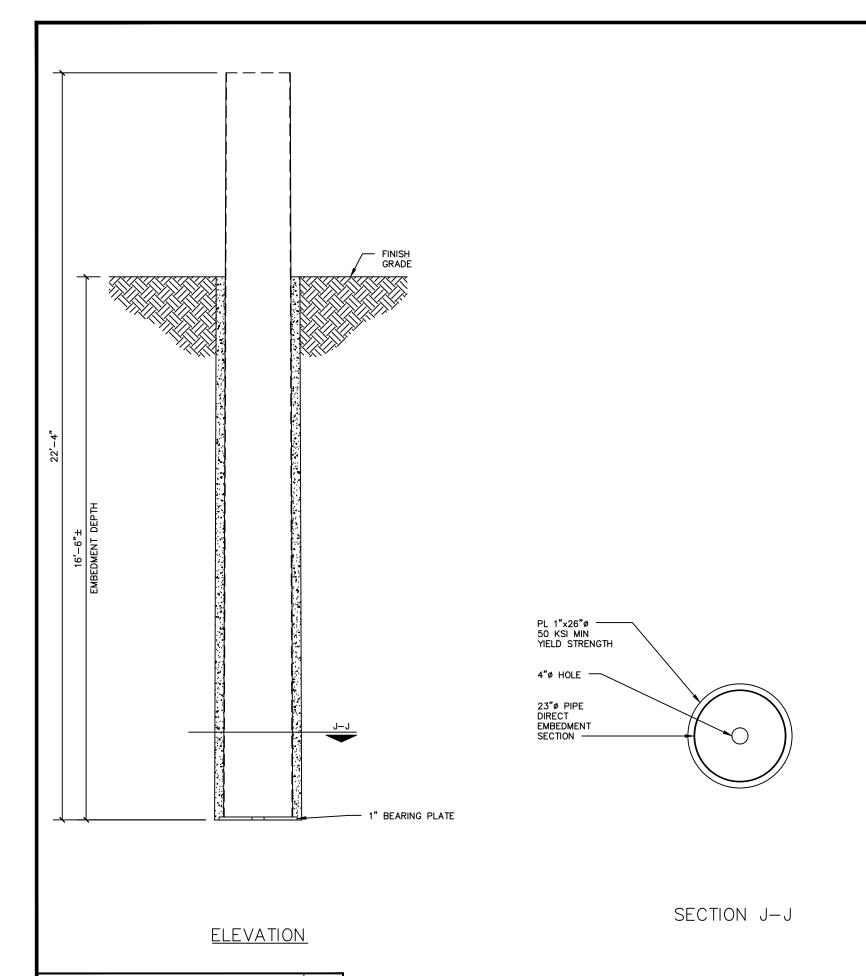
SHEET NUMBER

S-2

2

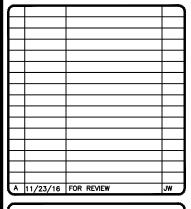
SECTION DETAILS

SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)





PROJECT NUMBER:	ML9UXC862A
DRAWN BY:	JW
CHECKED BY:	JHM



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SITE INFORMATION 9WIX000268A

42.850862*,-87.960941* 3617 W Elm Rd Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

FOUNDATION SECTIONS

SHEET NUMBER

2

S-5

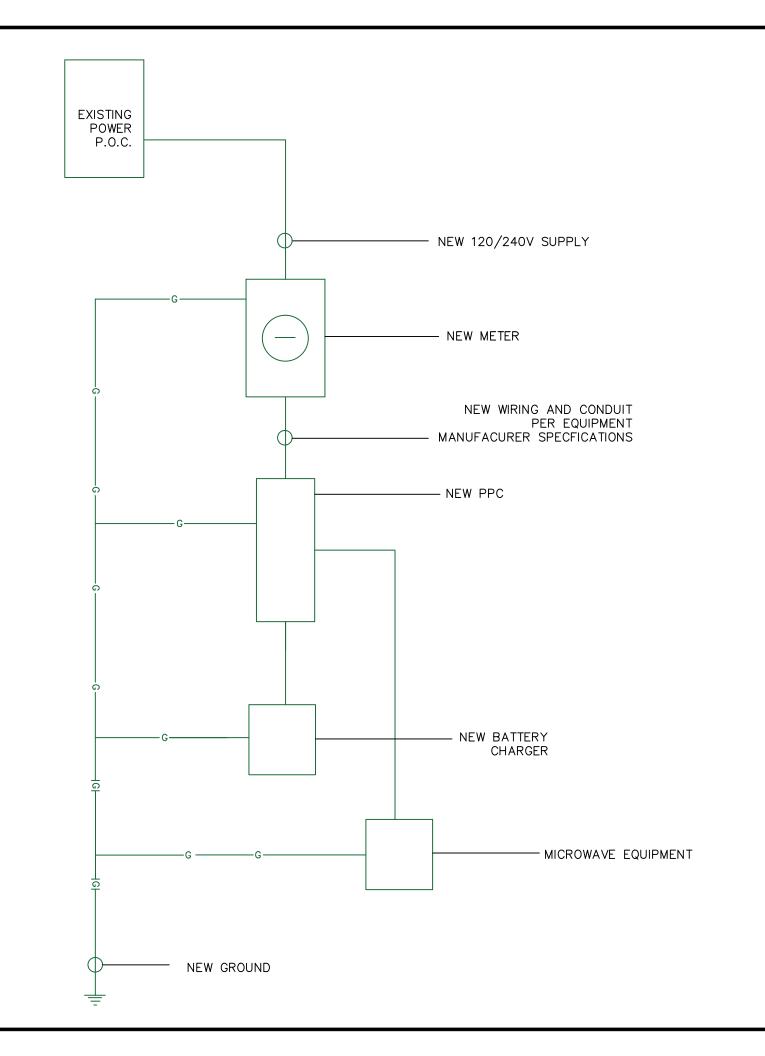
EMBEDMENT SECTION

SCALE: 3/8" = 1'-0" (3/4" = 1'-0" ON 24"x36" SHEET)

1

SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)

PLATE DETAILS





DRAWN BY:			JW
CHECKED BY:			ЈНМ

PROJECT NUMBER:

ML90XC862A

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SITE INFORMATION 9WIX000268A

42.850862*,-87.960941* 3617 W Elm Rd Franklin, WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

GROUNDING DIAGRAM

SHEET NUMBER

S-6

ELECTRICAL - GROUNDING DIAGRAM

SCALE: N.T.S.

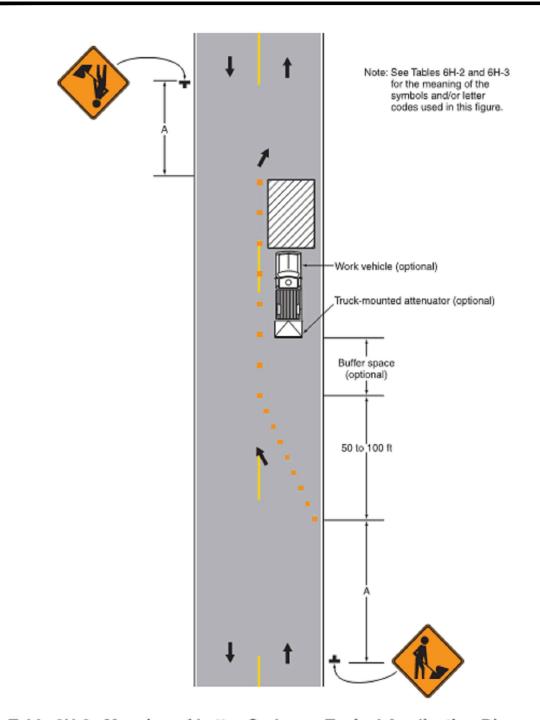


Table 6H-3. Meaning of Letter Codes on Typical Application Diagrams

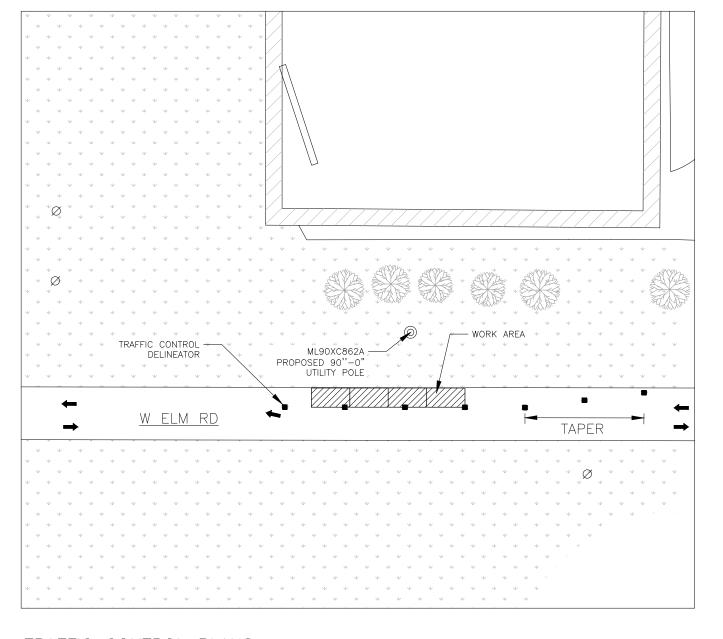
Pood Type	Dis	Distance Between Signs**			
Road Type	A	В	С		
Urban (low speed)*	100 feet	100 feet	100 feet		
Urban (high speed)*	350 feet	350 feet	350 feet		
Rural	500 feet	500 feet	500 feet		
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet		

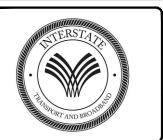
Speed category to be determined by highway agency

^{**} The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-46. The A dimension is the distance from the transition or point of restriction to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. (The "first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)









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B 12/01/16 REVISION-ROW ADDED
A 11/23/16 FOR REVIEW

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9WIX000268A 42.850862*,-87.960941* 3617 W EIm Rd Franklin, WI 53132 90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

TRAFFIC CONTROL PLANS

SHEET NUMBER

TC-1

2 TRAFFIC CONTROL PLANS

SCALE: 1" = 20'

9WIX000264A

42.866958°,-87.986648° 5600 W AIRWAYS AVE FRANKLIN. WI 53132



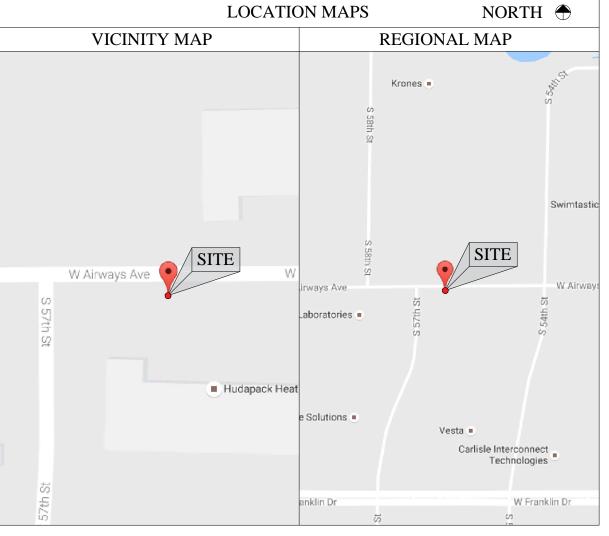
GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SITE INFORMATION 9WIX000264A POLE ID: LATITUDE: 42.866958° LONGITUDE: -87.986648° 5600 W AIRWAYS AVE ADDRESS/CROSS STREET: CITY, STATE ZIP: FRANKLIN. WI 53132 PROPERTY OWNER PUBLIC RIGHT-OF-WAY APPLICANT WISCONSIN TECHNOLOGY NETWORKING, LLC 120 S RIVERSIDE PLAZA, SUITE 1800 CHICAGO, IL 60606 APPLICANT ADDRESS

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

1. INSTALL PROPOSED 90' UTILITY POLE

CODES

2015 INTERNATIONAL BUILDING CODE 2014 NATIONAL ELECTRICAL CODE

SHEET INDEX

SHEET # SHEET DESCRIPTION				
0.0	TITLE SHEET			
1.0 EXHIBIT PHOTO & SITE PLAN 2.0 GIS R/W MAP S-1 POLE ELEVATIONS S-2 EQUIPMENT ELEVATIONS S-5 FOUNDATION SECTIONS S-6 GROUNDING DIAGRAM TC-1 TRAFFIC CONTROL PLANS				
		LS-1	LAND SURVEY	
		-		

ENGINEER

DAAR ENGINEERING, INC.
JOSHUA MOUNT, P.E.
325 N. CHICAGO ST., SUITE 500
MILWAUKEE, WI 53202
PHONE: 414-225-9817
JOSHUA.MOUNT®DAARCORP.COM



WISCONSIN TECHNOLOGY NETWORKING, LLC

H	PROJECT NUMBER:	ML90XC845A
	DRAWN BY:	TH
I,	CHECKED BY:	JHM

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D	1/4/17	REVISED POLE LOCATION	BD
С	12/23/16	LAND SURVEY ADDED	OV
В	12/01/16	REVISION (R.O.W. ADDED)	AA
Α	11/23/16	FOR REVIEW	TH

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> SITE INFORMATION 9WIX000264A

42.866958*,-87.986648* 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE
TITLE SHEET

SHEET NUMBER

0.0

PROPOSED 90'-0"
UTILITY POLE

1) EXHIBIT PHOTO - W AIRWAYS AVE (LOOKING EAST) SCALE: N.T.S.

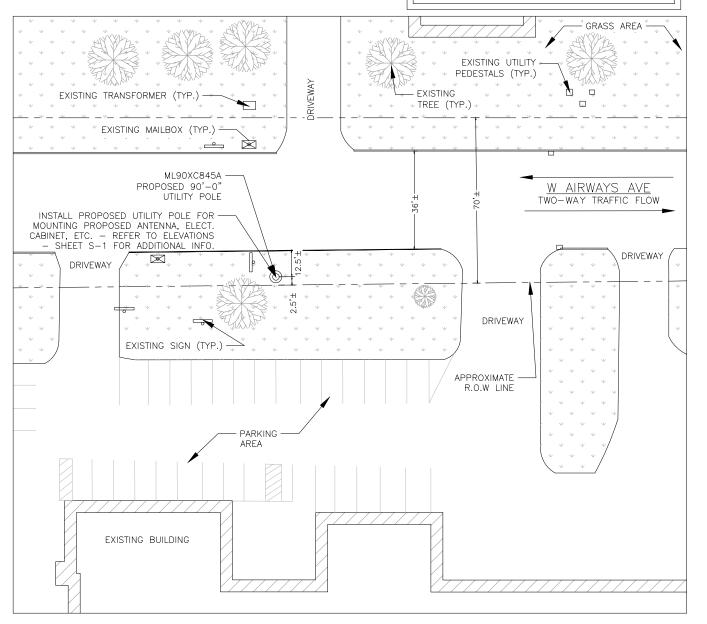


2 AERIAL SITE LOCATION
SCALE: N.T.S.

NOTE:
THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES, POWER & TELCO UTILITY PLANT CONNECTIONS/ROUTES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED.



NOTE:
PROPOSED 90'-0" POLE IN THE R.O.W.
R.O.W. BOUNDARIES TO BE CONFIRMED AFTER
SURVEY



3 ENLARGED SITE PLAN

SCALE: 1" = 40' (1" = 20' ON 22" x 34" SHEET)



WISCONSIN TECHNOLOGY NETWORKING, LLC

DR	DRAWN BY: TH				
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D	1/4/17	REVISED POLE LOCATION	BD		
С	12/23/16	LAND SURVEY ADDED	OV		
В	12/01/16	REVISION (R.O.W. ADDED)	AA		
Α	11/23/16	FOR REVIEW	TH		

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> SITE INFORMATION 9WIX000264A

42.866958°,-87.986648° 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

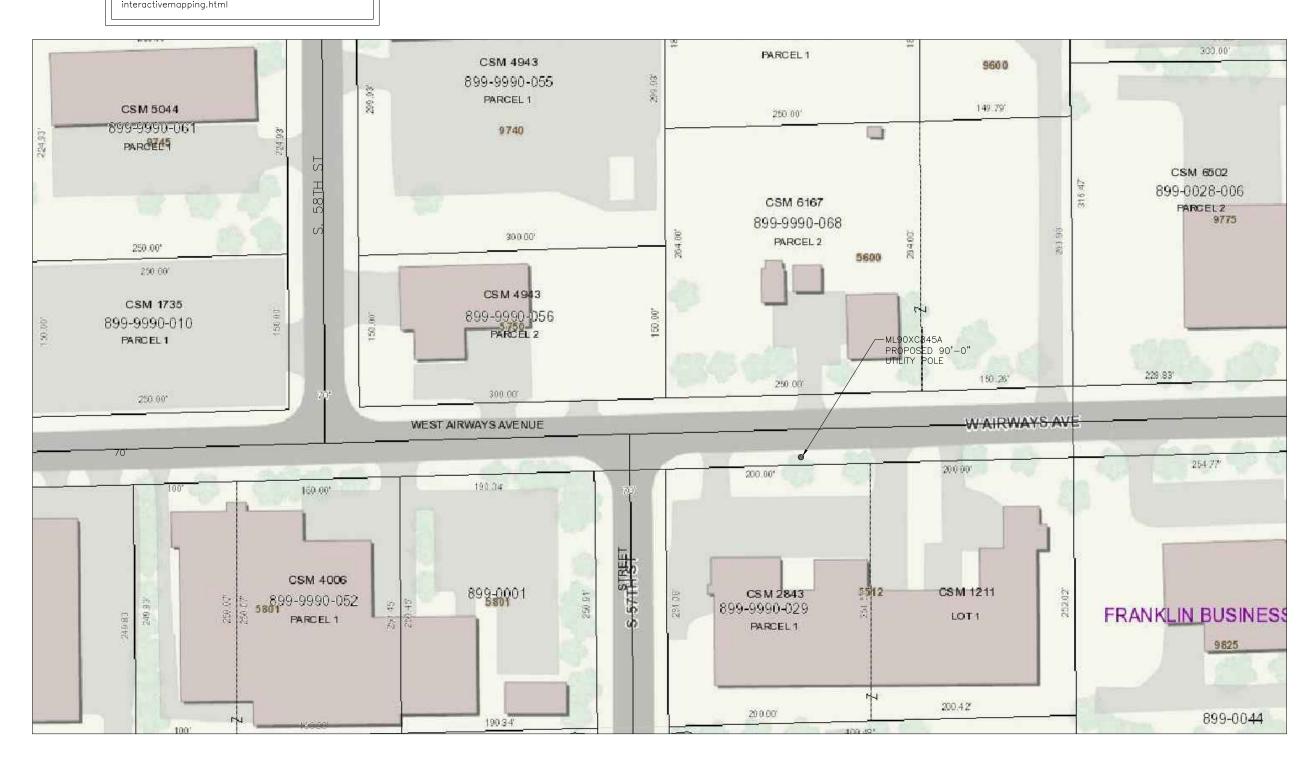
EXHIBIT PHOTO & ENLARGED SITE PLAN

SHEET NUMBER

1.0



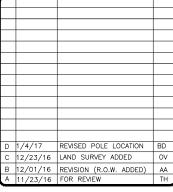
NOTE:
THIS GIS R/W MAP IS EXTRACTED FROM
MILWAUKEE COUNTY INTERACTIVE MAPPING LOCATED
AT https://county.milwaukee.gov/mclio/applications/interactivemapping.html





WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC845A	
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CHECKED BY:	JHM	



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SITE INFORMATION 9WIX000264A

42.866958*,-87.986648* 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

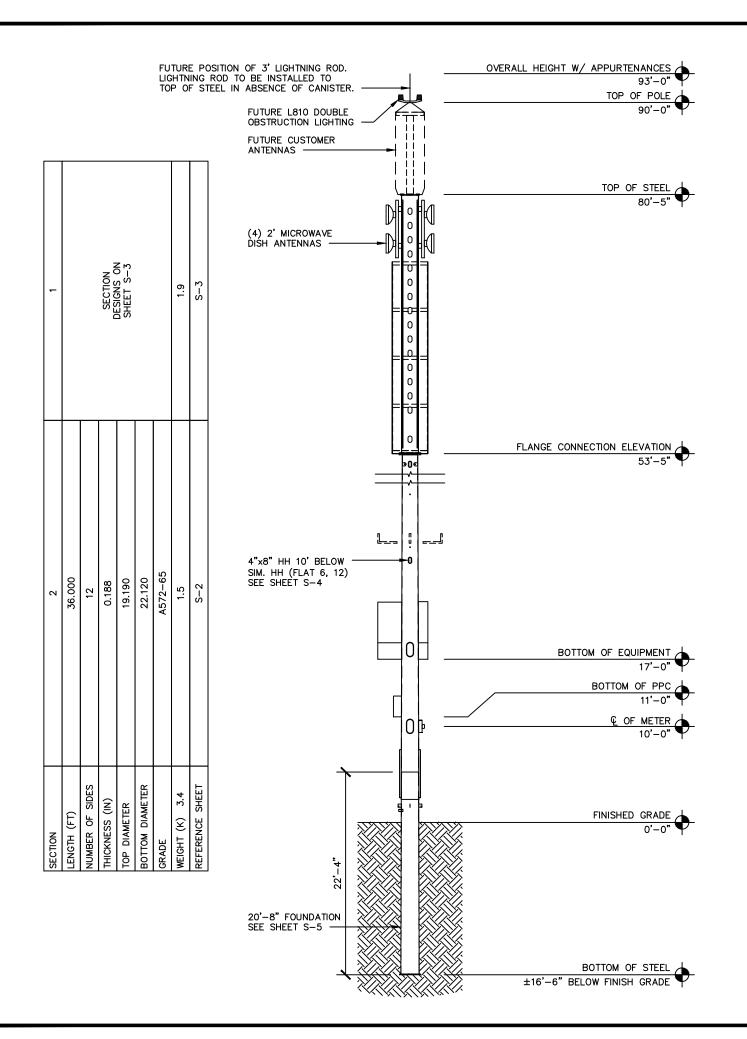
SHEET TITLE

GIS R/W MAP

SHEET NUMBER

2.0

GIS R/W MAP



POLE DESIGN NOTES:

- 1. POLE IS DESIGNED FOR EXPOSURE C TO THE TIA-222-G STANDARD.
- 2. ALL WIND SPEEDS ARE BASED ON 3 SECOND GUSTS.
- POLE IS DESIGNED FOR A 90 MPH BASIC WIND IN ACCORDANCE WITH TIA-222-G STANDARD.
- 4. POLE IS ALSO DESIGNED FOR A 30 MPH BASIC WIND WITH 0.75 IN ICE. ICE IS CONSIDERED TO INCREASE THICKNESS WITH HEIGHT.
- 5. DEFLECTIONS ARE BASED UPON A 60 MPH WIND.
- 6. POLE STRUCTURE CLASS II.
- FOUNDATION DIMENSIONS DETERMINED USING NORMAL SOILS, SITE SPECIFIC GEOTECH REQUIRED FOR FINAL DESIGN

POLE MANUFACTURER NOTES:

- THERMAL STUDY SHALL BE PERFORMED BY THE POLE MANUFACTURER TO DETERMINE IF THE PROPOSED EQUIPMENT INSIDE POLE IS BEING ADEQUATELY COOLED/HEATED AND PROVIDE A CLIMATE CONTROL SYSTEM AS NECESSARY BY DESIGN.
- POLE MANUFACTURER SHALL ENSURE THE THE POLE IS WATERPROOF SO THAT THE INTERIOR COMPONENTS OF THE POLE ARE NOT ADVERSELY AFFECTED BY THE EXTERIOR ELEMENTS.
- POLE ANALYSIS CALCULATIONS AND THERMAL STUDY SHALL BE PROVIDED TO THE ENGINEER OF RECORD WITH THE POLE SUBMITTAL PACKAGE.
- 4. POLE SHAFT AND ALL PORT RIM STEEL TO BE 65 KSI.
- 5. ALL OTHER PLATE TO BE 50 KSI.



WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER:	ML90XC845A
DRAWN BY:	ТН
CHECKED BY:	ЈНМ
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SITE INFORMATION
9WIX000264A

42.866958*,-87.986648* 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

POLE ELEVATION

SHEET NUMBER

1

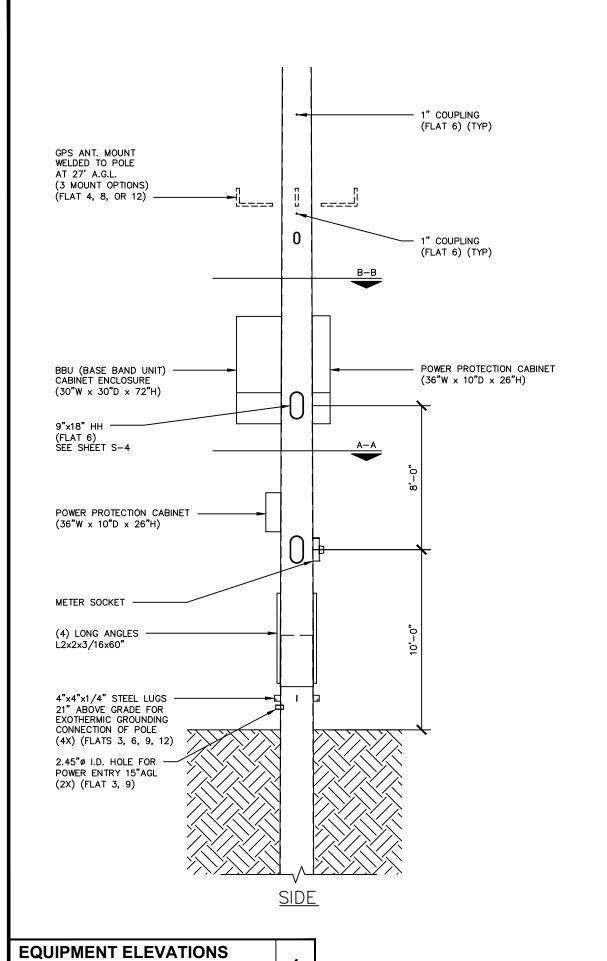
S-1

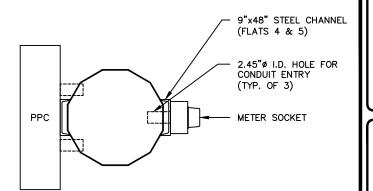
	М	MATERIAL STRENGTH			
GRADE	Fy	Fu	GRADE	Fy	Fu
A572-50	50 ksi	65 ksi	A572-65	65 ksi	80 ksi

	EQUIPMENT CHART				
QTY	DESCRIPTION	CENTERLINE(AGL)	DIMENSIONS (HxWxD)	WEIGHT	
4	2' MICROWAVE DISH ANTENNA	61'-10" +/-	12" x 24"ø	30 LBS	

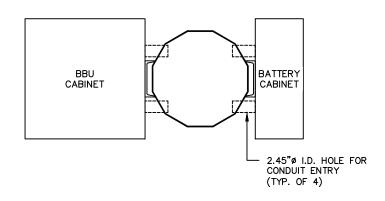
P	OI	LΕ	ΕL	ΕV	/ A1	ΓΙΟ	Ν	
	О .			- - v		$\cdot \cdot \cdot \circ$		

SCALE: 1" = 20'-0" (1" = 10'-0" ON 24"x36" SHEET)





SECTION A-A



SECTION B-B



WISCONSIN **TECHNOLOGY** NETWORKING, LLC

PROJECT NUMBER:

ML90XC845A

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9WIX000264A

42.866958,-87.986648 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

EQUIPMENT ELEVATIONS

SHEET NUMBER

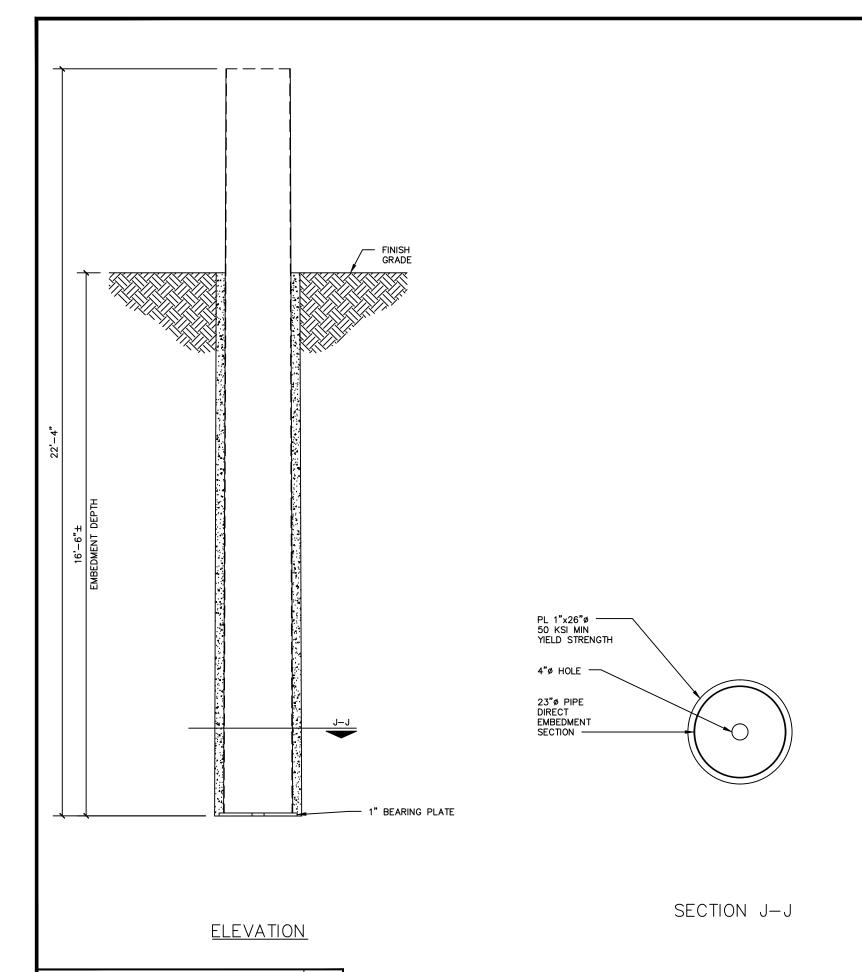
2

S-2

SECTION DETAILS

SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)

SCALE: 3/16" = 1'-0" (3/8" = 1'-0" ON 24"x36" SHEET)



TERST 47.7.

WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUMBER: ML90XC845A
DRAWN BY: TH
CHECKED BY: JHM

A 11/23/16 FOR REVIEW TH

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SITE INFORMATION
9WIX000264A

42.866958*,-87.986648* 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

FOUNDATION SECTIONS

SHEET NUMBER

S-5

EMBEDMENT SECTION

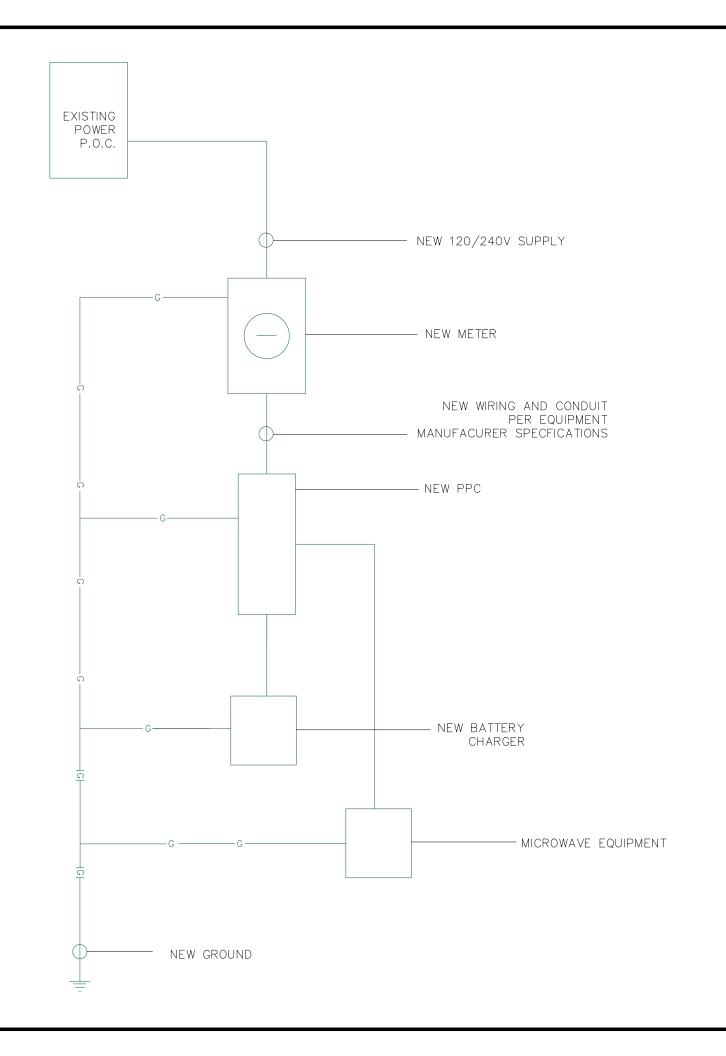
SCALE: 3/8" = 1'-0" (3/4" = 1'-0" ON 24"x36" SHEET)

1

SCALE: 1/2" = 1'-0" (1" = 1'-0" ON 24"x36" SHEET)

PLATE DETAILS

2 SHEET)





PROJECT NUMBER:

ML90XC845A

DR	DRAWN BY: TH					
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L						
D	1/4/17	REVISED POLE LOCATION	BD			
С	12/23/16	LAND SURVEY ADDED	OV			
В	12/01/16	REVISION (R.O.W. ADDED)	AA			
Α	11/23/16	FOR REVIEW	TH			

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SITE INFORMATION 9WIX000264A

42.866958*,-87.986648* 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

GROUNDING DIAGRAM

SHEET NUMBER

S-6

ELECTRICAL - GROUNDING DIAGRAM

SCALE: N.T.S.

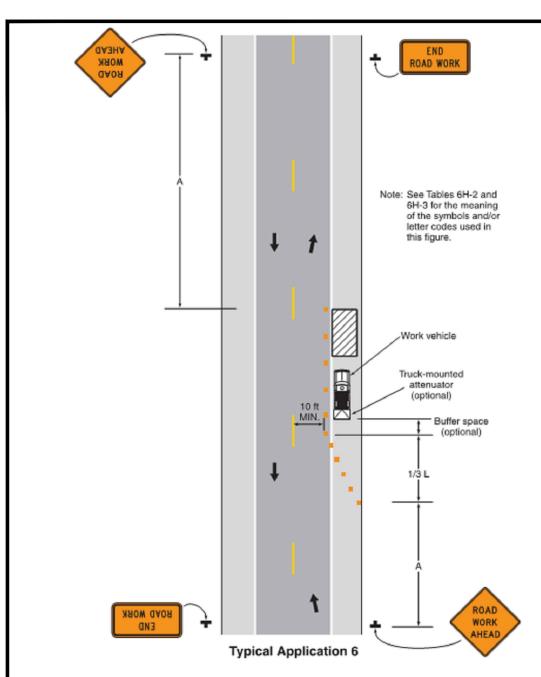


Table 6H-3. Meaning of Letter Codes on Typical Application Diagrams

Dood Torre	Dist	Distance Between Signs**			
Road Type	A	В	С		
Urban (low speed)*	100 feet	100 feet	100 feet		
Urban (high speed)*	350 feet	350 feet	350 feet		
Rural	500 feet	500 feet	500 feet		
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet		

- * Speed category to be determined by highway agency
- ** The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-46. The A dimension is the distance from the transition or point of restriction to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. [The *first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)

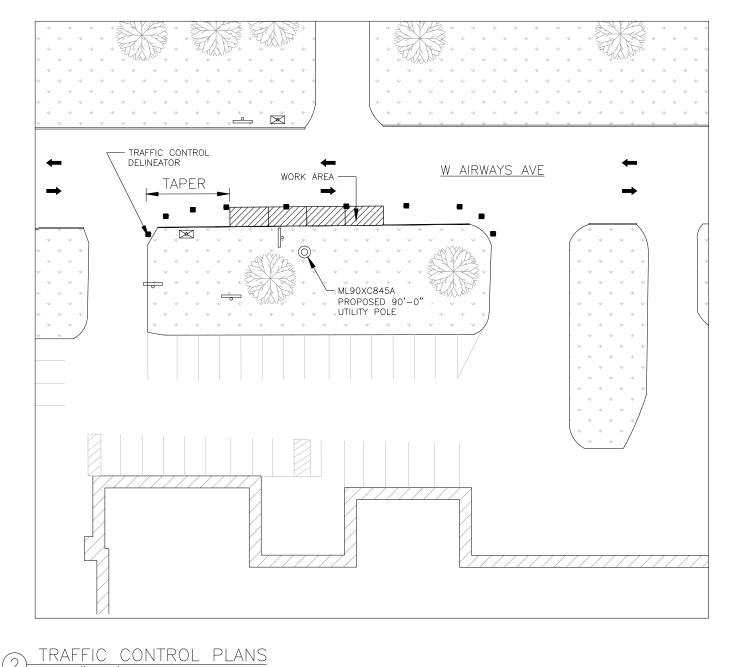
Table 6H-4. Formulas for Determining Taper Length

Speed (S)	Taper Length (L) in feet
40 mph or less	$L = \frac{WS^2}{60}$
45 mph or more	L= WS

Where: L = taper length in feet
W = width of offset in feet
S = posted speed limit, or off-peak 85th-percentile
speed prior to work starting, or the anticipated
operating speed in mph

TRAFFIC CONTROL TYPICAL INFO

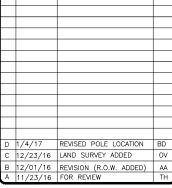






WISCONSIN TECHNOLOGY NETWORKING, LLC

PROJECT NUME	PROJECT NUMBER:	
DRAWN BY:	DRAWN BY:	
CHECKED BY:		JHM



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SITE INFORMATION 9WIX000264A

42.866958°,-87.986648° 5600 W AIRWAYS AVE FRANKLIN. WI 53132

90' EC POLE VER 1A 3SP MONOPOLE

SHEET TITLE

TRAFFIC CONTROL PLANS

SHEET NUMBER

TC-1