

CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE CITY OF FRANKLIN will conduct a public hearing on Thursday, June 6, 2019, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding an application by United States Cellular Operating Company LLC, for 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 a 125 foot monopole tower at Andy's gas station. The lease area (approximately 3,600 square feet (which includes a 2,304 square foot fenced compound), located in the northwest corner of the property) will consist of a gravel surface and will include a chain-link fence, the tower and ground equipment, and a 30 foot wide United States Cellular Access and Utility Easement is also proposed adjacent to the lease area located at 5120 West Ryan Road, property zoned B-3 Community Business District, bearing Tax Key No. 882-9999-002, more particularly described as follows:

UNITED STATES CELLULAR OPERATING COMPANY LLC LEASE PARCEL:

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 3,600 square feet (0.083 acres) of land and being described by: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 475.00 feet along the east line of the SW1/4 of said Section 23; thence S88°-22'-14"W 381.43 feet; thence S01°-37'-46"E 20.71 feet to the point of beginning; thence S01°-03'-48"E 50.00 feet; thence S88°-56'-12"W 72.00 feet; thence N00°-23'-52"W 50.00 feet; thence N88°-56'-12"E 72.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

30' WIDE INGRESS/EGRESS & UTILITY EASEMENT:

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 16,208 square feet (0.372 acres) of land and being Fifteen (15) feet each side of and parallel with the following described line: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 455.85 feet along the east line of the SW1/4 of said Section 23; thence S88°-22'-14"W 33.04 feet to a point on the west line of S. 51st Street; thence continue S88°-22'-14"W 424.95 feet; thence S00°-23'-52"E 70.00 feet to the point of beginning; thence N88°-56'-12"E 18.31 feet to a point herein after referred to as "Point A"; thence continue N88°-56'-12"E 36.69 feet to the point of termination. Also, beginning at said Point "A"; thence S43°-27'-54"E 50.77 feet; thence S89°-56'-09"E 101.72 feet; thence N00°-03'-51"E 56.98 feet; thence S89°-56'-09"E 240.48 feet; thence S54°-08'-19"E 35.32 feet to a point on the West Right of Way line of S. 51st

Street and the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on the West Right of Way line of S. 51st Street.

10' WIDE UTILITY EASEMENT:

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 8,045 square feet (0.185 acres) of land and being Five (5) feet each side of and parallel with the following described line: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 455.85 feet along the east line of the SW1/4 of said Section 23; thence S88°-22'-14"W 33.04 feet to a point on the West Right of Way line of S. 51st Street and the point of beginning; thence continue S88°-22'-14"W 251.78 feet to a point herein after referred to as "Point B"; thence S01°-37'-46"E 19.62 feet to the point of termination. Also, beginning at said "Point B", thence S88°-22'-14"W 173.17 feet; thence S00°-23'-52"E 359.95 feet to a point on the North Right of Way line of W. Ryan Road and the point of termination. The side lot lines of said easement shall be shortened or lengthened to terminate on the North Right of Way line of W. Ryan Road and the West Right of Way line of S. 51st Street.

ANDY'S PROPERTY (Tax Key No. 882-9999-002): Part of the Southeast 1/4 of the Southwest 1/4 of Section 23, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and being more particularly described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 23; thence North 00°24'05" West along the East line of the Southwest 1/4 of said Section 23, 60.02 feet to a point on the North right-of-way line of West Ryan Road and to the point of beginning; thence continuing North 00°24'05" West along said East line, 414.98 feet; thence South 88°22'46" West, 473.00 feet; thence South 00°24'05" East, 414.98 feet to said North right-of-way line; thence North 88°22'46" East along said right-of-way line, 473.00 feet to the point of beginning and containing 4.505 acres (196,241 sq. ft.) of land, more or less, and being subject to all easements and restrictions of record.

This public hearing is being held pursuant to the requirements and standards of §§15-3.0701 General Standards for Special Uses, 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts and 15-9.0103 Applications for Special Use Permit, of the City of Franklin Unified Development Ordinance.

It is noted for public information that certain existing provisions in the City of Franklin Unified Development Ordinance have been preempted by State Law. 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. *****”

A copy of the proposed Special Use resolution in draft form is available and open for inspection by the public in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The public is invited to attend the public hearing and to provide input. The proposed draft form resolution is subject to revisions following public hearing and the further consideration by the Plan Commission and the City of Franklin Common Council.

Dated this 14th day of May, 2019.

Sandra L. Wesolowski
City Clerk

N.B. Class II

Please publish: May 22, 2019
 May 29, 2019