



**We Energies**  
231 W. Michigan St.  
Milwaukee, WI 53203  
www.we-energies.com

April 5, 2017

City of Racine  
Mr. Matthew Sadowski  
Dept. of City Development Rm. 102  
730 Washington Ave  
Racine, WI 53403

Dear Mr. Sadowski,

**RE: Validating Existing Conditional Use Permit**

Per our discussion on Friday March 31, you recommended for me to send a Letter of Request to be added onto the agenda of your next Plan Commission meeting on April 12<sup>th</sup> 2017.

We are seeking to have the Plan Commission affirm the validity of our existing Conditional Use Permit that was originally approved on October 14<sup>th</sup>, 2015 and issued by the Common Council on October 20, 2015 with assigned Resolution 15-0397. We also filed for a Building Permit and received the Permit on October 24<sup>th</sup> 2016. Our understanding is that a building permit from the City of Racine is valid for up to 18 months, which should be in effect through April 24, 2018.

Our intentions were to have replaced the existing communications tower last year, but due to budget constraints, the project was delayed until now. We are asking the Plan Commission to allow us to continue with our approved project in rebuilding the tower located at 2200 Oakes Road this summer.

I have included copies of the approved city documents referenced above for your review. Please schedule us onto your April 12<sup>th</sup> meeting. You may reach me at 414-221-2806 with any questions. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert Bokowski".

Robert Bokowski  
SR/WA

We Energies  
Property Management  
231 W. Michigan Street – A252  
Milwaukee, WI 53203

**STAFF RECOMMENDATIONS**  
**PLAN COMMISSION MEETING**  
**OCTOBER 14, 2015 ROOM 205 CITY HALL**  
**4:15 P.M.**

15-00859

**Subject: (Direct Referral)** A request from Jeff Perkis of Chipman Design Architecture, representing Dunham's Sports, seeking an amendment to the Regency Mall Planned Development sign standards to allow multiple mural-type wall signs at 5538 Durand Avenue.

**COMMENTS**

**Update...**

This matter was before the Commission members at their meeting of September 30, 2015. Staff comments and recommendation are indicated below in *italicized* text. At that time the Commission deferred action to allow an alternative proposal to be negotiated.

No alternative is available for presentation to the Commission as of this writing, and the applicant has requested deferral while awaiting a unified mall theme to help inform their design decisions.

**The following are staff's comments and recommendations from the September 30, 2015 Commission meeting.**

***The Proposal...***

*Mr. Perkis is requesting, on behalf of Dunham's Sport, that the Regency Mall sign standards be amended to allow exterior mural-type wall signs on the Dunham's Sports portion of the building (formerly Sears).*

*The proposal entails the installation of 11 wall signs, each measuring 6 feet tall by 16 feet long (96 square feet each) for a total of 1,056 square feet of signage. In addition, a Dunham's channel letter sign totaling 187 square feet is also proposed to be installed above the west entrance to the tenant space.*

***Standards and Ordinance...***

*Current Regency Mall sign standards and City's sign ordinance allow up to four channel letter signs totaling no more than 300 sq. ft. This proposal represents a total of 1,356 sq. ft., or 1,056 square feet in excess of what the ordinance and Regency Mall standards allow.*

***Works of Art?...***

*The sign ordinance allows that works of art are exempt. Staff has determined that the proposed installations are signs as they explicitly illustrate eleven different sports products very clearly and graphically. Staff finds that they are not artwork or murals. Per the American Heritage Dictionary, a mural is "a work of art, such as a painting, applied directly to a wall or ceiling." Webster's Dictionary define a mural as "a usually large painting that is done directly on the surface of a wall".*

*The proposed signs consist of large photos printed on an elastic banner material. The banner material is then stretched over a "BannerStretch frame" which has been fastened to the wall. The banners are secured to the frame using zip ties and then tightened in place using a "spring pull" mechanism.*

***Possible Compromise...***

*The City has permitted large vertical banners in design district. Such banners are present at the RAM (Racine Art Museum) and at the 21<sup>st</sup> Century School. Staff would see this as an acceptable compromise for the Dunham's location. The standards would be based on that already in place for the downtown area, but modified to fit the mall's setting.*

**RECOMMENDATION**





**Subject: (Direct Referral) A request by Robert Bokowski, representing WE Energies, for a conditional use permit to replace an existing 200-foot tall communication tower with a 230-foot tower at 2200 Oakes Road.**

## COMMENTS

### Background

The existing 200-foot tall WE Energies transmission tower (lattice tower) at the site was constructed in the 1970's. Since the original approval, there have been amendments approved to allow for co-location of wireless communication equipment on the tower, as well as the addition of ground equipment, for Verizon Wireless. Though not constructed as a wireless communication tower, it has the capability to accommodate this use. Co-location is encouraged, as it reduces the need for additional towers or poles to support the telecommunications infrastructure, thus reducing potential negative impacts to surrounding properties.

### Request

Due to age, maximum structural capacity, and surrounding obstructions, the tower is in need of replacement. WE Energies, in conjunction with American Transmission Company, is requesting to construct a new tower in the area directly adjacent to the existing tower. The new tower would be 30-feet higher to forgo natural obstructions, be structurally able to handle equipment upgrades, Verizon Wireless antenna upgrades, and the location of an additional wireless carrier. Movement of some base equipment shelters, and addition of ice bridges and associated electronic equipment, is requested. Upon completion of the new tower, the existing one will be removed.

All work will take place within the existing tower lease area. This lease area lies within the southwest corner of the parcel, and is accessed via a gravel area dedicated for a future roadway. A portion of this dedication lies within the subject parcel; however the portion of the dedication leading to the parcel lies within another parcel.

### Basis for Review

This review was conducted with consideration of the review criteria for conditional uses, as well as site evaluation criteria for location of wireless facilities. While some information is still required, the request, as analyzed, is in-line with the criteria as summarized below:

#### Conditional Use Criteria:

1. ***The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.*** The new tower will be replacing an existing tower in essentially the same spot. This is in an area of numerous existing transmission towers and lines. No detrimental effects have been identified or complaints received concerning this tower.
2. ***The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*** The location was established in the 1970's, and the use is appropriate as it lies within heavy-industrial zoned areas, near the landfill, adjacent to large transmission towers and lines. The replacement of the existing tower should have no detrimental impact on property values in the vicinity. Allowing for additional co-location for an additional wireless carrier is also a positive, as this could reduce or eliminate the need for a cell tower in the area.
3. ***The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*** The proposal is in line with existing development and land uses.

4. ***Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*** Access to the site is available from an existing gravel drive dedicated for a future roadway. There is no change to the access point from the original tower approval, however the applicant shall provide proof of access rights to the entryway from the undedicated portion of roadway leading to the site from 1777 Oakes Road.
5. ***Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.*** This is a low-traffic use, and as there is no formally dedicated street at this time.
6. ***The proposed conditional use is not contrary to the objectives of the current land use plan for the city.*** The proposal is in-line with the 2035 Land Use Plan.
7. ***The conditional 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 pursuant to the recommendations of the plan commission.*** The request shall conform to required I-2 General Industrial zoning requirements and Development Standards.

Wireless Communication Facilities Location Consideration (summarized)

1. ***Suitability: Will the facility fit on the site, impede scenic or historic views, or impede access to or circulation on the site?*** The replacement tower will be constructed in the same area as the existing, and will not impede views or access/circulation.
2. ***Is there other infrastructure in the general vicinity which would accommodate the proposed facility?*** No. This facility is properly sited, just outdated.
3. ***Can the request be accommodated by locating on an existing wireless communication facility?*** No. This tower functions primarily as a WE Energies tower, with accommodation for co-location by two (2) wireless carriers.
4. ***Will the facility be designed in context with the environment in which it is proposed to be located?*** The tower will be replacing what exists, just slightly taller. The site is located adjacent to the landfill, and utility infrastructure and transmission lines already exist within the main parcel.
5. ***If a monopole or lattice tower is proposed, is it designed to accommodate additional facilities for future co-location, and if not, why?*** This is replacing an existing lattice transmission tower with one more structurally sound. It is designed to carry two wireless communication carriers.
6. ***If a monopole or lattice tower is proposed, are issues of wind loads and fall zones adequately addressed in the application?*** Wind loads, fall zones, and other engineering data is addressed in the structural analysis. This analysis is to be provided and will be reviewed prior to issuance of a building permit.
7. ***Notification of the time and place of the conditional use hearing shall be mailed to owners of all people within 300' of the site.*** This has been done.



8. **Public Safety Considerations: Police will be requested to comment with respect to security risks that may be created for adjacent properties, and on whether the site design/infrastructure would be difficult to protect.** Staff is consulting on this issue.

**Further, all wireless communication providers are required to report their frequencies to the Racine Emergency Services Department and maintain the list of all frequencies used, and the name of a contact in charge of the radio frequencies for the operator.** This will be required in the conditions of approval.

#### RECOMMENDATION

THAT THE REQUEST BY ROBERT BOKOWSKI, REPRESENTING WE ENERGIES, TO REPLACE AN EXISTING 200-FOOT TALL TRANSMISSIONER TOWER WITH A 230-FOOT TALL TRANSMISSION TOWER, WITH ASSOCIATED EQUIPMENT AT 2200 OAKES ROAD BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on October 14, 2015, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all codes and ordinances be complied with and required permits acquired.
- d. That the structural analysis shall be submitted for review and approval prior to the issuance of building permits.
- e. That the existing lease area for the tower shall remain the same and contain all equipment for the transmission tower and wireless communication facilities.
- f. That any request to expand the lease area, or construct any additional base equipment facilities / structures, shall require review and approval by the Plan Commission.
- g. That the applicant shall provide proof of access rights to the entryway from the undedicated portion of roadway leading to the site from 1777 Oakes Road.
- h. That the LP tank located in the southwest corner of the lease area shall be drained prior to construction of the proposed tower.
- i. That upon completion of the tower and modification / installation of the base equipment and infrastructure for WE Energies and Verizon Wireless, the existing tower shall be removed within 90 days of the new tower's start of operation. This timeframe does not extend to installation of any additional wireless communication equipment for a secondary wireless carrier.
- j. That Staff will discuss potential safety or protection risks associated with this replacement tower with the Police Department. Should concerns be expressed, the request will be brought back to the Plan Commission for discussion and potential amendments to address concerns.
- k. That future requests for co-locations for wireless communication infrastructure on the lattice tower shall be reviewed and approved by the Department of City Development.
- l. That all wireless communication providers shall report their frequencies to the Racine Emergency Services Department, and provide and maintain with that department a current listing of all frequencies utilized by the facility and the name of a contact in charge of radio frequencies for the operator.
- m. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Department of City Development



Room 102 City Hall  
730 Washington Ave.  
Racine, WI 53403  
Phone: 262-636-9151  
Fax: 262-635-5347

Matthew G. Sadowski  
Interim Director

November 3, 2015

Robert Bokowski  
We Energies  
231 W. Michigan Street, A 252  
Milwaukee, WI 53203

Subject: Approval of a Conditional Use Permit for 2200 Oakes Road, Racine, WI

Dear Mr. Bokowski:

On Tuesday, October 20, 2015, your request for a Conditional Use Permit (CUP) to replace a transmission tower with associated equipment at 2200 Oakes Road was approved **with conditions** by the City of Racine Common Council. Enclosed is a copy of Common Council Resolution 15-0397 granting the CUP.

Please familiarize yourself and **comply with** the enclosed conditions of approval. Additionally, please contact the Building Department at (262) 636-9464.

Feel free to contact this department at (262) 636-9151 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew G. Sadowski', is positioned below the word 'Sincerely,'.

Matthew G. Sadowski  
Interim Director of City Development

/mrc

Enclosure

Cc: Kim Stratton, American Transmission Company  
Kenneth Plaski, Building Department  
Al Kosterman, Building Department  
Dan Kirchenberg, Building Department  
Ralph Nichols, Building Department  
Matt Sadowski, Department of City Development  
Jill Johannek, Department of City Development  
Alderman Ron Hart  
File





# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
www.cityofracine.org

## Legislative Report

File Number: Res.15-0397

Agenda Date: 10/20/2015

Version: A

Status: Official Text (Legal Use)

In Control: City Attorney's Office

File Type: Resolution

Agenda Number:

Alderman Wisner

### Replace Transmission Tower at 2200 Oakes Road

Resolved, that the request by Robert Bokowski, representing WE Energies, to replace an existing 200-foot tall transmission tower with a 230-foot tall transmission tower, with associated equipment at 2200 Oakes Road is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 14, 2015, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That all codes and ordinances be complied with and required permits acquired.
- d. That the structural analysis shall be submitted for review and approval prior to the issuance of building permits.
- e. That the existing lease area for the tower shall remain the same and contain all equipment for the transmission tower and wireless communication facilities.
- f. That any request to expand the lease area, or construct any additional base equipment facilities / structures, shall require review and approval by the Plan Commission.
- g. That the applicant shall provide proof of access rights to the entryway from the undedicated portion of roadway leading to the site from 1777 Oakes Road.
- h. That the LP tank located in the southwest corner of the lease area shall be drained prior to construction of the proposed tower.
- i. That upon completion of the tower and modification / installation of the base equipment and infrastructure for WE Energies and Verizon Wireless, the existing tower shall be removed within 90 days of the new tower's start of operation. This time frame does not extend to installation of any additional wireless communication.

equipment for a secondary wireless carrier.

j. That Staff will discuss potential safety or protection risks associated with this replacement tower with the Police Department. Should concerns be expressed, the request will be brought back to the Plan Commission for discussion and potential amendments to address concerns.

k. That future requests for co-locations for wireless communication infrastructure on the lattice tower shall be reviewed and approved by the Department of City Development.

l. That all wireless communication providers shall report their frequencies to the Racine Emergency Services Department, and provide and maintain with that department a current listing of all frequencies utilized by the facility and the name of a contact in charge of radio frequencies for the operator.

m. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A





**CITY OF RACINE BUILDING DEPARTMENT**

730 WASHINGTON AVENUE ROOM 307

RACINE WI 53403

PHONE (262) 636-9464

FAX (262) 636-9329

Parcel ID: **23911000**

PERMIT # **B16-2354**

APPLICATION TYPE: **Building - Communication Antenna**

THIS CERTIFIES THAT A

# BUILDING PERMIT

HAS BEEN ISSUED IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY ORDINANCES FOR THE CONSTRUCTION OF THIS BUILDING.

AT : 2200 OAKES RD / AMERICAN TRANSMISSION CO LIMITED LIABILITY CORP

TO : AMERICAN TRANSMISSION CO LIMITED LIABILITY CORP

FOR : Antena replacement (2100 Oakes Rd)

NOTES :

DATE : 24-Oct-2016

Ralph Nichols

PH: 262-636-9471 - Building Inspector

Total

Total Fee: \$ 350.00



**CITY OF RACINE BUILDING DEPARTMENT**  
730 WASHINGTON AVENUE ROOM 307  
RACINE WI 53403  
PHONE (262) 636-9464

RECEIPT # **23373**

PAYMENT DATE: **10/24/2016**

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PERMIT # **B16-2354** TAG: 2200 OAKES RD / AMERICAN TRANSMISSION CO LIMITED LIABILITY CORP

PERMIT TYPE: Building - Communication Antenna

ADDRESS: **2200 OAKES RD**

PAYMENT DATE: **24-Oct-2016** RECEIPT #: 23373  
TENDER TYPE CHECK COMMENTS: 8965 ENTERED BY: mazelisva  
RECEIVED OF WE ENERGIES

*Summary of Fees Paid:*

Building - Communication Antenna Fee	\$ 350.00
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Total for Receipt: **\$ 350.00**

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Grand Total of Payments Collected: **\$ 350.00**