

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of August 15, 2007**

RE: LD. # 07268, Conditional Use Application – 3802 Mineral Point Road

1. Requested Action: Approval of a conditional use for a radio transmission tower to be located at 3802 Mineral Point Road.
2. Applicable Regulations: Section 28.09 (2)(d) identifies public utility and public service uses such as radio and television towers as conditional uses C1 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant: Madison Mainstream Radio, Inc.; PO Box 5587; Madison.
Agent: Rob Hecimovich, Any & All Video; 4604 Monona Drive; Madison.
Property Owner: Pete Moore; 3802 Mineral Point Road; Madison.
2. Development Schedule: The applicant wishes to proceed as soon as all necessary approvals have been granted.
3. Location: Approximately 0.4-acres located at the northwest corner of Mineral Point Road and Glenway Street; Aldermanic District 11; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with single-story auto repair garage, zoned C1 (Limited Commercial District).
5. Proposed Land Use: The applicant wishes to erect a radio tower and equipment shed along the eastern wall of the garage, which will remain on site.
6. Surrounding Land Use and Zoning: The subject site is part of a neighborhood-oriented commercial node that characterizes three of the four corners of the Mineral Point Road-Speedway Road-Glenway Street intersection in C1 (Limited Commercial District) and C2 (General Commercial District) zoning. Uses include Madeline's Patisserie and a BP/Amoco station opposite the site across Glenway and The Village Bar and Goblin Fern Press across Mineral Point Road. Glenway Golf Course is located southeast of the site, which is otherwise bordered by single-family homes to the north and west in R2 (Single-Family Residence District) and R4 (General Residence District).

7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and the other nearby neighborhood commercial properties as part of a neighborhood mixed-use district generally surrounding the Mineral Point-Speedway-Glenway intersection.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the conditional use standards of Section 28.12 (11).

ANALYSIS, EVALUATION & CONCLUSION

The applicants are requesting conditional use approval to install an approximately 50-foot radio transmission tower and equipment shed at the northeastern corner of the 1,570 square-foot Moore's Towing and Service auto repair garage located at the northwest corner of Mineral Point Road and Glenway Street in C1 (Limited Commercial District) zoning. The radio tower will broadcast the applicant's new low-power FM-band community-based radio station (99.1 FM), which will have a broadcast range of approximately ten miles. The tower will consist of a 40-foot lattice tower topped with an 8-foot tall antenna mounted to a concrete base along the eastern wall of the garage, with additional fastening to wall of the building. A 20 square-foot pre-fabricated shed containing transmitting equipment will be erected adjacent to the base of the tower. A photo showing the eastern wall of the garage with the antenna superimposed is included with the Plan Commission materials.

In general, the garage sits along the center of the northern property of the 0.4-acre subject site, approximately ten feet from an adjacent single-family residence to the north and 52 feet from the western property line. Most of the site west, south and east of the garage is occupied by parking. As noted in the "General information" section, the subject site is adjacent to single-family homes to the north and west of the site, with neighborhood commercial uses including a bakery, tavern and gas station located to the south and east of the property. Glenway Golf Course is located southeast of the site.

The Zoning Ordinance identifies public utility and public service uses such as television and radio towers as conditional uses C1 zoning. In reviewing the proposed radio tower against the conditional use standards, the Planning Division believes that it may be possible to determine that the standards are met with this request, although prior to making that determination, the Commission should consider the aesthetic impacts of the tower and any impacts the tower could have on the uses, value and enjoyment of nearby properties, in particular, the single-family residence located on the property to the north.

The superimposed photo of the proposed tower on the eastern wall of the auto repair garage is taken from near the corner of Mineral Point Road and Glenway Street looking to the northwest. The photo suggests that the radio tower will not stand as tall as a line of mature shade trees that extend along much of the common property line between the subject site and adjacent residential property to the north or a utility pole located along the northern property line. While the photo is useful in depicting the design of the tower, staff questions whether the scale of the tower matches the scale of the garage and therefore possibly understates the actual height of the tower. In reality, the 50-foot tall tower will likely stand four to five stories in height from the top of the antenna to grade, though the tower will have a narrow profile based on the 1.5-foot width of the three-sided lattice tower, which should serve to somewhat minimize its presence on the horizon. The 20-square-foot equipment shed at the base of the building should have limited visibility.

In the event of a structural failure, the tower would fall on the subject site unless it fell to the north, where the uppermost portions of the tower would fall on the adjoining residential property, though not on the residence itself. A slight grade change from north to south could also limit the impact of any possible tower collapse on the residential property to the north.

Unlike in the case of wireless telecommunication facilities such as cell towers, there are not specific performance criteria for radio towers, such as required co-location, that need to be weighed in the consideration of a conditional use approval. In staff's opinion though, it may be appropriate for the Commission to consider whether it is possible for the proposed transmission facility to be located on another existing radio or telecommunications tower within the surrounding area, which would obviate the need to establish the tower at this site.

The applicant indicates that they explored opportunities to locate their facility elsewhere in the surrounding area but were unsuccessful. The City owns a radio tower approximately two blocks north of the site at Glenway Street and Zwerg Drive that is used a communications facility for various municipal agencies. The tower also houses a cellular phone antenna array on a lease with the City. The applicants indicated to staff that the annual cost of locating on the City tower was prohibitive. Furthermore, staff from the Real Estate Section indicates that the availability of the City tower for further antenna installations is in question. The applicants also indicate that they approached the Madison Metropolitan School District about locating their radio transmission facility at West High School but were rebuffed, and that the owner of a private ham radio tower located five blocks west of the site at Owen Drive and Mineral Point Road was unwilling to allow the applicants to co-locate on his monopole tower.

In closing, the Planning Division believes that the applicant has made a sufficient case for the need to locate the tower on the subject site. The tower will stand somewhat prominently on the site at the intersection of Mineral Point-Speedway-Glenway, though the visibility of the tower on the larger horizon is likely to be minimal. As a condition of approval of the tower, the applicants

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and property owner will be required to bring the 0.4-acre site up to current code requirements for parking lot design and landscaping.

RECOMMENDATION

The Planning Division recommends that the Plan Commission consider the testimony at the public hearing in determining whether the conditional use standards can be met for a radio transmission tower located at 3802 Mineral Point Road. If the Plan Commission approves the conditional use, the approval shall be subject to the following conditions:

1. Comments from reviewing agencies.
2. That the applicants submit a revised site plan for approval by the Zoning Administrator, Traffic Engineering Division and Planning Division staff that brings the 0.4-acre subject site up to current code compliance for parking lot design, landscaping and access.
3. That a detail of the 20 square-foot equipment building be submitted for Planning Division approval prior to the issuance of a building permit for the tower.



Department of Public Works
City Engineering Division

608 266 4751

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City Engineer

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GIS Manager
David A. Davis, R.L.S.

DATE: August 6, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer 
SUBJECT: 3802 Mineral Point Road Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. N/A

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: **NONE**



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

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August 9, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **3802 Mineral Point Road – Conditional Use – Radio Tower**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall modify the site plans for abandon driveway approaches and encroachment onto the public sidewalks on Glenway Street and Mineral Point Road. Madison General Ordinances require all driveway approaches and parking facilities shall comply with all design standards as set forth in the ordinances.
 - The applicant shall not parking or store vehicles blocking the approaches to the public street. The most easterly approach on Mineral Point Road and most northerly approach on Glenway Street are noted as abandon, as vehicles are blocking all or part of the approaches and shall be removed and replaced with curb and gutter.
 - The applicant shall modify or revised plans that the above ground Portable Racing Fuel Tanks shall not be in front of the driveway approach and according to Madison General Ordinance. Gasoline pumps or similar facilities shall be a minimum of 15 ft from the right-of-way line and no driveway shall be constructed to serve any such existing facility, which is less than 12 ft from the right of way line.
 - The applicant has paved to the top of 6 inch curb to prevent encroachment onto Glenway Street that vehicle could drive off the curb damaging vehicles and encroaching onto the public sidewalk. The applicant shall provide a barrier on Glenway Street and Mineral Point Road to prevent vehicles from encroachment onto the public sidewalk.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall show bicycle racks to be placed on site. In addition, applicant shall indicate the type of bicycle racks to be installed both inside and outside.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses; one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
4. The intersection shall be so designed so as not to violate the City's sight-triangle preservations requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
5. The applicant shall modify the gravel areas to bituminous, or Portland Cement concrete in accordance with City of Madison standards and specifications. All off-street facilities shall be paved in accordance to City of Madison General Ordinance Section 10.08(6)(a) 10.
6. The applicant shall design the surface parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall. The applicant will need to show the dimensions for proposed degree parking stalls' items A, B, C, E, F, H and degree angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. The applicant shall note that Madison General Ordinance 10.08(a) 6 requires all facilities to have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner:
7. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Rob Hecimorich
Fax:
Email: rhessb4@aol.com

DCD: DJM: dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: August 9, 2007

To: Plan Commission
From: Matt Tucker, Zoning Administrator
Subject: 3802 Mineral Point Road

Present Zoning District: C1

Proposed Use: Add FM radio tower to existing automobile repair garage.

Reason for Conditional Use: 28.09(2)(d) 13. Radio Tower is a Conditional Use in the C1 District (subset of Public Utility and Public Service use).

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

1. Per Sec. 28.04(3)(a) the addition of the radio tower to this site will require the site be brought up to compliance with the existing zoning requirements, which include but are not limited to: parking, storage screening, paving, accessible parking, bicycle parking, and landscaping. The submitted plan does not reflect compliance with contemporary requirement for the site as required in MGO 28. An updated site plan must be submitted showing compliance with all requirements outlined in MGO 28 before a building permit will be issued for the proposed tower.

GENERAL OR STANDARD REVIEW COMMENTS

2. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of two accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
3. The site shares a zoning district boundary with a residential development to the west and north. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	17,339 sq. ft.
Lot width	50'	152.1'
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	20'	25' for tower
Floor area ratio	3.0	n/a
Structure height	Exempt per 28.04(18)(c)	40' tower plus 8' antenna

Site Design	Required	Proposed
Number parking stalls	TBD	TBD
Accessible stalls	TBD	Yes, TBD (1)
Loading	TBD	TBD (1)
Number bike parking stalls	TBD	TBD (1)
Landscaping & Screening	Yes	(1)

Other Critical Zoning Items	
Urban Design	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes (1)

With the above conditions, the proposed project **does** comply with all of the above requirements.