

NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

City of Evansville **Plan Commission**
Regular Meeting
City Hall, 31 S Madison St., Evansville, WI 53536
Tuesday, February 7, 2023, 6:00 pm

AGENDA

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the January 3, 2023 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed
7. Action Items
 - A. Review and Action on Preliminary/Final Land Division Application 2022-0318 on parcel 6-27-533.506 (Lot 6, Stonewood Grove)
 1. Review Staff Report and Applicant Comments
 2. Public Hearing
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
 - B. Review and Action on Preliminary/Final Land Division Application 2023-0014 on parcel 6-20-217 (7538 N. Territorial Road, Town of Union)
 1. Review Staff Report and Applicant Comments
 2. Public Hearing
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
 - C. Review and Action on Final Land Division Application 2023-0031 on parcel 6-27-580 (near 210 Cemetery Road)
 1. Review Staff Report and Applicant Comments
 2. Public Hearing
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions

-Mayor Dianne Duggan, Plan Commission Chair

8. Discussion Items

A. Update on Site Plan Application 2022-0252 on parcel 6-27-958.091A1 (777 Brown School Road, 783-785 Brown School Road)

1. Site Plan in Compliance
2. Development Agreement

9. Community Development Report

A. Wisconsin State Statutes and Wireless Facilities

10. Upcoming Meetings

A. Plan Commission Meeting: Tuesday, March 7, 2023 at 6:00pm

11. Motion to Adjourn

-Mayor Dianne Duggan, Plan Commission Chair

These minutes are not official until approved by the City of Evansville Plan Commission.

**City of Evansville Plan Commission
Regular Meeting
Tuesday, January 3, 2023, 6:00 p.m.**

MINUTES

1. Call to Order at 6:00pm.

2. Roll Call:

Members	Present/Absent	Others Present
Mayor Dianne Duggan	P	Colette Spranger, Community Dev. Director
Aldersperson Cory Neeley	P	Joe Geoffrion (applicant)
Aldersperson Susan Becker	A	Josh Copeland (applicant)
Abbey Barnes	P	Mary Leeder (applicant)
John Gishnock	P	Molly Leeder (applicant)
Mike Scarmon	P	Bill Lathrop (Evansville Today)
Eric Klar	A	

3. Motion to approve the agenda, by Neeley, seconded by Becker. Approved unanimously

4. Motion to waive the reading of the minutes from the November 1, 2022 meetings and approve them as printed, by Becker, seconded by Scarmon. Approved unanimously.

5. Civility Reminder. Duggan noted the City’s commitment to conducting meetings with cordiality.

6. Citizen appearances other than agenda items listed.

7. Action Items

A. Review and Action on Rezoning Application 2022-0293 on parcel 6-27-559.5051 (Lot 51, Westfield Meadows)

1. Review Staff Report and Applicant Comments.

Spranger summarized the report. The lot is being rezoned to accommodate the applicant’s request to build a duplex where both sides can be sold to homeowners. In order to do this, the lot must be split. Two-family twin homes are not allowed in the R-1 zoning district, so to do this the property must be rezoned to the R-2.

2. Public Hearing.

Public hearing opened at 6:03p.m. No public comments. Public hearing closed at 6:04p.m.

3. Plan Commissioner Questions and Comments

None.

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4. Motion with Conditions

Motion recommend Common Council approve Ordinance 2023-1, Rezoning Territory to Residential District Two (R-2).

Motion by Neeley, by Becker. Approved unanimously

B. Public Hearing and Review of Zoning Map Amendment Application 2022-0283 to rezone parcel 6-27-589 (469-471 E Main St)

1. Review Staff Report and Applicant Comments.

The applicants, Mary Leeder and Molly Leeder, were present. The application to rezone is in order to allow a restaurant featuring drive-up service. The Leeders operate a Subway franchise and are looking to move their operation to East Main Street and replicate their drive-up window. Spranger mentioned that initial review of the site suggested that it would be difficult for them to have the 100 feet of car stacking length in the drive-through area as required by the Zoning Code. To remedy this, the Board of Zoning Appeals will be meeting to address this issue. Spranger also mentioned that she heard from a D.J. Redders on behalf of his father Dwight, who is a neighboring property owner, concerning the existing easement between the two properties and wanted to ensure that the access to his driveway would not be impacted. Spranger confirmed that this would be a consideration when the site plan is reviewed and the rezoning would have no effect the easement. The easement was included as part of the staff report.

2. Public Hearing

Public hearing opened at 6:09p.m. No public comments. Public hearing closed at 6:10 p.m.

3. Plan Commissioner Questions and Comments

Spranger clarified that any questions about the site layout would be covered at the site plan application review, not this zoning amendment review.

4. Motion with Conditions

Motion recommend Common Council approve Ordinance 2023-2, Rezoning Territory to Residential District Two (R-2).

Motion by Becker, seconded by Neeley. Approved unanimously

C. Review of Site Plan Application 2022-0184 for TDS Vertiv Cabinet on parcel 6-27-959.A3 (715 Brown School Road)

1. Review Staff Memo

The applicant, TDS Telecom, was not present. Spranger explained that various City departments met with TDS to discuss their expansion into Evansville.

2. Applicant Comments

None.

These minutes are not official until approved by the City of Evansville Plan Commission.

3. Plan Commissioner Questions and Comments

4. Motion with Conditions

Motion to approve the site for a Vertiv box as presented for 715 Brown School Road on parcel 6-27-959.A3, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions: TDS Telecom to install three (3) evergreen trees on box's left, right, and rear sides within the utility easement.

Motion by Neeley, seconded by Becker. Approved unanimously

D. Review of Site Plan Application 2022-0185 for AP24 on parcel 6-27-5882B (City Yard Waste Site - Water Street)

1. Review Staff Memo

Spranger summarized the report, stating that the application was extremely similar to the one that came before it.

2. Applicant Comments

Applicant not in attendance.

3. Plan Commissioner Questions and Comments

Several commissioners questioned the ability of the City to dictate where such boxes go, recalling up that they had approved a collocation for wireless equipment as recently as November. Spranger replied that in this case, the City's existing zoning code allowed the City to push back on TDS's request to put the AP24 box in the front yard of a property on Water Street, but overall the City is extremely limited in its ability to dictate where a telecommunication utility can put its equipment. She replied that she would look into the matter.

4. Motion with Conditions

Motion to approve the site for a AP24 box as presented for the yard waste site on parcel 6-27-588.2B, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance.

Motion by Neeley, seconded by Becker. Approved unanimously

8. Discussion Items

9. Community Development Report

A. 2023 Meeting Schedule.

Brief discussion regarding whether or not Plan Commission meeting would be rescheduled if they coincided with voting dates. Mayor Duggan decided against moving the dates, as the City has held public meetings on voting dates in the past.

These minutes are not official until approved by the City of Evansville Plan Commission.

10. Next Meeting Date:

- A. January 3, 2023 at 6:00 p.m.

11. Motion to Adjourn at 6:48p.m. by Neeley, seconded by Scarmon. Approved unanimously.

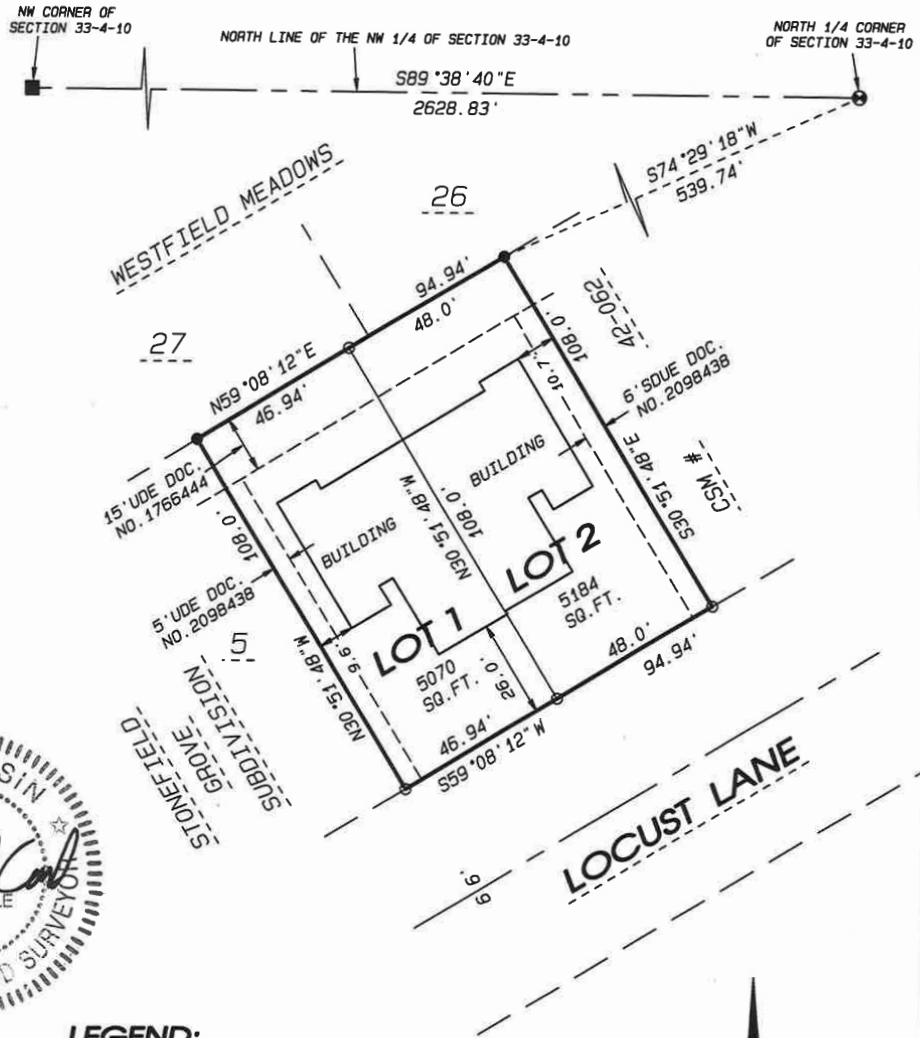
Proposed Land Division: The CSM will divide the parcel into two lots, using the common wall of the building as a lot line. This kind of land division is commonly referred to as a zero lot line CSM. Lot 1 is proposed to be 5,070 square feet and will include the dwelling unit with the address of 644 Locust Lane. Lot 2 will contain the remaining 5,184 square feet with the dwelling unit addressed at 642 Locust Lane. A joint cross access and maintenance agreement has been submitted along with the land division application, as is required by Sec. 130-323(5) of the Municipal Code.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Plan Commission Recommended Motion: *Motion for Common Council to approve a certified survey map to divide parcel 6-27-533.506 into two lots for a two-family twin residence, located at 642 and 644 Locust Lane, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition that the CSM and joint cross access and maintenance agreement are recorded for both lots with Rock County Register of Deeds.*

CERTIFIED SURVEY MAP

LOT 6, STONEWOOD GROVE SUBDIVISION, LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R. 10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING PART OF LOT 30, WESTFIELD MEADOWS.



LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- ⊙ FOUND ALUMINUM MONUMENT
- FOUND CUT STONE MONUMENT
- UDE UTILITY & DRAINAGE EASEMENT
- SDUE STORM SEWER, DRAINAGE & UTILITY EASEMENT

NOTES:

FIELDWORK COMPLETED OCTOBER 10, 2022.

ASSUMED S89°38'40"E ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 33-4-10.

Project No. 122 - 434 For: HURLEY

SHEET 1 OF 3 SHEETS

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
 Janesville, WI 53548
 www.combssurvey.com

tel: 608 752-0575
 fax: 608 752-0534

CERTIFIED SURVEY MAP

LOT 6, STONEWOOD GROVE SUBDIVISION, LOCATED IN NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING A PART OF LOT 30, WESTFIELD MEADOWS.

OWNER'S CERTIFICATE-HURLEY HOMES, LLC.

As owners, we hereby certify that we have caused the land described on this map to be surveyed, divided, mapped, and as represented hereon.



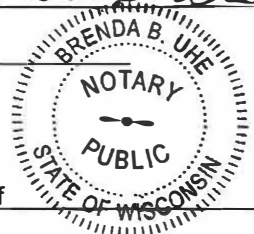
x [Signature]
Noah A. Hurley

x [Signature]
Becky A. Hurley

State of Wisconsin
County of Rock SS. Personally, came before me this 31st day of October, 2022, Noah A. Hurley and Becky A. Hurley to me well known to be the persons who executed the owner's certificate hereon shown and acknowledged the same.

Notary Public, Rock County, Wisconsin [Signature]

My Commission 11-11-27



CITY OF EVANSVILLE APPROVAL

Approved by the City Council this _____ day of _____, 20____.

City Clerk _____

ROCK COUNTY TREASURER'S CERTIFICATE

I hereby certify that the Property Taxes on the parent parcel are current and have been paid as of _____, 20____.

Rock County Treasurer _____

SHEET TWO OF THREE SHEETS
Project No. 122-434 For: HURLEY HOMES

CERTIFIED SURVEY MAP

LOT 6, STONEWOOD GROVE SUBDIVISION, LOCATED IN NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING A PART OF LOT 30, WESTFIELD MEADOWS.

SURVEYOR'S CERTIFICATE

State of Wisconsin

County of Rock

SS. I, Ryan M. Combs, a Professional Land Surveyor, do hereby certify that I have surveyed, divided, and mapped LOT 6, STONEWOOD GROVE SUBDIVISION, LOCATED IN NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING A PART OF LOT 30, WESTFIELD MEADOWS. Containing 10254 Sq. Ft. That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey, division and map by the direction of Noah A. Hurley and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Given under my hand and seal this 20th day of September 2022, at Janesville, Wisconsin.



RECORDING DATA

No. _____ received for record this _____ day of _____, 20____, at _____ o'clock __.M., and recorded as _____ of Certified Survey Maps of Rock County, Wisconsin.

Register of Deeds _____

SHEET THREE OF THREE SHEETS
Project No. 122-434 For: HURLEY HOMES

**JOINT CROSS-ACCESS AND
MAINTENANCE AGREEMENT**

Document Number

Document Title

In re:

Lots 1 and 2, of a Certified Survey Map No. _____ recorded _____,
2022, as Document No. _____, in Volume ____ of Certified Survey Maps,
on pages _____, in the office of the Register of Deeds for Rock County,
Wisconsin, being part of Lot 6, Stonewood Grove Subdivision, Section 33,
T.4N., R.10E., of the 4th P.M., City of Evansville, Rock County, Wisconsin.

Recording Area

Name and Return Address

**Attorney Walter E. Shannon
104 West Main St.
Evansville, WI 53536**

222 04701506

Parcel Identification Number (PIN)

THIS PAGE IS PART OF THIS LEGAL DOCUMENT – DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010

INFO-PRO® www.infoproforms.com

JOINT CROSS ACCESS
AND MAINTENANCE AGREEMENT

THIS AGREEMENT, is made this 5th day of October, 2022 by HURLEY HOMES, LLC, (“Owner”).

WHEREAS, Hurley Homes, LLC is the owner of the real estate located at 642 and 644 Locust Lane, Evansville, Wisconsin, and legally described as follows:

Lots 1 and 2, of a Certified Survey Map No. _____ recorded _____, 2022, as Document No. _____, in Volume _____ of Certified Survey Maps, on pages _____, in the office of the Register of Deeds for Rock County, Wisconsin, being part of Lot 6, Stonewood Grove Subdivision, Section 33, T.4N., R.10E., of the 4th P.M., City of Evansville, Rock County, Wisconsin.

(the “Property”), on which a side-by-side zero lot line duplex is located, and

WHEREAS, Owner wishes to establish parameters with regard to the side-by-side zero lot line duplex, and

NOW, THEREFORE, in consideration of the mutual benefits to be obtained, it is agreed as follows:

1. There is a joint wall separating the zero lot line duplexes located on the property described above.
2. The owners of each unit (“Unit Owners”), are equally responsible for the maintenance of the common wall and roof area where the common wall attaches. The cost of maintaining the common wall and roof area where the common wall attaches shall be borne equally by the Unit Owners on either side of said shared wall.
3. The Unit Owners are equally responsible to maintain the joint driveway from Locust Lane to the garage for their respective unit and agree that they will not block or park in front of the adjoining owner's unit. The cost of maintaining the joint driveway shall be borne equally between the Unit Owners. Neither Unit Owner shall alter or change the joint driveway in any manner, and it shall remain in the same location as when originally erected.
4. In the event of damage or destruction to the common wall, roof where the common wall attaches, and/ or joint driveway from any cause, other than the negligence or intentional act of either party hereto, the Unit Owners shall repair or rebuild said items. The cost of such repair or rebuilding shall be borne equally by the Unit Owners.
5. If either Unit Owner's negligence or intentional act shall cause damage to or destruction of the common wall or joint driveway, such negligent party shall bear the entire cost of repair or reconstruction. If either party shall neglect or refuse to pay his/her share, or

all of such costs in case of negligence or intentional act, the other party may have such item repaired or restored and shall be entitled to have a contractor lien on the lot and dwelling unit of the party so failing to pay, for the amount of such defaulting party's share of the repair or replacement costs together with interest at the maximum rate allowable.

6. The Unit Owners agree that there shall be a perpetual eight-foot maintenance easement, four-feet on each side of the zero-lot line side property line dividing the property which easement shall allow access for normal maintenance and repair of the Unit Owner's respective unit, the common wall, roof where the common wall attaches, and joint driveway.

7. The Unit Owners shall keep all exterior walls of their respective units in good condition and repair at their sole cost and expense. No Unit Owner shall do or permit to be done any act or thing that would tend to depreciate the value of the building (i.e. variance in design, colors, roofing, etc.).

8. The Unit Owners may install a fence. Any fence between the two units may be placed on the zero-lot line with both Units being equally responsible for the construction and maintenance of the fence.

9. The construction of a detached single-family home is restricted in the event either or both sides of the twin dwelling are destroyed.

10. This Joint Cross Access and Maintenance Agreement shall run with the land and shall not be terminated, amended or otherwise altered without the approval of the Evansville City Council.

11. Any dispute arising with respect to this Agreement, its making or validity, its interpretation, or its breach shall be settled by arbitration in Rock County, Wisconsin, by a single arbitrator mutually agreed to by the disputing parties pursuant to the then obtaining rules of the American Arbitration Association. Such arbitration shall be the sole and exclusive remedy for such disputes except as otherwise provided in this Agreement. Any award rendered shall be final and conclusive upon the parties, and a judgment may be entered in any court having jurisdiction. In any proceeding with respect to any dispute arising under or to collect any benefits due under this Agreement, the prevailing party in the proceeding shall be entitled to recover the costs of the proceeding and reasonable attorney fees from the other party.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

13. No modification, termination or attempted waiver of this Agreement, or any provision thereof, shall be valid unless in writing signed by the party against whom the same is sought to be enforced.

14. This Agreement shall be binding on the parties hereto, their heirs, successors, personal representatives, and assigns.

EXECUTED as set forth below.

Hurley Homes, LLC, by:

Noah and Rebecca Hurley Revocable Living Trust
dated August 1, 2022, Member, by:

Noah A. Hurley, trustee

Noah A. Hurley, Trustee

Rebecca A. Hurley, trustee

Rebecca A. Hurley, Trustee

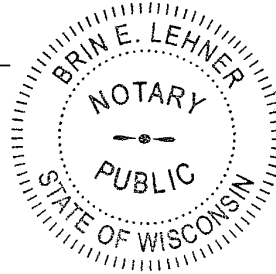
STATE OF WISCONSIN)
COUNTY OF ROCK)ss

Personally came before me this 5th day of October, 2022, the above named Noah A. Hurley and Rebecca A. Hurley, to me known to be the persons who executed the foregoing instrument and acknowledged the same on behalf of Hurley Homes, LLC.


Brin E. Lehner

Notary Public, Rock County, Wis.

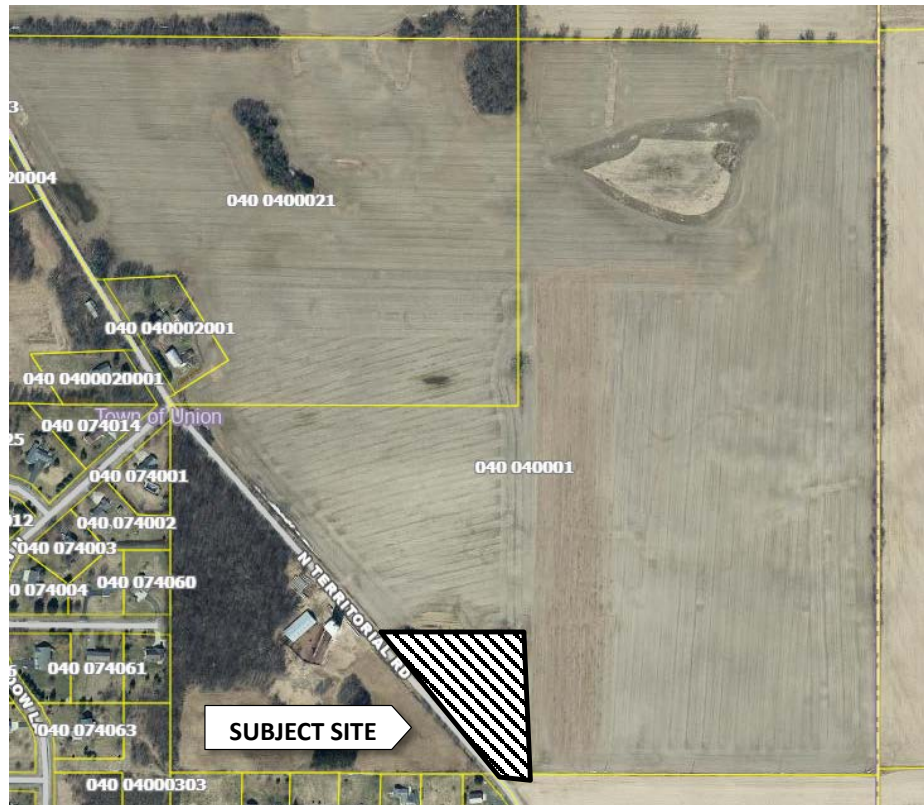
My Commission expires: *may 28, 2024*



This Instrument was drafted by
Attorney Walter Shannon
State Bar No. 1055751
Shannon Law Office, LLC
104 West Main St.
Evansville, WI 53536

	APPLICATION FOR PRELIMINARY AND FINAL LAND DIVISION – STAFF REPORT
	Application: LD-2023-0014 Applicant: Joe Rohloff
	Parcel 6-20-217
	February 6, 2023

Prepared by: Colette Spranger, Community Development Director
Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263



Location: 7538 N Territorial Road, Town of Union

Description of request: An application to create a 3.5 acre (residential lot from its parent parcel, 6-20-217, which is currently 118.5 acres.

Existing Uses: There is an existing residence on the parcel. The remainder of the land is in agricultural use or is otherwise undeveloped.

Proposed Land Division: The CSM will create a 3.5 acre residential parcel, leaving a remaining 115 acres on parcel 6-20-217.

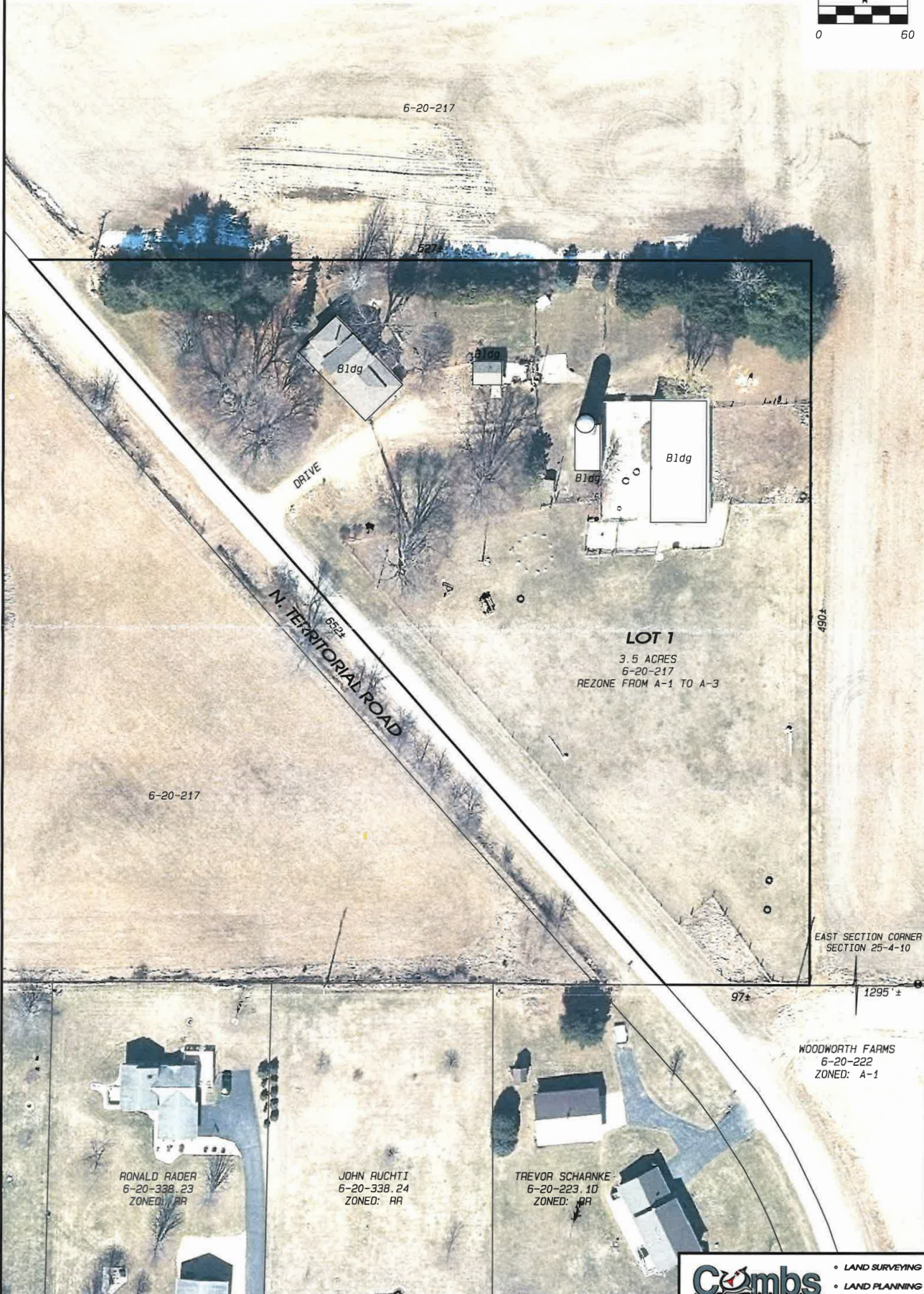
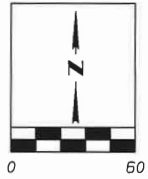
This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville. Within this area, the City places limits on the type of lot that can be created. The intention is to preserve lands that may be suited to develop on City utility services in future years while preserve large tracts of agricultural land in the short term. One of the exceptions to this rule is for property zoned for agricultural use that contains an existing residence. These residences can be separate from the remaining undeveloped land, provided that the remaining land is at least 35 acres in size. The CSM submitted for Plan Commission review tonight meets the requirements set forth in Section 110-230 of the Municipal Code.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Plan Commission Recommended Motion: *Motion for Common Council to approve the creation of a 3.5 acre residential lot from parcel 6-20-217, a 118.5 acre parcel located at 7538 N. Territorial Road, Town of Union, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the condition the final CSM is recorded with Rock County Register of Deeds, and that the application fulfills the other obligations set forth by the Town of Union and Rock County.*

PRELIMINARY CERTIFIED SURVEY MAP

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 25, T.4N., R. 10E.
OF THE 4TH P.M. TOWN OF UNION, ROCK COUNTY, WISCONSIN.





APPLICATION FOR FINAL LAND DIVISION – STAFF REPORT

Application No.: LD-2023-0031

Applicant: John Gishnock

Parcel: 6-27-580

Location: near 210 Cemetery Road

February 6, 2023

Prepared by: Colette Spranger Community Development Director

Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263

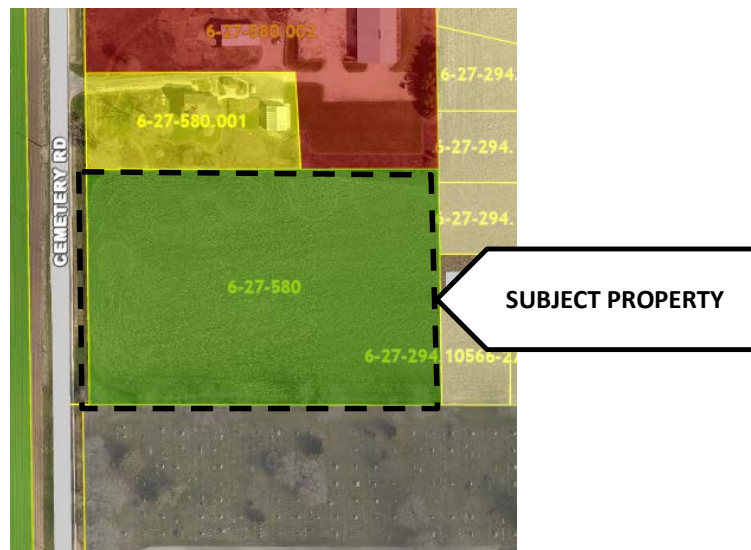


Figure 1 Location Map

Description of request: An application for a final certified survey map on parcel 6-27-580. The preliminary. The land division would create four residential parcels. These lands are in the City, but City services do not yet extend to this location.

Existing and Proposed Uses: The existing land is undeveloped and has been in agricultural use. The applicant received rezoning and preliminary land division approval in May 2022. The lots will be on private well and septic systems, similar to the house to the north on parcel 6-27-580.001. Until improvements are made to bring City utilities and pave the roadway into Capstone Ridge, the four lots will share a driveway to Cemetery Road.

The final CSM presented tonight has a handful of minor changes:

- The street right-of-way is being dedicated to the public now instead of being “reserved” for future City use.
- As a result, lot sizes have been decreased.
- Additionally, the lots have been drawn in a way to enable further subdivision at a future date. Some of these lots may need to be rezoned to R-1 in order to meet zoning bulk

requirements, but this should not be an issue. (This would be a rare case of upzoning – or zoning to a more restrictive district – would actually enable greater housing density.)

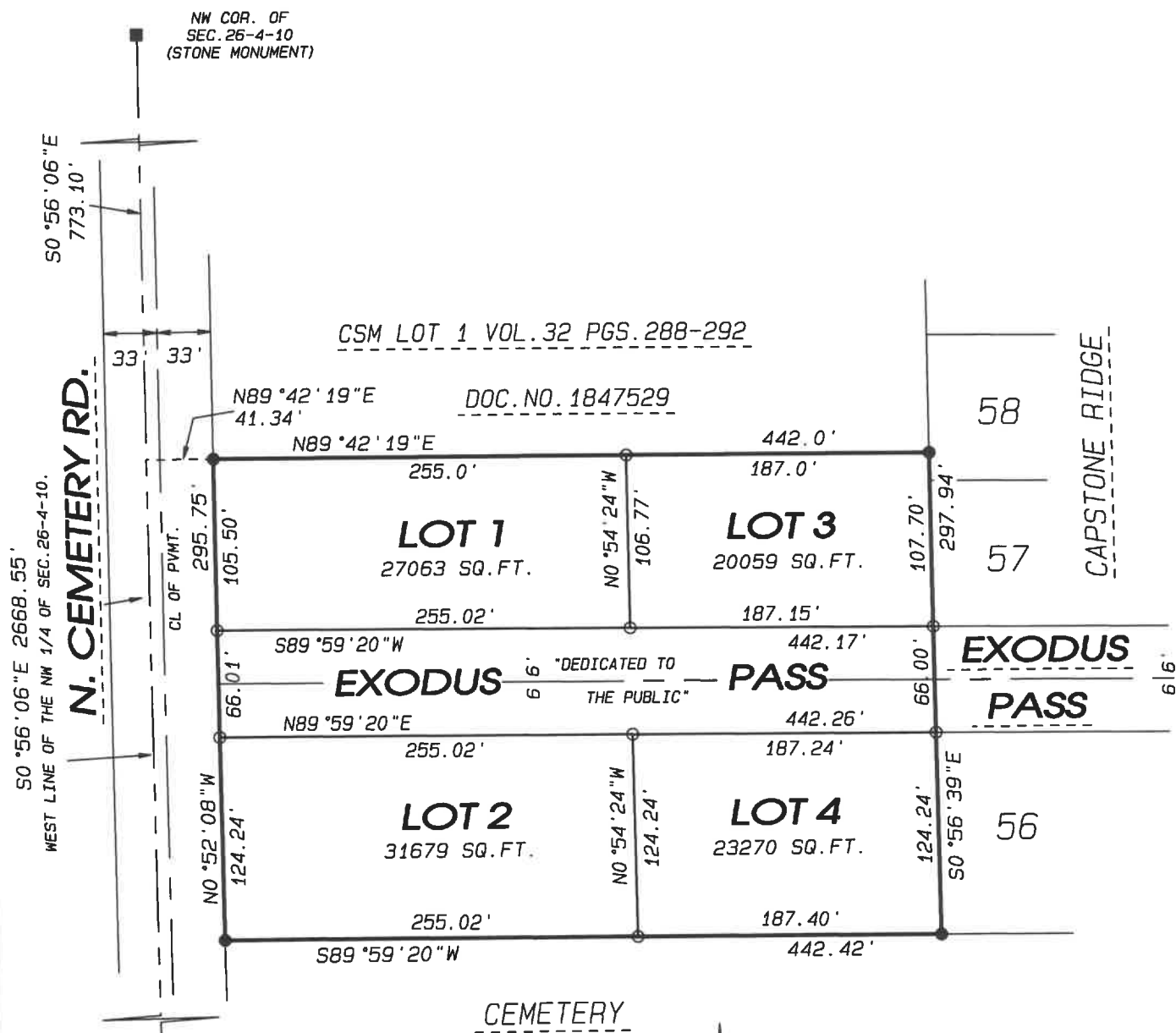
Staff Recommended Motions:

Motion for Common Council to approve a final certified survey map to divide parcel 6-27-580 into four lots, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, subject to the following conditions:

- a. Private well and septic systems will be sited and will conform to standards set by the State of Wisconsin.
- b. One well and one septic system will be allowed per lot created by this CSM.
- c. Further division of any lot created by this CSM is contingent upon serviceability by City utilities. Future lots created will conform to the standards of Chapter 130 of the Evansville Municipal Code.
- d. Upon development of Exodus Pass:
 - i. The City shall give the landowner 48 months notice to connect to City sanitary sewers. Upon abandonment of the septic system, the tanks shall be remediated per Sec 126-360 and 126-361 of the Municipal Code
 - ii. The landowner will install sidewalks and driveways meeting the standards of the Municipal Code.
- e. The final CSM is recorded with Rock County Register of Deeds.

CERTIFIED SURVEY MAP

LOT 2 OF A CERTIFIED SURVEY MAP RECORDED IN VOLUME 32, PAGES 288 THRU 292 OF CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN, AS DOCUMENT NO. 1847529 AND LOCATED IN NW 1/4 OF THE NW 1/4 OF SECTION 26, T.4N., R. 10E, OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. (FORMERLY BEING PART OF OUTLOT 17, SHEET 6, ASSESSOR'S PLAT OF THE CITY OF EVANSVILLE.)



LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- △ FOUND SURVEY SPIKE
- FOUND CUT STONE MONUMENT



NOTES:

FIELDWORK COMPLETED AUGUST 24, 2022.
 ASSUMED S0°56'06"E ALONG THE WEST LINE OF THE NW 1/4 OF SECTION 26-4-10.

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
 Janesville, WI 53548
 www.combssurvey.com

tel: 608 752-0575
 fax: 608 752-0534



City of Evansville

Community Development Department

www.ci.evansville.wi.gov
31 S Madison St
PO Box 529
Evansville, WI 53536
(608) 882-2266

Date: February 6, 2023

To: Plan Commission

From: Colette Spranger, Community Development Director

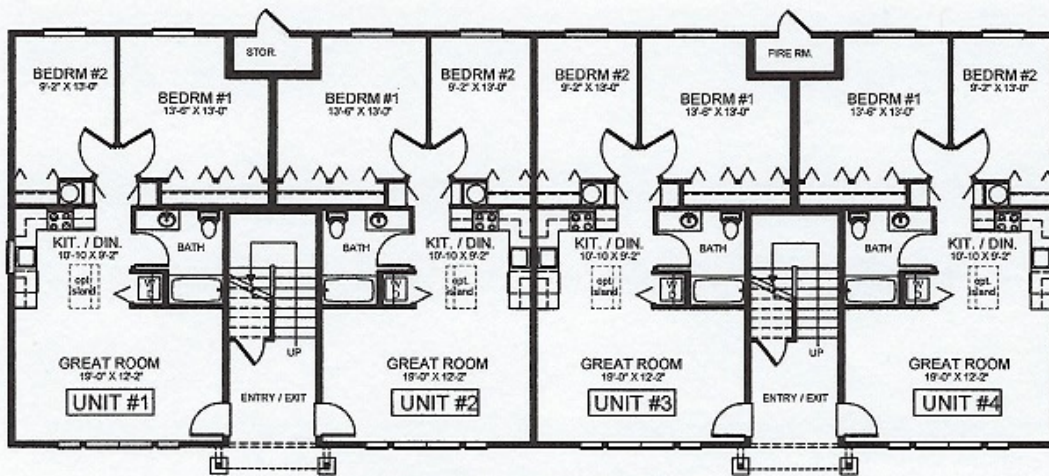
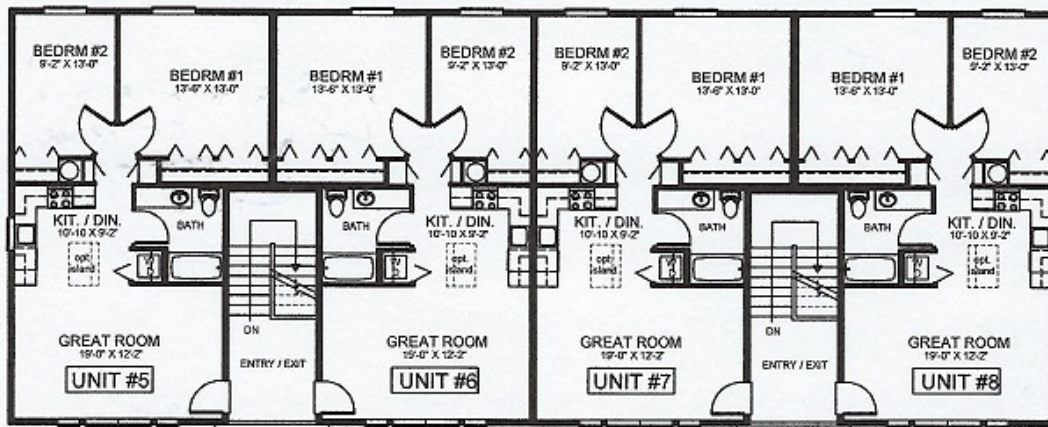
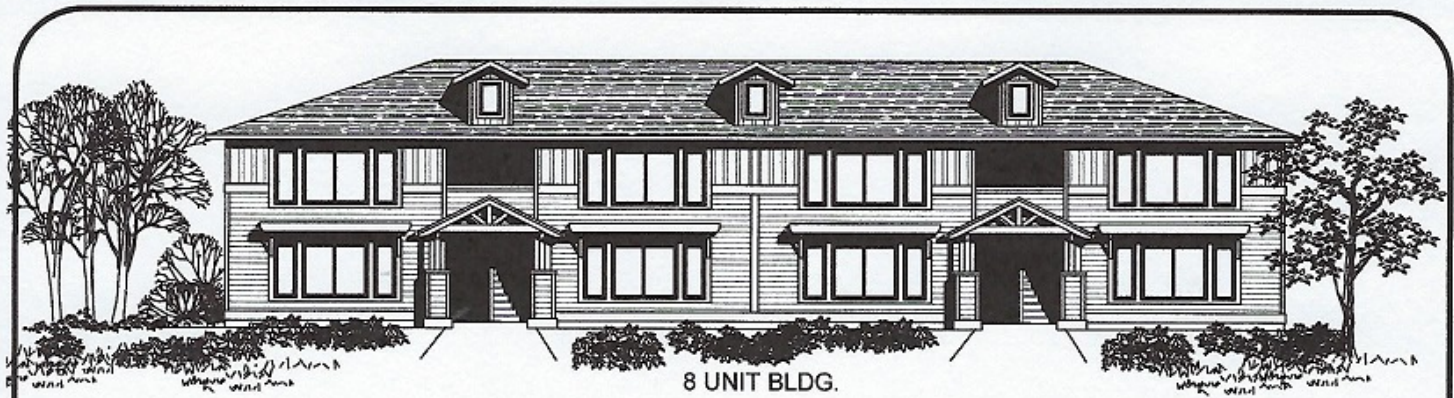
Re: Update on Phillips-Morning Site Plan and Development Agreement (Site Plan Application 2022-0252)

Andy Phillips has submitted a completed site plan for his property at 777, 781, and 783 Brown School Road. I would feel confident in recommending that Plan Commission approve that site plan.

The original site plan also included a development agreement that provided guidance on financial incentives through TIF. Typically, the City approves development agreements along with the site plan so the incentives can be compared to what is planned on paper.

City Treasurer Julie Roberts and I met with Andy and Derek Allen on January 23rd to discuss a potential new development agreement that clearly identifies the incentive package for the two existing buildings on the site. The conversation was positive and we are still working on drafting a document that is mutually beneficially to the City and the developer. We intend to have that document ready for approval by March's meeting.

That site plan and agreement will only cover the two buildings already on the site, the thought being that those could stand alone to cover a possibility that a third building wouldn't be built. The applicant has provided a concept for third building tonight and is hoping for feedback before more detailed plans can be drawn up. Still, plans for that third building will be covered by a separate site plan and development agreement.



Bldg. Width = 96'-0"
 Depth = 38'-0"
 Not Including front porch
 Total Sq. Ft.= See Above
 (8 Unit total bldg.)

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8-2902-3

66.0404 Mobile tower siting regulations.

(1) DEFINITIONS. In this section:

- (a)** "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (b)** "Application" means an application for a permit under this section to engage in an activity specified in sub. [\(2\)\(a\)](#) or a class 2 collocation.
- (c)** "Building permit" means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision's building code.
- (d)** "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- (e)** "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- (f)** "Collocation" means class 1 or class 2 collocation or both.
- (g)** "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (h)** "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (i)** "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.
- (j)** "Fall zone" means the area over which a mobile support structure is designed to collapse.
- (k)** "Mobile service" has the meaning given in [47 USC 153 \(33\)](#).
- (L)** "Mobile service facility" means 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.
- (m)** "Mobile service provider" means a person who provides mobile service.
- (n)** "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.
- (o)** "Permit" means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:
 - 1.** A class 1 collocation.
 - 2.** A class 2 collocation.
 - 3.** The construction of a mobile service support structure.
- (p)** "Political subdivision" means a city, village, town, or county.
- (q)** "Public utility" has the meaning given in s. [196.01 \(5\)](#).
- (r)** "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (s)** "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - 1.** For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
 3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
 4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- (t) "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (u) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. [196.01 \(1d\)](#); public utility, as defined in s. [196.01 \(5\)](#); telecommunications utility, as defined in s. [196.01 \(10\)](#); political subdivision; or cooperative association organized under ch. [185](#); and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. [182.017 \(1g\) \(cq\)](#); for video service, as defined in s. [66.0420 \(2\) \(y\)](#); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES

- (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. [59.69](#), [60.61](#), or [62.23](#) to regulate any of the following activities:
1. The siting and construction of a new mobile service support structure and facilities.
 2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- (b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:
1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:
1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.
- (f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
- (g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.
- (h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.
- (i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.
- (3) COLLOCATION ON EXISTING SUPPORT STRUCTURES**
- (a)
1. A class 2 collocation is a permitted use under ss. [59.69](#), [60.61](#), and [62.23](#).
 2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.
 3. A political subdivision may regulate a class 2 collocation only as provided in this section.
 4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:
1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- (d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
- (4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:
- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
 - (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
 - (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
 - (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:
 - 1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.
 - 2. For a permit for an activity described in sub. (2) (a), \$3,000.
 - (e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.
 - (f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
 - (g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.
 - (gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.
 - (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
 - (i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.
 - (j) Prohibit the placement of emergency power systems.
 - (k) Require that a mobile service support structure be placed on property owned by the political subdivision.
 - (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
 - (m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
 - (n) Limit the duration of any permit that is granted.
 - (o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
 - (p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
 - (q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
 - (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.
 - (s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

- (t) Consider an activity a substantial modification under sub. [\(1\)\(s\) 3](#), if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
 - (u) Limit the height of a mobile service support structure to under 200 feet.
 - (v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
 - (w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.
- (4e) SETBACK REQUIREMENTS.**
- (a) Notwithstanding sub. [\(4\)\(r\)](#), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. [\(2\)](#).
 - (b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. [66.0414 \(2\)\(e\) 2](#), and [3](#).
 - (c) The setback requirement under par. [\(b\)](#) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.
 - (d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.
- (5) APPLICABILITY.** If a county enacts an ordinance as described under sub. [\(2\)](#) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. [\(2\)](#) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: [2013 a. 20, 173](#); [2019 a. 14](#).

Exhibit A

APPLICATION REVIEW DEADLINES

COLLOCATION ON EXISTING STRUCTURES

<p>Federal Law: Large Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1 §1.6100</p>	<p>Federal Law: Small Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1, Subpart U; §1.6003</p>	<p>State Law: §66.0404(3), Wis. Stats.</p>
<p>60 days (unless this time limit is extended by mutual agreement) to act to approve. "Shall approve" if it is not a substantial change. Deemed approved if no action is taken within 60 days.</p>	<p>60 days for small wireless facilities collocation. If a single application includes batches that are a mix of collocations and new structures, the presumptively reasonable period of time is 90 days.</p>	<p>45 days to act, unless extended in writing by agreement with the applicant. If it is not acted upon within the required time, it is deemed approved. Note regarding right-of-way installations: Wisconsin Statutes §182.07(9) allows municipalities to establish a permit process for installations within the public right-of-way, but requires action within 60 days to approve or deny, or it is deemed approved.</p>
<p>The time is tolled if within 30 days the municipality clearly and specifically delineates any missing information. The time commences to run again when the applicant responds to their request for more information. The municipality has 10 days to notify the applicant if the response does not provide the needed information, and this continues for any subsequent requests for information. No subsequent notice of incompleteness can include a request for information that is not specified in the initial request for more information.</p>	<p>The time begins when the application is received and is only tolled starting the day after we notify them that their application is incomplete and identify the missing documents until the new submittal is received.</p> <p>If we notify them by the 10th day after their submission that this application is incomplete and specify the missing documents, the shot clock starts when they submit a complete application.</p>	<p>The application requirement only includes the name and business address and contact individual for the applicant; the location of the affected support structure; and the location of the proposed facility; and we have interpreted the law to also require some showing that they are doing work that qualifies as not substantial (Class 2 collocation). The municipality must make a completeness determination within 5 days, and notify the applicant within that time if the municipality believes the application is not complete. The applicant may resubmit as often as necessary until it is complete. Unlike the federal law, the State law time limit for action (45 days) does not commence to run until the application is complete.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit B
 DEFINITIONS OF SUBSTANTIAL CHANGE PURSUANT TO FEDERAL LAW (47 CFR Ch.1, Subch. A, Part 1; §1.6100) AND
 WISCONSIN STATUTES §66.0404

Federal Law/Not in ROW	Federal Law/In ROW and all Base Stations	Wisconsin State Law
Increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 ft., whichever is greater.	Increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 10 ft., whichever is greater.	For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet. (One exception, though, excludes such towers from the definition of substantial modification if a greater height is necessary to avoid interference with an existing antenna, per Section 66.0404(4)(s).)
Adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 ft., or more than the width of the tower structure at the level of the appurtenance, whichever is greater.	Adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 6 ft., or more than the width of the tower structure at the level of the appurtenance, whichever is greater.	For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more. (One exception, though, excludes such towers from the definition of substantial modification if a greater height is necessary to avoid interference with an existing antenna, per Section 66.0404(4)(s).)
Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.	Involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.	Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation. (One exception, though, excludes such towers from the definition of substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, per Section 66.0404(4)(t).)
Entails any excavation or deployment outside the current site.	Entails any excavation or deployment outside the current site.	Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.	It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.	

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Exhibit C
APPLICATION REVIEW DEADLINES
NEW STRUCTURES

Federal Law: Large Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1 §1.6100	Federal Law: Small Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1, Subpart U; §1.6003	State Law: §66.0404(2)(d), Wis. Stats.
Within 150 days is the presumptively reasonable period of time	For small wireless facilities the presumptively reasonable time is 90 days if going on a new structure. If the application includes batches that are a mix of collocations and new structures, the presumptively reasonable period is 90 days.	90 days to act, unless extended in writing by agreement with the applicant. If it is not acted upon within the required time, it is deemed approved. Note regarding right-of-way installations: Wisconsin Statutes §182.07(9) allows municipalities to establish a permit process for installations within the public right-of-way, but requires action within 60 days to approve or deny, or it is deemed approved.
The time is tolled if within 30 days the municipality clearly and specifically delineates any missing information. The time commences to run again when the applicant responds to their request for more information. The municipality has 10 days to notify the applicant if the response does not provide the needed information, and this continues for any subsequent requests for information. No subsequent notice of incompleteness can include a request for information that is not specified in the initial request for more information.	The time begins when the application is received and is only tolled starting the day after we notify them that their application is incomplete and identify the missing documents until the new submittal is received.	The application requirement only includes the name and business address and contact individual for the applicant; the location of the affected support structure; and the location of the proposed facility. The municipality must make a completeness determination within 10 days, and notify the applicant within that time if the municipality believes the application is not complete. The applicant may resubmit as often as necessary until it is complete. Unlike the federal law, the State law time limit for action (90 days) does not commence to run until the application is complete.
	For new small wireless facilities, if we notify them by the 10 th day after their submission that their application is incomplete and specify the missing documents, the shot clock starts when they provide the complete application.	

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Exhibit D

APPLICATION FEES FOR LARGE AND SMALL CELL SITING
NEW STRUCTURES AND COLLOCATIONS

Federal Law: Large Wireless Facilities	Federal Law: Small Wireless Facilities - 47 CFR Ch. I, Subch. A, Part 1, Subpart U; §1.6003	State Law: New Structures - §66.0404(4)(d)2., Wis. Stats.	State Law: Colocations - §66.0404(4)(d)1., Wis. Stats.
[not specified]	The following are presumed by the FCC to be acceptable fees: \$500 for non-recurring fees, including a single up-front application that includes up to 5 small wireless facilities, plus \$100 for each small wireless facility beyond 5; \$1,000 for non-recurring fees for a new pole (not a colocation) to support one or more small wireless facilities; and \$270 per small wireless facility per year for attachment to municipal owned structures in the right-of-way.	Less than or equal to \$3,000	The lesser of \$500 or the amount charged for a building permit for any other type of commercial development or land use development.

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Exhibit E

AESTHETIC CONSIDERATIONS FOR LARGE AND SMALL CELL SITING
NEW STRUCTURES AND COLLOCATIONS

FCC Declaratory Ruling, Federal Register, Volume 83, #199, October 15, 2018	Wisconsin State Law: §66.0404(4)
The Commission concludes that aesthetic requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments and (3) objective and published in advance.	New structures: (subsection (g)): A political subdivision may not disapprove an application for a new or substantially modified antenna structure based solely on aesthetic concerns.
Undergrounding requirements “may well be permissible” under state law as a general matter; but “a requirement that <i>all</i> wireless facilities be deployed underground would amount to an effective prohibition.”	Collocations: (subsection (gm)): A political subdivision may not disapprove an application for collocation based on aesthetic concerns.
Minimum spacing requirements: “The Commission acknowledges that while some such requirements may violate 253(a), others may be reasonable aesthetic requirements ... therefore such requirements should be evaluated under the same standards as other aesthetic requirements.”	

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