

TOWN OF PORT WASHINGTON OFFICE OF THE CLERK

A Public Hearing of the Town of Port Washington Plan Commission will be held on Wednesday, September 9, 2026, at 6:45 PM at the Town Hall, 3715 Highland Drive, Port Washington

AGENDA

1. Roll Call
2. public comments regarding the following:

Consideration of a Conditional Use Permit application submitted by Macks Rental Properties LLC. To construct a new 130-foot monopole mobile service support structure as an Accessory Use on the property located at 3802 County Road KW, Port Washington.

Adjournment.

Heather Krueger- Clerk

Requests from persons with disabilities or other special needs who require assistance to participate in this meeting or hearing should be made to Mike Didier, Chairman, at 414-573-0018, or to the Town Clerk at 262-284-5235, with as much advance notice as possible.

Affidavit of Posting: This Agenda was posted on August 17, 2026, at the Town of Port Washington Town Hall Bulletin Board and on the official Town website at www.townofportwashingtonwi.gov. Notice was published in the Ozaukee Press on August 27 & September 3, 2026.
Heather Krueger, Clerk

**Town of Port Washington
Planner's Report – 2nd Consideration
Conditional Use Permit Application**

Date: August 17, 2026

Submitted by: Christine DeMaster, Trilogy Consulting

Applicant: The Towers, LLC d/b/a Vertical Bridge
Project / Business Name: Verizon Wireless Communications Facility
Property Address: 3802 County Road KW, Port Washington, WI
Tax Key(s): 07-016-14-004.00

Agent: Blair Ransom
Site Development Agent
(612) 875-1808
b.ransom@grahamredev.com

Property Owner: Macks Rental Properties, LLC
P.O. Box 118
Fredonia, WI 53021

Zoning: BP-2 Transitional Business Park

Requested Conditional Use: Construction of a new 130-foot monopole mobile service support structure (140' with appurtenances) as an accessory use on the property. The structure will be constructed in a 50' x 100' leased area to the east of an existing shed at the back of the property, between the shed and the Interurban Trail. Along the western part of the leased area, a 30' x 80' fenced compound will house the monopole, equipment cabinet, and cable bridge, as well as space for future provider equipment cabinets. There will be a 30' wide easement from County Road KW to the leased area for ingress, egress, and utilities access.

Property Owners within 500 feet:

See attached list.

Wisconsin Statutes:

Wis. Stats. 66.0404 Mobile tower siting regulations:

(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.

Town Code:

Code Section	Requirements	Comments
§ 340-27.E. Setback requirements	Setbacks for BP-2 - 40 feet street yard - 20 feet side yards - 20 feet rear yard Per 340-164 a yard is an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation or a permitted sign, fence, lighting, or roadside stand. A mobile service facility and all accessory structures shall meet the minimum setback requirements of the zoning district in which they are located, unless the applicant provides an engineering certification showing that a mobile service support structure is designed to collapse within a smaller area than the minimum setback requirements.	- The location at the east end of the property is more than 40 feet from the street. - The proposed fence is 18 feet from the rear property line and 16 feet from the side property line at the closest locations. - The proposed monopole and accessory equipment will be located within the fenced area. The equipment will be 23' 6" from the side property line and 22' 5" from the rear property line. - Areas shown for future equipment for additional carriers are 53' 8" from the closest side property line and 19' 11" from the rear property line at the closest point. - The applicant submitted an engineering certification that the fall zone of the

		monopole is a 27-foot radius. - According to the construction plans the 27-foot fall zone is within the subject property.
§ 340-77. Landscaping and fencing	- 6-foot high chain link security fence - Landscaping along perimeters visible from streets, residences, public parks, or areas with access to the general public	- The proposed compound is not visible from the street or residences. It will be visible from the Interurban Trail. - Applicant proposes a 6' high opaque compound chain-link security fence enclosing a 30' x 80' area around the monopole and equipment. - The Applicant proposes screening the compound with existing vegetation and opaque fencing.
	Landscaping for structures 150' or less - 25-foot buffer - At least one row of evergreen shrubs no more than 5' apart, forming a continuous hedge at least 5' tall within 2 years - At least one row of evergreens, not less than 4' tall, no more than 15' apart	- The Applicant proposes screening the compound with existing vegetation and opaque fencing. See the construction drawings and photo simulations.
	Landscaping for structures > 150' - 40-foot buffer - At least one row of evergreen shrubs no more than 5' apart, forming a continuous hedge at least 5' tall within 2 years - At least one row of evergreens, not less than 4' tall, no more than 15' apart - Row of deciduous trees at least 1 ½" caliper 3 feet from the ground, no more than 20' apart	N/A
	Trees and shrubs in the vicinity of guy wires should not grow to more than 20' or should not	N/A, no guy wires

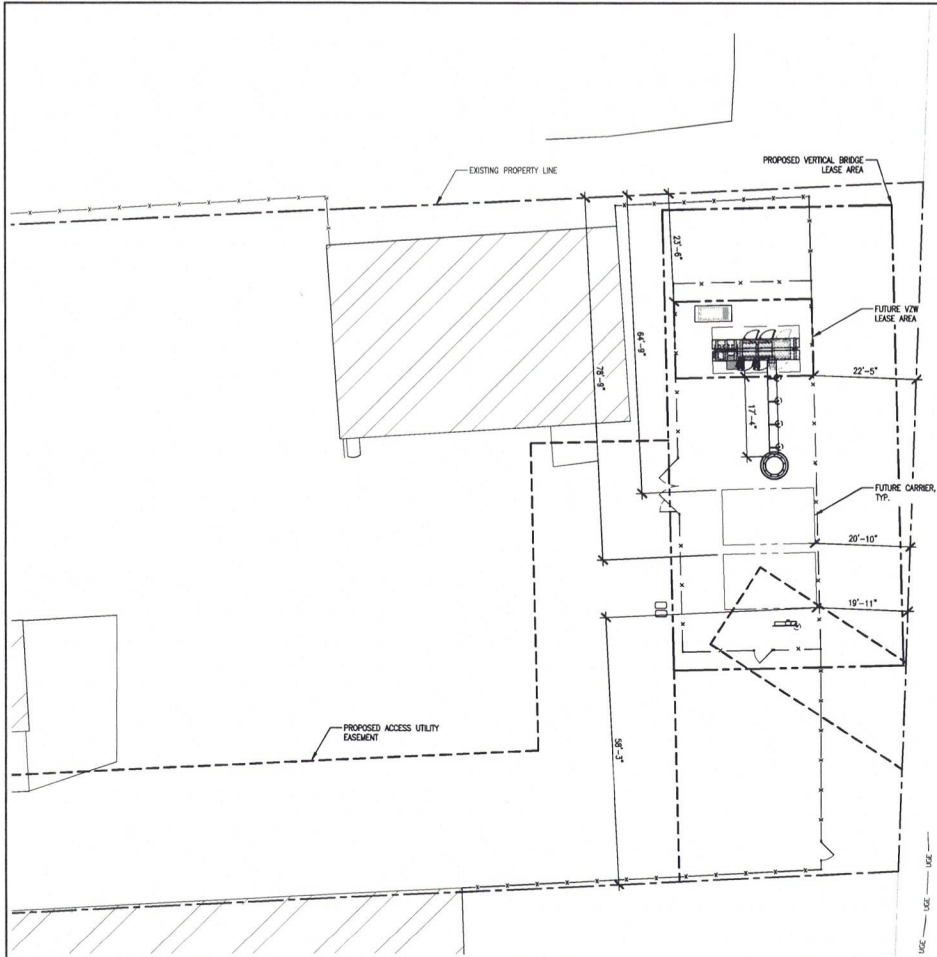
	affect the stability of the guy wires if they are uprooted	
	The Plan Commission may allow use of an alternate plan or require a more restrictive plan providing for landscaping and screening, including plantings, fences, walls and other features.	Plan Commission requires a screen of evergreens along the fence where there is not existing vegetation.
	Native vegetation should be preserved to the greatest extent practicable	Plan includes preserving existing vegetation.
§ 340-78. Parking and driveways	Minimum of 2 spaces per carrier	Applicant proposes using the property's existing driveway for parking spaces. The existing driveway is largely located within the 30' wide access easement. Parking would be provided on the existing driveway and gravel parking area.
	Driveways must be hard surfaced and meet minimum requirements for the zoning district (24' wide)	The applicant proposes using the property's existing driveway. The existing driveway is gravel and largely located within the 30' wide access easement.
340-79. Tower appearance and illumination	Support structures shall not be illuminated except as required by the Wisconsin Department of Transportation or the Federal Aviation Administration. Illuminated support structures shall use red and flashing red illumination at night. No flashing white strobe lights will be permitted for night illumination.	The proposed structure will not require lighting.
340-81. Mobile service support structure removal	The owner must provide an annual "Affidavit of Use" on forms provided by the Town as long as the mobile service support structure is in use and must remove the mobile service support structure in the event that no mobile service provider has utilized the structure for transmission purposes for a period of 12 months. Such removal must take place within	Applicant acknowledges this requirement to be provided if permit is issued and the structure is constructed.

	120 days thereafter.	
§ 340-82. Collocation of facilities	To discourage the proliferation of mobile service support structures, shared use of structures is both permitted and encouraged. Placement of more than one structure on a land site may be permitted if all requirements are met for each structure. New structure applications shall not be approved unless the applicant evaluates the feasibility of collocation and provides a sworn statement as described in §340-83A.(2)(f).	See the sworn statement provided by the applicant.
§ 340-83. Application and approval process	(2)(f) 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.	See the sworn statement provided by the applicant.
	(9) Every applicant shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Building Inspector, but not to exceed \$20,000, and it shall be of a form and type approved by the Town Attorney, indemnifying the Town against all loss, cost, damages, or expense incurred or sustained or recovered against the Town by reason of the erection,	Applicant provided a proposed \$20,000 bond covering the costs of removal, replacement, modification, or relocation of the tower, subject to review by the Town attorney.

	construction, maintenance or removal of the mobile service support structures and facilities.	
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Preliminary Conditions:

- The applicant shall provide a screen of evergreens along the fence where there is no vegetation.
- The applicant shall ensure that all equipment locations comply with the minimum setback requirements enumerated above.
- The site plan and plan of operation submitted by Blair Ransom, Buell Consulting, Inc., on July 11, 2026, and the additional site sketch submitted on August 12, 2026, are attached and are included as part of this permit. The applicant shall comply with the site plan and plan of operation as described in the submitted documents, as amended by the landscaping required by the Plan Commission. The submitted documents include:
 - o Cover letter dated July 11, 2026.
 - o Location map.
 - o Town application forms.
 - o List of neighboring properties within 500' of the subject property.
 - o Photo simulations of current conditions and the proposed structure.
 - o Sworn statement from Verizon 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.
 - o Construction drawings and site plan.
 - o Site sketch providing additional detail regarding proposed setbacks from the property lines.
 - o Fall zone certification letter.
 - o Tower removal bond.
- Approved activities include construction of a 130' monopole structure (140' total with antenna) and associated appurtenances and equipment for the initial carrier. Facilities shall be constructed and placed on the property as described in the construction drawings and site plan.
- Future collocations on the structure will require approval from the Town in accordance with §340-83 of the Town Code.
- The owner of the monopole structure must provide an annual "Affidavit of Use" on forms provided by the Town as long as the mobile service support structure is in use and must remove the mobile service support structure in the event that no mobile service provider has utilized the structure for transmission purposes for a period of 12 months. Such removal must take place within 120 days thereafter.
- The applicant shall obtain and comply with all necessary permits and licenses from the Town, County, State and Federal government that are required in addition to this conditional use permit.
- The applicant shall comply with all Local, State and Federal regulations in the construction, operation, and maintenance of the facilities.
- This conditional use permit shall be subject to biannual review by the Town Plan Commission of compliance with the conditions of the permit.



1 SETBACK PLAN
SCALE: 1" = 20'-0"

SEE SHEET G-1 FOR ADDITIONAL NOTES

PREPARED FOR
vertical bridge
THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELAIR BEACH, FL 33444

NOT FOR
CONSTRUCTION

DESIGN
8073 VALLEY VIEW RD.
FOXBOROUGH, MA 01544
(617) 952-6209
WWW.DESIGNATEP.COM

PROJECT
US-WI-5852
FUZE ID: 17458034

US-WI-5852
LION

3802 COUNTY ROAD KW
PORT WASHINGTON, WI
53074

SHEET CONTENTS:
SETBACK PLAN

DRAWN BY: T.L.B.
CHECKED BY: S.J.D.
REV. A: 04-20-20
REV. B: 05-26-20
REV. C: 06-29-20

SETBACK

NORTH

