

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of July 18, 2017**

**SUBJECT: Temporary Telecommunications Facility – Cell On Wheels (COW) Non-colocation Monopole Approval (214 E. Madison Street – Fingerle Lumber)  
File No. SEU17-003**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission finds the petition to substantially meet the standards contained in Chapter 55 (Zoning Ordinance), Section 5:82 (Wireless Communication Facilities), and therefore approves the Temporary Telecommunications Facility – Cell On Wheels at 214 E. Madison Street for a monopole designed without the ability to co-locate additional antennae subject to approval by the Building Department.

### **STAFF RECOMMENDATION**

Staff recommends that this petition be **approved** because it would comply with local, state and federal laws and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; would not cause a public or private nuisance; and would not have a detrimental effect on public health, safety or welfare.

### **LOCATION**

This site is located on the west side of S. Fifth Avenue, between E. Madison and Hill streets (Central Area; Allen Creek watershed; Ward 4).

### **DESCRIPTION OF PROJECT**

Wireless communication towers are permitted in many zoning districts including the D2 (Downtown Interface District), subject to the height regulations of the district in which it is proposed. Most proposed wireless communication towers require site plan approval as they are permanent structures. Temporary telecommunication facilities such as a COW (Cellular On Wheels) are not structures and, therefore, do not require site plan approval (but do require a building permit). The Zoning Ordinance, Section 5:82, states that, "Unless otherwise specifically approved by the Planning Commission, all wireless communications towers shall be monopoles, designed for co-location." A COW is not designed for co-location and so, despite being exempt from site plan approval, its use requires specific approval by the Planning Commission.

The petitioner seeks approval for installation of a COW (Cellular On Wheels, a temporary telecommunications facility) without co-location capability at 214 E. Madison Street. The 3-acre site currently houses the Fingerle Lumber business. The proposed tower will be 55 feet tall when extended to its full height, the maximum height permitted in the D2, First Street Character

Overlay district is 60 feet. The proposed COW will have a barrier placed on the trailer to prevent access by third parties and be set back approximately 20.7 feet from the Hill Street sidewalk and 31.4 feet from Fifth Avenue. The COW will be powered by a generator, and comply with the City's Noise Ordinance. This site is located in the Allen Creek floodway and must be anchored to the ground. No other natural features are affected by placement of the tower and associated facilities on this site.

The proposed COW is intended to boost wireless communication capacity during University of Michigan football games. Existing permanent wireless communication facilities in the area are unable to handle the extra demand on gamedays. This has resulted in periodic disruptions in service, including the ability to place or receive phone calls and text messages, for everyone with the petitioner's service inside the stadium as well as the surrounding neighborhoods. As a temporary structure, the COW may be placed at 214 E. Madison Street for up to 180 days per year. New building permits and zoning compliance permits are required for each occurrence.

### COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED
Zoning		D2 (Downtown Interface District)	D2	D2
Lot Area		134,643 sq ft	134,643 sq ft	4,000 sq ft MIN
Floor Area Ratio		53,944 sq ft	0 sq ft	200% MAX
Setbacks	Front	NA (COW)	20.7 ft – Hill St. 31.4 ft – Fifth Av.	0 ft MIN
	Side	NA	NA	0 ft MIN
	Rear	NA	NA	0 ft MIN
Height		2 stories	55 ft when raised	60 ft MAX

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
<b>NORTH</b>	UM Offices & Residential	R4C (Multiple-Family Residential District) & M1 (Limited Industrial District)
<b>EAST</b>	UM Facilities & Housing	R4C & PL
<b>SOUTH</b>	UM Fields	PL (Public Land)
<b>WEST</b>	Rail Road, Residential and Commercial	R4C (Multiple-Family Dwelling)

## **PLANNING BACKGROUND**

The Master Plan Land Use Element recommends Downtown Interface uses for the site.

The petition was assigned a project number with the pre-fix SEU (Special Exception Use) because it was the best fit for a petition of this nature. Wireless communication towers, temporary or permanent, are permitted principal uses in the D2 district. Special exception use approval is not required nor requested.

## **COMMENTS PENDING, DISMISSED OR UNRESOLVED**

Planning – As indicated by the petitioner, a permanent tower is not needed at this location. The petitioner will remove the tower and all associated facilities at the conclusion of the football season. The building permit for a temporary structure will allow use of the COW for 180 days during the year. Every occurrence of COW use at this site will require a separate building and zoning compliance permits that specifies the installation and removal date. Site plan approval would be required to construct a permanent tower.

Floodplain Coordinator – The proposed COW is located in the floodway of Allen Creek and is required to be anchored, per Section G901.1 of the Michigan Building Code. The anchoring that is proposed is for the mast pole not for flood forces. A building permit cannot be issued by the City until the petitioner provides evidence that anchoring for the temporary structure has been designed by a licensed Architect to prevent floatation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during the design flood (1% annual chance event + 1 foot). It is recommended that this certification be provided to the City prior to the proposal being heard by the City Planning Commission, so that staff knows that it will be possible to issue a building permit if the City Planning Commission approves the proposal.

NOTE: While it may be technically feasible to approve and permit the proposed COW within the floodway, from a floodplain management perspective it is not desirable to locate these facilities within the floodway. Staff strongly discourages the petitioner from future such proposals and recommends that future COW proposals be located outside of regulated floodplains, especially the floodway.

Prepared by Chris Cheng  
Reviewed by Brett Lenart  
7/12/2017

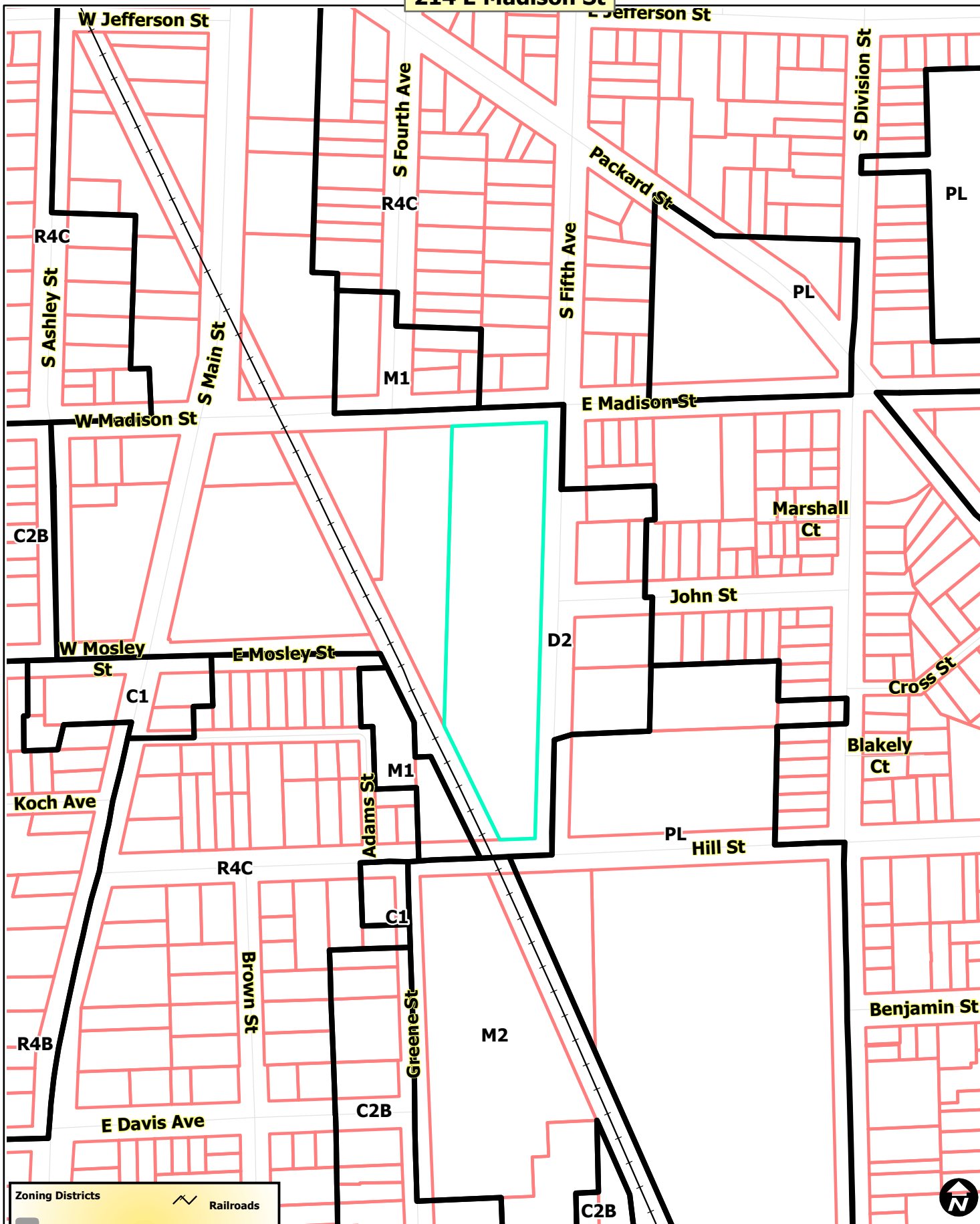
Attachments:   Zoning Map  
                    Aerial Photo  
                    Site Plan

c:     Petitioner: Sprint Spectrum L.P.  
                    c/o Haley Law Firm, PLC  
                    Carolyn Klekner  
                    10059 Bergin Road  
                    Howell, MI 48843

Owner: Fingerle Holding Co.  
617 S. Fifth Ave.  
Ann Arbor, MI 48104

Systems Planning  
File No. SEU17-003

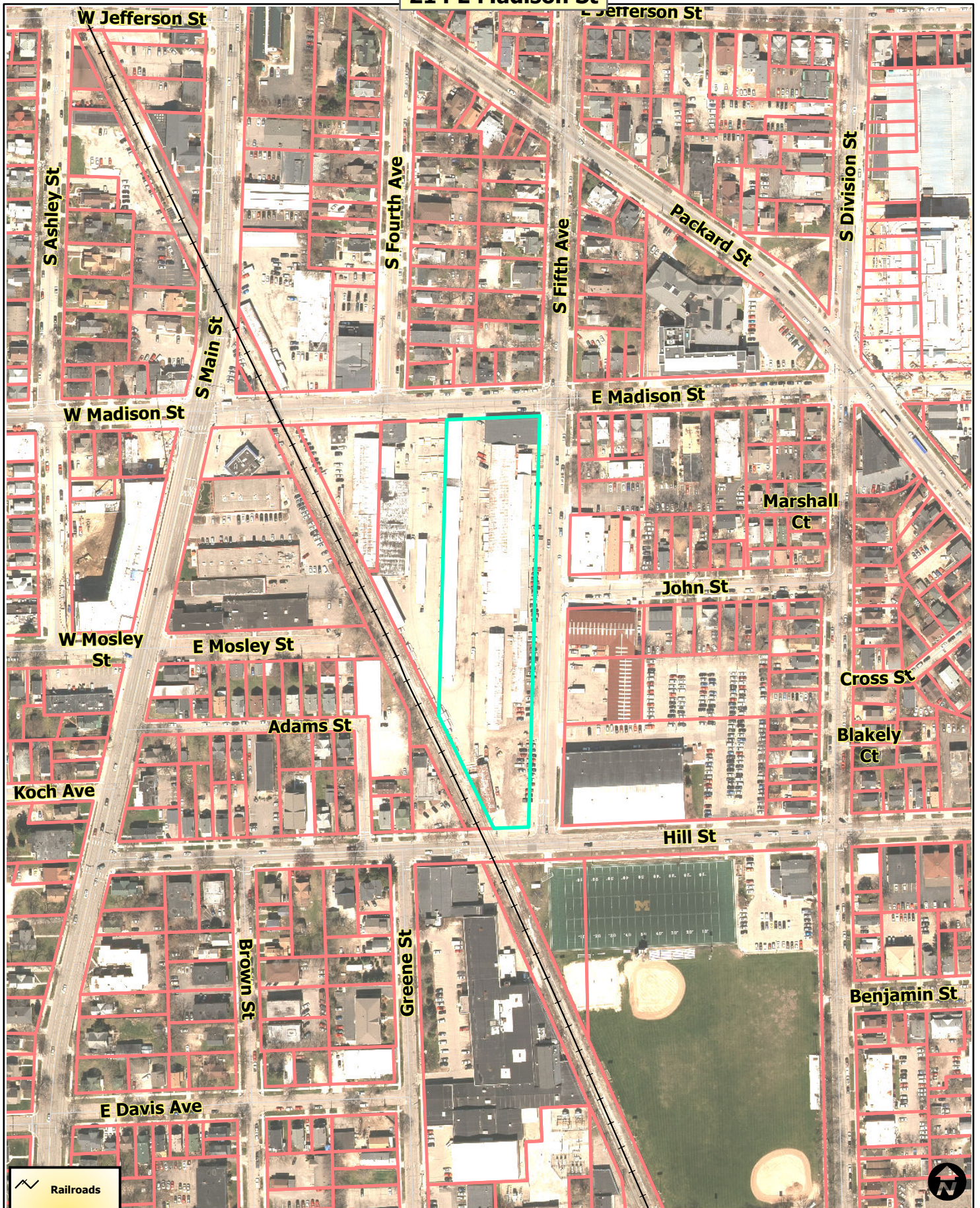
214 E Madison St






Map date 5/16/2017  
Any aerial imagery is circa 2015  
unless otherwise noted  
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# 214 E Madison St



-  Railroads
-  Huron River
-  Tax Parcels



Map date 5/16/2017  
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214 E Madison St

S Fourth Ave

E Madison St

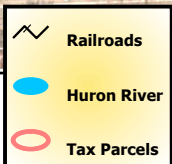
John St

E Mosley St

Adams St

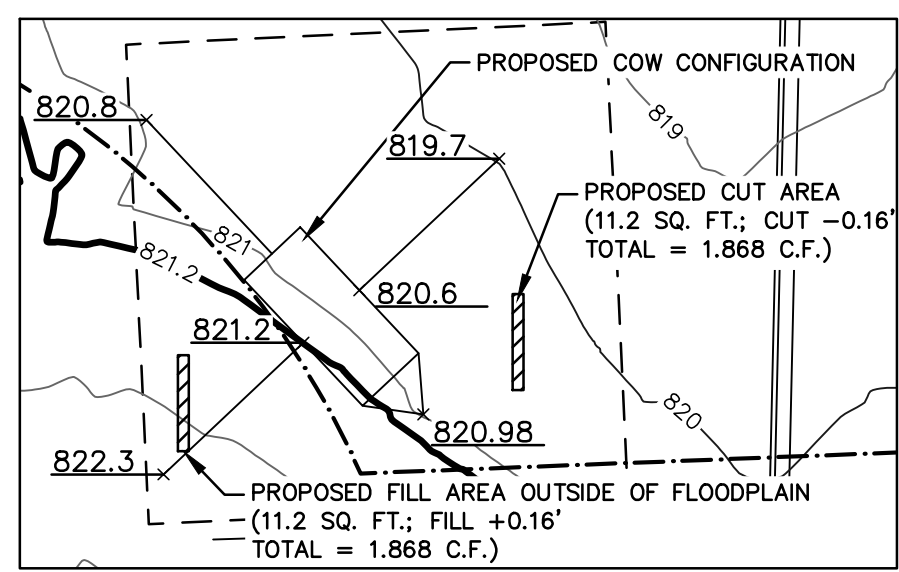
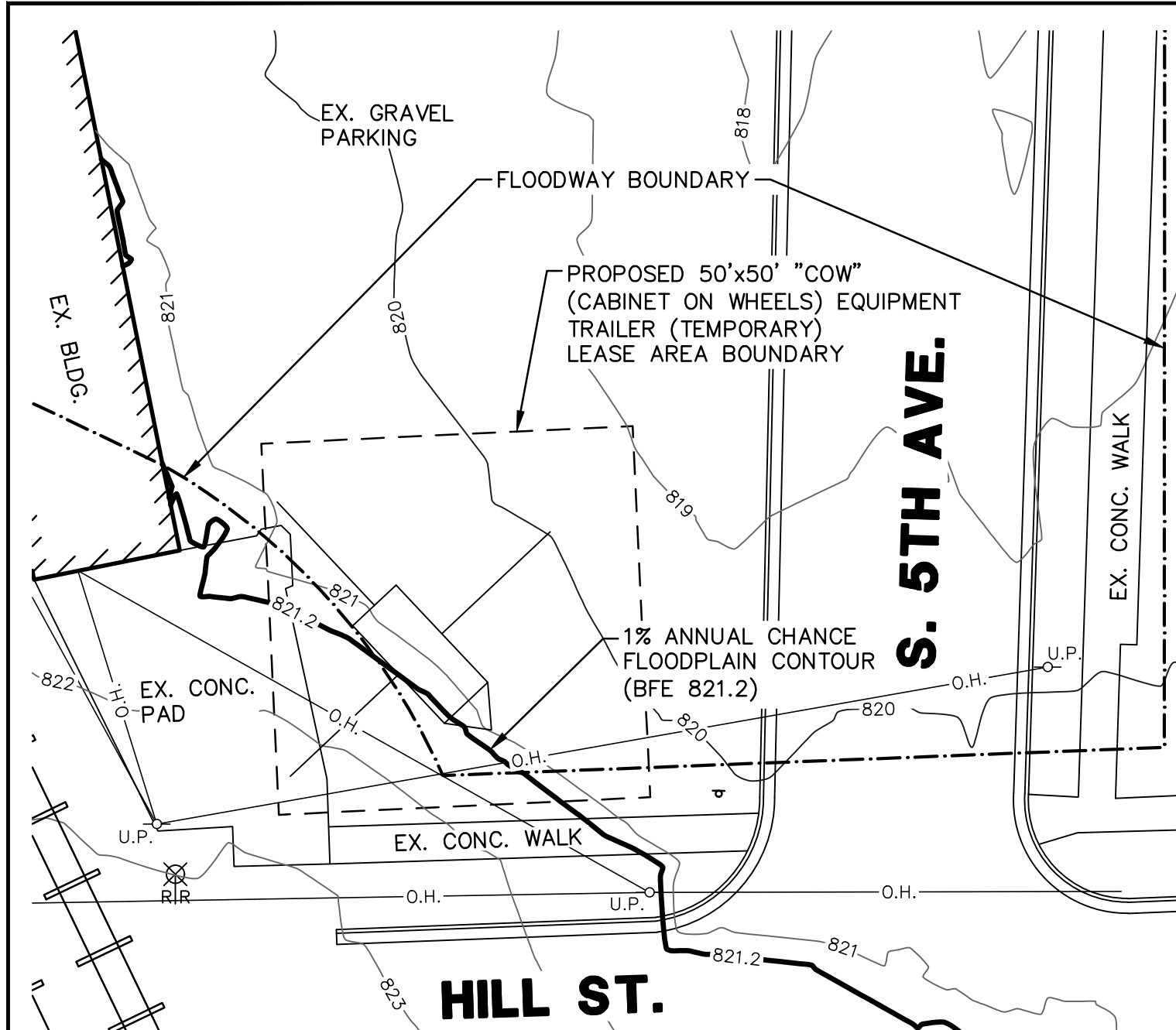
S Fifth Ave

Hill St

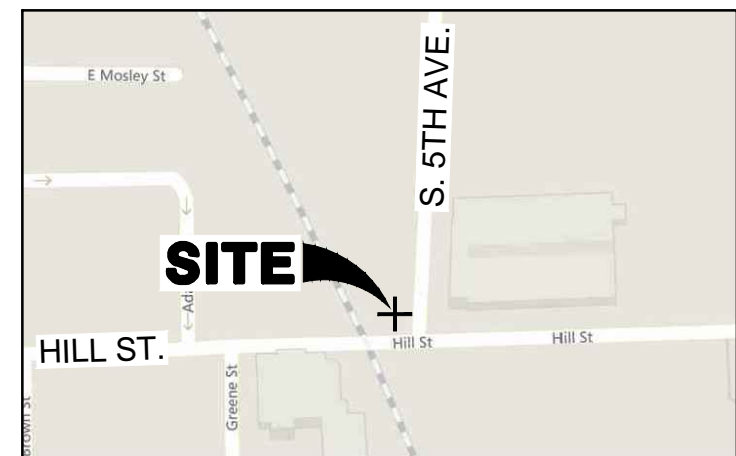
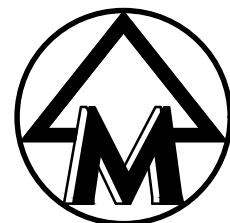


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LEASE AREA DETAIL



VICINITY SKETCH  
NOT TO SCALE

PROPERTY INFORMATION

TAX PARCEL: # 09-09-29-431-010

LOCATION

LONGITUDE 83°44'48.2"  
LATITUDE 42°16'18.8"

LEGAL DESCRIPTION

(Tax Description)

LEGAL DESCRIPTION OF A PARCEL OF LAND LOCATED  
IN THE SOUTHWEST 1/4 OF SECTION 29, TOWN 2 SOUTH, RANGE 6 EAST,  
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

Commencing at the Southwest corner of Section 29, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence East 962.24 feet; thence N 23°32'30" W 35.94 feet to the POINT OF BEGINNING;

thence continuing N 23°32'30" W 248.43 feet;  
thence N 04°14'00" E 583.64 feet;  
thence S 89°48'00" E 183.00 feet;  
thence S 04°14'00" W 811.37 feet;  
thence West 66.96 feet to the POINT OF BEGINNING. Being part of Lots 1 & 19 of Assessors Plat No. 30, as recorded in Liber 9 of Plats, Page 34, Washtenaw County Records, and containing 3.10 acres of land, more or less. Subject to easements and restrictions of record, if any.

LEGEND

- |  |      |                              |
|--|------|------------------------------|
|  | 838  | EXIST. CONTOUR               |
|  | U.P. | EXIST. UTILITY POLE          |
|  | OH   | EXIST. OVERHEAD UTILITY LINE |
|  | R/R  | SIGN                         |
|  | R/R  | RAILROAD CROSSING SIGN       |

MIDWESTERN

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JOB #: 17098

DATE: 05/01/17

SHEET 1 OF 1

CADD: pk

1709801.dwg

TEMPORARY CELL ON WHEELS

214 E MADISON AVENUE

SITE PLAN