

65.



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2008-0087	Resolution	In Committee
Resolution relative to determination of Special Use Permit for proposed panel antennas and associated equipment collocation to the City water tower located at 11515 W. Rogers St. (Tax Key No. 481-9993-028)		
Introduced: 3/31/2008		Controlling Body: Safety & Development Committee
		Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>3/31/08</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
TOTAL				<u>5</u>	<u>0</u>		

### SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAR 31 2008</u>	<input type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
TOTAL				<u>10</u>			



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2008-0087**

**Final Action:**

**MAR 31 2008**

**Sponsor(s):** Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed panel antennas and associated equipment collocation to the City water tower located at 11515 W. Rogers St. (Tax Key No. 481-9993-028)

WHEREAS, Mark Russert, d/b/a Bottom Line Telecom (agent for Cricket Communications), duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.45(2) of the Revised Municipal Code to attach three (3) antennas to the existing water tower, and to construct a 10 ft. x 6 ft. platform for new cabinet equipment at 11515 W. Rogers St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 31, 2008, at 7:00 p.m. in the Common Council Chamber to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Mark Russert, d/b/a Bottom Line Telecom has offices at 600 W. Virginia St., Milwaukee, WI 53204.
2. Cricket Communications has a valid off to lease a 15-foot by 11-foot space underneath the water tower at 11515 W. Rogers St., West Allis, Milwaukee County, Wisconsin 53214, more particularly described as follows:

All the land of the owner being located in the Southeast  $\frac{1}{4}$  of Section 6, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 2 of Certified Survey Map No. 5306.

Tax Key No. 481-9993-028

Said land being located at 11515 W. Rogers St.

3. The applicant is proposing to attach three (3) new antennas to the existing water tower at the 130 ft. level. New equipment cabinets will also be constructed on a 10 ft. x 6 ft. platform. Cricket Communications will obtain a new lease on the water tower and underneath the water tower. A new 6-ft. tall board-on-board fence and new landscaping will be provided around the perimeter of the

15-ft. x 11-ft. Cricket Communications lease area.

4. The Property is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits collocation/attachment of telecommunication equipment and public utility service structures larger than 25 sq. ft. in area as a special use, pursuant to Section 12.16, 12.23 and Section 12.45(2) of the Revised Municipal Code.

5. The Property is located along the south side of W. Rogers St., just east of S. 116 St., bordered by W. Mitchell St. to the north and the Union Pacific Railroad to the south. Properties to the north, south and east are zoned manufacturing. Properties to the west are used as Milwaukee County Greenfield Park.

6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of the Mark Russert, d/b/a Bottom Line Telecom, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.45(2) of the Revised Municipal Code to attach three (3) antennas to the existing water tower, and to construct a 10 ft. x 6 ft. platform for new cabinet equipment at 11515 W. Rogers St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 12.16 of the Revised Municipal Code, so as to permit the issuance of a Special Use Permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site, Landscaping and Architectural. The grant of this Special Use Permit is subject to and conditioned upon site, landscaping, screening and architectural plans approved on March 26, 2008, by the West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspection and Zoning and by the Fire Department.

3. Equipment Removal. Telecommunication equipment shall be removed from the property if the equipment becomes unusable, outdated, or if the lease expires.

4. Access. The City of West Allis may request access to the lease area for the purpose of attaching communication equipment. The City shall provide a detailed description to Mark Russert and

Cricket Communications of all equipment proposed for installation. Mark Russert and Cricket Communications shall determine the impact of such equipment upon the integrity of the building. Cricket Communications shall provide the City with a written response to the City's request either allowing the request or providing an explanation for rejecting the request.

5. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

6. Miscellaneous.

A. Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

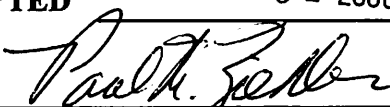
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

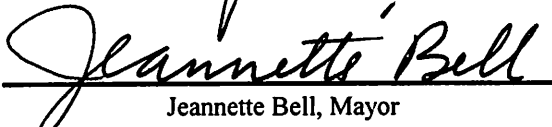
Mailed to applicant on the  
2<sup>nd</sup> day of April, 2008

Munira Schult

Assistant City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Zoning  
Div. of Planning & Zoning  
ZON-R670-3-31-08

ADOPTED MAR 31 2008  
  
\_\_\_\_\_  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED April 2, 2008  
  
\_\_\_\_\_  
Jeannette Bell, Mayor



**CITY CLERK/TREASURER'S OFFICE**  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
**Paul M. Ziehler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

April 2, 2008

Mark Russert  
Bottom Line Telecom  
600 W. Virginia St.  
Milwaukee, WI 53204

Dear Mr. Russert:

On March 31, 2008 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed panel antennas and associated equipment collocation to the City water tower located at 11515 W. Rogers St.

A copy of Resolution No. R-2008-00087 is enclosed.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn  
enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Cricket Communications