



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214


File Number	Title	Status
R-2011-0040	Resolution	Introduced
Resolution relative to determination of Special Use Permit for proposed antennas and associated equipment to be located at the water tower at 8435 W. National Ave.		
Introduced: 2/15/2011		Controlling Body: Safety & Development Committee
Sponsor(s): Safety & Development Committee		

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>2/15/11</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				
			Czaplewski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock				
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel				
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>FEB 15 2011</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
TOTAL				<u>10</u>			



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
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

February 22, 2011

Mr. Keith A. Nyman
Sure Site Consulting Group, LLC
3659 Green Rd.,
Suite 214
Cleveland, OH 44122

Dear Mr. Nyman:

On February 15, 2011 the Common Council adopted a Resolution relative to determination of Special Use Permit for proposed antennas and associated equipment to be located at the water tower at 8435 W. National Ave.

Please sign and return the enclosed copy of Resolution No. R-2011-0040 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: Ted Atkinson
Development
T-Mobile Central LLC



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0040

Final Action:
FEB 15 2011

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed antennas and associated equipment to be located at the water tower at 8435 W. National Ave.

WHEREAS, Keith Nyman, d/b/a Sure Site Consulting Group, LLC (agent for T-Mobile Central, LLC), 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 behind the shroud on the existing water tower, add an additional cabinet within the water tower at 8435 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2011, 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, Keith Nyman, d/b/a Sure Site Consulting Group, LLC has offices at 3659 Green Rd., Ste. 214, Cleveland, OH 44122.
2. T-Mobile Central, LLC has a valid offer to lease space at the water tower at 8435 W. National Ave., West Allis, Milwaukee County, Wisconsin 53227, more particularly described as follows:

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

Lot 2 in Block 2 in the Assessors Plat No. 254.

Tax Key No. 478-0030-001

Said land being located at 8435 W. National Ave.

3. The applicant is proposing to attach three (3) new antennas to the existing water tower behind the existing shroud. A new equipment cabinet will also be placed within the water tower and two (2) additional lines of coax cable will be installed. T-Mobile Central, LLC will obtain a new lease with the City of West Allis to utilize the water tower.
4. The Property is zoned P-1 Park District, C-2 Neighborhood Commercial District and RB-2

Residence 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. National Ave., just west of S. 84 St. Properties to the north, west and east are zoned commercially. Properties to the south are zoned residentially.

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 Keith Nyman, d/b/a Sure Site Consulting Group, LLC, 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 shroud, and to add a new equipment cabinet equipment at 8435 W. National Ave., 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 January 26, 2011, 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 T-Mobile Central, LLC of all equipment proposed for installation T-Mobile Central, LLC 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. Maintenance - Installation. If the water tower or shroud is damaged during installation it shall be restored to its original condition.

6. 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.

7. 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.

8. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and

recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

9. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, the special use may be terminated.

10. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Keith Nyman, d/b/a Sure Site Consulting Group, LLC

Mailed to applicant on the
22 day of February, 2011

Monica Schultz
Assistant City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-810-2-15-11

ADOPTED FEB 15 2011
Paul M. Ziebler
Paul M. Ziebler, City Admin. Officer, Clerk/Treas.

APPROVED 2/12/11
Dan Devine
Dan Devine, Mayor

Janel Lemanske

From: Keith nyman [knyman@frontier.com]
Sent: Thursday, February 24, 2011 12:35 PM
To: Janel Lemanske
Cc: h.rocker@sure-site.com
Subject: RE: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)
Attachments: R-2011-0040.pdf

Hello Janel-

Attached is the signed version by all parties of the document you forwarded. I will send the original in the mail, to your attention.

Thank you for your prompt attention to this inquiry.

Keith

Keith A. Nyman | Site Acquisition
SureSite Consulting Group, LLC
(M) 414.704.5375
Office 216.593.0400 | Fax 216.593.0401
E knyman@frontier.com / knyman@sure-site.com
3659 Green Road | Suite 214 | Cleveland, OH | 44122



From: Janel Lemanske [mailto:jlemanske@westalliswi.gov]
Sent: Thursday, February 24, 2011 11:19 AM
To: knyman@frontier.com; knyman@sure-site.com
Subject: FW: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)

Dear Keith,

Resolution R-2011-0040 was sent out on Feb. 22, 2011 to the Cleveland, OH address.

Attached is what was sent. You may print the attachment out and mail it back (as we need your original signature) to:

City of West Allis
Attn: Janel Lemanske
7525 W. Greenfield Ave.
West Allis, WI 53214

Thank you,
Janel Lemanske
Clerk Specialist II
Clerk/Treasurer's Office

-----Original Message-----

From: Monica Schultz
Sent: Thursday, February 24, 2011 11:10 AM
To: Janel Lemanske
Subject: FW: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)

2/24/2011

Janel, can you please follow-up? Thanks, Monica

-----Original Message-----

From: webmaster@ci.west-allis.wi.us
[mailto:webmaster@ci.west-allis.wi.us]
Sent: Thursday, February 24, 2011 11:00 AM
To: Monica Schultz
Subject: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)

This email message is being relayed to you by the City of West Allis webmaster.

Message from: Keith A. Nyman
Message Subject: Legislative File Number R-2011-0040 (version 1) Please reply to this sender at: knyman@frontier.com Message Content: Hello Monica- Can you tell me if the Resolution relative to determination of Special Use Permit for proposed antennas and associated equipment to be located at the water tower at 8435 W. National Avenue was mailed out yet? I am in Lake Mills, WI, however, I have a Cleveland Ohio mailing address with SureSite Consulting Group and have yet to receive this document which I need to sign and send back to the City of West Allis. I will also call you as I can not attach the document which I have that I pulled from the West Allis website prior to the 02/15/2011 Meeting. Thank you for your assistance.
Keith - 414.704.5375
Keith A. Nyman | Site Acquisition
SureSite Consulting Group, LLC
(M) 414.704.5375
Office 216. 593.0400 | Fax 216.593.0401 E knyman@frontier.com / knyman@sure-site.com
3659 Green Road | Suite 214 | Cleveland, OH | 44122

TO REPLY TO THE SENDER OF THIS MESSAGE YOU MUST CREATE A NEW EMAIL MESSAGE AND ENTER THE SENDERS ADDRESS. IF YOU USE THE REPLY BUTTON, YOUR MESSAGE WILL BE SENT TO THE CITY OF WEST ALLIS WEBMASTER, NOT THE MESSAGE SENDER

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1204 / Virus Database: 1435/3465 - Release Date: 02/24/11



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

February 22, 2011

Mr. Keith A. Nyman
Sure Site Consulting Group, LLC
3659 Green Rd.,
Suite 214
Cleveland, OH 44122

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Please sign and return the enclosed copy of Resolution No. R-2011-0040 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: Ted Atkinson
Development
T-Mobile Central LLC



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0040

Final Action:
FEB 15 2011

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed antennas and associated equipment to be located at the water tower at 8435 W. National Ave.

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WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2011, 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, Keith Nyman, d/b/a Sure Site Consulting Group, LLC has offices at 3659 Green Rd., Ste. 214, Cleveland, OH 44122.
2. T-Mobile Central, LLC has a valid offer to lease space at the water tower at 8435 W. National Ave., West Allis, Milwaukee County, Wisconsin 53227, more particularly described as follows:

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

Lot 2 in Block 2 in the Assessors Plat No. 254.

Tax Key No. 478-0030-001

Said land being located at 8435 W. National Ave.

3. The applicant is proposing to attach three (3) new antennas to the existing water tower behind the existing shroud. A new equipment cabinet will also be placed within the water tower and two (2) additional lines of coax cable will be installed. T-Mobile Central, LLC will obtain a new lease with the City of West Allis to utilize the water tower.

4. The Property is zoned P-1 Park District, C-2 Neighborhood Commercial District and RB-2

Residence 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. National Ave., just west of S. 84 St. Properties to the north, west and east are zoned commercially. Properties to the south are zoned residentially.

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 Keith Nyman, d/b/a Sure Site Consulting Group, LLC, 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 shroud, and to add a new equipment cabinet equipment at 8435 W. National Ave., 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 January 26, 2011, 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 T-Mobile Central, LLC of all equipment proposed for installation T-Mobile Central, LLC 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. **Maintenance - Installation.** If the water tower or shroud is damaged during installation it shall be restored to its original condition.

6. **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.

7. **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.

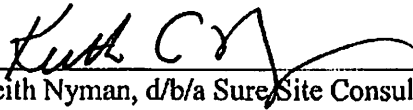
8. **Lapse.** If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and

recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

9. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, the special use may be terminated.

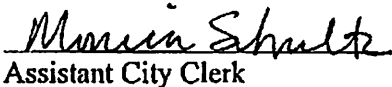
10. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.



Keith Nyman, d/b/a Sure Site Consulting Group, LLC

Mailed to applicant on the
22 day of February, 2011



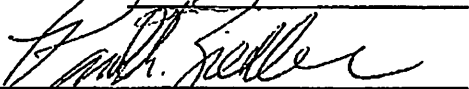
Assistant City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-810-2-15-11

ADOPTED

FEB 15 2011



Paul M. Zichler, City Admin. Officer, Clerk/Treas.

APPROVED

2/12/11



Dan Devine, Mayor

Janel Lemanske

From: Janel Lemanske
Sent: Thursday, February 24, 2011 11:19 AM
To: 'knyman@frontier.com'; 'knyman@sure-site.com'
Subject: FW: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)

Attachments: R-2011-0040.pdf



R-2011-0040.pdf
(289 KB)

Dear Keith,

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City of West Allis

Attn: Janel Lemanske
7525 W. Greenfield Ave.
West Allis, WI 53214

Thank you,
Janel Lemanske
Clerk Specialist II
Clerk/Treasurer's Office

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From: Monica Schultz
Sent: Thursday, February 24, 2011 11:10 AM
To: Janel Lemanske
Subject: FW: City of West Allis Website Inquiry: Legislative File Number R-2011-0040 (version 1)

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Thank you for your assistance.

Keith - 414.704.5375

Keith A. Nyman | Site Acquisition
SureSite Consulting Group, LLC

(M) 414.704.5375

Office 216. 593.0400 | Fax 216.593.0401 E knyman@frontier.com / knyman@sure-site.com
3659 Green Road | Suite 214 | Cleveland, OH | 44122

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CITY CLERK/TREASURER'S OFFICE
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February 22, 2011

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Monica Schultz
Assistant City Clerk

/jl

enc.

cc: Ted Atkinson
Development
T-Mobile Central LLC



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0040

Final Action:
FEB 15 2011

Sponsor(s): Safety & Development Committee

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1. The applicant, Keith Nyman, d/b/a Sure Site Consulting Group, LLC has offices at 3659 Green Rd., Ste. 214, Cleveland, OH 44122.

2. T-Mobile Central, LLC has a valid offer to lease space at the water tower at 8435 W. National Ave., West Allis, Milwaukee County, Wisconsin 53227, more particularly described as follows:

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

Lot 2 in Block 2 in the Assessors Plat No. 254.

Tax Key No. 478-0030-001

Said land being located at 8435 W. National Ave.

3. The applicant is proposing to attach three (3) new antennas to the existing water tower behind the existing shroud. A new equipment cabinet will also be placed within the water tower and two (2) additional lines of coax cable will be installed. T-Mobile Central, LLC will obtain a new lease with the City of West Allis to utilize the water tower.

4. The Property is zoned P-1 Park District, C-2 Neighborhood Commercial District and RB-2

Residence 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. National Ave., just west of S. 84 St. Properties to the north, west and east are zoned commercially. Properties to the south are zoned residentially.

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 Keith Nyman, d/b/a Sure Site Consulting Group, LLC, 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 shroud, and to add a new equipment cabinet equipment at 8435 W. National Ave., 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 January 26, 2011, 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 T-Mobile Central, LLC of all equipment proposed for installation T-Mobile Central, LLC 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. Maintenance - Installation. If the water tower or shroud is damaged during installation it shall be restored to its original condition.

6. 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.

7. 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.

8. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and

recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

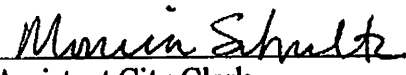
9. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, the special use may be terminated.

10. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

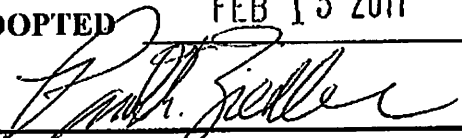

Keith Nyman, d/b/a SureSite Consulting Group, LLC

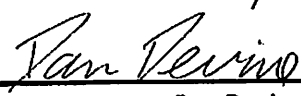
Mailed to applicant on the
22 day of February, 2011


Assistant City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-810-2-15-11

ADOPTED FEB 15 2011

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 2/12/11

Dan Devine, Mayor