



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

Resolution: R-2016-0008

**File Number: R-2016-0008**

**Final Action: 2/2/2016**

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

Resolution relative to determination of Special Use Permit to establish a radio antenna tower at 2241 S. 116 St.

WHEREAS, James Haass, property owner, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16, and 12.45(2) of the Revised Municipal Code for the construction of a private radio tower with associated equipment at 2241 S. 116 St. The proposal includes the construction of a new guyed tower constructed of zig-zag tubular sections up to 110' tall capable of holding private communications equipment (radio, television and telephone) centered along the rear/western façade of the existing building located at 2241 S. 116 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 2, 2016 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, James Haass, is seeking to erect a private radio antenna tower (and operate an alarm business with offices and warehouses) at 2241 S. 116 St.
2. The applicant, James Haass, is also the owner of the property located at 2241 S. 116 St. in the City of West Allis, WI, Milwaukee County, more particularly described as follows:

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

Lot 2 of the Certified Survey Map No. 697.

Tax Key Number 482-9999-024

Said land being located at 2241 S. 116 St.

3. The applicant's proposal is to construct a private radio tower with associated equipment. The proposal includes the construction of a new guyed tower constructed of zig-zag tubular sections up to 110' tall capable of holding private communications equipment (radio, television and telephone) centered along the rear/western façade of the existing building located at 2241 S. 116 St.
4. The Property is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits "antenna towers for radio, television and telephone transmission" as a Special Use, pursuant to Section 12.16 and Section 12.45(2) of the Revised Municipal Code.

5. The Property is located on the west side of S. 116 St., two parcels north of W. Lincoln Ave. Properties to the north, south and east are zoned and used for manufacturing purposes. Property to the west is zoned and used for park purposes (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. Furthermore, the construction and operation of the private tower and associated equipment:

- a) Will not interfere or impact current existing use of the property;
- b) Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community; and,
- c) Will not require any changes to existing topography or drainage.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of James Haass, property owner, for the construction of a private radio tower with associated equipment at 2241 S. 116 St., more specifically the construction of a new guyed tower constructed of zig-zag tubular sections up to 110' tall capable of holding private communications equipment (radio, television and telephone) centered along the rear/western façade of the existing building located at 2241 S. 116 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 West Allis Plan Commission approved the site and landscaping plan on January 27, 2016 as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No site alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
2. Permits. The grant of this Special Use is subject to local permits, including building plans and permits being submitted to and approved by the Department of Building Inspections and Neighborhood Services.
3. Equipment Removal. Telecommunication and radio equipment shall be removed from the property if the equipment becomes unusable or outdated.
4. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
5. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved structure and/or compactor.
6. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically

temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

7. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

8. Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

9. 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.

10. Miscellaneous.

A. Applicants are 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 applicants' 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.

11. 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.

12. 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, then the special use may be terminated.

13. Acknowledgement. That the applicant signs 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.

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James Haass, property owner

Mailed to applicant on the  
8 day of February, 2016

Monica Schultz  
City Clerk

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

ZON-R-1020-2-2-16-Version 2

ADOPTED AS AMENDED

2/2/2016

APPROVED AS AMENDED

2/2/2016

Monica Schultz

Monica Schultz, City Clerk

Dan Devine

Dan Devine, Mayor

## Ann Marie Neff

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**From:** Bart Griepentrog  
**Sent:** Wednesday, March 01, 2017 1:54 PM  
**To:** Ann Marie Neff; Janel Lemanske  
**Cc:** Steve Schaer  
**Subject:** RE: R-2016-0008

Thanks!

I'm going to file our project away as a proposal. Should he wish to install a radio antenna tower in the future, he will need to go through a new review/approval. I will follow-up with him to let him know that.

Regards,  
Bart

**Bart Griepentrog, AICP**  
**Planner II**  
**Development Department - Planning & Zoning Division | City of West Allis**  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Office: 414-302-8469 | Dept: 414-302-8460

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**From:** Ann Marie Neff  
**Sent:** Wednesday, March 01, 2017 1:49 PM  
**To:** Bart Griepentrog; Janel Lemanske  
**Cc:** Steve Schaer  
**Subject:** RE: R-2016-0008

No, This resolution has not been signed.

**Ann Marie Neff**  
**Clerk Specialist II | Clerk's Office**  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Office: 414-302-8202 | Dept: 414-302-8220

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**From:** Bart Griepentrog  
**Sent:** Wednesday, March 01, 2017 1:46 PM  
**To:** Ann Marie Neff; Janel Lemanske  
**Cc:** Steve Schaer  
**Subject:** R-2016-0008

Hi Ann and Janel,

I just wanted to confirm whether or not we ever received the property owner's signature on R-2016-0008. (The project involved a Special Use Permit for a radio antenna tower at 2241 S. 116 St.) The last communication I had from the applicant was back in July, at which point he was still undecided on whether or not to move forward.

I don't believe we did, so I believe his application is void. But, before I file the plans away as a proposal, wanted to double-check. He would've had until February 5, 2017 to sign the resolution and commence work or obtain building permits.

Thanks,  
Bart



**Bart Griepentrog, AICP**

**Planner II**

**Development Department - Planning & Zoning Division | City of West Allis**

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 **Notify Me Sign-Up**