

48.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2010-0102 Resolution Introduced

Resolution relative to determination of Special Use Permit for proposed pole replacement and installation of high-speed wireless equipment to be located at Reservoir Park, 9621 W. Lapham St.

Introduced: 4/6/2010

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4/6/10</u>	✓		Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narloek				
			Reinke				
			Roadt				
			Sengstock				
		✓	Vitale				
			Weigel				
			TOTAL				

*Jeff Fowle
Clear Wireless ?*

SIGNATURE OF COMMITTEE MEMBER

Chair  Vice-Chair

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 06 2010</u>	✓		Barczak				✓
			Czaplewski	✓			
			Kopplin				✓
			Lajsic	✓			
		✓	Narloek	✓			
			Reinke				✓
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>7</u>	<u>-</u>		<u>3</u>

**STANDING COMMITTEES OF THE
CITY OF WEST ALFIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsis
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplowski
Daniel J. Roadt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsis
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplowski
Vice-Chair: James W. Sengstock
Gary T. Barczak
Daniel J. Roadt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0102

Final Action:

Sponsor(s): Safety & Development Committee

APR 06 2010

Resolution relative to determination of Special Use Permit for proposed pole replacement and installation of high-speed wireless equipment to be located at Reservoir Park, 9621 W. Lapham St.

WHEREAS, Jeff Fowle, d/b/a Clear Wireless, 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 12.48(3) of the Revised Municipal Code to replace an existing light pole with a 80 ft. high light pole with three (3) antennas and two (2) dishes and to construct a new equipment cabinet at Reservoir Park, 9621 W. Lapham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 6, 2010, 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, Jeff Fowle, d/b/a Clear Wireless, LLC has principal offices at 1630 Deer Trail, Waukesha, WI 53189.
2. The property more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 5, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the Southeast corner of Parcel 1, Certified Survey Map No. 4787; thence Southerly, 60.00 feet, along West right-of-way line of South 97th Street, to the Point of Beginning; thence, continue, Southerly, 1.40 feet to the North right-of-way line of West Lapham Street; thence Easterly, 323.00 feet, along said North line to the West right-of-way line of South 96th Street; thence Southerly, 561.80 feet, along said West line of South 96th Street; thence Westerly, 738.00 feet, to the East line of Wisconsin Electric Power Company parcel; thence Northerly, 565.00 feet, along said East line; thence Easterly, 220.86 feet; thence Southerly, 5.70 feet; thence Easterly, 199.00 feet, to the Point of Beginning.

Tax Key Number: 450-9993-005

Said land being located at 9621 W. Lapham St.

3. The applicant is proposing to place a new 80 ft. high light pole with three (3) panel antennas and two (2) dish and to construct an equipment cabinet at the base of the new pole. The antennas and dishes will not be visible as they will be placed with the pole. The cabinet will be fully screened with landscaping and the antennas will be placed inside the actual pole in stealth fashion.

4. The Property is zoned P-1 Park District under the Zoning Ordinance, which permits collocation/attachment of telecommunication equipment as a special use, pursuant to Section 12.16, 12.23 and Section 12.48(3) of the Revised Municipal Code.

5. The Property is located on the west side of S. 96 St. and the south side of W. Lapham St. Properties to the north, south, east and west are used as residential properties, the. The I-894 freeway is located on the west side of the property.

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 Jeff Fowle, d/b/a Clear Wireless, 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 12.48(3) of the Revised Municipal Code to place three (3) RF panel antennas two (2) dish antennas at the 80-foot level and to construct an equipment cabinet alongside the existing storage garage, 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 the site, landscaping, screening and architectural plan submitted to and approved by the West Allis Plan Commission on March 24, 2010 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 Clear Wireless, LLC of all equipment proposed for installation. Clear Wireless, LLC shall determine the impact of such equipment upon the integrity of the building. Clear Wireless, LLC 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. Sidewalk Repair. The grant of this Special Use is subject to compliance with section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

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.

8. 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.

9. 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.

10. Termination of Special Use. 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.

11. 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.

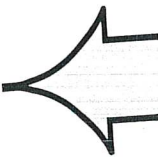
Jeff Fowle, d/b/a Clear Wireless, LLC

Mailed to applicant on the
15th day of April, 2010

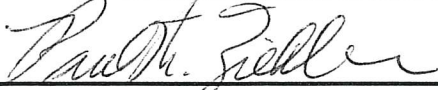
Munia Schmetz
Assistant City Clerk

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

ZON-R-754-4-6-10



ADOPTED APR 06 2010



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

APPROVED 4/14/10



Dan Devine, Mayor



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

April 14, 2010

Jeff Fowle
Clear Wireless, LLC
1630 Deer Trail
Waukesha, WI 53189

Dear Mr. Fowle:

On April 6, 2010 the Common Council adopted a Resolution relative to determination of Special Use Permit for proposed pole replacement and installation of high-speed wireless equipment to be located at Reservoir Park, 9621 W. Lapham St.

Please sign and return the enclosed copy of Resolution No. R-2010-0102 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development
Clear Wireless, LLC

