

Resolution

File Number: R-2012-0092

Final Action:

MAY 01 2012

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for the proposed collocation of AT&T antennas and associated equipment at Aurora West Allis Memorial Hospital located at 8901 W. Lincoln Avenue.

WHEREAS, Chris Barton of NTP Wireless, on behalf of AT&T Mobility, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.37 of the Revised Municipal Code for modifications to replace six (6) existing antennas and additionally three (3) new antenna installations with supporting equipment on the rooftop penthouse (101-foot level) of Aurora West Allis Medical Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 2, 2012, 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, Chris Barton of NTP Wireless, on behalf of AT&T Mobility has principal offices at 4619 N. Ravenswood, Suite 301, Chicago, IL 60640.
2. The property more particularly described as follows:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 9, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Commencing at the Northwest corner of the said Northwest  $\frac{1}{4}$  of said Section 9; thence North 88°43' East, 659.22 feet; thence South 0°00'40" East, 55.00 feet to the South right-of-way of West Lincoln Avenue and Point of Beginning; thence North 88°43' East, 629.24 feet, along the said South right-of-way line to the West right-of-way line of South 88th Street; thence South 00°01'20" East, 906.77 feet along the said West right-of-way line to the North right-of-way line of West Arthur Place; thence South 88°47'20" West, 1014.05 feet along the said North Right-of-way line; thence due North, 52.57 feet, parallel with the West line of said  $\frac{1}{4}$  Section; thence South 88°46'58" West, 80.00 feet; thence due North, 273.35 feet; thence South 89°24'34" East, 222.85 feet to the point of curvature; thence Northeasterly along the arc of said curve to the left, 144.62 feet, said curve having a chord bearing North 64°41'49.5" East, chord length of 139.76 feet, radius of 160.00 feet, to the point of tangency; thence North 38°48'13" East, 181.39 feet to the point of curvature; thence Northeasterly along the arc of said curve to the left, 108.36 feet, said curve having a chord bearing

North 19°24'06.5" East, chord length of 106.31 feet, radius of 160.00 feet, to the point of tangency; thence due North, 90.00 feet to the point of curvature; thence Northwesterly, along the arc of said curve to the left, 92.55 feet, curve having a chord bearing North 12°19'30" West, chord length of 91.93 feet, radius of 215.34 feet, to the point of reverse curve; thence Northwesterly along the arc of said curve to the right, 66.76 feet, curve having a chord bearing North 12°19'30" West, chord length of 66.31 feet, radius of 155.34 feet, to the point of tangency; thence due North, 30.00 feet to the Point of Beginning.

Tax Key Number: 487-9999-001

Said land being located at 8901 W. Lincoln Ave.

3. The applicant is proposing modifications to replace six (6) existing antennas and additionally three (3) new antenna installations with supporting equipment on the rooftop penthouse (101-foot level) of Aurora West Allis Medical Center. The equipment cabinet will be fully screened by the penthouse and the antennas will be painted to match the penthouse and not be placed above the highest level of the penthouse.
4. The Property is zoned RC-1 Residential 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 12.37 of the Revised Municipal Code.
5. The Property is located on the south side of W. Lincoln Ave., bordered by S. 88 St. to the east and W. Arthur Pl. to the south. Properties to the north, south, east and west are zoned residential.
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 special use application of Chris Barton of NTP Wireless, on behalf of AT&T Mobility, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.37 of the Revised Municipal Code for modifications to replace six (6) existing antennas and additionally three (3) new antenna installations with supporting equipment on the rooftop penthouse (101-foot level) of Aurora West Allis Medical Center, 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 April 25, 2012 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 AT&T Mobility of all equipment proposed for installation. AT&T Mobility shall determine the impact of such equipment upon the integrity of the building. AT&T Mobility 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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
7. 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. 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.

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.



Chris Barton of NTP Wireless, on behalf of AT&T Mobility

Mailed to applicant on the  
4<sup>th</sup> day of May, 2012

Monica Schultz  
Assistant City Clerk

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

ZON-R-865-5-1-12-gmj

ADOPTED

MAY 01 2012

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

APPROVED

5-3-12

Dan Devine  
Dan Devine, Mayor





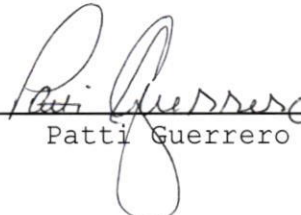
COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0004007459

WEST ALLIS CITY OF-LEGALS  
CLERK/TREASURER'S OFFICE  
7525 W GREENFIELD AVE  
JANEL LEMANSKE  
West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on **4/12/2012 and 4/19/2012**; that said printed copy was taken from said printed newspaper(s).

  
\_\_\_\_\_  
Patti Guerrero

State of Wisconsin )  
                                  ) SS:  
County of Milwaukee)

Subscribed and sworn before me this 20 day of Apr, 2012.

  
\_\_\_\_\_

Notary Public State of Wisconsin

My Commission Expires 1-25-15



**NOTICE OF HEARING**  
Tuesday, May 1, 2012  
7:00 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, May 1, 2012 at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the Special Use Permit for the proposed collocation of AT&T antennas and associated equipment at Aurora West Allis Memorial Hospital located at 8901 W. Lincoln Ave. You may express your opinions in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 4th Day of April 2012. 12H23

/s/Paul M. Ziehler,  
City Administrative Officer,  
Clerk/Treasurer

PUBLISH: April 12, 2012 and  
April 19, 2012