



# City of West Allis

## Legislation Text

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**File #:** R-2007-0244, **Version:** 1

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Resolution relative to determination of Special Use Permit for proposed transformer replacement to the existing We Energies substation, located at 13\*\* S. 116 St. (Tax Key Nos. 445-0608-000 and 445-0609-000)

WHEREAS, Robert Bokowski of We Energies, duly filed with City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code to install a replacement transformer within the existing public utility service substation located at 13\*\* S. 116 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 16, 2007, at 7:00 p.m. in the Common Council Chambers 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, Robert Bokowski of We Energies has offices at 231 W. Michigan St., A 252, Milwaukee, WI 53203.
2. We Energies owns said premises located at 13\*\* S. 116 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast  $\frac{1}{4}$  of Section 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 12 and 13 in Block 8 of the Greenfield Gardens subdivision.

Tax Key No. 445-0608-000 and 445-0609-000

Said Property being located at 13\*\* S. 116 St. (Northeast side of intersection of S.116 St. and W. Greenfield Ave.

3. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance which permits public utility services and structures as a special use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.
4. The applicant is proposing to replace the existing transformer with a new larger transformer on site and install a new 9 ft. high decorative masonry wall on 3 sides of the perimeter to screen the infrastructure from view. The fourth side (on the east side perimeter of site) will be enclosed with a decorative/ornamental metal fence. This electric distribution substation consists of three (3) transformers and three (3) switchgear sections, which contain four (4) circuit breakers each. One (1) transformer and one (1) switchgear section of the subject location are over 50 years old and deteriorated. The substation serves about 5,000 residential and commercial customers in West Allis. The new equipment will be state of the art, more reliable and remotely monitored.

Construction will begin in late 2007 and be completed by June 2008. No customers will be affected.

5. The subject property is located on the north side of W. Greenfield Ave. between S. 115 St. and S. 116 St. Properties to the north, west and south are developed as residential. Properties to the east are developed as commercial.

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 We Energies, 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 and Sec. 12.42(2) 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape, screening and architectural plans approved September 26, 2007 by the West Allis Plan Commission. 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 Inspections and Zoning and by the Fire Department.

3. Outdoor Storage. Outdoor storage is not permitted on site. All equipment and structures on site shall be screened from view.

4. Abatement Controls. The proposed use shall not emit foul, offensive, noisome noxious, odorous or disagreeable odors, gases, dust or effluvia into the air.

5. Parking. All service vehicle parking will be on site. The site will not generate a parking demand. Only service vehicles are allowed within the confines of the substation perimeter fence.

6. Pagers/Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

7. 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.

8. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.

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

10. 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, (if any)

abutting sidewalk.

11. 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.

12. 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.

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.

The grant of this special use shall become null and void within one (1) year of the date thereof, unless construction is under way, or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special 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.

The 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 approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the

\_\_\_\_\_ day of \_\_\_\_\_, 2007

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Assistant City Clerk

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

ZON-R-650-10-16-07