



City of West Allis

Legislation Text

File #: R-2003-0250, **Version:** 1

Resolution relative to determination of Special Use Application, submitted by Nextel West Corporation, d/b/a Nextel Communications, to attach/co-locate three sets of wireless telecommunication antennas and an equipment shelter at the city water tower site located at 11515 W. Rogers St.

WHEREAS, Nextel West Corporation, d/b/a Nextel Communications, 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 co-locate/attach telecommunication equipment on the legs of the water tower and for an equipment cabinet at the base of the tower at 11515 W. Rogers St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 2, 2003, 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, Nextel West Corporation, d/b/a Nextel Communications, has principal offices at 400 W. Grand Avenue, Elmhurst, IL 60126
2. The applicant has a lease pending with the City of West Allis for space on the City's water tower at 11515 W. Rogers St., West Allis, Milwaukee County, Wisconsin 53227, more particularly described as follows:

Parcel 2, Certified Survey Map No. 5306, located in the Southeast 1/4 of Section 6, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Said land being located at 11515 W. Rogers St.
Tax Key No. 481-9993-028

3. The applicant is proposing to install three sets of three panel antennas mounted to the legs of the water tower. An equipment cabinet structure will be located near the base of the tower.
4. The Property is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits co-location of telecommunication equipment as a special use, pursuant to Section 12.16, Section 12.23 and Section 12.45(2) of the Revised Municipal Code.
5. The Property is part of a block on the south side of W. Rogers St., which is zoned manufacturing. The abutting properties on the east, north and south are zoned and being used as manufacturing and the property on the west is vacant, zoned for manufacturing.
6. The proposed development will not generate a significant amount of traffic

7. 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 Nextel West Corporation, d/b/a Nextel Communications, 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 a screening and landscaping plan and architectural elevation plans submitted to and approved on August 27, 2003, 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. The grant of this Special Use Permit is subject to building plans being submitted to and approved by the Department of Building Inspection and Zoning.
3. Lease Agreement. The grant of this Special Use Permit is subject to a Lease Agreement being approved by the Common Council of the City of West Allis.
4. Color. The antennas and any accessory equipment attached to the tower to be painted to match the existing color of the water tower. The equipment cabinets at grade will be constructed of a masonry material to match existing installations.
5. Equipment Removal. Telecommunication equipment shall be removed from the property if the equipment becomes unusable, outdated, or if the lease expires.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and 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 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 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 special use, as granted herein, shall run with the land and benefit 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.

Mailed to applicant on the
9th day of September, 2003

Monica Schultz
Assistant Clerk/Treasurer

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

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