



City of West Allis

Legislation Text

File #: R-2006-0311, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed telecommunication antenna to be located on top of the existing La Gran D Radio building at 1136 S. 108 St. (Tax Key No. 444-0460-001)

WHEREAS, Joseph Monreal, d/b/a Bustos Media, duly filed with the 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 of the City of West Allis, to amend Resolution No. R-2006-0182 for the attachment of telecommunication equipment to the existing La Gran D Radio radio/television station at 1136-38 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 8, 2006, 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, Joseph Monreal d/b/a Bustos Media, has offices at S76 W17582 St. Leonards Dr., Muskego, WI 53150.
2. The applicant owns the property at 1136-38 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 32, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

North 20.00 feet of Lot 21, Lots 22, 23, 24 and South 20.00 feet of Lot 25 in Greenfield Park Subdivision No. 1, Block 3.

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Said land being located at 1136-38 S. 108 St.

3. The applicant owns the existing building at 1136-38 S. 108 St. and is proposing to amend Resolution No. R-2006-0182 for the attachment of a telecommunication antenna to the roof of the building. The antenna and attached equipment shall not be higher than four (4) feet-above the roofline
4. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits the collocation/attachment of telecommunication equipment as a special use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.
5. The subject property is located on the east side of S. 108 St. between W. Madison St. and W. Washington St. Properties located to the north and south are used as commercial, properties to the east are

residential, and properties to the west are used as a school and some commercial.

6. The use, value and enjoyment of other property in the surrounding area 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 Joseph Monreal, d/b/a Bustos Media, to amend Resolution No. R-2006-0182 for the attachment of telecommunication equipment to the existing La Gran D Radio radio/television station at 1136-38 S. 108 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, Screening, and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping and architectural plan approved September 27, 2006, by the West Allis Plan Commission. No alterations or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission. A signage plan is required before the Department of Development.
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. Off-street Parking. Parking for 51 vehicles is required for the entire building, including three (3) ADA stalls. Off-street parking for 28 vehicles, including two (2) ADA stalls will be provided on site.
4. Hours of Operation. Hours of operation are 8:00 a.m. to 7:00 p.m., daily.
5. Paving and Drainage. The grant of this Special Use Permit is subject to paving and drainage plans being submitted to and approved by the Department of Building Inspections and Zoning. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
6. Window Signage. Window signage shall not exceed 20% of the glazed portion of each window frame.
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. 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.

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

11. Expiration of Special Use Permit. 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. 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 supplying written explanation for extension of time;
- B. a timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;
- C. the request for extension shall be submitted within 60 days of the expiration of the special use permit;
- D. the extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date the extension has been granted, the special use shall become null and void.

12. 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.

Mailed to applicant on the
_____ day of _____, 2006

Assistant City Clerk

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

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