



# City of West Allis

## Legislation Text

---

**File #:** R-2006-0200, **Version:** 1

---

Resolution relative to determination of Special Use Permit for new antennas to be placed on the existing Cingular Wireless monopole tower and new equipment cabinets to be placed within the existing shelter at 571 S. Curtis Rd. (Tax Key No. 413-9990-002).

WHEREAS, John Hickey, d/b/a Richard Connor Riley & Associates. (agent for Cingular Wireless), 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 remove nine (9) antennas at the 152-foot level and replace them with six (6) new antennas on the existing monopole and to replace electronic equipment cabinets within the existing shelter within the 35-foot by 40-foot fenced compound at 571 S. Curtis Rd.

WHEREAS, after due notice, a public hearing was held by the Common Council on August 1, 2006, 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, John Hickey, d/b/a Richard Connor Riley & Associates has principal offices at 7600 S. County Line Rd., Burr Ridge, IL 60527.
2. The applicant will continue to sublease its current 35-foot by 40-foot space in the existing fenced compound at 528 S. 108 St., West Allis, Milwaukee County, Wisconsin 53214, more particularly described as follows:

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

Parcel 1 of the Certified Survey Map No. 4659.

Tax Key No. 413-9990-002

Said land being located at 571 S. Curtis Rd.

3. The applicant is proposing to remove nine (9) antennas at the 152-foot level and replace them with six (6) new antennas on the existing monopole and to replace new electronic equipment cabinets within the existing shelter within the 35-foot by 40-foot fenced compound. Cingular currently subleases this area. New landscaping will be provided around the perimeter of the fenced compound.

4. The Property is zoned M-1 Manufacturing 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 12.45(2) of the Revised Municipal Code.

5. The Property is located on the west side of S. Curtis Rd., bordered by Rainbow Park to the south. Properties to the north, east and west are zoned manufacturing. Properties to the south are zoned for public park.

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 John Hickey, d/b/a Richard Connor Riley & Associates, 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 remove nine (9) antennas at the 152-foot level and replace them with six (6) new antennas on the existing monopole and to replace electronic equipment cabinets within the existing shelter within the 35-foot by 40-foot fenced compound at 571 S. Curtis Rd., 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 site, landscaping, screening and architectural plan submitted to and approved 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 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 John Hickey and Cingular Wireless of all equipment proposed for installation. John Hickey and Cingular Wireless shall determine the impact of such equipment upon the integrity of the building. Cingular Wireless 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. 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.

6. 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.

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

ZON-R571\dlm\8-1-06