



City of West Allis

Legislation Text

File #: R-2004-0264, **Version:** 1

Resolution relative to determination of Special Use Application submitted by Christopher Little on behalf of We Energies, to construct an addition to an existing natural gas regulator station located at 9215 W. Lincoln Ave.

WHEREAS, Christopher Little, agent for We Energies, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.37(3) and Sec. 12.16 of the Revised Municipal Code of the City of West Allis to construct an addition to an existing natural gas regulator station at 9215 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 7, 2004, 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, Christopher Little, agent for We Energies, has principal offices at 231 W. Michigan Street, A252, Milwaukee, WI 53203.
2. We Energies is the owner of said premises located at 9215 W. Lincoln Avenue, West Allis, Milwaukee County, Wisconsin, 53227, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 4868.

Tax Key No. 486-9999-001

Said property being located at 9215 W, Lincoln Ave.

3. The applicant is proposing to construct an addition to an existing natural gas regulator station. We Energies has ascertained that the building addition will reduce the noise generated from outdoor equipment when it is in operation (previously resulting in complaints from neighboring property owners).
4. The aforesaid premises is zoned RC-1 Residence District under the Zoning Ordinance of the City of West Allis, which permits public utility services, electric substations, water pumping stations and other similar uses as a special use, pursuant to Sec. 12.37(3) and Sec. 12.16 of the Revised Municipal Code of the City of West Allis.

5. The subject property is located on the south side of W. Lincoln Ave. between S. 92 St. and S. 93 St. Properties to the south and west are developed as residential. Properties to the north and east are developed as residential and 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 Christopher Little, agent for 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. 12.37(3) and 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 Plans. The grant of this special use permit is subject to and conditioned upon the site, landscaping and architectural plans approved August 25, 2004, by the City of 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 and Fire Codes. The grant of this Special Use Permit is subject to all building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department.
3. 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 for damaged (if any), abutting sidewalk.
4. Decommissioning. Equipment and structures on site shall be removed and demolished by We Energies, or current owner, if it becomes unusable, outdated or if the property is sold for another use.

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 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 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
14th day of September, 2004.

Monica Schultz
Assistant City Clerk

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

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