



City of West Allis

Legislation Text

File #: R-2014-0194, **Version:** 1

Resolution relative to determination of Special Use Permit for the placement of antenna and equipment on the existing US Cellular tower located at 501 S. 116 St.

WHEREAS, Ronald Zechel (agent representing Verizon Wireless), duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.45(2) of the Revised Municipal Code to collocate 3 antennas onto the existing tower. The three (3) new panel antennas would be installed approximately at 80-ft in height above grade on the existing lattice tower. The existing tower is approximately 160-ft in height. New ground level equipment and corresponding bollards and fencing located at 435 S. 116 St. will service the new antennas.

WHEREAS, after due notice, a public hearing was held by the Common Council on September 2, 2014 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, Ronald Zechel (agent representing Verizon Wireless), has offices at 544 E. Ogden Ave., Ste. 700, #305, Milwaukee, WI 53202.
2. The applicant is proposing to install three (3) new panel antennas at approximately 80-ft in height above grade on the existing lattice tower. The existing tower is 160-ft in height and is located at 501 S. 116 St. in the City of West Allis, WI, Milwaukee County, 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 2 of the Certified Survey Map No. 5672.

Tax Key No. 413-9989-004

Said land being located at 501 S. 116 St.

3. The applicant will sublease an approximate 12 ft. by 24 ft. space at 435 S. 116 St., demarcated with bollards and fencing, for new ground level equipment to service the new antennas.
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. 116 St., north of S. Curtis Rd. Properties to the north, south, east and west are zoned and used for manufacturing purposes.

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 Ronald Zechel (agent representing Verizon Wireless), to collocate three (3) new panel antennas at approximately 80-ft in height above grade on the existing lattice tower at 501 S. 116 St., which is 160-ft in height, and service the new equipment through new ground level equipment located at 435 S. 116 St. within a 12-foot by 24-foot area, 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 West Allis Plan Commission approved the site and landscaping plan on August 27, 2014 as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. The Plan Commission recognizes State Statute 66.0404(3) relative to mobile tower siting/collocation regulations. No site alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
2. Permits. In accordance with the grant of this special use is subject to local permits. Building plans and permits being submitted to and approved by the Department of Building Inspections and Neighborhood Services.
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 Ronald Zechel (agent representing Verizon Wireless), of all equipment proposed for installation. Verizon Wireless shall determine the impact of such equipment upon the integrity of the tower. Verizon 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. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
6. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved structure and/or compactor.
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. 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, abutting sidewalk.

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

10. 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.

11. 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.

12. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

13. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, the special use may be terminated.

14. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Ronald Zechel (agent representing Verizon Wireless)

US Cellular Operating Co, property owner

Mailed to applicant on the
____ day of _____, 2014

City Clerk

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

ZON-R-965-9-2-14-bjb