



City of West Allis

Legislation Text

File #: R-2006-0208, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed T-Mobile antennae to be located on the New Samaria building (former St. Joan Antida Nursing Home) at 6700 W. Beloit Rd. (Tax Key No. 475-0195-001)

WHEREAS, T-Mobile, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.23 and 12.41(2) of the Revised Municipal Code to place nine (9) antennas and associated equipment on the penthouse level of the New Samaria building located at 6700 W. Beloit Rd.; and,

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, T-Mobile, has principal offices at 8550 W. Bryn Mawr Ave., Suite 100, Chicago, IL 60631.
2. The applicant has a lease pending with Tri-Corp Housing to place nine (9) antennas and associated equipment on the penthouse level of the building located 6700 W. Beloit Rd., West Allis, Milwaukee County, Wisconsin 53219, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 7 thru 16 in Block 5 of the Juneau Highlands.

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Said land being located at 6700 W. Beloit Rd.

3. The applicant is proposing to install nine (9) antennas on the penthouse level of the New Samaria building.
4. The Property is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance, which permits antennas as a special use, pursuant to Section 12.16, Section 12.23 and Section 12.41(2) of the Revised Municipal Code.
5. The Property is located between W. Beloit Rd. and S. 67 Place. Surrounding properties are utilized as

retail and residential uses.

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 T-Mobile to place nine (9) antennas and associated equipment on the penthouse level of the building located 6700 W. Beloit Rd., West Allis, Milwaukee County, Wisconsin 53219, 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 on July 26, 2006, 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. Color of antennas to match the building/brick color.

2. Building Plans. 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 T-Mobile and Tri-Corp of all equipment proposed for installation. T-Mobile and Tri-Corp shall determine the impact of such equipment upon the integrity of the building. T-Mobile 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

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