



# City of West Allis

## Legislation Text

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**File #:** R-2014-0257, **Version:** 1

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Resolution relative to determination of Special Use Permit for the construction of a new communications tower at 5121 W. Rogers St.

WHEREAS, Ronald Zechel (agent of Central States Towers II, LLC, representing the carrier, 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 for the construction of a new communications tower and equipment at 5121 W. Rogers St. The proposal includes the construction of a new 120' monopole communications tower and attached 40' x 90' compound on space leased from landowner (Roadster Rogers LLC).

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, Central States Towers II is an independent tower owner operator and in this location is a vendor to Verizon Wireless who is the proposed main carrier at this location.
2. The applicant is seeking approval to build a new 120' monopole communications tower and attached 40' x 90' compound on space leased from landowner (Roadster Rogers LLC) on parcel at 5121 W. Rogers 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 Southwest  $\frac{1}{4}$  of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 1, except South 25 feet, in Block 3 in the Assessors Plat No. 272.

Tax Key Number 474-0004-001

Said land being located at 5121 W. Rogers St

3. The applicant's proposal is to build a new 120' monopole tower capable of supporting up to a total of 4 wireless carriers (subject to City approval) east of the parking area at 5121 W. Rogers St. Verizon proposes to locate its antennas on a platform at approximately 110-117' with room for three (3) additional co-locators having approximately a 10' separation between antenna moving down. The total amount of proposed ground lease space is a 40' x 90' and will include the monopole tower. Verizon is proposing an equipment building (up to 12' x 26') and future equipment buildings (or cabinets) as may be approved by the City by review in the future.

4. The Verizon site is proposed to be secured with fencing and landscaping as approved by the West Allis

Plan Commission. The monopole tower will be designed with an engineering structural letter which will be provided prior to permitting.

5. The Property is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits antenna tower and the 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.
6. The Property is located on the south side of W. Rogers St., and east of S. 54 St. Properties to the north, south, east and west are zoned and used for manufacturing purposes. Properties to the east are located within the Village of West Milwaukee.
7. The Verizon Wireless proposal is being submitted for the 5121 W. Rogers St. site because collocation within Verizon Wireless' search within the surrounding area had no existing structures of any height (kind) currently existing which could be utilized for such collocation at the height needed per section WI's. Stat 66.0404(2)(b)6.
8. 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. Furthermore, the construction and operation of the proposed wireless communications facility:
  - a) will not interfere or impact current existing use of the property;
  - b) will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community; and,
  - c) will not require any changes to existing topography or drainage.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Ronald Zechel (agent of Central States Towers II, LLC, representing Verizon Wireless), to build a new 120' monopole communications tower and attached 40' x 90' compound on space leased from landowner (Roadster Rogers LLC) on the parcel at 5121 W. Rogers 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 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(2) and 66.0404(3) relative to new construction, mobile tower siting and 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 of Central States Towers II, LLC, representing Verizon Wireless)

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Agent, Roadster Rogers LLC, 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-966-9-2-14-bjb