

28.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2009-0157	Resolution	Introduced
	Resolution relative to determination of Special Use Permit to establish God's Will Resale Shop located at 6323 W. Greenfield Ave. (Tax Key No. 454-0179-001)	
	Introduced: 7/7/2009	Controlling Body: Safety & Development Committee
	Sponsor(s): Safety & Development Committee	

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>7/7/09</i>	<input checked="" type="checkbox"/>		Barczak				<input checked="" type="checkbox"/>
			Czaplewski				
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL	<i>4</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

[Signature] _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>JUL 07 2009</i>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<i>9</i>			<i>1</i>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0157

Final Action:

Sponsor(s): Safety & Development Committee

JUL 07 2009

Resolution relative to determination of Special Use Permit to establish God's Will Resale Shop located at 6323 W. Greenfield Ave. (Tax Key No. 454-0179-001)

WHEREAS, Jim Cervantes, d/b/a God's Will Resale Shop, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a resale business within a portion of the existing mixed use building located at 6323-25-27-29 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 7, 2009, 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, Jim Cervantes, d/b/a God's Will Resale Shop, has offices at 6323 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant has a valid offer to lease the commercial portion of floor space at 6323 W. Greenfield Ave, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 5 and 6 in Block 1 of the Kenneth Heights subdivision and Easterly 2.50 feet of the Certified Survey Map No. 7291.

Tax Key No. 454-0179-001

Said land being located at 6323-25-27-29 W. Greenfield Ave.

3. The applicant is proposing to occupy approximately 1,000 sq. ft. of the commercial portion of the building with a resale business. Donations shall not be accepted from the public and no large appliances will be sold.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits used clothing, furniture and/or appliance stores

as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located along the south side of W. Greenfield Ave. between S. 63 St. and S. 64 St. Properties to the east are developed as commercial. Properties to the north and west are developed as mixed-use. Properties to the south are developed as residential.

6. The use, value and enjoyment of other property in the surrounding area 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 Jim Cervantes, d/b/a God's Will Resale Shop, to establish a resale business 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 Secs. 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 Screening Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening plans approved by the City of West Allis Plan Commission on June 24, 2009, 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 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 Inspections and Zoning and by the Fire Department.
3. **Off-Street Parking.** Parking for ten (10) vehicles is required for the commercial portion of the entire mixed-use property (three parking spaces are required for the resale establishment) and 14 for the seven 2-bedroom apartments on the second and third floors, for a total of 24 required parking spaces. Off-street parking for six (6) vehicles will be provided on site. The Common council has the authority to modify the parking requirements. Street parking is available along W. Greenfield Ave. and public parking is available behind the neighboring Berkshire building.
4. **Hours of Operation.** Hours of operation will be from 8:00 a.m. to 8:00 p.m., seven days a week.
5. **Business Operations.** Donations shall not be accepted from the public and no large appliances shall be sold on site. Outdoor storage and outdoor sales shall not be conducted on premise or within city right-of-way.
6. **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.

7. **Outdoor Paging Speakers.** Outdoor pagers or speakers shall not be permitted on site.
8. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each window's area.
9. **Lighting.** The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
10. **Sidewalk Repair:** The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.
11. **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.
 - E. The Common Council may declare the Special Use Permit to be void using the procedure set forth in Section 11.
12. **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.

13. 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.

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.

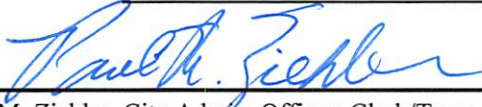
Jim Cervantes, d/b/a God's Will Resale Shop


Mailed to applicant on the
15 day of July, 2009

Munira Schulte
Assistant City Clerk

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

ZON-R-721-7-7-09

ADOPTED JUL 07 2009

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 7/15/09

Dan Devine, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0157

Final Action:

Sponsor(s): Safety & Development Committee

JUL 07 2009

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Tax Key No. 454-0179-001

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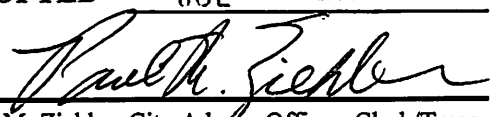
Jim Cervantes, d/b/a God's Will Resale Shop


Mailed to applicant on the
15 day of July, 2009


Assistant City Clerk

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

ZON-R-721-7-7-09

ADOPTED JUL 07 2009

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 7/15/09

Dan Devine, Mayor



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

July 15, 2009

Mr. Jim Cervantes
God's Will Resale Shop
6323 W. Greenfield Avenue
West Allis, WI 53214

Dear Mr. Cervantes:

On July 7, 2009 the Common Council adopted a Resolution relative to determination of Special Use Permit to establish God's Will Resale Shop located at 6323 W. Greenfield Ave.

Please sign and return the enclosed copy of Resolution No. R-2009-0157 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Brunnow Hibbard Investment