



City of West Allis
Resolution: R-2015-0120

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2015-0120

Final Action: 5/5/2015

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for the relocation of the existing Goodwill store, a secondhand thrift retailer, to be located at 10909 W. Oklahoma Ave.

WHEREAS, Joan Farrell, on behalf of Goodwill Industries of SE WI, Inc., duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code, to establish a second hand article (thrift) retail store within an existing commercial building formerly occupied by Big Lots located at 10909 W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 5, 2015, 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, Joan Farrell, on behalf of Goodwill Industries of SE WI, Inc., has offices at 5300 N. 118 Ct. Milwaukee, WI 53225. The subject property is currently owned by Jared Corp. c/o Bruce Taylor and Frisch-Barth & Assoc. 735 N Water St. Milwaukee, WI 53202. Jared Corp. also owns the Ace Hardware and Post Office properties. Goodwill has a valid offer to purchase the subject 10909 W. Oklahoma Ave. property from Jared Corp.
2. The applicant proposes to establish a second-hand article retail (thrift) store. The submitted floor plan shows the thrift retail floor area within the building envelope at approximately 15,000 sq. ft. and also a 7,100 sq. ft. storage area within the building located at 10909 W. Oklahoma Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast ¼ Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 4558.

Tax Key No. 523-9986-007

Said land located at: 10909 W. Oklahoma Ave.

3. The project consists of site, landscape, façade and interior modifications to the existing 1.3 acre site and approximate 26,000 square foot building. Goodwill Store & Donation Centers are retail stores specializing in the resale of quality donated items. Goodwill also provides training, employment and supportive services for people with disabilities or disadvantages who seek greater independence. Their retail stores generate revenue to support their mission and provide jobs for individuals they serve.

4. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits secondhand article stores, as defined in Section 9.15 of the Revised Municipal Code, as a special use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

5. The subject property is part of a regional commercial district along W. Oklahoma Ave. The area is zoned for commercial uses. Properties to the north, south, east and west are developed for commercial uses.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area. The property is part of a regional commercial shopping district and is served by public transportation via the Milwaukee County Transit System (MCTS). Bicycle parking will also be accommodated on site.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Joan Farrell, on behalf of Goodwill Industries of SE WI, Inc to establish a second hand article (thrift) retail store within an existing commercial building formerly occupied by Big Lots located at 10909 W. Oklahoma Ave. 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on April 22, 2015 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 Plan Commission.

A. Goodwill is proposing two (2) offsite landscape islands as approved by Plan Commission on 4/22/15.

B. With the grant of this special use, an additional four (4) landscape islands are required within the Ace Hardware parking field, per the Department of Development staff recommendation.

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 Neighborhood Services and by the Fire Department.

3. Hours of Operation. Goodwill Store and Donation Centers operate seven days a week. Monday through Friday stores currently operate from 9:00 a.m. - 9:00 p.m., Saturday from 9:00 a.m. - 9:00 p.m., and Sunday from 10:00 a.m. - 8:00 p.m. Each day, the donation entrance opens one (1) hour earlier to accept donations for the convenience of donors.

4. Store Operations. No items may be accepted as drop-off outside of the building at any time, and no donation box will be placed on site. Donations may only be accepted during hours of operation. A sign shall be posted to indicate donation regulations.

The new site layout will feature a covered 2-lane drop off area for donations with directional one way traffic through the drop off area and near the new front entrance of the building.

5. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.

6. Public Nuisance. In accordance with Chapter 18 of the Revised Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Off-Street Parking. A total of 45 parking spaces will be provided on site while 55 off-street parking spaces are required (calculated as 15,000-sf retail at 1/300 and 7,200-sf storage at 1/1500). The stated parking deficiency (of 10 spaces) per zoning is planned to be mitigated with the surplus of available off-street parking on adjacent properties as noted below. A shared parking and cross access agreement, between Goodwill and the owner of the adjacent property, (for parking and access) shall be submitted to the Department of Development for review and approval as a condition of the special use.

A total of about 310 spaces are provided within both the Post Office (120 spaces) property and the Ace Hardware property (190 spaces), those uses require a total of about 150 (120 spaces required for Ace and 30 spaces required for USPS) parking spaces. Based on the referenced inventory, there is a surplus of parking on adjacent properties (Ace and USPS) of about 160 spaces.

The Common Council has the authority to accept the revised parking provisions as a condition of the Special Use. With the approval and signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements and/or shared parking, in accordance with section 12.16(9)(a) and 12.19(8)(9)(c) of the Revised Municipal Code.

8. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage affixed to the window shall not exceed twenty (20) percent of each window's area and be located internally within the building.

9. 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.

10. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within the building or a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor.

11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

12. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the

Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

13. Outdoor 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.

14. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

15. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

16. Deliveries and Refuse Pickup. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

17. 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.

18. 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.

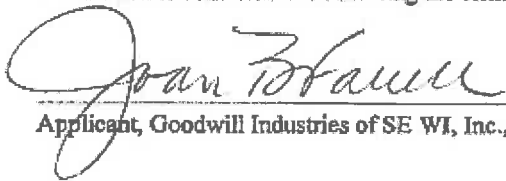
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

19. 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.

20. 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, then the special use may be terminated.

21. Acknowledgement. That the applicants sign 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.


Applicant, Goodwill Industries of SE WI, Inc.,

Joan B. Farrell
VP, General Counsel

Property owner, Jared Corp.

Mailed to applicants on the

11th day of May, 2015


City Clerk

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

ZON-R-994-5-5-15-Version 2

ADOPTED AS AMENDED

5/5/2015

APPROVED AS AMENDED

5/5/2015



Monica Schultz, City Clerk



Dan Devine, Mayor