



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2014-0062

Final Action:
AUG 05 2014

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit to establish For Mom & Me, a proposed secondhand article store, to be located at 1530-32 S. 84 St.

WHEREAS, Rosa Salem, d/b/a For Mom & Me, LLC, duly filed with the City Clerk 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 second hand article retail store within the existing commercial property located at 1510-32 S. 84 St; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 5, 2014, 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, Rosa Salem, d/b/a For Mom & Me, LLC, resides at 2605 W. Kimberly Ave., Milwaukee, WI 53221.
2. The applicant proposes to establish a secondhand article retail store offering new and used articles. The proposed retail floor space is approximately 1,800 sq. ft. at the southern end of the existing commercial building located at 1510-32 S. 84 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Part of the Lot 2 in Block 3 of the Assessor's Plat No. 257 located in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of Lot 4 of Certified Survey Map No. 6510; thence Southerly, 318.00 feet along the East right-of-way line of South 84th Street to the Point of Beginning; thence Easterly, 102.95 feet; thence Southerly, 392.00 feet to the North right-of-way line of West Lapham Street; thence Westerly, 85.53 feet along said line; thence Northwesterly, 14.14 feet to the East right-of-way line of South 84th Street; thence Northerly, 382.00 feet along said East right-of-way line to the Point of Beginning.

Tax Key No. 451-0642-005

Said land located at: 1510-32 S. 84 St.

3. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits the following as Special Uses:

Secondhand article stores as defined in Section 9.15 of the Revised Municipal Code.

Pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a commercial district along the east side of S. 84 St. The area is zoned for commercial uses. Properties to the north and south are zoned and developed for commercial uses. Properties to the west are zoned for commercial purposes and developed as residential uses. Properties to the east are zoned and developed as manufacturing and residential uses.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Rosa Salem, d/b/a For Mom & Me, LLC, to establish a secondhand article retail store, to be located at 1530-32 S. 84 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape and architectural plans approved on July 23, 2014 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.

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. The allowable hours of operation will be from 9:00 a.m. to 8:00 p.m., seven days a week.

4. Store Operations.

A. Signs shall be posted to indicate donation regulations. No items may be accepted for drop-off outside of the building. Donations may only be accepted during approved business hours.

5. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be stored inside or fully enclosed within an approved 4-sided structure to match the building.
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 six parking spaces are required for this use, and fifty are provided on site.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Such signage shall be reviewed/approved by the Department of Development prior to installation and affixed to the interior of the window and shall not flash.
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. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
11. 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.
12. 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 spills from the property boundaries.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. 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.
15. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor and approved by the Department of Development. 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. Because there are residents that live within the building and residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

Rosa Salem, For Mom & Me, LLC

Property owner, Norwood Investments 84th LLC

Mailed to applicants on the

12th day of August, 2014

Maria Schulte
City Clerk

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

ZON-R-961-8-5-14

ADOPTED 8-5-14

Monica Schultz

Monica Schultz, City Clerk

APPROVED 8/8/14

Dan Devine

Dan Devine, Mayor

COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

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WEST ALLIS CITY OF-LEGALS
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West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, published in the city of Hartland and county of Waukesha, printed in the city and county of Waupaca; was published and delivered in the My Community Now- Midwest on 7/17/2014 and 7/24/2014; that said printed copy was taken from said printed newspaper(s).

Patti Guerrero

Patti Guerrero



State of Wisconsin

County of Milwaukee

Subscribed and sworn before me this 24 day of July, 2014.

Donna Laird

Notary Public State of Wisconsin

My Commission Expires _____

DONNA LAIRD
NOTARIZED
COMMISSION
EXPIRES 10*09*16
07-24-14

**CITY OF WEST ALLIS NOTICE
OF PUBLIC HEARING
Tuesday, August 5, 2014,
7:00 P.M.**

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, August 5, 2014, at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the: **Special Use Permit to establish For Mom & Me, a proposed second-hand article store, to be located at 1530-32 S. 84 St.** Additional project information from the applicant is available on the City's website for your review using the following link: <http://www.westalliswi.gov/pzpublichearings>. You may express your opinion in writing to the City Clerk, clerk@westalliswi.gov, prior to the meeting, or orally at such public hearing.

Dated at West Allis, Wisconsin, this 9th day of July 2014.

/s/Ann Marie Neff, Deputy Clerk
PUBLISH: July 17 and July 24, 2014

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WNAXLP