



**STAFF REPORT
WEST ALLIS PLAN COMMISSION
Wednesday, January 23, 2019
6:00 pm**

City Hall – Room 128– 7525 W. GREENFIELD AVE.

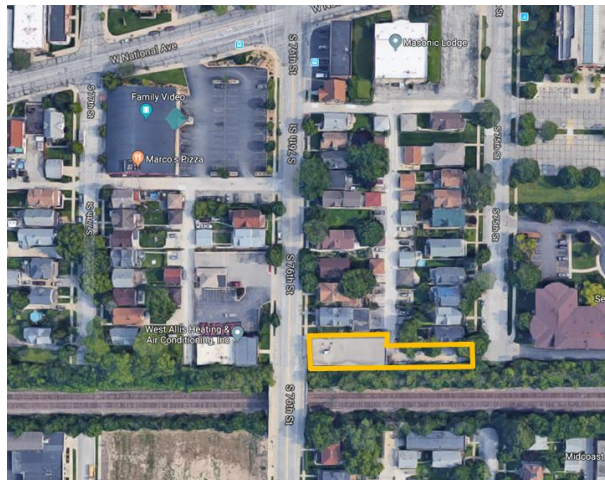
- 10A. Ordinance to amend the Future Land Use Map within the City’s Comprehensive Plan (Chapter 10 Land Use) from “High Density Residential” and “Low Density Residential” to “Commercial” land use classification for property located at 1828 S. 76 St., submitted by John and Chris Ranson, property owners, d/b/a Start Ups R Us LLC (Tax Key No. 453-0418-001).**

- 10B. Ordinance to amend the Official West Allis Zoning Map by rezoning the property located at 1828 S. 76 St. from RB-2, Residence District to C-2, Neighborhood Commercial District, submitted by John and Chris Ranson, property owners, d/b/a Start Ups R Us LLC (Tax Key No. 453-0418-001).**

Items 10A and 10B may be considered together.

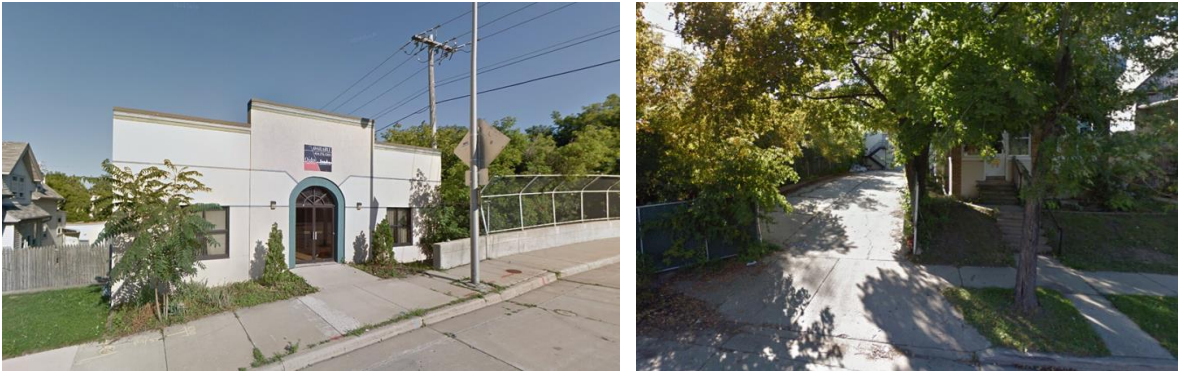
Overview and Zoning

The Department of Development has received a rezoning application from John and Chris Ranson, d/b/a Start Ups R Us LLC, to request a change of zoning for their property located at 1828 S. 76th Street. The request is to rezone the property from RB-2, Residence District to C-2, Neighborhood Commercial District. This request would also result in an update to the Future Land Use Map within the City’s Comprehensive Plan, changing the property’s future land use from High Density Residential and Low Density Residential to Commercial. A public hearing regarding this request will be held on February 18, 2019.



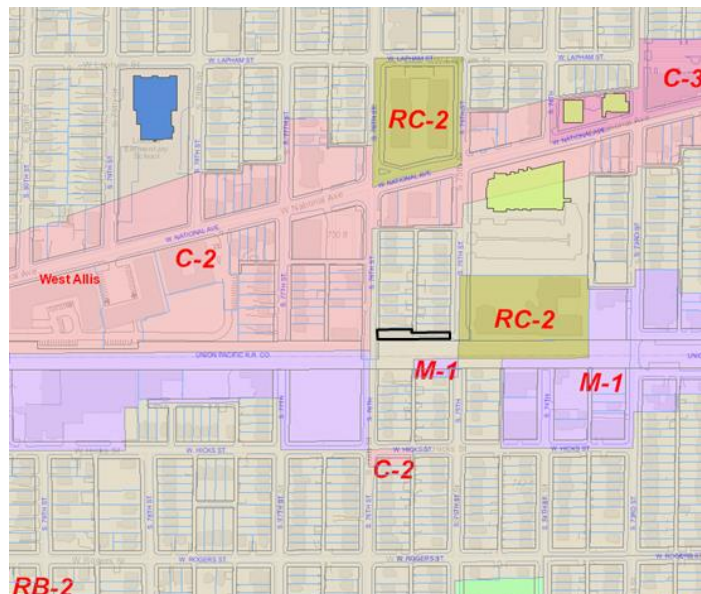
The lot in question is 0.128 acres and has a double frontage, with motor vehicle access available from an alley/driveway on S. 75th Street. The existing structure was built in 1946 and renovated in 1989. The building is comprised of two levels, totaling 10,328 square feet. The upper level of the building is designed to match the adjacent street and

sidewalk grades, while the lower level is accessible from the rear of the building, which features an overhead door to a garage/storage space.



In 1989, this property was rezoned from heavy industrial to residential. However, the property was consistently operating as a legal non-conforming commercial use from the time of the rezoning through 2017. By March of 2017, the most recent occupying tenant (a construction company) vacated the building. Per the West Allis Municipal Code, Chapter 12.12(4)(f), "No nonconforming use of a building or structure shall be resumed if abandoned or discontinued for a period of twelve (12) months." Therefore, by March of 2018, the use of this property as a commercial building was no longer permitted and, moving forward, all uses must adhere to the current zoning regulations of RB-2, Residence District.

The existing zoning of RB-2, Residence District is intended for single-family, two-family and limited multifamily residential uses. RB-2 allows for up to four dwelling units as a permitted use, and allows for greater than four dwelling units as a special use. Potential re-uses of the building include schools, religious institutions, day care centers, community housing, homes for the aged and nursing, and residential redevelopment.



Properties in the area immediately north and east of this property are also zoned for residential. Along its southern edge, this property runs adjacent to the Union Pacific Railroad corridor. Beyond the railroad, a majority of the properties in the area immediately south are also zoned residential, with one industrial property. To the west, properties are zoned commercial.

The Comprehensive Plan's 2030 Land Use Plan identifies the west side of the property as high-density residential, and the east side of the property as low-density residential.



Land use planning efforts in the City of West Allis seek to outline the ideal form of the built environment and determine what types of activities and densities should be allowed. The land use element holds significance in comprehensive planning due to Wisconsin's Comprehensive Planning Law. The law requires that the administration of zoning, subdivision, and official mapping ordinances be consistent with the comprehensive plan. *The land uses identified in this element are intended to govern the zoning decisions made by the City for the duration of the plan.*

Proposed Use

The applicant purchased this property in 2005. The applicant was aware that the property was zoned residential and that the commercial use was "grandfathered in" as a legal non-conforming use. However, the applicant was unaware that the property would lose its legal non-conforming status as a result of the discontinuation of use after twelve months. After receiving an offer to purchase the property by a commercial user, the Development Department was contacted to verify that the use was permitted. At that time, the applicant was informed of the discontinuation of use clause and that a commercial use was no longer permitted on the property. Interested buyers for this property include a relator/appliance retailer and an HVAC contractor. The owner believes that the only viable use of the property is commercial in nature.

Valuation

The owner indicated that they previously worked with a real estate planner to discuss converting the building to apartment units, but found the remodel to be cost prohibitive. Staff does not have specific information on the estimated remodel costs.

Staff contacted the Assessor's Office to determine current and potential future assessed values of the property. The current assessed value is \$331,400, which may change with the 2019 revaluation. According to the Assessor's Office, the cost of a newly constructed four-unit apartment is likely to be greater than what the market will deliver in value at this time.

Considerations

In general, the City does not "spot zone" properties to allow for individual businesses, but rather maintains zoning districts to provide consistency and predictability to property owners. While the conversion to residential appears to pose a challenge at this point in time, the long-term vision of this portion of the neighborhood is residential in nature. This is particularly relevant to the portion of the lot fronting on S. 75th Street, where the surrounding properties are all residential in nature.

From a long-term planning perspective, staff believes this property should be residential in nature. This decision is consistent with the City's Zoning Code and Comprehensive Plan, and with the surrounding residential character. Staff does not believe that amending the zoning or future land use to commercial will serve this neighborhood well in the long run.

It should be noted that, while staff is recommending denial of this request, staff does see an opportunity to compromise on this particular parcel, should Plan Commission wish to do so. Because there is a connection to commercial zoning across S. 76th Street, and because split zoning is present within the City's existing zoning, one consideration is to split zone the lot – maintaining residential for the half of the parcel that fronts S. 75th Street, and rezoning the half that fronts S. 76th Street to commercial – thus maintaining a connection to the zoning types on each street front. Staff would not advise Plan Commission to rezone the entire property to commercial.

Recommendation (10A): Common Council denial of the Ordinance to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 Land Use) from "High Density Residential" and "Low Density Residential" to "Commercial" land use classification for property located at 1828 S. 76 St., submitted by John and Chris Ranson, property owners, d/b/a Start Ups R Us LLC (Tax Key No. 453-0418-001).

Recommendation (10B): Common Council denial of an Ordinance to amend the Official West Allis Zoning Map by rezoning the property located at 1828 S. 76 St. from RB-2, Residence District to C-2, Neighborhood Commercial District, submitted by John and Chris Ranson, property owners, d/b/a Start Ups R Us LLC (Tax Key No. 453-0418-001).