

..Title

Resolution relative to determination of Special Use Application to re-establish a mixed use (commercial-residential) within the existing building at 8121-25 W. National Ave. (Tax Key Number 452-0601-000).

..Body

WHEREAS, Kevin McFaddan, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to re-establish a mixed use (commercial – residential) within the existing building at 8121-25 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 2005, 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, Kevin McFaddan, resides at 1212 S. 64 St., West Allis WI 53214.
2. The applicant has a valid offer to purchase the property at 8121-25 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin described as follows:

Lot 1 in Block 5 of the Assessors Plat No. 259.

Tax Key No. 452-0601-000

Said land is located at 8121-25 W. National Ave.

3. The applicant is proposing to complete interior and façade improvements at 8121-25 W. National Ave., a mixed-use property with two residential units on the second floor and two commercial units on the first floor.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed use buildings as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the south side of W. National Ave. Properties along W. National Ave. are developed as commercial. The property is bordered by railroad tracks to the south.
6. 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 Kevin McFaddan, to re-establish a mixed use (commercial - residential) within the existing building at 8121-25 W. National 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 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, 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 December 8, 2004, 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. Hours of Operation. The business will be open from 8:00 a.m. to 9:00 p.m.
3. Off-Street Parking. Four parking spaces are available onsite and 10 spaces are required. The Common Council shall have the authority to change the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code).
4. Occupancy Load. Occupancy capacity shall be limited to 50 people.
5. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
6. Refuse Collection. Refuse collection to be provided by commercial hauler.
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. Monitoring. The area shall be adequately monitored by staff.
9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
10. 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.
11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

12. 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 (if any), abutting sidewalk.

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.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

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.

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.

ADOPTED: _____, 2005

City Administrative Officer-Clerk/Treasurer

APPROVED: _____, 2005

Mayor

Mailed to applicant on the
_____ day of _____ 2005

Assistant City Clerk

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

ZON-R-482\bjb\1-4-05