

**CITY OF WEST ALLIS
RESOLUTION R-2022-0801**

**RESOLUTION RELATIVE TO THE DETERMINATION FOR A CONDITIONAL USE
PERMIT FOR MULTIFAMILY APARTMENTS, A PROPOSED 5 UNIT DWELLING,
TO BE LOCATED AT 8530-56 W. NATIONAL AVE.**

WHEREAS, Three Leaf Partners, LLC, duly filed with the City Clerk an application for a conditional use permit; pursuant to Sec. 19.14 and 19.32 of the Revised Municipal Code of the City of West Allis, for a Dwelling with 5 Units use; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 13, 2022, 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. Three Leaf Partners has offices at 13150 Watertown Plank, Suite 204, Elm Grove, WI 53122.
2. The subject property at 8530-56 W. National Ave. (478-9998-003) is currently owned by GTR National, LLC. Three Leaf Partners has an offer to purchase the property.

The subject properties are more particularly described as follows, to-wit:

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

Commencing at the Southwest corner of Parcel 1, Certified Survey Map 5161; thence Southwesterly, 24.60 feet along the North right-of-way line of West National Avenue; thence Southeasterly, 3.00 feet; thence Southwesterly, 455.86 feet; thence Southwesterly, 101.47 feet; thence Northwesterly, 35.41 feet; thence Northerly, 64.08 feet; thence Northwesterly, 53.00 feet; thence Northerly, 184.57 feet; thence Easterly, 195.88 feet; thence Northerly, 86.22 feet to the South line of the Chicago and Northwestern Transportation Company; thence Easterly, 366.51 feet along the said South line to the Northwest corner of the said Parcel 1; thence Southerly, 154.17 feet to the Point of Beginning.

3. The proposal is for a 6-story, 247-unit residential building that would include, underground parking, surface parking and landscaping improvements. The 140,199 sq. ft. building is proposed to be located upon 3.19 acres of land. The subject area is zoned C-2 and the proposed use (Dwelling with 5 Units) is considered a conditional Use in the district.
4. The subject property is located north of National Ave., south of the Union Pacific Railroad and west of S. 84 St. The property to the north is zoned industrial and developed as a railroad corridor. The property to the east is zoned as commercial and developed as a commercial use. The properties to the west are zoned for industrial and commercial and developed as industrial and commercial uses. Properties to the south zoned for parks, residential, and commercial and are developed as park, school, and residential use.
5. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional Use.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by David Lyon, d/b/a Three Leaf Partners, for a proposed Dwelling with 5 Units, to be located at 8530-56 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 19.14 of the Revised Municipal Code, so as to permit the issuance of a conditional use permit as therein provided.

BE IT FURTHER RESOLVED that said conditional use permit is granted subject to the following conditions:

1 Site, Landscaping, Screening and Architectural Plans. The grant of this conditional use permit is subject to and conditioned upon:

a. Site, Landscaping, and Architectural Plans approved by the West Allis Plan Commission on October 26, 2022. No alterations or modification to the approved plans shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans, Fire Codes and Licenses. The grant of this conditional Use is subject to building plans being submitted to and approved by the Code Enforcement and Fire Departments. Any applicable licenses shall be applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Code Enforcement and Fire Departments.

3. Vehicle Parking. The project will provide 319 motor vehicle parking spaces (consisting of 295 structured, indoor spaces and 24 outdoor, surface spaces) including 11 ADA stalls. The project will provide 63 indoor and 8 outdoor bicycle parking spaces.

4. Signage. Signage shall be permitted in compliance with the West Allis signage ordinance.

5. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be located indoors and/or screened from view within a 4-sided enclosure or as approved by the Planning & Zoning office to match the building. 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.

6. Outdoor Lighting. All exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries. Lighting is subject to a photometric lighting plan being approved by the Plan Commission.

7. Expiration of conditional use permit. Any conditional Use approved by the Common Council shall lapse and become null and void 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 conditional Use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application 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 60 days of the expiration of the conditional Use permit;

D. The extension, if granted, shall be valid for a period of 6 months. If no building permit has been issued and construction has not commenced within 6 months from and after the extension has been granted, the conditional Use shall become null and void.

8. 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. 19.14 of the Revised Municipal Code; that the issuance of the conditional 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 conditional 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. 19.14 of the Revised Municipal Code.

9. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a conditional use within one year of the granting thereof, then the conditional use permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the conditional use permit. The failure of the applicant to meet the terms and conditions of the conditional use permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Economic 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 conditional use permit has lapsed and become void, the applicant shall cease all operations at the property.

10. Termination of conditional Use. If the person or entity granted the conditional 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 conditional Use, then the conditional use may be terminated.

11. 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 conditional use permit is conditioned on meeting the terms and conditions of this resolution.

Agent for Three Leaf Partners

City Clerk

SECTION 1: **ADOPTION** “R-2022-0801” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0801(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL DECEMBER 13, 2022.

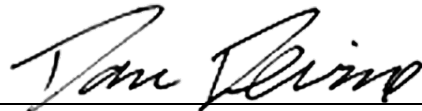
	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	<u>X</u>	_____	_____	_____
Ald. Tracy Stefanski	<u>X</u>	_____	_____	_____
Ald. Marty Weigel	<u>X</u>	_____	_____	_____
Ald. Suzzette Grisham	<u>X</u>	_____	_____	_____
Ald. Danna Kuehn	<u>X</u>	_____	_____	_____
Ald. Thomas Lajsic	<u>X</u>	_____	_____	_____
Ald. Dan Roadt	<u>X</u>	_____	_____	_____
Ald. Rosalie Reinke	<u>X</u>	_____	_____	_____
Ald. Kevin Haass	<u>X</u>	_____	_____	_____

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of West Allis



Dan Devine, Mayor, City Of West Allis

