

75.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2007-0199	Resolution	In Committee
Resolution relative to determination of Special Use Permit for a mixed use to include a professional office d/b/a Donnelly Chiropractic within the existing building located at 7301-03 W. National Ave. and 1707 S. 73 St. (Tax Key No. 453-0550-000)		
Introduced: 8/7/2007		Controlling Body: Safety & Development Committee
		Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/7/07</u>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock				
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
TOTAL				<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG - 7 2007</u>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
TOTAL				<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0199

Final Action:

Sponsor(s): Safety & Development Committee

AUG - 7 2007

Resolution relative to determination of Special Use Permit for a mixed use to include a professional office d/b/a Donnelly Chiropractic within the existing building located at 7301-03 W. National Ave. and 1707 S. 73 St. (Tax Key No. 453-0550-000)

WHEREAS, Kevin and Mary Donnelly, d/b/a Donnelly Chiropractic, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code, to renovate a mixed-use building with a commercial first floor, to be used for Donnelly Chiropractic with a 3-bedroom residential unit above for the property located at 7301-03 W. National Ave. and 1707 S. 73 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 7, 2007, 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 applicants, Kevin and Mary Donnelly own the property and reside at 5284 Lakeside Dr., Greendale, WI 53129.
2. The applicant owns the property at 7301-03 W. National Ave. and 1707 S. 73 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 33, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

All the land of the owner in the Northwest $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Lot 1 in Block 2 in the Mc Kowens Subdivision No. 1

Tax Key No. 453-0550-000

Said land is located at 7301-03 W. National Ave. and 1707 S. 73 St.

3. The applicant is proposing to occupy the ground floor commercial space (currently unoccupied) and establish a mixed-use. A small 700 sq. ft. addition to the commercial space is proposed on the

rear of the building. The second floor will continue to be utilized as a 3-bedroom apartment.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed residential and commercial uses as a special use, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the southwest corner of S. 73 St. and W. National Ave. Properties to the north and east are developed as municipal and commercial. Properties to the west and south are developed as residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site has historically been used as a mixed-use facility with first floor retail.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Kevin and Mary Donnelly, owners, to establish as mixed-use building (second floor existing three-bedroom unit and proposed first floor commercial space), 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. 12.41(2), Sec. 12.49 and 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 July 25, 2007, 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. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, thirteen (13) parking spaces are required on site. A total of 11 off-street parking spaces will be provided on site. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.
3. Commercial Business Operations. Daily 8:00 a.m. to 10:00 p.m. seven days per week.
4. Certified Survey Map. A certified survey map to consolidate 7301-03 W. National Ave. (Tax Key No. 453-0550-000) and 73** W. National Ave. (Tax Key No. 453-0551-000) being submitted to and approved by the Common Council within six months of the Special Use approval. Issuance of building permits may be authorized by the Director of Building Inspection while awaiting approval of the certified survey map.
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 and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.

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

9. Monitoring. The area shall be adequately monitored by staff.

10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area

11. 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.

12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spills from the property boundaries.

13. 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.

14. 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.

15. 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.

Mailed to applicant on the

13 day of August 2007

----- Monica Schultz

Assistant City Clerk

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

ZON-R-616-dlm-6-5-07

AUG - 7 2007

ADOPTED

Paul M. Ziehler

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

August 9, 2007
Jeannette Bell

Jeannette Bell, Mayor



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)

www.ci.west-allis.wi.us

Paul M. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

August 13, 2007

Kevin & Mary Donnelly
Donnelly Chiropractic
6751 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. & Ms. Donnelly:

On August 7, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for a mixed use to include a professional office d/b/a Donnelly Chiropractic within the existing building located at 7301-03 W. National Ave. and 1707 S. 73 St.

A copy of Resolution No. R-2007-0199 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee