



City of West Allis

Legislation Details (With Text)

File #: R-2004-0266 **Version:** 1
Type: Resolution **Status:** Adopted
File created: 9/7/2004 **In control:** Safety and Development Committee (INACTIVE)
On agenda: **Final action:** 9/7/2004
Title: Resolution relative to determination of Special Use Application for a mixed-use occupancy located at 2270 S. 102 St., submitted by John Gieve, d/b/a Milwaukee Transit Archives & Museum.

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-2004-0266

Date	Ver.	Action By	Action	Result
9/7/2004	1	Common Council		
9/7/2004	1	Common Council	Adopted	Pass
9/7/2004	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application for a mixed-use occupancy located at 2270 S. 102 St., submitted by John Gieve, d/b/a Milwaukee Transit Archives & Museum.

WHEREAS, John Gieve, d/b/a Milwaukee Transit Archives & Museum, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.37(3) and Sec. 12.16 of the Revised Municipal Code, to establish a mixed-use (commercial and residential) and an historical archive; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 7, 2004, 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, John Gieve, d/b/a Milwaukee Transit Archives & Museum, resides at S98 W21442 Parker Drive, Muskego, WI 53150.
2. The applicant leases space at 2270 S. 102 Street, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being part of the Lot 49 in Lincoln Crest Subdivision, Block1, and adjacent land located in the Southwest ¼ of Section 5, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the south corner of said Lot 49; thence Northerly, along east right-of-way line of South 102nd Street, 113.18 feet; thence Easterly, 89.32 feet; thence Southerly, 65.60 feet; thence Southwesterly, 79.63 feet, to the north right-of-way line of West Lincoln Avenue; thence Westerly, along said north right-of-way line, 62.00 feet, to the east right-of-way line of South 102nd Street; thence Northerly, along said east right-of-way line, 28.00 feet, to the Point of Beginning.

Tax Key No. 480-0349-003

Said land is located at 2270 S. 102 Street

3. The applicant is proposing to establish a mixed-use (commercial and residential) and an Archive & Museum located at 2270 S. 102 Street. Other uses approved by special use resolution for this site include offices for a professional cleaning business and an office for computer sales and service.
4. The aforesaid premises is zoned RC-1 Residence District under the Zoning Ordinance of the City of West Allis, which permits mixed-uses and libraries, museums and public art galleries as a special use, pursuant to Sec. 12.37(3) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the northeast corner of S. 102 St. and W. Lincoln Ave. Properties to the north are developed as residential, properties to the east, west, and south are developed as commercial.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site is currently used as a mixed-use with low density residential and commercial/office space.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of John Giove, d/b/a Milwaukee Transit Archives & Museum, to establish a mixed-use commercial (office and archive) and residential 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 August 25, 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 commercial portion of the mixed-use premise will be open between the hours of 6:00 a.m. to 11:00 p.m. daily.
3. Off-Street Parking. Off-street parking spaces for 11 vehicles will be provided on site. The Zoning Code requires 11 spaces. Street parking is available along S. 102 Street.
4. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

5. Refuse Collection. Refuse collection to be provided by commercial hauler.
6. 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.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
8. 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.
9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
10. 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.

Mailed to applicant on the
_____ day of _____ 2004

Assistant City Clerk

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

ZON-R-452\bjb\9-7-04