



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2011-0189 **Version:** 2

**Type:** Resolution **Status:** Adopted

**File created:** 9/6/2011 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 9/6/2011 **Final action:** 9/6/2011

**Title:** Resolution relative to determination of Special Use Permit for proposed addition to Dunn's Sporting Goods, an existing mixed-use building located at 6030-6034 W. National Ave.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. Signed Resolution, 2. Affidavit NPH

| Date     | Ver. | Action By                                   | Action             | Result |
|----------|------|---|--------------------|--------|
| 9/6/2011 | 1    | Common Council                              |                    |        |
| 9/6/2011 | 1    | Safety and Development Committee (INACTIVE) |                    |        |
| 9/6/2011 | 1    | Common Council                              |                    |        |
| 9/6/2011 | 2    | Common Council                              | Adopted As Amended | Pass   |
| 9/6/2011 | 2    | Safety and Development Committee (INACTIVE) |                    | Pass   |

Resolution relative to determination of Special Use Permit for proposed addition to Dunn's Sporting Goods, an existing mixed-use building located at 6030-6034 W. National Ave.

WHEREAS, Steve Dunn, d/b/a Dunn's Sporting Goods, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.42(2) and Sec. 12.49 of the Revised Municipal Code of the City of West Allis, for the expansion of a mixed-use residential-commercial development at 6030-6034 W. National Ave. and 1338-1342 S. 61 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2011, 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. Steve Dunn, d/b/a Dunn's Sporting Goods, has offices at 6034 W. National Ave., West Allis, WI 53214.
2. The applicant owns the property located at 6030-6034 W. National Ave. and 1338-1342 S. 61 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

All the land of the owner being located in the Southeast ¼ of Section 34, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 14 in Block 1 of the Re-subdivision of Soldiers Home Heights Company's Subdivision.

TAX KEY NO.: 439-0350-000

Said land being located at 6030-6034 W. National Ave. and 1338-1342 S. 61 St.

3. The aforesaid premise is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed residential and commercial uses, pursuant to Sec. 12.16, Sec. 12.42(2) and Sec. 12.49 of the Revised Municipal Code.

4. The applicant is proposing to establish the existing property as a mixed-use (residential-commercial) development located at 6030-6034 W. National Ave. and 1338-1342 S. 61 St. The commercial portion of the building is located on the first floor and consists of approximately 1,288 square feet. A proposed first-floor, rear addition would add approximately 725 sq. ft. of commercial space. The residential portion of the building is located on the second floor and consists of one 1-bedroom, one 2-bedroom, and one 3-bedroom unit. The proposed addition to the commercial portion of the building has triggered the special use.

5. Section 12.42(5) of the Revised Municipal Code requires that a ten-foot setback be maintained along the north property line of this property. The addition will only have a three-foot setback from the north property line. The Common Council has the authority to waive this requirement.

6. Section 12.42(4) of the Revised Municipal Code of the City of West Allis requires a floor area ratio not to exceed 1.5. The actual floor area ratio will be 1.52. The Common Council has the authority to waive this requirement.

7. The subject property is part of a block on the north side of W. National Ave. between S. 60 St. and S. 61 St., which is zoned for commercial purposes. Properties to the north, south, east and west are developed as commercial, residential and mixed use.

8. 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 special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Steve Dunn, d/b/a Dunn's Sporting Goods, 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. 12.16 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, screening and architectural plans to be reviewed and approved by the West Allis Plan Commission. No alterations or modification to the approved plan shall be permitted without approval by the West Allis Plan Commission.

2. 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.

3. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, thirteen (13) parking spaces (8 commercial use and 5 residential use) are required for the property. No parking will be provided on site, however, the owner has secured a lease with Wells Fargo, 6130 W. National Ave., for 5 parking stalls. 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.
4. Refuse Collection. To be provided by a commercial hauler. If stored outside, all refuse, recyclables and other waste material shall be screened from view within an approved enclosure to match or complement the building.
5. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame and be attached to the interior of the window area. No flashing window signage.
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. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
8. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development 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. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
9. 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.
10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
11. 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.

12. 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.

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

14. Termination of Special Use. If the person or entity granted the special 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 special use, the special use may be terminated.

15. Acknowledgement. That the applicant signs 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 Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Steve Dunn, d/b/a Dunn's Sporting Goods

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2011

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Assistant City Clerk

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

ZON-R-827-9-6-11-amended