



# City of West Allis

## Legislation Details (With Text)

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

**File created:** 11/5/2013                      **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 11/5/2013                      **Final action:** 11/5/2013

**Title:** Resolution relative to determination of Special Use Permit for Anchor Bank, an existing bank to be demolished and reconstructed with a drive-through at 7401 W. Greenfield Ave.

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

**Indexes:**

**Code sections:**

**Attachments:** 1. R-2013-0253, 2. R-2013-0253 Packet Doc

Date	Ver.	Action By	Action	Result
11/5/2013	1	Common Council		
11/5/2013	1	Safety and Development Committee (INACTIVE)		
11/5/2013	1	Common Council		
11/5/2013	1	Common Council	Adopted	Pass
11/5/2013	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Permit for Anchor Bank, an existing bank to be demolished and reconstructed with a drive-through at 7401 W. Greenfield Ave.

WHEREAS, Anchor Bank, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.40(2) of the Revised Municipal Code of the City of West Allis to establish a financial institution with drive-thru lane; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 5, 2013 at 7:00 p.m. in the Common Council Chambers to consider the application to adopt the special use resolution; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts, noted:

1. The applicant, Robert L. Halbleib, on behalf of Anchor Bank, has offices at 25 W Main St., Madison, WI 53703. Anchor Bank is also the property owner of the site.
2. The existing 0.63 acre property consists of a 6,700 square foot bank and a detached auto bank south of an existing alley. The existing bank is located on the south side of W. Greenfield Ave. and west of S. 74 St. in Downtown West Allis. Anchor Bank has indicated that it prefers to remain in the current Downtown location on W. Greenfield Ave. and is proposing to build a new 3,400 square foot slab on grade bank with an attached 3 car drive-through accessible from the existing alley. The new bank building will be replacing the existing 6,700 square foot bank building and also the remote/detached auto bank on the lot south of the existing alley.

3. The applicant has made an application for special use to demolish the existing bank facilities and construct a new building with a drive-through service. An ATM will also be included on site.

4. Anchor Bank has noted that as part of its plan for a new bank, it will not require all of the existing parking lot, south of the alley and behind Anchor Bank. Anchor has agreed to split off an approximate 11,000 square foot (93x120) piece of land area (south of the alley) to be sold for future development. The interim plan (while this area is still under bank control) is to demolish the existing auto bank structure and reseal and stripe the far south parking lot site. Anchor has indicated that this paved surface will be maintained and remain available for parking until sold and redeveloped. There are currently 41 parking spaces south of the existing alley. The bank is required to provide 10 off-street spaces, but will provide 17 spaces. Additional municipal parking is also in good supply.

The subject property is located at 7401 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner, Lot 36 and part of Lot 35 in Block 1 of the Baldwin - Cusick Subdivision, said subdivision being part of the Northwest ¼ 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:

Beginning at the Northeast corner of Lot 36; thence Westerly, 59.50 feet, along the South right-of-way line of West Greenfield Avenue; thence Southeasterly, 120.00 feet, to the North right-of-way line of adjacent alley; thence Easterly, 57.70 feet, along the said right-of-way line to the West right-of-way line of South 74<sup>th</sup> Street; thence Northerly, 120.00 feet, along the said line to the Point of Beginning.

Tax Key Number: 453-0324-002

4. The aforesaid area is currently zoned C-1 Central Business District. The City of West Allis Zoning Ordinance permits financial institutions with drive-thru facilities as a special use, pursuant to C-1 Zoning District Zoning per Sec. 12.40 (2) of the Revised Municipal Code of the City of West Allis.

5. The property is situated on the south side of W. Greenfield Ave. and west of S. 74 St. in Downtown West Allis. Properties to the south are zoned and used as residential, to the north are zoned and used for commercial purposes, to the west are zoned for Commercial and residential used for commercial purposes and to the east zoned and used as both commercial and residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property offers off-street parking and is served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Anchor Bank to establish a new bank facility with drive-through at 7401 W. Greenfield 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 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, Architectural. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping plan and architectural plan approved October 23, 2013 by the West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

2. Certified Survey Map. The grant of this Special Use Permit is subject to and conditioned upon a Certified Survey Map being submitted for review within 60 days of Common Council approval.

3. Paving and Drainage. The grant of this Special Use Permit is subject to paving and drainage plans being submitted to and approved by the Department of Building Inspections and Zoning. The grant of this

special use is subject to and conditioned upon compliance with all applicable building and fire codes.

4. Hours of Operation. General lobby hours are from 8:00 AM - 6:00 PM Monday through Friday, and 8:00 AM to noon on Saturday. Drive up hours are from 8:00 AM - 6:00 PM Monday through Friday, and 8:00 AM to noon on Saturday. ATM hours are 24 hours/day, every day.
5. Window Signage. Building window signage shall not exceed 20% of each window area and be located within the building.
6. Building and Fire Codes. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
7. Parking. Off-street parking for 10 vehicles is required per code. A total of 17 parking stalls will be provided on site.
8. 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.
9. Litter and Monitoring. Employees shall inspect the area 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 four-sided structure. The restaurant and property area shall be adequately monitored by staff.
10. 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 an enclosure approved by the Department of Development. 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.
11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
12. 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.

13. 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.

14. 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.

15. 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, then the special use may be terminated.

16. 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 Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Anchor Bank by Robert L. Halbleib, Senior Vice President

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_ 2013

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Assistant City Clerk

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

ZON-R-936-11-5-13