



City of West Allis

Legislation Text

File #: R-2006-0210, **Version:** 1

Resolution relative to determination of Special Use Permit for a proposed expansion to the Home Depot Garden Center and Modifications to the outdoor seasonal sales and display area for the West Allis Home Depot located at 11071 W. National Ave. (Tax Key No. 520-9965-035).

WHEREAS, The Home Depot, USA, Inc., owner, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to expand the existing Garden Center and reduce the size of the seasonal sales area for the West Allis Home Depot located at 11071 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 1, 2006 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, The Home Depot USA, Inc., owns the property and has its corporate offices 2455 Paces Ferry Rd., Atlanta, 30339.
2. The applicant is the owner of said premise located at 11071 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of Certified Survey Map No. 6450.

Tax Key No. 520-0065-035

Said Property being located at 11071 W. National Ave.

3. The applicant is proposing to construct an addition (4,193 sq. ft.) to the existing garden center and reduce the seasonal sales area from 19,500 sq. ft. to 10,000 sq. ft.
4. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits outdoor sales, display and outdoor storage as a special use pursuant to Sec. 12.43(2) of the Revised Municipal Code.
5. The subject property is part of a block between S. 108 St. and W. Wollmer Rd. on the south side of W. National Ave. The property is bound on the north by W. National Ave. Properties to the north, east and west

are developed as commercial uses. Properties to the south are developed as commercial and multi-family residential.

6. 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 The Home Depot USA, Inc., owner, 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 Secs. 12.16 and Sec. 12.43(2) 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the approval of site, landscape, and architectural plans approved July 26, 2006, by the City of West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission. This special use is granted upon the following:
 - a. Expand the existing Garden Center by 4,193 sq. ft. The entire Garden Center (existing and proposed expansion area) will be constructed using ornamental fence material. This will include the installation of two (2) split-faced integrally colored masonry piers on the front garden center elevation and one (1) on the side garden center elevation adjacent to the perimeter drive. The side pilaster would be spaced equal distance to those presented in the front elevation.
 - b. Install non-illuminated decorative bollards 8'0" o.c. in front of the Garden Center elevation to define the pedestrian/display area from the designated fire lane.
 - c. Infill parking lot island landscaping beds with 100 new shrubs (low grow Sumac, Daylilies or similar) and 2 - 2.5" caliper shade trees for a fully planted landscape area. Continue maintenance of landscape plant material and mulched areas, replacing dead/dying/diseased plant material, and placing additional mulch as required. Nine (9) new six-foot high evergreen trees (pine or spruce) will be added on the south side of the property.
 - d. Reduce the existing Seasonal Sales area presently approved in the front parking field from 19,500 sq. ft. to 10,000 sq. ft. in size. The Seasonal Sales area will be enclosed by a temporary 6'0" galvanized chain link fence.
 - e. Limit the Seasonal Sales area to operating from March 15 through July 15 each year. Materials in this area will be limited to live goods.
 - f. Install (6) six - 5'0" upright evergreen trees to form a hedge at the end of the Hwy 100 entrance into the Home Depot site. These will be placed to assist in reducing immediate views into the Seasonal Sales/parking area.
2. Signage. Removal or replacement of the W. National Ave. pole sign in accordance with the City of West Allis Signage Ordinance. If the W. National Ave. pole sign is replaced it shall be constructed to match the size and design of the Home Depot signage proposal for the new monument sign on Hwy 100 (15 feet high by

10 feet wide with a brick base and opaque background).

3. Outdoor Display Areas. The outdoor sales and display areas include a 22,148 square foot (17,955 square feet existing and 4,193 square feet proposed expansion) garden center at the east end of the building, limited display along the front walk of the garden center and along the wall between the east entrance and Tool Rental Center. The existing 19,500 square foot seasonal sales area will be reduced in size to 10,000 square feet. A new outdoor storage/staging area will be constructed on the southwest side of the building and screened from view within a new 8 foot high slatted chain link fence (storage not to exceed fence height).
4. Seasonal Sales Area. The seasonal sales area will be 10,000 square feet in area. Operation will be limited from March 15 to July 15 each year. Materials within this area will be limited to live goods.
5. Parking. A total of 528 parking stalls are required and 535 are being provided including twelve (12) ADA parking spaces.
6. Hours of Operation. Hours of operation will be Monday through Saturday 6:30 a.m. to 11:00 p.m. and Sunday from 6:30 a.m. to 9:00 p.m.
7. 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 Inspection and Zoning and by the Fire Department.
8. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.
9. 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.
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, abutting sidewalk.
11. Window Signage. Window signage shall not exceed 20% of the window area.
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. 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.

B. 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.

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
_____ day of _____, 2006

Assistant City Clerk

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

ZON-R-569-dlm-8-1-06