



City of West Allis

Legislation Text

File #: R-2003-0111, **Version:** 1

Resolution relative to determination of Special Use Application, submitted by Bryant Chaffee, d/b/a Chaffee Funeral Livery Service, Inc., to establish a crematory within the existing building located at 11430 W. Lincoln Ave.

WHEREAS, Bryant Chaffee, d/b/a Chaffee Funeral Livery Service, Inc., duly filed with the Acting City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code of the City of West Allis to install a cremation unit within the existing building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 18, 2003, at 7:30 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, Bryant Chaffee, d/b/a Chaffee Funeral Livery Service, Inc., has offices at 11430 W. Lincoln Avenue, West Allis, WI 53227.
2. The applicant has made an application for special use to install a cremation unit within the existing building. The unit will be located within a 19.5' x 20' room within the existing building. The room will contain the necessary equipment for the temporary storage and cremation of human remains. All services on site are provided to area funeral homes only and are to be performed by existing personnel. The majority of deliveries by vehicles during daytime hours of operation. The subject property is located at 11430 W. Lincoln Ave., 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 6, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 2 of Certified Survey Map No.5827 and piece of land adjacent to said Parcel 2 more particularly described as follows: Commencing at the Northeast corner of said Parcel 2; thence South $89^{\circ}30'45''$ West, 116.00 feet along north line of said Parcel 2 to the Easterly side of Parcel 1 of Certified Survey Map No. 2903; thence North $01^{\circ}03'34''$ West, 37.71 feet along said Easterly side; thence North $89^{\circ}30'45''$ East, 116.00 feet; thence South $01^{\circ}03'34''$ East, 37.71 feet to Point of Beginning.

Said land being located at 11430 W. Lincoln Ave. (Tax Key No. 481-9993-031)

3. The applicant owns the property at 11430 W. Lincoln Ave.
4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits crematories as a special use, pursuant to Sec. 12.45(2) of the Revised Municipal Code of

the City of West Allis.

5. The Property is part of a block between S. 114 St. and S. 116 St. on the north side of W. Lincoln Ave. Properties located to the north, west, and east are developed as commercial and manufacturing. Properties south of the proposed location are developed as Nathan Hale High School and commercial uses.

6. The use, value and enjoyment of other property in the surrounding area 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 of Bryant Chaffee, d/b/a Chaffee Funeral Livery Service, Inc., 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 and Signage. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping plan and architectural plan approved February 26, 2003, 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. 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.
3. 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.
4. Hours of Operation. The livery service is open 24 hours, seven days per week, as needed. The crematory will operate on the same schedule, as needed. The majority of deliveries to the subject property will be conducted during daytime business hours (9:00 a.m. to 5:00 p.m.).
5. Window Signage. Building window signage shall not exceed 20% of each window area.
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.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and 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
7th day of April, 2003
/s/ Paul M. Ziehler
Acting City Clerk/Treasurer

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

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