



City of West Allis

Legislation Text

File #: R-2014-0036, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed multi-family residential development to be located at 66** W. National Ave.

WHEREAS, Helmut Toldt, d/b/a Six Points Farmers Market, LLC., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit; pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, for a multi-family housing complex; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 18, 2014, at 7:00 p.m. in the Common Council Chamber 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, Helmut Toldt, d/b/a Six Points Farmers Market, LLC., has offices at 4040 N. Calhoun Rd. Brookfield, WI 53005.
2. The applicant, Six Points Farmers Market, LLC., owns the property at 66** W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 3 of Certified Survey Map No. 8231.

Said land being located at 66** W. National Ave.

Tax Key Number: 454-0643-000.

3. The proposal consists of the construction of 2 apartment buildings totaling 115 units on the 2.6 acre site. The 2 buildings consist of a 72-unit building and a 43-unit building. The apartments will include a mixture of one and two bedroom units with connected underground parking as well as surface parking.

The two buildings are surrounded by parking fields on every side with a small front yard area which faces W. National Ave. The site will be able to be accessed via drives along W. National Ave., S. Six Points Crossing (S. 66 St.), and W. Mitchell Ave.

4. The aforesaid premises is zoned C-3 Community Commercial District with a Planned Development District- 1 (PDD-1) Overlay. Under the Zoning Ordinance of the City of West Allis, which permits multi-family dwellings as a Special Use pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.
5. The property is serviced by all necessary public utilities.

6. The subject property is located on the south side of W. National Ave. on a 2.6 acre lot located between S. Six Points Crossing (S. 66 St.) to the east of the property and the railroad spur immediately adjacent to the west property line. Properties along W. National Ave. are zoned for commercial purposes; properties to the south of the site are zoned for commercial and manufacturing purposes.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Helmut Toldt, d/b/a Six Points Farmers Market, LLC., to establish a multi-family housing complex, 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 and Section 12.42(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, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and architectural plans 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. The Plan Commission recommended Common Council approval of the Special Use Permit and Site Landscaping and Architectural Plans on January 22, 2014.
2. Building Plans and Fire Codes. The grant of this Special Use Permit is subject to building plans being submitted to and approved by the Department of Building Inspection Department and by the Fire Department.
3. Paving and Drainage. Paving and drainage plans(s) being submitted to the Building Inspection Dept.
4. Parking Requirements. Off-street parking for 128 underground parking stalls and 138 surface parking stalls, for a total of 266 parking stalls are proposed for the site. A total of 188 parking spaces are required on site in accordance with Sec. 12.19 of the Revised Municipal Code.
5. 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.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables and other waste materials will be fully enclosed within an approved structure.
7. Refuse Collection. Refuse collection will be done by a commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building). Because there are residents that live within the building and 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.
8. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays

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.

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 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.

Helmut Toldt, d/b/a Six Points Farmers Market, LLC

Mailed to applicant on the
_____ day of _____, 2014

Assistant City Clerk

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

ZON-R-947-2-18-14-bjb