



City of West Allis

Legislation Text

File #: R-2010-0265, **Version:** 1

Resolution relative to determination of Special Use Permit to establish Empower Credit Union, a financial institution with drive-thru facilities to be located at 10635 W. Greenfield Ave. (former Harry's True Value).

WHEREAS, Empower Credit Union, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(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 September 7, 2010 to consider a special use for Empower Credit Union. Resolution R-2010-0199 was adopted on September 7, 2010 by the Common Council; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 7, 2010 at 7:00 p.m. in the Common Council Chambers to consider the application to rescind Resolution No. R-2010-0199 and adopt an updated/revised resolution; and,

WHEREAS, the conditions of the original Common Council special use approval have been modified and the updated terms being presented to the Common Council for consideration; and,

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

1. The applicant, Jennifer Schilling d/b/a Empower Credit Union, has offices at 231 W. Michigan St., Milwaukee, WI 53202.
2. The property consists of one parcel situated between W. Greenfield Ave. to the north and W. Orchard St. to the south. Empower Credit Union owns the property to construct a new building. A portion of the property will be reserved for future development toward the rear of the site along W. Orchard St.
3. The applicant has made an application for special use to construct a new 10,205 sq. ft. credit union main office building with three (3) covered drive-thru lanes. An ATM will also be installed on site.

The subject property is located at 10635 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 5, 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. 3612.

Tax Key Numbers: 444-0497-001

4. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits financial institutions with drive-thru facilities as a special use, pursuant to Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis. The Department of Development has prepared a separate ordinance

for consideration by the Common Council on September 7, 2010 to remove the existing PDD-2 (Planned Development District) overlay zoning. The underlying C-3 Community Commercial District Zoning will prevail.

5. The property is located between S. 106 St. and S. 108 St. on the south side of W. Greenfield Ave. Properties to the south are developed as City right-of-way (W. Orchard St.) and commercial. Properties to the north and west are developed as commercial. Properties to the east are developed as residential.

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 that Resolution No. R-2010-0199 adopted September 7, 2010 by the Common Council of the City of West Allis be rescinded, and an updated special use Resolution be and is hereby adopted.

BE IT FURTHER RESOLVED by the Common Council of the City of West Allis that the application of Empower Credit Union, 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. 1. Site, Landscaping, Architectural and Signage. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping plan, signage plan and architectural plan approved August 25, 2010, by the West Allis Plan Commission. The approved plan provides a north-south drive aisle allowing through traffic and ingress and egress from and between the main streets of W. Greenfield Ave. and W. Orchard St. 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. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.

3. Hours of Operation. Hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m. weekends 8:00 a.m. to 1:00 p.m.

4. Window Signage. Building window signage shall not exceed 20% of each window area.

5. Driveway Permits. The grant of this Special Use is subject to necessary driveway permits being granted by the Board of Public Works.

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 32 vehicles is required for the proposed credit union. A total of 54 parking stalls will be provided as part of the initial Phase I development. Included within the provided parking on site is a provision to provide shared parking to the owner of the abutting 10537 W. Greenfield Ave. Mobil Station.

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. 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.

10. 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.

11. 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.

12. 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.

13. 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.

Jennifer Schilling on behalf of Empower Credit Union

Mailed to applicant on the
_____ day of _____ 2010

Assistant City Clerk

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

ZON-R-799-12-7-10