



City of West Allis

Legislation Text

File #: R-2008-0030, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed drive-thru for Serv-U Pharmacy, an existing business located within the River Bend Shopping Center at 7500 W. Oklahoma Ave. (Tax Key No. 515-0124-000).

WHEREAS, Mark Lambert of Omro PW, LLC and Campbellsport, LLC (applied on behalf of Serv-U Pharmacy), 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, to establish a drive-thru pharmacy window for the existing Serv-U Pharmacy within a portion of the River Bend Shopping Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 5, 2008, 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, Mark Lambert of Omro PW, LLC and Campbellsport, LLC owns the property and leases approximately 3,200 square foot portion to Serv-U Pharmacy.
2. The applicant, Omro PW, LLC and Campbellsport, LLC owns the property and will lease a portion to Serv-U Pharmacy located at 7500 W. Oklahoma 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 10, Township 6 North, Range 21 East and Southeast $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East City of West Allis, Milwaukee County, Wisconsin, described as follows:

All of the Block 3 of Honey Creek Parkway Estates and adjoining vacated public service street on the south side of said Block 3.

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Said land being located at 7500-52 W. Oklahoma Ave.

3. The applicant is proposing to establish a drive-thru pharmacy window for Serv-U Pharmacy in a portion of the River Bend Shopping Center.
4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits businesses with drive-thru services as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the north side of W. Oklahoma Ave. between S. 74 St. and S. 76 St., which is zoned for commercial purposes. Properties to the north are developed for residential. Properties to the east are developed as residential and commercial. Properties to the south are developed as commercial and are located within the City of Milwaukee. Properties to the west are developed as Milwaukee County Park and Open Space.

6. 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 Mark Lambert of Omro PW, LLC and Campbellsport, LLC (on behalf of Serv-U Pharmacy), to establish a drive-thru pharmacy window within the River Bend Shopping Center, 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 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:

1a. Site, Landscaping, Screening, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and screening plans approved on January 23, 2008, 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. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.

1b. Master Signage Plan. The Plan Commission has recommended approval of the Master Signage Plan for the River Bend Shopping Center. Under the approved plan, the River Bend pole sign at the corner of S. 76 St. and W. Oklahoma Ave. will be removed and replaced with a new monument sign. Also, under the approved plan, the Checker Auto Parts pole sign will be removed upon expiration of the Checker's existing lease term (12/31/12). The remainder of the site will be brought into compliance with the Master Sign Plan regulations of the City of West Allis Sign Ordinance.

2. 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.

3. Drive-thru Area. The new drive-thru lane and window will be located on the south side of the building. One lane will be constructed in accordance with the Plan Commission recommendation.

4. Hours of Operation. The hours of operation for the pharmacy and drive-thru will be 8:00 a.m. to 10:00 p.m., seven days per week.

5. Off-Street Parking. Eleven (11) parking stalls are required for the pharmacy and a total of one hundred ninety-eight (198) parking spaces are required for the River Bend Shopping Center. A total of one hundred eighty-two (182) parking spaces are provided on site.

6. Drive-thru Intercom. Audible level of the drive-thru intercom/speaker shall be limited and adjustable so as not to create a nuisance with adjacent residential uses.

7. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.
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 (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. 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 _____ 2008

Assistant City Clerk

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

ZON-R-663-2-5-08\bjb