



# City of West Allis

## Legislation Text

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**File #:** R-2007-0232, **Version:** 1

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Resolution relative to determination of Special Use Permit amendment for proposed multi-family elderly housing complex, to be located on the former Laidlaw Transit, Inc. bus company site and on the former Neis Hardware site at 7725, 7741, 79\*\*, 7939-43 W. National Ave. and 1810 S. 80 St. (Tax Key Nos. 452-0599-001, 452-0598-001, 452-0597-003, 452-0597-002, 452-0597-001, 452-9999-007, 452-0596-000)

WHEREAS, Milo Pinkerton, d/b/a MSP Real Estate, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit; amendment pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to amend Resolution No. R-2007-0206 regarding the parking calculations for the multi-family elderly housing complex; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 18, 2007, 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, Milo Pinkerton, d/b/a MSP Real Estate, Inc., has offices at 7201 Walker St., Suite 20, St. Louis Park, MN 55426.
2. The applicant, MSP Real Estate, Inc., has a valid offer to purchase the property from the City of West Allis at 7725, 7741, 79\*\*, 7939-43 W. National Ave. and 1810 S. 80 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Beginning at southeast corner of the Parcel 3, Certified Survey Map No. 2389; thence Southerly, 25.00 feet; thence Westerly, 360.00 feet; thence Northerly, 25.00 feet; thence Westerly, 106.11 feet, to the East right-of-way line of South 80<sup>th</sup> Street; thence Northerly, 190.03 feet, along said East line to the South right-of-way line of West National Avenue; thence Northeasterly, 820.71 feet, along said south line; thence Southerly, 146.07 feet; thence Easterly, 32.00 feet; thence Southerly, 240.00 feet; thence Westerly, 354.00 feet, along said line, to the Point of Beginning.

Said land being located at 7725, 7741, 79\*\*, 7939-43 W. National Ave. and 1810 S. 80 St.

Tax Key Numbers: 452-0599-001, 452-0598-001, 452-0597-003, 452-0597-002, 452-0597-001, 452-9999-007, 452-0596-000.

3. The applicant will redevelop the former Laidlaw Transit Co. and former Neis Hardware site into a two-phased senior housing complex. Phase I will include 32 units of memory care (one-story building), 40 units of assisted living (two-story building), and 120 units of independent living (four-story building), for a total of 192 units. Phase II will be reviewed at a later date. The project will have a combination of market rate and income restricted affordable housing units. The three different living components (independent, assistant and memory care) will be constructed as one contiguous building, connected by hallways. The complex also features a community room, dining rooms, a fitness center in the independent living section, and a wellness center. The complex will require that residents be 55 years or older to live at the facility.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits multi-family dwellings and homes for the aged as a Special Use pursuant to Sec. 12.41(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 part of a block between S. 77 St. and W. S. 80 St. on the south side of W. National Ave., which is zoned for commercial purposes. Properties to the west are developed as commercial, properties to the east are developed as residential, properties to the north are developed as commercial, mixed-use, and as an elementary school, and properties to the south are developed as manufacturing.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area. A traffic study was conducted for the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Milo Pinkerton, d/b/a MSP Real Estate, Inc. to amend Resolution No. R-2007-0206 regarding the parking calculations for the multi-family elderly 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 12.41(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 on July 25, 2007 and approved the site, landscaping and architectural plans on August 22, 2007. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission. A signage plan shall be submitted to the Department of Development for review.

2. Certified Survey Map. The grant of the Special Use is subject to a Certified Survey Map being submitted to and approved by the Common Council.

3. 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.

4. Paving and Drainage. The grant of this special use is subject to necessary site paving and drainage plans(s) being submitted to the Building Inspection Dept.

5. Parking Requirements. Off-street parking for 90 underground parking stalls (including 4 ADA spaces) and 67 surface parking stalls (including 3 ADA spaces), for a total of 157 parking stalls and 7 ADA stalls shall be provided and maintained on site. In accordance with Sec. 12.19 of the Revised Municipal Code 112 parking spaces are required on site (80 spaces for independent and assisted living, and 32 spaces for memory care), including 7 ADA spaces. These parking calculations are for Phase I only.

6. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.

7. 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.

8. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
9. 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).
10. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.
12. 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.
13. Noxious Odors, Etc. The facility shall not emit foul, offensive, noisome, noxious, or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. 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.
15. 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.

Mailed to applicant on the

\_\_\_\_ day of \_\_\_\_\_, 2007

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Assistant City Clerk

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

ZON-R-645\9-18-07