



# City of West Allis

## Legislation Text

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**File #:** R-2007-0059, **Version:** 1

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Resolution relative to determination of Special Use Permit Application for proposed Walgreen's Pharmacy with a drive thru to be located at 6001 - 6123 W. Greenfield Ave. and 1415 S. 60 St. - 1419 S. 60 St. (Tax Key No. 454-0050-004, 454-0050-003, 454-0060-000, 454-0061-000, 454-0003-000)

WHEREAS, Dale Dobroth of SIDCOR, 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 Walgreen's Pharmacy with a drive-thru at 6001-23 W. Greenfield Ave. and 1415 S. 60 St. - 1419 S. 60 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 6, 2007, at 7:00 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, Dale Dobroth of SIDCOR, has offices at 950 N. Western Ave., #2, Lake Forest, IL 60045
2. As a condition of the Special Use a valid offer to purchase and sale of the properties within the project area is required. The project area includes 6001-6123 W. Greenfield and 1415-19 S. 60 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner in Blocks 1 and 2, in Liberty Heights subdivision, being part of the Northeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Commencing at the southeast corner of Lot 1 in said Block 1; thence Westerly, 13.65 feet to the Point of Beginning; thence, continue, Westerly, 138.72 feet, to the southwest corner of said Lot 1; thence Southerly, 100.00 feet, to the north right-of-way line of public alley; thence Westerly, 394.38 feet, along said north line; thence Northerly, 140.00 feet, to the south right-of-way line of West Greenfield Avenue; thence Easterly, 453.10 feet, along said south line; thence Southeasterly, 89.44 feet, to the Point of Beginning.

Tax Key Nos. 454-0050-004 - 6107-09 and 6027-29 W. Greenfield Ave.  
454-0050-003 - 60\*\* W. Greenfield Ave.  
454-0060-000 - 61\*\* W. Greenfield Ave.  
454-0061-000 - 6121-23 W. Greenfield Ave.  
454-0003-000 - 1415-19 S. 60 St.

Said land being located at 6001- 23 W. Greenfield Ave. and 1415-19 S. 60 St.

3. The applicant is proposing to purchase the properties, demolish them and establish a 14,490 sq. ft. Walgreen's Pharmacy with drive thru facility. Business usages will include general merchandise and retail sales including grocery items, photo processing and pharmaceuticals with drive through.
4. The aforesaid area is zoned C-3 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits drive-thru facilities as a special use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised

Municipal Code.

5. The subject property is located on the south side of W. Greenfield Ave. and west of S. 60 St. Properties located to the north and west are used as commercial. Properties to the south and east are 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 by the Common Council of the City of West Allis that the application of Dale Dobroth of SIDCOR, to establish a Walgreen's Pharmacy with a drive thru to be located at 6001 - 6123 W. Greenfield Ave. and 1415 S. 60 St. - 1419 S. 60 St., 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. Developers Agreement. A developers agreement will be prepared for Common Council approval that address various site improvements and requirements including, but not limited to the following:
  - A. Developer will pay the cost of replacing the 102 year old sanitary sewer line running north-south through the site from W. Greenfield Ave. to S. 61 St. through a easement in the property which will occur prior to construction of the Walgreen's.
  - B. Developer shall share equally the cost of replacing the approximate 450-ft. concrete alley along the rear of the property running east from S. 62 St. to the 90 degree turn in the alley to the south.
  - C. Closure of an approximate 100-ft. section of S. 61 St. north of W. Greenfield Ave.
  - D. S. 60 St. ingress/egress. If 5 or more reported accidents of types susceptible to correction by closing the driveway on 60th St. have occurred within a 12 month period, each accident involving personal injury or property damage to an apparent extent of \$1,000 or more, then the City Engineer may exercise his right to close or modify the 60th St. driveway.
  - E. Cross easement access being provided by Walgreen's for access to 1409-11 S. 60 St. property (southwest corner of the 60th and Greenfield Ave.) if the private driveway is closed.
2. Site, Landscaping, Screening, Architectural and signage Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping and architectural plan approved January 24, 2007, by the West Allis Plan Commission. No alterations or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
3. Certified Survey Map. The grant of this special use is subject to a formalized Certified Survey Map being submitted to the City.
4. Valid Offer to Purchase. The grant of this Special Use is conditioned upon a valid offer to purchase and sale of the properties.
5. 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.
6. Off-street Parking. Parking for 49 vehicles is required for the entire building, including ADA stalls. Off-street

parking for 59 vehicles, including three (3) ADA stalls will be provided on site.

7. Hours of Operation. Daily hours of operation between 8:00 a.m. 10:00 p.m.
8. 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.
9. Window Signage. Window signage shall not exceed 20% of the glazed portion of each window frame.
10. 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.
11. Litter. Employees shall inspect the site 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.
12. Sidewalk Repair. The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.
13. Outdoor Lighting. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay past the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay. House side shields shall be utilized to limit light pollution.
14. Drive Through Intercom. Audible level of the drive through intercom/speaker shall be limited and adjustable so as to not create a nuisance with adjacent residential uses.
15. Deliveries. Because there is a residential use and residentially zoned area adjacent to the site, such (delivery) operations shall not be permitted between 9 pm and 6 am. Delivery trucks shall not be parked on or adjacent to the premises during non-delivery hours with motor and/or refrigerators/generators running, unless the truck noise is mitigated so that it does not significantly affect nearby residential properties. Delivery trucks shall not park in public right of way as to create an obstruction to residential properties along the alley.
16. Expiration of Special Use Permit. 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. 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 supplying written explanation for extension of time;
  - B. A timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;
  - C. The request for extension shall be submitted within 60 days of the expiration of the special use permit;
  - D. The extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date 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.

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 & Zoning

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