



# City of West Allis

## Legislation Text

---

**File #:** R-2013-0142, **Version:** 1

---

Resolution relative to determination of a Planned Development Agreement by and between the City of West Allis and Chris Miller d/b/a 92 Street Commons, LLC for new construction of a proposed Residential Planned Development of 38 apartment homes and other site and architectural improvements on properties located at 1803 and 1807 S. 92 St. pursuant to Sec. 12.60 of the Revised Municipal Code.

WHEREAS, Chris Miller d/b/a 92 Street Commons, LLC (the "Developer"), with principal offices at 301 Pawling Avenue, Hartland, WI 53029, has submitted an application for a Planned Development District-Residential (PDD-1) for the new construction of a residential development project to consist of 38 apartment homes (two 19-unit buildings) within a planned development district and other site improvements on properties located on the west side of S. 92 St. at 1803 and 1807 S. 92 St., containing approximately 2 acres of land which is bounded by W. Mitchell St., S. 92 St. Union Pacific Railroad (RR) right of way and We Energies land pursuant to Sec. 12.60 of the Revised Municipal Code; and,

WHEREAS, the Developer has a valid offer to purchase said lands and combine the two subject parcels into one lot of record via Certified Survey Map. The underlying zoning of said property is RB-2 Residence District and will be rezoned via overlay with a Planned Development District-Residential (PDD-1) zoning overlay to allow for two 19-unit apartment home buildings to be constructed upon one lot. The total project area is depicted and described as:

A tract of land being part of the Lot 5, Block 4 in the Assessor's Plat No. 255, located in the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 5, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of said Northeast  $\frac{1}{4}$  of Section 5; thence North  $01^{\circ}05'59''$  West, 99.50 feet along the East line of said Northeast  $\frac{1}{4}$  and centerline of South 92<sup>nd</sup> Street, to the Point of Beginning; thence South  $88^{\circ}13'33''$  West, 834.14 feet, along the North right-of-way line of Union Pacific Railroad Co., to the South right-of-way line of the Wisconsin Electric Power Company, thence Northeasterly along said South right-of-way line and the arc of the curve, 493.84 feet, whose center lies to the Northwest and whose radius is 620.02 feet, central angle  $45^{\circ}38'06''$  and chord bears North  $65^{\circ}24'30''$  East; thence North  $88^{\circ}13'33''$  East, 393.08 feet, to the East line of Northeast  $\frac{1}{4}$  and centerline of South 92<sup>nd</sup> Street; thence South  $01^{\circ}05'59''$  East, 186.50 feet, along the said line to the Point of Beginning.

Said area is located at 1803 and 1807 S. 92 St, and contains 2.2670 acres, more or less and includes portions of City right-of-way.

Tax Key Numbers: 451-0282-001 and 451-0283-001; and,

WHEREAS, the Planned Development Application was forwarded and approved to the Plan Commission on May 22, 2013, for review and recommendation and its recommendation has been received; and,

WHEREAS, a neighborhood public informational meeting was conducted on the application; and,

WHEREAS, the Common Council has duly noticed and held a Public Hearing on June 4, 2013, on the Application for the Ordinance to rezone the land within the project area; and,

WHEREAS, the Common Council, after due consideration, finds that the proposed development as set forth in the Application, with certain conditions, meets the standards set forth in Sections 12.60 of the West Allis Revised Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Application, a copy of which is attached hereto and made a part hereof, be, and is hereby approved subject to additional conditions set forth in the Planned Development Agreement hereinafter identified.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the Agreement and other documents, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

BE IT FURTHER RESOLVED that the Agreement, and its exhibits, for Planned Unit Development-Residential by and between the developer, and the City of West Allis, a copy of which is attached and made a part hereof, be, and is hereby approved and that the Mayor and City Administrative Officer-Clerk/Treasurer are hereby authorized and directed to execute and deliver said Agreement and Resolution on behalf of the City, together with all such other and further instruments and documents, as may be required by said Agreement, for its full and complete implementation.

BE IT FURTHER RESOLVED that the Official City Zoning Map be, and is hereby amended by overlay of the Planned Development District-Residential (PDD-1) approved hereby.

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

ZON-R-920-6-4-13-bjb