



# City of West Allis

## Legislation Text

---

**File #:** R-2008-0054, **Version:** 1

---

Resolution relative to determination of Special Use Permit to establish Cardinal Health nuclear pharmacy within a portion of the existing multi-tenant building located at 11214 W. Lapham St. (Tax Key No. 448-9992-005)

WHEREAS, Julie Witt of Cardinal Health, Inc., duly filed with City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code to establish a Cardinal Health Nuclear Pharmacy within a portion of the existing multi-tenant building located at 11214 W. Lapham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 4, 2008, 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, Julie Witt of Cardinal Health, Inc. has offices at 7000 Cardinal Place, Dublin, OH 43017.
2. The applicant will lease a portion of the property at 11214 W. Lapham St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Parcel 3 of Certified Survey Map No. 6460.

TAX KEY NO. 448-9992-005

Said Property being located at 11214-11250 W. Lapham St.

3. The applicant is proposing to occupy a portion of the property with a nuclear pharmacy/radiopharmacy. Radiopharmacy - a special type of pharmacy that prepares and dispenses radiopharmaceuticals, and other critical care products, to local area hospitals and outpatient clinics. Radiopharmaceuticals, which contain very short-lived radioactive isotope, are used to diagnose and treat a variety of diseases. State and Federal regulations govern operation of a radiopharmacy to ensure the handling of radiopharmaceuticals is not hazardous to employees or the general public. These drugs are kept in small quantities, which are individually shielded to contain the low-level radiation present in each vial or syringe. No measurable residual radiation will be produced by its operation. No volatile chemicals are used or produced. No hazardous waste, as defined by RCRA, is generated by our operation. The FDA has approved all radiopharmaceuticals handled by Cardinal Health 414, Inc. and deemed them to be safe for human use.

4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits medical production laboratories as a special use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised

Municipal Code.

5. The subject property is located on the north side of W. Lapham St. between S. 108 St. and S. 113 St. Properties to the north, south, east and west are developed as manufacturing uses.

6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. Screening of all outdoor storage and parking areas on site shall be required.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Julie Witt of Cardinal Health, Inc., 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 Sec. 12.45(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 and Screening Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and screening plan approved on February 27, 2008 by the 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 West Allis Plan Commission. Any outdoor storage areas on site shall be screened and landscaped from abutting properties.
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. Parking. Off-street parking spaces for a total of 34 (Cardinal Health required to provide 13 stalls) vehicles will be required on site, including two (2) ADA stalls. The property provides a total of 43 parking stalls.
4. Business Hours. The business hours are midnight to 5:00 p.m. seven days a week.
5. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
6. 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.
7. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
8. 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.

9. 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.

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.

The grant of this special use shall become null and void within one (1) 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. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special 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.

The 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 approval of the Common Council, following public hearing, 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 and Zoning

ZON-R-667-3-4-08