



Legislation Details (With Text)

**File #:** 101102      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/21/2010      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 4/12/2011

**Effective date:**

**Title:** A substitute ordinance relating to a change in zoning from General Planned Development to a Detailed Planned Development, for commercial redevelopment, on land located on the north side of West Silver Spring Drive, south and west of West Appleton Avenue, in the 5th Aldermanic District.

**Sponsors:** ALD. BOHL

**Indexes:** PLANNED UNIT DEVELOPMENTS, ZONING, ZONING DISTRICT 05

**Attachments:** 1. Exhibit A as of 4-04-11, 2. Exhibit A continued as of 4-04-11, 3. Proposed Zoning Change Map, 4. Affidavit for Zoning Change, 5. City Plan Commission Letter, 6. Notice Published on 3-22-11 and 3-29-11, 7. E-mail in Opposition, 8. Exhibit A as of 3-30-11, 9. Exhibit A continued as of 3-30-11, 10. Hearing Notice List, 11. Notice Published on 4-28-11

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
12/23/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
3/15/2011	1	CITY CLERK	DRAFT SUBMITTED		
3/22/2011	1	CITY CLERK	PUBLISHED		
4/1/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/4/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
4/6/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
4/12/2011	1	COMMON COUNCIL	PASSED	Pass	13:0
4/18/2011	1	MAYOR	SIGNED		
4/28/2011	1	CITY CLERK	PUBLISHED		

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ALD. BOHL

A substitute ordinance relating to a change in zoning from General Planned Development to a Detailed Planned Development, for commercial redevelopment, on land located on the north side of West Silver Spring Drive, south and west of West Appleton Avenue, in the 5th Aldermanic District.

This rezoning was requested by Gatlin Development Company, Inc., and will allow for the redevelopment of the site into a community-based retail and commercial development.

The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section to read as follows:

Section 295-907(2)(c).0165.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the properties located at 10426 West Silver Spring Drive, Tax Key No. 179-0071-000; 10316 West Silver Spring Drive, Tax Key No. 179-0111-000; 10202 West Silver Spring Drive, Tax Key No. 179-0081-000; and 10223 West Appleton Avenue, Tax Key No. 179-0033-000.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

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03/14/11