



Legislation Details (With Text)

**File #:** 101339      **Version:** 1

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

**File created:** 3/1/2011      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 6/14/2011

**Effective date:**

**Title:** A substitute ordinance relating to the change in zoning from Commercial Service to a Detailed Planned Development, for commercial development, on land located on the south side of West Main Street and west of South 70th Street, in the 10th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PLANNED UNIT DEVELOPMENTS, ZONING, ZONING DISTRICT 10

**Attachments:** 1. Proposed Zoning Change Map, 2. Exhibit A as of 5-19-11, 3. Exhibit A as of 5-11-11, 4. Exhibit A Continued as of 5-11-11, 5. City Plan Commission Letter, 6. Affidavit for Zoning Change, 7. Letters from Ald Murphy to Constituents, 8. Paul Roeber-SUPPORT Letter, 9. Air Comfort Systems-OPPOSE Letter, 10. Anna Lohman-OPPOSE Letter, 11. Anna Lohman-2nd OPPOSE Letter, 12. Burbey-OPPOSE Letter, 13. Elmer-OPPOSE Letter, 14. Krahn-OPPOSE Letter, 15. Paul Lohman-OPPOSE Letter, 16. Weidenbach-OPPOSE Letter, 17. PowerPoint Presentation 5-17-11, 18. Notice Published on 5-2-11 and 5-9-11, 19. Notice published on 5-20-11 and 5-27-11, 20. PowerPoint Presentation 6-7-11, 21. Hearing Notice List, 22. Hearing Notice List, 23. Notice Published on 6-30-11

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/8/2011	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
4/26/2011	1	CITY CLERK	DRAFT SUBMITTED		
5/2/2011	1	CITY CLERK	PUBLISHED		
5/12/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/13/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
5/17/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
5/20/2011	1	CITY CLERK	PUBLISHED		
6/1/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/3/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/3/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/3/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/7/2011	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/14/2011	1	COMMON COUNCIL	PASSED	Pass	15:0
6/23/2011	1	MAYOR	SIGNED		

6/30/2011

1

CITY CLERK

PUBLISHED

101339

SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to the change in zoning from Commercial Service to a Detailed Planned Development, for commercial development, on land located on the south side of West Main Street and west of South 70th Street, in the 10th Aldermanic District. This rezoning was requested by Gatlin Development Company, Inc. and will allow for a community-based retail and commercial development on the site.

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).0169.

(1) In accordance with the provisions of Section 295-907 of the Code relating to the 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 area located at 7025 West Main Street, Tax Key No. 419-0209-100, from Commercial Services (CS) to Detailed Planned Development (DPD).

(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.

DCD:VLK:kdc

04/20/11