



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/1/2004 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda: **Final action:** 4/12/2005

Effective date:

Title: Substitute ordinance approving the change in zoning from Local Business (LB2) to a Detailed Planned Development (DPD) known as Walgreens, on land located on the South Side of West National Avenue between South Layton Boulevard and South 26th Street, in the 8th Aldermanic District. (DCD)

Sponsors: ALD. DONOVAN

Indexes: ZONING, ZONING DISTRICT 08

Attachments: 1. Notice Published on November 29 and December 6, 2004.PDF, 2. CPC letter.pdf, 3. Exhibit A Drawing.PDF, 4. Exhibit A Owner Stmt.PDF, 5. Colleen Neuenschwander letter.pdf, 6. Pictures of Walgreens Facades.pdf, 7. DNR Contamination Report.pdf, 8. Facade of Proposed Area.pdf, 9. Heritage Research Ltd. Study Report.pdf, 10. Letters of Opposition.pdf, 11. Sigma Group Environmental Studay Report.pdf, 12. National Avenue Facades.pdf, 13. Letter in opposition.pdf, 14. Revised Exhibit A - Plans & Drawings April 5, 2005.PDF, 15. Letter and attachments to all Council Members.PDF, 16. Communication from City Plan Comm.PDF, 17. Memo to Ald. D'Amato from DCD.PDF, 18. Notice published on April 28, 2005.PDF

Date	Ver.	Action By	Action	Result	Tally
9/1/2004	0	COMMON COUNCIL	ASSIGNED TO		
9/3/2004		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/29/2004	0	CITY CLERK	PUBLISHED		
12/3/2004	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/3/2004	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/6/2004	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/14/2004	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
1/19/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/19/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/19/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/25/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
2/8/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2005	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2005	0	ZONING, NEIGHBORHOODS &	HEARING NOTICES SENT		

2/15/2005	0	DEVELOPMENT COMMITTEE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:1
2/22/2005	0	COMMON COUNCIL	RETURNED TO COMMITTEE - SIGNATURES	Pass	15:0
4/12/2005	0	COMMON COUNCIL	TAKEN FROM COMMITTEE	Pass	12:2
4/12/2005	1	COMMON COUNCIL	SUBSTITUTED	Pass	14:0
4/12/2005	1	COMMON COUNCIL	PASSED	Pass	13:1
4/21/2005	1	MAYOR	SIGNED		
4/28/2005	1	CITY CLERK	PUBLISHED		

040602

SUBSTITUTE 1

ALD. DONOVAN

Substitute ordinance approving the change in zoning from Local Business (LB2) to a Detailed Planned Development (DPD) known as Walgreens, on land located on the South Side of West National Avenue between South Layton Boulevard and South 26th Street, in the 8th Aldermanic District. (DCD)

This ordinance will change the zoning to allow for the construction of a general retail establishment including a pharmacy with a drive-through.

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) (b).0057.

(1) In accordance with the provisions of Section 295-907(2) 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 bounded and described by the zoning line within the right-of-way of West National Avenue, the zoning line within the right-of-way of South Layton Boulevard, the zoning line within the right-of-way of South 26th Street and a line 135.84 feet North and parallel to the north line of West Mineral Street.

(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. In accordance with the provisions of Section 295-907(2) of the Code, the City

Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. 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:JRH:vlk

4/12/05/M