



Legislation Details (With Text)

File #: 200463 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/28/2020 **In control:** COMMON COUNCIL
On agenda: **Final action:** 10/13/2020
Effective date:

Title: A substitute ordinance relating to the change in zoning from Industrial Light, IL1, to Detailed Planned Development, DPD, for the property located at 6270 North 76th Street, and the Second Amendment to the DPD known as 5XEN Marketplace (previously known as Milwaukee's Asian Markets Phongsavan) for the properties located at 6270 and 6300 North 76th Street, on the east side of North 76th Street, south of West Mill Road, in the 2nd Aldermanic District.

Sponsors: ALD. JOHNSON

Indexes: ZONING DISTRICT 02

Attachments: 1. City Plan Commission Letter, 2. Exhibit A Drawings, 3. Exhibit A Narrative and Photos, 4. Affidavit for Zoning Change, 5. 5XEN DPW Comments, 6. 5XEN DPD Map, 7. Hearing Notice List, 8. PowerPoint Presentation

Date	Ver.	Action By	Action	Result	Tally
7/28/2020	0	COMMON COUNCIL	ASSIGNED TO		
7/30/2020	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/17/2020	1	CITY CLERK	DRAFT SUBMITTED		
9/21/2020	0	CITY PLAN COMMISSION	REFERRED TO	Pass	6:0
9/21/2020	0	CITY PLAN COMMISSION	APPROVED CONDITIONALLY	Pass	6:0
10/6/2020	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/13/2020	1	COMMON COUNCIL	PASSED	Pass	15:0
10/22/2020	1	MAYOR	SIGNED		
10/30/2020	1	CITY CLERK	PUBLISHED		

200463

SUBSTITUTE 1

090535, 140198

ALD. JOHNSON

A substitute ordinance relating to the change in zoning from Industrial Light, IL1, to Detailed Planned Development, DPD, for the property located at 6270 North 76th Street, and the Second Amendment to the DPD known as 5XEN Marketplace (previously known as Milwaukee's Asian Markets Phongsavan) for the properties located at 6270 and 6300 North 76th Street, on the east side of North 76th Street, south of West Mill Road, in the 2nd Aldermanic District.

This zoning change was requested by 5XEN, Inc. and will allow the property located at 6270 North 76th Street to be combined with 6300 North 76th Street to facilitate expansion of the existing market.

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 ("MCO") a new section to read

as follows:

(1) In accordance with the provisions of Section 295-907 of the MCO relating to the establishment of planned development districts, the Common Council approves the subject amended Detailed Planned Development ("DPD"), which is restricted to the time limit of 5 years from the effective date of this ordinance unless the criteria per s.295-907-2-c-11 are met as referenced in Exhibit A, a copy of which is attached to this Common Council File 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: 6270 North 76th Street, Tax Key No. 154-9986-110 from Industrial Light, IL1, to Detailed Planned Development; and 6300 North 76th Street, Tax Key No. 154-9981-110 from Industrial Light, IL1 to Detailed Planned Development for the property located at 6270 North 76th Street and the 2nd Amendment to the DPD for 6270 and 6300 North 76th 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. 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:Samuel.Lleichtling:kdc
09/17/20