



## Legislation Details (With Text)

**File #:** 090535 **Version:** 1

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

**File created:** 9/1/2009 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:** **Final action:** 11/3/2009

**Effective date:**

**Title:** A substitute ordinance relating to a change in zoning from Industrial-Light to a Detailed Planned Development known as Milwaukee's Asian Markets Phongsavan, on land located East of North 76th Street and South of West Mill Road, in the 2nd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PLANNED UNIT DEVELOPMENTS, ZONING, ZONING DISTRICT 02

**Attachments:** 1. Notice Published on 10-12-09 and 10-19-09, 2. Exhibit A as of 10-19-09.pdf, 3. Exhibit A Continued as of 10-19-09.pdf, 4. Proposed Zoning Change Map.jpg, 5. Affidavit for Zoning Change.pdf, 6. City Plan Commission Letter.pdf, 7. Hearing Notice List, 8. Notice Published on 11-19-09

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/11/2009	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
10/6/2009	1	CITY CLERK	DRAFT SUBMITTED		
10/12/2009	1	CITY CLERK	PUBLISHED		
10/21/2009	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/21/2009	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/21/2009	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/27/2009	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/3/2009	1	COMMON COUNCIL	PASSED	Pass	14:0
11/13/2009	1	MAYOR	SIGNED		
11/19/2009	1	CITY CLERK	PUBLISHED		

090535  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to a change in zoning from Industrial-Light to a Detailed Planned Development known as Milwaukee's Asian Markets Phongsavan, on land located East of North 76th Street and South of West Mill Road, in the 2nd Aldermanic District. This zoning change was requested by Pai Yang and Thai Vang and will allow for the development of the site at 6300 North 76th Street, as an Asian Market, utilizing the existing building and one new building for indoor vendor space for a total of approximately 440 vendors of Asian products.

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).0148.

(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:

That part of the Northwest 1/4 of Section 27, Township 8 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the northwest corner of said 1/4 Section; thence South along the west line of said 1/4 Section, 697.60 feet to the place of beginning of the land herein to be described; thence North 89 degrees 45 minutes East on a line, 680.50 feet to a point in the centerline of a drainage ditch; thence Northwesterly along the centerline of said drainage ditch, 247.75 feet to a point, which is 450 feet South of the north line of said 1/4 Section; thence West and parallel to the north line of said 1/4 Section, 666.37 feet to a point in the west line of said 1/4 Section, thence South along the west line of said 1/4 Section, 247.60 feet to the place of beginning, excepting therefrom those parts taken or reserved for street purposes, from Industrial-Light (IL1) 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:AJF:ajf  
10/06/09