



Legislation Details (With Text)

File #: 211348 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/14/2021 **In control:** COMMON COUNCIL
On agenda: **Final action:** 3/22/2022
Effective date:

Title: A substitute ordinance relating to the Fourth Amendment to the Detailed Planned Development known as Pick N' Save, f/k/a Home Depot, to allow construction of a commercial building west of the grocery store located at 7401 West Good Hope Road, on the south side of West Good Hope Road, east of North 76th Street, in the 9th Aldermanic District.

Sponsors: THE CHAIR

Indexes: PLANNED DEVELOPMENT DISTRICTS, ZONING DISTRICT 09

Attachments: 1. Exhibit A as of 12.29.21, 2. Exhibit A Continued as of 02.11.22, 3. Affidavit for Zoning Change, 4. Map, 5. Site Photos, 6. City Plan Commission Letter, 7. PowerPoint Presentation, 8. Hearing Notice List, 9. Exhibit A Continued as of 01.07.22, 10. CPC Staff Report, 11. CPC Public Hearing Notice, 12. Notice published 2/28 and 3/7/2022, 13. Notice published 4/8/2022

Date	Ver.	Action By	Action	Result	Tally
12/14/2021	0	COMMON COUNCIL	ASSIGNED TO		
12/17/2021	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
1/24/2022	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
1/27/2022	1	CITY CLERK	DRAFT SUBMITTED		
2/7/2022	1	CITY CLERK	PUBLISHED		
2/28/2022	1	CITY CLERK	PUBLISHED		
3/15/2022	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/22/2022	1	COMMON COUNCIL	PASSED	Pass	14:0
3/29/2022	1	MAYOR	SIGNED		
4/8/2022	1	CITY CLERK	PUBLISHED		

211348
SUBSTITUTE 1
040575, 081312
THE CHAIR

A substitute ordinance relating to the Fourth Amendment to the Detailed Planned Development known as Pick N' Save, f/k/a Home Depot, to allow construction of a commercial building west of the grocery store located at 7401 West Good Hope Road, on the south side of West Good Hope Road, east of North 76th Street, in the 9th Aldermanic District.

This amendment was requested by BDP 76th and Good Hope RE, LLC and will allow construction of a fitness center adjacent to the existing grocery store. 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, 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 property located at: 7401 West Good Hope Road, Tax Key No. 119-0051-000-Fourth Amendment to Detailed Planned Development. The properties located at 7335 West Good Hope Road, Tax Key No. 119-0053-000 and 7455 West Good Hope Road, Tax Key No. 119-0052-000 are part of the Detailed Planned Development but are not on the site that is subject to this amendment.

(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.Leichtling:kdc
01/27/22