

Large Retail Developments

The purpose of this section is to apply design standards and additional conditions to large developments proposed in the City of West Allis in order to ensure that such developments are properly located and compatible with the surrounding area and community character, and that such developments do not negatively affect the City and property owners in the future. Neighboring municipalities that have Big Box proposals that impact the City of West Allis infrastructure, economy, traffic patterns and aesthetics will be encouraged to implement the development criteria within this Ordinance when evaluating the proposals.

Any large development should present high quality materials and design, promote pedestrian-friendly environments, encourage responsible stormwater management practices, and ensure that the development is beneficial to the community. Any developer's agreement approved by the Common Council pursuant to this chapter shall conform as closely as possible to these standards, but shall have the flexibility to consider the unique requirements of the individual development. Large developments are defined as individual free standing buildings and group developments in which the combined total area of all structures and outdoor sales areas within a development (regardless of diverse lotting, use or tenancy) of at least 50,000 square feet. Any single retail building of at least 50,000 square feet is a special use within any zoning district where such use would otherwise be allowed. Special use approval does not exempt such use from the provisions of this chapter, when applicable.

(1) Community Impact Statements

The purpose of special use review is to provide for detailed analysis of certain land uses which, because of their scale or intensity of use, have the potential for significant impact on the health, safety or general welfare of residents, including negative effects on the environment, abutting property values, the character of the surrounding neighborhood, demand for services and infrastructure, and traffic safety.

(a) At the time of submission of an application for special use for a property subject to this chapter, or as otherwise required by law, the applicant shall submit to the City a Community Impact Statement, prepared to appropriate professional standards, which shall evaluate the potential impact of the development upon the factors listed below. The scope and detail of the Community Impact Statement shall be subject to the discretion of the Director of the Department of Development.

1. Traffic and parking conditions on site and within the surrounding area;
2. Municipal utilities and services, including water supply, sewage, disposal, storm drains, police, fire protection, emergency services, schools, and other town services;
3. The physical and ecological characteristics of the site and the surrounding land, including wetlands, floodplain vegetation, wildlife habitat, and other environmental conditions;
4. The character of the community, including scenic, historic and archaeological conditions;
5. The economic impact of the project on local businesses and residents, including number and types of jobs created, amount of local labor to be used, the amount, type and location of potential spin-off development, impact of changing land use patterns and potential for development pressure on surrounding neighborhoods.

(b) The costs of all studies and investigations reasonably necessary to prepare a Community Impact Statement required under this section shall be borne by the applicant. If it becomes necessary for the City to hire outside professionals to review the impact statement, the cost of hiring the consultant(s) shall be borne by the applicant.

(2) Aesthetic and Visual Guidelines

Unless otherwise specifically provided in a developer's agreement approved by the Common Council, all parcels or development sites with a total of at least 50,000 square feet of retail development shall be required to comply with the following provisions, subject to review by the Plan Commission:

(a) **Smaller Retail Stores.** The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. When principal buildings contain additional, separately owned stores, which occupy less than 50,000 square feet of gross floor area, with separate customer entrances:

1. The street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60% of the horizontal length of the building façade of such additional stores.
2. Windows shall be recessed and shall include visually prominent sills, shutters, or other such forms of framing.

(b) **Facades and Exterior Walls including Sides and Backs.**

1. The building shall be designed in a way that will reduce the massive scale and the uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Buildings shall have at least two functional stories unless otherwise approved by the Plan Commission. Long building walls of at least 100 feet shall be broken up with projections or recessions of sufficient depth along all sides, and in sufficient number, to reduce the unbroken massing into lengths of approximately 50 feet or fewer along all sides of the building. Projections from the façade can be used as an alternate approach.
2. Along any public street frontage, the building design should include vision windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front façade shall be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g., parking lots, walkways, etc.) on site. Where the façade faces adjacent residential uses, an earthen berm shall be installed, no less than 6 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. The Plan Commission may require additional landscaping to effectively buffer adjacent land use as deemed appropriate.

(c) Detail Features. The buildings shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture changes, wall offsets, reveals, or projecting ribs.

(d) Roofs. The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

(e) Materials and Color. The building(s) shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low-reflective, subtle, neutral, or earth tone. Examples of acceptable high-quality materials include: brick, wood, sandstone, and other native stone. Certain types of colors shall be avoided (such as fluorescent or metallic) although brighter colors in limited quantities as building trims and as accents, may be considered at the discretion of the Plan Commission. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

(f) Entryways.

1. The building design shall provide design elements that clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly visible customer entrances. Large retail buildings are encouraged to feature multiple entrances. Multiple entrances reduce walking distances from cars and facilitate pedestrian and bicycle access from public sidewalks. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

2. If a building faces multiple public or private rights of way, it shall feature at least one customer entrance on each of those sides. Where the principal building faces more than two abutting public or private rights of way, this requirement may be interpreted to apply only to the two sides of the building facing the primary street and one secondary street. Where additional stores will be located in the principal building, each store shall have at least one exterior customer entrance, which shall conform to the above requirements. The number of entrances shall be addressed at the preliminary development plan stage.

(g) Screening of Mechanical Equipment. Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls.

(3) Site Design and Relationship to Surrounding Community

Unless otherwise specifically provided in a developer's agreement approved by the Common Council, all parcels or development sites with a total of 50,000 or more square feet of retail development shall be required to meet additional design guidelines as stated below:

(a) Traffic impact. The applicant shall have a traffic impact study prepared according to the Standard Traffic Methodology. In addition to the general standards of the methodology, the traffic impact study shall include weekend traffic generation and impact analysis. The traffic impact study shall also study intersections within an area designated by the City Engineer to take into account the regional traffic draw of a large-scale retail establishment.

(b) Vehicular Access. The use shall provide safety and protection to adjacent uses by having motor vehicle access only from an arterial, major or business district road as designated by the City Engineer.

(c) Stormwater Management. Every application must be accompanied by a Stormwater Impact Statement in order for the permit application to be considered. The City Engineer shall prescribe the form(s) and information that shall be submitted to determine compliance with the stormwater requirements of the West Allis Municipal Code and other applicable stormwater rules. Applicants are required to use more innovative stormwater management practices such as bioswales and pervious pavement if they are determined to be appropriate for the site by the City Engineer.

(d) Landscaping. Each parking area shall be surrounded by a 10 foot wide landscaped area around its edge. Shade and ornamental trees are also required in the parking areas, with the amount and placement to be approved by the City Forester. Species should be suitable for their location including resistance to salt damage and appropriateness for climate. Landscaping must receive approval from the Plan Commission.

(e) Buffers. The use shall provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the site property line where it adjoins residential uses or zones. The landscape buffer should include canopy trees at regular intervals to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.

(f) Pedestrian Flows. The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impact and enable the development to project a pedestrian-friendly, inviting image. Continuous internal pedestrian walkways, no less than six feet in width, shall be provided from the public sidewalk or right of way to the principal customer entrance of all principal buildings on the site. Sidewalks shall also connect the building to transit stops on or off-site and to nearby residential neighborhoods. If possible, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length. Sidewalks shall be provided along the full length of any building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Internal pedestrian walkways shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the façade of the building. This is not intended to extend into the driving aisles or parking areas. All internal

pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(g) Central Features and Community Spaces. The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered internal parts of the configuration whether they are located on-site or along the street. Customer drop-off/ pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development shall have at least two of these areas.

(h) Outdoor Lighting. The applicant must provide an outdoor lighting report, which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways.. At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than one-half foot-candles above ambient levels along all property lines, and shall not exceed an average illumination level of 3.6 foot-candles nor provide below a minimum of 0.9 foot-candles in public parking and pedestrian areas. A maximum height of 20 feet for all lamp poles.

(i) Outdoor Sales and Storage. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building façade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

(j) Delivery and Loading Spaces.

1. Delivery and loading operations shall be designed and located to mitigate visual and noise impact to streets and adjoining residential neighborhoods. If there is a residential use or residentially zoned area adjacent to the site, such operations shall not be permitted between 9:00 pm and 6:00 am. For good cause shown, the Plan Commission may permit deliveries at additional times provided the applicant submits evidence that such deliveries will not negatively impact nearby residential uses. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of substantial width shall be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer shall include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such set back and buffer area shall be required.

2. Delivery trucks shall not be parked on the premises during non-delivery hours with the motor and/or refrigerators/generators running, unless the truck noise is mitigated so that it does not significantly affect nearby residential properties.

3. The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent properties. The screen shall be of masonry construction and at least 10 feet high or of a design approved by the Plan Commission to screen the noise and activity of the loading dock.

(k) Accessory Uses. All accessory uses must be compatible with the proposed development and be a permitted or special use pursuant to the Revised Municipal Code. The parking lot shall not provide space for overnight camping, storage of vehicles, or additional activities with the exception of those uses approved under other sections of this ordinance. The applicant must demonstrate that any accessory uses will have no negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any accessory uses must be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

(l) Temporary or Seasonal Uses. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. No such sales/displays shall be allowed unless reviewed and approved by The Safety and Development Committee.

(m) Trash Collection Area and Time Limitations. Loading areas and outdoor storage areas exert visual and noise impact on surrounding neighborhoods. These areas should be gated and screened, recessed or enclosed so that they are not visible from adjoining properties and/or public streets. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk or pedestrian right of way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impact of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are substantially different from or inferior to the principal materials of the building and landscape.

(n) Parking Lots and Structures. Parking areas must provide safe, convenient and efficient access for vehicles and pedestrians. They must be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Ideally, no more than 30% of the total parking provided should be located on any side facing a street unless approved by the Plan Commission. If buildings are located closer to streets, the scale of the complex is reduced,

pedestrian traffic is encouraged, and architectural details take on added importance. No more than 60 percent of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outlot development and additional tree plantings and/or berms. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner. Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. Utilizing effective design treatments such as colonnades, arcades, awnings, street furniture and other public amenities should minimize the parking structure's utilitarian appearance. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting and signage should all be considered for garage facades.

(4) Maintenance and Reuse of Properties

Unless otherwise specifically provided in a developer's agreement approved by the Common Council, all parcels or development sites with a total of at least 50,000 square feet of new retail development shall be subject to the following provisions:

(a) The owner shall maintain the property in compliance with all provisions of the Revised Municipal Code and/or a plan approved as part of a developer's agreement approved by the Common Council. If the property is not found to be in compliance with the code and/or the approved plan, the City may take action to correct the situation, after providing the owner or operator with notice of the defective condition and an opportunity to cure the alleged defective condition. Costs of any such corrective action by the City shall be assessed as a special charge against the property, to be added to the property tax bill pursuant to Section 66.0627 of the Wisconsin Statutes.

(b) If the facility is vacated, the owner or operator, within twelve months, shall submit, to the Plan Commission, a plan contemplating the removal or reuse of the facility. The Plan Commission may extend this time limit. If the owner or operator is unable to provide a plan which is acceptable to the Plan Commission, the City may utilize the Land Conservation Fund or other funds which may be made available for such purpose, to take whatever action is permitted by law to ensure appropriate redevelopment or reuse of the facility.

(c) Prior to issuance of a building permit for any development subject to these provisions, the building owner shall be required to contribute to the Land Conservation Fund. The amount of such contribution shall be calculated based upon the number of square feet of retail space being created.

(5) Severability

If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included.