

**CITY OF WEST ALLIS
RESOLUTION R-2022-0560**

**RESOLUTION RELATIVE TO THE DETERMINATION FOR CONDITIONAL USE
PERMIT FOR THE MARKET AT SIX POINTS, A PROPOSED FOOD-CENTRIC
COLLECTION OF RESTAURANTS, LIMITED FOOD PRODUCTION AND
RETAIL USES, LOCATED AT 16** S. 66 ST.**

WHEREAS, Robert Monnat, d/b/a Mandel Group, Inc., duly filed with the City Clerk an application for a Conditional Use Permit; pursuant to Sec. 19.14 and 19.32 of the Revised Municipal Code of the City of West Allis, for a limited food production, event space and restaurant usage; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2022, at 7:00 p.m. in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. Robert Monnat, d/b/a Mandel Group, Inc., has offices at 301 E. Erie St. Milwaukee, WI 53202.
2. The property is owned by the City of West Allis Community Development Authority, but is proposed to be purchased by the Mandel Group, Inc. The subject property is in the 1600 Block S 66 St., West Allis, Milwaukee County, Wisconsin; more particularly described as follows, to-wit:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 3 of Certified Survey Map No. 9370.
Tax Key No. 454-0655-000.
Said land being located at the 1600 Block of S. 66 St.

3. The commercial use redevelopment project area may be referred to as SoNa (South of National), the Market at Six Points and/or Makers Row. The uses will be located within attached buildings and located within a project area that is situated upon Lot 3 of CSM 9370. Expected tenants include restaurants, food product producers, and a wine bar with event space. The emphasis has been to attract local West Allis businesses and new businesses from Metro Milwaukee looking to make their mark on the industry (creative destinations), not national chains.

4. The subject development/building consists of three attached commercial buildings (about 13,200-sf) within which several tenants will operate (can be subdivided for smaller users). The

floor plan includes indoor and outdoor seating areas. This phase, phase 2, will add 13,200 sq. ft. of newly constructed, food-centric commercial space to the broader mixed-use development approved by Common Council in Phase 1 (R-2021-0006) in 2021.

5. The proposed redevelopment area will feature various amenities including outdoor seating, decorative benches accent lighting, a reception garden area for events and a service area for loading and deliveries, adequate landscaping, and surface off-street parking on premise. Pedestrian walkways will be incorporated into the development to link with that of surrounding businesses and to make an accessible connection with public right of way.

6. The subject property is located south of National Ave., north of W. Mitchell St. and between S. 66 St. and an existing Union Pacific Rail Road Spur Track. This area is currently owned by the Community Development Authority. The property will be owned and managed by Mandel Group, Inc. The developer has submitted a letter of intent to purchase this property from the City of West Allis, and will enter into a purchase and sale agreement for the redevelopment of land.

7. Property to the north is zoned Commercial. Property to the north is also part of an initial phase of Makers Row/the Market at Six Points commercial development construction also by the same developer. That initial phase's use was approved under R-2021-0006 adopted 1/5/2021. Properties to the east, includes the City's Farmers Market, and are zoned Commercial. Properties to the south are zoned manufacturing and developed for manufacturing uses. Properties to the west are zoned commercial and being developed as 110-unit multi dwelling residential (The Lofts at Six Points).

8. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the conditional use application submitted by, Robert Monnat, d/b/a Mandel Group, Inc. to establish the Market at Six Points, a proposed food-centric collection of restaurants, limited food production and retail uses and event space, located at 16** S. 66 St. (Tax Key No. 454-0655-000), be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 19.14 of the Revised Municipal Code, so as to permit the issuance of a Conditional Use Permit as therein provided.

BE IT FURTHER RESOLVED that said Conditional Use Permit is granted subject to the following conditions:

1 Site, Landscaping, Screening and Architectural Plans, The grant of this Conditional Use Permit is subject to and conditioned upon a Site, Landscaping, Screening and Architectural

Plans approved by the West Allis Plan Commission on August 24, 2022. No alterations or modification to the approved architectural plan shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans, Fire Codes and Licenses. The grant of this conditional use is subject to building plans being submitted to and approved by the Code Enforcement Department and the Fire Department. Any applicable licenses shall be applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments.

3. Off-Street Parking. The subject property will provide off-street parking for 51 off-street parking spaces.

4. Hours of Operation. Between all tenants, expected hours of operation are 6am - 12am daily. For the purpose of this conditional use, business operations that require a liquor license will be subject to the limitations established by the licensing and health committee and State law as it pertains to licensing or applicable permits.

5. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables and other waste materials will be fully enclosed within an approved structure.

7. Signage. Signage shall be permitted in compliance with the West Allis signage ordinance or approved via a variance to the code through the Plan Commission.

8. Pest Control. Exterior pest control shall be contracted on a monthly basis.

9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because the use is residential and there is an adjacent residential neighborhood to the site, delivery operations and refuse pick up shall be permitted during daytime hours.

10. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.

11. Outdoor Lighting. Exterior lighting on premise shall require prior approval of a lighting plan by the Planning and Zoning Office.

a) All outdoor lighting fixtures shall be directed downwards and shielded in such a manner that no light spills from the property boundaries.

b) Exterior lighting should be presented in a lighting plan which identifies all exterior lighting features, either mounted on the building or freestanding, along with dispersion pattern, intensity of light and cut-off shielding that reflects away from the street. Light distribution should not spill over onto adjacent properties.

a) "Rope" lighting or similar exposed outward facing LED lighting shall not be used in any manner that results in visible or exposed bulbs.

12. Noxious Odors, Etc. The uses shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

13. Expiration of Special Use Permit. Any conditional use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the conditional use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Planning and Zoning Office and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the conditional use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the conditional use shall become null and void.

14. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 19.14 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in

question.

C. The conditional use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 19.14 of the Revised Municipal Code.

15. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Conditional Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

16. Termination of Conditional Use. If the person or entity granted the conditional use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the conditional use, then the conditional use may be terminated.

17. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Conditional Use Permit is conditioned on meeting the terms and conditions of this resolution.

Robert Monnat, d/b/a Mandel Group, Inc.

Executive Director, Community Development Authority (property owner)

Sent to applicant on the _____ day of _____, 2022.

SECTION 1: **ADOPTION** “R-2022-0560” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0560(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis