



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2014-0162

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of a Special Use Permit for a bakery, Aggie's Bakery and Cake Shop, to be located at 7326-28 W. Greenfield Ave.

WHEREAS, Adam Purcell, d/b/a Aggie's Bakery and Cake Shop LLC, duly filed with the City Clerk an application for a special use permit, pursuant to Sec. 12.40(2), and Sec. 12.16 of the Revised Municipal Code, to establish Aggie's Bakery and Cake Shop, a proposed bakery, with outdoor dining, to be located at 7326-28 W. Greenfield Ave.

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2014, 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. The applicant, Adam Purcell, resides at 3860 S Lake Dr, St. Francis, WI 53235.
2. The applicant has a valid offer to purchase the property at 7326-28 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 20 and 21 in Block 8 of the Otjen Pullen and Shenner's Subdivision.

Tax Key No. 440-0380-000

Said land is located at 7326-28 W. Greenfield Ave.

3. The use of the building will include both retail and office uses. The primary tenant will be Aggie's Bakery and Cake Shop. They intend to utilize their tenant space for both retail sales (about 1,000-sf) and production (about 4,600-sf). A second ground floor tenant space (about 1,000-sf) will be utilized for a future complementary retail/service use such as a photographer or other wedding industry service professional. The second floor (2,500-sf) of the building will be utilized for co-working business center. "Co-working" is defined as a style of work that involves a shared

working environment, often an office, and independent activity. Unlike in a typical office environment, those co-working are usually not employed by the same organization.

The property is zoned C-1, Central Business District and bakeries are permitted as a special use. Services offered will include: bakery and retail sales with an outdoor dining component, offering menu items such as cookies, cupcakes, fruit dumplings, Danish, brownies, elephant ears, banana bread, strudel, pies, donuts and bagels, coffee, espresso drinks, teas, fresh juices, other non-alcoholic beverages, etc.

4. The aforesaid premises is zoned C-1, Central Business District under the Zoning Ordinance of the City of West Allis, which permits bakeries and outdoor dining as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the north side of W. Greenfield Ave. between S. 73 St. and S. 74 St., which is zoned for commercial purposes. Properties to the east, west and south are developed as commercial uses and properties to the north are developed as residential use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property, off-street municipal parking in the Downtown area, on street parking and public transportation along the commercial corridor.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Adam Purcell, to establish Aggie's Bakery and Cake Shop, a proposed bakery, with outdoor dining, to be located at 7326-28 W. Greenfield Ave., 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. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on June 25, 2014, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department.
3. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, twenty-one (21) parking spaces are required for the property (10 for the bakery and 11 for the other proposed

commercial uses on site). Off-street municipal parking is available to the north. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code . The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property, off-street municipal parking in the Downtown area, on street parking and public transportation along the commercial corridor.

4. Commercial Business Operations.
 - A. Hours of operation 5:00 am to 10:00 pm daily.
 - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
 - C. Refrigerator/coolers shall locate condensers within an enclosed area.
 - D. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
 - E. Excessive noise and vibrations shall not emanate from the building.
 - F. Exterior pest control shall be contracted on a monthly basis.
 - G. Outdoor seating/dining areas within public right-of-way to obtain a grant of priveledge.
 5. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
 6. Deliveries and Refuse Collection. All Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers as approved by the Department of Development.
- 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 there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
7. 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.
 8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
 9. Monitoring. The area shall be adequately monitored by staff.

10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

12. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged (if any), abutting sidewalk.

13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

14. Expiration of Special Use Permit. Any special 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 special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Department of Development 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 special 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 special use shall become null and void.

15. 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. 12.16 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 special use, as granted herein, shall run with the land and benefit and restrict all future

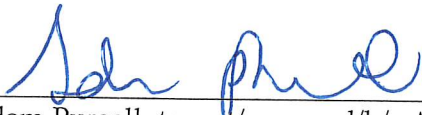
owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

16. 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 Special 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.

17. Termination of Special Use. If the person or entity granted the special 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 special use, the special use may be terminated.

18. 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 Special Use Permit is conditioned on meeting the terms and conditions of this resolution.



Adam Purcell, tenant/owner, d/b/a Aggie's Bakery and Cake Shop LLC

Mailed to applicants on the

8 day of July, 2014



City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Zoning
Div. of Planning

ZON-R-959-7-1-14/bjb

ADOPTED July 1, 2014

Monica Schultz
Monica Schultz, City Clerk

APPROVED 7/7/14

Dan Devine
Dan Devine, Mayor

COMMUNITY  NEWSPAPERS

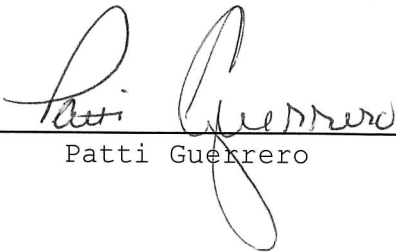
AFFIDAVIT OF PUBLICATION

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WEST ALLIS CITY OF-LEGALS
CLERK/TREASURER'S OFFICE, JANEL LEM
7525 W GREENFIELD AVE

West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, published in the city of Hartland and county of Waukesha, printed in the city and county of Waupaca; was published in the My Community Now- Midwest on **6/12/2014 and 6/19/2014**; that said printed copy was taken from said printed newspaper(s).

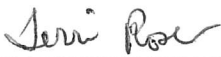


Patti Guerrero

State of Wisconsin

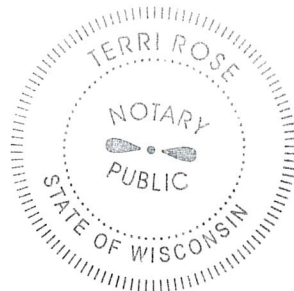
County of Milwaukee

Subscribed and sworn before me this 20 day of June, 2014.



Notary Public State of Wisconsin

My Commission Expires 1-25-15



**CITY OF WEST ALLIS, NOTICE
OF PUBLIC HEARING**

Tuesday, July 1, 2014, 7:00 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, July 1, 2014, at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the:

**Special Use Permit for a bakery,
Aggie's Cakes and Pastries,
to be located at**

7326-28 W. Greenfield Ave.

Additional project information from the applicant is available on the City's website for your review using the following link:
<http://www.westalliswi.gov/pzpublichearings>

You may express your opinion in writing to the City Clerk, clerk@westalliswi.gov, prior to the meeting, or orally at such public hearing.

Dated at West Allis, Wisconsin, this 4th day of June 2014.

Monica Schultz, City Clerk

PUBLISH: June 12, 2014 and
June 19, 2014

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WNAXLP