



City of West Allis

Resolution: R-2020-0500

File Number: R-2020-0500

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of an Application for a Special Use Permit for West Allis Masonic Lodge, a proposed place of assembly, to be located at 11037 W. Oklahoma Ave.

WHEREAS, the West Allis Masonic Lodge 291, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to establish a place of assembly (meeting hall/lodge) and offices, within the former Coins and Quilts retail building located at 11037 W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 1, 2020, 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, West Allis Masonic Lodge 291, has a valid offer to purchase the property at 11037 W. Oklahoma Ave. (Tax Key No. 523-9986-004), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 3 of the Certified Survey Map No. 2579.

Tax Key No. 523-9986-004

Said land being located at 11037 W. Oklahoma Ave.

2. The applicant, West Allis Masonic Lodge 291, has laid out a plan to purchase, renovate and operate their lodge organization on site.

3. The aforesaid area is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits Places of assembly not otherwise specifically listed in this subsection, including, but not limited to, clubs, lodges, meeting halls, auditoriums, arenas, banquet facilities and theaters (indoor) as a special use, pursuant to Sec. 12.42(2) by way of 12.43(2)(a) of the Revised Municipal Code of the City of West Allis.

4. The property is along the Oklahoma Avenue corridor of the City. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property offers off-street parking on site and the surround area is part of a regional commercial shopping district offering off-street parking. The property is also served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of the West Allis Masonic Lodge 291, to establish a place of assembly (meeting hall/lodge) and offices, within the former retail building located at 11037 W. Oklahoma 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. 12.16 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 August 26, 2020, 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 plans shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans and Fire Codes. The grant of this special use is subject to all building code requirements including any required building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department, as required by state and local building and fire codes.

3. Operations:

A. Hours. The applicant has indicated expected business hours of operation to be weekday evenings between 5pm and 10pm, and weekends between 10am and 5pm. With the grant of this special use the general hours of operation shall be within the hours of 7am and 10pm.

B. Members. The applicant has indicated that up to 15 lodge members will attend meetings. With the grant of this special use capacity shall be limited to Fire Department Occupancy limits.

4. Off-Street Parking. Off-street parking for 14 parking spaces are provided. Required off-street parking is for 13 spaces. Parking requirements have been calculated using a parking ratio of 1 parking stall required for every 300 gross square feet (private clubs and lodges) in accordance with Sec. 12.19 of the Revised Municipal Code.

5. Signage. Shall be in accordance with the West Allis signage ordinance

6. Deliveries and Refuse Pickup. If an outdoor refuse container or dumpster is to be used on site, pick up shall be contracted via a commercial hauler. Furthermore, all outdoor containers of 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. Refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

8. Litter. Members/Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.

9. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

10. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

11. Noxious Odors, Etc. The use 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.

12. 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.

13. 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.

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. 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.

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 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.

16. 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, then the special 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 Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Agent for West Allis Masonic Lodge 291

Mailed to applicant on the _____ day of _____, 2020