

**CITY OF WEST ALLIS
RESOLUTION R-2022-0333**

**RESOLUTION FOR A SPECIAL USE PERMIT FOR THE DECO, A PROPOSED
EVENT SPACE, TO BE LOCATED AT 7140 W. GREENFIELD AVE.**

WHEREAS, Walter Holtz, duly filed with the City Clerk an application for a special use (conditional use) permit, pursuant to Sec. 12.16 (19.14) and Sec. 12.40 (19.32) of the Revised Municipal Code, to establish an Event Space (5,000 or more sq. ft.) at 7140-44 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 17, 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. The applicant, Walter Holtz owns the building at 7140 W. Greenfield Ave. West Allis, WI 53214 (Tax Key No. 440-0310-000), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest ¼ of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 17 and 18 in Block 6 of the Otjen Pullen and Shenner's Subdivision.

Tax Key No. 440-0310-000

Said land being located at 7140-44 W. Greenfield Ave.

3. The applicant is proposing to remodel the former antique store approximately 20,400 sq. ft. into an event/meeting space along with auxiliary offices for employees of the business. The scope of work will include remodeling the various levels within the building and making improvements to the exterior facades. The floor areas within the building consist of a full basement and three floors above grade (floors 1 and 3 are about 7,200-sf and the second-floor balcony is about 6,000-sf).

The vision is to develop the basement as a lounge and preparation area for wedding parties/customers, the first floor would provide the reception hall area, the second-floor balcony would provide some additional event space and serve as a balcony overlook (of the first-floor activities) and include restrooms, lounge and photobooth. The third floor would provide space for ceremonies. The event space areas/floors would be accessible via a new elevator.

4. The aforesaid area is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits meeting halls as a special use, pursuant to Sec. 12.40(2)/19.32, Event Space or Theater (5,000 or more sq. ft.), of the Revised Municipal Code of the City of West Allis.

5. The subject property is located on the northeast corner of W. Greenfield Ave. and S. 72 St., which is zoned for C-1, Central Business District purposes. Properties to the east, west and south are developed and zoned for C-1 Central Business District purposes. Properties to the north are developed as municipal parking and single and two family residential and zoned RB-2 Residence District.

6. 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 special use.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Walter Holtz, for a special use permit to establish an event space at 7140-44 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. 12.16 (19.14) 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 to be approved at the April 27, 2022, by the City of West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.

2. Building Plans, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by 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. While no off-street parking spaces are provided on the property, the property is located within Downtown West Allis which provides 385 off-street municipal parking stalls. Additionally, there are 161 on-street parking stalls within the commercially zoned area of Downtown.

The following modes of transportation to the subject use have been shared by the applicant and may be utilized by patrons attending events on premise:

- a) Drive and park their own vehicle
- b) Arrive via ride share (Uber/Lyft)
- c) Arrive via shuttle service organized and/or approved through The Deco
- d) Walk from nearby hotel
- e) Public Transportation

With the approval of this use, the Common Council acknowledges adjacent supply of off and on-street shared parking availability, and other modes of attending events as noted above.

4. Operations.

A. Excessive noise and vibrations shall not emanate from the building.

B. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

C. Pest control shall be contracted monthly.

5. Hours of Operation. The applicant has volunteered primary weekend hours of operation between 5pm and midnight on Friday and Saturdays. Smaller weekday events are also part of the business plan of operations. For the purpose of this special use and to provide flexibility for a variety of events throughout the year the general hours of operation for bookings will be the same hours for which a Class B premises may be open under Wis. Stat. 125.32(3).

6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area and shall be installed upon the interior side of the glass. Window signs shall not flash.

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. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. 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. 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.

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.

11. 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.

12. 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.

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, then the special use may be

terminated.

18. Acknowledgement. That the applicant signs 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.

Walter Holtz property owner

Mailed to applicant on the
_____ day of _____, 2022

City Clerk

SECTION 1: **ADOPTION** “R-2022-0333” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0333(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL MAY 17, 2022.

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

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis

