

**CITY OF WEST ALLIS
RESOLUTION R-2021-0401**

**RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A
SPECIAL USE PERMIT FOR A HAUNTED HOUSE TO BE LOCATED WITHIN AN
EXISTING COMMERCIAL BUILDING (FORMER MICHAEL'S) LOCATED AT
11135 W. NATIONAL AVE.**

WHEREAS, Scott Cowman, d/b/a Root of All Evil, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code, to establish a place of assembly at 11135 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 13, 2021, 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, Scott Cowman, d/b/a Root of All Evil, is proposing to lease and renovate the former Michael's tenant space at 11135 W. National Ave. into a temporary haunted house and entertainment venue.
2. The applicant has a valid offer to lease the property located at 11135 W. National Ave., from property owners. The subject property is described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 2 of Certified Survey Map No. 6450.

Tax Key No. 520-9965-036

Said land being located at 11135 W. National Ave.

3. The applicant proposes to establish an indoor Haunted House as well as an escape game, paintball gallery, football bowling, giant pong, and video games. Outside, they plan to have various food trucks, axe throwing, and other games.
4. The aforesaid premise 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 as a Special Use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.
5. Adjacent properties to the west and south are developed for residential usage. Properties to the east and north are zoned commercial.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area, as the property offers off-street parking.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Scott Cowman, d/b/a Root of All Evil, is proposing to lease and renovate the former Michael's tenant space at 11135 W. National Ave. into a place of assembly, 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 a Site, Landscaping, Screening and Architectural Plans as approved on June 23, 2021 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, Fire Codes and Licensing. 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, Health Department and by the Fire Department. All applicable Federal, State and local licenses being applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspections and the Fire Department.

3. Operations.

A. Business operations are Thursday – Sunday: 6:00 pm – 12:30 am for 21 days between September 24 to November 16

B. This operation is intended to be temporary.? This special use permit shall expire one (1) year from and after the date upon which it is approved by the Common Council. To maintain continuous business operations, the permit holder may apply for a new special use permit no more than three (3) months prior to the expiration of this permit. If the applicant decides to make this a more permanent establishment (beyond what is initially planned in item 3. A. above), it will require more stringent code adherence.

C. Camera System. There shall be a functioning video camera recording all persons who enter the business and a sign or monitor indicating to any person entering the main entrance that video recording is in progress. The video recordings shall be captured and maintained for at least seven (7) days. Within two (2) days of a request for video from any law enforcement officer, the permit holder shall provide copies of any video recordings in the permit holder's possession at the time of the request.

4. Off-Street Parking. A total of two hundred (200) parking spaces are required for the proposed use (calculated as building area of 20,000-sf divided by 1 parking space for every 100 square feet of business space). The property has off-street parking for (107) parking spaces. Based on a study from a consultant, Haunted House attendees have an average of 3.4 people per vehicle. Street parking along W. National Ave. is also available. The applicant is also seeking support from adjacent commercial uses to share off-street parking stalls.

5. Noise. The use shall not make, produce, allow or cause to be produced any noise which exceeds the noise limitations, as set forth in Ch. 7.035 of the Revised Municipal Code. During

operation, all doors and windows will be closed, to help control noise pollution.

6. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed.

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

8. Refuse Collection and Pick-up. Refuse collection to be provided by commercial hauler and stored within the building or an enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor, as approved by the Plan Commission.

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.

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

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

11. 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.

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

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

14. 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.

15. Expiration of the Special Use Permit. This operation is intended to be temporary.? The Special Use Permit shall expire one (1) year from and after the date upon which it is approved by the Common Council. To maintain continuous business operations, the permit holder may apply for a new Special Use Permit no more than three (3) months prior to the expiration of this permit. If the applicant decides to make this a more permanent establishment (beyond what is initially planned in item 3. A. and B. above), it will require more stringent code adherence.

16. 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.

17. 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.

18. 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.

19. 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.

Applicant, Scott Cowman, d/b/a Root of All Evil

Norman Bobrow, Property owner

Mailed to applicants on the
_____ day of _____, 2021

SECTION 1: **ADOPTION** “R-2021-0401” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0401(*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