



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2019-0088 **Version:** 1

**Type:** Resolution **Status:** Adopted

**File created:** 2/5/2019 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 2/5/2019 **Final action:** 2/5/2019

**Title:** Resolution relative to determination of Special Use Permit for a proposed hotel to be located at 1010, 1040 & 1126 S. 70 St.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. R-2019-0088 signed, 2. AFFIDAVIT OF PUBLICATION - R-2019-0088

Date	Ver.	Action By	Action	Result
2/7/2019	1	Mayor	Signed/Enacted	
2/5/2019	1	Common Council	Adopted	Pass
2/5/2019	1	Safety and Development Committee (INACTIVE)		
2/5/2019	1	Common Council		
2/5/2019	1	Safety and Development Committee (INACTIVE)		
2/5/2019	1	Common Council		

Resolution relative to determination of Special Use Permit for a proposed hotel to be located at 1010, 1040 & 1126 S. 70 St.

WHEREAS, Kraig Sadownikow, applicant on behalf of 70<sup>th</sup> Street Hotel Associates, LLC, duly filed with the City Clerk an application for a Special Use Permit; pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a hotel at 1010, 1040 & 1126 S. 70<sup>th</sup> St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 5, 2019, at 7:00 p.m. in the Common Council Chamber 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, Kraig Sadownikow, applicant on behalf of 70<sup>th</sup> Street Hotel Associates, LLC, has offices at 3350 S. River Road, West Bend, Wisconsin 53095. The prospective property owner is West Quarter East, LLC c/o Cobalt Partners, LLC with offices at 207 N. Milwaukee Street, Milwaukee, WI 53202. The managing member of the hotel group is Bruce Kinseth, Senior Vice President of Kinseth Hospitality Companies, 2 Quail Creek Circle North Liberty Iowa 52317.

The overall 9-acre land parcel at 1010-1304 S. 70 St. will initially be purchased by a Cobalt entity (West Quarter East, LLC). The Cobalt entity will then sell the 1-acre hotel parcel (upon approval and the CSM is recorded) to 70th Street Hotel Associates, LLC. 70th Street Hotel Associates, LLC will own the land and have

the hotel designed & built by Kraig Sadownikow's company (American Companies - Design/Build). Ownership in 70th Street Hotel Associates, LLC will include entities/principals of American Companies - Design/Build, Kinseth Hospitality Companies, and Cobalt Partners, LLC (and likely a few other investors). Kinseth Hospitality Companies will manage the property once it opens and going forward.

2. The prospective property owner (West Quarter East, LLC c/o Cobalt Partners, LLC), has a valid offer to purchase the property at 1010-1304 S. 70 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Southeast  $\frac{1}{4}$  and 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:

Parcel 3 of the Certified Survey Map No. 6388.

Said land being located at 1010-1304 S. 70 St.

Tax Key Number: 439-0001-026

3. The applicant has proposed to build a 5-story, approximately 80,000 square foot, 128 room hotel on the approximately one (1) acre site, to be further defined in a Certified Survey Map to be submitted to the Plan Commission and Common Council for consideration and approval. The hotel will also include a pool, meeting room, fitness center. The site will also have an outdoor area for seating (licensed extension of premise).

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits hotels (and associated outdoor dining) as a Special Use pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The property will be serviced by all necessary public utilities.

6. The subject property is located between W. Washington St. and W. Greenfield Ave., along the east side of S. 70 St. Properties along W. Washington St. are zoned and utilized for commercial and manufacturing purposes. Properties on the east side of S. 70 St. are zoned for commercial purposes.

7. The applicant has commissioned an initial traffic study of the S. 70 St. Corridor, a traffic impact analysis (TIA), summarizing the anticipated study area, the proposed development, a transportation detail, and the trip generation of the 70th Street Development. Assumptions for development access locations, trip distribution, and the assignment of development traffic have been included to provide the City information on the impact development may have on the study area. The assumptions presented in this initial review may be revised based on City of West Allis evaluation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Kraig Sadownikow, d/b/a 70<sup>th</sup> Street Hotel Associates, LLC, to establish a hotel on land located at 1010, 1040 & 1126 S. 70<sup>th</sup> St.,(overall property range 1010-1304 S. 70 St.), 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 and Section 12.42(2) 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, Landscaping, Screening and Architectural Plans approved by the West Allis Plan Commission on January 23, 2019. No alterations or modification to the approved plan 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 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. Certified Survey Map. Common Council approval of a Certified Survey Map identifying the hotel parcel as an individual property.
4. Traffic Impact Analysis. The grant of this Special Use Permit is subject to and conditioned upon a final stamped Traffic Impact Analysis being submitted to and accepted by the City Engineering Department. Developer's schedule for implementation of the recommended improvements being provided to the Common Council.
5. Parking Requirements. Off-street parking for 168 parking stalls are proposed for the hotel site. In accordance with Sec. 12.19 of the Revised Municipal Code, 128 off-street parking spaces are required for the hotel use.
6. Hours of Operation. The hours of operation for the proposed hotel are 24hrs/7 days per week for 365 days per year.
7. Signage. Shall be in accordance with the West Allis signage ordinance. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame and be applied to the interior of the window area in accordance with Section 13.21 of the municipal code.
8. 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.
9. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
10. Deliveries and Refuse Pickup. 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 there is a 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.
11. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.

13. 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.

14. Noxious Odors, Etc. The facility 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.

15. 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.

16. Outdoor Storage and Display. No outdoor storage, sales or display shall be permitted on site unless approved by the Plan commission and in accordance with Chapter 12 of the Revised Municipal Code.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

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West Quarter East, LLC c/o Cobalt Partners, LLC

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70th Street Hotel Associates, LLC

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Bruce Kinseth, Kinseth Hospitality Companies, Managing Member

Mailed to applicant on the  
\_\_\_\_ day of \_\_\_\_\_, 2019

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City Clerk

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

ZON-R-1163-2-5-19