



City of West Allis

Legislation Text

File #: R-2007-0221, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed Connoisseur House of Chocolates candy store, to be located within the existing mixed-use building at 1942-44 S. 76 St. (Tax Key No. 453-0525-000)

WHEREAS, Sandy Moore and Scott Repinski, d/b/a Connoisseur House of Chocolates, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2), 12.49 and Sec. 12.16 of the Revised Municipal Code, to establish a chocolate/candy store within the first floor of the existing mixed-use building located at 1942-44 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 4, 2007, 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 applicants, Sandy Moore and Scott Repinski, have offices at N144 W5620 Pioneer Rd., Cedarburg, and WI 53012
2. The applicant, Repinski owns the property at 1942-44 S. 76 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner in the Southwest $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Lot 22 in Block 10 in the Linwood subdivision.

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Said land being located at 1942-44 S. 76 St.

3. The applicant is proposing to occupy the first floor (approximately 1,200 sq. ft.) of the existing mixed-use building with an "Old World Signature Chocolate Store." The candy store will be used primarily as a retail location, but a small staging area will be set up for the making of a few handmade products. Connoisseur House of Chocolates has existing manufacturing plants at 1901 S. 75 St. and another one in Cedarburg. The building will also be completely re-sided.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits candy stores as a special use, pursuant to Sec. 12.41(2), 12.49 and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the southeast corner of S. 76 St. and W. Hicks St. Properties to the north, east, south and west are developed as multi-family and single-family. Properties to the northwest are developed as manufacturing.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Sandy Moore and Scott Repinski, d/b/a Connoisseur House of Chocolates, to establish a chocolate/candy store within the first floor of the existing mixed-use building 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 Secs. 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 22, 2007, 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. A Signage Plan shall be submitted to the Department of Development for review.
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. Hours of Operation. The hours of operation will be 9:00 a.m. - 7:00 p.m., seven days a week.
4. Off-Street Parking. Off-street parking spaces for three (3) vehicles are required for the store and two (2) are required for the 2-bedroom residential, for a total of five (5) required parking spaces. Three (3) parking spaces are provided on site, including two (2) garage spaces. Street parking is available along W. Hicks St.
5. Noxious Odors. The store 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.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.
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. 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.
10. 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.

11. Miscellaneous.

- A. Applicant is 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 applicant's 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.

Mailed to applicant on the
_____ day of _____ 2007

Assistant City Clerk

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

ZON-R-639-9-4-07