



# City of West Allis

## Legislation Text

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**File #:** R-2009-0194, **Version:** 1

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Resolution relative to determination of Special Use Permit to establish a processing and production facility for alcohol/spirits (no on site sales) located at 2078 S. 56 St. (Tax Key No. 474-0264-003)

WHEREAS, Piero Spada d/b/a Ventus, LLC, duly filed with City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code to establish to establish a processing and production facility for alcohol/spirits within a portion of the existing multi-tenant industrial building located at 2078 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 1, 2009, 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, Piero Spada d/b/a Ventus, LLC will have offices on site. The building owner IBEX I, LLC has offices at 1243 N. 10 St. Ste. 300, Milwaukee WI 53205.
2. The applicant, Ventus, LLC will lease a 2,500 sq. ft. portion of the property at 2078 S. 56 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest  $\frac{1}{4}$  of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 5603.

TAX KEY NOS. 474-0264-003 Multi-tenant industrial property, 2074-2116 S. 56 St.  
474-0264-002 Parking lot, 20\*\* S. 55 St.

Said Property being located at 2074-2116 S. 56 St. and 20\*\* S. 55 St.

3. The applicant is proposing to lease a 2,500 sq. ft. industrial tenant space for production/processing of alcohol/spirits. Ventus will be rectifying alcohol/spirits in compliance with all State and Federal regulations to produce Limon Cello Liqueur branded as Sole'. Basic equipment used on site will include stainless steel tanks, alcohol pump, filter, bottling line, juice press and lemon zester. No sales will occur on site. Sales will be strictly to a licensed alcohol distributor. Other distilled products may be manufactured on site in accordance will all State and Federal laws.
4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits food processing (including rectifying alcohol/spirits). pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.
5. The subject property is located on the east side of S. 56 St., north of W. Mobile St. Properties to the south, east and west are developed as manufacturing uses. Properties to the north are developed as residential.
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. Screening of all outdoor storage and parking areas on site shall be required.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Ventus, LLC, 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 Sec. 12.45(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 a site, landscape screening and architectural plan being approved by the 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 West Allis Plan Commission. Any outdoor storage areas, parking lots and refuse areas on site shall be screened and landscaped from abutting properties.
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. Parking. Off-street parking spaces for a total of 17 spaces (Ventus required to provide two (2) spaces) vehicles will be required on site. The property provides a total of 22 parking stalls.
4. Business Hours. The business hours are 7:00 a.m. - 7:00 p.m. seven days per week.
5. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
6. 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.
7. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
8. 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.
9. 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.
10. 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.
11. 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.

Mailed to applicant on the

\_\_\_\_\_ day of \_\_\_\_\_, 2009

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Assistant City Clerk

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

ZON-R-730-9-1-09