



City of West Allis

Legislation Text

File #: R-2015-0240, **Version:** 1

Resolution relative to determination of Special Use Permit to establish the BD Cooking Company, a proposed catering company, to be located at 7109 W. National Ave.

WHEREAS, Elizabeth Doyle of BD Cooking, LLC duly filed with the City Clerk an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a limited food production use with classes within an existing building, located at 7109 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 17, 2015, 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, Elizabeth Doyle of BD Cooking, LLC has offices on site at 7109 W. National Ave., West Allis, WI 53214. The applicant has a valid offer to lease the property.

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

Lots 1, 2 and 3 in Block 5 of the Gross West Allis Addition subdivision.

Tax Key No. 453-0607-002

Said land being located at 7109 W. National Ave.

2. The applicant, Elizabeth Doyle of BD Cooking, LLC, is proposing to purchase, renovate and occupy space within the building located at 7109 W. National Ave. BD Cooking's operations on site are intended to provide on-site cooking classes and food preparation (food production, limited) for sale at farmers markets. Private chef services and meal planning will also be offered. While not initially offered, the business may also include retail sales are within the building and an outdoor seating/dining area.

3. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis. Food Production limited (catering) and classes are permitted as a special use within the C-2/Neighborhood Commercial district under Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is located on the southwest corner of the intersection of S. 71 St. and W. National Ave. Properties to the north and west are developed as commercial and mixed use, properties to the east are developed as commercial, properties to the south are developed for low density residential use.

5. 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 Elizabeth Doyle of BD Cooking, LLC to establish a limited food production use with classes, 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 12.41(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 and architectural plans approved on October 28, 2015 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 Plan Commission.
2. Licenses. The grant of this special use is subject to the grant of all State and local licenses.
3. 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.
4. Hours of Operation. The hours of operation shall be between 6am to 10pm seven days per week.
5. Business operations:
 - A. BD Cooking's operations on site are intended to provide on-site cooking classes and food preparation (food production, limited) for sale at farmers markets. Private chef services and meal planning will also be offered.
 - B. Class sizes are limited to 10 persons. Up to 5 classes per week.
6. Off-Street Parking. Ten (10) parking spaces are required for the uses on site. Sixteen (16) off-street parking spaces (including one ADA stall) are provided on site.
7. Litter and Monitoring. Employees and operators 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 or located within the building envelope.
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. Noxious Odors, Etc. The uses on premise 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.
10. Pollution. The uses on premise 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.
11. Noise. All exterior doors and windows will be closed to prevent excess noise from penetrating the

adjacent neighborhood per the City of West Allis Revised Municipal Code.

12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays 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, abutting sidewalk.

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 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.

Elizabeth Doyle of BD Cooking, LLC

Thomas Doyle, property owner

Mailed to applicant on the
_____ day of _____, 2015

City Clerk

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

ZON-R-1013-11-17-15