



City of West Allis

Legislation Text

File #: R-2016-0155, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed multi-family townhouse units within the SoNa portion of The Market at Six Points redevelopment, to be located at 1615-1625 S. 66 St.

WHEREAS, Ian Martin, d/b/a Mandel Group, Inc., duly filed with the City Clerk an application for a Special Use Permit; pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis, for a multi-family housing complex; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 7, 2016, 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. Ian Martin, d/b/a Mandel Group, Inc., has offices at 301 E. Erie St. Milwaukee, WI 53202.
2. The property is currently owned by the Community Development Authority, but is proposed to be purchased by the Mandel Group Inc. The subject property is located at 6701 W. National Ave., West Allis, Milwaukee County, Wisconsin; more particularly described as follows, to-wit:

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

Commencing at the northwest corner of the Northeast $\frac{1}{4}$ of said Section 3; Thence North $88^{\circ}05'31''$ East along the north line of said Northeast $\frac{1}{4}$, 302.39 feet; Thence South $00^{\circ}53'05''$ East, 961.83 feet to the south right of way line of West National Avenue; Thence North $64^{\circ}30'07''$ East along said south right of way line, 491.67 feet to the west right of way line of Six Points Crossing; Thence South $00^{\circ}59'09''$ East along said west right of way line and then along the west right of way line of South 66th Street, 373.91 feet to the Point of Beginning; Thence continuing South $00^{\circ}59'09''$ East along said west right of way line of South 66th Street, 166.67 feet to the north line of Parcel 1 of Certified Survey Map No. 6513; Thence South $88^{\circ}07'11''$ West along said north line, 127.00 feet; Thence North $01^{\circ}32'23''$ West, 168.67 feet; Thence North $89^{\circ}00'59''$ East, 128.61 feet to the Point of Beginning.

Tax Key No. 454-0642-000. This Tax Key Number will change with the expected recording of the Certified Survey Map, which is tied to this proposal.

Said land being located at 1615-1625 S. 66 St.

3. The building will be approximately 9,000 square feet with 6 individual units, each being 2-bedrooms at an estimated 1,500 square feet. The property will be owned and managed by Mandel Group, Inc.
4. The subject property is located mid-block on the west side of S. 66 St., approximately south of W.

Lapham St. Properties to the north and west are zoned and proposed to be developed with a mixture of commercial uses. The properties to the east are zoned and developed for low-density residential uses. Property to the south is zoned and developed for a manufacturing use.

5. 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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by, Ian Martin, d/b/a Mandel Group, Inc. to establish a multi-family townhouse units at 1615-1625 S. 66 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 of the Revised Municipal Code, so as to permit the issuance of a Special Use Permit as therein provided.

NOW, THEREFORE 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, screening and architectural plans approved by the West Allis Plan Commission. No alterations or modification to the approved plan shall be permitted without approval by the West Allis Plan Commission.
2. Building Plans, Fire Codes and Licenses. 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. Off-Street Parking. The use shall provide off-street parking in accordance with Sec. 12.19 of the Revised Municipal Code. Twelve (12) parking spaces are required for the 6-unit townhome development (2 spaces required for each 2 bedroom unit). In total, 24 parking spaces will be provided, 3 per unit (2 indoors and 1 apron space), as well as 6 off-street parking spaces.
4. 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.
5. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables and other waste materials will be fully enclosed within an approved structure.
6. Signage. Signage shall be permitted in compliance with the West Allis signage ordinance or approved via a variance to the code through the Plan Commission.
7. Pest Control. Exterior pest control shall be contracted on a monthly basis.
8. 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.

9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays beyond the property boundaries.
10. Deliveries and Refuse Collection. 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 splays from the property boundaries.
13. Noxious Odors, Etc. The restaurant 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.
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. Noise. All exterior doors and windows of the establishment will be closed to prevent nuisance noise from entering the surrounding neighborhood. The outdoor dining area will be closed in accordance with the hours of operation approved by the Common Council.
16. 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.

17. 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.

18. 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.

19. 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, the special use may be terminated.

20. 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.

Ian Martin, d/b/a Mandel Group, Inc.

John F. Stibal, Executive Director, Community Development Authority (property owner)

Mailed to applicant on the

____ day of _____, 2016

City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning

ZON-R-1046-6-7-16