



City of West Allis

Legislation Text

File #: R-2017-0222, **Version:** 1

Resolution relative to Special Use Permit for Evenement, LLC, a proposed event planning business to be located at 7140 W Greenfield Ave.

WHEREAS, Janelle Mayer-Brown, d/b/a Evenement, LLC, duly filed with the City Clerk an application for a special use permit, pursuant to Sec. 12.16 and Sec. 12.40(2) of the Revised Municipal Code, to establish a special event/meeting space at 7140-44 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 5, 2017, 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, Janelle Meyer-Brown currently has offices 7208 W. North Ave. Wauwatosa, WI 53214
2. The applicant has a valid offer to purchase the property at 7140-44 W. Greenfield Ave. a (Tax Key No. 440-0310-000), 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 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 17 and 18 in Block 6 of the Otjen Pullen and Shenner's Subdivision.

Tax Key No. 440-0310-000

Said land being located at 7140-44 W. Greenfield Ave.

3. The applicant is proposing to develop an approximate 20,400 sq. ft. event/meeting space along with auxiliary offices for employees of the business. The vision is to develop the 7,200 sq. ft. lower level and the 7,200 sq. ft. 1st floor level into programmed event space. The 6,000 sq. ft. 2nd floor space will also act as a combination of event space along with seating for potential business meetings. Additionally, employees of the business will use these shared event and conference spaces during non-peak daytime hours for their individual office spaces. As such, there is no designated office space shown on the floor plans or within the parking calculations.

4. The aforesaid area is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits meeting halls as a special use, pursuant to Sec. 12.40(2) of the Revised Municipal Code of the City of West Allis.

5. The subject property is located on the northeast corner of W. Greenfield Ave. and S. 72 St., which is zoned for C-1, Central Business District purposes. Properties to the east, west and south are developed and

zoned for C-1 Central Business District purposes. Properties to the north are developed as municipal parking and single and two family residential and zoned RB-2 Residence District.

6. The Property is located within Downtown West Allis. The proposed development will need to accommodate vehicular parking for events which could take on as many as 500 people (the equivalent of 200-250 vehicles) at one time. This should not adversely contribute to traffic volumes or traffic flow in the area as the Downtown West Allis District offers 385 off-street municipal parking stalls (this total does not include the stalls that are leased out) which are largely unused during the peak times of use expected for the major event uses at the 7140-44 W. Greenfield Ave. property. Additionally, there are 161 on-street parking stalls within the commercially zoned and used portion of Downtown West Allis. The property is also served by public transit.

7. 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 of Janelle Meyer-Brown, d/b/a Evenement, LLC, to establish an event/meeting space at 7140-44 W. Greenfield Ave., 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.

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 to be approved at the September 6, 2017 by the City of West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the 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. In accordance with Sec. 12.19 of the Revised Municipal Code, One hundred and forty-three (143) parking spaces are required, including six (6) ADA spaces. No off-street parking spaces are provided on site.

There are 385 off-street public parking spaces available for use for the Downtown West Allis businesses, along with 161 on-street parking spaces available within the commercially zoned area of the Downtown West Allis Business District.

The applicant has indicated within its project description that on top of using some of the off-street municipal parking spaces referenced above that it may also provide a mix of valet and shuttle parking for certain events.

According to Section 12.19(8)(iii) of the Revised Municipal Code, credit shall be given for public off-street parking spaces located within two hundred (200) feet of any premises in the C-1 Central Business District;

provided, however, that the credit will be given only for uses listed in paragraphs (7), (26), (37) and (38) of the schedule set forth in Subsection (7). The proposed use for this property categorized as, “meeting halls” within Section 12.19(7)(a)(24) does not fall within any of those categories, however, in accordance with Section 12.16 (9)(a) of the Revised Municipal Code, the Common Council agrees to change the minimum requirements of the code as they pertain to off-street parking in order to approve this Special Use Permit. It is in doing so with the justification that based on the existing mix of uses that off-street public parking is already established within the Downtown West Allis Business District as there are 385 off-street public parking spaces available and 161 on-street parking spaces available and that during the majority of the peak times that the applicant for this Special Use Permit will be active (Friday and Saturday evenings) much of the Downtown West Allis Business District parking is available for the public to utilize.

4. Operations.

- A. Excessive noise and vibrations shall not emanate from the building.
- B. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

5. Hours of Operation. The hours of operation will be from 5:30 a.m. to 1:00 a.m. seven days per week.

6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area and shall be installed upon the interior side of the glass. Window signs shall not flash.

7. 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.

8. 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, at minimum a two-sided board on board enclosure or as approved by the Department of Development. 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. 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.

9. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

10. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

12. Noxious Odors, Etc. The use 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.

13. 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.

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 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.

Janelle Meyer-Brown, d/b/a Evenement, LLC, tenant and property owner

Mailed to applicant on the
_____ day of _____, 2017

City Clerk

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

ZON-R-1115-9-5-17