



City of West Allis

Legislation Text

File #: R-2021-0006, **Version:** 1

Resolution relative to determination of an Application for a Special Use Permit for a limited food production and restaurant use, to be located at 66** W. National Ave. (Lot 1)

WHEREAS, Robert Monnat, 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), 12.49 of the Revised Municipal Code of the City of West Allis, for Makers Row, a limited food production and restaurant use; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 5, 2021, 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. Robert Monnat, d/b/a Mandel Group, Inc., has offices at 301 E. Erie St. Milwaukee, WI 53202.
2. The property is currently owned by the City of West Allis Community Development Authority, but is proposed to be purchased by the Mandel Group, Inc. The subject property is located at 66** 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 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 Lot 1, Certified Survey Map No. 8866 and South right-of-way line of West National Avenue; thence North 64°30'07" East, 301.57 feet, along the said South line to the Point of Beginning; thence South 25°29'53" East, 97.17 feet; thence South 00°01'32" East, 100.07 feet; thence South 89°58'28" West, 19.06 feet to the point of curvature; thence Southwesterly, 56.85 feet, along the curve with the radius of 62.00 feet, chord length of 54.88 feet and chord bearing of South 63°42'26" West; thence South, 301.35 feet; thence East, 26.80 feet; thence South 00°02'19" West, 242.35 feet; thence North 88°07'11" West, 60.26 feet; thence North 00°02'19" West, 230.93 feet; thence East, 9.72 feet; thence North, 313.70 feet; thence East, 159.58 feet, to the West right-of-way line of South 66th Street/Six Points Crossing; thence North 00°59'09" West, 297.62 feet, along the said West line to the South right-of-way line of West National Avenue; thence South 64°30'07" West, 190.10 feet, to the Point of Beginning.

Tax Key No. 454-0648-000. The Tax Key Number may change with the expected recording of the Certified Survey Map, which is tied to this proposal.

Said land being located at 66** W. National Ave.

3. The commercial use redevelopment project area may be referred to as SoNa (South of National), and will consist of a Commercial use (called "Makers Row"). The uses will be located within attached buildings and located within a project area that is situated upon approximately 6.5 acres of land currently.
4. The "Makers Row" building consists of two commercial spaces. The anchor tenant (12,000 sf) has access to shipping and receiving dock. The second, attached tenant space (6,000 sf) can be subdivided for smaller users. The anchor tenant will be a food and beverage business that will establish their headquarters in said space. The floor plan includes indoor and outdoor seating areas.
5. The proposed redevelopment area will feature various amenities including: 2,500 sf of concrete for outdoor seating, decorative benches illuminated by string lights, a wooden fence screening the outdoor seating area from the loading dock, adequate landscaping, and surface off-street parking on premise. Pedestrian walkways will be incorporated

into the development to link with that of surrounding businesses and to make an accessible connection with public right of way.

6. The subject property is located south of National Ave., north of W. Mitchell St. and between S. 66 St. and an existing Union Pacific Rail Road Spur Track. This area is currently owned by the Community Development Authority. The property will be owned and managed by Mandel Group, Inc. The developer has submitted a letter of intent to purchase this property from the City of West Allis, and will enter into a purchase and sale agreement for the redevelopment of land.

7. Property to the north is zoned Commercial. Property to the north is developed with a mixture of residential and commercial uses. Properties to the east, includes the City's Farmers Market, and are zoned Commercial with a Planned Development District/Residential overlay. Properties to the south are zoned manufacturing and developed for manufacturing uses. Properties to the west are zoned manufacturing, but are proposed to be rezoned commercial to be in conformance with the City's future land use plan. Properties to the west are owned by the Community Development Authority and are making preparations to sell to commercial developers.

8. 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, Robert Monnat, d/b/a Mandel Group, Inc. to establish a mixed, residential and commercial use to be located at 66** W. National Ave. (Lot 1) 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, CSM, Zoning, and PDD-2 Removal. The grant of this Special Use Permit is subject to and conditioned upon:

- a. Site, Landscaping, Screening and Architectural Plans approved by the West Allis Plan Commission on December 2, 2020. No alterations or modification to the approved architectural plan shall be permitted without approval by the West Allis Plan Commission.
- b. A CSM (Certified Survey Map), to re-divide properties into four lots, being approved by the Common Council.
- c. The consolidated property being rezoned to commercial zoning district in accordance with the Comprehensive Land Use Plan.
- d. The PDD-2 overlay zone being removed.

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 SoNa mixed use redevelopment project will provide off-street parking for 45 off-street parking spaces.

60 parking spaces are required in accordance with Sec. 12.19 of the Revised Municipal Code. While some of the space will be retail, other portions will be maker/production space. Parking ratios vary according to the use.

In granting this special use, the Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code. Street parking and additional off-street shared parking option are available within the neighborhood. The property is also part of an area that is serviced by public transportation.

4. Hours of Operation. The grant of this Special Use Permit will allow the general hours of operation for the commercial spaces to be open from 7 am - 10 pm seven (7) days a week. For the purpose of this special use, business operations that require a liquor license will be subject to the limitations established by the licensing and health committee and State law as it pertains to licensing or applicable permits.
5. Operations. The proposed commercial space will offer outdoor service within the same general operating hours (7am to 10pm).
6. 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.
7. 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.
8. 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.
9. Pest Control. Exterior pest control shall be contracted on a monthly basis.
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 the use is residential and there is an adjacent residential neighborhood 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 exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries. Lighting is subject to a photometric lighting plan being approved by the Plan Commission.
13. Noxious Odors, Etc. The uses 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. 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 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.

Robert Monnat, d/b/a Mandel Group, Inc.

Executive Director, Community Development Authority (property owner)

Mailed to applicant on the

____ day of _____, 2021

City Clerk

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

ZON-R-1248-1-5-21

Plan Commission recommends approval.