

CONDITIONAL USE PERMIT

Better Cowork, LLC  
12500 W Bluemound Road  
Elm Grove, Wisconsin 53122

Document Number

**WHEREAS**, Better Cowork, LLC (“Applicant”) has applied for a conditional use permit (the “CUP”) pursuant to Sections 335-24C(9) and 335-86 of the Village of Elm Grove Code of Ordinances for the operation of a coworking facility that is intended to accommodate as many as 126 different businesses, individuals, and entities with assigned spaces/offices and conference areas located at 12500 W Bluemound Road, Elm Grove, Wisconsin, (the “Property”) more specifically described as:

PT SE1/4 SEC 25 T7N R20E; COM NE CRNR OF 1/4 SEC; WLY ALNG N LINE 351.65 FT; SLY & PARALLEL TO E LINE OF 1/4 SEC 636.00 FT TO PNT IN CNTRLNE OF HWY 18; NELY ALNG CNTRLNE OF HWY 352.87 FT TO PNT IN E LINE OF 1/4 SEC; NLY ALNG E LINE 600.50 FT TO BGN :: EX SLY 80 FT & EX DOC #3790011

**WHEREAS**, the Property is located in the B-3 Mid-Rise Office and Professional zoning district; and

**WHEREAS**, Section 335-24C(9) of the Village of Elm Grove Code of Ordinances allows for other unspecified uses which are found to be similar in character to those principal uses conditionally permitted by the Plan Commission; and

**WHEREAS**, Applicant has submitted all information as required under Section 335-86B of the Village of Elm Grove Code of Ordinances and submitted a Plan of Operation pursuant to the Village of Elm Grove Code of Ordinances; and

**WHEREAS**, the Village Plan Commission reviewed the subject CUP application on April 3<sup>rd</sup>, 2023 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances; and

**WHEREAS**, the Village Board of Trustees held a public hearing upon the subject CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on April 24<sup>th</sup>, 2023; and

**WHEREAS**, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the proposed conditional use is in accordance with the purpose and intent of the Village Zoning Code and the proposed use, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

Recording Area

Name and Return Address  
Village of Elm Grove  
13600 Juneau Blvd.  
Elm Grove, WI 53122

Parcel Identification Number  
(PIN): EGV 1106966001

**NOW THEREFORE**, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue a conditional use permit to Better Cowork LLC for the operation of a coworking facility, which conditional use permit shall be subject to the following conditions:

1. Hours of Operation and Permitted Uses

- a. No Member, Licensee or Tenant of Better Cowork LLC or guest thereof, except employees of Better Cowork LLC or contracted independent entities or individuals performing cleaning or maintenance work at the Premises may be present on the Premises outside of the hours of 5:00 A.M. through 11:00 P.M. of any day.
- b. Violations shall be subject to prosecution under Elm Grove Ord. §335-85 G.
- c. Applicant shall be eligible to petition the Plan Commission and the Village Board for a modification of the prescribed hours or other provisions and restrictions following full commencement of “coworking” operations on the Premises (“Beginning of Operations”). Applicant shall inform the Village Zoning Administrator in writing of the occurrence of the Beginning of Operations.
- d. The Village reserves the right to reduce or adjust any approved or modified hours of operation or other provisions and restrictions in the course of the duration of the granted CUP.
- e. The only permitted uses allowed under this permit shall be professional office uses as are consistent with the existing zoning for this property with the following exceptions:
  - (3) Barbershops and beauty shops.
  - (6) Fitness centers.
  - (7) Gift shops and boutiques.
  - (8) Hotels and motels.
  - (10) Medical clinics.
  - (13) Retail stores.

2. Availability of User Information for Public Safety Services

In order to facilitate the prompt and orderly delivery of public safety services should the need arise, Better Cowork LLC shall create and maintain on a daily basis an electronic data base that can be provided immediately upon request by authorized Elm Grove Police or Fire Personnel as well as the Zoning Administrator and Village Manager which contains the following information:

- a. The name of each Member, Tenant or Licenses or Exempt Agent allowed to use the Premises. In the case of an entity, the primary contact of each such entity.

- b. All the names of the employees, associates or agents of each Member, Tenant or Licensee allowed to use the Premises.
- c. The anticipated duration of use/occupancy of the Premise 81 by each individual or entity listed in 2.a and 2.b. above.
- d. The home address of each individual or business office of each entity listed in 2.a. and 2.b. above.
- e. The cell phone number and e-mail address, or if the individual does not have a cell phone or e-mail address, telephone number where each individual or entity listed in 2.a. and 2.b. above can be promptly reached in an emergency.
- f. All information required under this Condition No. 2 shall be maintained and made available by Better Cowork LLC for a minimum of two (2) years following the departure from the Premises of each Member, Licensee or Tenant of Better Cowork LLC.

3. Parking

Better Cowork LLC has represented that it has available two hundred and thirty-six (236) parking spaces available to service the Premises. The following requirements/\_restrictions shall apply:

- a. A current accurate scale drawing of the parking lot and its usable spaces shall be filed with the Elm Grove Zoning Administrator as a condition precedent to the validity of this CUP.
- b. No vehicle parked in the parking lot or on any street or private roadway abutting the Premises shall have any signage or markings indicating that it is for sale or advertising any off-Premises services or items by a non-licensee.
- c. Only vehicles commonly associated with a “professional office” may be parked in the parking lot or on any street or private roadway abutting the Premises.
- d. No storage, placement or parking of vehicles, or motorized or non-motorized equipment for transport or for personal utility use (including but not limited to recreational camper, trailer, bus, service or delivery or trade truck, banner sign truck, sleeping or lodging unit) whether or not connected with any Member, Licensee or Tenant or Exempt Agent.
- e. No overnight parking of any nature shall be allowed at the Premises, except seasonal snow removal equipment.

4. Outside Activities Restricted

- a. Better Cowork LLC has represented that the coworking areas of the Premises shall be operated in a manner consistent with a professional office setting and to that end it will be providing for its Members, Licensees or Tenants distinct interior exclusive or shared work areas as well as certain common 126 facilities and limited individual use patio areas.

- b. No group event or social function shall be held outside the interior of the Premises without prior approval by the Plan Commission.
- c. The use of all interior and exterior spaces of the Premises shall track all plans submitted in conjunction with the CUP application.
- d. Submitted plans shall be updated in the event of any modification of any area of the Premises requiring a Building Permit.

5. Enactment of Other Laws

- a. Each Member, Licensee or Tenant or Exempt Agent shall comply with all applicable Village Ordinances, State or Federal laws or regulations.
- b. In the event that any legislation should be enacted, in the course of the duration of the granted CUP that is intended to regulate “coworking” spaces, the provisions of this CUP shall control notwithstanding such legislation where they do not conflict with specific provisions of such subsequent enacted legislation.

6. Reservation of Right to Amend CUP

In recognition of the fact that this constitutes the first Elm Grove CUP authorized for a coworking premises, the Village expressly reserves the right to amend this CUP in its sole discretion.

This conditional use permit is hereby issued this 24<sup>th</sup> day of April, 2023 subject to the conditions provided herein.

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Jim Koleski, Village President

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Sandee Policello, Village Clerk

[VILLAGE SEAL]