



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0136

Final Action:

Sponsor(s): Safety & Development Committee

JUN 05 2007

Resolution relative to determination of Special Use Permit for the remodeling of a mixed-use building, which includes the West Allis Cheese and Sausage Shop located at 6832 W. Becher St. (Tax Key No. 476-0106-000).

WHEREAS, Mark Lutz, owner, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code, to restore a former, mixed-use building with a commercial first floor, used for the West Allis Cheese and Sausage Shop with a 2-bedroom unit above for the property located at 6832 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 5, 2007, 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, Mark Lutz, owner, resides at 11970 W. Morgan Ave., Milwaukee, WI 53228.
2. The applicant owns the property at 6832 W. Becher St., 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 33, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

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

Lot 21 and South 10.00 feet of Lot 22, all being part of Wood Dale subdivision, Block 5.

Tax Key No. 476-0106-000

Said land is located at 6832 W. Becher St.

3. The applicant is proposing to restore a fire damaged mixed-use building consisting of a 2-bedroom unit and a 1,155 sq. ft. commercial space on the first floor used by the West Allis Cheese and Sausage Shop.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed residential and commercial uses as a special use, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the northeast corner of S. 69 St. and W. Becher St. Properties to the south and north are developed as residential, properties to the east and west are developed as residential, commercial and multi-family.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site has historically been used as a mixed-use facility with first floor retail.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Mark Lutz, owner, to restore a fire damaged mixed-use building (two-bedroom unit and first floor commercial space), 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. 12.41(2), Sec. 12.49 and 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 approved on May 23, 2007, by the City of 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. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, seven (7) parking spaces are required on site. Three (3) are provided on site. 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.
3. Hours of Operation. 9:00 a.m. to 9:00 p.m. seven days per week
4. Commercial Business Operations.
 - A. Grab and go food and alcohol beverages can be served from the premise in accordance with Liquor License.
 - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
 - C. Refrigerator/cooler addition shall locate condensers within an enclosed area and be located per yard requirements in accordance with Sec.12.10 of the Revised Municipal Code.
 - D. Excessive noise and vibrations shall not emanate from the building.

5. **Outdoor Dining Area.** The outdoor dining area shall consist of an area to the east of the building to be approved by the Plan Commission.
 - A. **Boundaries.** The outdoor dining area shall not extend beyond the approved Plan Commission area. A sign shall be erected stating, "No alcoholic beverages are permitted beyond this point." A physical boundary shall be established to partially screen and mark the outdoor dining boundary.
 - B. **Monitoring.** The outdoor dining area shall be adequately monitored by staff.
6. **Litter.** Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
7. **Refuse Collection.** Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.
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. **Pagers, Intercoms.** The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
10. **Monitoring.** The area shall be adequately monitored by staff.
11. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each window's area
12. **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.
13. **Outdoor Lighting.** All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
14. **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.
15. **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.

16. 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.

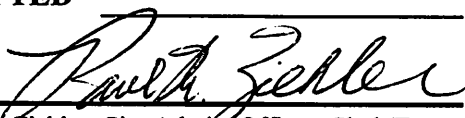
Mailed to applicant on the
8th day of June 2007

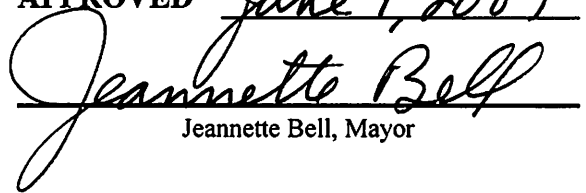
----- Monica Schultz

Assistant City Clerk

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

ZON-R-616-dlm-6-5-07

ADOPTED JUN 05 2007

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED June 7, 2007

Jeannette Bell, Mayor



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

June 8, 2007

Brady Chuckel
Paul Davis Restoration
2000 S. 4th Street.
Milwaukee, WI 53207

Dear Mr. Chuckel:

On June 5, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for the remodeling of a mixed use building which includes the West Allis Cheese and Sausage Shop located at 6832 W. Becher St.

A copy of Resolution No. R-2007-0136 is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Mark Lutz