



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

Resolution: R-2016-0092

**File Number: R-2016-0092**

**Final Action:**

**Sponsor(s): Safety & Development Committee**

**APR 04 2016**

Resolution relative to determination of Special Use Permit for Westallion Brewing Company, a proposed brewery and tasting room, to be located at 1825 S. 72 St.

WHEREAS, Erik J. Dorfner, d/b/a Westallion Brewing Company, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code of the City of West Allis, for a brewery and tasting room facility at 1825 S. 72 St.; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. Erik J. Dorfner, d/b/a Westallion Brewing Company, will have offices on site at 1825 S. 72 St.
2. The property is owned by Todd M. Antczak who resides at W25754684 Wood Lilly Lane, Waukesha, WI 53189. The subject property is located at 1825 S. 72 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

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

Lots 24 and 25 in Block 6 in the Gross West Allis Addition subdivision.

Tax Key No. 453-0665-000

Said land being located at 1825 S. 72 St.

3. The building is about 6,000 square feet and will be occupied by the owner, who will operate a private auto repair facility (Automotive PHD-under separate special use resolution), and a tenant, the Westallion Brewing Company, who will operate a small brewery and tasting room. The aforesaid premise is zoned M-1/Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits limited food production, taverns and restaurants, outdoor seating/dining (extension of premise) as a special use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.
4. The Westallion Brewing Company applicant is proposing to lease, renovate and occupy space within the existing building to establish a limited food production brewery with a tasting room area. While not initially, proposed outdoor seating/extension of premise for the tasting room is an option.
5. The subject property is part of an area zoned for manufacturing uses and is bordered by W. Burnham St. and the Union Pacific Railroad on the south, S. 72 St. on the east, and an alley and industrial property to the west. Properties to the east, west and south are zoned and developed as manufacturing uses.

Properties to the north are zoned and developed for low density residential.

6. 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. While the property has been vacant for over a year, it was formerly used as a manufacturing use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Erik J. Dorfner, d/b/a Westallion Brewing Company, 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 on March 23, 2016. 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 Zoning and by the Fire Department. All applicable Federal, State and local licenses being applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.
3. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, 13 parking spaces are required for the brewery and tasting room operation, and 10 spaces are required for the auto repair use, for a total overall requirement of 23 parking spaces for the property. A total of 6 parking spaces are proposed on site. An agreement for additional shared off-street parking within nearby parking commercial lots is being sought and maybe credited toward satisfying the parking requirement for the site per 12.19 of the Revised Municipal Code.

With the approval of this special use, the Common Council agrees to modify the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

4. Hours of Operation. With the approval of this special use, Common Council grants the following hours of operation for the use: The brewing production business will be open Monday to Thursday (production) running from 8am - 8pm. The tasting room will be open Thursday to Sunday from 10am until State of WI mandated closing times. Any tasting room outdoor seating areas will be open between 10am and 10pm.

5. Operations:

A. Westallion Brewing Company will function as a production/ distribution brewery for the

processing/ production of fermented malt products (beer).

- B. Outdoor seating/extension of premise for the tasting room will be subject to Plan Commission approval of a site and landscaping plan.
  - C. The use will be closed in accordance with the hours of operation approved by the Common Council.
  - D. Excessive odors from cooking on premises shall not emanate from the building.
  - E. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
  - E. Exterior pest control shall be contracted on a monthly basis.
  - F. Special events to be authorized by the Common Council.
  - G. A food establishment under RMC Section 7.04.
6. Signage. Compliance with the West Allis signage ordinance or a variance to the code being granted by the Plan Commission.
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 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.
9. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
10. 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.
11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays beyond the property boundaries.
12. 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.

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. 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.

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.

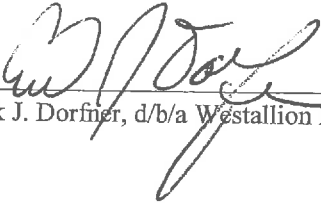
17. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the 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.

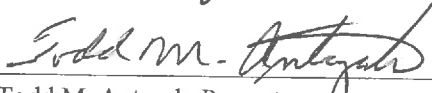
18. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

19. 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.



Erik J. Dorfner, d/b/a Westallion Brewing Company



Todd M. Antczak, Property owner

Mailed to applicant on the  
13<sup>th</sup> day of April, 2016



City Clerk

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

ZON-R-1034-4-4-16

ADOPTED April 4, 2016

APPROVED 4/12/16



Monica Schultz, City Clerk



Dan Devine, Mayor