



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2013-0159

Final Action:

Sponsor(s): Safety & Development Committee

JUL 01 2013

Resolution relative to determination of Special Use Permit for GR's National Pub, an existing tavern, located at 6827 W. National Ave.

WHEREAS, Guy Rob, d/b/a GR's National Pub, an existing tavern, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, for an outdoor patio/extension of premise at their existing location, at 6827 W. National Ave. for the existing pub; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2013 at 7:00 p.m., in the Common Council Chamber 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 property is owned by Guy Robb, LLC d/b/a GR's National Pub who resides at W191 S7322 Shorelane Rd., Muskego, WI 53150.
2. The mixed use property consists of an existing tavern, a two bedroom apartment unit and an existing (approximately 700-sf) patio area that is currently used for outdoor smoking. The proposal is to further utilize the existing outdoor patio area as an outdoor extension of premise at 6827 W. National Ave., West Allis, Wisconsin, more particularly described as follows:

All the land of the owner being located 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, described as follows:

Lot 7 and West 15.00 feet of Lot 6 in Block 2 of the Gross West Allis Addition Subdivision.

Tax Key No. 453-0567-000

Said land being located at 6827 W. National Ave.

3. The applicant is proposing to establish/construct an outdoor extension of premise at the property, located at 6827 W. National Ave. for the existing bar. The proposed outdoor area will be located behind the tavern within an enclosed area on premise. The existing pub serves various drinks, but is not a full service restaurant (offers light menu items/pizza's).

4. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits cocktail lounges/taverns and outdoor dining as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the south side of W. National Ave. and S. 69 St. Properties to the east and west are developed for commercial and mixed use. Properties to the south are developed and zoned for residential use. Properties to the north are zoned for commercial use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property is part of a retail-commercial corridor, maintains off-street parking and is served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Guy Rob, d/b/a GR's National Pub, an existing tavern, to establish an outdoor /extension of premise to the existing tavern, 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, Architectural and Signage Plans. The grant of this special use permit is subject to and conditioned upon the Site, Landscaping and Architectural Plans approved on June 26, 2013 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. 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.
3. Hours of Operation. The tavern will be open 7 days a week. The tavern hours of operation are currently 10:00 a.m. till the State of Wisconsin mandated closing time. The outdoor area will be closed between 10:00 p.m. and 10:00 a.m., 7 days a week.
4. Operations:
 - A. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
 - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
 - C. Excessive noise and vibrations shall not emanate from the building.
 - D. 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. 4-sided exterior refuse area being installed with personnel door and access gate.
- G. Special events to be authorized by Common Council.

5. Off-Street Parking. Per current ordinance, the pub is required to have 17 parking spaces. (15 for the pub at 1:150 sq. ft. and 2 for the 2 BR apartment) Sixteen (16) stalls are provided on site, including 2 within the garage. Common Council has the authority to modify the parking requirement.

6. Litter and Monitoring. Employees shall inspect the area 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 four-sided structure. The bar/restaurant and outdoor area shall be adequately monitored by staff.

7. 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 an enclosure 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. 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.

8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

9. 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.

10. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

11. 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.

12. Noise. All exterior doors and windows of the tavern will be closed to prevent excess noise from penetrating the adjacent neighborhood. The outdoor area/patio will close between the hours of 10:00 p.m. and 10 a.m.

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, 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.

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.

Guy Robb 7/12/13

Property owner, Guy Robb/GR's National Pub/Guy Robb, LLC

Mailed to applicant on the

8th day of July, 2013

Monica Schultz
Assistant City Clerk

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

ZON-R-922-7-1-13/bjb

ADOPTED JUL 01 2013
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 7/5/13
Dan Devine
Dan Devine, Mayor

COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0004232190

WEST ALLIS CITY OF-LEGALS
CLERK/TREASURER'S OFFICE, JANEL LEM
7525 W GREENFIELD AVE

West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on **6/13/2013 and 6/20/2013**; that said printed copy was taken from said printed newspaper(s).

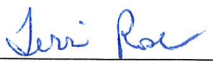


Patti Guerrero

State of Wisconsin

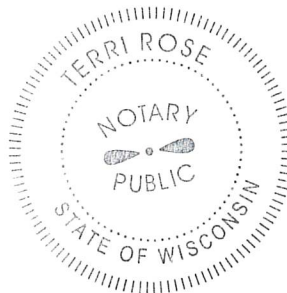
County of Milwaukee

Subscribed and sworn before me this 26 day of June, 2013.



Notary Public State of Wisconsin

My Commission Expires 1-25-15



CITY OF WEST ALLIS

**CITY OF WEST ALLIS,
NOTICE OF HEARING**

Monday, July 1, 2013. 7:00 P.M.
NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Monday, July 1, 2013, at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the Special Use Permit for GR's National Pub, an existing tavern, located at 6827 W. National Ave.

You may express your opinions in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 6th Day of June 2013.
13H20

/s/ Paul M. Ziehler,
City Administrative Officer,
Clerk/Treasurer

PUBLISH: June 13, 2013 and
June 20, 2013
WNAXLP