

49.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

| File Number | Title | Status |
|-------------|-------|--------|
|-------------|-------|--------|

R-2009-0040 Resolution In Committee

Resolution relative to determination of Special Use Permit to establish 88 Keys Piano Martini Lounge restaurant/bar, to be located at 7211 W. Greenfield Ave. (Tax Key No. 453-0089-000)

Introduced: 2/3/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT AS AMENDED

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|---------------|-------|----------|------------|----------|----------|---------|----------|
| <u>2/3/09</u> | ✓ | | Barczak | | | | |
| | | | Czaplewski | | | | |
| | | | Kopplin | ✓ | | | |
| | | | Lajsic | ✓ | | | |
| | | | Narlock | ✓ | | | |
| | | ✓ | Reinke | ✓ | | | |
| | | | Roadt | | | | |
| | | | Sengstock | | | | |
| | | | Vitale | | | | ✓ |
| | | | Weigel | | | | |
| | | | TOTAL | <u>4</u> | <u>0</u> | | <u>1</u> |

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

adopt as amended

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|---------------|-------|----------|-------------------|----------|----------|----------|---------|
| <u>2-3-09</u> | ✓ | | Barczak | ✓ | | ✓ | |
| | | | Czaplewski | ✓ | | | |
| | | ✓ | Kopplin | ✓ | | | |
| | | | Lajsic | ✓ | | | |
| | | | Narlock | ✓ | | | |
| | | | Reinke | ✓ | | | |
| | | | Roadt | ✓ | | | |
| | | | Sengstock | ✓ | | | |
| | | | Vitale <i>noc</i> | | | | |
| | | | Weigel | ✓ | | | |
| | | | TOTAL | <u>8</u> | <u>-</u> | <u>1</u> | |

Eng
B+Z
Dev

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Daniel J. Roadt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: James W. Sengstock
Gary T. Barczak
Daniel J. Roadt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale

Resolution

File Number: R-2009-0040

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit to establish 88 Keys Piano Martini Lounge restaurant/bar, to be located at 7211 W. Greenfield Ave. (Tax Key No. 453-0089-000)

WHEREAS, Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a piano/martini lounge/bar at 7211 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 3, 2009, 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 applicant, Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge, will have an office on site at 7211 W. Greenfield Ave.
2. The applicant has an offer to purchase the property at 7211-13 W. Greenfield Ave., West Allis, Milwaukee County, 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, more particularly described as follows:

Lot 8 in Block 6 in the Central Improvement Co. Subdivision No.1.

Tax Key No. 453-0089-000

Said land being located at 7211-13 W. Greenfield Ave.

3. The applicant is proposing to purchase the property and open a piano/martini lounge/bar. The proposed lounge will occupy one of the two existing tenant spaces and will occupy 2,600 sq. ft. The applicant is also proposing to replace the existing front facade and upgrade the rear facade. The lounge/bar will serve various drinks and appetizers and will have live music.

FOOD

4. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the

City of West Allis, which permits restaurants/cocktail lounges/taverns as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the south side of W. Greenfield Ave. between S. 72 St. and S. 73 St. which is zoned for commercial purposes. Properties to the south are developed as a municipal parking lot, properties to the east, west and north are developed as commercial.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge to operate a piano/martini lounge/bar, 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. The grant of this special use permit is subject to and conditioned upon the architectural, site and floor plans approved on January 28, 2009 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. Restaurant Area. The lounge/bar will consist of approximately 2,600 square feet of area.
4. Restaurant Operations. The lounge/bar will be utilized for dine-in and live music.
5. Hours of Operation. The hours of operation will be ~~from 10:00 a.m. to 2:00 a.m., daily.~~ ^{AS REQUIRED BY STATE LAW} The bar will be open in accordance with the closing hours mandated by state law.
6. Off-Street Parking. The lounge/bar requires a total of 17 parking spaces. No parking stalls will be provided on site. Municipal parking lots are located adjacent to the south and within proximity of the proposed restaurant.
7. Signage. The grant of this special use is subject to all signage plans being in compliance with the Central Business District Sign Code.
8. Litter. 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 structure.

9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.

10. 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.

11. Noxious Odors, Etc. The bar/lounge 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.

12. Pollution. The restaurant 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.

13. Noise. The windows and doors of the lounge/bar will be closed by 12:00 a.m. (midnight) to prevent excess noise from penetrating the neighborhood.

14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

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. Acknowledgement. That the applicant 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.

(Applicants Name)

Mailed to applicant on the
_____ day of _____, 2009

Assistant City Clerk

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

Div. of Planning

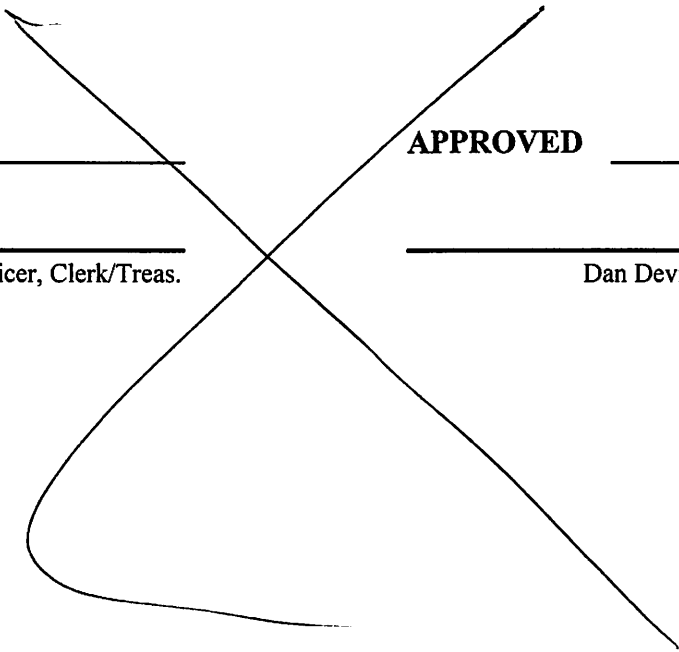
ZON-R-702-2-3-09

ADOPTED _____

APPROVED _____

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

Dan Devine, Mayor





City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0040

Final Action: 2/3/2009

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit to establish 88 Keys Piano Martini Lounge restaurant/bar, to be located at 7211 W. Greenfield Ave. (Tax Key No. 453-0089-000).

WHEREAS, Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a piano/martini lounge/bar at 7211 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 3, 2009, 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 applicant, Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge, will have an office on site at 7211 W. Greenfield Ave.
2. The applicant has an offer to purchase the property at 7211-13 W. Greenfield Ave., West Allis, Milwaukee County, 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, more particularly described as follows:

Lot 8 in Block 6 in the Central Improvement Co. Subdivision No.1.

Tax Key No. 453-0089-000

Said land being located at 7211-13 W. Greenfield Ave.

3. The applicant is proposing to purchase the property and open a piano/martini lounge/bar. The proposed lounge will occupy one of the two existing tenant spaces and will occupy 2,600 sq. ft. The applicant is also proposing to replace the existing front facade and upgrade the rear facade. The lounge/bar will serve various drinks and foods and will have live music.
4. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the

City of West Allis, which permits restaurants/cocktail lounges/taverns as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the south side of W. Greenfield Ave. between S. 72 St. and S. 73 St. which is zoned for commercial purposes. Properties to the south are developed as a municipal parking lot, properties to the east, west and north are developed as commercial.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Suzanne Ball, d/b/a 88 Keys Piano Martini Lounge to operate a piano/martini lounge/bar, 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:

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4. Restaurant Operations. The lounge/bar will be utilized for dine-in and live music.
5. Hours of Operation. The hours of operation will be in accordance with the closing hours mandated by state law.
6. Off-Street Parking. The lounge/bar requires a total of 17 parking spaces. No parking stalls will be provided on site. Municipal parking lots are located adjacent to the south and within proximity of the proposed restaurant.
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basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within an approved structure.

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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. Acknowledgement. That the applicant 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.

(Applicants Name)

Mailed to applicant on the
6th day of February 2009

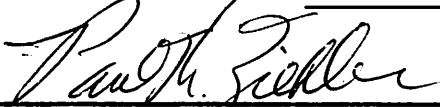

Assistant City Clerk

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

Div. of Planning

ZON-R-702-2-3-09

ADOPTED AS AMENDED 02/03/2009



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

APPROVED AS AMENDED 2/6/09



Dan Devine, Mayor



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

February 6, 2009

Ms. Suzanne Ball
8028 W. National Ave.
West Allis, WI 53214

Dear Ms. Ball:

On February 3, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit to establish 88 Keys Piano Martini Lounge restaurant/bar, to be located at 7211 W. Greenfield Ave.

Please sign and return the enclosed copy of Resolution No. R-2009-0040 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Gregory Barczak



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0040

Final Action: 2/3/2009

Sponsor(s): Safety & Development Committee

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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;

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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.

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18. Acknowledgement. That the applicant 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.



(Applicants Name)

Mailed to applicant on the
6th day of February 2009

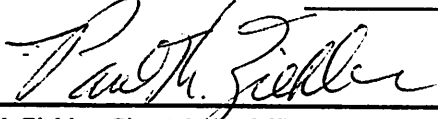

Assistant City Clerk

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

Div. of Planning

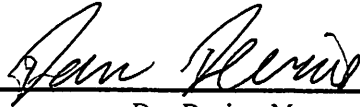
ZON-R-702-2-3-09

ADOPTED AS AMENDED 02/03/2009



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

APPROVED AS AMENDED 2/6/09



Dan Devine, Mayor