

27.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2010-0176 Resolution Introduced

Resolution relative to determination of Special Use Permit for proposed extension of premises for a deck/gazebo addition to Sir Gregory's Pub, located at 7534 W. Beloit Rd.

Introduced: 8/3/2010

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee
L.H.

COMMITTEE RECOMMENDATION

ADOPT AS AMENDED

ACTION DATE:	MOVER	SECONDER		SD	AYE	CH	NO	PRESENT	EXCUSED
			Barczak			X			<i>SKJ</i>
			Czaplewski			X			
<i>8/3/10</i>		<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>					
			Lajsic	<input checked="" type="checkbox"/>					
			Narlock	<input checked="" type="checkbox"/>					
	<input checked="" type="checkbox"/>		Reinke	<input checked="" type="checkbox"/>					
		<input checked="" type="checkbox"/>	Roadt		X				
	<input checked="" type="checkbox"/>		Sengstock		X				
			Vitale						<input checked="" type="checkbox"/>
			Weigel		X				

TOTAL

SD *4* NO *0*
CH *5* EXC *1*

SIGNATURE OF COMMITTEE MEMBER

[Signature] Chair *[Signature]* Vice-Chair _____ Member

COMMON COUNCIL ACTION

ADOPT AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Czaplewski	<input checked="" type="checkbox"/>			
<i>8-3-10</i>			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale <i>h</i>				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			

TOTAL

AYE *9* NO *1*



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0176

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed extension of premises for a deck/gazebo addition to Sir Gregory's Pub, located at 7534 W. Beloit Rd.

WHEREAS, Gregory Tans d/b/a Sir Gregory's Pub, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to create an outdoor dining area; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2010, 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, Gregory Tans d/b/a Sir Gregory's Pub resides at 7236 Devonshire Ave, Greendale, WI 53129.
2. The applicant owns the property located at 7534 W. Beloit Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northwest $\frac{1}{4}$ of Section 10, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as:

Lot 3 of Certified Survey Map No. 4831.

Tax Key No. 488-0512-005

Said land being located at 7534 W. Beloit Rd.

3. The applicant is proposing to construct a new deck/gazebo to serve as an outdoor dining area for Sir Gregory's Pub. The new deck/gazebo will be approximately 600 sq. ft., which will accompany the approximately 1,100 sq. ft. of floor space within the multi-tenant commercial building.
4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits taverns and cocktail lounges and outdoor dining as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the northwest side of W. Beloit Rd. between S. 76 St. and S. 75 St., which is zoned for commercial and residential purposes. Properties to the north and east are developed as residential. Properties to the west 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 Gregory Tans d/b/a Sir Gregory's Pub, to construct a new deck/gazebo to serve as a new outdoor dining area, which will accompany the existing pub located within a portion of a multi-tenant commercial building, 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 Secs. 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, architectural, signage and floor plans being approved, by the City of West Allis Plan Commission on July 28, 2010 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 Neighborhood Services and by the Fire Department.

3. 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. Special events to be authorized by Common Council.

4. Hours of Operation. The hours of operation for the outdoor area shall be in accordance with Sec. 9.02 of the Revised Municipal Code, closed between 12:00 a.m. (midnight) and 10:00 a.m. The tavern will be open 7 days a week. Opening hours shall be seven days a week at 9:00 a.m. Closing shall be in accordance with state mandated regulations.

NO OUTDOOR MUSIC ALLOWED

5. Off-Street Parking. Thirteen (13) parking spaces are required for the entire site, which includes

two (2) parking spaces for the up stairs residential unit(s). A total of five (5) on-site parking spaces, including one (1) ADA spaces shall be provided. The Common Council may modify the off-street parking deficiency.

6. Litter and Monitoring. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse enclosure shall be provided and doors shall remain closed at all times.

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 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.

8. Noxious Odors, Etc. The uses on premise 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.

9. Pollution. The uses on premise 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.

10. 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 also close at midnight (12:00 a.m.) per the City of West Allis Revised Municipal Code.

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

12. 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.

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. Applicant is 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 applicant's 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.

Gregory Tans d/b/a Sir Gregory's Pub

Mailed to applicant on the
_____ day of _____ 2010

Assistant City Clerk

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

ZON-R-775-8-3-10

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-2010-0176

Final Action: 8/3/2010

Sponsor(s): Safety & Development Committee

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WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2010, at 7:00 p.m., in the Common Council Chamber to consider the application; and,

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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.

Gregory Tans d/b/a Sir Gregory's Pub

Mailed to applicant on the
12th day of August 2010

Monica Schulte
Assistant City Clerk

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

ZON-R-775-8-3-10

ADOPTED AS AMENDED 08/03/2010

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

APPROVED AS AMENDED 8/6/10

Dan Devine
Dan Devine, Mayor



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

August 11, 2010

Mr. Gregory L. Tans
Sir Gregory's Pub
7236 Devonshire Ave.
Greendale, WI 53129

Dear Mr. Tans:

On August 3, 2010 the Common Council adopted Resolution relative to determination of Special Use Permit for proposed extension of premises for a deck/gazebo addition to Sir Gregory's Pub, located at 7534 W. Beloit Rd.

Please sign and return the enclosed copy of Resolution No. R-2010-0176 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

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

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: Ted Atkinson
Development