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# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

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

R-2003-0075

Resolution

In Committee

Resolution relative to determination of Special Use Application submitted by Young Yun, d/b/a Las Palmas Restaurant, to establish an outdoor dining area located at 1901 S. 60 St., 6005 W. Burnham St. and 6007-13 W. Burnham St.

Introduced: 02/18/2003

Controlling Body: Safety &amp; Development Committee

### COMMITTEE RECOMMENDATION

File

MOVER: KopplinAYES 5 NOES 0SECONDER: Czaplewski

EXCUSED \_\_\_\_\_

COMMITTEE ACTION DATE 3/18/03

### SIGNATURES OF COMMITTEE MEMBERS

Chair

Vice-Chair

### COMMON COUNCIL ACTION

placed on file

FINAL ACTION DATE March 18, 2003

MOVER:

Lajsic

SECONDER:

Reinke

|               | AYE                                 | NO                       |
|---------------|-------------------------------------|--------------------------|
| 1. Barczak    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Czaplewski | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Kopplin    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Lajsic     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Murphy     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Narlock    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Reinke     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Sengstock  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Trudell    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Vitale    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| TOTAL         | <u>9</u>                            | <u>0</u>                 |



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2003-0075**

**Final Action:**

Resolution relative to determination of Special Use Application submitted by Young Yun, d/b/a Las Palmas Restaurant, to establish an outdoor dining area located at 1901 S. 60 St., 6005 W. Burnham St. and 6007-13 W. Burnham St.

WHEREAS, Young Yun, d/b/a Las Palmas Restaurant, duly filed with the City Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish an outdoor dining area to the rear (west) of the existing building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 18, 2003, at 7:30 p.m., and 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, Young Yun, d/b/a Las Palmas Restaurant, has an office on site at 1901 S. 60 St., 6005 and 6007-13 W. Burnham St., West Allis, WI 53214.

2. The applicant owns the property at 1901 S. 60 St., 6005 and 6007-13 W. Burnham St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 8 and 9 of Block 8 of Assessors Plat No. 268, located in the Northeast part of the Southeast 1/4 of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin

Said land being located at 1901 S. 60 St., 6005 and 6007-13 W. Burnham St.

TAX KEY NOS. 475-0024-000 and 475-0023-000

3. The applicant is proposing to add a 1,200 square foot outdoor dining area immediately to the rear of the existing building (between the building and the garage). The outdoor dining area will be bounded with a decorative fence equipped with a one-way locking gate. Restaurant patrons will be able to exit the outdoor dining area from a gateway built into the fence, but may only enter the outdoor dining premise from/through the restaurant.

4. The outdoor area will be used for full food and beverage service.

5. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits an outdoor dining area as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

6. The subject property is part of a block along the south side of W. Burnham St. between S. 60 St. and S. 61 St., which is zoned for commercial purposes. Properties to the north, west, east and south are zoned for commercial use.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the existing building is used as a restaurant.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Young Yun, d/b/a Las Palmas Restaurant, to establish an outdoor dining area 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 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 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 January 22, 2003, 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. Outdoor Dining Area. The outdoor dining area will be 1,200 square feet and will be limited to twenty-five (25) patrons at one time. The proposed outdoor dining area will not encroach into city right of way.
3. Hours of Operation. The existing restaurant hours are Tuesday through Sunday from 11:00 a.m. to 4:00 a.m. The applicant voluntarily agrees that the proposed outdoor dining area will be open Tuesday through Sunday from 11:00 a.m. to no later than 11:00 p.m. Applicant's challenge of this provision shall expressly void the special use as the special use would not be granted absent these restrictions.
4. Off-Street Parking. The outdoor dining area requires eight (8) spaces. The restaurant currently exists without any off-street parking.
5. Litter. Employees shall inspect the site and immediate vicinity and shall pick up litter on a daily basis.
6. Refuse. Refuse pickup will be provided by a commercial hauler on a daily basis.
7. Restaurant Operations. The outdoor eating area will be utilized for sit-down dining and beverage service.
8. Boundaries. The outdoor dining area shall not extend into the sidewalk area or beyond. A sign shall be erected at exit gate stating, "No alcoholic beverages are permitted beyond this point." A physical boundary (proposed fence) shall be established to partially screen and mark the outdoor dining boundary.
9. Monitoring. The area shall be adequately monitored by staff.
10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.



11. Building and Fire Codes. The grant of this special use is subject to compliance with all building and fire codes.

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.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

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.

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  
day of , 2003

Acting City Clerk/Treasurer

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

ZON-R367\jmg\2-18-03

**ADOPTED** \_\_\_\_\_  
\_\_\_\_\_

Paul M. Ziehler, Acting City Clerk/Treasurer

**APPROVED** \_\_\_\_\_  
\_\_\_\_\_

Jeannette Bell, Mayor