

39.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2010-0101 Resolution Introduced

Resolution relative to determination of Special Use Permit for proposed building addition to O'Conner's Perfect Pint located at 8423 W. Greenfield Ave.

Introduced: 4/6/2010

Controlling Body: Safety & Development Committee
and License + Health Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ASOP

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4/6/10</u>			Barczak				✓
			Czaplewski	✓			
			Kopplin				✓
			Lajsic		✓		
			Narlock		✓		
			Reinke				✓
	✓		Roadt	✓			
			Sengstock	✓			
			Vitale		✓		
		✓	Weigel	✓			
			TOTAL	4	0		1
				(3) STD			(2) STD

SIGNATURE OF COMMITTEE MEMBER

Chair Vice-Chair _____ Member _____

COMMON COUNCIL ACTION AD OPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4-6-10</u>	✓		Barczak <i>e</i>				✓
			Czaplewski	✓			
			Kopplin <i>e</i>				✓
		✓	Lajsic	✓			
			Narlock	✓			
			Reinke <i>e</i>				✓
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	7	—		3



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

June 14, 2010

Mike O'Connor
15435 Carpenter Rd.
Brookfield, WI 53005

Dear Mr. O'Connor:

On April 6, 2010 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed building addition to O'Connor's Perfect Pint located at 8423 W. Greenfield Ave.

Please sign and return the enclosed copy of Resolution No. R-2010-0101 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive that reads "Monica Schultz". Below the signature, the initials "amn" are written in a smaller, simpler script.

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development
Donald Kurkowski (Architects/Planners)



CITY CLERK/TREASURER'S OFFICE

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Paul M. Ziebler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

April 14, 2010

Mike O'Connor
O'Connor's Perfect Pint
8423 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. O'Connor:

On April 6, 2010 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed building addition to O'Connor's Perfect Pint located at 8423 W. Greenfield Ave.

A copy of Resolution No. R-2010-0101 is enclosed.

Sincerely,

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

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development
Donald Kurkowski (Architects/Planners)



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0101

Final Action:

Sponsor(s): Safety & Development Committee

APR 06 2010

Resolution relative to determination of Special Use Permit for proposed building addition to O'Connor's Perfect Pint located at 8423 W. Greenfield Ave.

WHEREAS, Mike O'Connor, d/b/a O'Connor's Perfect Pint, 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, to construct an addition to the existing tavern and to establish an outdoor patio area as part of the proposed project located at 8423 W. Greenfield Ave; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 6, 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, Mike O'Connor, d/b/a O'Connor's Perfect Pint, has an office and resides on site at 8423 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant owns the commercial mixed use property at 8423 W. Greenfield Ave., and the abutting residential property to the west of 8249-31 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 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Lots 5, 6 and West 3.00 feet of Lot 4, all being located in Block 7 of Kinsey's Cornwall Heights No. 2 subdivision.

Tax Key No. 451-0612-001

Said land being located at 8421-8423 W. Greenfield Ave.

3. The applicant is proposing to establish/construct a 900 square foot building addition to the existing bar. As part of the project, a small outdoor patio will be established along W. Greenfield Ave. in front of the new addition (extension of premises). The proposed outdoor area/addition will be located on the west side of the existing tavern. The existing tavern serves various drinks and

basic pub foods. The tavern is located on the first floor. The second floor is used as a 2-bedroom residence. The basement of the building is utilized for storage purposes only.

4. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed use buildings, 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 part of a block along the south side of W. Greenfield Ave. between S. 84 St. and S. 85 St. which is zoned for commercial purposes. Properties to the south are developed as residential. Properties to the east are developed as office/commercial. Properties to the north are developed as commercial, and properties to the west are developed as low density residential.

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 Mike O'Connor, d/b/a O'Connor's Perfect Pint, to construct a tavern addition and an outdoor patio addition for dining and extension of premises, 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, Architectural and Signage Plans. The grant of this special use permit is subject to and conditioned upon the architectural, site, landscaping, signage and floor plans approved on March 24, 2010 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 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. Monday thru Friday, open at 11:00 a.m., Saturday and Sunday, open at 9:00 a.m. Closing hours shall be in accordance with state mandated regulations.

4. Off-Street Parking. The property/development requires a total of 18 parking spaces. Fourteen (14) parking stalls will be provided on site. The Common Council may modify the parking requirement based upon Section 12.16 of the Revised Municipal Code (as part of the special use).

5. 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 structure. The bar/restaurant, outdoor area and parking lots shall be adequately monitored by staff.
6. Grant of Privilege. The grant of this special use is conditioned upon and subject to the applicant obtaining an encroachment permit through the Board of Public Works for any site improvements that encroach into the City right of way.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.
8. 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.
9. 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.
10. 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.
11. 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.
12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
13. 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.
14. 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.

15. 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.

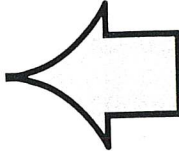
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

16. 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.

17. Termination of Special Use. 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.

18. 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.



(Applicants Name)

Mailed to applicant on the
15th day of April, 2010

Monica Schulte
Assistant City Clerk

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

ZON-R-753-4-6-10

ADOPTED APR 06 2010
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 4/14/10
Dan Devine
Dan Devine, Mayor