



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2003-0182	Resolution	In Committee
	Resolution relative to determination of Special Use Application submitted by Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, to establish an <del>area</del> <sup>indoor recreation</sup> activity center in the existing building located at 7017 W. Greenfield Ave.	
	Introduced: 6/3/2003	Controlling Body: Safety & Development Committee

**COMMITTEE RECOMMENDATION** adopted as amended

MOVER: Czaplewski AYES 4 NOES 0

SECONDER: Wojcik EXCUSED Narlock

COMMITTEE ACTION DATE 6/17/03

### SIGNATURES OF COMMITTEE MEMBERS

[Signature]  
Chair

\_\_\_\_\_  
Vice-Chair

**COMMON COUNCIL ACTION** adopted as amended

FINAL ACTION DATE 6-17-03

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"/>
<del>Murphy</del>		
6. Narlock	<u>exc</u>	<input type="checkbox"/>
7. Reinke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Sengstock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Trudell	<u>exc</u>	<input type="checkbox"/>
10. Vitale	<u>exc</u>	<input type="checkbox"/>
<u>Weigel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>7</u>	<u>0</u>



# City of West Allis

## Resolution

7525 W. Greenfield Ave.  
West Allis, WI 53214

**File Number: R-2003-0182**

**Final Action: 6/17/2003**

Resolution relative to determination of Special Use Application submitted by Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, to establish an indoor recreation activity center in the existing building located at 7017 W. Greenfield Ave.

WHEREAS, Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, duly filed with the City Administrative Officer-City 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 establish the Game Castle activity center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 3, 2003, at 7:30 p.m., and 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, Timm Sullivan, resides at 9017 W. Congress, Milwaukee, WI 53225
2. The applicant has an offer to purchase the property at 7017 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 3 in Block 4 of Central Improvement Company Subdivision No. 1, being part of the Northwest 1/4 of Section 32, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of the Lot 1, Block 4 of said subdivision; thence South 88° 05' 51" West, 74.00 feet parallel with north line of said Northwest 1/4 to the northeast corner of Lot 3 and Point of Beginning; thence South 00° 27' 37" East, 120.00 feet;

Said land being located at 7017 W. Greenfield Ave.  
(TAX KEY NO.: 453-0037-000)

3. The Game Castle is interested in locating its business in Downtown West Allis within the former Graphic Impressions building. The proposed use will offer a retail area for game-related merchandise, under 5 arcade games, and several tables for social card playing tournaments like Yu-Gi-Oh (not gambling), an adventure game of various mythical characters with varying degrees of power/value where one can trump the other. Other activities on site will be a DDR (Dance, Dance Revolution Machine), an interactive/aerobic music machine game where a person pays a fee to keep up with the rhythm of the machine by stepping on various arrows that light up.

Game Castle was previously located on S. 116 St. in Wauwatosa within a former 1,500 sq. ft. pharmacy, and became a popular destination for gamers from ages 6-34, wanting to play in the tournaments and other games offered on premise. However, the number of customers drawn to the location to play exceeded the capacity. Finally the Game Castle decided to look for another location where their business could expand to meet the demand.

The proposed West Allis location contains approximately 2,500 sq. ft. on the first floor and has a partial basement. The owners of the Game Castle wish to use the main level of the building and potentially, if successful, expand into the basement in the future. The floor plan will offer an area for indoor recreational uses/games, an area for five tournament tables, retail counter area for sales of cards and other gaming merchandise, two storage rooms and restroom facilities.

The West Allis location is desirable to Game Castle for its central location on a public transit line, access to public parking, and the safe neighborhood. Expected typical/average customers within the store at any time may be 20-30 people with as many as 100 people during tournament play. Closed circuit TV's are proposed as a means of security and customers will be monitored regularly. Bike Racks will be installed to accommodate patrons.

4. The aforesaid premises is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits indoor recreation centers, including game centers and tournament facilities as a special use, pursuant to Sec. 12.40(2)(p) 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. 70 St. and S. 71 St., which is zoned for commercial purposes. Properties to the north, west and east are developed as commercial; properties to the south are parking lots followed by residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area. Municipal parking is located adjacent to the proposed use and within the downtown. Bike racks for patrons will be provided on site.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of the Game Castle to establish an indoor recreation center for sale of retail merchandise, games and tournaments 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 May 28, 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. **Hours of Operation.** Summer hours: Monday through Friday, 12:30 p.m. to 10:00 p.m.; Saturday and Sunday 12:00 (noon) to 10:00 p.m. School year hours: Monday through Friday, 2:30 p.m. to 10:00 p.m.; Saturday and Sunday 12:00 (noon) to 10:00 p.m.
3. **Off-Street Parking.** The indoor recreation center is required to provide sixteen (16) stalls and all parking will be provided by the municipal lot behind the building. A bike rack will be provided on site for patrons.
4. **Litter.** Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
5. **Basement.** The basement should not be used for any use other than storage.
6. **License.** All licenses herein provided for shall be issued upon approval by the Common Council, and shall limit the holder thereof to operate only on the premises for which the license has been issued. All licenses shall expire on the 30th day of June following the date of issuance.
7. **Gambling.** No person, while using or operating a game of amusement or amusement device, or card tournament or while on the licensed premises, shall gamble or make any bets.
8. **Truancy.** No person under the age of eighteen (18) years shall be permitted on the licensed premises where the use of games of amusement or amusement devices is offered to the public for a fee during school hours when the West Allis-West Milwaukee public schools are in session, unless accompanied by his or her legal parent or guardian.
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. **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.


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  
23<sup>rd</sup> day of June, 2003.

  
\_\_\_\_\_  
City Administrative Officer  
Clerk/Treasurer

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

ZON-R383\jmg\6-3-03

**ADOPTED AS AMENDED** 06/17/2003

  
\_\_\_\_\_  
Paul M. Ziehler, CAO, Clerk/Treasurer

**APPROVED AS AMENDED** 6-20-03

  
\_\_\_\_\_  
Jeannette Bell, Mayor



# CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

**Paul M. Ziehler**  
*City Administrative Officer  
Clerk/Treasurer*

**Dorothy E. Steinke**  
*Deputy City Treasurer*

**Monica Schultz**  
*Assistant City Clerk*

June 23, 2003

Timm Sullivan  
Zajal and Jypsy's Game Castle  
9017 W. Congress  
Milwaukee, WI 53225

Dear Mr. Sullivan:

On June 17, 2003, the Common Council adopted as amended the Resolution relative to determination of Special Use Application submitted by Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, to establish an indoor recreation activity center in the existing building located at 7017 W. Greenfield Ave. Also, the Common Council passed as amended the Ordinance to amend Section 12.40(2)(p) of the Revised Municipal Code to permit indoor recreation facilities as a special use in the C-1 Central Business District

Copies of Resolution No. R-2003-0182 and Ordinance No. O-2003-0040 are enclosed.

Sincerely,

Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

/ms  
encl.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Jonathan Ward  
Barb Burkee



# City of West Allis

## Resolution

7525 W. Greenfield Ave.  
West Allis, WI 53214

**File Number: R-2003-0182**

**Final Action:**

Resolution relative to determination of Special Use Application submitted by Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, to establish an arcade activity center in the existing building located at 7017 W. Greenfield Ave.

WHEREAS, Timm Sullivan, d/b/a Zajal and Jypsy's Game Castle, duly filed with the City Administrative Officer-City 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 establish the Game Castle activity center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 3, 2003, at 7:30 p.m., and 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, Timm Sullivan, resides at 9017 W. Congress, Milwaukee, WI 53225
2. The applicant has an offer to purchase the property at 7017 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 3 in Block 4 of Central Improvement Company Subdivision No. 1, being part of the Northwest 1/4 of Section 32, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of the Lot 1, Block 4 of said subdivision; thence South 88° 05' 51" West, 74.00 feet parallel with north line of said Northwest 1/4 to the northeast corner of Lot 3 and Point of Beginning; thence South 00° 27' 37" East, 120.00 feet;

Said land being located at 7017 W. Greenfield Ave.  
(TAX KEY NO.: 453-0037-000)

3. The Game Castle is interested in locating its business in Downtown West Allis within the former Graphic Impressions building. The proposed use will offer a retail area for game-related merchandise, over 5 arcade games, and several tables for social card playing tournaments like Yu-Gi-Oh (not gambling), an adventure game of various mythical characters with varying degrees of power/value where one can trump the other. Other activities on site will be a DDR (Dance, Dance Revolution Machine), an interactive/aerobic music machine game where a person pays a fee to keep up with the rhythm of the machine by stepping on various arrows that light up.

Game Castle was previously located on S. 116 St. in Wauwatosa within a former 1,500 sq. ft. pharmacy, and became a popular destination for gamers from ages 6-34, wanting to play in the tournaments and other games offered on premise. However, the number of customers drawn to the location to play exceeded the capacity. Finally the Game Castle decided to look for another location where their business could expand to meet the demand.

The proposed West Allis location contains approximately 2,500 sq. ft. on the first floor and has a partial basement. The owners of the Game Castle wish to use the main level of the building and potentially, if successful, expand into the basement in the future. The floor plan will offer an area for about eight arcade games, an area for five tournament tables, retail counter area for sales of cards and other gaming merchandise, two storage rooms and restroom facilities.

The West Allis location is desirable to Game Castle for its central location on a public transit line, access to public parking, and the safe neighborhood. Expected typical/average customers within the store at any time may be 20-30 people with as many as 100 people during tournament play. Closed circuit TV's are proposed as a means of security and customers will be monitored regularly.

4. The aforesaid premises is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits arcades as a special use, pursuant to Sec. 12.40(2)(p) 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. 70 St. and S. 71 St., which is zoned for commercial purposes. Properties to the north, west and east are developed as commercial; properties to the south are parking lots followed by 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 the Game Castle to establish an arcade 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 May 28, 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. Hours of Operation. Summer hours: Monday through Friday, 12:30 p.m. to 10:00 p.m.; Saturday and Sunday 12:00 (noon) to 10:00 p.m. School year hours: Monday through Friday, 2:30



p.m. to 10:00 p.m.; Saturday and Sunday 12:00 (noon) to 10:00 p.m.

3. **Off-Street Parking.** The arcade is required to provide sixteen (16) stalls and all parking will be provided by the municipal lot behind the building.
4. **Litter.** Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
5. **Basement.** The basement should not be used for any use other than storage.
6. **License.** All licenses herein provided for shall be issued upon approval by the Common Council, and shall limit the holder thereof to operate an arcade only on the premises for which the license has been issued. All licenses shall expire on the 30th day of June following the date of issuance.
7. **Gambling.** No person, while using or operating a game of amusement or amusement device, or while on the licensed premises, shall gamble or make any bets.
8. **Truancy.** No person under the age of eighteen (18) years shall be permitted on the licensed premises where the use of games of amusement or amusement devices is offered to the public for a fee during school hours when the West Allis-West Milwaukee public schools are in session, unless accompanied by his or her legal parent or guardian.
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. **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.

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.

\_\_\_\_\_  
City Administrative Officer  
Clerk/Treasurer

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

ZON-R383\jmg\6-3-03

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

\_\_\_\_\_  
Paul M. Ziehler, CAO, Clerk/Treasurer

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

\_\_\_\_\_  
Jeannette Bell, Mayor