



City of West Allis

Resolution: R-2018-0162

File Number: R-2018-0162

Final Action:

Sponsor(s): Safety & Development Committee

MAR 06 2018

Resolution relative to determination of Special Use Permit for Antigua Latin Restaurant, LLC, to relocate to 6207 W. National Ave.

WHEREAS, Citlali Mendieta-Ramos, d/b/a Antigua Latin Restaurant, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis, to establish a restaurant and catering business within the existing mixed use commercial and residential building (formerly a bakery) at 6207 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 6, 2018 at 7:00 p.m., 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, Citlali Mendieta-Ramos, d/b/a Antigua Latin Restaurant, LLC, will lease the property from Delton Properties, LLC/property owner of 1629 S. 50 St., Milwaukee, WI 53208 to-wit:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lot 2 in Block 3 in Liberty Heights subdivision.

Tax Key No. 454-0072-000

Said land being located at 6207-6211 W. National Ave.

2. The aforesaid premise is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants, outdoor seating/dining (extension of premise), food production limited/catering as a Special Use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.

3. The proposed tenant Antigua Latin Restaurant will lease the premise with an option to purchase. A restaurant, catering and option to offer outdoor dining/extension of premise subject to necessary licensing is granted with the approval of this special use.

4. The subject property is located along a commercial corridor on the south side of W. National Ave. Properties to the north, east and west are zoned and developed as commercial uses. Properties to the south are developed as municipal parking and zoned residential.

5. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. While the property has been vacant for a few years, it was formerly used as a bakery.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Citlali Mendieta-Ramos, d/b/a Antigua Latin Restaurant, LLC, 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 site, landscaping and architectural plans approved by the West Allis Plan Commission on February 27, 2018. No alterations or modification to the approved plan shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans, Fire Codes and Licenses. 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. All applicable State and local licenses being applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.

3. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, a total of 18 parking spaces are required for the property (16 for the restaurant and 2 for the one bedroom apartment). A total of 42 off-street parking spaces are currently provided off-site on the abutting municipal parking lot. The applicant has requested use of one parking space for a commercial food truck.

4. Restaurant Operations:

A. Hours of Operation. The applicant has indicated the following hours of operation: Sunday through Thursday 10am to 9pm and Friday through Saturday 10am to 10pm.

a. For the purposes of this special use, the general hours of operations shall be between 8am and 11pm daily (seven days per week).

b. An outdoor patio is not proposed, but any future outdoor dining area option will be closed between 10:00pm and 10:00am.

B. The dining room is planned to accommodate approximately 50 guests (subject to occupancy limits).

C. Refuse pick up shall be under contract with a commercial hauler service. Any outdoor waste,

recycle, grease and similar containers must be screened from view within an approved enclosure as approved by the Plan Commission.

- D. Excessive odors from cooking on premises shall not emanate from the building.
- E. Noise and vibrations shall not emanate from the building. All exterior doors and windows of the establishment will be closed to prevent nuisance noise from entering the surrounding neighborhood.
- F. Outdoor dining extension of premise is granted with this special use, but subject to site review before the West Allis Plan Commission and necessary licenses and permits.
- G. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
- H. Exterior pest control shall be contracted on a monthly basis.
- I. Special events to be authorized by the Common Council.
- J. Antigua is a food establishment under RMC Section 7.04.

5. Signage. Compliance with the West Allis signage ordinance. Window signage shall not exceed 20% of each window area and be located internally. Any lighting elements shall be subject to review and approval by the Department of Development.

6. 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.

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 Plan Commission. Refuse, recyclables, grease, and other waste materials will be fully enclosed within the approved structure.

8. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

9. 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.

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

11. Noxious Odors, Etc. The restaurant 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 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. 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.

14 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.

15. 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.

16. 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.

17. 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.

Citlali Mendieta-Ramos, d/b/a Antigua Latin Restaurant, LLC

Mailed to applicant on the
13 day of March, 2018

cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning

ZON-R-1132-3-6-18

ADOPTED MAR 06 2018

APPROVED 3/12/18

Steven A. Braatz, Jr., City Clerk
Dan Devine, Mayor