



City of West Allis

Resolution: R-2015-0136

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2015-0136

Final Action:

Sponsor(s): Safety & Development Committee

JUN 02 2015

Resolution relative to determination of a Special Use Permit to establish a restaurant within a portion of Riviera Lanes, an existing bowling alley, located at 8600 W. Greenfield Ave. and Tax Key Nos. 442-0592-000 and 442-0590-000.

WHEREAS, 8600 West Greenfield LLC, d/b/a Riviera Lanes, duly filed with the City Clerk an application for a special use permit, pursuant to Sec. 12.41(2), and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant use within a portion of the existing building, located at 8600-16 W. Greenfield Ave., and parcel tax key no. 442-0592-000 and parcel tax key no. 442-0590-000; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 2, 2015, 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, 8600 West Greenfield LLC, d/b/a Riviera Lanes, has offices on site at 8600-16 W. Greenfield Ave. West Allis, WI 53214.
2. The applicant owns the property at 8600-16 W. Greenfield Ave. and two parcels located at 1300 S. 86 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 33, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 29 thru 32 in Block 6 of the Assessors Plat No. 258.

Tax Key No. 442-0591-000, 8600-16 W Greenfield Ave. (Building)

Tax Key No. 442-0592-000, 1300 Block S 86 St. (Parking lot)

Tax Key No. 442-0590-000, 1300 Block S 86 St. (Parking lot)

Said land is currently situated over three parcels located at 8600-16 W. Greenfield Ave., and the 1300 block of S. 86 St. The Plan Commission has recommended that the 3 parcels be consolidated into one lot of record.

3. The existing use of the building includes a bowling alley and a residential apartment use (a mixed use). The existing bowling alley (with 16 lanes) is approximately 13,000-sf in area. The existing residential apartment is approximately 1,000-sf, and the existing banquet/party room with bar is about 1,500-sf. The proposal is to convert the existing residential apartment use to a commercial kitchen and

remodel the existing banquet/party room area into a sit down restaurant/pub (with a bar). The new restaurant/pub will consist of approximately 2,500-sf.

4. The aforesaid premises is zoned C-2, Neighborhood Commercial District and restaurants are special uses, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the north side of W. Greenfield Ave. between S. 86 St. and S. 87 St., which is zoned for commercial purposes. Properties to the east, west and south are developed as commercial uses and properties to the north are developed as residential use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property, on street parking and public transportation along the commercial corridor.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of 8600 West Greenfield LLC, d/b/a Riviera Lanes, located at 8600-16 W Greenfield Ave. and 1300 S. 86 St., 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. 12.41(2) and 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, landscape, screening and architectural plans approved 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. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, Ninety-six (96) parking spaces are required for the property (16 for the proposed restaurant and 80 for the bowling alley). Off-street parking for approximately 71 spaces is available on site. With the adoption of this special use Common Council accepts the parking deficiency (about up to 25 parking spaces).

The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code .

The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property and coupled with on street parking. Public transportation is also available along the W. Greenfield Ave. neighborhood commercial corridor.

4. Commercial Business Operations.

A. Restaurant hours. Hours of operation are 7:00 am to state mandated closing time daily. The existing bowling alley currently operates under similar hours. Any future outdoor areas (i.e. extension of premise) shall be closed between the hours of 10:00 pm - 10:00 a.m.

B. Odors. Excessive odors from cooking on premises shall be controlled within limits of current technology.

C. Outdoor equipment. Refrigerator/coolers shall locate condensers within an enclosed area to match the building and preferably within the building envelope.

D. Exterior openings. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.

E. Noise. Excessive noise and vibrations shall not emanate from the building.

F. Pest Control. Exterior pest control shall be contracted on a monthly basis.

G. Outdoor seating area and/or outdoor extension of licensed premise. While not proposed as part of the current project, with the approval of this special use Common Council accepts an outdoor seating, dining and extension of premise subject to Plan Commission site, landscaping and architectural plan review and approval. Such outdoor area shall be closed between the hours of 10pm and 10am.

5. Litter and Monitoring. Employees shall routinely inspect the premise/site, and immediate vicinity, and pick up litter on a daily basis. The property shall be routinely maintained and kept free of weeds and debris.

6. Deliveries and Refuse Collection. All Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers as approved by the Department of Development.

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 are residents that live within the 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 10:00 p.m. and 7:00 a.m.

7. 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.

8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

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

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

11. 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.

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 applicants sign 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.

8600 West Greenfield LLC, property owner

Mailed to applicants on the

10th day of June, 2015

Monica Schultz

City Clerk

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

ZON-R-997-6-2-15

ADOPTED JUN 02 2015

Monica Schultz

Monica Schultz, City Clerk

APPROVED 6/5/15

Dan Devine

Dan Devine, Mayor

