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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0246	Resolution	In Committee
Resolution relative to determination of Special Use Application submitted by Scott T. McGlinchey, d/b/a Q real American food Greenfield, LLC, to establish a restaurant within The Berkshire building located at 6425 W. Greenfield Ave.		
Introduced: 08/03/2004		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/3/04</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock				
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>	<u>1</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 03 2004</u>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>1</u>		

S. Schaefer
B. Barker
J. Stibel
Applicant

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL 2004

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

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Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
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Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2004-0246

Final Action:

AUG 03 2004

Resolution relative to determination of Special Use Application submitted by Scott T. McGlinchey, d/b/a Q real American food Greenfield, LLC, to establish a restaurant within The Berkshire building located at 6425 W. Greenfield Ave.

WHEREAS, Scott T. McGlinchey, d/b/a Q real American food Greenfield, LLC, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2), Sec. 12.61 and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant within The Berkshire building and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2004, 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, Scott T. McGlinchey, d/b/a Q real American food Greenfield, LLC, resides at W349 S10115 Bittersweet Ct., Eagle, WI 53119.
2. The applicant has a valid offer to lease space at 6425 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Beginning at the Northwest corner of the Kenneth Heights Subdivision, point being at the north line of said Section 3 which is also centerline of the West Greenfield Avenue; thence North $88^{\circ}05'31''$ East, 120.00 feet along said line; thence South $01^{\circ}54'29''$ East, 175.28 feet, to the southerly line of the alley; thence South $57^{\circ}15'36''$ West, 104.81 feet, along said southerly line; thence South $88^{\circ}05'31''$ West, 90.00 feet, along said southerly line; thence South $01^{\circ}54'29''$ East, 74.00 feet; thence South $88^{\circ}05'31''$ West, 141.25 feet, to the centerline of the South 65th Street; thence North $01^{\circ}54'29''$ West, 303.00 feet, along said centerline, to the centerline of the West Greenfield Avenue and north line of said Section 3; thence North $88^{\circ}05'31''$ East, 201.25 feet along said centerline of West Greenfield Avenue and said north line to the Point of Beginning of this description.

Tax Key No. 454-0635-000

Said land being located at 6425 W. Greenfield Ave.

3. The applicant is proposing to establish a barbecue restaurant in a portion of the retail space of

The Berkshire for dine-in and carryout within the building.

4. The aforesaid premises is zoned PDD-2 Planned Development District-Commercial with underlying zoning being C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.42(2), Sec. 12.61 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. 65 St. and S. 64 St., which is zoned for commercial purposes. Properties to the west are developed as manufacturing; properties to the north, east and south are developed for commercial and residential.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area. A new parking lot will be constructed for The Berkshire development.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Scott T. McGlinchey, d/b/a Q real American food Greenfield, LLC, to establish a restaurant within The Berkshire building 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, signage and architectural plans approved on July 28, 2004, 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. Restaurant Area. The floor area for the restaurant will consist of 2,900 square feet of area within the first floor of The Berkshire building. Seating for sixty-eight (68) and standing for three (3) patrons will be provided.
4. Restaurant Operations. The restaurant will be utilized for dine-in and carryout. Outdoor dining is permitted on site, but is subject to a revised site, landscaping plan being submitted to and approved by the West Allis Plan Commission.
5. Hours of Operation. The hours of operation will be 11:00 a.m. to 10:00 p.m., Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sunday.
6. Off-Street Parking. Nineteen (19) parking stalls are required for the proposed restaurant and a

total of forty-nine (49) surface stalls for visitors and customers are provided by The Berkshire master parking plan. The eighty (80) senior apartment units require a total of 40 parking stalls. Thirty-six (36) underground parking stalls are provided for the apartment residents. The remaining approximate 6,000 square feet of retail space would require twenty (20) parking stalls at 1/300 (retail/office) or forty (40) stalls at 1/150 (restaurant). In addition, street parking along S. 65 St. and W. Greenfield Ave. will be available.

7. Loading Zone. A loading zone will be established on the east side of S. 65 St. for deliveries and carryout food orders.

8. Signage. The grant of this special use is subject to all signage and lighting plans being submitted to the Plan Commission for approval within one year.

9. Litter. 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.

10. 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.

11. 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.

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
9th day of August, 2004

Monica Schults

Assistant City Clerk

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

ZON-R-445-8-3-04\bjb

ADOPTED

August 3 2004

Paul M. Ziehler

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

August 6, 2004

Jeannette Bell

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

August 9, 2004

Scott T. McGlinchey
d/b/a Q real American food Greenfield LLC
W349 S10115 Bittersweet Ct.
Eagle, WI 53119

Dear Mr. McGlinchey:

On August 3, 2004 the Common Council adopted the resolution relative to determination of Special Use Application submitted by Scott T. McGlinchey d/b/a Q real American food Greenfield, LLC, to establish a restaurant within The Berkshire building located at 6425 W. Greenfield Ave.

A copy of Resolution No. R-2004-0246 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/dm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee