



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

June 7, 2010

Carol Jackson
d/b/a HD Hideout
6009 W. Mitchell St.
West Allis, WI 53214

Dear Ms. Jackson:

On June 1, 2010 the Common Council denied a Resolution relative to determination of Special Use Permit to establish outdoor dining at HD Hideout, an existing tavern located at 6201 W. Mitchell St.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0136

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit to establish outdoor dining at HD Hideout, an existing tavern located at 6201 W. Mitchell St.

WHEREAS, Carol Jackson, d/b/a HD Hideout, 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 establish an outdoor deck extension of premise area for the existing tavern located at 6201 W. Mitchell St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 1, 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, Carol Jackson, d/b/a HD Hideout, resides at 6009 W. Mitchell St., West Allis, WI 53214.
2. The applicant owns the property at 6201 W. Mitchell St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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, Wisconsin, described as follows:

Lot 1 in Block 5 in the Central Improvement Co.'s Subdivision No. 2.

Tax Key No. 454-0514-000

Said land being located at 6201 W. Mitchell St.

3. The applicant is proposing to establish/construct a deck addition (extension of premises). The proposed outdoor area/addition will be located on the south 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 two (2) apartment units. 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 cocktail lounges/taverns and outdoor dining/extension of premise 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. Mitchell St. between S. 60 St. and S. 61 St. which is zoned for commercial purposes. Properties to the south are developed as a residential. Properties to the east are developed as commercial and light industrial. Properties to the north and west are developed as residential.

6. The proposed development of an extension of premise deck 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 Carol Jackson, d/b/a HD Hideout to establish an outdoor deck addition for an extension of premise, 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 an architectural, site and floor plans being 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. Hours of Operation. The hours of operation for the tavern are 6:00 a.m. to state mandated regulation closing time. 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. Closing shall be in accordance with state mandated regulations.

4. Operations. The Common Council has the authority to revoke the special use if it is determined that the use is a problem/nuisance with the surrounding neighborhood.

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

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

current technology. (Specifications of required machinery can be added).

C. Excessive noise and vibrations shall not emanate from the building.

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

E. Outdoor speakers, music and/or TV monitors are not permitted.

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

G. Special events to be authorized by Common Council.

5. Off-Street Parking. The property/development requires a total of 14 parking spaces. Two (2) garage parking stalls are provided on site.

6. 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 tavern, outdoor area and property shall be adequately monitored by staff.

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 tavern shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

10. Pollution. The tavern 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 deck/extension of premise will also close at midnight (12:00 a.m.) per the City of West Allis Revised Municipal Code. The outdoor area shall not create a public nuisance.

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. 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, the special use may be terminated.

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.

Carol Jackson, d/b/a HD Hideout

Mailed to applicant on the
7th day of June, 2010

Munira Schultz
Assistant City Clerk

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

ZON-R-766-6-1-10

*Deny
6-1-10*

ADOPTED _____

APPROVED _____

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

Dan Devine, Mayor