



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution: R-2015-0152

File Number: R-2015-0152

Final Action:

Sponsor(s): Safety & Development Committee

OCT 06 2015

Resolution relative to determination of Special Use Permit for a proposed extension of premise at Guzzler's Sports Lounge, an existing business located at 7408 W. Walker St.

WHEREAS, Eric Millard, d/b/a Guzzler's Sports Lounge, 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 an outdoor extension of premise for the tavern within the existing mixed-use building, located at 7408 W. Walker St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 7, 2015, 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, Eric Millard, d/b/a Guzzler's Sports Lounge, has offices at 7408 W. Walker St., West Allis, WI 53214.
2. Steve Dunn, who resides at 5435 S. Nicole Ct., New Berlin, WI 53151, owns the property at 7408 W. Walker 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 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

The south 10' of Lot 8 and all of Lots 9 and 10 in Block 3 of the Fairview Parks Subdivision.

Tax Key No. 440-0030-002

Said land being located at 7408 W. Walker St.

3. The applicant is proposing to construct a wood fence to enclose the east side yard for an outdoor extension of premise for the existing tavern with food, drinks and games. The proposed outdoor area/addition will be located on the east side of the existing tavern. The existing tavern serves various drinks and offers a full menu of food options including burgers, pizza and fish fries. The tavern is located on the first floor. The second floor has a two-bedroom rental unit. 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 taverns and outdoor dining as a Special Use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the northwest corner of W. Walker St. and S. 74 St. Properties to the north, east, south and west are zoned and used for residential purposes. A property located diagonally on the corner from the property is also zoned and utilized for a commercial tavern use.

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 Eric Millard, d/b/a Guzzler's Sports Lounge to establish an outdoor 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 the architectural, site and landscaping plans approved on June 24, 2015 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. Under the terms of the Special Use Permit, the tavern may be open from 10:00 a.m. until State-mandated closing time, 7 days per week. The grant of this special use is subject to the outdoor area being closed between 10:00 p.m. and 11:00 a.m., 7 days per week.
4. Outdoor Dining Area. The outdoor dining area shall be located within the eastern side yard of the property in an area bounded by a board-on-board perimeter fence and shall be operated in accordance with all applicable State and local regulations.
 - A. Boundaries. The outdoor dining area shall not extend beyond the perimeter fencing. A sign shall be erected at the entrance/exit to the area that states, "No alcoholic beverages are permitted beyond this point."
 - B. Monitoring. The outdoor dining area shall be adequately monitored by staff.
5. Off-Street Parking. Under the current parking requirements, this property is required to provide 16 parking spaces for the tavern and outdoor extension use and 2 for the potential residential unit. Approximately 10 onsite parking spaces are provided on site.

The Common Council has the authority to accept the revised parking provisions as a condition of the

Special Use. With the approval and signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with section 12.16(9)(a) of the Revised Municipal Code.

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 bar/restaurant, outdoor area and parking lots shall be adequately monitored by staff.
7. Refuse Collection to be provided by a commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within a four-sided board-on-board enclosure to match improvements on the building/site.)
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.
9. 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.
10. Noxious Odors, Etc. The uses on premise 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.
11. Pollution. The uses on premise 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.
12. Noise. The outdoor area/patio will close at 10 pm, per the conditions of this Special Use Permit.
13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
14. 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.
15. 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.

16. 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.

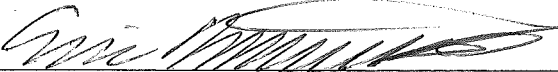
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

17. 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.

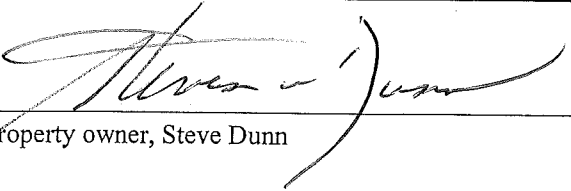
18. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

19. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

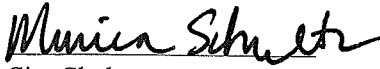
The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.



Eric Millard, d/b/a Guzzler's Sports Lounge


Property owner, Steve Dunn

Mailed to applicant on the
14 day of October, 2015

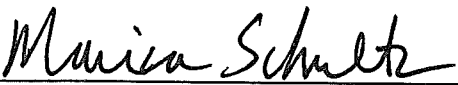

City Clerk


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

ZON-R-1001-7-7-15

ADOPTED OCT 06 2015

APPROVED 10/13/15


Monica Schultz, City Clerk


Dan Devine, Mayor

