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# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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R-2007-0292 Resolution In Committee

Resolution relative to determination of Special Use Permit for proposed Café Grill 'N Games Espresso Coffee House, to be located at 7105 W. Greenfield Ave. (Tax Key No. 453-0059-000)

Introduced: 12/4/2007

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/18/07</u>			Barczak		✓		
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
			Reinke	✓			
			Sengstock				
		✓	Vitale	✓			
	✓		Weigel	✓			
			TOTAL	<u>4</u>	<u>1</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair Vice-Chair Member

COMMON COUNCIL ACTION adopt as amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/18/07</u>			Barczak		✓		
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>1</u>		



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0292**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed Café Grill 'N Games Espresso Coffee House, to be located at 7105 W. Greenfield Ave. (Tax Key No. 453-0059-000)

WHEREAS, Christopher Zirbel, d/b/a Fairgrounds, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a coffee café/deli with outdoor seating at 7105 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 4, 2007, 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, Christopher Zirbel, d/b/a Fairgrounds, resides at 4025 N. 94 St., Milwaukee, WI 53222.
2. The applicant has a valid offer to lease a portion of the building at 7105 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 1 in Block 5 of Central Improvement Co. Subdivision No. 1.

Tax Key No. 453-0059-000

Said land being located at 7101-05 W. Greenfield Ave.

3. The applicant is proposing to open a coffee shop at the former Fairgrounds coffee shop (approximately 3,360 sq. ft.), which is currently being leased by Marge's Costumes. The costume shop's lease ends in March. The proposed coffee shop will serve foods such as bakery, panini, grilled sandwiches, pizza, hotdogs, brats, pretzels and popcorn. Outdoor seating will be available in front of the store, and along S. 71 St. The tables and chairs will be made out of metal and will need to be brought inside the building every evening. A food-vending cart will also be provided outside along W. Greenfield Ave., on private property, in front of the former bank tenant space. Games and

entertainment will be provided, such as karaoke, painting, poetry readings, and ticket-type redemption games.

4. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits restaurants, outdoor dining areas and game centers as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the southwest corner of W. Greenfield Ave. and S. 71 St., which is zoned for commercial purposes. Properties to the north, east and west are developed as commercial. Properties to the south are developed as a city parking lot and residential.

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 Christopher Zirbel, d/b/a Fairgrounds to operate a coffee café/deli, 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 and Screening Plans.** The grant of this special use permit is subject to and conditioned upon the site and floor plans approved on November 28, 2007, 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 coffee shop/deli will occupy approximately 3,360 sq. ft. of the existing building.

4. **Restaurant Operations.** The coffee shop/deli will be utilized for dine-in/carryout. Outdoor dining for two tables (two chairs/table) and a food vending cart will be permitted on private property along W. Greenfield Ave., and four tables (two chairs/table) will be permitted in the City right of way along S. 71 St.

5. **Hours of Operation.** The hours of operation will be 24 hours/day, 7 days/week.

6. **Grant of Privilege.** The special use is conditioned upon a Grant of Privilege being applied for

and approved by the City Engineer to provide a Minor Encroachment for four tables and eight chairs for outdoor seating in the City right of way along S. 71 St. Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.

7. Off-Street Parking. The coffee shop/deli requires 21 off-street parking spaces. No off-street parking is provided on site, as the property is located in the downtown. Municipal parking lots are located behind the building and within proximity of the proposed coffee shop/deli.
8. Licensing. The special use is conditioned upon all applicable licenses being granted by the Health Department, including a license for a food vending cart on private property.
9. Signage. The grant of this special use is subject to all signage plans being in compliance with the City Sign Code.
10. 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.
11. 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.
12. 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.
13. Noxious Odors, Etc. The café/deli 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.
14. Pollution. The café/deli 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.
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.

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Assistant City Clerk

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

ZON-R-653-12-4-07

**ADOPTED** \_\_\_\_\_

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

**APPROVED** \_\_\_\_\_

\_\_\_\_\_  
Jeannette Bell, Mayor



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0292**

**Final Action:**

DEC 18 2007

**Sponsor(s):** Safety & Development Committee

Resolution relative to determination of Special Use Permit for proposed Café Grill 'N Games Espresso Coffee House, to be located at 7105 W. Greenfield Ave. (Tax Key No. 453-0059-000)

WHEREAS, Christopher Zirbel, d/b/a Fairgrounds, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a coffee café/deli with outdoor seating at 7105 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 4, 2007, 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, Christopher Zirbel, d/b/a Fairgrounds, resides at 4025 N. 94 St., Milwaukee, WI 53222.
2. The applicant has a valid offer to lease a portion of the building at 7105 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 1 in Block 5 of Central Improvement Co. Subdivision No. 1.

Tax Key No. 453-0059-000

Said land being located at 7101-05 W. Greenfield Ave.

3. The applicant is proposing to open a coffee shop at the former Fairgrounds coffee shop (approximately 3,360 sq. ft.), which is currently being leased by Marge's Costumes. The costume shop's lease ends in March. The proposed coffee shop will serve foods such as bakery, panini, grilled sandwiches, pizza, hotdogs, brats, pretzels and popcorn. Outdoor seating will be available in front of the store, and along S. 71 St. The tables and chairs will be made out of metal and will need to be brought inside the building every evening. A food-vending cart will also be provided outside along W. Greenfield Ave., on private property, in front of the former bank tenant space. Games and

entertainment will be provided, such as karaoke, painting, poetry readings, and ticket-type redemption games.

4. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits restaurants, outdoor dining areas and game centers as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the southwest corner of W. Greenfield Ave. and S. 71 St., which is zoned for commercial purposes. Properties to the north, east and west are developed as commercial. Properties to the south are developed as a city parking lot and residential.

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 Christopher Zirbel, d/b/a Fairgrounds to operate a coffee café/deli, 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 and Screening Plans. The grant of this special use permit is subject to and conditioned upon the site and floor plans approved on November 28, 2007, 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 coffee shop/deli will occupy approximately 3,360 sq. ft. of the existing building.

4. Restaurant Operations. The coffee shop/deli will be utilized for dine-in/carryout. Outdoor dining for two tables (two chairs/table) and a food vending cart will be permitted on private property along W. Greenfield Ave., and four tables (two chairs/table) will be permitted in the City right of way along S. 71 St. With the grant of the special use permit there will be no video poker and no pool tables on premise.

5. Hours of Operation. The hours of operation will be 6:00 a.m. to 10:00 p.m. daily.

6. **Grant of Privilege.** The special use is conditioned upon a Grant of Privilege being applied for and approved by the City Engineer to provide a Minor Encroachment for four tables and eight chairs for outdoor seating in the City right of way along S. 71 St. Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.
7. **Off-Street Parking.** The coffee shop/deli requires 21 off-street parking spaces. No off-street parking is provided on site, as the property is located in the downtown. Municipal parking lots are located behind the building and within proximity of the proposed coffee shop/deli.
8. **Licensing.** The special use is conditioned upon all applicable licenses being granted by the Health Department, including a license for a food vending cart on private property.
9. **Signage.** The grant of this special use is subject to all signage plans being in compliance with the City Sign Code.
10. **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.
11. **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.
12. **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.
13. **Noxious Odors, Etc.** The café/deli shall not emit foul, offensive, noisome, noxious, odorous or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. **Pollution.** The café/deli 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.
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.

Mailed to applicant on the  
21<sup>st</sup> day of December, 2007

Monica Schultz  
Assistant City Clerk

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

ZON-R-653-12-4-07

**ADOPTED** DEC 18 2007  
Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

**APPROVED** December 20, 2007  
Jeannette Bell  
Jeannette Bell, Mayor



**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

December 21, 2007

Mr. Christopher Zirbel  
Café Grill 'N Games Espresso House  
4025 N. 94<sup>th</sup> Street  
Milwaukee, WI 53222

Dear Mr. Zirbel:

On December 18, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed Café Grill 'N Games Espresso Coffee House, to be located at 7105 W. Greenfield Avenue. (Tax Key No. 453-0059-000)

A copy of Resolution No. R-2007-0292 is enclosed.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee