

26



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
-------------	-------	--------

R-2004-0307

Resolution

In Committee

Resolution relative to determination of Special Use Application submitted by Frank Perko to establish a bar, restaurant and banquet facility at 5401 W. Burnham St.

Introduced: 10/19/2004

Controlling Body: Safety & Development Committee

As Amended

COMMITTEE RECOMMENDATION APPROVE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>10/19/04</u>			Barczak				
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narloek				
		✓	Reinke	✓			
			Sengstock				
	✓		Vitale	✓			
			Weigel	✓			

TOTAL

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION ADOPT as amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>OCT 19 2004</u>			Barczak				✓
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narloek	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>1</u>		

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

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

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

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

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



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0307

Final Action: 10/19/2004

Resolution relative to determination of Special Use Application submitted by Frank Perko to establish a bar, restaurant and banquet facility at 5401 W. Burnham St.

WHEREAS, Frank Perko, owner, 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 a tavern and restaurant; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 19, 2004, 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, Frank Perko, owner, resides at N6749 County Hwy. C, Plymouth, WI 53073.
2. The applicant owns the property at 5401 W. Burnham 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 the Southwest $\frac{1}{4}$ of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1, 2, 3, and 4 in Block 1 in the McGeoch Meadows Subdivision.

Tax Key No. 474-0015-001 and 474-0015-002

Said land is located at 5401 W. Burnham St.

3. The applicant is proposing to re-establish a tavern and banquet facility at 5401 W. Burnham St. as vacancy of the site has exceeded one year. The building is approximately 8,000 square feet (approximately 4,000 square feet first floor) and the proposal includes 2,100 square feet of banquet facilities in the basement.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits taverns and restaurants 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 southwest corner of S. 54 St. and W. Burnham St. Properties to the east are developed as manufacturing; properties to the west are developed as commercial and residential. Properties to the south are developed as residential. Properties to the north are developed as mixed-use and are in the City of West Milwaukee.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site is currently used as a tavern.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Frank Perko, owner, to establish a bar, restaurant and banquet facility 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 and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on September 22, 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. Hours of Operation. The banquet facility will be open from 6:00 a.m. to 12:00 midnight. The bar will be open in accordance with the closing hours mandated by state law.

3. Off-Street Parking. Off-street parking spaces for 32 vehicles will be provided on site. The Zoning Code requires 40 spaces. Street parking is available along W. Burnham St. and S. 54 St.

4. Grant of Privilege. A Grant of Privilege will need to be applied for and issued for landscaping in the City's right-of-way.

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

6. Refuse Collection. Refuse collection to be provided by commercial hauler.

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. Monitoring. The area shall be adequately monitored by staff.

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

window's area

10. 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.

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

12. 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.

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
25 day of October 2004

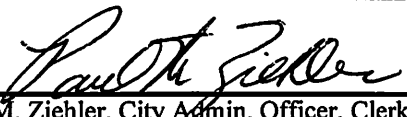
Monica Schulte

Assistant City Clerk

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

ZON-R-462\bjb\10-19-04

ADOPTED AS AMENDED 10/19/2004



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

APPROVED AS AMENDED 10-22-04



Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

October 25, 2004

Franklyn J. Perko
N6749 Cty Hwy C
Plymouth WI 53073

Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Dorothy E. Steinke
Deputy City Treasurer

Monica Schultz
Assistant City Clerk

Dear Mr. Perko:

On October 19, 2004 the Common Council adopted the resolution relative to determination of Special Use Application submitted by Franklyn J. Perko, to establish a bar, restaurant and banquet facility at 5401 W. Burnham St.

A copy of Resolution No. R-2004-0307 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/dm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee



City of West Allis

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2004-0307

Final Action:

Resolution relative to determination of Special Use Application submitted by Frank Perko to establish a bar, restaurant and banquet facility at 5401 W. Burnham St.

WHEREAS, Frank Perko, owner, 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 a tavern and restaurant; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 19, 2004, 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, Frank Perko, owner, resides at N6749 County Hwy. C, Plymouth, WI 53073.
2. The applicant owns the property at 5401 W. Burnham 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 the Southwest $\frac{1}{4}$ of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1, ^{3 and 4} and 2, in Block 1 in the McGeoch Meadows Subdivision.

Tax Key No. 474-0015-001 and 474-0015-002

Said land is located at 5401 W. Burnham St.

3. The applicant is proposing to re-establish a tavern and banquet facility at 5401 W. Burnham St. as vacancy of the site has exceeded one year. The building is approximately 8,000 square feet (approximately 4,000 square feet first floor) and the proposal includes 2,100 square feet of banquet facilities in the basement.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits taverns and restaurants 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 southwest corner of S. 54 St. and W. Burnham St.

Properties to the east are developed as manufacturing; properties to the west are developed as commercial and residential. Properties to the south are developed as residential. Properties to the north are developed as mixed-use and are in the City of West Milwaukee.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site is currently used as a tavern.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Frank Perko, owner, to establish a bar, restaurant and banquet facility 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 and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on September 22, 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. **Hours of Operation.** The banquet facility will be open from 6:00 a.m. to 12:00 midnight. The bar will be open in accordance with the closing hours mandated by state law.
3. **Off-Street Parking.** Off-street parking spaces for 32 vehicles will be provided on site. The Zoning Code requires 40 spaces. Street parking is available along W. Burnham St. and S. 54 St.
4. **Grant of Privilege.** A Grant of Privilege will need to be applied for and issued for landscaping in the City's right-of-way.
5. **Litter.** Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
6. **Refuse Collection.** Refuse collection to be provided by commercial hauler.
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. **Monitoring.** The area shall be adequately monitored by staff.
9. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each window's area

10. 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.

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

12. 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.

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 _____ day of _____ 2004

Assistant City Clerk

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

ZON-R-462\bjb\10-19-04

Resolution

ADOPTED

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

APPROVED

Jeannette Bell, Mayor