

77



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0061	Resolution	In Committee
Resolution relative to determination of Special Use Application submitted by Gregory S. Barczak, d/b/a Painted Parrot Restaurant, for a proposed restaurant to be located at 80**-8028 W. National Ave.		
Introduced: 2/18/2004		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>2/18/04</u>			Barczak				
			Czaplewski	✓			
			Kopplin				
			Lajsic	✓			
	✓		Narlock	✓			
		✓	Reinke	✓			
			Sengstock				
			Trudell				
			Vitale				
			Weigel	✓			
			TOTAL	5	—		

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

[Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>FEB 18 2004</u>			Barczak			✓	
			Czaplewski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Trudell	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	9	—	1	

Steve S

Dev

COMMITTEES OF THE WEST ALLIS COMMON COUNCIL 2003

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski

V.C.: Alderperson Kopplin

Alderpersons: Barczak

Lajsic

Reinke

ADVISORY

Chair: Alderperson Reinke

V.C.: Alderperson Vitale

Alderpersons: Kopplin

Lajsic

Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak

V.C.: Alderperson Sengstock

Alderpersons: Kopplin

Trudell

Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic

V.C.: Alderperson Weigel

Alderpersons: Czaplewski

Narlock

Reinke

PUBLIC WORKS

Chair: Alderperson Narlock

V.C.: Alderperson Trudell

Alderpersons: Sengstock

Weigel

Vitale



City of West Allis

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2004-0061

Final Action:

FEB 18 2004

Resolution relative to determination of Special Use Application submitted by Gregory S. Barczak, d/b/a Painted Parrot Restaurant, for a proposed restaurant to be located at 80**-8028 W. National Ave.

WHEREAS, Gregory S. Barczak, d/b/a Painted Parrot Restaurant, 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 restaurant; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 18, 2004, at 7:00 p.m., and 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, Gregory S. Barczak, d/b/a Painted Parrot Restaurant, resides at 3175 S. Regal Drive, New Berlin, W 53151.
2. The applicant has a valid offer to purchase the property at 80**-8028 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lot 1 and 2 in Block 6 of the Assessors Plat No 259, except part of said Lot 1, described as follows: Beginning at the southwest corner of said Lot 1; thence Northerly 7.00 feet, along west side of said Lot 1; thence Southeasterly 8.54 feet, to the south side of said Lot 1; thence Westerly, 7.00 feet, along said south side to the Point of Beginning.

Tax Key No. 452-0604-000 and 452-0605-000

Said land is located at 80** and 8028 West National Avenue

3. The restaurant will be remodeled to provide upgrades to interior fixtures and a small office addition may be constructed on the northeast side of the building.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants and bars 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. National Ave. between S. 81 St. and S. 80 St., which is zoned for commercial purposes. Properties to the north, and east are developed as residential; properties to the south and west are developed for manufacturing and mixed-use commercial/residential.

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 restaurant. A new parking lot will be paved to the east (abutting lot) of the existing building.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Gregory S. Barczak, d/b/a Painted Parrot Restaurant, to establish a restaurant 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 January 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. The applicant requests a three-year extension of time (January 28, 2007) to install the proposed office addition on the northeast corner of the building as approved by Plan Commission on the January 28, 2004, architectural plans.

2. Seating Capacity: The grant of this special use is subject to all applicable fire, life safety, and building codes. Occupant load calculations shall be submitted to the Building Inspections Department and to the West Allis Fire Department for review/approval.

3. Hours of Operation. The restaurant will be open from 6:00 a.m. to 10:00 p.m. daily . The bar will be open in accordance with the closing hours mandated by state law.

4. Off-Street Parking. The property shall provide a minimum of 24 parking stalls.

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 by private 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. 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). The Plan Commission required that all non-conforming pole signage be removed by January 28, 2007.
9. Monitoring. The area shall be adequately monitored by staff.
10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
11. 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.
12. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.
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 (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
24th day of February 2004
Monica Schulte
Assistant City Clerk

Dept. of Building Inspections and Zoning
Div. of Planning
ZON-R416\jmg\2-18-04

ADOPTED

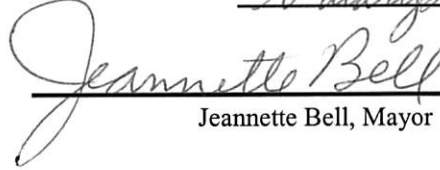
February 18, 2004



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

APPROVED

February 23, 2004



Jeannette Bell, Mayor