

Jason & Heather Williams
1718 South 63 Street
West Allis, WI 53214

May 19, 2010

City of West Allis Common Council
7525 W. Greenfield Avenue
West Allis, WI 53214

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CITY OF WEST ALLIS
CLERK/TREASURER

Dear Mayor Devine:

My name is Jason Williams and along with my wife and child we own and live in a home near the HD Hideout. In addition to our family, we rent out our upper unit to a woman who also has a small child. I have been a West Allis resident for 7 years and we have lived at this residence for the past 6 years.

The existing special use to allow a bar at 6201 W. Mitchell St. is currently contained wholly inside the building. The owner is proposing to expand the existing special use and liquor license to outside the building. This proposal to expand this use and license to an outdoor area will negatively impact the surrounding residential neighborhood and the people who live there.

I want to step aside from this proposal for a moment and share with you what it's like to live in this neighborhood. In one regard it is enjoyable because it is primarily a residential neighborhood. We also live close to a barbershop, church, the farmer's market, Liberty Heights Park, Horace Mann Elementary and some really good restaurants. These are strong, positive attributes. But there are also some negative attributes that at times outweigh the positives.

I would like to call attention to several issues that may be unrelated to the HD Hideout, but they will put this proposal within the overall context of this neighborhood. First, trash in the neighborhood is prevalent and routine. Trash is in the street, alley and in the yards. This neighborhood truly lives up to the "Dirty Stallis" moniker. I'm not amused by that description and I'm embarrassed by it. We hear about it often from visiting friends, family and coworkers. Along with the trash, we see and deal with graffiti. In fact, our garage was spray painted with gang graffiti last summer. But there's also activity that spills over from the two bars – HD Hideout and June Bugs. Often times involving verbal altercations that occur late at night or early in the morning with yelling and foul language and also loud music coming from the bars and drunken driving. I have even witnessed people defecating and urinating in the alley.

Unfortunately, that's the reality of living here. Taken individually I think a resident can deal with these issues. I cleaned the graffiti off my garage, each day I pick-up the debris that blows into our yard and I periodically sweep up trash from the alley. Also, I am cognizant of the fact that we purchased a home next to a bar and we accept certain levels of noise and activity that come from inside the bars. But this proposal and any future ones like it go well beyond the current level of activity.

When you take all of these issues together and put them within the context of a residential neighborhood it raises many questions as to whether or not the City should allow an intensification of a bar use in a residential neighborhood. This is not a commercial area or corridor where outdoor dining would be appropriate; this is a primarily residential area of the City.

In talking with neighbors there seems to be confusion as to the impending State smoking-ban law that may be prompting this request. The State smoking-ban law allows for bars and restaurants to have an outdoor area for smoking. The law may allow this to happen, but it does not entitle an owner to have an outdoor area for smoking. Entitlement needs to be obtained by meeting local regulations which uphold the health, safety and welfare of the community. A more critical point is that in regard to this proposal, the smoking-ban law is clearly a separate issue from a proposal to expand a special use and liquor license to an outdoor area of a bar located within a residential neighborhood.

I also understand that with proposals like this one the City often compromises with the applicant to appease public concerns. These compromises often include restrictions, such as limiting hours of operation, prohibiting music and requiring landscaped screening. These site design features would not be effective in such a tightly compacted

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residential area. Screening and limited hours of operation do not stop nuisances; they only limit them to a minimal effect.

Furthermore, similar proposals are often approved with the condition that police calls be monitored going forward and if problems arise or continue the City may consider review and possible revocation of the special use permit. The burden of managing nuisances should not be put on citizens through calls for service to the police department when discretionary and timely action by the Council can proactively prevent such nuisances.

West Allis suffers from an image problem. It is individual proposals, like this one, however small and seemingly insignificant it may be; that add to the collective pile of issues that create this image problem. Does the City want to add to that pile, or continue to take things off of that pile?


The City has the discretion to deny this request. The expansion of a special use is not permitted by right, but rather by a discretionary process that requires public input. The City is by no means obligated to approve this project or even approve it with conditions.

We ask the Council to not only deny this request but also consider the following questions before acting on similar proposals that may come before the City in the future:

- What is the image the City wants for its residential neighborhoods? Does the City want to send the message and create the image that bars take precedence over the peaceful character of residential neighborhoods?
- Is it appropriate to expand and intensify a bar use in a tightly compacted residential neighborhood?
- Do site design restrictions and reactive monitoring of police calls truly protect the character of residential neighborhoods? Are those effective policy tools?
- What policy tools are currently in place that will help the City handle future outdoor dining requests on properties that abut residential homes? Allowing a disruptive, incompatible use to exist alongside a residential neighborhood by special use is not sound policy and will lead to long term problems, costs and degradation of the neighborhood. All of which outpace any perceived short term benefits.
- Does the current draft of the Comprehensive Plan consider, promote or protect the peaceful, quiet enjoyment of residential neighborhoods by its citizens?
- We ask that the Council consider adopting a temporary moratorium prohibiting the extension of liquor licenses and expansion of special uses to outdoor areas associated with businesses that operate substantially as bars or taverns and are located on properties abutting residential homes. We also ask that this moratorium be kept current until the implementation of policy that effectively protects residential neighborhoods or prohibits these uses from locating next to them.

In summary, this comes down to what standards and expectations the City will establish in a primarily residential neighborhood. What precedent will be set? What kind of image and activity will the City support and promote in a residential neighborhood? Or put bluntly, what is more important to the City, the functional operation of bars, or the protection of residential neighborhoods?

Sincerely,



Jason & Heather Williams

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CITY OF WEST ALLIS
CLERK/TREASURER

To Whom It May Concern

I am writing to you to have my opinion on record about the request for a special use permit for HD Hideout. My name is Debbie Dakins. I live at 6207 W. Mitchell St. which is the building right next to HD Hideout. I am strongly against HD Hideout expanding in any way. It is already very loud in my back yard sometimes and the music is so loud that I can not hold a conversation with my kids, my husband or any of our guests. There have been beer bottles and other items thrown over the fence that separate our back yards even though there isn't supposed to be any patrons of the bar drinking in the back yard. Patrons of the bar go in between the bar and my home and use it as a restroom, for sexual acts, or to buy, sell and or use drugs. There are so many problems with that establishment inside and out to the point that sometimes I can't let my children outside to play. If the patrons were allowed to smoke and drink in the back yard my children would be exposed to second hand smoke when they are in their own back yard. My children would also be exposed to the bad words and who knows what other inappropriate conversation topics (sex, drugs) when the patrons of the bar are talking in the back yard. My children should be able to play safely in their own back yard with out having to worry about these things. I want my children to have the freedom to be able to play in their back yard whenever they want to. I am very concerned because the crowd could get so rowdy that a fight could break out and someone could get thrown through the fence and cause a severe injury to one of my kids. The back yards in the city of West Allis are not very big, my kids swing set is right next to the fence that separates our backyard from the bars back yard. As it is my children rarely get to go in the front of the house and ride bikes or play because the patrons of the bar are out there on their cell phones, arguing with one another, or stumbling down the sidewalk. The patrons have also vomited on my front lawn which is right next to the door that faces Mitchell St. If you would like to see any of these problems first hand you are welcome at any time to come over to my home and see and or hear what goes on. Please for the sake of my children and I don't take away our ability to enjoy our back yard. When we moved in almost 7 years ago HD Hideout was not open. Since the bar opened there has been nothing but problems. Please do not allow this establishment to cause further problems by allowing them more space.

Thank you so much for your time,

Debbie Dakins

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MAY 28 2010

CITY OF WEST ALLIS
CLERK/TREASURER

To Whom it may concern,

Regarding the Special Use permit for extension of premises and to establish outdoor dining at HD Hideout (6201 W. Mitchell).

I am the owner/landlord of the adjoining property at 6205-07 W. Mitchell and I object to any extension or establishment outdoors to further disturb my tenants rights to quiet enjoyment of my property. Furthermore, the patrons have over the years, caused significant damage to my property, ^(broken fences, trampled potters, etc.) have used the area between the buildings as a urinal, trash can, etc. It is difficult to rent these units because of the noise and amount of loitering around the property as it is.

Regards,


cc: John S.
Ald.