

All the land of the owner being located in the Southeast ¼ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

West 22.50 feet of Lot 2 and East 15.00 feet of Lot 3 in Block 1, being part of Joseph Juneau Subdivision No. 2.

Tax Key No. 475-0328-000

Said land is located at 6139 W. Beloit Rd.

3. The applicant is proposing to internally expand the existing tavern use at 6139 W. Beloit Rd. from approximately 650 sq. ft. to approximately 1,700 sq. ft.
4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits taverns as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the south side of W. Beloit Rd., in between S. 61 St. and S. 62 St. Properties to the north are developed as manufacturing, properties to the south and west are developed as residential and properties to the east are developed as manufacturing and commercial.
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 Joseph Jeffords, owner, Smokin' Joe's, to internally expand an existing tavern use, 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 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 June 22, 2005, 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. Off-Street Parking. Off-street parking spaces for 4 vehicles will be provided on site including one ADA stall. The Zoning Code requires 9 spaces. Street parking is available along W. Beloit Road, S. 62 St. and S. 61 St.
4. Hours of Operation. The tavern will be open from 11:00 a.m. to 2:00 a.m. daily. The bar will be open in accordance with the closing hours mandated by state law.
5. Occupancy Load. Occupancy Load shall be limited to 80 people.
6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
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. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
9. Refuse Collection. Refuse collection to be provided by commercial hauler.

10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
11. Monitoring. The area shall be adequately monitored by staff.
12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
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
_____ day of _____ 2005

Assistant City Clerk

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

ZON-R-475\12-21-04\bjb amd 6-29-05\jmg