

1. The applicant, Frank L. Altenbach, d/b/a Steel Horse, resides at 5129 W. Beloit Rd. West Milwaukee, WI 53214

2. The applicant has a valid offer to purchase the property at 6215 W. National Ave. West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 1 and 2, being part of Block 3 in Liberty Heights Subdivision.

Said land being located at 6215 W. National Avenue

TAX KEY NO. 454-0073-001

3. The applicant is proposing to replace the existing facade and upgrade the site with landscaping and a new parking lot. The applicant has proposed that all site and landscaping improvements are to be completed in the first year (by November, 2004) and has requested that an additional year (November, 2005) be granted to complete proposed architectural (facade) improvements.

The Steel Horse will offer both food (i.e., fish fries and BBQ) and bar services on site. No outdoor dining area is proposed as part of the special use request. The applicant has proposed to host/sponsor various charitable events as part of operations. Six to twelve employees are proposed.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits a bar as a special use, pursuant to Sec. 12.42(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. 62 St. and S. 63 St., which is zoned for commercial purposes. Properties to the north, west, and east are zoned for commercial use. Properties to the south are zoned residential use.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the previous occupant operated a restaurant and a bar.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Frank L. Altenbach, d/b/a Steel Horse, to establish a sports bar 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 Improvements. The grant of this special use permit is subject to and instituted upon the completion of the following site and landscaping improvements:

a. Facade Improvements as approved by the Plan Commission on October 22, 2003. Facade

Improvements to be completed within two years of Plan Commission approval (October 22, 2005);

- b. Construction of storm sewer utility to be completed within 60 days of issuance of liquor license;
- c. A four-sided, board-on-board, wood refuse enclosure with personnel door. The size of the enclosure shall be large enough to screen all waste containers. Enclosure to be completed within one year of Common Council approval (June 1, 2005);
- d. A poured concrete curb being installed along the building and east side of the site at least three feet away from building and fence, to be completed within one year of Common Council approval (June 1, 2005);
- e. Second level floor plan;
- f. Installation of fence and landscaping along south property line to be completed within two years of Plan Commission approval (October 22, 2005);
- g. Installation of decorative fence along east property line to be completed within two years of Plan Commission approval (October 22, 2005).

2. Hours of Operation. The proposed hours of operation are Sunday through Thursday from 11:00 a.m. to 2:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:30 a.m.

3. Off-Street Parking. Off-street parking is required for thirty-three (33) vehicles in accordance with Sec. 12.19 of the Revised Municipal Code. Off-street parking for thirteen (13) vehicles is provided on site, which includes one (1) ADA spaces. The deficiency in the number of stalls provided may be mitigated with municipal parking lots within 800 feet of the subject property.

4. Litter. Employees shall inspect the site and immediate vicinity and shall pick up litter on a daily basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within a four-sided approved structure.

5. Refuse. Refuse pickup will be provided by a commercial hauler. All refuse recyclables and other similar containers, (i.e. grease receptacles) will be screened within a four-sided enclosure as approved by the Plan Commission.

6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

7. 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.

8. 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. A catch basin for stormwater runoff will be required.

9. Sidewalk Repair. Any defective sidewalks shall be repaired per the City's Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

10. Signage Plan. Any building signage shall be in accordance with the City's signage ordinance and shall be submitted to the Plan Commission for approval.

11. Easement Documentation. The grant of this special use permit is subject to and conditioned upon the procurement of a cross easement and drainage easement documentation relative to shared driveway access and storm water runoff with abutting property to the west. If required easement documentation is not submitted for review/approval, additional landscaping and screening will be required to be installed on the 6215 W. National Ave. site.

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-R403 amd 6\1\04\jmg\11-4-03