



City of West Allis

Legislation Details (With Text)

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File created: 2/5/2008 **In control:** Safety and Development Committee (INACTIVE)

On agenda: 2/5/2008 **Final action:** 2/5/2008

Title: Resolution relative to termination of Special Use Permit previously granted to Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a restaurant/café (formerly Hutch Restaurant), to be located at 6220 W. National Ave. (Tax Key Number 454-0001-000).

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. R-2008-0039 Packet Doc, 2. R-2008-0039

Date	Ver.	Action By	Action	Result
2/5/2008	1	Common Council		
2/5/2008	2	Safety and Development Committee (INACTIVE)		Pass
2/5/2008	2	Common Council	Adopted	Pass

Resolution relative to termination of Special Use Permit previously granted to Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a restaurant/café (formerly Hutch Restaurant), to be located at 6220 W. National Ave. (Tax Key Number 454-0001-000).

WHEREAS, Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant/café, within a portion of the Paradise Theater Building (the former Hutch Restaurant), 6220 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 2005, February 21, 2006, and February 6, 2007 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, Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., resides at 1343 S. 71 St., West Allis, WI 53214
2. The applicant owns the existing theater building at 6220 W. National Ave., 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 Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin (the "Premise"), describes as follows:

Lot 1 in Block 1 of the Assessors Plat No. 271.

Said land being located at 6220 W. National Ave.

TAX KEY NO. 454-0001-000.

3. The applicant proposed to complete architectural design work for the interior of the restaurant and the exterior of the building, including new windows and the installation of the theater marquee and restaurant sign. The applicant also proposed to make payments of construction costs of a new parking lot. The applicant had proposed that all architectural and signage improvements, and payments of construction costs of a new parking are to be complete by January 10, 2008 (extensions of time granted by the Common Council on February 21, 2006 and March 6, 2007 and by the Safety & Development Committee on October 10, 2007).

As noted in Resolution No. R-2005-0006, the proposed restaurant/café would occupy the portion of the property, which was previously occupied by the Hutch Restaurant. Resolution No. R-2006-0060 granted the applicant a four-month extension of time to complete the above-referenced improvements/payments. Resolution No. 2007-0061 granted the application another extension of time to complete improvements and payments.

4. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits churches as a special use, pursuant to Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis.

5. The Property is within the Six Points area of the City, one of the City's older commercial areas. See attached Area Parking Inventory Exhibit "A".

6. The gross floor area of the café/restaurant is approximately 3,267 square feet.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as previous occupant operated a church, and,

WHEREAS, notice concerning the hearing in front of the Safety & Development Committee regarding the possible termination of the Special Use Permit was properly mailed to Thomas D. Redlich, and,

WHEREAS, the Safety & Development Committee granted the applicant an extension of time on October 10, 2007 to obtain permits, complete improvements and make remaining payments by January 10, 2008, and,

WHEREAS, the Common Council considered the issue of termination on February 5, 2008, and,

WHEREAS, the Common Council, being fully advised in the premises, finds that \$71,000 of the agreed \$111,000 of construction of a new parking lot payments, as set forth in Resolution No. R-2007-0061, has not been received by the City of West Allis, and finds that architectural improvement conditions, approved by the West Allis Plan Commission on January 24, 2007 and set forth in Resolution No. R-2007-0061, have not been satisfied, specifically:

1. Site, Landscaping, Architectural and Signage Improvements. The grant of this special use permit is subject to and instituted upon the completion of the following site, landscaping, architectural and signage improvements:

a. Phase 2 - Complete the architectural design work for the interior of the restaurant and the exterior of the building (including the theater marquee) and prepare a listing of all required materials. - March 20, 2006. This phase will include obtaining a "Demolition Permit" from the city (to be requested by approximately February 28, 2006) to begin exposing exterior window areas, that have been covered by erected exterior wall materials, etc. Plans and designs will be submitted to the city for approval by March 20, 2006. Plans were submitted to the Plan Commission on September 27, 2006 for architectural approval and approved with conditions. Revised plans will be submitted by April 23, 2007.

b. Phase 3 - Subject to approval of Phase 2 above, complete the approved work on the exterior of the

building (excluding the Marquee) - May 31, 2006. Currently not completed.

c. Phase 4 - Installation of the approved theater marquee - June 30, 2006. Currently not completed due to lack of funding. On January 27, 2007, the Plan Commission approved a wall sign subject to a master signage plan for the property being submitted to and approved by the Plan Commission within one year. The master sign plan shall include a plan for installation of a new marquee sign.

d. Phase 5 - Complete work on the restaurant to allow city inspection for the proposed restaurant grand opening. Currently not completed due to existing code issues. Grand opening to take place July 1, 2007, and,

WHEREAS, the Common Council determines that credible evidence exists to support the termination of the Special Use Permit based upon the factors identified in Sec. 12.16(13) of the Revised Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant has failed to obtain a building permit for architectural improvements and has failed to satisfy conditions as required in Resolution No. R-2007-0061, and that the Special Use Permit of Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a restaurant/café, (formerly Hutch Restaurant), within a portion of the former Paradise Theater, be, and is hereby terminated.

BE IT FURTHER RESOLVED that the application shall not be resubmitted for a period of one year from the date of said termination, except on the grounds of new evidence or proof of change of conditions found to be valid by the Common Council.

Mailed to applicant on the
day of , 2008

Assistant City Clerk

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

ZON-R-665-2-5-08\bjb