



City of West Allis

Legislation Text

File #: R-2003-0174, **Version:** 1

Resolution relative to determination of Special Use Application to establish an outdoor dining area at the existing deli/bakery located at 6207 W. National Ave., submitted by Delbert J. Slowik, d/b/a Toni C's Bakery, LLC.

WHEREAS, Toni C's Bakery, LLC. duly filed with the Acting City 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 an outdoor dining area at the existing deli/bakery; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 20, 2003, at 7:30 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, Delbert J. Slowik, d/b/a Toni C's Bakery, has an office at 6207-09-11 W. National Ave., West Allis, WI 53214.

2. The applicant owns the property at 6207-09-11 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 2, Block 3, in Liberty Heights Subdivision, in the northeast of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Tax Key No. 454-0072-000

Said land being located at 6207-09-11 W. National Ave.

3. The outdoor area will be used for self-service food and beverage service.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits an outdoor dining area 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 developed as commercial; properties to the south are developed for commercial and 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 deli/bakery.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Toni C's Bakery, LLC. to establish an outdoor dining area 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 April 23, 2003, 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. Outdoor Dining Area. The front yard, 140 square foot, outdoor dining area will be 4 x 35 square feet and will be limited to twelve (12) patrons (4 - 36" tables). The rear yard outdoor dining area will be 525 square feet (15' x 35') and be limited to twenty-four (24) patrons (8 - 36" tables). Limits of the outdoor dining area are as presented on the plan approved by the Plan Commission.
3. Grant of Privilege. This special use is conditioned upon a Grant of Privilege being applied for and approved by the City Engineer to provide for tables in front of the building in the City's right of way (Minor Encroachment). Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.
4. Hours of Operation. The outdoor dining area will be open during normal business hours which are Tuesday through Friday from 6:00 a.m. to 5:00 p.m, Saturday from 6:00 a.m. to 4:00 p.m. and Sunday from 6:00 a.m. to 2:00 p.m.
5. Off-Street Parking. Four (4) parking stalls are required for the proposed outdoor dining use. The site does not provide for any off-street parking as the majority of the existing building occupies the site area. Municipal parking for approximately forty-two (42) vehicles will be available within 800 square feet of the proposed use.
6. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
7. Restaurant Operations. The outdoor dining area will be utilized for sit-down self-service dining.
8. Monitoring. The area shall be adequately monitored by staff.
9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.
10. 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.

11. Proof of Insurance. In accordance with Chapter 9 of the Revised Municipal Code. Proof of insurance for comprehensive general liability in at least the following limits of coverage: \$300,000 each occurrence and \$300,000 aggregate for bodily injury; \$300,000 each occurrence and \$300,000 aggregate for property damage. The proof of insurance shall have an endorsement to indemnify and hold the City of West Allis harmless from any and all damages, judgments and claims which may be asserted against the City by reason of any damages or injuries sustained by any person or to any property by the extension onto or in the public right of way. The applicant shall also comply with all other applicable statutes, ordinances, resolutions and conditions.

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 , 2003

Acting City Clerk/Treasurer

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

ZON-R377\bjb\5-20-03