



City of West Allis

Legislation Text

File #: R-2017-0116, **Version:** 2

..Title

Resolution relative to determination of Special Use Permit for The Crimson Club, a proposed bar/restaurant, to be located at 7211 W. Greenfield Ave.

WHEREAS, Lisa Lewis, Jeff Krueger and Jennifer Krueger d/b/a Crimson Club, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a bar/restaurant, outdoor extension of premise and a fitness and dance instructional training use at 7211 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 2, 2017, 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 applicants, Lisa Lewis, Jeff Krueger and Jennifer Krueger d/b/a Crimson Club, will have an office on site at 7211 W. Greenfield Ave.
2. The applicants d/b/a Crimson Club have an offer to purchase the property at 7211-13 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Lot 2 and East 5.50 feet of Lot 3, Block 6 in the Central Improvement Co. Subdivision No. 1.

Tax Key No. 453-0089-000

Said land being located at 7211-13 W. Greenfield Ave.

3. The applicants are proposing to purchase the property and open a bar/restaurant with an outdoor extension of premise. The restaurant/bar will serve various drinks and appetizers and will have music. The application indicates that the business will distinguish itself from the competition by offering a signature drink list focusing on high quality and fresh ingredients. The food menu will offer appetizers, homemade pizzas and desserts.

While the primary use is for a new bar and restaurant, the Crimson Club will also offer fitness and dance classes (yoga and zumba) during non-peak hours. Dance classes associated with a variety of music including salsa, electro-swing and stepping will be offered.

The proposed use by Crimson Club will occupy one of the two existing tenant spaces and will occupy 2,600 sq.

ft. Exterior improvements to the building by the applicant include: replace/reskin the existing fabric awning, add new signage and repaint the rear elevation of the building (along the alley).

4. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits restaurants/cocktail lounges/taverns as a special use, pursuant to Sec. 12.40(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. Greenfield Ave. between S. 72 St. and S. 73 St. which is zoned for commercial purposes. Properties to the south are zoned as commercial and developed as a municipal parking, properties to the east and west are zoned for commercial and developed as commercial use. Properties to the north are zoned for commercial and developed for commercial and mixed uses.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Lisa Lewis, Jeff Krueger and Jennifer Krueger d/b/a Crimson Club to operate a bar/restaurant, outdoor extension of premise and an instructional training use (fitness, dance, yoga) at 7211 W. Greenfield Ave, 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 Sec. 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, Landscaping, Screening and Architectural Plans approved on April 26, 2017, 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 Neighborhood Services and by the Fire Department.

3. Floor Area. The Crimson Club bar/restaurant and instructional training use will consist of approximately 2,600 square feet of area.

4. Hours of Operation. The applicant has indicated the following business hours for the use of the Crimson Club premise: Tuesday through Thursday - 4pm to midnight, Friday - 4pm to State mandated closing time, Saturday - noon to State mandated closing time, Sunday - noon to midnight, Closed Mondays.

The grant of this Special Use will allow business operations to function from 7:00 am to State Mandated Closing time seven days a week. The outdoor extension of premise hours will be open 10am to 11pm daily (closed between 11pm to 10am).

5. Off-Street Parking. The use requires a total of 17 parking spaces. No parking stalls will be provided on

site. Municipal parking lots are located adjacent to the south and within proximity of the proposed restaurant.

6. Signage. The grant of this special use is subject to all signage plans being in compliance with the City of West Allis Signage Ordinance.

7. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view per the approved plan. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code.

8. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease and other waste materials will be enclosed per the approved plan.

9. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area and be located on the interior side of the window. Rope lighting shall not be allowed. Existing non-conforming rope lighting and projecting signage on the property shall be removed.

10. 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.

11. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

12. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

13. Noise.

- a. Windows and doors of the bar will be closed between 11:00 p.m. and 10:00 a.m. to prevent excess noise from penetrating the neighborhood.
- b. The use of outdoor pagers, intercoms, or speakers shall not be permitted.

14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.

15. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

16. Miscellaneous.

A. Applicants are 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.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. 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.

17. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

18. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

19. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Crimson Club, agent/applicant

Mailed to applicants on the
_____ day of _____, 2017

City Clerk

cc: Dept. of Development
 Dept. of Building Inspections and Neighborhood Services
 Div. of Planning

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