



City of West Allis

Legislation Text

File #: R-2005-0075, **Version:** 2

Resolution relative to determination of Special Use Application for a proposal to occupy the second floor apartment unit and to establish a mixed use building (PM Pub) located at 6531-33 W. Mitchell St. (Tax Key No. 454-0295-001)

WHEREAS, John Monty, owner, PM Pub & Grub, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a mixed residential and commercial use; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2005, 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, John Monty, owner, PM Pub & Grub, will reside on premise (second floor) at 6533 W. Mitchell St., West Allis, WI 53214.
2. The applicant owns the property at 6531-33 W. Mitchell St., 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, described as follows:

Lots 1 and 2, being part of Block 10 in the Central Improvement Co. Subdivision No. 7.

Tax Key No. 454-0295-001

Said land is located at 6531-33 W. Mitchell Street

3. The applicant is proposing to remodel and occupy the second floor residential unit at 6533 W. Mitchell, which has been vacant for over one year.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed residential and commercial uses as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the southeast corner of S. 66 St. and W. Mitchell St. Properties to the south and east are developed as residential, properties to the north are developed as commercial and properties to the west are developed as manufacturing.
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 John Monty, owner, PM Pub & Grub, to remodel and occupy the residential unit of a mixed use building 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 May 26, 1999, and subsequent plans approved on August 14, 2002 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. Hours of Operation. The bar will be open in accordance with the closing hours mandated by state law.
3. Off-Street Parking. Off-street parking spaces for 4 vehicles will be provided on site. The Zoning Code requires 11 spaces. Street parking is available along W. Mitchell St.
4. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
5. Refuse Collection. Refuse collection to be provided by commercial hauler.
6. 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.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
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
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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
12. 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.
13. 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.

14. 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.

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-492\bjb\2-15-05