



City of West Allis

Legislation Text

File #: R-2007-0242, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed Shawna's Pub & Grub bar and restaurant, to be located at the former Doyle's Milwaukee Inn at 1101-03 S. 60 St. (Tax Key No. 439-0154-000)

WHEREAS, Shawna Fischer duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.41(2) and Sec. 12.49 of the Revised Municipal Code of the City of West Allis, to establish a mixed use building to include a bar/restaurant on the ground floor and a residential unit on the second floor within the existing building located at 1101-03 S. 60 St. (Tax Key No. 439-0154-000); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 16, 2007, at 7:00 p.m., and 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, Shawna Fischer d/b/a Shawna's Pub & Grub, resides at 1215 S. 47 St., Milwaukee, WI 53214.
2. The applicant has a valid offer to purchase the property at 1101-03 S. 60 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 1 and North 15.00 feet of Lot 2, all being part of the Block 1 in Resubdivision of Soldiers Home Heights Company's Subdivision.

Tax Key No. 439-0154-000

Said land being located at 1101-03 S. 60 St.

3. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed uses, restaurants, taverns and outdoor dining as a special use, pursuant to Sec. 12.16, Sec. 12.41(2), and Sec. 12.49 of the Revised Municipal Code.
4. The applicant is proposing to purchase the property at 1101-03 S. 60 St. The first floor commercial space, to be occupied by Shawna's Pub & Grub, is approximately 1,400 square feet. An outdoor dining area is proposed on the property as specified on the approved site plan.
5. The subject property is part of a block on the west side of S. 60 St. between W. Washington St. and W. Madison St., which is zoned for commercial purposes. Properties to the south and west are developed as

residential. Properties to the north and east are developed as mixed use.

6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. The property was formerly occupied as a mixed use with Doyles Milwaukee Inn on the ground floor and an apartment on the second floor. The uses lapsed and a new special use is being proposed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Shawna Fischer to establish a mixed use and a bar/restaurant with outdoor dining at 1101-03 S. 60 St., 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, screening and architectural plans approved on September 26, 2007, by the West Allis Plan Commission. No alterations or modification to the approved plan shall be permitted without approval by the West Allis 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 Zoning and by the Fire Department.
3. Off-Street Parking. Parking for eleven (11) vehicles is required which is comprised of 9 restaurant parking stalls and 2 residential parking stalls. A total of four (4) parking stalls are being provided on-site. Parking for residences shall be located on site and delineated on plan. Common Council may modify the parking requirement based on the rationale that the previous occupant, Doyles Milwaukee Inn, provided only two (2) off-street parking spaces. Furthermore, ample street parking is available along both S. 60 St. and W. Washington St.
4. Paving and Drainage. The grant of this Special Use Permit is subject to paving and drainage plans being submitted to and approved by the Department of Building Inspections and Zoning. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
5. Hours of Operation. Business hours of operation shall be from 11:00 a.m. through State of Wisconsin mandated tavern closing time, daily. The outdoor dining area will close at 10:00 p.m.
6. Noxious Odors, Etc. The restaurant shall not emit foul, offensive, noisome or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
7. Licenses and Permits: Future tenants/occupants of the mixed-use building will be subject to that applicant obtaining all required local and State of Wisconsin licenses and permits. Liquor may be served on the premises subject to approval by the Common Council of an appropriate alcohol beverage license.
8. Refuse Collection. To be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building.

9. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.

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

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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

14. Outdoor Dining/Storage and Display. Outdoor dining is permitted on site as regulated by City ordinance. No outdoor storage, sales, or display of merchandise shall be permitted on site.

- a. According to Chapter 9.02(5)(a)(3(c), the outdoor area shall not be located on property which abuts or is within two hundred (200) feet of other property zoned or used for residential purposes. For purposes of this subsection, measurements shall be made from the boundary of the outdoor area to the building on other property zoned or used for residential purposes. This property is abutted by commercially zoned residential property to the south and residentially zoned and used property to the west. Both of these areas are inside the 200 ft. restriction for serving alcohol outdoors. The Common Council has the ability to waive this restriction if it so chooses.
- b. The outdoor dining area will be fully screened from the neighboring residential property with a minimum 6' high solid screen wood fence and landscaping.
- c. The outdoor dining area shall not extend beyond the approved 315 square foot area. Along the east, west and south fence a sign shall be erected stating, "No alcoholic beverages are permitted beyond this point."
- d. Exit and entry to the outdoor dining area will only be allowed from the north side of the outdoor dining area.

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. 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.

B. 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.

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 _____ 2007

Assistance City Clerk

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

ZON-R-648-10-16-07