



City of West Allis

Legislation Text

File #: R-2020-0345, **Version:** 1

Resolution relative to determination of Application for a Special Use Permit for outdoor dining extension of premise for Paulies Field Trip and existing tavern located at 1430 S. 81 St. and abutting parking lots located in the 1400 block of S. 81 St.

WHEREAS, Paul Budiac, d/b/a Field Trip, LLC, 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 seasonal outdoor dining area with a licensed extension of premise at the existing tavern property located at 1430 S. 81 St. (452-0258-000), and the abutting parking lot properties located at 1400 Block S. 81 St. (452-0256-000) and the 1400 Block S. 81 St. (452-0257-000); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 16, 2020, at 7:00 p.m., via virtual Common Council meeting 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, Paul Budiac, d/b/a Field Trip, LLC, has an office at 8031 W. Greenfield Ave.
2. The applicant owns the properties located at 1430 S. 81 St. (452-0258-000), and the abutting parking lot properties located at 1400 Block S. 81 St. (452-0256-000) and 1400 Block S. 81 St. (452-0257-000)., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 6, 7, 8 and 9 in Block 1 of the State Avenue Land Co's Subdivision.

Said land being located at:

Field Trip, 1430 S. 81 St.	TAX KEY NO. 452-0258-000
Parking lot, 1400 Block S. 81 St	TAX KEY NO. 452-0256-000
Parking lot, 1400 Block S. 81 St.	TAX KEY NO. 452-0257-000

3. On May 22, 2020, the applicant and business owner applied for a for a special use permit for outdoor dining and a site plan amendment to allow for additional outdoor seating on site to mitigate for phased limitations placed on reopening of business to the public initially at 50% of typical capacity given the COVID-19 pandemic.

The concept is basically extending the licensed premise outdoors to help balance what the business will lose in indoor seating capacity while practicing social distancing and separation best practices.

Properties from W. Greenfield Ave. south (inclusive of Field Trip) are zoned C-2, Commercial.

Parking lot areas around the Field Trip bar would be converted into an additional seating/outdoor dining area, offer an event stage area for bands and the area could also be used for installing a tent.

The Field Trip Tavern does not currently have a special use permit for outdoor extension of premise. Their plan is to offer an outdoor area for a temporary period (March through October). License consideration by the License and Health Committee of the Common Council.

Common Council will need to approve the license application as part of this proposal.

4. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants/cocktail lounges/taverns and outdoor dining as a special use, pursuant to Sec. 12.41(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. 81 St. and W. Orchard St. which is zoned for commercial purposes. Properties to the south are developed as multi-family residential. Properties to the west are developed as multi-family residential and mixed use. Properties to the north are developed as residential duplex and commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Paul Budiac, d/b/a Field Trip, LLC to establish a seasonal outdoor dining area with a licensed extension of premise at the existing tavern property located at 1430 S. 81 St. (452-0258-000), and the abutting parking lot properties located at 1400 Block S. 81 St. (452-0256-000) and 1400 Block S. 81 St. (452-0257-000), 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 and architectural plans approved on May 27, 2020 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.

Plan Commission recommendations included the following deliverables:

- (a) Common Council approval of the Special Use and License and Health consideration of the proposed extension of premise;
- (b) Site plan details being submitted to show: Arrangement of all structures, paving and landscaping areas, recycle and waste receptacles being delineated on site; Barricades at each driveway to prevent vehicles from pulling into the parking lot; Location and type of fence/screening and/or landscape materials between around the outdoor area and abutting residential properties to the north, south and east; Location of service bar, food preparation areas, tables, etc.;
- (c) Location and type of lighting for the outdoor area;
- (d) Certified Survey Map to combine the three parcels into one lot being submitted (within one year) if Common Council grants license approval to more than just the Field Trip property.

2. License. The grant of this special use is subject to applicable license being granted by the License and Health Committee for an outdoor extension of premise.

3. Building and Fire codes. Building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services Department and by the Fire Department.

4. Operating Conditions:

- A. Existing tavern hours of operation. Tavern (indoor/building) - The terms of the Special Use Permit shall allow tavern operations from 10:00 am to state mandated closing time daily.
- B. Outdoor area (temporary extension of licensed premises) operations are granted subject to the following:
 - a. Temporary/Seasonal term of use shall be limited within May 1 through November 18.
 - b. Eligibility. Any person holding a valid Class B license may apply under this subsection to the common council for temporary extension of such licensed premises and any collateral entertainment licenses

under the following conditions:

(1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee

- c. Extension by Common Council:
 - i. The applicant shall apply for a license and indicate the start date of outdoor use. The outdoor use is granted for a 30 day period;
 - ii. Temporary extensions are allowed for an additional 30 days by the License and Health Committee pending majority vote by the Common Council. No extension past Oct 31.
- d. Outdoor hours of operation.
 - i. Sunday - Thursday operations 10 a.m. to 9:00 p.m.
 - ii. Friday - Saturday operations 10 a.m. to 10:00 p.m.
- e. Outdoor Music. Within the above referenced outdoor operating hours live music or performances shall end one half hour before closure.
- f. Applicant shall coordinate band performances so as to not conflict with the applicant's other adjacent tavern location at 8025-31 W. Greenfield Ave. (452-0254-001). One outdoor performance per location, not performing during the same time to avoid nuisance noise.
- g. Toilet facilities. Sufficient number of toilet facilities shall be provided to accommodate the total combined person capacity of the permanent and temporary licensed premises.

C. Fencing. The outdoor area shall be delineated by a fence or similar buffer, such as landscaping or planters, to contain patrons on site so as to not extend into public right-of-way.

D. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

E. Exterior pest control shall be contracted on a monthly basis.

6. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. 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. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

7. 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, abutting sidewalk.

8. Expiration of Special Use Permit. This special use permit for the outdoor use is temporary within the months of May 1 through October 31 and valid for a 30 day period of time. Temporary extensions are allowed for an additional 30 days by the License and Health Committee pending majority vote by the Common Council. No extension past Oct 31.

9. 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.

10. 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.

11. Acknowledgement. That the applicant signs 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.

Paul Budiak (property owner)

Mailed to applicant on the
_____ day of _____, 2020

Assistant City Clerk

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

ZON-R-1222-6-16-20 Field Trip