



# City of West Allis

## Legislation Text

---

**File #:** R-2008-0108, **Version:** 2

---

Resolution relative to determination of Special Use Permit for proposed outdoor dining for Bunkers Nostalgic Lounge & Eatery, an existing business located at 7420 W. Greenfield Ave. (Tax Key No. 440-0413-000)

WHEREAS, Scott Bunker, d/b/a BUNKERS' Nostalgic Lounge & Eatery, duly filed with the City Administrative Officer-Clerk/Treasurer an application to amend R-2007-0140 adopted June 5, 2007 for a special use permit, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code, to operate a restaurant/cocktail lounge/bar with outdoor dining at 7420 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 6, 2008, at 7:00 p.m., 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, Scott Bunker, d/b/a BUNKERS' Nostalgic Lounge & Eatery, has offices on site.
2. The applicant owns the property at 7420 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 22 in Block 9 of the Otjen Pullen and Shenner's Subdivision.

Tax Key No. 440-0413-000

Said land being located at 7420 W. Greenfield Ave.

3. The applicant has previously received special use approval to convert the former downtown office space (formerly Liberty Tax Service) into a 60's-70's themed restaurant and lounge. Outdoor dining was not part of the 2007 Common Council approval. Interior work completed includes the construction of new restrooms, a kitchen, a bar, a dining area, and office and storage space.
4. As part of the amended 2008 resolution, the applicant is proposing to convert the rear parking area into an outdoor dining area (extension of premise). The outdoor dining area will be enclosed/screened from view with a decorative fence and landscaping as approved by the Plan Commission.
5. 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 and outdoor dining as a special use, pursuant to Sec. 12.40(2) and Sec. 12.16 of the Revised Municipal Code.
6. The subject property is part of a block along the north side of W. Greenfield Ave. between S. 74 St. and S. 75 St. which is zoned for commercial purposes. Properties to the north are developed as a municipal parking lot, properties to the west are developed as the U.S. Postal Office, and properties to the east and south are developed as commercial.

7. 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 Scott Bunker, d/b/a BUNKERS' nostalgic lounge and eatery to operate a restaurant/cocktail lounge/bar with outdoor dining, 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 and floor plans approved on May 23, 2007 and April 23, 2008 (outdoor dining area), 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 Zoning and by the Fire Department.
3. Restaurant Area. The existing first-floor will consist of approximately 1,649 square feet of area
4. Restaurant Operations. The restaurant will be utilized for dine-in and outdoor dining.
5. Hours of Operation. A. Indoor operations -The hours of operation will be from 10:00 a.m. to 2:00 a.m., daily. The bar will be open in accordance with the closing hours mandated by state law. B. Outdoor operations - The closing hours during which no patron or guest shall be permitted to utilize the outdoor area shall be between midnight (12:00 a.m.) and 10:00 a.m.
6. Off-Street Parking. The restaurant requires a total of 12 parking spaces. A total of one (1) parking stall will be provided on site. Municipal parking lots are located adjacent to the northwest and within proximity of the proposed restaurant.
7. Signage. The grant of this special use is subject to all signage plans being in compliance with the Central Business District Sign 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 fully enclosed within an approved structure.
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. 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 restaurant 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 restaurant 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. 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 \_\_\_\_\_, 2008

\_\_\_\_\_  
Assistant City Clerk

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

ZON-R-672-6-6-08