



City of West Allis

Legislation Text

File #: R-2007-0063, **Version:** 1

Resolution relative to determination of Special Use Permit Application for proposed banquet hall addition to Steakhouse 100 located at 7240-46 W. Greenfield Ave. (Tax Key No. 440-0344-000 and 440-0345-000).

WHEREAS, Sobczak & Sitowski, LLC, d/b/a Steakhouse 100, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.40(2) and Sec. 12.49 of the Revised Municipal Code of the City of West Allis, to amend existing resolutions 2;6016 and 26502 for a proposed restaurant/banquet hall addition to the existing Steakhouse 100 restaurant. The existing property and the proposed addition/expansion are mixed use buildings. The project area is located at 7244-46 W. Greenfield Ave. (Existing steakhouse) and 7240-42 W. Greenfield Ave. proposed expansion are (former Metal Masters); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 6, 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. Mr. Tom Miller, the building owner and Sobczak & Sitowski, LLC have office at 7240-42 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant owns the property at 7240-46 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

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:

Lots 17 and 18 in Block 7 of the Otjen Pullen and Shenner's Subdivision.

Tax Key No. 440-0344-000 - Steakhouse 100 property
440-0345-000 - Former Metal Masters property

Said land being located at 7244-46 W. Greenfield Ave. and 7240-42 W. Greenfield Ave.

3. The aforesaid premise is zoned C-1 Central Business District under the Zoning Ordinance of the City of West Allis, which permits mixed uses, restaurants and restaurant/banquet hall expansion as a special use, pursuant to Sec. 12.16, Sec. 12.40(2), and Sec. 12.49 of the Revised Municipal Code.
4. The existing restaurant and lounge area is approximately 2,200 sq. ft. The expansion into the former Metal Masters building will be approximately 1,800 sq. ft. The business will operate a full service sit-down and take out lunch, dinner and off-premise food catering service facility. The expansion area will offer additional dining hall and banquet room facilities. The applicant wishes to continue the second floor apartment/residential

uses.

5. The subject property is part of a block on the north side of W. Greenfield Ave. which is zoned for commercial purposes. Properties to the east west and south are developed as commercial. Properties to the north are developed residential.

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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Sobczak & Sitowski, LLC, d/b/a Steakhouse 100 to amend the existing Steakhouse 100 Special Use for a proposed expansion of the existing restaurant and mixed use 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 January 24, 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. Certified Survey Map. The granting of the Special Use is subject to a Certified Survey Map being submitted and approved by the Common council. The purpose of the Certified Survey Map is to combine the two properties to one property and lot of record.
3. 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 27 vehicles is required six (6) parking stalls are provided on site and the remaining parking requirement is satisfied within the abutting and adjacent municipal parking lots.
4. Hours of Operation. Business hours of operation shall be from 11:00 a.m. to 11:00 p.m.; daily. The bar area will be open in accordance with state mandated closing hours.
5. 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 and be properly screened from view.
6. 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.
7. 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 with a personnel door. All screen/enclosure

materials to match the building.

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

9. 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.

10. 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.

11. 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.

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

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. 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

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