



# City of West Allis

## Legislation Text

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**File #:** R-2012-0248, **Version:** 1

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Resolution relative to determination of Special Use Permit for a proposed restaurant to be located within the Renaissance Faire office building, located at 801 S. 60 St.

WHEREAS, Rod Rinzel, on behalf of Van Buren Management, the property owner, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant, outdoor dining, catering business to provide service for dining and banquet functions within the Renaissance Faire property; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 18, 2012, 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, Rod Rinzel on behalf of Van Buren Management, the owner of the property, with offices at 788 N. Jefferson St., Milwaukee, WI 53202, will lease space for a restaurant use on premise in West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast  $\frac{1}{4}$  of Section 34 and Southwest  $\frac{1}{4}$  of Section 35, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Parcel 2 of the Certified Survey Map No. 4680.

Said land being located at 801 S. 60 St. | 439-0002-010 and 807-829 S. 60 St. | 439-0001-031

3. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits restaurants, places of assembly, banquet facilities and outdoor dining as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a block along the west side of S. 60 St. and between the north City limits and W. Mineral Street, which is zoned for commercial and manufacturing uses. Properties to the north are located in the City of Milwaukee and developed as the Hank Aaron State Bike and Pedestrian Trail. Properties to the east are developed as residential, mixed use and commercial. Properties to the west and south are developed as manufacturing and commercial.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the area offers off-street parking and is serviced by the Milwaukee County Transit System.

6. The applicant proposes to establish a restaurant use on premise and for the purposes of this special use

may also include outdoor dining, catering and banquet uses within the Renaissance Faire property located at 801 S 60 St. and 807-829 S. 60 St. Catering, banquets and the sale/serving of alcoholic beverages on the premise is subject to a license being applied for and granted by the License and Health Committee of the Common Council. The primary areas for such activities would be established as part of any future license application and approval process when applied for.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Van Buren Management, to establish a restaurant, outdoor dining, catering business to provide service for dining and banquet functions within the Renaissance Faire property, 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 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, signage and architectural plans approved on November 26, 2012, 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. Any future outdoor dining use would require the submittal of an updated site/landscaping and floor plan to the Plan Commission for approval.
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 by the Fire Department.
3. Commercial Business Operations.
  - A. The hours of operation for the restaurant are between 5 a.m. to 12 a.m. (midnight) and seven days per week. Any future catering business and banquets would be between the hours of 5 a.m. and 12:00 a.m. (midnight) and/or as mandated by state law with regard to sale of alcohol beverages.
  - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
  - C. Refrigerator/coolers shall locate condensers within an enclosed area.
  - D. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
  - E. Excessive noise and vibrations shall not emanate from the building.
  - F. Exterior pest control shall be contracted on a monthly basis.
  - G. Outdoor seating/dining areas would require the submittal of an updated site/landscaping and floor plan to the Plan Commission for approval.
  - H. Restaurant, catering, banquet uses subject to all local and State licenses and permits being applied for and granted as applicable.
4. Off-Street Parking. The site has 1,006 spaces, and is required to have 1,097 spaces, based on full occupancy. The restaurant is required to provide 21 parking spaces. The Common Council has the ability to waive parking requirements within the Special Use Resolution.
5. Licenses and Permits. Subject to applicant obtaining all required Local and State of Wisconsin licenses and permits.

6. Litter and Monitoring. 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.
7. Signage. Signage is subject to the Master Signage Program requirements per Sec.13.21 of the Revised Municipal Code. Any building window signage shall not exceed twenty (20) percent of each window's area. Such signage shall be reviewed/approved by the Department of Development in accordance with the signage ordinance.
8. 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.
9. Lighting. The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
10. Litter, Monitoring, Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials for the property will be fully enclosed within an approved 4-sided enclosure and shown on the approved site plan.
11. Outdoor Storage and Display. All outdoor storage and display will be in accordance with the approved site plan.
12. Noxious Odors, Etc. The use 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.
13. 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.
14. 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.

15. 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.

16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

17. 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, the special use may be terminated.

18. Acknowledgement. That the applicants sign 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. 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.

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Van Buren Management/ property owner

Mailed to applicant on the

\_\_\_\_\_ day of \_\_\_\_\_, 2012

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Assistant City Clerk

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

ZON-R-902-12-18-12-bjb