



City of West Allis

Legislation Text

File #: R-2006-0346, **Version:** 2

Resolution relative to determination of Special Use Permit for Scotty's West Allis, an existing tavern located at 6500 W. Greenfield Ave. (Tax Key No. 439-0148-000).

WHEREAS, Scott Jesion, owner, Scotty's Perfect Timing, 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 operate a tavern within the building located at 6500 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 21, 2006, at 7:00 p.m., 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, Scott Jesion, owner, Scotty's Perfect Timing, has offices at 6500 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant owns the property at 6500 W. Greenfield Ave., 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, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 1 in Block 2 of the First Continuation of Soldiers Home Heights Subdivision.

Tax Key No. 439-0148-000

Said land is located at 6500 W. Greenfield Ave.

3. The applicant has operated a tavern in the existing building for over 13 years, but shut the operation down for over a year for interior construction and remodeling. The applicant now wishes to re-open, but requires a new Special Use Permit because the tavern business had been closed for over one year. The tavern/kitchen will occupy the first floor of the building. Outdoor dining will be available on the western side of the building and will be enclosed by fencing and landscaping. The second floor formerly used as residential rental units is unoccupied. The current M-1 Manufacturing Zoning does not permit residential uses. A separate application to rezone the property and apply for a mixed-use is necessary if the property is to be developed and used/occupied for mixed commercial and residential usage.
4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits taverns as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code. Residential uses are not permitted within the existing M-1 Manufacturing Zoning District.
5. The subject property is located on the northwest corner of the S. 65 St. and W. Greenfield Ave. intersection. Properties to the north are developed as manufacturing, properties to the east and west are developed as commercial and properties to the south are developed as mixed-use commercial and residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site historically has been used as a tavern.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Scott Jesion, owner, Scotty's Perfect Timing, to operate a tavern, 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. 12.45(2) and 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. Property and Personal Property Taxes. The grant of this special use is subject to and conditional upon payment of property taxes and personal property taxes.
2. Licensing. The grant of this special use is subject to and conditional upon all applicable licenses, including liquor licenses being applied for and approved in accordance with Chapter 9 of the Revised Municipal Code.
3. Site, Landscaping, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on October 25, 2006, 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.
4. 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.
5. Off-Street Parking. Off-street parking spaces for 4 vehicles will be provided on site within the existing garage. The Zoning Code requires 7 spaces for the tavern. Street parking is available along W. Greenfield Ave. and S. 65 St. The off-street parking requirements do not take into account the residential units on the second and third floors of the building. The residential units are unoccupiable according to code. If the applicant wishes to utilize them, a mixed-use Special Use Permit will need to be applied for and the property will have to be rezoned.
6. Hours of Operation. The tavern will be open from 6:00 a.m. to 2:00 a.m. Sunday thru Thursday and 6:00 a.m. to 2:30 a.m. Friday and Saturday. The bar will be open in accordance with the closing hours mandated by state law.
7. Noxious Odors, Etc. The restaurant/kitchen area shall not emit foul, offensive, noisome, noxious, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
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. Refuse Collection. Refuse collection to be provided by commercial hauler.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
13. Outdoor Dining Area. The outdoor dining area shall be located on the western portion of the site, in accordance with the approved site and landscaping plan.
 - A. Boundaries. The outdoor dining area shall not extend beyond the southern and eastern fence lines. A sign shall be erected at all gated areas stating, "No alcoholic beverages are permitted beyond this point." A physical boundary shall be established to partially screen and mark the outdoor dining boundary.

- B. Monitoring. The outdoor dining area shall be adequately monitored by staff.
14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
15. 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.
16. 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.
17. 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 _____ 2007

Assistant City Clerk

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

ZON-R-588\11-21-06\dlm