



City of West Allis

Legislation Text

File #: R-2011-0146, **Version:** 1

Resolution relative to determination of Special Use Permit to establish a restaurant/cafe within the West Allis/West Milwaukee School Administration Building located at 1205 S. 70 St.

WHEREAS, Deb Rouse, on behalf of the West Allis/West Milwaukee School District duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant/café within an existing ground floor tenant space of the School District Administration building located at 1205 S. 70 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 7, 2011, 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, Deb Rouse of the West Allis/West Milwaukee School District, has offices on site at 1205 S. 70 St. West Allis, WI 53214.
2. The applicant will manage/operate a restaurant/café within the ground floor portion of the building located at 1205 S. 70 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest ¼ of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 22 thru 30 and South 13.13 feet of Lot 31 in Block 2 of the Otjen Pullen & Shenner's Subdivision.

Tax Key No. 440-0256-002

Said land being located at: 1205 S. 70 St.

3. The applicant is proposing to operate an approximate 1,400 square foot restaurant/cafe space for a restaurant/café (Coffee Shop) and convenience items on the 1st floor of the West Allis/West Milwaukee School District building located at 1205 S. 70 St. While open to the public, primary users will be visitors and employees of the building. Menu items will include brand coffees, espressos and cappuccinos, hot chocolate, grab and go sandwiches, salads, soups, and snacks.

Indoor seating for 15 patrons and an expected staff of up to 6 persons (which includes a District food service manager and part time employees). Work-study opportunities for District high school students will made possible at this location.

Space is available for a small outdoor dining area. If the applicant is contemplating a patio area, it should be shown on a revised plan and approved by the Plan Commission.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of a block along the north side of W. Greenfield Ave. between W. Greenfield Ave. and the north City Limits that is zoned for Commercial purposes. Properties to the north, south, east and west are developed for commercial uses.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property is currently utilized as a multi-tenant commercial facility and school administration use. The site offers off-street parking and is served by public transit. While open to the public, primary users will be visitors and employees of the building.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of, Deb Rouse, on behalf of the West Allis/West Milwaukee School District, to establish a restaurant/cafe within an existing ground floor tenant space of the School District Administration building located at 1205 S. 70 St., 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 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 May 25, 2011, 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 Operations. The restaurant will be utilized for dine-in and carry-out service. While outdoor dining is not contemplated at this time the grant of outdoor dining for this subject use is granted upon submittal of a revised site, landscaping and architectural plans to the Plan Commission for consideration.
 - A. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
 - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
 - C. Excessive noise and vibrations shall not emanate from the building.
 - 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.

- F. No overnight parking of commercial vehicles will be conducted on site.
- G. Special events to be authorized by the Common Council.
4. Hours of Operation. The hours of operation being granted for this use are from 6:00 a.m. to 8:00 pm, seven days per week.
5. Off-Street Parking.
- Required Parking: Coffee Shop requires 9 spaces. The overall property is required to provide 264 spaces.
- Provided Parking: 239 spaces, consisting of 36 spaces @ 1205 S. 70 St. and 239 spaces at 1205 S. 70 St.
6. 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 4-sided structure to match the building. The location of such containers shall not block the required exit from the building's common areas.
7. 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 an enclosure approved by the Department of Development. 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 are residential uses 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 9:00 p.m. and 7:00 a.m.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Such signage shall be affixed to the interior of the window and shall not flash.
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. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
11. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.
12. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
13. 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.
14. Pollution. The 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

Agent on behalf of the West Allis/West Milwaukee School District

Mailed to applicants on the

_____ day of _____, 2011

Assistant City Clerk

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

ZON-R-818-6-7-11