



# City of West Allis

## Legislation Text

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**File #:** R-2018-0524, **Version:** 1

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Resolution relative to determination of Special Use Permit for Pizzeria Scotty, to relocate and establish a restaurant within the existing commercial building located at 9022 and 90\*\* W. Oklahoma Ave.

WHEREAS, Travis Puschnig, d/b/a Pizzeria Scotty, 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 relocate and establish a restaurant within the existing commercial building located at 9022 and 90\*\* W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 7, 2018, 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, Travis Puschnig, d/b/a Pizzeria Scotty, is currently located at 9809 W. Oklahoma Ave., Milwaukee, WI 53227.
2. The applicant has a valid offer to purchase the property located at 9022 and 90\*\* W. Oklahoma Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest ¼ of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Parcel 2 and 3 of the Certified Survey Map No. 1194.

Tax Key No. 517-9982-002 and 517-9982-003

Said land being located at 9022 and 90\*\* W. Oklahoma Ave.

3. Pizzeria Scotty is currently located in the City of Milwaukee within a multi-tenant commercial building located at 9809 W. Oklahoma Ave. The business is moving to West Allis into the former Cross Roads travel building at 9022 W. Oklahoma Ave. Pizzeria Scotty would own the property.
4. The applicant is proposing to renovate the interior and exterior of the building from an office to a restaurant. While the building is currently a travel agency/office, it was previously used as a restaurant between its construction date (in 1971) and 1996. Off-street parking is available on site. No drive-thru is proposed and a liquor license has not been requested, as the applicant is proposing a carry-out delivery pizzeria.
5. The site consists of two properties totaling about 0.43 acres and zoned C-3, Community Commercial, which permits restaurants as a special use pursuant to Section 12.42(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. Oklahoma Ave. between W. Beloit Rd. and S. 92 St. which is zoned for commercial purposes. Properties to the north, east and west are developed as a residential. Properties to the south are developed as commercial and located in the City of Milwaukee.

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 Travis Puschnig, d/b/a Pizzeria Scotty to establish a restaurant within the existing commercial building located at 9022 and 90\*\* W. Oklahoma Ave., 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 architectural, site and floor plans approved on July 25, 2018 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. Operations:

A. Hours open - Monday to Thursday 11am to 10pm, Friday 11am to 11pm, Saturday 4pm to 11pm, Sunday 3pm to 10pm. For the purposes of this special use permit shall grant the restaurant use to be open between 9am and 11pm daily.

B. Applicable licensing shall be subject to approval of the license and Health Committee.

C. Excessive odors from cooking on premises shall not emanate from the building.

D. Excessive noise and vibrations shall not emanate from the building.

E. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

F. Exterior pest control shall be contracted on a monthly basis.

G. Special events to be authorized by the Common Council.

H. A food establishment under RMC Section 7.04.

4. 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 a four-sided enclosure or as approved by the Department of Development to match the building. 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 is a residential neighborhood 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 10:00 p.m. and 7:00 a.m.

5. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame and be attached to the interior of the window area. No flashing window signage.

6. Off-Street Parking. The property/development requires a total of 10 parking spaces which will be provided on site. The property currently has 29 parking spaces.

7. Litter and Monitoring. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. The tavern/restaurant, outdoor area and parking lots shall be adequately monitored by staff.

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. Noxious Odors, Etc. The tavern/restaurant shall not emit foul, offensive, noisome, noxious, odorous or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

10. 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.

11. Noise. The windows and doors of the pub/restaurant will be closed by 12:00 a.m. (midnight) to prevent excess noise from penetrating the neighborhood.

12. Outdoor Lighting. All outdoor lighting fixtures shall be directed downward and/or shielded in such a manner that no light spills from the property boundaries.

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, then the special use may be terminated.

18. Acknowledgement. That the applicant signs 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.

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Travis Puschnig, d/b/a Pizzeria Scotty

Mailed to applicant on the

\_\_\_\_\_ day of \_\_\_\_\_, 2018

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

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services  
Div. of Planning

ZON-R-1151-8-7-18