



City of West Allis

Legislation Text

File #: R-2020-0224, **Version:** 1

Resolution relative to determination of an Application for a Special Use Permit for Layman Brewing, a proposed brew pub, to be located at 6001 W. Madison St.

WHEREAS, Sarah Warren and Kyle Ida, of Layman Ventures, LLC (the applicant) duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code, to establish a restaurant and brewpub within an existing mixed use building at 6001 W. Madison St; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 22, 2020 at 7:00 p.m., by remote means due to the COVID-19 pandemic, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented during the public hearing and the following pertinent facts noted:

1. The applicant intends to purchase the property (former Kokopelli's tavern and hall). The premise is a mixed use building (commercial use ground floor and residential dwelling second floor) within a neighborhood commercial zoning district, Layman currently has a conditional business occupancy permit to continue to run the existing tavern use and fulfill any remaining hall rental obligations.

Layman Brewing intends to operate as a brewpub; meaning they will eventually make beer on site and sell beer alongside house-made pub foods, cocktails, and other well-known macro-brews. The brewpub/limited food production, restaurants and outdoor extensions of premise uses, require a special use permit.

The applicant intends to make interior and exterior building and site improvements to the property. The general scope of improvements include demolition of the existing hall portion of the building, constructing a new building addition within the same foot print to replace the existing for use as part of their brewpub (beer production processes, food service as well as for additional seating area). Layman's production will be small batch (up to 1,000 barrels annually).

2. The applicant intends to purchase the property at 6001 W. Madison St., 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:

Lots 1 and 2 in Block 8 of the Re-subdivision of Soldiers Home Heights Company's Subdivision.

Tax Key No. 439-0342-000.

Said land being located at 6001 W. Madison St.

3. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants, taverns, limited food production, outdoor dining/extension of licensed premise as a Special Use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.

4. The subject property is part of a commercial business district along S. 60 St. Adjacent properties to the north, south and east are zoned and developed for commercial uses. Properties to the west are zoned and developed for low density residential uses.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area, as S. 60 St. offers street parking, access to public transportation and the property offers some off-street parking.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Sarah Warren and Kyle Ida, of Layman Ventures, LLC, to establish a brewpub and restaurant at 6001 W. Madison 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 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 a Site, Landscaping, Screening and Architectural Plans approved on March 25, 2020 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, Fire Codes and Licensing. The grant of this Special Use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services, Health and by the Fire Department. All applicable Federal, State and local licenses being applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.
3. Operations.
 - A. The restaurant will offer indoor and outdoor seating areas (on premise). Layman Brewing is a brewpub which means that it is a bar that serves their beer directly to consumers and accompanies their beer with food. With the brewery operational Layman Brewing will begin to produce its own beer for on-site consumption.
 - B. The establishment intends to offer pub-style food and a simple weekend brunch. For special events, Layman will offer a fish boil, brat fry, or similar Wisconsin inspired dish. Pub fare will be paired with house-made beers, board games, and a low-key atmosphere.
 - C. The applicants indicate that the microbrewery will initially include a one-barrel production system with an expected output of 7 barrels per week as noted in Layman Brewing's plan of operation. Yearly beer production will be no more than 400 barrels. Per the Owner's submitted plan of operation, production may be expanded to a 5-barrel system with a yearly output of less than 1000 barrels if demand dictates.
 - D. Business operations Hours - The applicant volunteers to keep the building's current service hours which are as follows: Monday to Friday 11am - close and Saturday and Sunday 8:30am - close. General production and staff hours on site: 7 days per week from 8am - 10pm.
 - E. Outdoor dining/extension of premise is granted with the approval of this special use and is subject to all building, fire and health codes and licensing.
4. Off-Street Parking. A total of twenty-two (22) parking spaces are required for the brewpub restaurant use. The property has space for 3 off-street parking spaces. Reduced parking may be permitted and customers would use on-street parking, as has historically been the case for the previous use of the former tavern and hall use.

The Common Council has the authority to accept the revised parking provisions, as a condition of the Special Use. With the approval and signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with section 12.16(9)(a) of the Revised Municipal Code.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed.
6. 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.
7. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.

8. Refuse Collection and pick-up. Refuse collection to be provided by commercial hauler and stored within the building or an enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor, as approved by the Plan Commission.

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 residents that live within the building and residential neighborhood adjacent to the site, 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.

9. Pest Control. Exterior pest control shall be contracted on a monthly basis.

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, 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.

Applicant, Layman Ventures, LLC

Property owner

Mailed to applicants on the

_____ day of _____, 2020

City Clerk

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

ZON-R-1215-4-22-20

Plan Commission recommends approval.