

RESOLUTION #P.C.087-2007
APPROVAL OF AN AMENDED BUILDING SITE AND OPERATION PLAN
FOR BEEF O' BRADY'S LOCATED IN THE SE ¼ OF SECTION 8
(TAX KEY NO. 2192.971 / W189 S7761 RACINE AVENUE)

WHEREAS, On July 24, 2007 plans were submitted by John Williams for an amendment to a Building, Site and Operation Plan for Beef O' Brady's located in the SE ¼ of Section 8 (Tax Key No. 2192.970 / W189 S7761 Racine Avenue), and

WHEREAS, The petitioner is proposing to add outdoor dining to the restaurant located on the north end of the Muskego Centre along Racine Avenue, and

WHEREAS, The outdoor dining would consist of a temporary removable fence enclosing four tables (with chairs) on the sidewalk in front of the restaurant along with complimenting planters, and

WHEREAS, The outdoor dining area is to be for seasonal dining use only and has full permission of the landlord, and

WHEREAS, The proposed site plan for the outdoor dining shows a 2' 11" clearance left in the walkway in front of the restaurant.

THEREFORE BE IT RESOLVED, That the Plan Commission approves of an amended Building, Site and Operation Plan for Beef O' Brady's located in the SE ¼ of Section 8 (Tax Key No. 2192.970 / W189 S7761 Racine Avenue).

BE IT FURTHER RESOLVED, That the petitioners consult the Finance Committee about the establishment's alcohol serving license if alcohol is intended to be served in the outdoor dining area. Any alcohol license issues must be resolved before any outdoor dining setup takes place.

BE IT FURTHER RESOLVED, That the exact locations of the planters and the species of contents be delivered to the planning Department for City Forester review before any outdoor dining setup takes place.

BE IT FURTHER RESOLVED, That a minimum of three (3) feet of clearance must be left at the narrowest point on the walkway in front of the restaurant (as measured from the curb edge to the closest part of the fence or post) as per ADA standards. Currently the site plan shows only a clearance of two (2) feet eleven (11) inches to the fence, not the post base.

BE IT FURTHER RESOLVED, That there must be a 60" x 60" clear turn around and passing area at the ends of the fenced area per ADA standards.

BE IT FURTHER RESOLVED, That all equipment must be removed during the seasons that the outdoor dining is not in use and no outdoor storage is allowed to occur on the property.

BE IT FURTHER RESOLVED, That if at anytime the outdoor dining equipment and fence are not kept in a quality condition, the Plan Director may bring back the item to Planning Commission for removal of use.

BE IT FURTHER RESOLVED, That a copy of said plans be kept on file in the Building Department and that all aspects of this plan shall be maintained in perpetuity unless otherwise authorized by the Plan Commission.

BE IT FURTHER RESOLVED, That failure to comply with the approval contained in this resolution shall result in the imposition of fines of \$100 per day, the initiation of legal action, or both.

Plan Commission
City of Muskego

Adopted: August 7, 2007

Defeated:

Deferred:

Introduced: August 7, 2007

ATTEST: Kellie Renk, Recording Secretary