

## **Exhibit C Special Conditions**

### **1. General Provisions**

Anything not addressed in the Planned Development Agreement should be addressed as per the underlying zoning district.

### **2. Hours of Operation**

Gas Station and Convenience Store Daily, 24 hours

Restaurant 10 am to midnight

Harry's Tru Value site – unoccupied Hours to be established upon submittal of development proposal (Common Council approval required).

### **3. Setbacks**

The building setbacks within the underlying C-3 Community Commercial District are zero unless abutting a residential zoning district or a residential use and such use is not non-conforming.

### **4. Permitted and Special Uses**

Uses permitted within the Planned Development District shall be in accordance with Permitted and Special Uses in the underlying C-3 Community Commercial District of the Revised Municipal Code for the City of West Allis (unless listed below as a prohibited use). Any future businesses on site that are listed as special uses in the underlying C-3 Community Commercial District will be required to obtain a special use permit in accordance with Section 12.16 of the Revised Municipal Code.

### **5. Prohibited Uses**

The following uses are specifically not permitted within the Planned Development District:

1. Outdoor storage and display (including sidewalk sales)
2. Vehicle service and repair shops
3. Vehicle sales, display or storage
4. Public self-storage or warehousing
5. Telecommunication and radio towers
6. Adult-oriented establishments, including Adult Video Sales, under the provisions of Sec. 9.28 of the Revised Municipal Code.
7. Tobacco stores
8. Variety stores, thrift/consignment stores, pawn brokers, check-cashing

### **6. Site, Landscaping and Architectural**

All Site, Landscaping and Architectural improvements shall be in accordance with the recommendation and approved set of plans (Exhibit B) by the Plan Commission on June 22, 2005. Any modification to the approved set of plans will require resubmission and approval by the West Allis Plan Commission.

## **7. Site and Rooftop Screening**

A solid screen fence and landscaping of sufficient height to buffer adjacent uses shall be installed in areas abutting residential zoning districts or land uses. Refuse enclosures shall be four sided with personnel doors and shall be large enough to contain all refuse, recyclable, and other waste materials. The construction of said enclosures shall be designed of masonry materials to match the principal building.

Rooftop equipment shall be screened or located so as to be not visible from street grade. Rooftop equipment includes, but shall not be limited to, satellite dishes, telecommunication equipment, penthouses, heating, ventilating and air conditioning units.

## **8. Required Conditions for Akash-Miller Planned Development**

1. Unique architectural lighting will be used throughout the site.
2. The use of pennants, special lighting, flags, streamers or other signage and marketing displays, whether permanent or temporary, hanging, floating, freestanding or attached to a vehicle or structure shall require plan commission approval.
3. Refuse enclosures shall be four sided with personnel doors and large enough to contain all refuse, recyclable, and other waste materials. The construction of said enclosures shall be designed of masonry materials to match the principal building.
4. Visible pedestrian linkages, i.e. sidewalks, paths, will be placed from the public sidewalk to the main entrances of each building and internally throughout the site. Bicycle racks will also be included on site.
5. The former Harry's Tru Value site (10635 W. Greenfield Ave. 449-982-005) developer shall provide a public access easement through the property to maintain future cross-access from abutting properties to the north and south and east and west.
6. Utility easements and documentation being accurately shown on plan (Exhibit B) and submitted to the City Engineer. Such design shall meet with the approval of the City Engineer.
7. MMSD Chapter 13 compliance.
8. Compliance with NR 151. Submit compliance letter to City Engineer.

## **9. Signage**

1. All signage will be in accordance with the City of West Allis signage master signage guidelines (see attached Exhibit D) unless otherwise noted below:
2. Two (2) wall signs will be permitted (one per façade elevation) for each tenant's portion of the Akash building (including any gas station canopy signage). Wall signage shall be apportioned within the wall signage area calculation enumerated in Exhibit D.
3. Directional signage will not exceed 6 square feet in size and will be designed to match the principal signage.

## **10. Amendments**

Any modification to this Special Conditions exhibit will require resubmission and approval by the City of West Allis Plan Commission and Common Council.