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# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2003-0209	Resolution	In Committee
Resolution relative to determination of Special Use Application submitted by Peter Agnos to construct a Mega Custard Restaurant at 1440 S. 84 St.		
Introduced: 07/01/2003		Controlling Body: Safety & Development Committee

### COMMITTEE RECOMMENDATION

Adopt

MOVER: NARLOCK AYES 5 NOES 0

SECONDER: WEIGEL EXCUSED \_\_\_\_\_

COMMITTEE ACTION DATE 7/1/03

### SIGNATURES OF COMMITTEE MEMBERS

Chair

Vice-Chair

### COMMON COUNCIL ACTION

adopted

FINAL ACTION DATE 7-1-03

MOVER:

Lajszic

SECONDER:

Narlock

	AYE	NO
1. Barczak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Czaplewski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Kopplin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Lajszic	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>5. Murphy</del>	<input type="checkbox"/>	<input type="checkbox"/>
6. Narlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Reinke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Sengstock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Trudell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Vitale	<u>ex</u>	<input type="checkbox"/>
<u>Weigel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>9</u>	<u>0</u>



# City of West Allis

## Resolution

7525 W. Greenfield Ave.  
West Allis, WI 53214

**File Number: R-2003-0209**

**Final Action:**

7-1-03

Resolution relative to determination of Special Use Application submitted by Peter Agnos to construct a Mega Custard Restaurant at 1440 S. 84 St.

WHEREAS, Peter Agnos duly filed with the City Administrative Officer-City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 of the Revised Municipal Code, to construct a new, 4,603 square foot restaurant with an outdoor dining area and drive-thru; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2003, at 7:00 p.m., and 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, Peter Agnos, resides at 2851 S. Root River Parkway, West Allis, WI 53227.
2. The applicant owns the vacant property located at 1440 S. 84 St. (formerly known as Meurer's Commissary), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 4, Certified Survey Map No. 6510, located in the Northeast  
1/4 of Section 4, Township 6 North, Range 21 East, in the City of West  
Allis, County of Milwaukee, State of Wisconsin.

TAX KEY NO.: 451-0642-004

Said land being located at 1440 S. 84 St.

3. The applicant has demolished the former building on site and will construct a 4,603 square foot fast food restaurant with an outdoor dining area and a drive-thru.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of an area extending along the east side of S. 84 St. between W. Greenfield Ave. and W. Lapham St. which is zoned for commercial purposes. Properties to the north and south are developed for commercial uses. Properties to the east are developed for residential use and properties to the west are developed as manufacturing.
6. 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 Peter Agnos, to establish a restaurant 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, Architectural and Signage Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, architectural elevation and signage plans, being approved on June 25, 2003, 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. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to the Department of Building Inspection for approval.
4. Hours of Operation. The restaurant and drive thru will be open from 6:00 a.m. to 12:00 p.m. (midnight) seven (7) days per week.
5. Off-Street Parking. Number of parking spaces provided and maintained on site for the restaurant (including the outdoor dining area) shall be at least twenty-nine (29) spaces, including two (2) ADA spaces. An area for bicycle parking will also be included on site.
6. Litter. Employees shall inspect the site 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 structure.
7. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
8. Other Signage. Banners, flags, free-standing signs used for advertising shall not be permitted without the approval of the Common Council.

Applicant is 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.



The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

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.

Mailed to applicant on the  
9 day of July, 2003

Monica Schultz  
Assistant City Clerk

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

ZON-R-388\jmg\7-1-03

ADOPTED

July 1, 2003  
Paul M. Ziehler  
Paul M. Ziehler, CAO, Clerk/Treasurer

APPROVED

July 3, 2003  
Jeannette Bell  
Jeannette Bell, Mayor