

29.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2009-0269 Resolution Introduced

Resolution relative to determination of Special Use Permit for J's China Gourmet, a proposed restaurant to be located within the Agnos State Fair Court multi-tenant commercial building, located at 1470 S. 84 St.

Introduced: 12/15/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/15/09</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
	✓		Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 15 2009</u>			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL				



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0269

Final Action:

Sponsor(s): Safety & Development Committee

DEC 15 2009

Resolution relative to determination of Special Use Permit for J's China Gourmet, a proposed restaurant to be located within the Agnos State Fair Court multi-tenant commercial building, located at 1470 S. 84 St.

WHEREAS, Jie Zheng, d/b/a J's China Gourmet, 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 establish a restaurant within the Agnos State Fair Court multi-tenant commercial building; and,

12.41(a) corrected by MS 3-11-10 per Mayor Devine

WHEREAS, after due notice, a public hearing was held by the Common Council on December 15, 2009, 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, Jie Zheng, d/b/a J's China Gourmet, resides at 4632 N. Ironwood Lane, Glendale, WI.
2. The applicant, Jie Zheng, d/b/a J's China Gourmet will lease an approximate 2,000 sq. ft. portion of the Agnos State Fair Court located at 1470-78 and 1480-88 S. 84 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Part of the Lot 2 in Block 3 of the Assessor's Plat No. 257 located in the Northwest ¼ of the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Southwest corner of Lot 4 of Certified Survey Map No. 6510; thence Easterly, 102.95 feet along south side of said Lot 4; thence Southerly, 318.00 feet; thence Westerly, 102.95 feet to the East right-of-way line of South 84th Street; thence Northerly, 318.00 feet along said East right-of-way line to the Point of Beginning.

Tax Key No. 451-0642-006

Said land being located at 1470-78 and 1480-88 S. 84 St.

3. The applicant is proposing to establish a restaurant with dine in and carryout services in a

portion of the Agnos State Fair Court multi-tenant commercial building.

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. ~~12.42(2)~~ and Sec. 12.16 of the Revised Municipal Code.

corrected
by MS
3-11-10
per
Mayor
Devine

12.41(2)

5. The subject property is located mid-block on the east side of S. 84 Street on a block that is bounded by W. Greenfield Ave. to the north, S. 82 St. & S. 83 St. to the east, and W. Lapham St. to the south. The block is zones for commercial, residential and manufacturing purposes. Properties to the north are developed for commercial. Properties to the east are developed as residential and manufacturing. Properties to the south are developed as commercial. Properties to the west are developed residential.

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 Jie Zheng, d/b/a J's China Gourmet, to establish a restaurant within the Agnos State Fair Court multi-tenant commercial building, 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:

1a. Site, Landscaping, Screening, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and screening plans approved on December 2, 2009, 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.

1b. Master Signage Plan. Under the approved plan, the pole sign will be removed by December 2010. The remainder of the site will be brought into compliance with the Master Sign Plan regulations of the City of West Allis Sign Ordinance.

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 Neighborhood Services and by the Fire Department.

3. Restaurant Area. The floor area for the restaurant will consist of approximately 2,000 square feet of area within the Agnos State Fair Court multi-tenant commercial building.

4. Hours of Operation. The hours of operation will be 11:00 a.m. - 10:00 p.m. Monday - Thursday; 11:00 a.m.-10:30 p.m. Friday and Saturday; and, 11:30 a.m.-9:00 p.m. on Sunday.

5. Restaurant Operations.

- A. Excessive odors from cooking on premises shall be controlled within limits of current technology.
- B. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
- C. Refrigerator/cooler addition shall locate condensers within the existing 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.

6. 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 9:00 p.m. and 7:00 a.m.

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

8. Off-Street Parking. Thirteen (13) parking stalls are required for the proposed restaurant and a total of forty-one (41) parking spaces are required for the Agnos State Fair Court multi-tenant commercial building. A total of forty-seven (47) parking spaces are provided on site.

9. Outdoor Storage. No outdoor storage shall be permitted on site. No vehicle advertising (advertising on vehicles) shall be permitted on site.

10. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.

11. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

12. 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.

13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.

14. 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 (if any), abutting sidewalk.

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. 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.
- B. 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.
- 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.

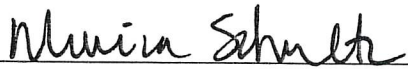
18. Acknowledgement. That the applicant sign an acknowledgment that he has received these terms and conditions and will abide by them.

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.



Jie Zheng, d/b/a J's China Gourmet

Mailed to applicant on the
28 day of December 2009



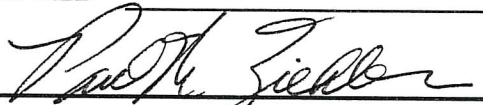
Assistant City Clerk

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

ZON-R-742-12-15-09

ADOPTED

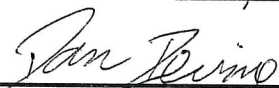
DEC 15 2009



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

12/21/09



Dan Devine, Mayor

Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

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Jie Zheng, d/b/a J's China Gourmet

Mailed to applicant on the
28 day of December 2009

Munia Schulte
Assistant City Clerk

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

ZON-R-742-12-15-09

ADOPTED

DEC 15 2009

Paul M. Ziebler

Paul M. Ziebler, City Admin. Officer, Clerk/Treas.

APPROVED

12/21/09

Dan Devine

Dan Devine, Mayor



CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)

www.ci.west-allis.wi.us

Paul M. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

December 28, 2009

Mr. Jie Zheng
J's China Gourmet
4632 N. Ironwood Lane
Glendale, WI 53209

Dear Mr. Zheng:

On December 15, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit for J's China Gourmet, a proposed restaurant to be located within the Agnos State Fair Court multi-tenant commercial building, located at 1470 S. 84 St.

Please sign and return the enclosed copy of Resolution No. R-2009-0269 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Donald Kuzkowski, Architects/Planners, 1545 S. 84 Street, 53214
Manfred E. Newmann Trust, S43 W22570 Beeheim Rd., Waukesha, 53188