



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution: R-2017-0080

File Number: R-2017-0080

Final Action:

Sponsor(s): Safety & Development Committee

APR 04 2017

Resolution relative to determination of Special Use Permit for HuHot Mongolian Grill, a proposed restaurant, to be located at 3021 S. 108 St.

WHEREAS, Robert Schmidt, III, d/b/a Robert 100, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis, for a restaurant proposed to be within a portion of the existing multi-tenant commercial building located at 3001-3021 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 4, 2017 at 7:00 p.m., in the Common Council Chambers 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, Robert 100, LLC, owns the property and has offices at 311 E. Chicago St., Suite 210, Milwaukee, WI 53202 to-wit:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lot 2 of the Certified Survey Map No. 8610.

Tax Key No. 520-1010-000

Said land being located at 3001-3021 S. 108 St.

2. The aforesaid premise is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants, drive-thru facilities and outdoor seating/dining (extension of premise) as a Special Use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

3. The applicant has a valid offer to lease space, within a portion of the existing multi-tenant commercial building, to a restaurant of up to approximately 5,000 sq. ft.

4. The proposed tenant is HuHot Mongolian Grill, which specializes in create your own stir fry. While the building was originally constructed with a drive-thru facility, the subject tenant is not proposing to utilize this feature as part of its operations.

5. The subject property is located along a commercial corridor on the west side of S. 108 St. between

establishment will be closed to prevent nuisance noise from entering the surrounding neighborhood.

- C. The proposed use and outdoor extension of premise will be closed in accordance with the hours of operation approved by the Common Council.
- D. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
- E. Exterior pest control shall be contracted on a monthly basis.
- F. Special events to be authorized by the Common Council.
- G. A food establishment under RMC Section 7.04.
- H. Outdoor dining/outdoor extension of licensed premise is granted with this special use and subject to the approved plans by Plan Commission.
- I. The drive-thru will not be utilized by the restaurant. Activating the drive-through for motor vehicles is subject to approval of the Plan Commission and Common Council, via the special use amendment process.

6. Signage. Compliance with the West Allis signage ordinance. Any window signage shall not exceed 20% of the window area and be located internally.

7. 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.

8. 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. 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.

9. 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.

10. 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.

11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays beyond the property boundaries.

12. Noxious Odors, Etc. 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.

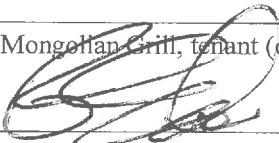
Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee 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 applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

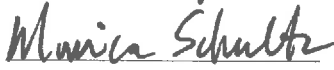
The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

HuHot Mongolian Grill, tenant (or agent for HuHot Mongolian Grill)



Robert Schmidt, III, d/b/a Robert 100, LLC, property owner

Mailed to applicant on the
11 day of April, 2017


City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning
ZON-R-1083-4-4-17

ADOPTED APR 04 2017

APPROVED 4/13/17


Monica Schultz, City Clerk



Dan Devine, Mayor

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 applicant signs 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.


HuuHot Mongolian Grill, tenant (or agent for HuuHot Mongolian Grill)

Robert Schmidt, III, d/b/a Robert 100, LLC, property owner

Mailed to applicant on the
11 day of April, 2017



Monica Schultz
City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning
ZON-R-1083-4-4-17

ADOPTED APR 04 2017

APPROVED 4/13/17


Monica Schultz, City Clerk


Dan Devine, Mayor