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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0081	Resolution	In Committee
Resolution relative to determination of Special Use Application submitted by Chris and Andy Karabelas, KB Investments, to construct and establish a restaurant with a drive-through and outdoor dining at 1440 S. 84 St. (vacant lot south of Walgreen's)		
Introduced: 3/2/2004		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>3/2/04</u>		<input checked="" type="checkbox"/>	Barczak				
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
			Trudell				
			Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>	<u>—</u>		

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

[Signature] _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAR 02 2004</u>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock				<input checked="" type="checkbox"/>
			Trudell	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>	<u>—</u>		<u>1</u>

C. Dev. Dept. Planning
B+Z

COMMITTEES OF THE WEST ALLIS COMMON COUNCIL 2003

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski
V.C.: Alderperson Kopplin
Alderpersons: Barczak
Lajsic
Reinke

ADVISORY

Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderpersons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderpersons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderpersons: Czaplewski
Narlock
Reinke

PUBLIC WORKS

Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderpersons: Sengstock
Weigel
Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0081

Final Action:
MAR 02 2004

Resolution relative to determination of Special Use Application submitted by Chris and Andy Karabelas, KB Investments, to construct and establish a restaurant with a drive-through and outdoor dining at 1440 S. 84 St. (vacant lot south of Walgreen's)

WHEREAS, Chris and Andy Karabelas, KB Investments, 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, 4,195 square foot restaurant with an outdoor dining area and drive-through; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 2, 2004, at 7:00 p.m., and 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 applicants, Chris and Andy Karabelas, KB Investments, have offices at 13865 Adelaide Ln., Brookfield, WI 53005.

2. The applicants own 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 former building on the site has been demolished and a 4,195 square foot fast food restaurant with an outdoor dining area and a drive-through will be constructed.

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 west are developed for residential use and properties to the east 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 Chris and Andy Karabelas, KB Investments, 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, and Architectural 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 March 2, 2004, 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. **Signage and Lighting Plans.** The grant of this special use is subject to all signage and lighting plans being submitted to the Plan Commission for approval.
3. **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.
4. **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.
5. **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 any damaged, abutting sidewalk.
6. **Hours of Operation.** The restaurant will be open from 6:00 a.m. to 12:00 p.m. (midnight) seven days per week. The drive-through will be open until 2:00 a.m.
7. **Seating Capacity.** Seating capacity shall be limited to 99 people.
8. **Outdoor Dining Area.** The outdoor dining area shall be adequately monitored by staff.
9. **Off-Street Parking.** Number of parking spaces provided and maintained on site for the restaurant shall be at least 29 spaces, including 2 ADA spaces. A bicycle rack will also be included on site.
10. **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.

11. Refuse Collection. Refuse collection to be provided by commercial hauler, 6 days per week unless the refuse enclosure is expanded to an agreed upon size.

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

13. 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 without Plan Commission approval.

14. Signage. Banners, flags, free-standing signs used for advertising shall not be permitted without the approval of the Common Council.

15. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures shall be utilized on site.

Applicants are 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 applicants' failure to obtain other necessary building and zoning approvals.

The use, as granted herein, is subject to applicants' 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 applicants on the
10th day of March, 2004

Monica Schult
Assistant City Clerk

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

ZON-R-421\jmg\3-2-04

ADOPTED March 2, 2004
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED March 5, 2004
Jeannette Bell
Jeannette Bell, Mayor