

27.
64.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2007-0197 Special Use Permit In Committee

Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave. (Tax Key Nos. 520-9961-002 and 520-9961-003)

Introduced: 4/17/2007

Controlling Body: Safety & Development Committee
Plan Commission

COMMITTEE RECOMMENDATION

F.C.C.

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/12/07</u>			Barczak				✓
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
	✓		Reinke	✓			
			Sengstock				
			Vitale	✓			
		✓	Weigel	✓			
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature] _____ _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG - 7 2007</u>			Barczak				✓
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel

Planning Application Form

City of West Allis ■ 7525 West Greenfield Avenue, West Allis, Wisconsin 53214
414/302-8460 ■ 414/302-8401 (Fax) ■ <http://www.ci.west-allis.wi.us>

Applicant or Agent for Applicant

Agent is Representing (Owner/Leasee)

Name STEVE JESKE
Company Haag Muller Inc.
Address 101 East Grand Ave.
City Port Washington State WI Zip 53074
Daytime Phone Number 262-268-1200
E-mail Address sjeske@haagmuller.com
Fax Number 262-268-1250

Name Rich Neubauer
Company McDonalds Corporation
Address 4320 Winfield Rd, Suite 400
City Warrenville State IL Zip 60555
Daytime Phone Number 630-836-4939
E-mail Address rich.neubauer@us.mcd.com
Fax Number 630-836-4804

Project Name/New Company Name (If applicable) _____
McDonalds Restaurant Rebuild

Agent Address will be used for all official correspondence.

Property Information

Property Address 10915 W. National Ave.
Tax Key Number 520-9961-002
Current Zoning C4 REGIONAL COMMERCIAL DIST.
Property Owner McDonalds Corp.
Property Owner's Address SEE OWNER INFO.

Existing Use of Property MCDONALD'S RESTAURANT

Structure Size 107 Addition N/A
100 x 66
Construction Cost Estimate: Hard _____ Soft _____ Total 700 K
Landscaping Cost Estimate 25 K
Total Project Cost Estimate: 900 K
Previous Occupant N/A

Application Type and Fee

(Check all that apply)

- Request for Rezoning: \$500.00 (Public Hearing required)
Existing Zoning: _____ Proposed Zoning: _____
- Request for Ordinance Amendment \$500.00
- Special Use: \$500.00 (Public Hearing required)
- Transitional Use \$500.00 (Public Hearing Required)
- Level 1 Site, Landscaping, Architectural Plan Review \$100.00
- Level 2 Site, Landscaping, Architectural Plan Review \$250.00
- Level 3 Site, Landscaping, Architectural Plan Review \$500.00
- Site, Landscaping, Architectural Plan Amendments \$100.00
- Extension of Time: \$250.00
- Certified Survey Map: \$500.00 + \$30.00 County Treasurer
- Planned Development District \$1500.00(Public Hearing required)
- Subdivision Plats: \$1500.00 + \$100.00 County Treasurer + \$25.00 for reapproval
- Signage Plan Review \$100.00
- Street or Alley Vacation/Dedication: \$500.00
- Signage Plan Appeal: \$100.00

Attach detailed description of proposal.

In order to be placed on the Plan Commission agenda, the Department of Development must receive a completed application, appropriate fees, a project description, 6 sets of scaled, folded and stapled plans (24" x 36") and 1 electronic copy (PDF format) of the plans by the first Friday of the month.

Attached Plans Include: (Application is incomplete without required plans, see handout for requirements)

- Site Plan
- Floor Plans
- Elevations
- Signage Plan
- Legal Description
- Certified Survey Map
- Landscaping/Screening Plan
- Grading Plan
- Utility System Plan
- Other _____

Applicant or Agent Signature [Signature] Date: 01-04-07

Subscribed and sworn to me this 4th day of January

Notary Public: Katherine Krueger
My Commission: Expires: 5-6-2007



Please make checks payable to:
City Of West Allis

Please do not write in this box

Application Accepted and Authorized by: _____

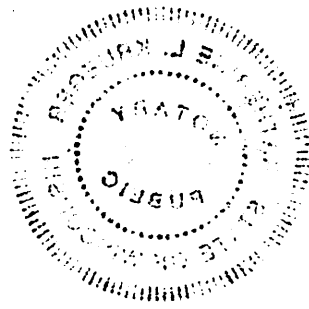
Date: _____

Meeting Date: _____

Total Fee: _____

Oper: 6NRCDE4 Check: 13603
Date: 3/16/07 01 Rept no: 24039
CHECK PAYMENTS \$1000.00
Amount tendered \$1000.00

PAY TO THE ORDER OF
TRI-CITY BANK
CITY OF WEST ALLIS #17107-250





City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0190

Final Action:

Sponsor(s): Safety & Development Committee

AUG - 7 2007

Resolution relative to determination of Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave. (Tax Key Nos. 520-9961-002 and 520-9961-003)

WHEREAS, Rich Neubauer of McDonald's Corporation, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, for the proposed demolition and reconstruction of the existing McDonald's restaurant and play land, located at 10915 and 109** W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 7, 2007, 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, Rich Neubauer of McDonald's Corporation, has offices at 4320 Winfield Rd., Ste. 400, Warrenville, IL 60555.
2. The applicant leases the property at 10915 and 109** W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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:

Commencing at the northeast corner of said Southeast $\frac{1}{4}$; thence South $00^{\circ}55'40''$ East, 853.64 feet; thence South $51^{\circ}21'05''$ West; 151.44 feet to Point of Beginning; thence South $38^{\circ}38'55''$ East, 25.00 feet; thence South $51^{\circ}21'05''$ West, 297.74 feet; thence North $00^{\circ}55'40''$ West, 29.62 feet, to the point on convex curve with radius of 265.15 feet, chord length of 156.53 feet and chord bearing of North $18^{\circ}06'18''$ West; thence Northwesterly, along the curve, 158.89 feet; thence North $51^{\circ}21'05''$ East, 224.69 feet ; thence South $38^{\circ}38'55''$ East, 145.00 feet to the Point of Beginning.

Tax Key Nos. 520-9961-002 and 520-9961-003

Said land being located at 10915 and 109** W. National Ave.

3. The applicant is proposing to demolish the existing building and construct a new restaurant with

play land area and a drive-thru.

4. The aforesaid premise is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the west side of S. 108 St. between W. National Ave. and W. Oklahoma Ave. which is zoned for commercial purposes. Properties to the north, south, east and west are developed for commercial.

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 Rich Neubauer of McDonald's Corporation, demolish the existing building and construct a new restaurant with play land area and a drive-thru, 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 Sec. 12.16 and Sec. 12.43(2) 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, Screening, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site plan approved on June 27, 2007, 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. Restaurant Operations. The restaurant will be utilized for dine-in and drive-thru service. Outdoor dining is permitted on site. A play land area will be included as part of the restaurant operations.
4. Hours of Operation. The hours of operation are seven days a week 5:00 a.m. to midnight for both lobby and drive-thru.
5. Off-Street Parking. The restaurant requires a total of 42 parking spaces. A total of 35 surface stalls are provided on site (includes 2 ADA spaces). The drive-thru will provide stacking for 15 vehicles.

6. Signage. The grant of this special use is subject to all signage plans being in compliance with the City of West Allis signage ordinance.

7. Litter. Employees shall inspect the area 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.

8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.

9. 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.

10. 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.

11. Pollution. The restaurant use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

12. 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.

13. Miscellaneous.

A. 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.

B. 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.

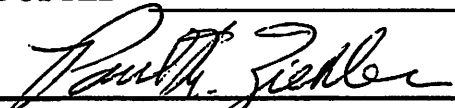
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

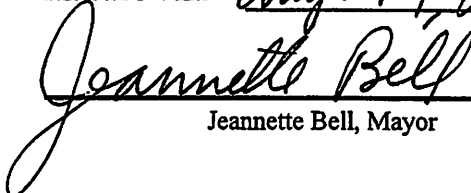
Mailed to applicant on the
13 day of August, 2007


Assistant City Clerk

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

ZON-R-630-8-7-07

ADOPTED AUG - 7 2007

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

APPROVED August 9, 2007

Jeannette Bell, Mayor



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



CITY CLERK/TREASURER'S OFFICE

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

www.ci.west-allis.wi.us

Paul M. Ziebler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

August 13, 2007

Steve Jeske
Haag Muller, Inc.
101 East Grand Ave.
Port Washington, WI 53074

Dear Mr. Jeske:

On August 7, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave.

A copy of Resolution No. R-2007-0190 is enclosed.

Sincerely,

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

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Rich Neubauer