



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2004-0314	Resolution	In Committee
Resolution relative to determination of Special Use Application to establish a Subway Restaurant to be located at 1717 S. 76 St.		
Introduced: 11/3/2004		Controlling Body: Safety & Development Committee

### COMMITTEE RECOMMENDATION

*Adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>11/3/04</i>			Barczak	✓			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
			Reinke	✓			
			Sengstock				
		✓	Vitale	✓			
	✓		Weigel	✓			
TOTAL				<i>5</i>	<i>0</i>		

### SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>NOV 03 2004</i>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
		✓	Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
TOTAL				<i>10</i>	<i>—</i>		



**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

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Chair: Richard F. Narlock  
Vice-Chair: Linda A. Dobrowski  
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Vincent Vitale  
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Vice-Chair: Vincent Vitale  
Gary T. Barczak  
Martin J. Weigel  
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**LICENSE & HEALTH**

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**ADVISORY**

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



# City of West Allis

## Resolution

7525 W. Greenfield Ave.  
West Allis, WI 53214

**File Number: R-2004-0314**

**Final Action:**

**NOV 03 2004**

Resolution relative to determination of Special Use Application to establish a Subway Restaurant to be located at 1717 S. 76 St.

WHEREAS, David Morrill and Julie Matson, d/b/a D & J Subs, duly filed with the City Administrative Officer-City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code, to construct and occupy a 1,600 square foot space for a restaurant within an existing multi-tenant building (existing Family Video) at 1717 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 3, 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, David Morrill, D & J Subs, reside at 3630 N. 98 St., Milwaukee, WI 53222.
2. The applicants have a valid offer to lease space at 1717 S. 76 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner described as: Lots 1 thru 8, Lot 29 and north 10.00 feet of Lots 9 and 28, including adjoining vacated alley, in Block 3 of Linwood Subdivision, being a subdivision of a Northeast  $\frac{1}{4}$  of Section 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the point on the east right-of-way line of South 77th Street and 10.00 feet south of the northwest corner of said Lot 9; thence Northerly, 160.25 feet along said east line; thence Northeasterly, 217.21 feet along south right-of-way line of West National Avenue; thence Southeasterly, 15.10 feet; thence Southeasterly, 15.00 feet to the west right-of-way line of South 76th Street; thence Southerly, 213.13 feet, along said west line; thence Westerly, 254.00 feet to the Point of Beginning.

Also, a Lot 27 in Block 3 of Linwood Subdivision, being a subdivision of a Northeast  $\frac{1}{4}$  of Section 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin.

Tax Key No. 453-0433-001 and 453-0450-000

Said land being located at 1715-17 S. 76 St. and 17\*\* S. 76 St.



3. The applicants are proposing to establish and occupy a 1,600 square foot restaurant within a vacant tenant space in the multi-tenant building located on the southwest corner of W. National Ave. and S. 76 St.
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 located on the southwest corner of the intersection of W. National Ave. and S. 76 St. which is zoned for commercial purposes. Properties to the north and east are developed as commercial and residential uses. Properties to the south and west are developed as 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 David Morrill and Julie Matson, d/b/a D & J Subs, 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, approved on October 27, 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. 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. Off-Street Parking. Off-street parking spaces for at least 51 vehicles shall be provided and maintained on site, including 2 ADA spaces. The Subway Restaurant requires a total of 11 parking spaces.
5. Hours of Operation. The restaurant will be open from 9:00 a.m. to 12:00 p.m. (midnight), seven days per week.

6. **Seating Capacity.** Seating capacity shall be limited to 39 people.
7. **Restaurant Operations.** The restaurant will be utilized for dine in and carry out. Future operations or occupants may include outdoor dining and delivery service. Outdoor dining areas will require plan approval by the City of West Allis Plan Commission.
8. **Window Signage.** Any building window signage shall not exceed twenty percent (20%) of each window's area.
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. **Refuse Collection.** Refuse collection to be provided by commercial hauler.
11. **Signage Plans.** The grant of this special use is subject to all signage plans being submitted to the Plan Commission for approval.
12. **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.
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. **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  
8<sup>th</sup> day of November, 2004

Monica Schulte  
Assistant City Clerk

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

ZON-R-464-11-3-04jmg

ADOPTED November 3, 2004  
Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED November 5, 2004  
Jeannette Bell  
Jeannette Bell, Mayor