

53



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2009-0243	Resolution	Introduced
	Resolution relative to determination of Special Use Permit for proposed candy store, to be located within the existing multi-tenant commercial building at 7911 W. Becher St.	
	Introduced: 11/3/2009	Controlling Body: Safety & Development Committee
		Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>11/3/09</u>	<input checked="" type="checkbox"/>		Barczak				
			Czaplewski				
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt				
			Sengstock				
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			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>NOV 03 2009</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>-</u>		

Dev
BINS

STANDING COMMITTEES OF THE CITY OF WEST ALFIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajstic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplowski
Daniel J. Roudt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajstic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplowski
Vice-Chair: James W. Sengstock
Gary T. Barczak
Daniel J. Roudt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roudt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0243

Final Action:

Sponsor(s): Safety & Development Committee

NOV 03 2009

Resolution relative to determination of Special Use Permit for proposed candy store, to be located within the existing multi-tenant commercial building at 7911 W. Becher St.

WHEREAS, Jean Rustad, d/b/a Truffles by Jean Louise, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2), 12.49 and Sec. 12.16 of the Revised Municipal Code, to establish a chocolate/candy store within the first floor of the existing mixed-use building located at 7911 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 3, 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, Jean Rustad resides at 3273 S. 92 St., Unit 105, Milwaukee, WI 53227.
2. The applicant, has a valid offer to lease of 7911 W. Becher St., 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 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

West $\frac{1}{2}$ of Lot 1 in Block 5 of Conklin Park Subdivision.

Tax Key No. 477-0211-001

Said land being located at 7911-21 W. Becher St.

3. The applicant is proposing to occupy a portion of the first floor (approximately 800 sq. ft.) of the existing mixed-use building with a truffles/chocolate/candy store. The candy store will be used for general retail sales to the public and wholesale and Internet sales. The business will also take special orders for weddings, restaurants and special events.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits candy stores as a special use, pursuant to Sec. 12.41(2), 12.49 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the south side of W. Becher St., between S. 79 St. and S. 81 St. Properties to the north, east, south and west are developed as multi-family and single-family.
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 Jean Rustad, d/b/a Truffles by Jean Louise, to establish a chocolate/candy store within the first floor of the existing mixed-use building 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 Screening Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and screening approved on October 28, 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. A Signage Plan shall be submitted to the Department of Development for review.
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. Hours of Operation. The hours of operation will be 9:00 a.m. - 7:00 p.m., seven days a week.
4. Off-Street Parking. Off-street parking spaces for eleven (11) vehicles are required for all first-floor retail (3 for the chocolate/candy store), and eight (8) are required for the four 2-bedroom residential units on the second floor, for a total of 19 required parking spaces. No parking spaces are provided on site, but street parking is available along W. Becher St. and S. 79 St.
5. Noxious Odors. The store shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
7. 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.

8. 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.

9. Refuse Collection. The refuse container shall be kept on the abutting east property, as there is no room on the subject property for the container. The property owner of 7911-21 W. Becher St. pays a monthly fee to the property owner of 2103 S. 79 St. and 7907 W. Becher St. to keep the refuse container on the east property. A north wing wall is required to screen the refuse container. Any modification to the approved location or screening enclosure shall require approval by the Department of Development.

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 spays from the property boundaries.

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. 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.

14. 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.

15. 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.

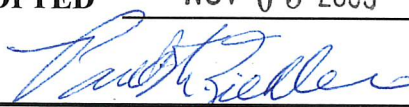
Jean Rustad, d/b/a Truffles by Jean Louise

Mailed to applicant on the
11th day of November 2009

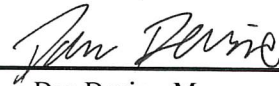
Munia Schultz
Assistant City Clerk

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

ZON-R-739-11-3-09

ADOPTED NOV 03 2009


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

APPROVED 11/10/09


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

November 11, 2009

Jean L. Rustadl
3243 S. 92 St., Unit 105
Milwaukee, WI 53227

Dear Ms. Rustad:

On November 3, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed candy store, to be located within the existing multi-tenant commercial building at 7911 W. Becher St.

Please sign and return the enclosed copy of Resolution No. R-2009-0243 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee

Resolution

File Number: R-2009-0243

Final Action:

NOV 03 2009

Sponsor(s): Safety & Development Committee

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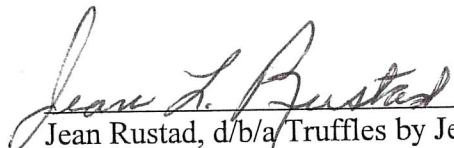
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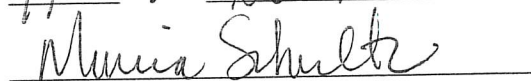
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Jean Rustad, d/b/a Truffles by Jean Louise

Mailed to applicant on the
11th day of November 2009



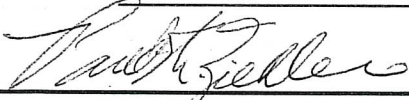
Assistant City Clerk

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

ZON-R-739-11-3-09

ADOPTED

NOV 03 2009



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

APPROVED

11/10/09



Dan Devine, Mayor

