

City of West Allis Matter Summary

File Number	Title	Status
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R-2011-0058 Resolution Introduced

Resolution relative to a Special Use Permit for Jet's Pizza, a proposed new restaurant, to be located at 9129 W. Greenfield Ave. within a portion of the multi-tenant commercial building located at 9129-35 W. Greenfield Ave.

Introduced: 3/15/2011

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>3/15/11</u>			Barczak				
			Czaplewski				
			Kopplin				✓
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
		✓	Vitale	✓			
			Weigel				
			TOTAL	<u>4</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>MAR 15 2011</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin				✓
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0058

Final Action:

Sponsor(s): Safety & Development Committee

MAR 15 2011

Resolution relative to a Special Use Permit for Jet's Pizza, a proposed new restaurant, to be located at 9129 W. Greenfield Ave. within a portion of the multi-tenant commercial building located at 9129-35 W. Greenfield Ave.

WHEREAS, William Pat Waple, d/b/a WJ Pizza, LLC duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a Jet's Pizza Restaurant at 9129 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 15, 2011, 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, William Pat Waple, d/b/a WJ Pizza, LLC, has offices at 311 N. Vermont, Royal Oak, MI 48067. The property owner is Metro WA Venture WI Partnership, c/o Boulder Venture, LLC located at 311 E. Chicago St., Suite 210, Milwaukee, WI 53202-5896.
2. The applicant will lease a portion of the Greenfield Commons existing multi-tenant commercial retail center located at 9129-35 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Parcel 1 of the Certified Survey Map No. 8029.

Tax Key No. 451-1005-000

Said land located at: 9129-35 W. Greenfield Ave.

3. The applicant is proposing to lease and establish approximately 2,000 square feet of space for a carry-out and delivery pizzeria restaurant. No drive-thru is proposed.
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 a block along the south side of W. Greenfield Ave. between S. 92 St. and S. 84 St., which is zoned for commercial purposes. Properties to the north are developed for commercial uses, properties to the east and south are developed for residential, and properties to the west are developed for semi-public/institutional (church).

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property is currently utilized as a multi-tenant commercial/retail facility. Furthermore, in 2008 additional parking was created and the site offers off-street parking and is served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of William Pat Waple, d/b/a WJ Pizza, LLC, to establish a restaurant within the Greenfield Commons multi-tenant commercial center at 9129 W. Greenfield Ave., 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, Screening and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on February 23, 2011, 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 carry-out service. While outdoor dining is not contemplated at this time the grant of outdoor dining for this subject use is granted upon submittal of a revised site, landscaping and architectural plans to the Plan Commission for consideration.
 - A. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
 - B. Excessive odors from cooking on premises shall be controlled within limits of current technology.
 - C. Excessive noise and vibrations shall not emanate from the building.
 - 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. No overnight parking of commercial vehicles will be conducted on site.
 - G. Special events to be authorized by the Common Council.
4. Hours of Operation. The hours of operation will be from 10:00 a.m. to 12:00 a.m.(midnight), seven days per week.
5. Off-Street Parking. A total of 30 parking spaces are required on site (includes 13 required for proposed Jet's restaurant). Calculations have been calculated using a restaurant parking ratio of 1 parking stall required for every 150 gross sq. ft. in accordance with Sec. 12.19 of the Revised Municipal Code. A total of 36 parking spaces are available on site.
6. 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 4-sided structure to match the building. The location of such containers shall not block the required exit from the building's common areas.
7. 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 an enclosure approved by the Department of Development. 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. Because there are residential uses adjacent to the site, 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.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Such signage shall be affixed to the interior of the window.
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. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor.
11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
12. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.
13. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

14. Noxious Odors, etc. The use shall not emit foul, offensive, noisome, noxious, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

15. Pollution. The 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Acknowledgement. That the applicants 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.

Owner or agent for Metro WA Venture WI Partnership

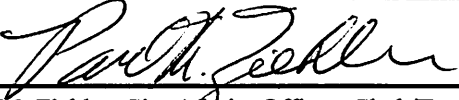
Mailed to applicants on the
22nd day of March, 2011




Assistant City Clerk

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

ZON-R-812-3-15-11

ADOPTED MAR 15 2011


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

APPROVED 3/18/11


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

March 22, 2011

Mr. William Pat Waple
d/b/a WJ Pizza, LLC
311 N. Vermont
Royal Oak, MI 48067

Dear Mr. Waple:

On March 15, 2011 the Common Council adopted a Resolution relative to a Special Use Permit for Jet's Pizza, a proposed new restaurant, to be located at 9129 W. Greenfield Ave. within a portion of the multi-tenant commercial building located at 9129-35 W. Greenfield Ave.

Please sign and return the enclosed copy of Resolution no. R-2011-0058 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: Ted Atkinson
Development
Terri Lewis Stevens, R.A., LS Architecture, PLLC
Metropolitan West Allis Venture WI Partnership



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0058

Final Action:

Sponsor(s): Safety & Development Committee

MAR 15 2011

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WHEREAS, after due notice, a public hearing was held by the Common Council on March 15, 2011, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

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Tax Key No. 451-1005-000

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15. Pollution. The 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Acknowledgement. That the applicants 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.


Owner or agent for Metro WA Venture WI Partnership


Mailed to applicants on the
22nd day of March, 2011


Assistant City Clerk

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


ZON-R-812-3-15-11

ADOPTED MAR 15 2011



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

APPROVED 3/13/11



Dan Devine, Mayor