

42.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2007-0447 Special Use Permit In Committee

Special Use Permit amendment for Johnny V's Pizza, an existing business located within the Shoppes at 100 multi-tenant commercial building at 2927-31 S. 108 St. (Tax Key No. 520-1002-000)

Introduced: 7/3/2007

Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL - 3 2007		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock				
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
			Vitale				
		Weigel		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		TOTAL		4	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL - 3 2007			Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale <i>exc</i>				<input checked="" type="checkbox"/>
		Weigel		<input checked="" type="checkbox"/>			
		TOTAL		9			1

**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

Name JAMES VASSALLO
 Company Johnny V's PIZZA
 Address 2927 S. 108th ST
 City WEST ALLIS State WI Zip 53227
 Daytime Phone Number 414 940-2601
 E-mail Address Jimbing123@aol.com
 Fax Number (414) 771-4611
 Project Name/New Company Name (If applicable) _____

Agent is Representing (Owner/Leasee)

Name JAMES VASSALLO
 Company Johnny V's PIZZA
 Address 2927 S 108th ST
 City WEST ALLIS State WI Zip 53227
 Daytime Phone Number 414 940-2601
 E-mail Address Jimbing123@aol.com
 Fax Number 414 771-4611

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

Agent Address will be used for all official correspondence.

Property Information

Property Address 2927 S 108th
 Tax Key Number 520-1002-000
 Current Zoning COMMERCIAL
 Property Owner ARCTI STAR
 Property Owner's Address 2720 E CAMELBACK Rd PHOENIX AZ 85016
 Existing Use of Property PIZZA place
 Structure Size 1250 ft Addition 1250ft
 Construction Cost Estimate: Hard Soft _____ Total 7500
 Landscaping Cost Estimate _____
 Total Project Cost Estimate: _____
 Previous Occupant EB GAMES

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 _____

James Vassallo

Date: 6/28/07

Subscribed and sworn to me this _____ day of _____, 2007

Notary Public: M. Adams
 Commission Expires: 10/24/10

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: _____







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. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

July 9, 2007

Mr. James Vassallo
Johnny V's Pizza
2927 S. 108 Street
West Allis, WI 53227

Dear Mr. Vassallo:

On July 3, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit amendment for Johnny V's Pizza, an existing business located within the Shoppes at 100 multi-tenant commercial building at 2927-31 S. 108 St. (Tax Key No. 520-1002-000)

A copy of Resolution No. R-2007-0168 is enclosed.

Sincerely,

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

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0168

Final Action:

Sponsor(s): Safety & Development Committee

JUL - 3 2007

Resolution relative to determination of Special Use Permit amendment for Johnny V's Pizza, an existing business located within the Shoppes at 100 multi-tenant commercial building at 2927-31 S. 108 St. (Tax Key No. 520-1002-000)

WHEREAS, James Vassallo, d/b/a Johnny V's Pizza, 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, to amend Resolution No. R-2007-0124 pertaining to the seating capacity of the existing Johnny V's Pizza restaurant at 2927-31 108 St., within the Shoppes on 100 building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 3, 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, James Vassallo, d/b/a Johnny V's Pizza, has offices at 2927-31 108 St., West Allis, WI 53227.
2. The applicant leases space at 2927-31 S. 108 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 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 2 of Certified Survey Map No. 7469.

Tax Key No. 520-1002-000

Said land being located at 2927-31 S. 108 St.

3. The applicant is proposing to amend Resolution No. R-2007-0124 to eliminate the restriction on the number of tables. Resolution No. R-2007-0124 limited the number of tables in the restaurant expansion area to 12 tables, when, in fact, the building and fire codes permit more than 12 tables, and there is space in the restaurant for more than 12 tables. The seating capacity shall be limited based on building and fire codes.

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 James Vassallo, d/b/a Johnny V's Pizza, to amend Resolution No. R-2007-0124 pertaining the seating capacity of the existing Johnny V's Pizza restaurant with the Shoppes on 100 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 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 April 25, 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 Area. The existing restaurant consists of approximately 2,574 square feet of area as approved in Resolution No. R-2007-0124.
4. Restaurant Operations. The restaurant will be utilized for dine-in, carry-out and delivery. Outdoor dining is permitted on site subject to Plan Commission and landlord approval.
5. Hours of Operation. The hours of operation will be from 10:30 a.m. to 1:00 a.m., daily. The existing restaurant operates at these hours.
6. Off-Street Parking. The restaurant expansion requires a total of 17 parking spaces (8 for the existing restaurant space and 9 for the new restaurant space). The entire Shoppes on 100 center

requires 75 parking spaces. A total of 115 surface stalls are provided on site.

7. Signage. The grant of this special use is subject to all signage plans being in compliance with a master signage plan submitted by Zabest Commercial and approved July 28, 2004 by the Plan Commission.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

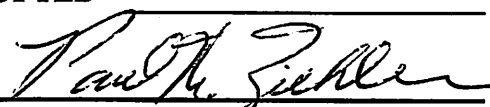
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of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

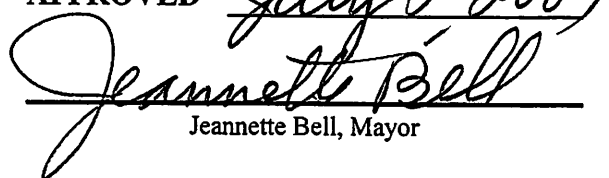
Mailed to applicant on the
9th day of July, 2007


Assistant City Clerk

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

ZON-R-626-7-3-07

ADOPTED JUL - 3 2007

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

APPROVED July 5 2007

Jeannette Bell, Mayor