

73.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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R-2007-0198      Resolution      In Committee

Resolution relative to determination of Special Use Permit for proposed Gyros Are Us restaurant, to be located within the existing multi-tenant commercial strip mall at 10722 W. Oklahoma Ave. (Tax Key No. 519-9994-000)

Introduced: 8/7/2007

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

*ADOPT*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/7/07</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

**ADOPT**

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>



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0198**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

**AUG - 7 2007**

Resolution relative to determination of Special Use Permit for proposed Gyros Are Us restaurant, to be located within the existing multi-tenant commercial strip mall at 10722 W. Oklahoma Ave. (Tax Key No. 519-9994-000)

WHEREAS, Constantine George, d/b/a Gyros Are Us, LLC/Gyro Grill, 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 establishment of a dine-in/carry-out restaurant, located at 10722 W. Oklahoma 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, Constantine George, d/b/a Gyros Are Us, LLC/Gyro Grill, resides at 1313 S. 72 St., West Allis, WI 53214. The property owner, Mr. Allan Ornstein, d/b/a Oak Park Apartment Partnership, LLC, has offices at Inland Companies, Inc., 839 N. Jefferson Street, Suite 400, Milwaukee, WI 53202.
2. The applicant has a valid offer to lease the property at 10722 W. Oklahoma Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest  $\frac{1}{4}$  of Section 8, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Beginning at the southwest corner of Lot 2 of the Certified Survey Map No. 944; thence Easterly, 396.53 feet; thence Southerly, 220.00 feet, to the north right-of-way line of West Oklahoma Avenue; thence Westerly, 394.36 feet, along said north line; thence Northwesterly, 7.07 feet, to the east right-of-way line of South 108th Street; thence Northerly, 215.00 feet, along said east line to the Point of Beginning.

Tax Key No. 519-9994-000.

Said land being located at 10722 W. Oklahoma Ave.

3. The applicant is proposing to establish a Mediterranean Restaurant offering sit-down and carryout service. An outdoor dining area may be offered in the future subject to Plan Commission approval.
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 east side of S. 108 St. between W. Dakota St. and W. Oklahoma Ave. which is zoned for commercial purposes. Properties to the north, south and west are developed for commercial. Properties to the east are developed as multi-family 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 Constantine George, d/b/a Gyros Are Us, LLC/Gyro Grill, to establish a new restaurant within the existing multi-tenant commercial strip mall 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 and landscaping plan approved on July 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 Operations. The restaurant will be utilized for dine-in and carryout service. Outdoor dining is permitted on site, but subject to the site and landscaping/screening approval of the West Allis Plan Commission.
4. Hours of Operation. The hours of operation are seven days a week 8:00 a.m. to 11:00 p.m.
5. Off-Street Parking. The restaurant requires a total of 8 parking spaces. A total of 107 parking spaces are required for the overall property (including proposed restaurant) and 107 spaces will be

provided on site.

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, noxisome, oxious 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

Monica Schulte  
Assistant City Clerk

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

ZON-R-630-8-7-07

AUG - 7 2007  
**ADOPTED**  
Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

**APPROVED** August 9, 2007  
Jeannette Bell  
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](http://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*

August 13, 2007

Constantine George  
Gyros Are Us, LLC  
1313 S. 72 St.  
West Allis, WI 53214

Dear Mr. George:

On August 7, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed Gyros Are Us restaurant, to be located within the existing multi-tenant commercial strip mall at 10722 W. Oklahoma Ave.

A copy of Resolution No. R-2007-0198 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