

63.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2007-0190

Resolution

In Committee

Resolution relative to determination of Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave. (Tax Key Nos. 520-9961-002 and 520-9961-003)

Introduced: 8/7/2007

Controlling Body: Safety & Development Committee

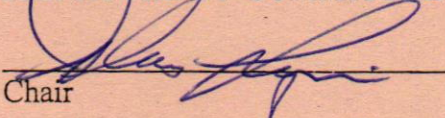
Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/7/07</u>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski				<input checked="" type="checkbox"/>
			Dobrowski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Narlock				
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
			Vitale	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

 _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG - 7 2007</u>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski	<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"/>			
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL:	<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0190

Final Action:

Sponsor(s): Safety & Development Committee

AUG - 7 2007

Resolution relative to determination of Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave. (Tax Key Nos. 520-9961-002 and 520-9961-003)

WHEREAS, Rich Neubauer of McDonald's Corporation, 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 demolition and reconstruction of the existing McDonald's restaurant and play land, located at 10915 and 109** W. National 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, Rich Neubauer of McDonald's Corporation, has offices at 4320 Winfield Rd., Ste. 400, Warrenville, IL 60555.
2. The applicant leases the property at 10915 and 109** W. National Ave., 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:

Commencing at the northeast corner of said Southeast $\frac{1}{4}$; thence South $00^{\circ}55'40''$ East, 853.64 feet; thence South $51^{\circ}21'05''$ West; 151.44 feet to Point of Beginning; thence South $38^{\circ}38'55''$ East, 25.00 feet; thence South $51^{\circ}21'05''$ West, 297.74 feet; thence North $00^{\circ}55'40''$ West, 29.62 feet, to the point on convex curve with radius of 265.15 feet, chord length of 156.53 feet and chord bearing of North $18^{\circ}06'18''$ West; thence Northwesterly, along the curve, 158.89 feet; thence North $51^{\circ}21'05''$ East, 224.69 feet ; thence South $38^{\circ}38'55''$ East, 145.00 feet to the Point of Beginning.

Tax Key Nos. 520-9961-002 and 520-9961-003

Said land being located at 10915 and 109** W. National Ave.

3. The applicant is proposing to demolish the existing building and construct a new restaurant with

play land area and a drive-thru.

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 Rich Neubauer of McDonald's Corporation, demolish the existing building and construct a new restaurant with play land area and a drive-thru, 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 June 27, 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 drive-thru service. Outdoor dining is permitted on site. A play land area will be included as part of the restaurant operations.

4. Hours of Operation. The hours of operation are seven days a week 5:00 a.m. to midnight for both lobby and drive-thru.

5. Off-Street Parking. The restaurant requires a total of 42 parking spaces. A total of 35 surface stalls are provided on site (includes 2 ADA spaces). The drive-thru will provide stacking for 15 vehicles.

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.

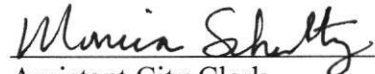
13. Miscellaneous.

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

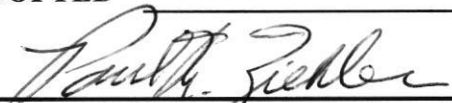

Assistant City Clerk

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

ZON-R-630-8-7-07

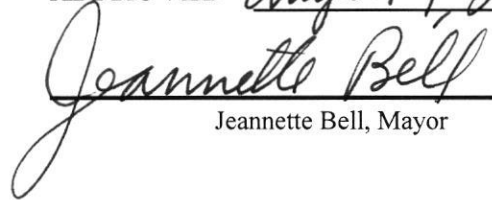
ADOPTED

AUG - 7 2007


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

APPROVED

August 9, 2007


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

Paul M. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

August 13, 2007

Steve Jeske
Haag Muller, Inc.
101 East Grand Ave.
Port Washington, WI 53074

Dear Mr. Jeske:

On August 7, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed demolition and reconstruction of the existing McDonald's restaurant and playland, located at 10915 and 109** W. National Ave.

A copy of Resolution No. R-2007-0190 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Rich Neubauer



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



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Paul M. Ziehler

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August 13, 2007

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