





**COMMITTEES OF THE WEST ALLIS COMMON COUNCIL  
2003**

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski  
V.C.: Alderperson Kopplin  
Alderpersons: Barczak  
                  Lajsic  
                  Reinke

ADVISORY

Chair: Alderperson Reinke  
V.C.: Alderperson Vitale  
Alderpersons: Kopplin  
                  Lajsic  
                  Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak  
V.C.: Alderperson Sengstock  
Alderpersons: Kopplin  
                  Trudell  
                  Vitale

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Chair: Alderperson Lajsic  
V.C.: Alderperson Weigel  
Alderpersons: Czaplewski  
                  Narlock  
                  Reinke

PUBLIC WORKS

Chair: Alderperson Narlock  
V.C.: Alderperson Trudell  
Alderpersons: Sengstock  
                  Weigel  
                  Vitale



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2003-0233**

**Final Action:**  
**08-05-03**

Resolution relative to determination of Special Use Application submitted by Taco Bell of America to demolish the existing Taco Bell Restaurant and construct a new Taco Bell/Long John Silver's Restaurant at 1361 S. 60 St. (Tax Key No. 439-0359-003)

WHEREAS, Taco Bell of America duly filed with the City Administrative Officer, Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant with outdoor dining and a drive-thru; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 5, 2003, 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, Taco Bell of America, represented by Jim Metko of YUM! Brands, Inc., has an office at 2715 River Edge Court, Waukesha, WI 53189.
2. The applicant, Taco Bell of America, owns the property at 1361 S. 60 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 34, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1 thru 7, and lots 12 thru 14, all being part of Cuppel's Subdivision, Block 1, also Easterly 15.00 feet of Lots 8 and 11 in said Block 1 of Cuppel's Subdivision.

Said land being located at 1361 S. 60 St.

Tax Key No. 439-0359-003

3. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants, outdoor dining and drive-thrus as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.
4. The subject property is part of a block between W. National Ave. and W. Greenfield Ave. west of S. 60 St., which is zoned for commercial purposes. Properties to the north and west are developed as commercial; properties to the south and east are developed for commercial and residential.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area, as the site is currently a restaurant with a drive-thru.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Taco Bell of America, represented by Jim Metko of YUM! Brands, Inc. to establish a restaurant with outdoor dining and drive-thru 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, Signage and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, signage and architectural plans approved on July 23, 2003, 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. **Outdoor Dining Area.** Outdoor dining area will be used for self-service dining and is restricted to the area) presented on the plan approved by the Plan Commission.
  - a. **Monitoring.** The area shall be adequately monitored by staff.
3. **Hours of Operation.** The hours of operation will be Monday through Wednesday from 9:30 a.m. to 1:00 a.m. and Thursday through Sunday from 9:30 a.m. to 2:00 a.m.
4. **Off-Street Parking.** Twenty-two (22) parking stalls are required and thirty-two (32) are provided.
5. **Litter.** Employees shall inspect the site 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.
6. **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.
7. **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.
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.

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.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

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.

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  
12<sup>th</sup> day of August, 2003

Monica Schulte  
Assistant City Clerk

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

ZON-R-393\bjb\8-5-03

ADOPTED August 5, 2003  
Paul M. Ziehler  
Paul M. Ziehler, CAO, Clerk/Treasurer

APPROVED August 11, 2003  
Jeannette Bell  
Jeannette Bell, Mayor