

17.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2011-0003	Resolution	Introduced
Resolution relative to determination of Special Permit to establish Panda Express, a fast-food restaurant with drive-through facilities, to be located at 2575 S. 108 St.		
Introduced: 1/4/2011		Controlling Body: Safety & Development Committee
Sponsor(s): Safety & Development Committee		

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>1/4/11</i>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
	✓		Vitale	✓			
			Weigel				
			TOTAL	<i>5</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>JAN 04 2011</i>		✓	Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<i>10</i>	<i>0</i>		

BINS
Dev

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Daniel J. Roadt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: James W. Sengstock
Gary T. Barczak
Daniel J. Roadt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0003

Final Action:

Sponsor(s): Safety & Development Committee

JAN 04 2011

Resolution relative to determination of Special Permit to establish Panda Express, a fast-food restaurant with drive-through facilities, to be located at 2575 S. 108 St.

WHEREAS, Jason Archbold, d/b/a Chipman Adams Architects, Inc. 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 establish a Panda Express Restaurant with drive-thru and outdoor dining at 2575 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 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, Jason Archbold, d/b/a Chipman Adams Architects, Inc., has offices at 1550 N. Northwest Hwy, Ste. 400, Park Ridge, IL 60068.
2. The applicant will be purchasing the property at 2575 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

A tract of land located in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 7, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Northeast $\frac{1}{4}$ corner of Section 7, Town 6 North, Range 21 East, thence S $00^{\circ}17'00''$ E, along the east line of the NE $\frac{1}{4}$ of said Section 7, 1360.78 feet; thence S $89^{\circ}43'00''$ W, 60.00 feet to a point being the Northeasterly most corner of said Lot 1 of Certified Survey Map No. 4282, as platted and being the same point as the northeasterly most corner of Lot 2, Certified Survey Map No. 4770 and Lot 2, Certified Survey Map No. 4840 as platted; thence S $00^{\circ}17'00''$ E, along the easterly platted boundary line of aforementioned Certified Survey Maps No.s 4282, 4770 and 4282, said line also being the westerly platted right-of-way line of South 108th Street or State Trunk Highway 100, 532.58 feet to the point of beginning of this description; thence S $00^{\circ}17'00''$ E, along said easterly platted boundary line of aforementioned C.S.M. No. 4282 and westerly platted right-of-way line of South 108th Street or State Trunk Highway 100, 163.34 feet; thence N $89^{\circ}49'50''$ W, 210.25 feet; thence N $00^{\circ}17'00''$ W, 163.34 feet; thence S $89^{\circ}49'50''$ E, 210.25 feet, which is the point of beginning.

Said land contains 34,341 square feet, more or less.

Tax Key No. To be determined

Said land located at: 2575 S. 108 St.

3. The applicant is proposing to establish an approximately 2,495 square foot restaurant building with a drive-thru and outdoor dining use on a 34,341 sq. ft. Commercial Development site.
4. The aforesaid premises 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 the W. Arthur Ave. and W. Cleveland Ave., which is zoned for commercial and manufacturing purposes. Properties to the north, south, east and west are developed for commercial and uses.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property 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 Jason Archbold, d/b/a Chipman Adams Architects, Inc., to establish a restaurant with drive-thru and outdoor dining on at 2575 S. 108 St. 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 December 8, 2010, 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, carry-out, drive-thru and outdoor dining as shown on the approved set of plans.

4. **Paving and Drainage.** Paving and Drainage Plan being submitted to the Department of Building Inspections for approval.
5. **Restaurant Operations:**
 - 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.
6. **Hours of Operation.** The hours of operation will be from 10:00 a.m. to 9:00 p.m., seven days per week.
7. **Off-Street Parking.** A total of 17 parking spaces are required on site. Calculations have been calculated using a 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 52 parking spaces are available on site.
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 4-sided structure to match the building.
9. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each window's area.
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. **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.
12. **Pagers, Intercoms.** The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
13. **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.
14. **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 spills from the property boundaries.

15. Noxious Odors, Etc. The use 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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, the special use may be terminated.

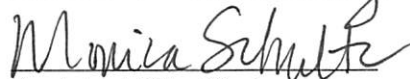
21. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

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.

Jason Archbold, d/b/a Chipman Adams Architects

Mailed to applicants on the

7th day of January, 2011

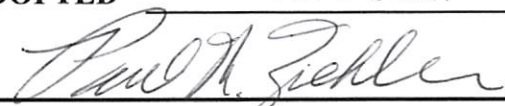

Assistant City Clerk

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

ZON-R-806-1-4-11

ADOPTED

JAN 04 2011



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

APPROVED

1/7/11



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

January 7, 2011

Jason Archbold
Chipman Adams Architects, Inc.
1550 N. Northwest Hwy, Ste. 400
Park Ridge, IL 60068

Dear Mr. Archbold:

On January 4, 2011 the Common Council adopted a Resolution relative to determination of Special Use Permit to establish Panda Express, a fast-food restaurant with drive-through facilities, to be located at 2575 S. 108 St.

Please sign and return the enclosed copy of Resolution No. R-2011-0003 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development
Mario Flores

Resolution

File Number: R-2011-0003

Final Action:

Sponsor(s): Safety & Development Committee

JAN 04 2011

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WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 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, Jason Archbold, d/b/a Chipman Adams Architects, Inc., has offices at 1550 N. Northwest Hwy, Ste. 400, Park Ridge, IL 60068.
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5. Restaurant Operations:

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.

6. Hours of Operation. The hours of operation will be from 10:00 a.m. to 9:00 p.m., seven days per week.

7. Off-Street Parking. A total of 17 parking spaces are required on site. Calculations have been calculated using a 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 52 parking spaces are available on site.

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 4-sided structure to match the building.

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14. 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.

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16. 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.

17. 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.

18. 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.


19. 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.

20. 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, the special use may be terminated.

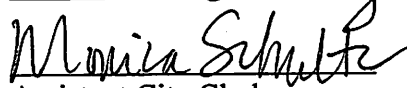
21. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

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.



Jason Archbold, d/b/a Chipman Adams Architects


Mailed to applicants on the
7th day of January, 2011



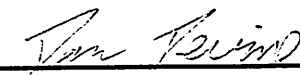
Assistant City Clerk

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

ZON-R-806-1-4-11

ADOPTED JAN 04 2011


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

APPROVED 1/7/11


Dan Devine, Mayor

