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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2006-0167	Resolution	In Committee
Resolution relative to determination of Special Use Permit for proposed restaurant addition to the existing Citgo gas station located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000)		
Introduced: 6/6/2006		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6/6/06</u>			Barczak	✓			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
	✓		Narlock				
			Reinke	✓			
			Sengstock				
			Vitale	✓			
		✓	Weigel	✓			
TOTAL				<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 06 2006</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-2006-0167

Final Action:
JUN 06 2006

Resolution relative to determination of Special Use Permit for proposed restaurant addition to the existing Citgo gas station located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000)

WHEREAS, Ayub Muhammad, owner, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant (no drive-through) at 6819 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 6, 2006, 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, Ayub Muhammad, owner, resides at 3548 S. 77 St., Milwaukee, WI 53220.
2. The applicant owns the property at 6819 W. Lincoln Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1, Block 6, Assessors Plat 266, located in the Northwest 1/4 of Section 10, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Tax Key No. 489-0080-000

Said land is located at 6819 W. Lincoln Ave.

3. The applicant is proposing to establish an approximately 1,060 square foot restaurant occupancy within the 3,200 sq. ft. gas station/convenience store building.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located to the west of the intersection of W. Beloit Rd. and W. Lincoln Ave. All surrounding properties are zoned and used for commercial purposes.

6. The use, value and enjoyment of other property in the surrounding area will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Ayub Muhammad, owner, to establish a restaurant within a portion of the existing gas station/convenience store 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 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 May 24, 2006, 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 as shown on the approved set of plans.
4. Noxious Odors, Etc. The restaurant shall not emit foul, offensive, noisome or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
5. Hours of Operation. The hours of operation will be from 10:00 a.m. to 10:00 p.m., seven days per week.
6. Off-Street Parking. A total of 14 parking spaces are required on site; a total of 11 parking spaces are provided.
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 4-sided masonry structure to match the building.
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. 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.

11. 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 applicants on the
12 day of June, 2006


Assistant City Clerk

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

Div. of Planning

ZON-R-559\jmg\6-6-06

ADOPTED

June 6, 2006

Paul M. Ziehler

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

APPROVED

June 9, 2006

Jeannette Bell

Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

PAUL M. ZIEHLER
*City Administrative Officer
Clerk/Treasurer*

ROSEMARY WEST
*Treasurer's Office Supervisor
Senior Accountant*

MONICA SCHULTZ
Assistant City Clerk

June 12, 2006

Frank Richardson
ArchDesign Ltd.
P. O. Box 321
Cedarburg, WI 53012

Dear Mr. Richardson:

On June 6, 2006 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed restaurant addition to the existing Citgo gas station located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000)

A copy of Resolution No. R-2006-0167 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/dlm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Muhammad Ayub