



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2004-0354 **Version:** 1  
**Type:** Resolution **Status:** Adopted  
**File created:** 12/21/2004 **In control:** Safety and Development Committee (INACTIVE)  
**On agenda:** **Final action:** 12/21/2004  
**Title:** Resolution relative to determination of Special Use Application to establish a Japanese sushi and hibachi restaurant within retail space located at 2916 S. 108 St. in the Southtown Plaza Shopping Center (Tax Key No. 519-0339-018)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2004-0354, 2. R-2004-0354

Date	Ver.	Action By	Action	Result
12/21/2004	1	Common Council		
12/21/2004	1	Common Council	Adopted	Pass
12/21/2004	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application to establish a Japanese sushi and hibachi restaurant within retail space located at 2916 S. 108 St. in the Southtown Plaza Shopping Center (Tax Key No. 519-0339-018)

WHEREAS, Yun Gao (Billy) Ni, d/b/a Fuji Yama, Sushi and Hibachi Japanese Restaurant, 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 Japanese restaurant within a portion of the Southtown Plaza Shopping Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 8, 2004, at 7:00 p.m., and 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, Yun Gao (Billy) Ni, d/b/a Fuji Yama, Sushi and Hibachi Japanese Restaurant, has other restaurants in the State of New York and resides at 71 Crosby Ave., Edison, New Jersey 08817.

2. The applicant has a valid offer to lease a portion of the Southtown Plaza (the property) at 2916 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 2 of Certified Survey Map No. 7411, located in the Southwest 1/4 of Section 8, Township 6 North, Range 21 East, in the City

of West Allis, County of Milwaukee, State of Wisconsin.

Said land being located at 2916 S. 108 St.

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3. The applicant is proposing to occupy approximately 3, 900 square feet of Southtown Plaza and prepare the interior for a sit-down hibachi restaurant with sushi bar. All walk-in coolers and freezers are proposed within the interior of the lease space.
4. The restaurant will operate a kitchen where food is prepared and ordered and will provide seating for 140 patrons (maximum occupancy 150 persons). The restaurant will also feature hibachi grill areas and a separate sushi bar area. The restaurant will be primarily utilized for sit-down dining, but will also feature carry out and a delivery service.
5. 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.
6. The subject property is part of a block along the east side of S. 108 St. between W. Oklahoma Ave. and W. Dakota St, which is zoned for commercial purposes. Properties to the north, south and west are developed as commercial; properties to the east are developed as residential.
7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the area (Southtown Plaza and Hwy. 100) are zoned for commercial uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Yun Gao (Billy) Ni, d/b/a Fuji Yama, Sushi and Hibachi Japanese Restaurant, to establish a restaurant within the Southtown Plaza Shopping Center, 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, and screening and architectural plans approved by the City of West Allis Plan Commission on , 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. Hours of Operation. Business hours of operation shall be from 11:00 a.m. to 10:30 p.m. Monday through Saturday and from 11:00 a.m. to 9:00 p.m. on Sunday.
3. Off-Street Parking. Number of parking spaces required for the restaurant is 23, 402 spaces are required to be provided on site for the overall property. Four hundred ten spaces are provided on site

4. Restaurant Operations:

- a. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood to the east.
- b. Refrigerator/cooler and freezers to be located within the existing building.
- 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.

5. Refuse Collection. Refuse collection shall be provided by a commercial hauler a minimum of four (4) times weekly and no earlier than 9:00 a.m. and no later than 10:00 p.m. No Sunday refuse/recyclable collection is permitted. Employees shall not utilize refuse container after 10:00 p.m. The refuse/recyclable area shall be screened from view with a four-sided enclosure.

6. 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.

7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

8. 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.

9. Pagers/Intercoms. The use of outdoor pagers, intercoms, or loudspeakers shall not be permitted on site.

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 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  
\_\_\_\_\_ day of \_\_\_\_\_, 2004

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Assistant City Clerk

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

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