



# City of West Allis

## Legislation Details (With Text)

---

**File #:** R-2004-0291    **Version:** 1

**Type:** Resolution                      **Status:** Adopted

**File created:** 10/5/2004                      **In control:** Safety and Development Committee (INACTIVE)

**On agenda:**                                      **Final action:** 10/5/2004

**Title:** Resolution relative to determination of Special Use Application to establish a Cousins Restaurant with a drive-through to be located at 2871 S. 108 St.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. R-2004-0291 Packet Docs, 2. R-2004-0291

Date	Ver.	Action By	Action	Result
10/5/2004	1	Common Council		
10/5/2004	1	Common Council	Adopted	Pass
10/5/2004	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application to establish a Cousins Restaurant with a drive-through to be located at 2871 S. 108 St.

WHEREAS, Don Roeber, Wisconsin Hospitality Group, West Allis, LLC., on behalf of Cousins Subs Systems, 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 construct a new, 2,627 square foot restaurant with a drive-through; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 5, 2004, at 7:00 p.m., and 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, Cousins Subs Systems, Inc., has offices at N83 W13400 Leon Road, Menomonee Falls, WI 53051.
2. The applicant leases the property located at 2871 S. 108 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 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 Parcel 1, Certified Survey Map No.7469; thence North 00°

55'40" West, 87.98 feet, along west right-of-way line of South 108<sup>th</sup> Street, to the Point of Beginning; thence South 89°04'20" West, 21.00 feet; thence South 00°55'40" East, 23.00 feet; thence South 89°04'20" West, 269.00 feet; thence North 00°55'40" West, 189.15 feet; thence North 89°04'20" East, 112.00 feet; thence North 00°55'40" West, 130.00 feet; thence North 89°04'20" East, 8.00 feet; thence South 00°55'40" East, 12.66 feet; thence North 89°04'20" East, 170.00 feet, to the west right-of-way line of South 108<sup>th</sup> Street; thence South 00°55'40" East, 283.49 feet, along said west line, to the Point of Beginning.

TAX KEY NO.: 520-9965-012

Said land being located at 2871 S. 108 St.

3. The applicant is proposing to construct a 2,627 square foot fast food restaurant with a drive-through.
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 an area extending 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 uses.
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 Don Roeber, Wisconsin Hospitality Group, West Allis, LLC., on behalf of Cousins Subs Systems, Inc., to establish a restaurant 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, architectural elevation and signage plans, approved on September 22, 2004, 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. Signage and Lighting Plans. The grant of this special use is subject to all signage and lighting plans being submitted to the Plan Commission for approval.
3. 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.
4. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to the Department of Building Inspection for approval.

5. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to any damaged, abutting sidewalk.
6. Hours of Operation. The restaurant including drive through window will be open from 9:00 a.m. to 12:00 p.m. (midnight), seven days per week.
7. Seating Capacity. Seating capacity shall be limited to 50 people.
8. Restaurant Operations. The restaurant will be utilized for dine-in, carry-out and drive-through operations. Outdoor dining will also be permitted on site, but subject to Plan Commission review.
9. Off-Street Parking. The total number of parking spaces provided and maintained on site for the restaurant shall be 115 spaces, including 5 ADA spaces.
10. 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.
11. Refuse Collection. Refuse collection to be provided by commercial hauler.
12. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
13. 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 without Plan Commission approval.
14. Signage. Banners, flags, free-standing signs used for advertising shall not be permitted without the approval of the Common Council.
15. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures shall be utilized 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 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  
11th day of October, 2004  
Monica Schultz  
Assistant City Clerk

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

ZON-R-456\jmg\10-5-04