



City of West Allis

Legislation Details (With Text)

File #: R-2004-0318 **Version:** 1
Type: Resolution **Status:** Adopted
File created: 11/3/2004 **In control:** Safety and Development Committee (INACTIVE)
On agenda: **Final action:** 11/3/2004
Title: Resolution relative to determination of Special Use Application for an expansion to Golden Gyros Restaurant located at 7233 W. Lincoln Ave.
Sponsors:
Indexes:
Code sections:
Attachments: 1. 2004-0318, 2. R-2004-0318

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|---------|--------|
| 11/3/2004 | 1 | Common Council | | |
| 11/3/2004 | 1 | Common Council | Adopted | Pass |
| 11/3/2004 | 1 | Safety and Development Committee (INACTIVE) | | Pass |

Resolution relative to determination of Special Use Application for an expansion to Golden Gyros Restaurant located at 7233 W. Lincoln Ave.

WHEREAS, Ted Theo and Nick Nicoletopoulos, d/b/a Golden Gyros, 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 expand the existing restaurant with drive-through at 7233 W. Lincoln Ave. by adding an approximate 200 square foot freezer; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 3, 2004, 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 applicants, Ted Theo and Nick Nicoletopoulos, d/b/a Golden Gyros, are partners doing business at 7233 W. Lincoln Avenue, West Allis, WI 53219.

2. The applicants are the owners of certain premises at 7233 W. Lincoln Avenue, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 1, 2, and 3, Block 1, Agnew's Highland Acres No. 2 Subdivision, excepting those portions taken for street, located in the Northwest 1/4 of Section 19, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin.

Tax Key No. 489-0239-001

Said land being located at 7233 W. Lincoln Avenue.

3. The applicants have proposed to construct an approximate 200 square foot freezer addition to the existing restaurant.
4. The aforesaid premises is zoned C-2 Neighborhood Business District under the Zoning Ordinance of the City of West Allis, which permits restaurants as a special use, pursuant to Sec. 12.41(2) of the Revised Municipal Code.
5. The subject property is part of an area along the south side of W. Lincoln Ave. from S. 72 St., west to S. 76 St. which is zoned for commercial purposes. The adjacent properties to the south, east and west are developed for residential purposes and properties to the north are mixed residential and commercial uses.
6. The use, value and enjoyment of other property in the surrounding area for permitted uses should not be substantially impaired or diminished by the establishment, maintenance or operation of the special use due to the limited size and nature of the commercial use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Ted Theo and Nick Nicoletopoulos, d/b/a Golden Gyros, to expand the existing 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, 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 October 27, 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. As part of the special use, the Plan Commission recommended a two-year extension of time (November, 2007) to remove non-conforming signage on the property.
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 is utilized for drive through and carry out services. Outdoor dining is permitted on site as indicated on the site plan.
4. Hours of Operation. The hours of operation will be from 11:00 a.m. to 10:30 p.m. daily, 7 days per week.
5. Off-Street Parking. Nine parking stalls are required for the restaurant and a total of 16 surface stalls are provided.
6. 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 structure.

7. 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.

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.

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.

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 applicants' failure to obtain other necessary building and zoning approvals.

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.

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
_____ day of _____, 2004

Assistant City Clerk

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

ZON-R-468-11-3-04\jmg