



City of West Allis

Legislation Text

File #: R-2007-0124, **Version:** 1

Resolution relative to determination of Special Use Permit for Johnny V's Pizza, an existing business located within the Shoppes at 100 multi-tenant commercial building at 2927 S. 108 St., for a proposed expansion to 2931 S. 108 St. (Tax Key No. 520-1002-000)

WHEREAS, James Vassallo, d/b/a Johnny V's Pizza, 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 expand the existing restaurant at 2927 S. 108 St., to 2931 S. 108 St., within the Shoppes on 100 building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 15, 2007, 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 applicant, James Vassallo, d/b/a Johnny V's Pizza, has offices at 2927-31 S. 108 St., West Allis, WI 53227.
2. The applicant has a valid offer to lease space at 2931 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:

Parcel 2 of Certified Survey Map No. 7469.

Tax Key No. 520-1002-000

Said land being located at 2927 S. 108 St.

3. The applicant is proposing to expand the existing pizza by the slice restaurant into the abutting tenant space (2931 S. 108 St.) of the multi-tenant commercial building, Shoppes on 100, for dine-in and carry-out within the building. Eleven (11) lineal feet of wall space will be cut out for the expansion to create one large restaurant. The expansion will accommodate 12 tables and the existing space will remain the same. No new kitchen space is proposed. Outdoor dining use is also permitted on site subject to Plan Commission and landlord approval.
4. The aforesaid premise 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 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.
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 James

Vassallo, d/b/a Johnny V's Pizza, to expand the existing restaurant to the abutting tenant space within the Shoppes on 100 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 Sec. 12.16 and Sec. 12.43(2) 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 and floor plans approved on April 25, 2007, 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 Area. The existing restaurant consists of 1,216 square feet of area within the southern Shoppes on 100 building. The expanded restaurant floor area will consist of 1,358 sq. ft. of area for a total of 2,574 sq. ft. of restaurant area.
4. Restaurant Operations. The restaurant will be utilized for dine-in, carry-out and delivery. Outdoor dining is permitted on site subject to Plan Commission and landlord approval.
5. Hours of Operation. The hours of operation will be from 10:30 a.m. to 1:00 a.m., daily. The existing restaurant operates at these hours.
6. Off-Street Parking. The restaurant expansion requires a total of 17 parking spaces (8 for the existing restaurant space and 9 for the new restaurant space). The entire Shoppes on 100 center requires 75 parking spaces. A total of 115 surface stalls are provided on site.
7. Signage. The grant of this special use is subject to all signage plans being in compliance with a master signage plan submitted by Zabest Commercial and approved July 28, 2004 by the Plan Commission.
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 structure.
9. 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.
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. Noxious Odors, Etc. The restaurant 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.
12. Pollution. The restaurant 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.
13. 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.

14. 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 applicant on the
_____ day of _____, 2007

Assistant City Clerk

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

ZON-R-612-5-15-07