



City of West Allis

Legislation Text

File #: R-2004-0124, **Version:** 1

Resolution to repeal Resolution R-2004-0079 and recreate resolution relative to determination of Special Use Application submitted by Chou N. Mui, d/b/a Joy's Wok, to establish a restaurant within the existing building located at 8929 W. Becher St. (formerly Goody's Restaurant)

WHEREAS, Chou N. Mui, d/b/a Joy's Wok, 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 within the existing building located at 8929 W. Becher St (formerly Goody's Restaurant); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 2, 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, Chou N. Mui, d/b/a Joy's Wok, resides at 8232 West Keefe Avenue, Milwaukee, WI 53222.

2. The applicant possess a valid offer to purchase the property at 8929 W. Becher St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1 and Lot 2, Block 6 of Assessors Plat 252, located in the southwest part of the Southwest 1/4 of Section 4, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Said land being located at 8929 W. Becher St.

3. The applicant is proposing to establish a Chinese restaurant for dine-in and carry-out within the existing building, and also offer delivery and catering.

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 part of a block along the south side of W. Becher St. between S. 89 St. and S. 90 St., which is zoned for commercial purposes. Properties to the north and east are developed as commercial and residential; properties to the west are developed as commercial and properties to the south are developed as residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site was formerly used for restaurant purposes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Chou N. Mui, d/b/a Joy's Wok, to establish a Chinese 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, Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and architectural elevation plans approved on February 25, 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. 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 floor area within the existing 3,200 square foot building will be utilized as Joy's Wok. Seating for ninety-nine (99) patrons will be provided.
4. Restaurant Operations. The restaurant will be utilized for dine in, carry out, delivery and catering.
5. Hours of Operation. Hours of operation shall be from 6:00 a.m. to 10:00 p. m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.
6. Off-Street Parking. Number of on-site parking spaces provided shall be at least twenty-one (21), including two (2) handicap spaces.
7. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
8. Window Signage. Window signage shall not exceed twenty percent (20%) of any window's area.
9. Signage. The grant of this special use is subject to all signage and lighting plans being submitted to the Plan Commission for approval within one year.
10. Paving and Drainage. Paving and Drainage Plan being submitted to the Department of Building Inspections for approval.
11. 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 damaged, (if any), abutting sidewalk.

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
13th day of April, 2004
/s/ Monica Schultz
Assistant City Clerk

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

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