



City of West Allis

Legislation Text

File #: R-2005-0271, **Version:** 1

Resolution relative to determination of Special Use Application for proposed Beijing City Chinese Restaurant to be located within a portion of the Family Video Plaza located at 1715-1723 S. 76 St. (Tax Key No. 453-0433-001 and 453-0450-000).

WHEREAS, Beijing City Chinese Restaurant, through its owner, John Zhung Zhi, 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 a portion of the existing Family Video Plaza building located at 1715-1723 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 18, 2005, 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, John Zhung Zhi, resides at 2228 S. 78 St., West Allis, WI 53219.
2. The applicant will lease the tenant space within the Family Video Plaza to be located at 1723 S. 76 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner described as: Lots 1 thru 8, Lot 29 and north 10.00 feet of Lots 9 and 28, including adjoining vacated alley, in Block 3 of Linwood Subdivision, being a subdivision of a Northeast $\frac{1}{4}$ of Section 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the point on the east right-of-way line of South 77th Street and 10.00 feet south of the northwest corner of said Lot 9; thence Northerly, 160.25 feet along said east line; thence Northeasterly, 217.21 feet along south right-of-way line of West National Avenue; thence Southeasterly, 15.10 feet; thence Southeasterly, 15.00 feet to the west right-of-way line of South 76th Street; thence Southerly, 213.13 feet, along said west line; thence Westerly, 254.00 feet to the Point of Beginning.

Also, Lot 27 in Block 3 of Linwood Subdivision, being a subdivision of a Northeast $\frac{1}{4}$ of Section 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin.

Said land being located at 1715-1723 S. 76 St.

Tax Key Numbers: 453-0433-001 and 453-0450-000

3. The applicant is requesting to lease/occupy a 1,200 square foot portion of the existing building for a

dine-in/carry-out restaurant. The applicant is relocating from a previous location within the Westwood Shopping Center at S. 76 and W. Beloit Rd.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of the City of West Allis, which permits the location of a restaurant as a special use, pursuant to Sec. 12.41(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.

6. The subject property is part of a block between S. 76 St. and S. 77 St. on the south side of W. National Ave., which is zoned for commercial purposes. Properties to the north, south and west are developed as residential and properties to the east are developed as commercial and residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Beijing City Chinese Restaurant, through its owner, John Zhung Zhi, for the proposed 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 Sec. 12.16 and Section 12.41(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, landscaping, screening, signage and architectural plan amendments approved on September 28, 2005, 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. Construction. Building type and location on the subject property shall be in accordance with the representations contained in the application and in accordance with all building and fire codes.

3. Hours of Operation. The restaurant will be open from 10:00 a.m. to 11:00 p.m., daily.

4. Refuse Collection. The existing refuse enclosure shall be replaced with a new, wood, board-on-board, four-sided enclosure. Refuse collection will be done by a commercial hauler at a frequency of two times per week. All refuse, recyclables and other waste material shall be screened from view within the four-sided enclosure, which shall be equipped with a personnel door.

5. Building Plans and Fire Codes. The grant of this Special Use Permit is subject to building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department.

6. Outdoor Dining. No outdoor dining on site has been specified.

7. 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.

8. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each

window frame.

9. Parking Requirements. Forty-nine parking spaces are required (Family Video 30 spaces, Subway Restaurant 11 spaces, Beijing City Chinese Restaurant 8 spaces). Fifty-one parking spaces are provided.

10. 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.

11. Litter. Beijing City Chinese Restaurant shall be responsible for inspection of the site and pick up of litter on a daily basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within the refuse enclosure referenced in Item No. 4.

12. 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.

19. 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 _____, 2005

Assistant City Clerk

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

ZON-R-526\10-18-05\jmg