



City of West Allis

Legislation Text

File #: R-2003-0173, **Version:** 1

Resolution relative to determination of Special Use Application submitted by Mary Beth Motisi on behalf of the McDonald's Corporation, to establish extended seasonal (May through September) hours of operation for the restaurant and drive-through window at 8301 W. Greenfield Ave.

WHEREAS, McDonald's Corporation, through its representative, Mary Beth Motisi, duly filed with the Acting City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish extended seasonal hours of operation from May through September; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 20, 2003, at 7:30 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, Mary Beth Motisi, on behalf of the McDonald's Corporation, has offices at W275 N1891 Cabin Creek Ct., Pewaukee, WI 53072.
2. The applicant, McDonald's Corporation, owns the property at 8301 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

That portion of lands in the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 6 North , Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at the north 1/4 corner of said Section 4; thence North 88°07'04" East along the north line of the Northeast 1/4 of said Section 4, 310.21 feet; thence South 01°52'56" East 33.00 feet to a point on the south right-of-way of West Greenfield Avenue (STH 59) and the point of beginning of lands to be described; thence North 88°07'04" East along said south line 123.10 feet; thence South 01°16'22" East 277.63 feet; thence South 88°05'51" West 153.10 feet; thence North 01°16'22" West 224.68 feet; thence North 88°07'04" East 30.00 feet; thence North 01°16'22" West 53.00 feet to the point of beginning.

Said land being located at 8301 W. Greenfield Ave.

3. The applicant is requesting to amend the 2003 summer hours of operation to 5:00 a.m. to 12:00 p.m. (midnight) for the dining room and 24 hours daily for the drive-thru from May 9, 2003 through September 1, 2003, based on the following:
 - A. There are no abutting residential properties. The distance to the nearest residential property is 162 ft.

- B. The property immediately to the east, Mykonos Restaurant, operates 24 hours/day.
- C. The neighborhood immediately to the south is Milwaukee Grey Iron, a manufacturing facility that operates 3 shifts/day.
- D. West Greenfield Avenue is not a cruising-impacted street.
- 4. The aforesaid premises is zoned C-3 Community Commercial District under the zoning ordinance of the City of West Allis, which permits the location of a restaurant with drive-thru as a special use, pursuant to Sec. 12.42(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. 82 St. and S. 84 St. on the south side of W. Greenfield Ave., which is zoned for commercial purposes. Properties to the north are developed as the Wisconsin State Fairgrounds, properties to the south are developed for manufacturing and properties to the east and west for commercial.
- 7. The applicant has proposed certain operating restrictions to assuage concerns relating to hours of operation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that McDonald's Corporation, be and is hereby granted a special use for the proposed extension hereinabove described 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 12.42(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 and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on April 23, 2003, 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. Hours during school year are as follows: The restaurant will be open from 6:00 a.m. to 11:00 p.m., Monday through Thursday, and will be open from 6:00 a.m. to 12:00 p.m. on Friday and Saturday. The restaurant will be open Sunday from 7:00 a.m. to 11:00 p.m. Hours during summer (May 9, 2003 to September 1, 2003) are as follows: Dining room from 5:00 a.m. to 12:00 p.m. (midnight) daily and drive-through 24 hours daily.
- 4. Drive-through Window Service. The City of West Allis, by official action of the Common Council, may revoke the authorization for the applicant to have its drive-through window service open 24 hours daily, if

there are significant law enforcement complaints. This revocation may be done on 72 hour's notice, with applicant required to cease 24-hour drive-through operation within 3 days of Common Council action.

5. Refuse Collection. Refuse collection will be done by a commercial hauler.
6. 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 Inspection and Zoning and by the Fire Department.
7. Staff. The restaurant will staff between 50-75 employees (no more than 20 at any one time).
8. Seating Capacity. Seating for eighty (80) patrons is being provided.
9. Outdoor Dining. An area for outdoor dining shall be located in front of the building as approved in the phased site, landscaping and architectural plan approved April 23, 2003, by the West Allis Plan Commission.
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. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.
12. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
13. Parking Requirements. A minimum of forty-eight (48) spaces shall be provided on the subject property which includes two (2) handicapped spaces: the Zoning Code requires thirty-one (31) spaces. Ingress and egress is via two curb cuts on W. Greenfield Ave. which are shared through easements with Walgreen's to the west and Mykonos Restaurant to the east. McDonald's has access to S. 84 St. via a shared curb cut with Walgreen's and a cross easement across the rear of the building area.
14. Easements. The grant of this special use is conditioned upon necessary cross easement documentation being on file in the Building Inspections Dept.
15. Paving and Drainage. The grant of this special use is subject to necessary site paving and drainage plans(s) being submitted to the Building Inspection Dept.
16. Signage. The grant of this special use is subject to all signage plans being submitted to the Plan Commission for approval.
17. Litter. McDonald's shall obtain permission from east and west abutting property owners to enter those sites thus allowing McDonald employees to inspect the sites and pick up litter on a daily basis. A schedule of site maintenance shall be posted on site (location to be approved by the Department of Development). Refuse, recyclables, grease and other waste materials will be fully enclosed within an approved structure.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and 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
day of , 2003

Acting City Clerk/Treasurer

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

ZON-R-376\5-20-03\jmg