



AXLEY BRYNELSON, LLP



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VIA HAND DELIVERY

Planning Division
City of Waukesha
201 Delafield Street
Waukesha, WI 53188

RE: Application of Harika Foods Regarding Request for Manufacturing,
Restaurant and Grocery Store Facility at the Current Monkey Joe's Location;
2040 West Bluemound Road, Waukesha

Dear Members:

Please be advised that the current zoning of M-1 Light Manufacturing District does in fact allow both the Plan Commission and the Planning Staff to allow grocery store use. Sub v of Conditional Uses states that a conditional use that is "similar to and reasonably related to principal permitted uses" can be allowed as a conditional use. In addition, sub e states that "eating and drinking establishments" is also a conditional use.

As I mentioned at the Plan Commission meeting, conditional use permits are zoning tools and are not property rights. As such, it does not create a precedent for third parties to come in and ask that they be allowed to do the same. In fact, this kind of flexibility allows for the Plan Commission and Planning Staff to mix and match uses that are similar or compatible with adjoining uses or makes sense within a permitted use application. It is my understanding that the applicant will be submitting additional information regarding the extent of the manufacturing of the products they will be making on site.

I also note that Permitted Principal Uses sub b is "Adult Oriented Establishments," sub g "Food locker plants," sub k "Packaging and assembly of products made from fur," sub q "Warehousing" and sub r "Wholesaling." Part of the Conditional Uses is "Automobile service stations" and I would submit the nearby Kwik Trip and other type of service stations offer a variety of food items consistent with a grocery store, and yet are approved and operate within the City limits without causing zoning issues. I think if the Planning Staff looks at this and makes an integrated attempt to tie the uses together, particularly the manufacturing for and sale of products within the grocery store, we can make this a win-win situation for the City. As the Plan Commission members properly pointed out, the current tenant has been teetering about viability for some time and the proposed tenant-owner would be a fixture in Waukesha for time to come and provide a much needed service to the Indian community.



Planning Division
City of Waukesha
June 27, 2017
Page 2

In closing, I think your zoning code clearly allows this type of planning and a careful and thorough Conditional Use Permit will resolve any concerns that the Plan Commission may have in turning this into a grocery operation not tied into manufacturing or a restaurant operation.

Sincerely,

AXLEY BRYNELSON, LLP

A handwritten signature in black ink, appearing to read "Donald J. Murn". The signature is stylized and includes a long horizontal stroke extending to the right.

Donald J. Murn
DJM/kb