



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2013-0157**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

**JUL 01 2013**

Resolution relative to determination of Special Use Permit for Treble Maker Studios, a proposed music studio, to be located within the existing multi-tenant building at 5317 W. Burnham St.

WHEREAS, Arnold Check, d/b/a Check Family Trust, property owner, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a music and recording studio within a portion of the multi-tenant commercial building located at 5317 W. Burnham St. and 1949 S. 53 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2013, 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 owner of the building, Arnold Check, of Check Family Trust, has offices at 2623 W. Lake Vista Ct., Mequon, WI 53092.
2. The tenant, Steve Kendziora d/b/a Treble Makers, resides at 1908 S. 72 St., has a valid offer to lease a portion of the property at 5317 W. Burnham St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest  $\frac{1}{4}$  of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 1 in Block 1 of the Assessors Plat No. 272.

Tax Key No. 474-0001-000

Said land being located at 5317 W. Burnham St. and 1949 S. 53 St.

3. The tenant, Steve Kendziora, d/b/a Treble Makers, is proposing to occupy 1,800 square feet of office space of the existing 88,000 square foot multi-tenant building. The studio will perform music and recording services.

4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the

City of West Allis, which permits recording, sound and multi-media studios as a Special Use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property occupies the block bordered with W. Burnham on the north, S. 54 St. on the west, W. Rogers St. on the south and S. 53 St. on the east. Properties to the east and south are zoned for manufacturing uses. The property to the east is currently undeveloped, and the property to the south is developed for commercial use. Properties to the north are located in the Village of West Milwaukee and are developed single and multi-family residential. Properties to the west are developed as a mix of commercial and are zoned for commercial and manufacturing uses.

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 Arnold Check, d/b/a Check Family Trust, to allow Steve Kendziora, tenant, to occupy 1,800 square feet of space within an existing multi-tenant commercial building 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site, Landscaping, Screening and Architectural plans approved on May 22, 2013, 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. Hours of Operation. The applicant has indicated that typical hours of operation will be Monday through Friday from 4:00 p.m. until 10:30 p.m. This Special Use Permit will also allow occupancy of the studio beginning at 9:00 am on weekdays.
4. Off-Street Parking. Six (6) off-street parking spaces are required for the music and recording studio. A total of 103 spaces can be accommodated on the off-street parking lot located to the south of the building. On-street parking is also available on W. Burnham St. and S. 54 St.
5. Media Production Studio / Noise. The studio area will be sound insulated, so that no sound may enter or exit the studio space to prevent excess noise from penetrating the adjacent neighborhood.

6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
7. 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.
8. 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.
9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
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.
13. Miscellaneous.

A. 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.

B. 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.

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.

14. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.


15. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

16. Acknowledgement. That the applicant sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Arnold Check  
Check Family Trust



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Steve Kendziora  
Treble Makers Studio

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Arnold Check  
Check Family Trust

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Steve Kendziora  
Treble Makers Studio

8<sup>th</sup> day of July, 2013

Monica Schulte  
Assistant City Clerk

cc: Department of Development  
Department of Building Inspections and Neighborhood Services  
Division of Planning & Zoning

ZON-R-921-7-1-13

JUL 01 2013

ADOPTED

Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

7/5/13  
Dan Devine  
Dan Devine, Mayor

711

**CITY OF WEST ALLIS,  
NOTICE OF HEARING**

**Monday, July 1, 2013, 7:00 P.M.**

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Monday, July 1, 2013, at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the Special Use Permit for Treble Maker Studios, a proposed music studio, to be located within the existing multi-tenant building at 5317 W. Burnham St.

You may express your opinions in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 6th Day of June 2013.

13H19

/s/ Paul M. Ziehler,  
City Administrative Officer,  
Clerk/Treasurer

PUBLISH: June 13, 2013 and  
June 20, 2013  
WNAXLP



COMMUNITY **CNI** NEWSPAPERS


AFFIDAVIT OF PUBLICATION

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West Allis, WI 53214

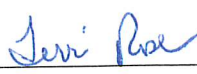
Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the My Community Now- Midwest on **6/13/2013 and 6/20/2013**; that said printed copy was taken from said printed newspaper(s).

  
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Patti Guerrero

State of Wisconsin

County of Milwaukee

Subscribed and sworn before me this 26 day of June, 2013.

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Notary Public State of Wisconsin

My Commission Expires 1-25-15

