

23.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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**R-2009-0268      Resolution      Introduced**

Resolution relative to determination of Special Use Permit for Fitness 19, a proposed fitness center to be located within the Towne Centre shopping center at 6706 W. Greenfield Ave.

**Introduced:** 12/15/2009

**Controlling Body:** Safety & Development Committee

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

**COMMITTEE RECOMMENDATION** ADOPT AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
	✓		Reinke	✓			
			Roadt				
			Sengstock				
		✓	Vitale	✓			
			Weigel				
			TOTAL	5	0		

**SIGNATURE OF COMMITTEE MEMBER**

[Signature] Chair      Vice-Chair      Member

**COMMON COUNCIL ACTION** ADOPT as amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	10			

DEC 15 2009

Tom.  
Please adopt  
As Amended, per  
notes below.  
Jhr

are developed as commercial and industrial. Properties to the south are commercial.

6. The proposed development should not adversely contribute to the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the application of Karina Blasco, d/b/a Fitness 19, to establish a fitness center within the Towne Centre Shopping Center, 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and floor plans approved on December 2, 2009, 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 Neighborhood Services and by the Fire Department.

3. Fitness Area. The floor area for the fitness center will consist of approximately 8,000 square feet of area within the Towne Centre Shopping Center.

4. Hours of Operation. The hours of operation will be 5:00 a.m. - 11:00 p.m., seven days a week.

5. Off-Street Parking. <sup>Fifty-three (53)</sup> ~~Eighteen (18)~~ parking stalls are required for the proposed fitness center and a total of <sup>1,126</sup> ~~one hundred ninety-eight (198)~~ parking spaces are required for the River Bend Shopping Center. A total of <sup>1,077</sup> ~~one hundred eighty-two (182)~~ parking spaces are provided on site.

6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse enclosure doors shall remain closed at all times.

7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

8. Outdoor Storage. No outdoor storage is permitted on site. No advertising on vehicles (vehicle advertising) shall be permitted on site.

9. 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.

10. Lighting. All outdoor lighting shall be shielded in such a manner that no light splays from the property boundaries.

Towne Centre  
Fitness hours will be used ~~at~~ most frequently during non-typical retail hours, early in the morning and late at night.

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.

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



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**Title**

Resolution relative to determination of Special Use Permit for Fitness 19, a proposed fitness center to be located within the Towne Centre shopping center at 6706 W. Greenfield Ave.

**Body**

WHEREAS, Karina Blasco, d/b/a Fitness 19, duly filed with the City Administrative Officer- 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 a fitness center within a portion of the Towne Centre Shopping Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 15, 2009, 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, Karina Blasco, d/b/a Fitness 19 has offices at 17215 SE Wax Rd., Covington, WA 98042.

2. The applicant has a valid offer to lease space within the Towne Centre Shopping Center located at 6706 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Southeast  $\frac{1}{4}$  and Southwest  $\frac{1}{4}$  of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 3 of the Certified Survey Map No. 4756.

Tax Key No. 439-0001-014

Said land being located at 6700-38 W. Greenfield Ave.

3. The applicant is proposing to establish an 8,000 sq. ft. fitness center in a portion of the Towne Centre Shopping Center.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits physical culture and health services, including health clubs, as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the north side of W. Greenfield Ave. between S. 70 St. and S. Six Points Crossing, which is zoned for commercial purposes. Properties to the north and east



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2009-0268**

**Final Action:**

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

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6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

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- 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;
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13. Miscellaneous.

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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.

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15. Acknowledgement. That the applicant signs 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.

\_\_\_\_\_  
Karina Blasco, d/b/a Fitness 19

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_ 2009

\_\_\_\_\_  
Assistant City Clerk

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

ZON-R-741-12-18-09



**ADOPTED** \_\_\_\_\_

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

**APPROVED** \_\_\_\_\_

\_\_\_\_\_  
Dan Devine, Mayor



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2009-0268**

**Final Action: 12/15/2009**

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

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health clubs, as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the north side of W: Greenfield Ave. between S. 70 St. and S. Six Points Crossing, which is zoned for commercial purposes. Properties to the north and east are developed as commercial and industrial. Properties to the south and west are developed as commercial.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

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13. Miscellaneous.

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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.

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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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Karina Blasco, d/b/a Fitness 19

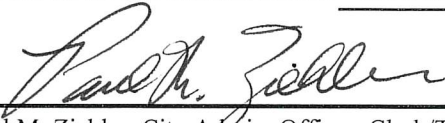
Mailed to applicant on the  
28 day of December 2009

Monica Schmelz  
Assistant City Clerk

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

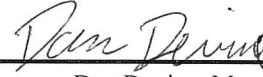
ZON-R-741-12-18-09

**ADOPTED AS AMENDED** 12/15/2009



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

**APPROVED AS AMENDED** 12/21/09



Dan Devine, Mayor



**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

December 28, 2009

Ms. Karina Blasco  
Fitness 19  
17215 SE Wax Rd.  
Covington, WA 98042

Dear Ms. Rustad:

On December 15, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit for Fitness 19, a proposed fitness center to be located within the Towne Centre shopping center at 6706 W. Greenfield Ave.

Please sign and return the enclosed copy of Resolution No. R-2009-0268 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz  
Assistant City Clerk

/jl

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Ramco Properties Assoc., P. O. Box 4900, Dept. 365, Scottsdale, AZ 85261



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2009-0268**

**Final Action: 12/15/2009**

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

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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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and floor plans approved on December 2, 2009, 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 Neighborhood Services and by the Fire Department.
3. Fitness Area. The floor area for the fitness center will consist of approximately 8,000 square feet of area within the Towne Centre Shopping Center.
4. Hours of Operation. The hours of operation will be 5:00 a.m. - 11:00 p.m., seven days a week.
5. Off-Street Parking. Fifty-three (53) parking stalls are required for the proposed fitness center and a total of one thousand one hundred twenty-six (1,126) parking spaces are required for the Towne Center Shopping Center. A total of one thousand seventy-seven (1,077) parking spaces are provided on site. Towne Center Fitness will be used most frequently during non-typical retail hours, early in the morning and late at night.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse enclosure doors shall remain closed at all times.

7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

8. Outdoor Storage. No outdoor storage is permitted on site. No advertising on vehicles (vehicle advertising) shall be permitted on site.

9. 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.

10. Lighting. All outdoor lighting shall be shielded in such a manner that no light splays from the property boundaries.

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.

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.

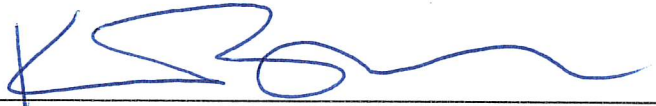
B. The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

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.

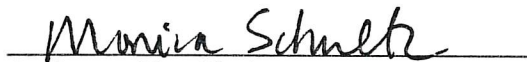
15. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

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.



Karina Blasco, d/b/a Fitness 19

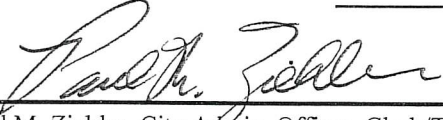
Mailed to applicant on the  
28 day of December 2009

  
Assistant City Clerk

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

ZON-R-741-12-18-09

**ADOPTED AS AMENDED** 12/15/2009



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

**APPROVED AS AMENDED** 12/21/09



Dan Devine, Mayor