

63



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
-------------	-------	--------

R-2004-0247 Resolution In Committee

Resolution relative to determination of Special Use Application submitted by Lynn Cady, d/b/a Artistic Tanning, to establish a tanning salon and spa within an existing building located at 8104 W. National Ave.


Introduced: 08/03/2004

Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/3/04</u>			Barczak	✓			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
			Reinke	✓			
			Sengstock				
		✓	Vitale	✓			
	✓		Weigel	✓			
			TOTAL	<u>5</u>	<u>1</u>		

SIGNATURE OF COMMITTEE MEMBER

 _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT as amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 03 2004</u>		✓	Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>1</u>		

J. Stibel
S. Schoer
B. Bunker
Applicant

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0247

Final Action:

Resolution relative to determination of Special Use Application submitted by Lynn Cady, d/b/a Artistic Tanning, to establish a tanning salon and spa within an existing building located at 8104 W. National Ave.

WHEREAS, Lynn Cady, d/b/a Artistic Tanning, 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 tanning salon and spa within the existing building located at 8104 W. National Ave. (formerly Labat Specialties); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2004, at 7:00 p.m., and in the Common Council Chambers 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, Lynn Cady, d/b/a Artistic Tanning, resides at 1135 S. 71 St., West Allis, WI 53214.
2. The applicant possess a valid offer to purchase the property at 8104 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 23 in Block 6 of the State Avenue Land Co's Subdivision.

Tax Key No. 452-0342-000

Said land being located at 8104 W. National Ave.

3. The applicant is proposing to establish a tanning salon and spa within the existing building.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits a tanning salon and spa as a special use, pursuant to Sec. 12.41(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. National Ave. between S. 81 St. and S. 82 St., which is zoned for commercial purposes. All surrounding properties are developed as commercial.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site was formerly used for retail purposes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Lynn Cady, d/b/a Artistic Tanning, to establish a tanning salon and spa 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 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, Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and architectural elevation plans approved on July 28, 2004, 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. Tanning and Spa Services Area. Up to eight (8) tanning units and two (2) ^{BEDS} ~~chairs~~ for spa services ¹⁰ can be utilized within the existing 3,400 square foot building. *MASSAGE THERAPY*
4. Salon Operations. The salon will be utilized for tanning and spa services.
5. Hours of Operation. Hours of operation shall be from 9:00 a.m. to 6:00 p.m., Monday through ~~Friday, 10:00 a.m. to 5:00 p.m. on Saturday, and 11:00 a.m. to 2:00 p.m. on Sunday.~~
6. Off-Street Parking. No on-site parking will be provided. Historically, none has been provided.
7. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
8. Window Signage. Window signage shall not exceed twenty percent (20%) of any window's area.
9. Paving. Paving Plan being submitted to the Department of Building Inspections for approval.
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.

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.

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 _____, 2004

Assistant City Clerk

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

ZON-R-446-8-3-04\bjb

ADOPTED _____

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

APPROVED _____

Jeannette Bell, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0247

Final Action: 8/3/2004

Resolution relative to determination of Special Use Application submitted by Lynn Cady, d/b/a Artistic Tanning, to establish a tanning salon and spa within an existing building located at 8104 W. National Ave.

WHEREAS, Lynn Cady, d/b/a Artistic Tanning, 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 tanning salon and spa within the existing building located at 8104 W. National Ave. (formerly Labat Specialties); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2004, at 7:00 p.m., and in the Common Council Chambers 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, Lynn Cady, d/b/a Artistic Tanning, resides at 1135 S. 71 St., West Allis, WI 53214.
2. The applicant possess a valid offer to purchase the property at 8104 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 23 in Block 6 of the State Avenue Land Co's Subdivision.

Tax Key No. 452-0342-000

Said land being located at 8104 W. National Ave.

3. The applicant is proposing to establish a tanning salon and spa within the existing building.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits a tanning salon and spa as a special use, pursuant to Sec. 12.41(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. National Ave. between S. 81 St. and S. 82 St., which is zoned for commercial purposes. All surrounding properties are

developed as commercial.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site was formerly used for retail purposes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Lynn Cady, d/b/a Artistic Tanning, to establish a tanning salon and spa 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 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, Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and architectural elevation plans approved on July 28, 2004, 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. Tanning and Spa Services Area. Up to eight (8) tanning units and two (2) beds for spa services/massage therapy can be utilized within the existing 3,400 square foot building.
4. Salon Operations. The salon will be utilized for tanning and spa services.
5. Hours of Operation. Hours of operation shall be from 9:00 a.m. to 6:00 p.m., Monday through Sunday.
6. Off-Street Parking. No on-site parking will be provided. Historically, none has been provided.
7. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
8. Window Signage. Window signage shall not exceed twenty percent (20%) of any window's area.
9. Paving. Paving Plan being submitted to the Department of Building Inspections for approval.
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.

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.

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
9th day of August, 2004

Monica Schultz
Assistant City Clerk

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

ZON-R-446-amd-8-3-04\bjb

ADOPTED AS AMENDED 08/03/2004

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

APPROVED AS AMENDED 8-6-04

Jeannette Bell
Jeannette Bell, Mayor