



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2007-0109 Resolution In Committee

Resolution relative to determination of Special Use Permit Application for Snap Fitness, a proposed fitness center to be located within the first floor commercial space of The Berkshire, a mixed-use building located at 6405-95 W. Greenfield Ave. (Tax Key No. 454-0635-001 and 454-0636-000)

Introduced: 4/17/2007

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4/17/07</u>			Barczak				
			Czaplewski				1
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
		✓	Reinke	✓			
			Sengstock				
			Vitale	✓			
	✓		Weigel	✓			
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature] _____ _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 17 2007</u>			Barczak				✓
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>-</u>	<u>-</u>	<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0109

Final Action:

Sponsor(s): Safety & Development Committee

APR 17 2007

Resolution relative to determination of Special Use Permit Application for Snap Fitness, a proposed fitness center to be located within the first floor commercial space of The Berkshire, a mixed-use building located at 6405-95 W. Greenfield Ave. (Tax Key No. 454-0635-001 and 454-0636-000)

WHEREAS, Jon Zimmerman, d/b/a Snap Fitness, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2), Sec. 12.61 and Sec. 12.16 of the Revised Municipal Code, to establish a fitness center within The Berkshire building and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 17, 2007, 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, Jon Zimmerman, d/b/a Snap Fitness, resides at 369 E. Ravine Baye Rd., Bayside, WI 53217.
2. The applicant has a valid offer to lease space at 6405 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1 and 2 of Certified Survey Map No. 7291.

Tax Key No. 454-0635-001 and 454-0636-000

Said land being located at 6405-6495 W. Greenfield Ave.

3. The applicant is proposing to establish a fitness center in a portion of the retail space of The Berkshire.
4. The aforesaid premises is zoned PDD-2 Planned Development District-Commercial with underlying zoning being C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits fitness centers as a special use, pursuant to Sec. 12.42(2), Sec.

12.61 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the south side of W. Greenfield Ave. between S. 65 St. and S. 64 St., which is zoned for commercial purposes. Properties to the west are developed as mixed-use; properties to the north, east and south are developed for commercial and residential.

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 Jon Zimmerman, d/b/a Snap Fitness, to establish a fitness center within The Berkshire 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and screening plans approved on March 28, 2007, 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. Fitness Area. The floor area for the fitness center will consist of 3,043 square feet of area within the first floor of The Berkshire building.
4. Hours of Operation. The hours of operation will be 24 hours a day, seven days a week. The center will be accessed via a card key locking system.
5. Off-Street Parking. Eight (8) parking stalls are required for the proposed fitness center and a total of forty-nine (49) surface stalls for visitors and customers are provided by The Berkshire master parking plan. The eighty (80) senior apartment units require a total of 40 parking stalls. Thirty-six (36) underground parking stalls are provided for the apartment residents. The 2,000 sq. ft. used for restaurant space requires (19) stalls at 1/150 and the remaining 2,000 sq. ft. of commercial space requires (7) parking stalls at 1/300.
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. **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.

10. **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.

11. **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.

Mailed to applicant on the
24 day of April 2007

Munia Schultz
Assistant City Clerk

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

ZON-R-610-4-17-07

ADOPTED APR 17 2007

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

APPROVED April 20, 2007

Jeannette Bell
Jeannette Bell, Mayor



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
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

April 24, 2007

Five Starz, LLC.
Attn: Jon Zimmerman
d/b/a Snap Fitness
369 E. Ravine Baye Road
Bayside, WI 53217

Dear Mr. Zimmerman:

On April 17, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit Application for Snap Fitness, a proposed fitness center to be located within the first floor commercial space of The Berkshire, a mixed-use building located at 6405-95 W. Greenfield Ave. (Tax Key Nos. 454-0635-001 and 454-0636-000).

A copy of Resolution No. R-2007-0109 is enclosed.

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