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

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City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0325

**Final Action:
NOV 16 2004**

Resolution for Special Use Permit for proposed Brasil Arts & Fitness to be located at 5835 W. National Ave., currently a vacant tenant space.

WHEREAS, Wayne Petri, lessor, 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 martial arts center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 16, 2004, at 5:00 p.m., 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, Wayne Petri, lessor, resides at 8727 S. Oak Park Dr. #2, Oak Creek WI 53154.
2. The applicant leases the property at 5835 W. National Ave., 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 35, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 8 in Block 3 in the Bracken Brae Subdivision.

Tax Key No. 438-0453-000

Said land is located at 5835 W. National Ave.

3. The applicant is proposing to establish a martial arts center at 5835 W. National Ave., a mixed-use property with four residential units on the second floor. The building is approximately 2,445 square feet (approximately 1,135 square foot first floor) and the proposal is for 1,135 square feet of martial arts training area.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits martial arts studios as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the southeast corner of S. 59 St. and W. National Ave.

Properties along W. National Ave. are developed as commercial and properties to the south are developed as 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 Wayne Petri, lessor, to establish a martial arts 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 and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on October 27, 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. **Hours of Operation.** The martial arts center will be open from 8:00 a.m. to 9:00 p.m.

3. **Off-Street Parking.** No parking spaces are available onsite; the site is completely built out. Fourteen parking stalls are required for the martial arts studio and the four apartments. Street parking is available along W. National Ave. and S. 59 St. The Common Council shall have the authority to change the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code).

4. **Occupancy Load.** Occupancy capacity shall be limited to 18 people.

5. **Litter.** Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.

6. **Refuse Collection.** Refuse collection to be provided by commercial hauler.

7. **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.

8. **Monitoring.** The area shall be adequately monitored by staff.

9. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each

window's area

10. 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.

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

12. 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
22nd day of November 2004

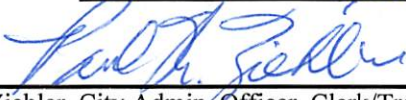
Monica Schultz
Assistant City Clerk

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

ZON-R-470\jmg\11-16-04

ADOPTED

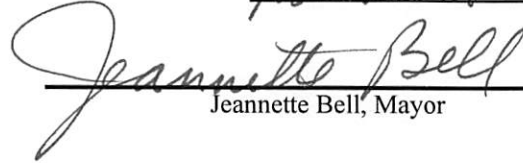
November 16, 2004



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

APPROVED

November 19, 2004



Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Dorothy E. Steinke
Deputy City Treasurer

Monica Schultz
Assistant City Clerk

City Clerk/Treasurer Office

November 22, 2004

Wayne Petri
8727 S. Oak Park Dr. #2
Oak Creek, WI 53154

Dear Mr. Petri:

On November 16, 2004 the Common Council approved a Resolution for Special Use Permit for proposed Brasil Arts & Fitness to be located at 5835 W. National Ave.

A copy of Resolution No. R-2004-0325 is enclosed.

Sincerely,

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

Monica Schultz
Assistant City Clerk

/dlm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Laura Hernandez