



OFFICE OF THE CITY CLERK

Monica Schultz  
City Clerk

414/302-8220  
414/302-8207 (Fax)

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

mschultz@westalliswi.gov  
www.westalliswi.gov

December 23, 2015

Mr. Jon Hubbard  
Evolution Fitness  
425 Field St.  
Mukwonago, WI 53149

[Jon@evaluationft.com](mailto:Jon@evaluationft.com)

Dear Mr. Hubbard:

On December 15, 2015 the Common Council adopted a Resolution relative to determination of Special Use Permit for Evolution Fitness, a proposed fitness facility, to be located at 212 S. Curtis Rd.

Please sign and return the enclosed copy of Resolution No. R-2015-0251 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  
City Clerk

/jl

enclosure

cc: Ed Lisinski  
Development  
AA Hebert, Jr. Real Estate LLC.



# City of West Allis

Resolution: R-2015-0251

7525 W. Greenfield Ave.  
West Allis, WI 53214

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**File Number: R-2015-0251**

**Final Action:**

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

**DEC 15 2015**

Resolution relative to determination of Special Use Permit for Evolution Fitness, a proposed fitness facility, to be located at 212 S. Curtis Rd.

WHEREAS, Jon Hubbard, d/b/a Evolution Fitness, duly filed with the City Clerk 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 health club with personal training at 212 S. Curtis Rd. within a portion of the multi-tenant commercial and industrial building located at located at 152-212 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 15, 2015, 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 Hubbard, d/b/a Evolution Fitness, resides at 425 Field St., Mukwonago, WI 53149.
2. The subject property is owned by AA Hebert Jr Real Estate LLC, PO Box 107, Elm Grove, WI 53122, and is located at 152-212 S. Curtis Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 3085.

Tax Key No. 413-9999-027

Said land being located at 152-212 S. Curtis Rd.

3. The applicant, Jon Hubbard, d/b/a Evolution Fitness will occupy approximately 5,000 sq. ft. of space at 212 S. Curtis Rd. for personal/group athletic training, within the overall multi-tenant commercial and industrial building.
4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits personal/group athletic training as a Special Use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the east side of S. Curtis Rd. between W. Fairview Ave. and W. Dixon St. Properties to the east, west and south are zoned for manufacturing uses and are developed

with industrial and commercial buildings. Property to the north is dedicated for the I-94 East-West Freeway.

6. The proposed development should not adversely contribute to traffic volume or traffic flow in the area, as the proposed use conforms to the commercial and industrial use of the parcel and is serviced by off-street parking.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Jon Hubbard, d/b/a Evolution Fitness, 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 Sec. 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 and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon approval of the site, landscaping and architectural plans approved on December 2, 2015 by the West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alterations or modification to the approved plan shall be permitted without approval by the West Allis 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 the Fire Department.
3. Off-Street Parking. The proposed use is required to provide 30 parking spaces for this tenant, per the Revised Municipal Code. Off-street parking for 28 vehicles is available for the entire building. On-street parking is also available on S. Curtis Rd., W. Dixon St. and W. Fairview Ave.

With the approval of this Special Use, the Common Council agrees to modify the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

4. Hours of Operation. The business has initial proposed hours of operation from 6:00 am to 9:00 pm Monday through Saturday; however, with eventual expansion, the business is proposed to begin operation at 5:00 am and include open hours on Sundays, so this Special Use Permit is drafted to allow operations from 5:00 am to 10:00 pm, seven days a week.
5. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
6. Signage. All signage to be in conformance with Sec. 13.21 of the Revised Municipal Code. Any building window signage shall not exceed twenty percent (20%) of each window's area.
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. Litter and Monitoring. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within an approved structure.

9. Refuse Collection to be provided by commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building.)

10. Sidewalk Repair. The grant of this Special Use Permit 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, abutting sidewalk, if any.

11. Special Events. Special events for the proposed use may be granted by the Common Council, upon request.

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. Applicants are 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 applicants' 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.

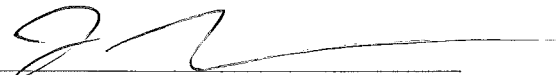
14. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the 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.

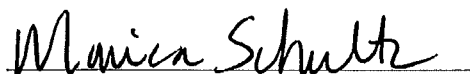
16. Acknowledgement. That the applicants and property owner sign an acknowledgment that they have received these terms and conditions and will abide by them.

The undersigned applicants and property owner agree 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.

\_\_\_\_\_  
AA Hebert Jr Real Estate LLC (property owner)

  
\_\_\_\_\_  
Jon Hubbard, Evolution Fitness

Mailed to applicant on the  
\_\_\_\_ day of December, 2015

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

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services

ZON-R-1014-12-15-15

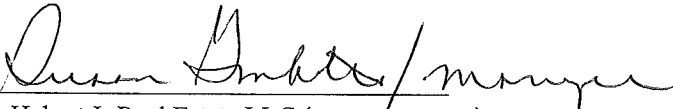
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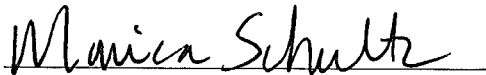
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AA Hebert Jr Real Estate LLC (property owner)

\_\_\_\_\_  
Jon Hubbard, Evolution Fitness

Mailed to applicant on the  
\_\_\_\_\_ day of December, 2015



City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services

ZON-R-1014-12-15-15

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AA Hebert Jr Real Estate LLC (property owner)

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Jon Hubbard, Evolution Fitness

Mailed to applicant on the  
\_\_\_\_\_ day of December, 2015

Manica Schulte  
City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services

ZON-R-1014-12-15-15

ADOPTED DEC 15 2015

APPROVED 12/21/15

Monica Schultz  
Monica Schultz, City Clerk

Dan Devine  
Dan Devine, Mayor