

52.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

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

R-2009-0042 Resolution In Committee

Resolution relative to determination of Special Use Permit to establish Jing Well Acupuncture and Natural Medicine Spa, to be located within a portion of the multi-tenant commercial building located at 8410 W. Cleveland Ave. (Tax Key No. 487-0250-002)

Introduced: 2/3/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
<i>2/3/09</i>		<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Reinke	<input checked="" type="checkbox"/>			
			Roadt				
			Sengstock				
			Vitale				<input checked="" type="checkbox"/>
			Weigel				
			TOTAL	<i>4</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

[Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
<i>FEB 03 2009</i>			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<i>9</i>	<i>-</i>		<i>1</i>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0042

Final Action:

Sponsor(s): Safety & Development Committee

FEB 03 2009

Resolution relative to determination of Special Use Permit to establish Jing Well Acupuncture and Natural Medicine Spa, to be located within a portion of the multi-tenant commercial building located at 8410 W. Cleveland Ave. (Tax Key No. 487-0250-002)

WHEREAS, Joseph H. Cannariato d/b/a Jing Well Acupuncture and Natural Medicine Spa, 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 an Acupuncture and Natural Medicine Spa within a portion of the office building located at 8410 W. Cleveland Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 3, 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 owner of the building, Russell Vollmer, has offices at 8410 W. Cleveland Ave., West Allis, WI 53227.
2. The applicant, Joseph H. Cannariato, has a valid offer to lease the property at 8410 W. Cleveland Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 9, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 6, 7 and adjacent vacated off street parking, Block 1 in the Kroupa Manor No. 1 subdivision.

Tax Key No. 487-0250-002

Said land being located at 8410 W. Cleveland Ave.

3. The applicant, Joseph H. Cannariato d/b/a Jing Well Acupuncture and Natural Medicine Spa is proposing to occupy a 700 sq. ft. of office space on the 2nd floor of the existing 16,800 sq. ft. office building.
4. Common Council approved/adopted R-2007-0203 in August 2007 for a spa/salon and training

use (Institute of Advanced Technique) on the 1st floor of the building.

5. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits training facilities as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

6. The subject property is located on the northwest corner of S. 84 St. and W. Cleveland Ave. Properties to the south and west are developed as commercial. Properties to the east are developed as single-family residential and park space. Properties to the north are developed as single-family residential.

7. 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 Joseph H. Cannariato, tenant, to occupy 700 sq. ft. of space for Jing Well Acupuncture and Natural Medicine Spa within an existing office 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, screening and architectural plans approved on July 23, 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.

The grant of this special use is also subject to the subsequent 1/28/2009 Plan Commission recommendations:

A. Compliance with the approved August 2007 Site, Landscaping and Screening plan by August 7, 2009.

B. An updated/revised 2009 cost estimate to cover the construction cost of implementing the approved August 2007 plan. The estimate should include landscaping, screening, curbing and striping, parking lot ADA access walks and stormwater infrastructure improvement cost and be submitted to the Department of Development for approval.

C. An updated/revised surety bond or other form of security as required under Sec. 12.13(14) of the Revised Municipal Code in the amount of 125% of the estimated cost of landscaping and screening shall be executed by the applicant prior to the issuing of a building permit. The attached security

form shall be submitted to and approved by the Building Inspection and Neighborhood Services Department, relative to the cost estimate as determined in Condition #2.

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. **Hours of Operation.** The hours of operation for the Institute of Advanced Technique and Jing Well will be 8:00 a.m. - 7:00 p.m., seven days a week. The hours of operation may be extended to 8:00 p.m. in the future without Public Hearing if a request is made to the Common Council.

4. **Off-Street Parking.** Off-street parking spaces for 56 vehicles are required for the 16,800 sq. ft. office building. A total of 31 spaces will be provided, including two (2) ADA stalls. Street parking is available along W. Cleveland Ave. The site has historically been short of the provided parking requirements.

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

6. **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.

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. **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.

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

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.

12. 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.

13. Acknowledgement. That the applicant sign 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.

(Applicants Name)

Mailed to applicant on the
6th day of February 2009

Maria Schulte
Assistant City Clerk

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

ZON-R-701-2-3-09

ADOPTED FEB 03 2009
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 2/6/09
Dan Devine
Dan Devine, Mayor



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

February 6, 2009

Mr. Joseph H. Cannariato
Jing Well Acupuncture
8410 W. Cleveland Ave., Ste. 203
West Allis, WI 53227

Dear Mr. Cannariato:

On February 3, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit to establish Jing Well Acupuncture and Natural Medicine Spa, to be located within a portion of the multi-tenant commercial building located at 8410 W. Cleveland Ave.

Please sign and return the enclosed copy of Resolution No. R-2009-0042 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "Monica Schultz". The signature is written in a cursive style.

Monica Schultz
Assistant City Clerk

/amn

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

RECEIVED

File Number: R-2009-0042

FEB 13 2009

Final Action:

Sponsor(s): Safety & Development Committee

CITY OF WEST ALLIS
CLERK/TREASURER

FEB 03 2009

Resolution relative to determination of Special Use Permit to establish Jing Well Acupuncture and Natural Medicine Spa, to be located within a portion of the multi-tenant commercial building located at 8410 W. Cleveland Ave. (Tax Key No. 487-0250-002)

WHEREAS, Joseph H. Cannariato d/b/a Jing Well Acupuncture and Natural Medicine Spa, 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 an Acupuncture and Natural Medicine Spa within a portion of the office building located at 8410 W. Cleveland Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 3, 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 owner of the building, Russell Vollmer, has offices at 8410 W. Cleveland Ave., West Allis, WI 53227.
2. The applicant, Joseph H. Cannariato, has a valid offer to lease the property at 8410 W. Cleveland Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest ¼ of Section 9, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 6, 7 and adjacent vacated off street parking, Block 1 in the Kroupa Manor No. 1 subdivision.

Tax Key No. 487-0250-002

Said land being located at 8410 W. Cleveland Ave.

3. The applicant, Joseph H. Cannariato d/b/a Jing Well Acupuncture and Natural Medicine Spa is proposing to occupy a 700 sq. ft. of office space on the 2nd floor of the existing 16,800 sq. ft. office building.
4. Common Council approved/adopted R-2007-0203 in August 2007 for a spa/salon and training

use (Institute of Advanced Technique) on the 1st floor of the building.

5. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits training facilities as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

6. The subject property is located on the northwest corner of S. 84 St. and W. Cleveland Ave. Properties to the south and west are developed as commercial. Properties to the east are developed as single-family residential and park space. Properties to the north are developed as single-family residential.

7. 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 Joseph H. Cannariato, tenant, to occupy 700 sq. ft. of space for Jing Well Acupuncture and Natural Medicine Spa within an existing office 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:

THIS IS BETWEEN THE BUILDING OWNER AND THE CITY OF WEST ALLIS. FTS SHOULD NOT AFFECT MY

1. Site, Landscaping, Screening, Signage 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 July 23, 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.

ABILITY TO EARN A LIVING. JMAA 2/13/09

The grant of this special use is also subject to the subsequent 1/28/2009 Plan Commission recommendations:

A. Compliance with the approved August 2007 Site, Landscaping and Screening plan by August 7, 2009.

B. An updated/revised 2009 cost estimate to cover the construction cost of implementing the approved August 2007 plan. The estimate should include landscaping, screening, curbing and striping, parking lot ADA access walks and stormwater infrastructure improvement cost and be submitted to the Department of Development for approval.

C. An updated/revised surety bond or other form of security as required under Sec. 12.13(14) of the Revised Municipal Code in the amount of 125% of the estimated cost of landscaping and screening shall be executed by the applicant prior to the issuing of a building permit. The attached security

form shall be submitted to and approved by the Building Inspection and Neighborhood Services Department, relative to the cost estimate as determined in Condition #2.

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. Hours of Operation. The hours of operation for the Institute of Advanced Technique and Jing Well will be 8:00 a.m. - 7:00 p.m., seven days a week. The hours of operation may be extended to 8:00 p.m. in the future without Public Hearing if a request is made to the Common Council.

4. Off-Street Parking. Off-street parking spaces for 56 vehicles are required for the 16,800 sq. ft. office building. A total of 31 spaces will be provided, including two (2) ADA stalls. Street parking is available along W. Cleveland Ave. The site has historically been short of the provided parking requirements.

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

6. 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.

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. 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.

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

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.

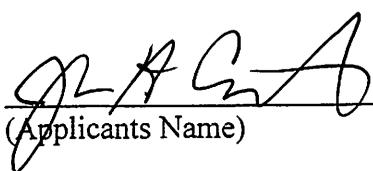
B. The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

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.

12. 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.

13. Acknowledgement. That the applicant sign 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.



(Applicants Name)

Mailed to applicant on the
6th day of February 2009

Marcia Schulte
Assistant City Clerk

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

ZON-R-701-2-3-09

ADOPTED FEB 03 2009
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 2/6/09
Dan Devine
Dan Devine, Mayor