Resolution

File Number: R-2011-0217 **Final Action: 10/18/2011**

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for Serenity Martial Arts, a proposed business to be located at 1412 S. 72 St. within the mixed-use building at 7139-7149 W. Greenfield Ave. and 1410-1412 S. 72 St.

WHEREAS, Mr. Jailen Solis, d/b/a Serenity Martial Arts, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.40(2) of the Revised Municipal Code, to establish a martial arts training center within a portion of the existing multi-tenant mixed-use building located at 7139-7149 W. Greenfield Ave. and 1410-1412 S. 72 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 18, 2011, at 7:00 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, Mr. Jailen Solis, d/b/a Serenity Martial Arts will have offices on site. The property is owned by CSL Properties LLC, N64 W15880 Wildflower Dr., Menomonee Falls, WI 53051 and is represented by Curt Chybowski.

2. The applicant has a valid offer to lease the subject tenant space at 1412 S. 72 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northwest ¼ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lots 7 and 8 in Block 5 of Central Improvement Co. Subdivision No. 1.

Tax Key Number: 453-0063-000

3. The applicant has proposed to establish an instructional school for martial arts within an approximately 800 sq. ft. portion of the building.

4. The aforesaid premises is zoned C-1 Central Business District under the zoning ordinance of the City of West Allis, which permits the location of schools and physical culture services as a Special

Use, pursuant to Sec. 12.40(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities and accessible to public transportation.

6. The subject property is .1652 acres, zoned C-1 Central Business District and is part of a traditional mixed residential and commercial neighborhood. Properties to the north, west and east are zoned for commercial purposes and are occupied with mixed commercial and residential uses. Properties to the south are zoned and used for residential purposes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Mr. Jailen Solis, d/b/a Serenity Martial Arts, be, and is hereby granted a Special Use 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 Section 12.16 and Section 12.40(2) 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 a site, landscape, and screening and architectural plans submitted to and approved by the City of West Allis Plan Commission on September 28, 2011 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. General business hours will be between 9:00 a.m. and 9:00 p.m., Monday thru Saturday.

3. 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.

4. Parking. Based upon an 800 sq. ft. lease space, three (3) parking spaces are required for the use. No parking is provided onsite; however, on-street parking and a municipal parking lot are adjacent to the site.

5. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area and shall be installed inside the building.

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. Capacity. Class sizes shall be limited to 14 students per class.

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

10. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved structure.

11. Refuse Collection. Refuse collection to be provided by commercial hauler.

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, abutting sidewalk.

13. 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.

14. 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.

15. 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.

16. Termination of Special Use. 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.

17. Acknowledgement. That the applicant signs 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.

_____
Jailen Solis, d/b/a Serenity Martial Arts

_____ agent of CSL properties LLC
Curt Chybowski, d/b/a CSL Properties LLC

Mailed to applicant on the

24th day of Oct., 2011

Monica Schulte
Assistant City Clerk

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

ZON-R-838-10-18-11

ADOPTED AS AMENDED 10/18/2011

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

APPROVED AS AMENDED 10/21/11

Dan Devine, Mayor

Janel Lemanske

From: Janel Lemanske
Sent: Monday, October 24, 2011 10:47 AM
To: 'solis.jailen@yahoo.com'
Subject: City of West Allis Resolution R-2011-0217 Signature Required
Importance: High
Attachments: Solis, Jailen, Serenity.pdf

Dear Mr. Jailen A. Solis

On October 18, 2011 the Common Council adopted as amended a Resolution relative to determination of Special Use Permit for Serenity Martial Arts, a proposed business to be located at 1412 S. 72 St. within the mixed-use building at 7139-7149 W. Greenfield Ave. and 1410-1412 S. 72 St.

Please print the attached resolution and sign on page 4. Return the copy with your original signature to my attention at the address below within ten (10) days upon receipt of this e-mail.

Sincerely,
Janel M. Lemanske
Clerk Specialist II
414-302-8203

City of West Allis
Clerk's Office
7525 W. Greenfield Avenue
West Allis, WI 53214
414-302-8200

-11/3/11 @9:37am l.m. for Jailen
-11/3/11 @3:44pm. Jailen unable to Print. mailed letter + resolution on this day. Per phone convo.

-11/3/11 @9:39 phone # for CSL has been disconnected. Planning nor BINS has an updated phone #

-1/9/12 verbal by Steve Schaer Serenity not in business. Mr. Solis will not be signing resolution

10/18/11

COMMUNITY CNI NEWSPAPERS

AFFIDAVIT OF PUBLICATION

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WEST ALLIS CITY OF-LEGALS
CLERK/TREASURER'S OFFICE
7525 W GREENFIELD AVE
JANEL LEMANSKE
West Allis, WI 53214

Chris DeRosier hereby states that he is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the **My Community Now- Midwest** on **9/29/2011 and 10/6/2011** ;that said printed copy was taken from said printed newspaper(s).

Chris DeRosier

State of Wisconsin)
) SS:
County of Milwaukee)

Subscribed and sworn before me this 7 day of Oct ,2011.

Terri Rose

Notary Public State of Wisconsin

My Commission Expires 1-25-15

TERRI ROSE NOTARY PUBLIC STATE OF WISCONSIN

CITY OF WEST ALLIS

NOTICE OF HEARING

Tuesday, October 18, 2011

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, October 18, 2011 at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the Special Use Permit for Serenity Martial Arts, a proposed business to be located at 1412 S. 72 St. within the mixed use building at 7139-7149 W. Greenfield Ave. and 1410-1412 S. 72 St.

You may express your opinions in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 22nd Day of September 2011.

11H37

/s/ Paul M. Ziehler,
City Administrative Officer,
Clerk/Treasurer

PUBLISH: September 29, 2011
October 6, 2011