

47.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2010-0131 **Resolution** **Introduced**

Resolution relative to determination of Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

Introduced: 6/1/2010

Controlling Body: Safety & Development Committee
~~License & Health Committee~~

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6/1/10</u>	✓		Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair [Signature] Vice-Chair _____ Member _____

COMMON COUNCIL ACTION **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 01 2010</u>	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL				



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

June 7, 2010

Wally Horngren
d/b/a Right Click Computer Services
8008 W. National Ave.
West Allis, WI 53214

Dear Mr. Horngren:

On June 1, 2010 the Common Council adopted a Resolution relative to determination of Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

Please sign and return the enclosed copy of Resolution No. R-2010-0131 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
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development
Gerald J. Holasek



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0131

Final Action:

Sponsor(s): Safety & Development Committee

JUN 01 2010

Resolution relative to determination of Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

WHEREAS, Wally Horngren, d/b/a Right Click Computer Services, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code, to establish an instructional/training facility at 8010 W. National Ave.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on June 1, 2010, 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, Wally Horngren, d/b/a Right Click Computer Services, has offices at 8008 W. National Ave., West Allis, Wisconsin 53214.
2. The applicant, Wally Horngren, d/b/a Right Click Computer Services leases office space within the subject property at 8010 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Parts of Lots 10 and 11 in Block 2 in Henderson's Subdivision No.1 more particularly described as follows: Commencing at the Southeast corner of Lot 2 in Block 6 in the Assessors Plat No. 259; thence Northeasterly, 31.02 feet, along North right-of-way line of West National Avenue to the Point of Beginning; thence Northerly, 120.00 feet; thence Northeasterly, 62.04 feet; thence Southerly, 120.00 feet, to the said North right-of-way line; thence Southwesterly, 62.04 feet, along said North line to the Point of Beginning.

Tax Key Number: 452-0563-000

3. The applicant is proposing to lease a portion of the existing multi-tenant mixed-use commercial/residential building on W. National Ave. The first floor lease space for the instructional/training facility will consist of approximately 850 sq. ft.

4. The aforesaid premise is zoned C-2 Neighborhood District under the zoning ordinance of the City of West Allis. The proposed instructional/training facility is permitted as a special use pursuant to Sec. 12.41(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.

6. The subject property located on the north side of W. National Ave. between S. 81 St. and S. 80 St. and is zoned for commercial purposes. Properties to the east, west and south are developed as a mix of commercial and residential. Properties to the north are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Wally Horngren, d/b/a Right Click Computer Services, be, and is hereby granted a special use:

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 12.42(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 and Screening, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and screening, and architectural plans approved May 26, 2010 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. Hours of Operation. Full educational hours of operation are Monday through Friday from 8:00 a.m. to 7:00 p.m., Saturday 8:00 a.m. to 12:00 p.m. (noon), and closed on Sunday.

4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

5. Lighting. The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

6. Parking. No off-street parking is provided on site. This instructional/training facility would require three (3) spaces. Total parking requirements for the mixed-use building would be eighteen (18) spaces, which include providing for four one-bedroom second story residential apartments.

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

8. 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 and/or compactor.

9. Refuse Collection. Refuse collection to be provided by commercial hauler. All refuse, recyclables and waste material shall be maintained in containers in orderly fashion and/or screened from public view.

10. 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.

11. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.

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. Enrollment Cap. There will be an Enrollment Cap set at ten (10) persons per class.

16. 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.

17. 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, the special use may be terminated.

18. 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.

Wally Horngren, d/b/a Right Click Computer Services

Mailed to applicant on the
7th day of June, 2010


Assistant City Clerk

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

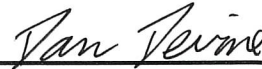
ZON-R-763-6-1-10

ADOPTED JUN 01 2010



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

APPROVED 6/4/10



Dan Devine, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0131

Final Action:

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JUN 01 2010

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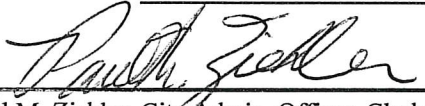
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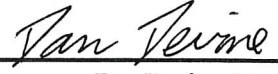
A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16

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

ZON-R-763-6-1-10

ADOPTED JUN 01 2010


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

APPROVED 6/4/10


Dan Devine, Mayor