

25.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2009-0267 **Resolution** **Introduced**

Resolution relative to determination of Special Use Permit for Sacude Fitness, a proposed dance studio to be located at 9413 W. Greenfield Ave.

Introduced: 12/15/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT pending PLAN COMMISSION APPROVAL

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/15/09</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
	✓		Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

 Chair Vice-Chair Member

COMMON COUNCIL ACTION

ADOPT *pending plan Commission Approval*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 15 2009</u>			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0267

Final Action:

Sponsor(s): Safety & Development Committee

DEC 15 2009

Resolution relative to determination of Special Use Permit for Sacude Fitness, a proposed dance studio to be located at 9413 W. Greenfield Ave.

WHEREAS, Kathleen Barbian, d/b/a Sacude Fitness, 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 a dance studio within a portion of a multi-tenant commercial building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 15, 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 applicant, Kathleen Barbian, d/b/a Sacude Fitness resides at 8103 W. Grant St., upper, West Allis, WI 53219.
2. The applicant has a valid offer to lease space within the multi-tenant commercial building located at 9413 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 5, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1 thru 7 in Block 3 of the Zingen and Braun's Fair Park Subdivision.

Tax Key No. 450-0022-001

Said land being located at 9411R-13R-23-27 W. Greenfield Ave.

3. The applicant is proposing to establish approximately 1,600 sq. ft. for a dance studio within a multi-tenant commercial building. In the future, the applicant plans to expand the business into the abutting, currently vacant, dance studio space for a total of approximately 4,800 sq. ft. of area. The grant of this Special Use will permit the dance studio to occupy up to 4,800 sq. ft.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning

Ordinance of the City of West Allis, which permits dance instructional and training facilities as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the south side of W. Greenfield Ave. between S. 94 St. and S. 95 St., which is zoned for commercial purposes. Properties to the north and west are developed as commercial. Properties to the south and east 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 Kathleen Barbian, d/b/a Sacude Fitness, to establish a dance studio within a portion of a multi-tenant commercial 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 and floor plans being approved, 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 Neighborhood Services and by the Fire Department.
3. Dance Studio. The floor area for the dance studio will consist of approximately 1,600 square feet of area within the multi-tenant commercial building. In the future, the applicant plans to expand the business into the abutting, currently vacant, dance studio space for a total of approximately 4,800 sq. ft. of area. The grant of this Special Use will permit the dance studio to occupy up to 4,800 sq. ft. pending compliance with all building and fire codes.
4. Hours of Operation. The hours of operation will be 6:00 a.m. - 9:00 p.m., seven days a week.
5. Off-Street Parking. Twenty-two (22) parking spaces are required for the entire dance studio area, which includes a future expansion of this particular applicant into the full dance studio tenant space. Thirty-eight (38) parking spaces are required for the existing tavern and five (5) spaces are required for remaining office and storage space, for a total of 65 required on-site parking spaces. A total of 24 on-site parking spaces, including one (1) ADA space shall be provided. The Common Council may modify the off-street parking deficiency.

6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse enclosure shall be provided and doors shall remain closed at all times.

7. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

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

9. 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.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

Kathleen Barbian, d/b/a Sacude Fitness

Mailed to applicant on the _____ day of _____ 2009

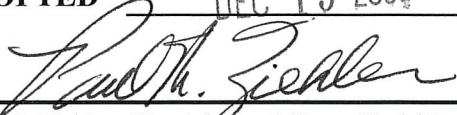
Assistant City Clerk

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

ZON-R-743-12-18-09

ADOPTED

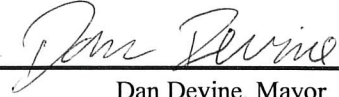
DEC 15 2009



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

APPROVED

12/21/09



Dan Devine, Mayor

Janel Lemanske

From: Steve Schaer
Sent: Thursday, January 06, 2011 12:08 PM
To: Janel Lemanske; Diane Spitzer
Subject: FW: YESTER YEARS REMODEL

Sacude is gone. I am meeting with Karen S. (owner) on Monday to determine what's next.

-----Original Message-----

From: kschoenfeld1@wi.rr.com [mailto:kschoenfeld1@wi.rr.com]
Sent: Wednesday, January 05, 2011 9:28 PM
To: Steve Schaer; Karen Schoenfeld
Subject: YESTER YEARS REMODEL

Hi Steve,

I just met with project manger and 2 engineers. I would like to sit down and talk to you about a huge change in plans since Sacudia is gone. Please call me at home afte 10am 262.7782.3863 or work after 6pm 414-476-9055.

Thanks,

--

Karen Schoenfeld
Yester Years Pub and Grill
9427 W. Greenfield Ave.
West Allis, WI 53214
414-476-9055

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