



City of West Allis

Legislation Details (With Text)

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File created: 2/19/2020 **In control:** Safety and Development Committee (INACTIVE)

On agenda: 2/19/2020 **Final action:** 3/3/2020

Title: Resolution relative to determination of Special Use Permit for 2011 Massage, a proposed massage business, to be located at 735 S. 108 St.

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. Resolution draft, 2. Application - 2011 Massage, 3. AFFIDAVIT OF PUBLICATION - R-2020-0057 2011 Massage 0004018152, 4. Notice of Public Hearing

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|----------------|--------|
| 3/6/2020 | 2 | Mayor | Signed/Enacted | |
| 3/3/2020 | 2 | Common Council | Disapproved | Pass |
| 3/3/2020 | 2 | Safety and Development Committee (INACTIVE) | | Pass |
| 3/3/2020 | 2 | Safety and Development Committee (INACTIVE) | | |
| 2/19/2020 | 1 | Safety and Development Committee (INACTIVE) | Held | |
| 2/19/2020 | 1 | Common Council | | |
| 2/19/2020 | 1 | Common Council | | |
| 2/19/2020 | 1 | Safety and Development Committee (INACTIVE) | | |

Resolution relative to determination of Special Use Permit for 2011 Massage, a proposed massage business, to be located at 735 S. 108 St.

WHEREAS, Fong Chiu, d/b/a 2011 Massage, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code, to establish a massage business at 735 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 19, 2020 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, Fong Chiu, d/b/a 2011 Massage, is proposing to lease and renovate the former Mattress Savings tenant space at 735 S. 108 St. into a massage business.
2. The applicant has a valid offer to lease the property located at 735 S. 108 St., from property owners. The subject property is described as follows:

All the land of the owner being located in the Southeast ¼ of Section 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 5 thru 9 in Block A of the Greenfield Highlands subdivision, except East 27.00 feet for right-of-way purposes.

Tax Key No. 445-0006-001

Said land being located at 735 S. 108 St.

3. The applicant proposes to establish a massage business. The massage business will have 4 separate rooms.
4. The aforesaid premises is zoned C-3, Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits massage businesses as a Special Use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.
5. Adjacent properties to the west are developed for residential usage. Properties to the east are zoned industrial. Properties to the north are zoned for commercial. Properties to the south are zoned for commercial use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area, as the property offers off-street parking.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Fong Chiu, d/b/a 2011 Massage, is proposing to lease and renovate the former Mattress Savings tenant space at 735 S. 108 St. into a massage business, 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon a Site, Landscaping, Screening and Architectural Plans as approved on January 22, 2020 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, Fire Codes and Licensing. 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, Health and by the Fire Department. All applicable Federal, State and local licenses being applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.
3. Operations.
 - A. The massage business will hire up to 3 individuals who are state-licensed to provide massage therapy and offer the following styles of massage: oriental body work, Swedish, deep tissue, reflexology, release point and foot massage.
 - B. Business operations are Monday - Saturday 9am - 10pm and Sunday 10am - 9pm.
4. Off-Street Parking. A total of five (5) parking spaces are required for the proposed use (calculated as building area of 1,688-sf divided by 1 parking space for every 300 square feet of business space). The property has off-street parking for (16) parking spaces. Additional shared parking is available within the area.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed.

6. 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.

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

8. Refuse Collection and pick-up. Refuse collection to be provided by commercial hauler and stored within the building or an enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor, as approved by the Plan Commission.

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.

9. Pest Control. Exterior pest control shall be contracted on a monthly basis.

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

11. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

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

13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

15. Expiration of Special Use Permit. This special use permit shall expire one (1) year from and after the date upon which it is approved by the Common Council. To maintain continuous business operations, the permit holder may apply for a new special use permit no more than three (3) months prior to the expiration of this permit.

16. 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 permit is not transferrable to any other person.

17. Business Operations. The permit holder shall comply with the following:

A. Main Entrance. The permit holder shall designate one door or vestibule as the main entrance and shall require

all customers to use the main entrance when entering the building.

B. Camera System. There shall be a functioning video camera recording all persons who enter the business from the main entrance and a sign or monitor indicating to any person entering the main entrance that video recording is in progress. The video recordings shall be captured and maintained for at least seven (7) days. Within two (2) days of a request for video from any law enforcement officer, the permit holder shall provide copies of any video recordings in the permit holder's possession at the time of the request.

C. Client Log. The permit holder shall maintain a record of the actual name, home address, and phone number of every client who receives any services on the premises. If the permit holder verifies the client's identity using a governmental identification card, the permit holder is presumed to have complied with this provision. If the permit holder fails to verify the client's identity using a governmental identification card, the permit holders is strictly liable for compliance with this provision.

D. Client Consent for Disclosure of Information. No client may receive services from the permit holder unless that client provides prior written consent for disclosure of the following:

1. By any massage therapy license holder, any information regarding the identity of that client within any report that license holder submits under Wis. Stat. § 460.12(1).
2. By any public records custodian, any information regarding the identity of that client within any report created under Wis. Stat. § 460.12(1).

18. 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.

19. Acknowledgement. That the applicants 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.

Applicant, Fong Chui, d/b/a 2011 Massage

Dennis Boschi, Property owner

Mailed to applicants on the

_____ day of _____, 2020

City Clerk

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

ZON-R-1207-2-19-20

Plan Commission recommends approval.