



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2012-0221 **Version:** 2

**Type:** Resolution **Status:** Adopted

**File created:** 11/20/2012 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 11/20/2012 **Final action:** 11/20/2012

**Title:** Resolution relative to determination of a Special Use Permit for the Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Plaza 100 shopping center at 2727 S. 108 St.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution.signed, 2. Affidavit

Date	Ver.	Action By	Action	Result
11/20/2012	1	Common Council		
11/20/2012	1	Safety and Development Committee (INACTIVE)		
11/20/2012	1	Common Council		
11/20/2012	1	Common Council	Adopted	Pass
11/20/2012	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of a Special Use Permit for the Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Plaza 100 shopping center at 2727 S. 108 St.

WHEREAS, Hua Zhang, d/b/a the Chinese Relaxation Center duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.43(2), and Sec. 12.16 of the Revised Municipal Code, for the proposed establishment of a health spa to be located at 2727 S. 108 St. within the Plaza 100 Shopping Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 20, 2012, 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, Hua Zhang, d/b/a the Chinese Relaxation Center, tenant, has another business at 2245 S. 108 St. West Allis, WI 53227. The property owner, Peterson Robert P & Phyllis M Trust, resides at 17225 Holly Ln., Brookfield, WI 53045.
2. The applicant has a valid offer to lease the property at 2727 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 3 thru 9 including adjacent vacated street right-of-way adjacent to these lots, in the Block 1 of the National

Avenue Homesites Subdivision.

Tax Key No. 520-0003-000.

Said land is located at 2727 S. 108 St.

3. The applicant is proposing to establish a health spa within a multi-tenant retail building (Plaza 100) and will offer the following services: chair, foot and body massage. The proposal is for the Chinese Relaxation Center to occupy a 1,000 sf lease space previously occupied by another massage business. The applicant business currently operates within other locations: At a mall kiosk at Mayfair and Brookfield Square Mall, Madison East Town Mall and within the Lincoln Plaza shopping center, at 2245 S. 108 St.
4. The aforesaid premise is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits physical culture and health services as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the southwest corner of W. Cleveland Ave. and S. 108 St. Properties to the west are developed for residential uses. All other properties to the north, south and east are developed and zoned for commercial use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Hua Zhang d/b/a Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Plaza 100 shopping center at 2727 S. 108 St., 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 and Sec. 12.43(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 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 October 24, 2012, 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. License Requirement. No person, firm or corporation shall establish or engage in the business of operating a massage (parlor) spa within the City without first obtaining a license as provided in Chapter 9.035 RMC.
4. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, sixty (60) parking spaces are required for the property (this total includes the 3 required for the health spa). Fifty-five (55) are provided off-street and on site. The Common Council shall have the authority to change the minimum parking

requirements in accordance with Sec. 12.16(9) (a) of the Revised Municipal Code. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as there is off-street parking on the subject property, and public transportation along the commercial corridor.

5. Commercial Business Operations.

- A. Hours of operation are 9 a.m. to 9 p.m., daily and seven days per week.
- B. All exterior doors shall be kept closed to prevent sound/noise emissions into the adjacent neighborhood.
- C. Excessive noise and vibrations shall not emanate from the building.
- D. Exterior pest control shall be contracted on a monthly basis.

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

7. Deliveries and Refuse Collection. All Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers as approved by the Department of Development.

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 are residents that live within the 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. 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.

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

10. Monitoring. The area shall be adequately monitored by staff.

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

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

13. Outdoor storage. No outdoor storage and/or commercial vehicle storage or display is permitted on site without the approval of a site, landscaping and screening plan by the Plan Commission.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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Property owner, Peterson Robert P and Phyllis M Trust

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Hua Zhang, tenant/applicant

Mailed to applicants on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2012

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Assistant City Clerk

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

ZON-R-894-amd-11-20-12-gmj