



City of West Allis

Legislation Text

File #: R-2012-0093, **Version:** 1

Resolution relative to determination of Special Use Permit for Institute Shaolin SSU Chuan Fa, a martial arts training school, to be located at 6127 W. Beloit Rd, within a portion of the multi-tenant commercial building located at 6127-6131 W. Beloit Rd.

WHEREAS, Mr. Napoleon Garcia, d/b/a Institute Shaolin SSU Chuan Fa, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code, to establish a martial arts training center at 6127 W. Beloit Rd. within a portion of the existing multi-tenant commercial building located at 6127-31 W. Beloit Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 1, 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, Mr. Napoleon Garcia, d/b/a Institute Shaolin SSU Chuan Fa will have offices on site. The property is owned by James G. Agnos, 1432 S. 78 St. West Allis, WI 53214 and is represented by Peter Agnos.

2. The applicant has a valid offer to lease the subject tenant space at 6127 W. Beloit Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1 thru 4 in Block 4, being part of Joseph Juneau Subdivision No. 1.

Tax Key Number: 475-0307-000

3. The applicant has proposed to establish an instructional school for martial arts within an approximately 1,500 sq. ft. portion of the building.

4. The aforesaid premises is zoned M-1 Manufacturing 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. 12.45(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 .5766 acres, zoned M-1 Manufacturing and is located on a mixed residential, commercial and industrial corridor neighboring residential properties. Properties to the east and north, are zoned for manufacturing and are utilized for industrial, municipal (Public Works yards) and transportation

(Union Pacific RR) purposes. Properties to the west are zoned manufacturing and used for a tavern and residence. Properties to the south are zoned and utilized for residential purposes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Mr. Napoleon Garcia, d/b/a Institute Shaolin SSU Chuan Fa, 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 12.45 (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 March 28, 2012 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. daily, with classes generally scheduled to be provided Monday thru Saturday from 5:00 p.m. to 9:00 p.m.
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 the proposed floor plan for the 1,500 sq. ft. lease space, seven (7) parking spaces are required for the use. Two additional stalls would be required for the remaining industrial/warehouse tenants. 17 parking stalls are provided onsite.
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 20 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.

Napoleon Garcia, Institute Shaolin SSU Chuan Fa

Jim Agnos, property owner

Mailed to applicant on the

_____ day of _____, 2012

Assistant City Clerk

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

ZON-R-868-5-1-12-gmj