



City of West Allis

Legislation Text

File #: R-2012-0206, **Version:** 1

Resolution relative to determination of Special Use Permit to establish Strikers, a proposed soccer practice gymnasium, within a portion of the existing property located at 430-450 S. Curtis Rd.

WHEREAS, Chris Briscoe property owner and d/b/a Strikers of Wisconsin, LLC 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 of the City of West Allis to establish a gymnasium for proposed soccer club and fitness use within a portion of the existing building located at 430-450 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 16, 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, Chris Briscoe property owner and d/b/a Strikers of Wisconsin, LLC has offices at Curtis Road LLC, 250 S. Executive Dr., # 300, Brookfield, WI 53005.
2. The applicant owns the property at 430-450 S. Curtis Rd, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 2942.

Tax Key No.: 413-9999-025

Said land being located at 430-450 S. Curtis Rd.

3. The applicant will be utilizing a portion of the building at 430-450 S. Curtis Rd. for a gymnasium and indoor recreational sport/fitness facility on site. A description of the proposal and typical business activities follows:

The property consists of a 2.5-acre site with a 21,600 square foot multi-tenant industrial building. The property owner/applicant is seeking approval to use 450 S. Curtis Rd. as the destination for Strikers of Wisconsin, an indoor soccer practice space for local clubs. Area fitness classes would also be able to utilize the space.

The existing space consists of about 4,600 square feet of area. The warehouse area would be converted to practice area with indoor soccer turf to allow teams to practice during late fall, winter and early spring months. The office area would be converted to a waiting area for parents waiting for their children.

Hours of operation are Monday through Friday 8:00 a . m . to midnight and weekends 8:00 a . m . until 11:00 p . m.

Parking - 40 parking spaces are currently provided on site. The site is required to provide 45 parking spaces (which includes the proposed Strikers tenant). The Common Council may modify the parking requirement based upon the availability of adjacent street parking in this industrial area.

4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits gymnasiums as a special use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code of the City of West Allis.

5. The property is part of a block bordered by S. Curtis Rd. on the west, W. Dixon St. on the north and S.116 St. on the east. Properties to the north, east and south are developed as industrial, and properties to the west are developed as industrial and commercial.

6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Chris Briscoe property owner and d/b/a Strikers of Wisconsin, LLC, 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 and Screening Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, screening and landscaping plan approved September 26, 2012, by the West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis 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. Off Street Parking. A total of 45 spaces are required for the site; a total of 40 spaces will be provided on site. The Common Council has the authority to waive the minimum parking requirements in accordance with Section 12.16(9)(a) of the Revised Municipal Code. Parking or storage of commercial vehicles within public right of way is not permitted. All parking, storage, vehicle repair and/or staging shall be off-street and on premise.

4. Hours of Operation. Hours of operation are Monday through Friday 8:00 a . m . to midnight and weekends 8:00 a . m . until 11:00 p . m . and at limited other times by special request.

5. Refuse Collection to be provided by commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building.)

6. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
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. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.
10. Outdoor Storage and Display. No other outdoor storage, sales, or display of merchandise shall be permitted on site, unless screened from view.
11. Signage. All signage in accordance with the signage Ordinance.
12. 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.
13. 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.

14. 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.

15. 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.

16. Acknowledgement. That the applicant signs an acknowledgment that she 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.

Chris Briscoe, d/b/a Curtis Road LLC

Mailed to applicant on the

_____ day of _____, 2012

Assistant City Clerk

cc: Dept. of Development

Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-891-10-16-12