



City of West Allis

Legislation Text

File #: R-2012-0197, **Version:** 1

Resolution relative to determination of Special Use Permit for Wings Academy Taekwondo, a proposed martial arts school, to be located within the multi-tenant commercial building located at 1520 S. 84 St.

WHEREAS, Mr. Kevin Roquemoire, d/b/a Wings Academy Taekwondo, duly filed with the City Administrative Officer, Clerk/Treasurer 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 school for martial arts training within a portion of the multi-tenant commercial building located at 1510-32 S. 84 St; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 2, 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, Kevin Roquemoire, d/b/a Wings Academy Taekwondo will have an office on site. The property is owned by Norwood Investments 84th, LLC, 1250 W. 130 Ave. #C, Thornton, CO 80241.
2. The applicant has a valid offer to lease the subject tenant space at 1520 S. 84 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Part of the Lot 2 in Block 3 of the Assessor's Plat No. 257 located in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of Lot 4 of Certified Survey Map No. 6510; thence Southerly, 318.00 feet along the East right-of-way line of South 84th Street to the Point of Beginning; thence Easterly, 102.95 feet; thence Southerly, 392.00 feet to the North right-of-way line of West Lapham Street; thence Westerly, 85.53 feet along said line; thence Northwesterly, 14.14 feet to the East right-of-way line of South 84th Street; thence Northerly, 382.00 feet along said East right-of-way line to the Point of Beginning.

Tax Key Number: 451-0642-005

3. The applicant has proposed to establish an instructional school for martial arts within a 1,000 square foot area within the building.
4. The aforesaid premises is zoned C-3 Community Commercial District 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. 12.42(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 0.9 acres, zoned C-3 Community Commercial and is located on a mixed residential and commercial corridor neighboring residential properties. Properties to the east and west are developed for commercial and residential. Properties to the north and south are commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Mr. Kevin Roquemore, d/b/a Wings Academy Taekwondo, 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 12.42 (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 September 26, 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. Operations. Hours of operation are 10:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 7:00 p.m. on weekends. Number of students -up to 12 students proposed.
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 1,000 sq. ft. lease space, seven (7) parking spaces are required for the use and forty-two (42) parking stalls are provided on site.
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. Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
9. 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.
10. Refuse Collection. Refuse collection to be provided by commercial hauler.
11. 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.

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. 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.

16. 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.

Kevin Roquemore, d/b/a Wings Academy Taekwondo

Property owner, Norwood Investments 84th, 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 and Zoning

ZON-R-889-10-2-12/bjb