



# City of West Allis

## Legislation Text

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**File #:** R-2005-0270, **Version:** 2

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Resolution relative to determination of Special Use Application for a proposed indoor skate park to be located at 6803 W. National Ave. (Tax Key No. 453-0565-000)

WHEREAS, John Holter and Kevin Nugent, d/b/a "360", duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code of the City of West Allis, to permit an indoor skate park to be located within the existing building at 6803 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 18, 2005, at 7:00 p.m., and 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 applicants, John Holter and Kevin Nugent, have offices at 304 S. 76 St., West Allis, WI 53214.
2. The applicants own the property at 6803 W. National Ave., 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 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1, 2, 3 and 4 in Block 2 of Gross West Allis Addition Subdivision.

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Said land being located at 6803 West National Avenue

3. The applicants have proposed to utilize the existing, vacant, 6,900 square foot building (formerly a used furniture store) as an indoor skate park and retail shop located for skate-related merchandise. The indoor skate park will feature a street-style course and is aimed at area youth enthusiasts interested in skateboarding. The building will consist of a 5,000 square foot skate course, and a 1,900 square foot seating and lobby area which will include a small retail shop and office area.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of the City of West Allis, which permits indoor skate parks as a special use, pursuant to Sec. 12.16 and Sec. 12.41 (2) of the Revised Municipal Code (physical culture and health facilities including gymnasiums, swimming pools, sport/health clubs).

5. The property is serviced by all necessary public utilities.

6. The subject property is part of an area extending along the south side of W. National Ave., which is zoned for commercial purposes. The property is bounded on the north and west by commercial development, and on the east by industrial development. Properties to the south are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of John Holter and Kevin Nugent, d/b/a "360", to establish an indoor skate park, 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. 12.41(2) and 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 the site, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on September 28, 2005, 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. The facility will be open from 10:00 a.m. to 9:00 p.m., Monday-Thursday, 10:00 a.m. to 11:00 p.m., Friday-Saturday, and Sunday from 10:00 a.m. to 9:00 p.m.

3. Refuse Area. The refuse area shall be screened from view on four sides, be equipped with a personnel door, and be large enough to accommodate all outdoor storage of refuse containers and recyclables.

4. Litter. Applicants and staff of the skate park shall be responsible for inspection of the site and pick up of litter on a daily basis.

5. 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.

6. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.

7. Off-Street Parking. The facility is required to provide 39 parking stalls; a total of 18 are provided on site.

8. Grant of Privilege. This special use is conditioned upon a Grant of Privilege being applied for and approved by the Board of Public Works to provide for the landscaping improvements in the City's right of way. Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.

9. Signage and Lighting Plans. The grant of this special use is subject to the removal of all existing signage on site and signage and lighting plans being submitted to the Plan Commission for approval within one year. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property

boundaries.

10. 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.

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

12. Window Signage. Any building window signage shall not exceed 20 percent of each window's area.

13. 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.

14. 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 applicants 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.

15. 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.

Mailed to applicants on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Assistant City Clerk

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

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