



# City of West Allis

## Legislation Text

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**File #:** R-2007-0058, **Version:** 1

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Resolution relative to determination of Special Use Permit Application for proposed martial arts school to be located within a mixed use building located at 9106-10 W. National Ave. (Tax Key No. 478-0281-000)

WHEREAS, Angelo Foti, Jr. d/b/a Traditional Wing Chun Academy of Wisconsin, LLC 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, to establish a martial arts training school facility within a portion of the existing mixed use building located at 9106-10 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 6, 2007, 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, Angelo Foti, Jr. d/b/a Traditional Wing Chun Academy of Wisconsin, LLC, resides at 5105 W. National Ave., West Milwaukee WI, 53214.

2. The applicant has a valid offer to lease the commercial portion of floor space at 9108 W. National Ave, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest  $\frac{1}{4}$  of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

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

Lot 5 and east 15 feet of Lot 6 in Block 9 in the McGeoch's Woodlawn Addition.

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Said land being located at 9106-10 W. National Ave.

3. The applicant is proposing to occupy approximately 1,200 sq. ft. of the commercial portion of the building with a martial arts school.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits martial arts schools as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located along the north side of W. National Ave. between S. 91 St. and S. 92 St. Properties to the north, south, east and west are developed as commercial and mixed-use.

6. The use, value and enjoyment of other property in the surrounding area 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 Angelo Foti, Jr. d/b/a Traditional Wing Chun Academy of Wisconsin, LLC, to establish a martial arts school 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 Secs. 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 plans approved by the City of West Allis Plan Commission on January 24, 2007, 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. A signage plan approved by the Department of Development is also required.
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. Parking for nine (9) vehicles is required as follows: four (4) stalls required for the commercial/martial arts use and five (5) spaces required for the residential uses. Off-street parking for eight (8) vehicles, including one (1) ADA stall will be provided on site.
4. Hours of Operation. The martial arts school will be open Monday through Friday 9:00 a.m. to 9:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m.
5. Class Size. Maximum class size at any one time will be 10 students.
6. 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.
7. Outdoor Paging Speakers. Outdoor pagers or speakers shall not be permitted on site.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.
9. Sidewalk Repair: The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.
10. 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.

11. Miscellaneous.

A. Applicant is 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 applicant's 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 applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2007

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Assistant City Clerk

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

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