



City of West Allis

Legislation Text

File #: R-2005-0129, **Version:** 1

Resolution relative to determination of Special Use Application to establish a bartending academy/ school within the existing multi-tenant commercial property located at 8626 W. National Ave. (Tax Key No. 478-9994-001).

WHEREAS, Joseph Chase, Chasers, Inc., d/b/a Bartending Academy, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.41(2), Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a bartending academy/school within a portion of the existing multi-tenant commercial building located at 8626 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 5, 2005, 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, Joseph Chase, has offices at 6713 Odana Rd., Suite 7, Madison, WI 53719 (P.O. Box 44153, Madison, WI 53744).
2. The applicant has a valid offer to lease space within the existing multi-tenant commercial building at 8626 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 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the northeast corner of the Ganser Weck Subdivision; thence Northeasterly, 119.08 feet, along centerline of West National Avenue; thence Northwesterly at right angle, 33.00 feet, to the north right-of-way line of West National Avenue and Point of Beginning; thence continue Northwesterly, 110.00 feet; thence Westerly, 10.69 feet; thence Northerly, 115.92 feet; thence Easterly, 176.75 feet; thence Southerly, 122.54 feet, to the said north right-of-way line; thence Southwesterly, 137.14 feet, along said north line to the Point of Beginning.

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Said land being located at 8626-30-34-36R W. National Ave.

3. The applicant has proposed to convert approximately 1,900 square feet of space within a vacant tenant space in the multi-tenant commercial building to a bartending academy/school. The Bartending Academy will operate with approximately two instructors and one counselor for 10 to 20 students per class session. There will be approximately two class sessions scheduled per day.

4. The aforesaid premises is split-zoned C-2 Neighborhood Commercial District and M-1 Manufacturing District under the zoning ordinance of the City of West Allis, which permits public and private educational institutions as a special use, pursuant to Sec. 12.41(2), Sec. 12.45(2) and 12.16 of the Revised Municipal code.

5. The subject property is part of an area on the north side of W. National Ave. Properties to the west are developed as multi-family residences. Properties to the south and east are developed as commercial. Properties to the north are developed as manufacturing.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Joseph Chase, Chasers, Inc., d/b/a Bartending Academy, to establish a portion of the existing multi-tenant commercial building with a bartending academy/school be, and is hereby granted a special use:

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 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 the site, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on February 23, 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. 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. Parking. The Bartending academy requires 12 off-street parking spaces. The remaining uses of the building require 17 parking spaces, for a total of 29 required spaces, including 2 ADA spaces. Nineteen parking stalls are provided on site, including 2 ADA stalls. The applicant has received authorization from the property to the north (8600 W. National Ave.) to use 15 parking spaces, for a total of 34 provided parking spaces.
4. Hours of Operation. The bartending academy/school will be open from 8:00 a.m. to 10:00 p.m.
5. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
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. 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.
8. Refuse Collection. 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.)

9. 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 (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. 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 applicant on the
11th day of April, 2005

/s/ Monica Schultz
Assistant City Clerk

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

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