



City of West Allis

Legislation Text

File #: R-2007-0245, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed Beijing Foot & Body Massage to be located within a portion of the Plaza 100 shopping center at 2727 S. 108 St. (Tax Key No. 520-0003-000)

WHEREAS, Michael and Tong Sherman d/b/a Beijing Foot & Body Massage, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, for the proposed establishment of a health spa to be located at 2727 S. 108 St. within the Plaza 100 Shopping Center; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 16, 2007, at 7:00 p.m., in the Common Council Chamber 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, Michael and Tong Sherman d/b/a Beijing Foot & Body Massage, reside at 5401 S. Tuckaway, Greenfield WI 53221.
2. The applicant has a valid offer to lease the property at 2727 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 3 thru 9 including adjacent vacated street right-of-way adjacent to these lots, in the Block 1 of the National Avenue Homesites Subdivision.

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Said land being located at 2727 S. 108 St.

3. The applicant is proposing to establish a health spa within a multi-tenant retail building. (Plaza 100) and will offer the following services: Reflexology (foot massage), full body massage, deep tissue massage, and Swedish massage.
4. The aforesaid premise is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits physical culture and health services as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the southwest corner of W. Cleveland Ave. and S. 108 St. Properties to the west are developed for residential uses. All other properties to the north, south and east are developed and zoned for commercial use.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of

Michael and Tong Sherman d/b/a Beijing Foot & Body Massage, to establish a health spa within a multi-tenant retail building, 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 and Sec. 12.43(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 the site and landscaping plan approved on September 26, 2007, by the City of West Allis Plan Commission 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. Health Spa Licensing. The Health Spa business and staff will be licensed by the State of Wisconsin for massage practices.
4. Hours of Operation. The hours of operation are seven days a week 8:00 a.m. to 9:00 p.m.
5. Off-Street Parking. The health spa requires a total of 3 parking spaces. A total of 60 parking spaces are required for the overall property (including proposed spa facility) and 47 spaces will be provided on site.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.
8. 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.
9. 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.
10. 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
_____ day of _____, 2007

Assistant City Clerk

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

ZON-R-651-10-9-07