



# City of West Allis

## Legislation Text

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**File #:** R-2007-0129, **Version:** 2

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Resolution relative to determination of Special Use Permit for a proposed fitness center to be located within Toldt's Six Points development at 65\*\* W. Greenfield Ave. (Tax Key No. 454-0639-000)

WHEREAS, Tiffany Means, d/b/a Anytime Fitness, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2), Sec. 12.61 and Sec. 12.16 of the Revised Municipal Code, to establish a fitness center within the first floor of Toldt Development's AB building; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 15, 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 applicant, Tiffany Means, d/b/a Anytime Fitness, has offices at PO Box 1079, Milwaukee, WI 53201.
2. The applicant has a valid offer to lease space at 65\*\* W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 3 of Certified Survey Map No. 7779.

Tax Key No. 454-0639-000

Said land being located at 65\*\* W. Greenfield Ave.

3. The applicant is proposing to establish a fitness center in a portion of Toldt's Six Points Development, Building AB.
4. The aforesaid premises is zoned PDD-2 Planned Development District-Commercial with underlying zoning being C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits fitness centers as a special use, pursuant to Sec. 12.42(2), Sec. 12.61 and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of a block along the south side of W. Greenfield Ave. between S. 65 St. and Six Points Crossing, which is zoned for commercial purposes. Properties to the west will be developed as mixed-use; properties to the north, east and south are developed for commercial and residential.
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 Tiffany Means, d/b/a Anytime Fitness, to establish a fitness center within Toldt's Six Points Development, Building AB, 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape and screening plans approved on April 25, 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. Fitness Area. The floor area for the fitness center will consist of 4,181 square feet of area within the first floor of The Berkshire building.
4. Hours of Operation. The hours of operation will be 24 hours a day, seven days a week. The center will be accessed via a card key locking system.
5. Off-Street Parking. Fourteen (14) parking stalls are required for the proposed fitness center and a total of twenty-four (24) surface stalls for visitors and customers are provided on the master parking plan. The forty-two (42) apartment units require a total of 84 parking stalls. Forty (40) underground parking stalls are provided for the apartment residents. The remaining 2,734 sq. ft. of commercial space requires ten (10) parking stalls at 1/300.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
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. 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. 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 & Zoning

ZON-R-614-5-15-07