



# City of West Allis

## Legislation Text

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**File #:** R-2013-0233, **Version:** 2

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Resolution relative to determination of Special Use Permit for CrossFit West Allis, a proposed athletic training facility, to be located at 2086 S. 56 St.

WHEREAS, Kyle and Sara Courtier, d/b/a CrossFit West Allis, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish an athletic training facility at 2086 S. 56 St. within a portion of the multi-tenant commercial and industrial building located at located at 2074-2116 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 15, 2013, 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, Kyle and Sara Courtier of CrossFit West Allis reside at 3259 W. Ruskin St., Milwaukee, WI 53215.
2. The facility will occupy approximately 2,000 sq. ft. of space within the multi-tenant commercial and industrial building located at 2074-2116 S. 56 St., 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 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 5603.

Tax Key No. 474-0264-003

Said land being located at 2074-2116 S. 56 St.

3. The applicants, Kyle and Sara Courtier of CrossFit West Allis will occupy approximately 2,000 sq. ft. of space at 2086 S. 56 St. for personal/group athletic training.
4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits personal/group athletic training as a Special Use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the east side of S. 56 St. near the south end of the block located between W. Rogers St. and W. Mobile St. Properties to the east, west and south are zoned for manufacturing uses and are developed with industrial and commercial buildings. Property to the north is zoned and developed as residential.

6. The proposed development should not adversely contribute to traffic volume or traffic flow in the area, as the proposed use conforms to the commercial and industrial use of the parcel and is serviced by off-street parking.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Kyle and Sara Courtier of CrossFit West Allis, 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 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 and Screening Plan and Architectural Elevations. The grant of this Special Use Permit is subject to and conditioned upon approval of the site, landscaping and architectural plans approved on September 25, 2013 by the West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alterations or modification to the approved plan shall be permitted without approval by the West Allis 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 Neighborhood Services, and the Fire Department.
3. Off-Street Parking. The proposed use is required to provide 13 parking spaces per the Revised Municipal Code. On-street parking is available on S. 56 St. and off-street parking spaces for 11 vehicles is available on an adjacent lot. The Common Council has the authority to waive the parking requirements.
4. Hours of Operation. The facility has proposed class hours of 6:00 am, 7:00 pm and 8:00 pm Monday through Friday, and 9:00 am and 10:00 am on Saturday. The terms of this Special Use Permit shall allow operations for the personal training facility from 6:00 am through 9:00 pm Monday - Friday and 8:00 am through Noon on Saturdays.
5. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
6. Signage. All signage to be in conformance with Sec. 13.21 of the Revised Municipal Code. Any building window signage shall not exceed twenty percent (20%) of each window's area.
7. 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.
8. Litter and Monitoring. Employees shall inspect the area 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.
9. 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.)

10. Sidewalk Repair. The grant of this Special Use Permit 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.

11. Special Events. Special events for the proposed use may be granted by the Common Council, upon request.

12. 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.

13. 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.

14. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and

Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

15. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, the special use may be terminated.

16. Acknowledgement. That the applicants and property owner sign an acknowledgment that they have received these terms and conditions and will abide by them.

The undersigned applicants and property owner agree to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Ibex 1, LLC (property owner)

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Kyle Courtier, CrossFit West Allis

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Sara Courtier, CrossFit West Allis

Mailed to applicant on the  
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Assistant City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services

ZON-R-932-10-15-13