



# City of West Allis

## Legislation Text

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**File #:** R-2007-0159, **Version:** 1

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Resolution relative to determination of Special Use Permit to establish a dance school business within a portion of the existing multi-tenant commercial/industrial building located at 11331 W. Rogers St. (Tax Key No. 481-9994-003)

WHEREAS, Jeff Bretzmann of Zion Property, LLC (property owner) and Debbie Berry d/b/a Dance Repertoire, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code, to establish a dance center within a portion of the existing multi-tenant commercial/industrial building located at 11331 W. Rogers St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 19, 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, Debbie Berry d/b/a Dance Repertoire will have offices on site. The property is owned by Zion Property, LLC, 530 S. 11 St., Milwaukee, Wisconsin 53204.
2. The applicant has a valid offer to lease the subject property at 11331 W. Rogers 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 6, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lot 1 of Certified Survey Map No. 651.

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3. The applicant has proposed to establish an instructional school for dance within a portion of the building.
4. The aforesaid premises is zoned M-1 Manufacturing District under the zoning ordinance of the City of West Allis, which permits the location of a public and private instructional facilities and physical health and cultural facilities as a special use, pursuant to Sec. 12.45(2) of the Revised Municipal code.
5. The property is serviced by all necessary public utilities.
6. The subject property is part of an area between S. 114 St. and S. 108 St., on the south side of W. Rogers St. Properties located to the north, south, east and west are zoned for industrial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Debbie Berry d/b/a Dance Repertoire, 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 and Section 12.45 (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 a site, landscape, and screening and architectural plans submitted to and approved by the City of West Allis Plan Commission on May 23, 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.
2. Extension of Time. The owner of the property, Zion Property, LLC has requested a one-year extension of time to complete the approved Site, Landscaping and Screening improvements. A pre-existing environmental condition exists on site that the Department of Natural Resources has not granted closure on yet. The underground monitoring wells and vents must remain in place until closure is received from the Department of Natural Resources. Upon receiving closure in one-year, the wells/vents will be abandoned and removed, and the approved landscaping and site improvements installed on site.
3. Hours of Operation. Classes may be provided daily from 3:00 p.m. to 10:00 p.m. Staff will maintain office hours Monday - Friday from 9:00 a.m. to 2:00 p.m. Typical class hours of operation on weekdays are offered in the evenings and on weekends during daytime hours.
4. 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.
5. Parking. Based upon a 4,800 sq. ft. lease space, 32 parking spaces are required for the use. A total of 88 parking spaces are required for the overall building. Off-street parking for 32 spaces will be provided on site (including 2 ADA). Common Council may modify the parking requirements and accept the deficiency of on site parking based upon the following rationale:
  - a) Section 12.19(9)(b) The hours of operation of the proposed nighttime uses are not in conflict with the principal operating hours of other daytime uses on site. Other uses on site include an insurance office and horizon electric.
  - b) Credit may be given for obtaining a shared parking agreement or lease of off-street parking with other commercial or industrial uses within 800-ft. of the subject property.
  - c) Street parking along both W. Rogers St. and S. 114 St. is available along S. 114 St. and W. Rogers St. and should not generate conflicts, as this area is within an industrial district.
6. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
7. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved structure.

8. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers.
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, abutting sidewalk.
10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
11. 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.
12. 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

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Assistant City Clerk

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

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