



City of West Allis

Legislation Text

File #: R-2006-0181, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed Hands On, Inc. massage therapy business to be located within the multi-tenant commercial building at 2363 S. 102 St. (Tax Key No. 485-9995-014).

WHEREAS, Elizabeth Hoffman, d/b/a Hands On, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis, to establish a massage therapy business at 2363 S. 102 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 5, 2006, 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, Elizabeth Hoffman, d/b/a Hands On, Inc., has offices at 2363 S. 102 St., West Allis, WI 53227.
2. The applicant leases a portion of space within the multi-tenant commercial building at 2363 S. 102 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner located in the Northwest $\frac{1}{4}$ of Section 8, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ of said Section 8; thence Westerly, 1014.48 feet, along north line of said Northwest $\frac{1}{4}$ and centerline of West Lincoln Avenue, to the west right-of-way line of South 102nd Street, extended; thence Southerly, 344.90 feet, along said west line to the point of curvature; thence Southwesterly, 101.04 feet, along the curve whose radius is 355.00 feet, to the Point of Beginning, thence continue, Southwesterly, along said curve, 172.69 feet, thence Southwesterly, 8.88 feet; thence Northwesterly, 270.69 feet; thence Northerly, 110.00 feet; thence Easterly, 360.25 feet, to the Point of Beginning.

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Said land being located at 2363 S. 102 St.

3. The applicant is proposing to operate a massage therapy business, occupying approximately 1,000 square feet of the multi-tenant commercial building. Services provided include massage therapy and active release yoga classes.

4. The aforesaid area is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits health/massage services as a special use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

5. The subject property is located on the west side of S. 102 St., south of W. Lincoln Ave. Properties located to the north, east, south and west are used as commercial.

6. The use, value and enjoyment of other property in the surrounding area will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Elizabeth Hoffman, d/b/a Hands On Inc., to establish a massage therapy business at 2363 S. 102 St., 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, Landscaping, Screening, and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping and architectural plan approved June 28, 2006, by the West Allis Plan Commission. No alterations or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission. If the applicant wishes to place signage on the property, a signage plan is required before the Department of Development.
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. Off-street Parking. Parking for 6 vehicles is required for the massage therapy business and 47 spaces are required for the building's remaining office space, including three (3) ADA stalls. Off-street parking for 54 vehicles, including four (4) ADA stalls will be provided on site.
4. Hours of Operation. Hours of operation are 8:00 a.m. to 8:00 p.m., daily.
5. Paving and Drainage. The grant of this Special Use Permit is subject to paving and drainage plans being submitted to and approved by the Department of Building Inspections and Zoning. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
6. Window Signage. Window signage shall not exceed 20% of the glazed portion of each window frame.
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. 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.

9. Sidewalk Repair. The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.

11. Expiration of Special Use Permit. The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. 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 supplying written explanation for extension of time;
- B. a timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;
- C. the request for extension shall be submitted within 60 days of the expiration of the special use permit;
- D. the extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date 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 _____, 2006

Assistant City Clerk

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

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