



City of West Allis

Legislation Text

File #: R-2013-0081, **Version:** 1

Resolution relative to determination of Special Use Permit for Jessyca's Body Shop, a proposed personal training business, to be located at 10617 W. Oklahoma Ave.

WHEREAS, Jessica Karczewski of Jessyca's Body Shop, 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, to establish an athletic training facility within the office building located at located at 10617 W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 2, 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 applicant, Jessica Karczewski of Jessyca's Body Shop resides at 8160 W. Forest Garden Ct. Apt #21., Greenfield, WI 53220.
2. The organization will occupy a space within the office building at 10617 W. Oklahoma Ave. West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Part of Lots 3 and 4, Block 1, Blatz Homestead Subdivision, and adjacent Lands all being a part of the Northwest 1/4 of Section 17, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of said Lot 3; thence South 137.33 feet to the north right of way line of an alley; thence southeasterly along the north right of way line of said alley 103.34 feet; thence North 159.25 feet to the south right of way line of West Oklahoma Avenue; thence West along the south right of way line of West Oklahoma Avenue 101.45 feet to the point of beginning.

Tax Key No. 524-0003-002

Said land being located at 10617 W. Oklahoma Ave.

3. The applicant, Jessica Karczewski of Jessyca's Body Shop will occupy 600 sq. ft. of the building at 10617 W. Oklahoma Ave. for personal /group athletic training.
4. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits personal/group athletic training as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the south side of W. Oklahoma Ave. in the middle of a block located

between S. 106 St. and S. 107 St. Properties to the east and west are zoned for commercial uses and are developed as office and retail. Properties to the south are zoned and developed as residential. Properties to the north are zoned and developed as commercial and 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 historic 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 Jessica Karczewski of Jessyca's Body Shop 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 March 27, 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 4 parking spaces per the Revised Municipal Code. Off-street parking spaces for 25 vehicles will be provided on site, including handicapped stalls. .
4. Hours of Operation. The facility's hours will be from 7:00 am - 8:00 pm (Monday-Friday), 9:00 am - 7 pm (Saturday and Sunday)
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 applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees 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.

Robert J. Kochan, property owner

Jessica Karczewski, Jessyca's Body Shop

Mailed to applicant on the
_____ day of _____, 2013

Assistant City Clerk

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

ZON-R-913-4-2-13