



# City of West Allis

## Legislation Text

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**File #:** R-2019-0622, **Version:** 1

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Resolution relative to determination of Application for a Special Use Permit for Cream City Print Lounge, a proposed instructor-led print studio, to be located at 8010 W. National Ave.

WHEREAS, Geraldo Rachaad Howard d/b/a Cream City Print Lounge, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish an instructor-led print studio at 8010 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 3, 2019, 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, Geraldo Rachaad Howard, has a valid offer to lease the space at 8010 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Parts of Lots 10 and 11 in Block 2 in Henderson's Subdivision No.1 more particularly described as follows: Commencing at the Southeast corner of Lot 2 in Block 6 in the Assessors Plat No. 259; thence Northeasterly, 31.02 feet, along North right-of-way line of West National Avenue to the Point of Beginning; thence Northerly, 120.00 feet; thence Northeasterly, 62.04 feet; thence Southerly, 120.00 feet, to the said North right-of-way line; thence Southwesterly, 62.04 feet, along said North line to the Point of Beginning.

Tax Key No. 452-0563-000

Said land is located at 8004-8010 W. National Ave.

2. The applicant is proposing to establish an approximately 1,000 sq. ft., instructor-led paint studio at 8010 W. National Ave.

3. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits Instruction or Training Facility as a special use, pursuant to Sec. 12.41(2), and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is located along the north side of W National Ave, between S 80<sup>th</sup> St and S 81<sup>st</sup> St. All adjacent properties are zoned for commercial purposes. Properties to the north are primarily zoned for residential uses. Properties to the south are zoned for commercial and residential uses. Properties to the east and west are mainly zoned for commercial purposes.

5. The use, value and enjoyment of other property in the surrounding area for permitted uses 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 submitted by Geraldo Rachaad Howard, to establish an instructor-led paint studio to be located at 8010 W. National Ave, 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. 12.41(1), and 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 the Site, Landscaping, Screening and Architectural Plans approved by the West Allis Plan Commission on May 26, 2010, and October 22, 2014. 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 Zoning and by the Fire Department.
3. Hours of Operation. The intended hours of operation will be Sunday to Thursday between 5pm - 10pm, Friday and Saturday between 3pm - 10pm, and open for retail shopping on weekends between 11am - 3pm. The applicant may adjust hours, as needed, between the hours of 8am and 10pm.
4. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, a total of 3 parking spaces are required for the property. As part of the Special Use Permit, reduced parking requirements are permitted and customers may use street parking.
5. Refuse Collection. All refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers as approved by the Department of Development. Refuse locations shall not be located on the front (south side) of the building.

All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

6. 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.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. Monitoring. The area shall be adequately monitored by staff.
9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.
10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
11. 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.
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, then the special use may be terminated.

16. Acknowledgement. That the applicants sign 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.

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Geraldo Rachaad Howard d/b/a Cream City Print Lounge

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Mike Hottinger d/b/a MCH Properties, LLC Property Owner

Mailed to applicants on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019

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City Clerk

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

ZON-R-1197-9-3-19