



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2014-0161

Final Action:

Sponsor(s): Safety & Development Committee

JUL 01 2014

Resolution relative to the determination of a Special Use Permit amendment for WA Community Child Care, a proposed child daycare center, to be located within a portion of the Summit Place Office Building, at 6682 W. Greenfield Ave.

WHEREAS, Thomas Wachowiacz, d/b/a WA Community Child Care, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a child daycare facility for WA Community Child Care within a portion of the existing Whitnall Summit Building located at 6682 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2014, 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, Thomas Wachowiacz, d/b/a WA Community Child Care, has an office at 6682 W. Greenfield Ave., Stc. #105, West Allis, WI 53214.
2. WA Community Child Care, has a valid offer to lease space at 6682 W. Greenfield Ave., Suite #105, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Southeast $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 1 of the Certified Survey Map No. 7256.

Said land being located at 6682 W. Greenfield Ave.

Tax Key No. 439-0001-031

3. The aforesaid premise's underlying zoning is M-1 Manufacturing District with a PDD-2 Planned Development District - Commercial Industrial overlay zoning under the Zoning Ordinance of the City of West Allis, which permits day care centers as a Special Use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a block adjacent to S. 70 St. and perpendicular to W. Washington St. and W. Greenfield Ave., which is zoned for commercial and manufacturing purposes. Properties to the north and east are developed as manufacturing; properties to the south and west are developed as commercial and residential.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

6. The applicant proposes to establish a 15,000 sq. ft. early childhood program and outdoor play area for WA Community Child Care. The primary focus of the day care facility will be to provide care for 2-12 year olds.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Thomas Wachowiacz of WA Community Child Care, to establish a daycare facility and early childhood program within a portion of the existing Whitnall Summit Building, 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 Secs. 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, Architectural Signage Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape, screening, and architectural plans first approved on May 27, 2009 and then re-approved on June 25, 2014, by the City of West Allis Plan Commission 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. Hours of Operation. The hours of operation will be 6:00 a.m. to 12:00 a.m. (midnight) Monday thru Saturday. Small parent group classes may be arranged on various weeknights and weekends throughout the year. This is a year round educational facility.

3. Off-Street Parking. The proposed 15,000 square foot day care facility requires 50 parking stalls. A total of approximately 363 parking stalls are provided on the east side of Building 34 and a total of 2,230 spaces are provided on the overall Whitnall Summit Property. With the redesign of the east parking lot (east of building 34) and other proposed future parking spaces a total of 3,042 parking spaces are proposed as part of the Whitnall Summit master-parking plan.

Whitnall Summit Campus

Parking Requirement (daycare)	50 spaces
Parking Provided Bldg 34	363 spaces
Parking Provided	2,230 spaces

4. **Litter.** Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers.
5. **Window Signage.** Any building window signage shall not exceed twenty (20) percent of each window's area.
6. **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.
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. **Outdoor Lighting.** All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
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, (if any) abutting sidewalk.
10. **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.)
11. **Pagers, Intercoms.** The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
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.

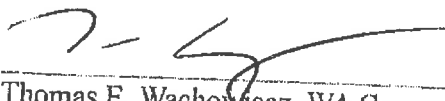
15. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

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.



Property owner, Whitnall Summit Co, LLC


Thomas E. Wachowicz, WA Community Center

Mailed to applicants on the
5 day of July, 2014


City Clerk


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

ZON-R-958-7-01-14

ADOPTED JUL 01 2014


Monica Schultz, City Clerk

APPROVED 7/7/14


Dan Devine, Mayor