

27.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2010-0267 Resolution Introduced

Resolution relative to determination of Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.

Introduced: 12/7/2010

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/7/10</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt				
			Sengstock				
	✓		Vitale	✓			
			Weigel				

TOTAL

5 0 _____

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 07 2010</u>		✓	Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			

TOTAL

_____ 0 _____

Dev
BINS

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Daniel J. Roadt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

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Chair: Michael J. Czaplewski
Vice-Chair: James W. Sengstock
Gary T. Barczak
Daniel J. Roadt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2010-0267

Final Action:
DEC 07 2010

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.

WHEREAS Kevin Silkey on behalf of Oconomowoc Residential Program, Inc. (ORP) the applicant, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.36(3) of the Revised Municipal Code, to establish a private educational facility within a portion of the property locate at 6753 W. Rogers St.; and,

WHEREAS the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant Kevin Silkey on behalf of Oconomowoc Residential Program, Inc., has offices at 1746 Executive Dr., Oconomowoc, WI 53066

The owner, St. Augustine's Church has offices at 6762 W. Rogers St., West Allis, WI 53219.

2. The applicant, Kevin Silkey on behalf of Oconomowoc Residential Program, Inc. has plans to lease the subject property located at 6753 W. Rogers St., West Allis, Milwaukee, County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1 thru 9 in Block 2 in the Wood Dale Addition subdivision.

Tax Key Numbers: 475-0043-000

3. The Oconomowoc Residential Program, Inc. is proposing to lease approximately 12,500 sq. ft. of the existing school building of St. Augustine's church and sharing additional space with existing church functions.

The Oconomowoc Residential Program, Inc. is proposing to expand their existing educational services through the opening of this new facility located at 6753 W. Rogers St.

The program will provide a year-round school option for local districts to access for children with

special needs. The proposal includes educational facilities for students aged 6-21 with developmental or neurological disabilities, and emotional behavioral or mental health disorders.

Oconomowoc Residential Program, Inc. will be leasing approximately 12,500 sq. ft. of space within the church's school facility, which maintains offices, classrooms and service rooms. Additional space within the building will be shared with existing church functions.

Students will be transported to and from school via arrange transportation as determined and provided by their home school district. Peak travel times are expected between 7:30 a.m. - 8:30 a.m. for drop off and 3:15 p.m. - 4:15 p.m. for pick-up. Vans, smaller buses and existing transit services are expected to provide a majority of these services. Oconomowoc Residential Program, Inc. will not be providing regular bussing services, but will maintain at least two agency vehicles on site.

Plans indicate an on-site student population of 50-70 students in 6 academic classrooms and 3 additional classroom (art, multimedia, sensory). Classrooms are expected to maintain 8-10 students under the supervision of 1 Special Education Teacher and 2 Teacher Aides. Along with additional professional support positions, a full staff of 30-40 members will be in place when the school reaches its student capacity.

Lunch meals will be served on site, but not prepared on site. Oconomowoc Residential Program, Inc. plans to contract with an outside entity to deliver meals to the school upon its opening.

4. The aforesaid premise is zoned RB-2 Residence District under the zoning ordinance of the City of West Allis. Both public and private educational facilities are permitted as special use pursuant to Sec. 12.36(3) of the Revised Municipal Code, provided that any principal building is located thirty (30) or more feet from another lot in the Residence District. The Common Council has the right to waive this restriction.

5. The property is serviced by all necessary public utilities and the Milwaukee County Transit System.

6. The subject property is surrounded by properties, which are zoned for residential, manufacturing and commercial purposes. Properties to the south and west are developed as single-family homes and duplexes. Property to the north is occupied by facilities of the St. Augustine Church including surface parking and property to the east is vacant but ready for light-industrial redevelopment along with the West Allis Fire Station No. 2.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicants, Kevin Silkey on behalf of Oconomowoc Residential Program, Inc., 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 12.36(3) 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 and Screening, and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and screening, and architectural plans to be considered at the December 8, 2010 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. **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.** Hours of operation for this property are Monday through Friday from 7:30 a.m. to 4:30 p.m., with occasional evening or weekend (Saturday/Sunday) events, and closed on Sunday. Faculty maintenance and support personnel may be on campus prior to and after normal school hours for opening/closing support activities. Special events are also occasionally held outside of normal operating hours.
4. **Licenses and Permits.** Subject to applicant obtaining all required State of Wisconsin licenses and permits.
5. **Outdoor Lighting.** The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
6. **Parking.** The parking requirement for the proposed educational facility use is 89 parking stalls as follows:
7. **Pagers, Intercoms.** The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. **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 and/or compactor.
9. **Refuse Collection.** 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).
10. **Noxious Odors, Etc.** The use shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
11. **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.

12. **Window Signage.** Any building window signage shall not exceed twenty percent (20%) of each window's area.

13. **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.

14. **Outdoor Storage and Display.** No other outdoor storage, sales, or display of merchandise shall be permitted on site, unless noted on site plan and screened from view.

15. **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.

16. **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.

17. 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.

18. 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.

19. 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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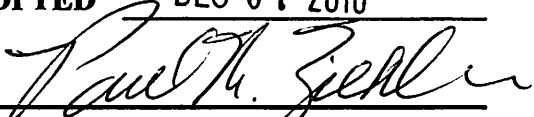
Kevin Silkey on behalf of Oconomowoc Residential Program, Inc.

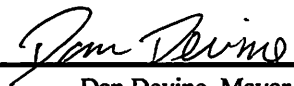
Mailed to applicant on the
14 day of Dec., 2010


Assistant City Clerk

cc: Development Department/Planning Division
Building Inspections Department
GIS Coordinator

ZON-O-800-12-7-10

ADOPTED DEC 07 2010

Paul M. Ziehl, City Admin. Officer, Clerk/Treas.

APPROVED 12/14/10

Dan Devine, Mayor

Resolution

File Number: R-2010-0267

Final Action:
DEC 07 2010

Sponsor(s): Safety & Development Committee

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Kevin Silkey on behalf of Oconomowoc Residential Program, Inc.

Mailed to applicant on the
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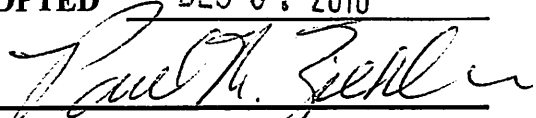


Assistant City Clerk

cc: Development Department/Planning Division
Building Inspections Department
GIS Coordinator

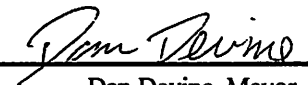
ZON-O-800-12-7-10

ADOPTED DEC 07 2010



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 12/14/10



Dan Devine, Mayor



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

December 14, 2010

Kevin Silkey
Oconomowoc Residential Programs, Inc.
1746 Executive Dr.
Oconomowoc, WI 53066

Dear Mr. Silkey:

On December 7, 2010 the Common Council adopted a Resolution relative to determination of Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.

Please sign and return the enclosed copy of Resolution No. R-2010-0267 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: Ted Atkinson
Development