



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0226

Final Action:

Sponsor(s): Safety & Development Committee

NOV - 1 2011

Resolution relative to determination of Special Use Permit for West Allis Children's Center, Inc., an existing daycare facility located at 1126 S. 70 St. (Tax Key No. 439-0001-026)

WHEREAS, Sheri Pape d/b/a West Allis Children's Center daycare facility, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.45(2) and Sec. 12.61 of the Revised Municipal Code, to expand the existing daycare facility within the multi-tenant office center located at 1126 S. 70 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 1, 2011 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, Sheri Pape d/b/a West Allis Children's Center daycare facility, has an existing daycare business established/approved under Resolutions No. R-2007-0234 adopted September 2007 and No. R-2009-0122 adopted May 2009. The proposed new special use is for an expansion of space of an additional 11,000 sq. ft., which will increase the indoor and outdoor play areas. No additional children will be served under this addition.
2. The applicant has a valid offer to lease the additional office space at 1126 S. 70 St., 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 3 of the Certified Survey Map No. 6388.

Tax Key Number: 439-0001-026

3. The West Allis Children's Center daycare facility located in 107B leases approximately 28,000 sq. ft. for the existing daycare facility within the West Allis office center and is proposing to lease an additional 11,000 sq. ft. West Allis Children's Center is a licensed group childcare center that serves 270 children and employs 40 full-time and 3 part-time employees. The center provides services to a high population of low-income children. The majority of the children's parents served

in this facility work in the Summit Place offices, attend the adjacent colleges, live in the area, commute from other communities, or participate in some of the social services programs in the area.

4. The aforesaid premises is zoned M-1 Manufacturing District with a Planned Development District - Commercial/Industrial PDD-2 overlay under the zoning ordinance of the City of West Allis, which permits daycare facilities as a Special Use pursuant to Sec. 12.45(2), Sec. 12.61 and Sec. 12.16 of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.

6. The subject property is located on the southeast corner of S. 70 St. and W. Washington St. All surrounding properties are developed as commercial and manufacturing.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application for Special Use submitted by Sheri Pape d/b/a West Allis Children's Center, 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 Section 12.16 Section 12.45(2) and Section 12.61 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, plans approved May 23, 2007, April 22, 2009 and October 26, 2011 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. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

4. Hours of Operation. Regular hours of operation are seven days/week from 6:00 a.m. to 12:00 midnight.

5. Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, 1,128 parking spaces are required for the site and 738 parking spaces are provided on site. The daycare facility will require 130 parking spaces. Drop off location will be within the off-street parking area on the east side of the building. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

6. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

7. 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.

8. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor.

9. 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.

10. 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.

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

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.

Sheri Pape, d/b/a West Allis Children's Center

Mailed to applicant on the
7th day of Nov., 2011

Monica Schulte
Assistant City Clerk

Monica- FYI
Per Steve they
are not requiring
a signature from
the prop owner
on this Resolution

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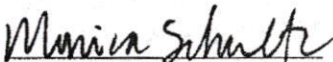
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Sheri Pape, d/b/a West Allis Children's Center

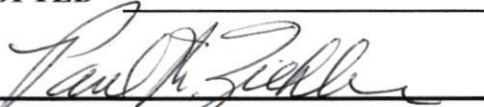
Mailed to applicant on the
7th day of Nov., 2011




Assistant City Clerk

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

ZON-R-839-11-1-11

ADOPTED *NOV - 1 2011*


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

APPROVED *11/4/11*


Dan Devine, Mayor

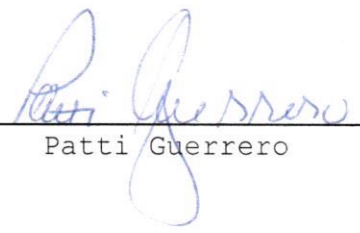
COMMUNITY **CNI** NEWSPAPERS

AFFIDAVIT OF PUBLICATION

0003904333

WEST ALLIS CITY OF-LEGALS
CLERK/TREASURER'S OFFICE
7525 W GREENFIELD AVE
JANEL LEMANSKE
West Allis, WI 53214

Patti Guerrero hereby states that she is authorized by Journal Communications Inc. to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, printed and published in city and county of Milwaukee; was published in the **My Community Now- Midwest** on **10/13/2011 and 10/20/2011**; that said printed copy was taken from said printed newspaper(s).


_____ Patti Guerrero

State of Wisconsin)
) SS:
County of Milwaukee)

Subscribed and sworn before me this 24th day of October, 2011.

Barbara Bartz

Notary Public State of Wisconsin
My Commission Expires 1-25-15



**CITY OF WEST ALLIS,
NOTICE OF HEARING**
Tuesday, November 1, 2011,
7:00 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, November 1, 2011 at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on the Special Use Permit for West Allis Children's Center, Inc., an existing daycare facility located at 1126 S. 70 St.

You may express your opinion in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin this 5th Day of October 2011.

11H38

/s/ Paul M. Ziehler,
City Administrative Officer
Clerk/Treasurer

PUBLISH: October 13, 2011 and
October 20, 2011