



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2013-0069

Sponsor(s): Safety & Development Committee

Final Action:
MAR 19 2013

Resolution relative to determination of Special Use Permit to establish a school, Victory Christian Academy, within the former St. Rita's School building located at 6021 W. Lincoln Ave.

WHEREAS Pastor Donald Rogers, on behalf of Victory Christian Academy, the applicant, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.36(3) and 12.41(2) of the Revised Municipal Code, to establish a private educational facility within a portion of the property located at 6021 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 19, 2013, 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, Pastor Donald Rogers, on behalf of Victory Christian Academy, Inc., has offices at 2552 S. 19 St., Milwaukee, WI 53215.
2. The applicant has plans to lease the subject property located at 6021 W. Lincoln 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 10, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Block 1 in the First Addition to Lincoln Heights subdivision, including adjacent vacated alley. Also, Lot 1 in Block 2 of the Assessors Plat No. 267.

Tax Key Numbers: 490-0001-001

3. The Victory Christian Academy is proposing to lease approximately 25,500 sq. ft. of the former school building of St. Rita's church for classroom, office and assembly space, and sharing additional parking space with existing church functions.

The Victory Christian Academy is not affiliated with St. Rita's Parish, and will be a tenant only.

Parents are responsible for transporting students to and from school. Peak travel times are expected to concur with the beginning and end of the school day, which is generally scheduled to operate

from 6:45 a.m. - 5:00 p.m. during the week. Religious classes are also scheduled to take place from 9 a.m. - 5:00 p.m. on Sunday, 5:00 p.m. - 10:00 p.m. on Wednesday and 9:00 a.m. - 6:00 p.m. on Saturday. No busing will be provided

The Victory Christian Academy currently provides educational services for students in K4 - 8th grades. Plans indicate an initial expected on-site student population of 125 students. The school is expecting to expand to up to a total population of 300-400 students within 5 years. This expansion would coincide with the offering of high school classes (grades 9-12).

For the purposes of granting this special use resolution, the school use will be limited to a maximum enrollment of 200 students. Future expansion over this enrollment capacity will require an amended special use and reconsideration before the City of West Allis Common Council.

4. The aforesaid premise is split-zoned C-2 Neighborhood Commercial District and 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 Secs. 12.41(2) and 12.36(3) of the Revised Municipal Code.

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 commercial and residential purposes. Properties to east and west are developed as a mix of commercial developments along W. Lincoln Ave. and single-family residential and duplex properties on S. 60 and S. 61 St. Property on the southern portion of the block of the proposed use is occupied by a daycare facility. Property to the north is predominantly occupied by commercial uses on W. Lincoln Ave. along with single family homes and duplexes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicants, Pastor Donald Rogers, on behalf of Victory Christian Academy, 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) and 12.41(2) 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 approved on February 27, 2013 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 and of the approved plan shall be permitted without approval by the Plan Commission.

Corrected by J. Manske per Mayor Derrine
on Jan 10/13 4/19/13

Subsequently
modified by the Common
Council @ the public
Hearing 3/19/13.

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, Tuesday, Thursday and Friday from 6:45 a.m. to 5:00 p.m.; Wednesday from 6:45 a.m. - 10:00 p.m.; Saturday from 9:00 a.m. - 6:00 p.m. and Sunday from 9:00 a.m. - 5:00 p.m. Faculty maintenance and support personnel may be on campus prior to and after normal school hours for opening/closing support activities. Special events or activities may also occasionally be held outside of normal operating hours.
4. **Licenses and Permits.** Subject to applicant obtaining all required State of Wisconsin licenses and permits.
5. **Enrollment Capacity.** The grant of this special use, is subject to and conditioned upon a maximum enrollment of 200 students. Future expansion over this enrollment capacity will require an amended special use and reconsideration before the City of West Allis Common Council.
6. **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.
7. **Parking.** The parking requirement for the proposed educational facility use is 144 parking stalls as follows: 30 spaces for classrooms, 3 spaces for office uses and 111 spaces for common/assembly space. 113 parking spaces are provided onsite.

Per Sec. 12.19(9)(b), the applicant will share parking facilities with St. Rita's church, which itself is required to have 288 spaces, based on 1:100 sq. ft. of gross floor area.

No overnight parking of vehicles has been identified on the site plan.
8. **Pagers, Intercoms.** The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
9. **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.
10. **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).
11. **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.
12. **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.

13. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
14. 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.
15. Outdoor Storage and Display. No outdoor storage, sales, or display of merchandise shall be permitted on site, unless noted on site plan and screened from view.
16. Bingo. No bingo or other public gaming activities will be allowed to occur on the premises.
17. Special Events. Special events for the proposed use may be granted by the Common Council, upon request.
18. 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.
19. 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.

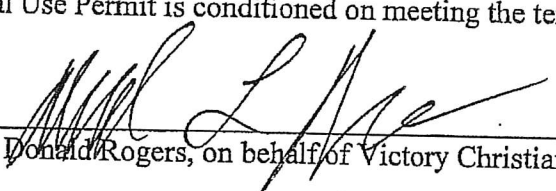
C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

20. 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.

21. 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.

22. 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.



Pastor Donald Rogers, on behalf of Victory Christian Academy

St. Rita's Church, property owner

Mailed to applicant on the
25th day of March, 2013



Assistant City Clerk

cc: Development Department, Planning & Zoning Division
Dept. of Building Inspections and Neighborhood Services

ZON-R-911-3-9-13

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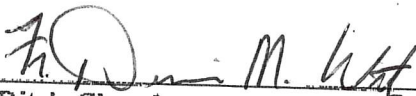
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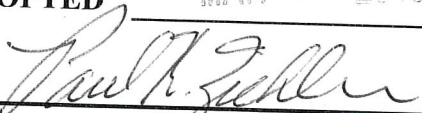

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ADOPTED


MAR 19 2013



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

APPROVED

3/22/13



Dan Devine, Mayor