



City of West Allis

Resolution: R-2019-0918

File Number: R-2019-0918

Final Action:

Sponsor(s): Safety & Development Committee

DEC 17 2019

Resolution relative to determination of Application for a Special Use Permit for Mary Queen of Saints Catholic Academy, a proposed elementary school, to be located at 1121 S. 116 St., submitted by Andrea Heger

WHEREAS, Mary Queen of Saints Catholic Academy duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.32(3) and Sec. 12.16 of the Revised Municipal Code, to establish public and private educational institution within the existing Immaculate Heart of Mary Parish campus, located at 1121 S. 116 St.; and,

WHEREAS, after due notice, a Public Hearing was held by the Common Council on December 17, 2019, at 7:00 p.m., and 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, Mary Queen of Saints, currently has offices at 1435 S. 92 St., West Allis, WI 53214.
2. The Immaculate Heart of Mary Congregation currently owns the property located at 1121 S. 116 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 31, Township 7 North, Range 21 East and Southeast $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 3062.

TAX KEY NO.: 446-9998-001

Said land being located at 1121 S. 116 St.

3. The applicant is proposing to establish a school for Mary Queen of Saints Catholic Academy which will offer programs and services that help education providers meet the diverse needs of their students. Educational programs span the K3-8 spectrum. This school has the distinct honor of being the only "Significantly Exceeds Expectations" (5 star) grade school in West Allis-West Milwaukee and had the third highest test scores of all private grade schools in the State of Wisconsin as measured by the Wisconsin Forward Exam.
4. The aforesaid premises is zoned RA-2, Residence District, under the Zoning Ordinance of the City of West Allis, which permits public and private educational institutions as a Special Use, pursuant to Sec. 12.32(3) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of a predominantly residential neighborhood surrounded by W. Washington St. to the north, S. 117 St. to the west, S. 116 St. to the east, and W. Madison St. to the south. All adjacent areas are zoned and utilized for residential purposes.
6. The proposed development, as conditioned, should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Andrea Heger, applicant, d/b/a Mary Queen of Saints, to establish an elementary school at 1121 S. 116 St., 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, and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscaping and architectural plans approved March 28, 2001 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, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department. Any applicable licenses shall be applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments.

3. Hours of Operation and Programming. Student classes/programming: For the purpose of this special use students will be on site between the hours of 7:30am and 3:30pm.
Classes/Programs: student classes/programs have start/end times between the hours of 7:30 a.m. - 3:30 p.m.
After school programs may have students at the school until 7pm.
The school may offer summer programming within the same start/end times as the regular school year.

Staff hours: Mary Queen of Saints staff is typically on site before and after student classes/programs.

4. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code requires 13 parking spaces on site. Off-street parking is provided for 171 vehicles, including ADA stalls.

5. Transport, Drop-off and Pick-up. The grant of this special use is subject to the following:

- A. All students shall arrive and depart by a school vehicle or by a parent or guardian driving a personal vehicle.
- B. All school vehicles arrive via 117 St. and depart via 116 St.
- C. Bus drop off/pick up shall be in accordance with the approved site plan.
- D. All students shall be supervised by staff while entering/departing. Loitering or wandering in the neighborhood shall not be allowed.
- E. Modifications to the above referenced items shall be in the form of a written request and submitted to the City Clerk's Office. Consideration of the request shall be by the City of West Allis Common Council.

6. Public Relations. To ensure communications between Mary Queen of Saints, the City and the neighborhood, Mary Queen of Saints shall provide means of public contact (call-in phone number or online system). The means shall be implemented by Mary Queen of Saints, and shared with the City.

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.

8. Refuse Collection and Deliveries. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within, a four-sided enclosure or as approved by the Department of Development. 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. Delivery operations and refuse pick up shall only be permitted during daytime hours.

9. Noise Control. Nothing contained herein shall be deemed to be an approval or acceptance by the City of

operations in violation of section 7.035 of the West Allis Municipal Code.

10. Signage. The grant of this Special Use is subject to all signage plans being submitted to the Department of Development for approval. Banners, flags, free-standing signs used for advertising shall not be permitted without the approval of the Common Council.

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

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 without Plan Commission approval.

13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures shall be utilized on site.

14. Outdoor Storage. Outdoor storage of equipment, cars, trucks or trailers for non-Immaculate Heart of Mary campus purposes shall not be permitted and notwithstanding subsection 13.28(10) of the Revised Municipal Code relative to storage of State Fair trailers, wagons, or other similar vehicles used to transport livestock or other similar products.

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

16. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

17. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

18. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

19. Pest Control. Exterior pest control shall be contracted on a monthly basis.

20. 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.

21. 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.

22. 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.

23. 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.

24. Acknowledgement. That the applicants and property owner sign an acknowledgment that they have received these terms and conditions and will abide by them.

The undersigned applicants and property owner agree 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.

Keith Marx, Immaculate Heart of Mary Congregation

Applicant, Andrea Heger, Dean, Mary Queen of Saints Catholic Academy

Mailed to applicant on the

17 day of December, 2019



City Clerk

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

ZON-R-1202-12-17-19

ADOPTED DEC 17 2019

APPROVED 12/26/19



Steven A. Braatz, Jr., City Clerk



Dan Devine, Mayor