

**CITY OF WEST ALLIS
RESOLUTION R-2022-0132**

**RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION TO
ESTABLISH A SCHOOL WITHIN A PORTION OF THE EXISTING BUILDING
LOCATED AT 2500 S. 68 ST.**

WHEREAS, the Rev. Brandon Koble, Pastor of Trinity Evangelical Lutheran Church, filed with the City Clerk an application for a Special Use Permit, pursuant to Sec., 12.36(2) and Sec. 12.16 of the Revised Municipal Code, to establish a school within a portion of the existing building located at 2500 S. 68 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 15, 2022, 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, Trinity Evangelical Lutheran Church, owns the properties at 2500 S. 68 St.
2. The applicant intends to establish a Classical Lutheran High School within the existing building. The area will occupy about 6,500-sf within the existing building.

The subject property includes: 2500 S. 68 St. (Tax Key No. 490-9999-002).

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:

Commencing at the Northwest corner of the Northeast $\frac{1}{4}$ of said Section 10; thence Southerly, 1356.10 feet, along the West line of said Northeast $\frac{1}{4}$ of Section 10 to the South right-of-way line of West Arthur Avenue, extended; thence Easterly, 37.50 feet to the Point of Beginning; thence continue Easterly, 201.00 feet; thence Southerly, 165.00 feet, to the North line of the alley; thence Westerly, 75.00 feet; thence Northwesterly, 6.20 feet; thence Westerly, 16.00 feet; thence Southerly, 13.00 feet; thence Westerly, 120.00 feet, to the East right-of-way line of South 68th Street; thence Northerly, 90.00 feet; thence Easterly, 15.00 feet; thence Northerly, 45.00 feet , to the Point of Beginning.

3. Trinity Lutheran formerly operated a school within the building, but that use ended in about 2011. Given the lapse in use (more than 12 months), and new format a special use is required. The property is zoned RB-2, residence district which permits schools as a special use. The new format of the school will establish a Classical Lutheran High School within the existing building.
4. Project scope: a) The goal is to open in the Fall of 2023. b) Enrollment - the school would initially be opened with about 10 students and a few staff but seeks to grow to an enrollment of about 50 students and in alignment of occupant load requirements. c) No alterations are proposed to the site or to the building as part of their submittal. d) Students will arrive via private vehicle or be dropped off.
5. The property is zoned RB-2, Residential District, under the Zoning Ordinance of the City of West Allis, which permits schools and religious institutions as a special use, pursuant to Section 12.31(3), by way of Sec. 12.36(2)(a) as a special use (Sec. 12.16) of the Revised Municipal Code.
6. The subject property is located along the east side of S. 68 St. and south of W. Arthur Ave., which is zoned for residential purposes. Properties to the north are zoned and developed as the WAWM Recreational Department. Properties to the east, west, and south are zoned residential and developed for low density residential.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of

West Allis that the application of the Rev. Brandon Koble, Pastor of Trinity Evangelical Lutheran Church, filed with the City Clerk an application for a Special Use Permit, pursuant to Sec., 12.36(2) and Sec. 12.16 of the Revised Municipal Code, to establish a school within a portion of the existing building located at 2500 S. 68 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 Section 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 and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on February 23, 2022, 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. Alteration or modification of the approved plan may be considered but shall require 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 Neighborhood Services and by the Fire Department if applicable.

3. Operations. The grant of this special use is conditioned upon the following:

A. Any new exterior lighting shall be submitted to the City Planning and Zoning office in the form of a lighting plan. Light fixtures being orientated downward and/or shielded in such a manner that no light spills from the property boundaries. B. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure as approved by the Planning and Zoning office and/or approved plans. Because there are residents that live within the residential neighborhood adjacent to the site, refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.

4. 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. The Common Council grants an extension of these time limitations for the subject use beginning operations in the Fall of 2023 without an additional public hearing by the Common Council. An extension of time via resolution (without hearing) may be reauthorized if the use commences later than the Fall of 2023 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.

5. 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.

6. 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 (or as granted within item number four above) 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.

7. 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.

8. 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.

Trinity Evangelical Lutheran Church

Rev. Brandon Koble, Pastor of

_____ day of _____, 2022

_____ City Clerk

SECTION 1: **ADOPTION** “R-2022-0132” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0132(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL MARCH 15, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of West Allis



Dan Devine, Mayor City Of West Allis

