



City of West Allis

Resolution: R-2016-0048

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2016-0048

Final Action:

Sponsor(s): Safety & Development Committee

MAR 01 2016

Resolution relative to determination of Special Use Permit for Aurora West Allis Medical Center for a proposed addition to the existing parking structure, to be located at 9005-9029 W. Lincoln Ave., 2307-2331 S. 90th St., 2320-2330 S. 91 St., 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St.

WHEREAS, Richard Kellar on behalf of Aurora West Allis Medical Center (Aurora Health Care) has duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.37(3) of the Revised Municipal Code of the City of West Allis for a proposed addition to the existing parking structure, to be located at 9005-9029 W. Lincoln Ave., 2307-2331 S. 90th St., 2320-2330 S. 91 St., and thereby consolidated via Certified Survey Map with that of the existing hospital property located at 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 1, 2016, 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, Richard Kellar, on behalf of Aurora West Allis Medical Center (Aurora Health Care), has an existing hospital, medical clinics and off-street parking facilities on site located at 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St. (Tax Key No. 487-9999-001).
2. The City of West Allis owns said property and leases the property to Aurora West Allis Medical Center (Aurora Health Care). The conditions of the lease agreement have been amended per the Third Amendment to Lease (R-2016-0029) to allow for the adjoining of additional lands for the purposes of constructing an expanded parking structure. Said expansion of lands for additional hospital facilities requires a special use.
3. West Allis Apartments 2014 LLC ("West Allis Apartments"), an agent for Aurora, owns certain property ("Additional Property") adjoining the Leased Property which will be conveyed to the City in accordance with the Third Amendment to Lease (R-2016-0029): said properties which currently contain apartment buildings and detached garages north of their existing parking garage. These properties are located between S. 91st St. and S. 90th St. and south of Lincoln Avenue at 9005-9029 W. Lincoln Ave., 2307-2331 S. 90 St., 2320-2330 S. 91 St. (Tax Key No. 487-0096-000, 487-0100-000, 487-0099-000, 487-0097-000, 487-0098-000).
4. Aurora West Allis Medical Center (Aurora Health Care), will proceed to construct a parking structure and related infrastructure, including, without limitation, upgraded sewer and utility facilities, and other improvements on the Additional Property which will provide desired access to health care services for the community. The new facility will be designed as an expansion to the existing parking structure located farther south on 90 Street. The proposed structure will provide parking for patients,

visitors and employees who visit and work within the hospital. It is intended to relieve the current parking deficiency on campus and mitigate the need for both on-street parking and leased, off-campus parking.

5. The terms of the lease with the City also allow Aurora West Allis Medical Center (Aurora Health Care) to sublease the property to Aurora or other affiliate entities.
6. The purpose of this Special Use Permit for Aurora West Allis Medical Center (Aurora Health Care) is for a proposed campus expansion which consists of an addition to the existing parking structure on lands owned, to the north of the existing parking structure, by Aurora Health Care. The added project area will be rezoned and consolidated with that of the existing hospital campus lands. As part of the project application before Common Council, Aurora has also requested the rezoning of properties underlying the proposed area of the new parking structure from C-2 Neighborhood Commercial District and RB-2 Residential District to RC-1 Residential District. The rezoning is consistent with the 2030 Comprehensive land use plan and will be consistent with the existing zoning of the overall hospital campus.
7. The change in use of the subject properties to be rezoned to an RC-1 District will allow for an approximate 1.6 acre hospital campus expansion. This expansion is being considered as a Special Use (for Hospitals). Hospitals are considered special uses in accordance with 12.37(3) of the Revised Municipal Code. The parking structure addition/expansion will be located on lands previously acquired by Aurora (located at 9005-9029 W. Lincoln Ave., 2307-2331 S. 90th St., 2320-2330 S. 91 St.). Said lands will be conveyed to the City of West Allis and consolidated via Certified Survey Map with that of the existing hospital property located at 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St. Portions of City right-of-way (a "t-shaped" alley and a portion of S. 90 St.) will also be vacated. The properties are located in West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All of Lots 1 through 12 and the vacated alleys of Block 2 of Woodlawn Manor Subdivision, that part of vacated West Hayes Avenue and South 90th Street and part the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 6 North, Range 21 East, all in the City of West Allis, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of Northwest 1/4 of said Section 9; thence North 89°44'10" East, on and along the north line of said Northwest 1/4, 664.87 feet; thence South 00°38'33" West, 55.01 feet to the south right of way line of West Lincoln Avenue and the point of beginning; thence North 89°44'10" East, on and along said south right of way line, 623.26 feet to the west right of way line of South 88th Street; thence South 00°59'50" West, on and along said west right of way line, 906.98 feet to the north right of way line of West Arthur Place; thence South 89°48'56" West, on and along said north right of way line, 1014.05 feet; thence North 01°02'09" East, 52.57 feet; thence South 89°48'34" West, 79.96 feet; thence North 01°02'11" East, 577.68 feet; thence North 89°43'48" East, 120.45 feet to the west right of way line of South 91st Street; thence South 00°55'12" West, on and along said west right of way line, 20.00 feet to the south right of way line of South 91st Street; thence North 89°43'48" East, on and along said south right of way line, 60.01 feet to the east right of way line of South 91st Street; thence North 00°55'12" East, on and along said east right of way line, 96.90 feet to the beginning of a curve to the left, having a radius of 514.55 feet and a long chord of North 04°46'24" West, 118.11 feet; thence Northwesterly, on and along said curve and said east right of way line, 118.37 feet to the beginning of a curve to the right, having a radius of 270.35 feet and a long chord of North 05°26'17" West, 80.85 feet; thence Northwesterly, on and along said curve and said east right of way line, 81.16

feet to the south right of way line of West Lincoln Avenue thence North 89° 44' 10" East, on and along said south right of way line, 310.94 feet to the point of beginning.

Containing approximately 22.0 acres, more or less and including portions of vacated right of way.

Said land being located at: 9005-9029 W. Lincoln Ave., 2307-2331 S. 90th St., 2320-2330 S. 91 St., 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St. (Tax Key No. 487-0096-000, 487-0100-000, 487-0099-000, 487-0097-000, 487-0098-000).

8. The aforesaid area is currently zoned C-2 Neighborhood Commercial District, RB-2 Residence District. The area will be rezoned via ordinance to RC-1 Residential District per sec. 12.05 of the Revised Municipal Code. The City Zoning Ordinance of the City of West Allis, permits the hospital campus expansion (specifically hospitals) and the parking structure as a Special Use, pursuant to Sec. 12.37(3) and 12.16 of the Revised Municipal Code of the City of West Allis. The Property is part of a block bounded by W. Lincoln Ave. to the north, W. Arthur Pl. to the south, S. 92 St. to the west, and S. 88 St. to the east. Properties located to the north and west are developed as commercial and residential, properties to the east and south are developed as residential.

9. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the Special Use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Richard Kellar, on behalf of Aurora West Allis Medical Center (Aurora Health Care), 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 Sec. 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. Certified Survey Map and Rezoning. The grant of this Special Use Permit is subject to and conditioned upon a Common Council approval of a Certified Survey Map and Rezoning of properties located at 9005-9029 W. Lincoln Ave., 2307-2331 S. 90th St., 2320-2330 S. 91 St.). Said lands will be conveyed to the City of West Allis and consolidated via Certified Survey Map and combined with that of the existing hospital property located at 8901 W. Lincoln Ave. and 2349 and 2400 S. 90 St. Portions of City right-of-way ("t-shaped" alley and a portion of S. 90 St.) will also be vacated.

2. Site, Landscaping and Architectural. The grant of this Special Use Permit is subject to and conditioned upon a Site, Landscaping/Screening and Architectural plan approved February 24, 2016 by the West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

3. Variance to Bulk Requirements. By approving this Resolution, the Common Council agrees to modify/vary the following requirements of the RC-1 District, per 12.16(9) of the Revised Municipal Code.

a. 12.37(4) Floor Area Ratio. With the grant of this special use the Common Council grants a variance to the floor area ratio for the project from 1.2 to 1.4 for a development in the RC-1 Residence District.

b. 12.37(6) Front Yard and corner side yard building setbacks. With the grant of this special use the Common Council grants a 10-ft variance to the stated 20-ft building setback in the RC-1 Residence District. The building setback from the north property line (along W. Lincoln Ave.) and along the corner side yard of the parking structure will not be less than a distance of 10 ft.

4. 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. All applicable State and local licenses being applied for and approved.

5. Off-Street Parking. Off-street parking of 1,756 spaces is currently provided (includes surface parking, existing east and west parking structures and leased parking spaces). This total consists of 1,644 parking spaces on the hospital campus site and 112 parking spaces off-site/leased parking spaces (36 spaces at 9004 W. Lincoln Ave., 26 spaces at 8800 W. Lincoln Ave. and 50 spaces at Central High School's parking lot). With the proposed expansion of the west parking structure an additional 633 parking stalls (652 spaces minus 19 spaces from existing west structure) will be created. Therefore, the total amount of off-street parking will be approximately 2,389 parking spaces (of which about 2,277 will be located on campus/site).

The estimated parking demand is based upon a January 26, 2016 parking study as prepared by GRAFF and indicates current parking demand to be 2,014 parking spaces with future (year 2020) demand for a total of 2,034 parking spaces.

With the approval of this Special Use the Common Council has the authority to change the minimum parking requirements in accordance with Section 12.16(9)(a) of the Revised Municipal Code.

6. Lease/Development Agreement. The grant of this special use is subject to and conditioned upon a Development Agreement by and between the City of West Allis and Aurora West Allis Medical Center (Aurora Health Care).

7. Deliveries and Refuse Collection. All refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers 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. Because there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

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

9. Hours of Operation. The hospital is open year round 365 days per year, 24 hours per day.
10. Signage. Signage to be in compliance with the City of West Allis Sign Ordinance. Any building window signage shall not exceed twenty percent (20%) of each window's area and be located internally.
11. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxious, or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
12. Noise. The use shall not make, produce, allow or cause to be produced any noise which exceeds the noise limitations, as set forth in Ch. 7.035 of the Revised Municipal Code.

All overhead doors to vehicle repair areas shall be kept closed to prevent noise complaints.

13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
14. Monitoring. The overall area shall be adequately monitored by staff.
15. 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, (if any) abutting sidewalk.
16. 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.
17. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
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, then the Special Use may be terminated.

22. 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.


Rick Kellar, Aurora Health Care

3/4/2016

File Number: R-2016-0048

Mailed to applicant on the

4th day of March, 2016

Monica Schultz
City Clerk

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

ZON-R-1030-3-1-16

ADOPTED MAR 01 2016

APPROVED 3/4/16

Monica Schultz
Monica Schultz, City Clerk

Dan Devine
Dan Devine, Mayor

