



City of West Allis

Resolution: R-2017-0264

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2017-0264

Final Action: 10/3/2017

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for CESA #1, a proposed educational facility, to be located at Parkway School, 2930 S. Root River Parkway.

WHEREAS, the West Allis West Milwaukee School District, on behalf of the Cooperative Educational Service Agency (CESA #1) duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.31(3) and Sec. 12.16 of the Revised Municipal Code, to establish public and private educational institution within the existing Parkway School, located at 2930 S. Root River Parkway; and,

WHEREAS, after due notice, a Public Hearing was held by the Common Council on October 3, 2017, 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, the West Allis West Milwaukee School District, currently has offices at 1205 S. 70 St., West Allis, WI 53214.
2. The West Allis West Milwaukee School District currently owns the property located at 2930 S. Root River Parkway, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the Southwest corner of Parcel 1, Certified Survey Map No. 5305; thence Southerly, 318.95 feet, along the East right-of-way line of South Root River Parkway to the North right-of-way line of the South Wollmer Road; thence Southeasterly, 350.00 feet; along said North right-of-way line to the West right-of-way line of South 114th Street; thence Northerly, 427.79 feet, along said West right-of-way line to the Southeast corner of Parcel 2, Certified Survey Map No. 5305; thence Southwesterly, 350.00 feet, along the South line of said Certified Survey Map No. 5305, to the Point of Beginning.

TAX KEY NO.: 520-9985-001

Said land being located at 2930 S. Root River Parkway

3. The applicant is proposing to establish a school for Cooperative Educational Service Agency #1 (CESA #1) which will offer programs and services that help education providers meet the diverse needs of their students. Educational programs span the K-12 spectrum and are designed for students who need an alternative educational setting in order to achieve success.

4. The following four (4) programs described below will be offered by CESA #1 at the Parkway location:
 1. Distinguished Scholars Academy - Program for students with Autism Spectrum Disorder (ASD) in Elementary Grades K-4 and Middle School Grades 5-9
 2. New Connections - Alternative program for students with disabilities who may experience difficulty transitioning to traditional high school settings in Grades 9-10
 3. Project Success - Alternative program for students with disabilities in Grades 9-12
 4. Turning Point - Elementary program for students with emotional and behavior-related disabilities in Grades K-8.

Of note, the Fresh Start Program or similar program(s) whereby students who have committed an expellable offense and/or been expelled shall not attend the CESA#1/Parkway school location.

5. The aforesaid premises is zoned RA-1, 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. 12.31(3) and Sec. 12.16 of the Revised Municipal Code.
6. The subject property is part of a predominantly residential neighborhood surrounded by S. Root River Parkway to the west, S. 114th St. to the east, and S. Wollmer Rd. to the south. All adjacent areas are zoned and utilized for residential purposes.
7. 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 the West Allis West Milwaukee School District, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.31(3) and Sec. 12.16 of the Revised Municipal Code, to establish a proposed educational facility, to be located at Parkway School, 2930 S. Root River Parkway, 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 September 27, 2017 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 staggered start/end times between the hours of 7:30 a.m. - 3:30 p.m.

The Fresh Start Program, or similar program(s), whereby students who have committed an expellable offense and/or been expelled, shall not be offered at the CESA#1/Parkway school location.

The following are classes/programs are offered at CESA#1/Parkway School:

- Distinguished Scholars Academy
- Turning Point
- New Connections
- Project Success-

Staff hours: Parkway staff are typically on site before and after student classes/programs.

4. Enrollment Cap. With the grant of this special use, maximum enrollment shall be limited to 80 students. Subsequent to 6 months from the grant of this special use, the Common Council may grant an increase in enrollment from 80 students to a maximum of 100 students without a public hearing if it is determined that the school has operated in compliance with the special use permit. The applicant shall apply for this request in writing and submit their request to the Mayor and Common Council. Please note that this cap is being put in place as a threshold based on concerns that increased enrollment may have on parking and pick up and drop off operations, this cap is not tied to any type of Fire Code restriction and it does not take the place of that restriction if this number is higher than what is allowed by the Fire Department.

5. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code requires 25 parking spaces on site. Off-street parking is provided for 65 vehicles, including ADA stalls.

6. 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 district-funded transportation vehicle or by a parent or guardian driving a personal vehicle.
- B. Exceptions shall only be considered through an appeal process by the West Allis West Milwaukee School District and CESA #1. A maximum of seven (7) requests for appeal consideration may be granted per year. Subsequent to 6 months from the grant of this special use, the Common Council may grant an increase in the number of exceptions granted per year from 7 students to a maximum of 10 students without a public hearing if it is determined that the school has operated in compliance with the special use permit. The applicant shall apply for this request in writing and submit their request to the

Mayor and Common Council.

- C. All school district funded transportation vehicles arrive and depart via National Avenue.
- D. Bus drop off/pick up shall be conducted within the school parking lot.
- E. Drop-off times are staggered depending on the start and end times of the particular learning program.
- F. All students shall be supervised by staff while entering/departing. Loitering or wandering in the neighborhood shall not be allowed.
- G. 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.

7. Public Relations. To ensure communications between CESA#1, the School District, the City and the neighborhood, CESA #1 shall provide means of public contact (call-in phone number or online system). The means shall be implemented by the CESA#1 or the School District, and shared with the City.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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.

14. 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.

15. Outdoor Storage. Outdoor storage of equipment, cars, trucks or trailers for non-West Allis West Milwaukee School District 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.

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

17. 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.

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 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.

Marty Lexmond, West Allis West Milwaukee School District



Mary Gavigan, Executive Director, CESA #1

Mailed to applicant on the
13th day of October, 2017



City Clerk

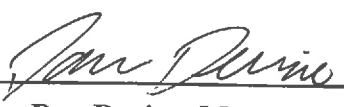
cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning

ADOPTED AS AMENDED 10/3/2017

APPROVED AS AMENDED 10/10/17



Monica Schultz, City Clerk



Dan Devine, Mayor