

# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0726	Special Use Permit	In Committee
Special Use Permit for proposed MATC classrooms to be located within a portion of the existing office building located at 1205 S. 70 St. (Tax Key No. 440-0256-002)		
Introduced: 11/18/2008		Controlling Body: Safety & Development Committee
<b>lan Commission</b>		

**COMMITTEE RECOMMENDATION** File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
<u>2/17/09</u>		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
	✓		Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

**SIGNATURE OF COMMITTEE MEMBER**

Chair

Vice-Chair

Member

**COMMON COUNCIL ACTION**

**PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	✓			
			Czaplewski	✓			
<u>FEB 17 2009</u>	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			

# Planning Application Form

City of West Allis ■ 7525 West Greenfield Avenue, West Allis, Wisconsin 53214  
414/302-8460 ■ 414/302-8401 (Fax) ■ <http://www.ci.west-allis.wi.us>

**Applicant or Agent for Applicant**

Name Thomas L. Richter, President  
 Company Richter Realty & Inv., Inc.  
 Address 18650 W. Corporate Dr., #103  
 City Brookfield, State WI Zip 53045  
 Daytime Phone Number 262-789-2200  
 E-mail Address trichter@richter-co.com  
 Fax Number 262-789-2205  
 Project Name/New Company Name (if applicable) \_\_\_\_\_

**Agent is Representing** (Owner/Leasee) Leisure Inv.

Name Michael S. Polsky, Receiver for/  
 Company Beck, Chaet, Bamberger & Polsky, S.C.  
 Address 330 E. Kilbourn Ave., #1085  
 City Milwaukee, State WI Zip 53202  
 Daytime Phone Number 414-273-4200  
 E-mail Address mpolsky@bcblaw.net  
 Fax Number 414-273-7786

**Application Type and Fee**  
(Check all that apply)

- Request for Rezoning: \$500.00 (Public Hearing required)  
Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_
- Request for Ordinance Amendment \$500.00
- Special Use: \$500.00 (Public Hearing required)
- Transitional Use \$500.00 (Public Hearing Required)
- Level 1 Site, Landscaping, Architectural Plan Review \$100.00
- Level 2 Site, Landscaping, Architectural Plan Review \$250.00
- Level 3 Site, Landscaping, Architectural Plan Review \$500.00
- Site, Landscaping, Architectural Plan Amendments \$100.00
- Extension of Time: \$250.00
- Certified Survey Map: \$500.00 + \$30.00 County Treasurer
- Planned Development District \$1500.00(Public Hearing required)
- Subdivision Plats: \$1500.00 + \$100.00 County Treasurer + \$25.00 for reapproval
- Signage Plan Review \$100.00
- Street or Alley Vacation/Dedication: \$500.00
- Signage Plan Appeal: \$100.00

Agent Address will be used for all official correspondence.

**Property Information**

Property Address 1205 S. 70th St.  
 Tax Key Number 440-0256-002  
 Current Zoning C-3  
 Property Owner Leisure Investments by Michael S. Polsky, Receiver  
 Property Owner's Address 330 E. Kilbourn Ave. #1085, Milwaukee, WI 53202  
 Existing Use of Property C-3, Offices  
 Structure Size 89,033 sq.ft Addition \_\_\_\_\_  
 Construction Cost Estimate: Hard \* Soft \*\* Total \$330,000  
 Landscaping Cost Estimate N/A  
 Total Project Cost Estimate: \$330,000  
 Previous Occupant Managed Health Services

**Attach detailed description of proposal.**

In order to be placed on the Plan Commission agenda, the Department of Development must receive a completed application, appropriate fees, a project description, 6 sets of scaled, folded and stapled plans (24" x 36") and 1 electronic copy (PDF format) of the plans by the last Friday of the month, prior to the month of the Plan Commission meeting.

Attached Plans Include: (Application is incomplete without required plans, see handout for requirements)

- Site Plan   
  Floor Plans   
  Elevations   
  Signage Plan   
  Legal Description   
  Certified Survey Map  
 Landscaping/Screening Plan   
 Grading Plan   
 Utility System Plan   
 Other \_\_\_\_\_

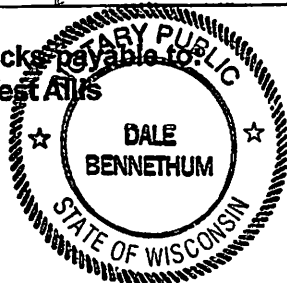
Applicant or Agent Signature \_\_\_\_\_

Date: 10/31/08

Subscribed and sworn to me this 31st day of OCTOBER, 20 08

Notary Public: DALE BENNETHUM  
 My Commission: EXPIRES 3-2-2009

Please make checks payable to:  
**City Of West Allis**



\* \$300,000  
 \*\* \$30,000

*Please do not write in this box*

Application Accepted and Authorized by: \_\_\_\_\_

Date: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Total Fee: \_\_\_\_\_



CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
Paul M. Ziehler  
City Admin. Officer, Clerk/Treasurer  
Monica Schultz  
Assistant City Clerk  
Rosemary West  
Treasurer's Office Supervisor

February 24, 2009

Mr. Thomas L. Richter, President  
Richter Realty and Inv., Inc.  
18650 W. Corporate Drive  
#103  
Brookfield, WI 53045

Dear Mr. Richter:

On February 17, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed MATC classrooms to be located within a portion of the existing office building located at 1205 S. 70 Street.

Please sign and return the enclosed copy of Resolution No. R-2009-0052 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz  
Assistant City Clerk

/jml

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Michael S. Polsky, receiver for Leisure Investments  
Dr. Pablo Cardona, Vice President, MATC



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2009-0052**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

**FEB 17 2009**

Resolution relative to determination of Special Use Permit for proposed MATC classrooms to be located within a portion of the existing office building located at 1205 S. 70 St. (Tax Key No. 440-0256-002)

WHEREAS, Thomas Richter on behalf of Milwaukee Area Technical College (MATC) and Michael Polsky, Receiver for Leisure Investments, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code, to establish the Mortuary Sciences School within a portion of the 1205 S. 70 St. building; and

WHEREAS, after due notice, a public hearing was held by the Common Council on February 17, 2009, 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, Thomas Richter, President, Richter Realty and Investment, Inc., has offices at 18650 W. Corporate Dr., #103, Brookfield, Wisconsin 53045.

The applicant, Michael Polsky, receiver for Leisure Investments, has offices at Beck, Chaet, Bamberger & Polsky, S.C., located at 330 E. Kilbourn Ave., #1085, Milwaukee, Wisconsin 53202.

The applicant (leasee), MATC c/o Dr. Pablo Cardona, Vice President has offices at 1200 S. 71 St., West Allis, Wisconsin 53214.

2. The applicant Michael Polsky is the assigned receiver of the subject property at 1205 S. 70 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 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 22 thru 30 and South 13.13 feet of Lot 31 in Block 2 of the Otjen Pullen & Shenner's Subdivision.

Tax Key Number: 440-0256-002

3. MATC is proposing to lease a portion of the existing office building on S. 70 St. The first floor lease space will consist of approximately 10,000 sq. ft. and be utilized for the Mortuary Sciences Department and classes. The purpose for relocating the Department is due to higher costs of operation within their existing building at 1309 S. 70 St. Furthermore, the Funeral Services Program has experienced increased enrollment over the past 5 years. The new 1205 S. 70 St. location will make it possible for MATC to meet the labor demands in Wisconsin and other states.
4. The aforesaid premises are zoned C-3 Commercial District under the zoning ordinance of the City of West Allis. The proposed school/college is permitted as a special use pursuant to Sec. 12.42(2) of the Revised Municipal Code.
5. The property is serviced by all necessary public utilities.
6. The subject property is part of an area along the west side of S. 70 St., between W. Washington St. and W. Madison St. which is zoned for commercial purposes. Properties to the west, east, north and south are developed as commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicants, Thomas Richter, Michael Polsky and MATC, 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 12.42(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 January 28, 2009 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 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. Full educational hours of operation are Monday through Friday from 7:00 a.m. to 9:30 p.m., Saturday 8:00 a.m. to 5:30 p.m., and closed on Sunday. Faculty, maintenance and support personnel are on campus prior to and after normal school hours for opening/closing support activities. Special events are also occasionally held outside of normal operating hours.
4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

5. **Lighting.** The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

6. **Parking.** The Mortuary Science Department is required to provide 29 parking spaces. MATC will not be utilizing any of the 45 parking spaces currently provided at/on the 1205 S. 70 St. property. Mortuary Sciences faculty, students, and administration will continue to park in the 5 MATC parking lots which supply a total of 576 parking stalls within a maximum of 1,200 feet of the 1205 S. 70 St. property and MATC campus. Based on the 182,639 sq. ft. of gross floor area for the entire MATC campus (which includes the daycare building on S. 72 St. and the new building addition), 609 parking spaces are required. MATC provides 576 parking spaces, including 12 ADA stalls, which meets handicap-parking requirements.

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

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 and/or compactor.

9. **Refuse Collection.** Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor.

10. **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.

11. **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.

12. **Faculty and Staff Parking.** Faculty and Staff shall park in the MATC Child Care Center parking lot when parking lots immediately adjacent to the primary campus-building cluster reach capacity.

13. **Annual Meeting.** MATC shall conduct, at least once annually, a neighborhood meeting to inform residents of school activity and assign a contact person at the school and furnish his or her phone number to residents.

14. **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.

15. 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.

16. Enrollment Cap. There will be an Enrollment Cap set at one-half (1/2) the level of projected enrollment increase between 1995 and 2000 as contained in the Final Environmental Impact Statement dated June, 1995.

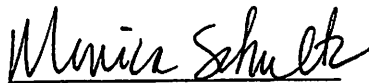
17. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the 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.

18. 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.

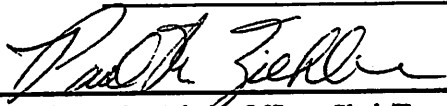
  
(Applicants Name) THOMAS L. RICHTER


Mailed to applicant on the  
24 day of February, 2009

  
Assistant City Clerk

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

ZON-R-703/2-17-09

ADOPTED FEB 17 2009  
  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 2/23/09  
  
Dan Devine, Mayor