

**CITY OF WEST ALLIS
RESOLUTION R-2021-0672**

**RESOLUTION FOR A SPECIAL USE PERMIT FOR A COMMUNITY-BASED
RESIDENTIAL FACILITY TO BE LOCATED AT 8410 W. CLEVELAND AVENUE**

WHEREAS, Robert Chandler of Midwest Commercial Funding, LLC (property owner), duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code of the City of West Allis, for the development of a Community Based Residential Facility to replace the existing vacant office building located at 8410 W. Cleveland Ave; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 16, 2021 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, Robert Chandler of Midwest Commercial Funding, LLC (property owner), has offices at 7213 Hwy 41, Caledonia, WI 53108. The proposed operator of the Community Based Living Arrangement is the Health Dimensions Group (HDG) and would be a tenant of a future licensed care facility. Health Dimensions Group has offices located at 12900 Whitewater Dr Suite 201, Minnetonka, MN 55343.
2. The property is located on the NW corner of S. 84th St. and W. Cleveland Ave. on a 0.52 acre property. The existing setting of the property includes a vacant 2-story office building with a total building area of about 17,000 sq. ft. The existing building will be remodeled and adaptively reused for the proposed Community Based Residential Facility.
3. The proposed development will consist of an adaptive renovation and reuse of 2-story, 17,000-sf building whose footprint will occupy about 6,000-sf of the site area and will utilize the existing basement, first and second floor areas.

The proposed HDG facility will be a licensed as a CNA class CBRF and will serve the following resident groups: Advanced Aged, Irreversible Dementia/Alzheimer's, Terminally Ill. This license class is consistent with many of the facilities that HDG currently owns and/or operates. This license class will allow HDG to serve a broad sector of the community. Health Dimensions Group currently owns and/or operates over 35 facilities in multiple states, with thousands of beds under management. They currently operate another facility in Mequon/Southeastern Wisconsin (Terova Senior Living) with nearly 100 beds.

The Cleveland Avenue facility will be licensed for 23 residential units with a residential capacity between 23 to 28 beds and will employ approximately 25 shift staff providing care on a 24-hour basis. The need for on-site parking is expected to be minimal, as residents will not

drive. It is anticipated that 8-10 staff will be on site at one time (per shift).

4. The subject property at 8410 W. Cleveland Ave. is zoned C-2, Neighborhood Commercial District and permits homes for the aged and convalescent, multi-family residential and care facilities as a special use. The project area of this special use is legally described below located in the City of West Allis, Milwaukee County, Wisconsin; more particularly described as follows, to-wit:

All the land of the owner being located in the Northwest ¼ of Section 9, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 6, 7 and adjacent vacated off street parking, Block 1 in the Kroupa Manor No. 1 Subdivision.

TAX KEY NO: 487-0250-002

Said land being approximately 0.52 acres and located at 8410 W. Cleveland Ave.

5. Properties to the north are zoned and developed as low density residential. Properties to the west are zoned Commercial and developed as mixed use (commercial and residential). Properties to the south are zoned and developed as commercial. Properties to the east are zoned and developed as parkland (McCarty Park).

6. 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 submitted by Robert Chandler of Midwest Commercial Funding, LLC (property owner), for the development of a proposed Community Based Residential Facility to replace the existing office building located at 8410 W. Cleveland Ave, 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. Site, Landscaping, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, screening and architectural plans approved by the West Allis Plan Commission on October 27, 2021. No alterations or modification to the

approved plan shall be permitted without approval by the West Allis Plan Commission.

The site plan shows cross access being maintained between the subject 8410 W. Cleveland Ave. property and the abutting property to the west located at 8424-28 W. Cleveland Ave.

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. All applicable Federal, State and local licenses being applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.

3. Off-Street Parking. Twenty-two parking spaces will be provided on site. The current zoning requires (1 parking stall per bed) in accordance with Sec. 12.19 of the Revised Municipal Code. With the grant of this special use, the Common Council accepts the parking deficiency and has the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code. The following rationale is referenced with the acceptance of the parking deficiency for this special use:

A. Provided Parking. The use will provide on-site parking for 22 parking stalls.

B. Existing use. The former office building was deficient parking (office use requires 56).

C. Demand. Residents are not expected to drive and the purpose of the parking area is primarily intended to be supportive of staff, visitors and for access to the front door of the facility. Eight to ten staff are expected on site at one time.

4. Deliveries, Refuse and Recyclable Collection. 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 to match the building. 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. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

In accordance, plans, recyclables and refuse generated will be dispensed via internal garbage chutes and deposited in a containment area within the underground parking area. If located outdoors, all refuse, recyclables and other waste material shall be screened from view within an approved 4-sided enclosure to match and/or complement the buildings.

5. Hours of Operation. The use will be open daily, 24 hours per day and 7 days per week year-round to accommodate the needs of its residents. The facility will utilize best practice safeguards for senior and memory care living residents at risk of wandering or eloping. HDG utilizes anti-wandering technology, as well as exterior doors being alarmed.

6. Signage. Shall be in accordance with the City's signage ordinance.

7. 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.

8. 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.

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

10. 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.

11. Lighting. All exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries.

12. Noxious Odors, Etc. The use 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.

13. 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.

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. 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.

17. 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.

18. 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.

Robert Chandler, Midwest Commercial Funding, LLC (property owner)

Health Dimensions Group, or agent

Mailed to applicant on the _____ day of _____, 2021.

City Clerk

SECTION 1: **ADOPTION** “R-2021-0672” of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0672(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

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

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis