



# City of West Allis

Resolution: R-2017-0356

**File Number: R-2017-0356**

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

**Final Action:**

**DEC 19 2017**

Resolution relative to determination of Special Use Permit for Shared Journeys, a proposed school and childcare facility, to be located within a portion of the existing Apostle Presbyterian Church building at 1509 S. 76 St.

WHEREAS, Lisa Colla on behalf of Shared Journeys, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.36(3) and Sec. 12.16 of the Revised Municipal Code, to establish a school and childcare facility within a portion of the existing Apostle Presbyterian Church building at 1509 S. 76 St.; and,

WHEREAS, after due notice, a Public Hearing was held by the Common Council on December 19, 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, Shared Journeys, is currently located within a portion of the lower level of an Aurora Office building at 9004 W. Lincoln Ave., suite 14, West Allis, WI 53227, and is seeking to relocate into an approximate portion of the Apostles Presbyterian building located at 1509 S. 76 St. This location is centrally located and was formerly used as a children's daycare with classrooms. Shared Journeys will utilize about 4,000-sf over 3 floors of the former school portion of the building which also includes Apostles Presbyterian Church.
2. Shared Journeys is a West Allis charter high school of the West Allis/West Milwaukee School District, serving pregnant and parenting teens. This high school charter provides a menu of educational as well as outreach and community support options to best meet the unique needs of each individual student. Students are educated both in parenting and academics with potential coursework including: Child Development I and II, Careers, Social Aspects of Society, Prenatal Coursework, Independent Study, Cooperative Education and Employment and Compass Learning for on line general studies. All the courses can be taken in a blended educational setting (part of the school day at Shared Journeys and part of the day at a West Allis West Milwaukee (District) School.

At Shared Journeys, the belief is that all students must be prepared to positively parent their own children and achieve post-secondary training in a chosen career.

3. Apostle United Presbyterian Church owns the subject property and Shared Journeys has a valid offer to utilize a portion of the former Apostle Presbyterian Church building and parking located at 1509 S. 76 St. and 1500 block S. 77 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lots 1 thru 5 in Block 4 of the Greenfield Heights subdivision.

TAX KEY NO.: 452-0082-001 | 1509 S. 76 St. (Apostle Presbyterian building property)  
452-0106-004 | 1500 Block S. 77 St. (parking lot property)

Said land being located at 1509 S. 76 St. and 1500 block S. 77 St.

4. The applicant is proposing to establish a school use and childcare amenity for its students within a 4,000-sf portion of the existing Apostle Presbyterian building at 1509 S. 76 St.
5. The aforesaid premises is zoned RB-2, 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. 12.36(3) and Sec. 12.16 of the Revised Municipal Code.
6. The subject property is part of a predominantly residential neighborhood surrounded by S. 76 St. to the east, S. 77th St. to the east, and W. Orchard St. to the north and W. Lapham St. 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. 12.36(3) and Sec. 12.16 of the Revised Municipal Code, to establish a school and childcare facility within a portion of the existing Apostle Presbyterian building at 1509 S. 76 St, 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 December 6, 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 and Operations. The grant of this special use is subject to the following operational limits for Shared Journeys:

A. Classes and Programming: Shared Journeys student classes and educational programs shall be between the hours of 7:00 a.m. - 12:00 p.m. (noon), Monday through Friday.

B. Child care use: The Shared Journeys child care use shall be between 7:00 a.m. and 4:00 p.m., Monday through Friday. The child care facility shall not be open to the general public, as it is intended to serve as an amenity for students of Shared Journeys.

C. Staff hours: Shared Journeys staff are typically on site before and after student classes and child care use.

D. Enrollment: Shared Journeys shall be limited to a maximum of 40 students on the premise at one time.

E. Staffing: 7 staff members.

4. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code requires 12 parking spaces for Shared Journeys, and 40 parking stalls for the church (total of 52 for the overall property). Off-street parking shall be provided for 9 vehicles, which includes 1 ADA stall. With the grant of this special use, Common Council accepts the parking deficiency based upon the following:

A. Student transport. The majority of Shared Journeys students utilize public transportation, utilize a school district cab service, or arrive and leave via a parent or guardian driving a personal vehicle.

B. Staff parking. Shared Journeys staff will utilize 3 of the 9 off-street parking stalls on site for staff.

C. Half day. The half day format of Shared Journeys (students are done by noon) shortens the duration of student and staff parking needs both on site and within the neighborhood.

D. Drop off and pick up. All drop off and pick up of students shall be conducted upon either S. 76 St. or the north side of W. Orchard St. in the vicinity of the subject property.

E. Staggered services. Apostles Church services and Shared Journeys school services aren't proposed to conflict. Both Church and funeral services are typically conducted on weekends, or if during a weekday during the afternoon, so it is planned not to be a conflict.

5. 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.

6. 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.

7. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
8. 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.
9. 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.
10. 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.
11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
12. 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.
13. 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.

14. 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.

15. 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.

16. 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.

17. 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.



Cathy Manthei, Apostle United Presbyterian Church



Lisa Colla, Shared Journeys

Mailed to applicant on the  
22<sup>nd</sup> day of December, 2017

Monica Schultz

City Clerk

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

ZON-R-1126-12-19-17

ADOPTED DEC 19 2017

Monica Schultz

Monica Schultz, City Clerk

APPROVED 12/21/17

Dan Devine

Dan Devine, Mayor