

48



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2003-0112 Resolution In Committee

Resolution relative to determination of special use application submitted by Charles Dickens of New Millennium Design, on behalf of Mount Calvary Day Care, to establish a day care facility at 5900 W. National Ave. (formerly Cosmic Coffee House)

Introduced: 03/18/2003

Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

Approve & Adopt

MOVER: CZAPLEWSKI

AYES 5 NOES 0

SECONDER: KOPPLIN

EXCUSED _____

COMMITTEE ACTION DATE 3/18/03

SIGNATURES OF COMMITTEE MEMBERS

[Signature]
Chair

Vice-Chair

COMMON COUNCIL ACTION adopted

FINAL ACTION DATE March 18, 2003

MOVER:
Lajsic

SECONDER:
Reinke

	AYE	NO
1. Barczak	<input checked="" type="checkbox"/>	_____
2. Czaplewski	<input checked="" type="checkbox"/>	_____
3. Kopplin	<input checked="" type="checkbox"/>	_____
4. Lajsic	<input checked="" type="checkbox"/>	_____
5. Murphy	<input checked="" type="checkbox"/>	_____
6. Narlock	<input checked="" type="checkbox"/>	_____
7. Reinke	<input checked="" type="checkbox"/>	_____
8. Sengstock	<input checked="" type="checkbox"/>	_____
9. Trudell	<input checked="" type="checkbox"/>	_____
10. Vitale	<input checked="" type="checkbox"/>	_____
TOTAL	<u>9</u>	<u>0</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2003-0112

Final Action:

3-18-03

Resolution relative to determination of special use application submitted by Charles Dickens of New Millennium Design, on behalf of Mount Calvary Day Care, to establish a day care facility at 5900 W. National Ave. (formerly Cosmic Coffee House)

WHEREAS, Charles Dickens of New Millennium Design, on behalf of Mount Calvary Day Care, duly filed with the Acting City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42 of the Revised Municipal Code, to permit the replacement of the former coffee house with a day care facility; and

WHEREAS, after due notice, a public hearing was held by the Common Council on March 18, 2003, at 7:30 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, Mount Calvary, has offices at Mount Calvary Pentecostal Church located at 5933 W. National Ave., West Allis, WI 53214.

2. The applicant, currently leases, but has a valid offer to purchase, the subject property at 5900-02 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

The West 28 feet of Lot Four (4), and Lots Five (5), Six (6), Seven (7), Eight (8) and Nine (9), Block Five (5), Brady's Subdivision, being a Subdivision located in the Southwest 1/4 of Section Thirty-five (35), Township Seven (7) North, Range Twenty-one (21) East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Said land being located at 5900-02 West National Avenue.
(Tax Key Nos. 438-0300-000; 438-00298-000 and 438-0299-000)

3. The applicant has proposed to convert the former coffee house to a 2,200 square foot day care facility.

4. The intent of use for the Mount Calvary Day Care is to establish a day care facility for approximately 40 children.

5. The aforesaid premises is zoned C-3 Community Commercial District under the zoning ordinance of the City of West Allis, which permits the location of a day care facility as a special use, pursuant to Sec. 12.42(2) of the Revised Municipal code.

6. The property is serviced by all necessary public utilities.
7. The subject property is part of an area zoned commercial, along the north side of W. National Avenue from S. 60 Street east to S. 58 Street. The abutting properties to the east are developed for a mix of commercial and residential purposes and to the north for single and two (2) family residences. Abutting land to the west is developed as multi-family. Properties to the south are developed as a mix of commercial and residential.
8. The applicant has proposed certain operating restrictions to assuage concerns relating to hours of operation.
9. The owner of the property has proposed to make a payment in lieu of taxes to the City to offset the value and benefits of the municipal services the property will enjoy in the event the property is determined to be exempt from the imposition of general property taxes under the laws of the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Mount Calvary Day Care, 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 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, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on February 26, 2003, 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. Hours of Operation. The day care facility will be open daily from 6:00 a.m. to 11:00 p.m.
3. 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.
4. Parking Requirements. The day care facility will share thirty-six (36) parking stalls including two (2) ADA stalls with the religious institution to the east, St. Ann's Chapel, (Tax Key Nos. 438-0298-000 and 438-0299-000).
5. Easements. Existing agreements for ingress and egress and the use of the parking lot between adjoining properties to be maintained between the proposed day care and adjacent religious use.
6. Payment in Lieu of Taxes. The property, including improvements, has been subject to a special assessment will be assessed each year for real property tax purposes in accordance with the

assessment laws of the State of Wisconsin, since January 1, 2000. No assessment will be made, or any tax paid, on personal property located thereon. As of December 2000, and each year thereafter, the City will send to the owner of the property a statement or payment in lieu of taxes due, based upon the aforesaid assessment, and the City's net tax rate in each such year. The owner of the property will pay to the City the amount indicated in the aforesaid statement on or before January 31 of the subsequent year. This condition shall be of no force or effect so long as the property, including the improvements thereon, is subject to general property taxes under the laws of the State of Wisconsin.

Applicant is 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.

The grant of this special use shall become null and void within one (1) year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in questions.

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.

The use, as granted herein, will not be altered or extended (including structural alterations and/or additions) without approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the
24th day of March, 2003


Acting City Clerk/Treasurer

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

h\r\ZON-R-372\jmg \3-18-03

ADOPTED March 18, 2003
Paul M. Ziehler
Paul M. Ziehler, Acting City Clerk/Treasurer

APPROVED March 21, 2003
Jeannette Bell
Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



Wisconsin
Award for
Municipal
Excellence

City Clerk/Treasurer

March 24, 2003

New Millenium Design
Attn: Charles Dickens
3350 N. 51st Blvd.
Milwaukee, WI 53216

Dear Mr. Dickens:

On March 18, 2003, the Common Council adopted the Resolution relative to determination of special use application submitted by Charles Dickens of New Millennium Design, on behalf of Mount Calvary Day Care, to establish a day care facility at 5900 W. National Ave. (formerly Cosmic Coffee House).

A copy of Resolution No. R-2003-0112 is enclosed.

Sincerely,

Paul M. Ziehler
Acting City Clerk/Treasurer

/ms
encl.

cc: John Stibal
Ted Atkinson
Steve Schaer
Jonathan Ward
Barb Burkee
Mount Calvary