

40.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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R-2008-0270 Resolution In Committee

Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000).

Introduced: 12/16/2008

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

*adopt*

ACTION DATE:

DEC 16 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak				
		Czaplewski				
<i>✓</i>		Kopplin	<i>✓</i>			
<i>✓</i>		Lajsic				<i>✓</i>
		Narlock	<i>✓</i>			
		Reinke	<i>✓</i>			
		Roadt				
		Sengstock				
	<i>✓</i>	Vitale	<i>✓</i>			
		Weigel				
TOTAL			<i>4</i>			<i>1</i>

### SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

*Pat Hall*

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:

DEC 16 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak	<i>✓</i>			
		Czaplewski	<i>✓</i>			
		Kopplin	<i>✓</i>			
		Lajsic				<i>✓</i>
<i>✓</i>		Narlock	<i>✓</i>			
		Reinke	<i>✓</i>			
		Roadt	<i>✓</i>			
		Sengstock	<i>✓</i>			
	<i>✓</i>	Vitale	<i>✓</i>			
		Weigel	<i>✓</i>			
TOTAL			<i>9</i>			<i>1</i>

Barb Bunker  
John Stibal  
Ted Atkinson  
Steve Schaer  
Bill Radonski

## STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

### ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

### PUBLIC WORKS

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

### SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

### LICENSE & HEALTH

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

### ADVISORY

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2008-0270**

**Final Action:**

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

DEC 16 2008

Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000).

WHEREAS, Susan Sthokal, d/b/a First Class Child Care,, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code, to extend the hours of operation for an existing day care facility located within a mixed-use building located at 7625 W. Becher St.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on December 16, 2008, 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, Susan Sthokal, d/b/a First Class Child Care, has offices at 7625 W. Becher St., West Allis, Wisconsin 53219.
2. The applicant has a valid offer to lease the subject property at 7625 W. Becher St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 16, 17 and 18 in Block 1 of W. T. Jenkins Subdivision.

Tax Key Number: 477-0748-000

Said land being located at 7625-29 W. Becher St.

3. The applicant has proposed to expand the hours of operation for the existing day care facility located at 7625 W. Becher St. from 6:00 a.m. - 6:00 p.m. to 6:00 a.m. - 12:00 midnight.
4. The aforesaid premises is zoned C-2 Neighborhood 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. 12.41(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 on the southeast corner of W. Becher St. and S. 77 St., which is zoned for commercial purposes. Properties to the north and east are developed as commercial. Properties to the west and south are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Susan Sthokal, d/b/a First Class Child 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 12.41(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, Screening, Signage and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site and floor plans approved by the City of West Allis Plan Commission on December 3, 2008, 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 Monday through Friday from 6:00 a.m. to 12:00 midnight.
3. **Licenses and Permits.** Subject to applicant obtaining all required State of Wisconsin licenses and permits.
4. **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.
5. **Parking.** Eight parking spaces to be provided on site, including one (1) ADA space. The Zoning Code requires 18 spaces.
6. **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.
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, grease, and other waste materials will be fully enclosed within an

approved structure.

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.

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, abutting sidewalk.

11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

12. 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.

13. 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.

14. 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.

15. Acknowledgement. That the applicant 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.

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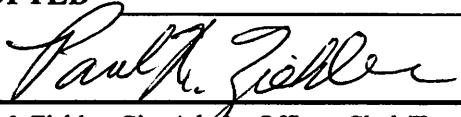
(Applicants Name)


Mailed to applicant on the  
29 day of December 2008

  
Assistant City Clerk

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

q\r\ZON-R-697\bjb \12-16-08

ADOPTED DEC 16 2008  
  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 12/22/08  
  
Dan Devine, Mayor



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

JAN 08 2009

## Resolution

CITY OF WEST ALLIS  
CLERK/TREASURER

**File Number: R-2008-0270**

**Final Action:**

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

DEC 16 2008

Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000).

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WHEREAS, after due notice, a public hearing was held by the Common Council on December 16, 2008, 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:

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2. The applicant has a valid offer to lease the subject property at 7625 W. Becher St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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Tax Key Number: 477-0748-000

Said land being located at 7625-29 W. Becher St.

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approved structure.

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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.

13. Miscellaneous.

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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.

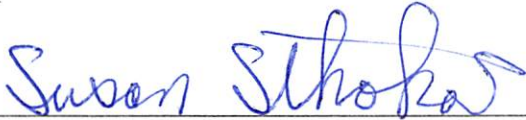
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the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

14. 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.

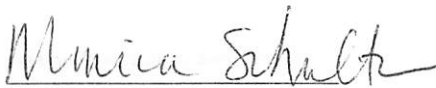
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\_\_\_\_\_  
(Applicants Name)

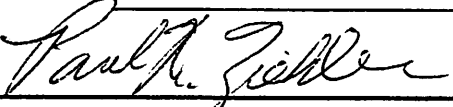
Mailed to applicant on the  
29 day of December 2008




Assistant City Clerk

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

q:\r\ZON-R-697\bjb \12-16-08

ADOPTED DEC 15 2008  
  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 12/22/08  
  
Dan Devine, Mayor



**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*

December 29, 2008

Ms. Susan Sthokal  
First Class Child Care LLC  
7625 W. Becher St.  
West Allis, WI 53219

Dear Ms. Sthokal:

On December 16, 2008 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St.

Please sign and return the enclosed copy of Resolution No. R-2008-0270 the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Mr. Bill Radonski



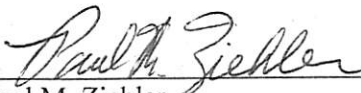
CITY OF WEST ALLIS  
NOTICE OF HEARING  
Tuesday, December 16, 2008  
7:00 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing on Tuesday, December 16, 2008 at 7:00 P.M., or as soon thereafter as the matter may be heard, in the Common Council Chambers of West Allis City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin on a Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000)

You may express your opinions in writing to the City Clerk prior to the meeting or orally at such public hearing.

Dated at West Allis, Wisconsin, this 19th Day of November 2008.

08H43

  
\_\_\_\_\_  
Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

PUBLISH: November 26, 2008 and December 4, 2008

NONDISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

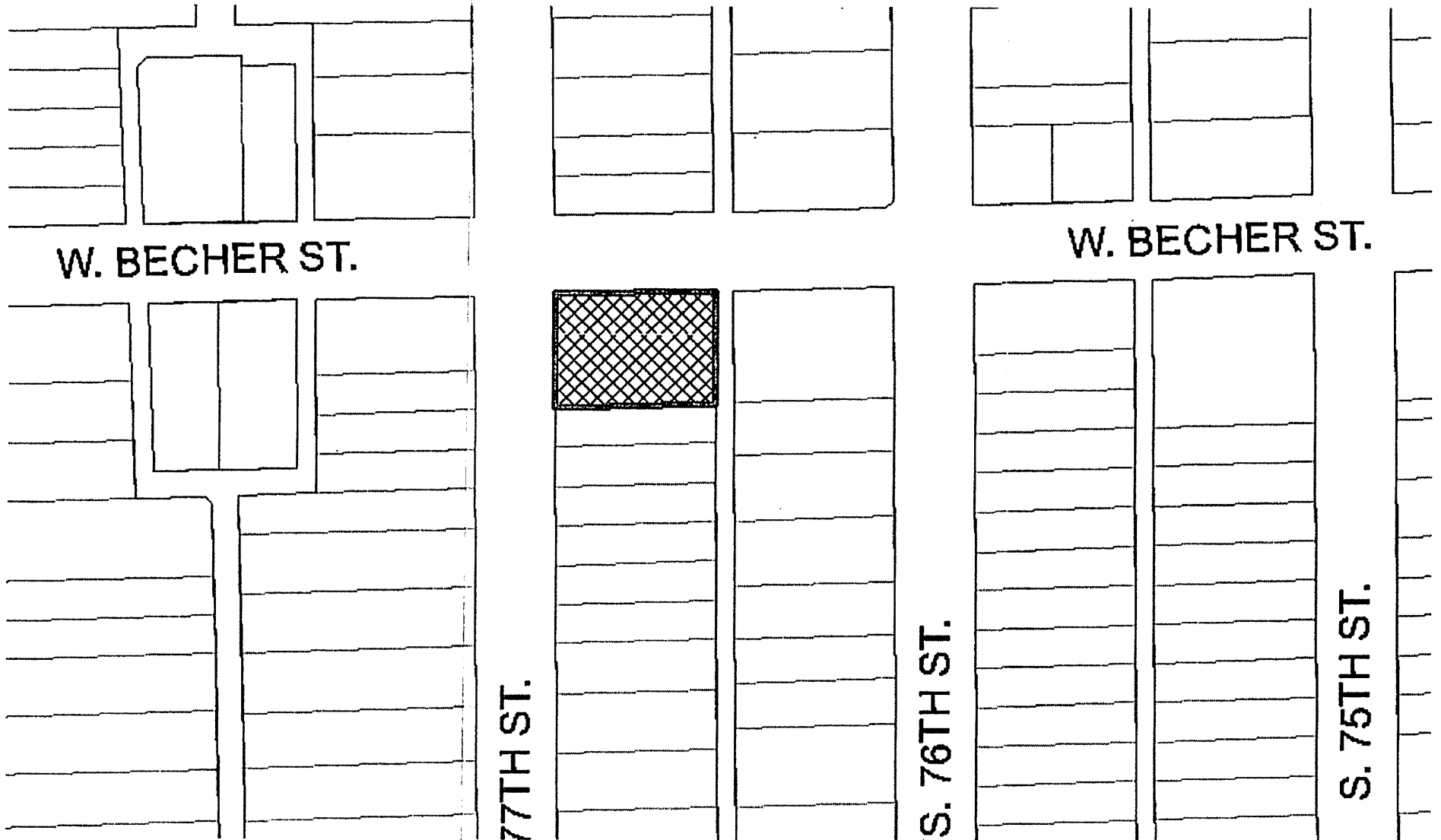
AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice, the City will furnish appropriate auxiliary aids and services, when necessary, to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Special Use Permit for proposed hours of operation extension  
for First Class Child Care, an existing business located at  
7625 W. Becher St. (Tax Key No. 477-0748-000)



CITY AT THE CENTER

**WEST ALLIS**

7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

City Clerk/Treasurer

Donald R Keaton  
7816 W Luscher Ave  
Milwaukee, WI 53218



UNITED STATES POSTAGE



PRIMEV BOWLS

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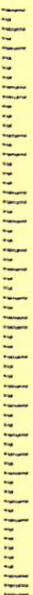
NOV 21 2008

MAILED FROM ZIP CODE 53214

NIXIE 530 DC 1 00 12/01/08

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 53214468999 \*1825-19749-21-38



53214468999



