



# City of West Allis

Resolution: R-2015-0174

7525 W. Greenfield Ave.  
West Allis, WI 53214

**File Number: R-2015-0174**

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

**Final Action:**

**AUG 4 2015**

Resolution relative to the determination of Special Use Permit for Our Angels Child Care, a proposed daycare, to be located at 8303 W. Becher St.

WHEREAS, Olena Delarosa, d/b/a Our Angels, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a child daycare facility for Our Angels Child Care within a portion of the existing mixed-use building located at 8303 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 4, 2015, 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, Olena Delarosa, d/b/a Our Angels, has an office at 4520 N. 110th St., Milwaukee, WI 53225.
2. Our Angels has a valid offer to lease space at 8303 W. Becher St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast  $\frac{1}{4}$  of Section 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 1 in Block 2 of West Allis Homestead Subdivision.

Said land being located at 8303 W. Becher St.

Tax Key No. 477-0499-000

3. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits daycare centers as a Special Use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
4. The subject property is at the southwest corner of Becher St. and 83rd St., which is zoned for commercial and residential purposes. Properties to the north and south are developed as residential; properties to the east are developed as mixed commercial and residential, and properties to the west are developed as commercial.
5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the

area.

6. The applicant proposes to establish an 800 sq. ft. child daycare with an approximate 1,100 sq. ft. outdoor play area for Our Angels Child Care. The primary focus of the daycare facility will be to provide care for up to 15 children, ages four week to 12 year old, with three staff.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Olena Delarosa of Our Angels Child Care, to establish a daycare facility within the existing mixed-used building at 8303 W. Becher St., 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 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, Screening, Architectural Signage Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape, screening, and architectural plans first approved on July 22, 2015, 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. Hours of Operation. The hours of operation will be 6:00 a.m. to 9:00 p.m. Monday thru Friday.
3. Off-Street Parking. The proposed 800 square foot daycare facility requires two parking stalls. Three parking stalls are provided in the parking lot. The drop-off and pickup area will be on Becher St. in front of the building.
4. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers.
5. Window Signage. Compliance with West Allis Sign Ordinance.
6. 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.
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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
9. 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.

10. Refuse Collection. To be provided by commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within an approved four-sided enclosure.)

11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

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. 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.

16. 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.

\_\_\_\_\_  
Property owner, Chybowski Properties, LLC

\_\_\_\_\_  
Olena Delarosa, Our Angels

Mailed to applicants on the  
7<sup>th</sup> day of August, 2015

Monica Schultz  
City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services  
Div. of Planning  
ZON-R-1006-8-4-15

ADOPTED AUG 4 2015

APPROVED 8/6/15

Monica Schultz  
Monica Schultz, City Clerk

Dan Devine  
Dan Devine, Mayor



OFFICE OF THE CITY CLERK

**Monica Schultz**  
City Clerk

414/302-8220  
414/302-8207 (Fax)

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

[mschultz@westalliswi.gov](mailto:mschultz@westalliswi.gov)  
[www.westalliswi.gov](http://www.westalliswi.gov)

August 7, 2015

Ms. Olena Delarosa  
Our Angels Child Care  
4520 N. 110 Street  
Milwaukee, WI 53225

[donvier18@gmail.com](mailto:donvier18@gmail.com)

Dear Ms. Delarosa:

On August 4, 2015 the Common Council adopted a Resolution relative to determination of Special Use Permit for Our Angels Child Care, a proposed daycare, to be located at 8303 W. Becher St.

Please sign and return the enclosed copy of Resolution No. R-2015-0174 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Monica Schultz".

Monica Schultz  
City Clerk

/jl

enclosure

cc: Ed Lisinski  
Development  
✓ Chybowski Properties, LLC  
Douglas A. Gallus, Gallus Architects [dgallus@sbcglobal.net](mailto:dgallus@sbcglobal.net)