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CITY OF WEST ALLIS COMMON COUNCIL
2004**

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City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0340

Final Action:

DEC 07 2004

Resolution relative to determination of Special Use Application to establish a vocational school, including administrative offices and a library, within a portion of the proposed Summit Place Two building to be located on the west side of S. 70 St. at 909 S. 70 St. (Tax Key No. 440-0259-008)

WHEREAS, Rudy Borchardt, leasing agent for the Whitnall Summit Co., on behalf of Paul Barilla of Career Education Corporation, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a vocational school, including administrative offices and a library, Sanford Brown College, within a portion of the proposed Summit Place Two Office Building to be located at 909 S. 70 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 7, 2004, 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 applicants, Rudy Borchardt, leasing agent for the Whitnall Summit Co., has an office at 6737 W. Washington St., West Allis, WI 53214, and Paul Barilla, Career Education Corporation, has an office at 2895 Greenspoint Pkwy., Suite 600, Hoffman Estates, IL 60195.
2. The applicant, Paul Barilla, Career Education Corporation, has a valid offer to lease 28,000 square feet of space at 909 S. 70 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 6525, subject to all existing easements.

Said land being located at 909 S. 70 St.

Tax Key No. 440-0259-008

3. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits public and private educational institutions including the following: vocational and/or trade schools; colleges and universities as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a block along the west side of S.70 St. which is zoned for commercial and manufacturing purposes. Properties to the north, east and south are developed as office and manufacturing; properties to the west are developed as commercial and residential.
5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.
6. The applicant proposes to establish a vocational school, including administrative offices and a library, Sanford Brown College. The institution will be developed in phases starting with approximately 3,500 square feet of office and library space. The next two phases will be developed in 2005 and will add approximately 24,500 square feet of additional administrative office and library space within the Summit Place Two Office Building. Sanford Brown College shall be limited to 5,000 square feet of classroom space in the Summit Place Two Office Building.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Rudy Borchardt, leasing agent of the Whitnall Summit Co., and Paul Barilla of Career Education Corporation, to establish a vocational school, including administrative offices and a library, within a portion of the proposed Summit Place Two Office Building 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, and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, and architectural plans approved on November 17, 2004, 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 7:00 a.m. to 10:00 p.m., seven days per week.
3. **Off-Street Parking.** The proposed 28,000 square feet of office space for the vocational school requires 93 parking stalls. A total of approximately 73 parking stalls are provided on site for Summit Place Two office building. Additionally, a total of 2,400 parking spaces are proposed as part of the future build-out and development of the Summit Place Business Park, which includes 320 spaces to be located north of the detention pond specifically for Sanford Brown College. After normal business hours, all Whitnall Summit parking will be available to students.
4. **Signage.** The grant of this special use is subject to all signage plans being submitted to the Plan Commission for approval within one year.

5. 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 the approved structure.

6. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

7. 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.

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.

9. Expiration of Special Use Permit. The grant of this special use shall become null and void within one 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. An extension of these time limitations may be granted by the Common Council in accordance with the following criteria:

A. applicant requesting extension to supply written explanation for extension of time;

B. a timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;

C. the request for extension shall be submitted prior to expiration of the special use permit;

D. the extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date the extension has been granted, the special use shall become null and void.

10. 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.

Mailed to applicants on the
14th day of December, 2004

Monica Schultz

Assistant City Clerk

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

ZON-R-472\jmg\12-7-04

ADOPTED December 7, 2004

Paul M. Ziehler

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED December 9, 2004

Jeannette Bell

Jeannette Bell, Mayor