



City of West Allis

Legislation Details (With Text)

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On agenda: **Final action:** 12/21/2004
Title: Resolution relative to determination of Special Use Application to establish a day care and pre-school facility within a portion of the Mary Queen of Heaven building located at 2360 S. 106 St.
Sponsors:
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Attachments: 1. 2004-0352, 2. R-2004-0352

Date	Ver.	Action By	Action	Result
12/21/2004	1	Common Council		
12/21/2004	1	Common Council	Adopted	Pass
12/21/2004	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application to establish a day care and pre-school facility within a portion of the Mary Queen of Heaven building located at 2360 S. 106 St.

WHEREAS, Tracy Aslin and Corinne Thiesen, All About Learning, Inc., duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.37(3) and Sec. 12.16 of the Revised Municipal Code, to establish a day care and pre-school facility within a portion of the former Mary Queen of Heaven School building located at 2360 S. 106 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 21, 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 applicant, All About Learning, Inc. has offices at 19535 Summerhill Ct., Brookfield, WI 53045.
2. The applicant has a valid offer to lease space within the former Mary Queen of Heaven School at 2360 S. 106 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest ¼ of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Commencing at the Northwest corner of the Northwest ¼ of said Section 8; thence Easterly, 671.14 feet, along north line of said Section 8, to the Point of Beginning; thence continue Easterly, 318.86

feet; thence Southerly, 55.00 feet, to the south right-of-way line of West Lincoln Avenue; thence Westerly, 30.00 feet, along said south line; thence Southerly, 625.00 feet, to the north right-of-way line of West Hayes Avenue; thence Easterly 30.00 feet, along said north line; thence Southerly, 30.00 feet, to the centerline of said West Hayes Avenue; thence Westerly, 318.86 feet, to the centerline of South 106th Street extended; thence Northerly, 30.00 feet, to the north right-of-line of West Hayes Avenue; thence Westerly, 149.67 feet, along said north line; thence Northerly, 320.00 feet; thence Easterly, 84.89 feet; thence Southerly, 130.00 feet; thence Easterly, 65.00 feet, to the centerline of South 106th Street; thence Northerly, 490.00 feet, along said centerline, to the Point of Beginning.

Tax Key Number: 485-0036-002

Said land being located at 2360 S. 106 St.

3. The applicant has proposed to convert approximately 8,400 square feet of space within the former Mary Queen of Heaven School to a day care and pre-school facility. The All About Learning facility will operate with approximately 10 staff members for 75 school children at one time. This special use also includes the operation of the Mary Queen of Heaven Church, the owner of the property, which has been in operation without a Special Use for approximately the past 40 years.
4. The aforesaid premises is zoned RC-1 Residence District under the zoning ordinance of the City of West Allis, which permits churches, pre-schools and day care facilities as a special use, pursuant to Sec. 12.37 (3) and 12.16 of the Revised Municipal code.
5. The subject property is part of an area on the south side of W. Lincoln Ave., along the east, west and south (dead-end) sides of S. 106 St. Properties to the north and west are developed as single and multi-family residences. Properties to the south and east are developed as commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Tracy Aslin and Corinne Thiesen, All About Learning, Inc., to establish a portion of the former Mary Queen of Heaven School building with a day care and pre-school facility, 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 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, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on December 8, 2004, 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 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.
3. Parking. Off-street parking spaces for 214 vehicles, including 7 ADA spaces will be provided on site. The Zoning Code requires 214 spaces.

4. Hours of Operation. The day care and pre-school facility will be open daily, up to 24 hours per day. The church will conduct services regularly on Saturdays, Sundays, holidays and as needed. The church and school will also host meetings as necessary, 7 days per week, and religious education classes.
5. Licensing Agreements. The special use is conditioned upon a License Agreement by and between the City of West Allis and the applicants being executed to provide for parking within the City's right of way (S. 106 St. dead end area).
6. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
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. 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. (All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building.)
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 (if any), abutting sidewalk.

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.

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 applicants' failure to obtain other necessary building and zoning approvals.

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 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
_____ day of _____, 2004

Assistant City Clerk

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

ZON-R-476\12-21-04\bjb