



City of West Allis

Legislation Details (With Text)

File #: R-2005-0084 **Version:** 1
Type: Resolution **Status:** Adopted
File created: 3/1/2005 **In control:** Safety and Development Committee (INACTIVE)
On agenda: 3/1/2005 **Final action:** 3/1/2005
Title: Resolution relative to determination of Special Use Application for proposed classroom and gymnasium building addition to Heritage Christian School located at 1300 S. 109 St. (Tax Key No. 445-0715-002)

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-2005-0084 Packet Doc

Date	Ver.	Action By	Action	Result
3/1/2005	1	Common Council		
3/1/2005	1	Common Council	Adopted	Pass
3/1/2005	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application for proposed classroom and gymnasium building addition to Heritage Christian School located at 1300 S. 109 St. (Tax Key No. 445-0715-002)

WHEREAS, Tom Whittkamper, on behalf of Heritage Christian School, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.31(3) and Sec. 12.16 of the Revised Municipal Code, to construct at the existing Heritage Christian School, 1300 S. 109 St., a 38,149 square foot, two-story building addition to contain new classrooms, a gymnasium, locker rooms, storage and a new main office; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 1, 2005, at 7:00 p.m., and 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, Tom Whittkamper, on behalf of Heritage Christian School, has offices at 1300 S. 109 St., West Allis, WI 53214
2. Heritage Christian School owns the property located at 1300 S. 109 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner located in the Southeast $\frac{1}{4}$ of Section 31, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, describes as follows:

Beginning on the northwest corner of Lot 1 in Block 2 in the Assessors Plat No.64; thence Easterly, 240.00 feet, along south right-of-way line of West Washington Street; thence Southerly, 106.97 feet; thence Westerly, 106.50 feet; thence Southerly, 106.00 feet; thence Easterly, 105.00 feet; thence Southerly, 456.00 feet; thence Southeasterly, 139.93 feet; thence Westerly, 251.16 feet, to the east right-of-way line of the South 109th Street; thence Northerly, 808.32 feet, along said east line to the Point of Beginning.

TAX KEY NO.: 445-0715-002

Said land being located at 1300 S. 109 St.

3. The applicant is proposing to construct at the existing Heritage Christian School a 38,149 square foot, two-story building addition to contain new classrooms, a gymnasium, locker rooms, storage and a new main office.
4. The aforesaid premises is zoned RA-3 Residence District under the Zoning Ordinance of the City of West Allis, which permits schools as a special use, pursuant to Sec. 12.31(3) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of an area extending along the west side of S. 108 St. between W. Greenfield Ave. and W. Washington St. which is zoned for commercial purposes. Properties to the north, south and east are developed for commercial uses. Properties to the west are developed for residential purposes.
6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Tom Whittkamper, on behalf of Heritage Christian School, to construct an addition 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, architectural elevation and signage plans, approved on January 22, 2005, 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. Signage and Lighting Plans. The grant of this special use is subject to all signage and lighting plans being submitted to the Plan Commission for approval.
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. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to the Department of Building Inspection for approval.

5. 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 any damaged, abutting sidewalk.
6. Hours of Operation. School hours are from approximately 6:00 a.m. to 5:00 p.m. There will be special events on certain designated evenings as well. The gymnasium will be utilized evenings and weekends as needed.
7. Off-Street Parking. Off-street parking will be available for 174 vehicles, including 6 ADA stalls. A total of 90 parking stalls are required for daytime school use and 176 parking stalls are required for the use of the two gymnasiums.
8. Enrollment Cap. Currently the enrollment cap is 1,000 students. With the addition, the enrollment cap shall not exceed 1,325 students.
9. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved structure.
10. Refuse Collection. Refuse collection to be provided by commercial hauler.
11. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
12. 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 without Plan Commission approval.
13. Signage. Banners, flags, free-standing signs used for advertising shall not be permitted without the approval of the Common Council.
14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures shall be utilized on site.
15. 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.

16. 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 applicant on the
9th day of March, 2005

/s/ Monica Schultz
Assistant City Clerk

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

ZON-R-493\jmg\3-1-05