



City of West Allis

Legislation Text

File #: R-2019-0257, **Version:** 1

Resolution relative to determination of Special Use Permit for West Allis-West Milwaukee Community Recreation Center for a Gymnasium and Recreation facility to be constructed onto the existing building at 2450 S. 68 St.

WHEREAS, Michele Strasser, on behalf of the West Allis-West Milwaukee Recreation Department, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.48(3) and Sec. 12.16 of the Revised Municipal Code, for a gymnasium and community Recreation facility inclusive of a gymnasium, educations classes, recreational programming, offices and social facilities located at 2450 S. 68 St., and,

WHEREAS, after due notice, a Public Hearing was held by the Common Council on May 7, 2019, 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, Michele Strasser, on behalf of the West Allis-West Milwaukee Recreation Department, has offices at 1205 S. 70 St., West Allis, WI 53214.
2. The West Allis-West Milwaukee School District currently owns the property located at 2450 S. 68 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northeast $\frac{1}{4}$ of Section 10, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as:

Lot 6 in the Block 7 of the Assessors Plat No. 266 and the entire Block 7 of the Hinkley Homes Subdivision, including adjacent vacated alley.

TAX KEY NO.: 489-0088-001

Said land being located at 2450 S. 68 St.

3. The West Allis-West Milwaukee Recreation and Community Services Department is remodeling the existing structure at 2450 S. 68th St. and adding on to the east. The new center helps to address and remediate the immediate need to repair the expansive property retaining wall, relocate all Recreation and Community Services administrative offices and registration operations, and provide program space for existing programs due to the loss of lease space at other properties, adds additional program space to best meet the needs of the West Allis and West Milwaukee communities and brings more functionality and aesthetic appeal to the current structure.

The center will be used to house our Spin Cycling classes, adult and youth exercise classes, pre-school programs, youth and adult enrichment programs, gym activities (youth sports, open play, fitness classes, etc.) and there will be an indoor walking track that will be open to the residents of the community for a nominal fee. The center will continue to house the Survive Alive Fire Safety program in conjunction with the West Allis Fire Department and the KIP Teen Replica Room in partnership with the WAWM Heroin/Opioid Task Force. There will be a large multi-purpose room that can host staff trainings, social groups such as the West Allis Retirees, special events, and other classes and meetings.

The applicant anticipates renting spaces when available in accordance with school district board policies similar to current practices. Revenue from occasional rentals will be used to help offset the cost of center operations.

4. The aforesaid premises is zoned P-1 Park District under the Zoning Ordinance of the City of West Allis, which permits community recreation facilities including gymnasiums and public, private and parochial schools as a Special Use,

pursuant to Sec. 12.48(3) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a predominantly residential neighborhood surrounded by W. Arthur Ave. to the south, S. 68 St. to the west, W. Hayes Ave. to the north and S. 67 to the east. The adjacent area is zoned and utilized for residential purposes.

6. The proposed development, as conditioned, 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 Michele Strasser, on behalf of the West Allis-West Milwaukee Recreation Department, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.48(3) and Sec. 12.16 of the Revised Municipal Code, for a gymnasium and community recreation facility including a gymnasium and public, private and parochial schools and social facility, located at 2450 S. 68 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, and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscaping and architectural plans approved at the April 24, 2019 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. Building Plans, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department. Occupant capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments. Any applicable licenses shall be applied for as required by law.
3. Hours of Operation. For the purposes of this special use hours are from 6:00 a.m. to 10:00 p.m.
4. Off-Street Parking. 86 parking spaces will be provided on site (off-street). 138 parking spaces are required on site.

With the grant of this special use the Common Council accepts the total number of off-street parking spaces on site in accordance with 12.16(19) of the Revised Municipal Code.

In granting any special use, the Common Council shall have the authority to change the minimum or maximum requirements specified for such uses in the respective Zoning Districts and shall establish such regulations and impose such conditions and restrictions on the use as are reasonably necessary to secure compliance with the standards set forth in this section and subchapter. Rationale for supporting the reduction in off-street parking:

- a. If needed, there is available green space on site to accommodate additional off-street parking to satisfy the parking requirement. The overall property is 4.5 acres; and,
- b. Preservation of open park-like greenspace space on site for the benefit of the surrounding neighborhood; and,
- c. Providing the required number of parking stalls would significantly reduce greenspace and create a separation between the building and the recreational open space (including playground facilities) on the north end of the property; and,
- d. Various classes and groups using the facility typically meet at differing times of the day. The current recreational building on site operates with 40 parking stalls. The proposed project will increase the amount of off-street parking to 86 off-street parking spaces; and,
- e. No tournaments or spectated events are intended within the gym. Bleachers not included in gym; and,
- f. If, in rare cases, there is a large event that requires more parking, there is ample street parking in the neighborhood that is lightly used by the residents of the area.

5. 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.
6. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. Refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.
7. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
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 without Plan Commission approval.
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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
11. Noxious Odors, Etc. The restaurant shall not emit foul, offensive, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
12. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
13. 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.
14. 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.

15. 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.

16. 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.

17. Acknowledgement. That the applicant signs 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.

West Allis-West Milwaukee School District

Mailed to applicant on the
_____ day of _____, 2019

City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Neighborhood Services
Div. of Planning

ZON-R-1180-5-7-19