



# City of West Allis

## Legislation Text

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**File #:** R-2017-0110, **Version:** 1

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Resolution relative to the determination of Special Use Permit for Joycie's Angels, a proposed child daycare and education center, to be located at 3117 S. 108 St.

WHEREAS, Tawan J. Bowling, d/b/a Joycie's Angels, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to establish a child daycare facility and education center for Joycie's Angels at 3117 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 2, 2017, 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, Tawan J. Bowling, d/b/a Joycie's Angels, has an office at 814 N. 26 St., Milwaukee, WI 53233.
2. The property is owned by the Mazel Company, which has offices at 735 N. Water St., Room 1200, Milwaukee, WI 53202.
3. Joycie's Angels will lease the approximate 9,200 sq. ft. building at 3117 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast  $\frac{1}{4}$  Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the Northeast corner of Parcel 2, Certified Survey Map No. 4558 and West right-of-way line of South 108<sup>th</sup> Street; thence Westerly, 144.30 feet; thence Northerly, 130.11 feet; thence Easterly, 144.30 feet, to the said West right-of-way line of South 108<sup>th</sup> Street; thence Southerly, 130.11 feet, along the said West line to the Point of Beginning.

Tax Key No. 523-9997-000

Said land being located at 3117 S. 108 St.

4. The applicant is proposing to establish a child daycare facility with outdoor play area on site. The primary focus of the daycare facility will be to provide care for up to about 50 children, ages 6 weeks to 13 years old. The applicant is also proposing to operate an instructional facility for adults to be called Joycie's Angels Learning Center (JALC), which will provide workforce and professional development, and health and safety training.
5. The existing approximate 9,200 sq. ft. building will be occupied by a daycare facility and education

center. 6,868 sq. ft. of the building will be utilized for the daycare facility and education center, and 2,298 sq. ft. of basement space will be utilized for storage.

6. The aforesaid premise is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits daycare facilities and instructional facilities as a Special Use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

7. The subject property is part of an area along the Hwy 100 corridor that is developed for commercial uses. Properties to the north, south, east and west are all zoned and utilized as commercial uses.

8. 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 Tawan J. Bowling, d/b/a Joycie's Angels, to establish a daycare facility and education center and within the existing commercial building at 3117 S. 108 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 and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site, Landscaping, Screening and Architectural Plans approved on April 26, 2017, 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 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 Neighborhood Services and by the Fire Department.

3. Hours of Operation. The hours of operation for the daycare facility will be 6:00 a.m. to Midnight, seven days a week. The education center will have more limited hours, initially proposed between 9:00 am to 2:00 pm, also seven days a week.

The grant of this Special Use will allow either operation to function from 6:00 am to Midnight, seven days a week.

4. Off-Street Parking. The proposed daycare facility and education center requires 18 parking stalls. About 22 off-street parking stalls are expected to be provided on site. The drop-off and pickup area will be located within the northwest area of the parking lot, near the main entrance.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed.

6. 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.

7. 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.
8. 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.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All 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.
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.

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Bruce Taylor, Mazel Company, property owner

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Tawan J. Bowling, d/b/a Joycie's Angels

Mailed to applicants on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2017

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City Clerk

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

ZON-R-1086-5-2-17