



City of West Allis

Legislation Text

File #: R-2012-0151, **Version:** 1

Resolution relative to Special Use Permit for Uplift Multimedia Technologies, Inc. to establish a training school within the existing commercial office building located at 8530-8556 W. National Ave.

WHEREAS, Scott Woeckener, President of Uplift Multimedia Technologies, Inc., duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.41(2) and Sec. 12.45(2) of the Revised Municipal Code, to establish a training school with office/administration and classroom facilities within approximately 3,500 SF of the existing (Clark Oil) Building located at 8530-8556 W. National Ave.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on August 7, 2012, 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, Scott Woeckener, President of Uplift Multimedia Technologies, Inc., has offices at 8544 W. National Ave., West Allis, Wisconsin 53227.
2. The applicant leases a portion of the subject property at 8530-8556 W. National Ave., 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 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the Southwest corner of Parcel 1, Certified Survey Map 5161; thence Southwesterly, 24.60 feet along the North right-of-way line of West National Avenue; thence Southeasterly, 3.00 feet; thence Southwesterly, 455.86 feet; thence Southwesterly, 101.47 feet; thence Northwesterly, 35.41 feet; thence Northerly, 64.08 feet; thence Northwesterly, 53.00 feet; thence Northerly, 184.57 feet; thence Easterly, 195.88 feet; thence Northerly, 86.22 feet to the South line of the Chicago and Northwestern Transportation Company; thence Easterly, 366.51 feet along the said South line to the Northwest corner of the said Parcel 1; thence Southerly, 154.17 feet to the Point of Beginning.

Tax Key Number: 478-9998-003

3. The overall existing building is approximately 50,000 SF and built in 1934. Uplift Multimedia Technologies, Inc. is proposing to locate their administrative offices and training school operations for a future accredited Job Creation School within initially about 3,500 SF of the Clark Oil Building at 8530-8556 W. National Ave. Uplift is in the process of becoming the state's first "hands on" high tech digital multi-media approved entrepreneurial school through the Wisconsin Educational Approval Board.

The proposed operation will staff 8 people (4 educators, and 4 office/support staff). Total number of students on

site at one time is proposed to be 32 persons (ages 16-28).

The teaching staff will have Bachelors and/or Master degrees and "real world" working experience in the specific training module.

Uplift Multimedia Technologies will use a unique 90-day "Boot Camp" style of learning focusing on specific job creation. The school will offer and maintain in the beginning a total of four (4) specific modules relative to today's community and small business's needs.

Eight students will be allowed per module for a total of up to 32 students at one time on site. Each module will consist of (3) main steps toward completion as follows: Community, Small Business and Private Pay projects. The progression will be as follows:

First 30 days...overview of module, equipment, software, tutorials and hands on.

Second 30 days...tutorials, hands on, customer projects and developing future client base

Third 30 days...hands on, in the field, face to face projects and entrepreneurial development

4. The aforesaid premises is split zoned C-2/Neighborhood Commercial and M-1/Manufacturing under the zoning ordinance of the City of West Allis. Both public and private educational and training uses are permitted as a special use pursuant to Sec. 12.41(2) and Sec. 12.45(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities and is also served by public transportation (Milwaukee County Transit System)

6. The subject property is part of an area along the north side of W. National Ave., between S. 84 St. and S. 86 St. which is zoned for commercial purposes. Properties to the east are developed as commercial, properties to the north are utilized as Rail Road Right-of-Way, properties to the south are utilized as Park and School/Institutional and properties to the west are light industrial/manufacturing and commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Scott Woeckener, President of Uplift Multimedia Technologies, Inc. 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 and Section 12.45 (2) 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 Screening, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and screening, and architectural plans approved July 25, 2012 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 Zoning and by the Fire Department.

3. Hours of Operation. Hours of operation for the training use are as follows: Weekdays from 8:00 a.m. to 9:00 p.m. and Saturday from 8:00 a.m. to 3 p.m. Faculty, maintenance and support personnel are on campus prior to and after normal school hours for opening/closing support activities.
4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.
5. Lighting. The grant of this special use is subject to all lightning fixtures being full-cut off and orientated and/or shielded in such a manner that no light splays from the property boundaries.
6. Parking. Total provided parking is 132 parking stalls and 75 parking spaces are required for the overall property use.
7. Enrollment Cap. There will be an Enrollment Cap set at 40 students as a condition of this special use. Any projected increase exceeding will require Common Council reconsideration of the special use.
8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
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 and/or compactor.
10. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor.
11. 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.
12. 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, abutting sidewalk.
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 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.

Scott Woeckener, President of Uplift Multimedia Technologies, Inc

Mailed to applicant on the
____ day of _____, 2012

Assistant City Clerk

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

ZON-R-877-8-7-12-bjb