



# City of West Allis

## Legislation Text

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**File #:** R-2010-0198, **Version:** 1

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Resolution relative to determination of Special Use Permit to establish an educational institution for independent living within the existing facilities of Holy Trinity Lutheran Church located at 11709 W. Cleveland Ave.

WHEREAS, Robert C. Johnson on behalf of Holy Trinity Lutheran Church, the property owner, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.31(3) of the Revised Municipal Code, to establish a satellite educational facility of the Milwaukee Center For Independence within a portion of the property located at 11709 and 11815 W. Cleveland Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 7, 2010, 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, Robert C. Johnson on behalf of Holy Trinity Lutheran Church, resides at 15200 Lynwood Ct., New Berlin, WI 53151.

The tenant, Milwaukee Center for Independence has offices at 2020 W. Wells St., Milwaukee Wisconsin 53233.

2. The applicant, Robert C. Johnson, is acting on behalf of Holy Trinity Lutheran Church located at 11709 and 11815 W. Cleveland 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 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 7969.

Tax Key Numbers: 521-9999-003

3. The Milwaukee Center for Independence is proposing to lease approximately 8,800 sq. ft. of the existing ancillary space of the Holy Trinity Lutheran Church.

The Milwaukee Center for Independence is proposing to expand their existing educational services through the opening of this satellite facility located at 11709 and 11815 W. Cleveland Ave.

The proposal includes educational facilities for predominantly post-high school students with developmental, cognitive, social and physical disabilities. Concurrently enrolled high school students will also be educated on site as a supplement to their high school curriculum.

The Milwaukee Center for Independence will be occupying approximately 8,800 sq. ft. of space within the western wing of the church facility, which maintains offices, classrooms and service rooms.

Daily parking demand is anticipated to be minimal, as students will be transported to and from school via arranged transportation. Peak travel times are expected between 7:30 a.m. - 8:30 a.m. for drop off and 3:15 p.m. - 4:15 p.m. for

pick-up. Vans, smaller buses and existing transit services are expected to provide a majority of these services. The Milwaukee Center for Independence will not be providing bussing services.

Initial plans indicate an on-site student population of 25, with long-term plans to serve a maximum of 50 students on site at a time. These figures are based on a larger total population of students, due to the part-time nature of some classes. The student to instructor ratio will be approximately 8 to 12 students per instructor.

4. The aforesaid premise is zoned RA-1 Residential District under the zoning ordinance of the City of West Allis. Both public and private educational facilities are permitted as a special use pursuant to Sec. 12.31(3) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities and the Milwaukee County Transit System.

6. The subject property is surrounded by properties, which are zoned for residential purposes. Properties to the south, west and northwest are developed as single-family homes. Property to the northeast is occupied by Nathan Hale High School for athletic fields and property to the east is developed as a senior living complex.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Robert C. Johnson on behalf of Holy Trinity Lutheran Church, 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 12.31(3) 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 August 25, 2010 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. The Milwaukee Center for Independence educational hours of operation will be Monday through Friday from 7:30 a.m. to 4:30 p.m. with occasional weekend/Saturday events, and closed on Sunday. Faculty, maintenance and support personnel may be on campus prior to and after normal school hours for opening/closing support activities. Special events are also occasionally held outside of normal operating hours.

4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

5. Outdoor Lighting. The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

6. Parking. The parking requirement for the existing church use and proposed educational facility use is for 109 parking stalls further explained as follows:

Church use: 9,154 square feet @ 1/100 = 92 parking stall requirement.

Educational facility use: nine (9) classrooms and 2,260 sq. ft. of support area @1/300 = 17 parking stall requirement.

A total of 175 parking stalls will be provided on the property.

7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. Litter and Monitoring. 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 as approved by the Plan Commission within an approved structure and/or compactor.
9. Refuse Collection. Refuse collection to be provided by commercial hauler.
10. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious, or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
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. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
13. 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.
14. Outdoor Storage and Display. No other outdoor storage, sales, or display of merchandise shall be permitted on site, unless noted on site plan and screened from view.
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.

17. 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.

18. 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, the special use may be terminated.

19. 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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Robert C. Johnson, on behalf of Holy Trinity Lutheran Church

Mailed to applicant on the  
\_\_\_\_ day of \_\_\_\_\_, 2010

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Assistant City Clerk

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

ZON-R-782-9-7-10