



# City of West Allis

## Legislation Text

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**File #:** R-2013-0281, **Version:** 1

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Resolution relative to determination of Special Use Permit to expand the business operating hours for Just Like Mommy CCC, a Child Daycare facility located at 7330 W. Lincoln Ave.

WHEREAS, Tangie Cokes d/b/a Just Like Mommy C.C.C. (Children's Care Center) a children's daycare facility, 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) of the Revised Municipal Code, to amend and expand the existing daycare facilities hours of operation within the existing commercial building located at 7330 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 17, 2013, 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, Tangie Cokes d/b/a Just Like Mommy C.C.C. (Children's Care Center) a children's daycare facility, has an existing daycare business that she is relocating to West Allis. The existing building at 7330 W. Lincoln Ave. was formerly a daycare facility approved under R-2003-0379 in December of 2003, which operated from 6:00 a.m. to 6:00 p.m. and 7 days per week. The applicant has requested expanded hours of operation to accommodate both first and second shift clients. The requested hours of operation are Monday through Friday, 5:30 a.m. to 11:30 p.m. and closed weekends.

The age range of the children at the daycare center will be infant/toddler to 12 years old. The tenant is applying for licensing that would allow for the care of 72 children. The indicated number of staff is 10 for the 1<sup>st</sup> shift, from 5:30 AM - 3:00 PM. The second shift, from 3:00 PM - 11:30 PM, will require 7 staff. The property is zoned C-2 Neighborhood Commercial District, which permits day care facilities as a Special Use.

2. The applicant has a valid offer to lease the space at 7330 W. Lincoln 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 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 19 thru 22, all being part of the Agnew's Highland Acres Subdivision, Block 13.

Tax Key Number: 476-0601-002

Said land being located at 7330 W. Lincoln Ave.

3. The property is under an approved site plan from 2003 for a previous daycare center. There are no proposals for alterations to the exterior of the building. The proposed site plans indicate additional landscaping

along the western edge and southwest corner of the property.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District, which permits daycare facilities as a special use pursuant to Sec. 12.41(2), and Sec. 12.16 of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.

6. The subject property is located on the north side of W. Lincoln Ave. between S. 73 St. and S. 74 St. which is zoned for commercial purposes. Properties to the north, south, west and east are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Tangie Cokes d/b/a Just Like Mommy C.C.C. (Children's Care Center) a children's daycare facility, 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 Section 12.16 Section 12.41(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, plans approved December 4, 2013 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. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

4. Hours of Operation. Monday through Friday, 5:30 a.m. to 11:30 p.m. and closed weekends.

5. Parking. Eight parking stalls are provided on site, including one ADA compliant parking stall. The use requires twenty-six parking stalls, per code requirements. Common Council has the authority to accept revised parking provisions as a condition of the Special Use Permit.

With the approval and signed execution of this Resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

6. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

7. 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.

8. 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.
9. 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.
10. 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.
11. Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
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, the special use may be terminated.

16. Acknowledgement. That the applicants and property owner sign an acknowledgment that they have received these terms and conditions and will abide by them. The undersigned applicants and property owner agree 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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Tangie Cokes d/b/a Just Like Mommy C.C.C.

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Property owner

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2013

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Assistant City Clerk

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

ZON-R-943-12-17-13-bjb