



City of West Allis

Legislation Text

File #: R-2010-0156, **Version:** 1

Resolution relative to determination of Special Use Permit to establish the WA/WM School District Learning Center for an alternative school, classrooms and administrative facilities to be located at 1135-39 S. 70 St.

WHEREAS, Kyle Harmon on behalf of WAWI Development, LLC, 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. 12.42(2) of the Revised Municipal Code, to establish the WA/WM School District Learning Center for an alternative school, classrooms and administrative facilities within a portion of the property located at 1135-39 S. 70 St. and 9** S. 70 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 6, 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 owner/applicant, Kyle Harmon on behalf of WAWI Development, LLC, has offices at 6737 W. Washington St., West Allis, Wisconsin 53214.

The tenant/applicant, WA/WM School District, has offices at 9333 W. Lincoln Ave., West Allis, Wisconsin 53227.

2. The applicant, WAWI Development, LLC, is the owner of the subject property at 1135-39 S. 70 St. and 9** S. 70 St., 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 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 32, 33, 34 and parts of Lots 31 and 35, more particularly described as follows:

Commencing at the Southeast corner of Lot 31; thence Northerly, 13.13 feet, along West right-of-way line of South 70th Street, to the Point of Beginning; thence Westerly, 120.00 feet, to the East edge of public alley; thence Northerly, 133.74 feet along said East edge; thence Easterly, 84.05 feet; thence Southerly, 2.85 feet; thence Easterly, 35.90 feet to the West right-of-way line of South 70th Street; thence Southerly, 130.95 feet, along said West line to the Point of Beginning.

Tax Key Numbers: 440-0257-002 1135-1139 S. 70 St. (Building)
440-0259-002 9** S. 70 St. (Parking Lot)

3. The WA/WM School District is proposing to lease a portion of the existing office building on S. 70 St. with intent to purchase the property.

The WA/WM School District is proposing to consolidate an expanded alternative school and bring all programs

together within one facility located at 1135-39 S. 70 St.

The proposal includes the district pursuing 2 public school charters. One charter will focus upon the alternative school structure for grades 6th - 12th students and the other charter for an online and virtual school format for 4K-12th grade students.

- Lakeland College is currently occupying the entire first floor and nearly the entire 2nd floor of the building, totaling 20,679 square feet.

- WA/WM School District Alternative School will be occupying all of the remaining vacancy in the building including a small space on the 2nd floor and whole floors on 3, 4 and 5 totaling approximately 22,837 square feet.

- The WA/WM School District Alternative School, Monday through Friday daily parking demand is anticipated to be 30 to 50 cars total. Some weekend activities may be planned but requiring minimal parking.

- A student and faculty population of 50 to 100 per floor on floors 3, 4, and 5 with a minimal amount of students in the 1,918 square foot 2nd floor space is planned.

- School Buses are not planned for this location. There may be some special events requiring buses and if so, those buses would be parked in the 70th St. parking lot.

- WA/WM Lakeland College classes are conducted primarily at night and on Saturdays.

The property was purchased by WAWI Development, LLC. ("WAWI") in 2009. The landlord currently leases space to Lakeland College and will also be leasing space to WA/WM School District. The School District plans to eventually acquire the property. Expected occupancy is this fall.

4. The aforesaid premises are zoned C-3 Commercial 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. 12.42 (2) 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 part of an area along the west side of S. 70 St., between W. Washington St. and

W. Madison St. which is zoned for commercial purposes. Properties to the west, east, north and south are developed as commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicants, WAWI Development, LLC and the WA/WM School District, 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 12.42 (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 June 23, 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. Lakeland College educational hours of operation currently are Monday through Friday from 8:00 a.m. to 9:00 p.m. and 8:00 a.m. to Noon on Saturday, and closed on Sunday. WA/WM School District educational hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m., occasional weekend/Saturday events, and closed on Sunday. Faculty, maintenance and support personnel are 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 Lakeland College and proposed WA/WM School District use is for 144 parking stalls further explained as follows:

Lakeland College use 20,679 square feet @ 1/300 = 68 parking stall requirement.

WA/WM School District use 22,837 square feet @ 1/300 = 76 parking stall requirement.

A total of 127 parking stalls will be provided on the property owned and under the control of the owner, WAWI Development, LLC at 9** S. 70 St. (Tax Key No. 440-0259-002).

The Common Council has the authority to modify the parking requirement in accordance with the special use. The following rationale may also be used to support the Common Council's decision to accept the parking deficiency:

- A. The S. 70 St. corridor is part of an urban downtown neighborhood that is served/has access to public

transportation (Milwaukee County Transit System) and the subject property and proposed use are located on the public transit route.

- B. The WA/WM School District classes are daytime uses and the majority of demand for Lakeland College classes are conducted primarily at night and Saturdays and not in conflict with the WA/WM School District uses.
- C. The WA/WM School District Monday through Friday daily parking demand is anticipated to be 30 to 50 cars total. Some weekend activities may be planned but requiring minimal parking.
- D. Street Parking is available within S. 70 St. and W. Washington St.
- E. Twenty-two (22) municipal parking spaces are located within 800 feet of the subject property.
- F. Bicycle accommodations (bike parking spaces) are proposed as part of the special use.
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. 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.

15. 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.

16. 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.

17. 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.

18. 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.

Agent for WAWI Development, LLC

Mailed to applicant on the
____ day of _____, 2010

Assistant City Clerk

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

ZON-R-771/bjb/7-6-10