



City of West Allis

Legislation Text

File #: R-2012-0172, **Version:** 1

Resolution relative to Special Use Permit for Easter Seals administrative headquarters, adult day care services, and occupational and physical therapy services to be located at 2222 S. 114 St.

WHEREAS, Guy Bretl, on behalf of Easter Seals Southeast Wisconsin, Inc., duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.45(2) of the Revised Municipal Code, to establish adult daycare services and children's occupational and physical therapy/training services with office/administration and classroom facilities within the former CU Fleet vehicle dealership building located at 2222 S. 114 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 4, 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, Guy Bretl, on behalf of Easter Seals Southeast Wisconsin, Inc., has offices at 1016 Milwaukee Ave. South Milwaukee, WI 53172.
2. The applicant Easter Seals Southeast Wisconsin, Inc. has contracted to purchase the property located at 2222 S. 114th Street, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lot 3 of the Certified Survey Map No. 6146.

Tax Key Number: 481-9991-013

Said land is located at 2222 S. 114 St.

3. The overall existing building is approximately 27,000 SF and built in 1998. Easter Seals special use application has identified the following uses for the proposed location:

Administrative Headquarters: This location will house the CEO, Senior Program Staff members, finance department and administrative staff. The total number of staff will be approximately 60-70. Many staff members at this location will visit their clients in homes throughout Milwaukee County and spend relatively little time in the office. The autism service for young children is a good example of services that are provided in the family's home.

Adult Day Services: This service helps adults with disabilities to learn activities of daily living and social skills. These attendees will be brought to and from the facility via a private transit company. Drop off and pick up will

take place in the east parking lot per the approved plan.

Birth to 3 Children's Services: This service provides Speech, Occupational and Physical Therapies for children 0 to 3 years old during regular business hours. On the average, there will be no more than 25 children, 2 to 3 afternoons each week.

4. The aforesaid premises is split zoned M-1/Manufacturing under the zoning ordinance of the City of West Allis. Both day care centers and senior day care centers licensed under the provisions of the Wisconsin Statutes are permitted as special uses. Training uses are also permitted as a special use pursuant to 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. Lincoln Ave., between S. 116 St. and S. 109 St. which is zoned for manufacturing purposes. Properties to the north, south, east and west are developed as commercial and light manufacturing uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Guy Bretl, of Easter Seals Southeast Wisconsin, Inc., be, and is hereby granted a special use 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 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 August 22, 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. Business Operations. The operations for the use are as follows:
 - a. Administrative Headquarters - Regular operation is from 7:30 a.m. to 6:00 p.m., Monday through Friday, but may have various events in the evenings and on weekends. Many staff members at this location will visit their clients in homes throughout Milwaukee County and spend relatively little time in the office.
 - b. Adult Day Services - This service helps adults with disabilities to learn activities of daily living and social skills. The hours of this program are from 7:30 a.m. to 6:00 p.m., Monday through Friday and the average attendance will be 30 individuals. These attendees will be brought to and from the facility via a private transit company. Drop off and pick up will take place in the east parking lot

only.

- c. Birth to 3 Children's Services - This service provides Speech, Occupational and Physical Therapies for children 0 to 3 years old during our regular business hours. On the average, there will be no more than 25 children, 2 to 3 afternoons each week.
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 downward and/or shielded in such a manner that no light splays from the property boundaries.
6. Parking. Total provided parking required is for 69 parking stalls and the site provides 89 parking spaces on site.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

Applicant, Easter Seals Southeast Wisconsin, 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-884-9-4-12/bjb