



# City of West Allis

## Legislation Text

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**File #:** R-2018-0707, **Version:** 1

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Resolution relative to determination of Special Use Permit for a proposed daycare within an existing church property, City of Faith Church, located at 6420 W. Mitchell St.

WHEREAS, Michael Cokes of City of Faith Church, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.36(3) and Sec. 12.16 of the Revised Municipal Code, to establish a day care facility located at 6420 W. Mitchell St.; and,

WHEREAS, after due notice, a Public Hearing was held by the Common Council on November 5, 2018, 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, City of Faith Church, is seeking to utilize 3 existing classrooms on the main level of the building for a child care center located at 6420 W. Mitchell St.
2. City of Faith Church has purchased the building at 6420 W. Mitchell St. and the existing parsonage home located on the same parcel at 1642 S. 65<sup>th</sup> St.

All the land of the owner being located in the Northeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 2 of the Certified Survey Map No. 3415.

Tax Key No. 454-0262-004

3. The applicant is proposing to establish a day care facility within an existing church building located at 6420 W. Mitchell St.
4. The aforesaid premises is zoned RB-2 Residence District, under the Zoning Ordinance of the City of West Allis, which permits day care facilities as a Special Use, pursuant to Sec. 12.36(3) and Sec. 12.16 of the Revised Municipal Code.
5. Properties to the north are zoned and developed for low density residential uses. Properties to the east and west are zoned low density residential and commercial, but developed as low density residential. Properties to the south are zoned commercial and developed as low density residential.
6. The proposed development, as conditioned, should not adversely contribute to traffic volumes or traffic flow in the area as the property has previously been used as a church and school use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the

application of Michael Cokes, on behalf of City of Faith Church, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.36(3) and Sec. 12.16 of the Revised Municipal Code, to establish a day care facility within a portion of the existing church building at 6420 W. Mitchell St., 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 Secs. 12.16 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 Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscaping and architectural plans approved October 24, 2018 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, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department. Any applicable licenses shall be applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments.
3. Hours and Operations. The grant of this special use is subject to the following operational limits for City of Faith daycare facility:
  - A. Child care use: The City of Faith Church child care use shall have allowable hours of operation from 5:30 a.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. Saturday.
  - B. Staff hours: City of Faith Church staff are typically on site before and after student classes and child care use.
  - C. Enrollment: Applicant has indicated an enrollment of up to 50 children ranging in age from 3-12 years old.
  - D. Staffing: The center is looking to employ 5-7 full and part time employees.
4. Off-Street Parking. The daycare will share parking with the existing church parking lot which has 65 stalls, the daycare use requires 8 stalls.
5. 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.
6. Refuse Collection and Deliveries. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within, a four-sided enclosure or as approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Delivery operations and refuse pick up shall only be permitted during daytime hours.
7. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.

8. 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 without Plan Commission approval.

9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures shall be utilized on site.

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

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 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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Michael Cokes, City of Faith Church, owner

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2018

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City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services  
Div. of Planning

ZON-R-1156-11-5-18