



City of West Allis

Legislation Text

File #: R-2009-0122, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed internal expansion of West Allis Children's Center, an existing day care facility located within the office building at 1126 S. 70 St. (Tax Key No. 439-0001-026)

WHEREAS, Sheri Pape d/b/a West Allis Children's Center daycare facility, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.45(2) and Sec. 12.61 of the Revised Municipal Code, expand the existing daycare facility within the multi-tenant office center located at 1126 S. 70 St.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on May 5, 2009, 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, Sheri Pape d/b/a West Allis Children's Center daycare facility, has an existing daycare businesses established/approved under Resolution No. R-2007-0234 adopted September 2007. The proposed new special use is for an expansion of space to accommodate additional children under the age of 2 years old within the same building, but detached from the existing daycare tenant space.

2. The applicant has a valid offer to lease the additional office space at 1126 S. 70 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Southeast $\frac{1}{4}$ and 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:

Parcel 3 of the Certified Survey Map No. 6388.

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3. The West Allis Children's Center daycare facility located in 107B leases approximately 23,000 sq. ft. for the existing daycare facility within the West Allis office center and is proposing to lease an additional 5,000 sq. ft. (detached area within the same address) of the building. Since 1996 West Allis Children's Center (Small Treasures) has been a licensed group childcare center and has served 120 children at two West Allis locations (7330 W. Lincoln Ave. and 1302 S. 60 St.). The daycare business will relocate to the subject property at 1126 S. 70 St. to provide one full service site serving 270 children and employing 32 full-time and 5 part-time employees. The daycare also provides Head Start classrooms for low income/eligible families and to gain national accreditation.

4. The aforesaid premises is zoned M-1 Manufacturing District with a Planned Development District - Commercial/Industrial PDD-2 overlay under the zoning ordinance of the City of West Allis, which permits daycare facilities as a special use pursuant to Sec. 12.45(2), Sec. 12.61 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 southeast corner of S. 70 St. and W. Washington St. All surrounding properties are developed as commercial and manufacturing.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Sheri Pape d/b/a West Allis Children's Center, 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 Section 12.45(2) and Section 12.61 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 May 23, 2007 and subsequently April 22, 2009, 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. Regular hours of operation are seven days/week from 6:00 a.m. to 12:00 midnight.
5. Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, 1,128 parking spaces are required for the site and 738 parking spaces are provided on site. The daycare facility will require 92 parking spaces. Drop off location will be within the off-street parking area on the east side of the building. The common council shall have the authority to change the 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.

11. 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.

Mailed to applicant on the
____ day of _____, 2009

Assistant City Clerk

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

ZON-R-714-5-5-09