



City of West Allis

Legislation Text

File #: R-2019-0322, **Version:** 1

Resolution relative to determination of Application for Special Use Permit for WA Community Child Care, LLC, to expand an existing day care, located at 6682 W. Greenfield Ave.

WHEREAS, Thomas Wachowicz (Applicant), owns the WA Community Child Care, LLC, and duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to expand an existing day care center d/b/a WA Community Child Care LLC within a portion of the existing Whitnall Summit Place property located at 6682 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 16, 2019, 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, Thomas Wachowicz, Owner of WA Community Child Care, LLC has offices at 6682 W. Greenfield Ave., West Allis, WI 53214.

2. WA Community Child Care, LLC is currently leasing space within a portion of the existing Whitnall Summit Building located at 6682 W. Greenfield Ave., 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 1 of the Certified Survey Map No. 7256.

Tax Key No. 439-0001-031

3. The applicant proposes to expand the day care center by adding classrooms on the first and second floors adding approximately 4,000 square feet of space to accommodate more children under the age of two years old. The proposed expansion includes increasing enrollment from 177 children to 201 children. As part of the increase in enrollment certain interior floor plan changes and exterior site updates are proposed as follows:

- A. Second Floor. The project includes additional classroom space being developed on the second floor of the building and a first floor kitchen and laundry area being relocated to the second floor of the building.
- B. First Floor and outdoor site changes. On the first floor new classroom areas for infants and toddlers will be added and site improvements including the installation of a new 2,500 square foot outdoor playground area that will be located along the east side of building. The playground area will be fenced in and existing asphalt replaced with grass and rubber playground chips. Play structures will also be installed within the fenced in area. The day care is also proposing to expand the number of parking spaces dedicated for parent or guardians to drop off and pick up children (on the east side of the building).

WA Community Child Care LLC is a state-licensed child care center housed in a two-story building (Building 34) located on the Whitnall Summit Place property. The existing day care's primary function is to provide educational child care for approximately 177 children, ages 6 weeks to 12 years old. The day care employs a total of 42 full-time and 4 part-time staff members. The day care has a 4-Star Youngstar child care provider rating that "meets elevated levels of quality standards" from the State of Wisconsin Department of Children and Families.

4. The aforesaid premises underlying zoning is M-1 Manufacturing District with a PDD-2 Planned Development District - Commercial Industrial overlay zoning under the Zoning Ordinance of the City of West Allis, which permits day care and educations or instructional uses as a special use, pursuant to Sec. 12.45(2), 12.61 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the north side of W. Greenfield Ave., which is zoned and developed for industrial and office land uses. Properties to the north and east are developed as manufacturing and commercial; properties to the south and west are developed as commercial and mixed use.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Thomas Wachowiacz of WA Community Child Care LLC to expand an existing day care d/b/a within a portion of the existing Whitnall Summit Building, 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, Screening, Architectural Signage Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, and architectural plans approved on June 26, 2019, 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 of Operation. The hours of operation are 6:00 a.m. to 10:00 p.m., Monday thru Friday.

4. Off-Street Parking. With the grant of this special use parking requirements shall be in accordance with Sec. 12.19 of the Revised Municipal Code:

A. The existing day care is required to supply 60 parking stalls. A total of approximately 363 parking stalls are provided on the east side of the property and a total of 2,230 spaces are provided on the overall Whitnall Summit Place property; and,

B. Calculations are based on the following details: the day care is approximately 20,000-sf and requires 60 parking stalls (1 space for every three hundred (300) square feet of gross floor area).

5. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within a four-sided enclosure within an approved structure large enough to accommodate all outdoor storage of refuse and recyclable containers.

6. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within, an enclosed area 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. Signage. The grant of this Special Use is subject to all signage plans being submitted to the Department of Development for consideration.

8. 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.

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 without Plan Commission approval.

10. 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 and/or house side shields shall be utilized on site as necessary to maintain a nuisance-free environment.

11. Outdoor Storage. Outdoor storage of equipment, materials trucks or trailers shall not be permitted without site, landscaping and screening plan review consideration and in accordance with an approved plan.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

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, (if any) 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 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 the date 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, then the special use may be terminated.

18. Acknowledgement. That the applicant signs an acknowledgment that he/she 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.

Thomas Wachowicz, Owner of WA Community Child Care LLC

Mailed to applicants on the

_____ day of _____, 2019

City Clerk

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

ZON-R-1190-7-16-19