



# City of West Allis

## Legislation Text

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**File #:** R-2019-0370, **Version:** 1

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Resolution relative to determination of Special Use Permit for a proposed Community Based Residential Facility to replace the existing office building located at 8410 W. Cleveland Ave.

WHEREAS, Steven Hribar and Robert Chandler of Midwest Commercial Funding (property owner), duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code of the City of West Allis, for the development of a Community Based Residential Facility, operated by Platinum Communities, to replace the existing office building located at 8410 W. Cleveland Ave; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 4, 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, Midwest Commercial Funding (property owner), has offices at 7213 Hwy 41, Caledonia, WI 53108. Platinum Communities is the proposed operator and tenant of a future licensed care facility. The operator, Platinum Communities operates 6 assisted living and respite care facilities in southeastern Wisconsin. Platinum Communities has offices located at 18110 W Bluemound Rd, Brookfield, WI 53045.
2. The property is located on the NW corner of S. 84 St. and W. Cleveland Ave. on a 0.52 acre property. The existing setting of the property includes a vacant 2-story office building with a total building area of about 17,000 sq. ft. The existing building will be demolished for the proposed Community Based Residential Facility.
3. The proposed development will consist of a 3-story, 24,000-sf building whose footprint will occupy about 8,200-sf of the site area and will have a partial basement. The proposed building will replace the existing vacated, 2-story office building which is proposed to be razed as part of this project.

The facility will be licensed as a certified nursing assistant (CNA) class community based residential facility (CBRF) and will serve the following resident groups: Advanced Aged, Irreversible Dementia/Alzheimer's, and Terminally Ill. This license class is consistent with the other facilities that Platinum Communities currently operate and will allow Platinum Communities to serve a broad sector of the West Allis community. Platinum Communities currently operates six assisted living communities with more than 250 beds in southeastern Wisconsin.

The facility will be licensed for up to 48 beds and employ approximately 30 staff providing resident care on a 24hr basis. The need for on-site parking is expected to be minimal, as residents will not require parking. It is anticipated that 8-10 staff will be on site at one time (per shift).

4. The subject property at 8410 W. Cleveland Ave. is zoned C-2, Neighborhood Commercial District and permits homes for the aged and convalescent, multi-family residential and care facilities as a special use. The project area of this special use is legally described below located in the City of West Allis, Milwaukee County, Wisconsin; more particularly described as follows, to-wit:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 9, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 6, 7 and adjacent vacated off street parking, Block 1 in the Kroupa Manor No. 1 Subdivision.

TAX KEY NO: 487-0250-002

Said land being approximately 0.52 acres and located at 8410 W. Cleveland Ave.

5. Properties to the north are zoned and developed as low density residential. Properties to the west are zoned Commercial and developed as mixed use (commercial and residential). Properties to the south are zoned and developed as commercial. Properties to the east are zoned and developed as parkland (McCarty Park).

6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Steven Hribar and Robert Chandler of Midwest Commercial Funding (property owner), for the development of a proposed Community Based Residential Facility to replace the existing office building located at 8410 W. Cleveland Ave, 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 Sec. 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 and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, screening and architectural plans approved by the West Allis Plan Commission on May 29, 2019. No alterations or modification to the approved plan shall be permitted without approval by the West Allis Plan Commission.

The site plan shows cross access being maintained between the subject 8410 W. Cleveland Ave. property and the abutting property to the west located at 8424-28 W. Cleveland Ave.

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. All applicable Federal, State and local licenses being applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.

3. Off-Street Parking. Current zoning requires 48 parking stalls (1 stall per bed) in accordance with Sec. 12.19 of the Revised Municipal Code. With the grant of this special use, the Common Council accepts the parking deficiency and has the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code. The following rationale is referenced with the acceptance of the parking deficiency for this special use:

A. Provided Parking. The use will provide on-site parking for at least 12 parking stalls.

B. Existing use. The former office building was also deficient parking (required 56, more than what is required with the change in use).

C. Demand. Residents are not expected to drive and the purpose of the parking area is primarily intended to be supportive of staff, visitors and for access to the front door of the facility. Eight to ten staff are expected on site at one time.

4. Deliveries, Refuse and Recyclable Collection. 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 to match the building. 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. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

In accordance, plans, recyclables and refuse generated will be dispensed via internal garbage chutes and deposited in a containment area within the underground parking area. If located outdoors, all refuse, recyclables and other waste material shall be screened from view within an approved 4-sided enclosure to match and/or complement the buildings.

5. Hours of Operation. The use will be open daily, 24 hours per day and 7 days per week year round to accommodate the needs of its residents.
6. Signage. Shall be in accordance with the City's signage ordinance. Any window signage shall not exceed twenty (20) percent of the glazed portion of each window frame and be attached to the interior of the window area. No flashing window signage.
7. 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.
8. Litter. 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 within an approved structure.
9. Pest Control. Exterior pest control shall be contracted on a monthly basis.
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, (if any) abutting sidewalk.
11. Lighting. All exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries.
12. 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.
13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
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, then the special use may be terminated.

18. Acknowledgement. That the applicant signs 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.

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Steven Hribar and Robert Chandler, Midwest Commercial Funding (property owner)

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Platinum Communities, or agent

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019

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City Clerk

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

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