



# City of West Allis

## Legislation Text

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**File #:** R-2011-0035, **Version:** 2

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Resolution relative to determination of Special Use Permit for proposed demolition of the existing New Samaria apartment building and construction of a new 50-unit multi-family apartment building to be located at 6640-6700 W. Beloit Rd.

WHEREAS, Erich Schwenker, d/b/a Cardinal Capital Management, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit; pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, for a multi-family housing complex; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2011, at 7:00 p.m. in the Common Council Chamber 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, Erich Schwenker, d/b/a Cardinal Capital Management, has offices at 135 S. 84 St., Suite 100, Milwaukee, WI 53214.
2. The applicant, Highland Commons, LLC has a valid offer to purchase the property at 6640 and 6700 W. Beloit Rd., 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 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 7 thru 16 in Block 5 of the Juneau Highlands.

Said land being located at 6640 and 6700 W. Beloit Rd.

Tax Key Number: 475-0195-001.

3. The applicant will redevelop the former St. Joan Antida's and New Samaria site. The proposal consists of the demolition of the existing New Samaria Building to make way for a 3-story, 50-unit apartment building.

The new housing that is being planned will be for independent living. There will be 50, fully outfitted 1-bedroom apartment homes distributed throughout three floors of the new structure. Each unit will have a kitchen, bathroom, bedroom and living room. The residents can cook for themselves, and learn independent living through daily contact with caseworkers and peer counselors.

The new housing will replace the current housing structure on site. The type of tenant will remain the same: people affected by mental illness, or other behavioral health issues. However, the facility's focus will change, as the current focus maintains a boarding house environment with shared rooms and meals provided, as opposed to independent living.

The yard at the rear and at the side of community room is being planned to contain landscaped areas with plantings and pavers, along with outdoor furniture to encourage tenants to stay on site and to allow for programmed activities.

Transitional Living Services (TLS)(a nonprofit organization and an affiliate of MCFI), will provide a host of activities and services that support recovery and independence by offering a menu of professional staff and services that are designed for each resident based on their individual needs. Professional staff will include as necessary, peer support, nursing, licensed counselors and personal care services and TLS will coordinate with external case managers and organizations to maintain an integrated Wellness Recovery Action Plan (WRAP). Individualized services will include personal care, housekeeping and home healthcare; and, community oriented services will include wellness, recreation, social events, exercise, crafts and activities.

The Crisis Resource Center (CRC) is a program operated by TLS, therefore has experience dealing with individuals in psychiatric and/or health crisis. Peer support will be onsite daily, with counseling, nursing and personal care support offered several times per week. It is expected that closer monitoring of emerging health issues will be addressed before emergency intervention is needed. This should result in fewer calls for EMT or police services.

4. The attached admissions policy (Exhibit A) shall apply to the site subject to it complying with all Fair Housing Laws.
5. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits multi-family dwellings as a Special Use pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
6. The property is serviced by all necessary public utilities.
7. The subject property is located on the northeast corner of S. 67 Pl. and W. Beloit Rd. Properties along W. Beloit Rd. and W. Lincoln Ave. are zoned for commercial purposes. Properties to the north and south of these 2 commercial corridors are zoned and used for residential purposes.
8. 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 Erich Schwenker, d/b/a Cardinal Capital Management to establish a multi-family housing complex 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 and Section 12.41(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, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and architectural plans 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. The Plan Commission recommended Common Council approval of the Special Use Permit and Site Landscaping and Architectural Plans on January 26, 2011.
2. Certified Survey Map. The grant of the Special Use is subject to a Certified Survey Map being submitted to and approved by the Common Council.
3. Building Plans and Fire Codes. The grant of this Special Use Permit is subject to building plans being submitted to and approved by the Department of Building Inspection Department and by the Fire Department.
4. Paving and Drainage. Paving and drainage plans(s) being submitted to the Building Inspection Dept.
5. Occupancy Requirements. Each unit shall consist of single-tenant occupancy.

6. Parking Requirements. Off-street parking for 25 underground parking stalls and 18 surface parking stalls, for a total of 43 parking stalls that shall be provided and maintained on site. In accordance with Sec. 12.19 of the Revised Municipal Code 78 parking spaces are required on site. 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. The property is serviced by public transportation (Milwaukee County Transit).
7. Grant of Privilege. The special use is conditioned upon a Grant of Privilege being applied for and approved by the City Engineer to provide landscaping in the right of way. Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.
8. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame and be applied to the interior of the window area in accordance with Section 13.21 of the municipal code.
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. Litter. Employees shall inspect the area 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.
11. Refuse Collection. Refuse collection will be done by a commercial hauler. (All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure to match the building). Because there are residents that live within the building and a residential neighborhood adjacent to the site, delivery operations and refuse pick-up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
12. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.
14. 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.
15. Noxious Odors, Etc. The facility 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.
16. Outdoor Storage and Display. No outdoor storage, sales or display shall be permitted on site unless approved by the Plan commission in accordance with Chapter 12 of the Revised Municipal Code.
17. 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.

18. 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.

19. 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.

20. 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, the special use may be terminated.

21. 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.

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Erich Schwenker, d/b/a Cardinal Capital Management

Mailed to applicant on the  
\_\_\_\_ day of \_\_\_\_\_, 2011

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Assistant City Clerk

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

ZON-R-808-2-15-11