



# City of West Allis

## Legislation Text

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**File #:** R-2007-0223, **Version:** 1

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Resolution relative to determination of Special Use Permit for proposed parent educational program to be located within the existing commercial building at 9004 W. Lincoln Ave. (Tax Key No. 478-0309-001)

WHEREAS, Julie Tolman of the West Allis West Milwaukee School District and Aurora Health Care, 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, to establish a school-aged parent education program within the existing commercial building at 9004 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 4, 2007, 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, Julie Tolman of the West Allis West Milwaukee School District, has offices at 9333 W. Lincoln Ave., West Allis, WI 53227. Aurora Health Care has offices at 8901 W. Lincoln Ave., West Allis, WI 53227. The Property is owned by Brad Olson, Olson Capital Investments, W284 N4226 Shore Dr., Pewaukee, WI 53072.

2. The applicants, lease the property at 9004 W. Lincoln Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 3, 4 and 5 in the Resubdivision of Rybak's Subdivision.

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Said land being located at 9004 W. Lincoln Ave.

3. The applicant is proposing to occupy a portion of the existing office building. The School Age Parent Education Program (SAPP) provides information and support to students' pregnant or parenting, male or female, in the West Allis-West Milwaukee School District. Students enrolled are all students in the school district. They are students at any of the 3 high schools, 2 middle schools or 3 alternative schools attended by district students. The SAPP is staffed by a full time Family & Consumer Education teacher and a 3/4 time Health Educator. The teacher provides instruction for the various classes. The Health Educator's main responsibilities include working with students one on one to address individual needs. The courses are more directly related to coping with early pregnancy, parenting and being able to make life choices that will allow both the student and the infant or child to overcome the statistical odds that face them.

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits public and private schools and training facilities as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the northwest corner of S. 90 St. and W. Lincoln Ave. Properties to the east, south, west and north are developed as residential.

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 Julie Tolman on behalf of the West Allis West Milwaukee School District to occupy a portion of commercial lease space for a school-aged parent education program/training facility within an existing office building 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on August 22, 2007, 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. Enrollment. The number of students in attendance depends on how many students are parenting or pregnant. Students enter the program throughout the year. Some graduate in January. Some will leave the school district during the school year. During a school year, we will see between 25 and 45 students, not all enrolled at the same time. A maximum of 20 students at any one time is typical .
3. 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.
4. Hours of Operation. In session during the regular school year, students are in attendance 9:00 a.m. to 2:00 p.m. each school day, Monday through Friday. Staff attendance from 7:00 a.m. to 5:00 p.m. Monday through Friday.
5. Off-Street Parking. Off-street parking spaces for 46 vehicles are required for the 16,800 sq. ft. office building. A minimum of 33 parking spaces will be provided on site, including two (2) ADA stalls. Additional parking spaces are available on the West Allis Memorial Campus within.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.
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.
9. 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.
10. 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. Applicant is 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 applicant's 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 \_\_\_\_\_ 2007

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Assistant City Clerk

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

ZON-R-644-9-4-07