



City of West Allis

Legislation Text

File #: R-2012-0028, **Version:** 1

Resolution relative to determination of Special Use Permit for Kid Fit, a proposed day care, to be located at 7601 W. Becher St.

WHEREAS, Martina McCloud, d/b/a Kid Fit, has duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code, to establish a Special Use Permit for a proposed day care facility to be located at 7601 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 7, 2012 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, Martina McCloud, d/b/a Kid Fit, is proposing to establish a day care facility at 7601 W. Becher St. (Tax Key No. 477-0736-001). The day care would occupy approximately 4,000 sq. ft. of space on the first floor within the mixed use building. An outdoor play area would also be established in the rear yard, along the alley.

2. The applicant has an offer to lease-to-own the property (from the current owner Waterstone Bank) located at 7601 W. Becher St., 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 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1, 2 and 3 in Block 1 of the W. T. Jenkins Subdivision.

Tax Key No. 477-0736-001

3. The proposed day care would enroll children from ages 6 weeks to 12 years old. The facility would employ up to 20 people (12 full-time, 4 part-time and on call employees).

4. The aforesaid premises is zoned C-2 Neighborhood Commercial District, which permits day care 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 southwest corner of S. 76 St. and W. Becher St. Properties to the east and west are zoned and developed for commercial uses, and properties to the north and south are zoned and developed for low-density residential uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the

application for Special Use submitted by Martina McCloud, d/b/a Kid Fit, 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 Sec. 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 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 January 25, 2012 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 will be seven days a week from 5:30 a.m. to 12 p.m. (Midnight). The outdoor play area will be open from 8:00 a.m. to 8:00 p.m., seven days a week.
5. Parking. 18 parking spaces are required for this use, as determined by the following use allocations: 13 for the day care and 5 spaces for the residential uses). 8 spaces are currently provided on site, including 2 ADA spaces. The Common Council has the authority to change the minimum parking requirements in accordance with Sec. 12.16(9) 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.
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.

13. 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.

14. 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.

15. 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.

16. 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.

Martina McCloud, d/b/a Kid Fit

Mailed to applicant on the
_____ day of _____, 2012

Assistant City Clerk

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

ZON-R-848-2-7-12