



City of West Allis

Legislation Text

File #: R-2006-0312, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed Big Bird Little Bird Daycare, to be located at 1700 S. 60 St. (Tax Key No. 454-0030-000)

WHEREAS, Sarah Edwards and Mildred Quin, d/b/a Big Bird Little Bird Daycare One Step Further, LLC, 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 daycare/educational institution facility within the existing building located at 1700 S. 60 St.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on November 8, 2006, 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 applicants, Sarah Edwards and Mildred Quin, d/b/a Big Bird Little Bird Daycare One Step Further, LLC, have offices at 2001 S. 28 St., Milwaukee, Wisconsin 53216.
2. The applicant leases the subject property at 1700 S. 60 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lot 1, being part of Block 5 in Assessors Plat No. 271.

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3. The applicant currently leases the existing building and has intentions on purchasing the site for a proposed daycare. The daycare is expecting to supervise 40-50 children per shift, ages two (2) weeks - 13 years. Ten daycare workers will be employed per shift. The applicant is also proposing to offer the Head Start Program at this location for three to four year olds from 9:00 am - 11:00 am, Monday - Friday.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of the City of West Allis, which permits daycares and educational institutions 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 southeast corner of W. Mitchell St. and S. 60 St., which is zoned for commercial purposes. Properties to the north, east, south and west are developed as a combination of residential and commercial uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Sarah Edwards and Mildred Quin, d/b/a Big Bird Little Bird Daycare One Step Further, LLC, be, and is hereby granted a special use:

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 Section 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 and Signage Plans. The grant of this special use permit is subject to and conditioned upon approval of the site and landscape plans approved October 25, 2006 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. A signage plan shall be submitted to the Department of Development for review and approval.
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. Hours of Operation. The day care facility will be open seven days/ week from 6:00 a.m. to 10:00 p.m.
4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.
5. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.
6. Parking. No off-street parking will be provided on site, to accommodate for the outdoor play area. In accordance with Section 12.19 of the Revised Municipal Code, 10 parking spaces are required for the daycare. Street parking is available along W. Mitchell St. and S. 60 St. for employees and for daycare transportation vehicles. All drop-off and pick-up shall be conducted on W. Mitchell St.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. 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.
9. 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.
10. 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.
11. 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.

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.

Mailed to applicant on the
____ day of _____, 2006

Assistant City Clerk

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

Div. of Planning and Zoning

ZON-R-583\dlm\11-8-06