



# City of West Allis

## Legislation Text

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**File #:** R-2011-0151, **Version:** 1

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Resolution relative to determination Special Use Permit for Brotoloc South, Inc. to establish an outpatient mental health clinic for therapeutic services located within the existing building located at 5812 W. Burnham St.

WHEREAS, Chris Cohen on behalf of Brotoloc South, Inc. 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 an outpatient medical clinic for mental health services located within the existing professional office building located at 5812 W. Burnham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 21, 2011, 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, Brotoloc South, Inc. has offices at 5812 W. Burnham St., West Allis, Wisconsin 53214.
2. The applicant owns the subject property at 5812 W. Burnham St., 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 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 5 of the Block 5 in the McGeoch Farm Subdivision No. 1.

Tax Key Number: 455-0053-001

Said land being located at: 5812 W. Burnham St.

3. Brotoloc South, Inc. provides specialized services for adults with disabilities and long term care needs. Brotoloc is committed to providing the highest quality and most cost effective clinical and support services to individuals who on their own, have difficulty meeting the challenges of daily living. Brotoloc South provides psychological and psychiatric support services to persons in the following areas: Mental Illness, Developmental Disabilities, Traumatic Brain Injury, Dual Diagnosis, Physical Disabilities, and Behavioral Challenges. Other business operations include:

A. The Brotoloc clinic will offer services by appointment to individuals. The clinic will not be taking in people off the street or offering pill services.

B. All clients that will be served at the clinic will be under the supervision of their therapist or a direct care staff that is responsible for transporting and escorting these clients to their appointments.

C. All therapy sessions are individual one on one (therapist/client) with individual clients from Brotoloc's partnered group homes. Group therapy is not proposed.

4. The aforesaid premise is zoned C-2, Neighborhood Commercial District under the zoning ordinance of the City of West Allis. A separate ordinance will be considered by the Common Council concurrently to determine if clinics, medical or dental may be permitted as special uses within the C-2 Commercial District.

5. The property is serviced by all necessary public utilities and is also served by public transportation (Milwaukee County Transit System). The property was formerly a bank.

6. The subject property is part of an area along the north side of Burnham St. between S. 60 St. and S. 58 St. that is zoned for commercial purposes. Properties to the east, west and south are developed for commercial and mixed use. Properties to the north are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Brotoloc South, Inc., be, and is hereby granted a special use 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 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. Ordinance Amendment to permit clinics. The grant of this special use is subject to and conditioned upon the Common Council passing an ordinance to permit clinics within the C-2, Neighborhood Commercial District. Plan Commission recommended Council approval May 25, 2011.
2. 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, and architectural plans approved at the May 25, 2011 meeting 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.
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. The hours of operation will be from 8:00 a.m. to 5:00 p.m., Monday through Friday.
5. Business Operations.
  - A. The clinic will offer services by appointment to individuals. The clinic will not be taking in people off the street or offering pill services.
  - B. All clients that will be served at the clinic will be under the supervision of their therapist or a direct care staff that is responsible for transporting and escorting these clients to their appointments.

- C. Vans and/or transport will not be parked on site overnight.
- D. All therapy sessions are individual one on one (therapist/client) with individual clients from Brotoloc's partnered group homes. Group therapy is not proposed.
6. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.
7. Lighting. The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
8. Parking. Parking for 17 parking stalls is required on site and 13 stalls are provided. All employees will park within the provided off-street parking lot on site. Street parking is also available. The property was formerly a bank. Common Council may modify the parking requirement per 12.16(9) of the Municipal Code on the basis that the existing office use and proposed clinic use will not increase traffic congestion or reduce traffic safety. Drop off and pick up shall be conducted on site within the parking lot or along W. Burnham St.
9. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
10. Litter and Monitoring. 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.
11. Outdoor Storage and Display. No other outdoor storage, sales, or display of merchandise shall be permitted on site.
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. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure approved by the Department of Development. 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. Because there are residents that live within the building and 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.
14. 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.
15. 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.
16. 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.

17. 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.

18. 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.

19. 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.

20. 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. 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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Chris Cohen on behalf of Brotoloc South, Inc.

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 and Zoning

ZON-R-821-6-21-11