



City of West Allis

Legislation Text

File #: R-2010-0266, **Version:** 2

Resolution relative to Special Use Permit to establish administrative facilities and classrooms for the West Allis/ West Milwaukee School District, as well as first-floor retail occupancy to be located at 1205 S. 70 St.

WHEREAS, Dan Larsen on behalf of West Allis/ West Milwaukee School District, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code, to establish office, administration and classroom facilities within the 1205 S. 70 St. building; and

WHEREAS, after due notice, a public hearing was held by the Common Council on December 7, 2010, 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, Dan Larsen on behalf of West Allis/ West Milwaukee School District, has offices at 9333 W. Lincoln Ave., West Allis, Wisconsin 53227.
2. The applicant the West Allis/ West Milwaukee School District owns the subject property at 1205 S. 70 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 34, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Lots 22 thru 30 and South 13.13 feet of Lot 31 in Block 2 of the Otjen Pullen & Shenner's Subdivision.

Tax Key Number: 440-0256-002 - 1205 S. 70 St.
440-0259-004 - 9** S. 70 St. Parking Lot

3. The existing building has a gross floor area of about 90,000 sq. ft. over seven (7) floors. The first three (3) floors are occupied by existing tenants and floors 4 thru 7 are vacant. The School District will be doing modifications to a portion of the 3rd floor and floors 4 thru 7 to accommodate their needs. As part of the renovations to the building the owner/school district is anticipating a potential mercantile tenant that would occupy a suite on the 1st floor of the building. All programs that are considered educational uses are proposed to be located on floors 4 thru 6.
4. The School District currently is leasing a portion of the building to MATC. The first floor lease space consists of approximately 10,000 sq. ft. and is utilized for the Mortuary Sciences Department and classes. The MATC use was approved under special use resolution R-2009-0052 on February 17, 2009.
5. The aforesaid premises are zoned C-3 Commercial District under the zoning ordinance of the City of West Allis. The public and private educational uses are permitted as a special use pursuant to Sec. 12.42(2) of

the Revised Municipal Code.

6. The property is serviced by all necessary public utilities and is also served by public transportation (Milwaukee County Transit System)

7. The subject property is part of an area along the west side of S. 70 St., between W. Washington St. and W. Madison St. which is zoned for commercial purposes. Properties to the west, east, north and south are developed as commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicants, the West Allis/ West Milwaukee School District, 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 12.42 (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, and architectural plans to be considered at the December 8, 2010 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. Hours of Operation. Hours of operation for this property are Monday through Friday from 7:00 a.m. to 9:30 p.m., Saturday 8:00 a.m. to 5:30 p.m., and closed on Sunday. Faculty, maintenance and support personnel are on campus prior to and after normal school hours for opening/closing support activities. Special events are also occasionally held outside of normal operating hours.

4. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.

5. 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.

6. Parking.

a. School District - 1205 S. 70 St. Property. While the building's gross area is approximately 90,000 sq. ft., only about 79,215 sq. ft. is usable. Parking calculations have been determined upon the usable area and the property is required to provide 264 parking spaces (assuming full occupancy). A total of 204 parking spaces will be provided consisting of 36 parking stalls on site and 168 on land owned by the school district on a detached lot to the north locate at 9** S. 70 St.

b. MATC and mortuary Sciences at 1205 S. 70 St. The Mortuary Science Department is required to provide 29 (included within the overall total in part a) parking spaces. MATC will not be utilizing any of the parking spaces currently provided at/on the 1205 S. 70 St. property. Mortuary Sciences

faculty, students, and administration will continue to park in the 5 MATC parking lots which supply a total of 576 parking stalls within a maximum of 1,200 feet of the 1205 S. 70 St. property and MATC campus.

7. Enrollment Cap. There will be an Enrollment Cap set at 20 students as a condition of this special use. Any projected increase exceeding will require Common Council reconsideration of the special use.
8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
9. 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.
10. 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 and/or compactor.
11. 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.
12. 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.
13. Faculty and Staff Parking. West Allis/West Milwaukee Faculty and Staff will park within on site and on adjacent School District parking lots at 9** S. 70 St., which are under the control of the school district. MATC faculty and Staff shall park in the MATC Child Care Center parking lot when parking lots immediately adjacent to the primary campus-building cluster reach capacity.
14. 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.

15. 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.

16. 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.

17. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

18. 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.

19. 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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Dan Larsen on behalf of West Allis/ West Milwaukee School District

Mailed to applicant on the
_____ day of _____, 2010

Assistant City Clerk

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

ZON-R-801-12-7-10