



# City of West Allis

## Legislation Text

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**File #:** R-2005-0074, **Version:** 2

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Resolution relative to determination of Special Use Application on behalf of the Center for the Deaf and Hard of Hearing for proposed offices and classrooms to be established at 10243 W. National Ave. (Tax Key No. 485-9989-004)

WHEREAS, The Center for the Deaf and Hard of Hearing duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code of the City of West Allis to establish offices and classroom/training facilities within the existing building (formerly Columbia-St. Mary's Clinic); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2005, 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, The Center for the Deaf and Hard of Hearing, has offices at 3505 North 124 Street, Brookfield, WI 53005.
2. The applicant has a valid offer to purchase the property at 10243-47 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner located in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 8; thence Easterly, 1147.11 feet, along south line of said Northwest  $\frac{1}{4}$  and centerline of West Cleveland Avenue; thence Northwesterly, 47.48 feet, to the Point of Beginning; thence continue Northwesterly, 127.61 feet, to the south right-of-way line of West National Avenue; thence Northeasterly, 236.75 feet, along said south line; thence Southeasterly, 34.58 feet; thence Northeasterly, 57.63 feet; thence Southeasterly, 152.07 feet; thence westerly, 20.16 feet; thence Southeasterly, 115.00 feet, to the north Right-of-way line of West Cleveland Avenue; thence Westerly, 212.60 feet, along said right-of-way line to the Point of Beginning.

Said land being located at 10243-47 W. National Ave.

TAX KEY NO. 485-9989-004

3. The aforesaid area is zoned RA-2 Residence District and the present owner has requested a rezoning from RA-2 Residential District to C-3 Community Commercial District which permits commercial office and

classroom/training uses as a special use (within the C-3 District) pursuant to Section 12.42(2) of the RMC. A separate ordinance for rezoning is before the Common Council for consideration of the requested rezoning application. The grant of this special use is contingent upon the Common Council passing the rezoning ordinance.

4. The proposed Center for the Deaf and Hard of Hearing would occupy the existing premises which was previously utilized as a clinic by Columbia St. Mary's. The organization is a 501(c)3 organization (non-profit) and will serve the needs of hearing impaired individuals throughout the greater Milwaukee area. The organization has indicated that in order to afford the building, it will need to maintain its tax exempt status (exempt from property tax or a payment in lieu of taxes).

5. The gross floor area of the building Premises is approximately 19,500 square feet.

6. The use, value and enjoyment of other property in the surrounding area will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of the Center for the Deaf and Hard of Hearing to establish offices and classroom/training facilities within the existing building (formerly Columbia-St. Mary's Clinic) 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 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, Architectural and Signage. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping plan and architectural plan approved on July 23, 1986, 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 West Allis Plan Commission.
2. Landscape Buffer. A twenty foot wide landscape buffer will be maintained along the easterly property boundary. The buffer shall consist of a minimum 4-foot high, solid shrub screen between the parking area and the abutting residential properties.
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. Off-street Parking Spaces. Parking spaces for at least 53 vehicles are required on site and 59 parking spaces are provided.
5. Easements. Existing easements for storm and sanitary sewer shall be maintained.
6. Hours of Operation. The hours of operation shall be from 8:00 a.m. until 5:00 p.m., seven days per week. Evening classes will be offered during the week on an "as-needed" basis.
7. Staffing. Twenty-five staff members will work at the site and within the community. The total number

of clients at any one time will be 18 persons.

8. Window Signage. Building window signage shall not exceed twenty percent (20%) of each window's area.
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. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
11. Refuse Collection to be provided by commercial hauler. All refuse, recyclables and other waste material shall be screened from view on 4 sides within an approved enclosure.
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, (if any) abutting sidewalk.
13. Outdoor Lighting. All outdoor lighting fixtures shall be recessed/shielded in such a manner that light rays emitted by the fixture shall not splay from the property boundaries.
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. The applicant shall enter into an agreement restricting future uses of the property as set forth in the chart attached hereto.
  - B. 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.

C. 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.

D. 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 , 2005

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Assistant City Clerk

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

ZON-R-490\2-15-05\jmg  
Amended 6-7-05\jmg