



# City of West Allis

## Legislation Text

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**File #:** R-2006-0165, **Version:** 1

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Resolution relative to determination of Special Use Permit to establish a proposed daycare facility to be located at the existing ANS Home Health Services business at 2711 S. 84 St. (Tax Key No. 517-0341-000)

WHEREAS, Kim Ellis, d/b/a ANS Home Health Services, 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 facility within the existing office building located at 2711 S. 84 St.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on June 6, 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 applicant, Kim Ellis, d/b/a ANS Home Health Services, has offices at 2711 S. 84 St., West Allis, Wisconsin 53219.
2. The applicant owns the subject property at 2711 S. 84 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 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 1 in Block 26 of the Broson Manor Addition No. 7.

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3. The applicant has proposed to establish a daycare facility within the existing office building.
4. The intent of use for Kim Ellis, d/b/a ANS Home Health Services, is to establish a daycare facility for approximately 10 children.
5. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of the City of West Allis, which permits the location of a day care facility as a special use, pursuant to Sec. 12.41 (2) of the Revised Municipal code.
6. The property is serviced by all necessary public utilities.
7. The subject property is part of an area on the southwest corner of W. Cleveland Ave. and S. 84 St.,

which is zoned for commercial purposes. Properties to the north and west are developed as commercial. Properties to the east and south are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Kim Ellis, d/b/a ANS Home Health Services, 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, Screening, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening and architectural plans to be approved 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. Hours of Operation. The day care facility will be open Monday through Friday from 6:00 a.m. to 6:00 p.m.
3. Licenses and Permits. Subject to applicant obtaining all required State of Wisconsin licenses and permits.
4. 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.
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 parking spaces to be provided on site. The Zoning Code requires 18 spaces. The City does provide 30 off-street parking spaces along S. 84 St. and W. Cleveland Ave., however, these spaces are shared with several other businesses. The applicant shall lease 10 spaces on the west side of the development.
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. 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. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spills 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.

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2006

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Assistant City Clerk

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

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