



City of West Allis

Legislation Text

File #: R-2009-0052, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed MATC classrooms to be located within a portion of the existing office building located at 1205 S. 70 St. (Tax Key No. 440-0256-002)

WHEREAS, Thomas Richter on behalf of Milwaukee Area Technical College (MATC) and Michael Polsky, Receiver for Leisure Investments, 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 the Mortuary Sciences School within a portion of the 1205 S. 70 St. building; and

WHEREAS, after due notice, a public hearing was held by the Common Council on February 17, 2009, 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, Thomas Richter, President, Richter Realty and Investment, Inc., has offices at 18650 W. Corporate Dr., #103, Brookfield, Wisconsin 53045.

The applicant, Michael Polsky, receiver for Leisure Investments, has offices at Beck, Chaet, Bamberger & Polsky, S.C., located at 330 E. Kilbourn Ave., #1085, Milwaukee, Wisconsin 53202.

The applicant (leasee), MATC c/o Dr. Pablo Cardona, Vice President has offices at 1200 S. 71 St., West Allis, Wisconsin 53214.

2. The applicant Michael Polsky is the assigned receiver of 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.

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3. MATC is proposing to lease a portion of the existing office building on S. 70 St. The first floor lease space will consist of approximately 10,000 sq. ft. and be utilized for the Mortuary Sciences Department and classes. The purpose for relocating the Department is due to higher costs of operation within their existing building at 1309 S. 70 St. Furthermore, the Funeral Services Program has experienced increased enrollment over the past 5 years. The new 1205 S. 70 St. location will make it possible for MATC to meet the labor demands in Wisconsin and other states.

4. The aforesaid premises are zoned C-3 Commercial District under the zoning ordinance of the City of

West Allis. The proposed school/college is permitted as a special use pursuant to Sec. 12.42(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.

6. 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, Thomas Richter, Michael Polski and MATC, 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 approved January 28, 2009 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. Full educational hours of operation 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. The Mortuary Science Department is required to provide 29 parking spaces. MATC will not be utilizing any of the 45 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. Based on the 182,639 sq. ft. of gross floor area for the entire MATC campus (which includes the daycare building on S. 72 St. and the new building addition), 609 parking spaces are required. MATC provides 576 parking spaces, including 12 ADA stalls, which meets handicap-parking requirements.

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 and/or compactor.
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 and/or compactor.
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. Faculty and Staff Parking. 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.
13. Annual Meeting. MATC shall conduct, at least once annually, a neighborhood meeting to inform residents of school activity and assign a contact person at the school and furnish his or her phone number to residents.
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. Enrollment Cap. There will be an Enrollment Cap set at one-half (1/2) the level of projected enrollment increase between 1995 and 2000 as contained in the Final Environmental Impact Statement dated June, 1995.

17. 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.

18. 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.

(Applicants Name)

Mailed to applicant on the
_____ day of _____, 2009

Assistant City Clerk

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

ZON-R-703/2-17-09