



City of West Allis

Legislation Text

File #: R-2011-0002, **Version:** 1

Resolution relative to determination Special Use Permit to establish a community based residential facility, adult and child day care, and classrooms within the Parkway School Building located at 2930 S. Root River Parkway.

WHEREAS, Patti Hansburg on behalf of Close to Home Senior Living, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.31(3) of the Revised Municipal Code, to establish a community based residential and special education classrooms within the former Parkway School building located at 2930 S. Root River Parkway; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 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, Patti Hansburg on behalf of Close to Home Senior Living, resides at 2882 S. 132 St., New Berlin, Wisconsin 53151.
2. The applicant has a valid offer to purchase the subject property at 2930 S. Root River Parkway, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the Southwest corner of Parcel 1, Certified Survey Map No. 5305; thence Southerly, 318.95 feet, along the East right-of-way line of South Root River Parkway to the North right-of-way line of the South Wollmer Road; thence Southeasterly, 350.00 feet; along said North right-of-way line to the West right-of-way line of South 114th Street; thence Northerly, 427.79 feet, along said West right-of-way line to the Southeast corner of Parcel 2, Certified Survey Map No. 5305; thence Southwesterly, 350.00 feet, along the South line of said Certified Survey Map No. 5305; to the Point of Beginning.

Tax Key Number: 520-9985-000

3. The sale of the subject 2930 property is part of the WAWM School Districts overall plan to consolidate their operations into a centralized workforce development area near the Milwaukee Area Technical College (MATC) and Lakeland College in a new building at 1135-39 and 1205 S. 70 St.

Intended Use

The adaptive reuse of the former Parkway School will include an intergenerational plan for various mixed special uses including the following:

- a. State licensed 20-bed senior custodial care Community Based Residential Facility (CBRF);
- b. A State licensed 48-guest adult senior day care;
- c. A State licensed 72-guest children's' daycare; and,
- d. A State licensed 20-guest life skills young adult (age 21+) special needs day care.

Building floor by floor

First floor - young adult life skills, senior day care, and children's' daycare.

Second Floor - senior care Community Based Residential Facility (CBRF),

The adult day care entrance will be on the north side of building and child daycare entrance on the south side of the building. A common/general entrance will be maintained on the west side of the building. The proposed property use is for profit and taxable.

4. The aforesaid premises are zoned RA-1 Residential District under the zoning ordinance of the City of West Allis. The day care centers and senior day care centers, community based residential facilities and nursing homes or convalescent homes, which are not intended to be used as treatment for contagious diseases or drug and alcohol abuse are permitted as a special use pursuant to Sec. 12.31(3) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities and is also served by public transportation (Milwaukee County Transit System). Historically, the 2930 S. Root River Parkway property was formerly the site of a one room school house (1839-1939). Over time the use and building expand and in the 1950's the City annexed a portion of the Town of Greenfield and constructed a second floor to the existing school building. While elementary school operations ceased in about 1969, various other institutional uses ranging from an alternative school to a temporary location for the WAFD, then in 2003 the building function was changed to operate as the districts recreational department.

6. The subject property is part of an area along the east side of Root River Parkway between W. Wollmer Rd. and W. Cleveland Ave., which is zoned for residential purposes. Properties to the west are maintained by Milwaukee County as the Root River Parkway. Properties to the north, south and east are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant, Patti Hansburg on behalf of Close to Home Senior Living, 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 12.31(3) 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 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. The hours of operation vary depending upon the type of use and are presented below.

a. Community Based Residential Facility (CBRF) - Seven days per week open 24 hours/day.

b. Adult senior day care - Monday through Friday, 6am to 5pm, by appointment on weekends

c. Children's' daycare - Monday through Friday, 1st shift 6am - 6pm and 2nd shift 6pm -midnight, by appointment on weekends.

d. Life Skills special needs day care - Monday through Friday, 6am - 5pm, by appointment on weekends.

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. Parking for 51 parking stalls is required on site. A total of 41 shared parking spaces will be provided on site along with a turn around loop located internally within the off-street parking lot area. All employees will park within the provided off-street parking lot on site. Street parking is also available along Wollmer Rd. for approximately 16 cars (this area was formerly used for bus staging). Additional street parking along the parkway is also possible for about 9 vehicles.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. 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.
9. Outdoor Storage and Display. No other outdoor storage, sales, or display of merchandise shall be permitted on site.
10. 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.
11. 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.
12. 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.
13. 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.
14. Annual Meeting. Close to Home or current owner(s) and/or operator(s) shall conduct, at least once annually, a neighborhood outreach meeting to inform area residents of operations activity and assign a contact person at the school and furnish his or her phone number to residents.
15. 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.

16. 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.

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. 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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Patti Hansburg on behalf of Close to Home Senior Living

Mailed to applicant on the
____ day of _____, 2011

Assistant City Clerk

cc: Dept. of Development

Dept. of Building Inspections and Zoning
Div. of Planning and Zoning

ZON-R-804-1-4-11