



City of West Allis

Legislation Details (With Text)

File #:	R-2017-0260	Version:	1
Type:	Resolution	Status:	Disapproved
File created:	10/3/2017	In control:	Safety and Development Committee (INACTIVE)
On agenda:	11/7/2017	Final action:	11/21/2017
Title:	Resolution relative to determination of Special Use Permit for a proposed day care facility to be located at 7234 W. Becher St.		
Sponsors:	Safety and Development Committee (INACTIVE)		
Indexes:			
Code sections:			
Attachments:	1. AFFIDAVIT OF PUBLICATIONS - 7234 W Becher S, 2. Affidavit of Publication SUP day care facility		

Date	Ver.	Action By	Action	Result
11/21/2017	1	Common Council	Disapproved	Pass
11/21/2017	1	Safety and Development Committee (INACTIVE)		Pass
11/21/2017	1	Safety and Development Committee (INACTIVE)		
11/7/2017	1	Safety and Development Committee (INACTIVE)	Held	
11/7/2017	1	Safety and Development Committee (INACTIVE)		
10/17/2017	1	Safety and Development Committee (INACTIVE)	Held	
10/17/2017	1	Safety and Development Committee (INACTIVE)		
10/3/2017	1	Safety and Development Committee (INACTIVE)	Held	
10/3/2017	1	Common Council		
10/3/2017	1	Safety and Development Committee (INACTIVE)		
10/3/2017	1	Common Council		
9/27/2017	1	Plan Commission		

Resolution relative to determination of Special Use Permit for a proposed day care facility to be located at 7234 W. Becher St.

WHEREAS, Suresh Gopalakrishnan, property owner, d/b/a Residence Deals, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a child daycare facility at 7234 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 3, 2017, 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, Suresh Gopalakrishnan, d/b/a Residence Deals, LLC, recently purchased the property located at 7234 W. Becher St., West Allis, WI 53219.
2. The property is owned by Suresh Gopalakrishnan, d/b/a Residence Deals, LLC, who has offices at 11414 W. Park Place, Suite #202, Milwaukee, WI 53224.
3. A future day care tenant would occupy the space at 7234 W. Becher 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 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 20 in Block 4 of the Lauderdale No. 2 subdivision.

Tax Key No. 476-0321-000

Said land being located at 7234 W. Becher St.

4. The applicant is proposing to establish a child day care facility with outdoor play area on site. The primary focus of the day care facility will be to provide care for up to 10 children, plus infants.
5. The existing approximate 1,150 sq. ft. building will be occupied by a day care facility with kitchen, toilet room, activities areas and classroom facilities. The building also has a basement, which will be utilized for utilities and storage.
6. The aforesaid premise is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits day care facilities as a Special Use, pursuant to Sec. 12.16 and Sec. 12.41 (2) of the Revised Municipal Code.
7. The subject property is part of a traditional mixed-use corridor that is developed for commercial and residential purposes. Properties to the north, east and west are commercially zoned and utilized for residential purposes. Property to the south is commercially zoned and utilized as an elementary school.
8. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Suresh Gopalakrishnan, d/b/a Residence Deals, LLC, to establish a day care facility within the existing commercial building at 7234 W. Becher St. 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 Secs. 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site, Landscaping, Screening and Architectural Plans approved on September 27,

2017, 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 Neighborhood Services and by the Fire Department.

3. Hours of Operation. The hours of operation for the day care facility will be 6:00 a.m. to 11:00 p.m., seven days a week.

4. Off-Street Parking and Loading. The proposed day care facility requires four (4) parking stalls, per code, including one (1) ADA-compliant stall. Space for two (2) parking stalls, including the one (1) required ADA stall, will be provided on site.

The Common Council shall have the authority to change the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

The drop-off and pickup area shall not be located along W. Becher St.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed.

6. 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.

7. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.

8. 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.

9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.

10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match or complement the building. 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.

11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

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.

14. 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.

15. 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, then the special use may be terminated.

16. 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.

Suresh Gopalakrishnan, d/b/a Residence Deals, LLC, property owner

Mailed to applicants on the
_____ day of _____, 2017

City Clerk

cc: Dept. of Development
 Dept. of Building Inspections and Neighborhood Services
 Div. of Planning
ZON-R-1122-10-3-17