



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2019-0391 **Version:** 2

**Type:** Resolution **Status:** Adopted

**File created:** 7/16/2019 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 7/16/2019 **Final action:** 7/16/2019

**Title:** Resolution relative to determination of Application for Special Use Permit for proposed new construction of a behavior health hospital to be located at 1706 S. 68 St. and adjacent commercial parking lot at 1700 Block S. 68 St.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. R-2019-0391 signed, 2. Petition Against UHS

Date	Ver.	Action By	Action	Result
7/16/2019	1	Safety and Development Committee (INACTIVE)		
7/16/2019	1	Safety and Development Committee (INACTIVE)		Pass
7/16/2019	1	Common Council		
7/16/2019	99 99	Common Council	Adopted As Amended	Pass
7/16/2019	1	Common Council		

Resolution relative to determination of Application for Special Use Permit for proposed new construction of a behavioral health hospital to be located at 1706 S. 68 St. and adjacent commercial parking lot at 1700 Block S. 68 St.

WHEREAS, Diane Henneman, (Applicant) Divisional Vice President for Universal Health Services (UHS) on behalf of Milwaukee Behavioral Health, LLC c/o UHS, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45 of the Revised Municipal Code, to establish a behavioral health hospital and parking lot to be located at 1706 S. 68 St. and adjacent commercial parking lot at 1700 Block S. 68 St.; and

WHEREAS, after due notice, a Public Hearing was held by the Common Council on July 16, 2019, 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, Diane Henneman, Divisional Vice President for Universal Health Services (UHS) on behalf of the Milwaukee Behavioral Health, LLC c/o UHS, has offices at 1525 University Drive, Auburn Hills, MI 48326.
2. The Community Development Authority of the City of West Allis currently owns the property located at 1706 S. 68 St. (Tax Key No. 453-0776-003). The vacant commercial parking lot property located in the 1700 Block of S. 68 St. (Tax Key No. 453-0747-001) is owned by the MRD Group, Inc. with offices located at 4777 W. Lincoln Ave., Milwaukee, WI, 53219, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest  $\frac{1}{4}$ , Northeast  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Block 11 of the Gross West Allis Addition subdivision, Block 3 of the Assessor's Plat No. 269, vacated portion of West

Burnham Street adjacent to Lot 22 in said Block 11 and parts of the railroad Right-of-Way adjacent to the land.

TAX KEY NO.: 453-0776-003 (1706 S. 68 St.) and to include TAX KEY NO.: 453-0747-001 - adjacent commercial parking lot (1700 Block of S. 68 St., Lots 7, 8, and 9 of Block 10)

3. The applicant, Milwaukee Behavior Health, LLC c/o Diane Henneman of Universal Health Services (UHS), has submitted an offer to purchase the property for a behavior health hospital. The subject property includes an approximate 7.5 acre (former Milwaukee Ductile manufacturing property) and a privately owned 0.25 acre vacant commercial parking lot located in the 1700 block of S. 68 St. (located directly west).

The Behavioral Health Division of UHS of Delaware, Inc., a subsidiary of Universal Health Services, Inc. has been awarded the contract by Milwaukee County to provide inpatient psychiatric care. UHS is interested in acquiring the 7.5 acre site at 68th & Mitchell from the Community Development Authority and applying for the required City approvals to construct a state-of-the-art behavioral health facility to provide inpatient psychiatric care as well as outpatient care services.

UHS, through its subsidiaries, owns and operates acute care hospitals, behavioral health facilities, as well as ambulatory centers in 37 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands and the United Kingdom. Across all of its facilities, UHS employs over 87,000 individuals. UHS's Behavioral Health Division operates more than 345 highly regulated facilities (with 188 inpatient and 19 outpatient behavioral health facilities located in the U.S.), all of which eligible hospitals have been accredited by The Joint Commission.

The UHS project proposal has an estimated project cost of \$33 million for a community-based hospital with 120 patient beds, secured outdoor activity areas, a half-court gymnasium, administrative offices, and on-site parking for employees, patients and visitors. Upon the hospital reaching approximately 80% occupancy, UHS anticipates having approximately 200 full time equivalent jobs with an expected payroll of more than \$10 million (average base wage of \$26 per hour plus benefits) in the City of West Allis.

The Applicant expects to acquire the properties and begin construction in 2019. Construction will take approximately 14 months and UHS anticipates it will open the Hospital in 2021.

4. The aforesaid premises is zoned M-1, Manufacturing District, under the Zoning Ordinance of the City of West Allis, which permits hospitals as a Special Use, pursuant to Sec. 12.45(2) of the Revised Municipal Code.

5. The subject property is part of the 68<sup>th</sup> and Mitchell St. Redevelopment Area that is zoned and developed for industrial and commercial uses. Residential uses also exist within the setting of the neighborhood. To the east and north properties are zoned and developed for manufacturing. To the south properties are zoned for manufacturing and developed for manufacturing and commercial uses. To the west properties are zoned commercial and manufacturing and developed for commercial and residential.

6. 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 UHS, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, for proposed new construction of a behavior health hospital to be located at 1706 S. 68 St. and adjacent commercial parking lot at 1700 Block S. 68 St., 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. Sale of Land. The grant of this special use is subject to the Common Council approval of the Purchase and Sale Agreement by and between the Community Development Authority and Milwaukee Behavior Health, LLC.

2. Site, Landscaping, and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscaping and architectural plans approved June 24, 2019 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.

3. Building Plans, Fire Codes and Licenses. 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. Any applicable licenses shall be applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments.
4. Hours of Operation. Hours of operation are 24 hours per day and 365 days per year.
5. Use/Operational limitations. With the grant of this special use certain operational limitations shall be followed:
  - A. The facility will be used for behavioral health services, including acute inpatient services, outpatient services (such as partial hospitalization and intensive outpatient programs) and residential treatment options, and shall be accredited and certified by The Joint Commission and/or the Commission on Accreditation of Rehabilitation Facilities, or such other similarly recognized national accreditation or certifying agency, and maintain all necessary licenses from the State of Wisconsin.
    - i. The facility will not house nor operate a psychiatric crisis emergency center.
    - ii. The facility will be used for no other purpose.
  - B. All patients are discharged by order of a physician. Discharge plans, including verified transportation from the facility are established for all patients, and transportation is provided to any patient who needs it. Patients are not discharged to the street without verification of transportation.
6. Off-Street Parking. With the grant of this special use parking requirements shall be in accordance with Sec. 12.19 of the Revised Municipal Code:
  - A. The subject use is required to supply 130 parking stalls and the Applicant's site plan meets or exceeds that requirement; and,
  - B. Calculations are based on the following details: the proposed 120 bed facility requires 50 parking stalls (1 space for every 2.5 beds plus meet the individual requirements for associated uses). With the inclusion of other associated base support areas like administration/office, outpatient, clinical and admissions areas requires 80 parking stalls (23,600-sf @ 1/300) for a total requirement of 130 parking stalls.
7. Public Relations. To ensure communications between UHS, the City and the neighborhood, UHS shall provide means of public contact (call-in phone number or online system). The means shall be implemented by UHS and shared with the City.
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 and Deliveries. All refuse removal to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosed area as 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. Delivery operations and refuse pick up shall only be permitted during daytime hours.
10. Signage. The grant of this Special Use is subject to all signage plans being submitted to the Department of Development for consideration.
11. 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 without Plan Commission approval.
12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay from the property boundaries. Full cut-off lighting fixtures and/or house side shields shall be utilized on site as necessary to maintain a nuisance-free environment.
13. Outdoor Storage. Outdoor storage of equipment, materials trucks or trailers shall not be permitted without site,

landscaping and screening plan review consideration and in accordance with an approved plan.

14. Pagers, Intercoms. The use of outdoor pagers, intercoms, speakers, audible signals shall not be permitted on site except to notify staff of patient care, safety or security codes.
15. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.
16. 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.
17. 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.
18. 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.
19. 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.
20. Acknowledgement. That the applicants and property owner sign an acknowledgment that they have received these terms and conditions and will abide by them.

The undersigned applicants and property owner agree 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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Diane Henneman, Divisional Vice President for Universal Health Services (UHS)  
on behalf of Milwaukee Behavioral Health, LLC c/o UHS

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019

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City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services  
Div. of Planning

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