

38.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2009-0212 Resolution Introduced

Resolution relative to denial of Special Use Permit to establish a church and educational facility, d/b/a Desatar Ministries within the existing building located at 2213 S. 54 St.

Introduced: 10/6/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
<u>10/16/09</u>	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair [Signature] Vice-Chair _____ Member _____

PLACE ON FILE

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	✓			
			Czaplewski	✓			
<u>OCT 06 2009</u>	✓		Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0212

Final Action:
OCT 06 2009

Sponsor(s): Safety & Development Committee

Resolution relative to denial of Special Use Permit to establish a church and educational facility, d/b/a Desatar Ministries within the existing building located at 2213 S. 54 St.

WHEREAS, Mr. Luis Vergara, d/b/a Desatar Ministries, filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a church and educational facility within the existing 2-story building located at 2213 S. 54 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 15, 2009; and,

WHEREAS, Mr. Luis Vergara, d/b/a Desatar Ministries, duly filed an application relative to a request for special use; and,

WHEREAS, the following pertinent facts are noted:

1. The applicant, Mr. Luis Vergara, d/b/a Desatar Ministries, has offices at 2253 S. Layton Blvd., Milwaukee, WI 53215-2460 and a current location at 611 W. National Ave.
2. The applicant currently leases space which consists of a 2-story, 8,400 square foot building located at 2213 S. 54 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 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 2, 3, 4, Block 9 in the McGeoch's Lincoln Avenue Addition subdivision.

Tax Key No. 474-0509-002

Said land being located at 2213 S. 54 St.

3. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits Religious Institutions and places of assembly, pursuant to Sec. 12.45 and Sec. 12.16 of the Revised Municipal Code.

4. Desatar Ministries proposal is to utilize a portion of the building for a religious facility with a sanctuary and fellowship hall on the 2nd floor and a storage area on the 1st floor. Desatar Ministries has a current membership of 50 persons with up to 80 persons at services. The congregation seeks to reach a maximum of 120 persons. Aside from the religious facility, Desatar also proposes to utilize a portion of the building for an educational facility for persons above the 12th grade. A conference room area for 50 persons and business offices will also be located on site as proposed. According to Desatar Ministries operational plan, they have outlined primarily weekend and evening hours of operation, but also indicate that they not be limited to these hours of operation. The proposed use will conduct the following activities on a daily basis as follows: Prayer service, administrative meetings, small group counseling, bible study, cleaning and building maintenance.

5. Desatar Ministries made application for special use and on August 26, 2009 the Plan Commission recommended tabling the matter on the basis that the plans and application submitted were incomplete. The Plan Commission's recommendation to table the matter was based upon the Staff Report, which noted various reasons for denial of the special use (see findings below). Upon tabling the matter of the August 26 Plan Commission meeting, the applicant was directed by the Plan Commission to submit a complete set of plans and application to address the issues noted by staff. On September 23, 2009, Desatar Ministries returned to the regularly scheduled Plan Commission meeting and the Plan Commission recommended Common Council denial on the findings noted below.

WHEREAS, the Common Council, being fully advised in the premises, finds that the conditions set forth by the Plan Commission, have not been satisfied.

The findings are based upon the following reasons:

1. The proposed use is deficient 32 parking stalls per Sec. 12.19(7) of the RMC.
2. The proposed use is located within an industrial area with a short supply of parking and the total number of parking spaces provided is less than the sum of the separate requirements for each use and therefore does not satisfy Sec. 12.19(9) Joint use of Parking Spaces.
3. A properly drawn off-street parking plan and legal agreement for utilizing adjacent off-street parking within the area has not been provided per Sec. 12.19(10).
4. A detailed site, landscaping and architectural plan to address exterior site improvements has not been submitted.
 - a. The site and building rain gutters are overgrown with weeds and volunteer growth,
 - b. Barbed wire is hanging over the rear wall of the building,
 - c. A refuse container location and 4-sided enclosure/screening is to be indicated on plans.
 - d. Asphalt between the curb and sidewalk (to be removed) and replaced with grass.
 - e. Building east façade is damaged and plans need to address specific details of repair work.
 - f. Parking lot on site is cracked and full of weeds. Repaving of lot is required.
 - g. Specific details of ADA ramp need to be submitted for review.
 - h. A site/landscaping plan for the parking lot on the east side of S. 54 St. to be designed in accordance with the minimum construction standards in 12.19(3) has not been submitted for review

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Luis Vergara, d/b/a Desatar Ministries, for a special use to establish a church and

educational facility be and is hereby denied.

BE IT FURTHER RESOLVED that the application shall not be resubmitted for a period of one year from the date of denial.

Mailed to applicant on the _____ day of _____, 2009

Assistant City Clerk

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

ZON-R-731-10-6-09

ADOPTED

OCT 06 2009

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

Dan Devine, Mayor