



City of West Allis

Legislation Details (With Text)

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On agenda: **Final action:** 10/7/2008

Title: Resolution relative to termination of Special Use Permit previously granted to Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a church, Paradise Family Life Center, within the former Paradise Theater located at 6229 W. Greenfield Ave. (Tax Key Number 454-0001-000).

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. R-2008-0040 Packet Doc

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------------------------|--------------------------------|--------|
| 10/7/2008 | 2 | Safety and Development Committee (INACTIVE) | | |
| 10/7/2008 | 2 | Common Council | | |
| 10/7/2008 | 3 | Safety and Development Committee (INACTIVE) | | Pass |
| 10/7/2008 | 3 | Common Council | Adopted | Pass |
| 2/19/2008 | 2 | Safety and Development Committee (INACTIVE) | | |
| 2/18/2008 | 2 | Common Council | Reconsidered and Referred back | Pass |
| 2/5/2008 | 1 | Common Council | | |
| 2/5/2008 | 2 | Safety and Development Committee (INACTIVE) | | Pass |
| 2/5/2008 | 2 | Common Council | Adopted | Pass |

Resolution relative to termination of Special Use Permit previously granted to Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a church, Paradise Family Life Center, within the former Paradise Theater located at 6229 W. Greenfield Ave. (Tax Key Number 454-0001-000).

WHEREAS, Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a church, Paradise Family Life Center, within the former Paradise Theater, 6229 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 2005, February 21, 2006, February 6, 2007, and February 18, 2008 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 D. Redlich, d/b/a Ziklag Global Investments, Inc., resides at 1343 S. 71 St., West Allis, WI 53214

2. The applicant owns the former theater building at 6229 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast ¼ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin (the "Premise"), describes as follows:

Lot 1 in Block 1 of the Assessors Plat No. 271.

Said land being located at 6229 W. Greenfield Ave.

TAX KEY NO. 454-0001-000.

3. The applicant proposed to complete architectural design work for the interior of the restaurant and the exterior of the building, including new windows and the installation of the theater marquee and restaurant sign. The applicant also proposed to make payments of construction costs of a new parking lot. The applicant had proposed that all architectural and signage improvements, and payments of construction costs of a new parking lot were to be completed by October 1, 2008 (extensions of time granted by the Common Council on February 21, 2006, March 6, 2007, and February 18, 2008) and by the Safety & Development Committee on October 10, 2007.

As noted in Resolution No. R-2005-0007, the Paradise Family Life Center would occupy the space on the premises which was previously the Paradise Theater. Resolution No. R-2006-0061 granted the applicant a four-month extension of time to complete the above-referenced improvements/payments and modified the seating capacity within the church. Resolution No. 2007-0061 granted the applicant another extension of time to complete improvements and payments, and increased the seating capacity of the church. Finally, Resolution No. R-2008-0049 granted the applicant an extension of time (until October 1, 2008) to complete improvements, make payments and for the increased seating capacity of the church.

4. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits churches as a special use, pursuant to Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis.

5. The Property is within the Six Points area of the City, one of the City's older commercial areas. See attached Area Parking Inventory Exhibit "A", and,

WHEREAS, notice concerning the Public Hearing regarding the possible termination of the Special Use Permit was properly mailed to Thomas D. Redlich, and,

WHEREAS, the Safety & Development Committee granted the applicant an extension of time on October 10, 2007 to obtain permits, complete improvements and make remaining payments by January 10, 2008, and,

WHEREAS, the Common Council considered the issue of termination on February 5, 2008, and,

WHEREAS, the Common Council granted the applicant an extension of time on February 18, 2008 to obtain permits, complete improvements and make remaining payments by October 1, 2008, and,

WHEREAS, the Common Council, being fully advised in the premises, finds that a valid building permit for new windows has not been obtained as required in Sec. 12.16(11)(b) of the Revised Municipal Code, finds that \$71,000 of the agreed \$111,000 of construction of a new parking lot payments, as set forth in Resolution No. R-2007-0061, has not been received by the City of West Allis, and finds that architectural improvement conditions, approved by the West Allis Plan Commission on January 24, 2007 and set forth in Resolution No. R-2007-0061, have not been satisfied, specifically:

1. Site, Landscaping, Architectural and Signage Improvements. The grant of this special use permit is subject to and instituted upon the completion of the following site, landscaping, architectural and signage improvements:
 - a. Complete the approved work on the exterior of the building (excluding the Marquee) - original deadline May 31, 2006. Latest deadline - October 1, 2008.
 - b. Installation of the approved theater marquee - original deadline June 30, 2006. Latest deadline October 1, 2008. On January 27, 2007, the Plan Commission approved a wall sign subject to a master signage plan for the property being submitted to and approved by the Plan Commission within one year. The master sign plan was to include a plan for installation of a new marquee sign.

WHEREAS, the Common Council determines that credible evidence exists to support the termination of the Special Use Permit based upon the factors identified in Sec. 12.16(13) of the Revised Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the applicant has failed to satisfy conditions as required in Resolution No. R-2008-0049, and that the Special Use Permit of Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a church, Paradise Family Life Center, within the former Paradise Theater, be, and is hereby terminated.

BE IT FURTHER RESOLVED that the application shall not be resubmitted for a period of one year from the date of said termination, except on the grounds of new evidence or proof of change of conditions found to be valid by the Common Council.

Mailed to applicant on the
_____ day of _____, 2008

Assistant City Clerk

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

ZON-R-692-10-7-08\bjb