



City of West Allis

Legislation Details (With Text)

File #: R-2016-0280 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 12/6/2016 **In control:** Safety and Development Committee (INACTIVE)

On agenda: 12/6/2016 **Final action:** 12/6/2016

Title: Resolution relative to determination of Special Use Permit for Crimson Way Church, a proposed religious institution to be located at 6125 W. National Ave.

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. R-2016-0280 signed, 2. AFFIDAVIT OF PUBLICATION NPH CRIMSON WAY CHURCH

Date	Ver.	Action By	Action	Result
12/9/2016	1	Mayor	Signed/Enacted	
12/6/2016	1	Common Council	Adopted	Pass
12/6/2016	1	Safety and Development Committee (INACTIVE)		Pass
12/6/2016	1	Common Council		
12/6/2016	1	Safety and Development Committee (INACTIVE)		
12/6/2016	1	Common Council		

Resolution relative to determination of Special Use Permit for Crimson Way Church, a proposed religious institution to be located at 6125 W. National Ave.

WHEREAS, Crimson Way Church, representative Mark Garsombke, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code, to establish a church/religious institution and offices, within the property located at 6125 W. National Ave; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 6, 2016, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, that said Special Use Permit is granted, subject to the following conditions:

1. The applicant, Crimson Way Church representative Mark Garsombke, has another church and offices at 14625 Watertown Plank Rd., Elm Grove, WI 53122.
2. The applicant has a valid offer to purchase the property at 6125 W. National Ave. (Tax Key No. 439-0369-001), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast ¼ of Section 34, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Block 2, of the Cappel's Subdivision.

Tax Key No. 439-0369-001

Said land being located at 6125 W. National Ave.

3. The applicant, Crimson Way Church, has laid out a plan to operate a religious organization, worship services, and administration offices at 6125 W. National Ave. Regular church activities include a Sunday morning service, Wednesday night family night, adult Bible education (likely one night per week), community services throughout the week and from time-to-time other services and activities commonly associated with a church, like prayer and worship events. Initially, the applicant expects attendance on Sunday morning to be 50-100 people, attendance for Wednesday night family night to be 30-50 people, and attendance for the adult Bible education classes to be 10-20 people. Attendance for community services will vary based on events.

The church will likely have 2 full-time employees and 2-3 part-time employees, initially. The church will also have dozens of volunteers as needed for various church-related activities.

Planned hours of operation:

Sunday 8:00 a.m. - 2:00 p.m.

Monday thru Saturday 7:00 a.m. - 10:00 p.m.

4. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits Churches and Religious Institutions as a special use, pursuant to Sec. 12.16 and 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. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the Six Points Neighborhood offers off-street municipal shared parking and various on-street parking opportunities within 800 feet of the property. The property is also served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Crimson Way Church, to establish a church/religious institution and offices, within the building located at 6125 W. National Ave., 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 Sec. 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. The grant of this Special Use Permit is subject to and conditioned upon the site, landscaping, screening and architectural plan approved December 12, 2016 by the West Allis Plan Commission. No alterations or modification of the approved plan shall be permitted without approval by the West Allis 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. Allowable operations are from 6:00 a.m. - 10:00 p.m., seven days a week.

4. Business (Church) Operations.

A. Regular church activities include a Sunday morning service, Wednesday night family night, adult Bible education likely one night per week, community services throughout the week and from time-to-time other services and activities commonly associated with a church, like prayer and worship events. Initially, the applicant expects attendance on Sunday morning to be 50-100 people, attendance for Wednesday night family night to be 30-50 people, and attendance for the adult Bible education classes to be 10-20 people. Attendance for community services will vary based on events.

The church will likely have 2 full-time employees and 2-3 part-time employees, initially. The church will also have dozens of volunteers as needed for various church-related activities.

B. No Bingo or gaming is permitted as part of this special use.

5. Off-Street Parking. Required Parking is 23spaces (Breakdown - church 10, offices 13 = 23)

There are 13 parking spaces provided on site. Parking requirements have been calculated using a parking ratio of 1 parking stall required for every 100 gross square feet of church space and 1 parking stall for every 300 gross square feet of commercial/office space in accordance with Sec. 12.19 of the Revised Municipal Code.

All of the off-street parking spaces required for the church may be supplied by so-called "daytime uses", such as banks, business offices, retail stores and manufacturing uses. See Secs. 12.19 (9)(b)(iii) and (iv) of the Revised Municipal Code.

The church has secured an agreement to have access to 10 parking stalls at, "Father Gene's Help Center", located at 5919 W. National Ave., which is within 800 feet of the subject property.

6. Window Signage and Rope Lighting. Window signage shall not exceed 20% of the glazed portion of each window frame. No rope lighting is allowed on the exterior of the building or on or along the inside of the windows of the building.

7. 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.

8. Deliveries and Refuse Pickup. 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 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.

9. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

10. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

11. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.

12. Litter and Monitoring. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.

13. Sidewalk Repair. The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries. Exterior lighting should be presented in a lighting plan which identifies all exterior lighting features, either mounted on the building or freestanding, along with dispersion pattern, intensity of light and cut-off shielding that reflects away from the street. Light distribution should not spill over onto adjacent properties.

15. Expiration of Special Use Permit. The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. 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 supplying written explanation for extension of time;
- B. A timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;
- C. The request for extension shall be submitted within 60 days of the expiration of the special use permit;
- D. The extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date 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, then the Special Use may be terminated.

19. Acknowledgement. That the applicant signs 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.

Mark T. Garsombke, Senior Pastor, Crimson Way Church

Mailed to applicant on the
_____ day of _____, 2016

City Clerk

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

ZON-R-1072-12-6-16