



City of West Allis

Legislation Text

File #: R-2011-0133, **Version:** 3

Resolution relative to Special Use Permit to establish Epikos Church, a religious institution to be located within the former Paradise Theater located at 6229 W. Greenfield Avenue.

WHEREAS, epikos church, by its pastor Danny Parmelee, 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/religious institution and offices, within the former Paradise Theater building located at 6217-6301 W. Greenfield Ave. and 6220 W. National Ave; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 17, 2011, 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, epikos church, by its pastor Danny Parmelee, has another church and offices at 2308 E. Belleview Pl. Milwaukee, WI 53211.

2. The applicant has a valid offer to purchase the property at 6217-6301 W. Greenfield Ave. and 6220 W. National Ave (Tax Key No. 454-0001-000), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

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

Tax Key No. 454-0001-000

Said land being located at 6217-6301 W. Greenfield Ave. and 6220 W. National Ave.

3. The applicant, epikos church, has laid out a plan to fund, repair, renovate and operate their religious organization, worship services, administration offices, lease retail space and operate a 3,300 square foot restaurant/café, with outdoor dining at the former Paradise Theater property. The proposed restaurant/café may be operated by the Church or another entity, and is being considered by the Common Council as a separate special use resolution.

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. 12.42(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 epikos church, to establish a church/religious institution and offices, within the former Paradise Theater building located at 6217-6301 W. Greenfield Ave. and 6220 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. The Common Council approves and the applicant must accept the Paradise Theater Deal Points Agreement, Exhibit A (attached).
2. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on April 27, 2011, 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 plans shall be permitted without approval by the Plan Commission.
3. Building Orders, Plans and Fire Codes. The grant of this special use is subject to all building code requirements including any required building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department, as required by state and local building and fire codes.
4. Operations on premises:
 - A. Seating Capacity - The seating capacity within the church and balcony area will be for up to 1,240 persons.
 - B. Church Floor area - The church, stage and lobby area will utilize 12,300 SF and the second floor offices will comprise 7,000 SF. The church will be utilized for Sunday Worship Services 7 am-noon. Friday, Saturday and Sunday night special events (worship concert for the church or a family movie night that is open to the public) would be conducted from 6pm to 10pm. The general operating hours for the church and its events will be between 6am to 10pm seven days a week.
 - C. First Floor Commercial Area - Will utilize 2,700 square feet of 1st floor space is available. The new storefronts along W. Greenfield Ave. will be remodeled for office and classroom space to be utilized Sundays, Tuesdays. Hours for educational 1st floor uses are as follows: Sundays 10:00 am - noon, Tuesday and Wednesday nights between 6 pm-10 pm.
 - D. Second Floor Commercial area - will utilize 7,000 SF and be used for offices, classrooms, and children's ministry. The hours for proposed 2nd floor uses are: Monday-Friday 8am-5pm, Sundays 9 am to noon.
 - E. Restaurant/café operations approved separately under a separate special use resolution.

F. Basement Floor area - The basement area will remain as storage and mechanical space. The basement space is about 7,000 square feet.

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

5. Off-Street Parking. Required Parking is 182 spaces (Breakdown - church 123, restaurant/café 22, commercial/office 32, basement 5 = 182)

There are no 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 identified parking in the amount of 193 spaces (Breakdown - public off street 67, Fargo Main Lot 100, Fargo Minor Lot 26 = 193) within 800 feet of the subject property.

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

7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area and shall be installed upon the interior side of the glass. Window signs shall not flash.

8. 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.

9. 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. Delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

11. 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.

12. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.

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

14. 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.

15. 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.

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, the special use may be terminated.

19. Substantive Changes. The City Attorney be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of this resolution, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

20. Acknowledgement. That the applicants sign an acknowledgment that it 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.

epikos church

Danny Parmelee, pastor

Mailed to applicants on the
_____ day of _____, 2011

Assistant City Clerk

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

ZON-R-817-6-7-11-amd