



City of West Allis

Legislation Text

File #: R-2004-0120, **Version:** 1

Resolution relative to determination of special use application submitted by Bernhard Schreib, on behalf of Cutting Edge Ministry, to expand the existing church within a portion of the existing building located at 8550 W. National Ave.

WHEREAS, Bernhard Schreib, on behalf of Cutting Edge Ministry, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, Sec. 12.41(2) and 12.45(2) of the Revised Municipal Code, to expand existing church facilities; and

WHEREAS, after due notice, a public hearing was held by the Common Council on April 5, 2004, 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, Bernhard Schreib, has offices at 16400 W. Lincoln Avenue, P.O. Box 510283, New Berlin, WI 53151.
2. The applicant owns the subject property at 8550 W. National Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Commencing 25.93 feet south of the Northeast corner of the Southwest One-quarter of Section 6, Township 21 North, in the City of West Allis, Milwaukee County, State of Wisconsin, to-wit:

Thence west 727.22 feet, south 86.22 feet, westerly 195.88 feet, south 189.22 feet, southeasterly 53 feet, south 64.08 feet, southeasterly 35.41 feet, northeasterly 5.03 feet, south to the center line of W. National Ave., northeasterly on center line of W. National Ave. to east line of said quarter section, thence north to beginning, excepting there from a portion for Avenue and exception CSM No. 5161.

Tax Key Number: 478-9998-003

Said land being located at 8550 W. National Ave.

3. The applicant has proposed to expand the existing church from 1,100 square feet to 5,500 square feet.
4. The intent of use for Bernhard Schreib, on behalf of Cutting Edge Ministry, is to expand a church for approximately 110 members.

5. The aforesaid premises is zoned C-2 Neighborhood Commercial District and M-1 Manufacturing District under the zoning ordinance of the City of West Allis, which permits the location of a church facility as a special use, pursuant to Sec. 12.41(2) and 12.45(2) of the Revised Municipal Code.
6. The property is serviced by all necessary public utilities.
7. The subject property is part of an area on the north side of W. National Ave. between S. 84 St. and S. 86 St. which is zoned for commercial and manufacturing purposes. Properties to the north are developed as residential. Properties to the east and west are developed as commercial. Properties to the south are developed as residential, parks and school.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Bernhard Schreib, on behalf of Cutting Edge Ministry, be and is hereby granted a special use:

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 Section 12.16 and Section 12.41 (2) and 12.45(2) 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on February 25, 2004, 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.
2. Hours of Operation. The church facility will be open daily from 7:00 a.m. to 9:00 p.m.
3. Seating Capacity. Seating capacity shall be limited to 110.
4. 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 Zoning and by the Fire Department.
5. Parking. 127 parking spaces to be provided on site, including 3 ADA spaces. The Zoning Code requires 75 spaces.
6. 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.
7. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, (if any) abutting sidewalk.

Applicant is 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.

The grant of this special use shall become null and void within one (1) 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. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in questions.

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.

The use, as granted herein, will not be altered or extended (including structural alterations and/or additions) without approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the
13th day of April, 2004
/s/ Monica Schultz
Assistant City Clerk

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

h\r\ZON-R-423\4-5-04\jmg