



City of West Allis

Legislation Text

File #: R-2012-0094, **Version:** 2

Resolution relative to determination of Special Use Permit for the River Church, a proposed religious institution, to be located within a portion of the former school administration building at 9333 W. Lincoln Avenue.

WHEREAS, Pastor Kirk Bougher, of the River Church, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.33(3), 12.37(3) and Sec. 12.16 of the Revised Municipal Code, to establish a religious institution and religious classrooms within the first floor of the existing office building (formerly WAWM School District offices) located at 9333 W. Lincoln Ave. and for use of an existing parking lot at 9343 W. Lincoln Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 1, 2012, at 7:00 p.m., in the Common Council Chamber 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, Pastor Kirk Bougher, of the River Church, currently leases the first floor portion of the former WAWM School District offices at 9333 W. Lincoln Ave., West Allis, WI 53227.
2. The church will lease the first floor of the existing building located at 9333 W. Lincoln Ave., 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 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the Southeast corner of Lot 12 in Block 1 of the Thurtell's Subdivision; thence Westerly, 227.98 feet, along the North right-of-way line of West Hayes Avenue to the Southwest corner of Lot 17 in said Block 1; thence Northerly, 374.06 feet to the South right-of-way line of West Lincoln Avenue; thence Easterly, 239.27 feet along said South right-of-way line; thence Southerly, 209.03 feet; thence Westerly, 10.68 feet, to the Northeast corner of said Lot 1; thence Southerly, 165.03 feet to the Point of Beginning.

Tax Key No. 486-0012-001 (building site) and 486-0030-000 (parking lot site)

Said land being located at 9333 and 9343 W. Lincoln Ave.

3. The applicant, Pastor Kirk Bougher of the River Church currently leases the first/main floor of the former WAWM School Administration building at 9333 W. Lincoln Ave. The lower level is currently occupied by the West Allis West Milwaukee School District (WAWM) consisting of a garage area and lower level offices.

The River Church is proposing to purchase the building at the end of 2012, renovate and utilize the first/main floor office area for church and children's ministries/studies and office area. The lower/ground level of this

building will continue to be occupied (and leased) by the school district. The term of the lease to the school district will be for 5 years, until 2017, when the church may then exercise its option to seek to occupy the lower level of the building.

The purpose of this special use resolution is to only consider the initial phase of the first/main floor proposed uses of a church, school and office uses. Since the church will not have control of the lower level, and the existing school district garage and storage usage will not change for the next 5 years, the City will consider any future lower/ground level uses at a future date.

The proposed first/main floor worship space will be designed to accommodate 204 people. A total of 14 classrooms are proposed for children's ministry/classes.

4. The aforesaid premises is split zoned RC-1 Multi-family Residence and RA-3 Single-family Residential District under the Zoning Ordinance of the City of West Allis, which permits religious institutions and places of assembly, pursuant to Sec. 12.37, 12.33 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is on the south side of W. Lincoln Ave. Property to the east and west are developed as residential, properties to the south are zoned and developed for residential uses, properties to the north are zoned and developed for commercial purposes.

6. The proposed development should not adversely contribute to traffic volume or traffic flow in the area, as the site will be utilized primarily during evening and on weekends.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Pastor Kirk Bougher, The River Church, 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. 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 Fire Department. All building and fire codes to be complied with.
2. Off-Street Parking. The proposed use is required to provide 69 parking spaces per Sec. 12.19(7) of the Revised Municipal Code. Off-street parking spaces for 90 vehicles will be provided on site, including handicapped stalls. Public transportation is available to the site on W. Lincoln Ave. So as to discourage church traffic in the neighborhood, the church is required to install temporary barriers within the southern driveway one hour before and one hour after church services.

No overnight parking of church vehicles has been identified on the site plan.

3. Site and Screening Plan and Architectural Elevations. The grant of this Special Use Permit is subject to and conditioned upon approval of the site, landscaping and architectural plans approved on March 28, 2012 by the West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alterations or modification to the approved plan shall be permitted without approval by the West Allis

Plan Commission.

4. Hours of Operation. Church and School hours will be conducted Sunday mornings 9am to 1pm and Sunday evenings 4 to 9pm. Wednesdays 5pm to 9pm

General use of the building for routine activities, including office hours and maintenance will be allowed from 8:00 am - 6:00 pm, Monday - Friday.

5. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

6. Signage. All signage to be in conformance with Sec. 13.21 of the Revised Municipal Code. Any building window signage shall not exceed twenty percent (20%) of each window's area.

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. Litter and Monitoring. Employees shall inspect the area 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.

9. Sidewalk Repair. The grant of this Special Use Permit 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, abutting sidewalk.

10. Bingo. No bingo or other public gaming activities will be allowed to occur on the premises.

11. Special Events. Special events for the proposed use may be granted by the Common Council, upon request.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

Pastor Kirk Bougher, The River Church

Mailed to applicant on the
_____ day of _____, 2012

Assistant City Clerk

cc: Dept. of Development

Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-866-5-1-12-amended