



City of West Allis

Legislation Text

File #: R-2008-0049, **Version:** 1

Resolution relative to Approving a Request for an extension of time for compliance with the terms of a Special Use Permit for a church 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, and February 6, 2007, 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 existing 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 $\frac{1}{4}$ 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.

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 are to be complete by January 10, 2008 (extensions of time granted by the Common Council on February 21, 2006 and March 6, 2007 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 application another extension of time to complete improvements and payments, and increased the 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".

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as previous occupant operated a church, and,

WHEREAS, a Notice concerning the hearing in front of the Safety & Development Committee 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, being fully advised in the premises, found 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, had not been received by the City of West Allis, and found that architectural improvement conditions, approved by the West Allis Plan Commission on January 24, 2007, and set forth in Resolution No. R-2007-0061, had 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. Phase 2 - Complete the architectural design work for the interior of the restaurant and the exterior of the building (including the theater marquee) and prepare a listing of all required materials. - March 20, 2006. This phase will include obtaining a "Demolition Permit" from the city (to be requested by approximately February 28, 2006) to begin exposing exterior window areas, that have been covered by erected exterior wall materials, etc. Plans and designs will be submitted to the city for approval by March 20, 2006. Plans were submitted to the Plan Commission on September 27, 2006 for architectural approval and approved with conditions. Revised plans will be submitted by April 23, 2007.

b. Phase 3 - Subject to approval of Phase 2 above, complete the approved work on the exterior of the building (excluding the Marquee) - May 31, 2006. Currently not completed.

c. Phase 4 - Installation of the approved theater marquee - June 30, 2006. Currently not completed due to lack of funding. 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 shall include a plan for installation of a new marquee sign.

d. Phase 5 - Complete work on the restaurant to allow city inspection for the proposed restaurant grand opening. Currently not completed due to existing code issues. Grand opening to take place July 1, 2007; and,

WHEREAS, the Common Council at the meeting of February 5, 2008, terminated the Special Use Permit as to both the church and restaurant; and,

WHEREAS, the Common Council voted to reconsider termination of the Special Use Permit for the church portion only at the February 18, 2008, Common Council meeting; and,

WHEREAS, upon reconsideration, the church portion of the Special Use is completed except as set forth above and is operational; and,

WHEREAS, continued operation of the church portion of the building is the only way Ziklag Global Investments, Inc. can raise the funds necessary to comply with the remaining terms of the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application to extend the time to comply with the Special Use Permit conditionally approved by the Common Council in Resolution No. R-2007-0061 to Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., to establish a church, Paradise Family Life Center, within the former Paradise Theater is hereby granted and that Ziklag Global Investments, Inc. shall have until October 1, 2008, to comply with said terms and conditions.

BE IT FURTHER RESOLVED that the termination of the Special Use Permit relative to the restaurant portion of the premises shall remain in effect and that an application for a restaurant 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.

ATTR-Approve Ext Ziklag-Church