



City of West Allis

Legislation Text

File #: R-2011-0213, **Version:** 1

Resolution relative to determination of Special Use Permit for Iglesia de Dios, a proposed religious institution to be located at 5401 W. Burnham St.

WHEREAS, Efrain Rodriguez, d/b/a Iglesia de Dios, filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a religious institution within the existing building located at 5401 W. Burnham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 4, 2011, 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, Efrain Rodriguez resides at 10914 W. Madison St., West Allis, WI 53214.
2. The church will lease the approximately 8,000 square foot building located at 5401 W. Burnham St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 1, 2, 3 and 4 in Block 1 of the McGeoch Meadows Subdivision.

Tax Key No. 474-0015-003

Said land being located at 5401 W. Burnham St.

3. The applicant, Iglesia de Dios is proposing to utilize the building for a religious facility with a sanctuary, classroom, nursery, reception and restrooms on the first floor and meeting rooms, office space and utility rooms in the basement. The congregation currently has a membership around 100 people and expects to grow to approximately 125.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits religious institutions and places of assembly, pursuant to Sec. 12.41 and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is on the southwest corner of S. 54 St. and W. Burnham St. within a neighborhood corridor zoned for commercial purposes. Property to the east is zoned and developed for manufacturing uses, properties to the south are zoned and developed for residential uses, properties to the west are zoned for commercial purposes and developed as commercial and residential uses, and properties to the north are located

within the Village of West Milwaukee and developed for residential and commercial uses.

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 Efrain Rodriguez, d/b/a Iglesia de Dios, 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 42 parking spaces per Sec. 12.19(7) of the Revised Municipal Code. Off-street parking spaces for at least 28 vehicles will be provided, including two handicapped stalls. The Common Council shall have the authority to change or waive the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.
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 September 28, 2011 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. Hours of operation for the proposed use are as follows: Sunday, 10:00 am - 2:00 pm, Tuesday and Thursday, 6:00 pm - 9:30 pm, Wednesday, 10:00 am - 12:00 pm (noon). General use of the building for routine activities, including office hours and maintenance will be allowed from 9:00 am - 5:00 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.

Efrain Rodriguez, d/b/a Iglesia de Dios

Tim Ballering, owner

Mailed to applicant on the
_____ day of _____, 2011

Assistant City Clerk

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

ZON-R-837-10-4-11