



City of West Allis

Legislation Text

File #: R-2007-0061, **Version:** 2

Resolution relative to determination of Special Use Permit Application for a proposed increase to the seating capacity at the Paradise Theater, located at 6229 W. Greenfield Ave. (Tax Key No. 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 an extension of time (four months) for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code of the City of West Allis to increase seating capacity of the Paradise Theater Building, 6229 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on 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 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.
4. 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".
5. The Six Points area is generally zoned C-3 Community Commercial District. Churches are special uses in a C-3 Community Commercial District.
6. The proposed church would occupy that portion of the Property which was previously occupied by the Paradise Theater.

7. Seating capacity within the church will be expanded to utilize the balcony. Total seating capacity within the church will be for 1,240.
8. The gross floor area of the building premises is approximately 9,075 square feet.
9. 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.
10. The use, value and enjoyment of other property in the surrounding area will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., relative to a request for an amendment and extension of time (four months) for the Paradise Family Life Center, within the former Paradise Theater located at 6229 W. Greenfield 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. Site, Landscaping, Architectural and Signage. The grant of this Special Use Permit is subject to and conditioned upon the plan approved on January 24, 2007, 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 plan shall be permitted without approval by the West Allis Plan Commission.

Schedule of Completion of Site Conditions:

Phase 1 - Completion of all work required for full, permanent occupancy of the theater facility including installation of fire alarm and sprinkler systems and required final electrical and building inspection approvals - March 31, 2006. Door hardware issues remain to be completed.

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.

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 due to unresolved ADA accessibility issues.

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.

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.

2. 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.

3. Off-street Parking Spaces. Currently a total of 175 off-street municipal parking spaces are provided within 800 feet of the property.

a. The purpose of off-street parking regulations is, "to lessen traffic congestion, promote traffic safety and improve the aesthetics of the community, promote a clean, healthful environment and otherwise preserve and promote the public health, safety and general welfare." See Sec. 12.19(1) of the Revised Municipal Code.

b. The Zoning Ordinance of the City prohibits the change of use of an existing building unless provision is made for off-street parking, as provided in the Revised Municipal Code (RMC). See Sec. 12.19(2)(b) of the RMC.

c. Required parking spaces serving two (2) or more premises may be located on the same lot or lots within eight hundred (800) feet of each premises, provided the total number of parking spaces furnished is not less than the sum of the separate requirements for each space. Sec. 12.19(9)(a) of the Revised Municipal Code.

d. No off-street parking exists on the lots on which the Premise is located. The Revised Municipal Code requires that churches have one off-street parking space for each 100 square feet of gross floor area or a total of 91 off-street parking spaces for the Premises. See Sec. 12.19(7) (a)(13) of the Revised Municipal Code. A total of 167 spaces are required for the overall property as follows: church/theater, 91 spaces; restaurant, 22 spaces; retail, 9 spaces; second floor offices, 39 spaces and basement, 5 spaces. Church members and visitors shall utilize the off-street parking required herein.

e. A lease agreement to lease a minimum of 70 parking spaces at the property located at 6100-30 W. Greenfield Ave. (Tax Key No. 439-0329-002)

4. Payment Schedule:

A. Payment in Lieu of Taxes Agreement. The property owner and the City of West Allis have agreed that a Payment in Lieu of Taxes will be paid to the City of West Allis equal to the City's portion of the tax bill in any year for any part of said property classified as a tax exempt property (excludes personal property tax).

B. Payment to defray costs of public parking lots in the neighborhood. The applicant, Thomas D. Redlich, d/b/a Ziklag Global Investments, Inc., has committed to pay the equivalent of the entire construction cost (not to exceed \$111,000) for the construction of a new parking lot on the vacant lots between S. 62 St. and S. 63 St. immediately adjacent to the existing parking lot directly across the street from the proposed Paradise Family Life Center, 6229 W. Greenfield Ave.

C. Payment Plan. Payment schedule for the proposed \$111,000.00 to defray cost of public parking lots in the neighborhood being donated to the City of West Allis by Ziklag Global Investments, Inc. in conjunction with the "Special Use" permit approvals requested herein as follows:

1. \$ 11,000 upon approval of the requested time extensions (four months) referred to herein are granted (no later than February 28, 2006 upon approval of these extensions). Paid.
 2. \$ 15,000 - May 1, 2006. Paid.
 3. \$ 15,000 - July 1, 2006. Paid.
 4. \$ 10,000 - May 1, 2007 (Previously September 1, 2006)
 5. \$ 10,000 - August 1, 2007 (Previously November 1, 2006)
 6. \$ 10,000 - November 1, 2007 (Previously January 1, 2007)
 7. \$ 40,000 - December 31, 2007 (Previously February 22, 2007)
- \$111,000 - Total

5. Street Parking. The applicant or future property owner shall pay for initial fee and annual renewal fees for one-half of two special parking zones.

6. Occupancy. The Building Inspector shall not issue an occupancy permit for the Premises, nor shall the applicants commence the special use, until the required off-street parking for the church use has been secured and documented, as herein provided, and such other necessary building and zoning approvals have been obtained.

7. Hours of Operation. The hours of operation shall be from 10:00 a.m. until 10:00 p.m., seven days per week.

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

9. Window Signage. Building window signage shall not exceed twenty percent (20%) of each window's area.

10. 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.

11. Litter. Employees shall inspect the site 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.

12. Seating Capacity. Total seating capacity shall be limited to 1240 people.

13. Refuse Collection to be provided by commercial hauler. All refuse, recyclables and other waste material shall be screened from view.

14. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.

15. Equipment Removal (Antennas/screening). Telecommunication equipment shall be removed from the property if the equipment becomes unusable, outdated, or if the lease expires.

16. Sidewalk Repair: The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

17. Outdoor Lighting. All outdoor lighting fixtures shall be recessed/shielded in such a manner that light rays emitted by the fixture shall not splay from the property boundaries.

18. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void four (4) months 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 (four months) 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 (four months) 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 (four months) 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 (four months) shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The Safety and Development Committee is hereby authorized to grant, at their discretion, a four (4) month extension.

E. The extension, if granted, shall be valid for a period of four (4) months. If no building permit has been issued and construction has not commenced within four (4) months from and after the extension (four months) has been granted, the special use shall become null and void.

F. If the applicant does not meet the construction and payment schedule as provided herein, the special use permit shall become null and void unless an additional four (4) month extension is approved by the Safety and Development Committee.

20. Miscellaneous.

A. 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.

B. 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 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.

Mailed to applicant on the
_____ day of _____, 2007

Assistant City Clerk

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

ZON-R-596\dlm\2-6-07