



City of West Allis

Legislation Text

File #: R-2010-0235, **Version:** 1

Resolution relative to determination of Special Use Permit for Robert Thomas Jr. African Methodist Episcopal Church, a proposed religious institution to be located at 5433 W. Burnham St.

WHEREAS, the Robert Thomas Jr. African Methodist Episcopal Church, 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 5433 W. Burnham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 19, 2010, 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, Robert Thomas Jr. African Methodist Episcopal Church, has designated Michele Clark as their project liaison with the City. Michele Clark resides at 5430 N. 20 St., Milwaukee, WI 53209.
2. The church has an offer to purchase the 5,800 square foot building located at 5433 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 7 and 8 in Block 1 of the McGeoch Meadows subdivision.

Tax Key No. 474-0019-001

Said land being located at 5433 W. Burnham St.

3. Robert Thomas Jr. African Methodist Episcopal Church proposal is to utilize the building for a religious facility with a sanctuary, office space and study rooms on the first floor and fellowship hall and storage in the basement. The congregation seeks to reach a maximum of 40 persons. Aside from the religious facility, the Robert Thomas Jr. African Methodist Episcopal Church also proposes to utilize portions of the building for an educational purpose for both children and adults. According to the Robert Thomas Jr. African Methodist Episcopal Church's operational plan, they have outlined primarily weekend and evening hours of operation. The proposed use will conduct the following activities as follows: Worship services, prayer service, administrative meetings, Bible study, choir, church school, auxiliary meetings, cleaning and building maintenance.

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 part of an area at the southeast corner of S. 55 St. and W. Burnham St., which is zoned for commercial purposes. Properties to the east, west and south are zoned for commercial and developed for residential uses. Properties to the north are located in the Village of West Milwaukee and are developed for multi-family residential.

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Robert Thomas Jr. African Methodist Episcopal 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 29 parking spaces per Sec. 12.19(7) of the Revised Municipal Code. Off-street parking spaces for at least 6 vehicles will be provided and maintained.
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 22, 2010 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: Saturday 10:00 a.m. - 7:00 p.m., Sunday 9:00 a.m. - 12:00 p.m. (noon) and Wednesday 6:00 p.m. - 8:00 p.m.
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.
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. Seating Capacity. The seating capacity shall be limited to 40 persons.
9. 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.

10. 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, abutting sidewalk.

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

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

Agent for Robert Thomas Jr. African Methodist Episcopal Church

Mailed to applicant on the
_____ day of _____, 2010

Assistant City Clerk

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

ZON-R-789-10-19-10