



# City of West Allis

## Legislation Text

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**File #:** R-2003-0251, **Version:** 2

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Resolution relative to determination of Special Use Application submitted by the Southside Baptist Church, to establish an elementary school within the existing building located at 1501 S. 73 St.

WHEREAS, the Southside Baptist Church duly filed with the City Administrative Officer, City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.36(3) of the Revised Municipal Code to establish an elementary school within the existing church and existing building located at 1501 S. 73 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 2, 2003, 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, the Southside Baptist Church has offices at 1501 South 73 Street, West Allis, WI 53214.
2. The applicant owns said premises located at 1501 S. 73 St. and 7313 W. Orchard St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1 and 2 in Block 8 of Central Improvement Co. Subdivision No.1.

Tax Key No. 481-9993-028

Said Property being located at 1501 S. 73 St. and 7313 W. Orchard St.

3. The aforesaid area is zoned RB-2 Residence District under the Zoning Ordinance which permits public and private education institutions including elementary schools as a special use, pursuant to Sec. 12.16 and Sec. 12.36(3) of the Revised Municipal Code.
4. The applicant is proposing utilize the existing buildings on site for a church and school use for its Christian Ministry services. The site is currently occupied with two buildings, which include a 1.5-story frame church building and a 2-story frame house (7313 W. Orchard St.). No off-street parking is provided on the site as the property has historically been used as a neighborhood church. Approximately 30 children utilize the facility.

The site and facility has been used as a church in the past, but its use as a school for about 30 children was recently discovered. The elementary school use requires a special use permit by code. The site was previously

granted occupancy for the church use. The intended school use occupancy was not included on the permit application and proper life safety, fire and building code reviews were not conducted for the school occupancy.

This item is being considered before the Common Council for special use zoning approval. The special use approval is subject to all state and local building and fire codes being satisfied prior to issuing an occupancy permit.

5. The subject property is located on the west side of S. 73 St., between W. Orchard St. and W. Lapham St. Properties located to the south and west are developed as residential. Properties to the east are developed as (residential and commercial) use.

6. The use, value and enjoyment of other property in the surrounding area for permitted uses 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 the Southside Baptist 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 and Sec. 12.36(3) 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, and Architectural Plan. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and architectural plan approved by the West Allis Plan Commission on July 23, 2003. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
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. All state and local building and fire codes being satisfied prior to issuing an occupancy permit.
3. Parking. The Revised Municipal Code requires 32 off-street parking spaces. No off-street parking spaces will be provided on site. Municipal parking spaces are located within 400 feet of the property. In accordance with Sec. 12.19 of the Revised Municipal Code, credit may be given for commercial uses/premises located within 800 feet of off-street parking (municipal parking).
4. Hours of Operation. The school day and calendar are standard for schools (8:10 a.m. to 3:00 p.m., August 26 through May 30). The church has meeting times as follows: Sunday School at 9:45 a.m., followed by preaching at 11:00 a.m. and 7:00 p.m. Bible school/study will be held on Wednesdays at 7:00 p.m. A total of 4 school ministry employees are typically present on site.
5. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.
6. 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.
7. 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.

8. Refuse Collection. Refuse collection to be provided by commercial hauler.
9. 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.
10. Onsite Play Activity: Recess shall be conducted within the building. Proof of insurance and necessary approvals before the Board of Public Works must be obtained prior to conducting recess and other activities within city's right of way.

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.

The grant of this special use shall become null and void within one (1) year of the date thereof, unless construction is under way, or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special 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.

The 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 approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2003

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Assistant City Clerk

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

ZON-R.399-amended\jmg\9-2-03