



# City of West Allis

## Legislation Text

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**File #:** R-2009-0216, **Version:** 1

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Resolution relative to determination of Special Use Permit to establish a church and educational facility, d/b/a Desatar Ministries within the existing building located at 2213 S. 54 St.

WHEREAS, Mr. Luis Vergara, d/b/a Desatar Ministries, filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a church and educational facility within the existing 2-story building located at 2213 S. 54 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 15, 2009, at 7:00 p.m., and 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, Mr. Luis Vergara, d/b/a Desatar Ministries, has offices at 2253 S. Layton Blvd., Milwaukee, WI 53215-2460 and a current location at 611 W. National Ave.

2. The applicant currently leases space which consists of a 2-story, 8,400 square foot building located at 2213 S. 54 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 2, 3, 4, Block 9 in the McGeoch's Lincoln Avenue Addition subdivision.

Tax Key No. 474-0509-002

Said land being located at 2213 S. 54 St.

3. Desatar Ministries proposal is to utilize a portion of the building for a religious facility with a sanctuary and fellowship hall on the 2nd floor and a storage area on the 1st floor. Desatar Ministries has a current membership of 50 persons with up to 80 persons at services. The congregation seeks to reach a maximum of 120 persons. Aside from the religious facility, Desatar also proposes to utilize a portion of the building for an educational facility for persons above the 12th grade. A conference room area for 50 persons and business offices will also be located on site as proposed. According to Desatar Ministries operational plan, they have outlined primarily weekend and evening hours of operation. The proposed use will conduct the following activities as follows: Prayer service, administrative meetings, small group counseling, bible study, cleaning and building maintenance.

4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits Religious Institutions and places of assembly, pursuant to Sec. 12.45 and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of an area on the west side of S. 54 St. between W. Electric Ave. and W. Mobile St., which is zoned for Manufacturing purposes. Properties to the north, south and east are zoned and developed for manufacturing. Properties to the west are developed as and zoned for 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 when industrial operations are not in full use. The applicant will also be securing a lease for off-street parking in the adjacent property to the east.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Desatar Ministries Lutheran 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 61 parking spaces per Sec. 12.19(7) of the Revised Municipal Code. Off-street parking spaces for at least 29 vehicles will be provided and maintained ( 6 on site and 23 off-site within an approved parking lot per lease agreement). A properly drawn off-street parking lease agreement being prepared in accordance with Sec. 12.19 (10) of the Revised Municipal Code for utilizing adjacent off-street parking within the area.
3. Site and Screening Plan and Architectural Elevations. The grant of this Special Use Permit is subject to and conditioned upon a site, landscaping and architectural plan being approved by the West Allis Plan Commission. 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 Ministries are as follows: Monday through Friday 6:00 p.m. - 9:00 p.m., Saturday 8:00 a.m. - 5:00 p.m., Sunday 8:00 a.m. - 9:00 p.m. Desatar Ministries may request additional hours of operation outside those granted by this special use upon request of the Common Council.
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. Seating Capacity. The seating capacity shall be limited to 120 persons.
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. The bar/restaurant, outdoor area and parking lots shall be adequately monitored by staff.
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. 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. 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.

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Luis Vergara, d/b/a Desatar Ministries

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2009

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Assistant City Clerk

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

ZON-R-732-10-6-09