



City of West Allis

Legislation Text

File #: R-2019-0685, **Version:** 1

Resolution relative to determination of Application for a Special Use Permit for The LifeWay Church, a proposed religious institution to be located at 7515 W. National Ave.

WHEREAS, The LifeWay Church, by its pastor Andrew McLean, duly filed with the City Clerk 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 church/religious institution and offices, within the former Masonic Temple building located at 7515 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 1, 2019, 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 has a valid offer to purchase the property at 7515 W. National Ave. (Tax Key No. 453-0408-001 and 453-0407-001), West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner 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, more particularly described as follows:

Lots 1 thru 6, North 10.00 feet of Lot 35 and vacated portion of the public alley adjacent to said lots, all being in Block 2 of Linwood subdivision.

Tax Key No. 453-0408-001 and 453-0407-001

Said land being located at 7515 W. National Ave. and 17** S. 75 St.

3. The applicant, The LifeWay Church, has laid out a plan to fund, repair, renovate and operate their religious organization, worship services, and administration offices.

4. The aforesaid area is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits Churches and Religious Institutions as a special use, pursuant to Sec. 12.41(2) of the Revised Municipal Code of the City of West Allis.

5. The Property is along the National Avenue corridor of the City. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property offers off-street parking and the area offers municipal shared parking and various on-street parking opportunities within 800 feet of the property. The property is also served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of The LifeWay Church, to establish a church/religious institution and offices, within the former Masonic Temple building located at 7515 W. National 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, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and

conditioned upon the Site, Landscape, Screening and Architectural Plans approved on September 25, 2019, 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 plans 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 all building code requirements including any required building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department, as required by state and local building and fire codes.

3. Operations on Premises:

A. Seating Capacity - The seating capacity shall be limited in accordance with the occupancy load as established by the building inspector and fire department.

B. Church floor area - The church will be utilized for Sunday Worship Services 8:30 am-noon. Monthly member services (typically held on the first Thursday of the month) have an average attendance of 35 people. Various leadership training events, leadership meetings, and band rehearsals are attended by less than 20 people and would occur in the evenings between 6 pm - 9 pm.

C. Basement Floor area - The basement area will remain as storage and mechanical space. The basement space is about 7,000 square feet.

4. Off-Street Parking. Off-street parking for approximately 35 parking spaces will be provided upon the subject property. Required off-street parking is 210 spaces. Parking requirements have been calculated using a parking ratio of 1 parking stall required for every 100 gross square feet of church space in accordance with Sec. 12.19 of the Revised Municipal Code.

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.

The church has identified 160 off-street parking spaces within 800-ft of the subject property as follows: (Breakdown - Church Parking Lot 35, Public On-Street 70, Public Library Parking Lot 125 = 210).

5. Certified Survey Map. Common Council approval of a Certified Survey Map identifying the hotel parcel as an individual property.

6. Signage. Shall be in accordance with the West Allis signage ordinance

7. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

9. Litter. Members/Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis.

10. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.

11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light spills from the property boundaries.

12. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

14. 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.

15. 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.

16. 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.

17. 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, then the special use may be terminated.

18. Acknowledgement. That the applicants sign 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.

Andrew McLean, pastor, or agent on behalf of The LifeWay Church

Mailed to applicant on the
_____ day of _____, 2019

City Clerk

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

ZON-R-1198-10-1-19