

27.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2009-0270 Resolution Introduced

Resolution relative to determination of Special Use Permit for Expert Car Care, a proposed auto repair facility, to be located at 6803 W. National Ave.

Introduced: 12/15/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/15/09</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
	✓		Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair [Signature] Vice-Chair _____ Member _____

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 15 2009</u>			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			



CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)

www.ci.west-allis.wi.us

Paul M. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

December 28, 2009

Mr. Benjamin Marjamaa
Expert Car Care, Inc.
2032 E. Kenilworth Place
Milwaukee, WI 53202

Dear Mr. Marjamaa:

On December 15, 2009 the Common Council approved a Resolution relative to determination of Special Use Permit for Expert Car Care, a proposed auto repair facility, to be located at 6803 W. National Ave.

Please sign and return the enclosed copy of Resolution No. R-2009-0270 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Kevin Nugent, 2465 S. 84 Street, 53227



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0270

Final Action:

Sponsor(s): Safety & Development Committee

DEC 15 2009

Resolution relative to determination of Special Use Permit for Expert Car Care, a proposed auto repair facility, to be located at 6803 W. National Ave.

WHEREAS, Benjamin Marjamaa, d/b/a Expert Car Care, Inc., duly 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 of the City of West Allis, to permit an auto repair facility within the existing building at 6803 W. National Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 15, 2009, at 7:00 p.m., and 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, Benjamin Marjamaa resides at 2032 E. Kenilworth Pl., Milwaukee, WI 53202.
2. The applicant proposes to lease the property at 6803 W. National Ave., 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, 2, 3 and 4 in Block 2 of Gross West Allis Addition Subdivision.

Tax Key No. 453-0565-005

Said land being located at 6803 West National Avenue

3. The applicant proposes to utilize the existing, vacant, 6,900 square foot building (formerly an indoor skate park) as an auto repair facility.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of the City of West Allis, which permits auto repair as a special use, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code.
5. The property is serviced by all necessary public utilities.

6. The subject property is part of an area extending along the south side of W. National Ave., which is zoned for commercial purposes. The property is bounded on the north and west by commercial development, and on the east by industrial development. Properties to the south are developed as residential.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Benjamin Marjamaa, d/b/a Expert Car Care, Inc., to establish an auto repair facility, 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. 12.41(2) and 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, and screening and architectural plans approved by the City of West Allis Plan Commission on December 2, 2009, 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 Plan Commission.
2. Hours of Operation. The facility will be open from 8:00 a.m. to 7:00 p.m., Monday-Friday, 8:00 a.m. to 5:00 p.m., Saturday and Sunday.
3. Use. Repairs shall be limited to private passenger vehicles. No commercial trucks, trailers, busses or similar large non-passenger vehicles are permitted to be stored or serviced on the property.
4. Litter. Applicants and staff of the auto repair facility shall be responsible for inspection of the site and pick up of litter on a daily basis.
5. 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.
6. Off-Street Parking. The facility is required to provide 43 parking stalls; a total of 18 are provided on site. Vehicles parked outside to be repaired shall be limited to the parking area delineated on the site plan as parking for vehicles to be repaired. No vehicle repair or storage shall take place within the City right-of-way.
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. 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. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

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

10. Window Signage. Any building window signage shall not exceed 20 percent of each window's area.

11. Outdoor Storage. No outdoor storage of junk vehicles, vehicle parts or vehicles for sale will be permitted. No outdoor storage shall be permitted on site. No vehicle advertising (advertising on vehicles) shall be permitted on site.

12. 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.

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. 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.

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. 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.

Benjamin Marjamaa, d/b/a Expert Car Care, Inc.

Mailed to applicant on the
28 day of December 2009

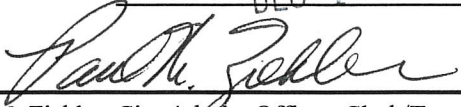
Monica Schertz
Assistant City Clerk

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

ZON-R-744-12-15-09

ADOPTED

DEC 15 2009



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

12/21/09



Dan Devine, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0270

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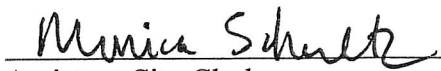
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Benjamin Marjamaa, d/b/a Expert Car Care, Inc.

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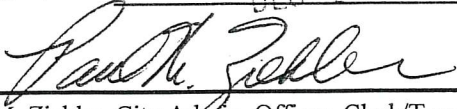
Assistant City Clerk

cc: Dept. of Development
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ZON-R-744-12-15-09

ADOPTED

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APPROVED

12/21/09



Dan Devine, Mayor