

**CITY OF WEST ALLIS
RESOLUTION R-2022-0558**

**RESOLUTION RELATIVE TO THE DETERMINATION FOR CONDITIONAL USE
PERMIT FOR AS TOWING LLC, A PROPOSED LIGHT MOTOR VEHICLE
SERVICE USE, TO BE LOCATED AT 5225 W. ELECTRIC AVE.**

WHEREAS, Alejandra Sosa d/b/a AS Towing LLC., filed with the City Clerk an application for a Conditional Use Permit, pursuant to Sec. 19.14 of the Revised Municipal Code, to establish a light motor vehicle service use at 5225 W. Electric Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2022, 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 during the public hearing and the following pertinent facts noted:

1. The applicant, Alejandra Sosa, will operate the proposed use at 5225 W. Electric Ave. The subject property is 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:

Part of Lot 1 in Block 5 in the Assessors Plat No. 272 more particularly described as follows: Commencing at the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 2; thence Westerly, 319.00 feet along South line of said Southwest $\frac{1}{4}$; thence Northerly, 167.00 feet to the Point of Beginning; thence Westerly, 130.00 feet; thence Northerly, 80.99 feet to the south right-of-way line of West Electric Avenue; thence Northeasterly, 140.52 feet along said south right-of-way line; thence Southerly, 134.43 feet to the Point of Beginning.

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Said property being located at 5225-37 W. Electric Ave.

2. The aforesaid premise is zoned M-1 under the Zoning Ordinance, which permits Light Motor Vehicle Service as a Conditional Use, pursuant to Sec. 19.14 of the Revised Municipal Code.

3. The applicant is proposing to establish a Light Motor Vehicle Service use within a tenant space within the existing building.

4. The subject property at 5225 W. Electric Ave. is located near the intersection of W. Mobile St. and W. Electric Ave. (on the south side of W. Electric Ave.). Properties to the north and east are zoned for and developed as industrial. Properties to the west and south are zoned for commercial use and developed as industrial/commercial.

5. 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 Conditional Use.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Alejandra Sosa, d/b/a AS Towing LLC., for a Conditional Use Permit to establish a Light Motor Vehicle Service use located at 5225 W. Electric Ave. 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. 19.14 of the Revised Municipal Code, so as to permit the issuance of a Conditional Use Permit as therein provided.

BE IT FURTHER RESOLVED that said Conditional Use Permit is granted, subject to the following conditions:

1. Site, Landscaping and Architectural Plans. The grant of this Conditional Use Permit is subject to and conditioned upon the Site, Landscaping and Architectural Plan submitted to and approved by the West Allis Plan Commission on July 27, 2022. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

a) Submittal to the Planning & Zoning office of an updated site plan including privacy fencing and an operable gate (along north side of property) to be approved by staff.

2. Building Plans and Fire Codes. The grant of this Conditional Use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department.

3. Parking. A total of 7 spaces will be provided on site, including 1 ADA stall.

a) Off-street parking of vehicles shall be arranged in accordance with the parking and storage areas as approved by Plan Commission on the approved site plan (inclusive of access aisles being maintained). Changes subject to Plan Commission approval.

b) At least 3 of the total off-street parking spaces shall be provided for customer drop-off and pick-up parking on site.

c) No service or repair work may be conducted within the public right-of-way, or outside of the building/approved repair bay areas.

d) Parking/staging of unlicensed vehicles is not permitted within City right-of-way.

4. Business Operations. The grant of this Conditional Use is subject to and conditioned upon the following business operations:

a) Hours. Common Council grants the hours of operation Monday through Sunday 8:00am to 7:00pm.

b) Services offered. The applicant's summary of typical services include general auto repair for passenger vehicles such as oil changes, tire rotation, tire installation, tire balancing, brakes, battery installations, muffler repair. No painting or body work will be conducted.

c) Exterior gates. Exterior gates shall be closed after business hours.

d) Openings. The operator is expected to close exterior overhead doors or building openings for services that may result in prolonged noise levels to the surrounding neighborhood area.

e) Public Right of Way. Service and/or repair work may not be conducted within the public right-of-way.

5. Outdoor Storage. Outdoor storage of equipment, parts, junk vehicles, vehicle parts or vehicles for sale or lease shall not be permitted. Long term vehicle storage, staging or parking (in excess of 14 days) shall not be permitted. Any outdoor storage indicated on plans shall not exceed fence height.

a) Additional off-street parking – Long-term vehicle storage and/or overflow parking shall be arranged and shared with the Planning Department.

6. Lighting. Exterior lighting on premise shall require prior approval of a lighting plan by the Planning and Zoning Office.

a) All outdoor lighting fixtures shall be directed downwards and shielded in such a manner that no light spays from the property boundaries.

b) Exterior lighting should be presented in a lighting plan which identifies all exterior lighting features, either mounted on the building or freestanding, along with dispersion pattern, intensity of light and cut-off shielding that reflects away from the street. Light distribution should not spill over onto adjacent properties.

a) “Rope” lighting or similar exposed outward facing LED lighting shall not be used in any manner that results in visible or exposed bulbs.

7. Noise. The use shall not make, produce, allow or cause to be produced any noise which exceeds the noise limitations, as set forth in Ch. 7.035 of the Revised Municipal Code. To prevent excess noise from penetrating into the adjacent neighborhood, the operator is expected to close exterior overhead doors or openings for services that may result in prolonged noise levels.

8. Deliveries and Refuse Pickup. Because there is a residential use adjacent to the site, delivery operations and refuse pickup shall not be permitted between 9:00 p.m. and 7:00 a.m. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.

9. Noxious Odors, Etc. The business 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.

10. 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, unless permitted in accordance with the municipal code.

11. Signage. Signage shall be in accordance with the City signage ordinance. Any window signage shall not exceed 20% of the glazed portion of each window area. Windows signage shall be situated on the internal side of the window.

12. Sidewalk Repair. The grant of this Conditional 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, (if any) abutting sidewalk.

13. Expiration of Conditional Use Permit. Any Conditional Use approved by the Common Council shall lapse and become null and void 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 conditional 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 60 days of the expiration of the conditional use permit;

D. The extension, if granted, shall be valid for a period of 6 months. If no building permit has been issued and construction has not commenced within 6 months from and after the extension has been granted, the conditional 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 conditional 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 conditional 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 conditional use within one year of the granting thereof, then the Conditional Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Conditional Use Permit. The failure of the applicant to meet the terms and conditions of the Conditional 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 Conditional Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

16. Termination of Conditional Use. If the person or entity granted the Conditional 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 conditional use, then the Conditional Use may be terminated.

17. Acknowledgement. That the applicants sign and 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 Conditional Use Permit is conditioned on meeting the terms and conditions of this resolution.



Alejandra Sosa, d/b/a AS Towing LLC.

Sent to applicant on the

9 day of 2, 2022

SECTION 1: ADOPTION "R-2022-0558" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0558(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL SEPTEMBER 06, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Rebecca Grill

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine

Dan Devine, Mayor, City Of West Allis

