

67.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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R-2007-0201

Resolution

In Committee

Resolution relative to determination of Special Use Permit for proposed Paint 'N Place auto repair and body shop establishment to be located within the vacant building at 1811 S. 84 St. (Tax Key No. 452-0442-001)

Introduced: 8/7/2007

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

*ADOPT*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>8/7/07</i>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock				
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock				
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<i>4</i>	<i>0</i>		<i>1</i>

### SIGNATURE OF COMMITTEE MEMBER

*[Signature]* \_\_\_\_\_  
 Chair Vice-Chair Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>AUG - 7 2007</i>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL:	<i>9</i>			<i>1</i>



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0201**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

AUG - 7 2007

Resolution relative to determination of Special Use Permit for proposed Paint 'N Place auto repair and body shop establishment to be located within the vacant building at 1811 S. 84 St. (Tax Key No. 452-0442-001)

WHEREAS, Carl Stolze, the prospective property owner, duly filed with City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code to establish a vehicle repair, auto body restoration and paint shop/garage facility within the existing building located at 1811 S. 84 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 7, 2007, 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 Carl Stolze currently has offices at 905 W. Wind Lake Ave., Milwaukee, WI 53204.
2. Carl Stolze has an offer to purchase said premises located at 1811 S. 84 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 1, 3 and 4 in Block 2, in the Assessors Plat No. 256.

TAX KEY NO. 452-0442-001

Said Property being located at 1811 S. 84 St.

3. The aforesaid area is zoned M-1 Manufacturing District and C-2 Neighborhood Commercial District under the Zoning Ordinance which permits collision repair, frame repair and auto body restoration and painting as a special use, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code.

4. The applicant is proposing to occupy newly renovated 4,430 sq. ft. garage/shop for frame repair

collision repair and auto body restoration and painting.

5. The subject property is located on the southwest corner of S. 84 St. and W. Maple St. Properties to the west are developed as single-family residential. Properties to the east are developed as commercial. Properties to the north are developed a single and multi-family residential. Properties to the south are developed as commercial and residential.

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. A solid screen of both a fence and landscaping is required along abutting residential land uses as a condition of special use approval. Additionally, any vehicles waiting to be repaired or which already have been repaired will be subject to the outside storage limits indicated on the approved site and landscaping plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of James Stevenson (the property owner), 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. 12.41(2) 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 Plans. The grant of this Special Use Permit is subject to and conditioned upon the site, landscape and architectural plan submitted to and approved by the West Allis Plan Commission on June 27, 2007. 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.
3. Parking. Off-street parking spaces for 10 vehicles will be provided on site, including one (1) ADA stall. Zoning requires parking for 29 vehicles on site. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code. Parking/storage of repair vehicles or vehicles awaiting repair is not permitted within City right of way.
4. Business Hours. Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. During operation all doors and windows will be closed to help control noise pollution.
5. Deliveries. Because there is a residential use adjacent to the site, delivery operations shall not be permitted from 9:00 p.m. to 6:00 a.m.

6. Outside Storage. No outside storage of junk vehicles, vehicle parts or vehicles for sale or lease will be permitted.
7. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxious, odorous or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
9. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site as the land use to the east consists of residential uses.
10. 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, (if any) abutting sidewalk.
11. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
12. 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.
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.

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

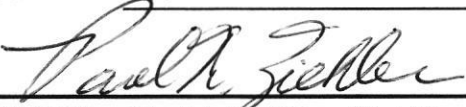
13 day of August, 2007

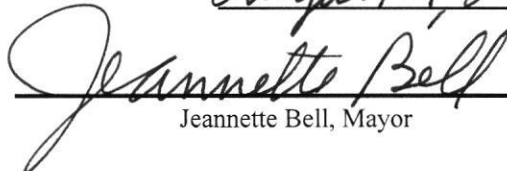
Monica Schulte  
Assistant City Clerk

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

Div. of Planning and Zoning

ZON-R-631/8-7-07

ADOPTED AUG - 7 2007  
  
\_\_\_\_\_  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED August 9, 2007  
  
\_\_\_\_\_  
Jeannette Bell, Mayor



7525 West Greenfield Avenue  
West Allis, Wisconsin 53214-4648



**CITY CLERK/TREASURER'S OFFICE**

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

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziebler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

August 13, 2007

Robert Stensberg  
DBI, Inc.  
1265 E. Wisconsin Ave.  
Pewaukee, WI 53072

Dear Mr. Stensberg:

On August 7, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed Paint 'N Place auto repair and body shop establishment to be located within the vacant building at 1811 S. 84 St.

A copy of Resolution No. R-2007-0201 is enclosed.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Carl Stolze