



City of West Allis

Resolution: R-2016-0036

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2016-0036

Final Action: 2/2/2016

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit for Wilde Family Limited Partnership, an existing vehicle sales and vehicle repair business located at 3185-3225 S. 108 St. and the 3300 block of S. 108 St., to amend their existing Special Use Permit to construct an employee parking lot on properties Wilde currently owns located at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd.

WHEREAS, Wilde Family Limited Partnership (Wilde Toyota) has an existing Special Use Permit R-2016-0001 for properties currently located at 3185 S. 108 St., 3225 S. 108 St. and the 3300 Block of S. 108 St. (Tax Key Nos. 523-9992-004, 523-9946-009 and 523-9949-002). Said existing Special Use granted Wilde Toyota permission to convert a budget vehicle sales building at 3185 S. 108 St. to dual use vehicle sales and repair/service use. Prior to this special use only 3225 S. 108 St. (the main building and property) had dual use allowance of vehicle sales and repair/service; and,

WHEREAS, as part of a parallel request by Wilde for a land use map amendment and rezoning of lands Wilde Family Limited Partnership owns, the Wilde Family Limited Partnership (Wilde Toyota) duly filed with the City Clerk an application for a Special Use Permit amendment, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis to amend their existing Special Use permit (R-2016-0001) to construct an employee parking lot located at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd. and to construct an additional vehicle repair/service write up addition on the north side of their existing vehicle dealership building at 3225 S. 108 St. and thereby amend their existing Special Use Permit; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 2, 2016, 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, Wilde Family Limited Partnership, owns and has an existing business at 3185 S. 108 St., 3225 S. 108 St. and in the 3300 Block of S. 108 St., and also owns property at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd., West Allis, WI 53227. The applicant Wilde Family Limited Partnership has offices at 1710A Highway 164, Waukesha, WI 53186.
2. As part of a parallel request before Plan Commission and Common Council, for a land use map amendment and rezoning of lands, the Wilde Family Limited Partnership has also made an application for a Special Use to convert 3 residential lots it owns to construct an employee parking lot on properties Wilde currently owns located at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd. and to construct an additional vehicle repair/service write up addition on the north side of their existing vehicle dealership building at 3225 S. 108 St. The purpose of this special use is to hereby amend their existing Special Use Permit (R-2016-0001). The existing special use permit

grants the 3185 S. 108 St. and 3225 S. 108 St. properties permission to operate as vehicle sales and vehicle repair/service per the approved site and landscaping plan. Furthermore, the 33** S. 108 St. property is currently granted permission to use said lot for vehicle sales. The overall subject Wilde Family Limited Partnership (Wilde Toyota) properties are located in West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the lands of the owner, being part of located in the Northeast $\frac{1}{4}$ of the Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the Northeast corner of the Parcel 1, Certified Survey Map No. 5554; thence Southerly, 114.81 feet, along west right-of-way line of South 108th Street to the Northeast corner of Parcel 1, Certified Survey Map No. 4789; thence, continue, Southerly, 1087.64 feet, along said West right-of-way line to a point; thence Westerly, 154.30 feet, to the East right-of-way line of South Wollmer Road; thence Northwesterly, 442.52 feet, along said Easterly right-of-way line to the Northeast corner of Parcel 1, Certified Survey Map No. 6982; thence Westerly, 5.65 feet; thence Northwesterly, 112.89 feet; thence Easterly, 201.42 feet; thence Northwesterly, 110.32 feet; thence Northwesterly, 323.97 feet; thence Northerly, 150.15 feet; thence Easterly, 84.43 feet; thence Northwesterly, 121.50 feet, to the Southeast corner of Outlot A, Certified Survey Map No. 5554; thence Westerly, 173.65 feet; thence Northwesterly, 56.48 feet; thence Easterly, 184.94 feet, to the Northeast corner of said Outlot A; thence Northwesterly, 74.45 feet, to the Northwest corner of Outlot B of said Certified Survey Map No. 5554; thence Easterly, 476.05 feet to the Point of Beginning.

Said land being located at:

3185 S. 108 St. (Tax Key No. 523-9992-004) existing vehicle sales and repair/service
3225 S. 108 St. (Tax Key No. 523-9946-009) existing vehicle sales and repair/service
3300 Block of S. 108 St. (Tax Key No. 523-9949-002) vehicle sales

3312 S. Wollmer Rd. (Tax Key No. 523-9947-000) proposed employee parking lot
3300 Block of S. Wollmer Rd. (Tax Key No. 523-9948-001) proposed employee parking lot.
3300 Block of S. Wollmer Rd. (Tax Key No. 523-9948-002) proposed employee parking lot.

Said land total about 8.8 acres.

3. The aforesaid area is zoned C-4 Regional Commercial under the Zoning Ordinance of the City of West Allis, which permits outdoor vehicle sales and display and vehicle repair and the expanded off-street parking area as a Special Use, pursuant to Sec. 12.43(2) and 12.16 of the Revised Municipal Code of the City of West Allis.
4. The Property is part of a block between W. Oklahoma Ave. and S. Wollmer Rd. on the west side of S. 108 St. Properties located to the north and south are developed as commercial, and properties on the east of the existing location are developed as multi-family and commercial uses. Properties on the west of the existing location are developed as single family and multi-family residences.
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 Special Use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Wilde Family Limited Partnership, 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. Land Use Map Amendment and Rezoning. The grant of this Special Use Permit is subject to and conditioned upon a Common Council approval of a Land Use Map Amendment and Rezoning of properties located at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd. Said land use map amendment and rezoning were recommended for Council approval January 27, 2016 by the West Allis Plan Commission.
2. Site and Landscaping. The grant of this Special Use Permit is subject to and conditioned upon a Site, Landscaping/Screening and Architectural plan approved January 27, 2016 by the West Allis Plan Commission, and architectural details approved for the 3185 S. 108 St. building approved December 2, 2015 by the West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
3. Certified Survey Map. The grant of this Special Use Permit is subject to and conditioned upon Common Council approval of a certified survey map to consolidate properties located at 3312 S. Wollmer Rd. and two undeveloped properties in the 3300 Block of S. Wollmer Rd. into one lot as approved January 27, 2016 by the West Allis Plan Commission.
4. Building Plans, Fire Codes and Licenses. The grant of this Special 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. All applicable State and local licenses being applied for and approved.
5. Off Street Parking. The overall property includes properties which total about 8.8 acres (3185 S. 108 St. 0.6 acres, 3225 S. 108 St. 5.2 acres, and 33** S. 108 St. 1.9 acres, employee parking lot area .89 acres).

The Wilde dealership use requires a total of approximately 244 parking stalls and a minimum of 244 parking stalls will be provided on site per the approved plans (surface parking and rooftop) for employees, repair/service and customer parking.

No parking is allowed within the City or State right-of-way. With the approval of this Special Use the Common Council has the authority to change the minimum parking requirements in accordance with Section 12.16(9)(a) of the Revised Municipal Code.

6. Wollmer Rd. driveways. Existing driveways on the subject employee parking lot area fronting S. Wollmer Rd. shall be closed and landscaped per the approved plans.

All access to/from the vehicle dealership properties and employee parking area shall be via S. 108 St.

7. South Driveway. The south driveway (3300 Block of S. 108 St.) is to be kept as right turn only/exit.
8. Loading and unloading of vehicles. Such functions shall not be conducted in City right of way or in State Highway 100 right of way. Employee, customer, and/or service/repair vehicles shall not be parked in the public right of way or State Highway 100 (including vehicles being repaired, stored, and/or displayed on site). All loading and unloading of vehicles, equipment, or parts must be conducted on premises.
9. Deliveries and Refuse Collection. All 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 as approved by the Department of Development.

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 are residents that live within the 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.

10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
11. Hours of Operation. The existing Special Use grants Wilde the retail hours of 9am to 9pm on weekdays, Saturday from 9am to 5pm and closed on Sundays. Internal service operations begin at 7am and run until 9pm on weekdays and 7am to 5pm on Saturdays. Closed Sundays.
12. Signage. Signage to be in compliance with the City of West Allis Sign Ordinance. Any building window signage shall not exceed twenty percent (20%) of each window's area and be located internally.
13. 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.
14. 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.

All overhead doors to vehicle repair areas shall be kept closed to prevent noise complaints.

15. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.

With the approval of this special use outdoor light fixtures illuminating the proposed employee parking lot in the 3300 Block of S. Wollmer Rd. shall be turned off at 10:00pm.

16. Monitoring. The overall area shall be adequately monitored by staff.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

Kevin P. ... - "AUTHORIZED REPRESENTATIVE"

Wilde Family Limited Partnership, property owner

Mailed to applicant on the

8th day of February, 2016

Monica Schultz
City Clerk

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

ZON-R-1026-2-2-16-Version 2

ADOPTED AS AMENDED 2/2/2016 APPROVED AS AMENDED 2/2/2016

Monica Schultz
Monica Schultz, City Clerk

Dan Devine
Dan Devine, Mayor