



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2012-0132**

**Final Action:**

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

**JUL 03 2012**

Resolution relative to determination of Special Use Permit for Burgess Car and Truck, a proposed auto repair facility to be located at 9018 W. Conrad Lane.

WHEREAS, Dave Burgess, d/b/a Burgess Car and Truck, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code to establish a car and truck repair facility at 9018 W. Conrad Ln.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 3, 2012 at 5:00 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 Dave Burgess, d/b/a Burgess Car and Truck will have offices at 9018 W. Conrad Ln., West Allis, WI 53233.
2. Dave Burgess, d/b/a Burgess Car and Truck, will lease space located at 9018 W. Conrad Ln., West Allis, Milwaukee County, Wisconsin from L & R Partnerships, property owner, more particularly described as follows:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 33, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 1 in the Certified Survey Map No. 8320.

TAX KEY NO: 417-0006-002

Said property being located at: 9018 W. Conrad Ln.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits automobile repairs (including automobile body shops) as a Special Use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.
4. The applicant is proposing to provide repairs and maintenance for cars and truck and small to large gas-online powered equipment repairs on equipment such as: water pumps, tampers,

generators, air compressors, power washers, trenchers, back hoes, loaders and dump trucks. Work hours will be 8:00 a.m. to 5:00 p.m., Monday thru Friday.

The property is 1.3 acres in area and the building is 13,600 square feet. A total of 80 parking spaces are required and 7 employee and customer spaces are provided on site, additionally 18 stalls are provided for customer vehicles to be repaired and 2 different areas are designated for end loader and dump truck parking, along with a 20' x 20' area designated for salt storage which cannot exceed the height of the 6' high fence which surrounds it.

5. The subject property is located on the north side of W. Conrad Ln. Abutting properties to the east and south are developed and zoned for manufacturing and industrial uses. Properties to the west are zoned for commercial and used for residential. The Hank Aaron State Trail is to the north of the property.

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. Any vehicles waiting to be repaired or which already have been repaired will be subject to the outside storage limits to be indicated on the approved site and landscaping plan. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right-of-way. Vehicle sales are not permitted on site.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Dave Burgess, d/b/a Burgess Car and Truck, 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. 12.45(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 approval of the site, landscaping, screening, and architectural plans approved at the June 27, 2012 meeting 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 plan shall be permitted without approval by the Plan Commission. Any vehicles waiting to be repaired or which already have been repaired will be subject to the outside storage limits to be indicated on the approved site and landscaping plan. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right-of-way. Vehicle sales are not permitted on site. The salt storage area shall not expand beyond the 20' x 20' designated area on a paved impermeable surface and it shall not exceed 6' in height. The salt storage area shall feature a waterproof covering so as not to be left exposed to rain or snow. The end loader and dump truck storage areas shall remain

- within their defined areas. There shall be no temporary storage containers on the site.
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. A total of 70 parking spaces are required. A total of 32 spaces are provided on site. (18 stalls are provided for customer repair vehicles, 7 employee and customer spaces and 7 interior parking spaces). Two different areas are designated for end loader and dump truck parking on site per the approved site plan. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right-of-way. Vehicle sales are not permitted on site.
  4. Business Hours. Repair work hours of operation will be 8:00 a.m. to 5:00 p.m., Monday thru Friday.
  5. Commercial Business Operations. Any vehicles waiting to be repaired or which already have been repaired will be subject to the outside storage limits to be indicated on the approved site and landscaping plan. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right-of-way. Vehicle sales are not permitted on site. The salt storage area shall not expand beyond the 20' x 20' designated area and it shall not exceed 6' in height. The end loader and dump truck storage areas shall remain within their defined areas. There shall be no temporary storage containers on the site.
  6. Deliveries and Refuse Pickup. Because there are residential uses adjacent to the site, delivery operations and refuse pickup shall not be permitted between 9:00 p.m. to 7:00 a.m. Refuse collection to be provided by commercial hauler and stored inside the building or, within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.
  7. Outside Storage. No outside storage of junk vehicles, vehicle parts or vehicles for sale will be permitted. No vehicular advertising (advertising on vehicles) shall be permitted on site.
  8. Salt Storage. Any entity that stores over 1000 pounds (1 cubic yard = 3' x 3' x 3') of bulk road salt (sodium chloride) for use on a road, driveway or parking facility for purposes of preventing removing snow or ice is subject to Trans 277 (Wis Dot). Salt shall be stored upon an impermeable paved surface with a waterproof covering. Storage areas shall be maintained to prevent direct contact of the salt with precipitation or with run-off from rain or snow melt. Building and coverings must also prevent salt particles from becoming airborne due to wind.
  9. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
  10. 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. Overhead doors to repair bays shall be closed during business operations to reduce noise emissions into the surrounding

area.

11. 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.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

13. Monitoring. The area shall be adequately monitored by staff.

14. 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.

15. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area and shall be affixed to the interior of the window.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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, the special use may be terminated.

22. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant and property owner agree 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.



\_\_\_\_\_  
Dave Burgess, d/b/a Burgess Car and Truck, applicant

Michael Mameyek, L & R Partnership, property owner

Mailed to applicant on the

11<sup>th</sup> day of July, 2012

Monica Schulte  
Assistant City Clerk

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

ZON-R-876-7-3-12

ADOPTED JUL 03 2012  
Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 7/9/12  
Dan Devine  
Dan Devine, Mayor



19. 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.

20. 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.

21. 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, the special use may be terminated.

22. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant and property owner agree 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.

---

Dave Burgess, d/b/a Burgess Car and Truck, applicant

  
Michael Mameyek, L & R Partnership, property owner

Mailed to applicant on the

11<sup>th</sup> day of July, 2012

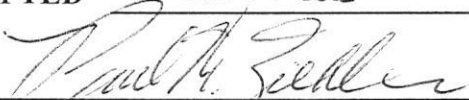
Munia Schulte  
Assistant City Clerk

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

ZON-R-876-7-3-12

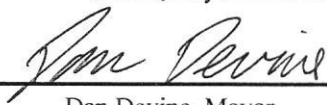
ADOPTED

**JUL 03 2012**

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

APPROVED

7/9/12

  
Dan Devine, Mayor