

43.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2007-0288 Resolution In Committee

Resolution relative to determination of Special Use Permit amendment to amend Resolution No. R-2005-0085 and to establish All Tune and Lube, a vehicle repair facility, within a portion of the existing multi-tenant building at 1745-1875 S. 66 St. & 6607-6701 W. Mitchell St. (Tax Key No. 454-0255-001)

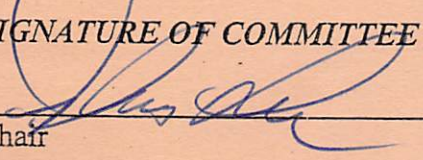
Introduced: 12/4/2007

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION APPROVE AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/4/07</u>		<input checked="" type="checkbox"/>	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"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

 Chair Vice-Chair Member

COMMON COUNCIL ACTION Approve as Amended

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 04 2007</u>			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	<u>9</u>	<u>-</u>		<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0288

Final Action: 12/4/2007

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit amendment to amend Resolution No. R-2005-0085 and to establish All Tune and Lube, a vehicle repair facility, within a portion of the existing multi-tenant building at 1745-1875 S. 66 St. & 6607-6701 W. Mitchell St. (Tax Key No. 454-0255-001)

WHEREAS, Gary R. Peterson, d/b/a D&G Group, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a vehicle repair facility within a 14,000 sq. ft. portion of the existing building located at 6607 W. Mitchell St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 4, 2007, at 7:00 p.m., in the Common Council Chamber 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, Gary R. Peterson, d/b/a D&G Group, Inc., resides at 7276 S. 37 Place, Franklin, WI 53137. Gerald Jonas, of Jonas Family Partnership, owns the property and has offices at 3939 W. McKinley Avenue, Milwaukee, WI 53208.

2. The applicant has a valid offer to lease a 14,000 sq. ft. portion of the property at 6607 W. Mitchell St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 4912, subject to the existing easement.

Tax Key No. 454-0255-001

Said land being located at 1745-1875 S. 66 St. and 6607-6701 W. Mitchell St.

3. The building was previously occupied as a manufacturing use, but over half of the 175,000 sq. ft. total building area is unoccupied storage area. The applicant is proposing to utilize a 14,000 sq. ft. portion of the building for a vehicle repair business. American Engine Installation formerly

occupied the 6607 W. Mitchell St. tenant space previously under R-2005-0085.

4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits vehicle repair as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is part of a block along the south side of W. Mitchell St. between S. 65 St. and S. 68 St., which is zoned for manufacturing purposes. Properties to the south, west and north are developed as manufacturing. Properties to the east are developed as residential.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as it was previously used for manufacturing and vehicle repair use. D&G Group, Inc. will utilize a 14,000 sq. ft. space within the previous American Engine installations tenant space. The D&G Group's business plan is for general vehicle repair of passenger vehicles. The business will open to serve the public. All vehicles will be stored within the building and the parking lot will be used for employee and customer parking (not repair vehicle storage). No repair vehicles will be parked within the City right of way. All cars left overnight will be parked within/inside the building. Typical business services include: Engine tune-ups, diagnostics, oil changes, engine coolant flushes, brake inspection and repair, shock/struts.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Gary B. Peterson d/b/a D&G Group, Inc., to establish a vehicle repair use 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 Secs. 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, Signage and Architectural Plans.** The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and signage plans being approved 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. A revised set of plans will be submitted within 60 days for approval by the Plan Commission, and all landscaping, as approved by the Plan Commission, shall be installed by June 30, 2008.

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. **Paving and Drainage.** The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.

4. Hours of Operation. The auto repair shop will be open Monday through Saturday from 8:00 a.m. to 6:00 p.m. and closed Sundays.

5. Off-Street Parking. The overall property is required to provide 139 parking spaces as follows: Eighty-eight (88) parking spaces for the proposed vehicle repair use and 51 parking spaces for the other storage and manufacturing tenants within the building. A total of 66 parking stalls are available on site. Other parking areas could be provided on site to satisfy the off-street parking requirement, but are not shown on plan. Employee vehicles and customer vehicles being serviced shall not be parked in the public right of way (including vehicles being repaired or stored on site). All storage of vehicles services, awaiting service, or stored prior to service will be conducted indoors within the approved auto repair use area and screened from view. Furthermore, vehicles will be kept inside the building overnight. No vehicle sales or display will be conducted on site without the approval of the Plan Commission and Common Council.

6. 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.

7. Outdoor Paging Speakers. Outdoor pagers or speakers shall not be permitted on site.

8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.

9. 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.

10. Sidewalk Repair. The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.

11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

12. 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.

13. 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.

Mailed to applicant on the
7th day of December, 2007

Monica Schultz

Assistant City Clerk

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

ZON-R-655-12-04-07

ADOPTED AS AMENDED 12/04/2007

Paul M. Ziehler

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

APPROVED AS AMENDED 12-6-07

Jeannette Bell

Jeannette Bell, Mayor



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0288

Final Action:

Sponsor(s): Safety & Development Committee

Resolution relative to determination of Special Use Permit amendment to amend Resolution No. R-2005-0085 and to establish All Tune and Lube, a portion of the existing multi-tenant building at 1745 (Tax Key No. 454-0255-001)

#43. S, L, S, S, A Plans. and all landscaping, as approved by the Plan Commission, shall be installed by June 30, 2008.

WHEREAS, Gary R. Peterson, d/b/a D. Administrative Officer-Clerk/Treasurer an application 15(2) and Sec. 12.16 of the Revised Municipal Code, to 1,000 sq. ft. portion of the existing building located at

WHEREAS, after due notice, a public hearing was held on December 4, 2007, at 7:00 p.m., in the Common Council

WHEREAS, the Common Council, having heard and the following pertinent facts were presented at the public

AS AMENDED

1. The applicant, Gary R. Peterson, d/b/a D&G Group, Inc., resides at 7276 S. 37 Place, Franklin, WI 53137. Gerald Jonas, of Jonas Family Partnership, owns the property and has offices at 3939 W. McKinley Avenue, Milwaukee, WI 53208.

2. The applicant has a valid offer to lease a 14,000 sq. ft. portion of the property at 6607 W. Mitchell St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 4912, subject to the existing easement.

Tax Key No. 454-0255-001

Said land being located at 1745-1875 S. 66 St. and 6607-6701 W. Mitchell St.

3. The building was previously occupied as a manufacturing use, but over half of the 175,000 sq. ft. total building area is unoccupied storage area. The applicant is proposing to utilize a 14,000 sq. ft. portion of the building for a vehicle repair business. American Engine Installation formerly

occupied the 6607 W. Mitchell St. tenant space previously under R-2005-0085.

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BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

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2. Building Plans and Fire Codes. The grant of this special use permit is subject to and conditioned upon the building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department. *and all*

3. Paving and Drainage. The grant of this special use permit is subject to and conditioned upon the paving and drainage plan being submitted to and approved by the Department of Public Works and Zoning and by the Fire Department. *and*

4. Hours of Operation. The auto repair shop will be open Monday through Saturday from 8:00 a.m. to 6:00 p.m.

a.m. to 6:00 p.m. and closed Sundays.

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 - 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;

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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.

Mailed to applicant on the _____ day of _____, 2007

Assistant City Clerk

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

ZON-R-655-12-04-07

ADOPTED _____

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

APPROVED _____

Jeannette Bell, Mayor



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 7, 2007

Gary R. Peterson
D&G Group, Inc.
7276 S. 37 Pl.
Franklin, WI 53132

Dear Mr. Peterson:

On December 4, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit amendment to amend Resolution No. R-2005-0085 and to establish All Tune and Lube, a vehicle repair facility, within a portion of the existing multi-tenant building at 1745-1875 S. 66 St. & 6607-6701 W. Mitchell St.

A copy of Resolution No. R-2007-0288 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Gerald Jonas