

68



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2006-0171	Resolution	In Committee
Resolution relative to determination of Special Use Permit for a proposed automobile sales and display business, McAdams Car Co., Inc. to be located at 2081 S. 56 St. (Tax Key No. 474-0241-000)		
Introduced: 6/6/2006		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT AS AMENDED

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>6/16/06</i>			Barczak	✓			
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic	✓			
			Narlock				
			Reinke	✓			
			Sengstock				
	✓		Vitale	✓			
		✓	Weigel	✓			
TOTAL				<i>5</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT *as amended*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>JUN 06 2006</i>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin				✓
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
TOTAL				<i>9</i>			<i>1</i>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2006-0171

Final Action: 6/6/2006

Resolution relative to determination of Special Use Permit for a proposed automobile sales and display business, McAdams Car Co., Inc. to be located at 2081 S. 56 St. (Tax Key No. 474-0241-000)

WHEREAS, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., 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 an automobile sales and display business located at 2081 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 6, 2006, 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, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., has offices on the premises at 2081 S. 56 St., West Allis, WI 53219.
2. The applicant owns the 1.44-acre property at 2081 S. 56 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 Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 32 through 48 in Block 8 of the McGeoch Meadows.

Tax Key No. 474-0241-000

Said land being located at 2081 S. 56 St.

3. The applicant is proposing to operate a wholesale vehicle sales business from the 1.44-acre site, which includes a 35,195 square foot building. While some retail sales will be conducted from the site, the majority of all business is wholesale operations. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours. Most business is done by phone. McAdams Car Co., Inc. has a sales staff that contacts customers on a daily basis about the vehicles for sale. Once the conditions of sale are agreed upon, the vehicles are delivered to the customer

location and the deal is complete. Thirty-seven indoor vehicle storage spaces will be provided within the building and there will be an additional parking area of 23 spaces for outdoor/screened customer and employee parking. The business will also include a wash bay and detail/preparation area for inspecting vehicles and minor repair work prior to sale. The building will also include two tenant spaces (Tenant A = 6,054 square feet and Tenant B = 2,711 square feet).

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

5. The subject property is located at the northwest corner of the intersection of W. Mobile St. and S. 56 St. Properties to the north are developed as park area. Properties to the east, and west are developed as manufacturing, commercial and residential. Properties to the south are developed as railroad (Union Pacific).

6. The use, value and enjoyment of other property in the surrounding area 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 David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., to establish an auto repair facility and an exterior vehicle sales and display area, 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved by the City of West Allis Plan Commission on May 24, 2006, 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.
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. Off-Street Parking. Based upon the proposed usage of the property, 27 parking spaces are required. Sixty-four parking stalls will be provided as follows: 24 screened customer and employee outdoor spaces (which includes one ADA stall); 3 truck spaces (loading dock areas); and 37 indoor (storage) spaces. Vehicles being sold or awaiting sale shall not be parked in the public right of way (including vehicles being prepared for sale or being stored on site). All storage of vehicles awaiting service, or stored prior to service, will be conducted indoors within the approved auto storage areas

and screened from view. Loading and unloading of vehicles shall be conducted on site or, as an alternate, from W. Mobile St.

4. Hours of Operation. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours. No truck deliveries after 7:00 p.m. permitted.

5. 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.

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. 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.

10. Outdoor Lighting. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay past the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.

11. 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.

12. 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.

Mailed to applicant on the
12th day of June, 2006
Monica Schulte
Assistant City Clerk

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

ZON-R-562-AMD-6-6-06\jmg\bjb

ADOPTED AS AMENDED 06/06/2006

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

APPROVED AS AMENDED 6-9-06

Jeannette Bell
Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

June 12, 2006

David R. Matuszczak
McAdams Car Co., Inc.
7623 W. Greenfield Ave.
West Allis, WI 53214

PAUL M. ZIEHLER
*City Administrative Officer
Clerk/Treasurer*

ROSEMARY WEST
*Treasurer's Office Supervisor
Senior Accountant*

MONICA SCHULTZ
Assistant City Clerk

Dear Mr. Matuszczak:

On June 6, 2006 the Common Council approved a Resolution relative to determination of Special Use Permit for a proposed automobile sales and display business, McAdams Car Co., Inc. to be located at 2081 S. 56 St. (Tax Key No. 474-0241-000)

A copy of Resolution No. R-2006-0171 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/dlm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2006-0171

Final Action:

Resolution relative to determination of Special Use Permit for a proposed automobile sales and display business, McAdams Car Co., Inc. to be located at 2081 S. 56 St. (Tax Key No. 474-0241-000)

WHEREAS, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., 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 an automobile sales and display business located at 2081 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 6, 2006, 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, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., has offices on the premises at 2081 S. 56 St., West Allis, WI 53219.
2. The applicant owns the 1.44-acre property at 2081 S. 56 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 Section 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 32 through 48 in Block 8 of the McGeoch Meadows.

Tax Key No. 474-0241-000

Said land being located at 2081 S. 56 St.

3. The applicant is proposing to operate a wholesale vehicle sales business from the 1.44-acre site, which includes a 35,195 square foot building. While some retail sales will be conducted from the site, the majority of all business is wholesale operations. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours. Most business is done by phone. McAdams Car Co., Inc. has a sales staff that contacts customers on a daily basis about the vehicles for sale. Once the conditions of sale are agreed upon, the vehicles are delivered to the customer

location and the deal is complete. Thirty-seven indoor vehicle storage spaces will be provided within the building and there will be an additional parking area of 23 spaces for outdoor/screened customer and employee parking. The business will also include a wash bay and detail/preparation area for inspecting vehicles and minor repair work prior to sale. The building will also include two tenant spaces (Tenant A = 6,054 square feet and Tenant B = 2,711 square feet).

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

5. The subject property is located at the northwest corner of the intersection of W. Mobile St. and S. 56 St. Properties to the north are developed as park area. Properties to the east, and west are developed as manufacturing, commercial and residential. Properties to the south are developed as railroad (Union Pacific).

6. The use, value and enjoyment of other property in the surrounding area 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 David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., to establish an auto repair facility and an exterior vehicle sales and display area, 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved by the City of West Allis Plan Commission on May 24, 2006, 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.

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. Off-Street Parking. Based upon the proposed usage of the property, 27 parking spaces are required. Sixty-four parking stalls will be provided as follows: 24 screened customer and employee outdoor spaces (which includes one ADA stall); 3 truck spaces (loading dock areas); and 37 indoor (storage) spaces. Vehicles being sold or awaiting sale shall not be parked in the public right of way (including vehicles being prepared for sale or being stored on site). All storage of vehicles awaiting service, or stored prior to service, will be conducted indoors within the approved auto storage areas

and screened from view. Loading and unloading of vehicles shall be conducted on site or, as an alternate, from W. Mobile St.

4. Hours of Operation. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours. *NO TRUCK DELIVERIES AFTER 7:00 PM PERMITTED*

5. 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.

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. 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.

10. Outdoor Lighting. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay past the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.

11. 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.

12. 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.

Mailed to applicant on the
_____ day of _____, 2006

Assistant City Clerk

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

ZON-R-562-6-6-06\jmg

ADOPTED _____

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

APPROVED _____

Jeannette Bell, Mayor