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# City of West Allis Matter Summary

7525 W. Greenfield Ave  
West Allis, WI 53214

File Number	Title	Status
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R-2007-0294 Resolution In Committee

Resolution relative to determination of Special Use Permit to establish Tow-tal, Inc., a towing business at the property located at 1903-1927 S. 70 St. (Tax Key No. 453-0797-002)

Introduced: 12/4/2007

Controlling Body: Safety & Development Committee

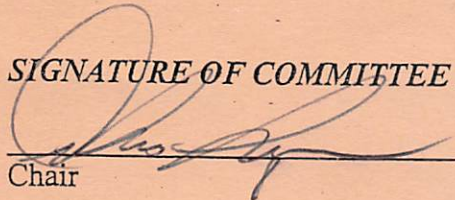
Sponsor(s): Safety & Development Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>12/18/07</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				
			Vitale	<input checked="" type="checkbox"/>			
	<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

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 18 2007</u>			Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
		<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"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>			



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0294**

**Final Action:**  
**DEC 18 2007**

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

Resolution relative to determination of Special Use Permit to establish Tow-tal, Inc., a towing business at the property located at 1903-1927 S. 70 St. (Tax Key No. 453-0797-002)

WHEREAS, Jerry Mojeck, d/b/a Tow-tal, Inc., duly filed with 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 operate a towing business at 1903 S. 70 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 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, Jerry Mojeck, d/b/a Tow-tal, Inc. has offices at 1903 S. 70 St., West Allis, WI 53219.
2. The applicant leases a portion of the property at 1903 S. 70 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 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1 thru 8 in Block 13 of Gross West Allis Addition Subdivision.

TAX KEY NO. 453-0797-002

Said Property being located at 1903-27 S. 70 St.

3. The applicant is proposing to occupy a portion of the property with a towing business. The business has a fleet of seven (7) trucks. Most of the operations will be conducted off-site, as drivers are dispatched to towing or repo jobs. The service tow's are generally immediately delivered to planned drop points, but occasionally require overnight storage at this property. If stored at the site, it would be short-term. The company currently employs 11 individuals. Towing company vehicles, nor serviced vehicles shall be permitted to park on the street nor in the front parking lot. Short-term parking shall be confined to inside the 10,000 sq. ft. fenced-in/storage lot area in the back. The site is fenced in with a 10-foot concrete wall. Transport vehicle traffic will be directed to



arrive and depart from W. Burnham St., from the east.

4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits automobile service stations as a special use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.

5. The subject property is located on the southwest corner of W. Burnham St. and S. 70 St. Properties to the east and west are developed as manufacturing and residential. Properties to the south are developed residential. Properties to the north are developed as Union Pacific Railroad.

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 concrete wall screens the property from the residential properties to the west. Screening of all outdoor storage and parking areas on site shall be required.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Jerry Mojeck, d/b/a Tow-tal, Inc., 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 Screening Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and screening plan approved on November 28, 2007 by the 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 West Allis Plan Commission. All outdoor storage areas on site shall be screened and landscaped from abutting properties.

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 eight (8) vehicles will be provided on site, including one (1) ADA stall. A 10,000 sq. ft. vehicle storage area (screened from view) will also be provided behind the building. Zoning requires parking for 6 vehicles for Tow-tal (2 for office, 2 for indoor storage, and 2 for outdoor storage), and an additional 5 vehicles for the other tenant on site, for a total of 11 required parking spaces.

4. Business Hours. The business is a 24-hour, on-call operating business, with three (3) working shifts. The heaviest shift would be between 6:00 am - 8:00 pm, with approximately eight (8)

employees working in an out of the location during this time.

5. 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.

6. 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.

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

8. 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.

9. 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

\_\_\_\_\_ day of \_\_\_\_\_, 2007


\_\_\_\_\_  
Assistant City Clerk

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

ZON-R-654-12-4-07

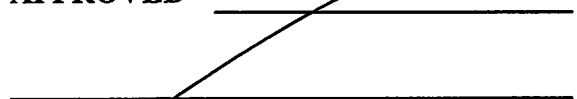
**ADOPTED**

DEC 18 2007



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

**APPROVED**

\_\_\_\_\_  
\_\_\_\_\_  


Jeannette Bell, Mayor



# Homeowners

We the undersigned property owners and neighbors around 1902-1927 S 70th St West Allis, WI here by petition the City of West Allis Common Council to not approve the Special Use Permit # 2007-0711 for Tow Tal, Inc. to establish a Tow Company at 1902-1927 S 70th West Allis WI. Our concerns are excessive noise, junked vehicles, and the decline in property values that this type of business would bring to our residential properties. We also believe Tow-Tal has demonstrated it's lack of adhering to the rules and regulations by starting a business there prior to securing the proper permits as required by the City of West Allis.

SIGNATURE	ADDRESS	TELEPHONE
DALE Schickel <i>Dale Schickel</i>	1928 S. 71st	543-2206
James Weinkauf <i>James Weinkauf</i>	1956 SO 71st	543-6878
Susan Hagenbort <i>Susan Hagenbort</i>	1900 S. 71st	545-0334
FRED Bennett <i>Fred Bennett</i>	1964 So. 71st	543-5726
Noah Weigh <i>Noah R. Seif</i>	7026 W. Rogers St.	460-5267
JOHN WOLARA <i>John Wolara</i>	1967 S 71st	414 545-5234
Audrey Schickel <i>Audrey Schickel</i>	1939 So. 71st	414-541-3100
Patricia Corner <i>Patricia Corner</i>	1977 S 71st	414-543-9203
Wank Silkey <i>MARK SILKEY</i>	1929 S. 71st	414-406-5581
Catherine Marjamaa <i>Catherine Marjamaa</i>	19215. 71st	414-545-1940
Marijanna Chappin <i>Marijanna Chappin</i>	1917 S. 71st	545-7462
Jane M. Buss <i>Jane M Buss</i>	1932 S. 71st	604-8140
x Gene M Buss		







**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. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

December 21, 2007

Mr. Jerry L. Mojeck  
Tow-tal, Inc.  
P. O. Box 270755  
Milwaukee, WI 53227

Dear Mr. Mojeck:

On December 18, 2007 the Common Council denied a Resolution relative to determination of Special Use Permit to establish Tow-tal, Inc., a towing business at the property located at 1903-1927 S. 70 St. (Tax Key No. 453-0797-002)

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Tony Zidur, Jr.