

30.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2009-0158 Resolution Introduced

Resolution relative to determination of Special Use Permit to establish All Roadz Towing, a towing company to be located at 2137 S. 54 St. (Tax Key No. 474-0002-002).

Introduced: 7/7/2009

Controlling Body: Safety & Development Committee

Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>7/7/09</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt				
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel				
			TOTAL	<u>4</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair _____

Vice-Chair _____

Member _____

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL 07 2009</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0158

Final Action:

Sponsor(s): Safety & Development Committee

JUL 07 2009

Resolution relative to determination of Special Use Permit to establish All Roadz Towing, a towing company to be located at 2137 S. 54 St. (Tax Key No. 474-0002-002).

WHEREAS, Jim Szaniawski, d/b/a All Roadz Towing, 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 2137 S. 54 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 7, 2009, 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, Jim Szaniawski, d/b/a All Roadz Towing has offices at 2137 S. 54 St., West Allis, WI 53219.
2. The applicant leases a portion of the property at 2137 S. 54 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:

Lot 1 in Block 6 in the Assessors Plat No. 272.

TAX KEY NO. 474-0002-002

Said Property being located at 2005-2151 S. 54 St. and 2006-2142 S. 55 St.

3. The applicant is proposing to occupy a portion of the property (approximately 7,600 sq. ft.) with a towing business. The business has a fleet of five (5) trucks. Operations will be conducted off-site, as drivers are dispatched to towing or repo jobs. The service tows are immediately delivered to planned drop points. Towed vehicles will not be stored at this site. The company currently employs six (6) individuals and makes repairs to its own tow vehicles. Towing company vehicles, nor serviced vehicles shall be permitted to park on the street.

4. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which

permits vehicle repairs (including vehicle towing as an accessory to vehicle repair uses) 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 block between S. 54 St. and S. 55 St. and between W. Rogers St. and W. Mobile St. which is comprised of numerous commercial, industrial and specialty business occupancies. Properties to the west are developed as manufacturing and residential. Properties to the north and east are developed manufacturing. Properties to the south 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 Jim Szaniawski, d/b/a All Roadz Towing, 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 June 24, 2009 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.
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 158 vehicles will be provided on site, including six (6) ADA stalls. Zoning requires parking for 158 vehicles for all uses on the multi-tenant commercial property, including five (5) for All Roadz Towing. Parking and/or storage of towed vehicles is not permitted on site or within City right-of-way. Parking of all towing company vehicles shall be on site per the approved site plan and not within City right-of-way.
4. **Business Hours.** Hours of operation will be 6:00 a.m. -12:00 a.m. (midnight) with approximately six (6) 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 spills 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.

10. 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.

11. 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.

Jim Szaniawski, d/b/a All Roadz Towing

Mailed to applicant on the
15 day of July, 2009

Monica Schultz
Assistant City Clerk

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

ZON-R-723-7-7-09

ADOPTED JUL 07 2009
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 7/15/09
Dan Devine
Dan Devine, 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

July 15, 2009

Mr. Jim Szaniawski
All Roadz Towing
2137 S. 54 Street
West Allis, WI 53219

Dear Mr. Szaniawski:

On July 7, 2009 the Common Council adopted a Resolution relative to determination of Special Use Permit to establish All Roadz Towing, a towing company to be located at 2137 S. 54 St.

Please sign and return the enclosed copy of Resolution No. R-2009-0158 to the Clerk's Office within ten (10) days upon receipt of this letter.

Sincerely,

Monica Schultz
Assistant City Clerk

/jl

enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Fred-CRC Industrial Plaza



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0158

Final Action:

Sponsor(s): Safety & Development Committee

JUL 07 2009

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Jim Szaniawski, d/b/a All Roadz Towing

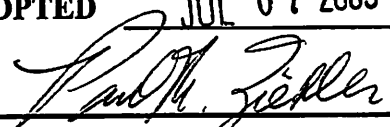
Mailed to applicant on the
15 day of July, 2009




Assistant City Clerk

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

ZON-R-723-7-7-09

ADOPTED JUL 07 2009


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

APPROVED 7/15/09


Dan Devine, Mayor