



# City of West Allis

## Legislation Details (With Text)

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**Type:** Resolution **Status:** Adopted

**File created:** 11/8/2006 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 11/8/2006 **Final action:** 11/8/2006

**Title:** Resolution relative to determination of Special Use Permit to establish an auto repair business, Dan's Car and Truck Repair and Towing, on the property located at 9700-06-12 W. Schlinger Ave. (Tax Key No. 416-9982-001)

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. R-2006-0315 Packet Doc

Date	Ver.	Action By	Action	Result
11/8/2006	1	Common Council		
11/8/2006	1	Common Council	Adopted	Pass
11/8/2006	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Permit to establish an auto repair business, Dan's Car and Truck Repair and Towing, on the property located at 9700-06-12 W. Schlinger Ave. (Tax Key No. 416-9982-001)

WHEREAS, Dan Crown, d/b/a Dan's Car & Truck Repair & Towing 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 amend Resolution No. 26910 for an auto repair business with towing service at 9700-06-12 W. Schlinger Ave.; 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, subsequently denied by Common Council July 5, 2006 at the request of Dan's Auto, a neighborhood meeting was conducted September 15, 2006 to discuss the concerns of the neighborhood and a new application for special use has been submitted; and,

WHEREAS, after due notice, the applicant, Dan Crown, d/b/a Dan's Car and Truck Repair and Towing has reapplied for special use consideration. The Common Council, having carefully considered the evidence presented at the November 8, 2006, 7:00 p.m. public hearing and the following pertinent facts noted:

1. The applicant, Dan Crown, d/b/a Dan's Car & Truck Repair & Towing, has offices on site.
2. All trucking from the site will utilize S. 84 St., S. 92 St., S. 100 St., W. Greenfield Ave., and W. Schlinger Ave. Shortcut commutes through neighborhood side streets is not permitted. The prohibition hereby imposed shall not apply to the ordinary use of such streets for the purpose of moving or delivering supplies or commodities from any place of business or residence fronting on such a street.
3. The applicant has a valid offer to lease a portion (9706R W. Schlinger Ave.) of said premises located at

9700-06-12 W. Schlinger Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1, Certified Survey Map No. 6198, located in the Northeast 1/4 of Section 32, Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

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Said Property being located at 9700-06-12 W. Schlinger Ave.

4. The applicant is proposing to amend Resolution No. 26910 for an auto repair business with a towing service on a portion of the overall property. The property also includes other auto-related business tenants, including auto/ vehicular sales, display, auto body and outdoor storage. All loading, unloading, repair, display and/or storage of vehicles, equipment or parts must be conducted on site (not within the public right of way) for the uses on site at 9700-06-12 W. Schlinger Ave. including:

A. Vehicle Storage: Outdoor storage for approximately eighty-four (84) vehicles within a 155' x 181' area at the north end (rear) of the site. All outdoor storage of vehicles shall be screened from view per the approved site plan.

B. Used Car Sales: Used vehicle parking, sales, and display area for approximately 22 vehicles within a 50' x 135' area on the south (front) side of the site (south of existing 1,026 square foot shop building). Any further expansion of this occupancy will require compliance with the Revised Municipal Code Sec. 12.43(2). No loading/unloading, storage or display within City Right of Way.

C. Auto Body: Customer parking for approximately 9 cars within a 65' x 65' area on the southeast side of the site (south of existing approximately 4,000 square foot auto body shop. No loading/unloading, repair storage or display with City Right of Way. No towing service is associated with the auto body use. All vehicle/auto body repair shall be conducted within the building and in accordance with the general hours of operation listed with the required conditions of the resolution.

D. Dan's Car & Truck Repair & Towing: Parking and outdoor storage for approximately 13 vehicles within an area behind the building at 9706R W. Schlinger Ave. No loading/unloading, repair storage or display with City Right of Way. A towing service is associated with the auto repair use. Up to one tow truck may be utilized.

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

6. The subject property is located on the north side of W. Schlinger Ave. between S. 97 St. and S. 98 St. The city limits run along the north property line and the railroad tracks. Properties to the east are developed as commercial and manufacturing. Properties to the south and west are developed as residential uses.

7. 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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Dan Crown, d/b/a Dan's Car & Truck Repair & Towing to amend Resolution No. 26910, 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 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 being required for the overall property and its tenants:

1. Site, Landscaping and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the approval of site, landscape, and architectural plans approved October 25, 2006, by the City of West Allis Plan Commission. All outdoor storage areas shall be screened from view. 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/Loading. Off-street parking spaces to be provided in accordance with Sec. 12.19 of the Revised Municipal Code. A total of 154 spaces are provided on site. Seventy-six (76) parking spaces are required per zoning. Employee and customer vehicles shall not be parked in the public right of way (including vehicles being repaired, stored, and/or displayed on site). Loading and unloading of vehicles shall not be conducted in City right of way. All loading, unloading, repair, display and/or storage of vehicles, equipment, or parts must be conducted on premise (Not within Public Right of Way).
4. Paving and Drainage. Paving and drainage plans to be submitted to the Department of Building Inspections and Zoning for approval.
5. Trucking. Trucks used in the general conduct of business shall not exceed 3 tons. Vehicle haulers used in the general conduct of business shall not exceed a carrying capacity of 5 vehicles and shall be loaded/unloaded on site. All trucking from the site will utilize S. 84 St., S. 92 St., S. 100 St., W. Greenfield Ave., and W. Schlinger Ave. Shortcut commutes through neighborhood side streets is not permitted. The prohibition hereby imposed shall not apply to the ordinary use of such streets for the purpose of moving or delivering supplies or commodities from any place of business or residence fronting on such a street.
6. Business Hours. Hours of operation for all uses on site auto repair business shall be Monday through Saturday from 8:00 a.m. to 6:00 p.m.
7. 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.
8. Outdoor Paging/Speakers. Outdoor pagers or speakers shall not be permitted on site.
9. Signage. The existing pole/monument sign shall be removed and any new signage shall be brought into compliance with the City's master signage ordinance.
10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
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. 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  
\_\_\_\_\_ day of \_\_\_\_\_, 2006

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Assistant City Clerk

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

ZON-R-582-11-8-06dlg