



City of West Allis

Legislation Details (With Text)

File #: R-2016-0223 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 9/6/2016 **In control:** Safety and Development Committee (INACTIVE)

On agenda: 9/6/2016 **Final action:** 9/6/2016

Title: Resolution relative to a Transitional Use Permit to establish a parking lot at 15** S. 71 St. for Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave.

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. R-2016-0223 signed resolution

Date	Ver.	Action By	Action	Result
9/14/2016	1	Mayor	Signed/Enacted	
9/6/2016	1	Common Council	Adopted	Pass
9/6/2016	1	Safety and Development Committee (INACTIVE)		Pass
9/6/2016	1	Common Council		
9/6/2016	1	Safety and Development Committee (INACTIVE)		
9/6/2016	1	Common Council		

Resolution relative to a Transitional Use Permit to establish a parking lot at 15** S. 71 St. for Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave.

WHEREAS, Benjamin Marjamaa, d/b/a Expert Car Care Inc. duly filed with the City Clerk an application for a Transitional Use Permit, pursuant to Sec. 12.36(2) of the Revised Municipal Code, to utilize the existing lot at 15** S. 71 St. as a parking lot for twenty-one (21) vehicles. The lot is zoned RB-2 Residence District.

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2016, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, the following pertinent facts are noted:

1. The applicant Benjamin Marjamaa, prospective owner/operator, d/b/a Expert Car Care Inc., has offices 6803 W. National Ave., West Allis, WI 53219.
2. The applicant Benjamin Marjamaa, prospective owner/operator, d/b/a Expert Car Care Inc. has an offer to purchase said premises located 7030 W. National Ave. and 15** S. 71 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 18 and 19 in Block 2 of the Lefebers Subdivision No. 3.

Tax Key No.: 453-0270-001

Said land being located at 15** block of S. 71 St.

3. The Property is zoned RB-2 Residence District, which permits parking lots as a transitional use pursuant to 12.36(2) of the Revised Municipal Code. Per Section 12.36(2), via 12.35(2), a transitional use may be established on a lot when the following occurs: the side lot adjoins or is separated only by an alley from a lot in a Commercial or Manufacturing District; provided, that the lot on which the transitional use is located does not extend more than eighty (80) feet from the boundary of such Commercial or Manufacturing District.

4. The applicant has proposed to utilize the existing vacant lot as an employee and customer parking lot. Twenty-one (21) parking stalls would be provided in what is the former location of a parking lot; however, that use has ceased to exist for over one year, so a new approval of the use as a parking lot is needed.

5. The proposed parking lot property is located at 15** S. 71 St. and measures 60 ft. x 120 ft. or 7,200 square feet (.165 acres) in area. The proposal includes removing and replacing all of the existing fencing, installing a wood board-on-board fence along the north property line and installing landscaping along the west and the north property lines.

6. The property is located immediately to the north (across the alley) of the proposed auto repair use at 7030 W. National Ave. and is required to be used as a secondary/accessory parking lot to that main auto repair use. Properties to the north, east and west are zoned and utilized for residential purposes. Properties to the south are zoned and developed as commercial uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application relative to a Transitional Use Permit to establish a parking lot at 15** S. 71 St. for Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave., be, and is hereby approved subject to the following:

1. Use of Property. Proposed parking lot at 15** block of S. 71 St. shall be an accessory use to the property located at 7030 W. National Ave. The Transitional Use Permit can only be allowed if it accompanies an approved primary use. No vehicle sales shall take place on site. No repair work may be conducted in public right-of-way or within the transitional use area (15** block of S. 71 St.). The parking lot shall not be utilized as a separate commercial enterprise.
2. Site, Landscaping and Architectural Plans. The grant of this Transitional Use Permit is subject to and conditioned upon the site, landscape and architectural plan submitted to and approved by the West Allis Plan Commission on August 24, 2016. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission. As part of the Plan Commission's approval, the applicant has proposed and agreed to pave the parking area. The proposal also includes removing and replacing all of the existing fencing, installing a decorative fence along the north property line and installing landscaping along the west and the north property lines.
3. Parking. Off-street spaces for 40 vehicles will be provided for the proposed use. This includes 21 off-street parking spaces in the north parking lot (15** block of S. 71 St. - the transitional use area) and 19 indoor parking spaces within the 7030 W. National Ave. building. A total of 95 parking stalls are required. The Common Council has the authority to accept the revised parking provisions. With the approval and signed

execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with section 12.16(9)(a) of the Revised Municipal Code.

No vehicle sales shall take place on site. No repair work may be conducted in public right-of-way or within the transitional use area (15** block of S. 71 St.). Parking/storage of repair vehicles or vehicles awaiting repair is not permitted within City right-of-way. With the exception of vehicles that may be stored within the building, the site will be limited to off-street parking/storage, in accordance with the approved site plan. Changes will require Plan Commission approval.

4. Business Hours. Hours of operation correspond with the principal use at 7030 W. National Ave. as follows: Monday through Saturday from 7:30 a.m. to 7:00 p.m.

5. Commercial Business Operations. The exchange of engines or transmissions shall not be permitted on site. No vehicle sales shall take place on site. No repair work may be conducted in public right-of-way or within the transitional use area (15** block of S. 71 St.).

6. Deliveries and Refuse Pickup. Because there is a residential use adjacent to the site, delivery operations and refuse pickup shall not be permitted between 9:00 p.m. to 7:00 a.m. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.

7. Outside Storage. No outside storage of equipment, parts, junk vehicles, vehicle parts or vehicles for sale or lease will be permitted. No vehicular advertising (advertising on vehicles) shall be permitted on site. No vehicles for repair shall be allowed to be stored on the exterior areas of the premise or in the parking lot, for more than two weeks.

8. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

9. Noise. The use shall not make, produce, allow or cause to be produced any noise which exceeds the noise limitations, as set forth in Ch. 7.035 of the Revised Municipal Code.

10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries and subject to submittal of a lighting plan. Full-cut off fixtures and or house side shields utilized to minimize light splay.

11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

12. Monitoring. The area shall be adequately monitored by staff.

13. Sidewalk Repair. The grant of this transitional 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.

14. Expiration of Transitional Use Permit. Any transitional 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 transitional 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 transitional 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 transitional use shall become null and void.

15. 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. 12.31(2) and 12.35(2) of the Revised Municipal Code; that the issuance of the transitional 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 transitional 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. 12.31(2) and 12.35(2) of the Revised Municipal Code.

16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a transitional use within one year of the granting thereof, then the Transitional Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Transitional Use Permit. The failure of the applicant to meet the terms and conditions of the Transitional 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 Transitional Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

17. Termination of Transitional use. If the person or entity granted the transitional use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the transitional use, then the transitional use may be terminated.

18. Acknowledgement. That the applicants sign and 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 Transitional Use Permit is conditioned on meeting the terms and conditions of this resolution.

Benjamin Marjamaa, Buyer/Operator

Mailed to applicant on the

day of , 2016

City Clerk

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

ZON-R-1065-9-6-16