



City of West Allis

Legislation Details (With Text)

File #: R-2004-0223 **Version:** 1

Type: Resolution **Status:** Placed On File

File created: 7/6/2004 **In control:** Safety and Development Committee (INACTIVE)

On agenda: **Final action:** 9/20/2005

Title: Resolution relative to determination of Special Use Application submitted by Mark Bamke, d/b/a CBA of Wisconsin, to establish a vehicle service and repair facility within the existing building located at 11139 W. Becher St.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/20/2005	1	Safety and Development Committee (INACTIVE)		
9/20/2005	1	Common Council	Placed on File	Pass
9/20/2005	1	Safety and Development Committee (INACTIVE)		Pass
7/6/2004	1	Common Council		
7/6/2004	1	Safety and Development Committee (INACTIVE)	Held	

Resolution relative to determination of Special Use Application submitted by Mark Bamke, d/b/a CBA of Wisconsin, to establish a vehicle service and repair facility within the existing building located at 11139 W. Becher St.

WHEREAS Mark Bamke, d/b/a CBA of Wisconsin, 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 establish a vehicle service and repair facility within the existing building located at 11139 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 6, 2004, 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, Mark Bamke, d/b/a CBA of Wisconsin, has offices at 11139 W. Becher St., West Allis, WI 53227.
2. The applicant owns said premises located at 11139 W. Becher St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3344, being a part of the Southeast 1/4 of Section 6, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

TAX KEY NO. 481-9992-005

Said Property being located at 11139 W. Becher St.

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

4. The applicant is proposing to establish a vehicle service and repair facility within the existing building located at 11139 W. Becher St. Outdoor storage will also be present on site in accordance with a site, landscaping and screening plan to be approved by the West Allis Plan Commission.

5. The subject property is located on the south side of W. Becher St. between S. 111 St. and S. 114 St. Properties to the north, south and west are developed as manufacturing. Properties to the east are developed as single family residential.

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 screen of both a fence and landscaping is required along abutting residential land uses as a condition of special use approval. Additionally, landscaping and 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 Mark Bamke, d/b/a CBA of Wisconsin, 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 Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and architectural plan being submitted to and approved by the West Allis Plan Commission. 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. Plans shall be submitted to the Plan Commission for review and consideration.

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. 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.

4. Parking. Off-street parking spaces for twenty-two (22) vehicles will be provided on site, including six (6) interior auto storage spaces. Zoning requires parking for nineteen (19) vehicles.

5. Business Hours. Hours of operation will be Monday through Friday from 7:30 a.m. to 6:00 p.m.; Saturday from 7:30 a.m. to 12:00 noon; Sunday, closed.
6. 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.
7. 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.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

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 _____, 2004

Assistant City Clerk

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

ZON-R-439\jmg\7-6-04