



City of West Allis

Legislation Text

File #: R-2004-0208, **Version:** 1

Resolution relative to determination of Special Use Application submitted by Pat Donahue, d/b/a Wilde Toyota, to expand the existing car dealership located at 3211, 3225 and 33** S. 108 St.

WHEREAS, Pat Donahue, d/b/a Wilde Toyota, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16, 12.41(2) and Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis to expand the existing car dealership located at 3211, 3225 and 33** S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 15, 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, Pat Donahue, d/b/a Wilde Toyota, has offices at 3211 and 3225 S. 108 St., West Allis, WI 53227.
2. The applicant has made an application for special use for the expansion of the existing car dealership to include a 60,000 square foot showroom and service area and a 60,000 square foot upper level parking area, located at 3211, 3225 and 33**S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast $\frac{1}{4}$ of Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Beginning at the northeast corner of Parcel 1, Certified Survey Map No. 4789; thence Southerly, 1087.64 feet, along west right-of-way line of South 108th Street; thence Westerly 154.30 feet, to the east right-of-way line of South Wollmer Road; thence Northwesterly, 216.88 feet, along said east line; thence Northeasterly, 80.81 feet; thence Easterly, 16.05 feet; thence Northerly, 116.04 feet; thence Northwesterly, 122.60 feet; thence Northwesterly, 110.32 feet; thence Northwesterly, 323.97 feet; thence Northerly, 150.13 feet; thence Easterly, 76.65 feet; thence Northwesterly, 121.50 feet, to the north line of said Parcel 1; thence Easterly, 422.43 feet, along said north line, to the Point of Beginning.

Tax Key Nos. 523-9949-002 and 523-9946-009

Said land being located at 3211, 3225 and 33** S. 108 St.

3. The applicant is the owner of the subject premises.

4. The aforesaid area is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits outdoor vehicle sales and display as a special use, pursuant to Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis.

5. The Property is part of a block between W. Oklahoma Ave. and S. Wollmer Rd. on the west side of S. 108 St. Properties located to the north and south are developed as commercial, and properties on the east and west are developed as residential and commercial.

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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Pat Donahue, d/b/a Wilde Toyota, 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 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, Architectural and Signage Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscaping and architectural plans being approved by the West Allis Plan Commission on June 23, 2004, 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. Hours of Operation. The dealership will be open from 7:00 a.m. to 9:00 p.m. Monday through Thursday; 7:00 a.m. to 5:30 p.m. on Friday; 8:00 a.m. to 3:00 p.m. Saturday, and closed on Sunday.

4. Parking. Off-street parking spaces for at least 31 vehicles are provided and maintained on site, including 2 ADA spaces. In accordance with Sec. 12.19 of the Revised Municipal Code, 244 spaces are required, including 2 ADA spaces. The Common Council shall have the authority to change the minimum parking requirement in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.

5. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

6. Window Signage. Building window signage shall not exceed 20% of each window area.

7. Marketing Display. The use of pennants, special lighting, flags, streamers or other signage, typically temporary in nature, hanging, floating or attached to a structure or vehicle display shall not be permitted.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and 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 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 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 special use, as granted herein, shall run with the land and benefit 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 _____, 2004

Assistant City Clerk

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

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