



City of West Allis

Legislation Text

File #: R-2020-0430, **Version:** 1

Resolution relative to determination of Application for a Special Use Permit for Endless Motorsports, LLC, a proposed indoor vehicle sales use and accessory shop, to be located within a portion of the existing multi-tenant commercial property located at 2200 S. 108 St.

WHEREAS, Endless Motorsports, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code of the City of West Allis to establish an indoor motor vehicles sales showroom (no outdoor sales or display); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 4, 2020 at 7:00 p.m. in the Common Council Chambers to consider the application to adopt the special use resolution; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts, noted:

1. The applicant, AJ Konkel, on behalf of Endless Motorsports, resides at 3710 S. 103 St., Greenfield, WI. The property owner will lease said premise to an operator d/b/a Endless Motorsports. The subject property at 2200 S. 108 St. is located in West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner located in the Southwest $\frac{1}{4}$ of Section 5, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Parcel 1 of the Certified Survey Map No. 7831.

Tax Key N0: 480-2001-000

Said property being located at 2200 S. 108 St.

2. The aforesaid premise is zoned C-4, Community Commercial District under the Zoning Ordinance, which permits auto repair as a Special Use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

3. The applicant is proposing to establish an indoor used power sports dealership within the northernmost tenant space (an approximate 2,600 sq. ft. portion) of the existing commercial use building. The majority of the space will be used as a showroom and a small back office will be used for financing purposes.

4. The subject property at 2200 S. 108 St. is located on the southeast corner of S. 108 St. and W. Grant St. Properties to the north and east are utilized/developed and zoned as low density residential. Properties to the south and west are utilized/developed as mixed use and zoned commercial.

5. 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.

6. The proposed business should not adversely contribute to traffic volumes or traffic flow in the area as the property offers off-street parking and is served by public transit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of AJ Konkell to establish an indoor vehicle sales use and accessory shop (no outside sales or display) at 2200 S. 108 St., 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. 12.43(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 the Site, Landscaping and Architectural Plan submitted to and approved by the West Allis Plan Commission on July 22, 2020. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

The grant of this special use is subject to and conditioned upon the applicant signing a letter of intent to keep the alleyway open/unblocked and if they plan to install double doors to accommodate vehicles that they submit architectural elevations of the proposed changes.

2. Building and Fire Codes. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.

3. Parking. A total of 8 off-street parking stalls are required for the proposed use and are provided on site. The site provides a total of about 29 parking spaces.

4. Hours of Operation. Hours are from 10:00 AM - 6:00 PM Tuesday through Saturday, and 11:00 AM to 7:00 PM on Monday.

5. Window Signage. Building window signage shall not exceed 20% of each window area and be located within the building.

6. Deliveries. All loading and unloading of merchandise and products/equipment shall be conducted to/from the parking lot facing S. 108 St. The alley area shall not be obstructed.

7. Outdoor Storage and Display. No outdoor storage, sales, and/or display of merchandise shall be permitted on site.

8. Noise. Endless Motorsports shall not run the engines of any vehicles in the alley adjacent to the site and shall not run the engines of vehicles in the parking lot other than to leave or enter the site.

9. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there is a residential neighborhood

adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

10. 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.

11. Litter and Monitoring. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within an approved four-sided structure. The building and property area shall be adequately monitored by staff.

12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.

13. 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.

14. 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.

15. 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.

16. Termination of Special Use. If the person or entity granted the special 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 special use, then the special use may be terminated.

17. Acknowledgement. That the applicants sign 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.

Endless Motorsports by AJ Konkol

Mailed to applicant on the
____ day of _____ 2020

City Clerk

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

ZON-R-1225-8-4-20

Plan Commission recommends approval
One (1) email of opposition received in the Clerk's Office.
One (1) email of concern received in the Clerk's Office.