



# City of West Allis

## Legislation Text

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**File #:** R-2007-0088, **Version:** 2

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Resolution relative to determination of Special Use Application for proposed outdoor storage of asphalt products and a screening plan for the Poblocki Paving Corporation property located at 571-79 S. Curtis Rd. (Tax Key No. 413-9990-002)

WHEREAS, John Poblocki; d/b/a Poblocki Paving, 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 an outdoor storage area for asphalt products at 571-79 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 20, 2007, 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, John Poblocki d/b/a Poblocki Paving has offices at 525 S. 116 St., West Allis, WI 53214.
2. Poblocki Paving owns said premises located at 571-79 S. Curtis Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest  $\frac{1}{4}$  of Section 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 4659.

TAX KEY NO. 413-9990-002

Said Property being located at 571-79 S. Curtis Rd.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits asphalt and aggregate storage 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 construct a 14 ft. pre-cast concrete panel wall along the southern property line and a 12 ft. high decorative wood fence along the north property line at 571-79 S. Curtis Rd. The purpose of the wall is to stack and store parking lot base course construction materials. This includes 3"-5" crushed limestone,  $\frac{3}{4}$ " traffic bond, gravel, and asphalt millings. Rock crushing shall not be permitted on site. The material will be confined to an approximate area of 48' x 151' along the south property line and will not exceed the wall height. Other storage areas delineated on site areas follows:
  - An equipment parking area measuring 40' x 76' and 40' x 148'
  - A salt storage area (bagged salt) 40' x 40'
  - A 9-ft. high shelf/rack storage area 20' x 71'

The water run-off, which included particles and sediments, will flow over a concrete paved surface into two existing catch basins. A stormwater STC-450i will be cut into the discharge line downstream filtering water prior to entering the main lateral located in S. Curtis Rd. Maintenance including routine checks and cleanouts will occur every 6 months. Screening views from the north and east will be accomplished to support proper aesthetic values. The proposed plan includes additional landscaping along S. Curtis Road, a planter and decorative fence along the north property line.

5. The subject property is located on the west side of S. Curtis Rd. between S. 108 St. and the west City limit. Properties to the north, east and west are developed as manufacturing. Properties to the south are developed as County Park (Rainbow Park)

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. Landscaping and screening of all parking/truck turn-around 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 John Poblocki, d/b/a Poblocki Paving, 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 Screening Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and screening plan approved February 28, 2007 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.
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 25 vehicles will be provided on site, including one (1) ADA space. Zoning requires parking for 9 off-street spaces.
5. Outdoor Storage. All materials and equipment stored on site shall not exceed the wall/fence height and shall be screened from view. The southern wall height will not exceed 14 feet and the northern fence height shall not exceed 12 feet.
6. Dust Abatement Controls. The proposed use shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases, dust or effiluvia into the air. Dust abatement systems shall be employed to inhibit the creation of excess dust off-site.

Dust abatement systems may include spraying of water on loose dirt, aggregate storage areas, pavement areas and transport vehicles on-site.

7. Grant of Privilege. This Special Use is conditioned upon a grant of privilege being applied for and approved by the Board of Public Works.
8. Hours of Operation. Hours of operation vary depending upon specific work load, but generally will be between 6:00 a.m. and 8:30 p.m., daily.
9. Pagers/Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
10. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
11. Marketing Displays. The use of pennants, special lighting, flags, streamers of other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
12. Litter. Employees shall inspect the site 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 structure.
13. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
14. 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.
15. Outdoor Storage and Display. No outdoor storage, sales, or display shall be permitted on site except one parked semi-trailer.
16. 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.

17. Miscellaneous.

A. 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.

B. 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.

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.

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 \_\_\_\_\_, 2007

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Assistant City Clerk

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

ZON-R-604\3-20-07