



# City of West Allis

## Legislation Text

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**File #:** R-2007-0145, **Version:** 1

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Resolution relative to determination of Special Use Permit for a proposed environmental construction services business, LVI Environmental, to be located at 450 S. Curtis Rd. (Tax Key No. 413-9999-025)

WHEREAS, Dave Fracassi, d/b/a LVI Environmental Services, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to occupy 6,000 sq. ft. of space within the multi-tenant building for use as a contractor which handles hazardous materials at 450 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 4, 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, Dave Fracassi, LVI Environmental Services, Inc., has offices at 621 E. Wildwood Ave., Vila Park, IL 60181.

2. The applicant proposes to lease 6,000 sq. ft. of commercial space at 450 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. 2942.

Tax Key No. 413-9999-025

Said land is located at 450 S. Curtis Rd.

3. The applicant is proposing to occupy 6,000 sq. ft. of commercial space to establish an environmental contractor business.

4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits motor freight and hazardous materials as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located on the northeast side of S. Curtis Rd. All surrounding properties are zoned as manufacturing and developed as manufacturing and office space.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site has historically been used as a contractor's yard.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Dave Fracassi, d/b/a LVI Environmental Services, Inc., to establish a environmental contractor business, 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. 12.45(2) and 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, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on August 22, 2007, by the City of West Allis Plan Commission 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 Plan Commission.
2. Off-street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, twenty-three (23) parking spaces are required on site. A total of 26 off-street parking spaces will be provided on site.
3. Commercial Business Operations. Daily 7:00 a.m. to 7:00 p.m. seven days per week.
4. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
5. Refuse Collection. 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.
6. 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.
7. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
8. Monitoring. The area shall be adequately monitored by staff.
9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
10. 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.
11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
12. 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.
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.

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

ZON-R-640-9-4-07