



City of West Allis

Legislation Text

File #: R-2016-0172, **Version:** 1

Resolution relative to determination of Special Use Permit for International Autos of Milwaukee, to establish a proposed vehicle repair/auto body shop and auto sales at 10221 W. Arthur Ave.

WHEREAS, Ralph Mauro and Tom Dexter d/b/a International Autos, 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, for a proposed vehicle repair/auto body shop and auto sales at 10221 W. Arthur Ave. and other site changes to establish an International Autos body shop and vehicle dealership located at 10221 W. Arthur Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 21, 2016, 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, Ralph Mauro and Tom Dexter d/b/a International Autos/ Arthur Real Estate, LLC have offices at 2400 S. 108 St., West Allis, WI 53227 and Arthur Real Estate, LLC with offices at 2300 Lehigh Ave Ste. 245, Glenview, IL 60026
2. The applicant owns the property at 10221 W. Arthur Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northwest $\frac{1}{4}$ of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 4 of the Certified Survey Map No. 1607.

Tax Key No. 485-9990-007

Said land being located at 10221 W. Arthur Ave.

3. This is the site of the former Metropolitan Cadillac dealership which was purchased by International Autos. The applicant is proposing to demolish a portion of the existing main building's showroom (about a 7,000-sf former showroom area on the north side of the building) and a former addition (about a 2,000-sf shop area on the west side of the existing building) and make internal and external renovations for a proposed vehicle repair/auto body shop and auto sales use; a new service area will be situated on the front/north side of the building, with entry and exit doors on the east and west sides of the building.

An existing 4,000-sf detached building on the south side of the site will also be demolished as part of the scope of work.

The site landscaping will be brought into compliance with the 20% requirement, while the majority of the parking lot area of the site will be utilized for vehicle sales and display of inventory. Parking spaces will also be provided for customers, employees, repair/body shop service and ADA accessible parking.

4. The aforesaid area is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits vehicle dealerships sales and display as a special use, pursuant to Sec. 12.16 and Sec. 12.43(2) of the Revised Municipal Code.

5. The subject 5.0-acre property is located on the south side of W. Arthur Ave., on the west side of S. 102 St., and east of S. 108 St. Properties located to the north, south, east and west are developed for commercial uses.

6. The use, value and enjoyment of other property in the surrounding area 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 Ralph Mauro and Tom Dexter d/b/a International Autos/ Arthur Real Estate, LLC, the property owner, to re-establish a vehicle dealership, 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, Screening, Architectural. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping and architectural plan approved May 25, 2016 by the West Allis Plan Commission. No alterations 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 Neighborhood Services and by the Fire Department. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
3. Off-street Parking and loading. Required parking for the proposed use is 54 spaces (5,636-sf body shop at 1:150, a 1,900-sf service drop off area at 1:150, a parts storage area of 2,200-sf at 1:1,500, office area of about 300-sf at 1:300). A total of 264 parking stalls will be provided on-site and as delineated on the approved plan. All parking including (service/repair vehicles, employee and customer parking and inventory display parking) shall be conducted on site and not within City right-of-way. All storage and deliveries shall be conducted on site and not within public right of way.
4. Hours of Operation. With the grant of this special use, the dealership may be open weekdays between the hours of 7:00 a.m. and 9:00 p.m., 9:00am to 6:00pm on Saturday and closed on Sunday.
5. Paving and Drainage. The grant of this Special Use Permit is subject to paving and drainage plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services.

6. Window Signage. Window signage shall not exceed 20% of the glazed portion of each window frame. Windows signage shall be situated on the internal side of the window.
7. 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.
8. 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 a four-sided enclosure or as approved by the Department of Development to match the building. 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.
9. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious, odorous or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
10. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
11. Noise. All exterior doors and windows of the use will be closed to prevent excess noise from penetrating the adjacent neighborhood.
12. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.
13. Litter and Monitoring. 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.
14. Sidewalk Repair. The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.
15. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spills from the property boundaries. Exterior lighting should be presented in a lighting plan which identifies all exterior lighting features, either mounted on the building or freestanding, along with dispersion pattern, intensity of light, and cut-off shielding that reflects away from the street. Light distribution should not spill over onto adjacent properties.
16. Expiration of Special Use Permit. 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. 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 supplying written explanation for extension of time;

- B. A timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;
- C. The request for extension shall be submitted within 60 days of the expiration of the special use permit;
- D. The extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date the extension has been granted, the special use shall become null and void.

17. 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.

18. 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.

19. 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.

20. Acknowledgement. That the applicant signs 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.

Ralph Mauro d/b/a International Autos/ Arthur Real Estate, LLC, or authorized agent

Tom Dexter d/b/a International Autos/ Arthur Real Estate, LLC

Mailed to applicant on the
_____ day of _____, 2016

City Clerk

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

ZON-R-1055-6-21-16