



City of West Allis

Legislation Text

File #: R-2014-0368, **Version:** 1

Resolution relative to determination of a Special Use Permit for Bob's Coins, a proposed hobby and coin business with secondhand article retail sales, to be located at 3050 S. 92 St.

WHEREAS, Sherry A. Grainger, d/b/a Bob's Coins, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to establish a second hand article retail store within the existing commercial property located 3050 S. 92 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 3, 2014, 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, Sherry A. Grainger, d/b/a Bob's Coins, currently have offices at 8307 W. Becher St., West Allis, WI 53219
2. The applicant has an accepted offer to purchase the property at 3050 S. 92 St. and establish a secondhand article retail store. The business buys and sells collector coins, gold coins, silver coins and foreign coins. They also buy and sell collectible memorabilia and stamps. Additionally, the applicant will buy scrap gold and silver jewelry but only sell it wholesale to be melted. The business is not a pawn broker nor has a license for such use been indicated or applied for through the City Clerk's Office. The 4,000 sq. ft. building is located at 3050 S. 92 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the Southwest corner of the said Southwest $\frac{1}{4}$ of said Section 9; thence Northerly, 215.50 feet; thence Easterly, 55.00 feet to the East right-of-way line of South 92nd Street and Point of Beginning; thence continue Easterly, 124.00 feet; thence Northerly, 60.00 feet; thence Westerly, 124.00 feet to the east right-of-way line of South 92nd Street; thence Southerly, 60.00 feet along the said East right-of-way line to the Point of Beginning.

Tax Key No. 517-9993-000

Said land located at: 3050-52 S. 92 St.

3. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits the following as Special Uses:

Secondhand article stores as defined in Section 9.15 of the Revised Municipal Code.

Pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a commercial and multi-family district along the east side of S. 92 St. The area is zoned for commercial uses. Properties to the north and south are used for commercial and multi-family uses, properties to the east and west are used for low density residential uses.
5. The proposed development shall not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Sherry A. Grainger, d/b/a Bob's Coins, to establish a secondhand article retail store, to be located at 3050-52 S. 92 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 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 and architectural plans approved on October 22, 2014 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. 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.
3. Licenses. The grant of this special use is subject to applicable State and local licenses.
4. Hours of Operation. The allowable hours of operation will be from 8:00 a.m. to 9:00 p.m., Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday.
5. Store Operations.
 - A. If the user of the property chooses to accept donations at any point, signs shall be posted to indicate donation regulations. No items may be accepted for drop-off outside of the building. Donations may only be accepted during approved business hours.
 - B. The use shall not include a pawnbroker.
6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be stored inside or fully enclosed within an approved 4-sided structure to match the building.
7. Public Nuisance. In accordance with Chapter 18 of the Revised Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use

Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

8. Off-Street Parking. A total of 13 parking spaces are required for this use, and 10 parking stalls are provided on site (including one ADA stall). With the approval and signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with section 12.16(9)(a) of the Revised Municipal Code on the basis that this property was developed prior to current off-street parking standards, strict enforcement of the parking requirements would limit investment and the reuse of the property.
9. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Such signage shall be reviewed/approved by the Department of Development prior to installation and affixed to the interior of the window and shall not flash.
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. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
12. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2814 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.
13. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated and/or shielded in such a manner that no light spays from the property boundaries.
14. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
15. 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.
16. 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 four-sided enclosure large enough to accommodate all outdoor storage of refuse and recyclable containers and/or compactor and 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 are residents that live within the building and 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.
17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

Daniel Grogan, property owner

Sherry A. Grainger, buyer, d/b/a Bob's Coins

Mailed to applicants on the

_____ day of _____, 2014

City Clerk

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

ZON-R-974-11-3-14