



City of West Allis

Legislation Text

File #: R-2013-0272, **Version:** 2

Resolution relative to determination of Special Use Permit for Moto Union, a proposed indoor motorcycle sales showroom, to be located at 11422 W. Greenfield Ave.

WHEREAS, Moto Union, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis to establish an indoor motorcycle sales showroom (no outdoor sales or display); and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 3, 2013 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, Joseph Meinerz, on behalf of Moto Union, is currently located at 2204 Silvernail Rd., Pewaukee, WI 53072. Moto Union has an accepted offer to purchase the property at 11422 W. Greenfield Ave. and the plan is to relocate from the Pewaukee site to this site, if approved by the Common Council.
2. On test drives, Moto Union will do a lead/follow ride that is led by an employee to make sure their motorcycles are ridden respectfully. The test ride loop will stick to main roads without going through residential neighborhoods. Moto Union will not take motorcycles through the alley (with engines on). All bikes to be serviced will be brought into the building directly from the parking lot and they will not utilize the alley.
3. The subject property is located at 11422 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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

Lots 12 thru 16, in Block 7 of the Greenfield Gardens subdivision.

Tax Key Number 445-0585-002

4. The aforesaid area is currently zoned C-3 Community Commercial District. The City of West Allis Zoning Ordinance permits indoor auto sales (no outside sales or display) as a special use, pursuant to the C-3 Zoning District Zoning per Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis.

5. The property is situated on the north side of W. Greenfield Ave. between S. 114th St. and S. 115th St. Properties to the north are zoned and used as residential. Properties to the east, west and south are zoned and used for commercial and multi-family residential purposes.

6. The proposed development as conditioned 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 Moto Union to establish an indoor motorcycle sales showroom (no outside sales or display) at 11422 W. Greenfield Ave., 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, Architectural. The grant of this Special Use Permit is subject to and conditioned upon a site, screening, landscaping plan and architectural plan being approved at the December 4, 2013 West Allis Plan Commission meeting.

The grant of this special use is subject to and conditioned upon the applicant installing curbed landscaping islands on the north side of the existing off-street parking lot to channel and direct traffic left/west toward S. 115 St. The applicant shall also include signage encouraging left turn only from the north side of the parking lot.

No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

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. Hours of Operation. Hours are from 8:00 AM - 7:00 PM Monday through Saturday, and 8:00 AM to 5:00 PM on Sunday.

4. Special Events. There shall not be special events without prior Common Council approval.

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

6. Parking. Off-street parking for 58 vehicles is required per code. A total of 16 parking stalls will be provided on site.

With the approval and signed execution of this Resolution, the Common Council agrees to waive the minimum parking requirements of the code for this site.

7. Deliveries. All loading and unloading of merchandise and products/equipment shall be conducted to/from W. Greenfield Ave., and not to/from the alley.

8. Outdoor Storage and Display. No outdoor storage, sales, and/or display of merchandise shall be permitted on site. Commercial trucks and trailers shall be kept within the building.

9. Doors and windows facing the alley. All doors and windows (including overhead doors) which face the alley shall remain closed during hours of operation in which repairs are taking place.
10. Test Drive Routes. The test drive routes shall be limited to commercial corridors and shall not travel through residential neighborhoods. Additionally, test drivers shall not travel through the allies immediately adjacent, on the north side of the site between S. 113 St and S. 116 St.
11. Noise. Moto Union shall not run the engines of any motorcycles in the alley adjacent to the site to the north and shall not run the engines of motorcycles in the parking lot other than to leave or enter the site.
12. 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.
13. 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.
14. 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.
15. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
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. 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 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.

Moto Union by Joseph Meinerz

Mailed to applicant on the
_____ day of _____ 2013

Assistant City Clerk

cc: Dept. of Development

Dept. of Building Inspections and Zoning
Div. of Planning & Zoning

ZON-R-941-12-11-13-As Amended-gmj