



City of West Allis

Legislation Text

File #: R-2018-0220, **Version:** 1

Resolution relative to determination of Special Use Permit for Infiniti Milwaukee, to establish a vehicle dealership on undeveloped property located in the 10500 Block W. Arthur Ave.

WHEREAS, Jeff Lupient on behalf of the Lupient Automotive Group, 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 sales and display use and other site changes to establish an Infiniti vehicle dealership located upon a 2.9 acre undeveloped lot in the 10500 Block of W. Arthur Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 4, 2018, 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, Jeff Lupient on behalf of the Lupient Automotive Group has offices at 6030 N. Green Bay Avenue, Glendale, WI 53209.
2. The applicant, owns the property located in the 10500 Block 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 3 of the Certified Survey Map No. 1607.

Tax Key No. 485-9990-006

Said land being approximately 2.9 acres and located within the 10500 Block W. Arthur Ave.

This site is an undeveloped grass lot.

The applicant is proposing to construct an Infiniti motor vehicle dealership on the undeveloped lot. A 30,200-sf building (23,555-sf first floor and 6,626 sf second floor) for the Infiniti brand is proposed. The site plan delineates customer parking, inventory, service and employee parking. A new vehicle dealership (with service, parts and showroom, office) will be constructed on site. The premise will be constructed in accordance with the approved site, landscaping and architectural plans. The site landscaping will feature compliance with the 20% greenspace/landscaping zoning requirement, while the majority of the parking lot area of the site will be utilized for vehicle sales and display.

3. 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.

4. The subject 2.9-acre property is located on the south side of W. Arthur Ave., west of S. 102 St., and east of S. 108 St. Properties located to the north, south, east and west are developed for commercial uses.

5. 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 Jeff Lupient on behalf of the Lupient Automotive Group, 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 March 28, 2018 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.
3. Off-street Parking and loading. Parking calculations have been based upon a proposed 30,200-sf building (23,555-sf first floor and 6,626 sf second floor). Required parking for the proposed development is building is 125 spaces. A total of 212 parking stalls will be provided on-site and as delineated on the approved plan (includes 128 display, 39 employee spaces, 31 service spaces and 14 customer spaces). Employee parking and all storage deliveries shall be conducted on site and not within public right of way.
4. Hours of Operation. The dealership may be open seven days per week between the hours of 7:00 a.m. and 10:00 p.m.
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. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
6. Signage. Signage shall be in conformance with the City Signage Ordinance.
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 restaurant 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.
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 spays 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.

Jeff Lupient on behalf of the Lupient Automotive Group

Mailed to applicant on the
_____ day of _____, 2018

City Clerk

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

ZON-R-1136-4-4-18