



City of West Allis

Legislation Text

File #: R-2012-0031, **Version:** 1

Resolution relative to determination of Special Use Permit for heating and cooling training to take place at Heating and Cooling Showroom, a business located at 11045 W. National Ave.

WHEREAS, Jerry L. Slinker of the Heating and Cooling Showroom duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.43(2)(a) and Sec. 12.16 of the Revised Municipal Code, to establish a heating and cooling training facility within a portion of the Heating and Cooling Showroom; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 7, 2012, at 7:00 p.m., in the Common Council Chamber 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, Jerry L. Slinker of the Heating and Cooling Showroom, owns and has offices at 11045 W. National Ave., West Allis, WI 53227.
2. The proposed training center will be located at 11045 W. National 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 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 7902.

Tax Key No. 520-1004-000

Said land being located at 11045 W. National Ave.

3. The applicant is proposing to establish a heating and cooling certification training program within a portion of the Heating and Cooling Showroom located at 11045 W. National Ave. While the showroom is a permitted use, the heating and cooling training requires special use consideration.
4. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits training as a special use, pursuant to Sec. 12.43(2)(a) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is part of a block along the south side of W. National Ave. between S. 108 St. and S. Wollmer Rd., which is zoned for commercial purposes. All surrounding properties are used for commercial purposes.

6. The proposed development should 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 for Special Use submitted by Jerry L. Slinker of the Heating and Cooling Showroom, to establish a heating and cooling training facility within the Heating and Cooling Showroom; 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 Secs. 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 and Signage Plans. The grant of this special use permit is subject to and conditioned upon approval of the site, landscaping and screening, and architectural and signage plans approved at the January 25, 2012 meeting 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 Zoning and by the Fire Department.
3. Hours of Operation. The training portion of the operation will be open Monday - Saturday from 8:00 a.m. - 9:30 p.m.
4. Lighting. The grant of this special use is subject to all lightning fixtures being orientated and/or shielded in such a manner that no light splays from the property boundaries.
5. Parking. Eight (8) parking stalls are required and ten (10) are provided.
6. Litter and Monitoring. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
7. 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.
8. 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.
9. 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.
10. 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, abutting sidewalk.

11. 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.

12. 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.

13. 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.

14. 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, the special use may be terminated.

15. 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. 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.

Jerry L. Slinker, Owner

Mailed to applicant on the
____ day of _____, 2012

Assistant City Clerk

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

ZON-R-850-2-7-12