



# City of West Allis

## Legislation Text

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**File #:** R-2011-0247, **Version:** 1

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Resolution relative to determination of Special Use Permit for a proposed International Auto Audi Dealership to be located at 10606 W. Arthur Ave.

WHEREAS, Ralph Mauro and Tom Dexter on behalf of RGM Properties LLC/International Autos, duly filed with the City Administrative Officer-Clerk/Treasurer 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 building addition and other site changes to establish a proposed International Auto Audi Dealership to be located at 10606 W. Arthur Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on December 20, 2011, 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 on behalf of RGM Properties, LLC/International Autos has offices at 2300 Lehigh Ste. 245, Glenview, IL 60026, and at 2400 S. 108 St., West Allis, WI 53227.
2. The applicant, RGM Properties, LLC/ International Autos, owns the property at 10606 W. Arthur Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the 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 2 of Certified Survey Map No. 5168.

Tax Key No. 485-0054-005

Said land being located at 10606 W. Arthur Ave.

3. The applicant is proposing to demolish a portion of the building to make way for two new building additions; a showroom addition on the front/south side of the building and a service entry addition on the side/east side of the building. 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.
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 2.7-acre property is located on the north side of W. Arthur Ave., on the south side of W. Hayes Ave., and east of S. 108 St. and west of S. 102 St. Properties located to the north, west and south 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 RGM Properties LLC/ International Autos, the property owner, to construct an addition and establish a new 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 December 7, 2011, 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 Zoning and by the Fire Department.
3. Off-street Parking and loading. Required parking for the existing building is 99 spaces. A total of 208 parking stalls will be provided on-site and as delineated on the approved plan. (Ten customer stalls and 110 spaces for employees and service). Employee parking, all storage deliveries shall be conducted on site and not within public right of way.
4. Hours of Operation. The dealership will be open seven days per week between the hours of 7:00 a.m. and 9:00 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 Zoning. The grant of this special use is subject to and conditioned upon compliance with all applicable building and fire codes.
6. Window Signage. Window signage shall not exceed 20% of the glazed portion of each window frame.
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, 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.

13. Pagers/Intercoms. The use of outdoor pagers, intercoms or loudspeakers shall not be permitted on site.

11. 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.

10. 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.

11. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries.

12. 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.

13. 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.

15. 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.

16. 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.

17. 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.

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RGM Properties LLC/International Autos, or authorized agent

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2011

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Assistant City Clerk

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

ZON-R-845-12-20-11