



# City of West Allis

## Legislation Text

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**File #:** R-2012-0037, **Version:** 2

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Resolution relative to determination of Special Use Permit for Free Agents Customz and Auto Wirks, a proposed auto repair business, to be located at 2074 S. 56 St.

WHEREAS, Anthony Backstrom, d/b/a Free Agents Customz and Auto Wirks, duly filed with City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code to establish an auto repair/service facility at 2074 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 6, 2012 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 Anthony Backstrom, d/b/a Free Agents Customz and Auto Wirks, resides at 2608 S. 70 St. Milwaukee, WI 53219.
2. Anthony Backstrom, d/b/a Free Agents Customz and Auto Wirks, will lease space at 2074 S. 56 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 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Parcel 1 of the Certified Survey Map No. 5603.

TAX KEY NO. 474-0264-003

Said property being located at 2074-2112 S. 56 St.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits auto repair as a Special Use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.
4. The applicant is proposing to provide passenger vehicle repairs. The auto repair will take place within approximately 2,200 sq. ft. of space within the northern most tenant space of the existing building.
5. The subject property is located along the east side of S. 56 St. between W. Burnham St. and W. Mobile St. Properties to the east and south are zoned for manufacturing purposes and used for commercial and manufacturing uses. Properties to the west and north are zoned and used for residential uses and are developed with industrial and commercial uses.
6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. Any

vehicles waiting to be repaired or which already have been repaired will be required to be parked inside. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right of way. Vehicle sales are not permitted on site. Employee vehicles (not repair vehicles) may park along the commercial frontages of S. 56 St. south of the alley located to the north of the site, no employees shall park in the residential neighborhood north of the alley.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Anthony Backstrom, d/b/a Free Agents Customz and Auto Wirks, 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 and Sec. 12.45(2) 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 and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon approval of the site, landscaping, screening, and architectural plans approved at the February 22, 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. No outdoor storage shall be permitted on site. Parking, storage and/or display of repair vehicles and/or vehicles awaiting repair and/or vehicles for sale are not permitted within City right of way. Vehicle sales are not permitted on site. Employee vehicles (not repair vehicles) may park along the commercial frontages of S. 56 St., south of the alley located to the north of the site, no employees shall park in the residential neighborhood north of the alley. All approved landscaping must be completed no later than July 1, 2012.
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. Parking. Off-street parking spaces for 22 vehicles, including one (1) ADA stall are required to be provided on-site, 24 parking stalls are provided, including one (1) ADA stall. Employee vehicles (not repair vehicles) may park along the commercial frontages of S. 56 St., south of the alley located to the north of the site, no employees shall park in the residential neighborhood north of the alley.
4. Business Hours. Hours of operation will be Monday through Friday from 8:00 a.m. to 8:00 p.m. seven days a week.
5. Commercial Business Operations. No commercial trucks, buses, trailers or similar large non-passenger vehicles are permitted to be stored or serviced on the property.
6. Deliveries and Refuse Pickup. Because there are residential uses adjacent to the site, delivery operations and refuse pickup shall not be permitted between 9:00 p.m. to 7:00 a.m. Refuse collection to be provided by commercial hauler and stored inside the building or within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.
7. Outside Storage. No outside storage of junk vehicles, vehicle parts or vehicles for sale will not be permitted. No vehicular advertising (advertising on vehicles) shall be permitted on site.

8. Noxious Odors, Etc. The business 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. Noise. The use shall not make, produce, allow or cause to be produced any noise which exceeds the noise limitations, as set forth in Ch. 7.035 of the Revised Municipal Code. Overhead doors to repair bays shall be closed during business operations to reduce noise emissions into the surrounding area.
10. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
11. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
12. Monitoring. The area shall be adequately monitored by staff.
13. 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, (if any) abutting sidewalk.
14. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area and shall be affixed to the interior of the window.
15. 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.
16. Litter. 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.
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, the special use may be terminated.

21. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant and property owner agree 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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Anthony Backstrom, d/b/a Free Agents Customz and Auto Wirks

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David R. Knight, property owner representative

Mailed to applicant on the

\_\_\_\_\_ day of \_\_\_\_\_, 2012

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Assistant City Clerk

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

ZON-R-853-3-6-12-amd