



City of West Allis

Legislation Text

File #: R-2008-0022, **Version:** 1

Resolution relative to determination of Special Use Permit Application for First Source Worldwide a proposed chemical distribution and manufacturing facility to be located within the existing building at 11725 W. Fairview Ave. (413-9999-032)

WHEREAS, Dale Clark, d/b/a First Source Worldwide, 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 a chemical manufacturing and supply company within the existing building located at 11725 W. Fairview Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 4, 2008, 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 Dale Clark currently has offices at 1215 Doctor's Dr., Ste. F, Neenah, WI 54956
2. Dale Clark has purchased said premises located at 11725 W. Fairview 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 31, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast corner of the said Northwest $\frac{1}{4}$; thence Southerly, 110.00 feet, along east line of said Northwest $\frac{1}{4}$; thence Westerly, 360.00 feet to the Point of Beginning; thence, Southerly, 198.80 feet; thence Westerly, 511.54 feet; thence Northerly, 85.00 feet; thence Northeasterly, 114.00 feet; thence Northeasterly, 111.00 feet; thence Northeasterly, 106.00 feet; thence Easterly, 205.00 feet to the Point of Beginning.

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Said Property being located at 11725 W. Fairview Ave.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits manufacturing laboratory facilities as a special use, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code.
4. The applicant is proposing to occupy the 53,000 sq. ft. facility for chemical manufacturing and distribution.
5. The subject property is located on the southeast corner of S. 118 St. and W. Fairview Ave. Properties to the east, west and south are developed as industrial and manufacturing. To the north is Interstate 94.

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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Dale Clark, d/b/a First Source Worldwide, 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 the site, landscape and architectural plan submitted to and approved by the West Allis Plan Commission on February 27, 2008. No alteration 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. Parking. Off-street parking spaces for 38 vehicles will be provided on site, including two (2) ADA stalls. Zoning requires parking for 45 vehicles on site. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.
4. Business Hours. Hours of operation will be Monday through Friday from 7:00 a.m. to 6:00 p.m. During operation all doors and windows will be closed to help control noise pollution.
5. Deliveries. Delivery operations shall be conducted during business hours.
6. Outside Storage. Any outside storage will be completely screened from view from W. Fairview Ave. or S. 118 St. and any surrounding properties. The outdoor storage materials shall not exceed the height of the screening storage materials to be kept on a pave surface.
7. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxisome, oxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
9. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site as the land use to the east consists of residential uses.
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, (if any) abutting sidewalk.

11. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.

12. 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.

13. 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.

14. Miscellaneous.

A. Applicant is 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 applicant's 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.

Applicant is 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.

The grant of this special use shall become null and void within one (1) 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. No extension of these time limitations will be permitted under any

circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

The 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 approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the

_____ day of _____, 2008

Assistant City Clerk

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

ZON-R-668-3-4-08