



City of West Allis

Legislation Text

File #: R-2013-0212, **Version:** 2

Resolution relative to determination of Special Use Permit for Poblocki Paving, a proposed asphalt paving facility, to establish a maintenance building, construction office addition and create an outdoor storage yard for their business operations located at 423 S. Curtis Rd.

WHEREAS, John Poblocki, d/b/a Poblocki Paving, duly filed with the 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 proposed asphalt products and paving facility, to establish a maintenance building, future construction office addition and create an outdoor storage yard for their business operations located at 423 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 17, 2013 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, John Poblocki, d/b/a Poblocki Paving has offices at 525 S. 116 St., West Allis, WI 53214.
2. Poblocki Paving owns said premises located at 423 S. Curtis Rd., 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:

Parcel 1 of the Certified Survey Map No. 4242.

TAX KEY NO. 413-9993-015

Said Property being located at 423 S. Curtis Rd.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance which permits asphalt and aggregate storage as a special use, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.
4. This manufacturing zoned site is the location of the former Department of Motor Vehicles at 423 S. Curtis Rd. Poblocki Paving has purchased the property and is proposing to renovate the existing building to provide a maintenance and storage facility within the existing building, to add more employee parking and a new equipment storage yard on site. A future phase 2 building (office) addition is indicated on the plan, but this is indicated as a future phase. Any future building additions would require resubmittal to the Plan Commission. This site will also provide additional employee parking for the main Poblocki Paving office building at 525 S. 116 St.

5. The subject property is located on the west side of S. Curtis Rd. between W. Theo Trecker Way. Surrounding properties to the north, south, east and west are developed as manufacturing.

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 John Poblocki, d/b/a Poblocki Paving, a proposed asphalt paving facility, to establish a maintenance building, construction office addition and create an outdoor storage yard for their business operations located at 423 S. Curtis Rd., 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 Screening Plans. The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and screening plan approved August 28, 2013 by the West Allis Plan Commission. 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. Storm Water Management and Paving and Drainage. The grant of this special use is subject to a storm water management plan being provided to our Engineering Department for approval. A paving and drainage plan shall also being submitted to and approved by the Department of Building Inspections and Zoning.
4. Parking. A total of 30 off-street parking spaces are required for the proposed use and a total of 55 off-street parking stalls will be provided on site, including one (1) ADA space. The total amount of off-street parking on site includes providing a minimum of 19 parking stalls on site to mitigate the shortage of parking for Poblocki's other property at 525 S. 116 St.
5. Outdoor Storage. Rock crushing shall not be permitted on site. Outdoor storage of materials will be contained on site in accordance with the approved site, landscaping and screening plan as approved by the Plan Commission. All material piles must be at or below the fence line.
6. Grant of Privilege. This Special Use is conditioned upon a grant of privilege being applied for and approved by the Board of Public Works for any landscaping encroaching into the City-Right-of-Way.
7. Hours of Operation. Hours of operation vary depending upon specific work load, but generally will be between 6:00 a.m. and 11 p.m., daily. An exception to these hours is granted for snow plowing operations during winter months.
8. Pagers/Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.

9. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area.
10. 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.
11. 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.
12. 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.
13. Paving and Dust Control. The grant of this special use is conditioned upon the applicant providing a plan to the Department of Development to address the following:
- A. All internal roads and storage areas shall be maintained in a dust free condition. Such areas shall be paved;
 - B. Provisions shall also be made to remove dust, dirt, mud or other debris from the vehicles before they leave the site and enter the public right-of-way;
 - C. Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.
14. Litter, Monitoring, Deliveries and Refuse Collection. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. All refuse to be provided by a commercial hauler. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials for the property will be fully enclosed within an approved 4-sided enclosure and shown on the approved site plan.
15. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxious, noxious or disagreeable odors, gases, dust or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
16. 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.

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 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.

John Poblocki/Poblocki Paving

Mailed to applicant on the

_____ day of _____, 2013

Assistant City Clerk

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

ZON-R-925-9-17-13-amended