



City of West Allis

Legislation Text

File #: R-2008-0176, **Version:** 1

Resolution relative to determination of Special Use Permit to amend R-2006-0171 to include/establish an auto repair use within a portion of the existing McAdams Car Co. building located at 2081 S. 56 St. (Tax Key No. 474-0241-000).

WHEREAS, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to expand an auto repair facility within the existing vehicle sales business located at 2081 S. 56 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 5, 2008, 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, David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., has offices on the premises at 2081 S. 56 St., West Allis, WI 53219.
2. The applicant owns the 1.44-acre property at 2081 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:

Lots 32 through 48 in Block 8 of the McGeoch Meadows.

Tax Key No. 474-0241-000

Said land being located at 2081 S. 56 St.

3. The applicant, which currently occupies 26,430 of the 35,195 square foot building, is proposing to occupy the entire building. The applicant operates a wholesale and retail vehicle sales business from the 1.44-acre site. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours (open until 4:00 p.m.). Sixty-two indoor vehicle storage spaces will be provided within the building and there will be an additional parking area of 39 spaces for outdoor/screened customer and employee parking. The business currently includes a wash bay and detail/preparation area for inspecting vehicles and minor repair work prior to sale.

4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits automotive repair facilities and vehicle sales and display as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located at the northwest corner of the intersection of W. Mobile St. and S. 56 St. Properties to the north are developed as park area. Properties to the east, and west are developed as manufacturing, commercial and residential. Properties to the south are developed as railroad (Union Pacific).

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 David Matuszczak, Badger Holdings, LLC, d/b/a McAdams Car Co., Inc., to expand an auto repair facility within the existing vehicle sales business located at 2081 S. 56 St., 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved by the City of West Allis Plan Commission on July 23, 2008, 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. Off-Street Parking. Based upon the proposed usage of the property, 34 parking spaces are required. 101 parking stalls will be provided as follows: 39 screened customer and employee outdoor spaces (which includes one ADA stall) and 3 truck spaces (loading dock areas); and 62 indoor (storage) spaces. Vehicles being repaired or sold or awaiting repair or sale shall not be parked in the public right of way (including vehicles being prepared for sale or being stored on site). All storage of vehicles awaiting service, or stored prior to service, will be conducted indoors and within the approved auto storage areas and screened from view. Loading and unloading of vehicles shall be conducted on site or, as an alternate, from W. Mobile St.
4. Hours of Operation. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday and limited Saturday hours (until 4:00 p.m.). No truck deliveries after 7:00 p.m. permitted.
5. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.
6. 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.
7. Outdoor Paging Speakers. Outdoor pagers or speakers shall not be permitted on site.
8. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's

area.

9. 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.

10. Outdoor Lighting. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, do not splay past the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.

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. Acknowledgement. That the applicant 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.

David Matuszczak, d/b/a McAdams Car Co.

Mailed to applicant on the
_____ day of _____, 2008

Assistant City Clerk

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

ZON-R-690-8-5-08\bjb