



# City of West Allis

## Legislation Text

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**File #:** R-2004-0018, **Version:** 1

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Resolution relative to determination of Special Use Application submitted by Dale Dobroth of SIDCOR for proposed building addition to the north end of Southtown Plaza Shopping Center located at 2900 S. 108 St.

WHEREAS, Dale Dobroth of SIDCOR, duly filed with the City Administrative Officer- Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to construct a building addition to the north end of the Southtown Plaza Shopping Center. The addition will consist of a 3,780 square foot multi-tenant space and a 6,574 square foot space for Southtown Tire and Auto; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 20, 2004, 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 Dobroth, has a corporate office at 950 N. Western Avenue, Lake Forest, IL 60045-1734.
2. The applicant manages/owns the Southtown Plaza property at 2900 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

A tract of land being located in the Southwest  $\frac{1}{4}$  of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 944, and Parcel 2 of Certified Survey Map No. 7107.  
All parcels are subject to existing easements.

Said land contains 6.9405 Acres, more or less.

Said land being located at 2900 S. 108 St.  
(TAX KEY NOS. 519-0339-007; 519-0339-017; 519-0339-018)

3. The applicant is proposing to construct a 10,354 square foot addition consisting of a 3,780 square foot multi-tenant retail space and a 6,574 square foot Southtown Tire and Auto space, attached at the north end of the existing Southtown Plaza Shopping Center.
4. The auto repair facility will operate utilizing one overhead garage door facing W. Dakota St. and three garage doors facing south (the rear of the shopping center). The minimization of the number of garage doors was strongly recommended by the Plan Commission as both an important architectural/ aesthetic design

feature, as well as necessary to satisfy potential neighborhood concerns with respect to the type of use and location to residences.

5. The building currently occupied by Southtown Tire and Auto will be utilized for a future retail tenant. The intent is to lease it to a restaurant and/or small service user. As part of the occupancy conversion, the building's exterior facade will be remodeled. Plans for the reuse/occupancy of the building will be submitted to the Building Inspection Dept. and the Development Dept. for review and may require Plan Commission and Common Council review, depending upon the future use.

6. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits auto repair as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.

7. The subject property is part of a block along the east side of S. 108 St. between W. Oklahoma Ave. and W. Dakota St, which is zoned for commercial purposes. Properties to the north, south and west are developed as commercial; properties to the east are developed as residential.

8. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the area (Southtown Plaza and Hwy. 100) are zoned for commercial uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Dale Dobroth of SIDCOR to construct a building addition consisting of auto repair and other retail uses within the Southtown Plaza Shopping Center 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 site, landscape, screening, signage, and architectural plans approved on June 25, 2003, 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.
2. Master Sign Program. The grant of this special use is subject to and conditioned upon approval of a master sign plan by the City Plan Commission.
3. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.
4. Hours of Operation. Hours of operation of Southtown Tire and Auto shall be Monday through Friday from 7:30 a.m. to 7:00 p.m.; Saturday from 7:30 a.m. to 3:00 p.m. and closed on Sunday.
5. Off-Street Parking. The number of parking spaces required for the new auto repair addition and multi-tenant retail addition is forty-eight (48); three hundred ninety-six (396) stalls are provided on site (Southtown

Plaza Shopping Center), which meets the zoning requirement.

6. Auto Repair Operations. The auto repair facility will perform the same vehicle repair and service and tire sales as in their current location (at the south end of the shopping center). The company policy is for same-day repairs so that cars do not sit overnight.
7. Retail Operations. The additional multi-tenant retail space will be marketed for lease to small retailers, sandwich shop and/or a service type of user.
8. Refuse Collection. Refuse collection shall be provided by a commercial hauler no earlier than 9:00 a.m. and no later than 10:00 p.m. No Sunday refuse/recyclable collection is permitted. Employees shall not utilize refuse container after 10:00 p.m. The refuse/recyclable area shall be screened from view with a four-sided enclosure.
9. 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.
10. 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.
11. Pagers/Intercoms. The use of outdoor pagers, intercoms, or loudspeakers shall not be permitted on site.

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 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 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 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.

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2004

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Assistant City Clerk

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

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