



City of West Allis

Legislation Text

File #: R-2018-0420, **Version:** 2

Resolution relative to determination of Special Use Permit for RSR Services LLC an existing warehouse/distribution and commercial truck repair facility located at 6036 W. Beloit Rd.

WHEREAS, Steve Ignasiak, d/b/a RSR Services, LLC, duly filed with City Clerk 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 commercial truck repair facility located at 6036 W. Beloit Rd.; and,

WHEREAS, the applicant had previously applied and was granted a special use for the same business use and operations at the property (previously addressed as 6014 W. Beloit Rd.) on October 6, 2015, by the West Allis Common Council, but the applicant did not secure a business occupancy permit, did not implement the approved site, landscaping and architectural improvements and thereby allowed the special use permit (R-2015-0208) to lapse as the applicant did not fulfill/meet all the terms and conditions set forth in the grant of the 2015 special use permit; and,

WHEREAS, after due notice, the applicant has reapplied for a special use permit, submitted a revised site, landscaping and architectural plan, and schedule for completion of work; and,

WHEREAS, a public hearing was held by the Common Council on June 19, 2018, at 7:00 p.m. in the Common Council Chambers to consider the new 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, Steve Ignasiak, d/b/a RSR Services, LLC, has offices at 1912 W. Pierce St., Milwaukee, WI 53105.
2. The applicant, Steve Ignasiak, d/b/a RSR Services, LLC, owns the property located at 6036 W. Beloit Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 19 and 20, in Block 8 of the Assessor's Plat No. 268 subdivision.

TAX KEY NO. 475-0034-004

Said Property being located at 6036 W. Beloit Rd.

3. The aforesaid area is zoned M-1 Manufacturing District under the Zoning Ordinance, which permits commercial truck repair as a Special Use within the existing industrial building, pursuant to Sec. 12.16 and Sec. 12.45(2) of the Revised Municipal Code.

4. The applicant is proposing to occupy the existing building on the site, which is approximately 4,800 sq. ft. This business will conduct commercial truck repair service and hauling services for the recycling industry. The site will not be used as a salvage yard or recycling center. Up to thirty (30) commercial trucks are proposed to be kept on site. Nine (9) parking stalls are proposed for employees and the public.

5. The subject property is located on the north side of W. Beloit Rd. between the Union Pacific Railroad and S. 60th St., with individual properties respectively in between. Properties to the west and south are zoned for manufacturing purposes and occupied with industrial uses. Properties to the north are zoned for manufacturing and commercial purposes and are occupied with commercial uses. Properties to the east are zoned for commercial purposes and occupied with commercial and residential 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. A solid screen of both a fence and landscaping is required along abutting residential land uses as a condition of special use approval. Additionally, all vehicle storage and/or storage of materials or equipment is subject to the parking and storage plan on the approved site and landscaping plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Steve Ignasiak, d/b/a RSR Services, LLC., 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 being approved 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. All internal roads, parking and outdoor storage areas shall be paved and best practices shall be used to maintain same in a dust and debris free condition.

2. Implementation Schedule. The grant of this special use permit is conditioned upon and subject to an implementation schedule being submitted to and approved by the Common Council.

- a. Completion of paving, storm water management, landscaping and exterior building painting as approved by the West Allis Plan Commission shall be completed by August 31, 2018.
- b. If the applicant has made substantial progress as determined by the Department of Development, the Department is authorized by the Common Council to extend the deadline for completion of site and building improvements to October 31, 2018.
- c. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use by October 31, 2018, 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.

3. 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 Neighborhood Services and by the Fire Department.

4. Off-Street Parking. Up to 30 commercial trucks off-street parking stalls and additionally off-street parking spaces for 27 employee and customer (personal vehicle) parking stalls are proposed to be on site in accordance with the approved plan. Thirty-two (32) parking stalls are required for the 4,800 sq. ft. building at a ratio of 1:150. Parking/storage of repair vehicles or vehicles awaiting repair is not permitted within City right of way.
 5. Business Hours. The applicant has proposed the hours of operation to be Monday through Friday from 6:00 a.m. to 10:00 p.m. and 7:00 a.m. to 3:30 p.m. on Saturdays. During operation, all doors and windows will be closed to help control noise pollution.
 6. Deliveries and Refuse Pickup. All refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers as approved by the Department of Development.
- All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there is a residential use adjacent to the site, delivery operations and refuse pickup shall not be permitted between 9:00 p.m. to 7:00 a.m.
7. Outside Storage. Outside storage areas shall be subject to being described and delineated upon the approved site plan and screened from view. No outside storage of junk, junk vehicles or vehicle parts will be permitted.
 8. 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.
 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.
 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.

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. This special use, if approved by the Common Council, shall be in accordance with the following implementation schedule, or shall lapse and become null and void:

- a. Completion of paving, storm water management, landscaping and exterior building painting, as approved by the West Allis Plan Commission, shall be completed by August 31, 2018.
- b. If the applicant has made substantial progress as determined by the Department of Development, the Department is authorized by the Common Council to extend the deadline for completion of site and building improvements to October 31, 2018.

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 up to six (6) months. If no building permit has been issued and construction has not commenced 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 by August 31, 2018, or the subsequent October 31, 2018, within the terms of the approved implementation schedule, 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 City shall provide written notice of an alleged violation and thirty (30) days to cure the defect. If Applicant fails to cure to the reasonable satisfaction

of the City, then 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 public hearing before the Safety and Development Committee. Upon the Common Council's ultimate finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the facility after all legal remedies have been exhausted.

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, then 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 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.

Steve Ignasiak, d/b/a RSR Services, LLC and property owner

Mailed to applicant on the

_____ day of _____, 2018

City Clerk

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

ZON-R-1141-6-19-18-Version 2