



# City of West Allis

## Legislation Text

---

**File #:** R-2005-0085, **Version:** 1

---

Resolution relative to determination of Special Use Application to establish an auto repair facility within a portion of the property located at 6607 W. Mitchell St. (Tax Key No. 454-0255-001)

WHEREAS, James Cerny, d/b/a American Engine Installations, 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 establish an auto repair facility within a portion of the existing building located at 6607 W. Mitchell St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 1, 2005, 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, James Cerny, d/b/a American Engine Installations, has offices at 8N 6th Avenue, Maywood, IL 60153. Mark Jonas, of Jonas Family Partnership, owns the property and has offices at 3939 W. McKinley Avenue, Milwaukee, WI 53208.

2. The applicant has a valid offer to lease a portion of the property at 6607 W. Mitchell 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 the Northeast  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 1 of the Certified Survey Map No. 4912, subject to the existing easement.

Tax Key No. 454-0255-001

Said land being located at 6607 W. Mitchell St.

3. The applicant and owner of the building are proposing to remodel and renovate the existing unoccupied storage building to utilize a portion of the floor area for an auto repair business that will occupy approximately 7,200 square feet for auto repair use and 1,300 square feet for office use.

4. The building was previously occupied as a manufacturing use, but the vast majority of the existing space is unoccupied storage area.

5. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of

West Allis, which permits auto repair as a special use, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code.

6. The subject property is part of a block along the south side of W. Mitchell St. between S. 65 St. and S. 68 St., which is zoned for manufacturing purposes. Properties to the south, west and north are developed as manufacturing. Properties to the east are developed as residential.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as it was previously used as manufacturing use. American Engine Installations (AEI) is not a general auto repair or diagnostic facility. AEI is a remanufactured engine specialist and does not install engines in heavy equipment or vehicles. All vehicles will be stored within the building and the parking lot will be used for employee and customer parking (not repair vehicle storage). No repair vehicles will be parked within the City right of way.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of James Cerny, d/b/a American Engine Installations, to establish an auto repair use, 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening plans approved by the City of West Allis Plan Commission on February 23, 2005, 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. A revised set of plans will be submitted within 60 days for approval by the Plan Commission. Additionally, a bond in the amount of \$25,000 shall be submitted to the Department of Building Inspections and Zoning prior to the issuance of permits.
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. 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.
4. Hours of Operation. The auto repair shop will be open Monday through Friday from 8:00 a.m. to 8:00 p.m. and on Saturday from 8:00 a.m. to 4:00 noon.
5. Off-Street Parking. The auto repair use is required to provide 64 stalls. A total of 50 parking stalls are available on site. Employee vehicles and customer vehicles being serviced shall not be parked in the public right of way (including vehicles being repaired or stored on site). All storage of vehicles services, awaiting service, or stored prior to service will be conducted indoors within the approved auto repair use area and screened from view.

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. 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.
10. 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.

Mailed to applicant on the  
9th day of March, 2005

/s/ Monica Schultz  
Assistant City Clerk

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

ZON-R-494\3-1-05\jmg