



City of West Allis

Legislation Text

File #: R-2016-0219, **Version:** 1

Resolution relative to determination of Special Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave.

WHEREAS, Benjamin Marjamaa, d/b/a Expert Car Care Inc. duly filed with City Clerk an application for a Special Use Permit for the property located at 7030 W. National Ave., pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code to establish an auto repair/service facility within the existing building located at 7030 W. National Ave. and the associated parking lot in the 15** block of S. 71 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2016, 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 Benjamin Marjamaa, prospective owner/operator, d/b/a Expert Car Care Inc., currently has offices 6803 W. National Ave., West Allis, WI 53219 and is proposing to relocate his operations to 7030 W. National Ave. and the 15** block of S. 71 St.

2. The applicant Benjamin Marjamaa, prospective owner/operator, d/b/a Expert Car Care Inc. has an offer to purchase said premises located 7030 W. National Ave. and the 15** block of S. 71 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 20 thru 23 in Block 2 of the Lefebers Subdivision No. 3, Lot 24 and West 5.00 feet of Lot 25 in Block 2 of the Continuation of Lefebers Subdivision No. 3.

TAX KEY NO: 453-0272-000

Said Property being located at 7030 W. National Ave.

3. This Special Use Permit applies only to the property located 7030 W. National Ave. which is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance which permits auto repair as a special use within the existing building, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code.

4. A Public Hearing will take place for a Transitional Use Permit for the property located in the 15** block of S. 71 St. which is zoned RB-2 Residence District. The proposal is to use this property for a parking lot, pursuant to Sec. 12.16 and Sec. 12.36(2). Parking lots when accessory to an adjacent business or commercial use can be permitted, subject to the approval of a Transitional Use Permit. Such parking lots shall not be utilized as a separate commercial enterprise.

5. The applicant is proposing to purchase the approximate 19,000 sq. ft. building and to utilize it for auto repair for cars, vans, light trucks and passenger vehicles. The proposal includes major upgrades to the site, including paving and draining the parking lot, perimeter landscaping and perimeter fencing, in addition to major repairs and upgrades to the building itself.

6. The subject property at 7030 W. National Ave. is located on the northeast corner of S. 71 St. and W. National Ave. Properties to the north are zoned and utilized as residential. Properties to the south, east and west are zoned and developed as commercial uses.

7. 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.

Additionally, any vehicles waiting to be repaired will be stored inside the building; there will be no vehicles, parts or tires stored outside. No repair work may be conducted in public right-of-way. No cars which are awaiting repair or which have been repaired will be allowed to park in the street.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Benjamin Marjamaa, d/b/a Expert Car Care Inc. for a Special Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. 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. 12.41(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 submitted to and approved by the West Allis Plan Commission on August 24, 2016. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission. As part of the Plan Commission's approval, the applicant has proposed and agreed to pave the accessory lot's parking area and also to remove and replace all of the existing fencing, install decorative fence along the north property line and install landscaping along the west and the north property lines of the transitional use area.

2. Transitional Use. The grant of this Special Use Permit is subject to and conditioned upon the grant of a transitional use for the subject business's accessory parking lot on Tax Key No. 453-0270-001 in the 1500 Block S. 71 St. The transitional use area will be operated as an accessory to the primary vehicle repair use and shall not be operated as a separate commercial enterprise per the zoning provisions in 12.36(2) of the Revised Municipal Code.

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. Parking. Off-street spaces for 40 vehicles will be provided for the proposed use. This includes 21 off-street parking spaces in the north parking lot (15** block of S. 71 St. - the transitional use area) and 19 indoor

parking spaces within the 7030 W. National Ave. building. A total of 95 parking stalls are required. The Common Council has the authority to accept the revised parking provisions as a condition of the Special Use. With the approval and signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with section 12.16(9)(a) of the Revised Municipal Code.

No repair work may be conducted in public right-of-way or within the transitional use area (15** block of S. 71 St.). Parking/storage of repair vehicles or vehicles awaiting repair is not permitted within City right-of-way. With the exception of vehicles that may be stored within the building, the site will be limited to off-street parking/storage, in accordance with the approved site plan. Changes will require Plan Commission approval.

5. Business Hours. Hours of operation will be Monday through Saturday from 7:30 a.m. to 7:00 p.m. During operation, all doors and windows will be closed, to help control noise pollution.

6. Commercial Business Operations. No vehicle sales shall take place on site. No repair work may be conducted in public right-of-way or within the transitional use area (15** block of S. 71 St.).

During operation, all doors and windows will be closed, to help control noise pollution.

7. Deliveries and Refuse Pickup. 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. 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.

8. Outside Storage. No outside storage of equipment, parts, junk vehicles, vehicle parts or vehicles for sale or lease will be permitted. No vehicular advertising (advertising on vehicles) shall be permitted on site. Vehicles being repaired and stored on site shall not be stored outdoors for over two weeks (14 days).

9. Noxious Odors, Etc. The business shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

10. 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. During operation, all doors and windows will be closed, to help control noise pollution.

11. Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spays from the property boundaries. Exterior lighting should be presented in a lighting plan which identifies all exterior lighting features, either mounted on the building or freestanding, along with dispersion pattern, intensity of light, and cut-off shielding that reflects away from the street. Light distribution should not spill over onto adjacent properties. "Rope" lighting shall not be used in any manner that results in visible or exposed bulbs. Flashing, blinking, rotating or colored light shall also not be permitted.

12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

13. Monitoring. The area shall be adequately monitored by staff.

14. 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.

15. Window Signage. Any building window signage shall not exceed twenty percent (20%) of each window's area and shall be installed on the interior side of the window.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. Acknowledgement. That the applicants sign and 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.

Benjamin Marjamaa, Buyer/Operator

Mailed to applicant on the

_____ day of _____, 2016

City Clerk

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

ZON-R-1064-9-6-16