



City of West Allis

Legislation Text

File #: R-2021-0005, **Version:** 1

Resolution relative to determination of an Application for a Special Use Permit for Pope Auto Worx, an existing vehicle repair business, to amend their special use permit to include indoor auto sales at 10214 W. Greenfield Ave.

WHEREAS, Nicholas Pope, d/b/a Pope Auto Worx, LLC was granted a special use permit under R-2015-0207 on October 6, 2015 to establish and expand the existing auto repair/service at 10204 W. Greenfield Ave. to abutting properties located at 10214-102** W. Greenfield Ave.; and,

WHEREAS, in 2020 Nicholas Pope, d/b/a Pope Auto Worx, LLC duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code to amend R-2015-0207 to include indoor auto sales at 10214-102** W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 5, 2021, 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 Nicholas Pope, d/b/a Pope Auto Worx, LLC, has an existing auto repair/service at 10204-14 and 102** W. Greenfield Ave., West Allis, WI 53214.

2. Nicholas Pope, d/b/a Pope Auto Worx, LLC, owns the above referenced properties at 10204-14 and 102** W. Greenfield Ave., 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 32, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lot 14 in Block 12 of the Greenfield Park Subdivision No.2.

TAX KEY NOS:

444-0391-000 - 1367 S. 102 St. and 10204 W. Greenfield Ave. (vehicle repair lot with a single family home.

444-0392-000 - 10214 W. Greenfield Ave. (subject site of this amendment)

444-0393-000 - 102** W. Greenfield Ave. (abutting accessory parking lot)

Said property being located at 1367 S. 102 St., 10204 W. Greenfield Ave., 10214 W. Greenfield Ave., and 102** W. Greenfield Ave.

3. The aforesaid areas are zoned C-3 Community 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. 12.42(2) of the Revised Municipal Code.

4. Nicholas Pope d/b/a Pope Auto Worx currently owns and operates a vehicle repair facility at the referenced properties.

- a) 1367 S. 102 St. and 10204 W. Greenfield Ave - Existing single family home and auto repair business. Zoned C-3 Community Commercial, site area 0.23 acre corner lot, a 1,350 sq. ft., 4 bedroom house, a 1,600 sq. ft. commercial auto repair building with 3 service bays and an office. This property is considered a mixed use site

as the property includes a single family house along with a separate commercial auto repair building/business.

- b) 10214 and 102** W. Greenfield Ave. - This is the location of the special use amendment to introduce indoor vehicle sales within the existing building on site. The auto repair business will also continue. The properties are zoned C-3 Community Commercial and include two parcels at 0.118 acres each, a 1,900 sq. ft. building with 3 auto repair bays and an office on 10214 W. Greenfield Ave.

The above-referenced areas will continue to be utilized for auto repair (for cars, vans, light trucks and passenger vehicles). No site or architectural changes are proposed as part of the 2021 special use amendment. In 2015, the property owner made upgrades to the site including paving and draining the parking lot, perimeter landscaping, refuse screening and signage updates.

5. The subject property is located on the north side of W. Greenfield Ave. between S. 102 St. and S. 103 St. Properties to the north are developed as single-family residential. Properties to the east, west and south are developed as commercial. The Greenfield Ave. corridor on the north side of W. Greenfield Ave and between I-894 and Hwy 100 is zoned C-3 Community Commercial District.

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. Additionally, any vehicles waiting to be repaired or which already have been repaired will be subject to the outside storage limits indicated on an approved site and landscaping plan. In this case the parking plan indicates up to 18 vehicle spaces may be parked on the overall site at one time which consists as follows: (4 outdoor employee spaces, 14 outdoor customer and/or repair spaces). There are also 6 indoor garage/service bays for the overall use. 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. Vehicle sales and display must be conducted indoors.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Nicholas Pope d/b/a Pope Auto Worx, 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. 12.42(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. Extent of Special Use.

- a. Indoor vehicle sales and display - The lot at 10214 and 102** W. Greenfield Ave. may include indoor vehicle sales and display in addition to existing vehicle repair use.
- b. Vehicle repair use. The existing vehicle repair business at 10204 W. Greenfield Ave., and 10214 and 102** W. Greenfield Ave. while separated by property lines the owner volunteers that the overall operation will be operated as one business. The vehicle repair use conditions apply equally over all parcels of the operation. The rationale for this approach is to protect the surrounding neighborhood area.

2. 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 December 2, 2020. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.

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 Zoning and by the Fire Department.

4. Parking. A total of 23 parking spaces are required for the auto repair use and existing house. Off-street parking spaces for 18 vehicles will be provided. 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. 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 storage in accordance with the approved site plan. Changes will require Plan Commission approval.

5. Business Hours. Hours of operation will be Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. until noon.
6. Commercial Business Operations. The exchange of engines, transmissions, or auto body work shall not be permitted on site. All service doors shall be kept closed during operations to limit sound emissions into the surrounding neighborhood. Indoor vehicle sales and display may be conducted from the property located at 10214 and 102** W. Greenfield Ave.
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 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, 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.
11. 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.
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 located upon the interior surface 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.

Nicholas Pope d/b/a Pope Auto Worx

Mailed to applicant on the

_____ day of _____, 2021

City Clerk

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

ZON-R-1247-1-5-21

Plan Commission recommends approval.