

**AMENDED**

RESOLUTION #P.C. 023-2008

APPROVAL OF AN ANNUAL REVIEW FOR THE CONDITIONAL USE FOR A SALES AND SERVICE ESTABLISHMENT FOR AUTOMOBILES FOR FREY AUTO SALES AT THE PROPERTY LOCATED IN THE NE ¼ & SE ¼ OF SECTION 34 (TAX KEY NOS. 2296.996 & 2293.996.002 / S107 W16311 LOOMIS ROAD)

WHEREAS, The Plan Commission approved a Conditional Use Grant amendment for sale of automobiles at the property located at S107 W16311 Loomis Road (Tax Key Nos. 2296.996 & 2293.996.002) on November 1, 2005 by Resolution #PC 082-2005, and

WHEREAS, There was an additional BSO Amendment approved under Resolution P.C. 068-2007, and

WHEREAS, The property is zoned B-4, Highway Business District, and said use is allowed by Conditional Use Grant, and the Plan Commission has required an annual review as a condition of the approval, and

WHEREAS, Approved plans permit the following:

- A maximum of forty-four (44) vehicles for sale to be displayed in the specified sales areas,
- A maximum of fourteen (14) customer vehicles awaiting repairs,
- A maximum of seven (7) employee vehicles parked on site,
- A maximum of forty-two (42) vehicles parked within the fenced in area,
- A maximum of eighteen (18) loaner vehicles parked across the street on the gravel lot, and

WHEREAS, The most recent approving resolution stated that the current loaner car lot, across Muskego Dam Drive, was allowed to be paved for the storage of the rental vehicles only, and

WHEREAS, Staff conducted a field inspection on February 26<sup>th</sup> and found the number of cars on one portion of the site were over what is allowed, and

WHEREAS, The customer parking (towards the northeast corner of the site) identified on their approved site plan only shows seven (7) approved parking stalls and there were approximately 14 vehicles present and some of these vehicles were parked behind and blocking the vehicles within the approved stalls, and

WHEREAS, There was a flat bed tow truck parked within an unapproved area in the right-of-way near the corner of the site.

**WHEREAS, The petitioner has requested to be allowed the parking of his flat bed tow truck under the gas canopy next to a gas pump that does not function, and**

**WHEREAS, The petitioner has requested to be allowed to place a raised vehicle display rack within one of the "vehicles for sale" parking stalls, and**

**WHEREAS, A follow-up inspection was conducted on March 24, 2008 and found the property in compliance with the previously approved BSO items, and**

**WHEREAS, The property owner has signed off on the new proposals for the site.**

THEREFORE BE IT RESOLVED, The Plan Commission approves of the annual review **and the proposed BSO amendments** for Frey Auto, subject to compliance with all Conditional Use Grant conditions of approval and those found below.

BE IT FURTHER RESOLVED, That the site must conform to the approved BSO, relating to the location and number of parked vehicles, on the site immediately and a follow-up inspection will occur within one (1) week from the approval/adopted date of the resolution and citations will be issued without further warning if the site is not in full compliance at that time.

~~BE IT FURTHER RESOLVED, That the flat bed tow truck must be relocated behind or next to the building to minimize its visual impact within the timeframes noted above.~~

BE IT FURTHER RESOLVED, That previously approved plans are kept on file in an address file in the Building Department and all aspects of this plan shall be maintained in perpetuity unless otherwise authorized by the Plan Commission.

BE IT FURTHER RESOLVED, That failure to comply with the approval contained in this resolution shall result in the imposition of fines of \$100 per day, the initiation of legal action, or both.

Plan Department  
City of Muskego

Adopted: March 4, 2008;

Defeated:

Deferred:

Introduced: March 4, 2008; Brought back for reconsideration April 1, 2008

ATTEST: Kellie Renk, Recording Secretary