

J. Stibel
Steve Schoer
Barb Burkner
Applicant

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

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Vice-Chair: Martin J. Weigel
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Michael J. Czaplewski

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Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0244

Final Action:
AUG 03 2004

Resolution relative to determination of Special Use Application submitted by Derek Knight of Marathon Ashland Petroleum, on behalf of Speedway SuperAmerica, LLC., to demolish the existing gas station and construct a new gas station with convenience store at 9130 W. Oklahoma Ave.

WHEREAS, Derek Knight of Marathon Ashland Petroleum, on behalf of Speedway SuperAmerica, LLC., owner, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code, to demolish the existing gas station and construct a new gas station with convenience store at 9130 W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 3, 2004, 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, Speedway SuperAmerica, LLC., has offices located at 500 Speedway Drive, Enon, OH 45323.
2. The applicant owns said premises located at 9130 W. Oklahoma 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 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the Southwest corner of the said Southwest $\frac{1}{4}$ of said Section 9; thence Northerly, 215.50 feet; thence Easterly, 55.00 feet to the east right-of-way line of South 92nd Street and Point of Beginning; thence continue Easterly, 153.00 feet; thence Southerly 155.50 feet to the north right-of-way line of West Oklahoma Avenue; thence Westerly, 153.00 feet along said north right-of-way line to the east right-of-way line of South 92nd Street; thence Northerly, 155.50 feet along said east right-of-way line to the Point of Beginning.

Tax Key No. 517-9990-001

Said Property being located at 9130 W. Oklahoma Ave.

3. The applicant is proposing to demolish the existing gas station and convenience store and construct a new gas station with convenience store.

4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits gas stations and convenience stores, pursuant to Sec. 12.42(2) of the Revised Municipal Code.
5. The subject property is located on the northeast corner of W. Oklahoma Ave. and S. 92 St. Properties to the north are developed as commercial and residential uses, properties to the south, east and west are developed as commercial 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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Derek Knight of Marathon Ashland Petroleum, on behalf of Speedway SuperAmerica, LLC., owner, 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 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. Site, Landscaping, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the approval of site, landscape, and architectural plans approved July 28, 2004, by the City of West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
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. Parking. A total of eight parking stalls, including one (1) ADA stall, are required per the Zoning Code. Eleven parking stalls will be provided on site including one (1) ADA stall.
5. Hours of Operation. Hours of operation for the gas station and convenience store shall be 24 hours per day, 7 days per week.
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 Lighting. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a

manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, so that no light splays from the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.

8. Outdoor Storage and Display. No outdoor storage, sales, or display of merchandise shall be permitted on site unless screened from view within a four-sided masonry enclosure.

9. 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, abutting sidewalk.

10. Window Signage. Window signage shall not exceed 20% of the window area.

11. Gas Station Operations. Intercoms, pagers and audio voice-guided menu systems are not permitted at point of sale areas, such as gas pumps.

Applicant is 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.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

The special use, as granted herein, shall run with the land and benefit 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 August, 2004
Monica Schultz
Assistant City Clerk

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

ZON-R-444-8-3-04\bjb

ADOPTED

August 3, 2004

Paul M. Ziehler

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

August 6, 2004

Jeannette Bell

Jeannette Bell, Mayor



CITY OF WEST ALLIS

WISCONSIN



Wisconsin
Award for
Municipal
Excellence

City Clerk/Treasurer Office

August 9, 2004

Derek Knight
Marathon Ashland Petroleum
8585 Broadway, Suite 600
Merrillville, IN 46410

Dear Mr. Knight:

On August 3, 2004 the Common Council adopted the resolution relative to determination of Special Use Application submitted by Derek Knight on behalf of Speedway SuperAmerica, LLC, to demolish the existing gas station and construct a new gas station with convenience store at 9130 W. Oklahoma Ave.

A copy of Resolution No. R-2004-0244 is enclosed.

Sincerely,

Monica Schultz
Assistant City Clerk

/dm
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee

Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Dorothy E. Steinke
Deputy City Treasurer

Monica Schultz
Assistant City Clerk