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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2003-0212	Resolution	In Committee
Resolution relative to determination of Special Use Application submitted by Terry Weis, d/b/a Weis Oil, to establish a gas station/convenience store at 12004 W. Greenfield Ave.		
Introduced: 07/01/2003		Controlling Body: Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

MOVER: NARLOCK AYES 5 NOES 0

SECONDER: CZAPLEWSKI EXCUSED _____

COMMITTEE ACTION DATE 7/1/03

SIGNATURES OF COMMITTEE MEMBERS

[Signature]
Chair

Vice-Chair

COMMON COUNCIL ACTION adopted

FINAL ACTION DATE 7-1-03

MOVER:
Lajsic

SECONDER:
Narlock

	AYE	NO
1. Barczak	<input checked="" type="checkbox"/>	_____
2. Czaplewski	<input checked="" type="checkbox"/>	_____
3. Kopplin	<input checked="" type="checkbox"/>	_____
4. Lajsic	<input checked="" type="checkbox"/>	_____
5. [Redacted]		_____
6. Narlock	<input checked="" type="checkbox"/>	_____
7. Reinke	<input checked="" type="checkbox"/>	_____
8. Sengstock	<input checked="" type="checkbox"/>	_____
9. Trudell	<input checked="" type="checkbox"/>	_____
10. Vitale	<input checked="" type="checkbox"/>	_____
<u>Weigel</u>	<input checked="" type="checkbox"/>	_____
TOTAL	<u>9</u>	<u>0</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2003-0212

Final Action:

7-1-03

Resolution relative to determination of Special Use Application submitted by Terry Weis, d/b/a Weis Oil, to establish a gas station/convenience store at 12004 W. Greenfield Ave.

WHEREAS, Terry Weis, d/b/a Weis Oil, duly filed with the City Administrative Officer-City Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code to construct a 1,280 square foot gas station/convenience store in place of the existing building located at 12004 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 1, 2003, 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, Terry Weis, d/b/a Weis Oil, resides at 2909 South 91 Street, West Allis, WI 53227.

2. The applicant owns said premises located at 12004 W. Greenfield Avenue., 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 31, Township 7 North, Range 21 East and Southeast $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East City of West Allis, Milwaukee County, Wisconsin, described as follows:

Commencing at the Southeast corner of First Continuation of Suburban Estates; thence Westerly, 5.00 feet, along north right-of-way line of West Greenfield Avenue to the Point of Beginning; thence continue Westerly, 115.00 feet, along said north right-of way line; thence Northerly, 128.00 feet, to the south right-of-way line of the alley; thence Easterly, 120.00 feet, to the west right-of-way line of the South 120th Street; thence Southerly, 123.00 feet, along said west right-of-way line; thence Southwesterly, 7.12 feet, to the Point of Beginning.

Tax Key No. 446-0547-001

Said Property being located at 12004 W. Greenfield Ave.

3. The aforesaid area is zoned C-3 Community Commercial District under the Zoning Ordinance which permits convenience stores and self-service petroleum products as a special use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.

4. The applicant is proposing to construct a new 1,280 square foot (40' x 32') gas

station/convenience store in place of the existing building.

5. The subject property is located on the north side of W. Greenfield Ave. between S. 120 St. and S. 121 St. Properties located to the north and west are developed as residential. Properties to the east are developed as commercial, and to the south is Greenfield Park.

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 of Terry Weis, d/b/a Weis Oil, 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. **Site, Landscaping, and Architectural Plan.** The grant of this Special Use Permit is subject to and conditioned upon a site, landscape and architectural plan approved by the West Allis Plan Commission on June 25, 2003. 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. **Parking.** The Revised Municipal Code requires eight (8) off-street parking spaces. Off-street parking spaces for six (6) vehicles will be provided on site, including one (1) ADA space.

4. **Paving and Drainage.** Paving and Drainage Plan being submitted to the Department of Building Inspections for approval.

5. **Operation:**

(a) **Intercoms.** The use of any audio intercoms on the property is restricted to the hours of 8:00 a.m. to 8:00 p.m., and none other, unless such use is required by any emergency, law, regulation or ordinance.

(b) **Employees/Business Hours.** There will be two (2) full-time employees and one (1) part-time employee. Hours of operation will be Monday through Friday, 5:00 a.m. to 10:00 p.m.; Saturday from 6:00 a.m. to 9:00 p.m. and Sunday from 7:00 a.m. to 8:00 p.m.

6. **Outdoor Sales and Displays.** Outdoor displays will be permitted for ice and propane gas

displays to be located only on the east side of the principal building, as designated on site plan on file in Development Department. No other outdoor sales and display areas shall be permitted on site.

7. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.

8. 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.

9. 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.

10. Refuse Collection. Refuse collection to be provided by commercial hauler.

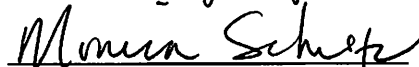
Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

The grant of this special use shall become null and void within one (1) 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 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 approval of the Common Council, following public hearing, as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the
9 day of July, 2003


Assistant City Clerk

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

ZON-R.387\jmg\7-1-03

ADOPTED July 1, 2003
Paul M. Ziehler
Paul M. Ziehler, CAO, Clerk/Treasurer

APPROVED July 3, 2003
Jeannette Bell
Jeannette Bell, Mayor