



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0137

Final Action:

Sponsor(s): Safety & Development Committee

JUN 05 2007

Resolution relative to determination of Special Use Permit for proposed modifications to the existing BP gas station and convenience store located at 5926 W. Beloit Rd. (Tax Key No. 455-0080-001)

WHEREAS, Zubair Arshad, owner, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code, to expand a gas station at 5926 W. Beloit Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on June 5, 2007, 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, Zubair Arshad, owner, has offices at 5926 W. Beloit Rd., West Allis, WI 53219.
2. The applicant owns the property at 5926 W. Beloit Rd., 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 2, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 6, 7 and 8, Block 7 in the McGeoch Farm Subdivision No. 1, except part of said Lot 6, described as follows: Beginning at the Southwest corner of Lot 6; thence Northerly, 24.00 feet, along East right-of-way line of South 60th Street; thence Southeasterly, 19.18 feet, to the Northerly right-of-way line of West Beloit Road; thence Southwesterly, 24.00 feet, along said southerly line, to the Point of Beginning.

Tax Key No. 455-0080-001

Said land is located at 5926 W. Beloit Rd.

3. The applicant is proposing to remodel the entire building and expand the convenience store into the former auto service bays.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning

Ordinance of the City of West Allis, which permits gas stations as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

5. The subject property is located to the north of the intersection of W. Beloit Rd. and S. 60 St. Properties to the north are used for residential uses and zoned for commercial uses. All other surrounding properties are zoned for commercial purposes.

6. The use, value and enjoyment of other property in the surrounding area 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 Zubair Arshad, owner, to expand a gas station convenience store into the former auto bays, 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 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, Screening, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, signage and architectural plans approved on May 23, 2007, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the 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. Noxious Odors, Etc. The building 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.
4. Hours of Operation. The hours of operation will be from 5:00 a.m. to 12:00 midnight, seven days per week.
5. Off-Street Parking. A total of 8 parking spaces are required on site; a total of 14 parking spaces are provided.
6. Vehicle Display and Storage. No vehicle display, sales or storage on site or within the public right of way.
7. Outdoor Storage and Display. No outdoor storage, sales or display of merchandise shall be permitted on site unless screened from view within an approved four-sided masonry enclosure.

8. Site Maintenance. All site and landscape features to be maintained in a healthy condition.

9. Litter. Employees shall inspect the area 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 4-sided masonry structure to match the building.

10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area. Any existing signage on site shall be removed.

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

12. 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.

13. 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.

14. 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.

Mailed to applicants on the
8th day of June, 2007

Monica Schultz
Assistant City Clerk

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

ZON-R-617/6-5-07

ADOPTED JUN 05 2007
Paul M. Ziehler
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED June 7, 2007
Jeannette Bell
Jeannette Bell, Mayor



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

June 8, 2007

Frank Richardson
Arch Design Assoc.
4615 Vettelson Rd.
Hartland, WI 53029

Dear Mr. Richardson:

On June 5, 2007 the Common Council approved a Resolution relative to determination of Special Use Permit for proposed modifications to the existing BP gas station and convenience store located at 5926 W. Beloit Rd.

A copy of Resolution No. R-2007-0137 is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/amn
enc.

cc: John Stibal
Ted Atkinson
Steve Schaer
Barb Burkee
Zubair Arshad