



City of West Allis

Legislation Details (With Text)

File #: R-2004-0263 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 9/7/2004 **In control:** Safety and Development Committee (INACTIVE)

On agenda: **Final action:** 9/7/2004

Title: Resolution relative to determination of Special Use Application submitted by Terry Weis, owner, for proposed demolition and rebuilding of the Citgo Gas Station with proposed convenience store and car wash located at 12004 W. Greenfield Ave.

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-2004-0263

Date	Ver.	Action By	Action	Result
9/7/2004	1	Common Council		
9/7/2004	1	Common Council	Adopted	Pass
9/7/2004	1	Safety and Development Committee (INACTIVE)		Pass

Resolution relative to determination of Special Use Application submitted by Terry Weis, owner, for proposed demolition and rebuilding of the Citgo Gas Station with proposed convenience store and car wash located at 12004 W. Greenfield Ave.

WHEREAS, Terry Weis, d/b/a Weis Oil, Inc., 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 to construct a new gas station with convenience store and car wash at 12004 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 7, 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, Terry Weis, d/b/a Weis Oil, Inc., has an office at 12004 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant is the co-owner of said premises located at 12004 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 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 applicant is proposing to demolish the existing gas station and convenience store and to construct a new facility to consist of a 900 square foot gas station and convenience store, with approximately 560 square feet of storage area, and a one-car washing bay (550 square feet).
4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits automobile convenience stores and car wash facilities as a special use, pursuant to Sec. 12.42(2) and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the north side of W. Greenfield Ave. between S. 120 St. and S. 121 St. Properties to the north are separated by a 30-ft. wide alley and are developed as residential. Properties to the east are developed as commercial and residential. Properties to the west are developed as multi-family and are zoned for commercial use. Properties to the south are developed as public 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, Inc., 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 site, landscape, signage and architectural plans approved July 28, 2004, 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 West Allis Plan Commission. Canopy architectural plans are to be submitted to the Department of Development and the West Allis Plan Commission for approval within one year (September 2005). Canopy renovations are to be completed by September 2006.
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 3 parking stalls, including 1 ADA stall, are required per the Zoning Code. Four parking stalls will be provided on site including 1 ADA stall. Stacking/staging for 7 vehicles will be provided at the car wash entrance. Employee and customer vehicles shall not be parked in the public right of way.
5. Hours of Operation. Hours of operation of the gas station and convenience store shall be from 5:00 a.m. to 11:00 p.m., 7 days per week. The car wash shall be open from 6:00 a.m. to 9:00 p.m., 7 days per week.
6. Grant of Privilege. The special use is conditioned upon a Grant of Privilege being applied for and approved by the City Engineer for a minor encroachment for landscaping and site improvements within the southern 5 feet of alley right-of-way to the rear (north boundary) of the subject property. Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.
7. 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.
8. Outdoor Lighting. All outdoor lighting shall be prepared with full cut-off fixtures. In no way shall light splay from the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.
9. Outdoor Storage and Display. No outdoor storage, sales, or display of merchandise shall be permitted on site unless stored within a four-sided masonry wall that is architecturally incorporated with the building.
10. 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 for damaged (if any), abutting sidewalk.
11. Window Signage. Window signage shall not exceed 20% of the window area.
12. Car Wash Operations. Wash bay overhead doors shall be installed on both vehicle entry and exit ways and shall be kept closed during and after the vehicle wash cycle process.
13. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables and other waste materials will be fully enclosed within an approved structure.
14. Gas Station Operations. Intercoms, pagers and audio voice-guided systems are not permitted at point of sale areas.
15. Driveway Permits. Permit application and approved plans are to be submitted to the Engineering Department and Wisconsin Department of Transportation for necessary driveway permits to be granted by the Board of Public Works and the Wisconsin Department of Transportation.

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 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 applicant on the
13th day of September, 2004.

Monica Schultz
Assistant City Clerk

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

ZON-R-449\9-7-04\jmg