



# City of West Allis

## Legislation Details (With Text)

**File #:** R-2004-0295 **Version:** 1  
**Type:** Resolution **Status:** Adopted  
**File created:** 10/5/2004 **In control:** Safety and Development Committee (INACTIVE)  
**On agenda:** **Final action:** 11/3/2004  
**Title:** Resolution relative to determination of Special Use Application for a convenience store addition to the existing gas station located at 7605 W. Greenfield Ave.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 2004-0295, 2. R-2004-0295

Date	Ver.	Action By	Action	Result
11/3/2004	1	Safety and Development Committee (INACTIVE)		
11/3/2004	1	Common Council	Adopted	Pass
11/3/2004	1	Safety and Development Committee (INACTIVE)		Pass
10/5/2004	1	Common Council		
10/5/2004	1	Safety and Development Committee (INACTIVE)	Held	

Resolution relative to determination of Special Use Application for a convenience store addition to the existing gas station located at 7605 W. Greenfield Ave.

WHEREAS, Wahab Hussaini, d/b/a BP Greenmart, LLC, 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 construct a new convenience store at 7605 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on October 5, 2004, at 7:00 p.m., in the Common Council Chamber 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, Wahab Hussaini, d/b/a BP Greenmart, LLC, has an office on site at 7605 W. Greenfield Ave., West Allis, WI 53214.
2. The applicant owns said premises located at 7605 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All that land of the owner being located in the Northeast  $\frac{1}{4}$  of Section 4, Township 6 North, Range 21 East,

City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lots 1, 2, and 3 in Block 1 of the Greenfield Heights Subdivision, except the piece in the northeast corner described as follows: Beginning at the northeast corner of the said Lot 1; thence South 00°27'37" East, 90.00 feet, along west right-of-way line of South 76<sup>th</sup> Street; thence North 11°23'36" West, 81.49 feet; thence North 51°38'13" West, 14.86 feet, to the south right-of-way line of West Greenfield Avenue; thence North 88°07'04" East, 27.04 feet, along said south right-of-way line, to the Point of Beginning.

Tax Key No. 452-0001-000

Said Property being located at 7605 W. Greenfield Ave.

3. The applicant is proposing to eliminate the existing car wash facility and construct a new convenience store addition.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits convenience stores as a special use, pursuant to Sec. 12.41(2) of the Revised Municipal Code.
5. The subject property is located on the south side of W. Greenfield Ave. between S. 76 St. and S. 77 St. Properties to the south are developed as residential uses. Properties to the east, north and west are developed as commercial.
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 Wahab Hussaini, d/b/a BP Greenmart, LLC, 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. 12.41(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 September 22, 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 six (6) parking stalls, including one (1) ADA stall, are required per the Zoning Code. Six (6) parking stalls will be provided on site including one (1) ADA stall. Employee and customer vehicles shall not be parked in the public right of way.

5. Hours of Operation. Hours of operation shall be from 5:00 a.m. to 2:00 a.m., seven 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. In no way shall light splay from the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay. Signage, if illuminated, shall be fabricated with an opaque background.
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.

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  
day of , 2004

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Assistant City Clerk

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

ZON-R-459-10-5-04\bjb