



City of West Allis

Legislation Text

File #: R-2003-0234, **Version:** 2

Resolution relative to determination of Special Use Application submitted by Ramzan Charania, Owner, to establish a car wash at the Citgo Gas Station, located at 2203 S. 108 St.

WHEREAS, Ramzan Charania, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.16 of the Revised Municipal Code, to establish a car wash at 2203 S. 108 Street; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 5, 2003, 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, Ramzan Charania owns the property located at 2203 S. 108 Street.
2. The applicant has made an application for special use to establish a one-bay car wash next to the existing gas station building located at 2203 S. 108 Street, West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lots 1 and 2 of Krantz Park Subdivision and north 60.00 feet of south 541.20 feet of east 190.00 feet of said Southeast $\frac{1}{4}$.

Said land being located at 2203 S. 108 Street

Tax Key No. 481-0102-001

3. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits car wash facilities as a special use, pursuant to Sec. 12.43(2) of the Revised Municipal Code.
4. Citgo Gas Station is seeking special use approval to establish a one thousand thirty-five (1035) square foot, one-bay, automatic car wash on site. The car wash is proposed to be located on the south side of the site with stacking for five (5) vehicles. Access to the gas station and proposed car wash is provided via existing driveways, two along Highway 100 and one on W. Grant St.
5. The subject property is on the southwest corner of S. 108 St. and W. Grant St. on the west side of S. 108

St. and the south side of W. Grant St. Properties located to the south and east are developed as commercial. Properties to the north and west are developed as residential.

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 Ramzan Charania, to establish a car wash facility 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 and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on July 23, 2003, 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. The Plan Commission, as part of the July 23, 2003 approval, granted a one-year extension of time until August, 2005, to architecturally upgrade the existing building (convenience store) on site. The Plan Commission also determined that the proposed vacuum cleaner be installed with a sound insulating foam kit and that the car wash hours be limited to 10:00 p.m.
2. Hours of Operation. The car wash will be open daily from 7:00 a.m. to 10:00 p.m., seven (7) days per week.
3. Off-Street Parking. The number of off-street parking spaces required by zoning for the Citgo Gas Station is four (4) spaces, including one (1) ADA stall. A total of four (4) spaces will be provided which includes one (1) ADA stall. A total of five (5) stacking stalls are required for the car wash and are provided on site. Stacking of vehicles prohibited on public right-of-way.
4. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease, and other wasted materials will be fully enclosed within an approved structure.
5. 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.
6. 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.
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. Paving and Drainage. A paving and drainage plan being submitted to the Department of Building Inspections and Zoning for approval.

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 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
9th day of September, 2003.

Monica Schultz
Assistant City Clerk

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

ZON-R-394\bjb\8-5-03