



# City of West Allis

## Legislation Text

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**File #:** R-2006-0196, **Version:** 1

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Resolution relative to determination of Special Use Permit for proposed demolition of the existing gas station and construct a new gas station, convenience store and car wash at 1112 S. 108 St. (Tax Key no. 444-0464-001)

WHEREAS, Mr. Intisar Hasan, owner, 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 construct a new gas station with convenience store and car wash facility at 1112 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 1, 2006, 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, Intisar Hasan, owns the property and resides at 18375 Patti Lane, Brookfield, WI 53045.
2. The applicant owns said premises located at 1112 S. 108 St., 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 32, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 27, 28, 29 and 30 in Greenfield Park Subdivision No. 1, Block 3, except the triangle in the northwest corner of Lot 30, more particularly described as follows:

Beginning at the northwest corner of said Lot 30; thence Easterly, 5.00 feet, along north line of said lot; thence Southwesterly, 7.08 feet, to the west line of said lot; thence Northerly, 5.00 feet, along said west line to the Point of Beginning.

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Said Property being located at 1112 S. 108 St.

3. This Special Use was before the Common Council and approved previously under Resolution No. R-2004-0172. A subsequent extension of time was also granted, but construction did not commence and the Special Use under Resolution No. R-2004-0172 lapsed/expired.
4. A new Special Use Permit has been submitted for consideration. The applicant is proposing to demolish the existing gas station and convenience store and construct a new gas station with convenience store and an attached single-bay car wash.

5. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits gas stations and convenience stores, pursuant to Sec. 12.42(2) of the Revised Municipal Code. Car wash facilities are permitted as special uses within the C-3 District pursuant to Sec. 12.42(2).

6. The subject property is located on the east side of S. 108 St. between W. Washington St. and W. Madison St. Properties to the north are developed as residential and manufacturing uses, properties to the south and west are developed as commercial uses, and properties to the east are developed as residential uses.

7. 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 submitted by Intisar Hasan, owner, 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 approval of site, landscape, and architectural plans approved July 26, 2006, 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 eight parking stalls, including one (1) ADA stall, are required per the Zoning Code. Eleven (11) parking stalls will be provided on site including one (1) ADA stall. Stacking/staging for at least seven vehicles will be provided for the car wash. Employee and customer vehicles shall not be parked in the public right of way.
5. Hours of Operation. Hours of operation for the gas station and convenience store shall be 24 hours per day, 7 days per week. Hours of operation for the car wash shall be 6:00 a.m. to 10:00 p.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. All outdoor lighting fixtures and canopy fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, so that no light

splays from the property boundaries. Canopy lighting shall be recessed within the canopy structure to limit light splay.

8. Outdoor Storage and Display. No outdoor storage, sales, or display of merchandise shall be permitted on site.

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. Car Wash and Gas Station Operations.

A. 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 is complete. Intercoms, pagers and audio voice-guided menu systems are not permitted at point of sale areas, such as gas pumps and car wash functions.

B. Between the months of June through September, the owner shall provide security on premises.

12. Expiration of Special Use Permit. 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. 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 supplying written explanation for extension of time;

B. a timeline/schedule for obtaining necessary permits, state and municipal approvals and target date for construction start;

C. the request for extension shall be submitted within 60 days of the expiration of the special use permit;

D. the extension, if granted, shall be valid for a period of six months. If no building permit has been issued and construction has not commenced within six months from the date the extension has been granted, the special use shall become null and void.

13. 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 applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2006

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Assistant City Clerk

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

ZON-R-568-8-1-06\dlm