



City of West Allis

Legislation Text

File #: R-2003-0252, **Version:** 2

Resolution relative to determination of Special Use Application submitted by Keller Structures on behalf of Richard Fabinski, d/b/a Southtown Amoco to demolish the existing gas station and construct a new gas station, convenience store and car wash at 10731 W. Oklahoma Ave.

WHEREAS, Richard Fabinski, d/b/a Southtown Amoco, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to demolish and construct a new gas station with convenience store and car wash at 10731 W. Oklahoma Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 2, 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, Richard Fabinski, d/b/a Southtown Amoco, has an office at 10731 W. Oklahoma Ave., West Allis, WI 53227 and resides at W232 S5930 Charles Dr., Waukesha, WI 53189.
2. The applicant has a valid offer to purchase said premises located at 10731 W. Oklahoma Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northwest $\frac{1}{4}$ of Section 17, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Parcel 2 of Certified Survey Map No. 4294 and North 10.00 feet of adjoining vacated alley.

Tax Key No. 524-0008-003

Said Property being located at 10731 W. Oklahoma Ave.

3. The applicant is proposing to demolish the existing gas station, convenience store and car wash bay to construct a new facility consisting of a 2,576 square foot gas station and convenience store and two car wash bays (2,114 square feet).
4. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits vehicle sales and display and vehicle repair as a special use, pursuant to Sec. 12.43(2) of the Revised Municipal Code.
5. The subject property is located on the south side of W. Oklahoma Ave. between S. 108 St. and S. 107 St.

Properties to the north, south, east and west are developed as commercial uses. Properties to the southeast 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 Richard Fabinski, d/b/a Southtown Amoco, 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. 12.43(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 August 27, 2003, 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 fifteen (15) parking stalls, including one (1) ADA stall, are required per the Zoning Code. Thirteen (13) parking stalls will be provided on site including one (1) ADA stall. Stacking/staging for ten 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 shall be 24 hours per day, 7 days per week (gas station and convenience store). Car wash hours of operation to be 7:00 a.m. to 10:00 p.m.
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 shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15° below a horizontal plane running through the lowest point on the fixture where light is emitted. In no way shall light splay from the property boundaries. Canopy lighting shall be recessed or shielded within the canopy structure to limit light splay.
8. Outdoor Storage and Display. Outdoor displays will be permitted for ice and propane gas only. No other 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 Operations. Wash bay overhead doors shall be installed on both vehicle entry and exit ways and shall be kept closed during the vehicle wash cycle process.

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
23rd day of September, 2003
Monica Schultz
Assistant City Clerk

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

ZON-R-400-9-2-03\jmg