



City of West Allis

Legislation Text

File #: R-2007-0303, **Version:** 1

Resolution relative to determination of Special Use Permit for proposed demolition of the existing Shell convenience store and construction of a new BP convenience store and car wash at 8808 W. Oklahoma Ave. (Tax Key Nos. 517-9977-001 and 517-9977-002)

WHEREAS, Pakhar Singh, owner, 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 demolish the existing duplex, gas station and to construct a new gas station, car wash, convenience store with restaurant at 8808 W. Oklahoma Ave. and 8800-02 W. Oklahoma Ave.

WHEREAS, after due notice, a public hearing was held by the Common Council on December 18, 2007, 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, Pakhar Singh, owner, resides at 18215 Ash Lea Dr. Brookfield, WI 53045.
2. The applicant owns the property at 8808 W. Oklahoma 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 9, 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 the Certified Survey Map No. 815.

Tax Key No. 517-9977-001 and 517-9977-002

Said land is located at 8808 and 8800-02 W. Oklahoma Ave.

3. The applicant owns the existing duplex property to the east (8800-02 W. Oklahoma Ave.) and is proposing to demolish the residential building and the commercial gas station building (8808 W. Oklahoma Ave.) then combine the two lots to one lot of record for the construction of a new gas station building that will consist of a convenience store, restaurant and car wash facility. The existing pump island canopy will remain, but be remodeled as approved by the Plan Commission.
4. The aforesaid premises is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits gas stations 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 to the east of the intersection of W. Beloit Rd. and W. Oklahoma Ave. Properties to the north, south and east are developed for residential uses. Properties to the west are developed as commercial.
6. The use, value and enjoyment of other property in the surrounding area 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 Pakhar Singh, owner, demolish the existing duplex and gas station and construct a new gas station, car wash, convenience store and restaurant, 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, Signage and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening, signage and architectural plans approved on November 28, 2007, 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.
2. Certified Survey Map. A Certified Survey Map to combine the 8800-02 and 8808 W. Oklahoma Ave Properties into one lot of record being submitted and approved by Plan Commission and Common Council.
3. 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.
4. Driveway Permits. The grant of this special use is subject to necessary driveway permits being granted by the City of West Allis Board of Public Works and Milwaukee County (W. Oklahoma Ave.)
5. Noxious Odors, Etc. The restaurant shall not emit foul, offensive, noisome or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
6. Hours of Operations. General store and restaurant operations will be open from 5:00 a.m. to 12:00 midnight, seven days per week. The car wash will be open between the hours of 6:00 a.m. and 10:00 p.m. seven days per week. Car wash doors to remain closed.
7. Off-Street Parking. A total of 8 parking spaces are required on site; a total of 15 parking spaces are provided including 1 ADA stall. Car wash stacking will be provided for 7 vehicles.
8. Vehicle Display and Storage. No vehicle display, sales or storage on site or within the public right of way.
9. Outdoor Storage and Display. No outdoor storage, sales or display of merchandise shall be permitted on site unless screened from view within an approved four-sided masonry enclosure.
10. Sound Levels. An ambient sound level study being submitted to the Department of Development relative to the car wash and vacuum locations on site.
11. Site Maintenance. All site and landscape features to be maintained in a healthy condition.
12. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, grease and other waste materials will be fully enclosed within an approved 4-sided masonry structure to match the building.
13. 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.
14. Gas Station Operation. Intercoms, pagers and audio voice guided menu systems are not permitted on site, at point of sale areas nor at gasoline pumps and the car wash area.

15. 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.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. 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 shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

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

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. 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 applicants on the
_____ day of _____, 2007

Assistant City Clerk

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

ZON-R-658/12-18-07