



City of West Allis

Legislation Text

File #: R-2005-0076, **Version:** 2

Resolution relative to determination of Special Use Application submitted by Becher Street Pump to establish a gas station and convenience store to be located at 8323 W. Becher St. (Tax Key No. 477-0533-000)

WHEREAS, Pardeep Kaleka of S. K. Petro Mart, d/b/a Becher Street Pump, 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 convert an existing service station to a gas station with convenience store at 8323 W. Becher St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 15, 2005, 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, Pardeep Kaleka of S. K. Petro Mart, d/b/a Becher Street Pump,, has offices located at 6001 W. Cleveland Avenue, Milwaukee, WI 53219.
2. The applicant has a valid offer to purchase said premises located at 8323 W. Becher 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 4, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Lot 26 in Block 2 of West Allis Homestead Subdivision, except part in the northwest corner of said Lot 26 described as:

Beginning at the northwest corner of said lot; thence Easterly, 10.00 feet; thence Southwesterly, 14.26 feet; thence Northerly, 10.00 feet to the Point of Beginning.

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Said Property being located at 8323 W. Becher St.

3. The applicant is proposing to convert the existing gas station to a gas station and convenience store.
4. The aforesaid premises is zoned C-2 Neighborhood 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.

5. The subject property is located on the southeast corner of W. Becher St. and S. 84 St. Properties to the north are developed as commercial and residential uses, properties to the south are developed as residential and properties to the east and west are developed as commercial uses.

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 submitted by Pardeep Kaleka of S. K. Petro Mart, d/b/a Becher Street Pump, 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 January 26, 2005, 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. Grant of Privilege. The special use is conditioned upon a Grant of Privilege being applied for and approved by the City Engineer to provide landscaping in the city right of way (Minor Encroachment). Any such area approved in the Grant of Privilege is subject to the terms and conditions set forth herein.
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 Permit. Permit application and approved plans being submitted by applicant to the Engineering Dept. for necessary driveway permit to be granted by the Board of Public Works (and the Wisconsin Department of Transportation if applicable).
5. 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.
6. Parking. A total of three parking stalls, including 1 ADA stall, are required per the Zoning Code. Four parking stalls will be provided on site including one 1 ADA stall.
7. Hours of Operation. Hours of operation for the gas station and convenience store shall be 6:00 a.m. to 10:00 p.m., 7 days per week.
8. Business Operation. No exhaust system permitted for food preparation. No deep fried food allowed.
9. 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.
10. 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.

11. 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.

12. 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.

13. Window Signage. Window signage shall not exceed 20% of the window area.

14. Gas Station Operations. Intercoms, pagers and audio voice-guided menu systems are not permitted at point of sale areas, such as gas pumps.

15. 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.

15. 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 _____, 2005

Assistant City Clerk

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

ZON-R-491-2-15-05\jmg