



# City of West Allis

## Legislation Text

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**File #:** R-2018-0699, **Version:** 2

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### ..Title

Resolution relative to determination of Special Use Permit for Kwik Trip to establish a fuel station and convenience store on currently undeveloped lands (formerly AMF Bowling) located in the 10900 Block of W. Lapham St.

WHEREAS, Jeff Osgood, d/b/a Kwik Trip, Inc. duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code of the City of West Allis, to establish an automobile convenience store and gas station on currently undeveloped lands (formerly AMF Bowling) located in the 10900 Block of W. Lapham St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on November 5, 2018 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, Jeff Osgood, d/b/a Kwik Trip, Inc., has a valid offer to purchase the property located in the 10900 Block of W. Lapham St. from the property owner, Mike Klumb, d/b/a Coast Carwash West Allis LLC, West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

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

Commencing at the Southeast corner of the said Northeast  $\frac{1}{4}$  of said Section 6; thence North 01°10'28" West, 990.00 feet along the East line of said section; thence South 89°21'32" West, 325.00 feet to the Point of Beginning; thence continue South 89°21'32" West, 474.98 feet; thence North 01°12'28" West, 300.00 feet, to the South right-of-way line of West Lapham Street; thence North 85°16'21" East, 140.39 feet; thence North 89°21'32" East, 335.00 feet, along said South right-of-way line; thence South 01°10'28" East, 310.00 feet to the Point of Beginning.

Tax Key No. 448-9979-014

Said land being located within a designated area on the property in the 10900 Block of W. Lapham St.

2. The aforesaid premise is zoned C-3 Community Commercial District under the Zoning Ordinance of the City of West Allis, which permits automobile convenience stores and gas stations as a Special Use, pursuant to Sec. 12.16 and Sec. 12.42(2) of the Revised Municipal Code.

3. The proposed fuel station use will be situated on about a 3-acre portion of the overall 5-acre property. The remaining 2 acres have been approved for a car wash use under Resolution R-2018-0300. Site and landscaping improvements and new construction of an automobile convenience store and gas station building

will take place on site in accordance with the traffic impact analysis and the approved civil, site, landscaping and architectural plans. The proposed fuel station will include a convenience store and the applicant will apply for a Class A Liquor License (packaged sales for off-site consumption). - 7,300 square feet (sf).

4. The subject property is located along a commercial corridor on the west side of S. 108 St. (Hwy. 100). Properties to the north and south are zoned and developed as commercial. Properties to the east and west are zoned and developed as commercial and industrial.

5. 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.

6. The owner of the property commissioned a traffic study, a traffic impact analysis (TIA) and a queueing analysis, to determine the expected weekday evening and Saturday midday peak hour operating conditions and recommendations at the identified study area intersections. The report documents the procedures, findings and conclusions of the analysis. The analysis identifies recommended modifications based on existing roadway conditions, background traffic volumes, and additional traffic expected to be generated by the car wash and gas station developments.

7. The applicant and the City have shared the proposal and analysis with the Wisconsin Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Jeff Osgood, d/b/a Kwik Trip, to establish an automobile convenience store and gas station on a portion of lands currently located in the 10900 Block of W. Lapham St., West Allis, 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 Sec. 12.16 of the Revised Municipal Code, so as to permit the issuance of a Special Use Permit as therein provided.

NOW, THEREFORE, 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, landscaping and architectural plans approved by the West Allis Plan Commission on October 24, 2018. No alterations or modification to the approved plan shall be permitted without approval by the West Allis Plan Commission.

2. Traffic Impact Analysis. The grant of this Special Use Permit is subject to and conditioned upon the final stamped Traffic Impact Analysis required improvements being implemented by the Developer and/or property owner. A schedule for implementation of the recommended improvements being provided to the City Development Department.

3. Building Plans, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department. All applicable State and local licenses being applied for and approved. Occupant capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Department.

4. Off-Street Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, a total of 25 parking spaces are required for the car wash facility. A total of 36 parking spaces will be provided on the site.
5. Access Management.
  - A. W. Lapham Street to be kept clear of any traffic queues/staging, so the emergency vehicles can freely access W. Lapham St. and S. 108 St. (Hwy. 100).
  - B. Access to the property shall be in accordance with the approved site plan.
6. Operations: Fuel Station and Convenience Store - 7,300 square feet
  - A. Hours of Operation: 24 hours per day - seven days per week
  - B. Staffing: Up to 8 employees (per shift)
  - C. Class A License: Indicated in operations and subject to license application
7. Signage. Compliance with the West Allis signage ordinance. Window signage shall not exceed 20% of each window area and be located internally. Any lighting elements shall be indicated on a lighting plan and subject to review and approval by the Department of Development. Lighting shall not splay beyond the property limits.
8. 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.
9. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Plan Commission. Refuse, recyclables, grease, and other waste materials will be fully enclosed within an approved structure.
10. Noise Control. The grant of this special use is conditioned upon compliance with Section 7.035 of the West Allis Municipal Code.
11. Monitoring/Cruising. The site shall be monitored by staff to prevent loitering and cruising activity. The property owner shall coordinate with the West Allis Police Department toward applicable preventative and enforcement solutions including video surveillance.
12. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
13. 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, (if any) abutting sidewalk.
14. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays beyond the property boundaries.
15. Noxious Odors, Etc. The restaurant shall not emit foul, offensive, noisome, noxious or disagreeable odors, gases or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.

16. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

17. 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.

18. 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.

19. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease

all operations at the property.

20. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

21. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Applicant, Jeff Osgood, d/b/a Kwik Trip

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Property owner, Mike Klumb, d/b/a Coast Carwash West Allis, LLC

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2018

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City Clerk

cc: Dept. of Development  
Dept. of Building Inspections and Neighborhood Services  
Div. of Planning

ZON-R-1154-11-5-18 AS AMENDED