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# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2007-0665 Special Use Permit In Committee

Special Use Permit relative to a request for an extension of time for ez Money Payday Loans to be located within a portion of the existing commercial building located at 11000-10 W. National Ave. (Tax Key No. 520-0131-001).

Introduced: 11/6/2007

Controlling Body: Safety & Development Committee

### COMMITTEE RECOMMENDATION

~~Approved~~ File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>11/22/07</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
			TOTAL	<u>5</u>	<u>0</u>		

### SIGNATURE OF COMMITTEE MEMBER

[Signature] \_\_\_\_\_  
Chair Vice-Chair Member

**PLACE ON FILE**

### COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>FEB 05 2008</u>	<input type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>-</u>		

**STANDING COMMITTEES OF THE  
CITY OF WEST ALLIS COMMON COUNCIL  
2004**

**ADMINISTRATION & FINANCE**

Chair: Michael J. Czaplewski  
Vice-Chair: Martin J. Weigel  
Gary T. Barczak  
Thomas G. Lajsic  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Richard F. Narlock  
Vice-Chair: Linda A. Dobrowski  
Kurt E. Kopplin  
Vincent Vitale  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Vincent Vitale  
Gary T. Barczak  
Martin J. Weigel  
Rosalie L. Reinke

**LICENSE & HEALTH**

Chair: Kurt E. Kopplin  
Vice-Chair: James W. Sengstock  
Linda A. Dobrowski  
Richard F. Narlock  
Michael J. Czaplewski

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Gary T. Barczak  
Linda A. Dobrowski  
Vincent Vitale  
Martin J. Weigel

# Planning Application Form

City of West Allis □ 7525 West Greenfield Avenue, West Allis, Wisconsin 53214  
414/302-8460 □ 414/302-8401 (Fax) □ <http://www.ci.west-allis.wi.us>

## Applicant or Agent for Applicant

Name \_\_\_\_\_  
 Company EZMONEY Wisconsin, Inc.  
 Address 1901 Capital Parkway  
 City Austin State TX Zip 78746  
 Daytime Phone Number (512) 314-2278  
 E-mail Address Laura - Steege@ezcorp.com  
 Fax Number (512) 314-3463  
 Project Name/New Company Name (If applicable) \_\_\_\_\_

## Agent is Representing Owner Leasee

Name Harvey Goldstein  
 Company Harvey J. Goldstein, S.C.  
 Address P.O. Box 240037  
 City Milwaukee State WI Zip 53209  
 Daytime Phone Number (414) 365-3800  
 E-mail Address harvey@hgoldlaw.com  
 Fax Number (414) 365-9791

## Application Type and Fee

(Check all that apply)

- Request for Rezoning: \$500.00 (Public Hearing required)  
Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_
- Request for Ordinance Amendment \$500.00
- Special Use: \$500.00 (Public Hearing required)
- Transitional Use \$500.00 (Public Hearing Required)
- Level 1 Site, Landscaping, Architectural Plan Review \$100.00
- Level 2 Site, Landscaping, Architectural Plan Review \$250.00
- Level 3 Site, Landscaping, Architectural Plan Review \$500.00
- Site, Landscaping, Architectural Plan Amendments \$100.00
- Extension of Time: \$250.00
- Certified Survey Map: \$500.00 + \$30.00 County Treasurer
- Planned Development District \$1500.00 (Public Hearing required)
- Subdivision Plats: \$1500.00 + \$100.00 County Treasurer + \$25.00 for reapproval
- Signage Plan Review \$100.00
- Street or Alley Vacation/Dedication: \$500.00
- Signage Plan Appeal: \$100.00

Agent Address will be used for all official correspondence.

## Property Information

Property Address 11000 W. National  
 Tax Key Number \_\_\_\_\_  
 Current Zoning \_\_\_\_\_  
 Property Owner Shewin Williams Company  
 Property Owner's Address P.O. Box 277501  
Atlanta, GA 30384-7501  
 Existing Use of Property Short-term loan business  
 Structure Size 1,600 sq. ft. Addition N/A.  
 Construction Cost Estimate: Hard \_\_\_\_\_ Soft \_\_\_\_\_ Total \_\_\_\_\_  
 Landscaping Cost Estimate Approx. \$20,000.  
 Total Project Cost Estimate: \_\_\_\_\_  
 Previous Occupant Shewin Williams Company

## Attach detailed description of proposal.

In order to be placed on the Plan Commission agenda, the Department of Development must receive a completed application, appropriate fees, a project description, 6 sets of scaled, folded and stapled plans (24" x 36") and 1 electronic copy (PDF format) of the plans by the first Friday of the month.

Attached Plans Include: (Application is incomplete without required plans, see handout for requirements)

- Site Plan
- Floor Plans
- Elevations
- Signage Plan
- Legal Description
- Certified Survey Map
- Landscaping/Screening Plan
- Grading Plan
- Utility System Plan
- Other \_\_\_\_\_

Applicant or Agent Signature [Signature] Date: 10/8/07

Subscribed and sworn to me this 8 day of October

Notary Public: Carol A. BUCK  
 My Commission: Expires 1/2/10



Please make checks payable to:  
**City Of West Allis**

Please do not write in this box

CITY OF WEST ALLIS  
DEPARTMENT OF DEVELOPMENT

Application Accepted and Authorized by: \_\_\_\_\_

OCT 10 2007

Date: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Total Fee: \_\_\_\_\_

RECEIVED

EZMONEY WISCONSIN INC. 2053 \$250.00  
CK CHECK PA \$250.00  
Total tendered \$250.00  
Total payment

Trans date: 10/17/07 Time: 16:03:27

10/17/07 16:03:27  
EZMONEY WISCONSIN INC.  
2053

**HARVEY JAY GOLDSTEIN, S.C.**

**Attorney at Law  
P. O. Box 240037  
Milwaukee, WI 53224  
Telephone: (414) 365-3800  
Telecopier: (414) 365-9791  
harvey@hgoldlaw.com**

**Also Licensed in  
Florida**

October 8, 2007

City of West Allis  
7525 West Greenfield Avenue  
West Allis, WI 53214

RE: EZMONEY Wisconsin, Inc.'s ("EZMONEY") Special Use Permit ("SUP") for  
11000 W. National Avenue, West Allis, Wisconsin ("Leased Premises")

To Whom It May Concern:

This letter hereby serves as EZMONEY's request for an extension of its SUP at the Leased Premises. It's current SUP expires on October 22, 2007. Enclosed herein are EZMONEY's Planning Application Form and a check in the amount of Two Hundred Fifty Dollars and 00/100 (\$250.00) for the extension fee. Below is the required written explanation regarding EZMONEY's request for a six (6) month extension of time.

On August 4, 2006, the West Allis Mayor signed into affect EZMONEY's SUP at the Leased Premises. EZMONEY is leasing said Leased Premises from The Sherwin Williams Company, ("Landlord" or "SW"). EZMONEY has completed four (4) of the (5) conditions imposed by the West Allis City Council. The outstanding condition relates to the fifth (5<sup>th</sup>) condition, namely, removal of the pole sign on the property and approval of building signage by the Department of Development.

EZMONEY, prior to obtaining final City Council approval, came to an agreement with Landlord regarding signage. Until recently, however, Landlord has not been willing to cooperate with EZMONEY on this final condition. Currently, Landlord and EZMONEY have begun working together to resolve this. Given the history with SW, EZMONEY feels it needs more time to finalize this aspect of the deal. If unable to come to a mutually acceptable resolution with SW, Tenant has every intention to institute litigation against the Landlord to protect is rights, if necessary. However, the goal is to resolve this issue amicably.

The timeline to resolve this final condition is dependent upon SW's response time. SW has informed EZMONEY it is currently working on drawings that it will agree to and should have them ready for EZMONEY's review in the next couple of weeks. Upon

final resolution, EZMONEY will immediately begin the work it is allocated to do under the agreement. It will also work to assure SW is diligent in its efforts.

EZMONEY is very pleased at the Leased Premises and with the willingness of the City of West Allis to assist EZMONEY in compliance. My client intends to do everything in its power to comply with the conditions of the SUP to assure its continued operation at this location in West Allis.

If you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'H. Goldstein', written over a horizontal line.

Harvey J. Goldstein



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0290**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

FEB 05 2008

Resolution relative to denial of Special Use Permit relative to a request for an extension of time for ez Money Payday Loans to be located within a portion of the existing commercial building at 11000-10 W. National Ave. (Tax Key No. 520-0131-001)

WHEREAS, Kelly Arnold, d/b/a EZ Money Payday Loans, 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 establish a payday loan store within a portion of the two-tenant commercial building located at 11000-10 W. National Ave.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on July 5, 2006, and approved the special use under R-2006-0184; and,

WHEREAS, Harvey Goldstein, attorney for ez Money Payday loan store, duly filed an application relative to a request for an extension of time to complete outstanding special use conditions of approval; and,

WHEREAS, the following pertinent facts are noted:

1. The applicant, Kelly Arnold, d/b/a EZ Money Payday Loans, has offices at 1901 Capital Parkway, Austin, TX 78746. Harvey Goldstein has offices at 22 E. Mifflin St., Ste. 400, Madison, WI 53701.
2. The applicant currently leases a 1,400 sq. ft. space within the 6,000 sq. ft. building located at 11000-10 W. National Ave., 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 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 9, 10 and 11 in Block 10 of National Ave. Homesites.

Tax Key No. 520-0131-001

Said land being located at 11000-10 W. National Ave.

3. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance

of the City of West Allis, which permits payday loan stores as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

4. The applicant has submitted a request for an extension of time of their special use in an attempt to remedy outstanding unmet conditions of approval from special use Resolution No. R-2006-0184.

5. On October 10, 2007, the Safety and Development Committee of the Common Council referred the matter to the City Attorney's office for Summons and Complaint.

WHEREAS, the Common Council, being fully advised in the premises, finds that the conditions set forth in Resolution No. R-2006-0184 approved August 1, 2006, have not been satisfied within the one year period granted and expiring October 1, 2007.

The findings are based upon the following reasons:

1. To date non-conforming signage remains on site and no agreement with the property owner (Sherwin Williams) has been executed. As a condition of approval Resolution No. 2006-0184 required a compliant signage plan be submitted to the Department of Development.

2. The special use lapsed August 1, 2007. The submittal deadline for the request for extension of time expired October 1, 2007. The request for extension of time was submitted October 10, 2007 (after the expiration period).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of ez Money Payday Loans, for an extension of time to their Special Use be and is hereby denied.

BE IT FURTHER RESOLVED that the application shall not be resubmitted for a period of one year from the date of denial.

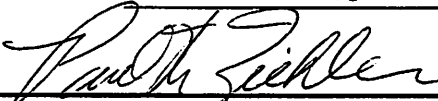
Mailed to applicant on the  
11<sup>th</sup> day of February, 2008

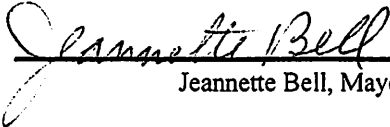
Monica Schulte  
Assistant City Clerk

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

ZON-R-656-12-4-07



ADOPTED FEB 05 2008  
  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED February 5, 2008  
  
Jeannette Bell, Mayor



**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

February 11, 2008

EZ Money Wisconsin, Inc.  
Laura Steege  
1901 Capital Parkway  
Austin, TX 78746

Dear Ms. Steege:

On February 5, 2008 the Common Council approved a Resolution relative to denial of Special Use Permit relative to a request for an extension of time for EZ Money Payday Loans to be located within a portion of the existing commercial building at 11000-10 W. National Ave.

A copy of Resolution No. R-2007-0290 is enclosed.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn  
enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaar  
Barb Burkee  
Harvey J. Goldstein, S.C.



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0289**

**Final Action: 2/18/2008**

**Sponsor(s):** Safety & Development Committee

Resolution approving a request for an extension of time relative to the Special Use Permit for ez Money Payday Loans located within a portion of the existing commercial building located at 11000-10 W. National Ave. (Tax Key No. 520-0131-001).

WHEREAS, Kelly Arnold, d/b/a ez Money Payday Loans, 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 establish a payday loan store within a portion of the two-tenant commercial building located at 11000-10 W. National Ave.; and

WHEREAS, after due notice, a public hearing was held by the Common Council on July 5, 2006, and approved the special use under R-2006-0184; and,

WHEREAS, Harvey Goldstein, attorney for ez Money Payday loan store, filed an application relative to a request for an extension of time to complete outstanding special use conditions of approval; and,

WHEREAS, the following pertinent facts are noted:

1. The applicant, Kelly Arnold, d/b/a ez Money Payday Loans, has offices at 1901 Capital Parkway, Austin, TX 78746. Harvey Goldstein has offices at 22 E. Mifflin St., Ste. 400, Madison, WI 53701.
2. The applicant currently leases a 1,400 sq. ft. space within the 6,000 sq. ft. building located at 11000-10 W. National Ave., 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 7, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, described as follows:

Lots 9, 10 and 11 in Block 10 of National Ave. Homesites.

Tax Key No. 520-0131-001

Said land being located at 11000-10 W. National Ave.

3. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance

of the City of West Allis, which permits payday loan stores as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.

4. The applicant has submitted a request for an extension of time of their special use in an attempt to remedy outstanding unmet conditions of approval from special use Resolution No. R-2006-0184.

5. The applicant has submitted an agreement between the applicant and Sherwin Williams, the owner of the property, to meet the conditions of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of ez Money Payday Loans for an extension of time relative to their special use is hereby granted for a period of six months 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, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening plans approved by the City of West Allis Plan Commission on May 24, 2006, 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. All signage installation be completed by July 1, 2008.

a. Construct a lockable barrier gate within the rear ingress/egress approach to the property. The purpose of this gate will be to limit customer vehicle trips into or out of the site. The gate would allow for continued commercial delivery and refuse pick-up.

b. Eliminate street parking on both sides of S. 110 St. between W. National Ave. and the east-west alley through Ordinance change.

c. Eliminate temporary yard signs.

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. Off-Street Parking. Parking for twenty (20) vehicles is required for the site and twenty (20) parking spaces are provided.

4. Hours of Operation. The payday loan store will be open Monday through Saturday from 9:00 a.m. to 7:00 p.m. and closed on Sunday.

5. 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.

6. Outdoor Paging Speakers. Outdoor pagers or speakers shall not be permitted on site.
7. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area.
8. Sidewalk Repair: The grant of this special use is subject to compliance with Section 2814 of the City's Policy and Procedures Manual relative to that policy as it relates to the replacement and repair to City walkways of damaged or defective (if any) abutting sidewalk.
9. 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.

11. Miscellaneous.

- A. 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.
- B. The 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.
- 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  
22 day of February, 2008

Monica Schultz  
Assistant City Clerk

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

ZON-R-657-12-4-07

ADOPTED AS AMENDED 02/18/2008

Paul M. Ziehler  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

2-21-08  
APPROVED AS AMENDED ~~2/18/08~~

Jeannette Bell  
Jeannette Bell, Mayor



CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
Paul M. Ziehler  
*City Admin. Officer, Clerk/Treasurer*  
Monica Schultz  
*Assistant City Clerk*  
Rosemary West  
*Treasurer's Office Supervisor*

February 22, 2008

Mr. Kelly Arnold  
Money Payday Loans  
1901 Capital Parkway  
Austin, TX 78746

Dear Mr. Arnold:

On February 18, 2008 the Common Council approved a Resolution approving a request for an extension of time relative to the Special Use Permit for ez Money Payday Loans located within a portion of the existing commercial building located at 11000-10 W. National Ave. (Tax Key No. 520-0131-001).

A copy of Resolution No. R-2007-0289 is enclosed.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

enc.

cc: John Stibal  
Ted Atkinson  
Steve Schaer  
Barb Burkee  
Attorney Harvey Goldstein