

43.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2004-0195	Resolution	In Committee
Resolution relative to authorizing the revocation of the Special Use Permit for outdoor sales and display at The Home Depot, USA, Inc. located at 11071 W. National Ave.		
Introduced: 6/15/2004		Controlling Body: Safety & Development Committee

### COMMITTEE RECOMMENDATION

*File*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6/2/09</u>	✓		Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale				✓
	<del>WMA</del>		Weigel				
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

### SIGNATURE OF COMMITTEE MEMBER



Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

### COMMON COUNCIL ACTION

### PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 02 2009</u>	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>

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# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
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File Number	Title	Status
R-2004-0195	Resolution	In Committee
Resolution relative to authorizing the revocation of the Special Use Permit for outdoor sales and display at The Home Depot, USA, Inc. located at 11071 W. National Ave.		
Introduced: 6/15/2004		Controlling Body: Safety & Development Committee

## COMMITTEE RECOMMENDATION

*As Amended*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>7/5/05</i>			Barczak				
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

## SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

## COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2004-0195**

**Final Action:**

Resolution relative to authorizing the revocation of the Special Use Permit for outdoor sales and display at The Home Depot, USA, Inc. located at 11071 W. National Ave.

WHEREAS, the City of West Allis granted a Special Use Permit (copy attached) to The Home Depot, USA, Inc. on April 15, 1997; and,

WHEREAS, The Home Depot, USA, Inc. violated the terms and conditions of the special use permit; and,

WHEREAS, the following notice of violations (copy attached) was submitted to The Home Depot USA, Inc. on March 6, 2000:

- “1. Merchandise is being stored/displayed outdoors in several areas not approved by the Plan Commission per section 12.13 of the West Allis Revised Municipal Code (WARMC) or Common Council approved Special Use per section 12.16 of the WARMC.
2. The landscaping is not complete or is not being properly maintained in several areas as required per the approved site plan under section 12.13 of the WARMC.
3. The entire site is not being maintained in that excessive amounts of trash and garbage are strewn about the premises. The site must be kept clean per section 13.28 of the WARMC.
4. Several temporary/portable board signs and banners are being displayed. These are not permitted per section 13.21(6) of the WARMC.
5. Numerous small signs have been erected on the exterior of the building. These signs were not approved by the Plan Commission or the Common Council as required per sections 12.13 and 12.16 of the WARMC.

This is Notice of violations of the above noted sections of the WARMC. You are hereby Ordered to make the following corrections:

- A. Cease all outdoor display/storage in unapproved areas. If in doubt as to which areas are approved, please consult your approved site plan or contact this office by March 17, 2000.
- B. Complete the landscaping and/or replace all dead landscaping, as needed, by April 17, 2000.
- C. Clean up the entire site by picking up all on-site refuse by March 17, 2000.

D. Remove all temporary/portable signage and banners and all wall signs not approved by the City by March 17, 2000;” and,

WHEREAS, the following notice of violations (copy attached) was submitted to The Home Depot USA, Inc. on March 10, 2000:

“1. No storage or display of merchandise outdoors other than in the areas approved by the Common Council.

2. All signs will be removed that were not approved by the Common Council.

3. The only items stored outdoors in front of the building and in the fenced enclosure will be seasonal. This includes plants, bushes, trees, soil and mulch;” and,

WHEREAS, the following notice of violations (copy attached) was submitted to The Home Depot USA, Inc. on June 9, 2003:

“1. It has come to the attention of this office that you are again in violation of your special use permit with regard to outside storage and/or display of merchandise and refuse. It has been noted that merchandise is outside the approved display area along the northwest area of the building, outside the garden area east and south of the building and that the parking lot/drive lanes have been blocked off to increase display area.

2. The area south of the building has also been used to store refuse and display racks outside of the approved refuse area. This and the above noted display is a violation of sections 12.13 and 12.16 of the West Allis Revised Municipal Code. Your special use permit and approved landscape and screening site plan limit your outdoor display area and refuse storage area.

3. It has also been noted that temporary/portable signs have also been used. This is in violation of section 13.21(6) of the West Allis Revised Municipal Code which prohibits such signs;” and

WHEREAS, the following notice of violations (copy attached) was submitted to The Home Depot USA, Inc. on June 3, 2004:

“It has been noted by this office (Building Inspections and Zoning Dept.) that merchandise has again been displayed and/or stored outdoors. It was specifically noted on the weekends of May 9, May 23, and May 30, 2004. This included the parking lot and the east and south sides of the building;” and,

WHEREAS, The Home Depot, USA, Inc. was afforded a Public Hearing on \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of West Allis, based upon the repeated violations of the terms and conditions of the Special Use Permit, the special use for outdoor sales and display is hereby revoked.

Mailed to the applicant on the \_\_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Assistant City Clerk

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

ZON-R-436-6-15-04(6-9-04 S&D Mtg)\jmg

**ADOPTED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_

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

\_\_\_\_\_  
Jeannette Bell, Mayor



# CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning  
Zoning/Code Division

**TERRY TAUSCHMANN**  
*Zoning Inspector*  
**ROB WOODARD**  
*Code Inspector*

March 6, 2000

## Notice & Order

Home Depot  
Attn: Store Manager  
11071 W. National Ave.  
West Allis, WI 53227

Home Depot U.S.A., Inc.  
c/o Marshall & Stevens - M. Shapiro  
1700 Market St., Suite 1510  
Philadelphia, PA 19103

RE: Violations of the City of West Allis Revised Municipal Code at 11071 W. National Ave., West Allis, WI

Dear Sirs:

A site inspection on February 29, 2000, of the above referenced property revealed the following violations of the West Allis revised Municipal Code.

1. Merchandise is being stored/displayed outdoors in several areas not approved by the Plan Commission per section 12.13 of the West Allis Revised Municipal Code (WARMC) or Common Council approved Special Use per section 12.16 of the WARMC.
2. The landscaping is not complete or is not being properly maintained in several areas as required per the approved site plan under section 12.13 of the WARMC.
3. The entire site is not being maintained in that excessive amounts of trash and garbage are strewn about the premises. The site must be kept clean per section 13.28 of the WARMC.
4. Several temporary/portable board signs and banners are being displayed. These are not permitted per section 13.21(6) of the WARMC.
5. Numerous small signs have been erected on the exterior of the building. These signs were not approved by the Plan Commission or the Common Council as required per sections 12.13 and 12.16 of the WARMC.

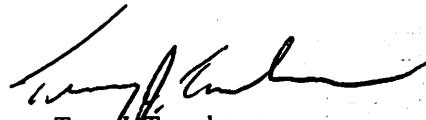
This is Notice of violations of the above noted sections of the WARMC. You are hereby Ordered to make the following corrections:

- A. Cease all outdoor display/storage in unapproved areas. If in doubt as to which areas are approved, please consult your approved site plan or contact this office by March 17, 2000.
- B. Complete the landscaping and/or replace all dead landscaping, as needed, by April 17, 2000.

- C. Clean up the entire site by picking up all on-site refuse by March 17, 2000.
- D. Remove all temporary/portable signage and banners and all wall signs not approved by the City by March 17, 2000.

Failure to comply with any of the above required corrections will result in the referral of this matter to the City Attorney and a recommendation by this office to the Plan Commission and the Common Council that your special use permit to display merchandise outdoors be revoked. Should you have questions regarding any of the above matters, please contact me at 302-8409.

Sincerely,



Terry J. Tauschmann  
Zoning Inspector

TJT/cmr

Recall: March 17, 2000  
April 17, 2000

cc: Mayor Bell  
John Stibal  
Property File  
Referral File



# CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning  
Zoning/Code Division

**TERRY TAUSCHMANN**  
Zoning Inspector

**ROB WOODARD**  
Code Inspector

March 10, 2000

The Home Depot  
Jack Stevens, Manager  
11071 West National Avenue  
West Allis, WI 53227

The Home Depot  
Ed Martin, District Manager  
2320 West Bluemound Road  
Waukesha, WI 53186

RE: Violations of the City of West Allis Revised Municipal Code at 11071 W. National Avenue

Dear Mr. Stevens:

Per our telephone conversation a meeting was set for 10:00 a.m. on March 10, 2000, to discuss the violations outlined in the Notice and Order dated March 6, 2000. A telephone call to your store on March 10, 2000, found that you were not available for this meeting.

The City of West Allis feels that the violations existing on the site are of a rather serious nature and this matter should be discussed between you, your district manager and representatives of the City.

Since issuing the Notice and Order the City has received additional complaints regarding the operation of your business. It is therefore requested that you contact the undersigned as soon as possible to arrange for an on site meeting of the above noted persons.

It is the position of the Department of Development that unless the previously noted violations and the new complaints are not corrected, they will have no choice but to recommend revocation of the special use issued to The Home Depot. I can be reached at 414-302-8409, between 8:00 - 9:00 a.m. or 11:30 a.m. - 12:30 p.m., Monday through Friday.

Sincerely,

Terry J. Tauschmann  
Zoning Inspector

CC: Mayor Bell  
John Stibal  
Referral File  
TJT/dl



# CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning  
Zoning/Code Division

**TERRY TAUSCHMANN**  
*Zoning Inspector*

**ROB WOODARD**  
*Code Inspector*

March 24, 2000

The Home Depot  
Jack Stevens, Manager  
11071 West National Avenue  
West Allis, WI 53227

RE: Violations of the West Allis Revised Municipal Code at 11071 W. National Avenue, West Allis, WI

Dear Mr. Stevens:

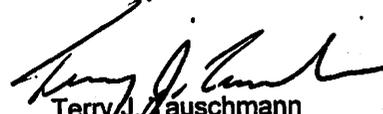
Per our meeting of March 22, 2000, it is understood that you will correct all violations of the West Allis Revised Municipal Code within two (2) weeks. This includes:

1. No storage or display of merchandise outdoors other than in the areas approved by the Common Council.
2. All signs will be removed that were not approved by the Common Council.
3. The only items stored outdoors in front of the building and in the fenced enclosure will be seasonal. This includes plants, bushes, trees, soil and mulch.

Should you wish to expand on the outdoor display area or to change your hours of operation you will need to apply for a change in your Special Use. Per your existing Special Use you are not permitted to open before 6:30 a.m.

Should you have any questions please contact me at 302-8409.

Sincerely,

  
Terry J. Tauschmann  
Zoning Inspector

Recall: April 7, 2000  
CC: Referral File  
TJT/dl



# CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning  
Building Inspection Division

**Building Inspectors**  
*Ron Bailey*  
*Robert Johnson*  
*Terry Tauschmann*  
*Rob Woodard*

June 9, 2003

## ORDER

Home Depot U.S.A., Inc.  
Attn. Store Manager  
11071 West National Avenue  
West Allis, WI 53227

Home Depot U.S.A., Inc.  
B-11 Tax Department, #4902  
2455 Paces Ferry Road, NW  
Atlanta, GA 30339

RE: Code Violations at 11071 W. National Avenue, West Allis, WI

Dear Sir:

It has come to the attention of this office that you are again in violation of your special use permit with regard to outside storage and/or display of merchandise and refuse. It has been noted that merchandise is outside the approved display area along the northwest area of the building, outside the garden area east and south of the building and that the parking lot/drive lanes have been blocked off to increase display area.

The area south of the building has also been used to store refuse and display racks outside of the approved refuse area. This and the above noted display is a violation of sections 12.13 and 12.16 of the West Allis Revised Municipal Code. Your special use permit and approved landscape and screening site plan limit your outdoor display area and refuse storage area.

It has also been noted that temporary/portable signs have also been used. This is in violation of section 13.21(6) of the West Allis Revised Municipal Code which prohibits such signs.

The above violations were previously referred to the City Attorney and your company was previously in municipal court in June of 2000, and May of 2001.

You are hereby Ordered to immediately cease all outdoor sales and display from areas not approved and to keep all refuse inside the refuse containment areas. In addition, no outdoor areas may be used for the staging of merchandise for delivery to customers.

Failure to comply with this Order will result in the referral of this matter to the City Attorney for the issuance of a summons and complaint for an appearance in Municipal Court. In addition, this matter has been referred to the Department of Development for possible revocation of your special use permit.

Should you have questions regarding any of the above please contact me at 414-302-8409.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry J. Autschmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry J. Autschmann  
Building Inspector

CC: John Stibal  
Ald. Sengstock  
Ald. Reinke  
TJT/dl



# CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning  
Building Inspection Division

**Building Inspectors**  
*Ron Bailey*  
*Robert Johnson*  
*Terry Tauschmann*  
*Rob Woodard*

June 3, 2004

Home Depot U.S.A., Inc.  
Attn: Store Manager  
11071 West National Avenue  
West Allis, WI 53227

Home Depot U.S.A., Inc.  
B-11 Tax Department, #4902  
2455 Paces Ferry Road, NW  
Atlanta, GA 30339

Re: Violation of the Special Use Permit at 11071 West National Avenue, West Allis, WI

To the Above:

It has been noted by this office that merchandise has again been displayed and/or stored outdoors. It was specifically noted the weekends of May 9, May 23, and May 30, 2004. This included the parking lot and the east and south sides of the building.

The Special Use Permit was approved by the West Allis Common Council on April 15, 1997. Resolution No. 25326 was specific as to the location of permitted outside storage and display areas.

Records on file indicate that violations of the Special Use Permit have been occurring on and off since March of 2000. This action is a violation of Sections 12.13 (Landscape and Screening) and 12.16 (Special Use) of the Revised Municipal Code. This violation has previously been referred to Municipal Court and agreements reached that no further violations would occur.

As a result of the latest violations, you are hereby directed to appear before the Safety and Development Committee on June 9, 2004, at 6:30 p.m., in Room 128, at 7525 West Greenfield Avenue, West Allis, WI. The purpose of this meeting will be discussion of the possible revocation of The Home Depot Special Use Permit.

Should you have questions prior to this meeting, please contact the undersigned at 414-302-8409.

Sincerely,

  
Terry J. Tauschmann  
Building Inspector

cc: ~~John Stibal, Director, Dept. of Development~~  
~~Alderman Lajstic~~

TJT/lj

*recall file*