



City of West Allis

Legislation Text

File #: R-2007-0290, **Version:** 1

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.

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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
_____ day of _____, 2007

Assistant City Clerk

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

ZON-R-656-12-4-07