



City of West Allis

Legislation Text

File #: R-2004-0117, **Version:** 1

Resolution relative to determination of Special Use Application submitted by Kathy Enfield, on behalf of H&R Block to establish a tax preparation school within a portion of the Lincoln Plaza Shopping Center located at 2261 S. 108 St.

WHEREAS, Kathy Enfield, District Manager, on behalf of H&R Block Eastern Tax Services, Inc., duly filed with the City Administrative Officer-Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code, for public tax courses to be held within H&R Block's existing leased space in the Lincoln Plaza Shopping Center located at 2261 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 5, 2004, at 7:00 p.m. in the Common Council Chamber 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, Kathy Enfield, District Manager, H&R Block Eastern Tax Services, Inc. has offices at 4360 S. 76 St., Greenfield, WI 53220.
2. The applicant currently leases the property at 2261 S. 108 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Lands located in the Southeast $\frac{1}{4}$ of Section 6, Town 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin.

The East 350 feet of the South 541.20 feet of said Section 6, excluding the North 60 feet of the East 190 feet thereof and excluding the street right-of-way on South 108 Street, South 109 Street and West Lincoln Avenue.

TAX KEY NO.: 481-9990-001

Said land being located at 2225-2267 S. 108 St. (Lincoln Plaza Shopping Center)

3. The applicant has proposed to expand its use to allow for public tax courses for approximately 30 students to be held within H&R Block's existing leased space in the Lincoln Plaza Shopping Center.
4. The aforesaid premise is zoned C-4 Regional District under the zoning ordinance of the City of West Allis, which permits public courses as a special use, pursuant to Section 12.43(2) of the Revised Municipal Code.

5. The property is serviced by all necessary public utilities.
6. The subject property is part of a block between W. Lincoln Ave. and W. Grant St. on the west side of S. 108 St. which is zoned for commercial purposes. Properties in all directions are developed as commercial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Kathy Enfield, District Manager, on behalf of H&R Block Eastern Tax Services, Inc., be and is hereby granted a special use for the proposed extension hereinabove described 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 and Sec. 12.43(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, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, and screening and architectural plans approved by the City of West Allis Plan Commission on March 24, 2004, 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.
2. Building Plans and Fire Codes. The grant of this Special Use Permit is subject to building plans being submitted to and approved by the Department of Building Inspection and Zoning and by the Fire Department.
3. Parking Requirements. A total of one hundred forty-five (145) parking spaces are required for the property and a total of one hundred forty-eight (148) are provided on site.
4. Hours of Operation. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. seven days per week.
5. Window Signage. Window signage shall not exceed twenty (20) percent of the glazed portion of each window frame.
6. Signage. The grant of this special use is subject to all signage plans being submitted to the Plan Commission for approval. A master signage plan for Lincoln Plaza Shopping Center shall be submitted to the Plan Commission for review within one year of the approval of this special use.
7. Refuse Collection. Refuse Collection is to be provided by commercial hauler.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and 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.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owners possess a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicants' failure to obtain other necessary building and zoning approvals.

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.

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.

The City Attorney is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the Special Use Permit, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

Mailed to applicant on the
13th day of April, 2004
/s/ Monica Schultz
Assistant City Clerk

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

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