



# City of West Allis

## Legislation Text

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**File #:** R-2004-0195, **Version:** 1

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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 property 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

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Assistant City Clerk

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

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