



# City of West Allis

## Legislation Text

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**File #:** R-2007-0289, **Version:** 2

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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.

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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. 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  
\_\_\_\_\_ day of \_\_\_\_\_, 2007

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Assistant City Clerk

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

ZON-R-657-12-4-07