



# City of West Allis

## Legislation Text

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**File #:** R-2011-0188, **Version:** 2

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Resolution relative to determination of Special Use Permit for MGS Holdings Group, a proposed training center offering personal defense, safety and security classes, to be located at 9633 W. Greenfield Avenue.

WHEREAS, Mr. Eric Grabowski, d/b/a MGS Holdings Group, duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.16 and Sec. 12.41(2) of the Revised Municipal Code, to establish a training center offering personal defense, safety and security classes to be located at 9633 W. Greenfield Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 6, 2011, at 7:00 p.m. in the Common Council Chambers 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, Mr. Eric Grabowski, d/b/a MGS Holdings Group resides at 10210 W. Bungalow Prky. West Allis, WI 53214. The 9633-35 W. Greenfield Avenue property is owned by Sarandos LLC, 9131 W. Cleveland Ave., West Allis, WI 53227.
2. The applicant has a valid offer to lease the subject property at 9633 W. Greenfield Ave., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Northeast  $\frac{1}{4}$  of Section 5, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, described as follows:

Commencing at the Northwest corner of Lot 2 in Block 1 of the Greenfield Orchard Subdivision; thence Westerly, 104.32 feet, along the South right-of-way line of West Greenfield Avenue, to the Point of Beginning; thence, Southerly, 128.00 feet; thence Easterly, 104.32 feet, to the West line of said Greenfield Orchard Subdivision; thence Southerly, 60.00 feet, along said West line; thence Westerly, 198.97 feet, to the East right-of-way line of South 97<sup>th</sup> Street; thence Northerly, 188.00 feet, along said East right-of-way line to the South right-of-way line of West Greenfield Avenue; thence Easterly, 94.65 feet; to the Point of Beginning.

Tax Key Number: 450-9953-001

Said land being located at 9633-35 W. Greenfield Ave.

3. The applicant has proposed to establish a training center for personal defense, safety and security, hunter safety and concealed carry classes (CCW) within approximately 2,000 sq. ft. of the 6,400 sq. ft. building. Retail sales will also be provided for the sale of gun safes, locks, and clothing items. No firing range or firearm/gun sales will be conducted on site.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the zoning ordinance of

the City of West Allis, which instructional and training facilities as a Special Use, pursuant to Sec. 12.41(2) of the Revised Municipal code.

5. The property is serviced by all necessary public utilities and is accessible to public transportation.

6. The subject property is .55 acres, zoned C-2 Neighborhood Commercial and is located along a busy commercial corridor and near residential neighborhoods. Properties on the east, west and north are zoned and utilized for commercial uses. Properties to the south are used for zoned and developed as residential uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Mr. Eric Grabowski, d/b/a MGS Holdings Group, be, and is hereby granted a special use:

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 Section 12.16 and Section 12.41 (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, Signage and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon site, landscape, screening and architectural plans submitted to and approved by the City of West Allis Plan Commission on August 24, 2011 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. Hours of Operation. Classes will be held primarily during evening hours, but may take place between the general operating hours of 9:00 am - 9:30 pm, Monday through Saturday and 9:00 am - 5:00 pm on Sunday. Retail sales will take place within the general operating hours, seven days a week.

3. Business Operations. The primary use is to offer training classes for safety and personal defense, hunter safety and concealed carry training (CCW). As a secondary component to operations, retail sales of safes, gun locks, t-shirts, stickers, hats and related miscellaneous items to the training facility are permitted. The applicant offers the following information relative to business operations and the grant of special use:

- A. No gun sales or firing ranges shall be associated with this Special Use.
- B. Clearing barrel to be provided on site within the building. The applicant volunteers that any firearms on site shall be carried empty (without ammunition).
- C. Window treatments to prevent visibility into CCW/MGS training area.
- D. Video surveillance on site.
- E. Use of airsoft and/or blue gun or similar training aids.
- F. Employees shall inspect the property and immediate vicinity and pick up litter on a daily basis.
- G. Special events to be authorized by the Common Council.

4. 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.
5. Parking. In accordance with Sec. 12.19 of the Revised Municipal Code, 17 parking spaces are required on site, which includes one (1) ADA stall. A total of 17 spaces will be provided on site. The Common Council shall have the authority to change the minimum parking requirements in accordance with Sec. 12.16(9)(a) of the Revised Municipal Code.
6. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud 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. The Common Council accepts the opaque window film treatment of the MGS applicant's window area, given the nature of the business. The actual window signage area (composed within the opaque film) shall not exceed 20% of the window space.
8. 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.
9. Capacity. Class sizes shall be limited to 15 students per class. With the potential of holding two classes simultaneously with two instructors, up to 30 students may be on site at one time.
10. Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
11. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be fully enclosed within an approved 4-sided structure.
12. Deliveries and Refuse Pickup. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
13. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged, abutting sidewalk.
14. 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.

15. Miscellaneous.

- A. Applicants are 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 applicants' 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.

16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

17. Termination of Special Use. The person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the Special Use.

18. Acknowledgement. That the applicant signs an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Eric Grabowski, d/b/a MGS Holdings Group

Sarandos, LLC or authorized agent for property owner

Mailed to applicant on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2011

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Assistant City Clerk

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

ZON-R-828-9-6-11