

**CITY OF WEST ALLIS  
RESOLUTION R-2022-0883**

**RESOLUTION FOR A CONDITIONAL USE PERMIT FOR NUBIAS KOUTURE, A  
PROPOSED MASSAGE THERAPY USE, AT 2363 S. 102ND ST.**

**WHEREAS**, Audryunna Tate of Nubias Kouture, LLC, duly filed with the City Clerk an application for a conditional use permit; pursuant to Sec. 19.14 and 19.32 of the Revised Municipal Code of the City of West Allis, for a Massage Therapy use; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on January 10, 2023, 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 has a valid offer to lease the property located at 2363 S. 102nd St., from property owners. The subject property is described as follows:

All the land of the owner located in the Northwest  $\frac{1}{4}$  of Section 8, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of the Northwest  $\frac{1}{4}$  of said Section 8; thence Westerly, 1014.48 feet, along north line of said Northwest  $\frac{1}{4}$  and centerline of West Lincoln Avenue, to the west right-of-way line of South 102nd Street, extended; thence Southerly, 344.90 feet, along said west line to the point of curvature; thence Southwesterly, 101.04 feet, along the curve whose radius is 355.00 feet, to the Point of Beginning, thence continue, Southwesterly, along said curve, 172.69 feet, thence Southwesterly, 8.88 feet; thence Northwesterly, 270.69 feet; thence Northerly, 110.00 feet; thence Easterly, 360.25 feet, to the Point of Beginning.

2. The applicant proposes to establish a massage business.

3. The aforesaid premises is zoned C-4 under the Zoning Ordinance of the City of West Allis, which permits massage businesses as a Conditional Use.

4. Adjacent properties are zoned and developed for commercial use.

5. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

**NOW THEREFORE**, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by Audryunna Tate, d/b/a Nubias Kouture, LLC, for

a proposed massage therapy use, to be located at 2363 S. 102 St. be, and is hereby granted 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 19.14 of the Revised Municipal Code, so as to permit the issuance of a conditional use permit as therein provided.

BE IT FURTHER RESOLVED that said conditional use permit is granted subject to the following conditions:

1 Site, Landscaping, Screening and Architectural Plans. The grant of this conditional use permit is subject to and conditioned upon:

a. Site, Landscaping, and Architectural Plans approved by the West Allis Plan Commission on December 7, 2022. No alterations or modification to the approved plans shall be permitted without approval by the West Allis Plan Commission.

2. Building Plans, Fire Codes and Licenses. The grant of this conditional use is subject to building plans being submitted to and approved by the Code Enforcement and Fire Departments. Any applicable licenses shall be applied for and approved. Capacity shall be in accordance with limits of occupancy load calculations as approved by Code Enforcement and Fire Departments.

3. Vehicle Parking. Provided on site are 54 existing parking spaces, that includes 4 ADA stalls, are provided on-site.

4. Operations. The business shall maintain records of customer appointments and install cameras in customer lobby area.

5. Signage. Signage shall be permitted in compliance with the West Allis signage ordinance.

6. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be located indoors and/or screened from view within a 4-sided enclosure or as approved by the Planning & Zoning office 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.

7. Outdoor Lighting. All exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries. Lighting is subject to a photometric lighting plan being approved by the Plan Commission.

8. Expiration of conditional use permit. Any conditional Use approved by the Common Council shall lapse and become null and void 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 conditional Use in accordance with the following criteria:

- A. The applicant requesting the extension shall complete a planning application 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 60 days of the expiration of the conditional Use permit;
- D. The extension, if granted, shall be valid for a period of 6 months. If no building permit has been issued and construction has not commenced within 6 months from and after the extension has been granted, the conditional Use shall become null and void.

#### 9. 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. 19.14 of the Revised Municipal Code; that the issuance of the conditional 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 conditional 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. 19.14 of the Revised Municipal Code.

10. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a conditional use within one year of the granting thereof, then the conditional use permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the conditional use permit. The failure of the applicant to meet the terms and conditions of the conditional use permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Economic 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 conditional use permit has lapsed and become void, the applicant shall cease all operations at the property.

11. Termination of conditional Use. If the person or entity granted the conditional 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 conditional Use, then the conditional use may be terminated.

12. Acknowledgement. That the applicants sign 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 conditional use permit is conditioned on meeting the terms and conditions of this resolution.

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Agent for Nubias Kouture

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City Clerk

**SECTION 1:**        **ADOPTION** "R-2022-0883" of the City Of West Allis  
Municipal Resolutions is hereby *added* as follows:

**ADOPTION**

R-2022-0883(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

\_\_\_\_\_.

|                       | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------------|------------|------------|---------------|----------------|
| Ald. Vince Vitale     | _____      | _____      | _____         | _____          |
| Ald. Ray Turner       | _____      | _____      | _____         | _____          |
| Ald. Tracy Stefanski  | _____      | _____      | _____         | _____          |
| Ald. Marty Weigel     | _____      | _____      | _____         | _____          |
| Ald. Suzzette Grisham | _____      | _____      | _____         | _____          |
| Ald. Danna Kuehn      | _____      | _____      | _____         | _____          |
| Ald. Thomas Lajsic    | _____      | _____      | _____         | _____          |
| Ald. Dan Roadt        | _____      | _____      | _____         | _____          |
| Ald. Rosalie Reinke   | _____      | _____      | _____         | _____          |
| Ald. Kevin Haass      | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of  
West Allis

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Dan Devine, Mayor, City Of West  
Allis