

## CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 03/28/2023

Agenda Item: 5

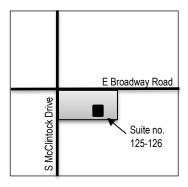
**ACTION:** Request a Use Permit to allow a massage establishment for THE RIVER MASSAGE, located at 1845 East Broadway Road, Suite No. 125 & 126. The applicant is The River Massage Inc.

FISCAL IMPACT: N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** THE RIVER MASSAGE (PL230043) is proposing to locate in suites 125 & 126 of an existing commercial center located on the southeast corner of McClintock Drive and Broadway Road. The use will be a massage establishment. The request includes the following:

ZUP230009 Use Permit to allow a massage establishment



Property Owner Red Mountain Asset Fund I, LLC
Applicant Juntan Song, The River Massage Inc.
Zoning District CSS, Commercial Shopping & Services

 Site Area
 127,250 s.f.

 Building Area
 36,432 s.f.

 Suite Area
 2,172 s.f.

Vehicle Parking 193 spaces total, 7 allocated for Suites 125 & 126

(7 min. required)

Hours of Operation 9:00 AM to 8:00 PM, Daily

Building Code Occupancy I

**ATTACHMENTS:** Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner Reviewed by: Steve Abrahamson, Principal Planner

#### **COMMENTS**

The site is located on the southeast corner of McClintock Drive and Broadway Road and has never been platted. The site has condominiums to the south and apartments to the east, a gas station and large medical health center to the north, and industrial sites to the northeast. There are approximately five massage establishments located within a mile and one across the street from this location. The site contains restaurants, a smash room for rage release, a hookah bar, a veterinary hospital, a vocational school, and medical offices. The suite that the proposed use will be inhabiting is currently vacant and was formerly a salon equipment and beauty supply store.

#### **PUBLIC INPUT**

Neighborhood meeting not required. No calls of inquiry received upon completion of this report.

#### **POLICE INPUT**

A security plan is not required for the proposed use.

#### **PROJECT ANALYSIS**

#### **GENERAL PLAN**

According to the General Plan, the site is projected as a mixed-use land use with a residential density of up to 25 dwelling units per acre. The site is also located within an employment node. The proposed use helps facilitate the Economic Development Goals of the General Plan, namely, to sustain a business climate that fosters private business investment, to develop an increased tax base, and to promote a sustained improvement in the standard of living and quality of life for all residents.

#### **ZONING**

The site is zoned CSS, Commercial Shopping and Services, which requires a use permit to allow a massage establishment operation.

#### **USE PERMIT**

The proposed use requires a Use Permit to allow a massage establishment within the CSS, Commercial Shopping and Services zoning district. The applicant has provided a letter of explanation regarding the proposed operations and compliance with the criteria.

Section 6-308(E) Approval criteria for Use Permit (in italics):

- 1. Any significant increase in vehicular or pedestrian traffic; the 36,432 s.f. development provides 193 spaces to 29 tenant suites, some of which are combined uses. Suites 125 & 126 are 2,172 s.f. and are proposed to have 5 massage therapists. The proposed massage use is the same as the prior retail use for parking calculations and is allocated 7 spaces within the shared parking model. The use is proposed to be open from 9:00 AM to 8:00 PM daily and is not anticipated to generate traffic beyond the center's designed capacity.
- 2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the proposed massage use is indoors and generally requires a quiet and meditative environment and is not expected to create any such nuisance. There will be no exterior renovations to the building, apart from signage, that would cause such a nuisance.
- 3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan; the applicant is a Board Certified Therapist, and as such, the massage establishment is not expected to contribute to the deterioration of the neighborhood. There will be no exterior changes to the building apart from signage, and no expected downgrading of property values, as two suites within a commercial center that has had a third of its suites vacant at one time and that are currently vacant would be activated and would help revitalize the center.
- 4. Compatibility with existing surrounding structures and uses; existing uses in the commercial center include restaurants, a smash room for rage release, a hookah bar, a veterinary hospital, a vocational school, and medical offices. The previous use of suites 125 & 126 was a salon equipment and beauty supplies store. No changes to the exterior of the building are proposed other than signage, which is handled by a separate permit.

5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; The massage establishment is not expected to create any disruptive behavior inside or outside the premises. The activation of the suite will provide additional surveillance to the area.

#### REASONS FOR APPROVAL:

Based on the information provided by the applicant and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

## CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- 1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed.
- 2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
- 3. Hours of operation to be from 9:00 AM to 8:00 PM daily.

#### CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

## **USE PERMIT:**

- The Use Permit is valid for THE RIVER MASSAGE and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval but will
  apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals,
  become familiar with the ZDC. Access the ZDC through <a href="http://www.tempe.gov/zoning">http://www.tempe.gov/zoning</a> or purchase from Development
  Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit
  is void.

## **HISTORY & FACTS:**

September 25, 1985

The Board of Adjustment approved a variance (A-85-9.15) for Broadway Square Shopping Center to reduce the overall required number of parking spaces from 216 to 201. A condition of approval was that a copy of the agreement granting the right to use the 54 parking spaces on the adjacent lot shall be filed with the Planning Staff prior to variance becoming effective.

February 14, 1986 Construction of Broadway Square Shopping Center passed final inspection. November 29, 1989 The Board of Adjustment approved a parking use permit and wall variance for this site. April 15, 2008 Hearing Officer approved a Use Permit for a Hookah Lounge/Tobacco Retailer at 1845 East Broadway Road Suite 9 in the CSS District. April 6, 2010 Hearing Officer reviewed the conditions of approval of the use permit after determination by the City Attorney's office that condition four was not met. September 29, 2010 After continuance from June 8th and August 24th, the Development Review Commission approved the requested appeal of the use permit revocation to allow the hookah lounge/tobacco retailer. June 30, 2011 The Community Development Department staff administratively approved a shared parking analysis (PL110243) for the Broadway Square Plaza located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The peak demand for parking spaces for all uses is approximately 154 spaces, Monday through Friday. A minimum of 154 spaces must be maintained to support all uses. September 13, 2012 The Community Development Department staff administratively approved a shared parking analysis (PL120294) for the Broadway Square Plaza located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The peak demand for parking spaces for all uses is 198 spaces, Monday through Friday. A minimum of 198 parking spaces must be maintained to support all uses. December 5, 2013 Hearing Officer approved a Use Permit for the VCA Tri City Animal Hospital at 1845 East Broadway Road. March 11, 2014 The Community Development Department staff administratively approved a shared parking analysis (PL140050) for the Broadway McClintock Shopping Center located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The peak demand for parking spaces for all uses is 198 spaces, Monday through Friday. A minimum of 198 parking spaces must be maintained to support all uses. December 1, 2015 Hearing Officer approved the request by VCA TRI-CITY ANIMAL HOSPITAL (PL150446) located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District for a Use Permit to allow an outdoor dog walking area for an existing animal hospital. Hearing Officer approved a Use Permit to allow a vocational school for VALLEY VOCATIONAL May 18, 2016 ACADEMY (PL160115) located at 1845 East Broadway Road, Suite 114 in the CSS, Commercial Shopping and Services District. October 19, 2016 The Community Development Department Planning Division Staff administratively approved a Shared Parking Analysis for Broadway Square Shopping Center (PL160115) located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The peak demand for parking spaces for all uses is 192 spaces, Monday through Friday during the 1pm hour; and 115 spaces, Saturday and Sunday during the 5pm hour. A minimum of 192 off-street parking spaces must be maintained; 198 spaces are provided. September 25, 2019 Development Review Commission approved a Use Permit to allow a tobacco retailer in the CSS, Commercial Shopping and Service district, for VIRTUE VAPE, located at 1845 East Broadway Road.

May 23, 2022	Community Development Department Planning Division staff administratively approved an updated
	parking analysis for BROADWAY AND MCCLINTOCK COMMERCIAL CENTER located at 1845 East Broadway Road in the CSS zoning district. The site required 344 spaces and provided 193
	with shared parking between uses at different times of day.

May 24, 2022 Development Review Commission approved a Use Permit to allow a bar for CATALYST CRAFTED ALES, including a brewery with taproom, located at 1845 East Broadway Road, Suite 106.

## **ZONING AND DEVELOPMENT CODE REFERENCE:**

<u>Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts</u> <u>Section 6-308, Use Permit</u>



## **DEVELOPMENT PROJECT FILE**

## for THE RIVER MASSAGE (PL230043)

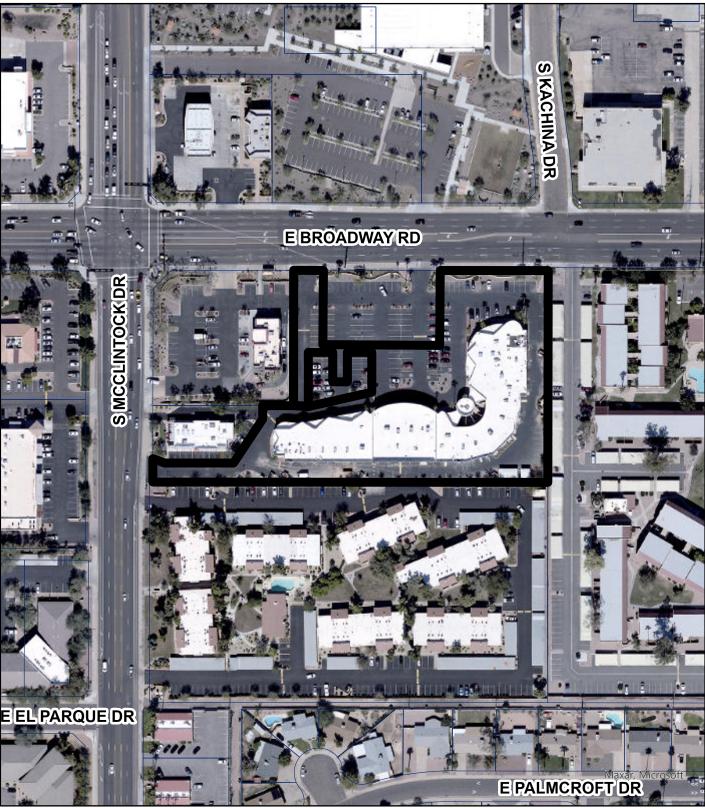
## **ATTACHMENTS:**

- 1-9. Site Context (Location Map, Aerial and Site Context Photos)
- 10-11. Applicant's Letter of Explanation
- 12-14. Site Design (Site Plan, Existing and Proposed Floor Plans)

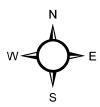


## THE RIVER MASSAGE

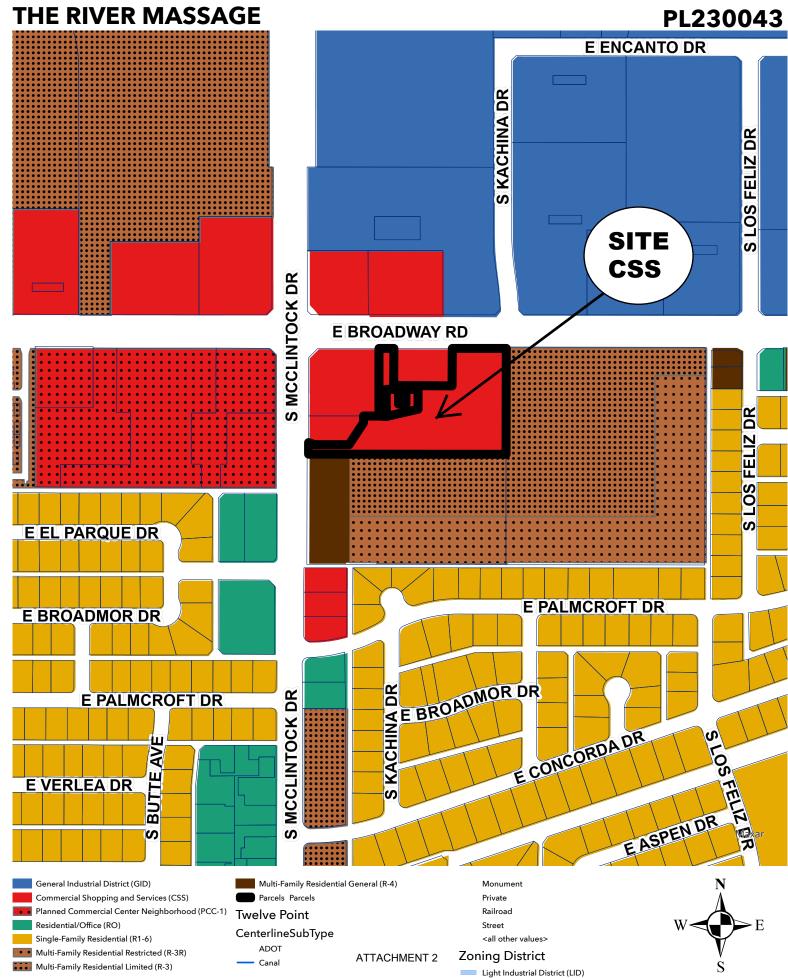
PL230043



## **Aerial Map**







## The River Massage Context Photos

## 1845 E. Broadway Rd. Suite 125-126, Tempe, AZ 85213

Arial View of Plaza	Pg. 2
Front View of Suite 125-126	P.g 3
North View	Pg. 4
East View	Pg. 5
South View	Pg. 6
West View	Pg. 7

## Aerial View of Plaza



Front View of Suite 125-126



## North View



East View



## South View



West View



## Letter of Explanation – The River Massage 1845 E. Broadway Rd. Suite 125-126, Tempe, AZ 85282

I am writing to request the approval of the Use Permit application to open a massage establishment at 1845 E. Broadway Rd. Suite 125-126, Tempe, AZ 85282.

At this establishment, we will be offering massage therapy. Our intended operation business hours are Monday to Saturday from 9:00 AM to 8:00 PM and closed on Sundays and all National Holidays. We aim to have about five full-time employees (massage therapists), two front desk assistants, and two managers. They will work as employees in the establishment, offering more job opportunities for the community.

The overall commercial property is 36,432 sq ft, suite 125-126 of the proposed establishment is 2,172 sq ft. We plan to divide it into six single treatment rooms and two couple's rooms (for group of two clients). There are also extra rooms for client interchanges and turnovers, as some senior clients may require more time for checkout. In addition, there are 193 parking spaces on site shared through existing shared parking model with seven spaces available for our suites.

We believe that our massage business will be an excellent addition to the community, as it will offer a very effective self-care method for the public. Our goal for opening the business is to create a peaceful and rejuvenating environment where people can get away and relax for a limited time. We strive to offer high-quality massages that benefit the health and well-being of the community.

We will follow the city's zoning and development code criteria as follows,

- a. Vehicular/pedestrian traffic in adjacent areas: Our business will not heavily impact significant vehicular/pedestrian traffic in the adjacent areas. Massage therapists do not have a set work time. Some will be available only in the morning, and some will be available only on weekdays. With the limited number of employees and schedules available, we will have a maximum of five clients per hour. Since clients might carpool for a couple's appointment, the number of cars might also be reduced.
- b. Ambient conditions: Regarding environment conditions, our business will be conducted in a manner that is considerate of our neighbors and surrounding businesses. We will not produce any additional noise or pungent odors as we are a place for peace and relaxation. Clients will be treated in individual rooms, and peaceful music will be played inside. Since smell could trigger allergic responses in clients, we only use fragrance-free mediums.
- c. Deterioration of the neighborhood/downgrading of property values: Our business will not contribute to the deterioration of the neighborhood or the fall of surrounding property values. Massage therapy is seen as a non-invasive alternative medicine, so many doctors

- and nurses refer their own clients to receive massage therapy. Since it is a sought after service and backed by medical professionals, it is a desirable asset to the neighborhood.
- d. Compatibility with existing surrounding structures and uses: Other than the existing restaurants, smash room for rage release, brewery house, and medical offices, massage therapy can offer a diverse stress release choice to the customers. Massage therapy is a non-invasive alternative medicine proven to be beneficial to both physical and mental health. In addition, it complements the healthcare providers in the same plaza and the health center across the street.
- e. Disruptive behavior: Massage therapy is a source of quiet enjoyment. In such relaxed environments, conflicts or disruptive behavior rarely arise. If we encounter such a situation, we will compensate the client and kindly ask them to leave the premise.

The owner Juntan Song is experienced with massage therapy both as a practitioner and a consumer. Her family has owned and operated two massage establishments in Albuquerque, New Mexico, for over ten years. She has been in the industry for four years as a manager of a massage establishment and is currently a licensed massage therapist (MT 28960) in Arizona. She is also a National Board-Certified Massage Therapist (BCTMB 2000846) and an exam writer for the Federation of State Massage Therapy Boards (the standardized MBLEx exam).

Thank you for your time and consideration.

Best regards,

Juntan Song

Owner

juntan.song@hotmail.com

626-757-6278

## A TENANT IMPROVEMENT FOR:

# The River Message Building Suite 125-126

# 1845 East Broadway Road

## **GENERAL NOTES**

These drawings are based on landfort provided shell plan. Field verify all dimensions and any discrepanish that arise hexause of any discritions in actual conditions from existing plats, must be coordinated by contractor with this drawing, contractor to inform ARCHECT if conditions that the contract of the contract of the place construction before proceeding with the exist.

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13. Bidders are expected to visit lhe site to form their own conclusions as to the character of the work and report any inconsistencies to the ARCHITECT before the

16. Patch, repair, cap off and adapt as necessary, all mechanical, plumbing, and electrical systems required to be altered due to the execution of the new work.

17. Unless specifically scheduled for reuse by the Tenant, all demolished materials shall become the property of the contractor, and shall be removed from the site.

allowed to accumulate within the building or on the site.

23. Rebuild any existing work which has to be removed to allow the installation of new work as required by the ARCHITECT or decor supplier.

24. Colors, finishes etc. shall be selected by Tenant. Decor to be selected by Tenant installed by contractor.

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28. Contractor to maintain proper lighting ventilation and sanitation at all times during construction.

## PROJECT DATA

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CONSULTANTS

RICHITECTURAL CONCEPTS, INC. (ASSOCIATE ARCITECT (ND)

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STOREFRONT SIGN AGE TO BE SUBMITTED UNDER

## Massage JT Site Plan



STORAGE BREAK OFFICE PER INCOM OFFICE AREA 1900 - 100 + 19 KEY PLAN

845 EAST BROADUL SUITE 125 AND 126 TEMPE, ARIZONA

VICINTY MAP PROJECT LOCATION

IS48 EAST BROADWAY BLVD SUITE 05 AND 06 TEMPE, AST/ONA

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TENANT

THE RIVER MESSAGE, INC CONTACT CHAD TARNICK: 1 662 910 4315 ISAS EAST ENCADUAY BLVD SUITE 129 AND 126 TEMPE, ARIZONA

NAI HORIZON CONTACT HORTH HONG

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SQUARE FOOTAGE 1800 SF. / 100 ·

OCCUPANT CLASSIFICATION

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The River Message 1845 East Broadway Suite 125 - 126 Tempe, Arizona

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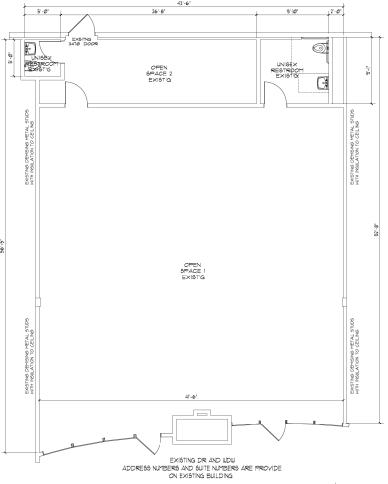
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9. PERFORM NEMOLITION IN ACCORDANCE WITH APPLICABLE AUTHORITIES HAVING JURISDICTION.

10, REPAIR ALL DEMOLITION IN EXCESS OF THAT REQUIRED AT NO COST TO THE OWNER.

1', REMOVE FROM SITE CONTAMINATED, VERMIN INFESTED OR DANGEROUS MATERIALS ENCOUNTERED DISPOSE OF BY SAFE MEANS TO PROTECT HEALTH OF WORKERS AND PUBLIC.



**Existing Floorplan** 

EXISTING WALLS TO BE REMOVE -----

LEGEND

NEW WALLS

EXISTNG WALLS TO REMAIN

The River Message 1845 East Broadway Suite 125-126 Tempe, Arizona Contact: JT Song DRAWN BY CI-ECK BY

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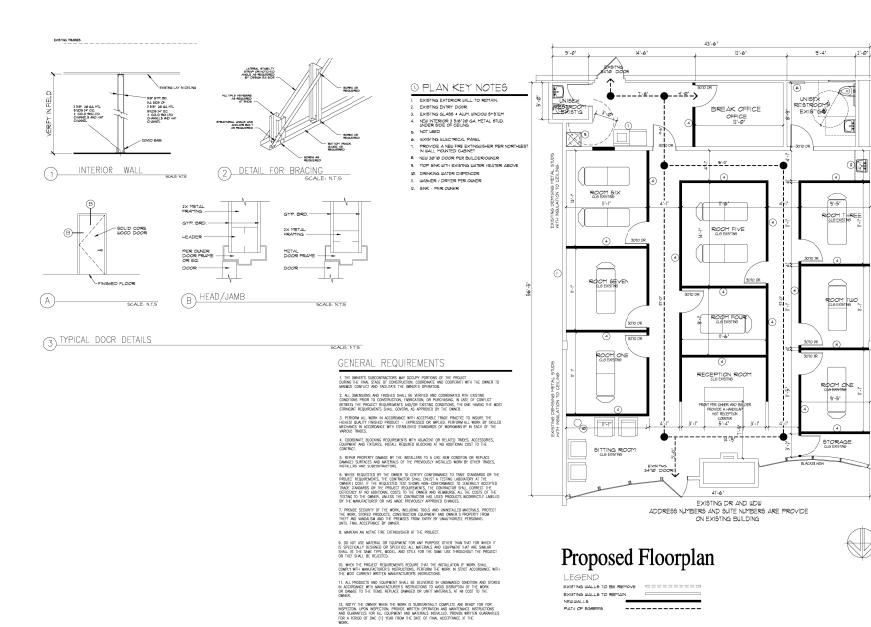
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