

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 05/14/2024 Agenda Item: 6

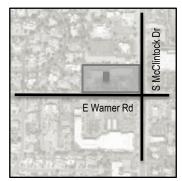
<u>ACTION</u>: Request a Use Permit to allow a massage establishment for **GOLDEN FEET REFLEXOLOGY**, located at 1720 East Warner Road, Suite 8. The applicant is Yin Yu Shi.

FISCAL IMPACT: N/A

<u>RECOMMENDATION</u>: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: GOLDEN FEET REFLEXOLOGY (PL240070) is proposed within the west side of a four-building multi-tenant retail neighborhood center called Countryside Specialty Shops, which consists of multiple suites. The commercial center is located on the northwest corner of Warner Road and McClintock Drive. The request includes the following:

ZUP240025 Use Permit to allow a massage establishment.



Property Owner Applicant Zoning District Site Area Total Building Area Suite 8 Area Vehicle Parking

Bicycle Parking Hours of Operation Building Code Occupancy Saia Family Limited Partnership Yin Yu Shi PCC-1, Planned Commercial Center Neighborhood 136,386 s.f. 17,307 s.f. 1,080 s.f. 4 Required, Approximately 86 total on site shared between all suites 4 spaces provided on site 9:30 a.m. to 9:00 p.m. Sunday through Saturday Type V AFES Group B-2

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: Michelle Dahlke, Principal Planner

COMMENTS

The site is located north of Warner Road, south of Elliot Road, east of Juniper Street, and west of McClintock Drive. Surrounding uses include single-family residences to the west, a bank and a church to the north, and commercial centers to the east and south, including a gym, restaurants, and other retail and service uses. The single-family development directly west of the site is zoned R1-15, the bank north of the site is zoned Residential/Office (R/O), and the surrounding commercial centers east, southwest, and southeast of the site are zoned PCC-1 for Planned Commercial Center. The site is comprised of one of two parcels that have the same ownership within the Countryside Specialty Shops commercial plaza with a third parcel that is separately owned. Some of the land uses within the Countryside Specialty Shops include beauty salons, retail, restaurants, and offices. The site is located within the Corona Character Area Eight.

In 1979, the City Council approved rezoning from AG Agricultural to PCC-1 Planned Commercial Center One and R/O Residential Office on the northwest corner of McClintock Drive and Warner Road. In 1986, the City Council approved the development of the Countryside Specialty Center in which the center received its name. In 2008, Development Services Department staff approved a shared parking analysis for Countryside Specialty Shops. The parking analysis (dated 8/27/08) identified the peak demand for parking spaces for all uses as approximately 152 spaces, Monday through Friday; and 119 spaces on Saturday and Sunday; a minimum of 162 parking spaces on the Countryside Specialty Shops site must be maintained to support all uses. Since this approval, the parking table has not been updated with new tenant information. While the site does not have additional code violations documented, the business owners received a notice for unauthorized activity. The applicant is seeking a Use Permit to operate within compliance with the Tempe Zoning and Development Code. The site is a 1,080-square-foot suite divided into four (4) working rooms, seven (7) workstations, and a reception area. The applicant is requesting a Use Permit to operate a massage establishment will have three (3) employees on site offering foot and body massages.

PUBLIC INPUT

Upon completion of this report, staff has not received any public comments or inquiries regarding this request.

POLICE INPUT

Upon completion of this report, the applicant has submitted their application for a Massage Establishment license but has not yet submitted their fingerprints., As such, the Tempe Police Department has not yet conducted a background check on the staff. Once the Police Department receive the fingerprints, they will conduct a background check. Only one of the owners (Yin Yu Shi) has a massage license, and the other (Kou Liu) who is also listed as a massage therapist, does not. Yin Yu Shi's license is included in the attachments to this report. A condition of approval has been added to assure completion of the requirements prior to the Use Permit taking effect.

USE PERMIT

The proposed use requires a Use Permit to allow a massage establishment within the PCC-1 zoning. The applicant has provided a letter of explanation outlining the business operations. Below is an evaluation of the use in context of Section 6-308(E) criteria for a Use Permit (*in italics*):

- 1. Any significant increase in vehicular or pedestrian traffic; Suite 8 serves three massage therapists operating with specified business hours from 9:30 am to 9 pm Sunday to Saturday. The suite is required to have four parking spaces and shares parking on site with other businesses. Based on the scale and operation of this use, it is not anticipated this use will generate significant traffic beyond anticipated service uses.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; The use is entirely indoors, requires a quiet environment for the benefit of the customers, and will not create nuisances in excess of surrounding uses. The business requires its employees to smoke twenty (20) feet away from the building to maintain ambient conditions.
- 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 Corona Character Area Plan and General Plan promote an energetic city, which would encourage small service businesses within walking and biking distance of residents and large employee centers to connect these services to their customers where they live and work. The proposed use promotes health and wellness and serves people of all ages.

- 4. Compatibility with existing surrounding structures and uses; The proposed use is contained within buildings that were built between the 1960s and 1970s with no proposed changes to the exterior of the buildings. There is a history of similar uses within the area. In October 2021, a Use Permit for a massage establishment was approved at 1840 East Warner Road, Suite 123. In June 2018, a Use Permit for a massage establishment was approved at 1006 East Warner Road, Suite No.(s) 111 & 112. Several other massage establishments were granted Use Permits on south Rural Road. The clustering of similar uses creates a synergy for businesses and customers within the health and wellness industry, making this a compatible use.
- 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 business will be controlled by the proprietor of the establishment to assure both customer comfort and customer and employee safety.

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.

CONDITION(S) 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 for a massage establishment in for GOLDEN FEET REFLEXOLOGY, located within Suite 8, is valid only after:
 - a. a successful background check is completed, and
 - b. a Massage Establishment license has been obtained, and
 - c. any required Building Permits with required inspections have been completed and
 - d. 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 end no later than 9 p.m. on a daily basis.
- 4. The property owner shall replace any nonconforming building lighting with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
- 5. The property owner shall replace all dead or missing trees in the street frontage and landscape areas including the parking landscape islands; along with any other missing landscape material.
- 6. The property owner shall provide an updated list of tenants and square footages for compliance with the existing approved shared parking model to maintain a current and accurate list of tenants and uses.

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 Golden Feet Reflexology 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 <u>http://www.tempe.gov/zoning</u> or purchase from Development Services.
- 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.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to <u>www.tempe.gov/signs</u>.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

If the development includes a use listed in <u>City Code Section 26-70(c)</u>, the Owner is required to prepare a security plan
with the Police Department. The architect should be involved to verify any modification that would require design
revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding
the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police
Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.

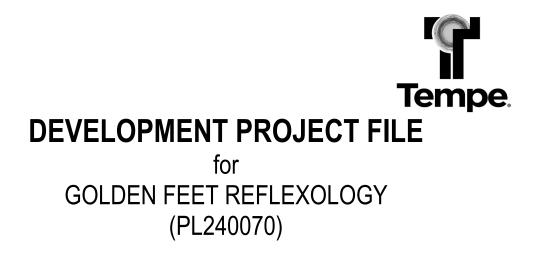
HISTORY & FACTS:

- 1949-1960 Historic aerials show this area as agricultural use. Sometime in the 1960s or 1970s the first structures appeared on the property, which appeared to be residences and outbuildings which remained until the 1980s.
- February 8, 1979 City Council approved a zoning map amendment from AG Agricultural to PCC-1 Planned Commercial Center One and R/O Residential Office on the northwest corner of McClintock Drive and Warner Road.
- September 13, 1985 Building Safety approved a Certificate of Occupancy for Suite 8 for a retail floral shop with a B-2 occupancy type and limit of no more than 20 people.
- July 10, 1986 City Council approved SGF86.40, an Amended General and Final Plan of Development for Countryside Specialty Center located at the northwest corner of McClintock Drive and Warner Road at 1720 East Warner Road.
- July 3, 2001 Board of Adjustment approved BA010160, a Use Permit for Buffalo Kids to allow a used clothing/furniture/toys/sports equipment/accessories store located at 1720 East Warner Road in the PCC-1, Planned Commercial Center District.
- August 28, 2008 Development Services Department staff approved a shared parking analysis for Countryside Specialty Shops addressed as 1706 East Warner Road in the PCC-1, Planned Commercial Center District, which is the same site. The parking analysis (dated 8/27/08) identified the peak demand for parking spaces for all uses as approximately 152 spaces, Monday through Friday; and 119 spaces on Saturday and Sunday; a minimum of 162 parking spaces on the Countryside Specialty Shops site must be maintained to support all uses. The parking table has not been updated with new tenant information since this approval.
- September 7, 2012 Building Safety approved BP121177, tenant improvements to Suite 8 for massage rooms for Golden Feet Reflexology

May 14, 2024 Development Review Commission is scheduled for a hearing for Golden Feet Reflexology to allow a massage establishment located at 1720 East Warner Road, Suite 8.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-302, Permitted Uses in Office/Industrial Districts Section 6-308, Use Permit Section 6-313, Security Plan



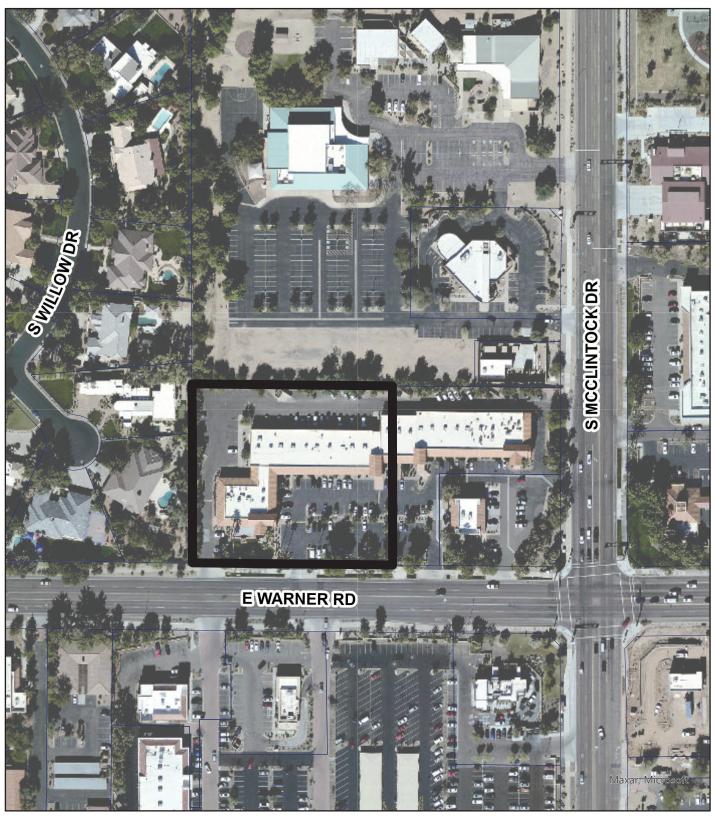
ATTACHMENTS:

- 1-7. Site Context (Zoning Map, Aerial Map, Site Map with Suite and Site Context Photos)
- 8-10. Applicant's Letter of Explanation
- 11-12. Site Plans
- 13. Floor Plan
- 14. AZ Massage License





GOLDEN FEET REFLEXOLOGY



Aerial Map

ATTACHMENT 2

COUNTRYSIDE SPECIALTY SHOPS 1706 - 1730 E. WARNER RD.

Tempe, Arizona 85284

COMMERCIAL REAL ESTATE SERVICES

www.leearizona.com

SSOCIATES

FOR LEASE HAR BLOC GARCIA'S 3,503 SF TAILOR DENTIST HAIR SALON HEALTHY NAILS NARNER RD FLEXOLOGY SALÓN 706-1730 25,922 VPD DAY SPA NOT A PART RED APRON verizon OSATTS LEASE RATE LA CLEANERS

FOR MORE INFORMATION PLEASE CONTACT:

G

in

AVAILABLE SPACE:

SUITE

#1-3

SIZE

<u>+</u>3,503 SF

SEAN M. BISHOP, CCIM LEE & ASSOCIATES PRINCIPAL 602.954.3774 sbishop@leearizona.com

Negotiable

Lee & Associates Arizona 3200 E. Camelback Road Suite 100 Phoenix, AZ 85018

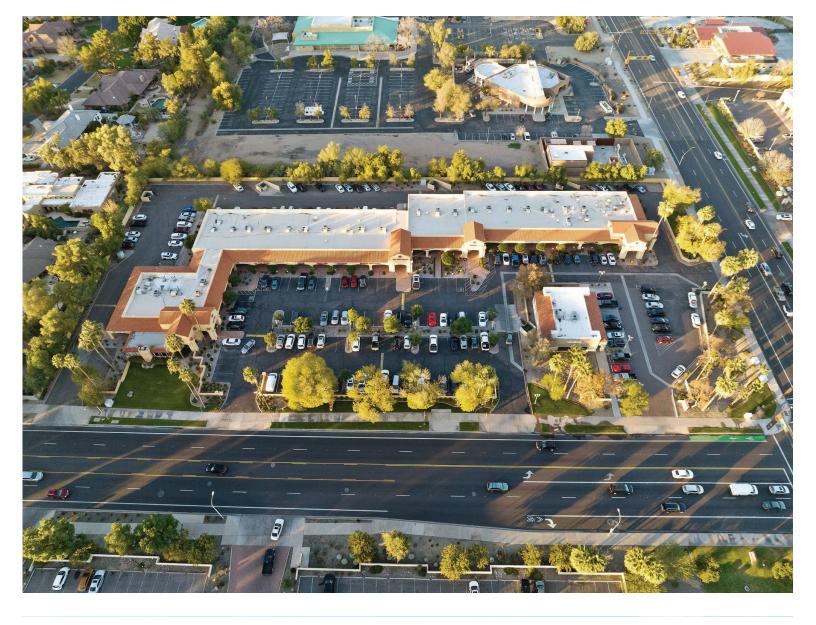


20,702 VPD

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MCCLINTOCK DR.









Letter of Explanation:

03/26/2024

Business Name: Golden Feet Reflexology Business Adress: 1720 E Warner Rd Ste8, Tempe Business Hour: 9:30am to 9:00pm Number of employees: 3 Customers per Day(Average): 15

Our property is a 1080sf store, divided into 4 working room 7 work stations' and one reception. Located at northwest side by Warner road and McClintock Drive. ± 31 , 723 SF multi- tenant retail neighborhood center. Desert Cross Lutheran Church and HonorHealth Medical Center close by.

Our store is use for Massage. Noise free and soothing Music are necessary conditions. Smoke free indoors is a legal statement we followed, and we require employees to smoke 20feet away from the building. These means we do not have any emission of odor, dust, gas, noise, vibration, heat or glare at a level exceeding.

We firmly support resolutions of the city government and follow by local laws.we also resolutely maintain the community environment and be willing to contribute to improving the community environment.We are very willing to help people in need, such as pregnant women, some one getting older to relieve physical pain, also help people relax from work pressure. Our goals as same as the city make the community environment more livable and more valuable. It doesn't make contribution to the deterioration of the neighborhood nor to the downgrading of property values.

Our space is neighboring buildings of similar size and massing work together to create a pleasing streetscape and provide consistency between adjacent buildings with different uses. Compatibility includes building height and scale, orientation, architectural and landscaping elements, building materials, and roof lines. Our massage place is the one of shops of Countryside Specialty shops, that is a diverse and inclusive area serves neighborhood. A formaled healthy and certified massage place is a essential for the community and neighborhood. We use our right skills to help when the people in need. (I don't know how many other massage establishments are in 85284 area, but shows 15 results in google search)

We are doing formaled healthy massage for every customer, and our massage are professional and certified. We only use the space of our store to provide help the neighbors without occupying any public space or wasting public resources. It is totaly control the impact of disruptive behavior on the surrounding area or the public on and off the site. We took over the store in August 2023 and ran it until February 2024. We received the Correction Notice from Community Development Department, then we paid the fine of Anauthorized Activity and temporary closed the store for cooperated with the city government in applying for use permit.

List all services listed on website

1. Swedish Massage (Swedish massage is one of the most common types of massage therapy. It's often used to relax you, relieve stress and relieve pain.

2. Hot Stone Massage (The massage therapist places the hot stones on specific points on your body and may also hold the stones while giving the massage. The localized heat and weight of the stones warm and relax muscles, allowing the massage therapist to apply deeper pressure to those areas without causing discomfort)

3. Deep Tissue Massage (Deep tissue massage targets chronic tension in muscles that lie far below the body's surface. Deep muscle techniques involve slow strokes, direct pressure or friction movements that go across the muscle grain.)

4. Foot & Body Combo Massage (A body and foot combination massage offers a comprehensive and soothing experience that addresses both the body and feet, providing relaxation, pain relief, improved circulation, and overall well-being)

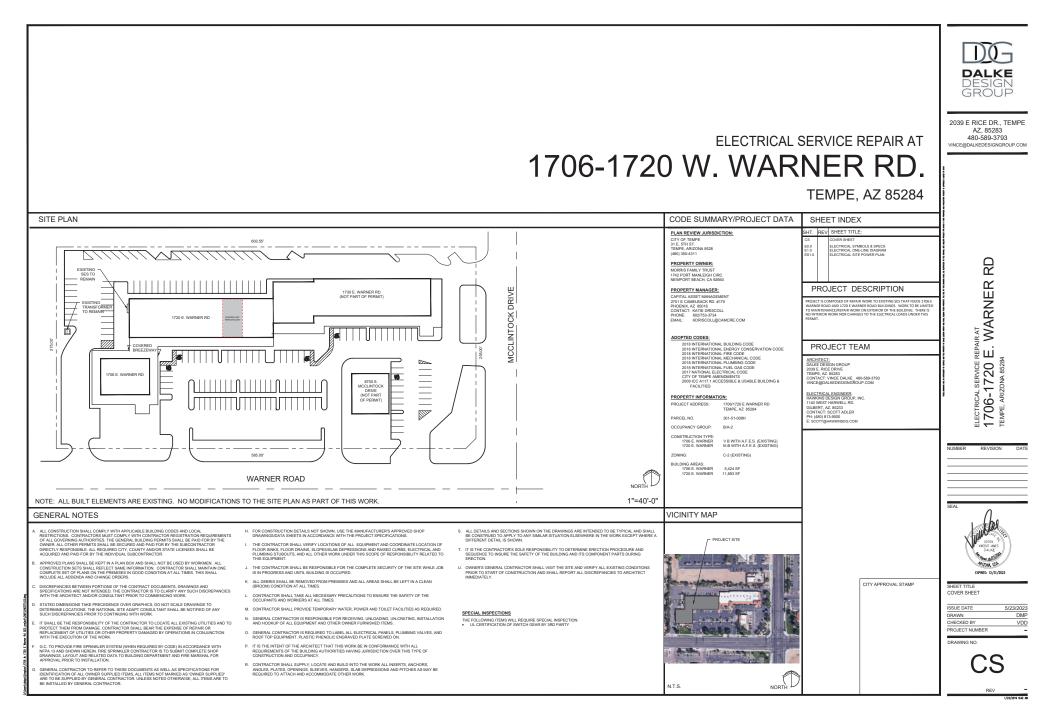
5. Aromatherapy Oil Massage (Aromatherapy is a specific type of therapy that incorporates scented essential oils into a massage. The massage involves alternating between gentle and harder pressure while using a particular blend of essential oils. The essential oils are diluted before use and are applied along with lotion during the massage) 6. Foot Massage (A foot massage is used on the muscles located around the front and back of the feet. Techniques such as acupressure, frictions, skin rolling and trigger pointing are used to help treat acute pain, post injury, post-surgery and scarring.)

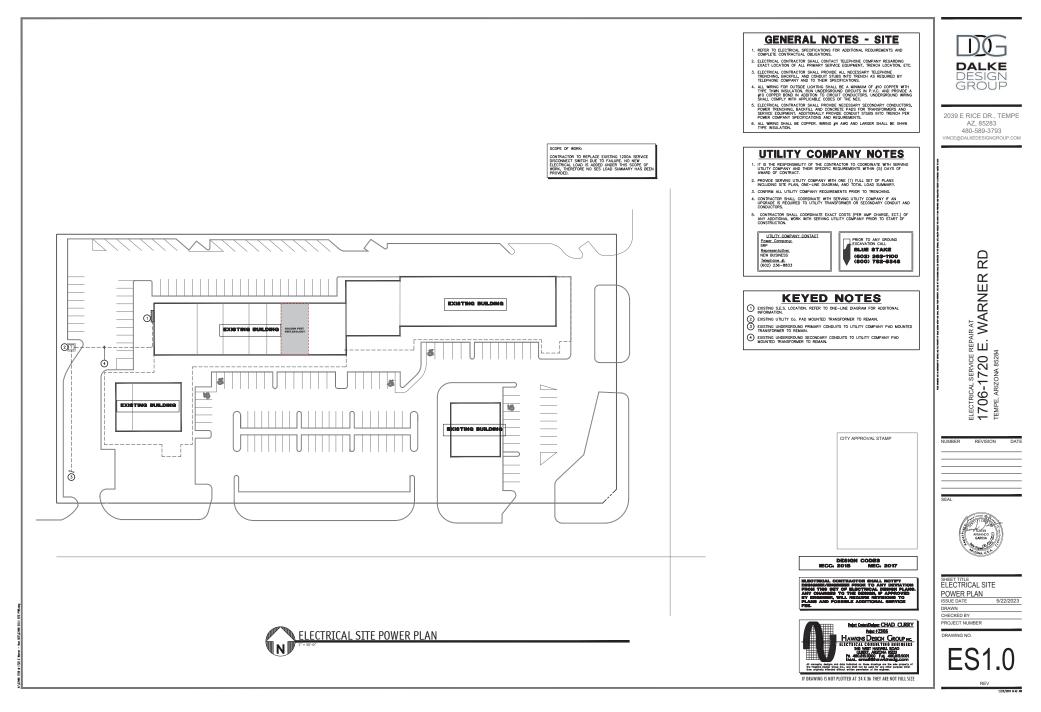
7. Lomi Lomi Massage (Lomi lomi is a traditional Hawaiian massage that uses a combination of massage techniques, nut oils, and sometimes elements of prayer, breathing and dance to restore energy and soothe the body.)

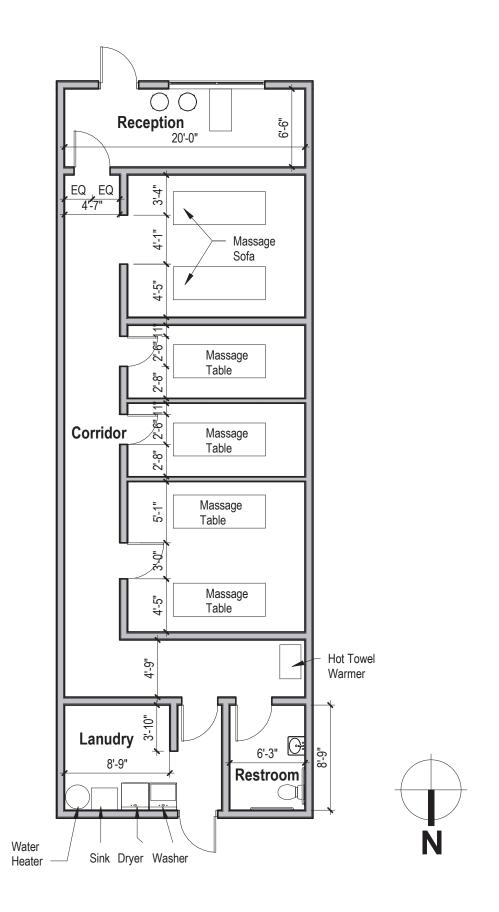
Seven work stations into 4 massage rooms, 2 massage sofas are reserved for foot massage and foot&body combo massage. 4 massage table into 3 massage rooms for other type massage. We try to make sure that each guest has adequate privacy. When the customer come into our store reception fully understand customer needs and make professional suggestions, then lead the customer going into appropriate operating room, after preparation our professional masseurs start massage treatment. We trying to make sure that no other guests or workers will disrupt during the treatment. When the second guest arrives, we will let him/her into another room. And we also can do massage treatment for couples in the same room at same time.

Golden Feet Reflexology

Sinature by Owner Yin Ju Shi









Arizona State Board of Massage Therapy

Having fulfilled the requirements of Law governing licensing as set forth in Title 32 Chapter 42, Arizona Revised Statutes, as amended

License Number MT-29441 Initial Issue 10/24/2023 Expires 01/01/2025

Tom Augherton, Executive Director

Arizona State Board of Massage

Therapy

License Number

MT-29441

Yinyu Shi

nitial Issue 0/24/2023

Expires 01/01/2025

Yinyu Shi 917 E LAREDO ST CHANDLER, AZ 85225

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Tom Augherton, Executive Director