

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 11/27/2018
Agenda Item: 3**

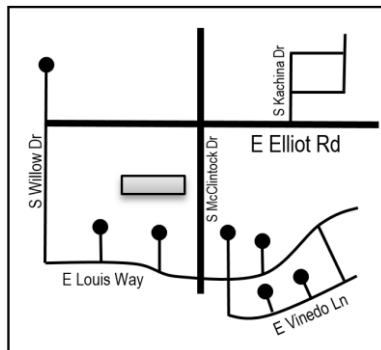
ACTION: Request approval for a massage establishment for JIMMY REFLEXOLOGY, located at 7650 South McClintock Drive. The applicant is Ross Design Group Architecture.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: JIMMY REFLEXOLOGY (PL180290) is requesting a Use Permit to allow a massage establishment within the PCC-1, Planned Commercial Center Neighborhood District. Jimmy Reflexology currently operates as a foot reflexology business but is now going to offer full body massage. The request is a result of a code violation (CM180367) filed on April 12, 2018. The request includes the following:

ZUP180103 Use Permit to allow a massage establishment.



Property Owner
Applicant
Code Compliance Inspector
Zoning District
Vehicle Parking
Hours of Operation

LDR- Elliot, LLC
David Ross, Ross Design Group Architecture
Marvin White, Commercial Code Inspector
PCC-1
No change in demand
No change

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

The applicant is requesting a Use Permit to allow a massage establishment after being cited for a code violation in April 2018. The existing use is for foot reflexology, which does not require a Use Permit to operate. This request is to allow Jimmy Reflexology to offer full body massages in addition to the existing foot reflexology business. Therefore, there is no change in parking demand, hours of operation, or the nature of the business itself.

PUBLIC INPUT

To date, staff has not received any public input.

USE PERMIT

The proposed use requires a Use Permit to operate a massage establishment within the PCC-1 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to create more traffic than the existing use.
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 use is indoors and is not expected to create a nuisance exceeding that of 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*; massage establishments are permitted in the PCC-1, Planned Commercial Center Neighborhood District with a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the existing use is similar to the request for a full body massage establishment and the site is surrounded by commercial uses.
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 applicant is expected to have adequate control of disruptive behavior on the site.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, 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:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.
6. The use shall be in compliance with the City of Tempe Massage Establishment Ordinance.

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.

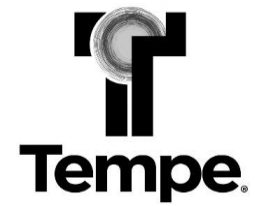
- The Use Permit is valid for Jimmy Reflexology and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but 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 <http://www.tempe.gov/zoning> 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.

HISTORY & FACTS:

- | | |
|-----------------|---|
| April 12, 2018 | Code Violation (CM180367) issued for operating a massage establishment business without a Use Permit at 7650 South McClintock Drive, Suite 111. |
| October 9, 2018 | Application to request a Use Permit to allow a massage establishment at 7650 South McClintock Drive, Suite 111 submitted. |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

for

JIMMY REFLEXOLOGY

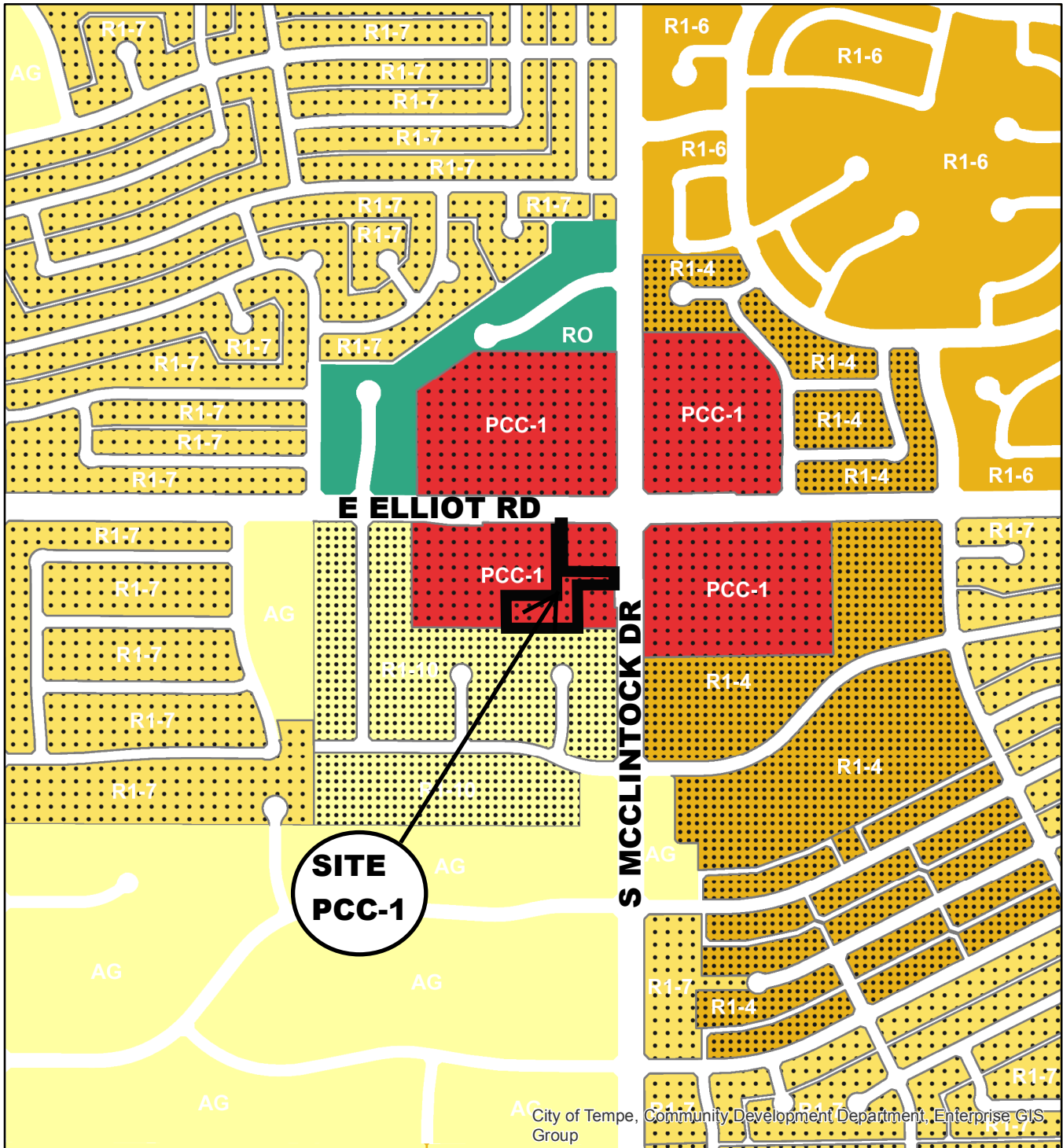
(PL180290)








ATTACHMENTS:

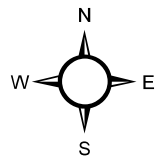
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan

Jimmy Reflexology

PL 180290



- | | |
|--|--|
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-7) |
|  Residential/Office (RO) |  Single-Family Residential (R1-6) |
|  Agricultural (AG) |  Single-Family Residential (R1-4) |
|  Single-Family Residential (R1-10) | |

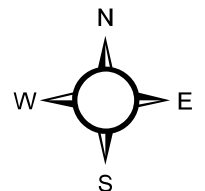


Jimmy Reflexology

PL 180290



Aerial Map



Ross Design Group LLC

Ross Design Group LLC
Architecture
4342 north civic center plaza
Scottsdale, AZ 85251

October 8, 2018

RE: Use Permit for Existing Business / 7650 s. McClintock suite 111
Justification Letter / City of Tempe Community Development Department
Location : JS Reflexology/ 7650 S. McClintock Dr., Suite 111
Tempe, AZ 85284

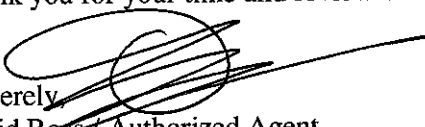
JS Reflexology was permitted for tenant improvement drawings for foot reflexology business services on May 12, 2016. Currently the number of employees is three per eight-hour shift. The hours of operations are from 10am to 9:30pm Mondays through Sundays. On average, the number of patrons per day is ten per day.

JS Reflexology would like to expand their services to include full body massage (currently they are only licensed for foot reflexology). Expanding the services to a full body massage will fulfill the needs of their patrons and clients. Attached are the drawings, the floor plan will remain unchanged.

In conforming to the standards and zoning development code criteria we are addressing the following:

- a. We do not see any increase in any significant vehicular or pedestrian traffic in adjacent areas.
- b. There should be no impact or nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- c. We see no contribution to the deterioration of the neighborhood or to the downgrading of the property values, which is in conflict with the goals, objectives or policies of the city's adopted plans for General Plan.
- d. There is a compatibility with existing surrounding uses as a business services. Example: there is a nail salon services business located further east in the center . The landlord reviewed and signed off on the request and use for the tenant.
- e. Adequate measures for control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public, are in place , and the owner and tenant see no negative impact on existing conditions.

Thank you for your time and review of this request.


Sincerely,
David Ross / Authorized Agent
Ross Design Group Architecture

DESIGN

ARCHITECTURE

PROJECT DEVELOPMENT

INTERIORS

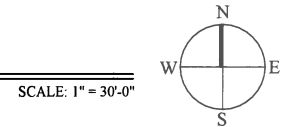
4342 North Civic Center Plaza, Scottsdale, AZ 85251
Ph: (480) 947-9685 Fax (480) 429-0107



SAFEGWAY GROCERY STORE →
SAFEWAY
 1515 E. ELLIOT RD.

- U.S. HAIRCUTTERS
- LTS ASIAN CUISINE
- JS REFLEXOLOGY (THIS PROJECT)
- PERFECT TEETH CLINIC
- ART OF FRAMING
- DELIA'S CLEANERS
- PET SUPPLY
- NAIL SALON
- UPS STORE
- E.D. MARSHALL JEWELERS
- ZOUNDS HEARING AIDS
- AVAILABLE FOR LEASE
- TEMPE SMILES FAMILY DENTAL

EXISTING SITE / AERIAL PLAN



ROSS DESIGN GROUP L.L.C.
 ARCHITECTURE INTERIORS PLANNING PROJECT MANAGEMENT
 840 N CIVIC CENTER PLAZA
 SCOTTSDALE, ARIZONA 85251
 PH: (480) 947-9885 FAX: (480) 429-0177
 www.rossdesign.biz

REVISIONS

JS REFLEXOLOGY
 7650 S. MCCLINTOCK DR.
 SUITE 111
 TEMPE, AZ 85284

USE PERMIT

REGISTERED ARCHITECT
 CERTIFICATE NO. 27510
 JAMES STEPHEN SUDGENDER
 ARIZONA, U.S.A.
 EXPIRES 07/30/2020

ARCHIVE:

DATE:	10-08-2018	SHEET NO.
SCALE:	AS SHOWN	A0
DRAWN BY:	STAFF	
CHECKED:	DAVID ROSS	

EXISTING SITE PLAN