

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 02/26/2019  
Agenda Item: 5**

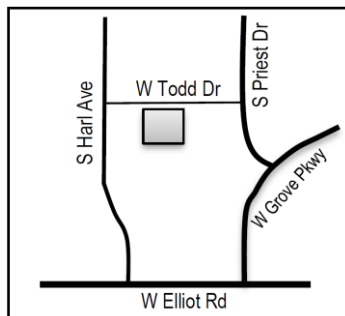
**ACTION:** Request approval to operate a massage establishment for THERAPEUTIC RETREAT, located at 1553 West Todd Drive. The applicant is MKK Massage, LLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** THERAPEUTIC RETREAT (PL190010) is requesting a Use Permit to allow a massage establishment at 1553 West Todd Drive, Suite 106-1A, within the PCC-1, Planned Commercial Center Neighborhood District and the SWOD, Southwest Overlay District. Therapeutic Retreat will be occupying one room of an existing business in Suite 106. The request includes the following:

ZUP190004 Use Permit to allow a massage establishment.



Property Owner  
Applicant  
Zoning & Overlay Districts  
Vehicle Parking  
Bicycle Parking  
Hours of Operation

Donald G. Lyon Family Trust  
Marie Kortan, Therapeutic Retreat  
PCC-1, SWOD  
No change in demand  
No change in demand  
Wed 2pm–8pm, Thu 10am–3pm, Fri/Sat 9am–3 pm

**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: Steve Abrahamson, Principal Planner

## COMMENTS

Therapeutic Retreat will be occupying one room in an existing suite with an existing business, Pure Body Health. There is no change in parking demand because the existing business is already parked at 1 space per 300 s.f. and Therapeutic Retreat only has one customer at a time.

## 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 and SWOD overlay districts.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use will not create an increase in traffic because there is only one customer in the room at a time.
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 will not create a nuisance exceeding the 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 within the PCC-1 zone with a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed location is within a commercial center surrounded by commercial and industrial 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 proposed use is not expected to create disruptive behavior on the premise.

## 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.

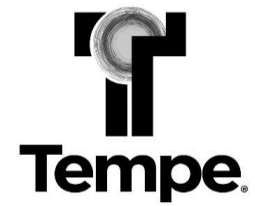
**CODE/ORDINANCE REQUIREMENTS:**

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 Therapeutic Retreat 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.
- 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.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

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



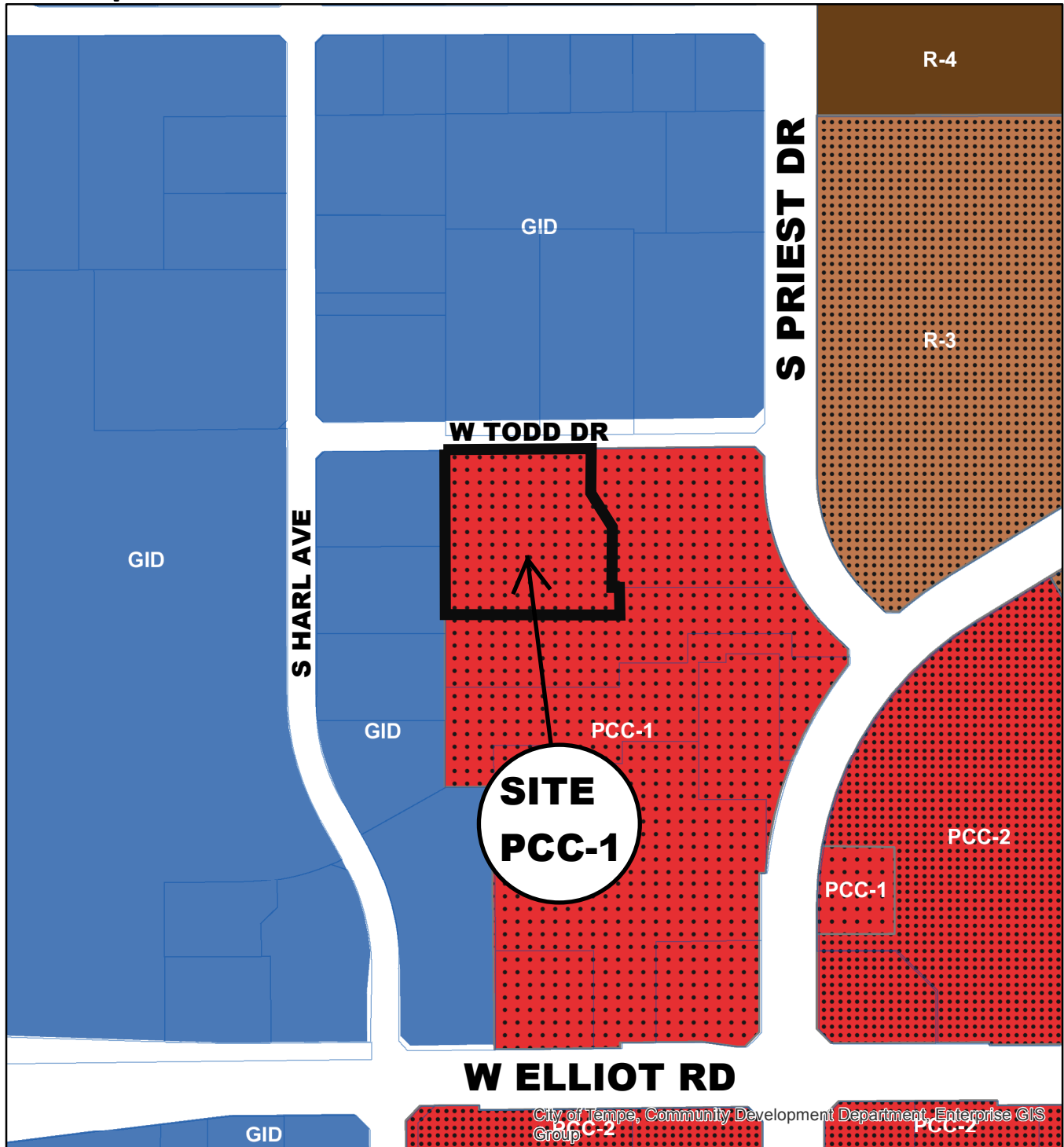
**DEVELOPMENT PROJECT FILE**  
for  
**THERAPEUTIC RETREAT**  
(PL190010)




**ATTACHMENTS:**



1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Site Context Photos

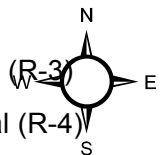
# Therapeutic Retreat

PL 190010



-  General Industrial District (GID)
-  Planned Commercial Center Neighborhood (PCC-1)
-  Planned Commercial Center General (PCC-2)

-  Multi-Family Residential Limited (R-3)
-  Multi-Family Residential General (R-4)

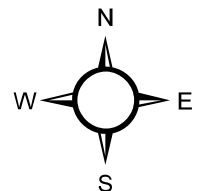


# Therapeutic Retreat

PL 190010



Aerial Map





December 28, 2018

**Letter Of Explanation - Use Permit**

I will be subleasing one room in suite 106 from Pure Body Health. Pure Body Health are naturopathic doctors and will continue operating their business from suite 106 also.

Therapeutic Retreat provides customized, therapeutic massage and will be moving from our previous location at 8058 S Priest Dr., Ste 101, Tempe to 1553 W Todd Dr., Ste 106, Tempe. With this move, I will also be greatly downsizing.

Number of employees: Currently I am the only therapist - with the possible addition of 1 or 2 part-time therapists later.

Number of Clients: One client at a time, as I only have 1 massage table. Most clients book 90min sessions with a 30min turnaround time between each session.

Hours of Operation: Sun, Mon, Tue - closed  
Wed - 2pm - 8pm  
Thur - 10am - 3pm  
Fri/Sat - 9am - 3pm

- a. Area Impact: I do not anticipate any impact on the surrounding area, vehicular or pedestrian, due to minimum employee and client arrivals and departures.
- b. Nuisance: My business is very quiet and we don't emit anything that would cause a nuisance to any of our neighbors.
- c. Deterioration: There will be no deterioration or downgrade to the neighborhood or property from my business as I will be subleasing only 1 small room in an existing suite.
- d. Compatibility: Massage is an excellent fit to the naturopathic services already being provided by Pure Body Health.
- e. Control: There will be no disruptive behavior from myself, clients or future employees.

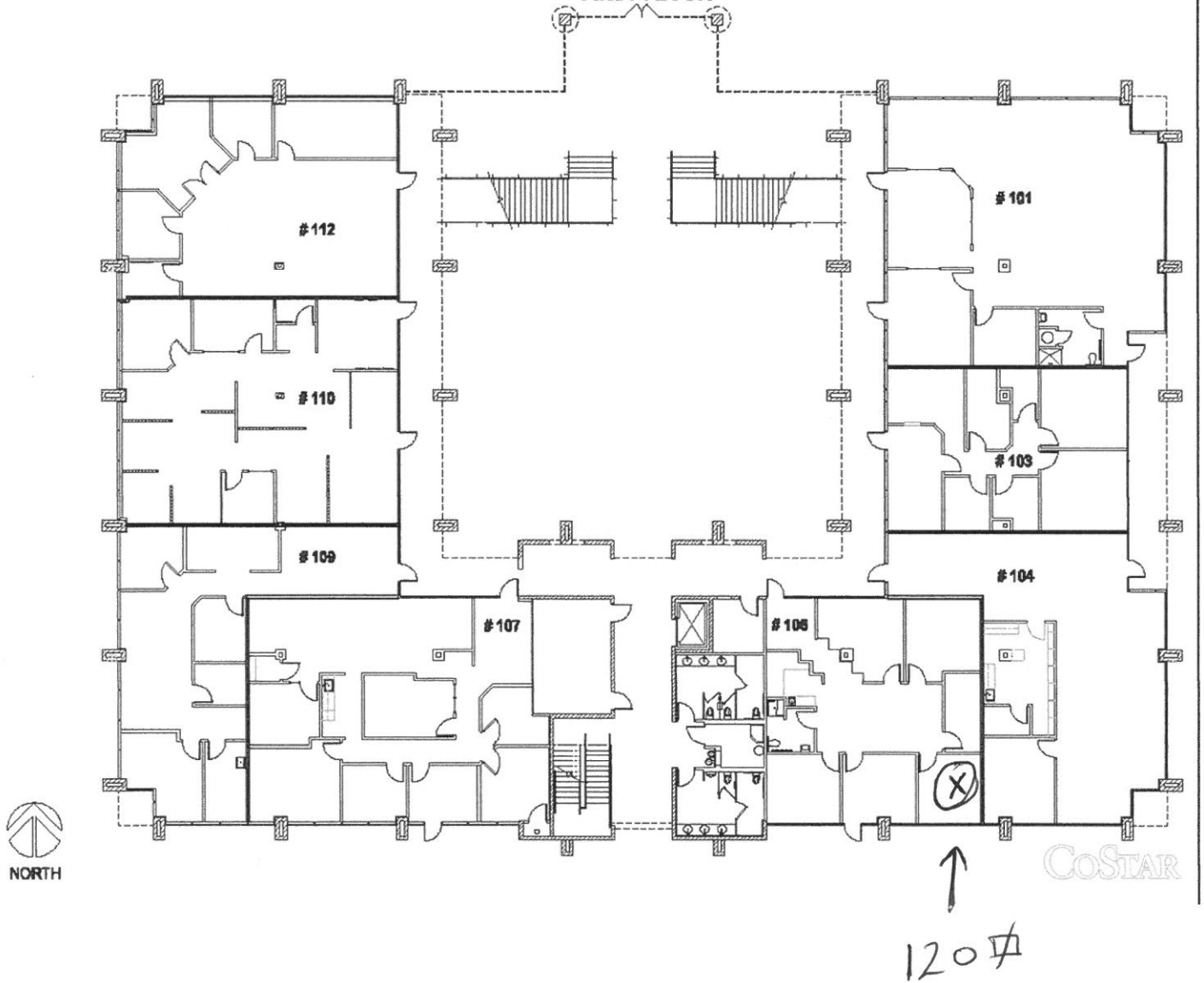
A handwritten signature in black ink, appearing to read 'Marie Kortan', with a long horizontal stroke extending to the right.

Marie Kortan  
Therapeutic Retreat





FIRST FLOOR





Attachment 6