

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 09/10/2019

Agenda Item: 7

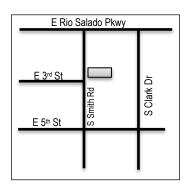
ACTION: Request a Use Permit to allow a tattoo establishment for SENTIENT TATTOO COLLECTIVE, located at 227 South Smith Road, Suite 101. The applicant is Sentient Tattoo Collective. (PL190207)

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: SENTIENT TATTOO COLLECTIVE (PL190207) is requesting a Use Permit to allow a tattoo establishment in the General Industrial District (GID). A Use Permit is required to operate a commercial use within the GID zone. The request includes the following:

ZUP190060 Use Permit to allow a tattoo establishment.



Property Owner Applicant Zoning District Suite Area Vehicle Parking Hours of Operation University Smith Partners
Tyson and Kate Weed, Sentient Tattoo Collective
GID
1.498 s.f.

87 spaces (55 min. required for the center)

12 p.m. to 8 p.m. Daily

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

The proposed use will contain an art gallery and offer by-appointment tattooing services. To operate a commercial use in the GID zone, a Use Permit is required. The use meets the separation requirements per Section 3-424 of the Zoning and Development Code. Parking is shared between all businesses within the center and the proposed use will not increase the parking demand for the center.

PUBLIC INPUT

To date, staff has not received public input.

POLICE INPUT

Tempe Police had no input on this request.

USE PERMIT

The proposed use requires a Use Permit to operate a tattoo establishment within the General Industrial (GID) 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 result in significant vehicular or pedestrian traffic increase.
- 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 will take place indoors and is not expected to create a nuisance to the surrounding area. The applicant has stated that they will operate using art and tattoo equipment which are designed to mitigate the emission of odors, dust, gases, noise, and vibrations. The applicant states that the proposed use will not emit smoke, heat, or glare.
- 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; a tattoo establishment is a permitted use in the GID zone subject to a Use Permit.
- 4. Compatibility with existing surrounding structures and uses; the proposed site for the request contains commercial and warehouse 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; daily operations will not facilitate and/or create a nuisance or disruption to the general public.

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, 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 the 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 Sentient Tattoo Collective 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:

None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-302 Permitted Uses in Office/Industrial Districts Section 3-424 Tattoo, Body Piercing Establishment Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

for SENTIENT TATTOO COLLECTIVE (PL190207)

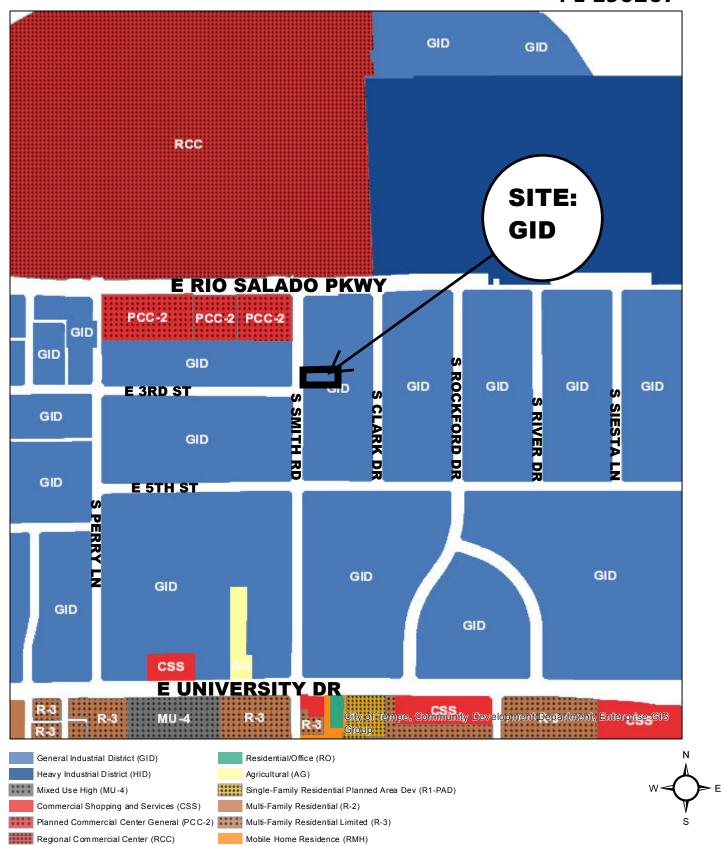
ATTACHMENTS:

- 1. Location Map
- 2. Aerial
- 3-7. Letter of Explanation
- 8-11. Site Plan
- 12-15. Floor Plan



SENTIENT TATTOO COLLECTIVE

PL 190207





SENTIENT TATTOO COLLECTIVE

PL 190207



Aerial Map



LETTER OF EXPLANATION

Tyson and Kate Weed 1309 E. Orange St. Tempe, AZ 85281

August 5, 2019

City of Tempe Community Development Department, Planning Division 31 East 5th Street, Garden Level East Tempe, AZ, 85281

To whom it may concern:

Please consider this as a formal letter of explanation to be included with the Sentient Tattoo Collective Use Permit application. This letter will provide a brief statement identifying the project goals and objectives.

Sentient Tattoo Collective is an upscale fine arts gallery and by-appointment-only tattoo studio. The use of the space will be to create fine art paintings, fine art drawings, fine art sketches, fine art sculptures, fine art mixed media, and by-appointment-only tattoos. The general hours of the space will be approximately noon to 8:00 pm, Monday through Sunday. The number of employees is estimated to be one to three individual artists. In general, there will be up to two customers for every employee.

The request to grant a use permit for Sentient Tattoo Collective will not be detrimental to the persons residing or working in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general. Sentient Tattoo Collective will conform to the standards and Zoning and Development Code Criteria Section 6-308(E). The surrounding area will be minimally affected by Sentient Tattoo Collective, specifically in the following areas:

A) There will be no significant vehicular or pedestrian traffic in the adjacent areas. There is ample parking space to accommodate the business and its customers. At most, there will be six vehicles at one time. There are seven parking spaces dedicated to the business. In general, if all employees are working, there will be up to six individuals at the business at the same time. The use of the space is intended to be indoors, so pedestrian traffic will include up to six individuals walking from their vehicles into the business, and back. At most, each artist may see up to two customers per day.

Therefore the estimated increase in vehicle traffic may be up to six vehicles per day, and the estimated increase in pedestrian traffic may be up to six pedestrians per day.

B) There will not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The artist's use low-VOC paint such as acrylic, watercolor, pastels, and oil will reduce any odor and/or gas that may exceed ambient levels. VOC stands for volatile organic compounds. VOCs are found in many building materials. Using low-VOC paint and properly ventilating the business will ensure that there not be any nuisance from odor or gas emission.

Proper safety precautions are also taken with sculpting materials to avoid dust nuisance. The artists primarily use "less dust clay" which is kept moist with water until the sculpture is complete. The artists use a "walk-off" rug which catches any clay particles that may have gathered under the artist's feet ensuring that clay particles do not travel outside the artist's workspace. Less dust clay minimizes clay particles that may be hazardous to the artist. At this time, there is no intention to engage in any type of woodworking art.

Tattoo machines cause minimal noise and vibration but would not cause a nuisance that exceeds ambient conditions. Tattoo machines operate at approximately 15 to 50 decibels which is quieter than an electric shaver. The vibration of the tattoo machines is primarily felt by the artist and is similar to that of an electric toothbrush. The vibration of the tattoo machine cannot be felt by anyone who is not in direct contact with the tattoo machine so would not cause any kind of nuisance to those not in immediate contact with the device. There is no intention of using any type of electrical tools for painting, drawing, sketching, or sculpting.

There is no intention to use any type of art material or process that may cause smoke, heat or glare.

- C) Sentient Tattoo Collective does not contribute to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies of the city's adopted plans for General Plan. Sentient Tattoo Collective is a welcoming space for artists. Sentient Tattoo Collective has partnered with Free Arts For Abused Children to encourage youth to express their emotions through art. The artists at Sentient Tattoo Collective volunteer their time and money to support Free Arts For Abused Children in an effort to improve neighborhood connectedness and support other local businesses.
- D) Sentient Tattoo Collective intends to be fully compatible with existing surrounding structures and uses, does not wish to impede in any other businesses and does not intend to use any signage or promotion which would interfere with surrounding structures and uses.

- E) Sentient Tattoo Collective will adequately control disruptive behaviors both inside and outside the premises, which may create a nuisance to the surrounding area or general public by doing the following:
 - a) A designated smoking area will be determined for any artist or customer who smokes or vapes. Smoking and vaping shall not be permitted inside the business. An ashtray will be provided by the business so as to avoid any littering that may be a nuisance to neighbors.
 - b) Parents are not encouraged to bring children to their art or tattoo appointments. No persons under the age of 18 shall be permitted to participate in a tattoo appointment.

Sentient Tattoo Collective and the City of Tempe share similar values: people, integrity, respect, openness, creativity, quality, and especially diversity. The City of Tempe recognizes that with diversity comes strengths, and we look forward to contributing to the need for a diverse community in Tempe.

Thank you for your time and consideration.

Sincerely,

Kate Weled

Tyson Weed

AMENDMENT TO LETTER OF EXPLANATION

Tyson and Kate Weed 1309 E. Orange St. Tempe, AZ 85281

August 28, 2019

City of Tempe Community Development Department, Planning Division 31 East 5th Street, Garden Level East Tempe, AZ, 85281

To whom it may concern:

Please consider this as an amendment to the formal letter of explanation for the Sentient Tattoo Collective Use Permit application submitted on August 6, 2019. This letter will clarify our initial explanation of parking availability.

Sentient Tattoo Collective is an upscale fine arts gallery and by-appointment-only tattoo studio. The use of the space will be to create fine art paintings, fine art drawings, fine art sketches, fine art sculptures, fine art mixed media, and by-appointment-only tattoos. The general hours of the space will be approximately noon to 8:00 pm, Monday through Sunday. The number of employees is estimated to be one to three individual artists. In general, there will be up to two customers for every employee.

According to the parking ratio table (Table 4-603E) in Section 4-603 of Chapter 6 in Part 4 of the Zoning and Development Code, the required parking spaces for the use of this space is five parking spaces. Our initial letter of explanation stated that seven parking spaces were assigned to this property. Although we were verbally notified by the landlord that there would be seven parking spaces available, we understand that if for any reason we are limited to only five parking spaces, we can easily accommodate our customers and business with five parking spaces.

To accommodate, we can create a schedule allowing only two artists to be working with clients at the same time and allow one to two hours in between appointments so at most there will be four vehicles at the business at the same time.

Here is an example of the schedule we might use:

SUNDAY	MONDAY	TUESDAY	WEDNES DAY	THURSD AY	FRIDAY	SATURDA Y
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ARTIST #1	12PM - 6PM	12PM - 6PM	12PM - 6PM	12PM - 6PM			
ARTIST #2		2PM - 8PM	2PM - 8PM	2PM - 8PM	2PM - 8PM		
ARTIST #3	2PM - 8PM				12PM - 6PM	2PM - 8PM	2PM - 8PM

This potential schedule means that pedestrian traffic would still be applicable, however the pedestrian traffic will be up to four individuals at one time, and six pedestrians over the course of one day.

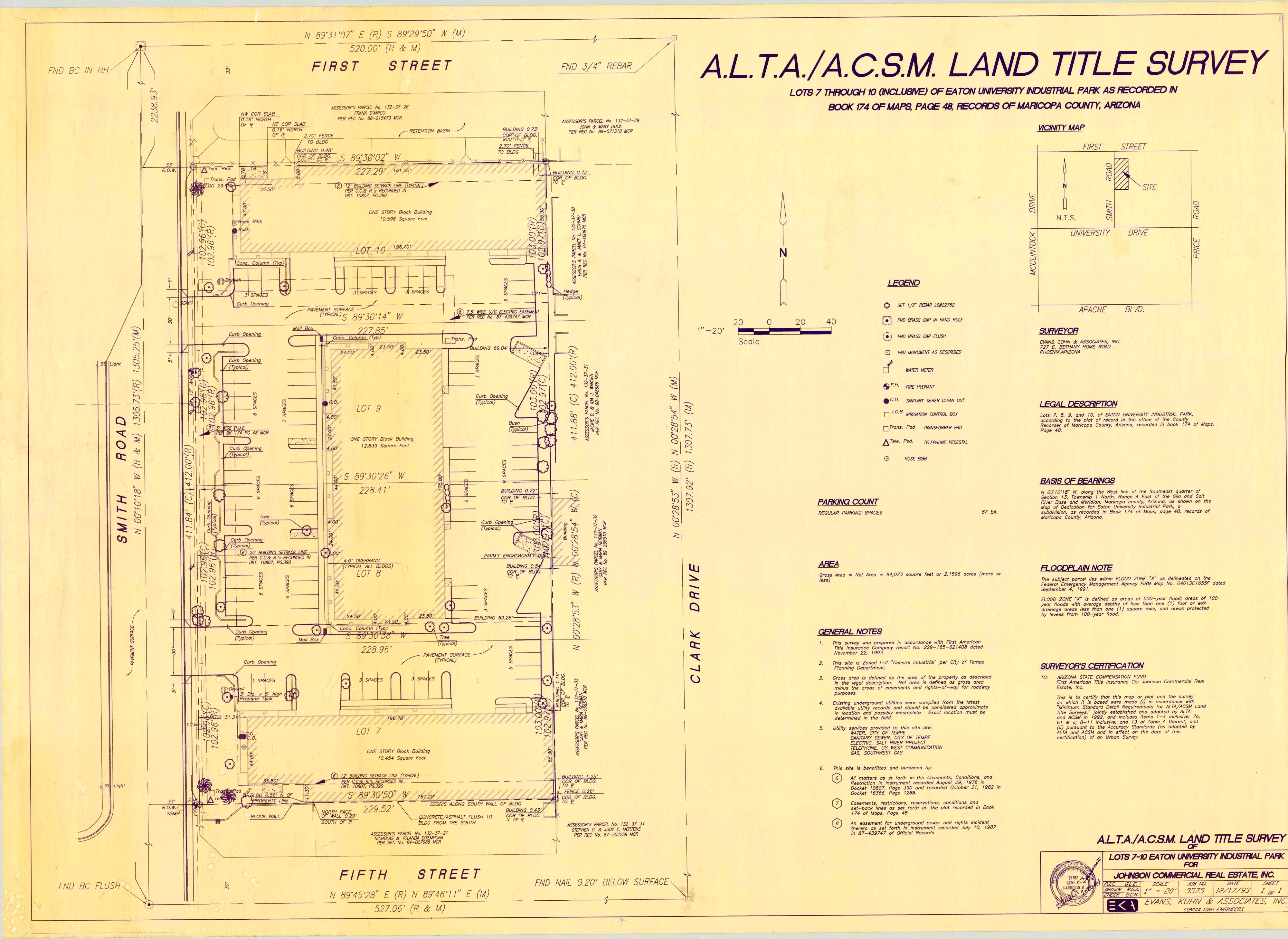
In the spirit of honoring the City of Tempe's values of respect and openness, we are receptive to additional feedback and are willing to take the necessary steps to satisfy any concerns related to this request for a use permit.

Thank you for your time and consideration.

Sincerely,

Tyson Weed

Kate Weed



SITE PLAN PROJECT DATA TABLE SEN	TIENT TATTOO COLLECTIVE USE PERMIT
CONTACT NAME	DEAN BUSK
CONTACT ADDRESS	227 S. SMITH RD. #104, TEMPE, AZ, 85281
CONTACT PHONE	480-703-6550
CONTACT EMAIL	DBUSK@NGKF.COM
PROJECT TITLE	SENTIENT TATTOO COLLECTIVE USE PERMIT
SITE ADDRESS	227 S. SMITH RD. #101, TEMPE, AZ, 85281
LEGAL DESCRIPTION/ASSESSOR PARCEL NUMBER	LOTS 7, 8, 9, AND 10, OF EATON UNIVERSITY INDUSTRIAL PARK, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 174 OF MAPS, PAGE 48.
EXISTING GENERAL PLAN PROJECTED LAND USE / PROJECTED DENSITY AND PROPOSED GENERAL PLAN LAND USE / DENSITY CATEGORIES	N/A
ZONING	ZONED 1-2 "GENERAL INDUSTRIAL" PER CITY OF TEMPE PLANNING DEPARTMENT
NET SITE AREA	94,073 SQUARE FEET
TOTAL BUILDING AREA	10,454 SQUARE FEET
SQUARE FOOTAGE	1,365 SQUARE FEET
LIST OF PROPOSED USES AND THE SQUARE FOOTAGE FOR EACH	FINE ART STUDIO AND BY-APPOINTMENT-ONLY TATTOO STUDIO - 1,365 FEET
REQUIRED AND PROVIDED DEVELOPMENT STANDARDS FOR THE ZONING DISTRICTS AND APPLICABLE OVERLAY DISTRICTS	N/A
DENSITY	N/A
MINIMUM NET LOT AREA PER DWELLING UNIT	N/A
BUILDING HEIGHT	N/A
LOT COVERAGE	N/A
LANDSCAPE	N/A
BUILDING SETBACKS	N/A
VEHICLE PARKING	7
BICYCLE PARKING	N/A
NUMBER AND TYPE OF RESIDENT UNITS	N/A
BUILDING CODE	N/A

TYPE OF CONSTRUCTION PER BUILDING CODE	1977
OCCUPANCY CLASSIFICATION	N/A
OCCUPANT LOAD PER OCCUPANCY	N/A
SEPARATED USE OR NON-SEPARATED USE	N/A
SPRINKLERS/FIRE ALARMS	INFORMATION NOT PROVIDED
FOR LARGER PROJECTS, PROVIDE AN OVERALL SITE PLAN	SITE PLAN INCLUDED IN DOCUMENTS SUBMITTED
BOTH GRAPHIC AND NUMERIC SCALES	INCLUDED IN SITE PLAN
NORTH ARROW ORIENTED INT HE SAME DIRECTION AS THE PLAN, EITHER UP OR TO THE RIGHT ON THE SHEET	INCLUDED IN SITE PLAN
BLACKLINE LOCATION/VICINITY MAP, ORIENTED IN THE SAME DIRECTION AS THE PLAN	INCLUDED IN SITE PLAN
PROPERTY BOUNDARIES IDENTIFIED WITH DIMENSIONED PROPERTY LINES	INCLUDED IN SITE PLAN
IDENTIFY ADJACENT LAND USE TYPES AND ZONING DISTRICTS	SEE EXHIBIT A INCLUDED IN DOCUMENTS SUBMITTED
IDENTIFY ALL ADJACENT STRUCTURES, DRIVEWAYS, FIRE HYDRANTS, AND STREETS	INCLUDED IN SITE PLAN
SHOW EXISTING AND PROPOSED ADJACENT STREET AND ALLEY RIGHT-OF-WAY WIDTHS	INCLUDED IN SITE PLAN
IDENTIFY EXISTING AND PROPOSED PUBLIC AND PRIVATE EASEMENT LOCATIONS AND WIDTHS	INCLUDED IN SITE PLAN
DIMENSION ACCESSIBLE ROUTES FROM PUBLIC WAY TO BUILDING ENTRANCE	INCLUDED IN SITE PLAN
SHOW AND FULLY DIMENSION ALL EXISTING AND PROPOSED BUILDINGS/STRUCTURES	INCLUDED IN SITE PLAN
IDENTIFY LOCATIONS OF ALL ENTRANCES/EXITS AND EXTERIOR WINDOWS	INCLUDED IN SITE PLAN
DIMENSION DISTANCES BETWEEN ALL BUILDINGS/STRUCTURES AND ALL PROPERTY LINES: DO NOT SHOW MAXIMUM ENVELOPE	INCLUDED IN SITE PLAN
SHOW LOCATION OF ALL WALLS/FENCES AND NOTE HEIGHTS, MATERIAL, AND FINISH	INCLUDED IN SITE PLAN
SHOW DRIVEWAY LOCATIONS, DIMENSIONS, AND NOTE DETAIL NUMBERS	INCLUDED IN SITE PLAN
IDENTIFY ALL PROPOSED PAVEMENT TYPES	INCLUDED IN SITE PLAN

SHOW VEHICLE AND BICYCLE PARKING AREAS, TYPICAL SPACE DIMENSION ON EACH ROW OF PARKING, DIMENSION OF VEHICLE OVERHANG, DRIVE AISLE WIDTHS, AND TURN RADII	INCLUDED IN SITE PLAN
LOCATION OF LIGHT FIXTURES AND FIRE HYDRANTS BOTH ONSITE AND OFFSITE	INCLUDED IN SITE PLAN
LOCATION OF ELECTRIC SERVICE ENTRANCE SECTION, GAS METER, TRANSFORMER, AND BACK FLOW PREVENTION DEVICES	INCLUDED IN SITE PLAN
LOCATION OF REFUSE ENCLOSURE FOR BOTH TRASH AND RECYCLE PER CITY OF TEMPE PUBLIC WORKS DEPARTMENT DETAILS DS-116: ALL DRIVE AISLES AND TURNING RADII USED FOR INGRESS AND EGRESS MUST BE MARKED AND FULLY DIMENSIONED	INCLUDED IN SITE PLAN

227 S Smith Rd Suite 101, Tempe, Arizona, United States 85281



Ground Floor



227 S Smith Rd Suite 101, Tempe, Arizona, United States 85281

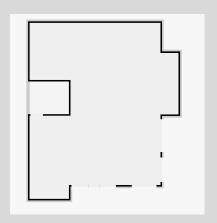
Shared Office

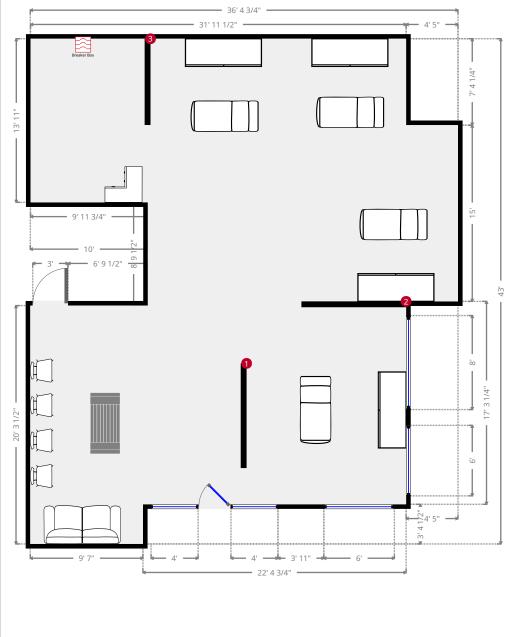
 Width:
 36' 4 3/4"

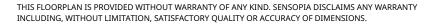
 Length:
 43'

 Area
 1277.77 sq ft

 Perimeter
 178' 9 1/4"









227 S Smith Rd Suite 101, Tempe, Arizona, United States 85281

1	Partition Wall	- Height: 4'
2	Partition Wall	- Height: 4'
3	Partition Wall	- Height: 10'

227 S Smith Rd Suite 101, Tempe, Arizona, United States 85281

Restrooms Width: 8' Length: 9' 7" Area 76.67 sq ft Perimeter 35' 2"

