

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/22/2019
Agenda Item: 5**

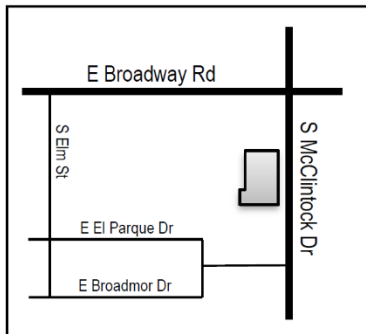
ACTION: Request a Use Permit to allow a massage establishment for **MOON SPA**, located at 1753 East Broadway Road, Suite 106. The Applicant is Moon Spa.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: MOON SPA (PL190243) is requesting a Use Permit to allow a massage establishment in the Planned Commercial Center Neighborhood District (PCC-1). A Use Permit is required to operate a massage establishment in the PCC-1 zone. The request includes the following:

ZUP190068 Use Permit to allow a massage establishment.



Property Owner
Applicant
Zoning District
Suite Area
Vehicle Parking
Hours of Operation

Aadya Retail Holdings LLC
Xiaoning Chen, Moon Spa
PCC-1
1,083 s.f.
No change in demand
10 a.m. to 9 p.m. Mon - Sat, 11 a.m. to 8 p.m. Sun

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 be a massage establishment with three employees performing therapeutic massage services. To operate a massage establishment in the PCC-1 zone, a Use Permit is required. Parking is shared between all businesses within the center and the proposed use will not increase the demand for parking at the center.

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 significant increase in traffic, both vehicular and pedestrian. There is no change in parking as the site is changing from a retail use to a service 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 applicant has stated that the massages will be done indoors in a controlled environment and that there will be no emission of odor, dust, gas, noise, vibration, 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*; the proposed use is a permitted use in the PCC-1 district subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed use is surrounded by other commercial uses in an existing shopping center.
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 promote disruptive behaviors inside or outside the premises.

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.

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 MOON SPA 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 <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.

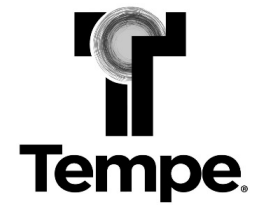
HISTORY & FACTS:

None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

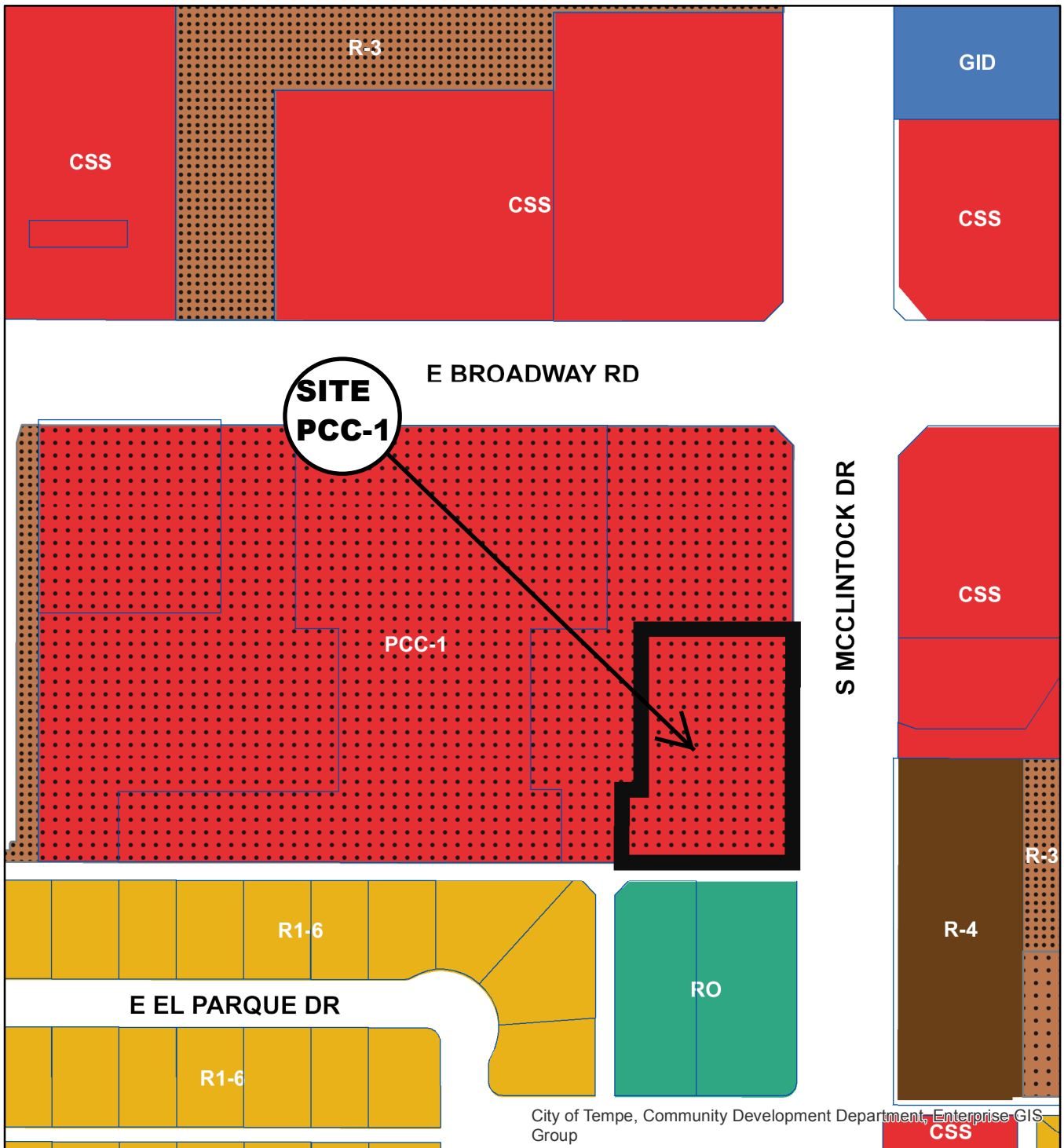
for
MOON SPA
(PL190243)

ATTACHMENTS:

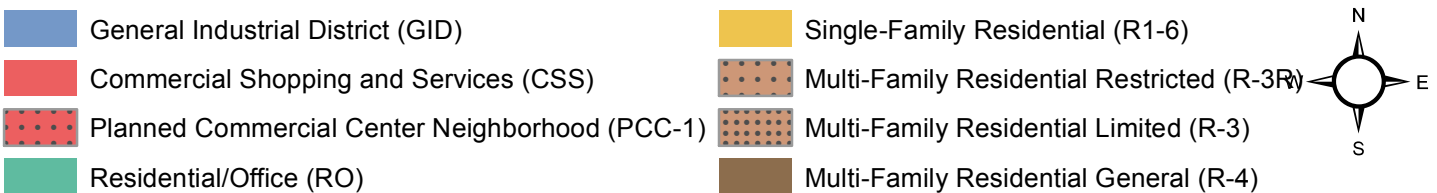
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan

Moon Spa

PL 190243

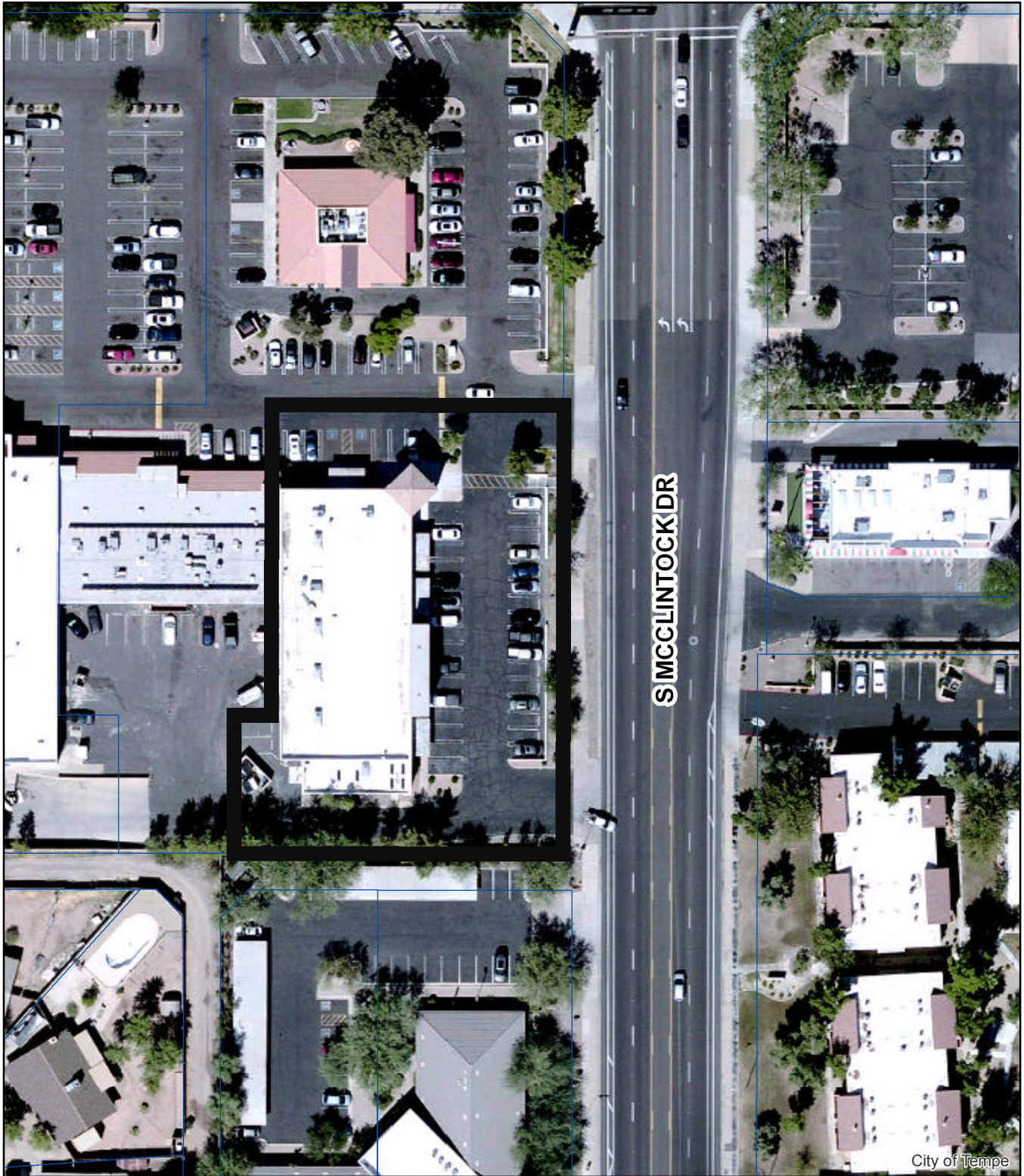


City of Tempe, Community Development Department, Enterprise GIS Group

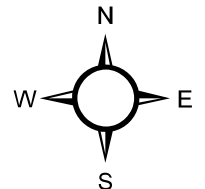


Moon Spa

PL PL190243



Aerial Map



September 9, 2019

City of Tempe
Use Permit Application
Moon Spa

To the City of Tempe:

I am requesting a use permit to operate a massage establishment at 1753 E Broadway Road, Suite 108, Tempe, Arizona, 85282.

The proposed use for the 1083 sq. ft. retail store located in the City of Tempe is for Reflexology and Massage. This business is at the last location on the east side of the building, with Pokedon restaurant directly to the right and the UPS store to the right of the Pokedon restaurant.

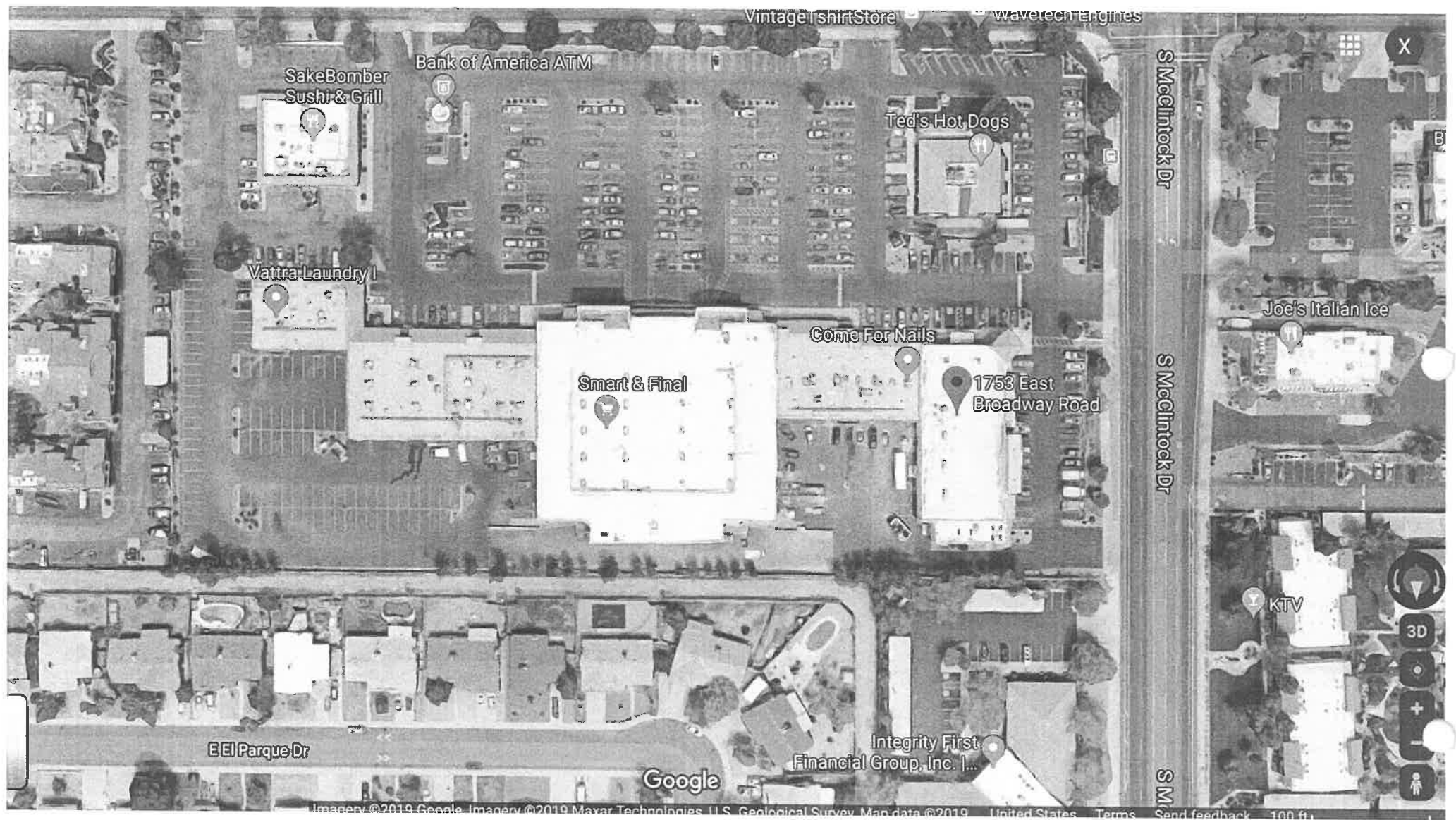
The hours of operation are Monday thru Saturday 10 AM to 9 PM and Sunday 11 AM to 8 PM. There are expected to be three employees, including one manager and two staff. All employees involved with massage services have been licensed by the State of Arizona. The owner has been a licensed massage therapist since 2015. For the last three years, she has provided the therapeutic massage services at Best Foot Spa in the Scottsdale area.

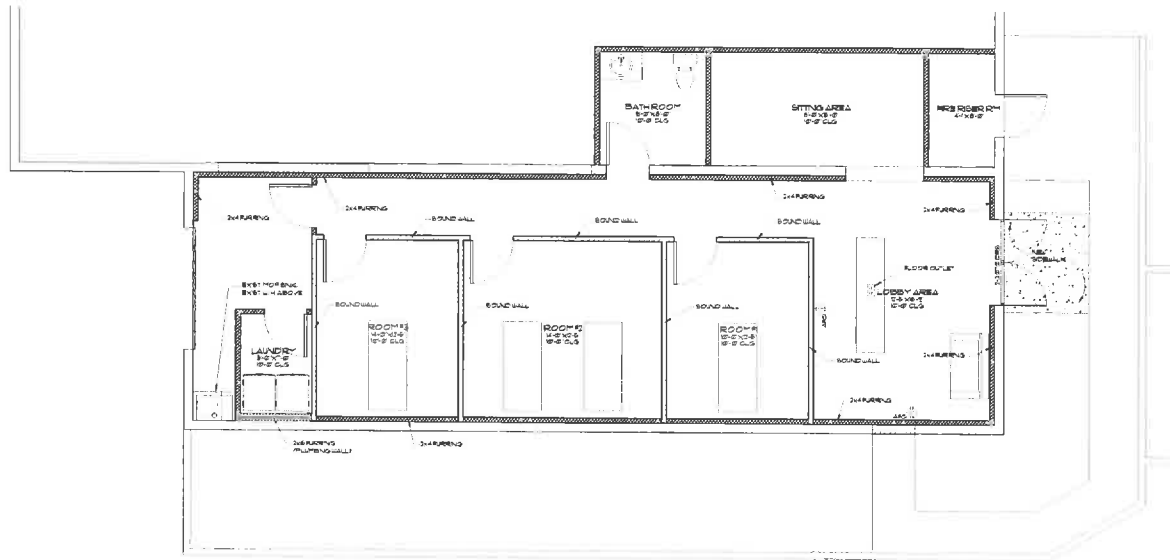
- A. The proposed use will not cause any significant vehicular or pedestrian traffic in adjacent areas. It is estimated that there will be 10 to 15 customers per day and because of the low volume. There is no impact or to cause any congestion to the surrounding area or the plaza parking and there is adequate parking at the premises.
- B. The proposed use will not result in any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. Massage therapy services are provided with a comfortable and clean environment without making any noise or pollution. This business will not be using any hazardous material and will not pose a health threat at the location or to neighboring.
- C. The proposed use will not contribute to the deterioration of the neighborhood or to the downgrading of property values that conflict with the goals, objectives, and policies of the City. The business is expected to add to the health and welfare of the community and enhance the diversity of retail establishments within this plaza, which will improve the neighborhood by offering health-related services.
- D. The proposed use is compatible with existing surrounding structures and uses. The business will have an architecture that is compatible with the surrounding structures to blend well with the other tenants of the plaza.

E. The proposed use will not result in any disruptive behavior both inside and outside the premises that may create a nuisance to the surrounding area or general people. Massage therapy services are provided a quiet setting. Due to the nature of the business and low volume of customers, no disruptive behavior is expected or will be tolerated.

Sincerely,

Xiaoning Chen
Moon Spa
1753 E Broadway
Tempe AZ 85282
480-297-6221



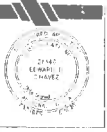


PROPOSED FLOOR PLAN

NOTES:

1. ADD CONCRETE FRONT L.L.C.
2. REVERSE JUNCTION BOX AT PLANTER WEST FOR SIGNAGE
3. EXIT DOOR 3-3070 STORE REAR
4. SUSPENDED CEILING 4'-0" x 4'-0"
5. HOP SINK TO RESTRIAN
6. LEAK DRAINAGE DOOR TO REAR
7. ACTIVATE FIRE SPRINKLER AT DOOR EAST
8. CONTACT PLUMBING DETECTOR FOR SUBMERLINE
9. ADD POWER FOR SIGNAGE
10. NEW 200 AMP EQUIPMENT
11. CURRENT 3 METERS
12. CORRECT A/C DOOR OR USE EXISTING
13. EXISTING FIRE SPRINKLERS
14. WATER TO REAR WATER HEATER
15. ABANDON ALL ELECTRICAL AND REUSE
16. INSULATION 4 DECK AND CEILING TIE

SQUARE FOOTAGE:
TOTAL = 1053 SQ. FT.



PROFESSIONAL SEAL OF A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT
 STATE OF CALIFORNIA
 ARCHITECT NO. 10000
 ENGINEER NO. 10000

EDUARDO CHAVEZ
 AIA REGISTERED
 ARCHITECT

CHAVEZ AIA
 4700 EAST DOWNEY STREET PUEBLO, CO 81008
 719-591-1500 FAX 719-591-1501
 SINCE 1972

DATE	10/21
BY	EDUARDO CHAVEZ
DATE	10/21
BY	EDUARDO CHAVEZ

JOB NUMBER

SHEET DESCRIPTION
PROPOSED FLOOR PLAN

DATE
JUNE 28, 2018

A3