

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 05/26/2020
Agenda Item: 07**

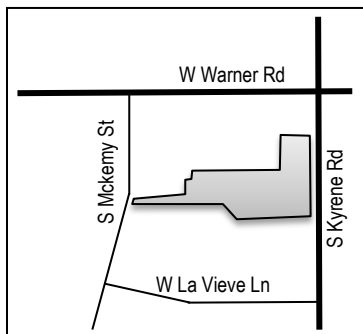
ACTION: Request a Use Permit to allow a massage establishment for **MESSAGE 90210**, located at 655 West Warner Road, Suite 123. The applicant is Massage 90210 LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: MESSAGE 90210 (PL200056) is requesting a Use Permit to operate a massage establishment in an existing suite at 655 West Warner Road, within the PCC-2, Planned Commercial Center General District. The request includes the following:

ZUP200017 Use Permit to allow a massage establishment.



Property Owner	Arizona Pecan Grove LLC
Applicant	Xiaohong Li, Massage 90210 LLC
Zoning District	PCC-2, SWOD
Site Area	250,306 s.f.
Building Area	50,350 s.f.
Suite Area	2,108 s.f.
Vehicle Parking	No change in demand
Bicycle Parking	No change in demand
Hours of Operation	9:00 a.m. to 9:00 p.m., daily

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Adrian Zambrano, Planning Technician, (480) 350-8245

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Adrian Zambrano, Planning Technician
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

This business has operated in Chandler for the last nine (9) years at 393 West Warner Road in the Palm Court Shopping Center. Per the applicant, the proposed massage establishment will provide professional massage services administered by licensed massage therapists, including therapeutic massage, sauna treatment, upper body chair massage, and aromatherapy. The equipment, supplies, oils and lotions will be of professional commercial grade and will be purchased from licensed dealers and suppliers. The business' therapists will be licensed and registered by the State of Arizona. The proposed massage establishment will have between five (5) to seven (7) employees.

PUBLIC INPUT

To date, staff has not received any public input.

POLICE INPUT

Tempe Police Department does not have concerns with the request with the information available.

USE PERMIT

The proposed use requires a Use Permit to operate a massage establishment within the PCC-2 zoning district and Southwest Overlay District. Due to no Use Permit existing at this location for the same use, a new Use Permit is required.

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

- a. *Any significant increase in vehicular or pedestrian traffic*; the proposed use would have minimal staff and clientele on site at any one time and would therefore have no significant increase in vehicular or pedestrian traffic.
- b. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; all business will be conducted indoors and will not be a nuisance in operational nature.
- c. *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 a permitted use subject to a Use Permit in the PCC-2 district.
- d. *Compatibility with existing surrounding structures and uses*; this site is in an existing commercial center with several commercial businesses operating in adjacent suites.
- e. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; all business will be conducted indoors, and Tempe Police had no concerns with this use being proposed at this location with the information available.

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:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

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 rear exit doors require a security vision panel. Details to be approved through Building Safety Plan Review.
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.

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 Massage 90210 LLC 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.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

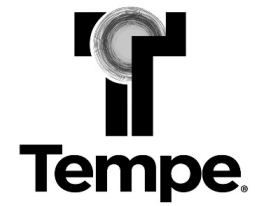
None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 4-203 Development Standards for Commercial and Mixed-Use Districts

Section 6-308 Use Permit

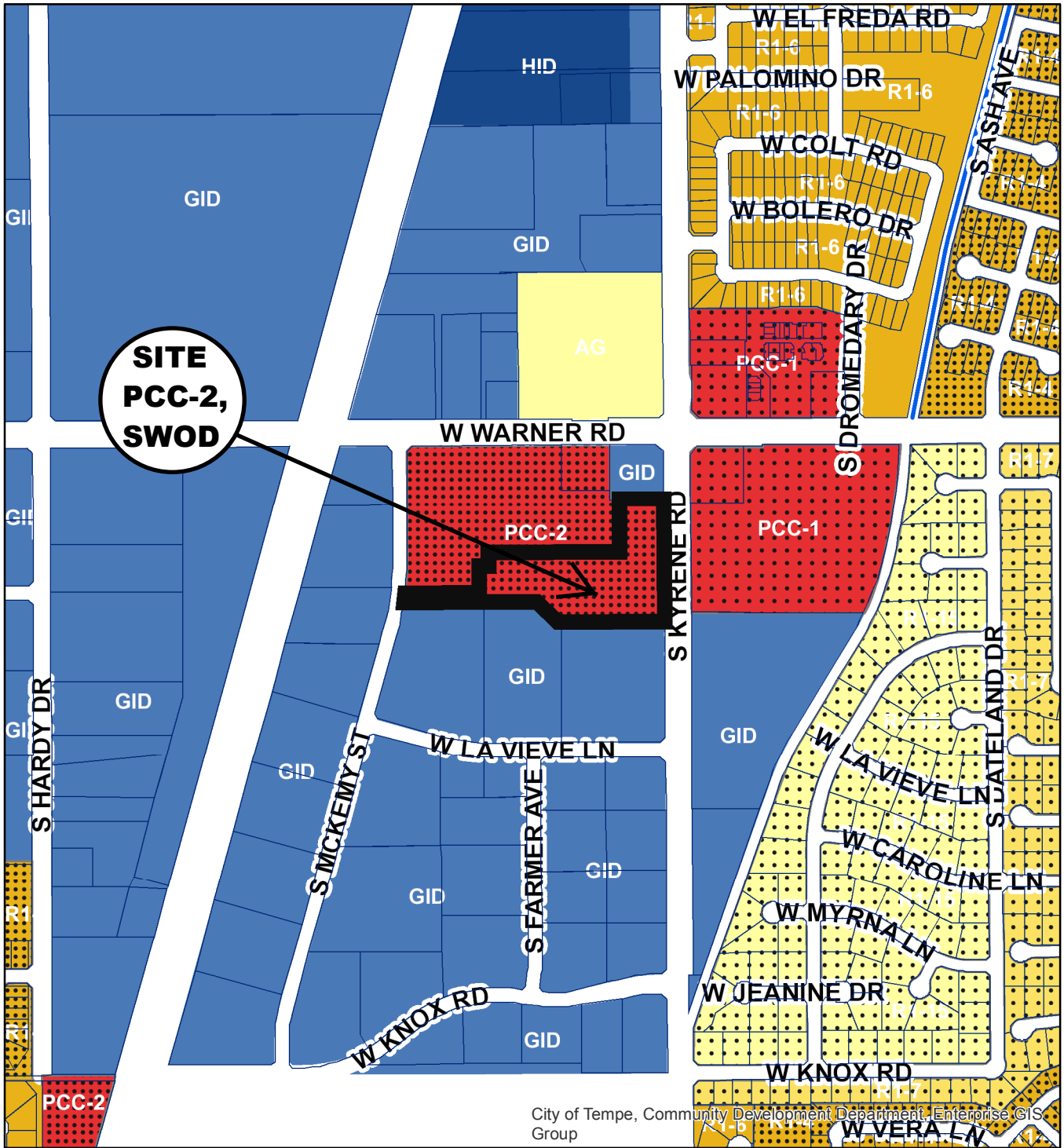


DEVELOPMENT PROJECT FILE










for
MESSAGE 90210
(PL200056)

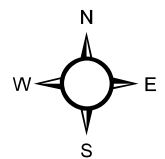
ATTACHMENTS:

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



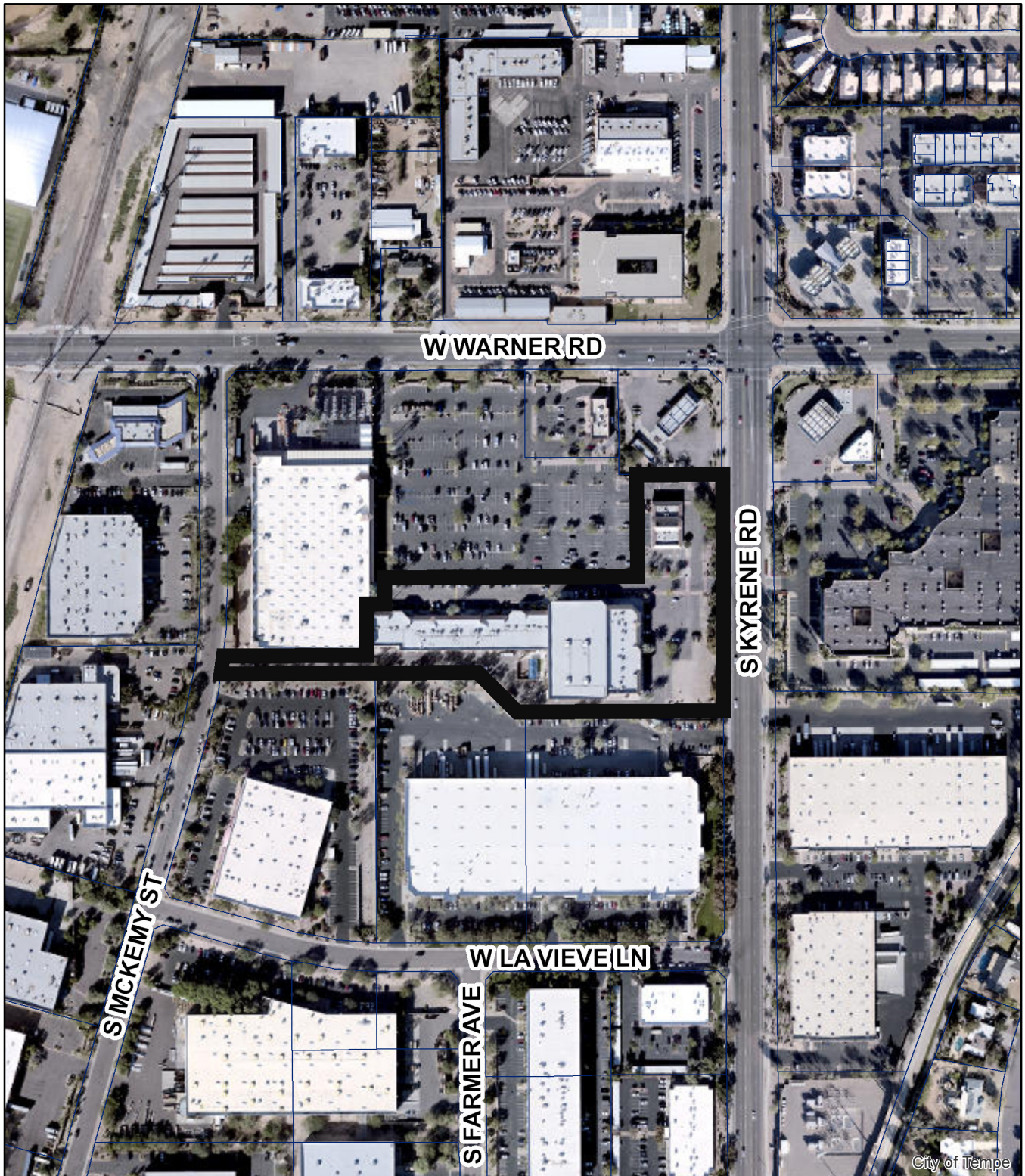
City of Tempe, Community Development Department, Enterprise GIS Group

- | | |
|--|---|
|  General Industrial District (GID) |  Single-Family Residential (R1-15) |
|  Heavy Industrial District (HID) |  Single-Family Residential (R1-7) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-6) |
|  Planned Commercial Center General (PCC-2) |  Single-Family Residential (R1-4) |
|  Agricultural (AG) | |



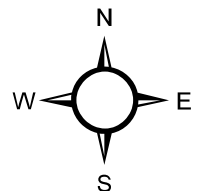
MASSAGE 90210

PL200056



City of Tempe

Aerial Map



Re: use of suite 123 located at 655 W Warner Rd Tempe AZ 85284

The location at 655 W Warner Rd in Tempe AZ 85284 has been leased with the intent of expanding our current business to a second location.

The business is Licensed Massage therapy.

Our first location is in Chandler at 393 W Warner rd, Chandler AZ 85225 suite 107. We have been at this location for the last 9 years. The business provides professional massage (administered by licensed massage therapists), that include a vast menu of therapeutic massage types. sauna treatment, chair massage (upper body) and aroma therapy

The equipment, supplies and oils and lotions are all of professional commercial grade and are purchased from licensed dealers and suppliers.

Our therapists are licensed in the state of Arizona and registered as required by state, and city law.

Planned hours of operation 9 am-9pm daily

Planned number of employees- 5-7

other items:

A. Any significant vehicular or pedestrian traffic in adjacent areas.
No significant vehicular or pedestrian traffic changes

B. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.
None of the above conditions are applicable to this business

C. Contribution 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.

This business will not and does not contribute to deterioration or downgrading property values but rather, will enhance the community and provide a service of therapeutic significance for populations of a diverse nature.

D. Compatibility with existing surrounding structures and uses

The business will enter into a diverse group (Community) that currently offers a variety of professional, service, food, and health entities. It will offer both professional and health benefits to clients and add to the diverse nature of the community.

E. 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 not generate any type of disruptive behavior either inside or outside the premises. The business promotes harmony, quiet and tranquility.

Xiaohong Li

SITE PLAN



WARNER

ROAD



WENDY'S
(NAP)

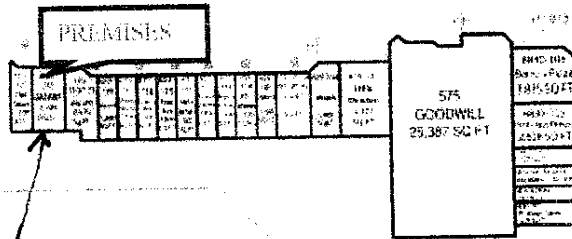
Gasoline Station
(NAP)

HOME DEPOT
(NAP)

4021
APR 16
10:28 AM
4594
1621

STURM

MCCRAY



MASSAGE 90210
SUITE # 123

LANDLORD INITIALS _____

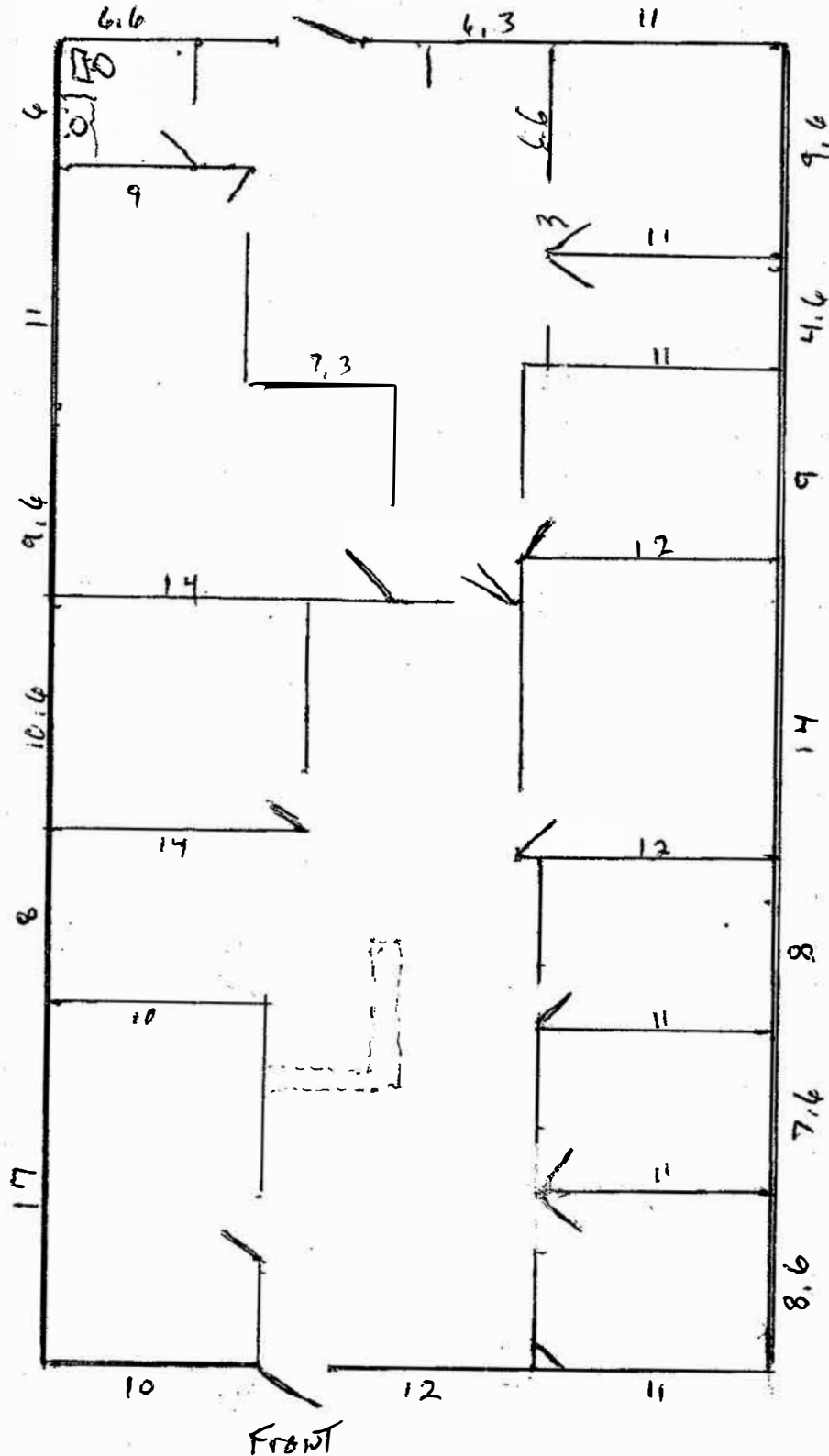
TENANT INITIALS _____

Pecan Grove Festival
Warner & Kyrene Rd

655 W Warner
Tempe AZ 85284
ste 123

Back
8.5

Approx 62 x 34 = 2108 sq ft



Suite 123
Rev 2/10/20