

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 01/26/2021
Agenda Item: 4**

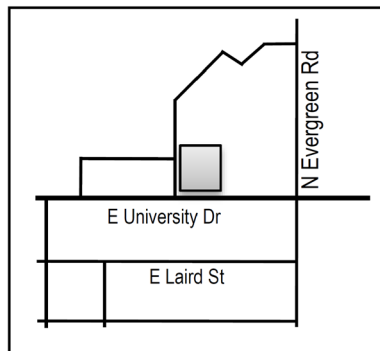
ACTION: Request a Use Permit to allow a massage establishment for **ASTONISHED! MASSAGE AND FACIAL SPA**, located at 2520 East University Drive.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: ASTONISHED! MASSAGE AND FACIAL SPA (PL200280) is requesting a Use Permit to allow a massage establishment in an existing commercial center within the CSS, Commercial Shopping and Services zoning district. The request includes the following:

ZUP200067 Use Permit to allow a massage establishment.



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

BLICO Properties, LLC
David Krenz, Astonished! Massage and Facial Spa
CSS
1,797 s.f.
No change in demand
9 a.m. to 9 p.m., Daily

ATTACHMENTS: Development Project File

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

Department Director: Shelly Seyler, Community Development Director

Legal review by: N/A

Prepared by: Dalton Guerra, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is requesting a Use Permit to allow a massage establishment within an existing commercial center. The center is zoned CSS, Commercial Shopping and Services and includes existing office uses within the building. At the time the center was developed it was parked at a ratio of 1 space per 250 s.f. of floor area for the entire center. Therefore, the service use of a massage establishment (1 space per 300 s.f.) will not increase the parking demand.

PUBLIC INPUT

Staff has received two calls in opposition from residents of the community to the west of the subject property. The residents stated that this is not an appropriate use for the area and believe that approval of this request will decrease the value of surrounding properties.

POLICE INPUT

Tempe Police had no issues with this request.

USE PERMIT

The proposed use requires a Use Permit to allow a massage establishment within the CSS, Commercial Shopping and Services zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic;* the proposed site is an existing commercial center with office uses currently operating.
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 massage establishment use is operated indoors and is not expected to create a nuisance to the surrounding area.
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 a permitted use within the CSS zoning district.
4. *Compatibility with existing surrounding structures and uses;* the proposed location is an existing commercial center with commercial zoning to the east and north.
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 business will be subject to regulations from municipal and state levels that will mitigate any potential disruptive behavior.

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: (Non-standard conditions are identified in bold)

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.

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 [Business Name] 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



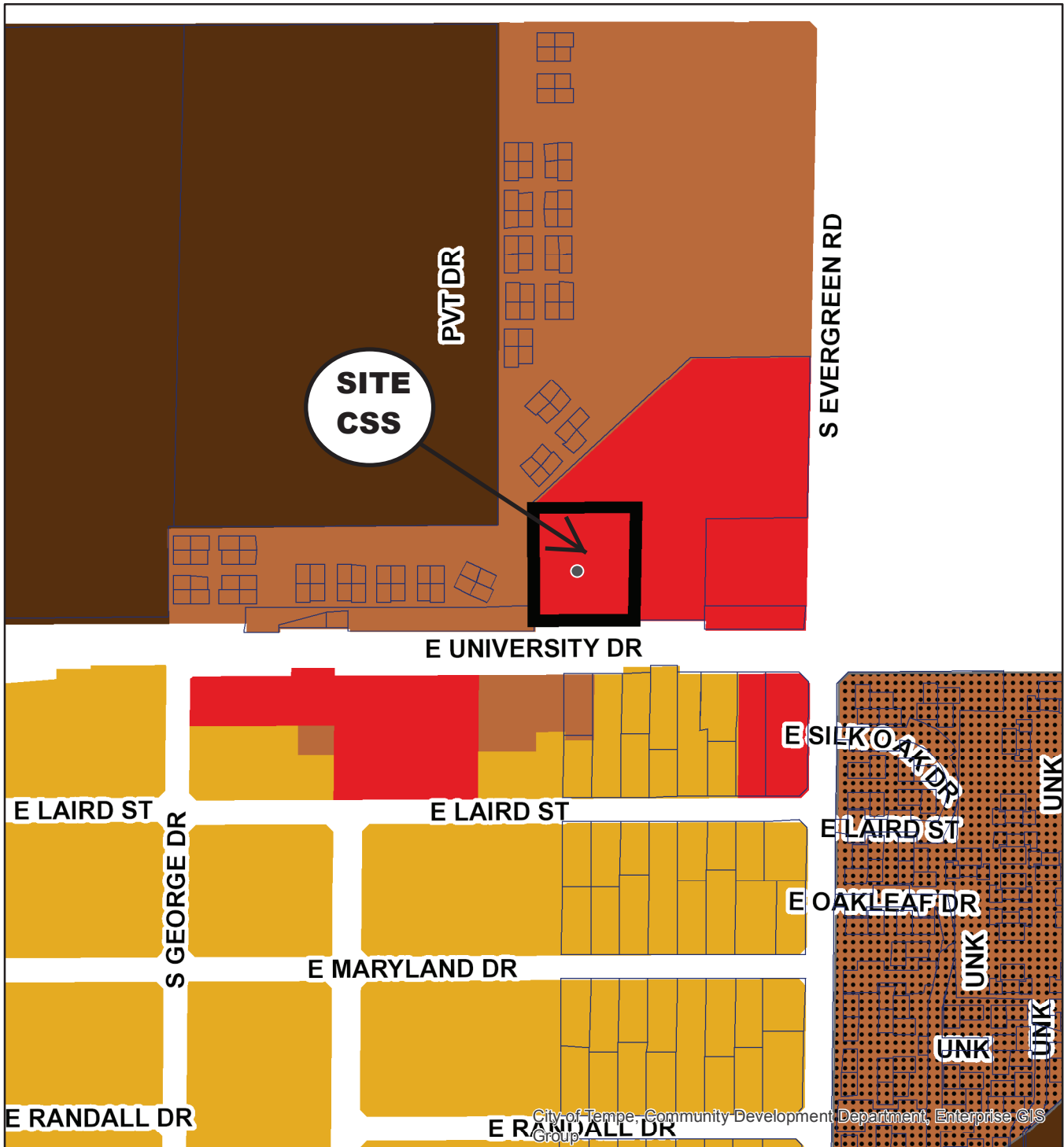
DEVELOPMENT PROJECT FILE
for
ASTONISHED! MASSAGE AND FACIAL SPA
(PL200280)

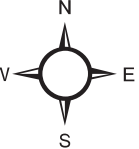
ATTACHMENTS:

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

ASTONISHED! MESSAGE AND FACIAL SPA

PL200280



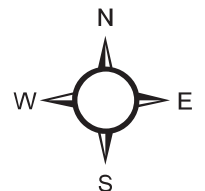
- Commercial Shopping and Services (CSS)
 - Single-Family Residential (R1-6)
 - Multi-Family Residential (R-2)
 - Multi-Family Residential Limited (R-3)
 - Multi-Family Residential General (R-4)
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ASTONISHED! MASSAGE AND FACIAL SPA

PL200280



Aerial Map



Letter of Explanation

Astonished! Massage & Facial Spa LLC

Astonished! Massage & Facial Spa LLC will be offering massages and facials by therapists who are licensed to work in their given fields in the state of Arizona. The name "Astonished!" derives from our company's view on how a spa should be operated; we want our customers to receive astonishingly good services, providers and rates.

The different massage modalities offered at Astonished! are: Swedish, Deep Tissue, Sports, Shiatsu, Pre-Natal and Hand & Foot Reflexology.

There are also enhancements that can be added to any massage, which are: hot stones, hot/cold therapy with BioFreeze, peppermint scalp massage, aromatherapy and CBD oil.

The different facial services offered are all pretty similar and include Microdermabrasion treatment, natural oil face moisturizer, and diagnostic advice from a licensed esthetician.

Enhancements for facials include Led Light Therapy, 10% Retinol Mask, High Frequency Treatment, Enzyme & Dermafile, Eye & Lip Mask and Neck & Decollete Treatment.

Our hours of operation will be from 9am - 9pm Monday through Sunday (seven days a week).

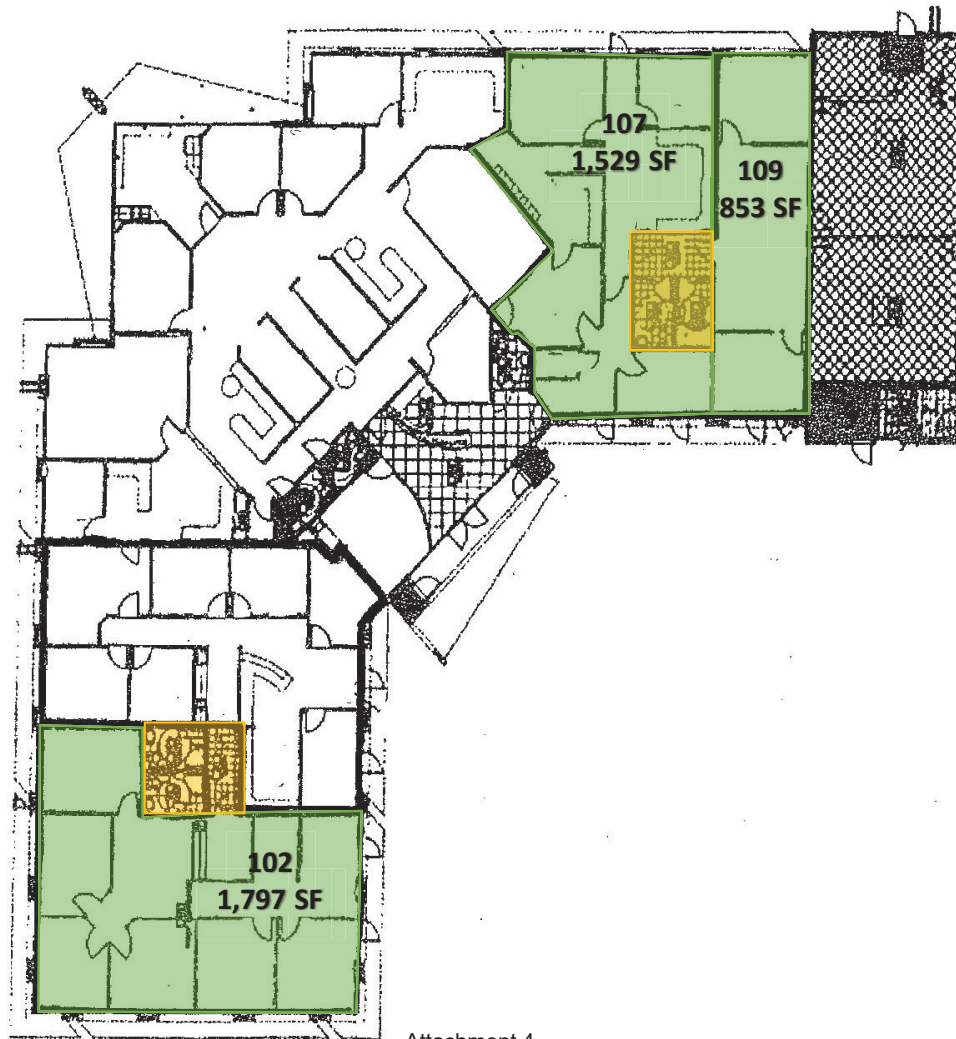
There will be a total of thirteen employees, nine licensed therapists and four receptionists all on rotating shifts throughout the week.

Noise will be kept to a minimum, with only soft music playing in the individual therapy rooms.

The only odors that will be added are the all-natural essential oils for aromatherapy purposes and the occasional use of CBD oil.

Founder and Sole Owner of Astonished! Massage & Facial Spa LLC
David Krenz

A handwritten signature in black ink, appearing to read 'David Krenz', with a long horizontal flourish extending to the right.



Attachment 4



Attachment 5