

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 02/09/2021
Agenda Item: 2**

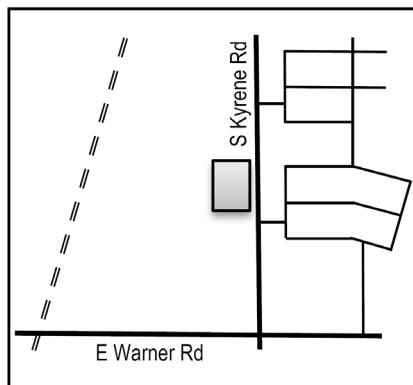
ACTION: Request a Use Permit to allow a massage establishment for **RM MEDICAL MASSAGE**, located at 8400 South Kyrene Road.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: RM MEDICAL MASSAGE (PL200202) is requesting a Use Permit to allow a massage establishment in an existing commercial center within the GID, General Industrial District. The business is by appointment only with no walk-in customers. The request includes the following:

ZUP200065 Use Permit to allow a massage establishment.



Property Owner
Applicant
Zoning District(s)
Vehicle Parking
Bicycle Parking
Hours of Operation

Clay Jar Properties, LLC
Rosalia Martinez , RM Medical Massage
GID, SWOD
No change in demand
No change in demand
Tue, Thu, Fri (8am-6pm) & Sat, Sun (8am-2pm)

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 proposed location is an existing commercial center with office and service uses currently in operation. The parking ratio for office and service use is 1 space per 300 square feet. Therefore, the parking demand will not increase with a massage establishment in this center.

PUBLIC INPUT

To date staff has not received any public input.

POLICE INPUT

Tempe PD completed a background check and provided a recommendation of approval to the tax and license division in July 2020. No issues or concerns were raised by Tempe Police.

USE PERMIT

The proposed use requires a Use Permit to allow massage establishment within the GID 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 location is within an existing commercial office center. The business is by appointment only and open for 3 weekdays and weekends.
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 operated indoors and is not expected to 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 allowed within the GID zone with an approved Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the existing commercial center has several office and service uses in operation. The size of the suite is consistent with other suites in the building.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; Tempe Police had no concerns for the request and has completed a background check on this business.

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 RM Medical Massage 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 3-302 Permitted Uses in Office/Industrial Districts

Section 6-308 Use Permit



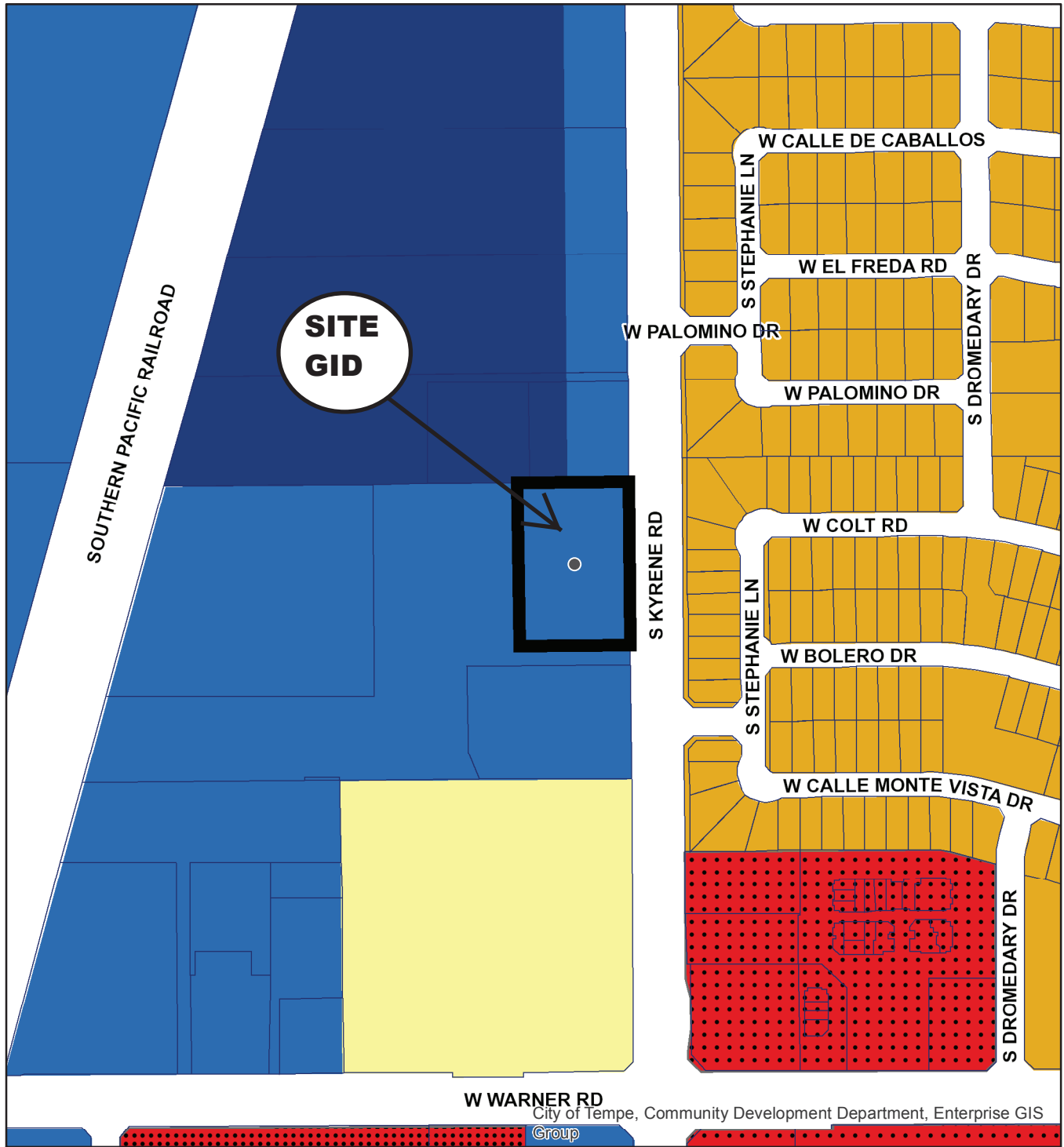
DEVELOPMENT PROJECT FILE
for
RM MEDICAL MASSAGE
(PL200202)

ATTACHMENTS:

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

RM MEDICAL MASSAGE

PL200202



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

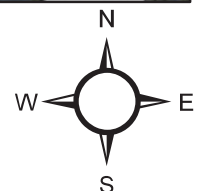


RM MEDICAL MASSAGE

PL200202



Aerial Map



LETTER OF EXPLANATION

USE PERMIT:

Referencing 8400 S Kyrene Rd Ste 115 Tempe, AZ 85284

RM Medical Massage, LLC will conform to the following standards and Zoning and Development Code Criteria Section 6-308E as it applies.

RM Medical Massage is a business with a small client referred base that offers therapeutic and rehabilitative massage. My motto is massage is not a luxury it's a necessity. Continuing education is important to help keep up with the changes of the profession and making sure all licensing is in good standing with the state massage licensing board.

The environment and atmosphere of the business communicates professionalism. I make sure that I wear scrubs with business and personal name where clients can see. Maintain a clean environment and follow sanitizing procedures for the benefit of my clients and myself.

A: RM Medical is located at 8400 Kyrene building which is an established professional office center and designed to accommodate the pedestrian and vehicular traffic, including parking for handicap (marked by signs and paint on ground). Walkways are open and free of obstacles for people to maneuver. There are no other employees but me. The number of clients at one time during a shift will be a ratio of 1:1.

B: RM Medical Massage will not be using any equipment or process that would be deemed menacing to the environment or the neighborhood. The business of medical massage is benign in nature when done by a professional. There will be minimum to nil contribution to noise, odor, flame, dust, vibrations, and/or glare to the environment or community.

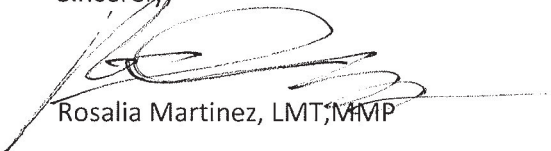
C: RM Medical Massage will be providing services to help clients and future clients receive the best care for their healthcare needs. Improving quality of life and getting people back to doing and moving like they would like to. Helping people create a better self.

D: RM Medical Massage will be joining the 8400 Kyrene Building tenants consisting of professionals from different and same types of services. I will not be adding any structures to the site.

E: RM Medical Massage hours are Tuesday, Thursday, Friday 8am-6pm, Saturday and Sunday 8am-2pm. All hours listed are filled by appointment only. No walk-ins.

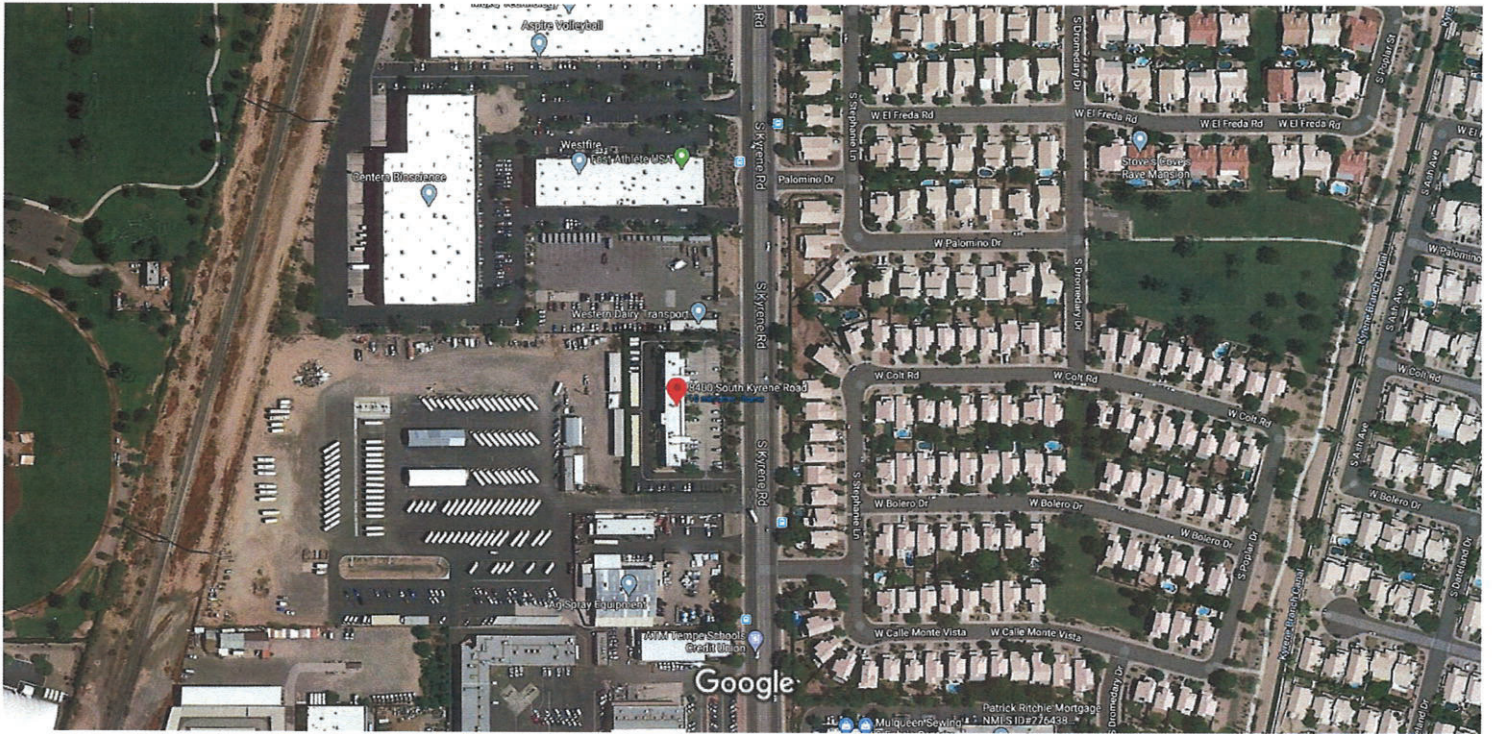
I am excited to have RM Medical Massage join the community of Tempe businesses and provide outstanding and needed services related to medical massage.

Sincerely,

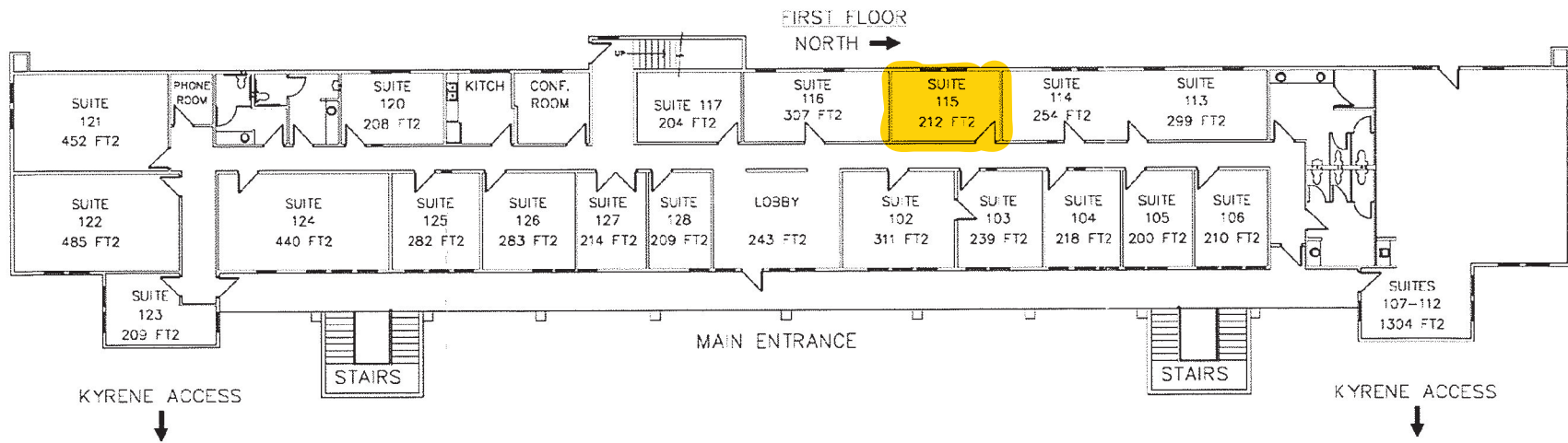
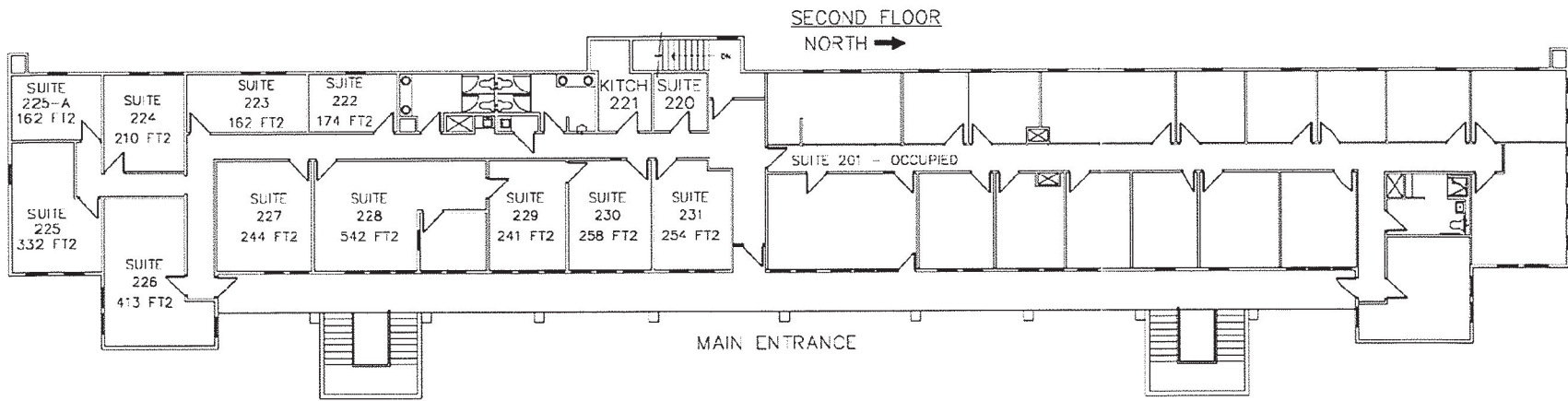
A handwritten signature in black ink, appearing to read 'Rosalia Martinez', with a long horizontal flourish extending to the right.

Rosalia Martinez, LMT, MMP

Owner of RM Medical massage, LLC



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft



For More Leasing Information, Please Call Annette @ 480-222-5701
Or visit us online at www.8400kyrene.com
 Attachment 5