

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/23/2021
Agenda Item: 7**

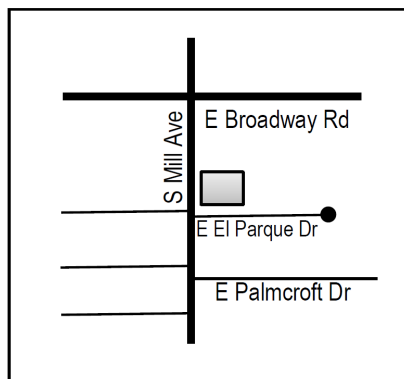
ACTION: Request a Use Permit to allow a massage establishment for the **M CUBED MASSAGE**, located at 2039 South Mill Avenue, Unit A, Suite 10.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: M CUBED MASSAGE (PL210042) is requesting a Use Permit to allow a massage establishment to be located in an existing commercial center within the CSS, Commercial Shopping and Services zoning district. The request includes the following:

ZUP210020 Use Permit to allow a massage establishment.



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

Dwight Schrute Holdings, LLC
Margaret McCleery, M Cubed Massage
CSS
100 s.f.
No change in demand
No change in demand
Mon, Tue, Wed (10 am – 6:30 pm), Thu (9 am – 5:30 pm) & Fri (9 am – 4:30 pm)

ATTACHMENTS: Development Project File

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

Department Director: Shelly Seyler, Interim Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is proposing a massage establishment within an existing commercial building. The suite area is 100 square feet and will only service one customer at a time by appointment only. Therefore, the proposed use will not increase the parking demand for this site.

PUBLIC INPUT

To date, staff has not received any public input.

POLICE INPUT

Tempe PD informed staff that there were no concerns regarding this request. The applicant has an active massage license with no past issues.

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 use is by appointment only and will only service one customer at time.
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 business is conducted indoors and is not expected to generate 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 permitted within the CSS zoning district subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed location is a small suite within an existing commercial center with commercial uses occupying the suites.
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 applicant has an existing massage license with no prior issues and Tempe PD has no concerns with the request.

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 M Cubed 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 3-202 Permitted Uses in Commercial and Mixed-Use Districts

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

Section 6-308 Use Permit



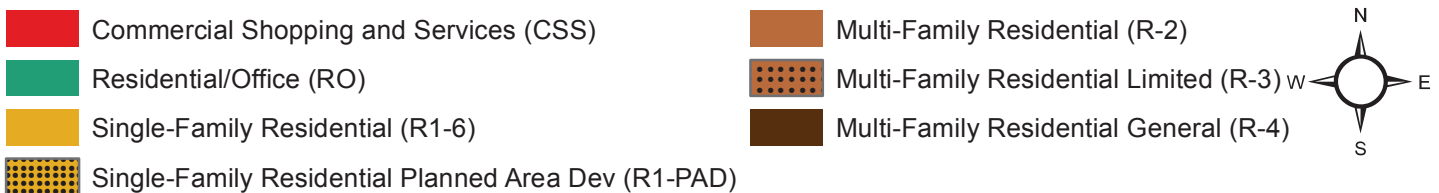
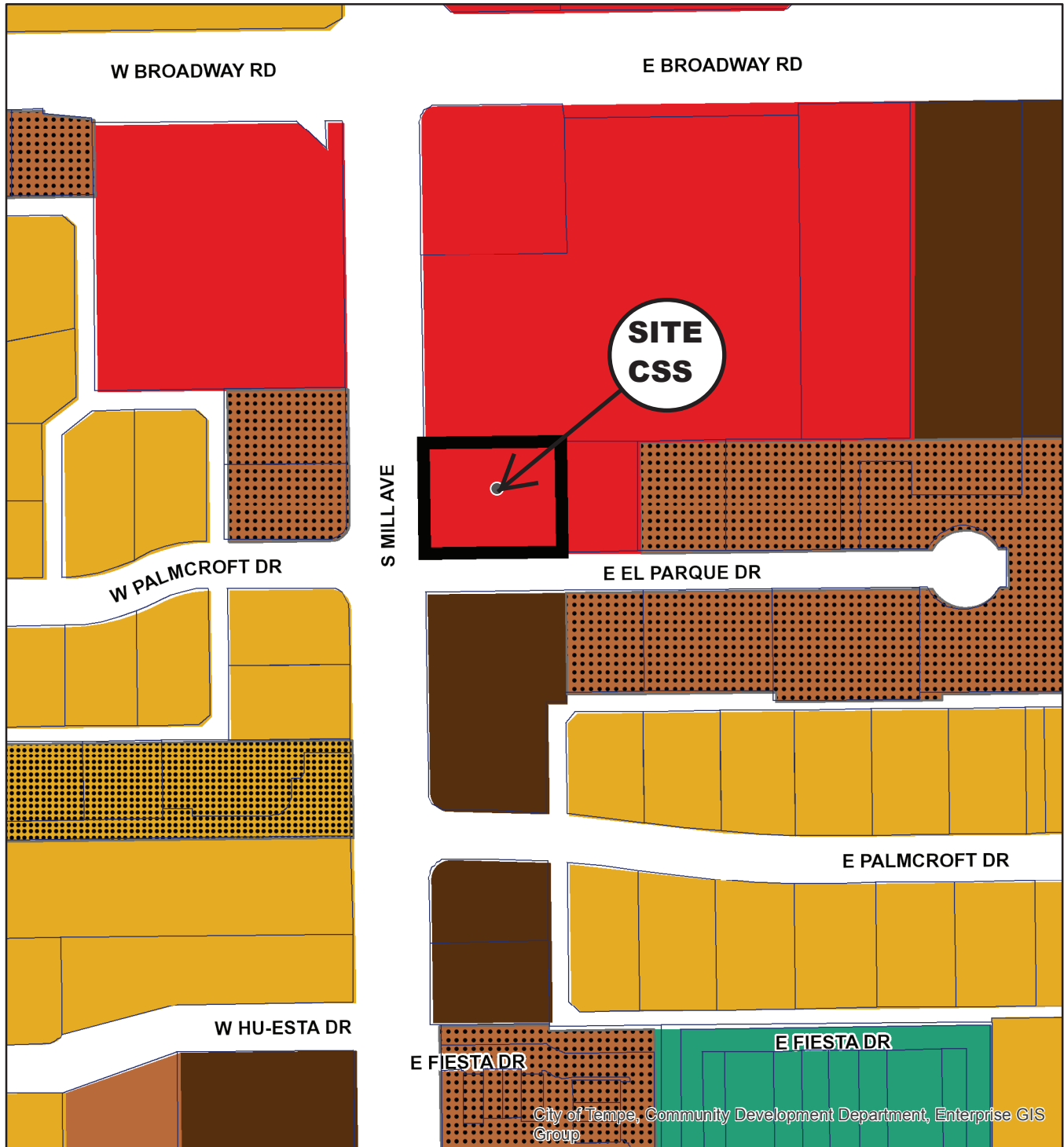
DEVELOPMENT PROJECT FILE
for
M CUBED MASSAGE
(PL210042)

ATTACHMENTS:

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

M CUBED MASSAGE

PL210042

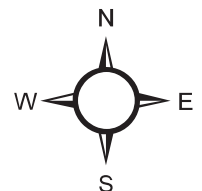


M CUBED MASSAGE

PL210042



Aerial Map





M C U B E D M A S S A G E

HELPING YOU FIND BALANCE & PEACE IN YOUR BUSY LIFE.

Letter of Explanation for M Cubed Massage Use Permit

To Whom It May Concern,

I am submitting this Letter of Explanation in support of a Use Permit request, to sub-lease one space in The Haus Studios, located at 2039 South Mill Avenue, Unit A, Suite 10.

M Cubed Massage would provide personal, therapeutic massage in a tailored, professional atmosphere. I will be relocating from Scottsdale, AZ where I have been practicing massage for 12 years. My massage practice is not limited to therapeutic efforts, as I offer additional rehabilitative services such as Cranial Sacral Balancing and Manual Lymphatic Drainage.

I will be the only Massage Therapist and am the sole proprietor of M Cubed Massage. I am a Licensed Massage Therapist in Arizona, LMT, CDT. I have no intentions of expanding or hiring anyone to work for me, and shall abide by all guidelines, ethics, codes, and morals required of the National Board of Massage Therapy and Arizona State Board of Massage Therapy.

My space will be professionally configured and solely used for one client at a time. All services are by appointment only, and clients will be on-site for 60-90 minutes at a time. I reserve 30-45 minutes on average for a turnover time. This allows me to change linens, clean the space and ensure a healthy and inviting environment for the next client.

My hours of operation are as follows:

Monday, Tuesday, Wednesday: 10 am-6:30 pm

Thursday: 9am -5:30 pm

Friday: 9 am-4:30 pm

I will not be open on Saturday or Sunday, and walk-ins are not accepted at any time.

I am currently in the process of obtaining the Tempe Massage Establishment Business and Individual License.

M Cubed Massage will not have any impact on the surrounding area, pedestrian or vehicular, due to only having one employee (myself) and one client at a time.

To address the challenges presented by the COVID-19 pandemic, I have and will continue to follow CDC recommendations to help and slow the transmission, including but not limited to the following:

Face coverings will be always worn by clients and myself. Washing hands regularly with soap and water. Providing hand sanitizer. Wiping down surfaces between clients and changing out linens.

By the nature of my practice, M Cubed Massage is extremely quiet and would not emit anything into the environment that would be of nuisance to surrounding neighbors or other businesses. The practice would not release or generate noise, dust, vibrations, heat or odors into The Haus or nearby areas.

As M Cubed Massage will operate in a suite in an existing building, there would be no downgrades or deterioration to the property or neighborhood. No new additions or modifications to the structure outside of personal touches (i.e., interior painting, shelving, etc) would be added, and all additions are reviewed/approved by the property owner.

As The Haus Studios already has multiple tenants for similar type of services (hair/nail salon, aesthetician, etc), M Cubed Massage would be an excellent complementary service to the existing clientele. M Cubed Massage would bring clientele from neighboring cities including Scottsdale, Chandler and Phoenix that would also contribute to the growth and small business to the City of Tempe.

I am extremely excited and grateful for the opportunity to re-locate my existing business to the City of Tempe. I will continue to provide my existing and new clients with professional expertise to create peace and balance in their lives.

Sincerely,

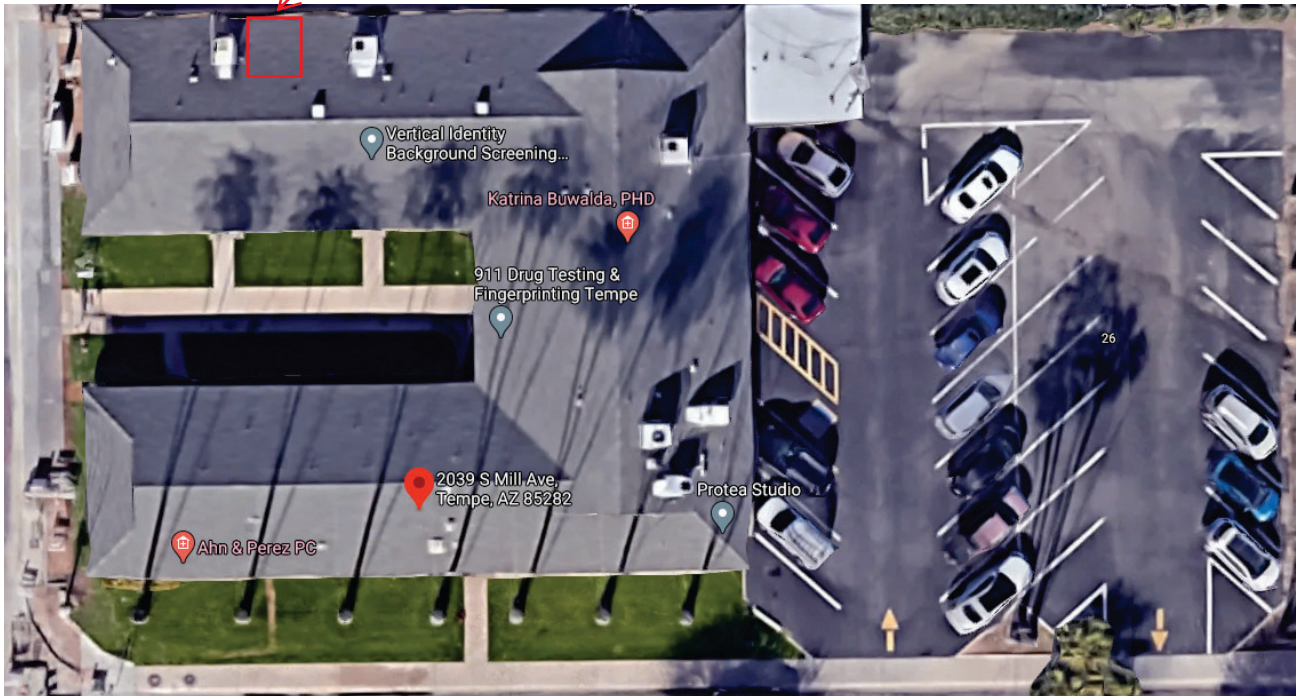
Margaret M. McCleery, LMT, CDT

M Cubed Massage

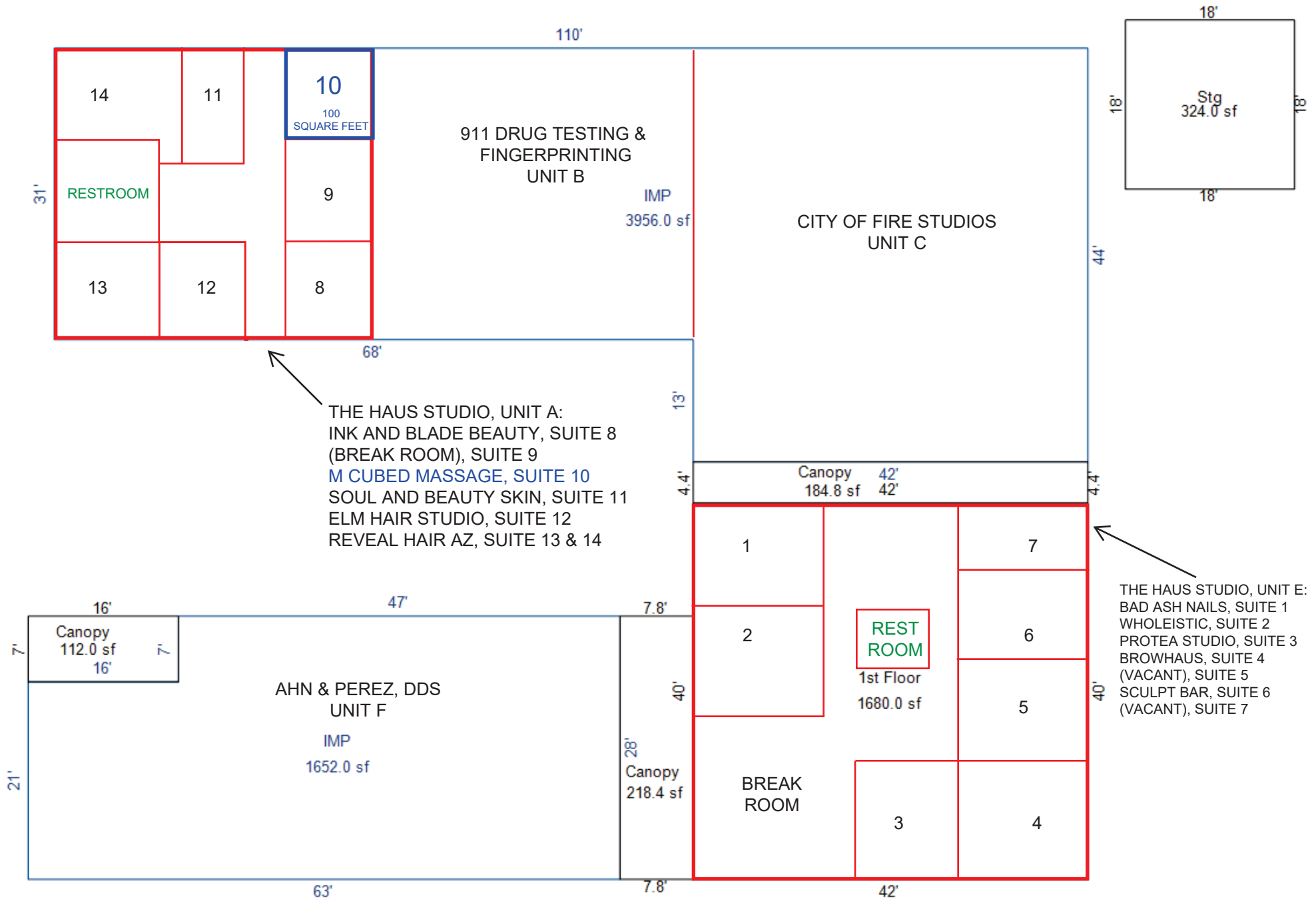
Use Permit - Site Plan - M Cubed Massage - McCleerey



M Cubed Massage
Unit A
Suite 10



Use Permit - Floor Plan - M Cubed Massage - McCleerey



Use Permit - Context Photo - M Cubed Massage - McCleerey



THE HAUS
2039 SOUTH MILL AVE, UNIT A
TEMPE, AZ 85282