

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 09/08/2020
Agenda Item: 4**

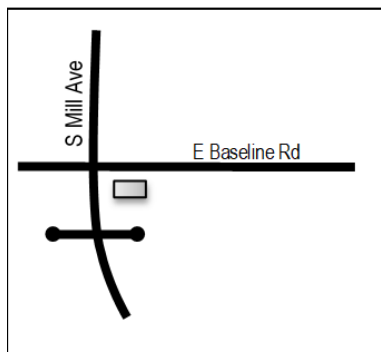
ACTION: Request a Use Permit to allow a massage establishment for **TRANSCENDENCE LIFE CENTER**, located at 123 East Baseline Road.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: TRANSCENDENCE LIFE CENTER (PL200162) is requesting a Use Permit to operate a massage establishment in an existing suite at 123 East Baseline Road, within the PCC-1, Planned Commercial Center, Neighborhood District. The request includes the following:

ZUP200036 Use Permit to allow a massage establishment.



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

Matthews (Mill Towne Center) Real Estate LLC
Jennifer McKinney, Transcendence Life Center
PCC-1
No change in demand
No change in demand
M-F 9 a.m. - 8 p.m., Weekends 9 a.m. – 6 p.m.

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Robbie Aaron, Planner II (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Robbie Aaron, Planner II
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is currently operating out of a different suite within the same building. This request for a Use Permit will allow the applicant to move from the suite they currently operate in, to a new suite in the same commercial center.

PUBLIC INPUT

To date, staff has not received any public input.

POLICE INPUT

Tempe Police Department informed Planning Staff that they do not have any concerns with this application.

USE PERMIT

The proposed use requires a Use Permit to operate a massage establishment within the PCC-1 zoning district. A new Use Permit is required to be approved due to the proposed changes to the previously approved hours operation.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the applicant is moving suites and the use will remain the same, therefore there is not expected to be an increase in vehicular or pedestrian traffic.
2. *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 is conducted indoors and there is no change in use being proposed for this suite from a massage establishment.
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 in the PCC-1 zoning district subject to a Use Permit. The applicant currently operates a message establishment in the same commercial center and this Use Permit will allow them to move to a different suite. Doing so will not contribute to the deterioration of the neighborhood or to the downgrading of property values and is not in conflict with the goals, objectives or policies set forth in the city's adopted plans.
4. *Compatibility with existing surrounding structures and uses*; this site is in an existing commercial center with a number of commercial businesses operating in adjacent 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 is moving suites from another suite in the same commercial center. The City of Tempe Police Department does not have any issues with this move.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, Tempe Police Department input, and the above analysis staff is recommending approval subject to conditions.

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 Transcendence Life Center 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:

October 17, 2017 Hearing Officer approved (PL170298) a Use Permit to allow a massage establishment for Tempe Massage Therapy, located at 209 E Baseline Road, Suite E-102 within the PCC-1 zoning district.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 6-308 Use Permit