

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/27/2021
Agenda Item: 11**

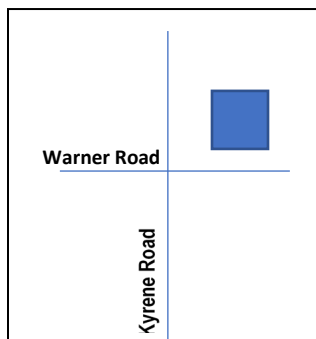
ACTION: Request a Use Permit to allow for the expansion of an existing massage establishment for **THE NEUROMUSCULAR STUDIO, LLC**, located at 430 West Warner Road, Suite 110.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The Neuromuscular Studio, LLC (PL210191) is requesting a Use Permit to allow an expansion of an existing massage establishment located in an existing commercial center within the PCC-1, Planned Commercial Center Neighborhood Zoning District and the Tempe Southwest Overlay District. The request includes the following:

ZUP210056 Use Permit to allow the expansion of an existing massage establishment.



Property Owner	Sri Balaji Investments, LLC
Applicant	Rachel Carroll, Neuromuscular Studio, LLC
Zoning District	PCC-1
Suite Area	1902 s.f.
Vehicle Parking	No change in demand
Bicycle Parking	No change in demand
Hours of Operation	Monday – Sunday 7am – 10pm

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Steve Abrahamson, Principal Planner I (480) 350-8359

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Steve Abrahamson, Principal Planner

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is proposing the expansion of an existing massage establishment within an existing commercial building. The existing suite area for suite 110 is 953 square feet. The expansion into suite 109 provides an additional 949 square feet for a total of 1902 square feet. As the previous use of suite 110 was also a service use, the overall 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 PCC-1, Planned Commercial Center Neighborhood Zoning District and the Tempe Southwest Overlay 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 PCC-1 zoning district subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed location is adjacent suite within an to the applicant's existing suite within a commercial center with other service and commercial uses occupying the other 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 The Neuromuscular Studio, 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

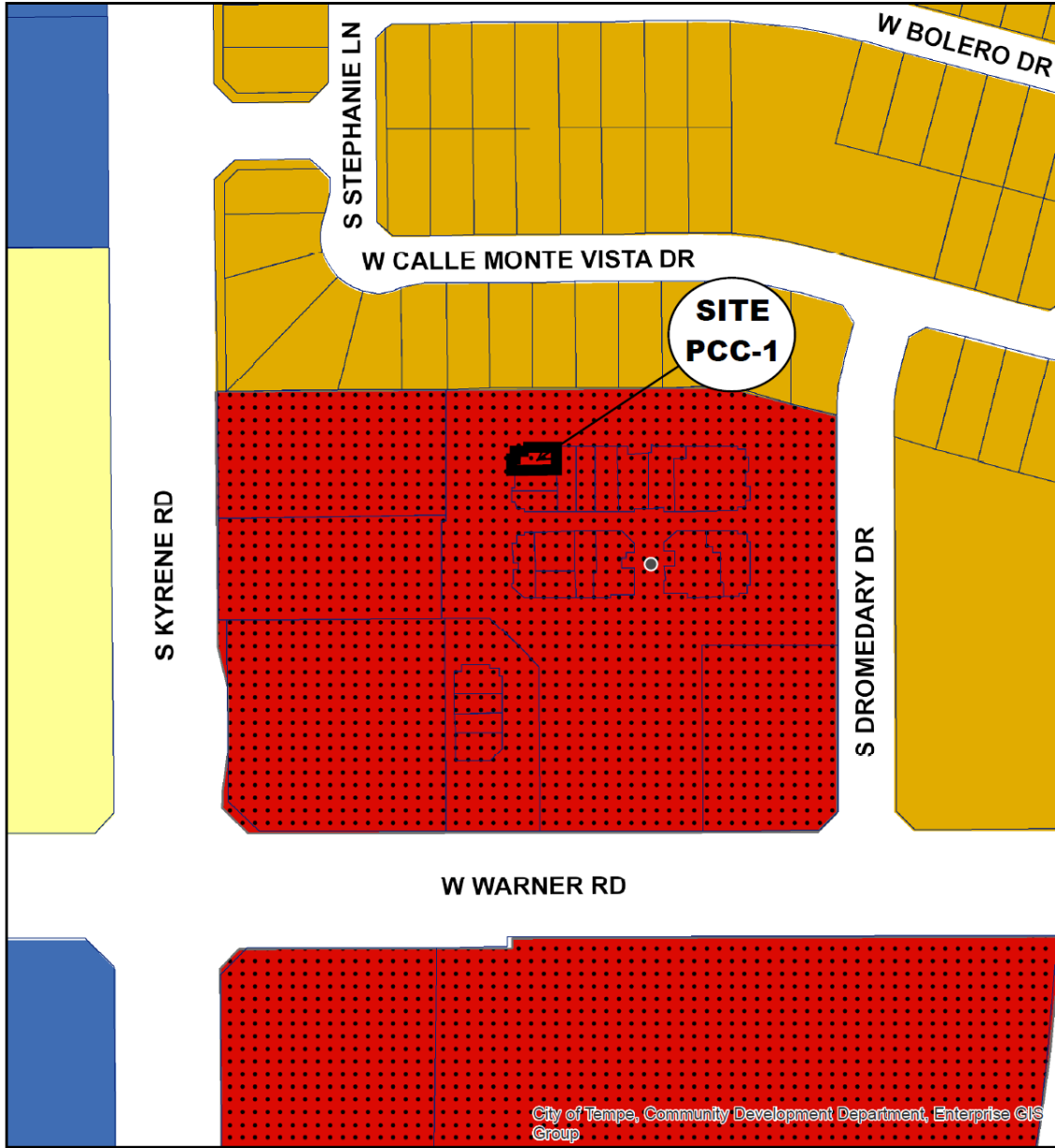
Section 4-203 Development Standards for Commercial and Mixed-Use Districts

Section 6-308 Use Permit




DEVELOPMENT PROJECT FILE
for
THE NEUROMUSCULAR STUDIO, LLC
(PL210191)


ATTACHMENTS:

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



City of Tempe, Community Development Department, Enterprise GIS Group

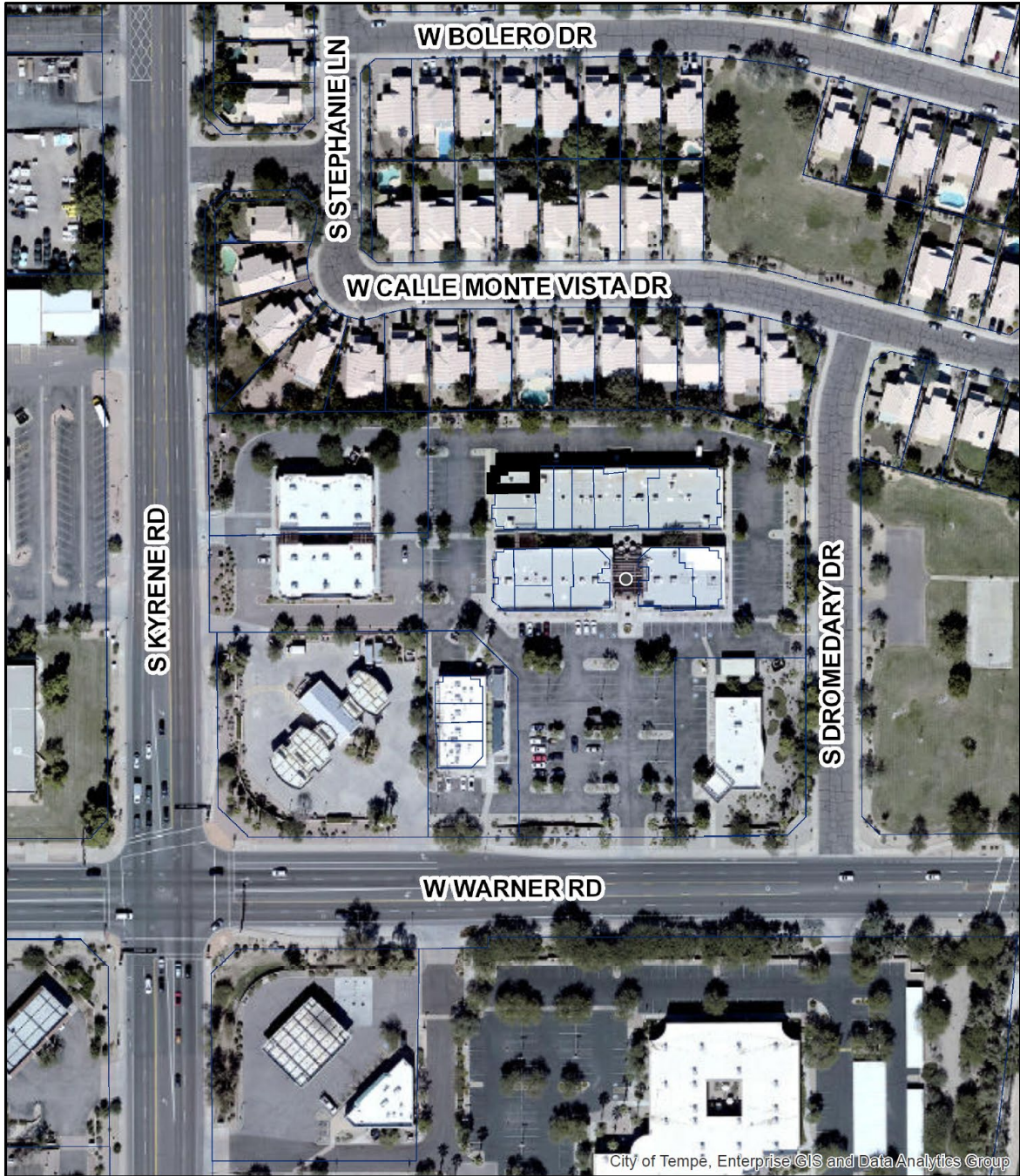
-  General Industrial District (GID)
-  Planned Commercial Center Neighborhood (PCC-1)
-  Agricultural (AG)

 Single-Family Residential (R1-6)

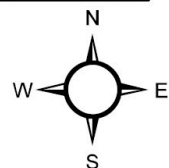


Neuromuscular Studio, LLC

PL210191



Aerial Map





June 4, 2021

City of Tempe Community Planning Division
Development Review Commission
31 E. 5th St. Garden Level
Tempe, AZ 85281

To whom it may concern:

I am applying for an extension of our current Massage Therapy use permit and facility license #205418 for The Neuromuscular Studio, LLC at 430 W. Warner Rd #110 in the Warner Professional Plaza. We have been an established massage therapy business in the City of Tempe for many years: since January of 2013 in this location, and at 1801 S. Jentilly Ln for several years previous. We provide Neuromuscular massage therapy and other therapeutic massage modalities for the treatment of chronic pain, and treatment and prevention of injuries. Our client demographic is diverse and our clients include corporate executives, sports enthusiasts, motor vehicle accident victims, post-surgery patients, and professional athletes. With our office being close to the Arizona Cardinals training facility, we work with many of the team members on a weekly basis for therapeutic massage therapy.

Despite the business challenges of the global pandemic in 2020 including mandated closure, our business has grown exponentially over the last 9 months. We believe this is in part due to winning the Phoenix Magazine 2020 Best Massage award and in part due to client confidence in our COVID-19 safety protocols. We are now in need of additional space and expanded hours to serve more clients and hire additional advanced trained therapists as we are actively turning away business due to operational capacity.

We have the opportunity to expand business operations into the adjacent suite, #109, and therefore are applying for a new, expanded massage therapy use permit to include 110 and 109. We have intentions to join the two suites together to make a contiguous floor plan for optimum client experience, therapist working space, and adequate distancing to accommodate the COVID-19 protocols we have in place for everyone's safety. Regarding accommodations for our clients, there are 101 parking spaces available in the Warner Professional Plaza, including four reserved for suites 110 and 109 on the north side of the building, and nine directly in front of

430 W. Warner Rd. #110 Tempe, AZ 85284 480.967.7345 - office 480.967.7348 - fax

both suites. There are also two accessible spots within a close distance for those with disabilities. Suite 110 has an ADA compliant restroom and there are two community restrooms available for our clients also, if needed. We plan to stagger client appointment times so parking and restroom usage will not be congested.

If this use permit is approved, we will be signing a lengthy lease, and to accommodate future business growth, are applying for possible operational hours Monday through Sunday 7:00am-10:00pm which coincide with the hours of national massage therapy chain establishments in this ZIP code. We would like these hours of operations so we have the ability to treat clients around their weekday work schedules, and before or after athletic events and games. The likelihood of appointments until 10:00pm is slim, but again, we would like the flexibility to treat clients this late if needed. There are currently seven employees at The Neuromuscular Studio: six therapists and one front desk coordinator. We see approximately 120-130 clients per week between the six therapists for sessions with 30, 45, 60 or 90 minute durations.

Because all of our sessions are indoors, there will be no affect to the surrounding commercial or residential areas. Our client sessions are staggered to minimize traffic congestion, so there will be no pedestrian or vehicular traffic issues in our complex parking lot or the surrounding surface streets by our expanded use. There will be no nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare as our services do not dispel any environmental emissions or pollutants. The expansion of our business will not deteriorate the neighborhood or downgrade property values in any way. Our complex tenants represent various industries including holistic health and wellness (massage therapy, chiropractic), professional services (financial/ investments, accounting, engineering) and education (tutoring). Our continued presence in this complex will be an asset to other tenants and their clients. Massage therapy is a quiet service, and there will be no disruptive behavior exhibited inside or outside the premises. All clients are respectful of the office, the complex tenants and the residents in the adjacent neighborhoods.

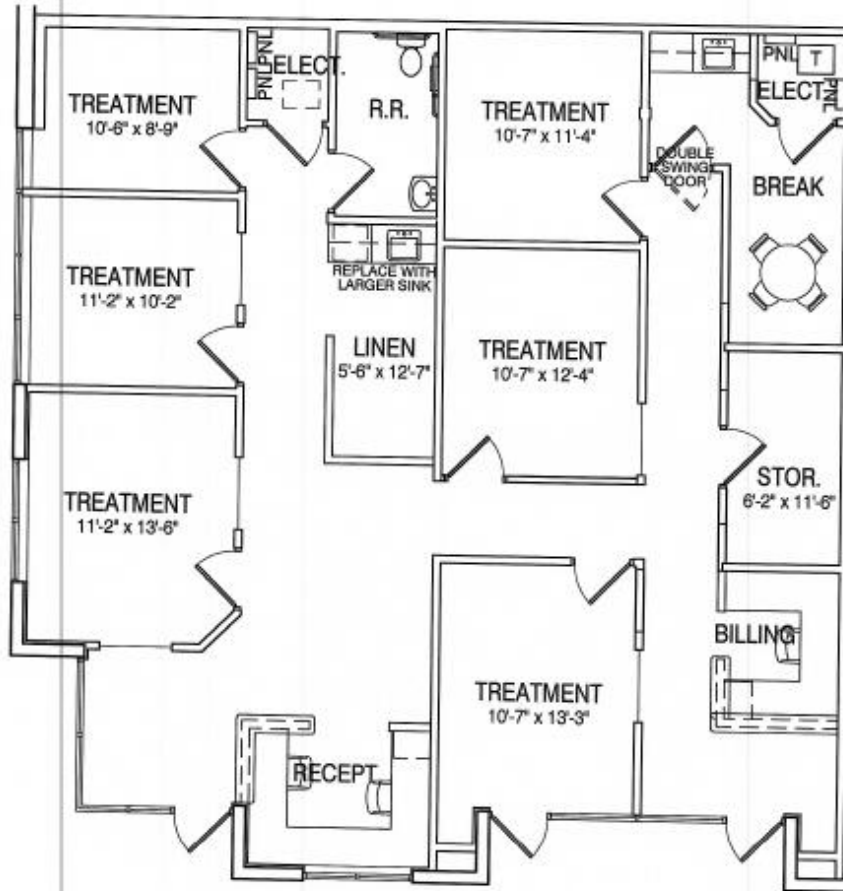
We have enjoyed being in the Warner Professional Plaza since 2013, and should our use permit be approved, we look forward to our expanded presence in this South Tempe location to continue to serve the community in its health and wellness needs.

Thank you for your consideration in this matter.

Sincerely,

Rachel Carroll, Founder
The Neuromuscular Studio, LLC

430 W. Warner Rd. #110 Tempe, AZ 85284 480.967.7345 - office 480.967.7348 - fax



FLOOR PLAN

SCALE: 1/8" = 1'-0"

THE NEUROMUSCULAR STUDIO

430 WEST WARNER ROAD, SUITE 110
TEMPE, ARIZONA 85284