



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/13/2022
Agenda Item: 7**

ACTION: Request a Use Permit to allow massage therapy for YW RELAXATION located at 5000 South Arizona Mills Circle, Suite #108. The applicant is Fan Yang.

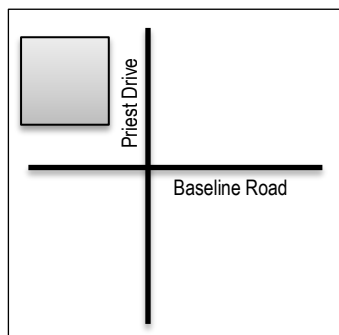
FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: YW RELAXATION (PL220261) is requesting a Use Permit to allow a massage establishment in the existing Arizona Mills Mall. The parcel is zoned Regional Commercial Center (RCC) and is within the Planned Area Development (PAD) Overlay district.

The request includes the following:

ZUP220052 Use Permit to allow a massage establishment.



Property Owner	Arizona Mills Mall, LLC
Applicant	Fan Yang, YW Relaxation
Zoning Districts	RCC, PAD
Site Area	1,430 sqf.
Building Area	1,238,193 square feet
Vehicle Parking	No changes in demand
Bicycle Parking	No changes in demand
Hours of Operation	10:00 a.m. to 9:00 p.m. Monday-Saturday 11:00 to 6:00 PM Sundays
Bicycle Parking	No changes in demand
Bicycle Parking	No changes in demand

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Sydney Deitering, Planning Technician (480) 350-8942

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Sydney Deitering, Planning Technician
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is proposing a new massage establishment within an existing shopping mall, zoned Regional Commercial Center (RCC). The suite is located at 5000 South Arizona Mills Circle, Suite 108 and is 1,430 square feet. The hours of operation are the same as the shopping mall: 10:00 a.m. to 9:00 p.m. Monday-Saturday 11:00 to 6:00 PM Sundays

PUBLIC INPUT

To date, staff have not received any public input.

POLICE INPUT

The Tempe Police Department had no issues with this request.

USE PERMIT

The proposed use requires a Use Permit to allow a massage establishment within the RCC, Regional Commercial Center zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed massage use is a service business and is not projected to attract significant increases in 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*; the massage business is to be 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 a permitted use in the RCC zoning district subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed location is within an existing shopping mall with retail and service-based businesses occupying the other units.
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 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.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by City staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

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 YW RELAXATION 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:

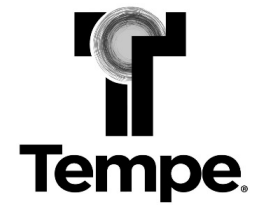
October 25, 2022 This case was pulled from the October 25, 2022 DRC Agenda due to missing information.

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

YW RELAXATION
(PL220261)

ATTACHMENTS:

1. Aerial Map
2. Location Map
- 3-4. Letter of Explanation
5. Mall Site Map
6. Floor Plan
7. Site Context Photos



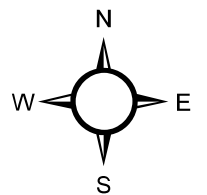
Tempe

PL220261

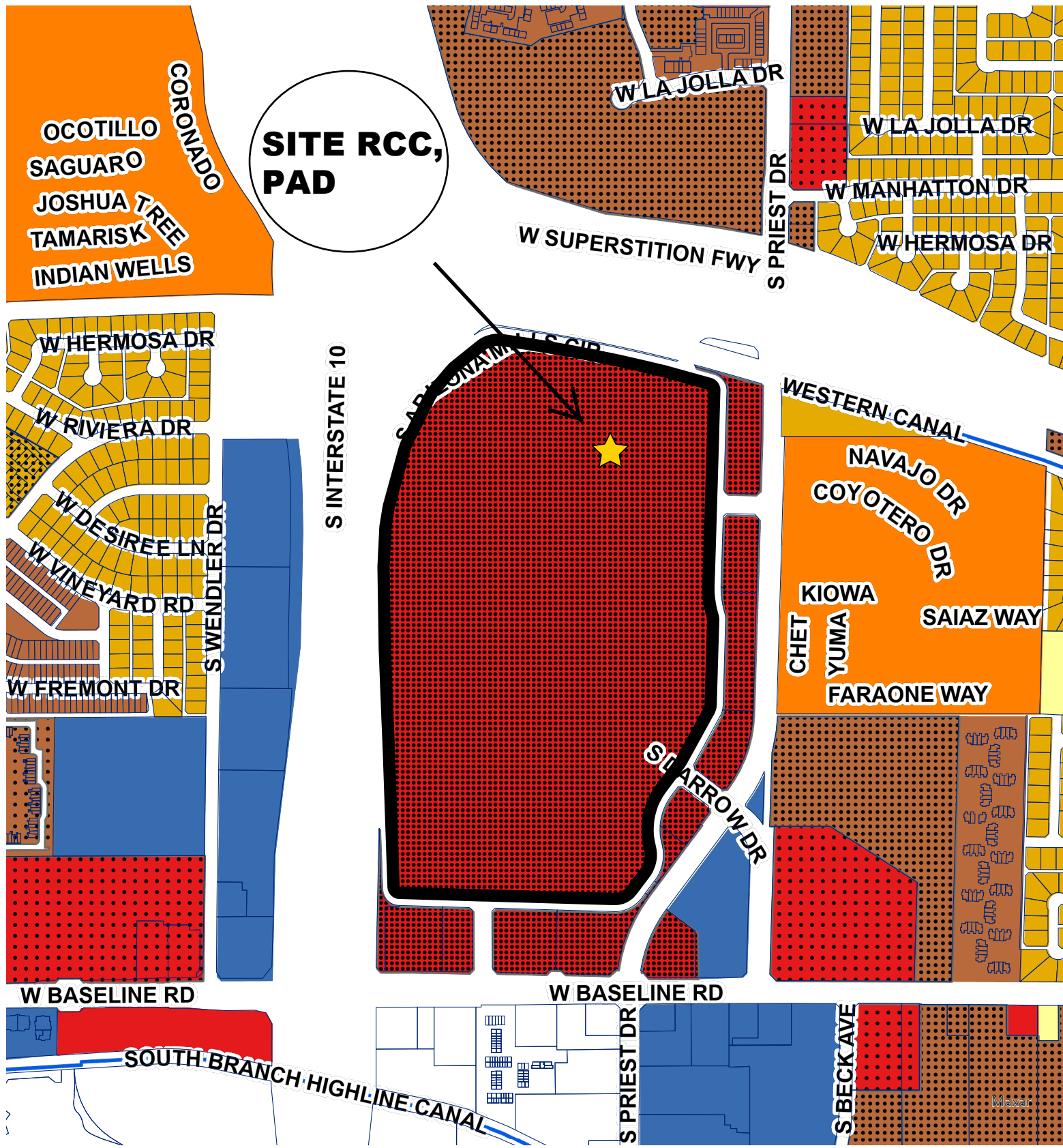
YW RELAXATION



Aerial Map



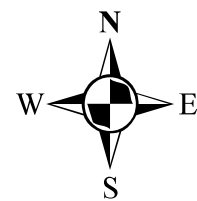
YW RELAXATION



- General Industrial District (GID)
- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Regional Commercial Center (RCC)
- Agricultural (AG)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-4)

- Multi-Family Residential (R-2)
- Multi-Family Residential Restricted (R-3R)
- Multi-Family Residential Limited (R-3)
- Mobile Home Residence (RMH)
- Parcels

- Twelve Point**
- CenterlineSubType**
- ADOT
 - Canal
 - Monument
 - Private



Explanation Letter

YW Relaxation is a company that only offers open-air massage in shopping malls. We mainly focus on foot massage, and also provide undressed shiatsu massage. Our services are calculated by the hour. Usually, we provide one hour service, but it can be half an hour or more, depending on the needs of the client. The business hours are the same as the shopping malls, usually opening at 11:00 in the morning and closing at 7:00 in the evening. We have two employees: Fan Yang (owner) and Yong Wang (massage therapist AZ #28623).

To address items the use permit approval criteria,

A: YW Relaxation will have the vast majority if not all of its customers, be existing mall customers that would come for a massage; so no significant vehicular or pedestrian traffic will be created in adjacent areas.

B: We only use fragrance lotion during massage, and the smells emitted are insignificant. No odor, dust, gas, noise, vibration, smoke, heat, glare, or any other nuisances will exceed levels of ambient conditions.

C: We provide massage services to customers in a clean and quiet environment, all of our staff are trained and professional, and the owner is in the store most of the time to ensure high standards. Not only will YW Relaxation avoid deteriorating the neighborhood, but it will tirelessly strive everyday to enhance the neighborhood and surrounding property values. YW Relaxation will align with and assist in the goals, objectives, and policies of the city's General Plan.

D: YW Relaxation is a supremely compatible fit with the uses of our surroundings. Our services could provide many shoppers with the ability to extend their shopping for that day, potential benefiting the mall exposure to the consumer. This can be shown with most of the best performing/high quality malls around America, having massage therapy services present.

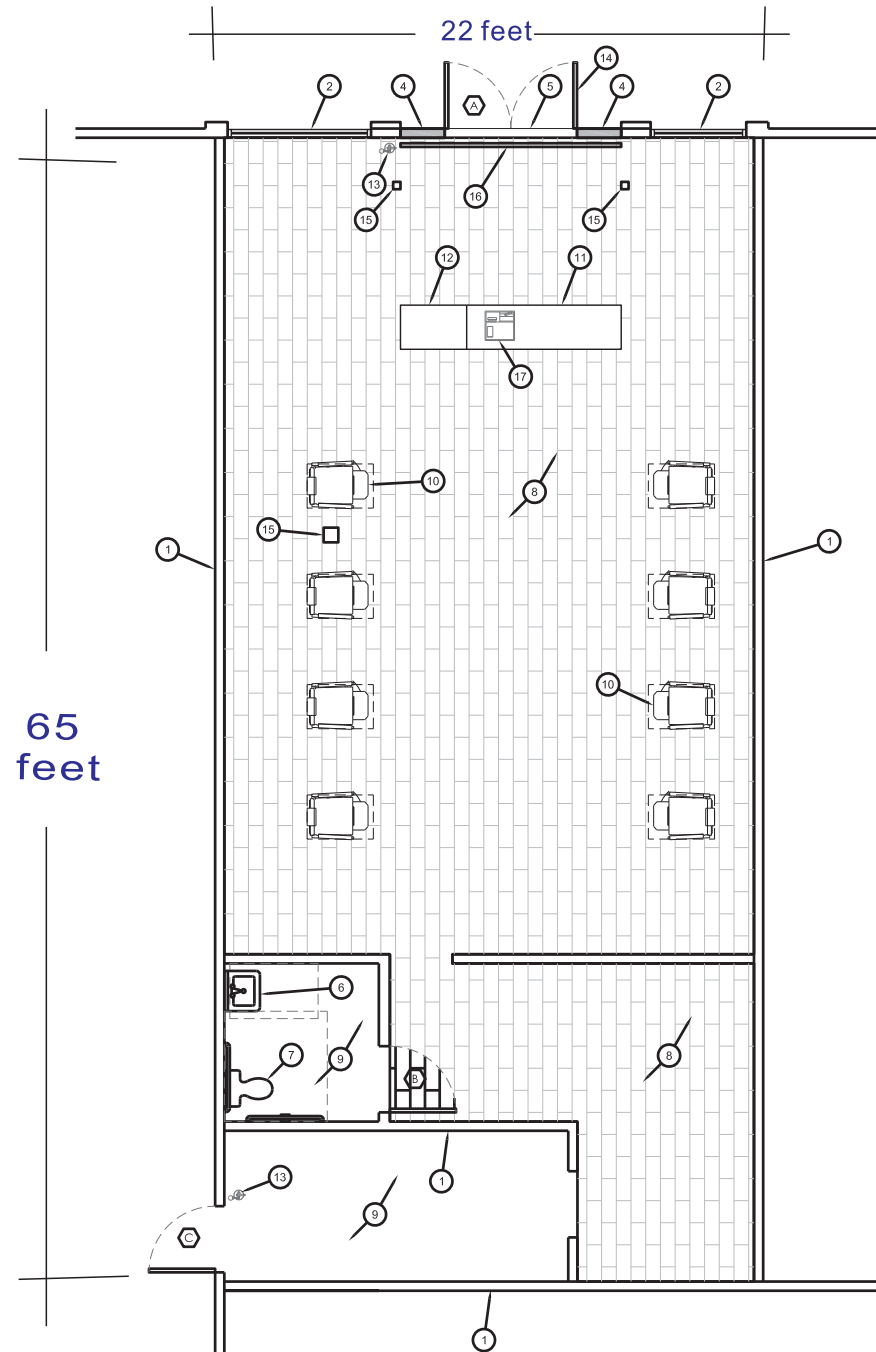
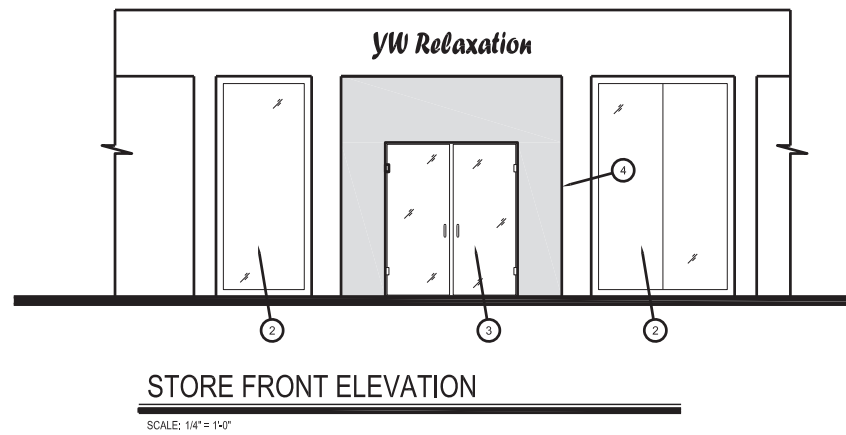
E: You will be hard-pressed to find many businesses with such a present owner like YW Relaxation. With the owner frequently present high standards of control in respect to disruptive behavior, will be the daily norm for YW Relaxation. Nuisances to the general public arising from YW Relaxation will either be non-existent, or quickly and effectively remediated.

We are requesting a use permit for a massage establishment.

Sincerely,

YW Relaxation

Dimension of this unit



PLAN KEY NOTES

- 1 EXISTING METAL STUD FRAMED INTERIOR WALL TO REMAIN
- 2 EXISTING STORE FRONT WINDOW SYSTEM TO REMAIN
- 3 NEW STORE FRONT DOUBLE DOOR - 3'-0" X 7'-0"
- 4 NEW 3 5/8" X 25 GA. METAL FRAMED PANEL AROUND NEW DOUBLE DOOR
- 5 EXISTING LANDING TO BE IN LEVEL ON BOTH SIDE OF EXIT DOOR WITH A THRESHOLD OF NO MORE THAN 1/2" HIGH
- 6 EXISTING ADA SINK
- 7 EXISTING ADA TOILET WITH GRABS
- 8 NEW CERAMIC FLOORING THROUGHOUT WITH MINIMUM 6" VINYL BASE COVE
- 9 EXISTING VINYL FLOORING THROUGHOUT TO REMAIN
- 10 MESSAGE CHAIR
- 11 SERVICE COUNTER
- 12 ADA SERVICE COUNTER WITH A HEIGHT OF +36" A.F.F.
- 13 2A/10BC FIRE EXTINGUISHER MOUNTED AT +5'-0" A.F.F.
- 14 STORE FRONT DOOR WITH SIGN ABOVE DOOR STATING "THESE DOORS SHALL REMAIN UNLOCK WHILE BUILDING IS OCCUPIED"
- 15 EXISTING COLUMN TO REMAIN
- 16 EXISTING SECURITY ROLL UP DOOR TO REMAIN
- 17 CASH REGISTER

DOOR SCHEDULE

- | | |
|----|--|
| A. | Type: New pair of 3'-0" x 7'-0" tempered glass store front door with sign stating "These doors shall remain unlock while building is occupied" |
| | Frame: Frameless |
| | Hardware: Push handle keyed lock set |
| B. | Type: Existing Door 3'-0" x 7'-0" hollow wood door |
| | Frame: Hollow metal frame |
| | Hardware: Lever handle hardware with privacy lock set |
| C. | Type: Existing Door 3'-0" x 7'-0" hollow metal door |
| | Frame: Hollow metal frame |
| | Hardware: Lever handle with keyed lock set |

- General Notes**
- 1 Contractor to verify door, frame and hardware with tenant and architect before purchase and installation.
 - 2 Interior doors to be flush panel stain grade, verify with owner.
 - 3 Doors shall not exceed 15 lbs of maximum unlatching force.

GENERAL PLAN NOTES

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ANY DISCREPANCIES IN THE PLANS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION PRIOR TO CONSTRUCTION. THERE SHALL BE NO DEVIATION FROM THESE PLANS OR ACCOMPANYING SPECIFICATIONS WITHOUT WRITTEN CONSENT OF THE ARCHITECT / DESIGNER.

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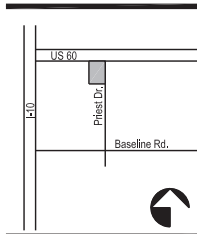
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YW RELAXATION
5000 S ARIZONA MILLS CIR.
TEMPE, AZ 85282



REVISIONS	DATE:

DRAWN BY: **C. Dominguez**
CHKD BY: **C. Dominguez**
DATE: **8.20.2022**

PROJECT NUMBER **2299**

SHEET NUMBER

FLOOR PLAN

A1

PLOT DATE: **8.25.2022**

Currently final view is this.



Our other store will be this.
Our current store inside view will be the same like this picture!



Currently indoor view is like this.
Still need to do the final assembly.

