

Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **ATHENA'S TEMPLE LLC (PL090171)** located at 1290 North Scottsdale Road, Suite No. 101 for one (1) use permit.

DOCUMENT NAME: 20090602dssd03 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Hold a public hearing for **RIO SALADO COURTYARD – ATHENA'S TEMPLE LLC (PL090171)** (Heather Allen, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite No. 101 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP09077 Use permit to allow a massage therapy establishment.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

Handwritten signature of Steve Abrahamson.

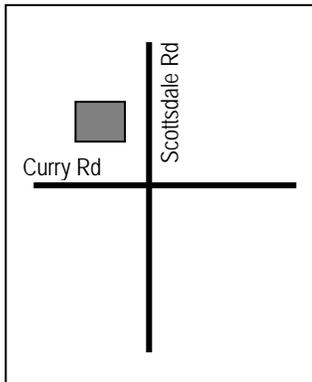
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is requesting approval of a use permit for a massage therapist as part of a spa and salon located at 1290 North Scottsdale Road, Suite No. 101. The proposed business is self owned and will offer hair, nail services, other spa services including massage for their clients. Staff is recommending approval of the request with conditions. To date, no public input has been received.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
6. Floor Plan
7. Staff Photograph(s)

COMMENTS:

Athena Temple Salon and Day Spa is requesting approval of a use permit for a massage therapist as part of a spa and salon to be located at 1290 North Scottsdale Road, Suite No. 101. The proposed business is self owned and will offer hair, nail services, other spa services including massage for their clients. Typically a massage service as a part of salon and spa does not require a use permit as an ancillary use. After speaking with the applicant Ms. Allen, the massage therapy would not be ancillary, rather a significant service at Athena's Temple. Membership is not needed to get your hair done or to have a massage. Walk-ins and appointments are both accepted. Typical business hours are from 9:00 a.m. to 7:00 p.m., Monday through Saturday, 10:30 a.m. to 4:00 p.m. on Sundays. The business will employ 5-7 employees, three (3) of which will be massage therapists.

Staff has received several phone calls of inquiry regarding the use permit. After describing the use and business plan to the callers, no concerns have been registered on this case.

Use Permit

The Zoning and Development Code requires a use permit to allow a massage establishment in the PCC-1, Planned Commercial Center District.

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This use should not create any nuisances.
- c. 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;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses

Conclusion

Staff recommends approval of the request with conditions.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. 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.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. 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.
8. All business signs shall require a sign permit.

HISTORY & FACTS:

- May 4, 2004 BA040063: Hearing Officer approved a use permit request by THE GOOD STUFF, Suite 105, to allow the sale of used household goods and collectibles.
- June 17, 2008 ZUP08090: Hearing Officer approved a use permit request by LAYALENA RESTAURANT, Suite 107, to allow Live Entertainment.
- April 30, 2009 ZUP09068: Development Services staff have approved a use permit transfer request by MIJANA RESTAURANT, Suite 107, to allow Live Entertainment.

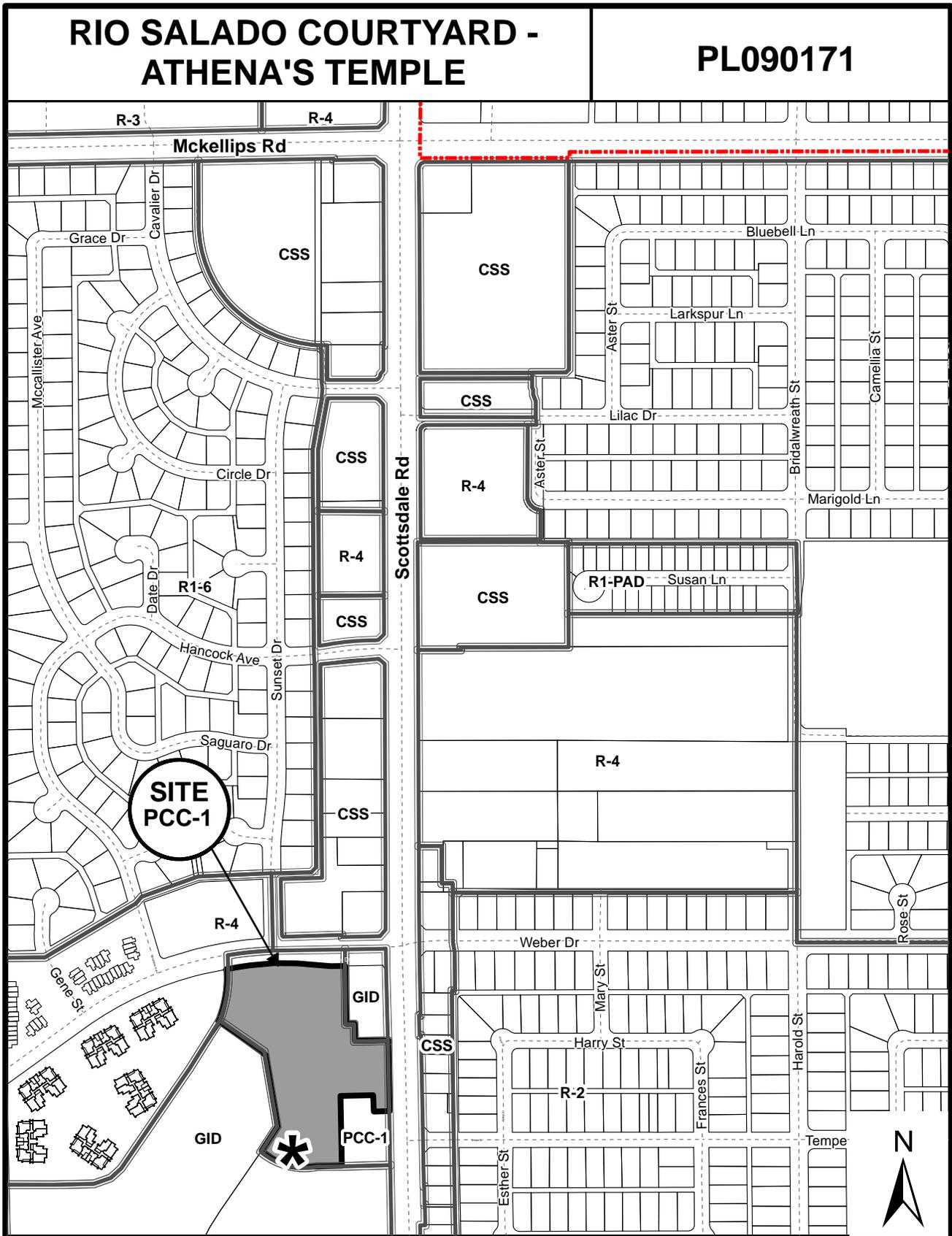
DESCRIPTION:

Owner – Rio Salado Center LLC
Applicant – Heather Allen
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Tenant Space Area – 3,500 s.f.
Parking Required – 12 spaces
Parking Provided – 290 spaces

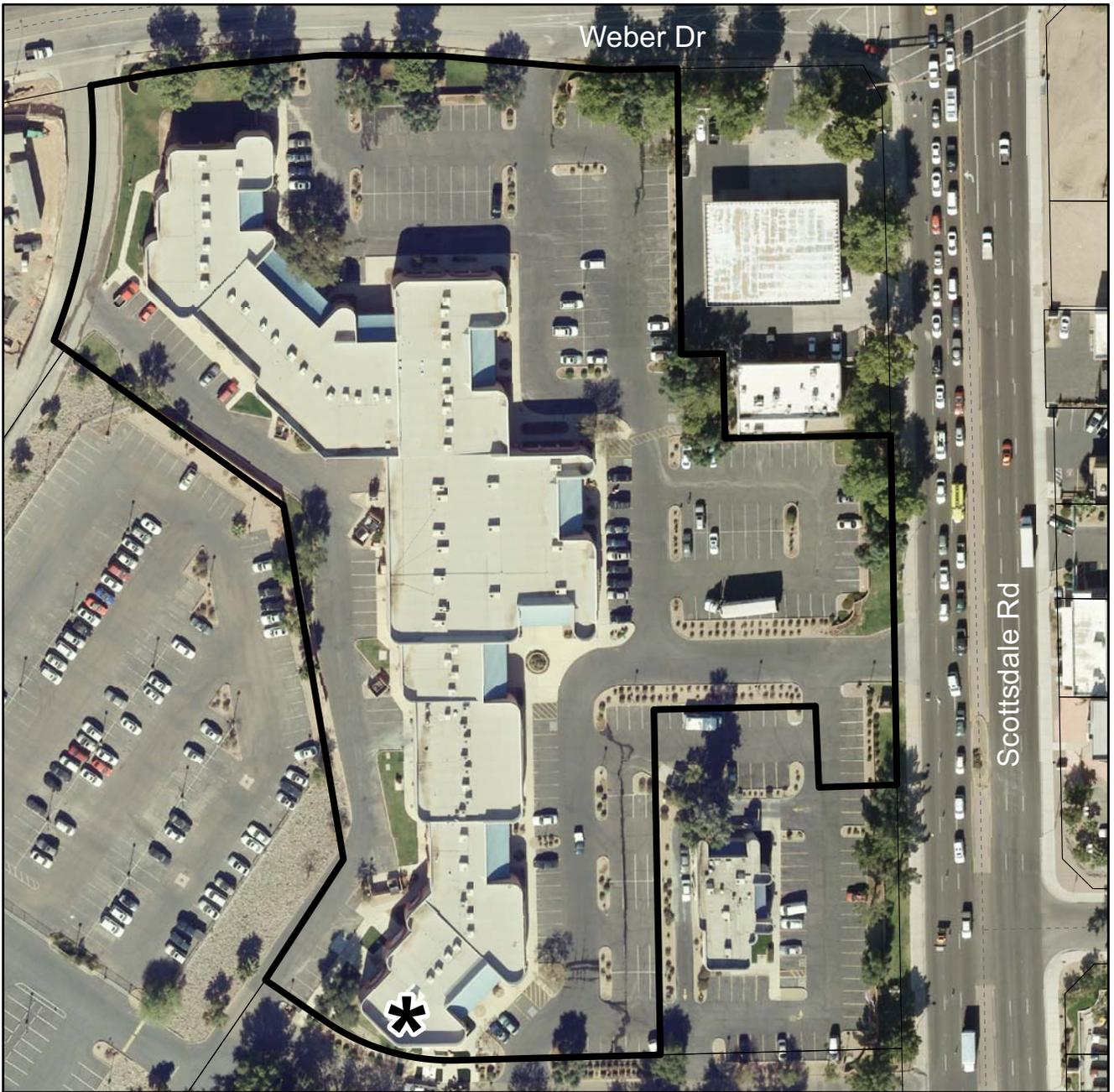
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



RIO SALADO COURTYARD - ATHENA'S TEMPLE LLC (PL090171)

May 1, 2009

My name is Heather Allen and I am writing this letter in reference to a salon and day spa that I am in the process of opening up at 1290 N. Scottsdale Rd, suite 101, Tempe, Az 85281. The name of this establishment is Athena's Temple, L.L.C. In my salon I will be providing many services to my customers. These services are hair care, nail care (both hands and feet), skincare (both face and body), massage and selling products. As of now, I am figuring that I will have three hair stations, three nail stations, two massage rooms and one room for skincare (the room that will be used for skincare will also be able to convert into a massage room). I plan on having two full-time and two part-time hair stylists, three nail technicians, one esthetician, two full-time and one part-time massage therapist (as well as myself beginning in August), one employee that is licensed to provide all services except for the service of massage and one manager/receptionist. The hours of operation will be Tuesday-Saturday from 9a.m.-7p.m. and on Sunday from 1030a.m.-4p.m. (as well as by appointment). All services will be under the same management/ownership as one entity, not separate.

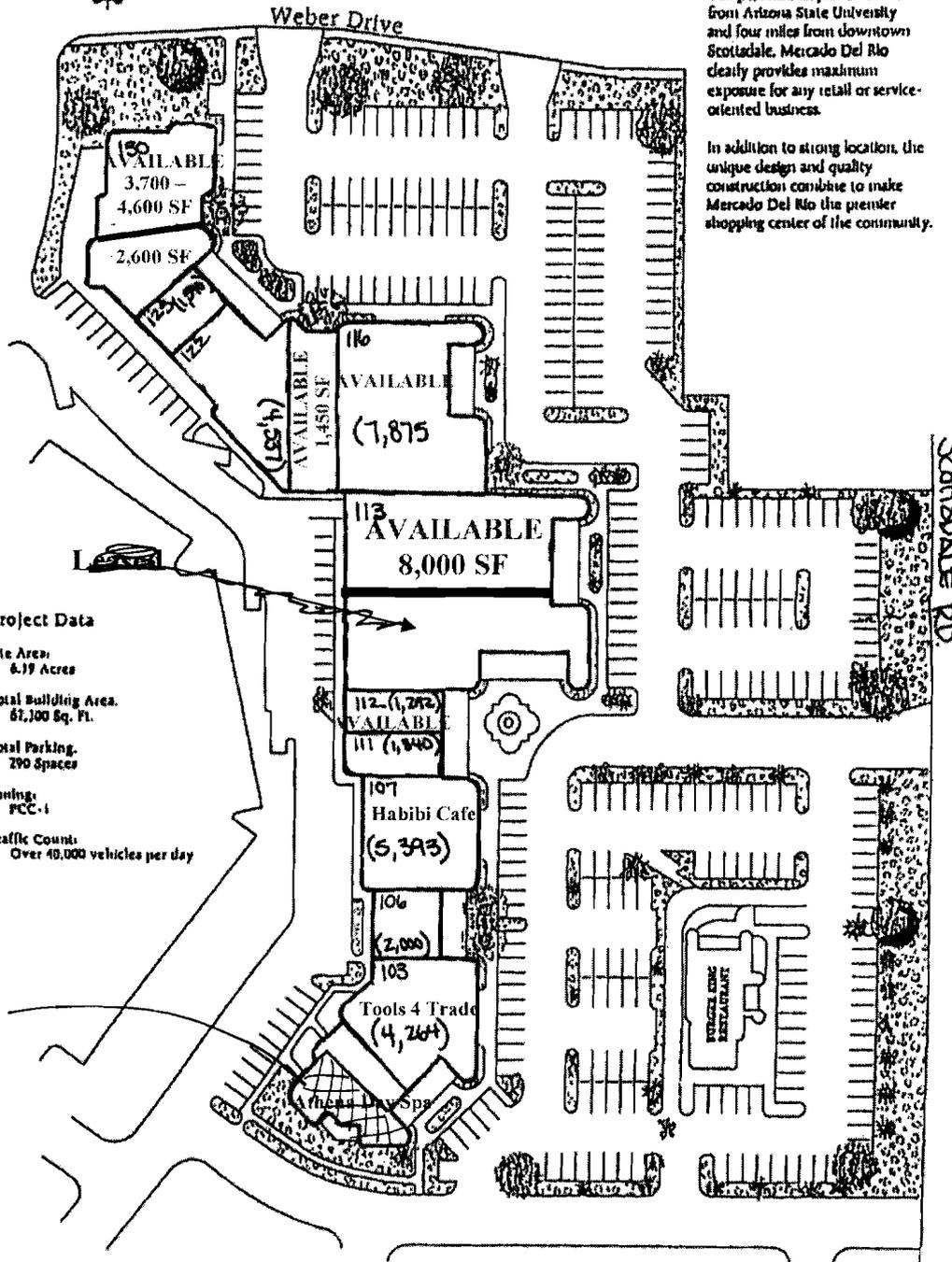
I have been planning this for the last two-three years and have been waiting for the right time to get it started. Many factors have played into my decision of opening the salon at this time. The main one being that I am able to financially start and run the business myself with very little help from loans. With the economy being where it is right now, I am able to get things done much cheaper and quickly than I will be able to in the future. I am able to continue working so that I can pay a majority of the bills for the

shop out of my own pocket and able to leave most of the money I make into the shop so that it has a better chance for success and so that the economy will not decide whether my dream succeeds or fails. I have my sister-in-law (manager) who will be at the shop daily managing the employees and making sure that everything is run correctly, efficiently and to my high level of standards. Thank-you for this opportunity in pursuing my dream!

Sincerely,

Heather M. Allen

Rio Salado Courtyard



Is conveniently located at Scottsdale Road and Weber Drive in the heart of thriving Tempe, Arizona. Just two miles from Arizona State University and four miles from downtown Scottsdale. Mercado Del Rio clearly provides maximum exposure for any retail or service-oriented business.

In addition to strong location, the unique design and quality construction combine to make Mercado Del Rio the premier shopping center of the community.

Project Data
 Site Area: 6.19 Acres
 Total Building Area: 67,100 Sq. Ft.
 Total Parking: 290 Spaces
 Zoning: PCC-1
 Traffic Count: Over 40,000 vehicles per day

*This Suite
 Athends
 Day Spa*



**RIO SALADO COURTYARD – ATHENA'S
TEMPLE LLC**

1290 N SCOTTSDALE RD., SUITE 101

PL090171

FRONT OF BUSINESS

