

Staff Summary Report



Hearing Officer Hearing Date: 03/06/12

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **HEGEL YOGA** located at 5861 South Kyrene Road, Suite No. 11 for one (1) Use Permit.

DOCUMENT NAME: HOr_HegelYoga_030612 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **KYRENE COMMERCE CENTER – HEGEL YOGA (PL120036)** (Tish Hegel, applicant; Brandye Coley -DMC Portfolio. property owner) located at 5861 South Kyrene Road, in the GID, General Industrial District for:

ZUP12009 Use Permit to allow a fitness facility in the GID, General Industrial District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

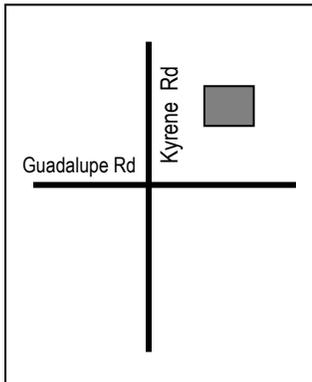
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The applicant is requesting approval of a fitness facility-Yoga Studio in the GID, General Industrial District. The facility will offer a variety yoga and fitness classes. The traffic generated by the use will be consistent with other businesses within the industrial complex. Staff supports the Use Permit with the finding that it meets the criteria for approval as identified in the Zoning and Development Code-Use Permits Part 6, Chapter 3, Section 6-308 E. To date, no input has been received from neighboring tenants or surrounding property owners. Staff supports approval of this request.

PAGES:

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

ATTACHMENTS:

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

COMMENTS:

The applicant is requesting a Use Permit to allow a fitness and yoga studio in the GID, General Industrial District. The business will occupy a tenant space approximately 1700 square feet in area. There will be eight instructors, including the proprietor, and will hold up to fifteen classes per week. The business hours will vary between morning and evening classes; beginning at 7 am and ending at 9 pm.

To date, no input has been received from neighboring tenants or property owners.

Use Permit

The Zoning and Development Code requires a Use Permit for commercial and retail uses including fitness facilities located in the GID, General Industrial District. This Use Permit request meets all applicable tests in the following manner:

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;
 - There should be no nuisance created by the business.
- 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.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding structures and uses.
- e. 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 use appears to have adequate control of disruptive behavior.

Conclusion

Staff recommends approval of the Use Permit.

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. The Use Permit is valid for Hegel Yoga and may be transferable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
2. All business signs shall be Development Plan Review approved and permits obtained.
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 to re-evaluate the appropriateness of the Use Permit.
4. Obtain all necessary clearances and permits for the occupancy from the Building Safety Division.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

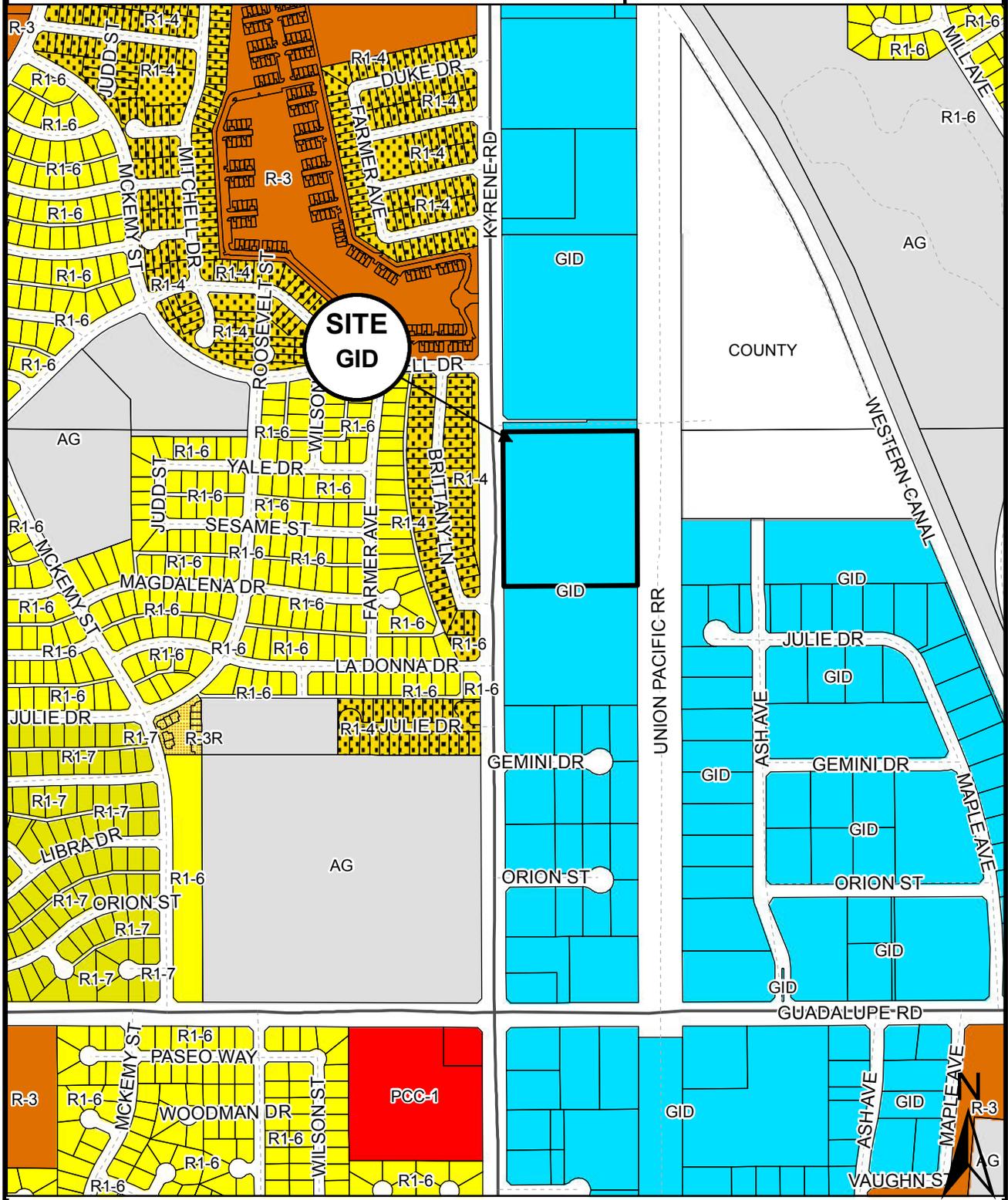
Owner – Brandye Coley -DMC Portfolio
Applicant – Tish Hegel
Existing Zoning – GID, General Industrial District
Parking Available for Baseline Business Center (3 buildings w/cross access parking) - 386 spaces
Parking required per ordinance – 7 spaces

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

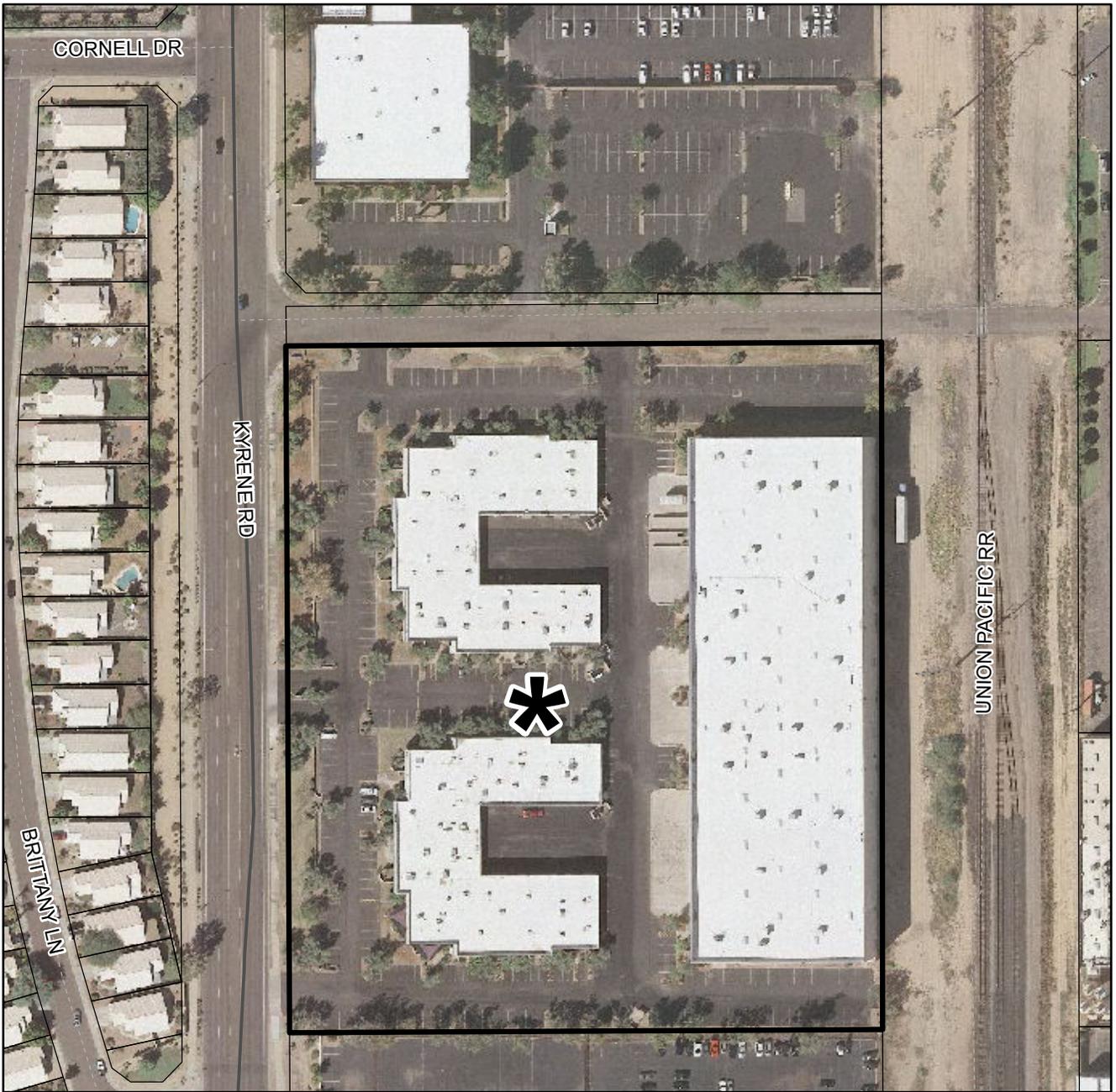
Part 3, Chapter 2, Section 3-302, Table 3-202A – Permitted Land Uses in Office/Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

KYRENE COMMERCE CENTER - HEGEL YOGA

PL120036



Location Map



KYRENE COMMERCE CENTER- HEGEL YOGA (PL120036)

February 3, 2012

To: City of Tempe Development Services - Planning Division
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85281

From: Hegel Yoga
5861 S. Kyrene Road #11
Tempe AZ 85283
480-478-2934

RE: Use Permit Application Letter of Explanation

To Whom It May Concern,

My name is Tish Hegel and I am applying for a use permit as a fitness facility in a GID district. I have been a resident of Arizona since 1973 and graduated from Arizona State University in 2007. I worked as a Faculty Associate in the Department of Exercise and Wellness at Arizona State University where I taught yoga classes in a variety of capacities for five years. I have also taught yoga and fitness classes through the Maricopa County Community College system as well as at various fitness centers throughout the valley. I am passionate about the health benefits that can be found through yoga and I appreciate the opportunity to teach the useful principles of stress management and health that are found in yoga.

Hegel Yoga is a yoga studio that offers group fitness yoga classes, private instruction and weight loss and meditation programs to the community of Tempe. The classes will last from sixty to ninety minutes long. Many students take advantage of the biking facilities and city bus services in getting to the studio. The studio attendance is not expected to cause any vehicular or pedestrian traffic in adjacent. The parking facilities are adequate for the use of the space as a yoga studio. With 75% of the yoga classes being held after business hours, there is very little competition with neighboring businesses.

There are twenty group classes offered each week. Classes are held seven days a week with fifteen classes per week offered after 5:00 PM Monday through Thursday or on Saturday and Sunday. The average number of participants per class is twelve. The average class participation during weekday business hours of 8 AM to 5 PM is six students.

Hours of operation for the studio are split between morning and evening classes as follows:

Monday:	9:00 AM - 12:00 PM 4:00 PM - 9:00 PM
Tuesday:	7:00 AM – 9:00 AM 4:00 PM- 9:00 PM
Wednesday:	9:00 AM - 12:00 PM 4:00 PM - 9:00 PM
Thursday:	7:00 AM – 9:00 AM 4:00 PM- 9:00 PM
Friday:	10:00 AM – 2:00 PM
Saturday:	8:30 AM – 3:00 PM
Sunday	8:30 AM – 3:00 PM

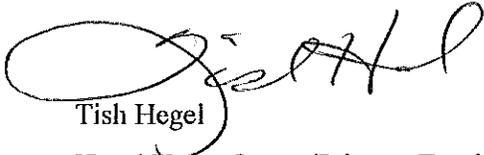
Hegel Yoga will have no cause for any nuisance such as odor, dust, gas, noise, vibration, smoke, heat or glare. The process of teaching and practicing yoga will not require the use of any chemicals or tools that would cause such an effect on the ambient environment or cause to be nuisance to the existing surrounding businesses. The classes are conducted with low music volume or in silence.

There are seven additional teachers at Hegel Yoga who teach from one to three classes per week. They are independent contractors and are not employees of the studio.

The mission statement for Hegel Yoga states that the environment within the studio will be one that is welcoming and tolerant to all individuals, allowing for high quality instruction of the practice of yoga. We at Hegel Yoga hope the welcoming and accepting attitude that is taught as well as modeled throughout the studio will extend itself to the lives of those who practice at Hegel Yoga. With this intention and focus, I believe that Hegel Yoga will not contribute to the deterioration of the neighborhood surrounding the studio, but will have the effect of enhancing

the neighborhood. As students get to know one another, there is a sense of community that is developed within the studio that naturally extends to the larger community surrounding the studio. With the fast pace and high stress of most lives today, it is a great service to the community to help individuals slow down and reduce anxiety.

Thank you for considering this application,



Tish Hegel

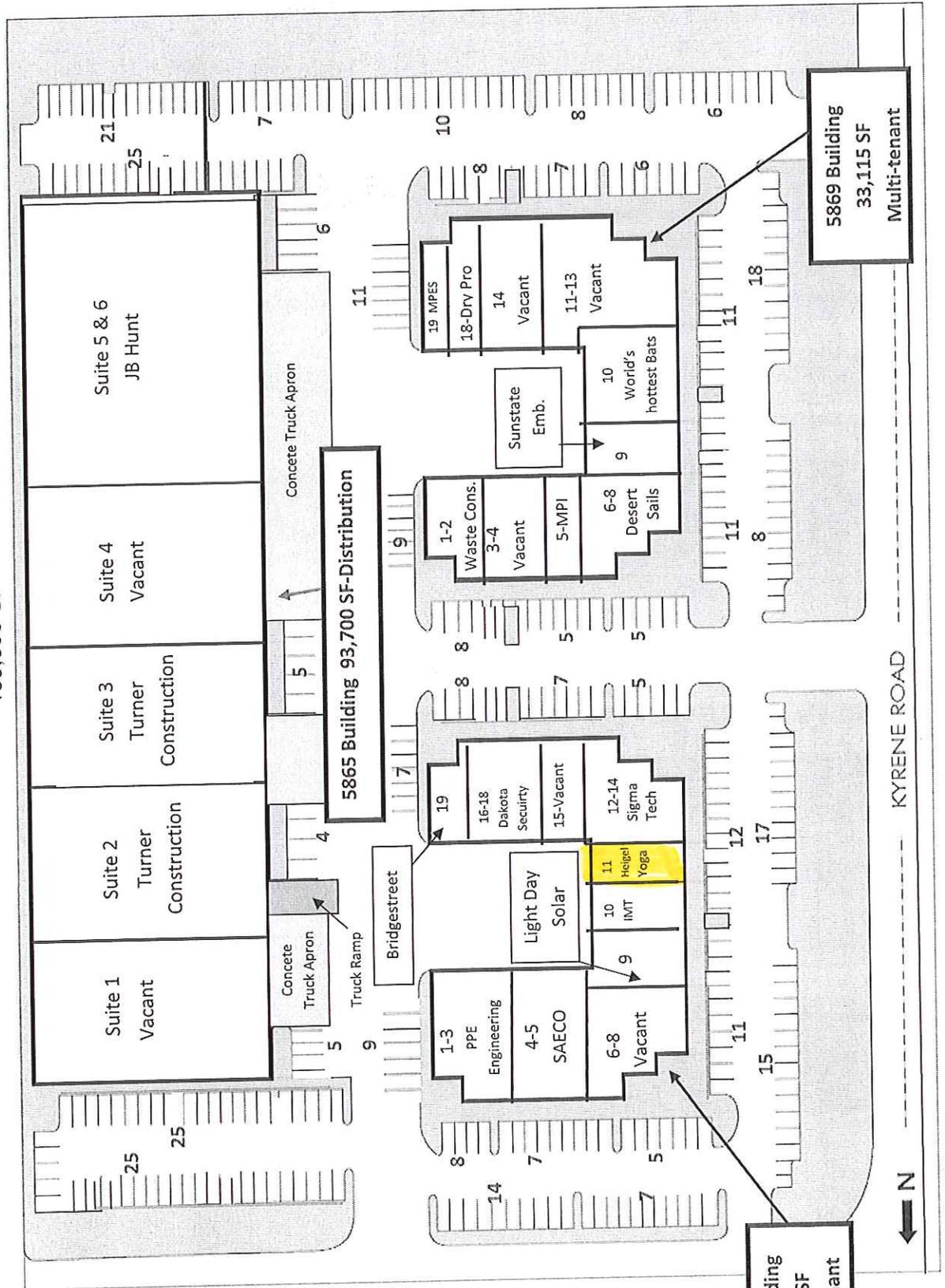
Hegel Yoga, Owner/Primary Teacher

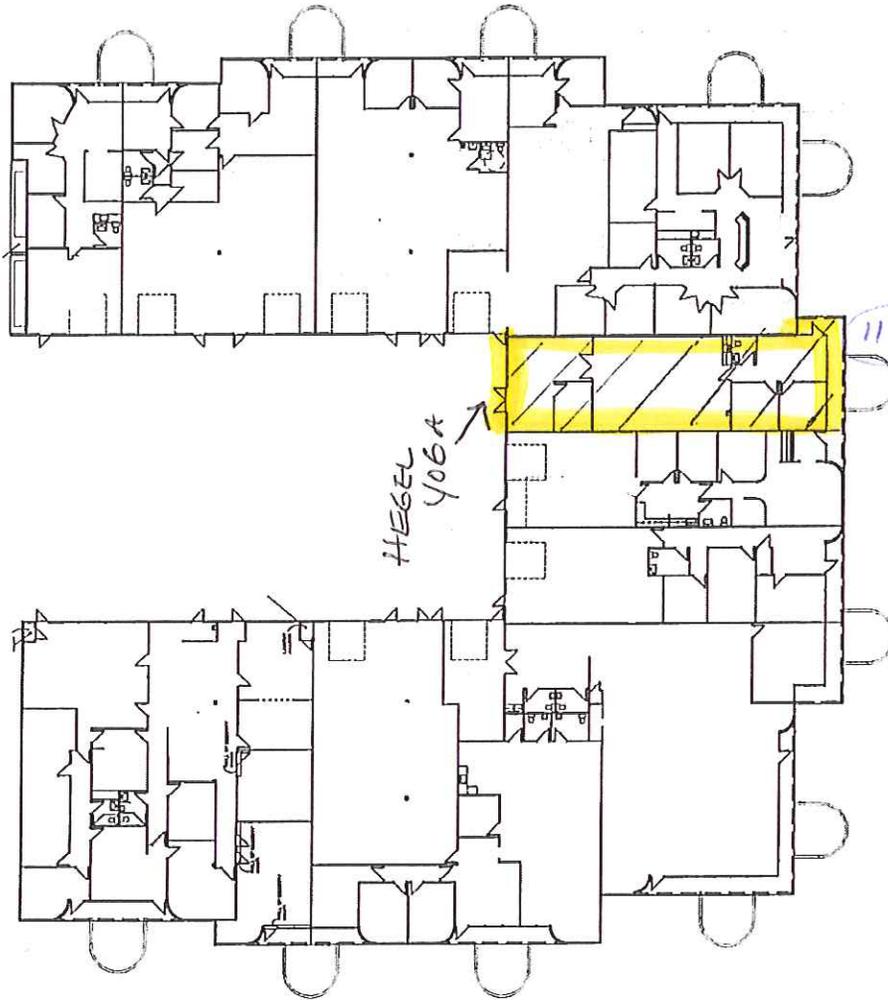
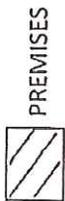
Parking Map

Kyrene Commerce Center

5861-5869 S Kyrene Rd.
Tempe, AZ
159,590 SF

386 parking spaces
Parking ratio 2.42/1,000 SF






 evolution design
 PETER ARCHITECTURE
 61 W. 2nd Street
 Suite 115
 Tempe, AZ 85281
 Telephone 480-421-0000
 Fax/voice 480-421-1811

KYRENE COMMERCE CENTER
 5851 SOUTH KYRENE ROAD
 TEMPE, ARIZONA

N.T.S.
 10.6.10
 DOWA PLAN
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