

Staff Summary Report



Hearing Officer Hearing Date: 12/06/11

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **I AM FUNDAMENTALS** located at 1130 West Alameda Drive for one (1) use permit.

DOCUMENT NAME: 20111206cdsl07 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **ALAMEDA INDUSTRIAL CENTER – I AM FUNDAMENTALS (PL110394)** (Oscar Garcia/Infinite Abundance Mentality LLC, applicant; Deyus Industrial SPE Financed Portfolio LLC, property owner) located at 1130 West Alameda Drive in the GID, General Industrial District for:

ZUP11105 Use permit to allow a fitness facility/personal trainer business 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) *SEA*

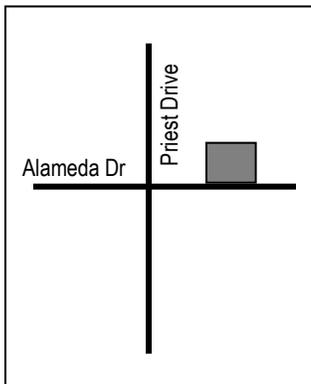
LEGAL REVIEW BY: N/A

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 a use permit to allow a fitness and personal training facility in the GID, General Industrial District. The facility will operate by appointment only for personal training. 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/Description; Zoning & Development Code Reference

ATTACHMENTS:

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

COMMENTS:

The applicant is requesting a use permit to allow a fitness and personal training facility in the GID, General Industrial District. The tenant space is approximately 10,202 square feet. The business will start with one trainer and have plans to expand to include two additional staff members. All training and classes will be by appointment only. The hours of use will be weekdays from 5 AM to 11 AM and 2:00 PM to 8 PM; 7AM-9AM Saturday; closed Sunday. To date, no input has been received from neighboring tenants or property owners.

The applicant has applied for a shared parking model for the center. All the uses on the site will meet their parking requirements based on a time of day model instead of the parking ratios identified in the Zoning and Development Code.

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 I AM Fundamentals 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:

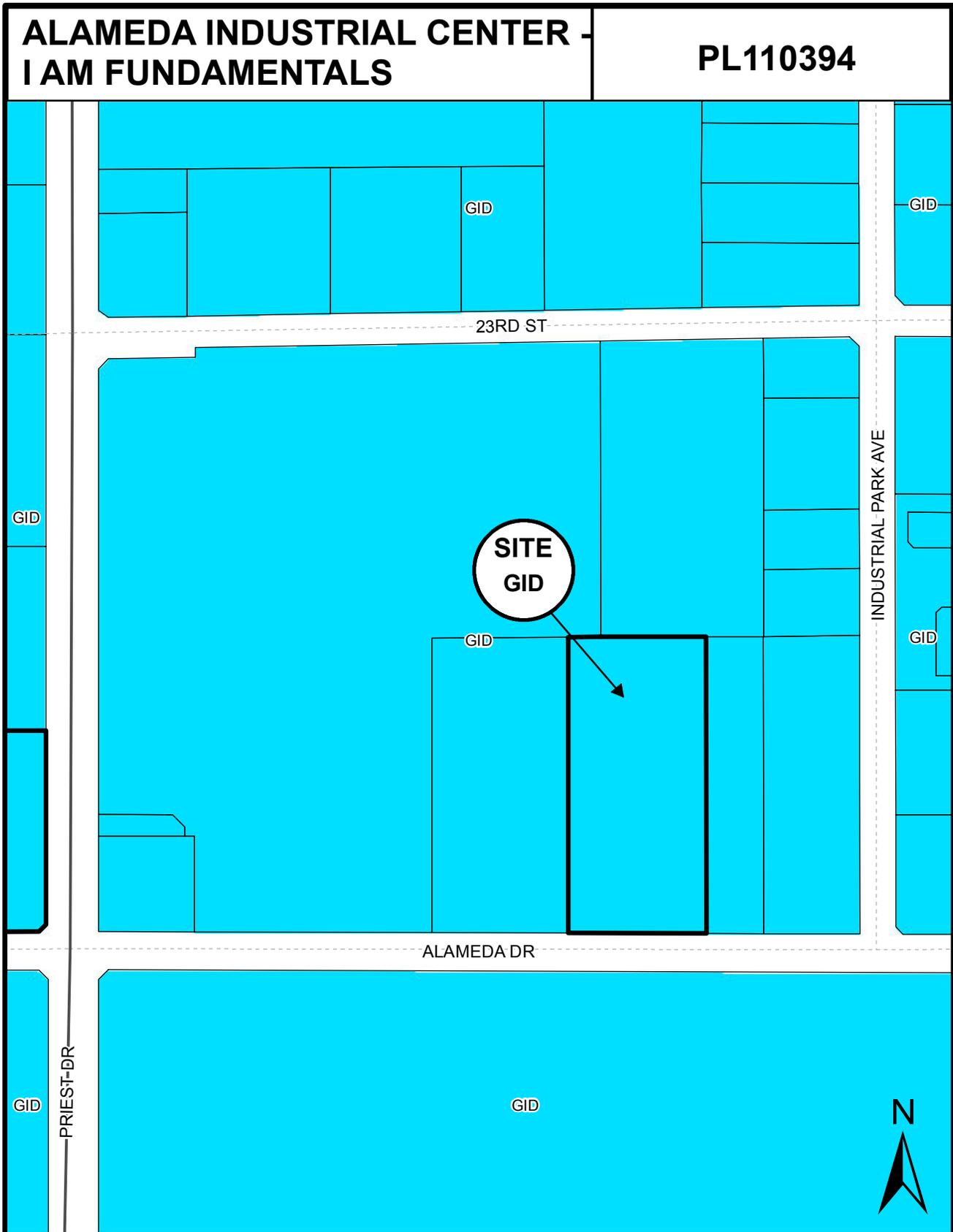
None pertinent to this case.

DESCRIPTION:

Owner – Deyus Industrial SPE Financed Portfolio LLC
Applicant – Oscar Garcia/Infinite Abundance Mentality LLC
Existing Zoning – GID, General Industrial District

**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



Location Map



ALAMEDA INDUSTRIAL CENTER - I AM FUNDAMENTALS (PL110394)

Letter of Explanation

November 10, 2011

Attn: Sherri Lesser
Senior Planner
City of Tempe

From: Oscar Garcia
Infinite Abundance Mentality, LLC
Dba I AM FUNDamentals
480-415-4745

Re: 1130 West Alameda Drive. Suite 5-6

Dear Sherri,

By use of this letter I kindly request a Special Use Permit for my business at the aforementioned address. As my business is a new, start-up company, I currently do not have any employees. However, I fully expect my company to create two new jobs with the addition of two members to my staff no later than May of 2012. Although my current resources have been extremely limited, I have had a tremendous amount of support from people in the community who have improved their daily lifestyles due to my training sessions. It is because of this that I need use of an industrial space. As with the other Crossfit locations located in the City of Tempe, an Industrial building is by far and away the most efficient type of product for us to operate out of.

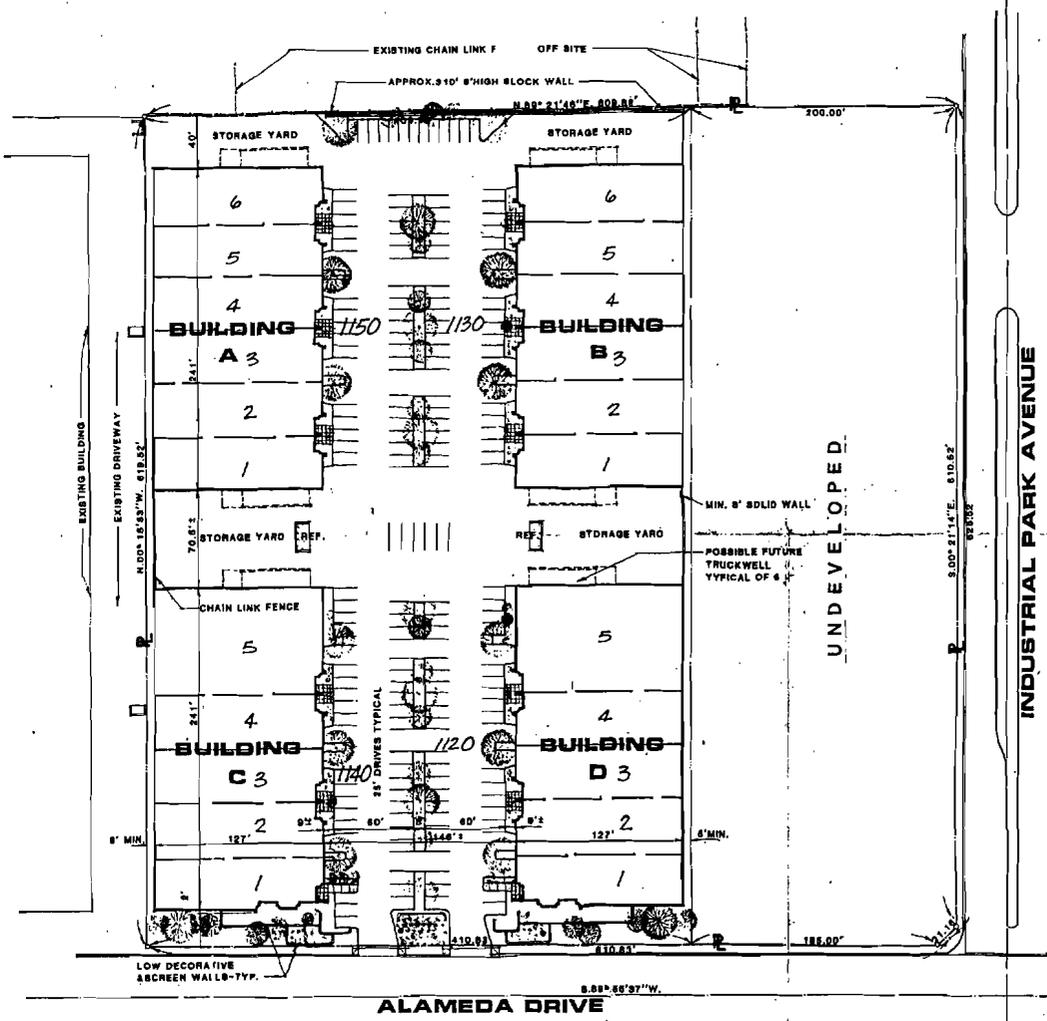
My business operates as follows: When people sign up for a personal training session they select a schedule according to the best time for them to meet with me (People only train with me three times a week). Once they have a schedule I keep it to no more than three people per time slot (I plan in potentially increasing this number to 8 per slot). The personal training session consists of 10 to 15 minutes of warm-up and then anywhere between 10-30 minutes of training, as all of my sessions are different. Everybody has a schedule and may not show up unannounced.

The hours of operation will be as follows: Monday- Friday 5:00 AM - 11:00 AM and 2:00 PM - 8:00 PM. Saturday 7:00 AM - 9:00 AM. Sunday Closed.

Thank you very much for your attention to this matter as well as all of your help during this process.

Sincerely


Oscar Garcia



SITE PLAN
 SCALE: 1"=40'-0"
 0 10 20 30 40
 NORTH

PROJECT DATA

PROPERTY: 378,836 S.F.
8.71888 ACRES

BUILDINGS:
 EACH BUILDING:
 GROSS AREA 187' x 241'-30,807 S.F.
 NET AREA 126' x 240'-30,240 S.F.

TOTAL CONSTRUCTED AREA:
 GROSS AREA 4 x 30,807-123,228 S.F.
 NET AREA 4 x 30,240-120,960 S.F.

NOTE: GROSS AREA exterior face of exterior walls and includes recessed entries.
 NET AREA interior face of 18" up conc. walls and includes recessed entries.

PARKING:
OFFICE IMPROVEMENTS:
 with currently shows parking configuration and totals, approx. 10% office building out will be permitted without additional parking

PARKING REQUIRED: 188 STALLS
PARKING PROVIDED: 187 STALLS

COVERAGE:
 182,428÷378,836=48.25%

NW 28 TN

NW 1/4 28 N4
 ADDRESSED 7-13-83
 by STAN L.
 INDUSTRIAL PARK AVE AT
 ALAMEDA DR.

1120 - 1150 W

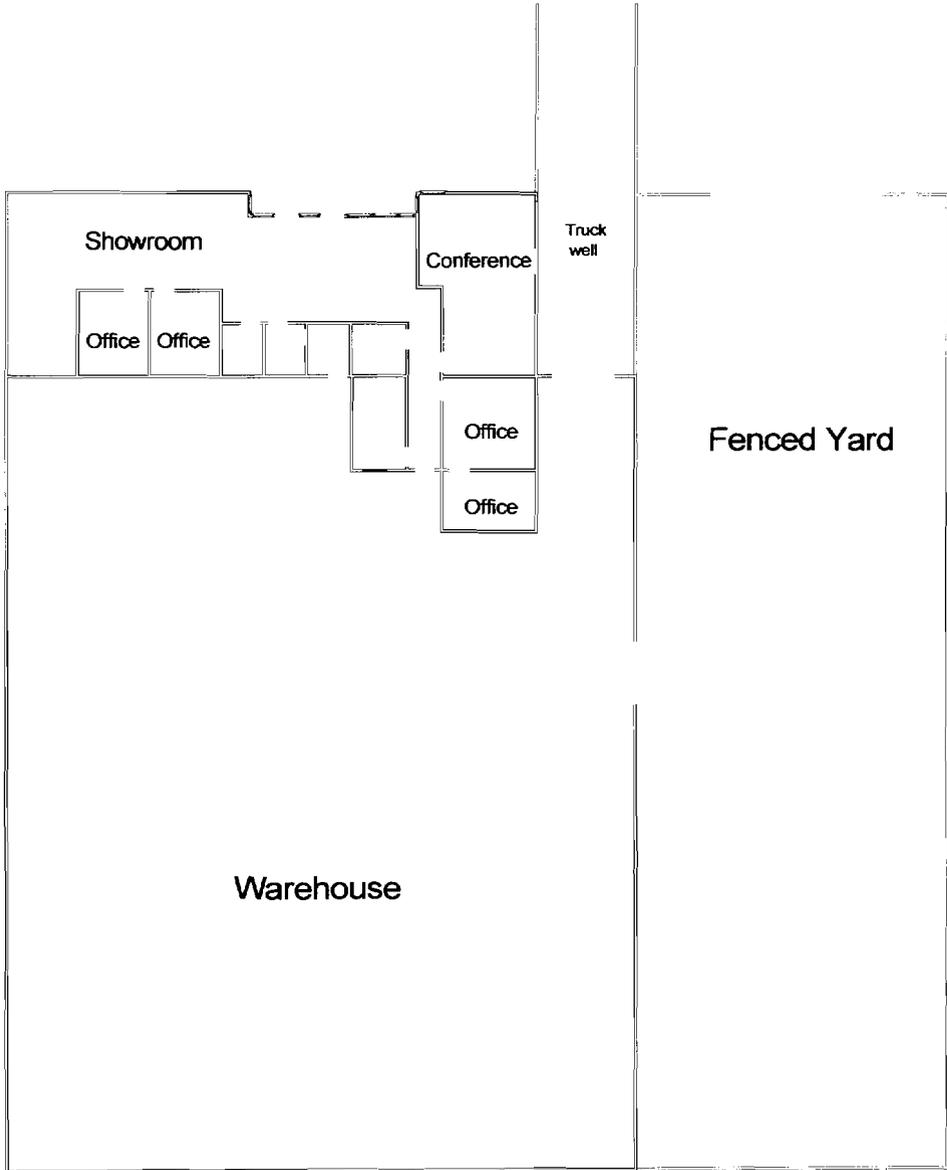
DICKINSON & SC

NEW INDUSTRIAL/COMMERCIAL COMPLEX

INDUSTRIAL PARK AVE

PRO SITE

ALAMEDA CENTER
1130 W. Alameda Dr
Suite 5/6



Approximately 10,202 RSF