

Staff Summary Report



Hearing Officer Hearing Date: February 5, 2008

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by **INHERMISSION (PL070536)** located at 522 West 1st Street for one (1) use permit.

DOCUMENT NAME: 20080205dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **INHERMISSION (PL070536)** (Virginia Blatchley, applicant/property owner) located at 522 West 1st Street, #105 in the MU-2, Mixed Use, Medium Density District for:

ZUP08002 Use permit to allow a massage therapy business located in a mixed use district.

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

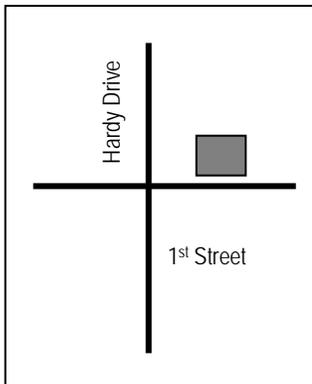
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to Conditions 1-7.

ADDITIONAL INFO: The applicant is requesting approval of a use permit for a massage therapy business located at 522 West 1st Street. The Zoning and Development Code requires allows massage therapy businesses in Mixed Use Medium Density Zoning District, subject to a use permit. Inhermission will be operated in a housing unit designed for Live-work; typically massage therapy is not allowed as a home based business but the underlying zoning takes precedent to allow the use; subject to approval. To date, no public input has been received. The applicant has provided a letter of support from the Homeowners Association for the condominium development. Staff is recommending approval of the request with conditions.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letters of Intent
5. Floor plan
6. Letter of Support from Homeowners Association
- 7-9. Applicant Photographs
10. Staff Photograph

COMMENTS:

Inhermission is requesting approval of a use permit for a massage therapy facility to be located at 522 W. 1st Street. The sole therapist, the applicant Virginia Blatchley, will have business hours by appointment only and will schedule approximately four (4) clients per day; three (3) days per week. This business will operate out a residential unit designed for live/work; the work space is accessible from the 1st Street frontage with the living space above.

Use Permit

The Zoning and Development Code requires a use permit for massage therapy, in the MU-2, Mixed Use Medium Density District. Staff supports the use permit as described in the letter of explanation. This use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The proposed business is compatible with the building and the adjacent businesses.

Conclusion

Staff recommends approval of the request with conditions. To date, there has been no opposition to this use permit application. The applicant provided a letter of support from the 525 Townlake Homeowners Association.

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

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

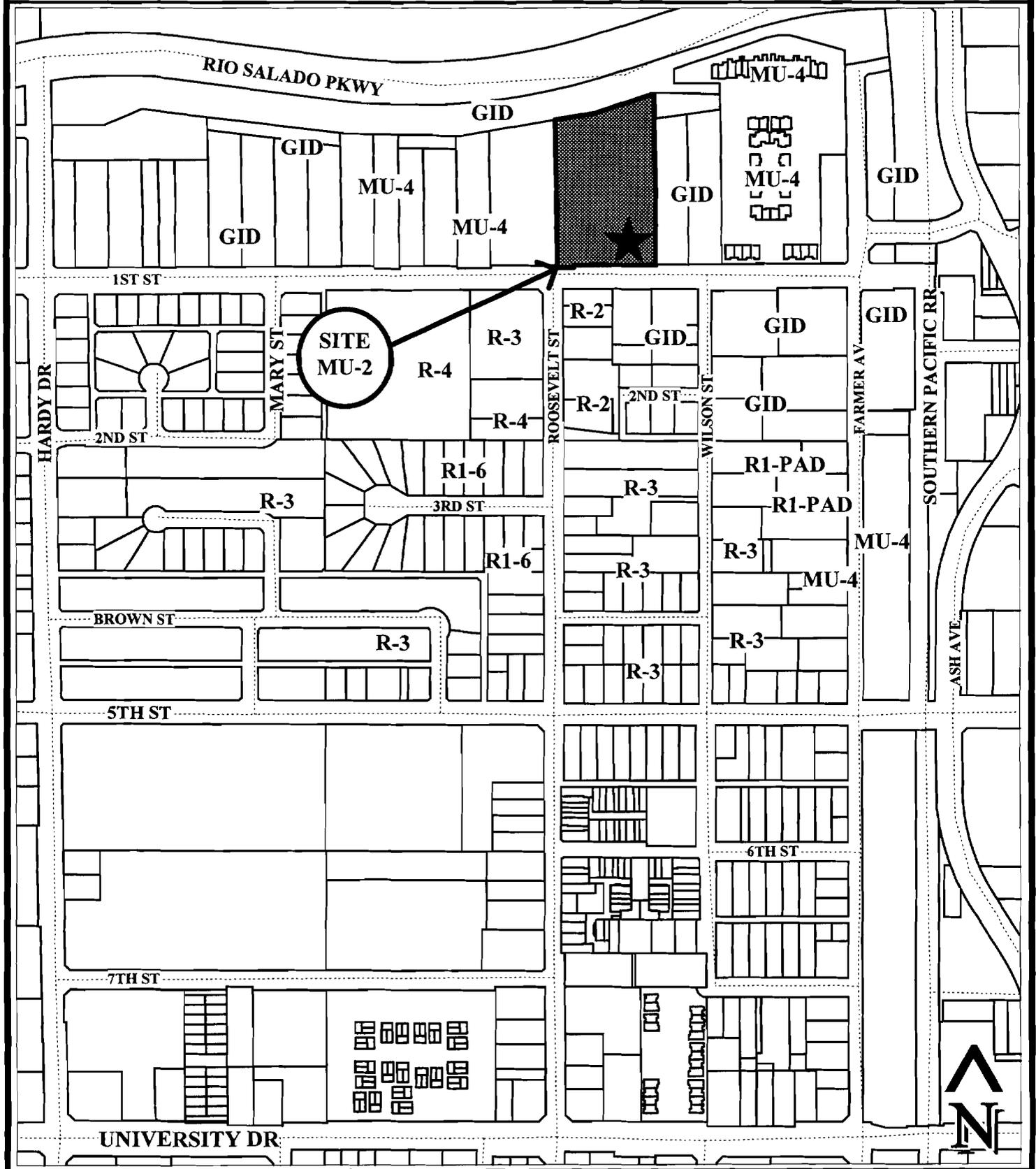
Owner – Virginia Blatchley
Applicant – Virginia Blatchley
Existing Zoning – MU-2, Mixed Use, Medium Density District

ZONING AND DEVELOPMENT CODE REFERENCE:

Part 6, Chapter 3, Section 6-308- Use permits

INHERMISSION

PL070536



Location Map



INHERMISSION (PL070536)

Virginia Lee Blatchley, LMT, NCETM



Inher Mission Massage

522 W 1st Street #105, Tempe, Arizona, 85281

Phone: (480)710-3729 Fax: (480)967-7229, E-mail ginnyblatchley@msn.com

January 8, 2008

Hearing Officers
City of Tempe

Dear Hearing Officers,

I am writing this letter to request a Use- Permit to practice Therapeutic Massage at my work/live condominium located at 522 W 1st Street #105 in Tempe.

My intent is to provide a quality service in a secure, safe and clean environment. I have a sincere passion for wellness and would very much like share this with my clients.

I spend a great deal of time traveling and private business allows me the freedom to work my schedule accordingly. I would schedule by appointment only. My intent would be to see a maximum of 4 clients per day 3 days per week, sessions ranging between 60 minutes to 75 minutes. I would be available for appointments from 8 AM until 6 PM. I have no intention to rent or lease my space with other therapists and I require no employees to operate my business. I would not be open as a walk-in business.

Signage permitted is very discrete and my client base would primarily be generated by "word of mouth".

My neighbors conduct business that generates foot traffic and business related activities. I am surrounded by active businesses. Enclosed with my previous letter you will find a letter from my Condo Association stating that they do not have a problem with my operating a Massage Therapy business at this location.

I have explained my floor plan arrangement in my previous letter and have included a layout with this letter.

I hope I have provided the information you seek. Please let me know if you have any questions. My home phone is 480-967-7229; my cell is 480-710-3729, my email: ginnyblatchley@msn.com.

Sincerely,

Virginia Blatchley

RECEIVED
08 JAN - 8 PM 4: 10
TEMPE DEVELOPMENT
SERVICES DEPARTMENT

Virginia Blatchley
522 W 1st Street #105
Tempe, AZ 85281

December 6, 2007

Lisa Collins
Department Director
Deputy Development Services Manager/Planning
City of Tempe

Dear Ms. Collins,

I am writing this letter in an effort to secure a Massage Therapy establishment license for my work/live unit recently purchased at 522 W 1st Street #105 in Tempe. I have spoke with Shawn Daffara and he informed me that there is a zoning restriction at this address in regard to Massage Therapy establishments conflicting with home/occupation rules and residential concerns.

There are 7 units in my building slated as work/lives. These units are adjacent to each other and are street side. The units were inspected prior to closing to comply with City Codes for business. My neighbors are conducting such businesses as ASI, Law, Real Estate, and Computer Programming. The office area of the unit is on the first floor consisting of one room and a bath. The private living areas of the unit are located on the 2nd and 3rd floors. The private living space and business space occupy two distinctly separate areas. There are 3 entrances including the garage, 2 private and one business entrance. We have signage space available on our unit /address placket placed over each business entrance. Parking is available street side. I am enclosing pictures of my neighboring borders. There are substantial business operations in my immediate vicinity.

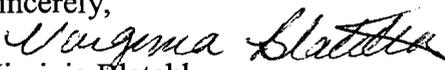
My business by necessity would be "by appointment only". I do not have a facility that would promote shoppers traffic and my hours of operation would be limited.

With the continual growth in Tempe I feel there is a real need and interest in a variety of high quality services within walking distance or better yet "in the neighborhood". To me this is the true "Urban Experience" that Tempe is creating for its residence. Massage Therapy fits this life style and I feel that accessibility is a key component of its success.

I am a Professional devoted to being an asset to a healthy, clean, growing community like Tempe. I ask that you please consider what I have shared and that you will contact me if I can give you any additional information. This is very important to me. Thank you for your time and consideration.

I am also enclosing a letter from the Board of Directors from my Condominium Association regarding my request.

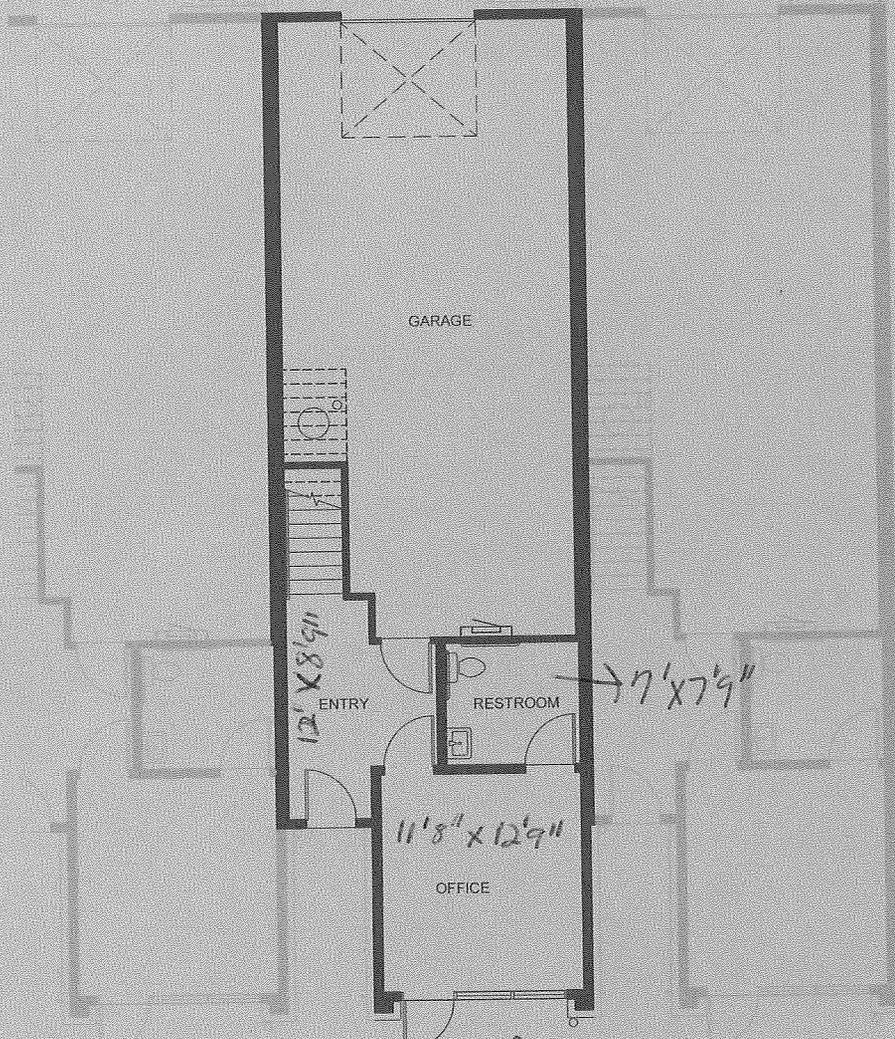
Sincerely,


Virginia Blatchley

Home: 480-967-7229, Cell: 480-710-3729, email: ginnyblatchley@msn.com

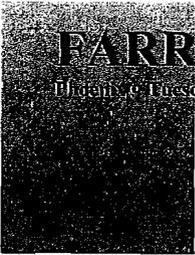
525
TOWN
LAKE

LIVE / WORK
GARAGE LEVEL



W 1st Street (street level)

↑ office



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Friday December 7, 2007

To: **Planning & Development Services of Tempe**

RE: **Virginia Blatchley**

To whom it may concern,

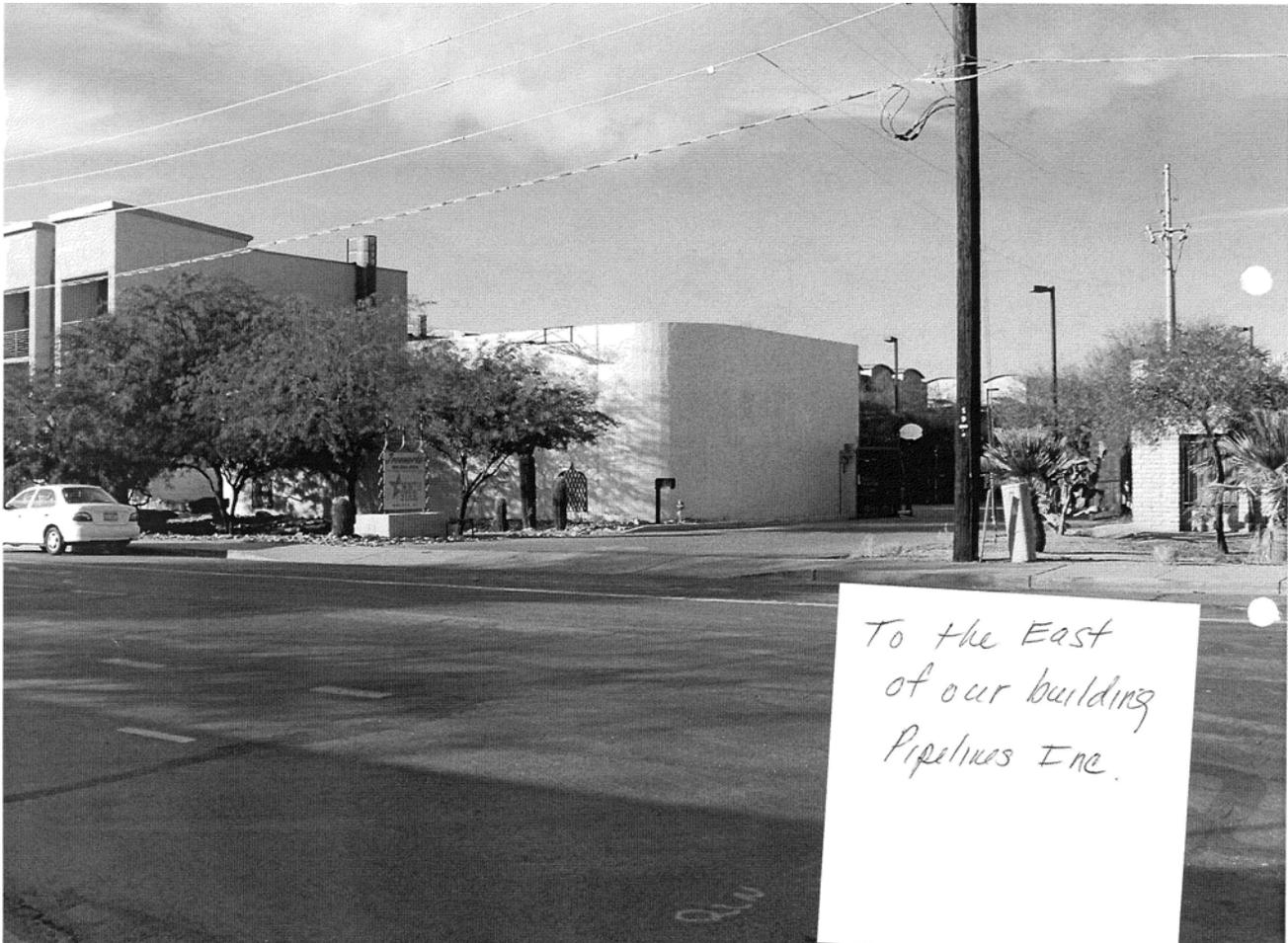
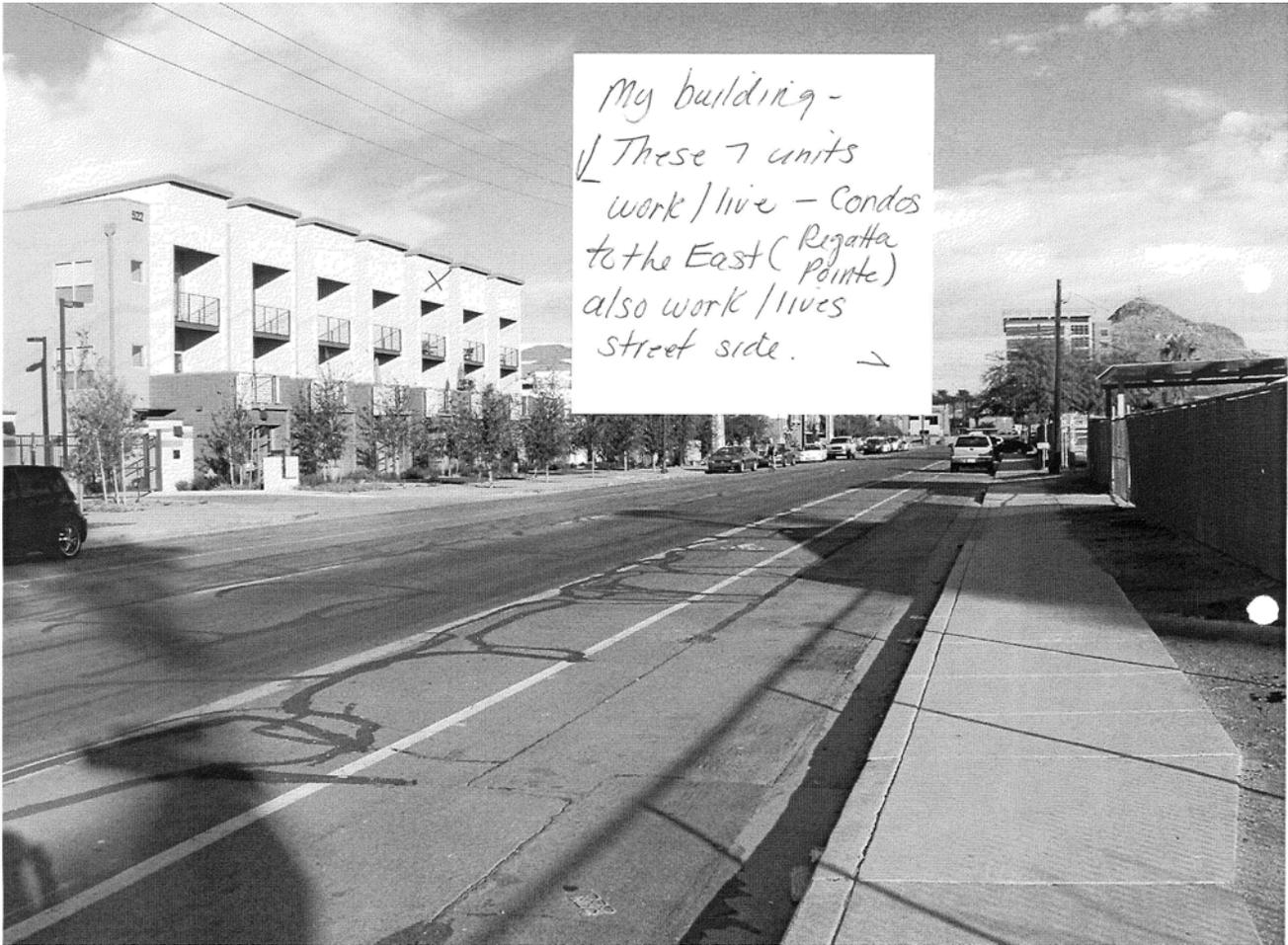
The Board of Directors for the 525 Town Lake Condominium Association have discussed the massage therapy business that Virginia Blatchley would like to open in her live work unit that she owns in the 525 town Lake Condominium Association. The Board of Directors sees no problem with her opening her business provided that she complies with all city requirements and has the proper insurance to operate a business out of her home.

If you should have any questions or concerns please feel free to call me at 602-222-8510 ext 234.

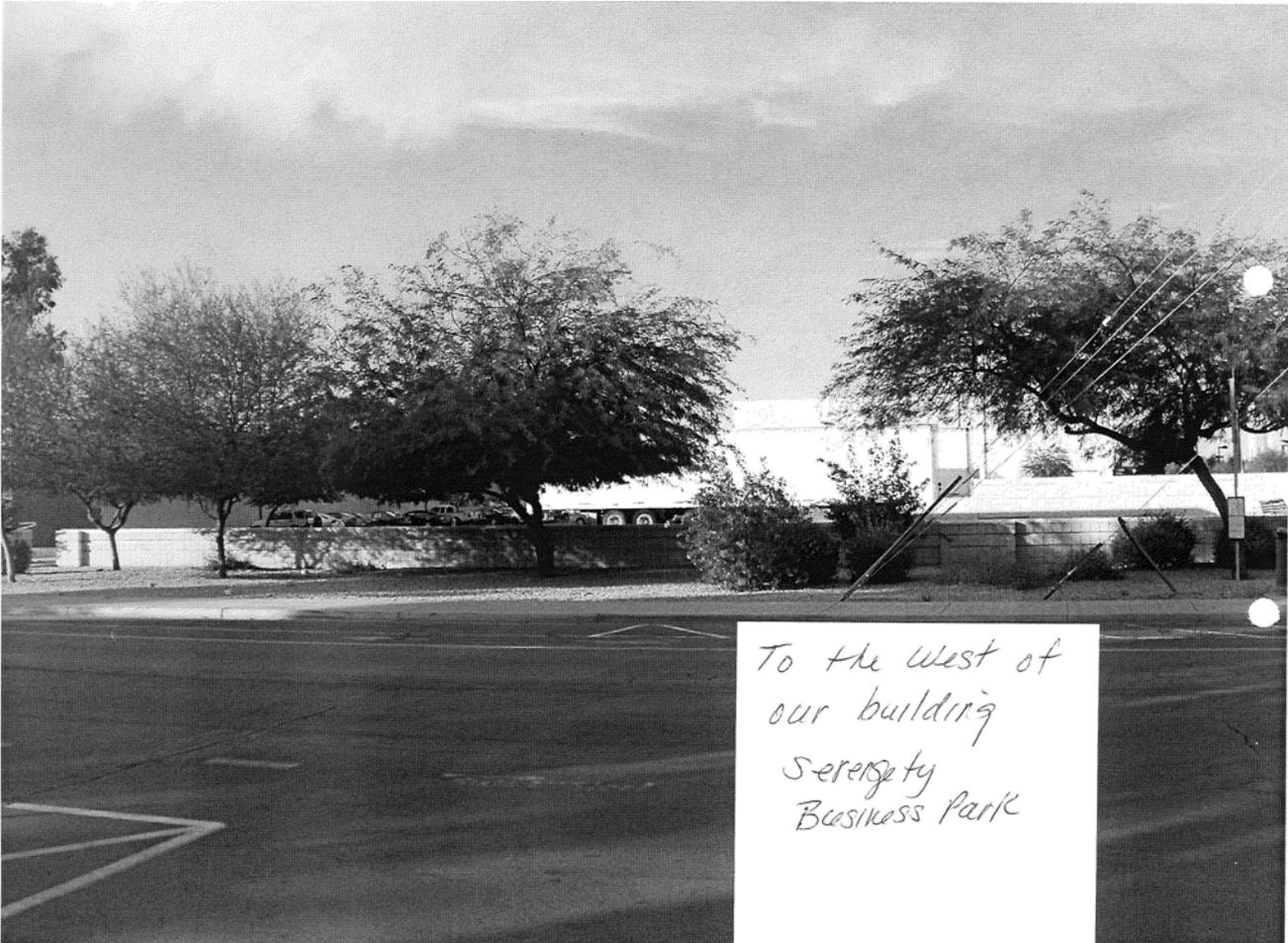
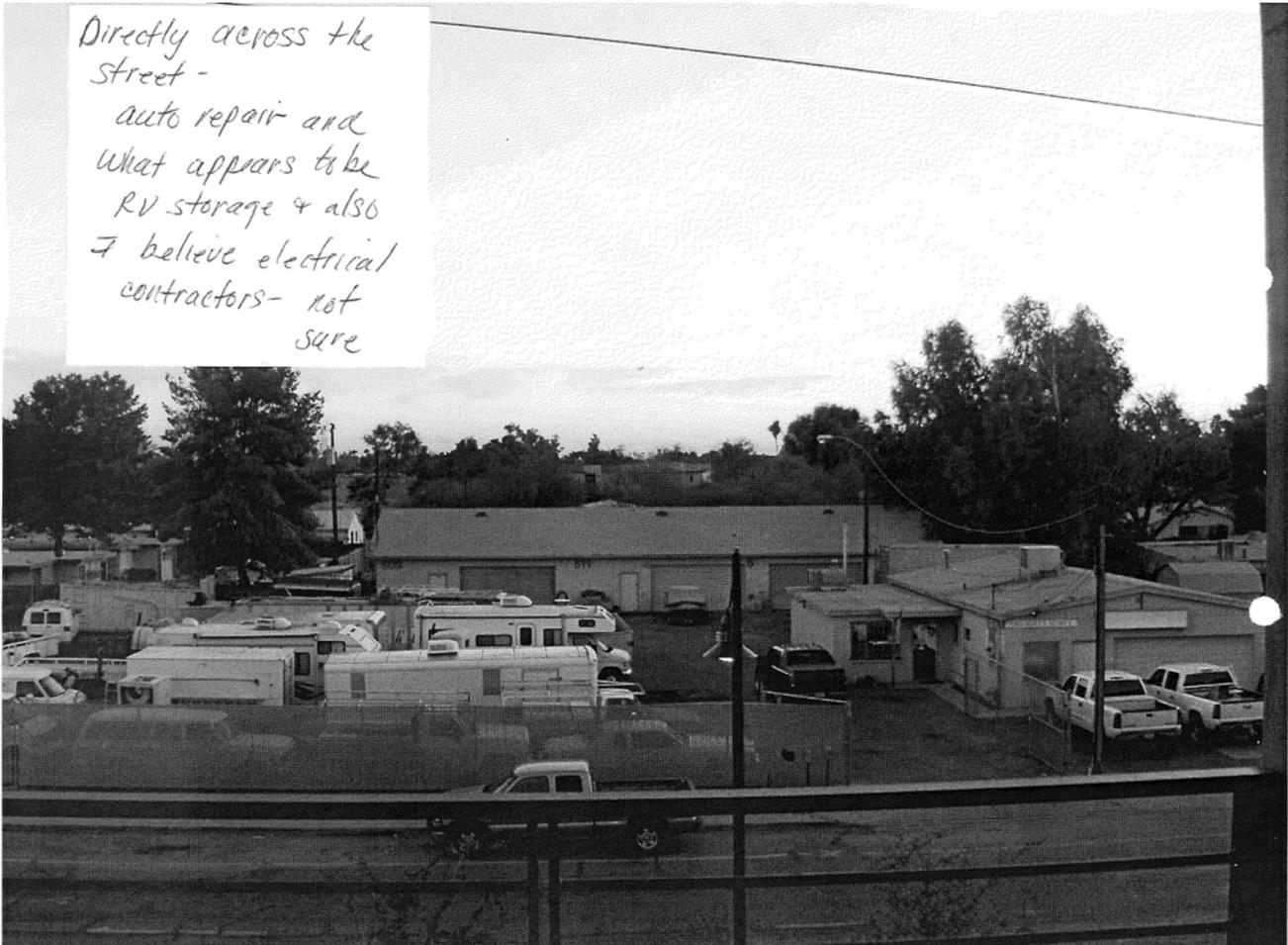
On behalf of the Board Of Directors

Patrick Downs CMCA
Community Manger

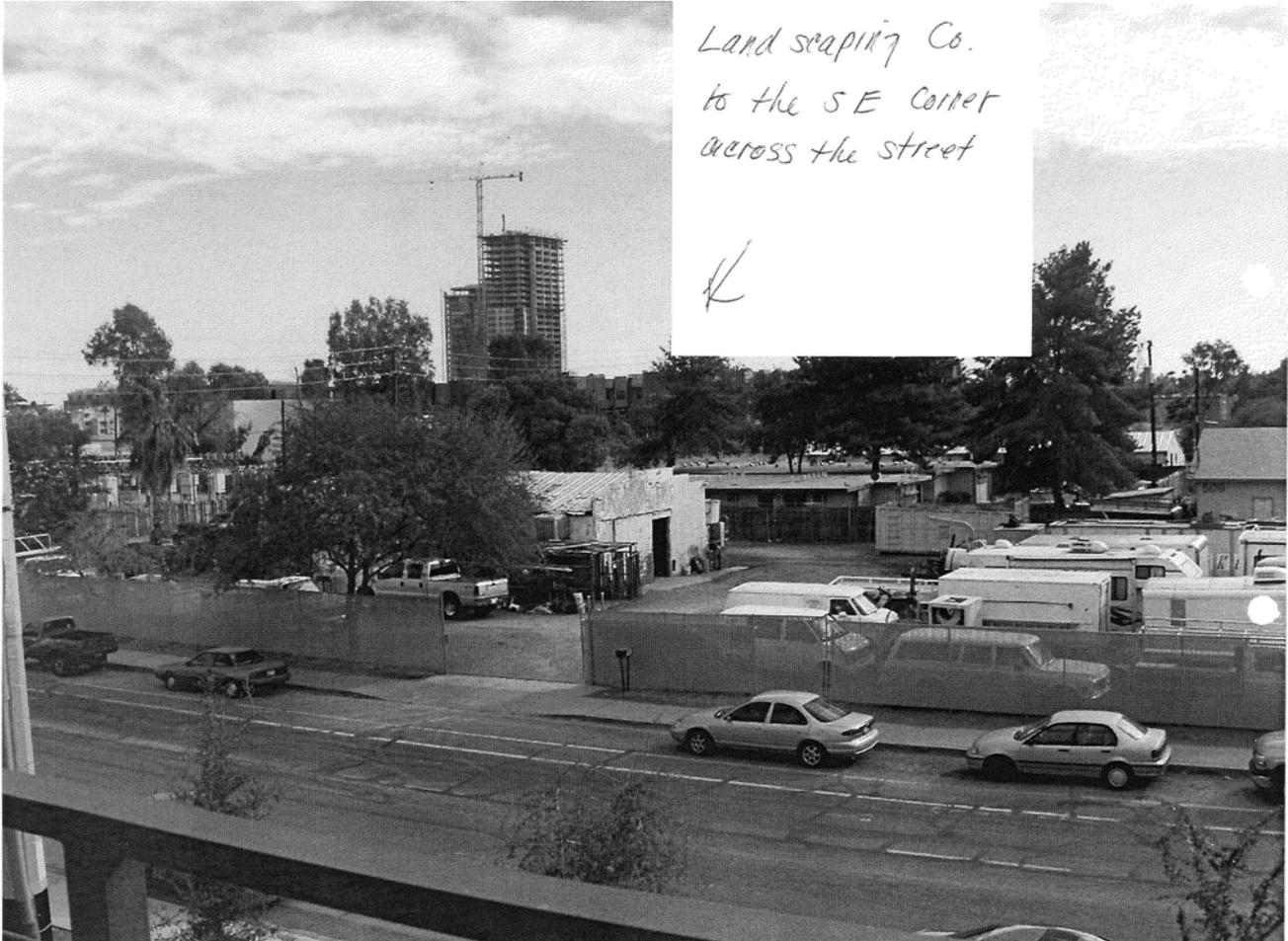




Directly across the
street -
auto repair and
what appears to be
RV storage & also
I believe electrical
contractors- not
sure



To the west of
our building
Serenity
Business Park



Land seaping Co.
to the SE corner
across the street

K

