

# Staff Summary Report



Hearing Officer Hearing Date: 2/15/11

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by **JAB FITNESS** located at 7305 South Kyrene Road for one (1) use permit.

**DOCUMENT NAME:** 20110215cdsl01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **FIESTA PLAZA – JAB FITNESS (PL100433)** (Brendon Spencer, applicant; Jamm Investments LLC, property owner) located at 7305 South Kyrene Road, Suite No. 112, in the GID, General Industrial District and SWOD, Southwest Overlay District for:

**ZUP10169** Use permit to allow a fitness facility (boxing gym).

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

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

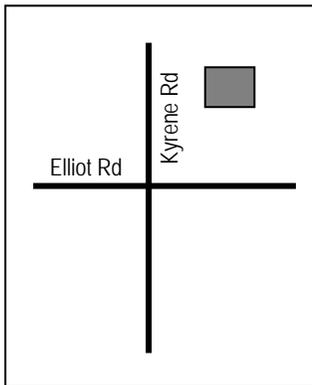
**LEGAL REVIEW BY:** N/A

**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:**



Jab Fitness is requesting approval of a use permit for a fitness facility (boxing gym) located at 7305 South Kyrene Road. The Zoning and Development Code requires commercial and retail uses located in the GID, General Industrial District to obtain a use permit. The proposed use appears to pass the criteria for approval of a use permit; staff is recommending approval of the request with conditions. This case was continued from the January 18, 2011 Hearing Officer meeting due to concerns expressed at the meeting regarding use of the parking area for outdoor fitness instruction. The applicant has updated their letter of explanation to address the outdoor fitness component. No additional parking required for the outdoor use.

**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. Class schedule
5. Site plan
6. Floor plan for center
7. Floor plan for tenant space
8. Staff Photograph(s)
- 9-10. Updated Letter of Intent (received 2/4/2011)
- 11-13. Approved shared parking model for center

## COMMENTS:

The applicant is requesting approval of a use permit for a fitness facility located at 7305 South Kyrene Road. The business hours will be from 6 am to 9 pm Monday-Thursday; 6 am to 7 pm Friday and 9 am- 12 pm Saturday. A majority of the traffic generated by the business will be in the early mornings and after work. The business will typically staff two (2) employees at any given time. They will offer classes in boxing, kick boxing and personal training to small groups of 4-8 people.

### Public Input:

One citizen attended the January 18, 2011 meeting. The Hearing Officer continued this request due to concerns expressed at the meeting regarding use of the parking area for outdoor fitness instruction. The applicant has updated their letter of explanation to address the outdoor fitness component. No additional parking required for the outdoor use.

### 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;
  - This is a commercial use, similar to others in the area; 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 Jab Fitness 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 tenant improvement from the Building Safety Division.
5. Outdoor fitness instruction limited to the south and west parking areas and must be delineated with parking cones during time of instruction within drive isles.

**HISTORY & FACTS:**

November 7, 2000

The Hearing Officer approved a use permit for Fast-Twitch of Phoenix to allow a commercial training facility utilizing high speed computerized exercise equipment., subject to conditions.

January 3, 2006.

The Hearing Officer approved a use permit for IM=X Pilates Studio to allow a fitness facility for pilates and yoga classes, subject to conditions.

January 18, 2011

The Hearing Officer continued this request to the February 15, 2011 hearing to allow staff to review the outdoor fitness activities.

**DESCRIPTION:**

Owner – Jamm Investments LLC

Applicant – Brendon Spencer

Existing Zoning – GID, General Industrial District & SWOD, Southwest Overlay District

**ZONING AND  
DEVELOPMENT**

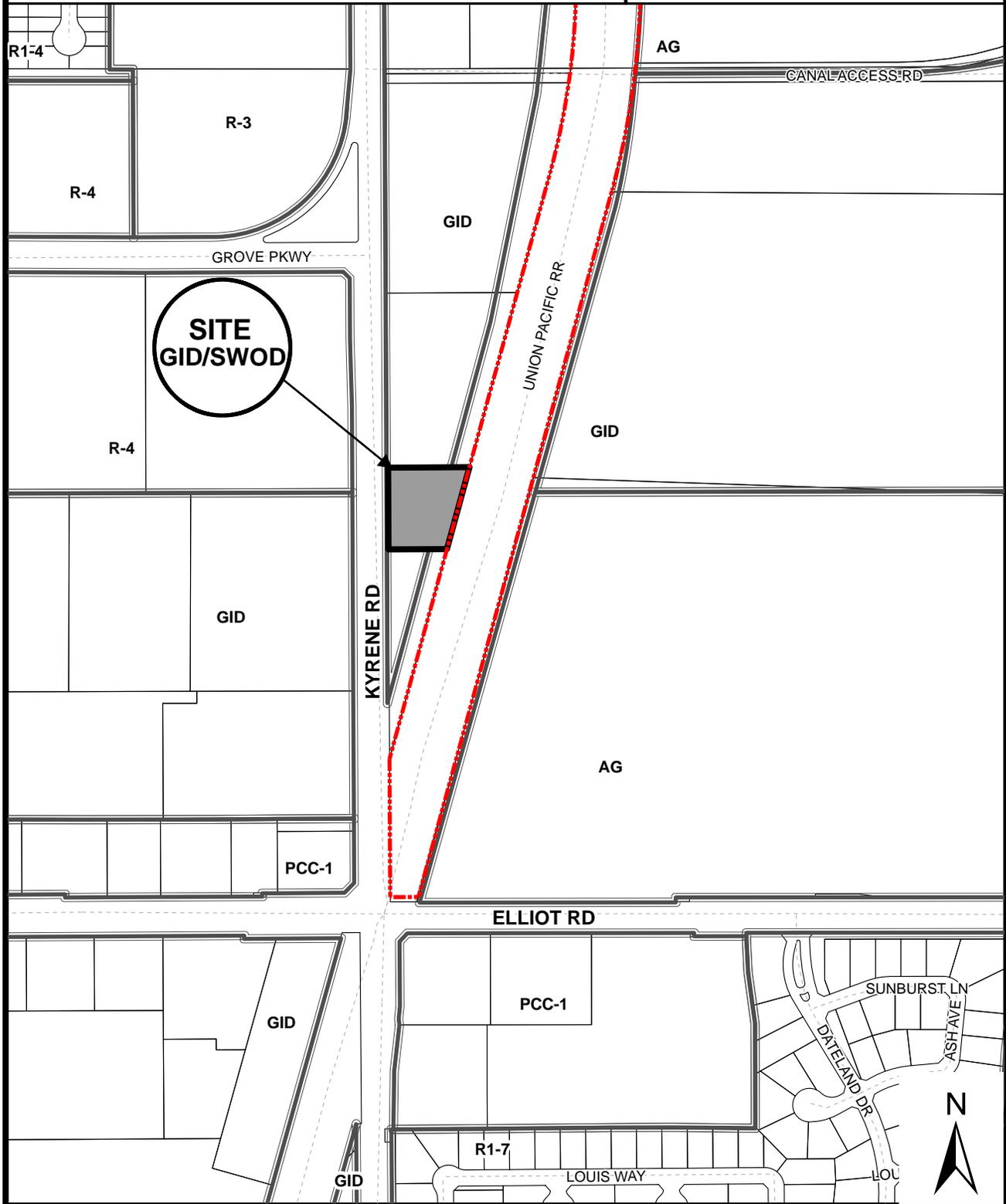
**CODE REFERENCE:**

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

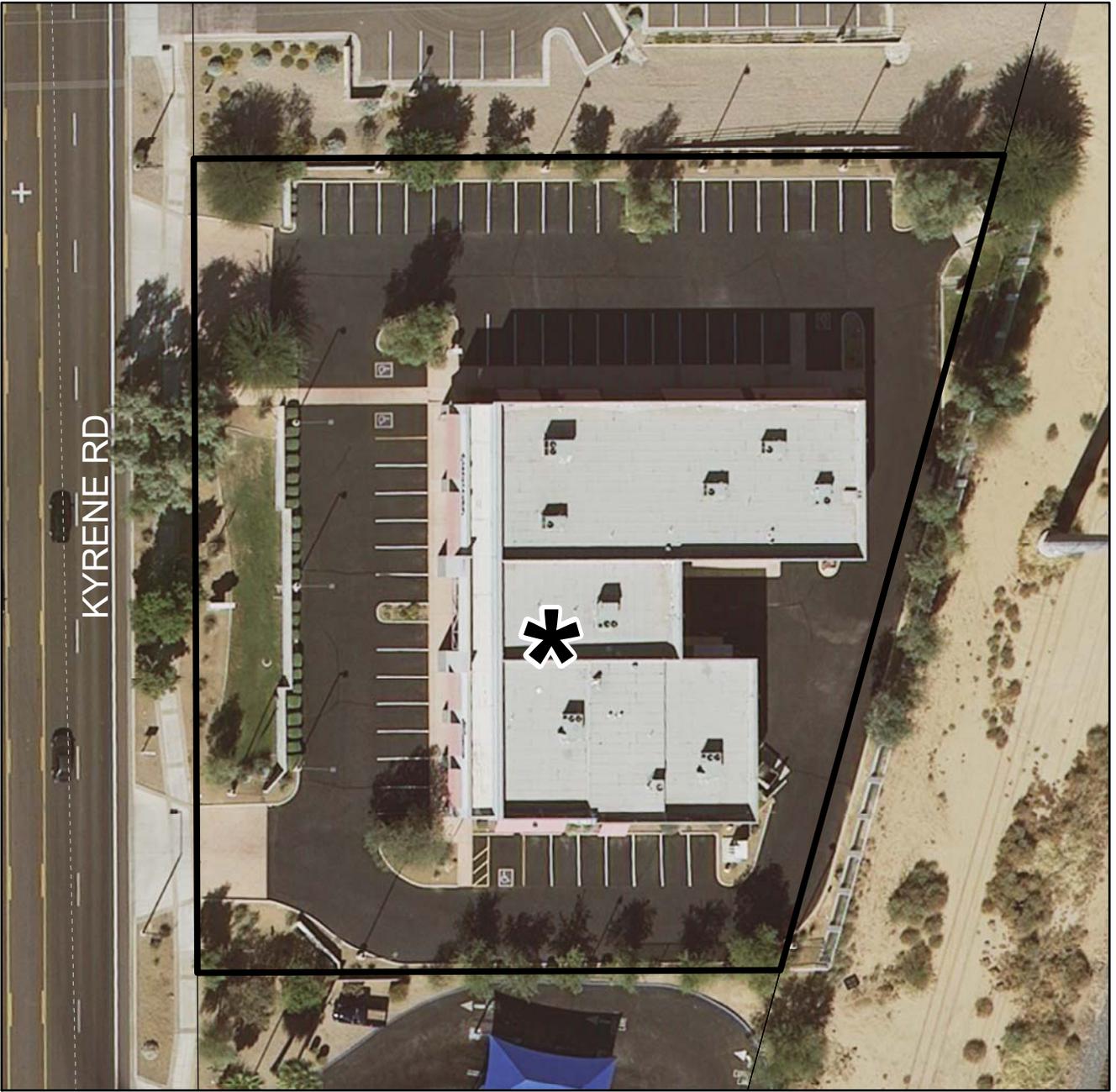
Part 6, Chapter 3, Section 6-308 – Use Permit

# FIESTA PLAZA - JAB FITNESS

PL100433



## Location Map



**FIESTA PLAZA - JAB FITNESS (PL100433)**

Brandon Spencer  
JAB Fitness  
7305 South Kyrene Road, 112  
Tempe, AZ 85283  
480-299-7627

December 20, 2010

City Of Tempe  
Development Services  
31 East Fifth Street  
Tempe, AZ 85280  
480-350-8331

To Whom It May Concern:

This letter is intended to describe the use, operation, hours, number of employees and number of expected customers and how it will affect the surrounding area for our proposed business, JAB Fitness.

JAB Fitness is a Boxing, Kick-Boxing, and Personal Training Gym. We will hold small group classes, 4-8 people, in which we will teach Boxing and Kick-Boxing technique as well as boot-camp style workout. Our classes will focus on form, general fitness and cardiovascular stamina. Attached you will find a sample class schedule.

We will be open from 6am to 9pm Monday through Thursday, 6am to 7pm Friday and 9am to 12pm Saturday but expect most of our traffic between 6:30am to 9am and 5:30pm to 9pm Weekdays. In our down hours we will offer one-on-one personal training. Classes are an hour long and people generally show up for the class 5 minutes early and leave immediately after the workout ends. Typically we will have no more than two employees in the building at a time (one trainer and one manager) and as of now we only have one trainer and one manager.

Because 80%-90% of our traffic will occur when the other neighboring businesses are closed I don't see a cause for concern in regards to parking, traffic, noise, or any other concern for that matter making us very compatible with the neighboring surroundings.

We plan on being very active in the community with fundraisers and volunteer work as this is how I've developed members for other gyms I have been a part of. Our members are typically middle aged, average income, working adults looking for a good, fun and effective way to stay in shape. So I would see no cause for concern when it comes to disruptive behavior.

Feel free to contact me with any questions, comments or concerns.

Sincerely,

Brandon Spencer

attchment

# JAB FITNESS

Boxing - Kickboxing - Jiu Jitsu

MMA - Advanced Muay Thai

## 480-299-7627

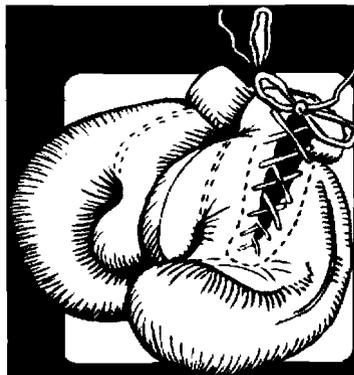
Adult, Kids & Youth Programs

All Ages Welcome

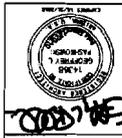
Brandon Spencer 480-888-5315 Jason Bress 480-297-1214

### Class Schedule

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6:30 AM	BOXING	OPEN GYM	BOXING	OPEN GYM	BOXING		
7:45 AM	KICKBOXING	BOXING	KICKBOXING	BOXING	KICKBOXING	BOXING	
12:00 PM	BOXING	KICKBOXING	BOXING	KICKBOXING	BOXING	OPEN SPARRING	
5:30 PM	BOXING	KICKBOXING	BOXING	KICKBOXING	BOXING		
6:45 PM	KICKBOXING	BOXING	KICKBOXING	BOXING			
7:45 PM	ADVANCED MUAY THAI	ADVANCED MUAY THAI	ADVANCED MUAY THAI	ADVANCED MUAY THAI			





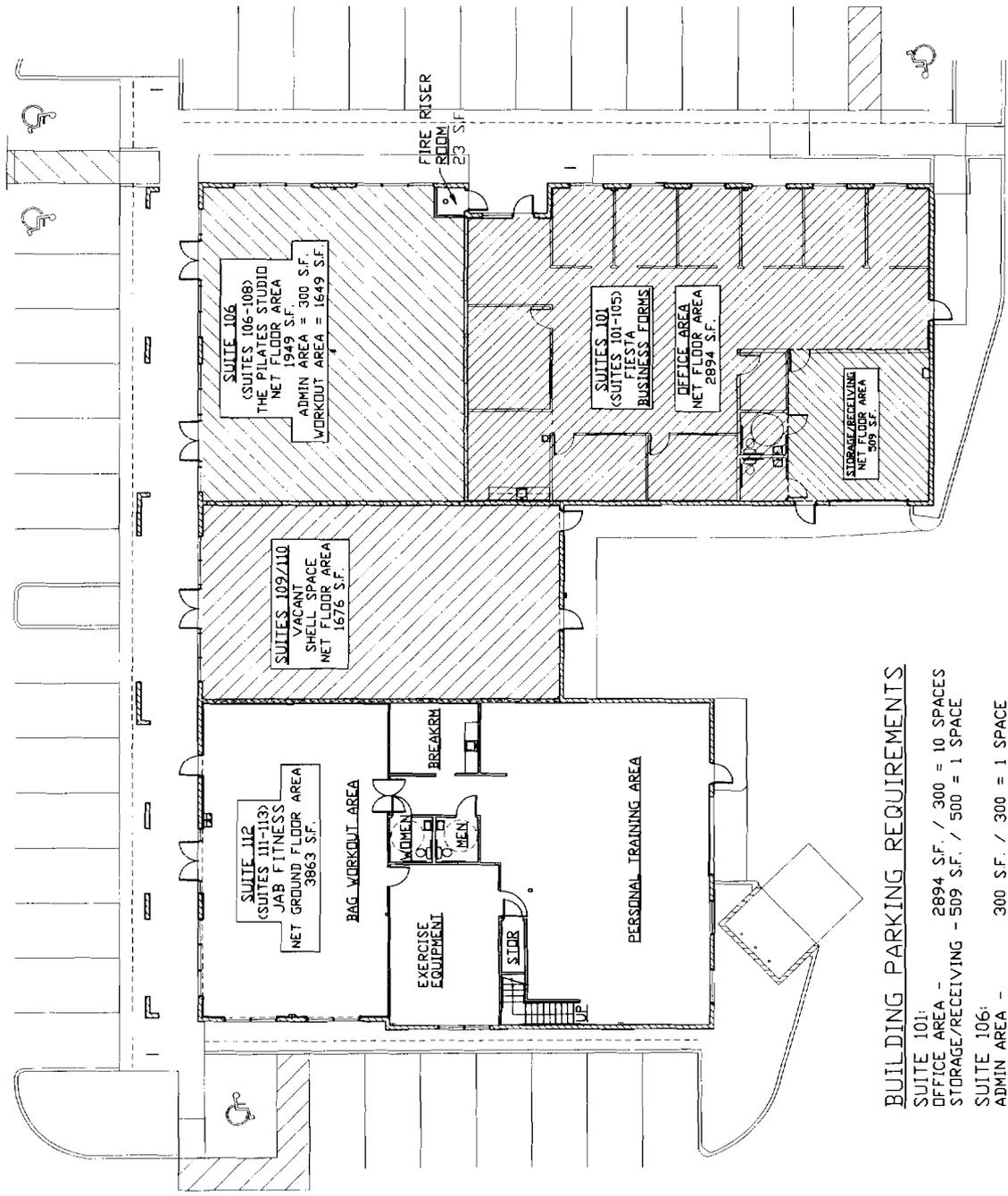


DESIGN PLUS ARCHITECTURE LTD.  
 447 E. BLUEBELL  
 TEMPE, ARIZONA 85281  
 (480) 841 - 3005

JAB FITNESS  
 TENANT IMPROVEMENT/REMODEL

7305 SOUTH KYRENE ROAD, SUITE 112  
 TEMPE, ARIZONA 85283

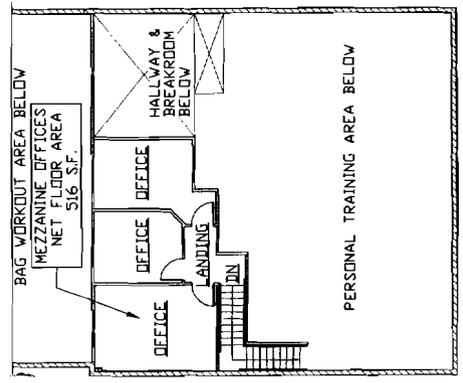
PROJECT NO. 2010-10				
SHEET				
PARKING ANALYSIS				



**GROUND FLOOR PLAN**  
 1/8" = 1'-0" H  
 11,271 S.F. (GROSS) @ GROUND FLOOR  
 10,914 S.F. (NET) @ GROUND FLOOR

**BUILDING PARKING REQUIREMENTS**

SUITE 101:	OFFICE AREA -	2894 S.F. / 300 = 10 SPACES
	STORAGE/RECEIVING -	509 S.F. / 500 = 1 SPACE
SUITE 106:	ADMIN AREA -	300 S.F. / 300 = 1 SPACE
	WORKOUT AREA -	1649 S.F. / 125 = 13 SPACES
SUITES 109 / 110:	OFFICE OR RETAIL -	1676 S.F. / 300 = 6 SPACES
SUITE 112:	2ND FLOOR OFFICES -	516 S.F. / 300 = 2 SPACES
	WORKOUT AREA -	3863 S.F. / 125 = 31 SPACES
<b>TOTAL REQUIRED SPACES: 64 SPACES</b>		



**SUITE 112**  
 (SUITE 111-113)  
**2ND FLOOR PLAN**  
 1/8" = 1'-0" H  
 543 S.F. (GROSS) @ 2ND FLOOR  
 516 S.F. (NET) @ 2ND FLOOR

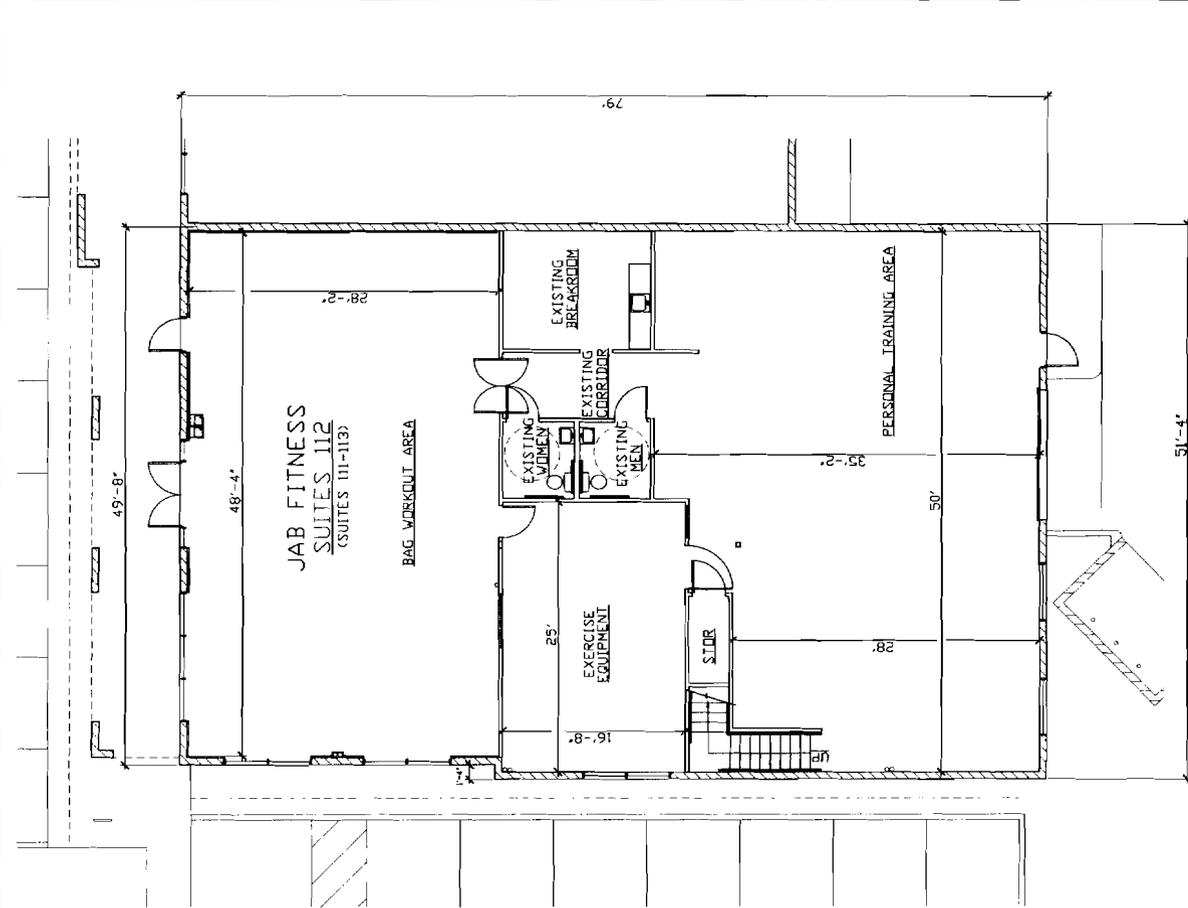


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 TEMPE, ARIZONA 85281  
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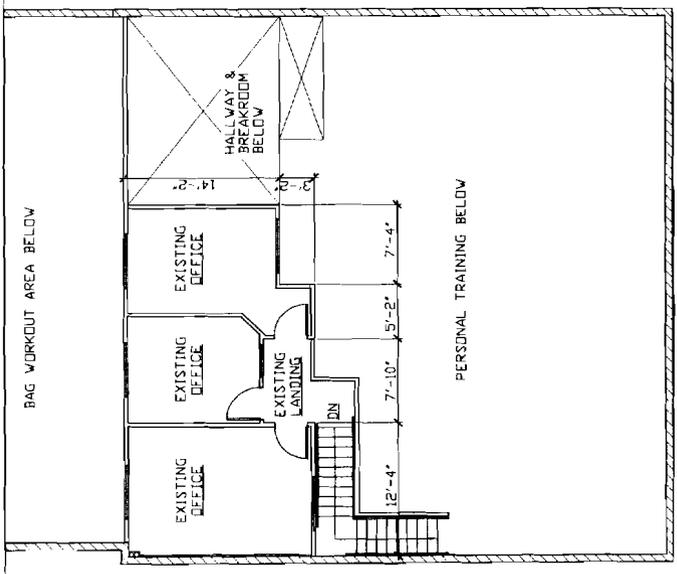


JAB FITNESS  
 TENANT IMPROVEMENT/REMODEL  
 7305 SOUTH KYRENE ROAD, SUITE 112  
 TEMPE, ARIZONA 85283

PROJECT NO. 2002-10	
SHEET	
FLOOR PLAN	



SUITE 112  
 (SUITES 111-113)  
 GROUND FLOOR  
 FLOOR PLAN  
 4000 S.F. (GROSS)  
 3863 S.F. (NET)



SUITE 112  
 (SUITES 111-113)  
 2ND FLOOR  
 FLOOR PLAN  
 543 S.F. (GROSS)  
 516 S.F. (NET)



# **FIESTA PLAZA – JAB FITNESS**

**7305 SOUTH KYRENE ROAD,  
SUITE NO. 112**

**PL100433**

**FRONT OF BUSINESS**



*Rec'd 2/4/11  
updated etc of intent*

Brandon Spencer  
JAB Fitness  
7305 South Kyrene Road, 112  
Tempe, AZ 85283  
480-299-7627

December 20, 2010

City Of Tempe  
Development Services  
31 East Fifth Street  
Tempe, AZ 85280  
480-350-8331

To Whom It May Concern:

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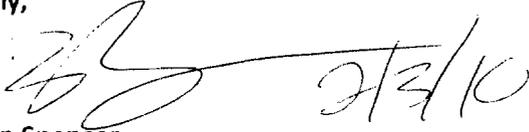
I also would like to clear up some confusion that came up at the hearing. The confusion was over the warm up exercise that we sometimes do outside the walls of the club. First, I wanted to first clarify that we are not working out within the parking spaces but rather the back and sides of the building. Second, I wanted to clarify that this is not additional people working out that these are the same people as the inside class and we just take them outside for warm up occasionally. The other city person who presented our case was under the understanding that these were additional people when in fact they are the same people as we allowed for inside the building

We plan on being very active in the community with fundraisers and volunteer work as this is how I've developed members for other gyms I have been a part of. Our members are typically middle aged, average income, working adults looking for a good, fun and effective way to stay in shape. So I would see no cause for concern when it comes to disruptive behavior.

*Rec'd 2/4/11*

Feel free to contact me with any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Spencer', with a date '2/3/10' written to the right of the signature.

Brandon Spencer

attchment

City of Tempe  
P. O. Box 5002  
31 East Fifth Street  
Tempe, AZ 85280  
www.tempe.gov



Community Development  
Planning

(480) 350-8331

January 4, 2011

Mr. Brendan Spencer  
4064 East Woodland Drive  
Phoenix, Arizona 85048  
jab.boxing@gmail.com

**RE: FIESTA PLAZA – JAB FITNESS**  
*Shared Parking Analysis*  
7305 South Kyrene Road, Suite No. 112  
**PL100433 / DS101337 / DSM10038**

Dear Mr. Spencer:

The Community Development Department staff has approved your shared parking analysis for the Fiesta Shops located at 7305 South Kyrene Road, Suite No. 112, in the GID, General Industrial District and SWOD, Southwest Overlay District.

Specific factors, which contributed to this decision, are as follows:

1. There is sufficient on-site parking to support the tenant mix as identified in the parking analysis.
2. An access and parking agreement exists between the adjoining properties.

This approval is subject to the following conditions of approval:

1. This approval is for Fiesta Plaza and JAB Fitness consisting of:  

5,812 s.f. Fitness Facility	509 s.f. Warehouse	5,086 s.f. Office
-----------------------------	--------------------	-------------------
2. Any modification to the tenant mix which creates intensification in the demand for parking spaces will require an update to the parking analysis report with review and approval (including applicable fees) by Development Review Staff.
3. The parking analysis (dated 012/23/10) identifies the peak demand for parking spaces for all uses as approximately 55 spaces , Monday through Friday; and 47 spaces on Saturday and Sunday; a minimum of 58 parking spaces on the Fiesta Plaza and JAB Fitness site(s) must be maintained to support all uses.
4. A parking file will be created by the Development Services Department with a copy of the shared parking report.

Should you have additional questions, I may be contacted at (480) 350-8486.

Sincerely,

A handwritten signature in cursive script that reads 'Sherri Lesser'.

Sherri Lesser, Senior Planner  
SL/dm cc: Mr. Dustin Smith/JAMM Investments LLC ([dustin@lawrenceandgeyser.com](mailto:dustin@lawrenceandgeyser.com)); File

**MONDAY - FRIDAY**

GROUP (\$)	PARKING																				
	S.F.	REQ	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	12:00 AM	
<b>OFFICE</b>																					
<b>GENERAL (1/300)</b>																					
FIESTA PRINTING	2,894	9.65	0.1929	6.077	8.971	9.647	9.647	8.682	8.682	9.357	8.971	7.428	4.534	2.219	0.675	0.675	0.289	0.289	0	0	0
VACANT	1,676	5.59	0.1117	3.52	5.196	5.587	5.028	5.028	5.419	5.196	4.302	2.626	1.285	0.391	0.391	0.168	0.168	0	0	0	0
JAB FITNESS	516	1.72	0.0344	1.084	1.6	1.72	1.548	1.548	1.668	1.6	1.324	0.808	0.396	0.12	0.12	0.052	0.052	0	0	0	0
<b>WAREHOUSE/STORAGE (1/600)</b>																					
FIESTA PRINTING	509	1.02	0.7635	0.865	1.018	1.018	0.916	0.814	0.865	0.967	0.967	0.967	0.509	0.255	0.102	0.051	0.02	0	0	0	0
<b>FITNESS CLUB</b>																					
THE PILATES STUDIO	1,949	15.59	7.0164	5.457	7.016	7.796	7.016	7.016	7.016	6.237	6.237	10.91	15.59	13.25	11.69	3.118	2.339	0.78	0.78	0.78	0.78
JAB FITNESS	3,863	30.90	13.907	10.82	13.91	15.45	13.91	13.91	13.91	12.36	12.36	21.63	30.9	26.27	23.18	6.181	4.636	1.545	1.545	1.545	1.545
	11407		22.026	27.82	37.71	41.22	38.79	37	37.05	36.01	35.33	46.57	50.65	40.81	36.11	9.828	7.483	2.325	2.325	2.325	2.325
<b>PARKING PROVIDED</b>		58																			
<b>PARKING REQUIRED</b>		64.47																			
<b>PARK BY DEMAND REQUIRED</b>		55																			

6/23/10

**SATURDAY-SUNDAY**

GROUP (S)	S.F.	PARKING REQ	7:00 AM 8:00 AM 9:00 AM 10:00 AM 11:00 AM 12:00 PM 1:00 PM 2:00 PM 3:00 PM 4:00 PM 5:00 PM 6:00 PM 7:00 PM 8:00 PM 9:00 PM 10:00 PM 11:00 PM 12:00 AM																	
			0.675	1.929	2.412	2.412	3.376	3.376	3.376	2.894	1.929	1.447	1.447	4.823	0.193	0	0	0	0	0
<b>GENERAL (1/300)</b>																				
FIESTA PRINTING	2894	9.65	0.675	1.929	2.412	2.412	3.376	3.376	2.894	1.929	1.447	1.447	4.823	0.193	0	0	0	0	0	0
VACANT	1,676	5.59	0.391	1.117	1.397	1.397	1.955	1.955	1.676	1.117	0.838	0.838	2.793	0.112	0	0	0	0	0	0
JAB FITNESS	516	1.72	0.12	0.344	0.43	0.43	0.602	0.602	0.516	0.344	0.258	0.258	0.86	0.034	0	0	0	0	0	0
<b>WAREHOUSE/STORAGE (1/500)</b>																				
FIESTA PRINTING	509	1.02	0.051	0.255	0.509	0.509	0.458	0.407	0.407	0.356	0.305	0.255	0.204	0.102	0	0	0	0	0	0
<b>FITNESS CLUB</b>																				
THE PILATES STUDIO	1,949	15.59	0.78	3.118	7.016	9.355	8.576	6.237	6.237	5.457	5.457	7.796	7.016	5.457	3.898	3.118	2.339	0.78	0	0
JAB FITNESS	3,863	30.90	13.91	10.82	13.91	15.45	13.91	13.91	13.91	12.36	12.36	21.63	30.9	30.9	26.27	23.18	6.181	4.636	1.545	1.545
	11407		15.92	17.58	25.67	29.55	28.87	26.48	25.64	21.57	20.67	32.23	46.6	36.8	30.51	26.3	8.52	5.415	1.545	1.545

**PARKING PROVIDED** 58  
**PARKING REQUIRED** 64.47  
**PARK BY DEMAND REQUIRED** 47

A12310