

Staff Summary Report



Hearing Officer Hearing Date: September 15, 2009

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **SOUTHWEST INSTITUTE OF HEALING ARTS (PL090312)** located at 1460 East Southern Avenue for one (1) use permit.

DOCUMENT NAME: 20090915dsgk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **TEMPE CITY CENTER – SOUTHWEST INSTITUTE OF HEALING ARTS (PL090312)** (K C Miller/SW Institute of Healing Arts, applicant; Judy Roberts/Tempe City Center LLC, property owner) located at 1460 East Southern Avenue in the PCC-2, Planned Commercial Center General District for:

ZUP09126 Use permit to allow an instructional school (college) in the PCC-2, Planned Commercial Center General District.

PREPARED BY: Grace DelMonte Kelly, Planner II (480-350-8369)

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

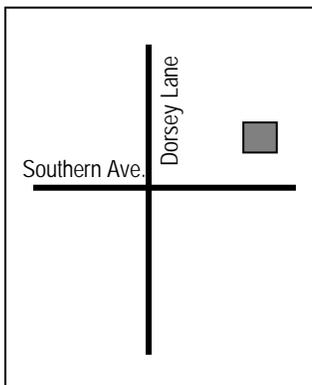
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The Southwest Institute of Natural Aesthetics would like to open a campus at the existing building at 1460 East Southern Avenue. The college, a division of the Southwest Institute of the Healing Arts, has outgrown its space on Apache Boulevard, and is moving to the approximately 9,000 s.f. building near Southern and Dorsey. The college will employ 10 employees with approximately 40 to 45 students in the morning classes and in the evening classes. The applicant said the college has been a profitable business for 16 years, and with its good reputation, should be compatible with surrounding businesses. Staff recommends approval of the use permit, with conditions.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Floor plan
6. Staff Photograph

COMMENTS:

The Southwest Institute of Natural Aesthetics would like to open a campus at the existing building at 1460 East Southern Avenue. The college, a division of the Southwest Institute of the Healing Arts, has outgrown its space on Apache Boulevard, and is moving to the approximately 9,000 s.f. building near Southern and Dorsey. The college will employ 10 employees with approximately 40 to 45 students in the morning classes and in the evening classes. The applicant submitted a letter of intent, which states that the college has been a profitable business for 16 years, and was selected as a "2008 Company to Watch" by the Arizona Small Business Association. They also stated that with its good reputation, it should be compatible with surrounding businesses. Staff recommends approval of the use permit, with conditions.

Public Input:

Staff received no phone calls or written comments.

Use Permit

The Zoning and Development Code requires a Use permit to allow an instructional school or college in the PCC-2, Planned Commercial Center General District.

Evaluating the use permit, the proposal appears to pass the use permit tests 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. The parking lot provides ample parking for the 45 students and 10 employees that will park there.
- 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 adversely impact neighboring businesses with the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare.
- 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. The school is a division of a nationally accredited private college and has been a profitable business for 16 years. This use permit request is consistent with the General Plan 2030's Land Use Element.
- d) Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding 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 will not create disruptive behavior or be a nuisance to the general public.

Conclusion

Staff recommends approval of the use permit, subject to conditions.

REASON(S) FOR APPROVAL:

1. The school appears to be compatible with other businesses in the surrounding area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. The use is not in conflict with the goals, objectives, or policies of the General Plan.
4. The proposed use will not create disruptive behavior or be a nuisance to the general public.

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 the Southwest Institute of Natural Aesthetics and may be transferable with approval from the Board of Adjustment staff. Should the business be sold, the new owners must contact the Board of Adjustment staff for review of the business operation.
2. Any intensification or expansion of the use shall require the applicant to return to Hearing Officer/Board of Adjustment for further review.
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 set to re-evaluate the appropriateness of the use permit.
4. Any new business signs are to have Development Plan Review approval, and permits are to be obtained prior to the installation of signs.

HISTORY & FACTS:

August 24, 2009. The Southwest Institute for the Healing Arts applied for a use permit to allow an instructional school in the PCC-2, Planned Commercial Center General District.

DESCRIPTION:

Owner – Tempe City Center LLC
Applicant – KC Miller / SW Institute of Healing Arts
Existing Zoning – PCC-2, Planned Commercial Center General District
Building Area – approximately 9,000 s.f.

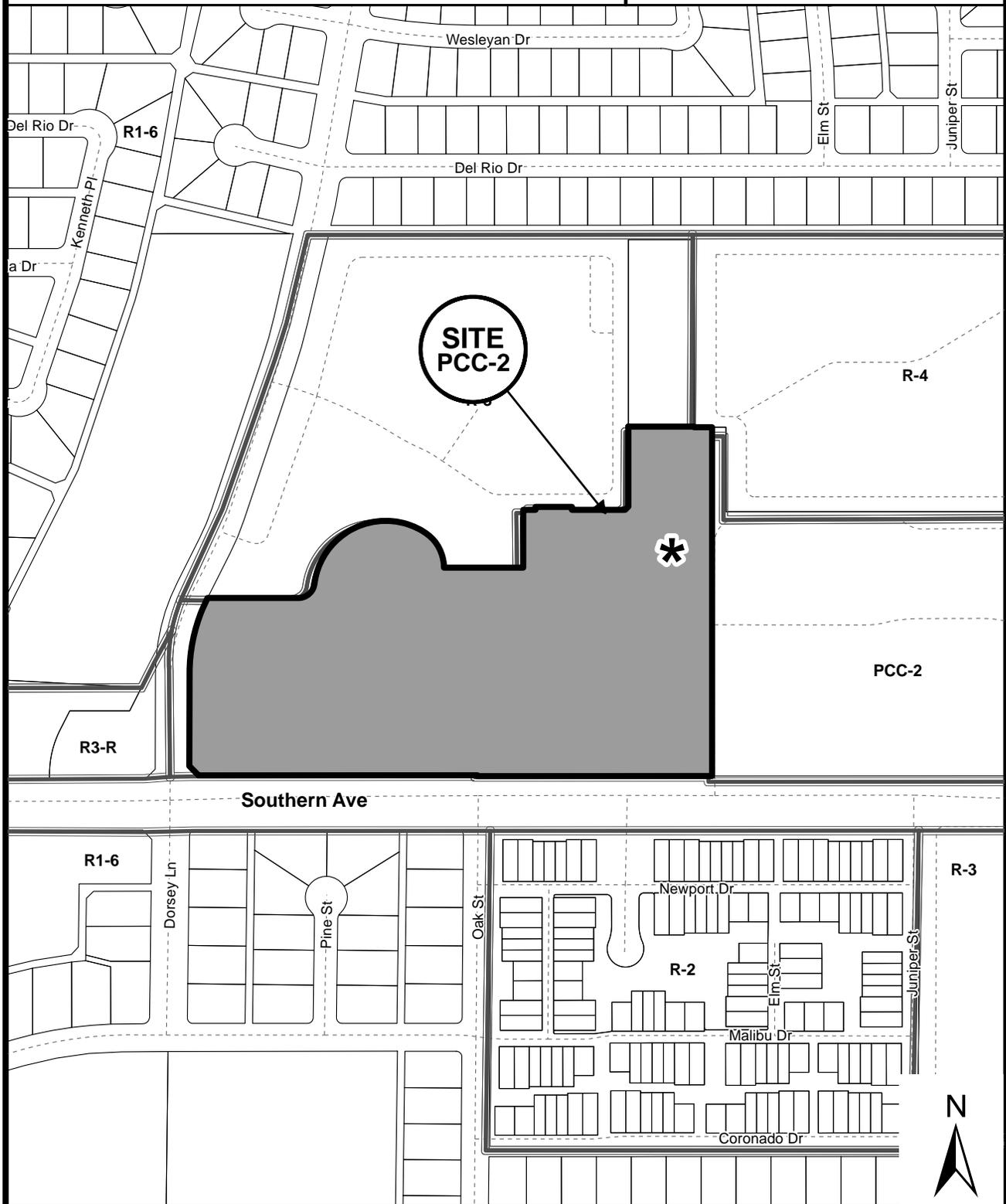
ZONING AND DEVELOPMENT

CODE REFERENCE:

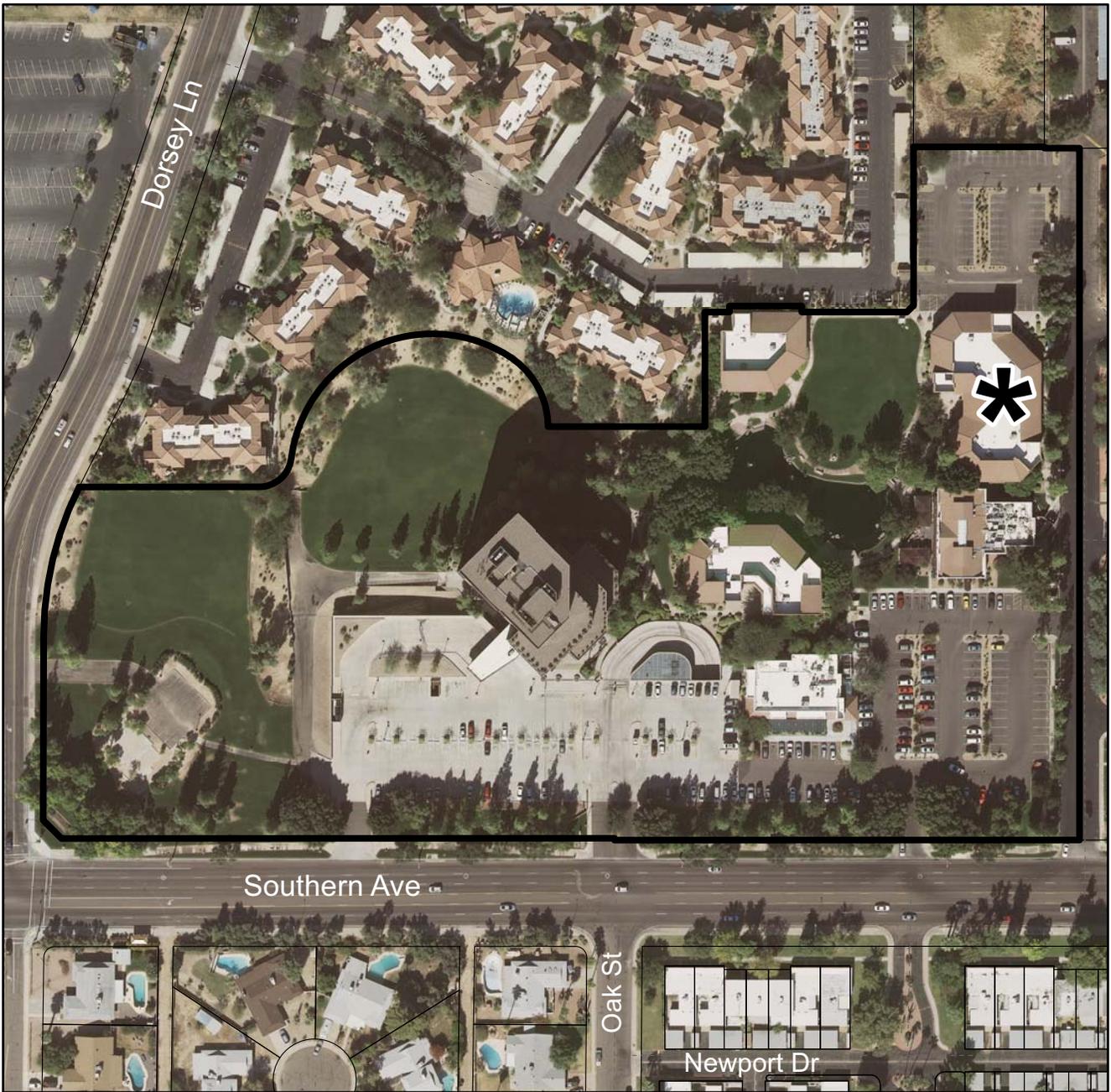
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

**TEMPE CITY CTR - SW
INSTITUTE OF HEALING ARTS**

PL090312



Location Map



LEMON MIXED USE DEVELOPEMENT (PL080499)



City of Tempe
Development Services Planning

August 22, 2009

Southwest Institute of Natural Aesthetics is a division of Southwest Institute of Healing Arts, an award-winning, nationally accredited private college, recognized by the US Department of Education, eligible to offer Title IV Federal funding to those students who qualified. The college has been a profitable business for 16 years and was honored to be selected as a "2008 Company to Watch" by the Arizona Small Business Association due to its growth, innovation and financial benchmarks, Therefore we would not be in conflict with the goals, objectives or policies of the city but enhance them with the presence of our school.

Southwest Institute of Natural Aesthetics is one of the only aesthetic schools in the country to offer natural aesthetics and Laser Technology in advanced programs of 800 hours, recognized by the US Department of Education.

Southwest Institute of Healing Arts has won the award of 'Best School of the Year' in 2004, 2005 and 2007 by the Arizona Private School Association. The founder and owner of the college currently serves as a Board member for the Arizona State Board for Private Postsecondary Board of Education and completed a five year term as a Commissioner for the Arizona State Commission for Postsecondary Education, both of which are positions appointed by the Governor of Arizona. Our school will employ approximately 10 employees at this location. We anticipate 40-45 students in both our morning class and our evening class. Our lease agreement allocates the necessary parking spaces to meet these needs. We will therefore not cause any significant vehicular or pedestrian traffic in adjacent areas.

As a successful school with a good reputation SWINA will be compatible with the existing surrounding businesses and not result in any disruption or create a nuisance to the surrounding area or general public.

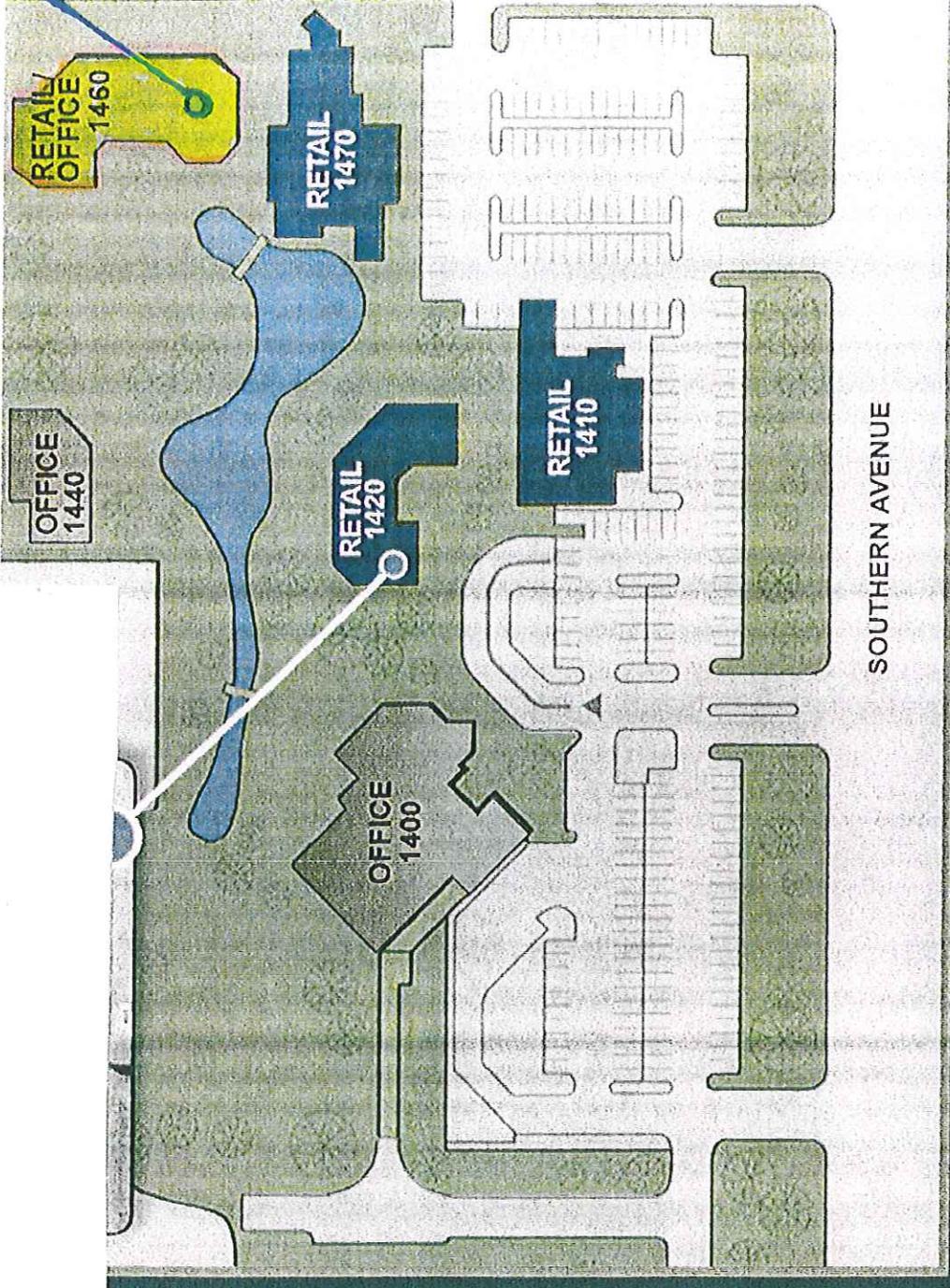
Sincerely,

A handwritten signature in black ink, appearing to be "KC Miller", written over a horizontal line.

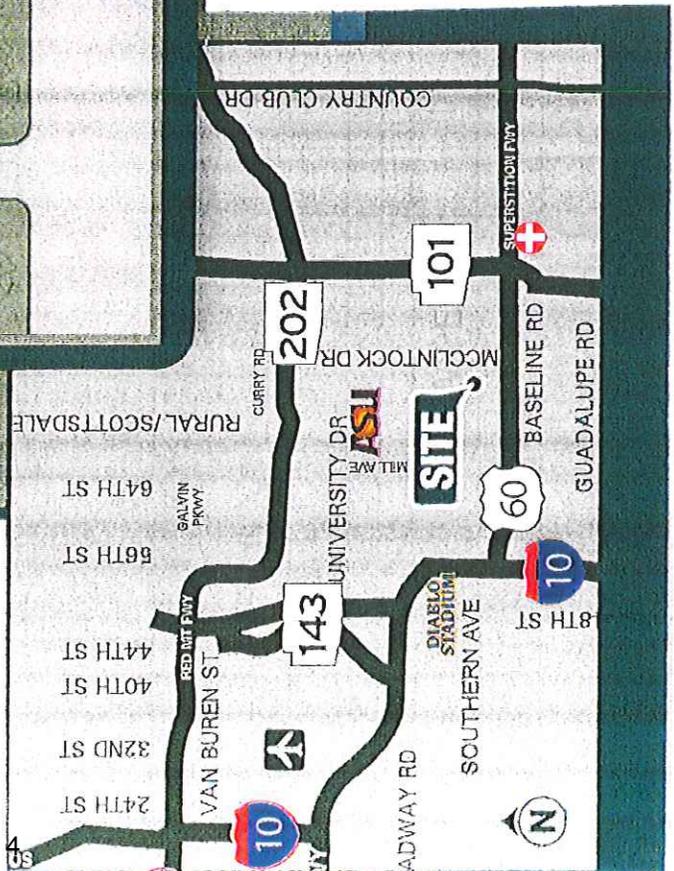
KC Miller
Owner
Southwest Institute of Healing Arts

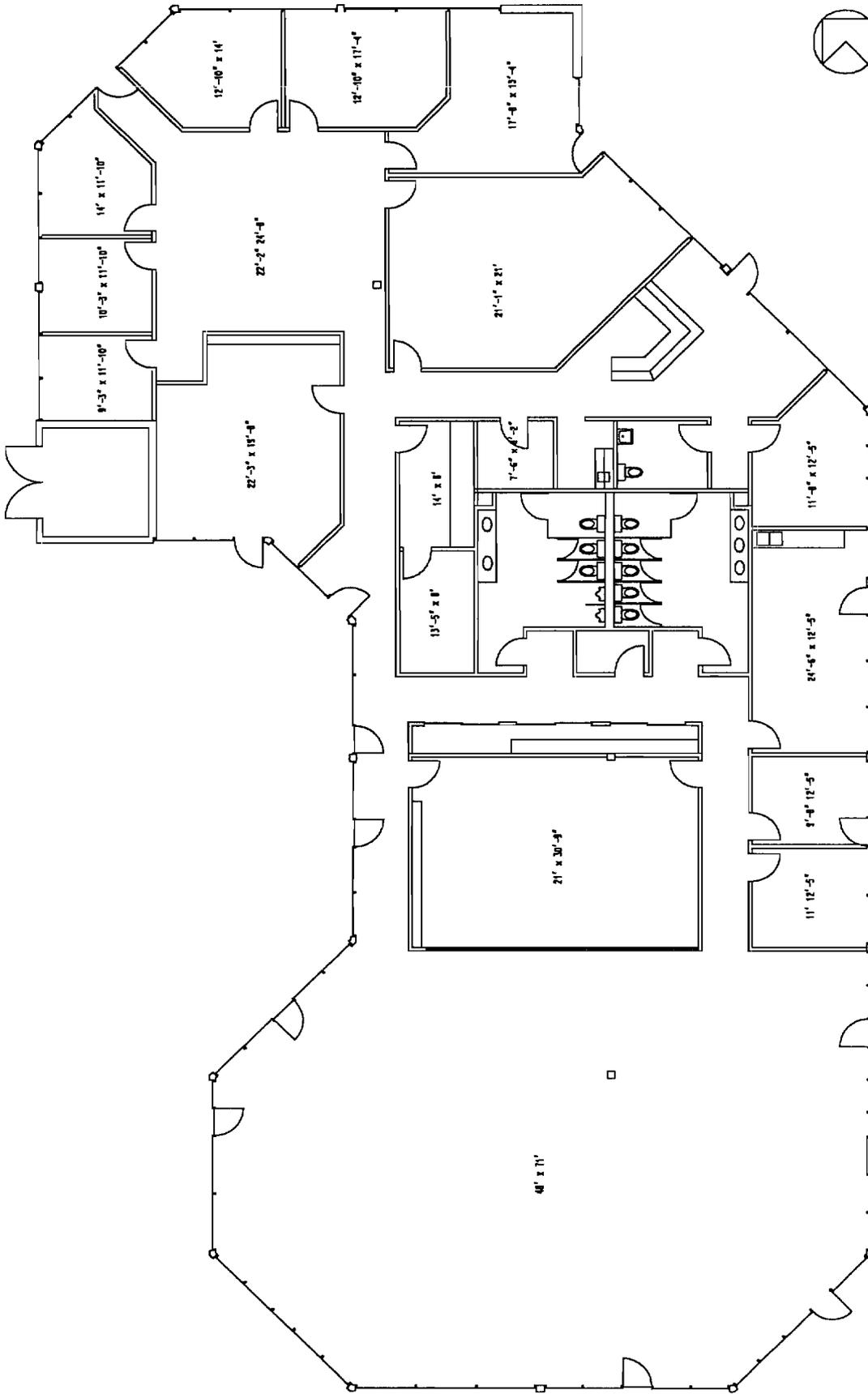
1100 E. Apache Blvd.
Tempe, AZ 85281
Ph: 480-994-9244
Fax: 480-994-3228
www.Swiha.edu

Subject Prop.



SOUTHERN AVENUE







**TEMPE CITY CENTER – SOUTHWEST
INSTITUTE OF HEALING ARTS**

1460 EAST SOUTHERN AVENUE

PL090312

FRONT OF BUSINESS

