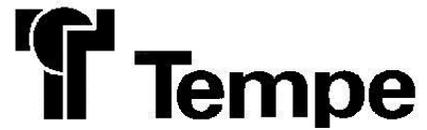


Staff Summary Report



Hearing Officer Hearing Date: 03/06/12

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **SERENITY MESSAGE** located at 3107 South Mill Avenue for one (1) Use Permit.

DOCUMENT NAME: HOr_SerenityMassage_030612 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **HUNTINGTON SQUARE- SERENITY MESSAGE (PL120044)** (Laurie Waite, applicant; Hawley Properties, property owner) located at 3107 South Mill Avenue, in the PCC-1, Planned Commercial Center District

ZUP12009 Use Permit to allow a massage establishment.

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

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

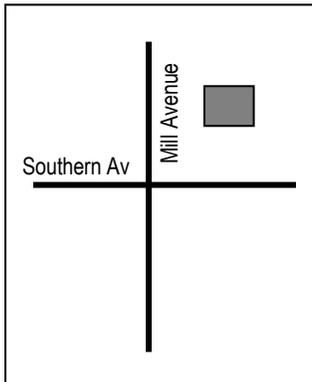
LEGAL REVIEW BY: N/A

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 massage establishment. The facility will offer a therapeutic massage. The traffic generated by the use will be consistent with other businesses within the shopping center. 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. Letter of Intent
4. Site plan
5. Floor plan

COMMENTS:

The applicant is requesting a Use Permit to allow a massage establishment. . There will 3-5 licensed massage therapists, including the proprietor. The business hours will be between 10 am to 8 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 massage establishments in all commercial zoning districts. 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. The site has ample parking spaces available to accommodate this use.

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 Serenity Massage 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.
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.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

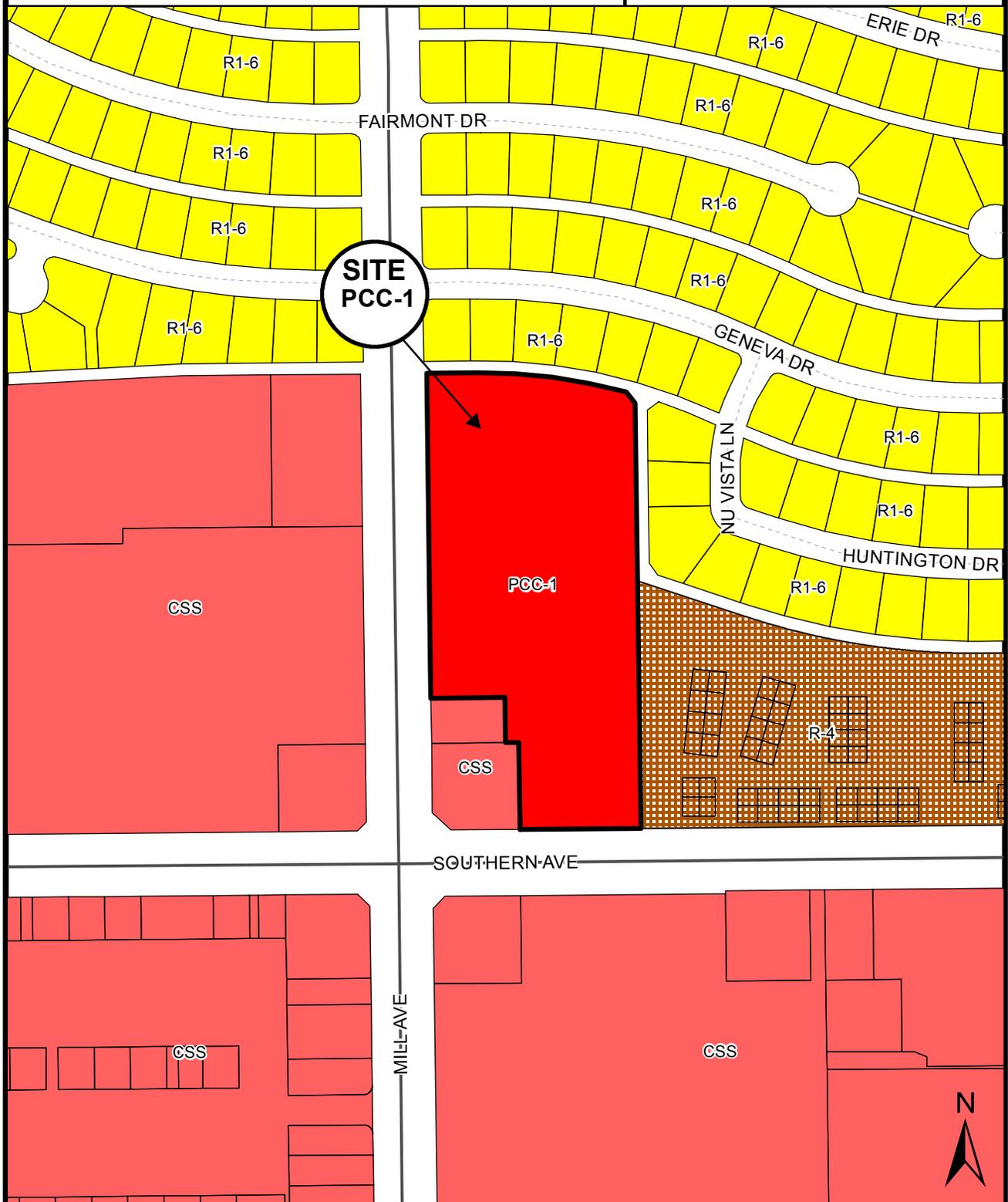
Owner – Hawley Properties
Applicant – Laurie Waite
Zoning – PCC-1 Planned Commercial Center District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

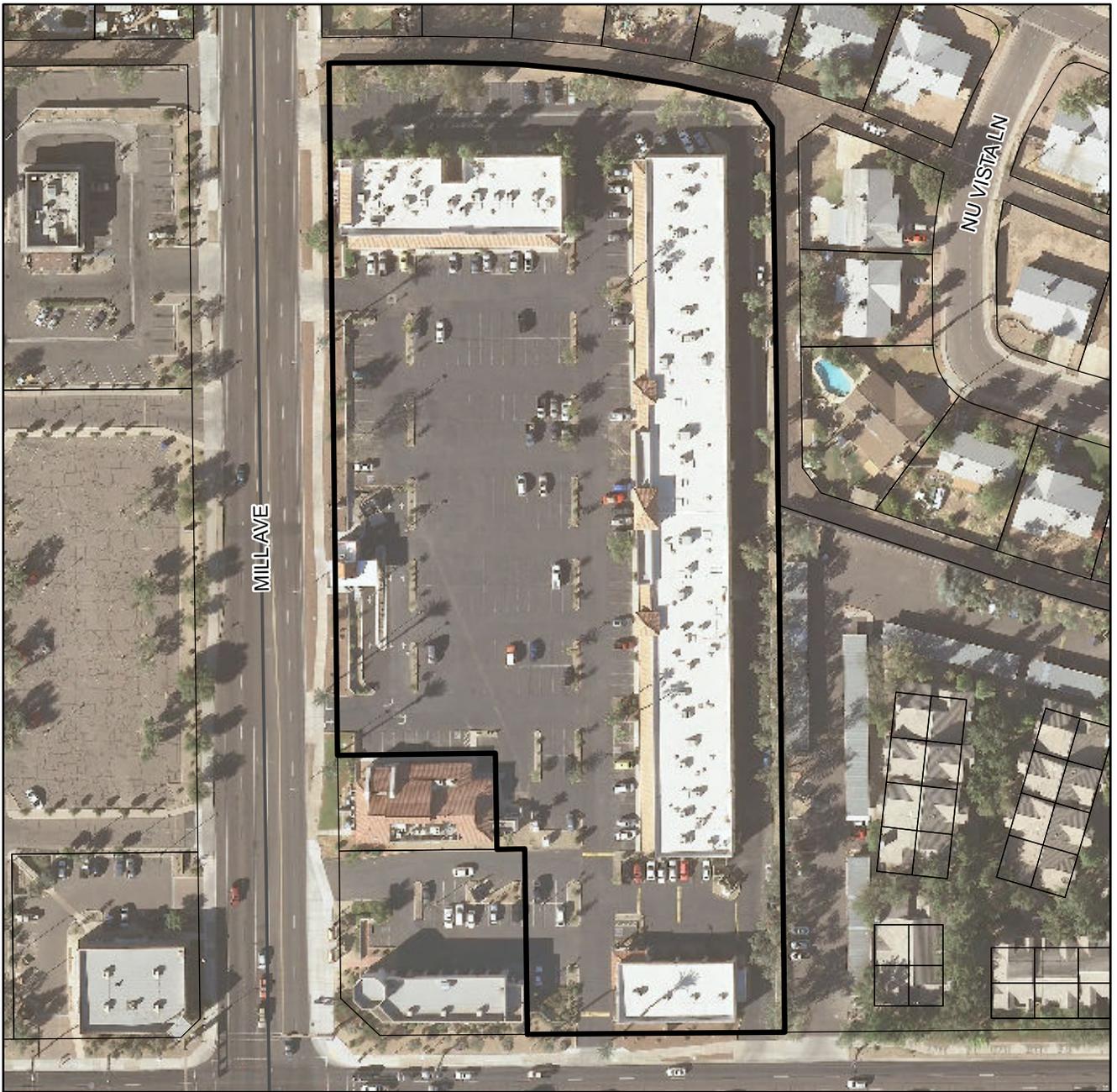
Part 3, Chapter 2, Section 3-302, Table 3-202A – Permitted Land Uses in Office/Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

HUNTINGTON SQUARE

PL120044



Location Map



HUNTINGTON SQUARE - A TOUCH OF SERENITY MASSAGE (PL120044)

City of Tempe, Zoning
31 E. 5th St.
Tempe, AZ 85281

2-13-2012

To whom it may concern:

This is a letter of explanation for the new business we plan to open.

It is going to be a therapeutic massage business, we plan to have three to five licensed massage therapists.

We plan on being open from 10:00 am to 8:00 pm, Monday through Sunday.

Please find the site plan along with the floor plan to the business location.

Thank you for your time and consideration.

Any questions please contact us on our mobile phone, Shannon and Laurie Waite.

Shannon: 480-292-4558

Laurie : 480-694-2945

Front Parking area

Front Door

Reception area

Reception Counter

Treatment Room

Treatment Room

Treatment Room

Treatment Room

Treatment Room

Room

Storage Room

Room

Back Exit

Rest Room

- SUBWAY -

- Kyoto Bowl -

Northeast Corner of Southern Avenue & Mill Avenue - Tempe, Arizona

