

Staff Summary Report



Hearing Officer Hearing Date: August 18, 2009

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **SKINDUSTRIES TATTOO (PL090264)** located at 2011 East 5th Street, Building B, Suite No. 6 for one (1) use permit.

DOCUMENT NAME: 20090818dsng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **SKINDUSTRIES TATTOO (PL090264)** (David Noggle, applicant; Cal Eaton Properties) located at 2011 East 5th Street, Building B, Suite No. 6, in the GID, General Industrial District for:

ZUP09111 Use permit to allow a tattoo studio.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

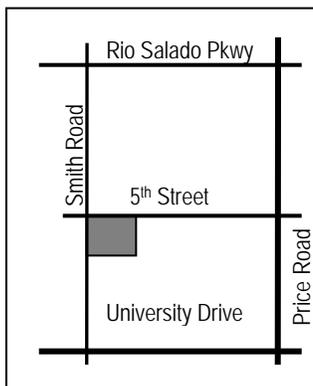
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is seeking a use permit for a tattoo studio located at 2011 East 5th Street, Building B, Suite No. 6 in the GID, General Industrial District. The proposed use complies with criteria for approval of a use permit as well as specific standards set forth in the Zoning and Development Code for Tattoo, Body Piercing Establishments. To date, there has been no public input on this request. Staff recommends approval of the use permit.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan/Roof Plan
5. Site Plan/Location Map
6. Floor Plan
7. Elevations
8. Staff Photograph

COMMENTS:

Skindustries Tattoo is requesting approval of a use permit for a tattoo studio. No piercing of any kind will be done at this location. The proposed business will occupy one (1) tenant space consisting of 560 net s.f. Their floor plan indicates that they will have two (2) tattoo areas. According to the applicant, there will be no more than three (3) employees at any time working on site; with an average of two (2) to four (4) customers per day. The hours of operation will be from noon (12:00) p.m. to eight o'clock (8:00) p.m. Tuesday through Sunday.

On December 13, 2007, the City Council adopted Code Text Amendments that defined specific standards set forth in the Zoning and Development Code for Tattoo, Body Piercing Establishments. These standards included the addition of separation requirements, general regulations, and the definition for Tattoo, Body Piercing Establishments. The location of this property is situated in an industrial area and meets all of the separation requirements set forth in the Zoning and Development Code.

To date, there has been no public input regarding this request.

Use Permit

The Zoning and Development Code requires Tattoo Establishments to obtain a use permit 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 service use and there should be no nuisances.
- 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. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit for this business. The applicant has demonstrated the ability to comply with the Tattoo Studio Regulations as established by the City Council. The hours of operation and the expected traffic generated by the business will not create a detriment or nuisance for the surrounding area.

REASONS FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITIONS OF APPROVAL:

1. Prior to the Use Permit becoming effective, the establishment must have and thereafter maintain written procedures on the premises, the proper handling and sterilization of equipment and demonstrate that all personnel are trained in the procedures.
2. Prior to the Use Permit becoming effective, all practitioners must have training in blood-borne pathogens and cross-contamination. Current Verification of such shall be maintained on the premises at all times.
3. Prior to the Use Permit becoming effective, the establishment must post and thereafter maintain and provide to customers, upon request, written instructions on tattoo care.
4. All hypodermic needles shall be immediately disposed within a proper container of single-use contaminated needles that is then shipped back to the appropriate company for further disposal. Needles and other similar equipment shall not be placed within the facility's refuse container outside of the business.
5. All business signs shall require a Development Plan Review and permits must be obtained prior to installation.
6. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer.
7. The use permit is valid for Skindustries Tattoo 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.
8. 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.
9. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
10. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.
11. 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.
12. The applicant shall devise a security plan in conjunction with the City of Tempe - Crime Prevention Department at 480.858.6027 prior to the use permit becoming effective.

HISTORY & FACTS:

December 19, 1984 Final approval of an office/warehouse building.

DESCRIPTION:

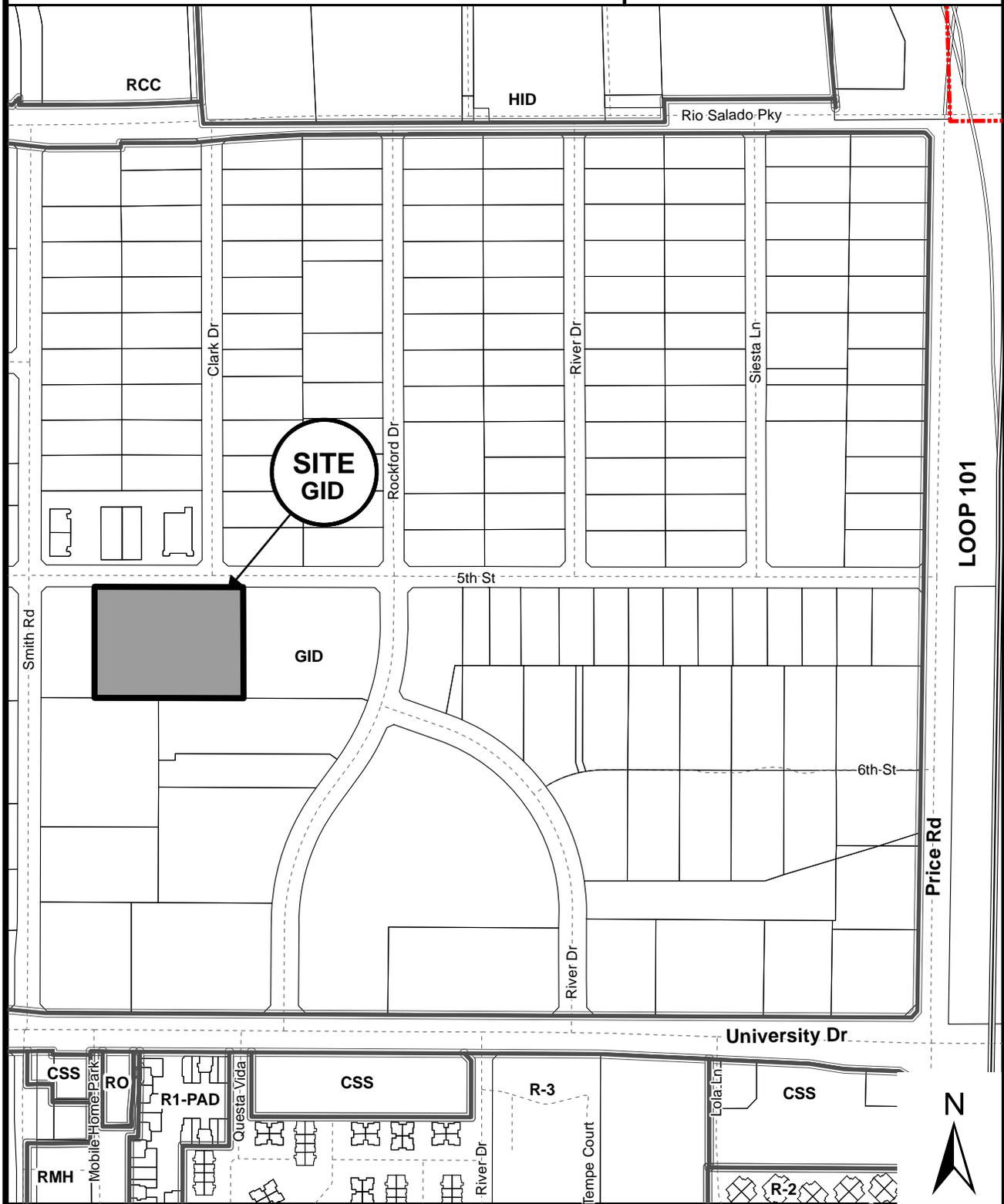
Owner – Cal Eaton Properties
Applicant – Dave Noggle
Existing Zoning – GID, General Industrial District
Tenant Space Area – 560 s.f.
Building ‘B’ Area – 10,048 s.f.
Parking Required – 2 spaces
Parking Provided – 184 spaces

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
Part 3, Chapter 4, Section 3-424 – Tattoo, Body Piercing Establishment
Part 6, Chapter 3, Section 6-308 – Use Permit

SKINDUSTRIES TATTOO

PL090264



Location Map



SKINDUSTRIES TATTOO (PL090264)

Skindustries LLC dba
SKINDUSTRIES
Tattoo Studio
2011 E. 5th Street #6 Tempe AZ, 85281



This is the Letter of Explanation for requesting a business use permit for Skindustries Tattoo LLC at the address referenced above. The hours of business will be 12:00 noon until 8:00 pm, Tuesday through Sunday. There will be no more than three employees at any time; with an average of two to four customers per day. Skindustries Tattoo LLC will not negatively affect the surrounding businesses in this area.

A. Skindustries Tattoo LLC will not cause any significant vehicular or pedestrian traffic in adjacent areas, as tattooing is a time consuming process. In most cases tattoos take multiple hours to apply, resulting in very few appointments per day. In addition to the low traffic, staff uses and encourages others to use alternative transportation modes; mainly bicycles and the Metro Light Rail.

B. Skindustries Tattoo LLC will not cause any nuisance, as there will be no more that four people at the location at a time. We will not keep late hours. The insulated walls will prevent tattooing and related sounds from affecting the adjacent tenants. Skindustries LLC previously owned and operated a location in metro Phoenix for three and a half years without any incidents.

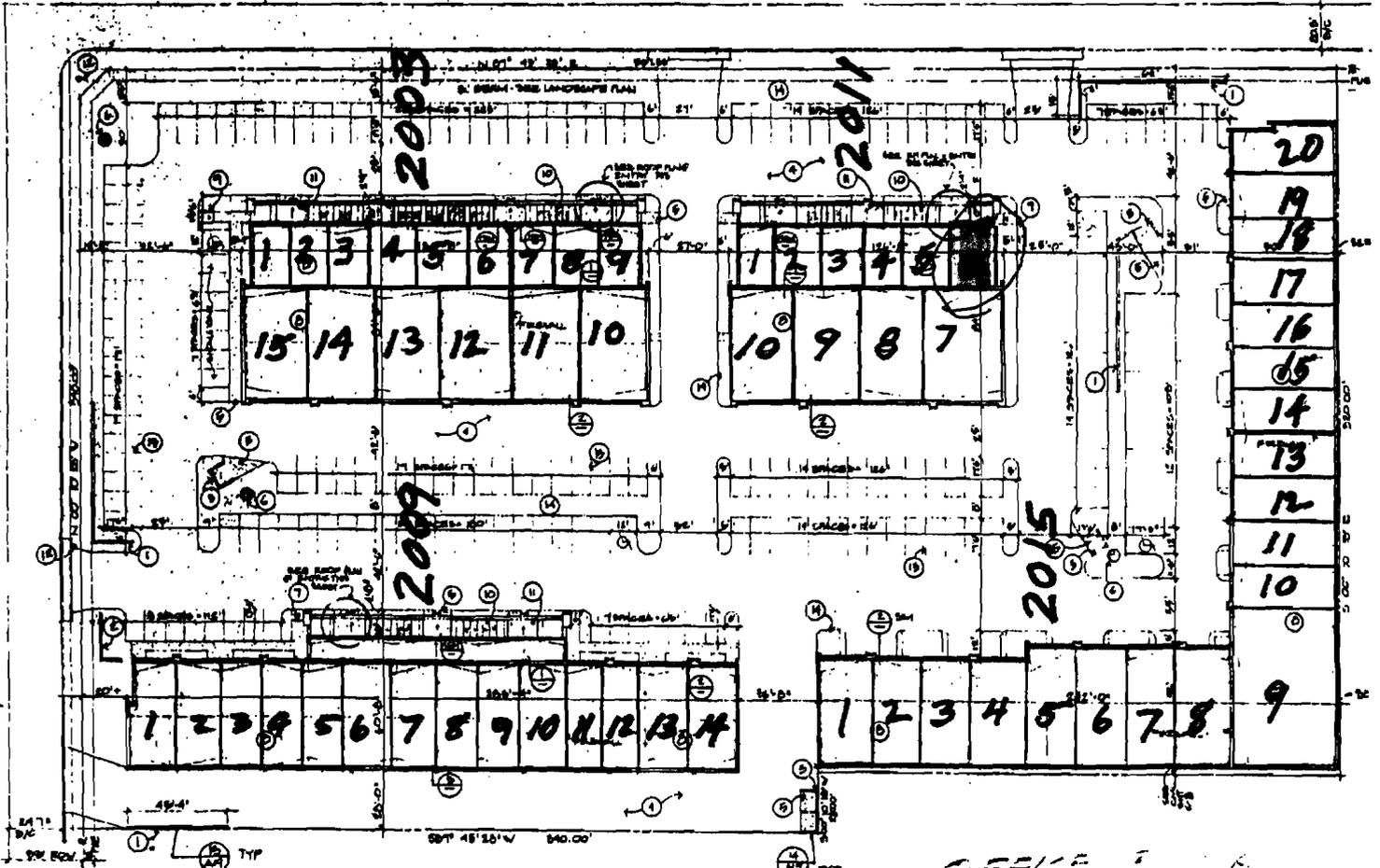
C. We have the utmost respect for our fellow neighbors and community and will not contribute to the deterioration of the neighborhood nor be in conflict with the goals, objectives and policies of the city.

D. Skindustries Tattoo LLC will not need to make any changes to the building and is perfectly compatible with existing and surrounding structures.

E. Skindustries Tattoo LLC does not allow persons under 18 without a parent, no exceptions. We will not condone any disruptive behavior and will be in compliance with the city of Tempe's rules, ordinances and regulations.

E. 5TH STREET

SMITH ROAD



SITE PLAN / ROOF PLAN

1/8" = 1'-0"

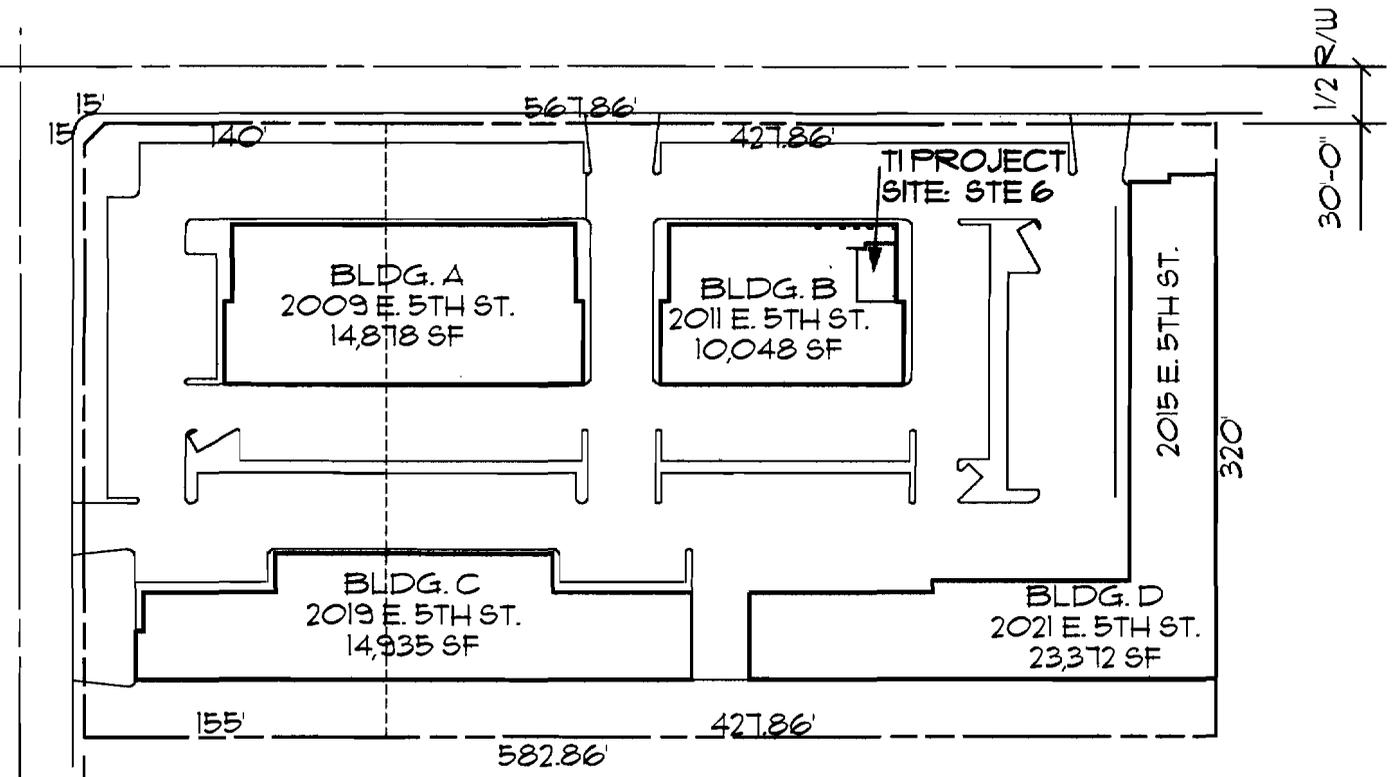


SEE CIVIL FOR DIMENSIONS / FIN FLOOR ELEV

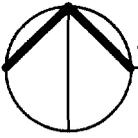
OFFICE 3-1-1
 2003 E. 5TH STREET STE
 2009
 2011
 2015
 Chuck Pugh 20-155

SECTION

2003
 2009
 2011
 2015 E. 5th St.



33'-0" 1/2 R/W



SITE PLAN

1" = 100'-0"

USE PERMIT

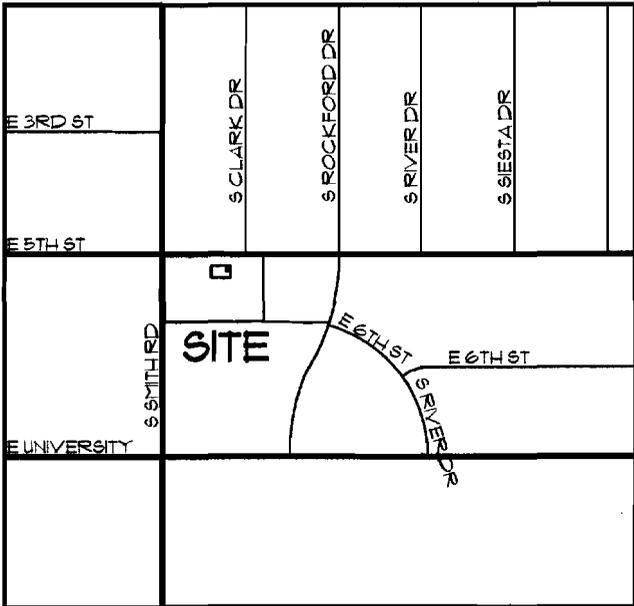
TO OPERATE A TATTOO FACILITY IN AN INDUSTRIAL DISTRICT

HEARING OFFICER REQUEST:

USE PERMIT FOR DAVID NOGGLE TO OPERATE A TATTOO FACILITY IN AN INDUSTRIAL DISTRICT, AT 2011 EAST 5TH STREET, SUITE B-6, OF THE CAL-EATON INDUSTRIAL PROPERTIES IN THE GID GENERAL INDUSTRIAL DISTRICT

PARKING:
REQ'D: 560 SF/300 SF/SP = 2 SPACES

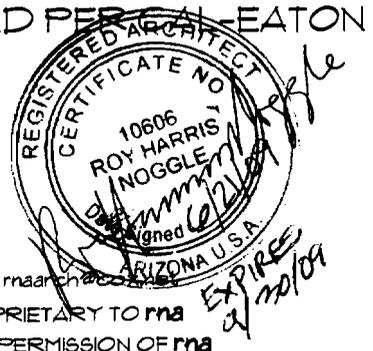
2 SPACES PROVIDED PER CAL-EATON DEVELOPMENT



LOCATION MAP

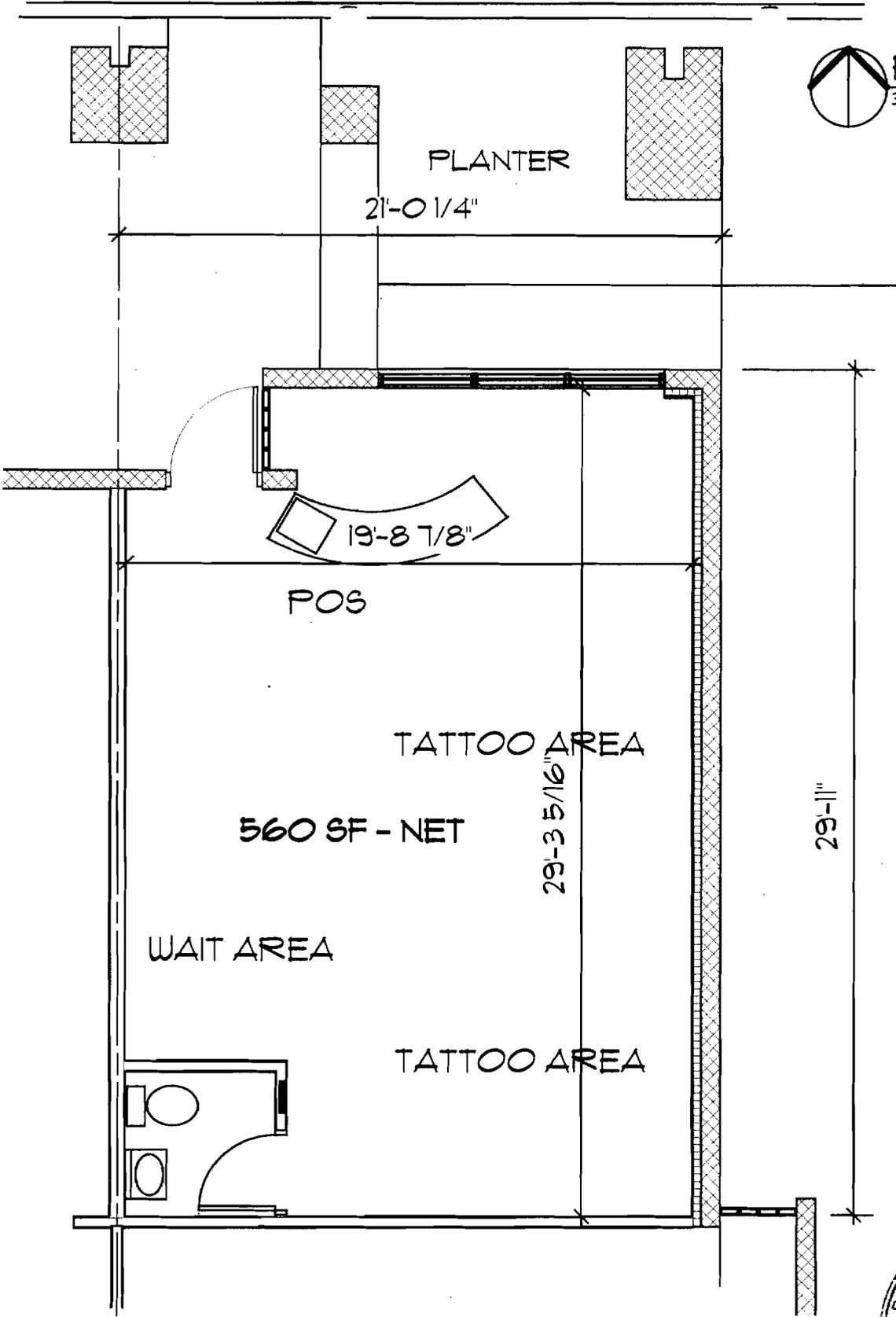
SKINDUSTRIES TATTOO TI
2011 E. 5TH ST., STE 6, TEMPE, AZ 85281

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roy noggle
Architects AIA



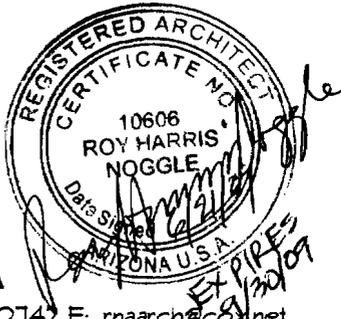
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FLOOR PLAN
3/16" = 1'-0"



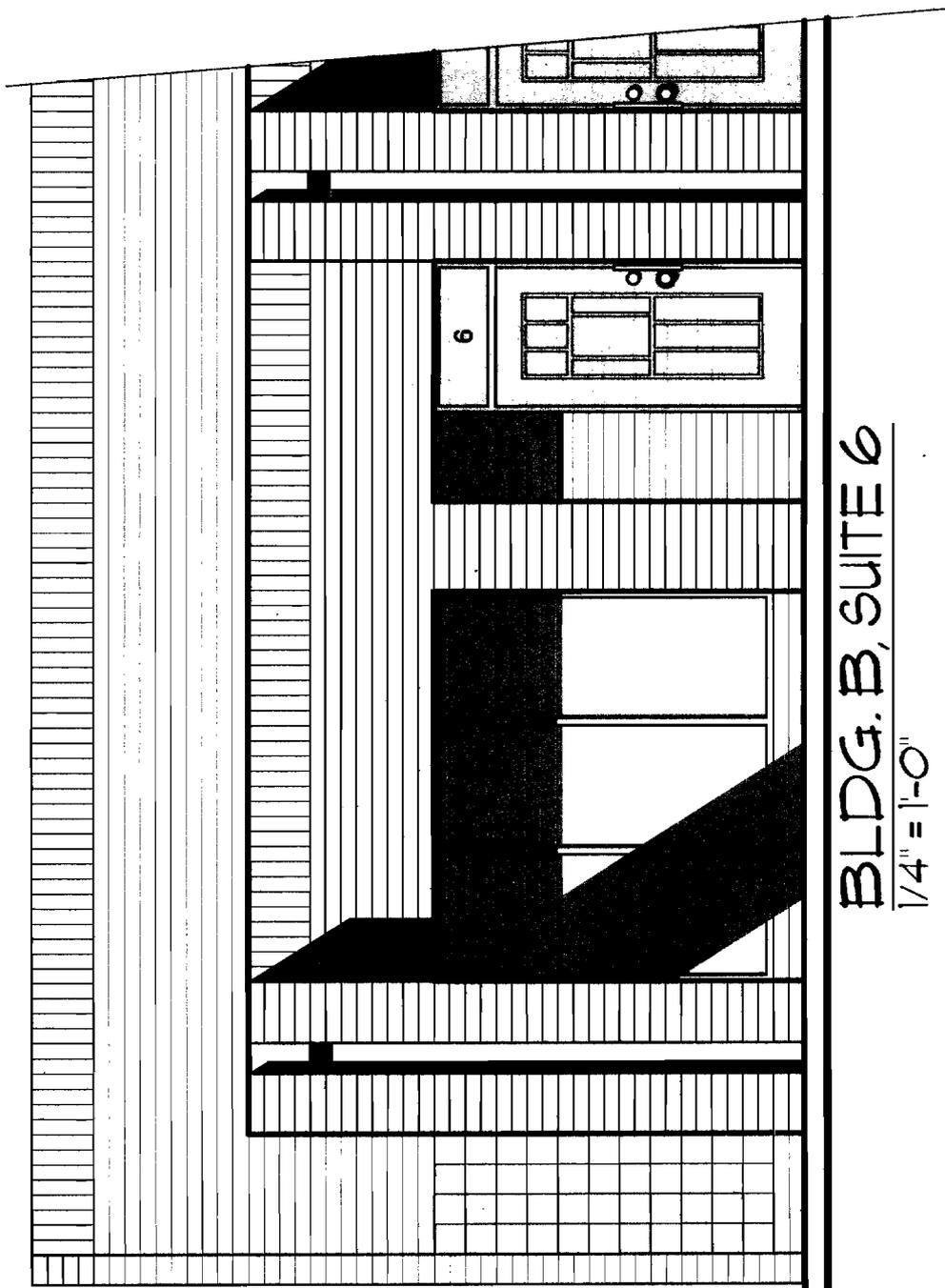
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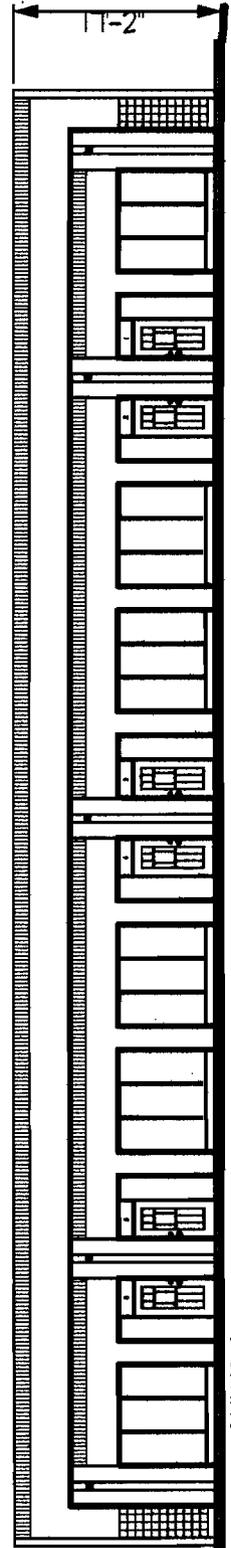


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BLDG. B, SUITE 6
1/4" = 1'-0"



NORTH ELEVATION, BLDG. B
1/16" = 1'-0"

SUITE 6
1/4" = 1'-0"

SKINDUSTRIES TATTOO TI
2011 E. 5TH ST, STE 6, TEMPE, AZ 85281

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SKINDUSTRIES TATTOO

2011 E 5TH ST, BUILDING B, SUITE NO. 6

PL090264

FRONT OF BUSINESS

