

# Staff Summary Report



Hearing Officer Hearing Date: 2/21/12

Agenda Item Number: 8

**SUBJECT:** This is a public hearing for a request by **XTREME STUDIOS** located at 5010 South Ash Avenue, Suite No. 104 for one (1) use permit.

**DOCUMENT NAME:** 20120221cdsl07 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **ASH BUSINESS CENTER - XTREME STUDIOS (PL120016)** (Lara Katler, applicant; Transwestern, property owner) located at 5010 South Ash Avenue, Suite No. 104 in the GID, General Industrial District for:

**ZUP12009** Use permit to allow a fitness facility in the GID, General Industrial District.

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

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

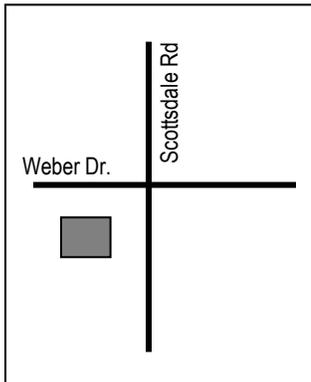
**LEGAL REVIEW BY:** N/A

**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:**



The applicant is requesting approval of a fitness and personal training facility in the GID, General Industrial District. The facility will operate by appointment only for personal training for individuals, primarily women. The traffic generated by the use will be consistent with other businesses within the industrial complex. 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 fitness and personal training facility in the GID, General Industrial District. The tenant space is approximately 2248 square feet. The business will start with one trainer, the proprietor and will employ independent contractors for related services. The business hours will be Monday- Thursday 7 am to 8 pm and Friday- Saturday 7 am to noon and Sunday 8 am to noon.

To date, no input has been received from neighboring tenants or

**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;
  - 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 Xtreme Studios 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.

**HISTORY & FACTS:**

None pertinent to this case.

**DESCRIPTION:**

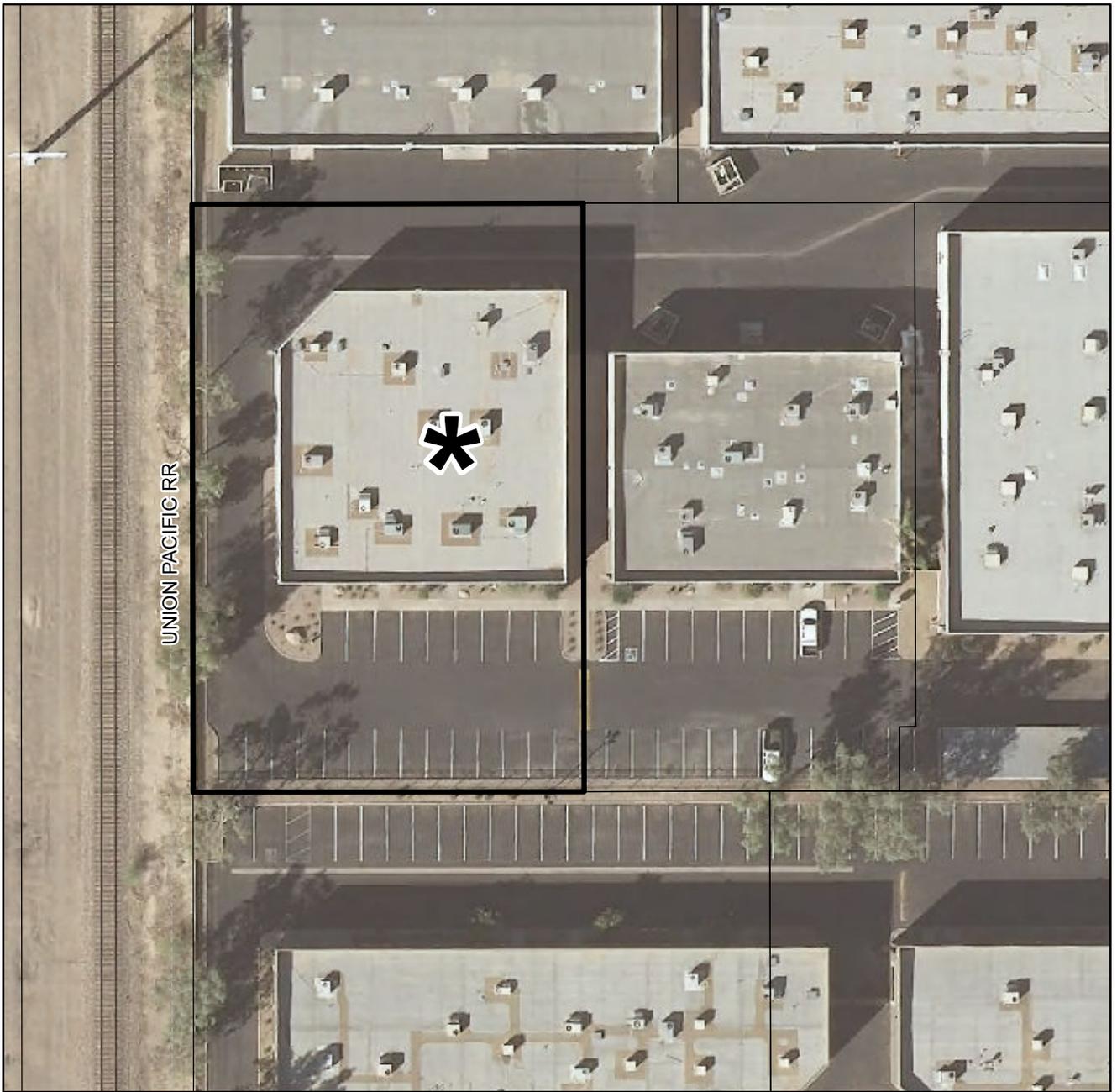
Owner – Transwestern  
Applicant – Lara Katler  
Existing Zoning – GID, General Industrial District  
Parking Available for Baseline Business Center (10 buildings w/cross access parking)- 330 spaces  
Parking allocated to 5010 S Ash (per parking summary dated 4/21/03)- 27 spaces  
Parking required – 26.15 spaces

**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



**Location Map**



**ASH BUSINESS CENTER - XTREME STUDIOS (PL120016)**

January 9, 2012

Community Development Planning  
31 East Fifth Street  
Tempe, AZ 85282

Re: Letter of Explanation – Use Permit

I, Lara E. Katler, would like to run a personal fitness training studio called Xtreme Studios, at 5010 S Ash Ave, Suite 104, Tempe AZ 85282.

**Description of Business Operations**

- Xtreme Studios plans to offer personal fitness and related training and services to individuals, primarily women.
- Business hours are scheduled for Monday through Thursday 7 a.m. to 8 p.m., Friday through Saturday 7 a.m. to noon, and Sunday 8 a.m. to noon.
- Xtreme Studios is a sole proprietor start-up business and does not employ any employees. However, plans include the use of independent contractors to deliver some services.

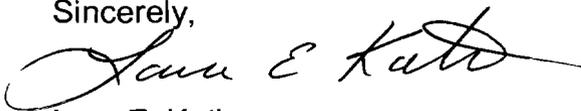
**Justification of Proposed Use**

- a. It is estimated that vehicular traffic will consist of approximately five to eight vehicles at any one time. It is highly unlikely that pedestrian traffic will be impacted in any way in adjacent areas
- b. Xtreme Studios lease with SFERS prohibits any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions
- c. Xtreme Studios lease with SFERS ensures that business operations will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City
- d. Xtreme Studios lease with SFERS ensures that business operations are compatible with existing surrounding structures
- e. Xtreme Studios lease with SFERS ensures that business operations will not result in any disruptive behavior which may create a nuisance to the surrounding areas or general public

Should you desire more information please feel to contact Lara Katler at 602/803-6883.

Thank you for your assistance with this matter.

Sincerely,



Lara E. Katler

# Baseline Business Park, Phase III

## Features

- Free Standing Buildings ranging in size from 8,000 sq. ft. to 14,000 sq. ft.
- Bays from 1,600 to 14,000 Sq. Ft.
- Skylights (optional)
- 16' Minimum Clear Heights
- 200 Amps - 3 Phase electrical service 160/208 - 3 Phase
- Interior improvements to suit tenant specifications
- Buildings 1, 4, and 5 are fire sprinklered

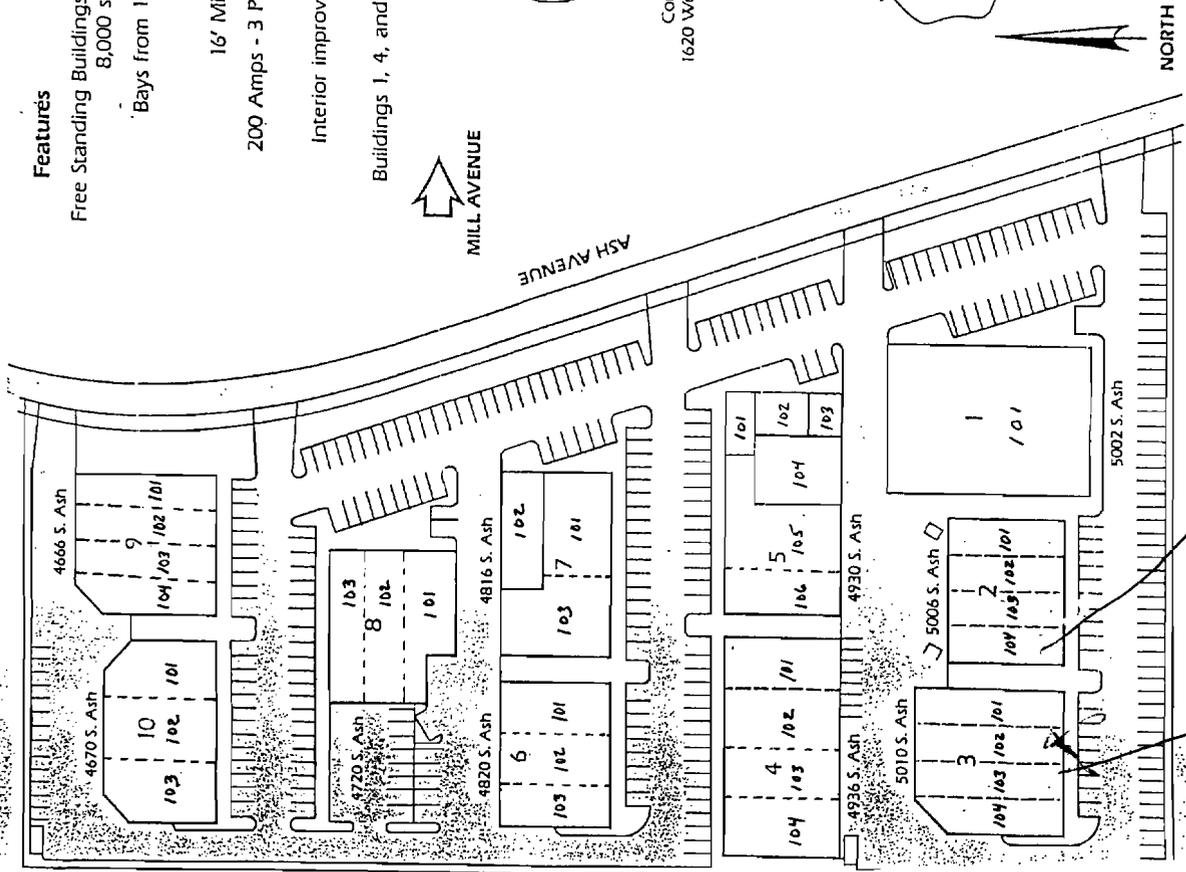


Commercial Brokerage Group  
 1620 West Fountainhead Parkway  
 Suite 100  
 Tempe, Arizona 85202  
 (602) 967-8700  
 For Information Call:  
 Steve Farrell

*SUITES ASSIGNED  
 4-10-89  
 By: [Signature]*

SEE SHEET 1

SHEET 2



Rebecca Steffen  
 Assistant Property Manager

5080 North 40th Street  
 Suite 400  
 Phoenix, Arizona 85018  
 (602) 957-0028

*PHASE I and PHASE II*  
*BASELINE ROAD*  
*Rick's Auto Glass*  
*Auto Trends*

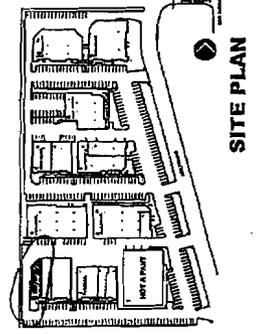
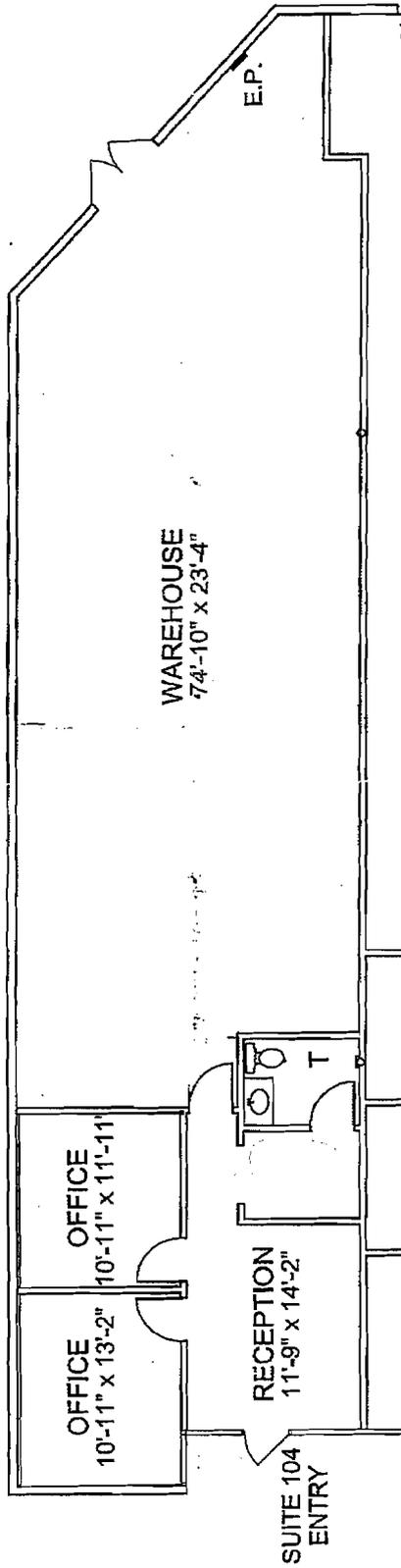
SW 34 TIN

**ASH BUSINESS CENTER**  
**5010 SOUTH ASH AVE.**  
**TEMPE, ARIZONA**

**SUITE 104**  
approximately  
**2,248 RENTABLE SQ. FT.**

Warehouse Clearance: 14'-1"  
Available Power: 200a 120/208v

*5010 South 104*  
*Tempe 85282*



ALL DIMENSIONS ARE APPROXIMATE



NORTH  
UPDATED  
10-22-08