

# Staff Summary Report



Hearing Officer Hearing Date: May 20, 2008

Agenda Item Number: 10

**SUBJECT:** This is a public hearing for a request by **DARLA'S PROFESSIONAL THERAPEUTIC MASSAGE (PL080140)** located at 2409 South Rural Road for one (1) use permit.

**DOCUMENT NAME:** 20080520dsac02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **DARLA'S PROFESSIONAL THERAPEUTIC MASSAGE (PL080140)** (Darla Walgenbach, applicant; Paul Wenz, property owner) located at 2409 South Rural Road, Suite No. B-1, in the R/O, Residential/Office District for:

**ZUP08072** Use permit to allow a massage therapist.

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

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

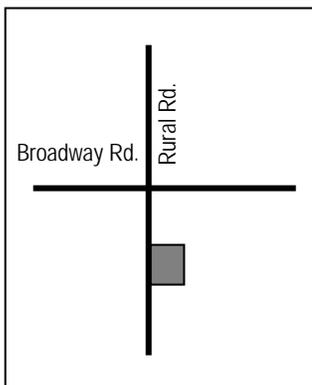
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-2

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow for massage therapy located at 2409 South Rural Road, Suite No. B-1, in the R/O, Residential/Office District. Massages are by appointment only, and will typically be limited to no more than four (4) per day. Staff supports the use permit application. No public input has been received to date.



**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. Site plan
- 5-6. Floor Plans
7. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow for massage therapy located at 2409 South Rural Road, Suite No. B-1, in the R/O, Residential/Office District. Massages are by appointment only, and will typically be limited to no more than four (4) per day; hours of operation will be by appointment between 8:00 am and 7:00 pm, Monday thru Friday. Since massages are by appointment only, the impact to parking will be limited to the time of the appointment. Darla's Massage will occupy one room within the office building, encompassing approximately 172 square feet.

Staff supports the use permit application. No public input has been received to date

## Use Permit

The Zoning and Development Code requires a use permit to allow a massage therapist in the R/O, Residential/Office District.

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. The use of the facility is by appointment only so the impact on traffic should be very minimal.
- 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 create any 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, subject to conditions.

## REASON(S) FOR APPROVAL:

1. There will be no significant increase in vehicular or pedestrian traffic in adjacent areas. The use is by appointment only, so the impact to traffic should be very minimal.
2. This use should not create any nuisances.
3. 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.
4. The proposed use appears to be compatible with surrounding uses.

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

**CONDITION(S)  
OF APPROVAL:**

- 1. Obtain all necessary clearances from the Building Safety Division.
- 2. All new signs to receive separate approval and permits, contact Planning Staff at (480) 350-8441.

**HISTORY & FACTS:**

April 15, 2008 CM080532 – Massage therapy without a use permit

**DESCRIPTION:**

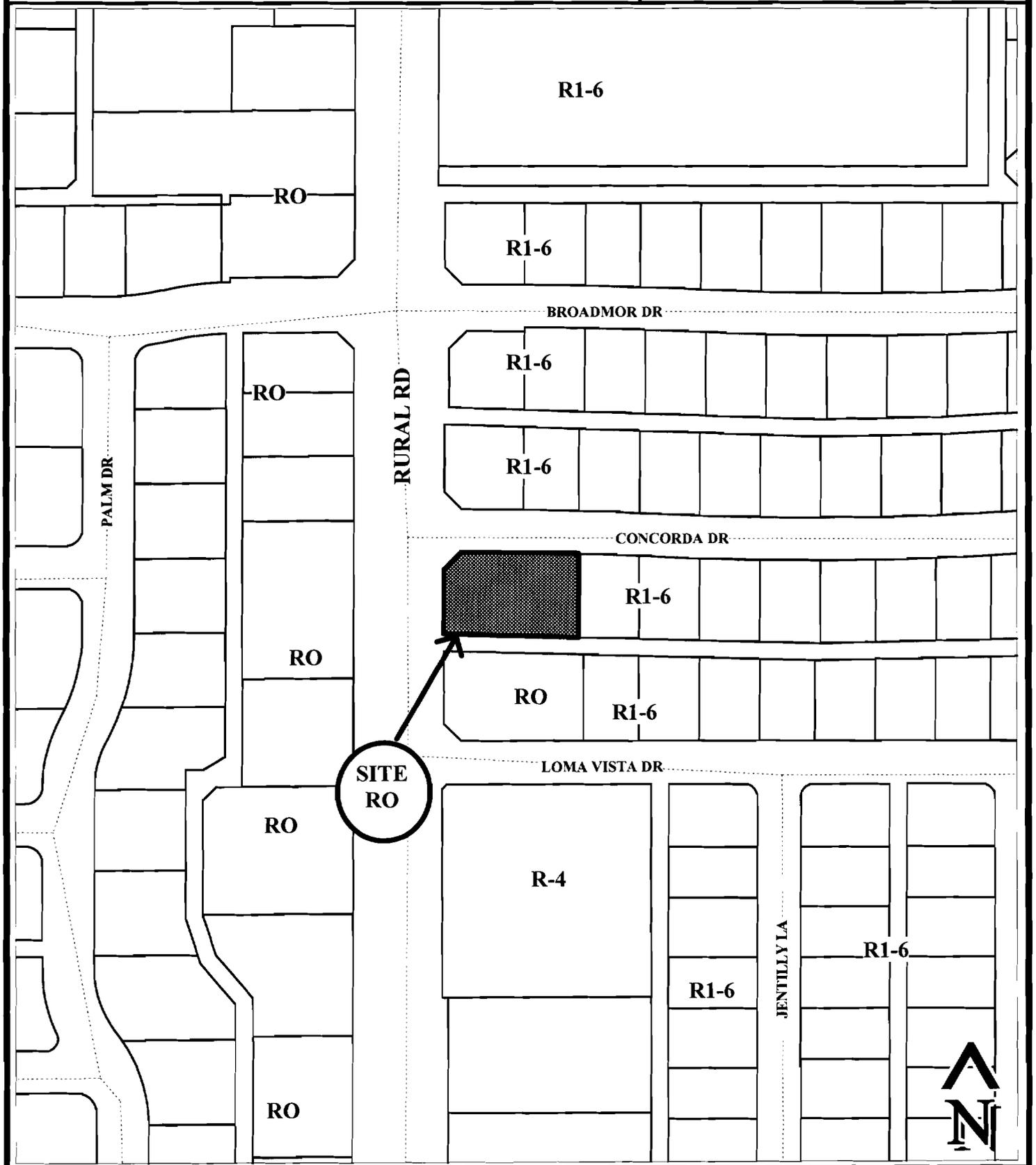
Owner – Paul Wenz  
Applicant – Darla Walgenbach  
Existing Zoning – R/O, Residential/Office District  
Parcel Area – 14,944 s.f.  
Building Area – 2,240 s.f.  
Applicant’s area – 172 s.f.  
Parking Required – 1 space  
Parking Provided – 20 spaces

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

Section 3-202, Table 3-202A Permitted Land Uses  
Section 6-308 – Use Permits

DARLA'S PROFESSIONAL  
THERAPEUTIC MASSAGE

PL080140





**DARLA'S PROFESSIONAL THERAPEUTIC MASSAGE (PL080140)**

*Darla A Walgenbach, L.M.T.*

*1000 North  
1000 North  
1000 North  
1000 North  
1000 North*

*April 18, 2008*

*To the City of Tempe Development Services Planning*

*This is my Letter of Explanation for a Use Permit*

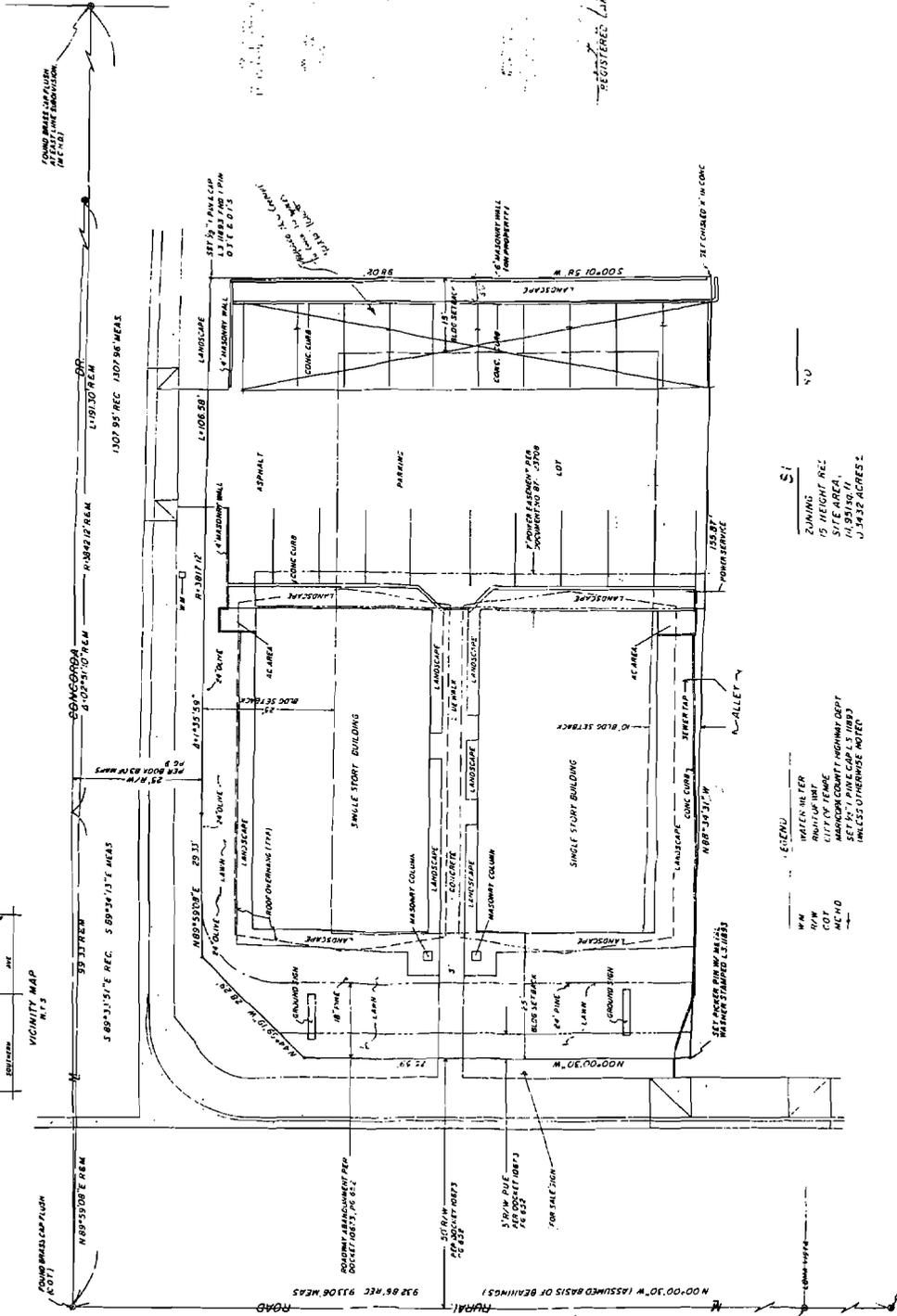
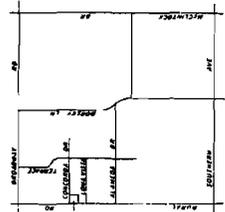
*My Name is Darla Walgenbach and I am the only Licensed Massage Therapist at my location. I give professional therapeutic massages to good upstanding citizens. My hours of operation are by appointment from 8:00 am to 7:00 pm. I may give one to four massages a day. My office has a parking lot with plenty of parking for my clients which will not cause any significant vehicular or pedestrian traffic in adjacent areas. This business will not cause any nuisances such as odor, dust, noise, vibration, smoke, etc. My business will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City of Tempe. I have a respectable client base with repeat customers. I will be compatible with existing surrounding structures. My business will not cause any disruptive behavior which may create a nuisance to the surrounding area or general public.*

*Sincerely,*

*Darla A. Walgenbach, L.M.T.*

*Darla A. Walgenbach, L.M.T.*

ALTA / A.C.S.M. LAND TITLE SURVEY  
 LOT 34, HUGHES ACRES, PER BOOK 83 OF MAPS  
 PAGE 9 MARICOPA COUNTY RECORDERS OFFICE  
 MARICOPA COUNTY, ARIZONA



REGISTERED LAND SURVEYOR L.S. NO. 10893 DATE 11/11/03

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AS FILED IN THE PUBLIC RECORDS OF MARICOPA COUNTY, ARIZONA. THE SURVEYOR HAS REVIEWED THE ORIGINAL SURVEY AND HAS FOUND IT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AS FILED IN THE PUBLIC RECORDS OF MARICOPA COUNTY, ARIZONA.

SI  
 ZONING  
 IS HEIGHT REZ  
 SITE AREA,  
 14,391.90 SQ. FT.  
 U-JOIST ROOF

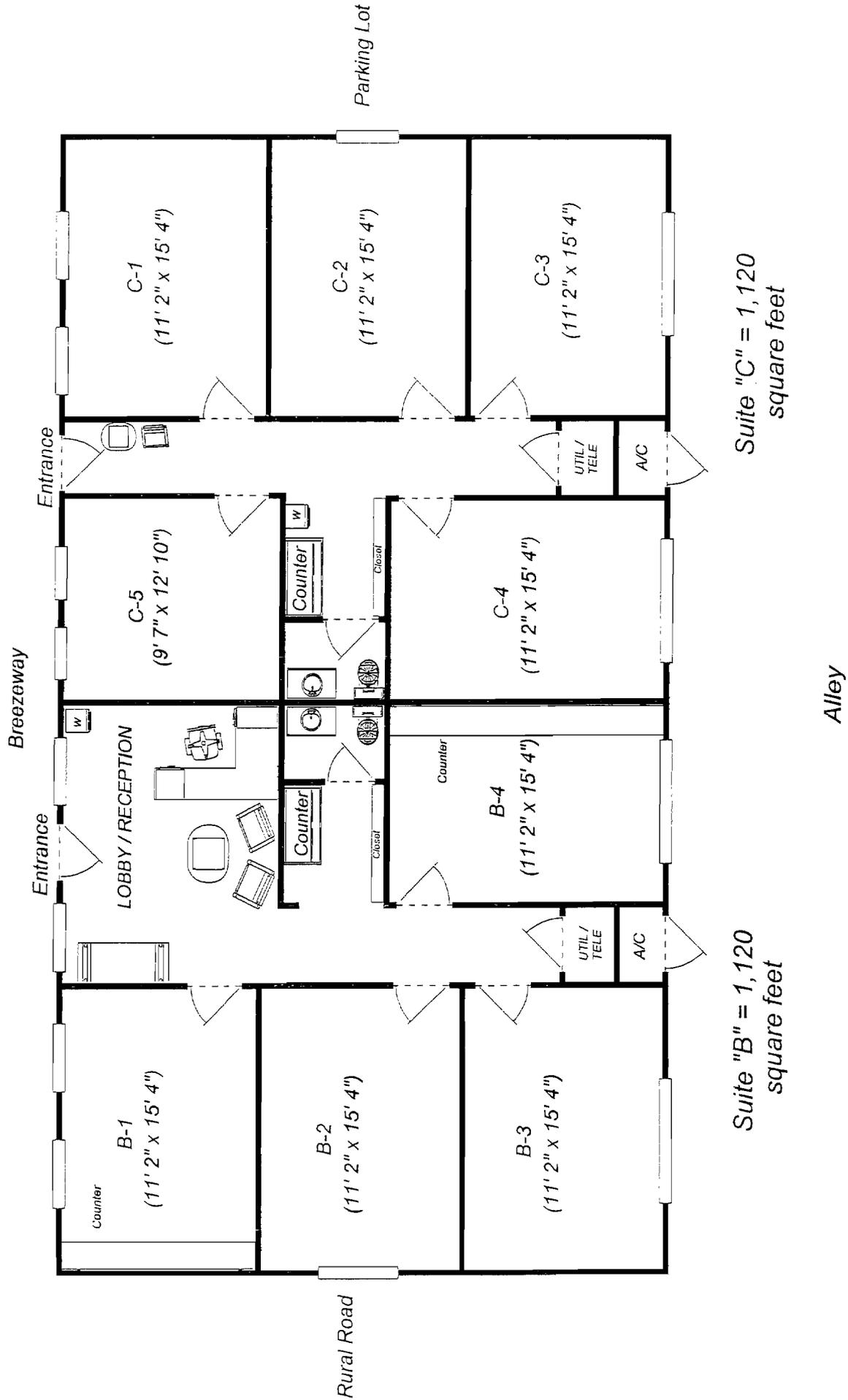
ETENU  
 INTEREST FOR  
 LIFE  
 CITY OF TENCUE  
 MARICOPA COUNTY HIGHWAY DEPT  
 SET BY PLAT CAP. L.S. 10893  
 UNLESS OTHERWISE NOTED

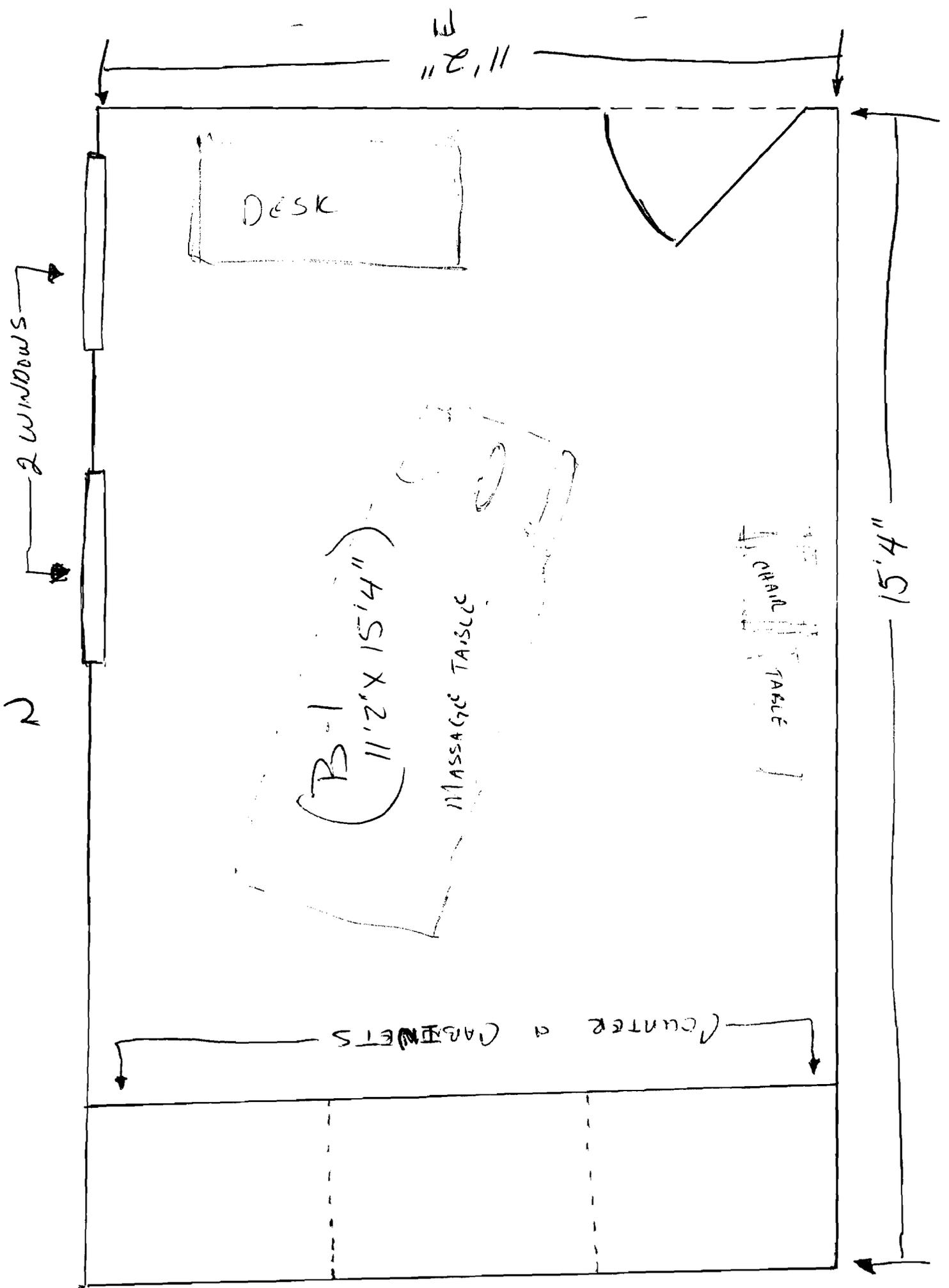
FOUND BRASS CAP IN  
 HAND N.W. CORNER



**2409 South Rural Road  
 Tempe, AZ 85282-2447  
 South Building  
 (2240 square feet)**

**NORTH**







**DARLA'S PROFESSIONAL THERAPEUTIC  
MASSAGE**

**2409 SOUTH RURAL ROAD, SUITE NO. B-1**

**PL080140**

**FRONT OF BUSINESS**