ACTION: Request approval to operate a massage establishment for FIRST CLASS REFLEXOLOGY, located at 725 South Rural Road, Suite 109. The applicant is First Class Reflexology.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: First Class Reflexology (PL190008) is requesting a Use Permit to operate a massage establishment at 725 South Rural Road, Suite 109, within the PCC-1, Planned Commercial Center Neighborhood District. First Class Reflexology has two different locations in the east valley and is looking to expand to Tempe. The request includes the following:

ZUP190003 Use Permit to allow a massage establishment

Property Owner: Cornerstone Retail, LLC
Applicant: Gordon Meng, First Class Reflexology
Zoning & Overlay Districts: PCC-1, RSOD, TOD
Vehicle Parking: No change in demand
Bicycle Parking: No change in demand
Hours of Operation: Mon-Sat 10am-9pm, Sun 11am-9pm

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Steve Abrahamson, Principal Planner
COMMENTS
First Class Reflexology is moving into an existing suite of the Cornerstone Shopping Center. The suite is vacant and was parked for a retail use at 1 space per 300 s.f. The new use does not change the demand for parking.

PUBLIC INPUT
To this date, no public input has been received.

USE PERMIT
The proposed use requires a Use Permit to operate a massage establishment within the PCC-1 zoning and RSOD, TOD overlay districts.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. Any significant increase in vehicular or pedestrian traffic; the proposed use will not create an increase in traffic because it is going into an existing suite within an existing plaza.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the proposed use is indoors and will not create a nuisance exceeding the ambient conditions.

3. 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; massage establishments are permitted within the PCC-1 zone with a Use Permit.

4. Compatibility with existing surrounding structures and uses; the proposed location is within the Cornerstone Plaza, surrounded by commercial uses.

5. 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 is not expected to create disruptive behavior on the premise.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.

3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

4. 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, which may result in termination of the Use Permit.

5. Any intensification or expansion of use shall require a new Use Permit.
CODE/ORDINANCE REQUIREMENTS:
The bulleted items refer to existing code or ordinances that planning staff observes are pertinent to this case. The bullet items are included to alert the design team and assist in obtaining a building permit and are not an exhaustive list.

- The Use Permit is valid for First Class Reflexology and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development Services.

- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.

- 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.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 6-308 Use Permit
DEVELOPMENT PROJECT FILE
for
FIRST CLASS REFLEXOLOGY
(PL190008)

ATTACHMENTS:
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
First Class Reflexology

PL 190008

SITE
PCC-1

E UNIVERSITY DR

S RURAL RD

Legend:
- General Industrial District (GID)
- Mixed Use High (MU-4)
- Mixed Use Educational (MU-ED)
- Commercial Shopping and Services (CSS)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential Limited (R-3)
- Multi-Family Residential General (R-4)
- Planned Commercial Center Neighborhood (PCC-1)

Attachment 1
First Class Reflexology

Aerial Map

Attachment 2
Letter of Explanation

Reflexology is a fast growing business in Phoenix area.
First Class Reflexology established in Ahwatukee since 2010, Tempe will be our 3rd location in the east valley.

Our goal is trying our best to provide the people of Tempe with the finest reflexology treatments available in a serene and peaceful environment in order to help develop and maintain a healthy lifestyle. To be a leader in improving the health and wellness of our community by providing inspired treatments, teaching our clients healthy practices, and fostering wellness education.

There will be no significant vehicular or pedestrian traffic in adjacent areas, since this business is located in the existing cornerstone plaza. We will not create any emission of odor, dust, gas, noise, vibration, smoke, heat or glare at any level.
Our business will not deterioration of the neighborhood or downgrading of property values. Our business is not conflict with the goals, objectives or policies of the city’s adopted plans for General Plan. We are compatibility with existing surrounding structures and uses; and absolute adequate control of disruptive behavior both inside and outside the premises, and we will never create any nuisance to the surrounding area or general public.

Sincerely,

Gordon Meng

Date: 1-18-2019