

Staff Summary Report



Hearing Officer Hearing Date: May 1, 2007

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **AFTER DARK TATTOO(PL070154)** located at 2101 South McClintock Road for one (1) use permit.

DOCUMENT NAME: 20070501dssa03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **AFTER DARK TATTOO (PL070154)** (Michael Rogers, applicant; Thanh Van Ta, property owner) located at 2101 South McClintock Road in the CSS, Commercial Shopping and Services District for:

ZUP07048 Use permit to allow a tattoo/body piercing shop.

PREPARED BY: Steve Abrahamson, Senior Planner (480-350-8359)

REVIEWED BY: N/A

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

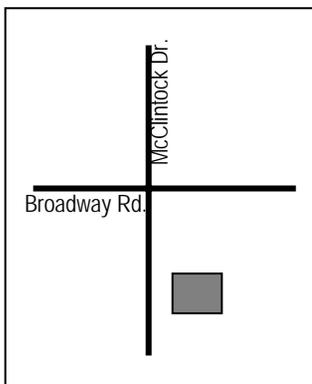
A handwritten signature in black ink, appearing to be 'L Collins', written over the printed name.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1 – 9.

ADDITIONAL INFO: After Dark Tattoo is seeking a use permit for a tattoo/body piercing business located in the CSS, Commercial Shopping and Services District. The proposed use complies with criteria for approval of a use permit. To date, there has been no public input to the request. Staff recommends approval of the use permit.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason for Approval
 3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site Plan
 - E. Floor Plan

COMMENTS:

After Dark Tattoo is requesting approval of a use permit for a tattoo and body piercing studio. The proposed business will occupy an entire 2,217 s.f. building on the east side of McClintock Drive south of Broadway Road in the CSS, Commercial Shopping and Services District. Their future floor plan indicates that they will have four (4) tattoo and body piercing booths with a separate sterilization area. According to the applicant, the business will be staffed by subcontractor tattoo artists, administrative and cashier personnel. The hours of operation will be ten o'clock (10:00) a.m. to ten o'clock (10:00) p.m. Monday through Saturday and twelve o'clock (12:00) p.m. to eight o'clock (8:00) p.m. on Sunday .

The building is located adjacent to a twin building on another parcel. Businesses housed within this building include a barber shop. Previously the subject building included service and retail businesses.

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

Use Permit

The Zoning and Development Code requires Tattoo and Piercing Shops to obtain a use permit in the CSS, Commercial Shopping and Services 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, similar to others within the area; 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 Parlor 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.

REASON(S) 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 property.

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

**CONDITION(S)
OF APPROVAL:**

1. Prior to the Use Permit becoming effective, the establishment must have written procedures on 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.
3. Prior to the Use Permit becoming effective, the establishment must post and provide to customers, upon request, written instructions on tattoo care.
4. All business signs shall be Development Review approved and permits obtained prior to installation.
5. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer.
6. This use permit is transferable. Should the business be sold, the new owners must process through the Hearing Officer for a new use permit.
7. 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.
8. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
9. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.

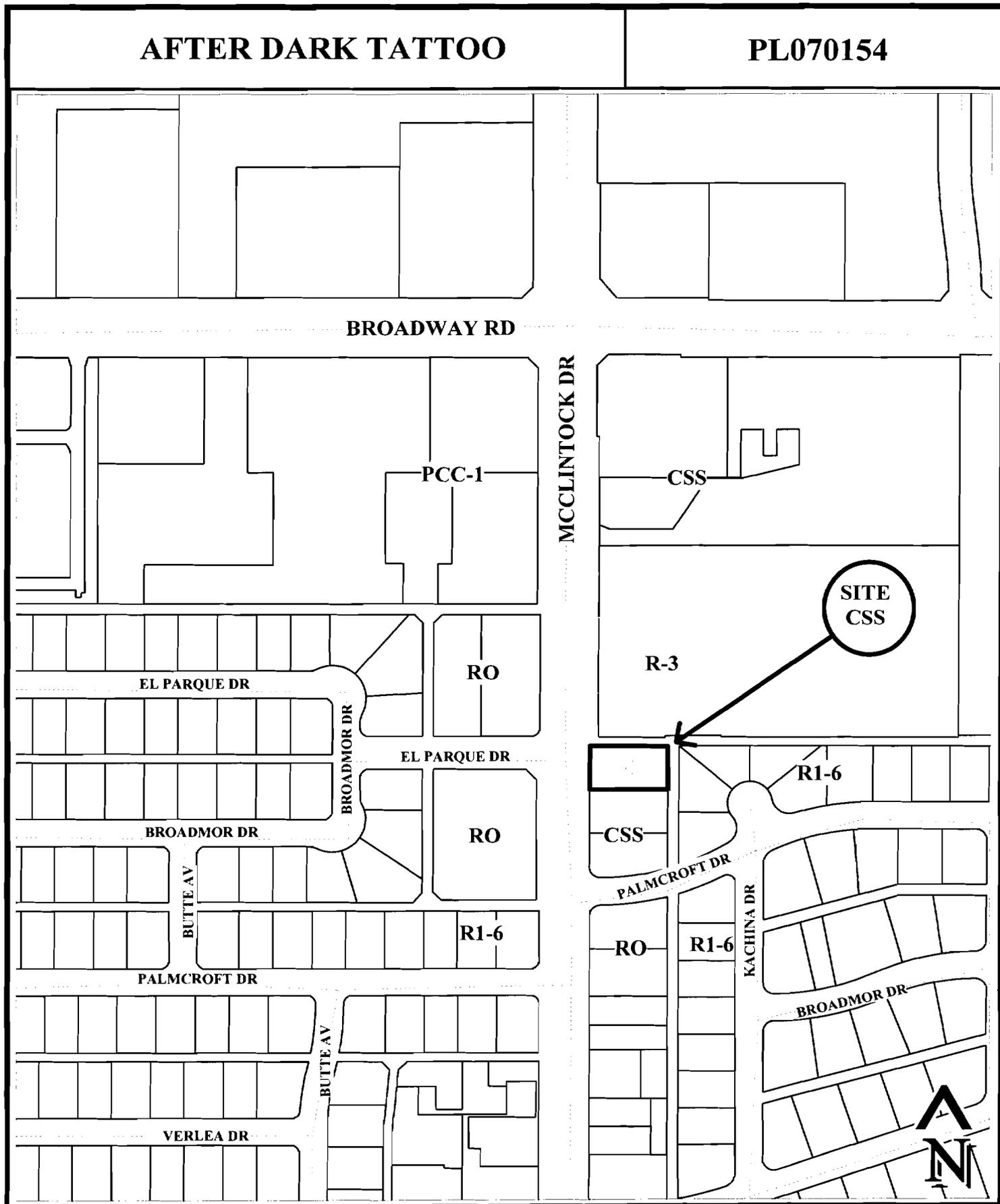
HISTORY & FACTS: None pertinent to this request.

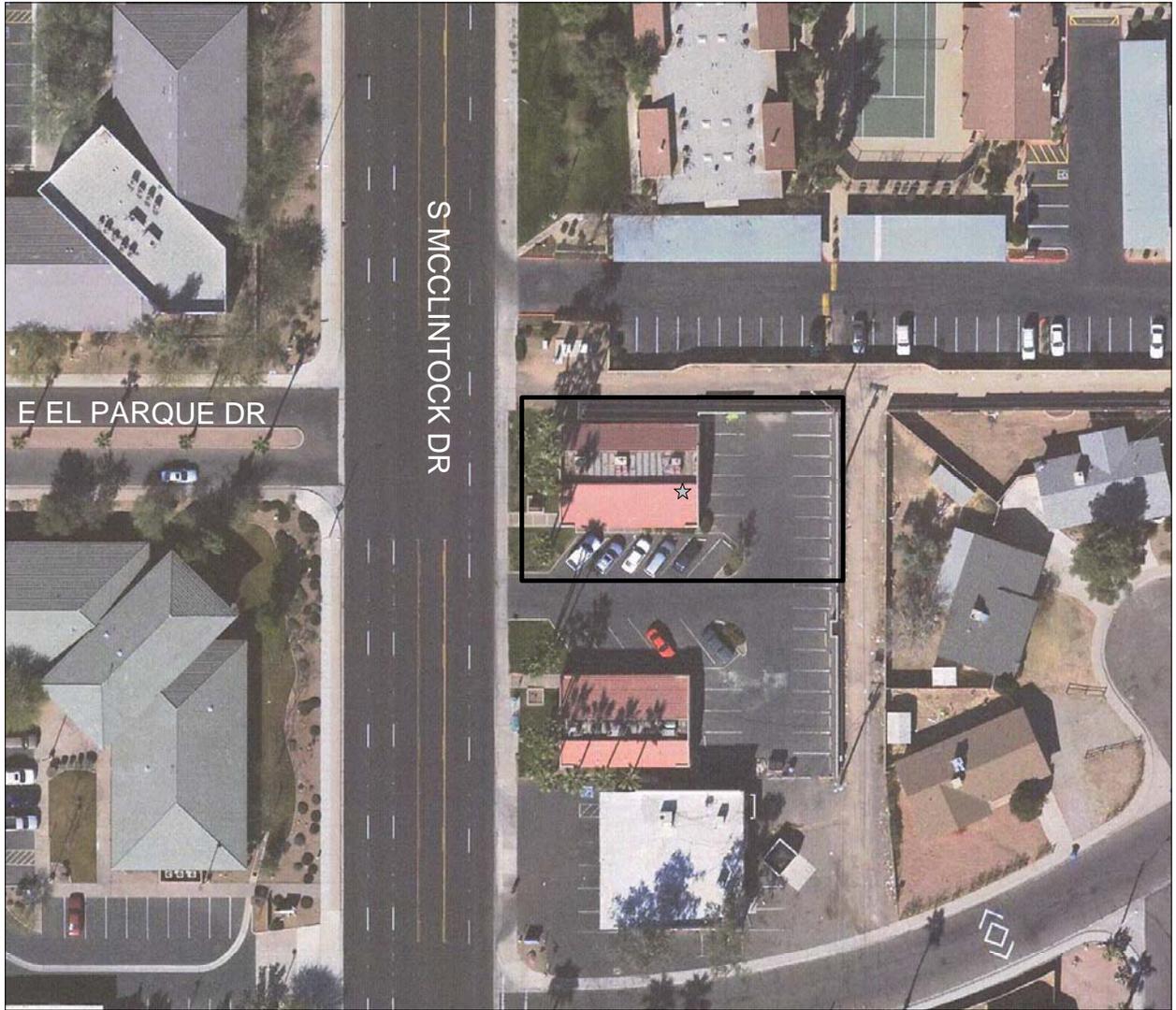
DESCRIPTION: Owner – Thanh Van Ta
Applicant – Michael Rogers
Existing zoning – CSS, Commercial Shopping and Services District
Lot Area – 11,200 s.f. / .26 acres
Building Area – 2,127 s.f.
Parking Required – 8 spaces
Parking Provided – 20 spaces

**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

AFTER DARK TATTOO

PL070154





AFTER DARK TATTOO (PL070154)

RECEIVED

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TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

Letter of Explanation
After Dark Tattoo
2101 S McClintock Rd, Tempe AZ 85282

The After Dark Tattoo boutique has been in the planning stages for about 12 months. It is the result of a long term Friendship between Michael Rogers and Tyson Lytle. Michael Rogers owns an established and successful company, Michael Rogers Flooring LLC, in phoenix currently utilizing the services of 17 people as subcontractors, office staff and warehouse staff. Michael will be in charge of all business aspects of After Dark Tattoo. Tyson Lytle has been tattooing in the valley for over 15 years. He did his apprenticeship under Cookie at the Electric Needle in Phoenix and over the years has logged over 25000 Tattoos and 20000 piercings. He was a founding owner of Dreamscapes Tattoo in Scottsdale AZ. And more recently spent 2 years working for Superior Tattoo traveling to China where he demonstrated supplies and taught tattooing classes to over 5000 students. Tyson will be in charge of all day to day tattoo and piercing operations as well as the being the lead artist and the secondary piercer.

We are not just another tattoo shop. We are creating a clean, friendly, upscale, inviting atmosphere that is appealing to people of all walks of life. Tattooing and body piercing is now an acceptable form of self expression practiced by people from many different social and economic classes. A business executive or housewife is just as likely to walk through our doors as the Harley enthusiast that one would stereo-typically assume. We want everyone to feel welcome, ask questions, or just observe to get a feel for what we do. We want everyone to walk away with the feeling that they just left an art studio.

Sterilization is a priority for After Dark Tattoo. New needles will be used on every tattoo. A hospital grade autoclave will be on premises and tested weekly. Our clean room will have a glass door so that nothing to do with sterilization will be hidden from our customers. In addition monthly pick ups by a certified disposal company will be arranged for all biohazard materials.

Our approach to the artists we hire is different than that of most other tattoo shops. Our artists will be employees. In addition all artists will be drug tested. No discussion of drugs or their use will be tolerated by employees or customers inside or around the premises. All artists and piercers will be required to take Blood borne pathogens course. We plan to start out with three tattoo artists, one piercing technician with Tyson as a back up piercer as needed, and a cashier as well as myself handling paperwork and stock for the retail portion of the studio. Tyson and I will also work as secondary cashiers as necessary. Hours of operation will be from 10 am to 10 pm Monday-Saturday and 12 am to 8 pm Sundays. We approximate nine tattoos daily as well five piercings

We will be using a large portion of the area as a retail store. We will be carrying clothing and accessories appealing to as wide an assortment of individuals as possible. We will be looking for unique products that are not widely available. People who

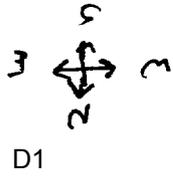
express their individuality through tattoo and piercing also express it in the clothes and jewelry that they wear.

The property is located on a main street. All vehicular and pedestrian traffic will occur there and not in the surrounding neighborhood. All signage and lighting will be directed at the main street and directly into the parking lot. It will not contribute to any excess light or disturbance in the area.

 4-11-07
Michael Rogers

 4-11-07
Tyson Lytle

SITE MAP



37 PARKING-SPOTS TOTAL

SPACES 8-18

For ADT

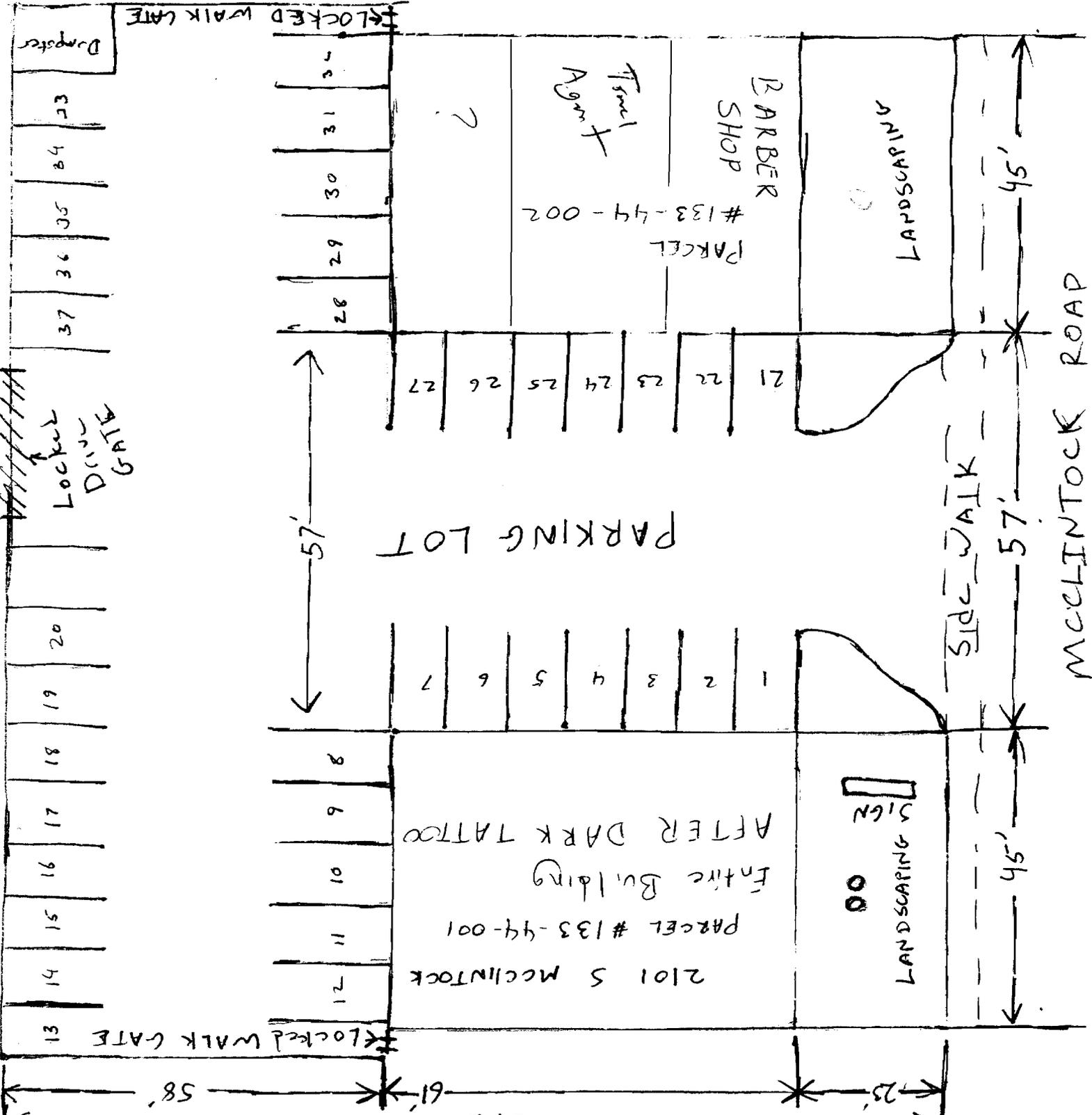
ALLEY

SPACES 25-37

For Parcel # 133-44-002

All others

Open parking



PARKING LOT

2101 S McCLINTOCK
 PARCEL #133-44-001
 Entire Building
 AFTER DARK TATTOO

BARBER SHOP
 PARCEL #133-44-002

Small Agent

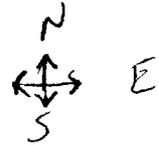
LOCKED WALK WAY
 DUMPSTER

SIDE WALK

McCLINTOCK ROAD

2101 S MCCLEINTOCK

AFTER DARK TATTOO



1. Flash on all walls
2. All work stations Vinyl Flooring
3. Retail Carpet flooring
4. All other areas Tile Flooring
5. All work stations half walls
6. All work Stations Privacy Curtains

Key
 (X) Bar Stool
 (FS) Flash Station

