

Staff Summary Report



Hearing Officer Hearing Date: June 3, 2008

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **BELLA NAIL (PL080164)** located at 904 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20080603dsng02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BELLA NAIL (PL080164)** (Howard Li/Paramount Design & Drafting, applicant; NG 904 LLC, property owner) located at 904 North Scottsdale Road, Suite No. 105 in the GID, General Industrial District for:

ZUP08088 Use permit to allow a nail salon in the GID, General Industrial District.

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

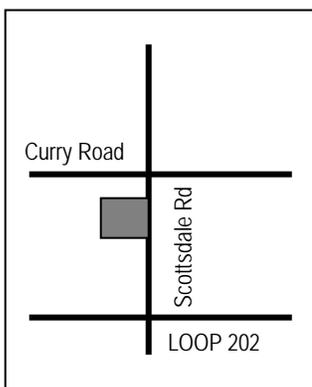
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-3

ADDITIONAL INFO: The applicant is requesting a use permit to allow for a nail salon, located at 904 North Scottsdale Road, Suite No. 105 in the GID, General Industrial District. This site is located north of Loop 202 and southwest of the intersection of Curry Road and Scottsdale Road. Staff supports the use permit application. Staff also has received one (1) phone call of concern regarding the hours of operation and whether or not this is to be a spa with massage therapy.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Enlarged Site Plan
6. Floor Plan
7. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow for a nail salon, located at 904 North Scottsdale Road, Suite No. 105 in the GID, General Industrial District. Any retail exceeding fifteen percent (15%) of the total floor space area in the GID requires a use permit. The nail salon will employ four (4) employees. Hours of operation will be between 9:00 am and 8:00 pm, Monday thru Saturday as well as from 9:00 am to 6:00pm pm on Sundays. Bella Nail will encompass approximately 1,092 square feet of the 8,025 square foot retail building.

Staff notes that while during due diligence of the property including a site visit, it was noted that there were several issues that are in violation of the Zoning and Development Code. These issues include a refuse enclosure that was constructed without a building permit, electrical conduits running along the north and west elevations that require painting to match the color of the building, and non-compliant lighting above the parapet. Commercial Code Enforcement will issue a correction notice to the property owner to correct these concerns. Also, the refuse enclosure and a newly striped accessible parking space, reduce the number of required parking spaces provided on site from 21 spaces to 19 spaces.

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 tanning salon in the GID, General Industrial 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.
- 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.

REASONS FOR APPROVAL:

1. There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
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.

CONDITIONS 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) 350-8331.
3. Use permit valid per submitted plans reviewed and approved by the Hearing Officer.

HISTORY & FACTS:

April 27, 1983

A-83-4.21 - The Board of Adjustment approved the following two (2) variances for a new office and warehouse development located at 904 North Scottsdale Road subject to conditions.

- a. variance to reduce the required width of off-street parking spaces from 9' to 8'.
- b. variance to reduce the required on site driveway length from 20' to 10'.

May 4, 1983

The Design Review Board approved building elevations, site plan and landscape plan for a new office/warehouse building located at 904 North Scottsdale Road.

June 27, 1984

A-84-6.22 - The Board of Adjustment approved two use permits and a variance for the following located at 904 North Scottsdale Road subject to conditions.

- a. use permit to operate a furniture sales use for Marantha Antique Furniture
- b. use permit to operate a retail use (furniture and mattress sales) for Norland Furniture and Mattress Co.
- c. variance to reduce the required number of on site parking spaces from 28 to 21.

April 2, 1985 The Community Development Director issued a warning notice to the business owners of Marantha Antique Furniture indicating that the use permit and parking variance would be revoked if the pattern of sign violations continued.

June 7, 1985 The owners of Marantha Antique Furniture was charged before Tempe Municipal Court with three (3) counts of illegal vehicle sign display for which the business owner was fined \$200.00 and placed on eight (8) months probation.

June 24, 1985 Per the direction of the Community Development Director, the Building Safety Department issued a notice to comply to the owners of Marantha Antique Furniture, revoking the business owner's use permit.

August 28, 1985 The Board of Adjustment re-instated the use permit for a retail use in I-2; the use permit was previously revoked by the Zoning Administer due to non-compliance with conditions. The re-instatement was specifically conditioned upon the applicant complying with the conditions imposed by the Board.

December 16, 2003 BA030281 - The Hearing Officer approved the request by Clarkson Wholesale Furniture for a use permit to allow a furniture showroom and sales located at 904 North Scottsdale Road.

May 17, 2006 BA060052 - The Hearing Officer approved a request by The Pilot Shop for a use permit to allow retail sales in an industrial zone located as 904 North Scottsdale Road, Suite A in the GID, General Industrial District.

December 5, 2006 BA050160 - The Hearing Officer denied a request by Black Lotus Tattoos for a use permit to allow a tattoo and body piercing studio.

May 8, 2008 ZUP08083 - The Development Services Department staff approved a request by Sleep Savvy for a transfer of an existing use permit to allow a mattress and furniture store located at 904 North Scottsdale Road, Suite 101, in the GID, General Industrial District.

May 28, 2008 Citation issued to resolve items in violation.

DESCRIPTION:

Owner – NG 904 LLC
 Applicant – Howard Li/Paramount Design & Drafting
 Existing Zoning – GID, General Industrial District
 Parcel Area – 17,486 s.f./40 acres
 Building Area – 8,025 s.f.
 Tenant Area – 1,092
 Parking Required – 4 spaces (Individual Tenant)
 Parking Provided – 19 spaces (Retail Center)

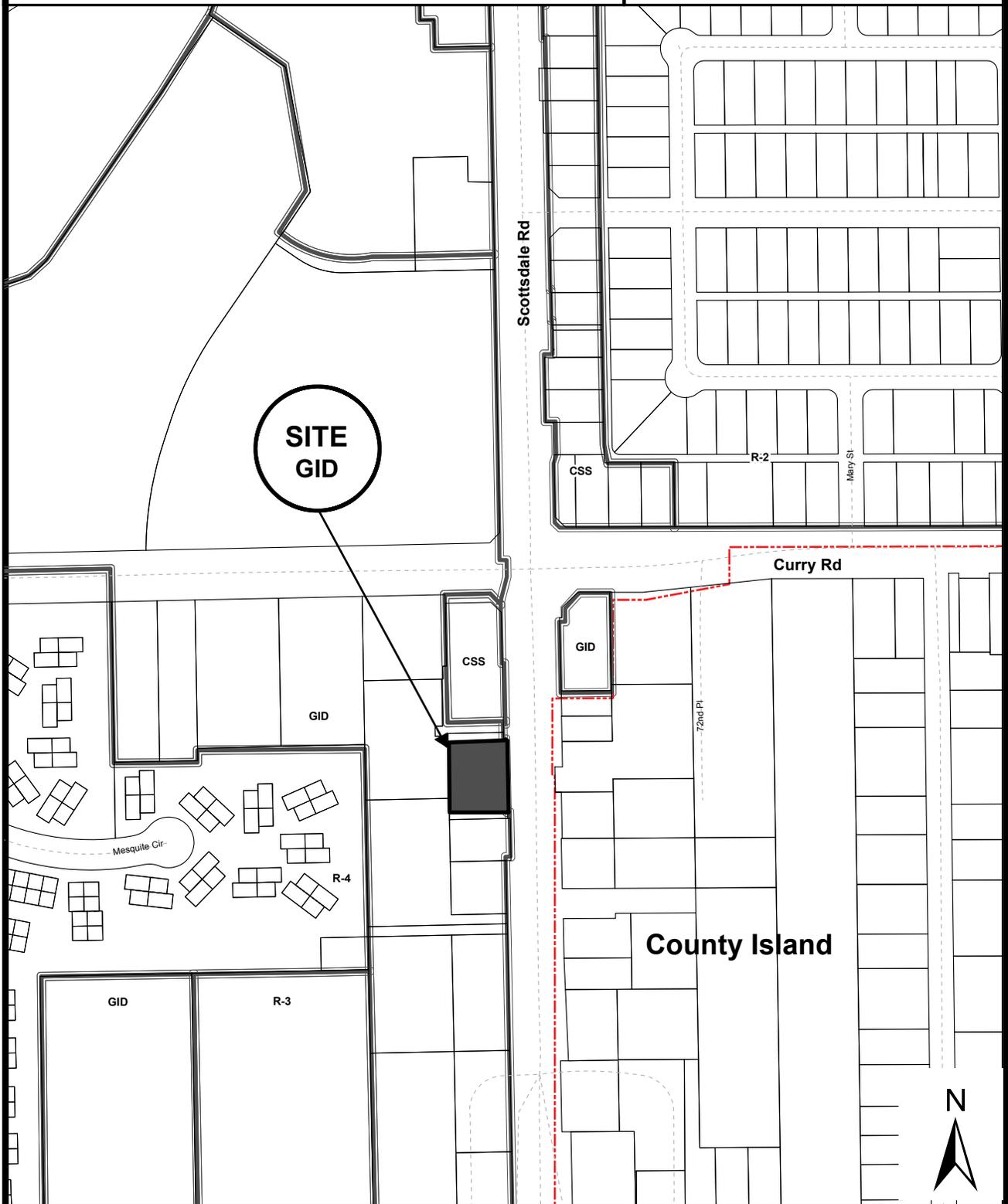
ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
 Part 6, Chapter 3, Section 6-308 – Use Permit

BELLA NAIL

PL080164



Location Map



BELLA NAIL (PL080164)

USE PERMIT LETTER OF EXPLANATION:

**BELLA NAIL AND SPA
904 N. SCOTTSDALE #105
TEMPE,AZ.**

**NUMBER OF EMPLOYEES : 4
HOURS OF OPERATION : 9AM-8PM**

**THIS NAIL SALON WILL NOT REQUIRE ADDITIONAL PARKING.
IT WILL NOT AFFECT THE AREA OF NUISANCE BECAUSE THERE WILL
NOT BE ADDITIONAL NOICE,ODOR,DUST,GAS,VIBRATION,SMOKE,
HEAT,OR GLARE.**

**THIS BUSINESS IS COMPATIBLE WITH THE SURROUNDING STRUCTURE.
DIRECTLY NORTH OF THIS COMPLEX , THERE IS ANOTHER LARGER COMMERCIAL
BUILDING WITH RESTAURANTS, AND OTHER M AND B OCCUPANCY GROUPS.**

**THIS BUSINESS WILL NOT RESULT IN ANY DISRUPTIVE BEHAVIOR WHICH MAY
CREATE A NUISANCE TO THE SURROUNDING AREA OR GENERAL PUBLIC.**

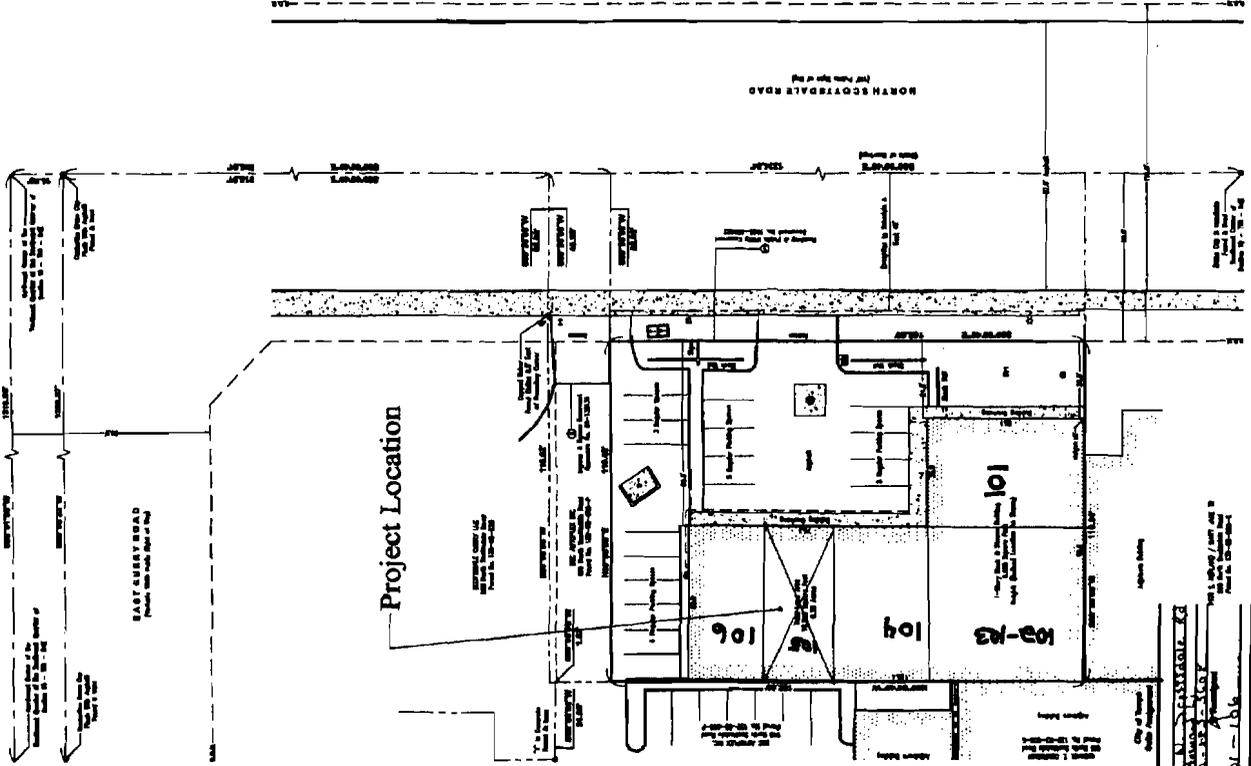
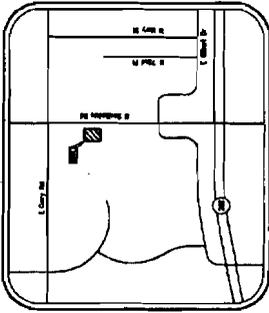
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 Date: 10/1/2010
 Drawing Title: 100-00000000
 Drawing No.: 100-00000000
 Drawing Date: 10/1/2010
 Drawing Scale: 1" = 20'
 Drawing Author: 100-00000000
 Drawing Checker: 100-00000000
 Drawing Approver: 100-00000000
 Drawing Date: 10/1/2010

Sheet Index:

- 1. Site Plan
- 2. Floor Plan
- 3. Section
- 4. Foundation
- 5. Mechanical Plan
- 6. Electrical Plan
- 7. Plumbing Plan
- 8. Fire Protection Plan
- 9. Energy Conservation Plan
- 10. Other

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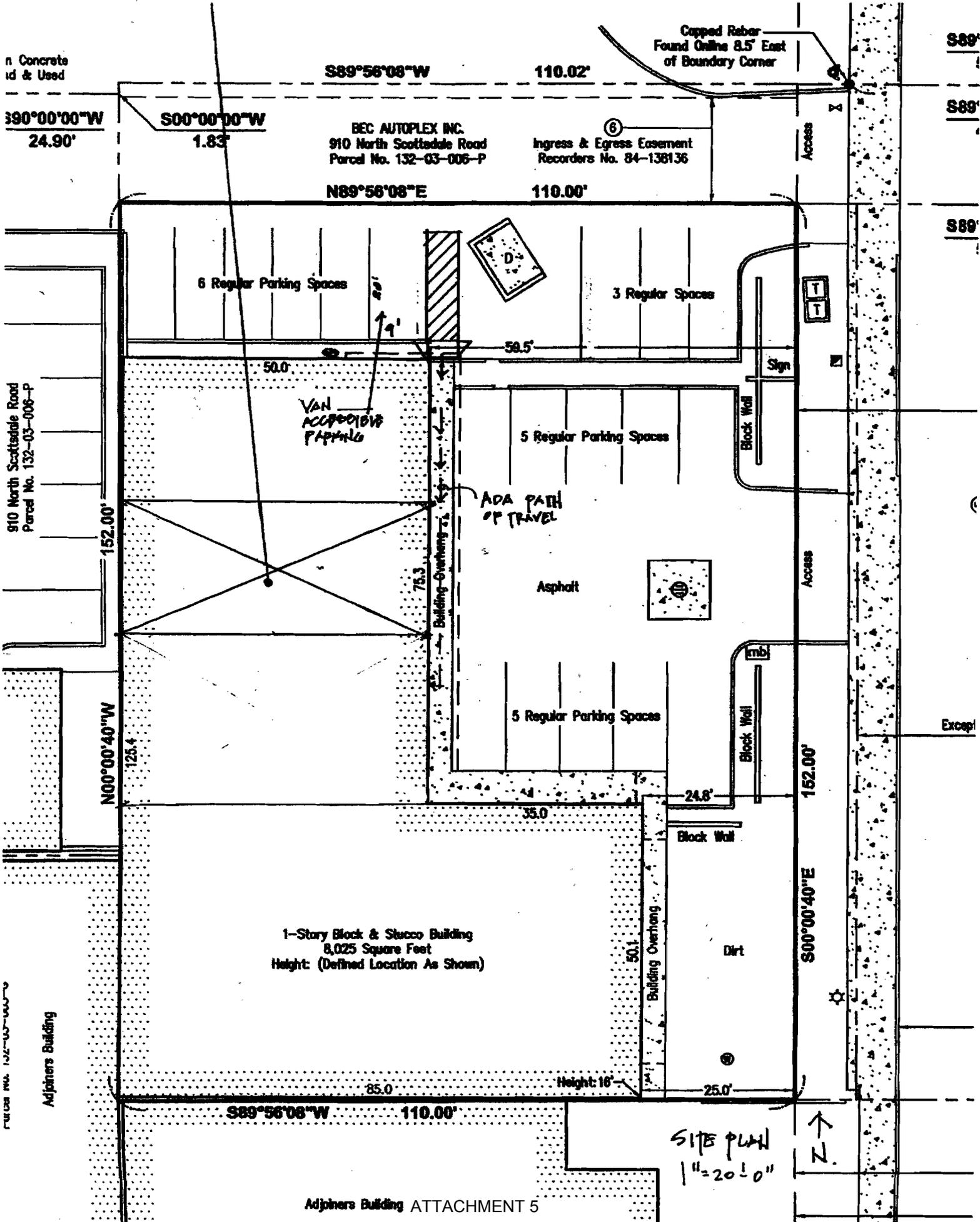


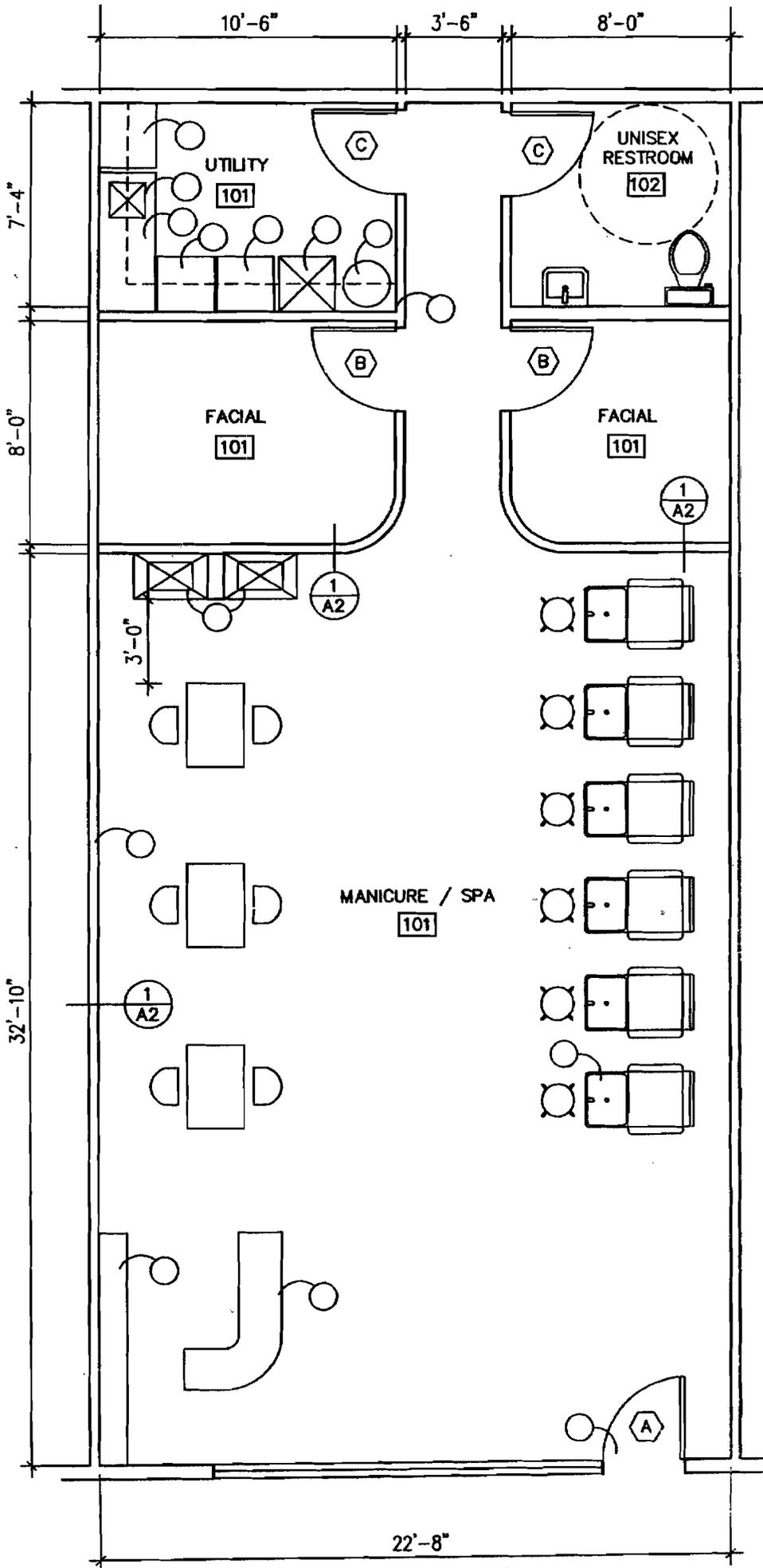
SITE PLAN

904 N. Scottsdale Rd.

Project No.	100-00000000
Project Name	100-00000000
Client	100-00000000
Date	10/1/2010
Drawing Title	100-00000000
Drawing No.	100-00000000
Drawing Date	10/1/2010
Drawing Scale	1" = 20'
Drawing Author	100-00000000
Drawing Checker	100-00000000
Drawing Approver	100-00000000
Drawing Date	10/1/2010

PROJECT LOCATION.





ATTACHMENT 6



BELLA NAIL

904 N SCOTTSDALE RD., SUITE NO. 105

PL080164

FRONT OF BUSINESS