

Staff Summary Report



Hearing Officer Hearing Date: June 27, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **BODY ACCENTS TATTOO AND PIERCING STUDIO (PL070211)** located at 1524 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20070627sd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **UNION PLAZA – BODY ACCENTS TATTOO AND PIERCING STUDIO (PL070211)** Elizabeth Preston, applicant; Union Knitting Factory International, property owner) located at 1524 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

ZUP07067 Use permit for a tattoo and body piercing studio.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

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

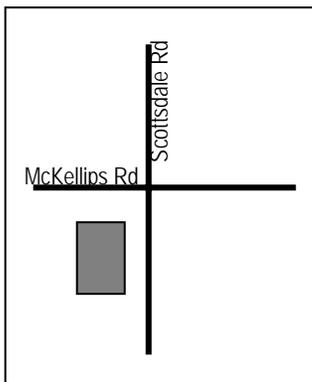
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-12

ADDITIONAL INFO: Body Accents 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 the use permit. To date, one (1) letter of opposition to the request has been received. Staff recommends approval of the use permit.



ATTACHMENTS:

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

COMMENTS:

Body Accents is requesting approval of a use permit for a tattoo and body piercing studio. The proposed business will occupy 1,500 s.f. within the north building of Union Plaza. The property is located at 1524 North Scottsdale Road in the CSS, Commercial Shopping and Services District. Their future floor plan indicates three (3) tattoo rooms and one (1) body piercing room with a separate sterilization area. The applicant proposes the business will be staffed by three (3) employees with the hours of operation will be twelve o'clock (12:00) p.m. to nine o'clock (9:00) p.m. Monday through Saturday and twelve o'clock (12:00) p.m. to six o'clock (6:00) p.m. on Sunday.

To date, staff has received one letter of opposition regarding this request. The letter states the request is inappropriate and doesn't belong adjacent to a residential neighborhood. The author believes the tattoo studio at Rural Road and University Drive (Club Tattoo; 825 South Rural Road) already serves north Tempe and another tattoo studio in the area should not be permitted.

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 indicated the business will comply with the Tattoo Parlor Regulations as established by the Tempe City Council.

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 have required sign 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 not 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.
10. A 'No Loitering' sign(s) meeting Crime Prevention Unit specification shall be installed in plain view at the business. **By July 11, 2007**
11. The rear exit door shall have a 6" x 6" lexan vision centered at 63" above finish floor (a.f.f.) **By July 27, 2007**
12. The non-compliant light fixture at the rear of the suite shall be removed and replaced with a compliant light fixture that complies with Zoning and Development Code, Part 4, Chapter 8. Staff to review, approve and inspect the light fixture within thirty days. **By July 27, 2007**

HISTORY & FACTS: **Union Plaza; 1428-1526 North Scottsdale Road**

April 26, 1990 BA900088: Use Permit approved for Sutter's Gold to allow Live Entertainment.

April 23, 1992 BA920015: Use Permit and parking variance approved for Sutter's Gold.

January 27, 1994 BA940009: Use Permit Approved for 1001 Fantasies Lingerie.

April 26, 1995 BA950085: Use Permit Approved for an expansion of 1001 Fantasies Lingerie.

December 27, 1995 BA950242: Use Permit Denied for Alley Kat Tattoo.

February 28, 1996 BA960047: Use Permit Appeal, Denied for Alley Kat Tattoo.

DESCRIPTION:

Applicant – Elizabeth Preston
Owner – Colliers International
Existing zoning – CSS, Commercial Shopping and Services District
Lot Area – 121,707 s.f. / 2.79 acres
Building Area – 38,000 s.f.
Tenant's Suite Area – 1500 s.f.
Parking Required – 137 spaces
Parking Provided – 152 spaces

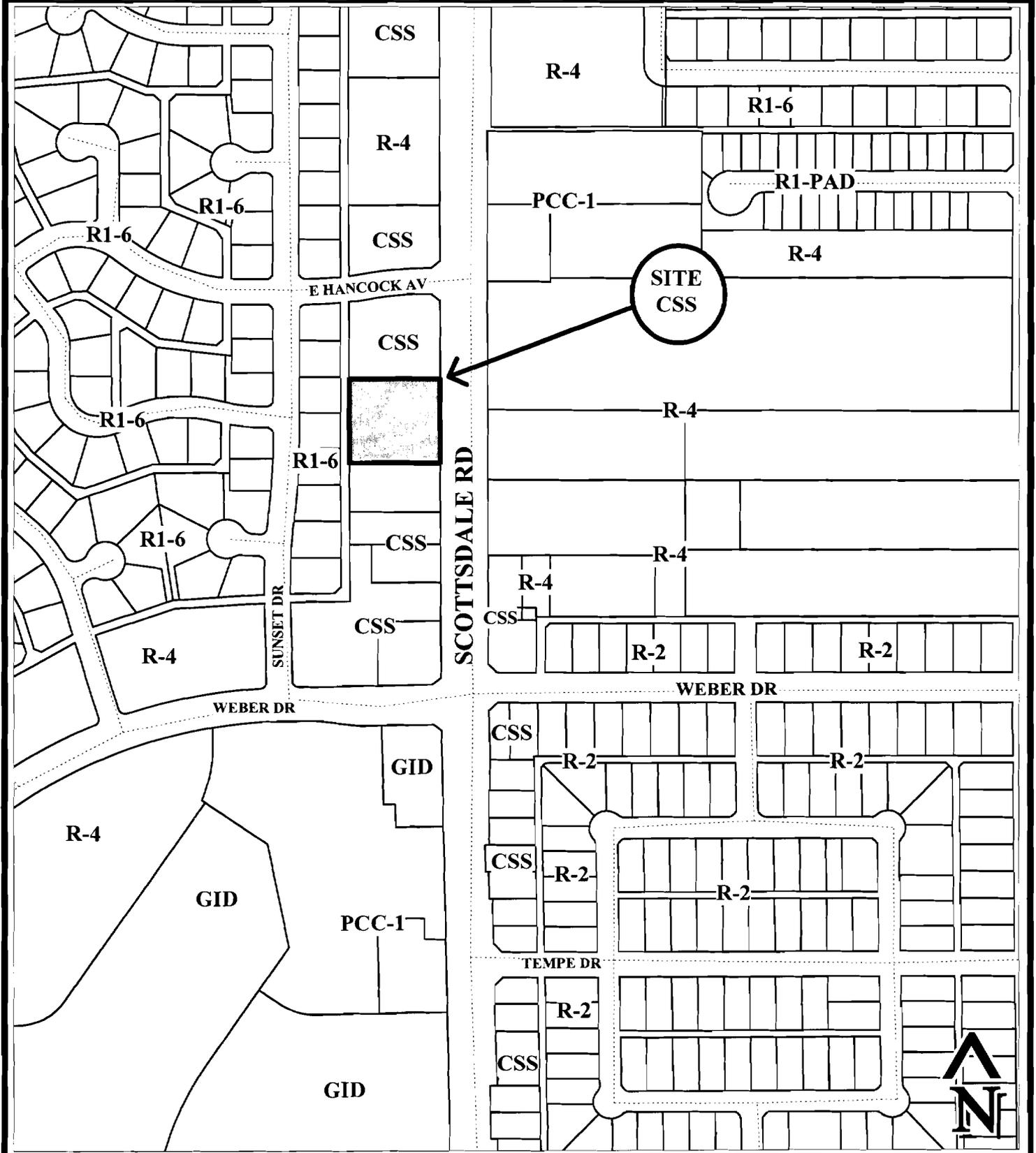
ZONING AND DEVELOPMENT CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts

Part 6, Chapter 3, Section 6-308 – Use Permit

**UNION PLAZA -
BODY ACCENTS TATTOO AND PIERCING STUDIO**

PL070211



Location Map



UNION PLAZA - BODY ACCENTS TATTOO AND PIERCING STUDIO (PL070211)

Letter of intent:

For Body Accents Tattoo & Piercing Studio

My name is Elizabeth Preston

I have been working in the services industry for 7 years the last 3 years I have been the manager of Virtual Reality Tattoos,

This business has been running for 13 years, and is doing very well,

All bio hazard waste disposed of properly all health and safety concerns addressed,

It also has a great client list, that I to will also build in Tempe that will include police officers, fire men, blue and white collar workers, moms, dads, and every different type of person that you would want as a client,

It also meets and passes OSHA standers, and with that, I to have plans to build a studio in your city, like this Studio,

That will have the best of every thing, in accordance with OSHA standers and by APT: Alieance of professional Tattooist,

That Bio Hazard waste will be disposed of at a hospital; there will be no bio hazard waste in dumpsters etc

There will be no noise smells or any other annoying things to bother Neighbors from my business

RECEIVED
TEMPERANCE DEPARTMENT
SERVICES DEPARTMENT

07 JUN -4 PM 1:19

RECEIVED

It will be run and kept up to the highest standers, to assure the City and Neighbors will be happy to see it thrive.

I am a female looking to start my own business in Tempe,

I believe it will be a great service to the community and to the City to have a female running a studio in the most professional way,

And up to the highest health standards, it will be a very professional studio, that will be run to please the City the Neighbors and Clients coming in,

With no room for concern

We will be open 12-9 Mon-Sat and 12-6 Sundays

We will have 3 people in the studio and about 2-3 customers an hour thus taking only minum parking spots So not to add any congestion to the area.

Thank you for this opportunity.

Elizabeth Preston

bath rm

bath rm

clean rm
auto clave

copier files hechta graph

office

tattoo rm

tattoo rm

tattoo rm

piercing rm

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TEMPERANCE DEPARTMENT
SERVICES DEPARTMENT

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JUN 15 2007

June 10, 2007

Dear Sir,

This is a quiet residential neighborhood, a tattoo and piercing studio is inappropriate. There

already is a tattoo parlor on the east side of Rouse; South of University.

Please deny the permits.

Sincerely,
Eckel Ott

Opp 709 E. Saguaro Dr. PHOENIX
Tempe, AZ 85281



BODY ACCENTS TATTOO AND PIERCING STUDIO

1524 N. SCOTTSDALE RD.

PL070211

STORE FRONT: VIEW TO WEST



BODY ACCENTS TATTOO AND PIERCING STUDIO

1524 N. SCOTTSDALE RD.

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ILLEGAL LIGHT FIXTURE: REAR OF BUILDING