

# Staff Summary Report



Hearing Officer Hearing Date: August 21, 2007

Agenda Item Number: 8

**SUBJECT:** This is a public hearing for a request by the **LIFESTYLES FITNESS (PL070334)** located at 4435 South Rural Road, Suite Nos. 5 and 6 for one (1) use permit.

**DOCUMENT NAME:** 20070821dssd02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **LIFESTYLES FITNESS (PL070334)** (Mark Hill, applicant; Zonline LLC property owner) located at 4435 South Rural Road, Suite Nos. 5 and 6 in the PCC-2, Planned Commercial Center General District for:

**ZUP07105** Use permit to allow a massage therapist.

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

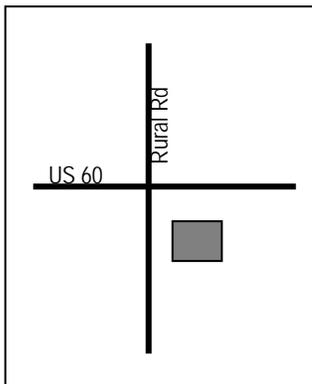
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-8

**ADDITIONAL INFO:** Lifestyles Fitness is requesting approval of a use permit to allow a personal fitness/training studio with massage therapy located at 4435 South Rural Road in the PCC-2, Planned Commercial Center Comprehensive District. The proposed business will occupy approximately 2,293 s.f. of space within an existing retail shopping center. Staff is recommending approval of the request with conditions. To date, there has been no public input



**PAGES:**

1. List of Attachments
2. Comments;
3. Reason(s) for Approval; Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

**ATTACHMENTS:**

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

## COMMENTS:

Lifestyles Fitness is requesting approval of a use permit to allow a personal fitness/training studio with massage therapy. The proposed business will occupy approximately 2,293 s.f. of space within a retail shopping center. The massage therapy room of the business occupies about 112 s.f. with offices, storage and rest rooms within the balance of the area.

The site is located east of Rural Road in the AMF Fairlanes Village and on the south side of US 60 freeway within the PCC-2, Planned Commercial Center Comprehensive District. To the south is also zoned PCC-2. To the east is R1-6, Single-Family Zoning District

The proposed "by appointment only" hours of operation are Monday through Friday from 5:00 a.m. to 8:00 p.m. and weekend appointments are rarely requested by the clients. The business currently has seven (7) employees, three (3) of which are part time contracted certified personal trainers and one (1) massage therapist. Should the use permit be approved, Lifestyles Fitness may provide the services of a licensed massage therapist.

To date, there has been no public input.

## Use Permit

The Zoning and Development Code requires a personal fitness/training studio with massage therapy to obtain a use permit in the PCC-2, Planned Commercial Center Comprehensive 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 personal training studio; there should be minimal nuisances within this industrially zoned area.
- 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.

**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 properties.

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

**CONDITION(S) OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. 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 set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. 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.
8. All business signs shall be Development Review approved and permits obtained.

**HISTORY & FACTS:**

- July 19, 2005                      BA050096: Use Permit approved for "MASSAGE ELITE" to operate a massage therapy business.
- May 12, 2006:                      BA060034: Transfer of Use Permit Denied for "MASSAGE ELITE" for a change of ownership.

**DESCRIPTION:**

Owner – Zonline LLC  
Applicant – Mark Hill  
Existing Zoning – PCC-2, Planned Commercial Center General District  
Total Site Area – 177,249 s.f. / 4.06 acres  
Total Building Area – 6,480 s.f.  
Suite Area – 2,293 s.f.  
Parking Required for center – 177  
Parking Provided for center – 213

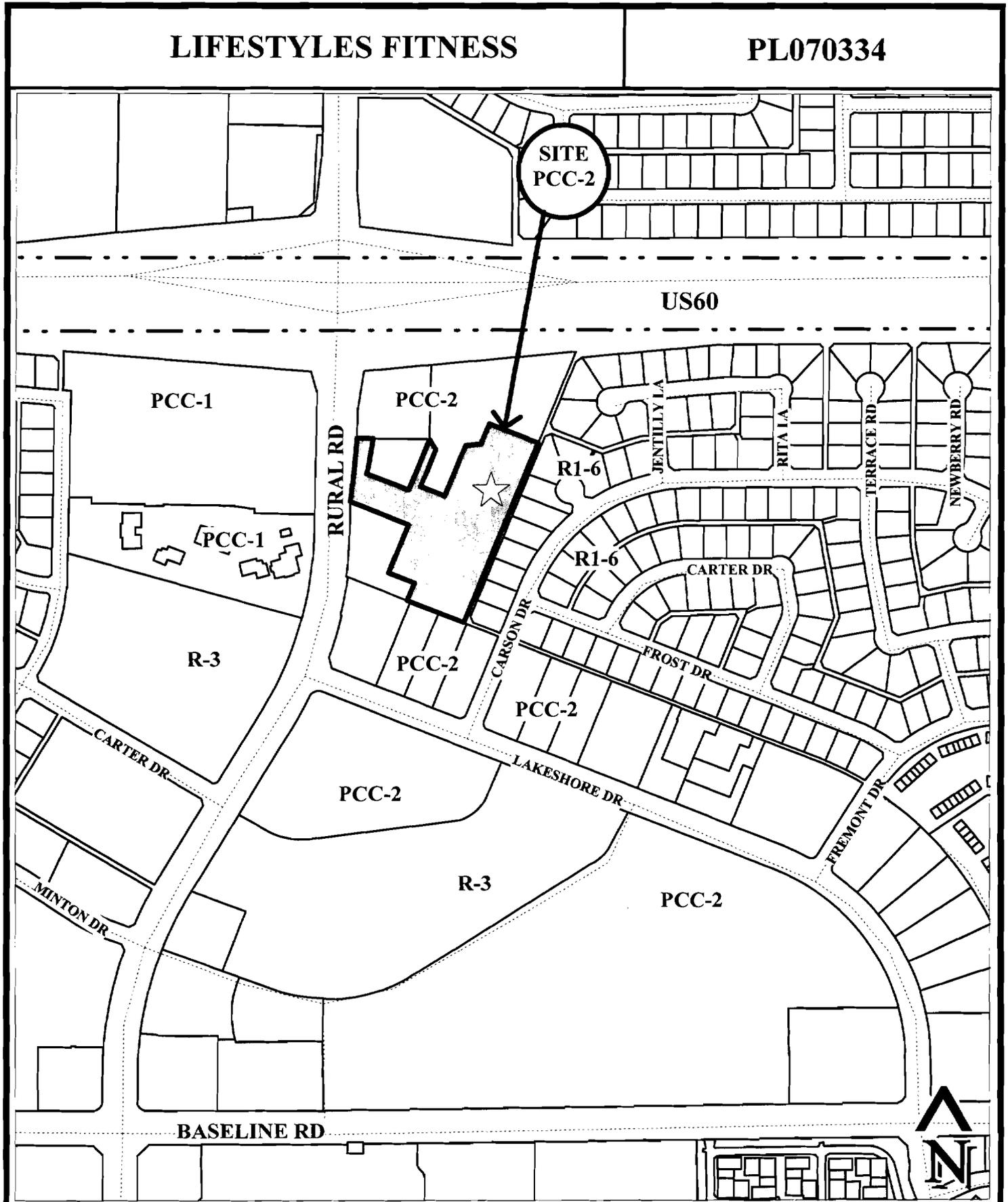
**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

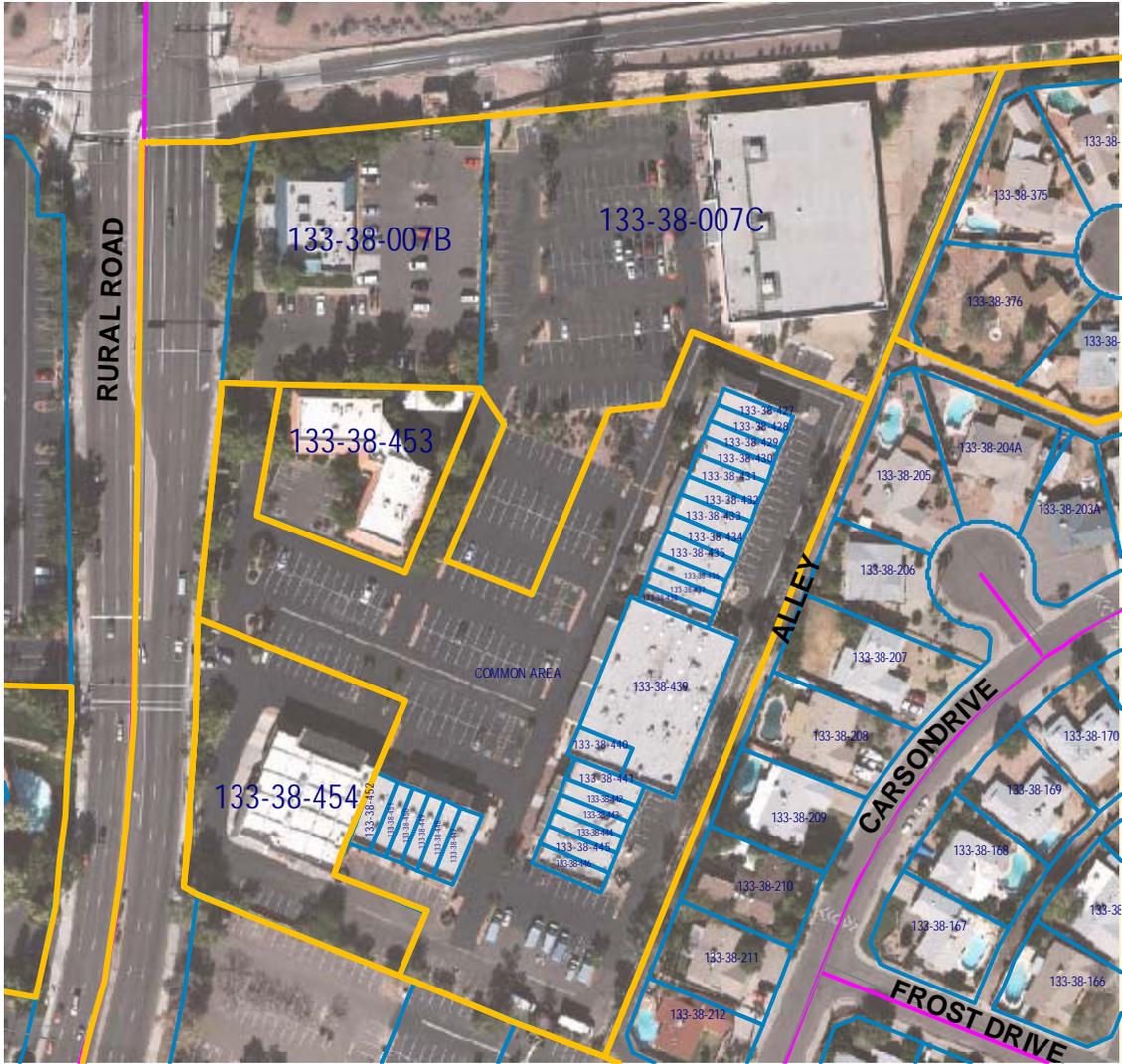
Part 3, Chapter 3, Section 3-202  
Permitted Uses in Commercial and Mixed-Use Districts

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

LIFESTYLES FITNESS

PL070334





July 17, 2007

City of Tempe  
Development Services  
31 East Fifth Street  
Tempe, AZ 85280-5002

**Letter Of Explanation**

To Whom It May Concern:

Lifestyles Fitness Personal Training located at 4435 S. Rural Road Suite # 5, Tempe, AZ 85282 primary business function consists of personal fitness training. Clients are trained in a private environment to achieve personal fitness goals that include but are not limited to weight loss, strength gains, increased energy, athletic advancements, improving health conditions such as high blood pressure, cholesterol, blood sugar, etc. and generally improving the overall quality of their lives. Within the premises, we also have a small room that is occupied by a Flexibility Coach in which clients strive to gain flexibility, increase range of motion, and decrease muscle tension through the use of various positions that relax the body's tendons, ligaments, and muscles.

Our hours of operation vary due to the fact that we are an appointment-based business and meet with clients at pre-scheduled times. Generally, the clients frequent our business between the hours of 5am – 8pm Monday through Friday. Weekends are rarely utilized unless by client request.

Seven employees (3 part time) currently operate on the premises on Lifestyles Fitness Personal Training. Our client base is approximately slightly less that 75 clients and varies throughout the year. The majority of our clients are outstanding, respectable members of the community that hold positions as doctors, attorneys, accountants, successful small business owners, and other professional occupations.

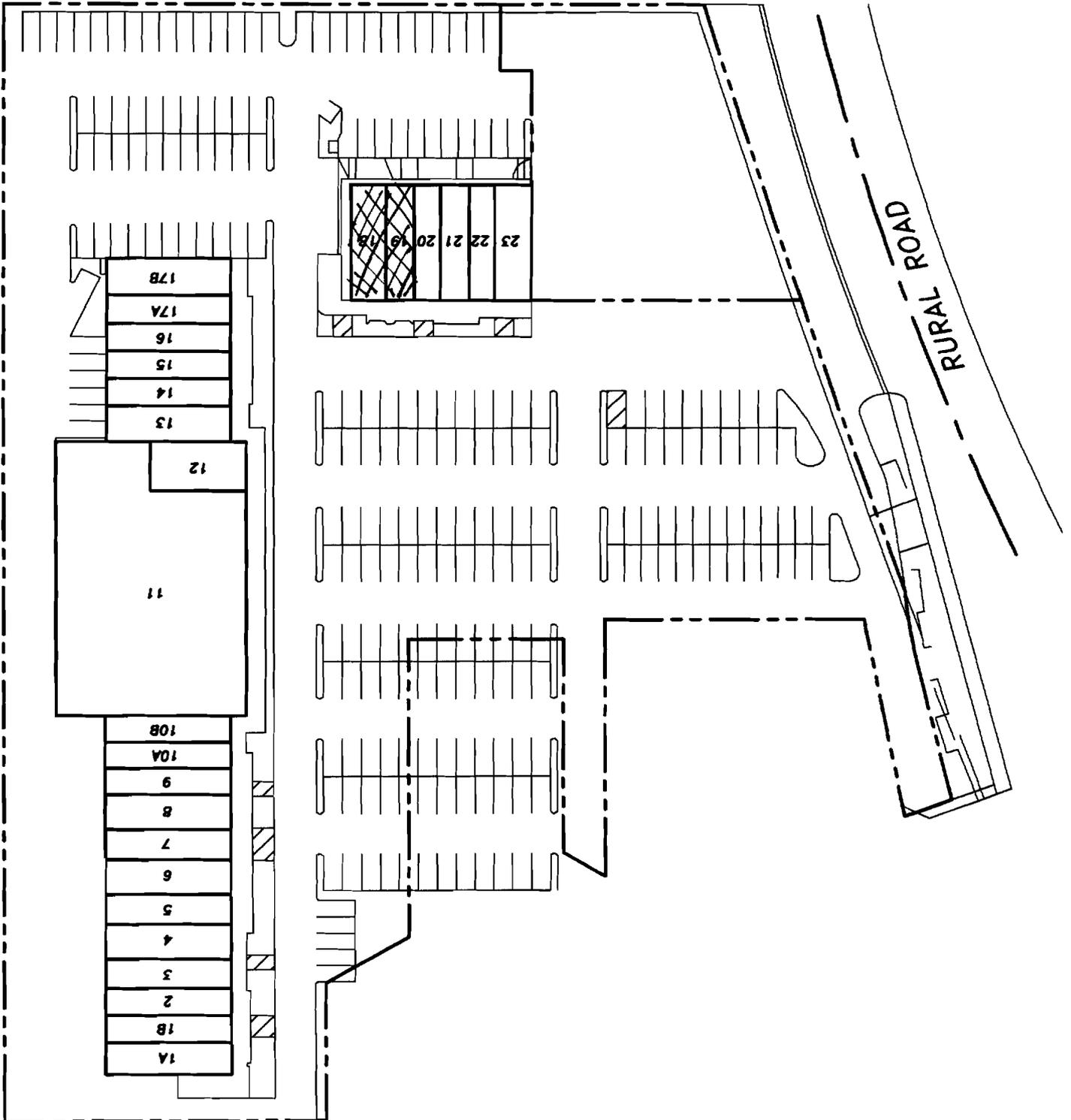
Our type of business is private, quiet, creates very little traffic, and is a pristine & bright facility. This type of upscale business contributes to an upbeat atmosphere and impacts client's lives in a positive manner. I welcome you to view our website at [www.getinshape2day.com](http://www.getinshape2day.com) to fully realize the optimism that our constructive business brings to the clients that pass through our doors.

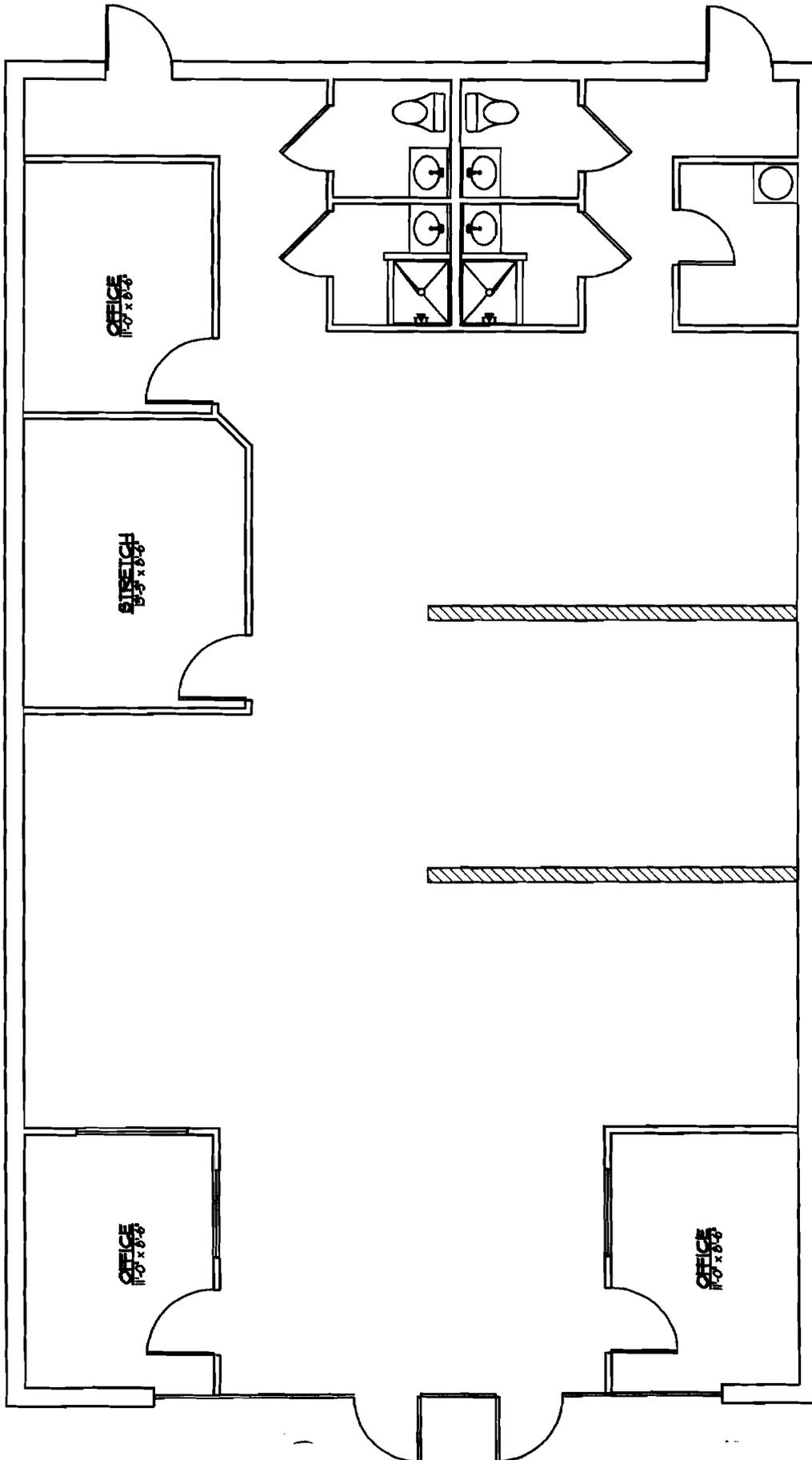
Sincerely,



Mark D. Hill  
Owner  
Lifestyles Fitness Personal Training  
Tempe, AZ 85282  
(480) 820 – 5134  
[www.getinshape2day.com](http://www.getinshape2day.com)

**SITE PLAN**  
NOT TO SCALE





**FLOOR PLAN**  
NOT TO SCALE



**LIFESTYLES FITNESS**

**4435 S. RURAL RD**

**PL070334**

**FRONT OF BUSINESS: VIEW TO SOUTH**