

Staff Summary Report



Hearing Officer Hearing Date: July 17, 2007

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **SCUMBAGS TATTOO AND PIERCING (PL070231)** located at 818 West Broadway Road for one (1) use permit.

DOCUMENT NAME: 20070717dssd03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BROADWAY VILLAGE - SCUMBAGS TATTOO AND PIERCING (PL070231)** (Phillip Bonet, applicant; Cal AZ Properties LLC, property owner) located at 818 West Broadway Road in the CSS, Commercial Shopping and Services District for:

ZUP07070 Use permit to allow a tattoo and body piercing studio.

PREPARED BY: Shawn Daffara, Planner II

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

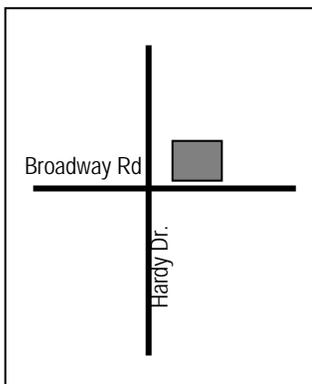
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-12

ADDITIONAL INFO: Scumbags Tattoo and Piercing 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, four (4) emails and four (4) phone calls of opposition to the request have been received. Staff recommends approval of the use permit if the shared parking application has been reviewed and approved prior to the Hearing Officer Meeting. Should the shared parking application not be approved, the applicant will request a continuance until the parking has been resolved.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-7. Letter of Intent
8. Site plan
9. Floor Plan
10. Copy of approved landscape plan (September 1979)
- 11-14. Staff Photograph(s)
- 15-18. Copy of e-mails of opposition.

COMMENTS:

Scumbags Tattoo and Piercing is requesting approval of a use permit for a tattoo and body piercing studio. The proposed business will occupy 1,250 s.f. within the Broadway Village Plaza. The property is located at 818 West Broadway 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 proposed business will be staffed by five (5) 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 by appointment on Sundays.

A site inspection revealed dead and missing landscape and graffiti throughout the plaza. Staff will address these issues through conditions of approval on the use permit.

To date, four (4) emails and four (4) phone calls of opposition regarding this request have been reviewed.

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, if the shared parking application has been reviewed and approved prior to the Hearing Officer Meeting. Should the shared parking application not be approved, the applicant will request a continuance until the parking has been resolved. The conditions will require the business to 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 Tempe Police Department Crime Prevention Unit specification shall be installed in plain view at the business prior to business opening.
11. The property owner and or management shall replace all dead and missing landscape. Landscape shall comply with the approved landscape plan of September 1979.
12. The property owner and or manager shall remove all graffiti from the property. The graffiti areas shall be painted to match the existing building color.

HISTORY & FACTS:

- March 29, 1979: A-79.3.11: Board of Adjustment approved Parking Variance for Broadway Village Plaza.
- July 26, 1979: A- 79.3.11: Board of Adjustment approved parking Variance for Broadway Village Plaza to reduce parking from 72-63 spaces.
- January 29, 1981: A-79.3.11: Board of Adjustment approved Parking Variance for Broadway Village Plaza to reduce parking from 72-63 spaces.
- February 29, 1984: A-79.3.11: Board of Adjustment approved Parking Variance for Broadway Village Plaza- Valley Chiropractic Life Center, to reduce parking from 77-63 spaces.
- May 26, 1999 BA990112: Board of Adjustment approved Parking Variance for Liz's Kitchen.
- September 4, 2001 BA010217: Hearing Officer approved Parking Variance for DiMonte's Grill.
- April 15, 2003 BA030062: Hearing Officer approved Parking Variance for Rolberto's Taco Shop.

DESCRIPTION:

Owner – Cal AZ Properties LLC
Applicant – Phillip Bonet
Existing zoning – CSS, Commercial Shopping and Services District
Lot Area – 46,678s.f. / 1.07 acres
Building Area – 9,500 s.f.
Tenant's Suite Area – 1,250 s.f.
Parking Required – Shared Parking Model
Parking Provided – Shared Parking Model

ZONING AND DEVELOPMENT

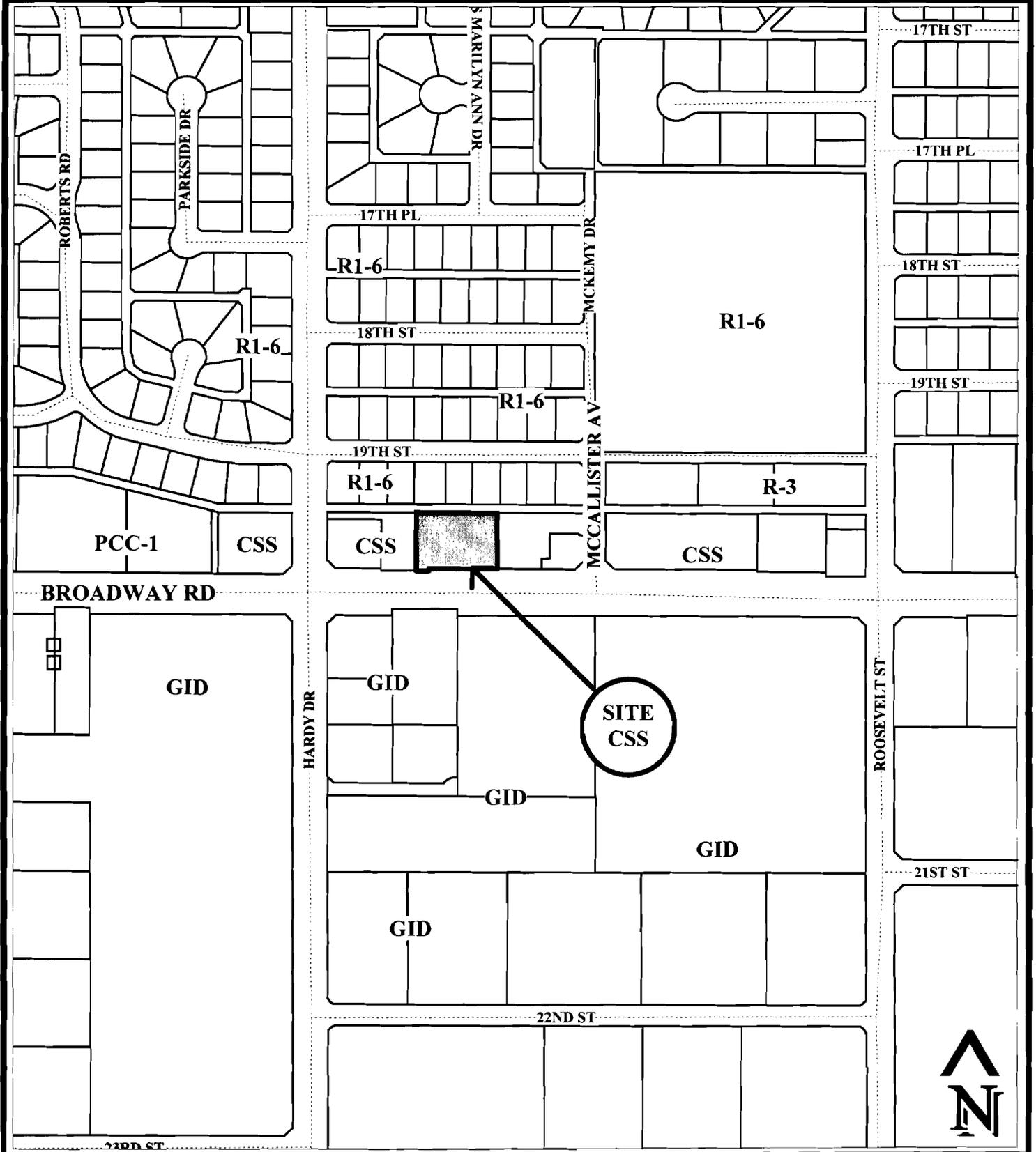
CODE REFERENCE:

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

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

**BROADWAY VILLAGE -
SCUMBAGS TATTOO AND PIERCING**

PL070231





BROADWAY VILLAGE - SCUMBAGS TATTOO AND PIERCING (PL070231)

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TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

Owner Statement:

My name is Phillip D. Bonet, I will be completing my BBA in Business Management in June of 2008. I currently hold two degrees in Culinary Arts and Hospitality Management. I served in the Army and received an honorable discharge after 4 years of service.

I have been in the tattoo and piercing industry for five years; I feel most tattoo shops are lacking customer service. My goal is to provide excellent customer service in a professional environment. My personal goal for this tattoo parlor is to have a very successful body modification establishment.

Funding will be provided by an investment company DPJ LLC. This funding will allow my new business endeavor to provide great custom work at an affordable price. As a new business in the community we will strive to work with the community.

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SERVICES DEPARTMENT

Purpose and Business Description

Purpose:

S T& P will provide a safe, clean, and professional environment. Our goals are to establish a successful business in a prime location and to provide affordable and high quality tattoos and piercing. Its presentation will cater to a wide range of people. We plan to have a modern upscale place that will be nice enough for a high-end clientele but not intimidating for a thrifter client. Ideally this will establish a consistent flow of clients and a wide demographic range.

Once we have established a good flow of clients being able to retain their business is another goal we'll strive for. We want to have repeat customers, but at the same time we will provide time in the schedule for walk-in clients. Allowing for a walk-in clientele and combining that with a promotional "walk-in" discount creates a casual feel to welcome a thrifter clientele.

Our short-term goals include:

- *Find a location and do necessary renovations*
- *Get funding (i.e. bank loans)*
- *Devise a marketing strategy*
- *Advertise*
- *Hire staff*
- *Open business within two months*

Long term goals include:

- *Pay off funding source*
- *Open new location*
- *Establish self-functioning locations*
- *Establish a relationship with the community*

Business Description:

ST&P will follow both state and federal health laws and regulations.

Our purpose is to provide the best quality of tattoos from touch-ups to full pieces of body art expression. We pride ourselves in providing rooms that will give the utmost privacy to our guests. Each room will have the artists' equipment, a massage chair or table for the client to make themselves feel at home, and an area for the client to store their belongings.

Piercing is another service we offer to our guests. All employees will have health licenses and follow regulations set-forth by the state and federal agencies. From the moment the client walks through the door, they will be greeted by an inviting waiting area; the staff will be highly trained in customer service to ensure that each guest will feel like "family".

Operations:

Our policy is that each customer is to feel as comfortable as possible. The staff will be extremely courteous and professional it will be apart of continuous education process and stay abreast in the cutting edge of new tattooing and piercing techniques to stay ahead of the competition.

Our hours of operations are as followed:

- * Monday thru Saturday from noon to 9pm
- * Sundays by appointments

Employees:

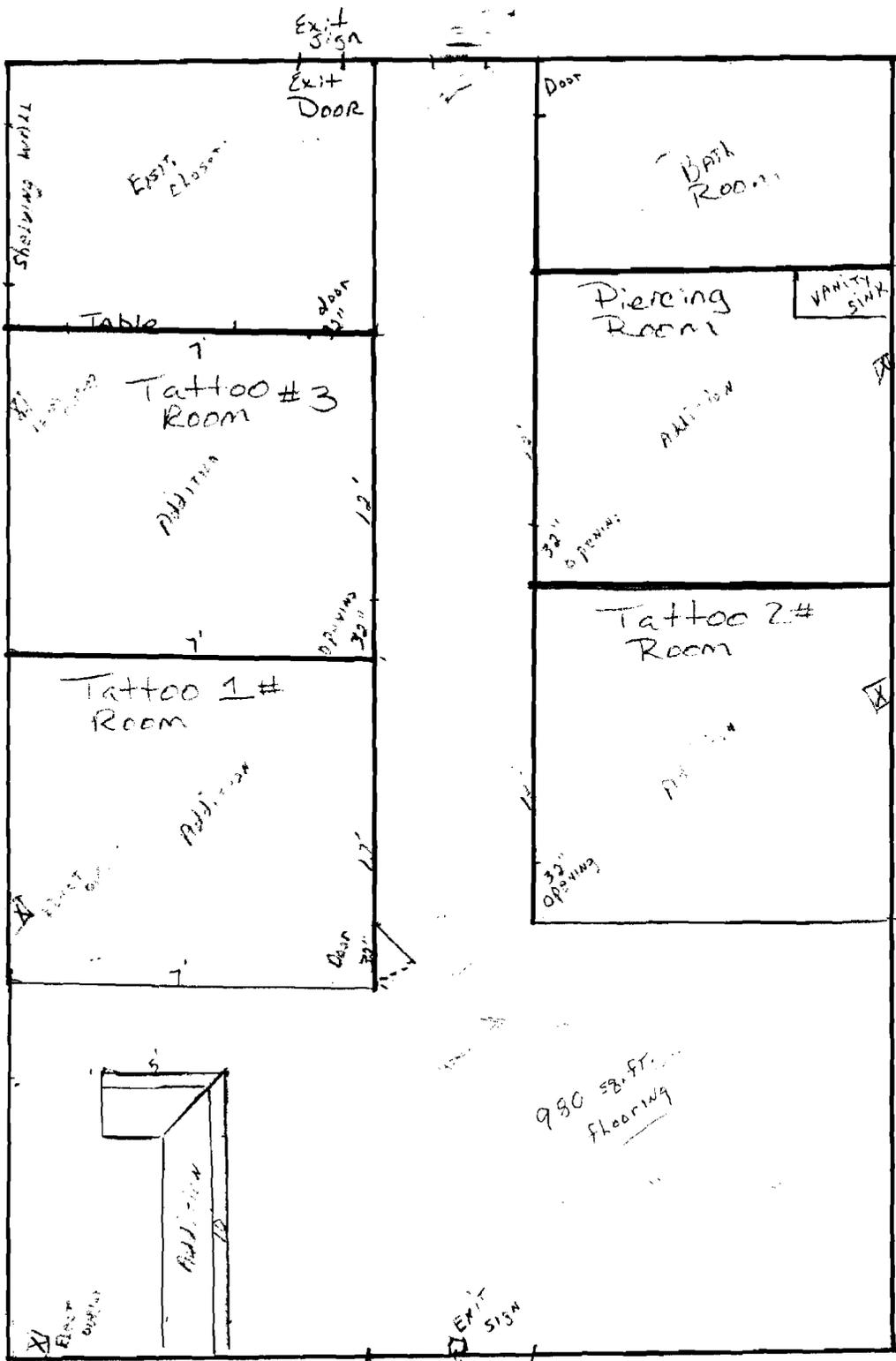
Over 30 years of tattooing and piercing experience, a total of five employees including myself. There will be three tattoo artists, one receptionist and myself as the piercer.

Parking Count:

Our peak hours are different from the restaurants that we share the parking with. This will allow enough parking for the businesses working in the Broadway Village shopping center. The parking lot will have a steady flow of traffic and parking will not be an issue. The landlord has and will provide the center the necessary parking for those who share the lot.

Projected Income Goals:

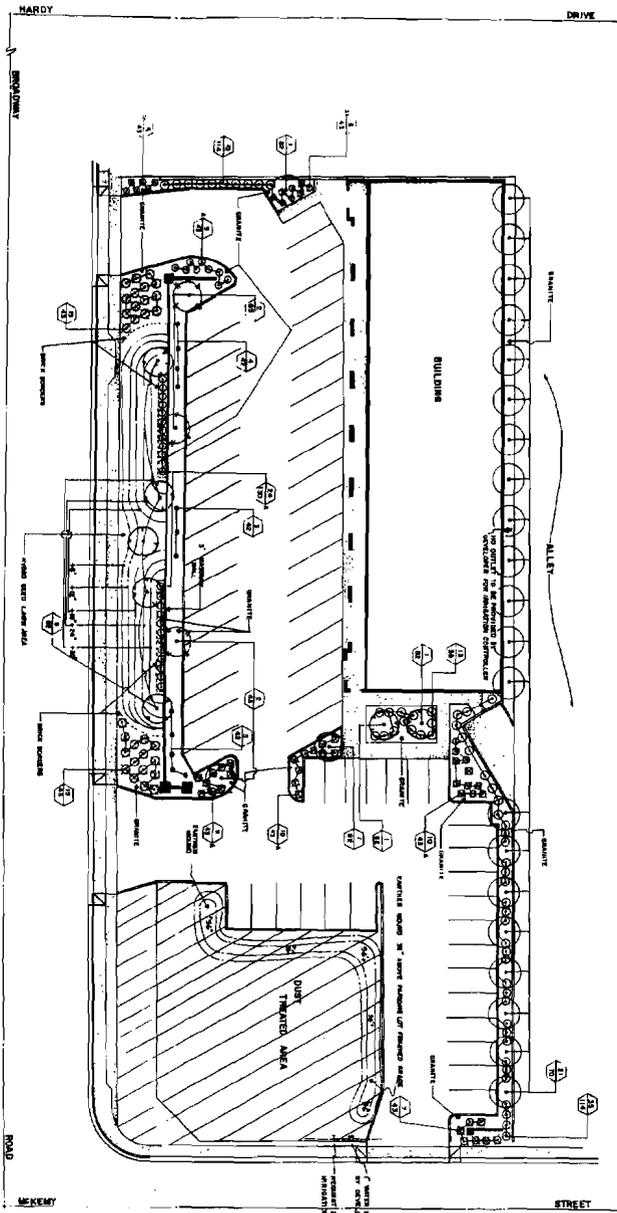
Our projected customer count per month is within the 100 to 300 mark. The more we advertise the more our clientele will grow, we expect our growth to be a rate of 20 new clients a month. With the help of our returning clientele and with the help of walk-ins we will see a growing rate with every passing day. The most important thing is that we up-hold excellent customer service to run a successful business.



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 TEMPE DEVELOPMENT
 SERVICES DEPARTMENT

980 sq ft. total
 Each room 7' x 12'
 5 T&P Tattoo Table

818 W Broadway 110 E 111
 Tempe AZ 85281

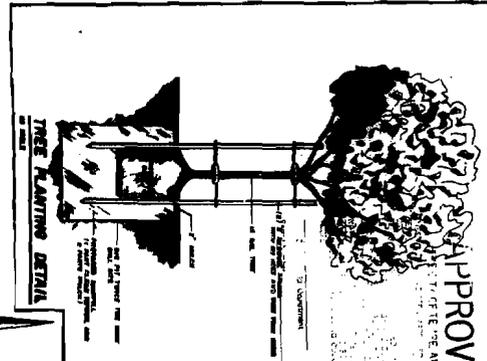
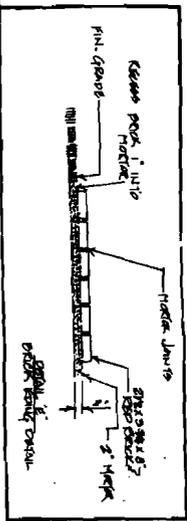


APPROVED

TEMPERATURE DESIGN BOARD

THE BOARD HAS REVIEWED THE LANDSCAPE PLAN AND HAS APPROVED IT FOR CONSTRUCTION. THE BOARD'S APPROVAL IS LIMITED TO THE LANDSCAPE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE QUALITY OF THE WORKMANSHIP OF THE CONTRACTOR.

DATE: 11 SEP 73



APPROVED

LANDSCAPE DESIGNER

DATE OF TEMP REFERENCE # 9248

SECTION 1: GENERAL NOTES

1. ALL NOTES AND DETAILS ARE TO BE ADHERED TO WITH STRICT ACCURACY.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND PLANTS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE FEATURES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SOIL AND ROCK.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING WATERWAYS.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING POWER LINES.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TELEPHONE LINES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING GAS LINES.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SANITARY LINES.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SEWER LINES.

13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DRAINAGE LINES.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING EROSION CONTROL MEASURES.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FLOOD CONTROL MEASURES.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING HISTORIC MONUMENTS.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CULTURAL RESOURCES.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATURAL RESOURCES.

19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SCIENTIFIC RESOURCES.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING HISTORIC DISTRICTS.

21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL MONUMENTS.

22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC LANDMARKS.

23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC SCENIC AREAS.

24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC STRUCTURES.

25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC DISTRICTS.

26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC MONUMENTS.

27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC LANDMARKS.

28. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC SCENIC AREAS.

29. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC STRUCTURES.

30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NATIONAL HISTORIC DISTRICTS.

BROADWAY VILLAGE
 BROADWAY RD. & MCKEMY ST.
 TEMPE, ARIZONA
 LANDSCAPE PLAN
 FOR DEVELOPERS MR. ERIC KENNEY & MR. ALLEN ZELL
 5201 N. 19TH AVE. SUITE 122 PHOENIX, ARIZONA

JACK D. MILLER
 LANDSCAPE DESIGNER
 2525 W. NORTHERN SUITE 201
 PHOENIX, ARIZONA
 PHONE 995-0975

1 of 3

EXHIBIT "A"
TO LEASE AGREEMENT

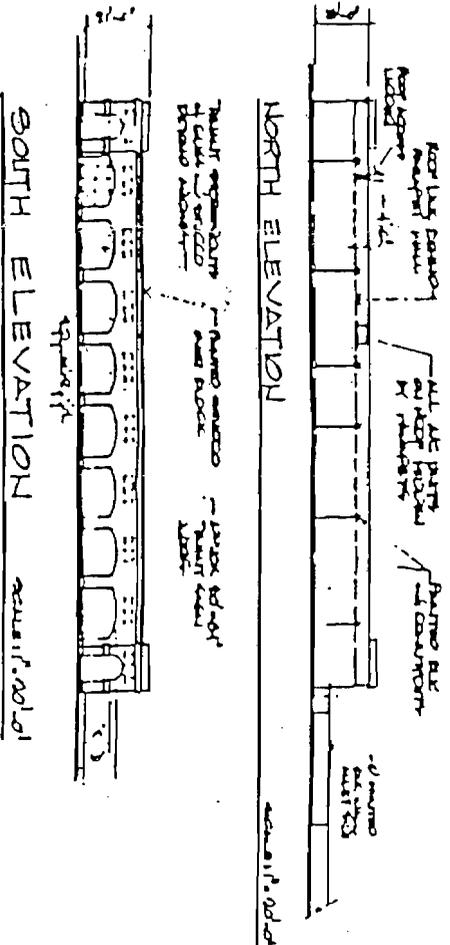
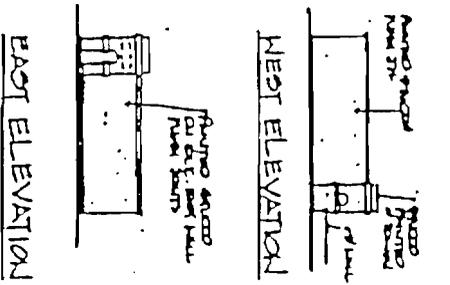
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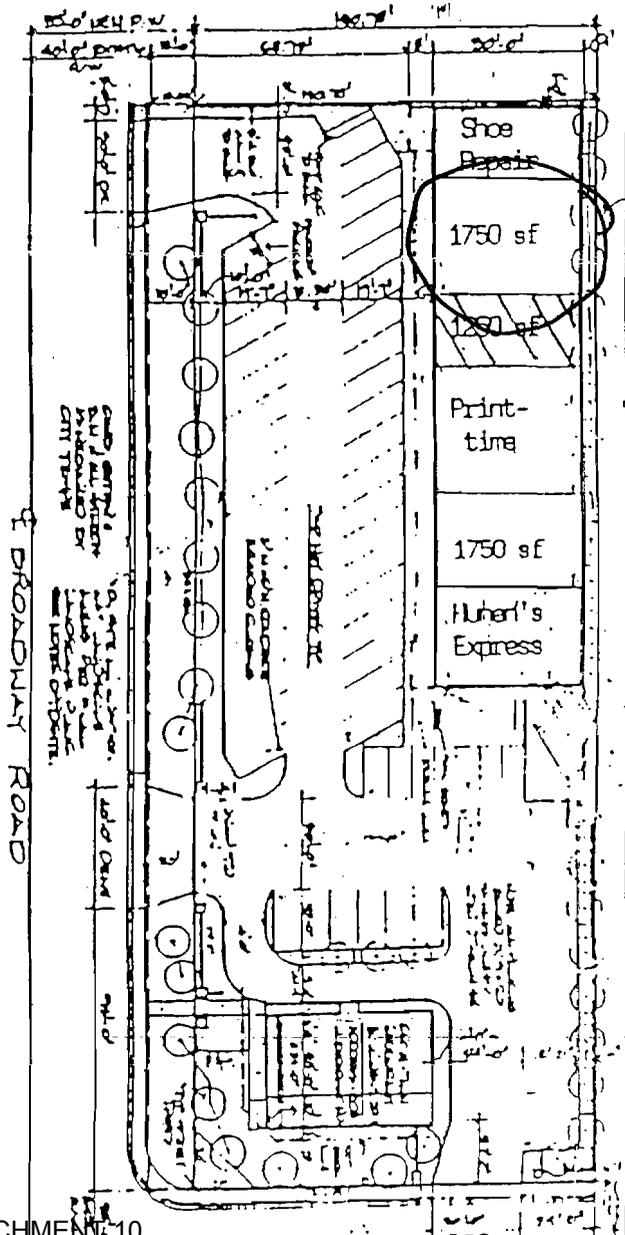
SITE PLAN

TEMPER-DEVELOPMENT
SERVICES DEPARTMENT

LANDSCAPING CONCEPTS:
PLANT SPECIFICATIONS SHALL BE VARIATIONS TO THE CITY AND COUNTY OF LOS ANGELES SPECIFICATIONS FOR LANDSCAPING. PLANT SPECIFICATIONS SHALL BE APPROVED BY THE CITY AND COUNTY OF LOS ANGELES. PLANT SPECIFICATIONS SHALL BE APPROVED BY THE CITY AND COUNTY OF LOS ANGELES. PLANT SPECIFICATIONS SHALL BE APPROVED BY THE CITY AND COUNTY OF LOS ANGELES.



SITE PLAN



Planned AC party on upper floor by existing building

Planned AC party on upper floor by existing building

Planned AC party on upper floor by existing building

818 W. Broadway

NOTES:

1. ALL AC PARTY ON UPPER FLOOR BY EXISTING BUILDING.
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SCUMBAGS TATTOO & PIERCING

818 W. BROADWAY RD.

PL070231

MISSING LANDSCAPE



SCUMBAGS TATTOO & PIERCING

818 W. BROADWAY RD.

PL070231

MISSING LANDSCAPE



SCUMBAGS TATTOO & PIERCING

818 W. BROADWAY RD.

PL070231

FRONT OF SUITE: VIEW TO THE NORTH



SCUMBAGS TATTOO & PIERCING

818 W. BROADWAY RD.

PL070231

GRAFFITI ON PROPERTY

Daffara, Shawn

From: Collins, Lisa
Sent: Monday, July 02, 2007 10:01 AM
To: Abrahamson, Steve; Daffara, Shawn
Subject: FW: ZUP07070 USE PERMIT HEARING SCUMBAGS TATTOO & PIERCING

FYI – when is this coming to the hearing officer?

Thanks,
Lisa

From: Hort, Jan
Sent: Monday, July 02, 2007 8:11 AM
To: Collins, Lisa
Cc: Gasperich, Kathy; Yennie, Mari; Partridge, Sheri; Woods, Lillian
Subject: FW: ZUP07070 USE PERMIT HEARING SCUMBAGS TATTOO & PIERCING

FYI

From: Martin Ladene M (Dene) [mailto:Dene.Martin@srpnet.com]
Sent: Monday, July 02, 2007 7:49 AM
To: Hort, Jan
Subject: FW: ZUP07070 USE PERMIT HEARING SCUMBAGS TATTOO & PIERCING

②

My parents live at 520 w. 17th place..they are the original owners having bought the house in the 50's. They raised a family of 5 children in this neighborhood. They are 87 years old and I'll speak for them when I too say this type of business will not attract the kind of cliental this family neighborhood wants or deserves.

From: clarkparkna@cox.net [mailto:clarkparkna@cox.net]
Sent: Saturday, June 30, 2007 1:44 PM
To: jan_hort@tempe.gov
Subject: ZUP07070 USE PERMIT HEARING SCUMBAGS TATTOO & PIERCING

Attn: Hearing Officer

①

RE: ZUP07070
SCUMBAGS TATTOO & PIERCING
USE PERMIT REQUEST

Dear Sir/Madam,

I am voicing my strong opposition to the requested use permit for SCUMBAGS TATTOO AND PIERCING at 818 West Broadway Road. In doing research I was able to find seven (7) other such business in our community. These seven (7) other establishments should offer adequate choices for the tattoo and body piercing needs of our neighborhood.

This is not the type of business needed to revitalize the Broadway Road corridor. This would not provide a family friendly environment and will not encourage other family friendly business's to the area that the residents of this neighborhood want.

In working with many other concerned citizens in our community on the North West Tempe Community Plan (NWTCP), this is not the direction our community wishes to go in.

Once again, I strongly urge you to deny the use permit for SCUMBAGS TATTOO AND PIERCING.

Lisa Roach
President
Clark Park Neighborhood Association
Tempe, AZ. 85281
(480)220-6643

Daffara, Shawn

From: Abrahamson, Steve
Sent: Monday, July 09, 2007 9:19 AM
To: Daffara, Shawn
Subject: FW: scumbag tattoo

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TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

From: Drew Smith [mailto:drew9551@yahoo.com]
Sent: Thursday, July 05, 2007 10:55 PM
To: Abrahamson, Steve
Subject: scumbag tattoo

Hello Steve,

③ Just wanted to voice my opinion on this place. I oppose another tattoo parlor opening up in this area. I live at 811 W Howe St.

Thank you.

Drew

Ready for the edge of your seat? Check out tonight's top picks on Yahoo! TV.

720 West 19th Street
Tempe, Arizona 85281
7 July 2007

Hearing Officer
City of Tempe
P.O. Box 5002
Tempe, Arizona 85280-5002

Dear Sir or Madam:

This letter is to express my strong opposition to granting a permit to allow the SCUMBAGS TATTOO and PIERCING studio to occupy the property located at 818 West Broadway Road.

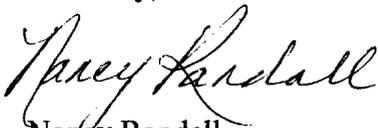
I have lived in my home at the above address since 1966 and have, with great concern and sadness, seen the decline of my neighborhood. Homeowners have sold to investors who have no vested interest in Tempe other than moneymaking resulting in unkempt yards and rowdy late-into-the night parties by renters. Strip malls such as the one that includes the property mentioned herein have been allowed to house cash-advance stores that invite problems. Within the last ten or so years, we have had robberies and shootings in my area, which, in my opinion, have occurred due to targets and easy access to vulnerable places.

A tattoo and piercing studio only adds to this problem. The name of the facility alone is a magnet for attracting, in my opinion, undesirable clientele. My dictionary (Microsoft Encarta College Dictionary, 2001 edition) defines a scumbag as "an offensive term for somebody who is seen as unpleasant or malicious."

I am one of the few homeowners who have chosen to remain in this block of 19th street and I respectfully request that you deny this permit.

Thank you for your consideration.

Sincerely,


Nancy Randall

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TEMPE ECONOMIC
SERVICES DEPARTMENT

