

SEP 24 2009



**Chandler · Arizona**  
*Where Values Make The Difference*

**MEMORANDUM                      Planning and Development – CC Memo No. 09-102**

**DATE:**            SEPTEMBER 4, 2009

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER <sup>20</sup>  
                         PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
                         JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR *JK*  
                         KEVIN MAYO, ACTING PLANNING MANAGER *KM*

**FROM:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

**SUBJECT:**        UP09-0007 DESERT SAGE HERBS

**Request:**        Approval of a time extension for a Use Permit to allow retail sales and personal services within the Planned Commercial Office (PCO) zoning district

**Location:**       1728 N. Alma School Road, approximately 1,000 feet south of Warner Road on the west side of Alma School off of Stottler Drive

**Applicant:**      Planning Consultant, Greg Loper; Owner, Vicki Greener

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan and Planned Commercial Office (PCO) zoning, Planning Commission and Staff recommend approval of the time extension for a three-year time period with conditions.

**BACKGROUND**

The property is located across the street from a commercial retail center and a single-family subdivision. In May 1985, the property was zoned from Single-Family (SF-7) to PCO to allow the conversion of a single-family home to office use, which included an insurance office. The property included two lots platted as a part of Brooks Crossing Unit Two single-family subdivision. The office zoning provided a transition between the commercial center and the residential development. Zoning time extensions were granted in October 1986 and February 1988. Following the last zoning extension, the property completed construction, which included a new parking lot, landscaping, and converting the garage to additional office space.

In August 2004, upon a request for a sign permit, City staff notified the property owner of Desert Sages Herbs that the business is not in compliance with the PCO zoning district, and a Use Permit application is required.

Uses permitted in PCO zoning include offices such as professional, business, administrative, and other offices in which goods or merchandise are not commercially created, displayed, sold, exchanged or stocked, or like uses. Banks, credit unions, savings and loan associations, finance offices, lending institutions, or like uses are also permitted. Other permitted uses include studios for fine arts, photography, music, drama, or like uses, library and telephone answering services, or like uses, and laboratories such as medical, dental, blood bank, and like uses.

Uses requiring approval of a Use Permit include public or institutional buildings such as hospitals, fire stations, YMCA, boys and girls club, private indoor athletic facilities including health spas and enclosed tennis courts, a private club, fraternity, and lodges, churches or the like, and restaurants, pharmacies, and other accessory services subordinate and incidental to the principal uses.

A Use Permit for Desert Sage Herbs was granted in March 2005 for two years. A second Use Permit was granted in January 2008 for one year due to incomplete site improvements.

The site's Use Permit allows the business to provide retail sales and personal services with an accessory office. Desert Sage Herbs Holistic Center includes the retail sales of herbs, teas, spices, essential oils, supplements, soaps, lotions, bath gels, gifts, books, crystals, incense and the like. Personal services offered include private herbal consultations, feng shui consultations, massage therapy, reiki, ear coning, body wraps, facials, reflexology, hypnotherapy, aromatherapy, life coaching, and an herbalist. Feng shui and herb classes are offered too. The business owner does not provide all of the services listed above. Many of the personal services are conducted by others who lease space at this location.

The total number of businesses within Desert Sage Holistic Herbs is five. Hours of operation are Monday through Friday from 10 a.m. to 6 p.m. and Saturdays from 10 a.m. to 5 p.m. The business is closed on Sundays. Typically, once a month a practitioner may have a client until 8 p.m. or a class that is conducted in the evening until 9 p.m.

There are a total of 6 employees, which includes 2 owners, and up to 4 practitioners. The number of appointments scheduled each business day varies from 4 to 10. Appointments are recommended but not required. Classes generally have 4 to 8 members and one instructor per class. Classes are held once per month. There are no clinics, seminars, or the like held at this location.

The property is approximately 20,000 square feet in size and the building is approximately 2,100 square feet in size. Eight parking spaces are required for retail. The development provides 12 parking spaces. The site is accessed to and from Stottler Drive. Landscaping includes Olive trees, Palo Verde trees, and shrubs including Petite Pink Oleander, Feathery Cassia, and Hesperaloe.

The 2005 Use Permit was approved with several conditions including landscaping to be installed within 6 months and in compliance with current Commercial Design Standards, re-stripe existing parking spaces and provide for a handicap parking space in compliance with site development requirements, monument signage shall be in compliance with the Sign Code and obtain a sign permit, and the applicant shall work with staff to upgrade the monument sign making it more identifiable. The site was not in compliance with these conditions except for re-striping the parking lot and including an A.D.A. space in November 2007.

The 2008 Use Permit included conditions to install landscaping in conformance with the Commercial Design Standards and get a permit for the monument sign. The applicant conveyed they would be in compliance with conditions within 90 days of Council approval; however, the applicant did not submit permits and make modifications to the monument sign and install landscaping until more than one year later. The landscaping was installed at the end of April 2009.

The condition relating to making the sign more identifiable was based upon the property owner conveying they did not have enough signage or visibility due to the home being set back from Alma School Road. The owner had installed a banner without a permit to help with advertising. Commission felt that the monument sign could be upgraded to be more identifiable to traffic. A sign permit was approved in March 2009 with an upgraded sign including the cabinet around the panels painted a dark brown color, repainting the sign base a darker beige color, and installing new face panels with new lettering. The sign has not been upgraded to be in compliance with the issued sign permit and zoning condition.

There was a previous condition in 2005 requiring the installation of parking screen walls. However, screen walls were not installed as Staff found they are not necessary for this site. Parking screen walls are typical for parking spaces along street frontages. The parking spaces are on the site's south side and not fronting either street frontage, therefore, Staff does not recommend parking screen walls.

### **DISCUSSION**

Staff is of the opinion the proposed retail sales and personal services business is consistent with the intent of the PCO zoning classification in that the business is compatible with the surrounding neighborhood and serves as a land use transition between commercial and residential development. Given the proximity to Alma School Road and Stottler Drive, this site is suitable for both office and retail business so long as it is compatible with the surrounding neighborhood, has minimal traffic, and low-intensity. Desert Sage Herbs Holistic Center has minimal traffic and is a quiet use.

While the site is now in compliance with zoning conditions, with the exception of the monument sign, the time to get into compliance is of concern with Planning staff. Therefore, we recommend a three-year timing condition, versus the applicant's initial request for no time limit, to ensure the landscaping and parking lot are maintained, and the monument sign gets into compliance with the issued sign permit and zoning condition within 30 days of Council approval.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 30, 2009. No citizens attended other than the applicant.
- As of the date of this memo, Staff is not aware of any opposition to this request.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 7    Opposed: 0

The applicant advised Commission and Staff that they intend to file a revised sign permit for a more upgraded design on the sign panels.

**RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and PCO zoning, recommend approval of UP09-0007 DESERT SAGE HERBS Use Permit, subject to the following conditions:

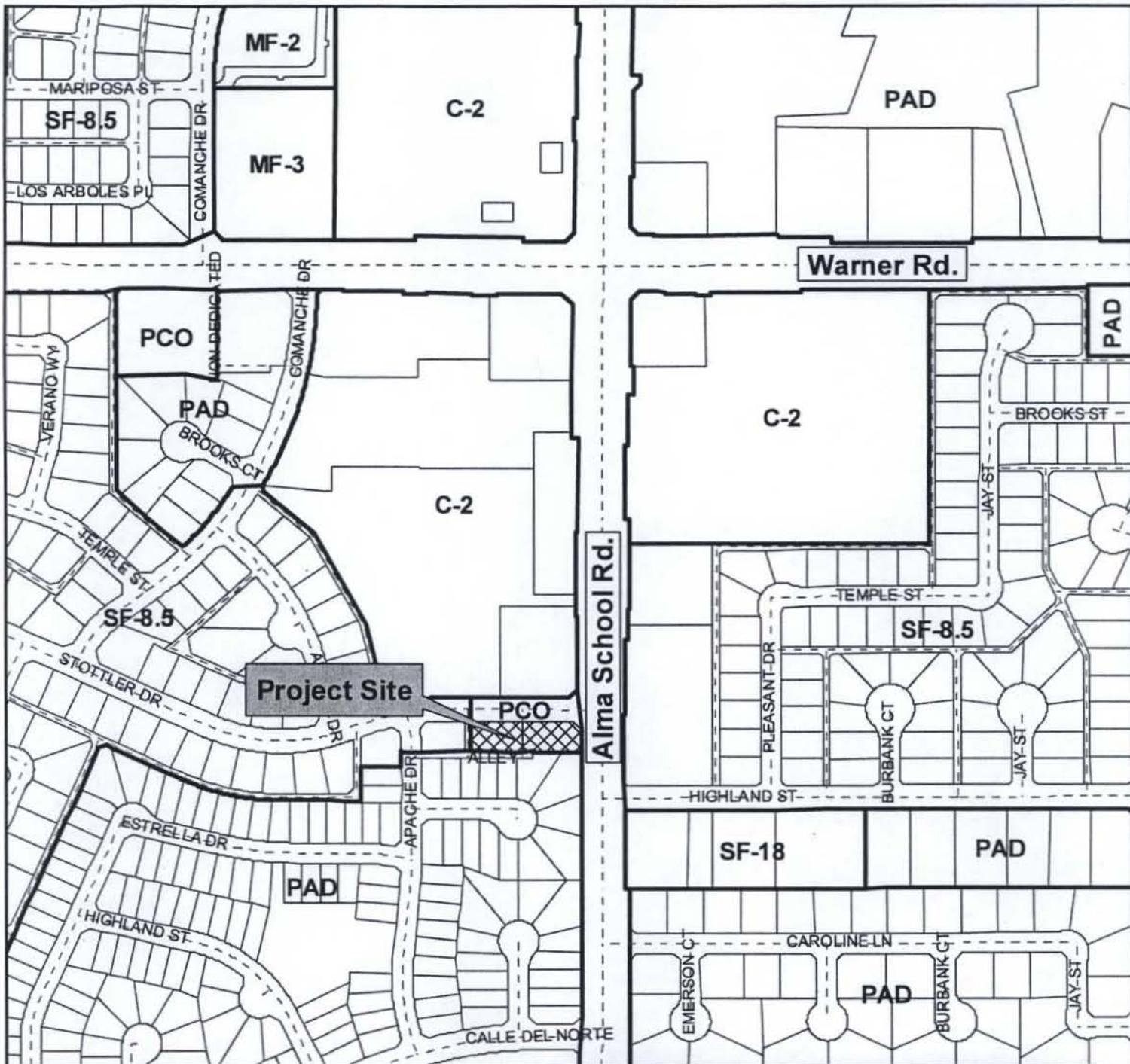
1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Development shall be in substantial conformance with exhibits and representations.
3. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.
5. Monument signage shall be in compliance with the Sign Code and obtain a sign permit. Wall-mounted building signage including windows signs and banners is not permitted.

**PROPOSED MOTION**

Move to approve Use Permit case UP09-0007 DESERT SAGE HERBS for a three-year time period, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Narrative
3. Landscape Plan/Site Plan
4. Floor Plan
5. Photo
6. Sign Permit



## Vicinity Map



**UP09-0007**

**Desert Sage Herbs**





Project Site

Warner Rd.

Alma School Rd.

Vicinity Map



UP09-0007

Desert Sage Herbs



# Desert Sage Herbs

## Use Permit Application – Application #UP09-0007

Revised: August 24, 2009

### Narrative

#### Introduction:

The Chandler City Council granted a Use Permit (UP07-0062) for Desert Sage Herbs on January 17, 2008, to allow for continued limited retail sales within the PCO zoning district. This Use Permit was actually a one-year extension to the initial Use Permit granted to Desert Sage Herbs on May 26, 2005, under application #UP04-0046.

This latest approval was granted with the condition that the approval was valid for one year to allow for full compliance with the original stipulations regarding landscaping and signage.

Since that time, landscaping has been installed and approved by the City of Chandler, and a sign permit has been issued to bring the monument sign into compliance with requiring a permit and upgrading the sign to make it more identifiable, which is a zoning condition. However, the property owner has yet to be in compliance with the sign permit. The sign has not been upgraded in accordance with the zoning condition either.

This Use Permit application seeks an Extension for the Use Permit, with a request for a 3-year time limit on the Use Permit.

#### Proposed Development:

As with the latest Use Permit (UP07-0062) and the initial Use Permit application (UP04-0046), this request for a Time Extension for the Use Permit is requested to allow for accessory retail sales of products associated with the existing principal use of the site/structure, as a wellness and holistic center. The wellness and holistic center are an allowed use under the PCO zoning district approved for the subject site.

These accessory retail sales include items such as books, guides, herbs, oils, supplements, Feng Shui products and related materials.

The accessory retail sales are located within the entrance of the building, which is a converted garage measuring approximately 20' wide x 18' deep (360 sq. ft., which is approximately 18% of the total existing building area (2,021 sq. ft.)).

The total number of businesses within Desert Sage Holistic Herbs is five. Hours of operation are Monday through Friday from 10 a.m. to 6 p.m. and Saturdays from 10 a.m. to 5 p.m. The business is closed on Sundays. Typically, once a month a

practitioner may have a client until 8 p.m., or a class that is conducted in the evening until 9 p.m.

There are a total of 6 employees, which includes 2 owners, and up to 4 practitioners. The number of appointments scheduled each business day varies from 4 to 10. Appointments are recommended but not required. Classes generally have 4 to 8 members and one instructor per class. Classes are held once per month. There are no clinics, seminars, or the like held at this location.

**Site Characteristics:**

The site consists of two subdivided lots (for a total area of 0.53 acres/22,906 square feet), and has an existing 2,021 sq. ft. single-story structure (constructed in 1981). Also included on the site is a 12-space parking area (including one handicapped-accessible space), driveway, landscaping and retention areas.

The structure, which was actually designed to appear as a single-family home, was originally used as a sales office for the adjacent residential development.

Once home sales were finished in the adjacent subdivision (approximately 1981), this site/structure was rezoned to PCO – Planned Commercial Office (under zoning case # Z85-42, approved May 23, 1985) to allow for office-type uses. Uses that have occurred within this site/structure have included insurance sales, a book store, and other office and service uses.

The present use is a wellness and holistic center (Use Permit approved under application #UP04-0046), which includes a Feng Shui practitioner, hypnotherapy, physical therapy, aromatherapy, an herbalist and Life Coach (similar to general counseling). As an accessory use to these professional office and service uses, a portion of the building is proposed for related accessory retail sales of books, guides, herbs, oils, supplements, Feng Shui products and related materials.

**Consistency with the Chandler General Plan:**

The subject site is designated, under the Chandler General Plan, for Low-density Residential uses. Allowed under this designation are offices and institutional uses that are located along arterial road frontages.

The existing/proposed use, as a professional offices and services use (with limited accessory retail sales), is located along the frontage of Alma School Road (an arterial roadway). Therefore, the proposed/existing use is in conformance with the Chandler General Plan.

Further, the subject site is presently zoned PCO which allows for office and related uses that are compatible with the surrounding neighborhood. Further, the PCO district is to provide for a transition between residential and commercial uses.

Finally, the proposed/existing use furthers goals and policies of the Chandler General Plan related to Economic Development, such as providing for quality in-fill development in developed areas.

To the best of our knowledge, the site is not located within a special designation area, which would address the subject site.

**Surrounding Land Uses:**

The existing zoning of the subject site is PCO, which was approved under zoning case # Z85-42, approved May 23, 1985.

The surrounding land uses and zoning are as follows:

North: Commercial shopping center, zoned C-2 (Commercial).

East: Fire station and vacant/undeveloped land, zoned PAD/C-2.

South: Single-family Residential, zoned PAD.

West: Single-family Residential, zoned PAD.

As a former sales office, and given the low-intensity type of use that occurs on the site, the existing/proposed use has no negative impact on adjacent residential uses and appears as a single-family residence.

**Unique Design Considerations:**

As a former sales office to the existing/developed adjacent subdivision, the structure appears as a single-family residence. The structure is one-story in height.

Additionally, the existing/proposed uses are essentially of a low-intensity, generating very little traffic and essentially no night-time or weekend activities.

Another consideration is the utility of the site under the current zoning.

The site is presently zoned PCO, which allows for office-related uses. Subject to securing a Use Permit, related accessory retail sales, of a limited nature, are allowed to occur within the PCO zoning district.

The allowance for limited accessory retail sales serves to meet the needs for the clients of the existing office and service uses, thereby providing a service for them and reducing unnecessary traffic to other sites for the same materials.

Additionally, the site is directly across the street (to the south) from an existing retail commercial shopping center and is adjacent to Alma School Road, making its use for residential purposes undesirable and unlikely.

The existing/proposed uses (wellness and holistic center) are essentially a destination-type of use (clients typically make reservations), and not something that benefits significantly from drive-by traffic.

Finally, likely due to its appearance as a residential use and because the building is not directly adjacent to Alma School Road, the site has historically failed when used for generally commercial uses (bookstore, etc.). However, Desert Sage Herbs has thrived at this location and fills a much-needed niche-market and thereby utilizes what would otherwise likely be a vacant building.

There are no known unusual physical characteristics of the site that would serve to restrict or affect development.





**Option A:**

Repaint cabinet and pole cover base as shown.

Fabricate 2 new aluminum face panels with routed out copy.

Panels painted with smooth, satin beige finish.

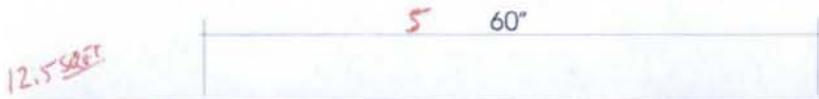
Back up routed areas with translucent green acrylic.

**APPROVED**

AS IS     NOTE CHANGES  
DATE 3-23-09 BY Ed



Sign is 5'-6" tall from top of curb



**EQUITY  
SIGN GROUP**  
FULL SERVICE - DESIGN, MANUFACTURE, INSTALL

CLIENT Desert Sage Herbs  
ADDRESS 1728 N. Alma School Rd. Chandler, AZ  
CLIENT APPROVAL  
**X**

SCALE \_\_\_\_\_  
DESIGNER SS    SALESPERSON ROB  
DATE 3-18-08  
DRAWING NUMBER Desert Sage - 3-18-08

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