

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 10

SUBJECT: This is a public hearing for a request by **EFFES TURKISH CUISINE (PL080192)** located at 1701 East Guadalupe Road for one (1) use permit.

DOCUMENT NAME: 20080617dsac02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **TEMPE SQUARE - EFES TURKISH CUISINE (PL080192)** (Kal Salem, applicant; Watavision II LLC d.b.a. Tempe Square, property owner) located at 1701 East Guadalupe Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP08096 Use permit to allow indoor live entertainment.

PREPARED BY: Alan Como, Planner II (480-350-8439)

A handwritten signature in black ink, appearing to be 'Sh'.

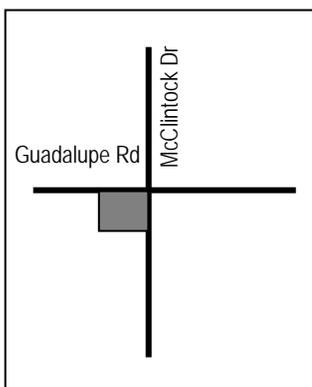
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-8

ADDITIONAL INFO: The applicant is requesting a use permit to allow live entertainment in the form of a small band and live belly dancing, located at 1701 East Guadalupe Road in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports this request. To date no public input has been received.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; 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:

The applicant is requesting a use permit to allow live entertainment in the form of a small band and live belly dancing, located at 1701 East Guadalupe Road in the PCC-1, Planned Commercial Center Neighborhood District. The entertainment will consist of a small 3 piece live band and a belly dancer. The dancing and live music will take place primarily on the weekend during evening hours; otherwise it would be by request. The restaurant is typically open from 10:00 am to Midnight, seven days a week. There will be no speakers placed outside of the restaurant as there is no patio. This existing use is not out of character with the area's existing retail and commercial businesses.

Staff supports the requested use permit. To date no public input has been received.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment in the PCC-1, Planned Commercial Center Neighborhood 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;
 - The restaurant use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- 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 requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.

Conclusion

Staff recommends approval subject to conditions.

REASON(S) FOR APPROVAL:

1. The business is a general commercial use (restaurant/bar), and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.

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

**CONDITION(S)
OF APPROVAL:**

1. This use permit is valid for "Efes Turkish Cuisine" and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only. No speakers are permitted outside.
4. 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.
5. Any expansion or intensification of the use will require review of the use permit.
7. The use permit is valid for the plans as submitted within this application.
8. The restaurant Efes Turkish Cuisine will adhere to the City of Tempe Noise Ordinance.
9. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business.

HISTORY & FACTS:

March 26, 2008 CM080435 – Live entertainment without a use permit.

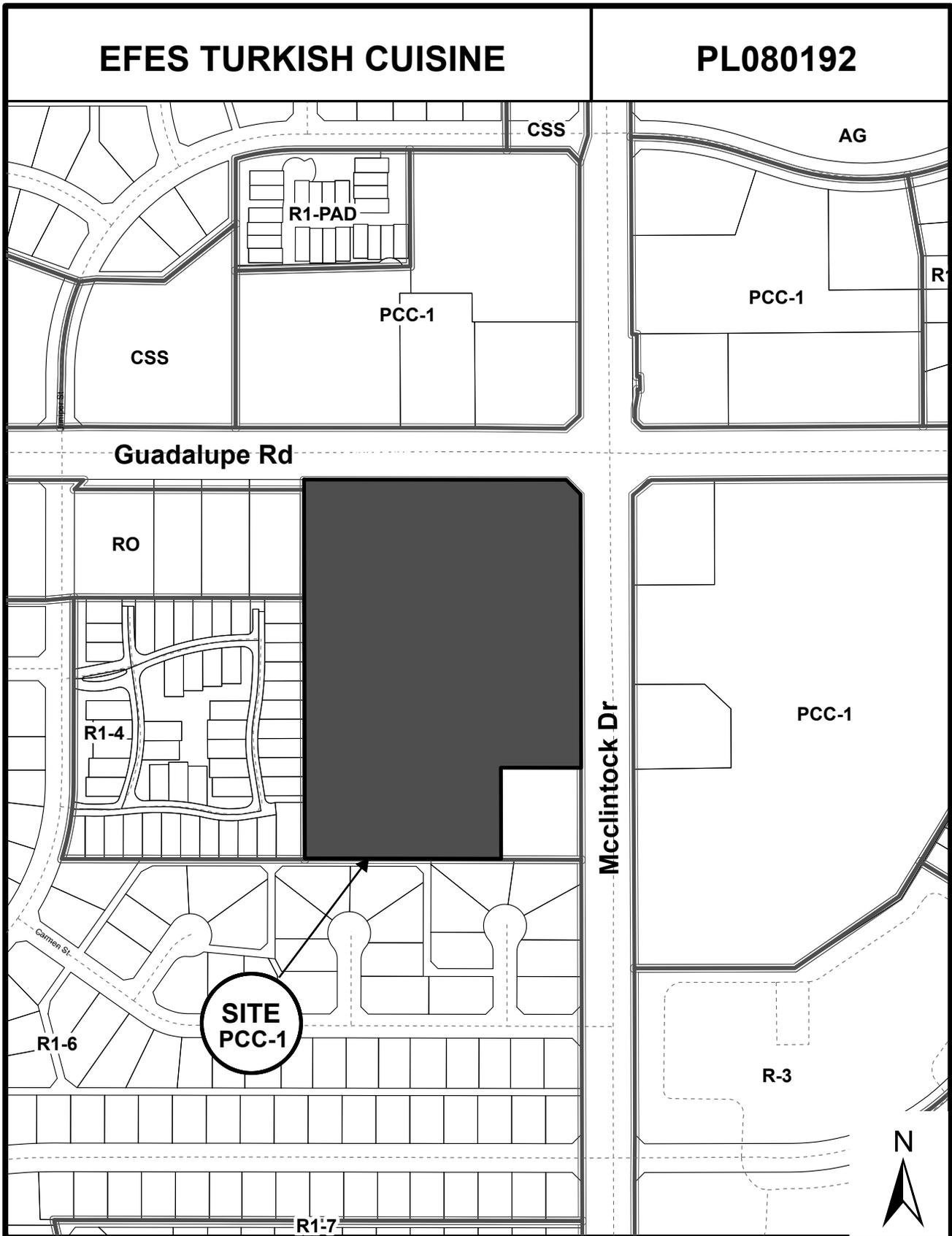
DESCRIPTION:

Owner – Watavision II LLC d.b.a. Tempe Square
Applicant – Kal Salem
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Area – 425,953 s.f.
Restaurant area – approx 4,250 s.f.
Parking required – 57 spaces
Parking provided – 555 spaces on site (shared parking)

**ZONING AND
DEVELOPMENT**

CODE REFERENCE: Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in PCC-1, Planned Commercial Center District.

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



Location Map



EFES TURKISH CUISINE (PL080192)

05/25/08

CITY OF TEMPE DEVELOPMENT SERVICES
THE COMMUNITY AROUND McCLINTOCK AND GUADALOPE

RE- EFES TURKISH CUISINE 1701 E. GUADALOPE RD.

PHONE 480-897-3017 FAX 480-8973018

DEAR LADIES AND GENTLEMAN

WE AT FEES BEEN SERVING A TRADITIONAL TURKISH FOOD FOR OVER SIX YEARS AND WE BEEN PROVIDING A LIVE ENTERTAINMENT FOR THE SAME TIME .

THE ENTERTAINMENT CONSIST OF THREE OR FOUR PIECE BAND ACCOMPANIED BY A DANCER,THIS ALL DONE TO A TRADITIONAL WAY OF THE AREA.

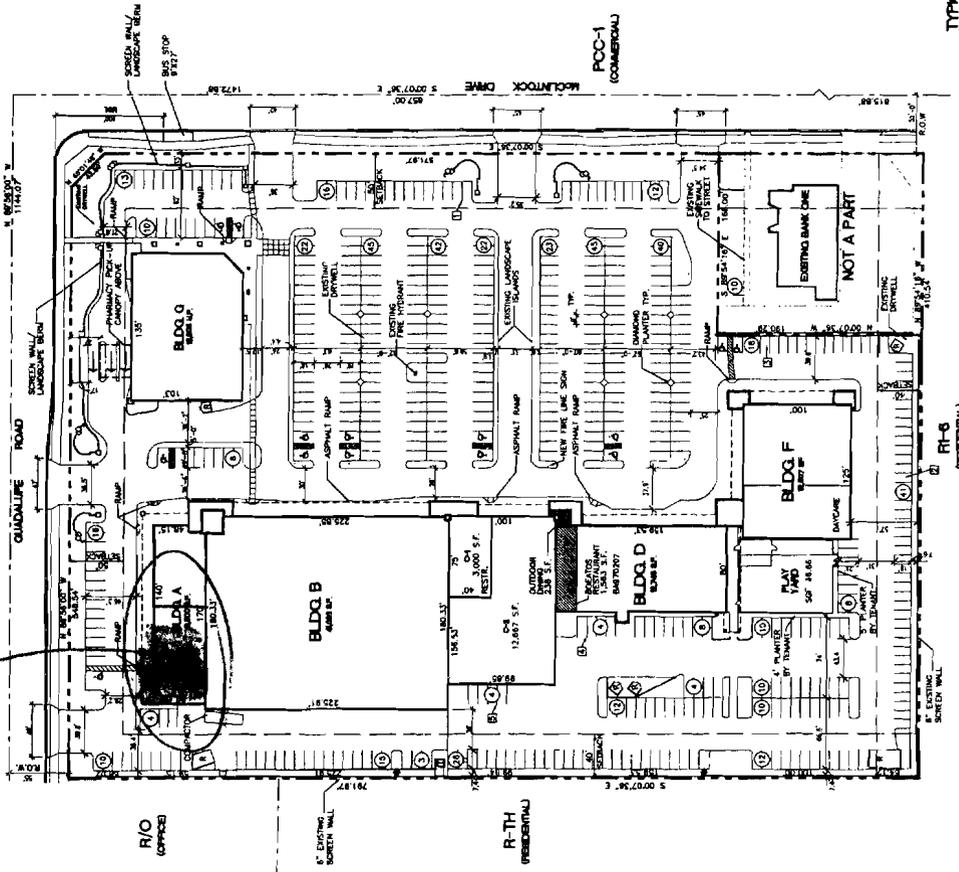
THE MUSIC IS SOFT AND CANT BE HEARD FROM THE OUTSIDE AND THE DANCING IS DONE IN GOOD TASTE , AND SOME CALL IT AN ART.

WE WOULD LIKE TO CONTINUE OUR BUSINESS THE WAY WE HAVE BEEN ,
THANK YOU FOR YOUR TIME

THE MANAGEMENT

Rep:  480-905-7105

EFES Turkish Cuisine
1701



PROJECT DATA

ZONING
POC-1

BUILDING AREA
BLDG. A
BLDG. B
BLDG. C
BLDG. D
BLDG. E
BLDG. F
TOTAL BLDG. AREA
34,488 S.F.

PARKING
ORDINANCE PARKING
TOTAL: 170 SPACES
SITE: 170 SPACES
PARKING REQUIRED BY SPECIAL USE PERMIT: 170 SPACES

COVERAGE
SITE AREA: 442,800 S.F. / 9.70 AC
LANDSCAPE PROVIDED: 24,150 S.F.
LANDSCAPE REQUIRED: 13%
LANDSCAPE PROVIDED: 5.5%

BOOK 460 PAGE 18
OFFICIAL RECORDS OF
MARICOPA COUNTY, ARIZONA
98-0067329
01/27/08 04:51

EIGHTH AMENDED GENERAL AND FINAL PLAN OF DEVELOPMENT
NE 4 SEC. 1, T-4R, R-4E, Q-1 & 88B + N. MARICOPA CO., ARIZONA
NOTE: 50TH AND 60TH AGREEMENTS WERE NOT RECORDED.

TEMPE SQUARE
TEMPE, ARIZONA

FOR

THE PEDERSON GROUP

ELLERMAN & SCHICK, ARCHITECTS
REGISTERED ARCHITECTS
NOVEMBER 18, 1967

1741

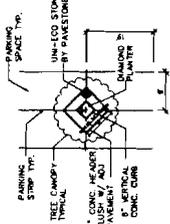
2 OF 2



VICINITY MAP N.T.S.

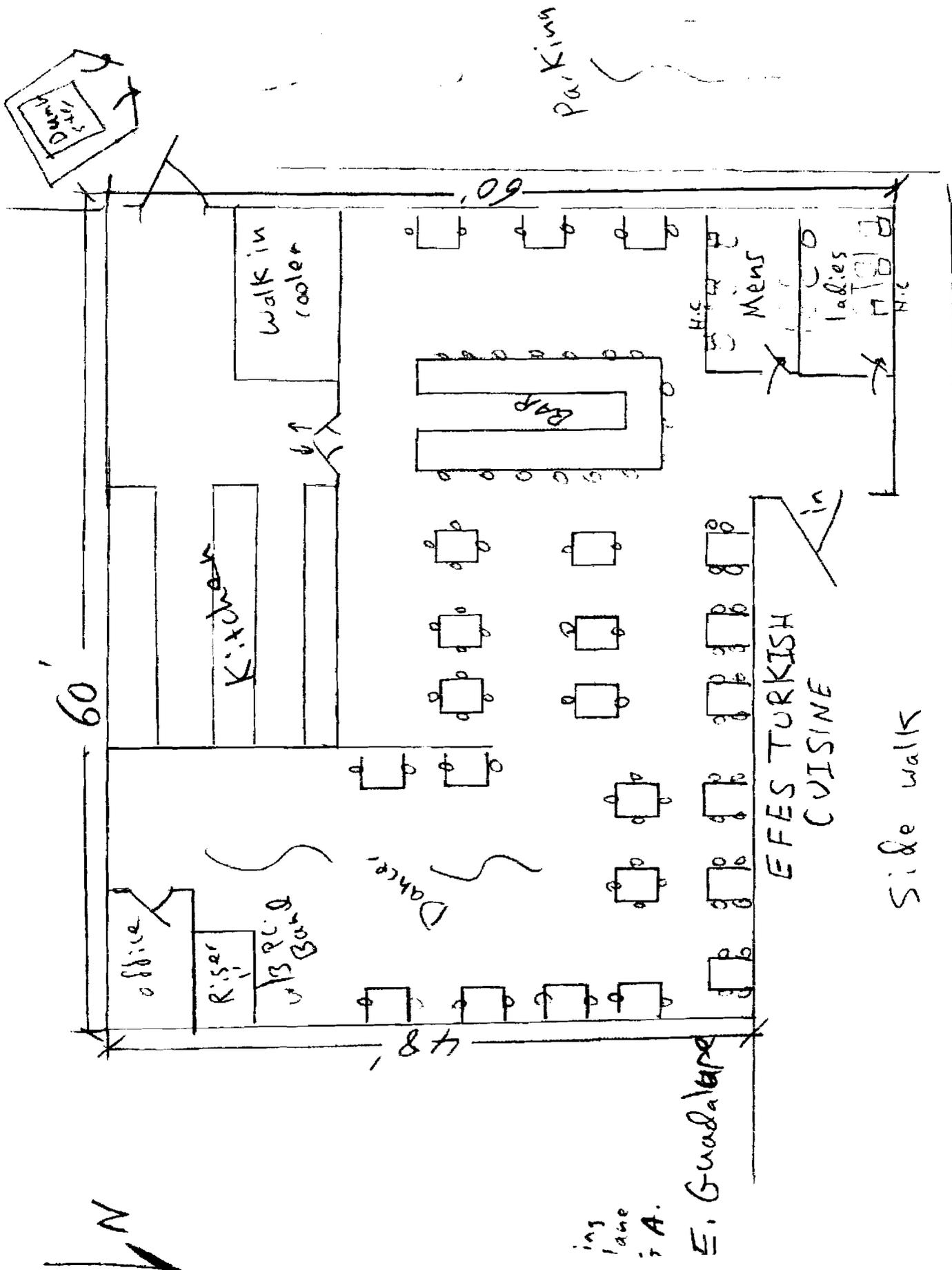


TYPICAL DIAMOND PLANTER N.T.S.



SITE PLAN
SCALE: 1" = 50'-0"





- GUADALUPE -



**TEMPE SQUARE –
EFES TURKISH CUISINE**

1701 EAST GUADALUPE ROAD

PL080192

FRONT OF BUSINESS