

Staff Summary Report



Hearing Officer Hearing Date: January 5, 2010

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **HOOKAHMANIA (PL090448)** located at 1290 North Scottsdale Road, Suite Nos. 111 & 112, for one (1) use permit.

DOCUMENT NAME: 20100105dsng05 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **RIO SALADO CENTER – HOOKAHMANIA (PL090448)** (Thomas George, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite Nos. 111 & 112 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP09164 Use permit to allow a hookah lounge.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

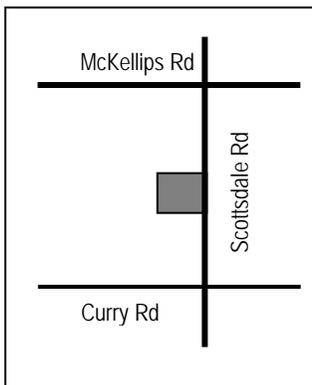
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow a hookah lounge located at 1290 North Scottsdale Road, Suite Nos. 111 & 112, in the PCC-1, Planned Commercial Center Neighborhood District. No public input has been received to date. Staff notes that this case was continued from the December 15, 2009 Hearing Officer hearing due to lack of representation. Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Reflected Ceiling Plan
7. Staff Photograph

COMMENTS:

The applicant, Hookahmania, is requesting a use permit to allow a hookah lounge at 1290 North Scottsdale Road, Suite Nos. 111 & 112 in the PCC-1, Planned Commercial Center Neighborhood District. The scope of the business is to include a hookah lounge for both indoors and outdoors, the sale of non-alcoholic beverages, and free access to the internet. Staff notes that a Development Plan Review (DPR) will be required to approve the outdoor patio (any tables and chairs used for outdoor hookah) as shown on submitted floor plan. Hours of operation will be from 10 a.m. to 2 a.m., seven (7) days a week. They will have between 4-5 employees.

The City of Tempe Zoning and Development Code tobacco retailer separation requirements, which took effect in June of 2007, prohibit a tobacco retailer (hookah lounge) from locating within 1,320 feet of a school. This proposal is not within 1,320 feet of a school, thus a hookah lounge can be allowed subject to an approved use permit.

The applicant will also be required to meet the 2003 International Mechanical Code that requires a "smoking lounge" to meet outside air and ventilation requirements. Mr. George was made aware of this regulation and will be working with a mechanical engineer, and property owner in verifying HVAC requirements for Building Safety permits and clearances.

No public input has been received on this request. Staff notes that this case was continued from the December 15, 2009 Hearing Officer hearing due to lack of representation. Staff supports the request for a use permit to allow a hookah lounge.

Use Permit

The Zoning and Development Code requires a use permit for a hookah lounge in the CSS, Commercial Shopping and Services 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;
 - This is a hookah lounge and will generate smoke. However, the hookah lounge will have its own independent ventilation system inside. In accordance with the Smoke Free Arizona Act, outdoor patios are exempt. Therefore, this use should not cause any nuisance regarding odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.
- 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 should 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 should not be detrimental to the surrounding area, but should 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 subject to conditions.

REASONS FOR APPROVAL:

1. The business is a general commercial use, 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.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

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

CONDITIONS OF APPROVAL:

1. The use permit is valid for Hookahmania and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
3. 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.
4. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. The gross sale of beverages and snack items may not exceed that of hookah products.
7. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review prior to issuance of building permit.
8. All doors shall have illumination to meet five (5) foot candles at the door and two (2) foot candles within a 15' radius. Details to be approved through Building Safety Plan Review.
9. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
10. The applicant shall contact City of Tempe Crime Prevention Unit for a Security Plan within 30 days of this approval. Contact Crime Prevention at (480) 858-6330 before February 5, 2010.
11. The outdoor patio shall require Development Plan Review approval.

HISTORY & FACTS:

- June 17, 2008 PL080100 – The Hearing Officer approved the request by Layalena Restaurant to allow indoor live entertainment, consisting of belly dancing, live and amplified music located at 1290 N Scottsdale Rd.
- April 30, 2009 PL090156 – Development Services staff approved the request by Mijana for transfer of an existing use permit to allow a restaurant with live entertainment located at 1290 N Scottsdale Rd., Suite Nos. 107-111.
- June 18, 2009 PL090156 – Development Services staff approved the request by Mijana for a new patio.
- December 15, 2009 PL090448 – The Hearing Officer continued the request by Hookahmania due to lack of representation.

DESCRIPTION:

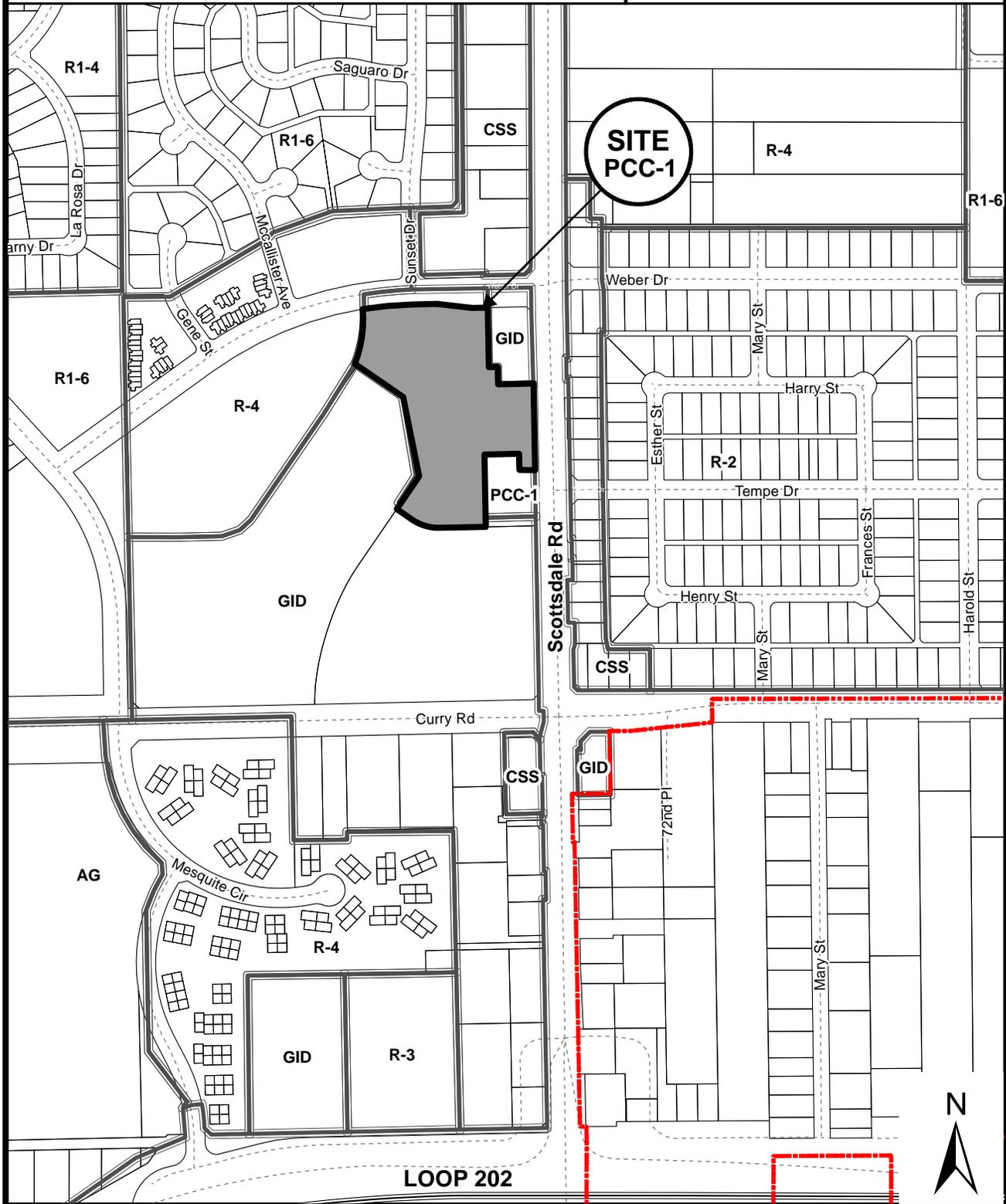
Owner – Rio Salado Center LLC
Applicant – Thomas George
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Size – 237,055 s.f. / 5.442 acres
Tenant Area – 2,557 s.f.
Parking Required – 34 spaces
Parking Provided – 279 spaces

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 3, Chapter 4, Section 3-423 – Use Separation Requirements
Part 6, Chapter 3, Section 6-308 – Use Permit
Part 6, Chapter 3, Section 6-313 – Security Plan

RIO SALADO CENTER - HOOKAHMANIA

PL090448



Location Map



RIO SALADO CENTER - HOOKAHMANIA (PL090448)

Thomas N. George

1290 North Scottsdale Road, Suite 107
Tempe, AZ 85282
480-429-4959

City of Tempe
Development Services Department
31 East Fifth Street
Tempe, AZ 85281

November 5, 2009

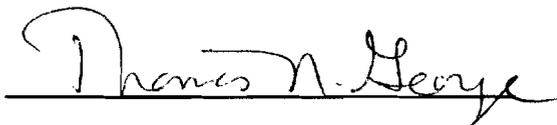
Reference: HOOKAHMANIA

To whom it may concern:

I, Thomas N. George, DBA Hookahmania am planning on opening a Hookah Lounge located at 1290 North Scottsdale Road, Suites 111 & 112 which is adjacent to my newly opened Lebanese Restaurant. I am planning on operating a Hookah Lounge which will serve indoor and outdoor hookahs along with canned non-alcoholic beverages. I will be offering free internet access and ~~live~~ music i.e. (back ground music such as Jazz, Top 40 ~~or an In-House D.J.~~ ^{house})

I project my hours of operation to be Sunday thru Saturday from 10am to 2am. If need be I am prepared to set up a security plan as I have done at my adjacent restaurant. Thank you for your assistance in this matter please feel free to contact me with any questions or concerns. I am always available on my cell phone 650-520-8664.

Respectfully,



Thomas N. George



RIO SALADO CENTER – HOOKAHMANIA

**1290 N SCOTTSDALE RD., SUITE NOS.
111 & 112**

PL090448

FRONT OF BUSINESS

