

# Staff Summary Report



Hearing Officer Hearing Date: June 22, 2010

Agenda Item Number: 9

**SUBJECT:** This is a public hearing for a request by **HOOOKAHMANIA (PL090448)** located at 1290 North Scottsdale Road, Suite No. 111 for one (1) use permit.

**DOCUMENT NAME:** 20100622dsng03 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **RIO SALADO CENTER – HOOOKAHMANIA (PL090448)** (Thomas George, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite No. 111 in the PCC-1, Planned Commercial Center Neighborhood District for:

**ZUP10051** Use permit to allow live entertainment (DJ and live entertainers).

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

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

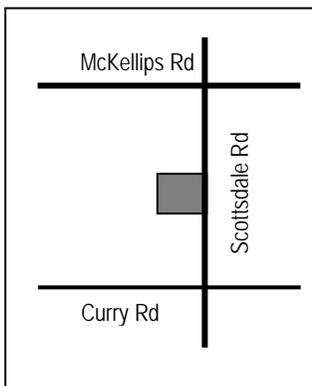
**LEGAL REVIEW BY:** N/A

**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 live entertainment (DJ and live entertainers) located at 1290 North Scottsdale Road, Suite No. 111 in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code. To date, no public input has been received.



**PAGES:**

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

**ATTACHMENTS:**

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

## COMMENTS:

The applicant, Hooookahmania, is requesting a use permit to allow live entertainment at 1290 North Scottsdale Road, Suite No. 111 in the PCC-1, Planned Commercial Center Neighborhood District. The entertainment would be in the form of DJ's and live entertainers. Space has been made available for live entertainment inside the building at the northwest corner of the tenant space as identified on the floor plan. Live entertainment will take place from 8 p.m. to 2 a.m. seven (7) days a week.

Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code. 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 should 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 commercial 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 should not contribute to neighborhood deterioration or downgrade property values.
- 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. Traffic generated by this use should not be excessive.
2. The business is a general commercial use, and is compatible with the other businesses on the property and within the area.
3. This use should not result in the deterioration of the neighborhood or downgrading of property values.
4. The use appears to be compatible with the surrounding structures and uses.

**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 Hooookahmania and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
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. The use permit is valid for the plans as submitted within this application.
6. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
7. No outdoor speakers will be allowed.
8. All rear exit doors require a lexan vision panel; details to be approved through Building Safety Plan Review before September 20, 2010.
9. 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 before September 20, 2010.
10. The applicant shall contact City of Tempe Crime Prevention Unit to implement /update a Security Plan within 60 days of this approval. Contact Crime Prevention at (480) 858-6330 before August 21, 2010.
11. The live entertainment use shall take place inside only. No live entertainment will be allowed outside in the patio area.

**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.

January 5, 2010 PL090448 – The Hearing Officer approved a use permit request by Rio Salado Center – Hookahmania to allow a hookah lounge located at 1290 N Scottsdale Rd., Suite Nos. 111 & 112.

March 1, 2010 PL090448 – Development Services staff approved the request by Hookahmania for a new patio.

April 13, 2010 PL100060 – Development Services staff approved a shared parking analysis for the Mercado Del Rio Center located at 1290 N Scottsdale Rd.

May 4, 2010 PL100060 – The Hearing Officer approved a use permit request by Rio Salado Center – Teen Dance Club to allow a teen dance hall with live indoor entertainment (live bands, DJ).

**DESCRIPTION:**

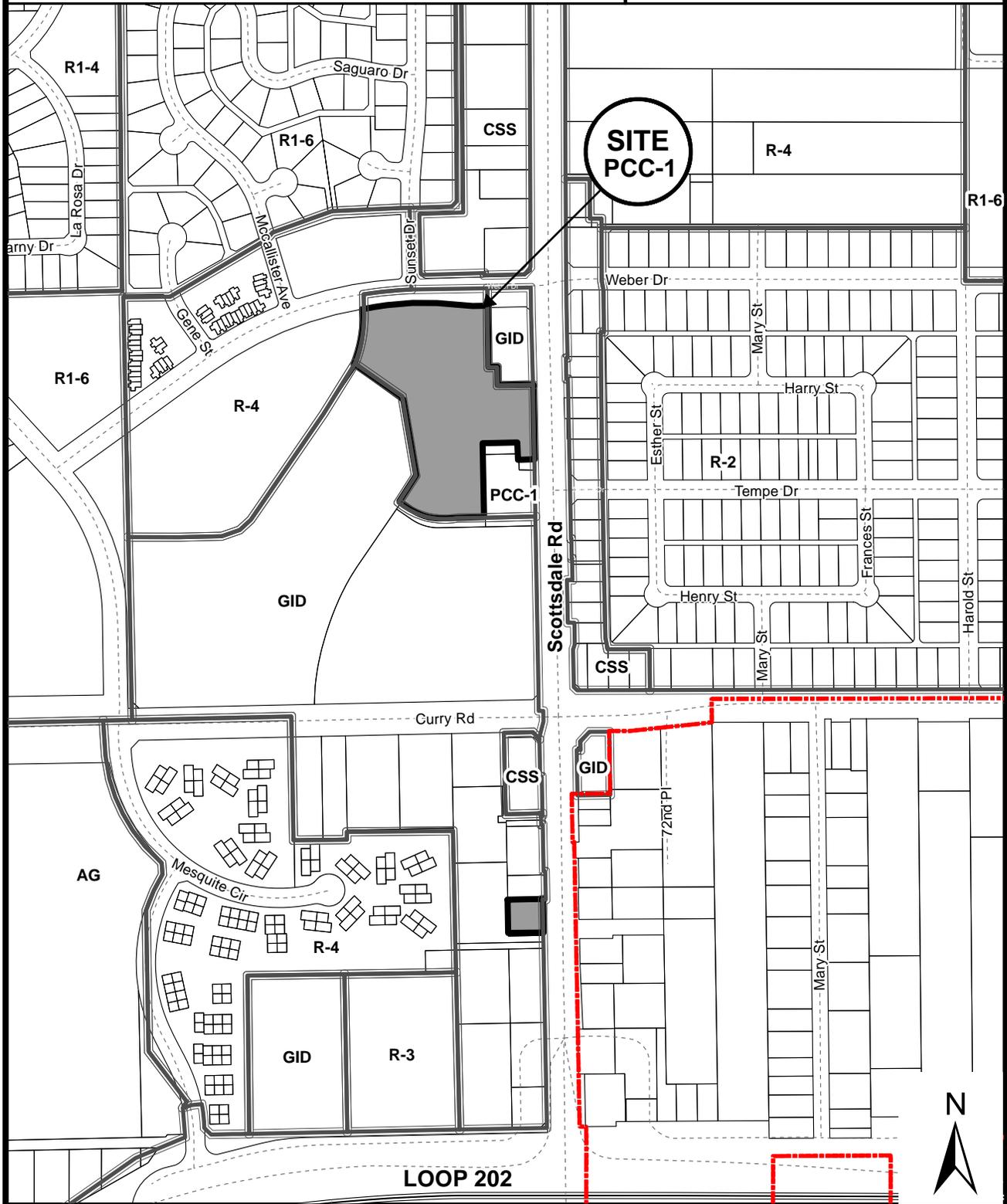
Owner – Rio Salado Center LLC  
Applicant – Thomas George  
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District  
Parcel Size – 237,055 s.f. / 5.442 acres  
Tenant Area – 2,557 s.f.  
Parking Required – 9 spaces  
Parking Provided – 271 spaces

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

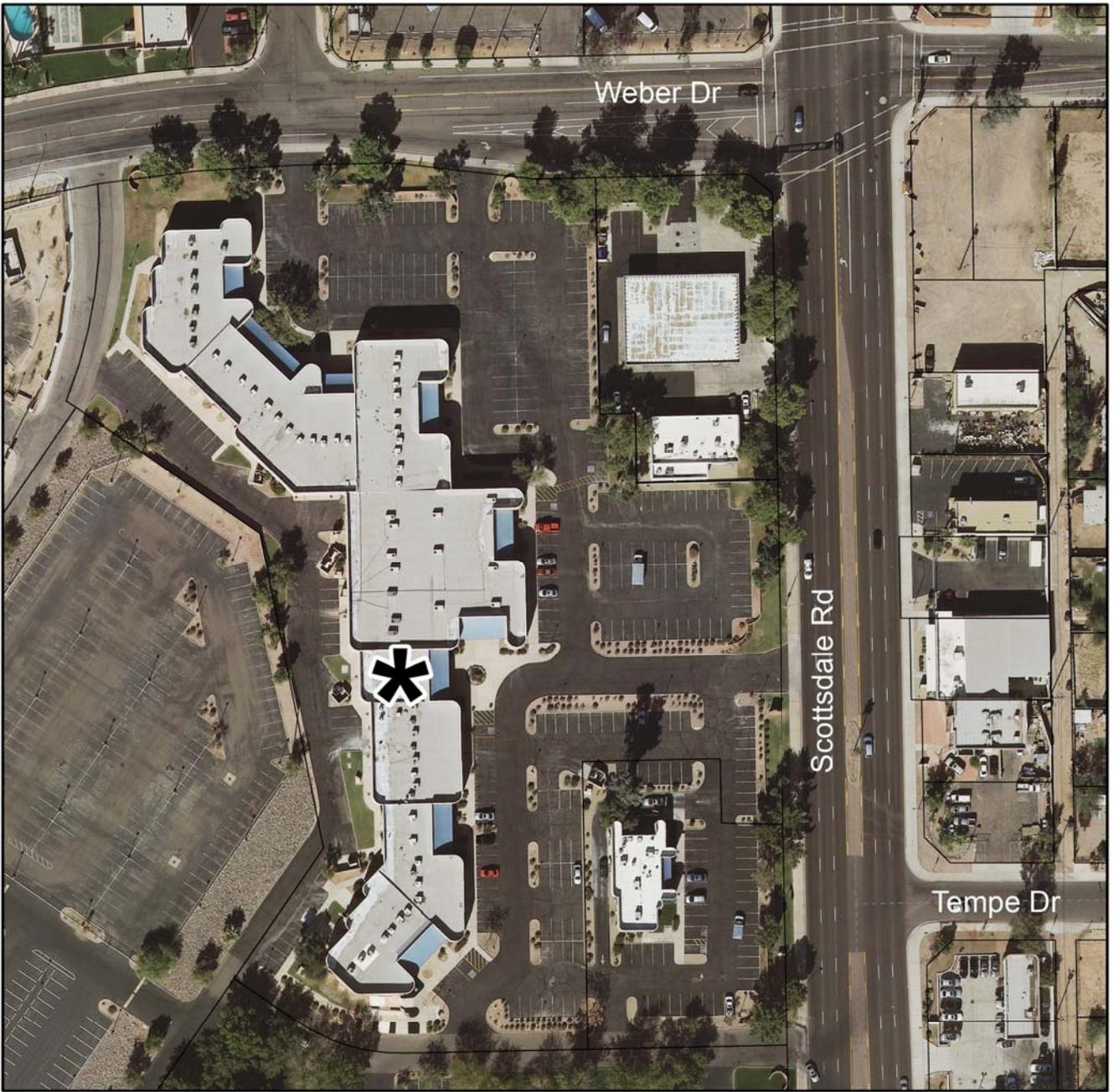
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts  
Part 6, Chapter 3, Section 6-308 – Use Permit  
Part 6, Chapter 3, Section 6-313 – Security Plan

# RIO SALADO CENTER - HOOCAHMANIA

PL090448



Location Map



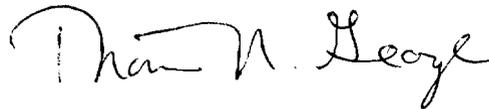
**RIO SALADO CENTER - HOOKAHMANIA (PL090448)**

Thomas George  
Db: Hooookahmania  
1290 N. Scottsdale Rd. #111  
Tempe, AZ 85281  
hooookahmania@gmail.com

To whom this may concern,

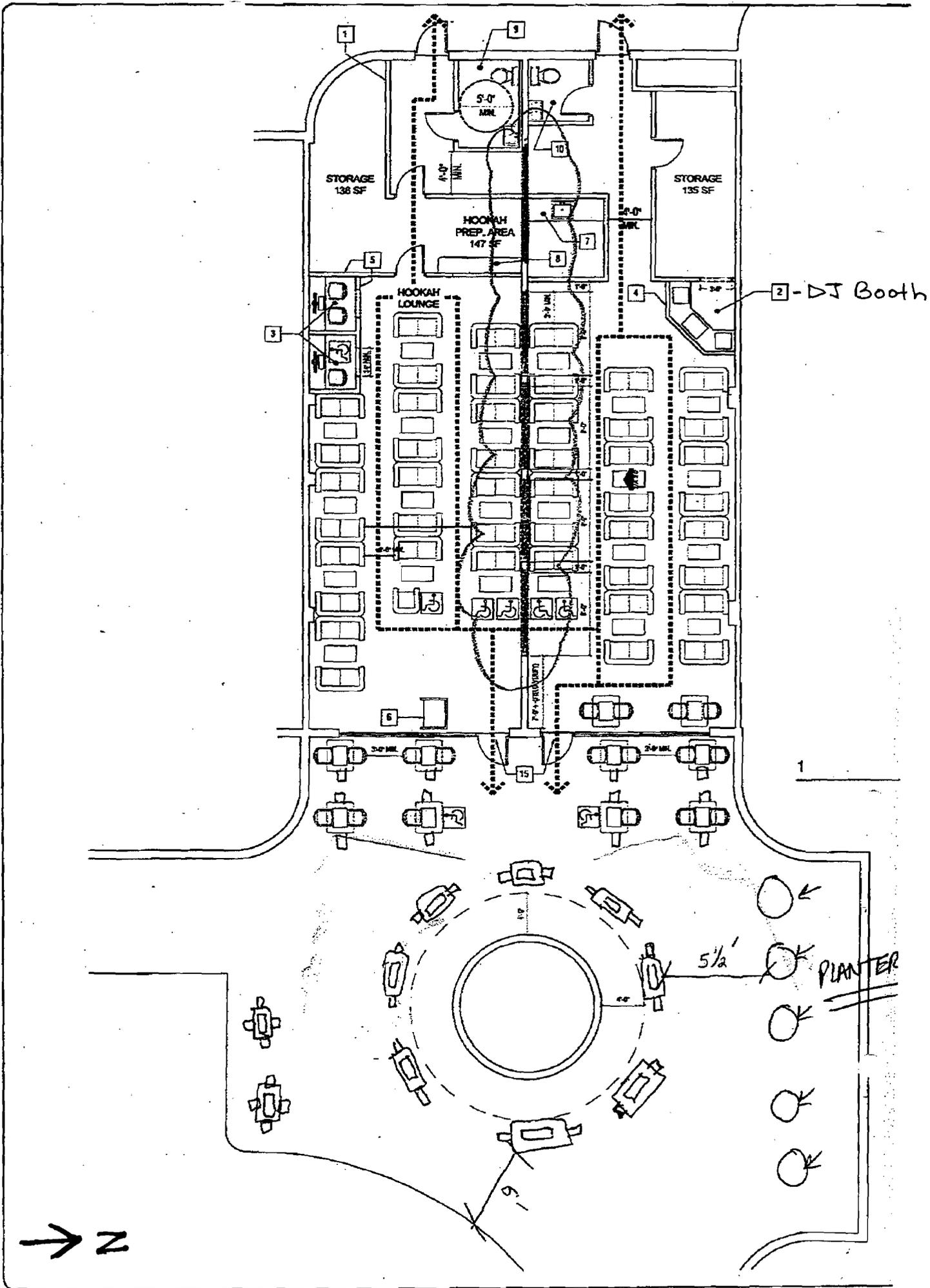
I Thomas George am presently operating a Hookah lounge located at 1290 N. Scottsdale Rd. #111 Tempe, AZ 85281. I would like to apply for a live entertainment permit so that I can have a DJ and live artists (such as guitarists, drummers, violinists, singers, magicians or comedians ) to entertain the patrons. I have already implimented a security plan with Cyndi Calender and if needed I will adjust the present plan. If further information is needed please contact me by email: emailtommyg@aol.com or (650)520-8664.

Thank you,

A handwritten signature in black ink that reads "Thomas George". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

Thomas George





ATTACHMENT 5



**RIO SALADO CENTER -  
HOOKAHMANIA**

**1290 NORTH SCOTTSDALE ROAD,  
SUITE NO. 111**

**PL090448**

**FRONT OF BUSINESS**

