

# Staff Summary Report



Hearing Officer Hearing Date: March 17, 2009

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by **MEMOS CAFE (PL090072)** located at 1845 East Broadway Road, Suite No. 111, for one (1) use permit.

**DOCUMENT NAME:** 20090317dssd02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **BROADWAY PLAZA - MEMOS CAFE (PL090072)** (Ramez Rabata, applicant; Red Mountain Retail Group, property owner) located at 1845 East Broadway Road, Suite No. 111 in the CSS, Commercial Shopping and Services District for:

**ZUP09038** Use permit to allow live entertainment.

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

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

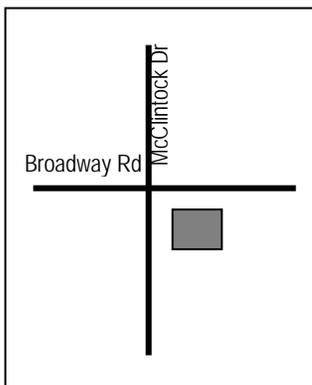
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow live entertainment, located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music, belly dancing, DJ's, karaoke, and other similar activities. To date no public input has been received. Staff supports approval of the use permit.



**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/ Floor Plan
5. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow live entertainment, located at 1845 East Broadway Road in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music, belly dancing, DJ's, karaoke, and other similar activities. Live entertainment will take place a few nights a week, Monday through Sunday, from 9:00 pm to 12:00 am. The live entertainment will take place on the platform/stage area at the west end of the building near the main entrance.

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

## Use Permit

The Zoning and Development Code requires a use permit for live entertainment 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 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 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 of the use permit, subject to conditions of approval.

## REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. 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.**

**CONDITION(S)  
OF APPROVAL:**

1. The use permit is valid for Memo's Café and may be transferrable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
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. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
4. The live entertainment use shall take place inside only. No live entertainment will be allowed outside in the patio area.
5. No outdoor speakers will be allowed.
6. 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.
7. The use permit is valid for the plans as submitted within this application.
8. The applicant shall work with the Tempe Police Department to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6027.

**HISTORY & FACTS:**

April 15, 2008

ZUP08045 – The Hearing Officer approved the use permit request by MEMO'S CAFE to allow a hookah lounge.

**DESCRIPTION:**

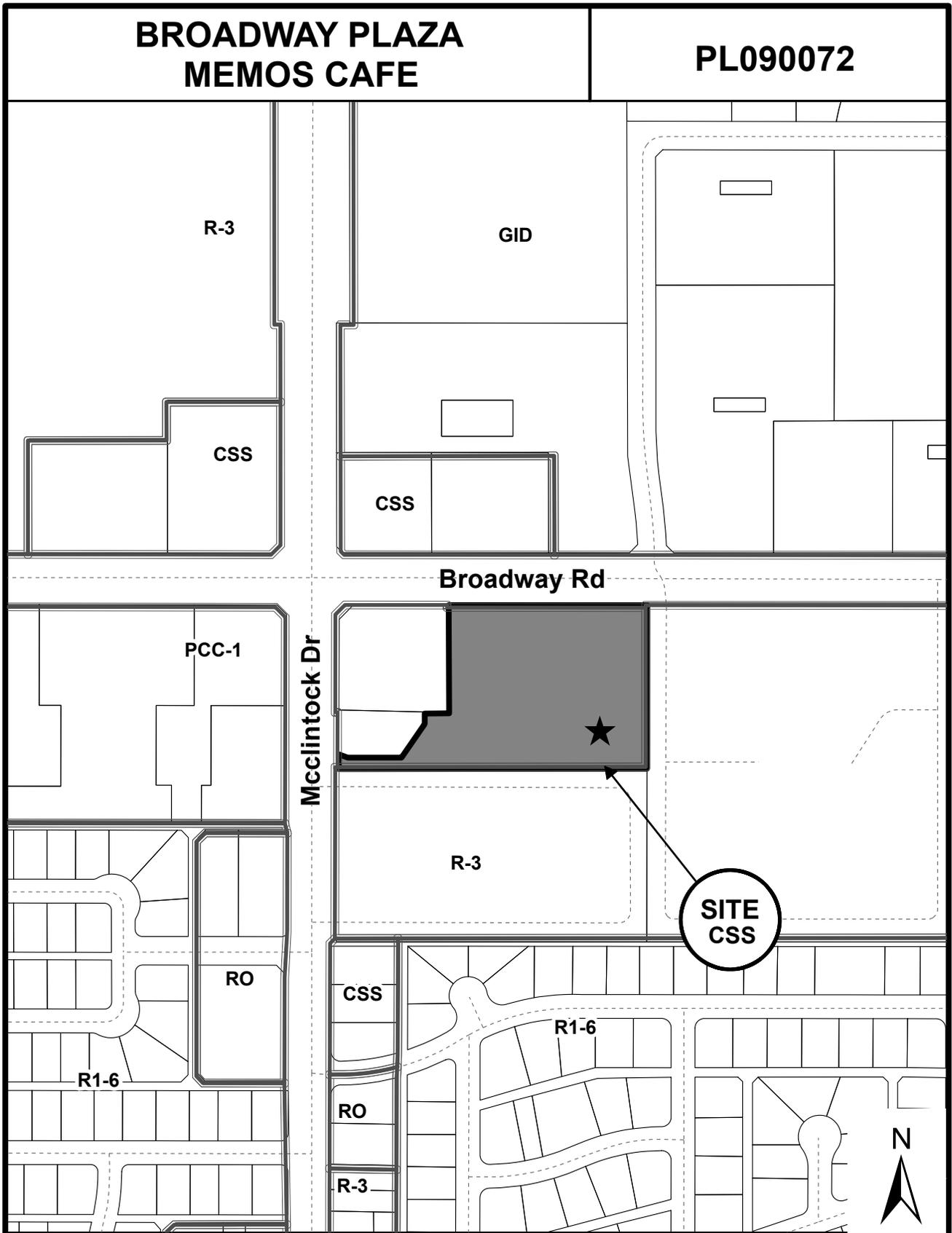
Owner – Red Mountain Retail Group  
Applicant – Ramez Rabata  
Existing Zoning – CSS, Commercial Shopping and Services District  
Parcel Size – 150,141 s.f. / 3.44 acres  
Total Building Area – 34,614 s.f.  
Tenant Area – 1,136 s.f.

**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



**Location Map**



**BROADWAY PLAZA - MEMOS CAFE (PL090072)**

**Memo's Café**

**1845 E Broadway Rd**

**Tempe ,Az 85282**

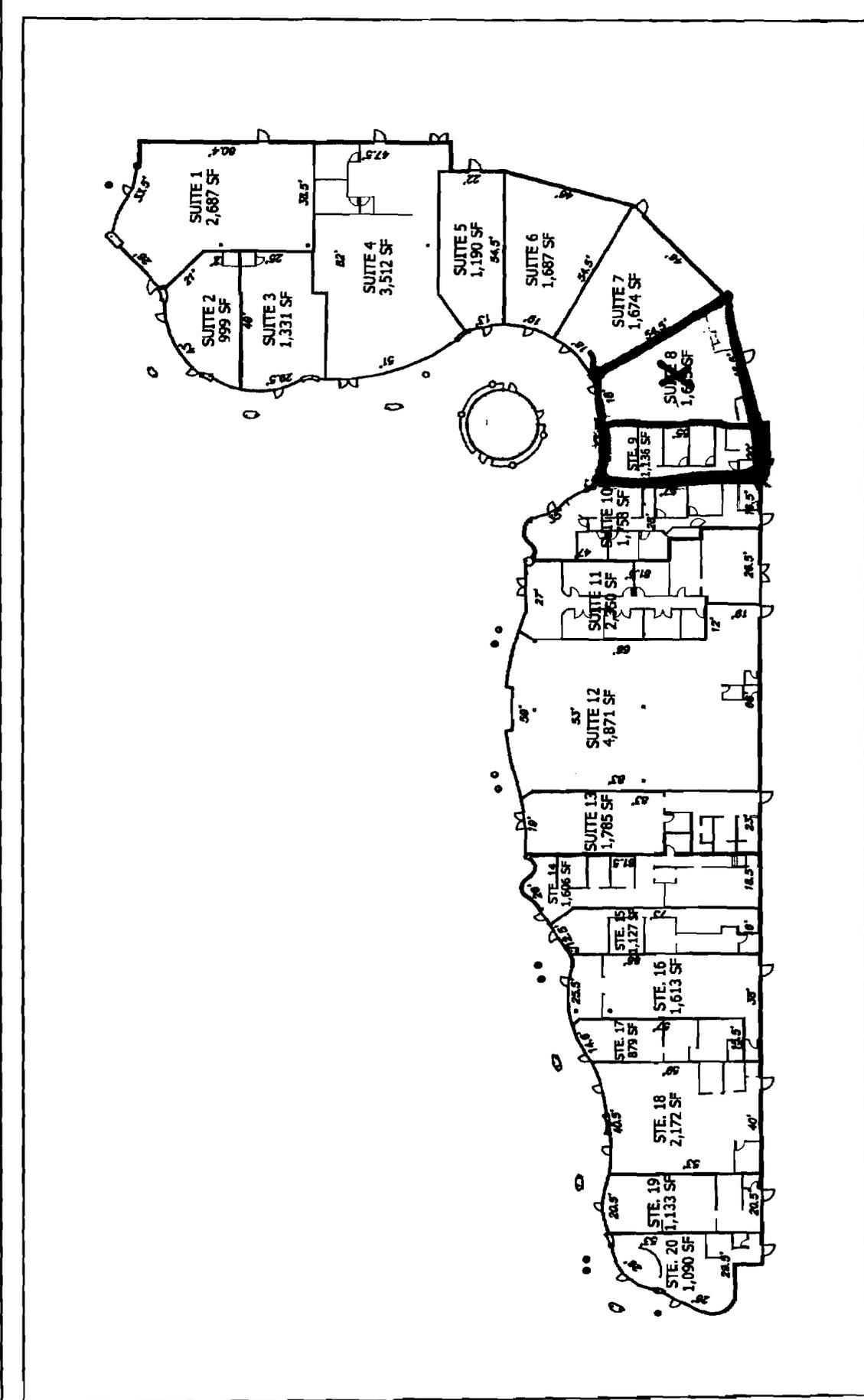
**(480)968 6446**

## **Live Entertainment**

**Dear City of Tempe,**

**I want to thank you for helping me to open Meom's café, and how you are being nice to me. I am applying to have live entertainment at Meom's Café at 1845 E Broadway Rd with approval from landlord not limited to bally dancing, singing, karaoke, DJ and other similar activities. My landlord gives me approval to use patio too, because all business will be close at time I am opening and he wrote it on the lease and it will be nicer to have it. Thank you again.**

**Memo's Cafe**



	Date	11-12-2007
	By:	FERCY CHENG
	LEASE PLAN - A	
	Scale	1" = 30'-0"
BROADWAY ROAD & McCLINTOCK DRIVE TEMPE, ARIZONA		
LEASE PLAN		



## **BROADWAY PLAZA – MEMOS CAFE**

**1845 E BROADWAY RD., SUITE NO. 111**

**PL090072**

**FRONT OF BUSINESS**

