

Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **PJ PROPERTIES** located at 1290 North Scottsdale Road, Suite Nos. 120 – 122, for one (1) use permit.

DOCUMENT NAME: 20120103cds106 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **RIO SALADO CENTER – P J PROPERTIES (PL110435)** (Arnaldo Matos/P J Properties, applicant/property owner) located at 1290 North Scottsdale Road, Suite Nos. 120 – 122 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11116 Use permit to allow a reception center with live entertainment.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

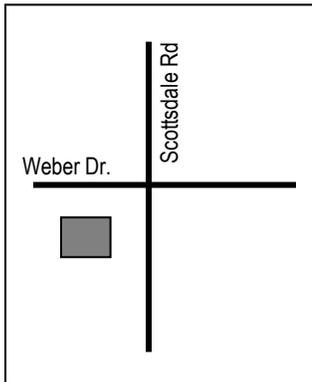
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The applicant is requesting approval of a reception center with live entertainment. This proposed business will occupy the space previously occupied by Pulse Teen Night Club in the Rio Salado Shopping Center located at 1290 N. Scottsdale Road. Staff will return, on an upcoming Hearing Officer Agenda, and hold a revocation hearing for the teen night club use permit. Staff supports the requested use permit with the finding that it meets the criteria for approval to warrant support of the use permit. To date, staff received one telephone inquiry regarding this use. The caller was a representative of the single family neighborhood located to the north of the center. He will attend the Hearing Officer meeting in person to voice his comments regarding this use.

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(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan

COMMENTS:

The property owner of the Rio Salado Center is also the applicant for this request. They are seeking the use permit to allow a reception center for a variety of events (i.e. Wedding Receptions, Quinceaneras, Bar Mitzvahs and business meetings/seminars). They will hire a manager to manage and lease the reception center. The property owner will be the ultimate party responsible for the conduct of the business. They will not serve food or liquor; all items will be brought in by the individuals associated with the events. The entertainment will vary per events and will include DJ's, dancing, and live bands. The applicant estimates that the hall will be used primarily on the weekends. The hours of operation will be in the evenings and in all cases the venue will be open no later than 1AM.

Use Permit

The Zoning and Development Code requires a use permit reception centers with live entertainment in the PCC-1, Planned Commercial Center Neighborhood 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 not uncommon with a major shopping center.
- 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 live entertainment 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 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
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
Provisions within will be proposed within the security plan to maintain adequate control of disruptive behavior.

Conclusion

Staff recommends approval of the use permit, subject to conditions.

REASON(S) 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.
4. The proposed use appears to have adequate control of disruptive behavior.

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

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is valid and operable only for the specific use for an eighteen month time period and will cease on 6/3/13 as allowed per Section 6-308 (L).
3. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
4. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20. Noise complaints arising from the open windows/doors shall require closure of all outdoor windows and doors to mitigate noise trespass to adjacent public or private spaces.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
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. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6333.

HISTORY & FACTS:

October 17, 1996 SGF-96.78 – The City Council approved the request by Studebakers for the following:

- a. Use Permit to allow a 7,900 s.f. restaurant/nightclub with entertainment (including 350 s.f. outdoor patio) to be located in the PCC-1 District
- b. Use Permit to allow parking to be provided based on demand
- c. Variance to allow a center with less than 100,000 s.f. in gross floor area to request permission to provide parking based on demand.

October 5, 2000 SGF-2000.58 – The City Council denied the request by Metropolis for a transfer of ownership and time extension of a previous council condition for a bar with live entertainment at 1290 N Scottsdale Rd.

February 27, 2001 SGF-2000.76 – The Planning & Zoning Commission accepted the withdrawal of the request by Club G for a use permit of a nightclub with live entertainment, DJ and dancing at 1290 N Scottsdale Rd.

April 30, 2009 PL090156 – The Development Services Department Board of Adjustment staff approved the request by Mijana located at 1290 N Scottsdale Rd., Suite Nos. 107-110 for the transfer of an existing use permit to allow a restaurant with live entertainment.

June 2, 2009 PL090171 – The Hearing Officer approved the request by Athena's Temple LLC located at 1290 N Scottsdale Rd., Suite No. 101 for a use permit to allow a massage therapy establishment.

- December 1, 2009 PL090423 – The Hearing Officer approved the request by Goodwill of Central Arizona located at 1290 N Scottsdale Rd., Suite Nos. 113-119 for a use permit to allow a resale retailer (Goodwill of Arizona).
- January 5, 2010 PL090448 – The Hearing Officer approved the request by Hookahmania located at 1290 N Scottsdale Rd., Suite Nos. 111 & 112 for a use permit to allow a hookah lounge.
- April 13, 2010 DSM10009 – Shared Parking Approved.
- May 4, 2010 PL100060 – The Hearing Officer approved the request by Rio Salado Center – Teen Dance Club for a use permit for a teen dance club subject to conditions.

DESCRIPTION:

Owner – Rio Salado Center LLC
Applicant – Arnaldo Matos
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Size – 237,055 s.f. / 5.442 acres
Building Area – 56,205 s.f.
Tenant Area – 5,953 s.f.
Parking Required for Use per ZDC – 119 spaces
Parking Required for Entire Center per ZDC – 331 spaces
Parking Provided on Site – 271 spaces
Parking Required per Parking Study – 270 spaces

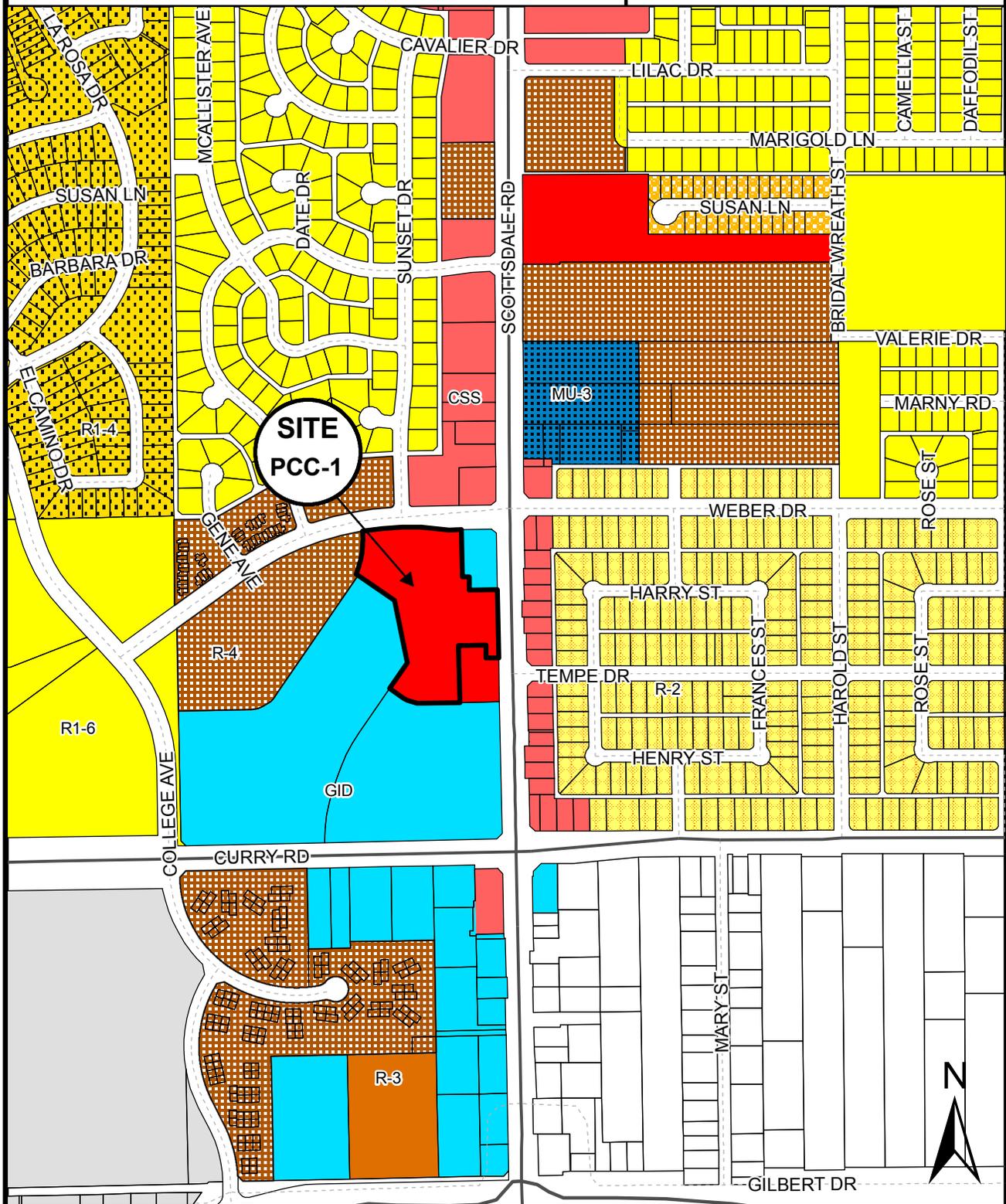
**ZONING AND
DEVELOPMENT**

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

P J PROPERTIES

PL110435



Location Map



P J PROPERTIES (PL110435)

**Arnaldo Matos
CO: PJ Properties
419 North Rock Street
Gilbert, Arizona 85234
(480) 990-7871**

Ms. Sherri Lesser
City of Tempe
31 East Fifth Street
Tempe, Arizona 85280

VIA EMAIL: Sherri_Lesser@Tempe.gov

RE: RIO SALADO RECEPTION HALL
1290 North Scottsdale Road #120-#122
Tempe, Arizona 85281

Dear Ms. Lesser,

I am the Property Owner of the Rio Salado Center that is located at 1290 North Scottsdale Road in Tempe, Arizona. I have made application and requesting approval for a use permit to allow me to use suites #120-#122 as a Reception/Event hall.

I will hire a manager to manage and lease the Reception Hall. We will offer for the hall for the purpose of Wedding Receptions, Quinceaneras, Bar Mitzvahs, and business meetings /seminars.

The Hall would be available for lease daily, however, it is our belief that the majority of receptions will be on Friday and Saturday evenings. The hall will be available no later than 1:00 am for these receptions. We will also require the people leasing the hall to provide security.

We will simply be leasing the hall out for events. We will not be serving either food or liquor. The clients will be solely responsible for any food or liquor that they consume during their reception.

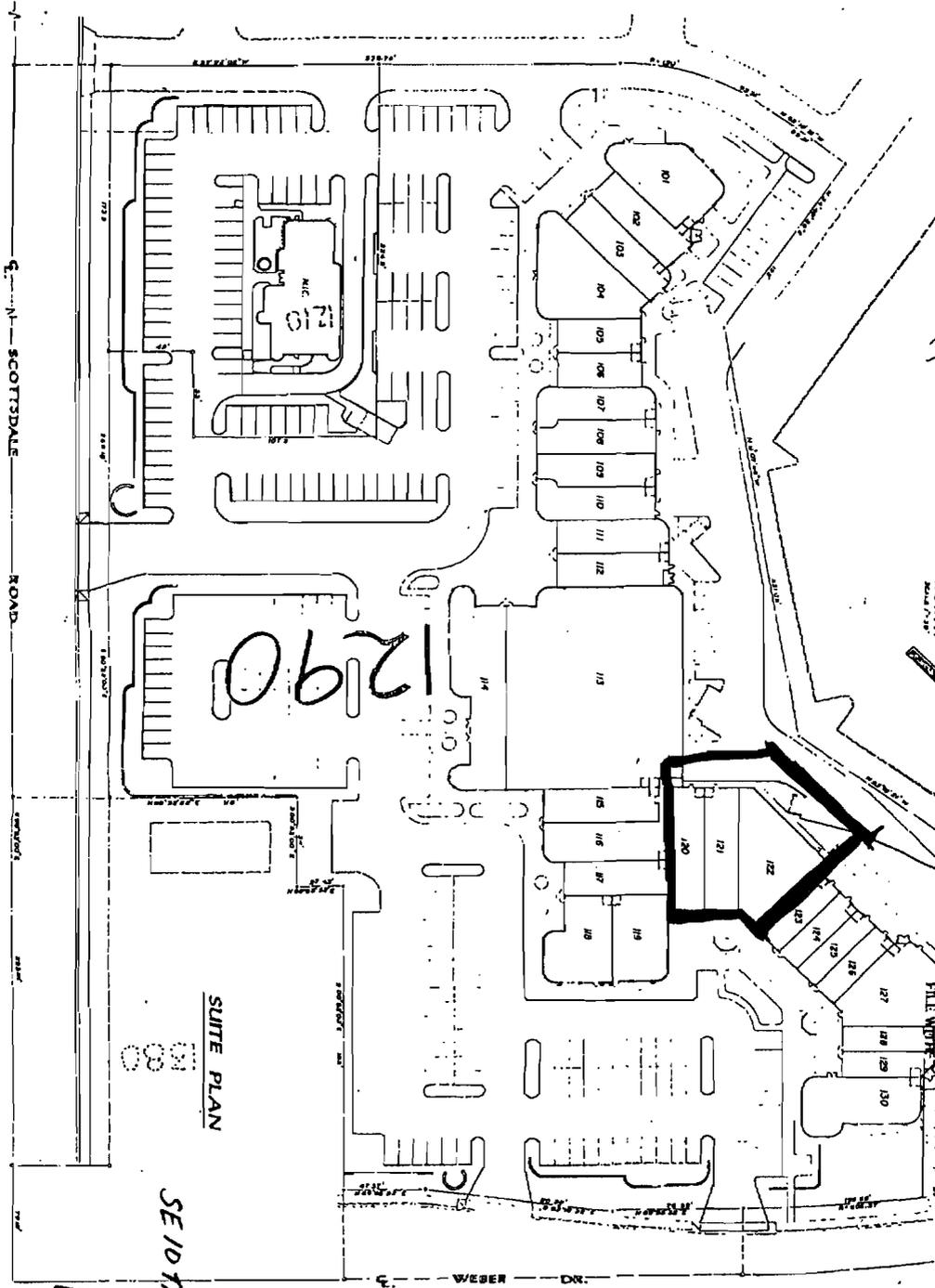
This will be an indoor hall and therefore will not cause any nuisance to the area.

The majority of receptions will take place in the evening hours, and we believe we will have more than adequate parking to accommodate our guests.

I believe this will be a business that will be an asset to the shopping center as well as the neighborhood.

If you should have any questions, please feel free to give me a call.

Arnaldo Matos
Rio Salado Center



Address: 1290 N. Scottsdale
 Suite 101
 Scottsdale, AZ 85254
Raul Villed



TEEN VENUE

1290 N. Scottsdale
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	MERCADO DEL RIO SHOPPING CENTER		<small>THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</small>	<small>DATE: _____</small> <small>BY: _____</small> <small>FOR: _____</small>	
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ATTACHMENT 4 CUSTOMER COPY

DATE: 2-11-10
 JOB NO. 02010000

