

Staff Summary Report



Hearing Officer Hearing Date: 1/18/11

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **SAHARA NIGHTS HOOKAH LOUNGE** located at 933 East University Drive, Suite No. 110, for one (1) use permit.

DOCUMENT NAME: 20110118cdng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **TEMPE TOWNE CENTER - SAHARA NIGHTS HOOKAH LOUNGE (PL100428)** (Mathew Krainski/Architect, applicant; Tempe Towne Associates LLC, property owner) located at 933 East University Drive, Suite No. 110, in the CSS, Commercial Shopping & Services District for:

ZUP10168 Use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products.

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

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

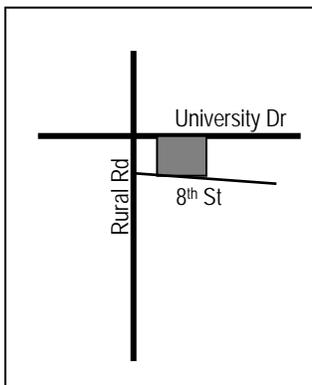
LEGAL REVIEW BY: N/A

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 before the Hearing Officer to request approval of a use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products. There has been no public input to date regarding this request. Staff recommends approval of the request as submitted.

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. Front Elevation (West)
7. Rear Elevation (East) / Section 'A'
8. Staff Photograph

COMMENTS:

Sahara Nights Hookah Lounge is before the Hearing Officer to request approval of a use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products. The proposed store will be located within the Tempe Towne Center shopping center at 933 East University Drive, Suite No. 110, just east of Rural Road along University Drive.

The business will involve the sale of tobacco, similar products and tobacco accessory products. To the north, the center is adjacent to the PCC-1 Planned Commercial Center Neighborhood District across University Drive. It is adjacent to the CSS, Commercial Shopping and Service District to the west and south along with the R-4, Multi-Family Residential General District to the south as well. To the east is the GID, General Industrial District. According to the applicant, the intended hours of operation will be from 5:00 p.m. to 3:00 a.m., seven (7) days a week with 1 to 2 employees on site during business hours.

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

To date, staff has received no public input concerning this request.

Use Permit

The Zoning and Development Code requires a Tobacco Retailer to obtain a use permit 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 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 retail use, similar to others within the shopping center; there should be no nuisances.
- 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.
- 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 will be proposed to maintain adequate control of disruptive behavior. The applicant is required to meet with the Crime Prevention Unit of the Police Department to obtain a security plan.

Conclusion

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

REASONS FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

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 Sahara Nights Hookah Lounge and may be transferable to successors in interest through an administrative review with the Community Development 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. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
7. 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.
8. All business signs shall receive a separate Sign Permit. Please contact Planning staff at (480) 350-8372.
9. The applicant shall contact the City of Tempe Crime Prevention Unit for a Security Plan. Contact Crime Prevention at (480) 858-6330 within 30 days of this approval; by February 18, 2011.

HISTORY & FACTS:

- January 24, 1990 BA900007 – The Board of Adjustment approved a variance request by Tempe Towne Plaza located at 933 E University Dr. to reduce the required number of parking spaces from 146 to 116 spaces.
- January 19, 1999 BA980368 – The Hearing Officer approved a use permit request by The Fuel Lounge located at 933 E University Dr., Suite No. 116. to allow an on-site disc jockey to play music to an audience of 21 to 31 year old patrons.
- August 23, 2000 BA000229 – The Board of adjustment approved a variance request by Cat Eye Lounge to reduce the required off-street parking for the proposed bar leased area only from 22 required to 4 provided (18 spaces short) and a use permit for expansion of live entertainment located at 933 E University Dr., Suites Nos. 109 & 111, existing; Suites 107 & 108 proposed.
- November 20, 2000 BA000295 – The Board of Adjustment approved a request for Tempe Towne Center located at 933 E University Dr. for the following:
- a. Variance to allow "Parking by Demand" to apply to a center or complex less than 100,000 s.f. in total gross floor area.
 - b. Use permit to allow "Parking by Demand" and thus waive the incremental parking fees subject to Ordinance 808, Section 6C.3.a.b.c. p. 81.
- August 20, 2002 BA020192 – The Hearing Officer approved a use permit request by Red Sea Hookah Lounge located at 827 S Rural Rd to allow a new coffee/hookah shop.
- November 4, 2008 ZUP08161 – The Hearing Officer approved a use permit request for Tempe Towne Plaza – Broken Industries LLC d.b.a. Its All Goodz to allow a tobacco retailer located at 933 E University Dr., Suite No. 109.
- May 4, 2009 DSM09020 – The Development Services Department staff approved a shared parking analysis for Tempe Towne Center located at 933 E University Dr indicating that the peak demand for parking spaces for all uses as approximately 180 spaces at 7 to 8 PM, Monday through Friday, and 173 spaces on Saturday and Sunday at 8 PM; a minimum of 184 parking spaces on the Tempe Towne Center site must be maintained to support all uses.

DESCRIPTION:

Owner – Tempe Towne Associates LLC
Applicant – Mathew Krainski
Existing Zoning – CSS, Commercial Shopping & Services District
Total Site Area – 73,652 s.f. / 1.69 acres
Proposed Tenant Lease Space – 1,188 s.f.
Parking Required – 4
Total Parking Provided – 184

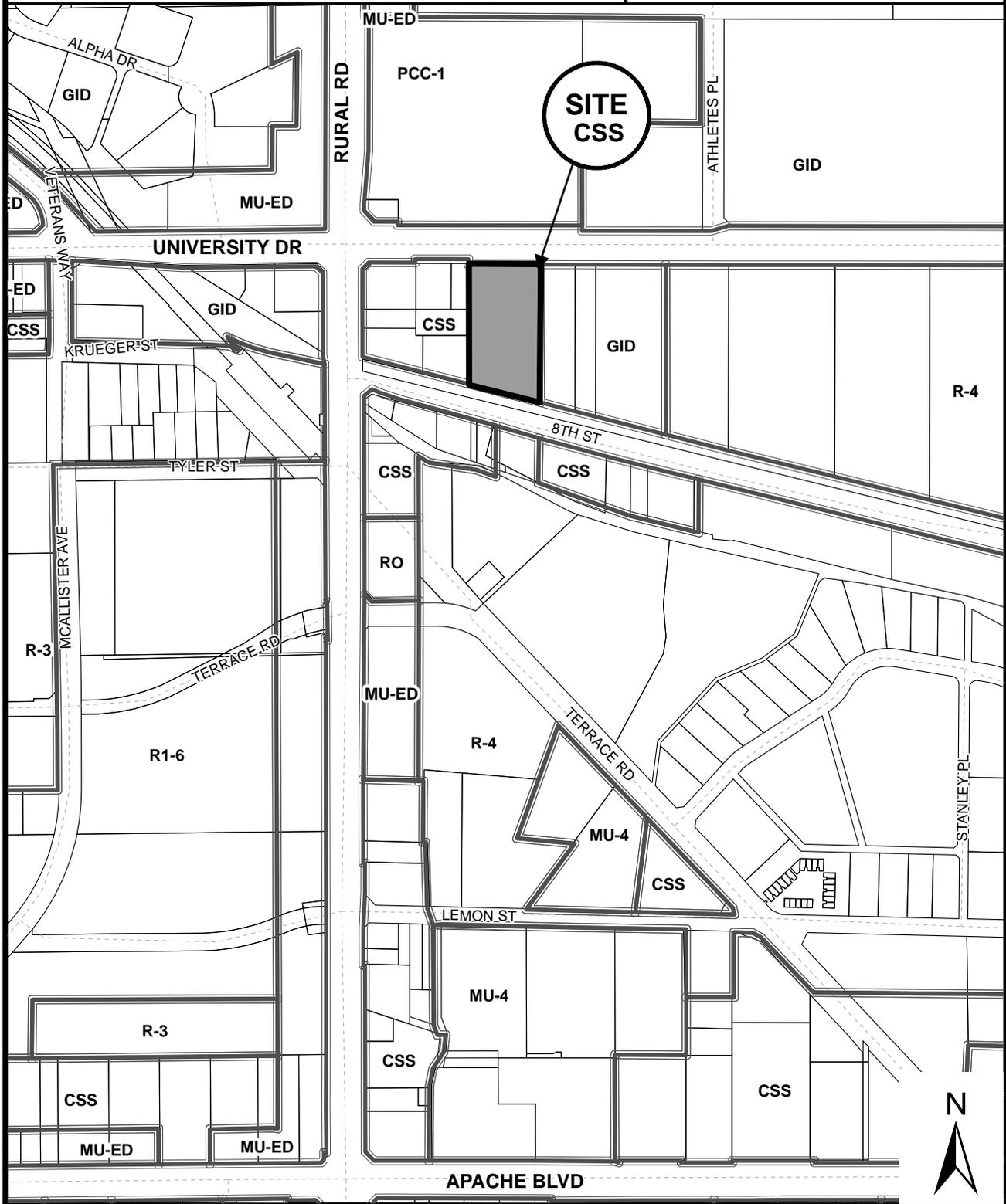
ZONING AND DEVELOPMENT

CODE REFERENCE:

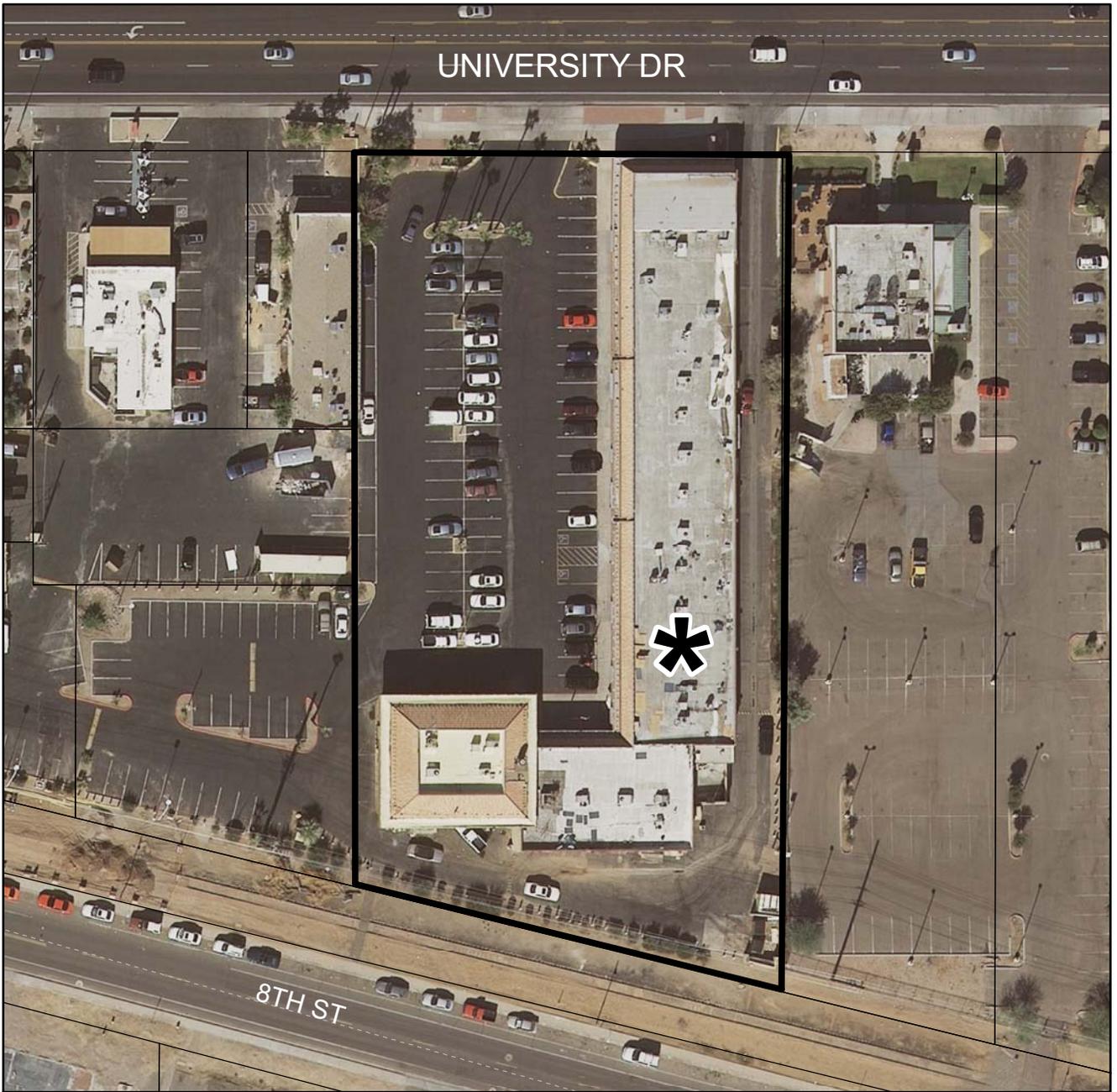
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit.
Part 6, Chapter 3, Section 6-313 – Security Plan

TEMPE TOWNE CENTER - SAHARA NIGHTS HOOKAH LOUNGE

PL100428



Location Map



TEMPE TOWNE CENTER - SAHARA NIGHTS HOOKAH LOUNGE (PL100428)

Matthew Krainski
Architect
32049 N Connor Court
Queen Creek, AZ 85142

City of Tempe
Community Development
Building Safety Division
31 East 5th Street
Tempe, Arizona

Regarding: Sahara Nights Hookah Lounge
933 E University Drive, Suite 110, Tempe, Arizona

To whom it may concern:

This request is for a Use Permit to allow a hookah lounge at 933 E University, Suite 110, Tempe, Arizona. The hours of operation will be 5pm to 3am. There will be approximately 10 total employees, 1 to 2 employees on site during business hours. The expected number of customers at peak times would be no more than 15.

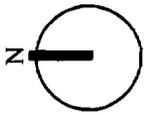
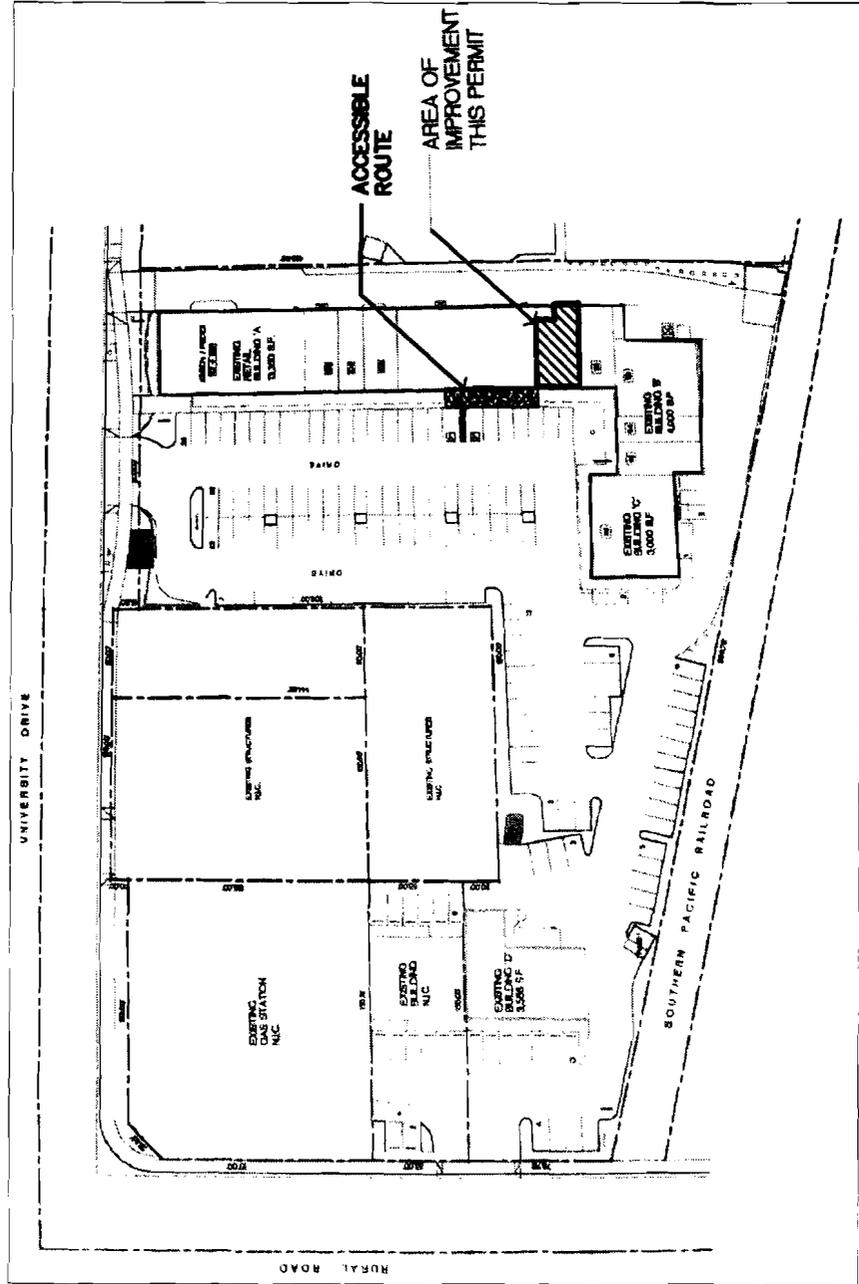
The proposed use would be a store that sells tobacco and similar products and tobacco accessory products as well as allow an area for smoking the products inside the facility. The usage would be for 15 occupants which is less than the allowable occupant load currently and less than the previous occupant load for the prior tenant. There is no expectation for any significant vehicular or pedestrian traffic in adjacent areas due to this use.

There is no expectation of any nuisance; plans for a new ventilation system have been submitted to City of Tempe Building Safety. The ventilation system has been designed by a licensed mechanical engineer and is expected to minimize any odor or smoke exceeding that of ambient conditions. The use will be contained inside the building and admittance is limited to adults. There is no expectation that this use will be in conflict with the goals, objectives and policies of the City of Tempe. This use is consistent with the neighborhood; there are approximately 24 hookah lounges in the area of ASU and one hookah lounge just a few hundred feet away. This proposed use does not include any exterior changes, changes to lighting, landscaping or the exterior of the building with the exception of a small sign consistent with other signs in the same development.

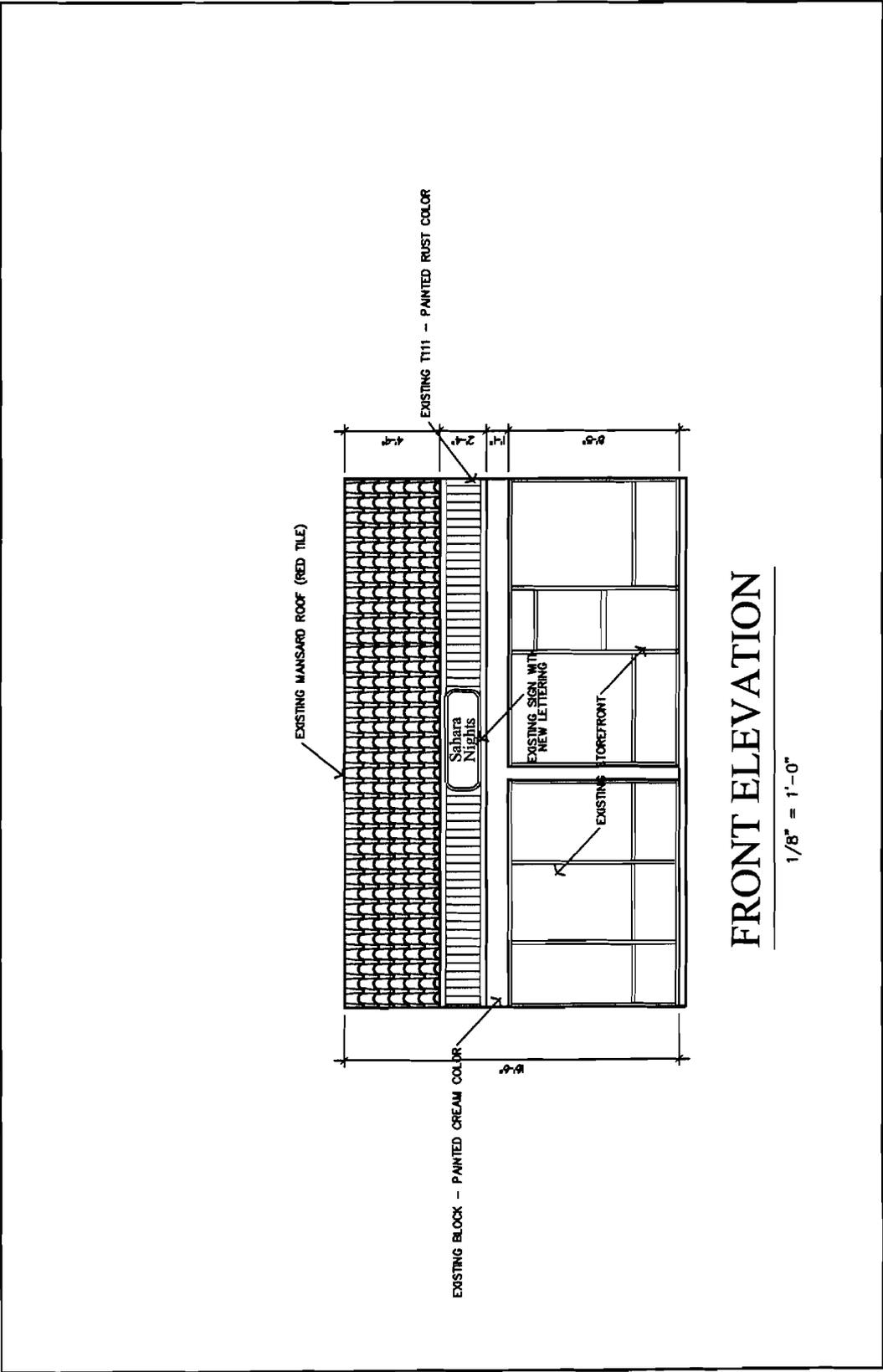
Thank you,
Matthew Krainski
602-909-8866

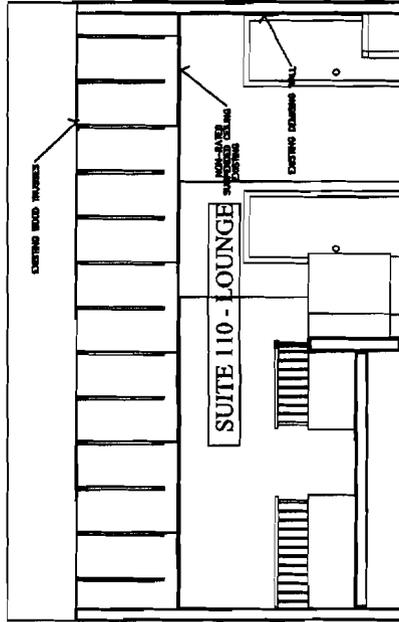
Attachments:
Application
Owner authorization
Site plan
Floor plan

933 East University Drive Tempe, Arizona 85281



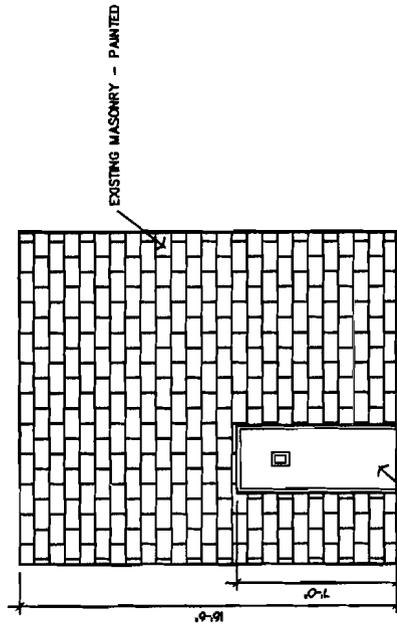
SITE PLAN - 1" = 100'
SEE COVER SHEET FOR PARKING CALCULATIONS





SECTION 'A'

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



**TEMPE TOWNE CENTER –
SAHARA NIGHTS HOOKAH LOUNGE**

**933 EAST UNIVERSITY DRIVE,
SUITE NO. 110**

PL100428

FRONT OF BUSINESS

