

Staff Summary Report



Hearing Officer Hearing Date: 11/16/10

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the **SKY HIGH HOOKAH LOUNGE** located at 33 West Southern Avenue, Suite No. 102 for one (1) use permit.

DOCUMENT NAME: 20101116cddk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **DANELLE PLAZA – SKY HIGH HOOKAH LOUNGE (PL100334)** (Adam Marianski, applicant; Yucca Rental Properties, property owner) located at 33 West Southern Avenue, Suite No. 102, in the CSS, Commercial Shopping and Services District for:

ZUP10126 Use permit to allow a hookah lounge/tobacco retailer.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

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

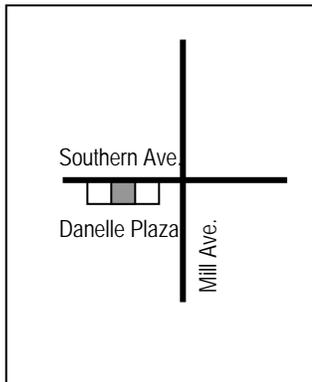
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The proposed use would be located within an 800 s.f. suite adjacent to an auto parts store, smoke shop, and bar located within Danelle Plaza, on the south side of Southern Avenue. The use would also include a 400 s.f. patio approved to be built within existing parking spaces south of the tenant suite.



Year Built 1965
Vehicle Parking 17 parking spaces required within shared parking model
A neighborhood meeting is not required for this application.
To date, staff has not received any public input regarding this request.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. 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
- 5-6. Floor plans
7. Staff Photograph(s)

COMMENTS:

Sky High Hookah Lounge would be located within an existing tenant suite formerly occupied by a defensive driving school. The 800 square foot suite is a storefront space accessed from the south side of a dual-faced building constructed in 1965. The building is built at the property line to the north, with entrances to some suites on the north (Southern Avenue) side, and additional entrances on the south (parking lot) side. To the west of the suite are an existing automotive parts supply store and a smoke shop. To the east, Yucca Tap Room has approval to construct a patio on both the north and south entrances of their suite, and approval for the patio on the south to be split for use by the adjacent hookah tenant. Parking for Danelle Plaza is shared in a common off-site tract surrounded by individually owned properties, some with freestanding pad buildings, others with condominium-style suites within a larger strip building. The proposed hookah lounge has two significant requirements to meet as conditions of approval for this use to work within the proposed suite. The patios have not been constructed and are on hold pending approval of the property owners for the removal of spaces to accommodate the new patio. Without the patio, the hookah lounge cannot have outdoor smoking. The building code requirements for indoor smoking must also be met; requiring an indoor air handling system to be installed prior to opening the hookah lounge. The applicant is responsible for compliance with all conditions of approval prior to operating the business.

Use Permit

The proposed use requires a Use Permit, to allow a hookah lounge/tobacco retailer within the CSS Commercial Shopping and Service zoning district.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The applicant will be required to complete a security plan, has indicated hours of business to be 5pm to 2am with primary customer base on Thursday through Saturday nights. The use is adjacent to an existing smoke shop and bar, with similar customers and hours of operation. Other uses within the plaza have different hours of operation, alleviating parking conflicts with this new use. A sidewalk will separate the hookah lounge patio from the bar patio.
2. Any significant increase in vehicular or pedestrian traffic. Traffic to the hookah lounge would be expected to be the same as the smoke shop and bar. Based on the 800 s.f. interior and 400 s.f. exterior space allocation, the applicant has indicated a maximum of 100 customers during peak hours of business.
3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The existing bar and smoke shop has patrons who use the sidewalk and parking lot for smoking. The patio was approved for both the bar and hookah lounge to provide a safe enclosed area for customers. The activation of the outdoor space for customers may help provide visual surveillance to the plaza during evening hours. The proposed use may generate noise from customers gathering outside, and will cause smoke from the use of the hookah. This will continue the existing condition created by the smoke shop and bar patrons, and will not exceed that of ambient conditions.
4. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 property is zoned for commercial use, meets the criteria for separation from schools, and will uphold a security plan as part of the operation of the business. The applicant provided no information on impacts to this criterion.
5. Compatibility with existing surrounding structures and uses. Existing convenience stores, bar and smoke shop all have tobacco products and smoking, the proposed hookah bar is compatible with the existing uses. A significant investment will be required to make the interior space compliant with building code regulations for mechanical equipment.
6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. The applicant is required to produce and adhere to a security plan. The hours of operation are 5pm to 2am. The applicant provided no additional information on how the proposed use or business operation would address this criterion.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permit, subject to eight conditions of approval and compliance with all code/ordinance requirements. This request meets the required criteria for a use permit.

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

CONDITION(S) OF APPROVAL:

1. This Use Permit is valid **only after a Building Permit has been obtained and the required inspections have been completed** and a Final Inspection has been passed. (*ie: no indoor smoking allowed until all mechanical ventilation requirements have been met and no outdoor smoking allowed until patio has been approved by all property owners and built per approved plans*).
2. The Use Permit is valid for the plans as submitted within this application, including presented hours of operation (5pm to 2am). Any additions or modifications may be submitted for review during building plan check process.
3. The Use Permit is valid for Sky High Hookah Lounge and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
4. 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.
5. No outdoor live entertainment or outdoor speakers shall be allowed.
6. Live entertainment requires a separate Use Permit.
7. This Use Permit is not valid until the applicant has completed a security plan within 30 days of this approval. Contact the City of Tempe Crime Prevention Unit, William Gallauer at 480-350-8749 before December 10, 2010.
8. Update the data for parking file for this building prior to the Use Permit becoming effective. Provide information within 30 days or by December 10, 2010.
9. All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8372.
10. Any intensification or expansion of use, including shall require a new Use Permit.
11. 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.
12. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01. The owner/management shall adhere to the City Adopted International Mechanical Code.
13. The gross sale of beverage and snack items may not exceed that of tobacco and hookah products for the hookah lounge tax license.

HISTORY & FACTS:

- March 1965 Inspections approved for Certificate of Occupancy on building construction.

- April 3, 1996 Hearing Officer approved a use permit for Labor Ready to locate in a pad building at the northwest corner of Danelle Plaza.

- November 5, 1998 Hearing Officer approved a use permit for Reeves Auto Supply to allow an automobile parts and supply store at 3400 S. Mill Avenue, Suite 139.

- April 19, 2000 Hearing Officer approved use permit for Dux Dermagraphics to allow a tattoo and body piercing shop at 3400 S. Mille Avenue, Suite 122.

- May 2, 2000 Hearing Officer approved a use permit for General Printing to allow a 4,300 s.f. commercial print shop at 3400 S. Mill Avenue.

- April 1, 2003 Hearing Officer approved a use permit for Yucca Tap Room to allow a 214 s.f. outdoor dining/drinking/smoking patio to be incorporated into a portion of the existing building area located at 29 W. Southern Avenue.

- August 27, 2003 Board of Adjustment approved a use permit for Industrial Personnel Inc. to operate a temporary personnel agency.

- December 16, 2003 Hearing Officer approved a use permit for The Arc of Tempe to allow a thrift shop at 3400 S. Mill Avenue in suite 39.

- December 29, 2003 Board of Adjustment denied a use permit to Command Labor to allow a temporary staffing agency.

- February 18, 2004 Hearing Officer approved a use permit for Iglesia Santidad Pentecostal de Tempe to allow a church.

- April 20, 2004 Hearing Officer approved a use permit for Phoenix Design to allow an architectural consulting company.

- May 4, 2004 Hearing Officer approved a request by Landmark Apostolic Church to allow a church.

- May 19, 2004 Hearing Officer approved a use permit for Arizona Defensive Driving School to allow defensive driving classes within Danelle Plaza.

- July 6, 2004 Hearing Officer approved a use permit for Iglesia Cristiana Ministereo de CReconciliacion to allow a church.

- July 20, 2004 Hearing Officer approved a use permit for India Snacks to allow the sale of grocery items.

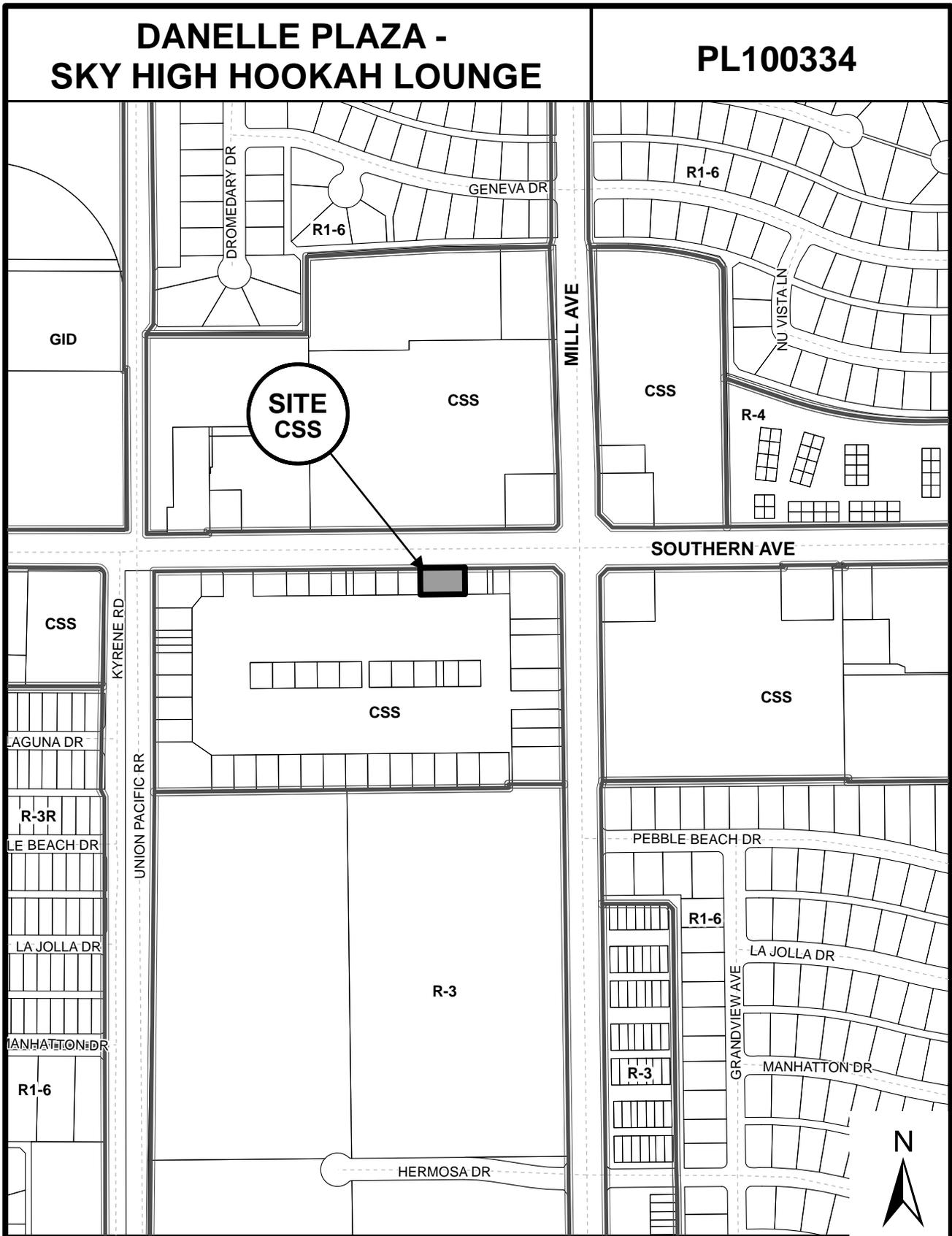
- October 5, 2010 Community Development Staff approved a Development Plan Review for outdoor smoking patios serving customers of two tenants within Danelle Plaza 33 W. Southern Avenue.

DESCRIPTION:

Owner – Yucca Rental Properties
Applicant – Adam Marianski
Existing Zoning – CSS, Commercial Shopping & Services District

ZONING AND DEVELOPMENT

CODE REFERENCE: Section 6-308 Use Permit



Location Map



DANELLE PLAZA - SKY HIGH HOOKAH LOUNGE (PL100334)

We would like to use this location to open a hookah lounge. It will be a friendly environment that will serve as a social gathering for the community. A hookah lounge is an excellent addition to this plaza as there is an established bar and smokeshop in the adjacent rental spaces. These businesses complement each other without directly competing with one another. We will be hiring three employees to run the daily operations of the lounge in the 800 sq. ft. space as well as the 400 sq. ft. patio. We will be open every day of the week between the hours of 5 p.m. to 2 a.m. We are expecting to serve over 100 customers per day on Thursday, Friday, and Saturday. The rest of week will average 60 customers daily. The opening of a hookah lounge will bring excitement to the plaza encouraging the members of the community to visit the location. Sales for all businesses in the area should flourish as the hookah lounge will attract new business as well as increase revenue to the city of Tempe.

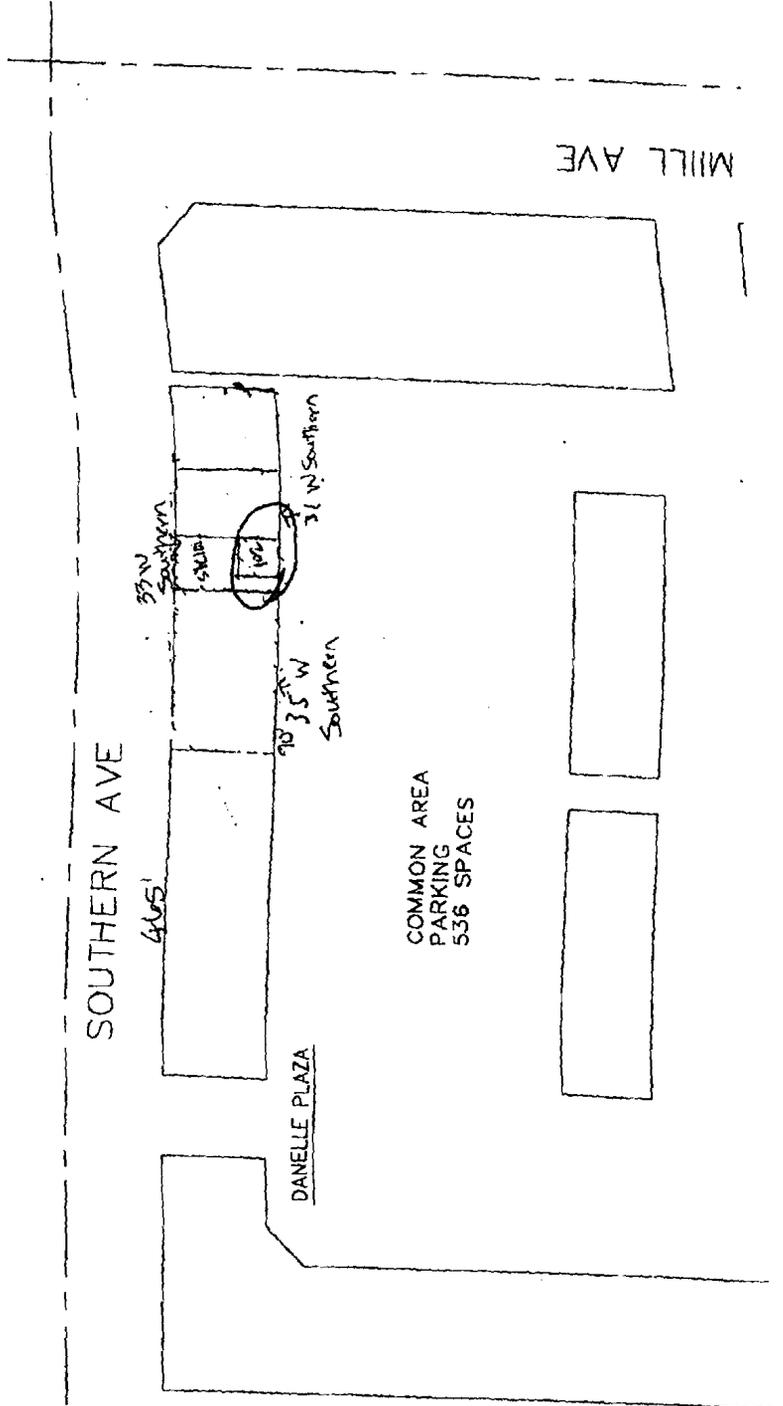
Central Parts, Inc. EMPE, ARIZONA

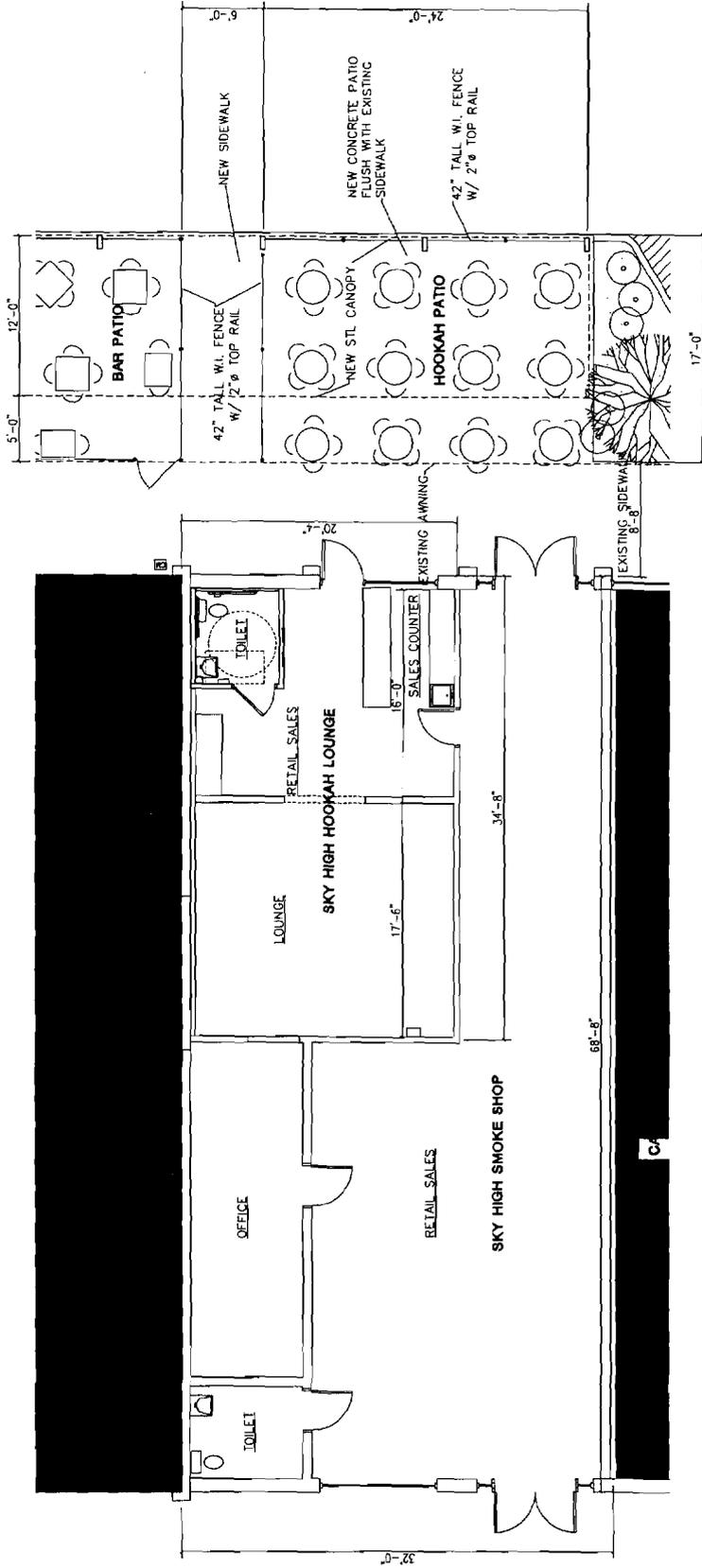
City of Tempe
Suite Assignment

Name of Project: DANIELLE PLAZA
Address: 53 W. SOUTHERN AVE
Contact Name:
Phone #:
Suite Numbers: S/E 101 - 102

New Reassigned

Copy to Applicant Entered in Permits +
 Added to Suite Book Sent to Engineering
Initials: AD/S Date: 8/24/07





SKY HIGH HOOKAH LOUNGE

TENANT IMPROVEMENT

102 W. SOUTHERN AVE #102

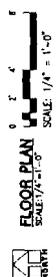
Floor Plan

SHEET NUMBER UP-2

Archi-CAD
ARCHITECTS PLLC

215 S. BUCHHEIM DRIVE, SUITE 1, TAMPA, FL 33622
407.842.2822 • WWW.ARCHICADARCHITECTS.COM

PROJECT	102
DATE	01/16/10
REVISION	



SITE DATA

APPLICANT
 SKY HIGH HOOKAH LOUNGE
 315 W. SOUTHERN AVE.
 SUITE 200
 DENVER, CO 80202
 (303) 733-3000

PROJECT DESCRIPTION
 SKY HIGH HOOKAH LOUNGE, 11
 315 W. SOUTHERN AVE., DENVER, CO
 (303) 733-3000

ADDRESS MAPS NUMBER
 133-28-03

LEGAL DESCRIPTION
 LEGAL DESCRIPTION AND LOT A, BEING
 WITH AN INTEREST IN TRACT A, OF
 0.2 ACRES, MORE OR LESS, BEING
 PART OF A SUBDIVISION OF THE
 TRACTS, PARTS, BLOCKS, LOTS OF THE
 BLOCKS, LOTS, BLOCKS, AND NEIGHBORHOODS,
 CITY AND COUNTY OF DENVER.

ZONING
 O3

PARKING AREA
 135 (1,645 SF)
 110 (8,640 SF)

BUILDING CONSTRUCTION TYPE
 TYPE B-2 (10% AND FOR 894-13)

DATE
 10/15/17

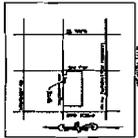
DESIGNER
 ARCHITECTURE & INTERIORS
 HOORN, LLP

PREPARED BY
 ARCHITECTURE & INTERIORS
 HOORN, LLP

PROJECT NO.
 17-0000

DATE
 10/15/17

SCALE
 1" = 100'



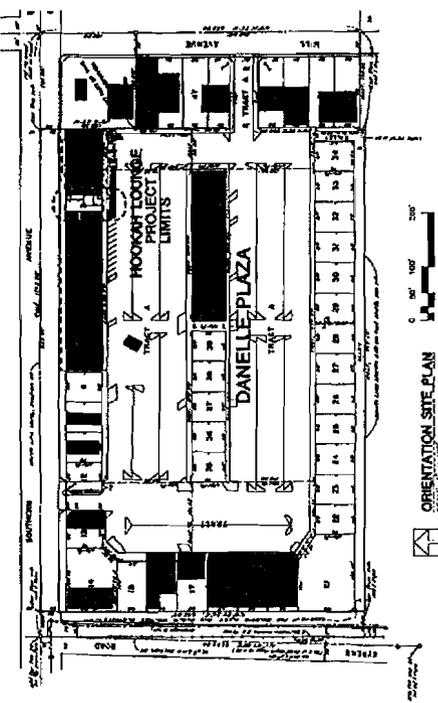
SKY HIGH HOOKAH LOUNGE
TENANT IMPROVEMENT
 315 W. SOUTHERN AVE #102

Sheets
 SHEET NUMBER UP-1

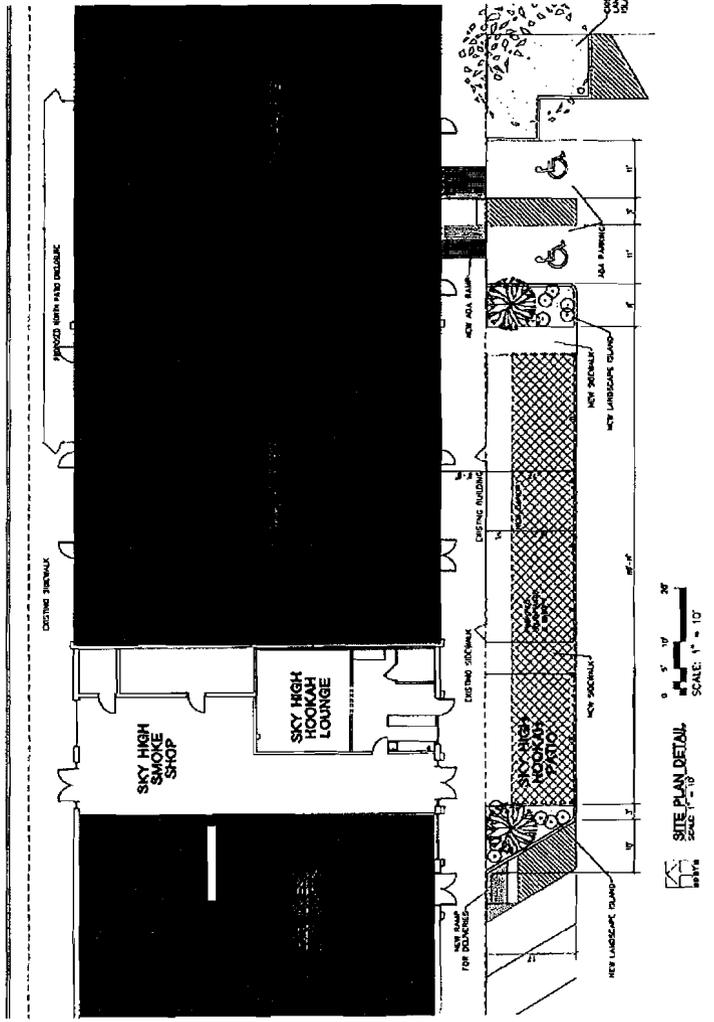
Archi-CAD
 ARCHITECTS, PLLC
 278 S. MICHIGAN ST., SUITE 2100, DENVER, CO 80202
 (303) 733-3000

PROJECT NO. 17-0000
 DATE 10/15/17
 REVISION

DATE PLOTTED 10/15/17
 PLOTTED BY [Signature]



ORIENTATION SITE PLAN
 SCALE: 1" = 100'



SITE PLAN DETAIL
 SCALE: 1" = 10'

- LANDSCAPE LEGEND**
- SYMBOL BOTANICAL/Common NAME
 - SPECIAL SYMBOL (LAWN/TERRAZZO MOUNTAIN LAUNDRY)
 - LAWN (MOUNTAIN LAUNDRY)
 - COMPOUND GRANITE PAVING (OLD)



DANELLE PLAZA – SKY HIGH HOOKAH LOUNGE

33 W SOUTHERN AVE., SUITE NO. 102

PL100334

FRONT OF BUSINESS

