

Staff Summary Report



Hearing Officer Hearing Date: April 20, 2010

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **TEEN DANCE CLUB** located at 1290 North Scottsdale Road, Suite No. 120, for one (1) use permit.

DOCUMENT NAME: 20100420dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **RIO SALADO CENTER - TEEN DANCE CLUB (PL100060)** (Thomas George, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite Nos. 120 – 122 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10020 Use permit to allow a teen dance hall with live indoor entertainment (live bands, DJ).

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

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

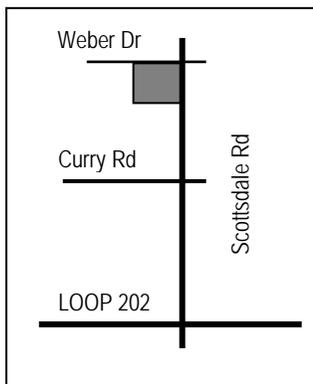
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting approval of a use permit to allow a teen dance hall with live indoor entertainment (live bands, DJ, dancing) located at 1290 North Scottsdale Road, Suite Nos. 120-122 in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports the use permit as requested with the finding it meets the criteria for approval of a use permit. To date, staff has received two phone calls of opposition and one phone call and one email of support regarding this request.



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. E-Mail of Support
7. Staff Photograph

COMMENTS:

The applicant is requesting approval of a use permit to allow a teen dance hall with live indoor entertainment (live bands, DJ, dance) located at 1290 North Scottsdale Road, Suite Nos. 120-122 in the PCC-1, Planned Commercial Center Neighborhood District. This will be strictly an under twenty-one club allowing only those ages sixteen to twenty to enter. To be in conformance with City Code and Tempe's midnight curfew for minors, the applicant has indicated that he will only be open until 11:30 p.m. seven days a week to allow time for those under the age of eighteen to return home. Private parties have also been indicated as a possibility during the week, but the club will mostly be open on the weekends; Thursday through Sunday from 6:00 p.m. to 11:30 p.m. The applicant has also mentioned in his letter of explanation that only water, non-alcoholic beverages, and pre-packaged snacks will be served.

To date staff has received two phone calls of opposition and one phone call and one email of support regarding this request.

Use Permit

The Zoning and Development Code requires a use permit for teen night clubs 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.
- 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 teen night club/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 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
- 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.

Conclusion

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

REASONS 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.

CONDITIONS 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 for Teen Dance Club and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
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. Music/sound/noise generated from the use shall conform to the City of Tempe code requirements for noise control.
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. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
9. The use permit is valid for the plans as submitted within this application.
10. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6330.
11. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
12. Replace all missing trees along the north landscape area and in the north landscape islands; along with any other missing landscape material.
13. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
14. Provide ten inch (10") vinyl suite/address numbers on proper suites.
15. Replace bicycle parking racks per City of Tempe Public Works Department bicycle rack detail T-578 standard.

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.

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
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
Bicycle Parking Required - 6

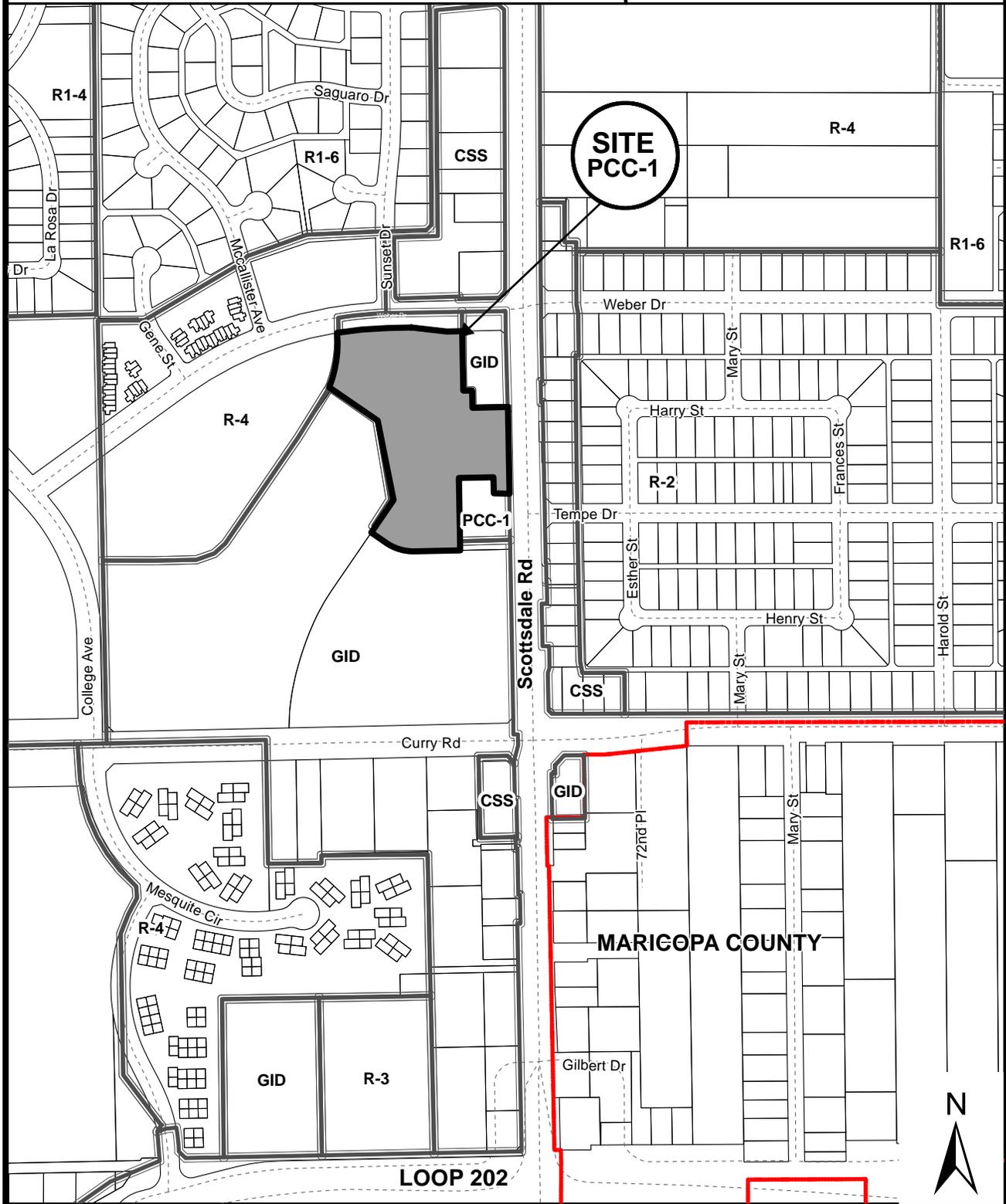
ZONING AND DEVELOPMENT

CODE REFERENCE:

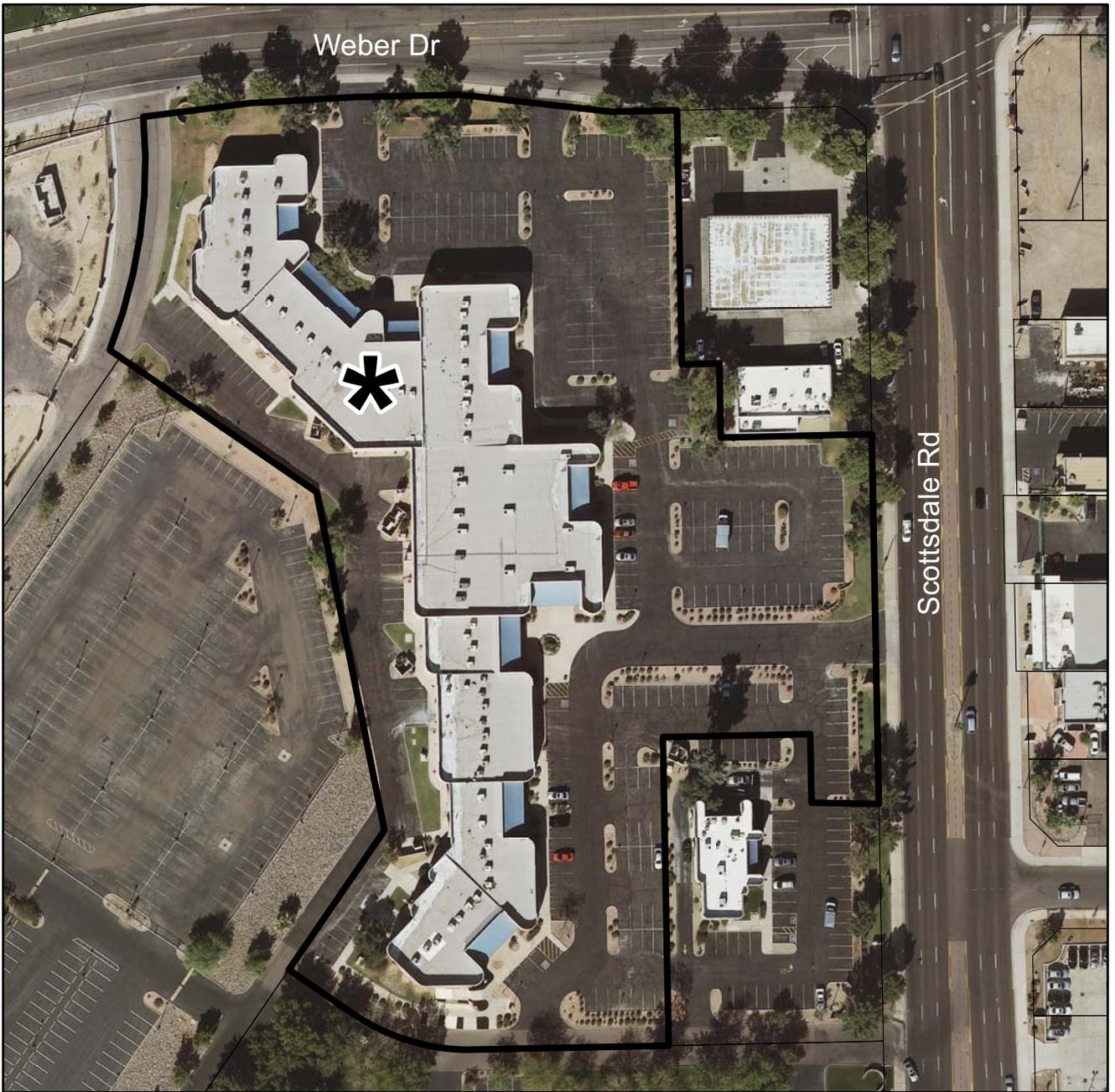
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 4, Chapter 6, Section 4-604 – Shared Parking
Part 6, Chapter 3, Section 6-308 – Use Permit
Part 6, Chapter 3, Section 6-311 – Shared Parking
Part 6, Chapter 3, Section 6-313 – Security Plan

RIO SALADO CENTER - TEEN DANCE CLUB

PL100060



Location Map



RIO SALADO CENTER - TEEN DANCE CLUB (PL100060)

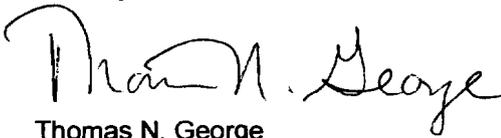
Thomas N. George
1290 N. Scottsdale Rd. #108
Tempe, AZ 85281
emailtommyg@aol.com
(650)520-8664

City of Tempe,

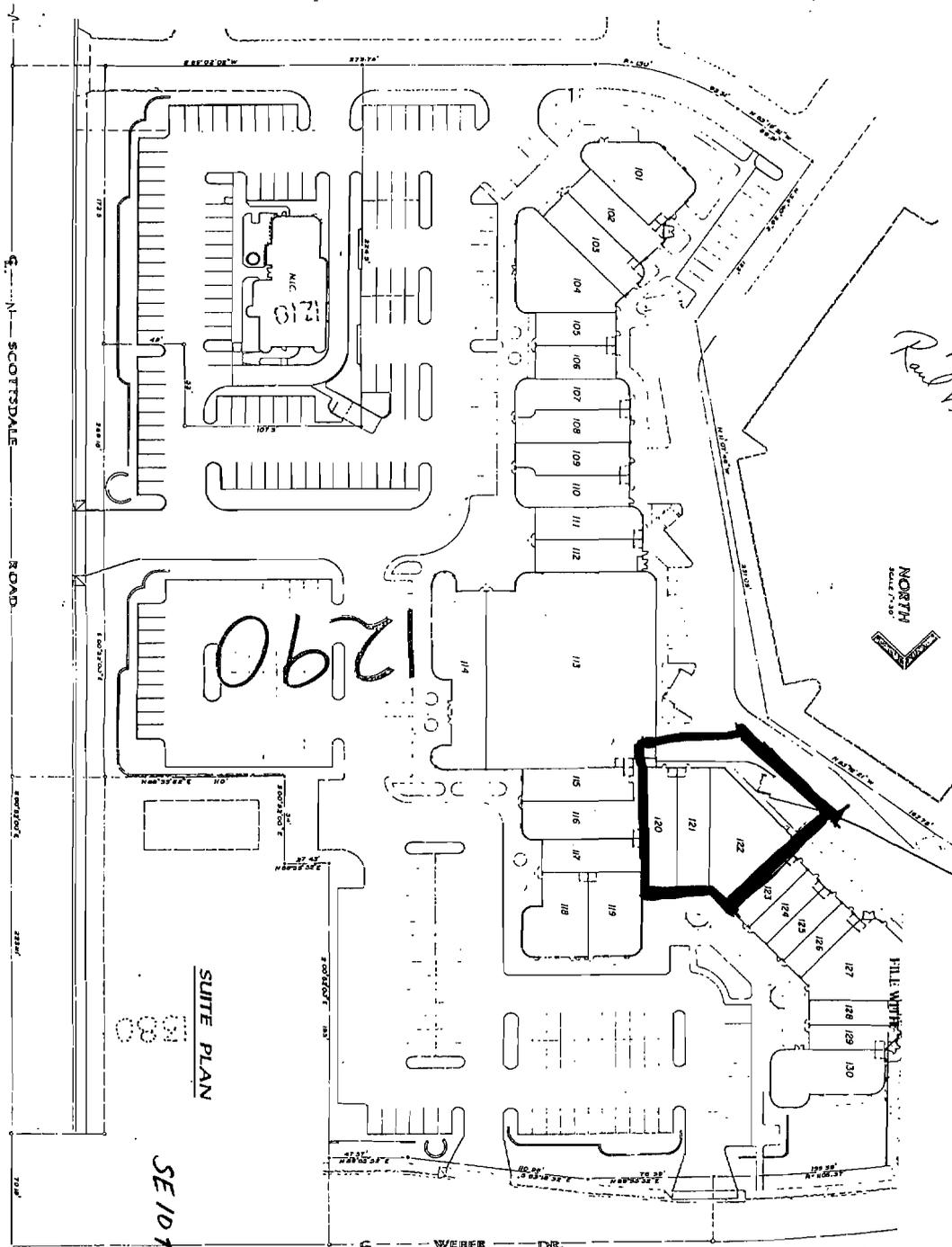
I am presently a restaurant owner (Mijana) in this particular center located at 1290 N. Scottsdale Rd., Tempe, AZ 85281. I would like to be approved for a teen only (teens under the age of 21 years old) dance venue in suites 120-122. The venue will serve only water and NON-ALCOHOLIC beverages along with some pre-packaged snacks. The venue will be catering to an all teen environment with various attractions such as live bands, celebrities, djs or social gathering events. The music will vary from light rock, jazz, top 40, house, country, techno and international favorites. I am planning on operating mostly Thursday-Saturday 6pm-2am depending on teen curfews in The City of Tempe. I would like the option of opening other nights because of the student holiday breaks and three day weekends so if possible, I would like my hours of operation to be Monday-Sunday 10am-2am (just to have the option of catering a private birthday, graduation or holiday party), it will be very unlikely I will ever open before 6pm or even on days other than Thursday-Sunday.

I will be contacting The Police Dept. to impliment a security plan such as the one I presently have at my restaurant. If any further information is needed please feel free in contacting me directly at (650)520-8664.

Thank you,


Thomas N. George

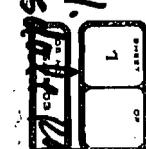
2/28/10



Address:
1290 N. Scottsdale Rd.
Suite 101
Scottsdale, AZ 85251
Rev. 5/1987
Raul Villeda

TEEN VENUE

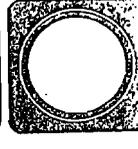
1290 N. Scottsdale
SE 10 TNU



MERCADO DEL RIO SHOPPING CENTER
URBAN DESIGN CONSULTANTS LIMITED
ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS
7077 EAST MAIN, SCOTTSDALE, ARIZONA 85251 802-947-3880

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DATE: _____
BY: _____
FOR: _____



Type III-N M

CUSTOMER COPY
ATTACHMENT FEB 9 2010

Graves, Nick

From: Mary Promisco [promo33@wildblue.net]

Sent: Friday, April 09, 2010 12:58 PM

To: Graves, Nick

Subject: teen dance center

Nick,

I own the Burger King property at 1210 N. Scottsdale Rd. Thank you for our recent phone call. I had spoken to the franchisee and we both have concerns regarding lottering and potential for vandalism in the area. If there are curfews and other reasonable security measures to be implemented as part of the approval process then we would be in favor of the teen dance center.

Mike Promisco
TRIPLE MT, LLC

04/09/2010

ATTACHMENT 6



RIO SALADO CENTER – TEEN DANCE CLUB

**1290 N SCOTTSDALE RD., SUITE NOS.
120-122**

PL100060

FRONT OF BUSINESS

