

# Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a review of compliance with the assigned Conditions of Approval by **TEEN DANCE CLUB** located at 1290 North Scottsdale Road, Suite No. 120, for one (1) live indoor entertainment use permit.

**DOCUMENT NAME:** 20101103dsng01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Review of compliance with Condition of Approval No. 18, assigned by the Hearing Officer at the 5/4/10 HO, which reads ' The applicant is to return to the Hearing Officer on November 3, 2010 for review of compliance with these conditions. ' for the following:

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, Planner (480-350-8690)

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

**LEGAL REVIEW BY:** N/A

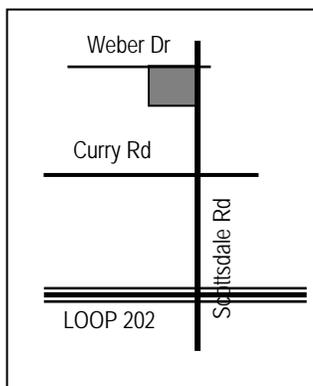
**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

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

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

**ADDITIONAL INFO:**

The applicant was approved for a use permit to allow a teen dance hall with live indoor entertainment located at 1290 North Scottsdale Road, Suite Nos. 120-122 in the PCC-1, Planned Commercial Center Neighborhood District. The live entertainment approved is in the form of live bands, DJ's, and dancing. At the May 4, 2010 meeting, the Hearing Officer imposed a condition of approval requiring the use permit to be reviewed after six months for compliance with all conditions of approval. To date, staff has received two (2) phone calls of inquiry and one (1) phone call of concern regarding this request. All three individuals however, expressed support for the use as long as the business is managed properly.



**PAGES:**

1. List of Attachments
2. Comments
3. Reasons for Approval; Conditions of Approval
4. History & Facts/Description
5. Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
- 6-7. HO Letter, dated 5/04/10
8. Staff Photograph

## COMMENTS:

The applicant was approved for a use permit to allow a teen dance hall with live indoor entertainment located at 1290 North Scottsdale Road, Suite Nos. 120-122 in the PCC-1, Planned Commercial Center Neighborhood District. The live entertainment approved is in the form of live bands, DJ's, and dancing. 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.

## Public Input

Staff posted the property and notified the public by mail of the scheduled review of conditions of approval. Staff received responses from three (3) individuals including two (2) phone calls of inquiry and one (1) phone call of concern regarding this request. The concerns expressed by the one respondent included loud music outdoors, drug use on the property, and reckless driving through the nearby neighborhoods. All three individuals however, expressed support for the use as long as the business is managed properly.

## 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, with updated 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 MODIFIED PER THIS REVIEW:**

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. Applicant must obtain a Teen Dance Hall license per City Code, Chapter 16A-140, prior to this 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~~. William Gallauer at 480-350-8749. This security plan shall specifically address issues of parking lot monitoring and staffing, lighting improvements that might be necessary, identification training for employees, review of the parking lot escort plan and screening control at the door of the participants. **MODIFIED BY STAFF**
11. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-~~8331~~- 8372 **MODIFIED BY STAFF**

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.
16. Hours of operation to end no later than 11:30 p.m. on a daily basis.
17. Applicant is responsible for trash pickup in the parking lot adjacent to the club.
18. The applicant is to return to the Hearing Officer on ~~November 3, 2010~~ May 3, 2011 for review of compliance with these conditions. **MODIFIED BY STAFF**

#### 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.
- April 20, 2010      PL100060 – The Hearing Officer continued the request by Rio Salado Center – Teen Dance Club to the May 4, 2010 Hearing Officer Hearing to allow for more input to be provided by the Tempe Police Department concerning safety issues.

May 4, 2010

PL100060 – The Hearing Officer approved the request by Rio Salado Center – Teen Dance Club for a use permit to allow a teen dance hall with live indoor entertainment (live bands, DJ). The applicant is to return to the Hearing Officer on November 3, 2010 for review of compliance with these conditions.  
ADDED BY HEARING OFFICER

**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

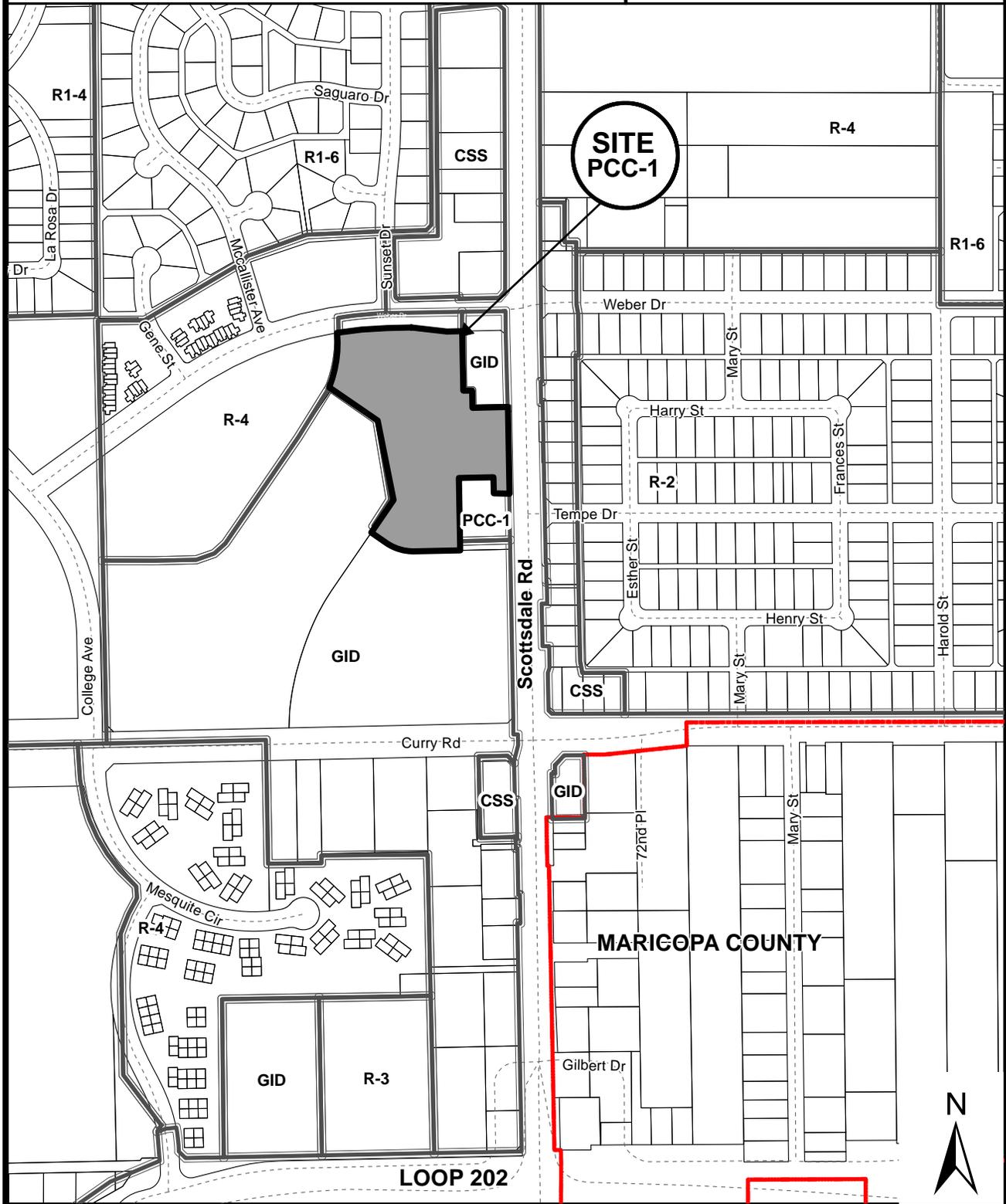
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

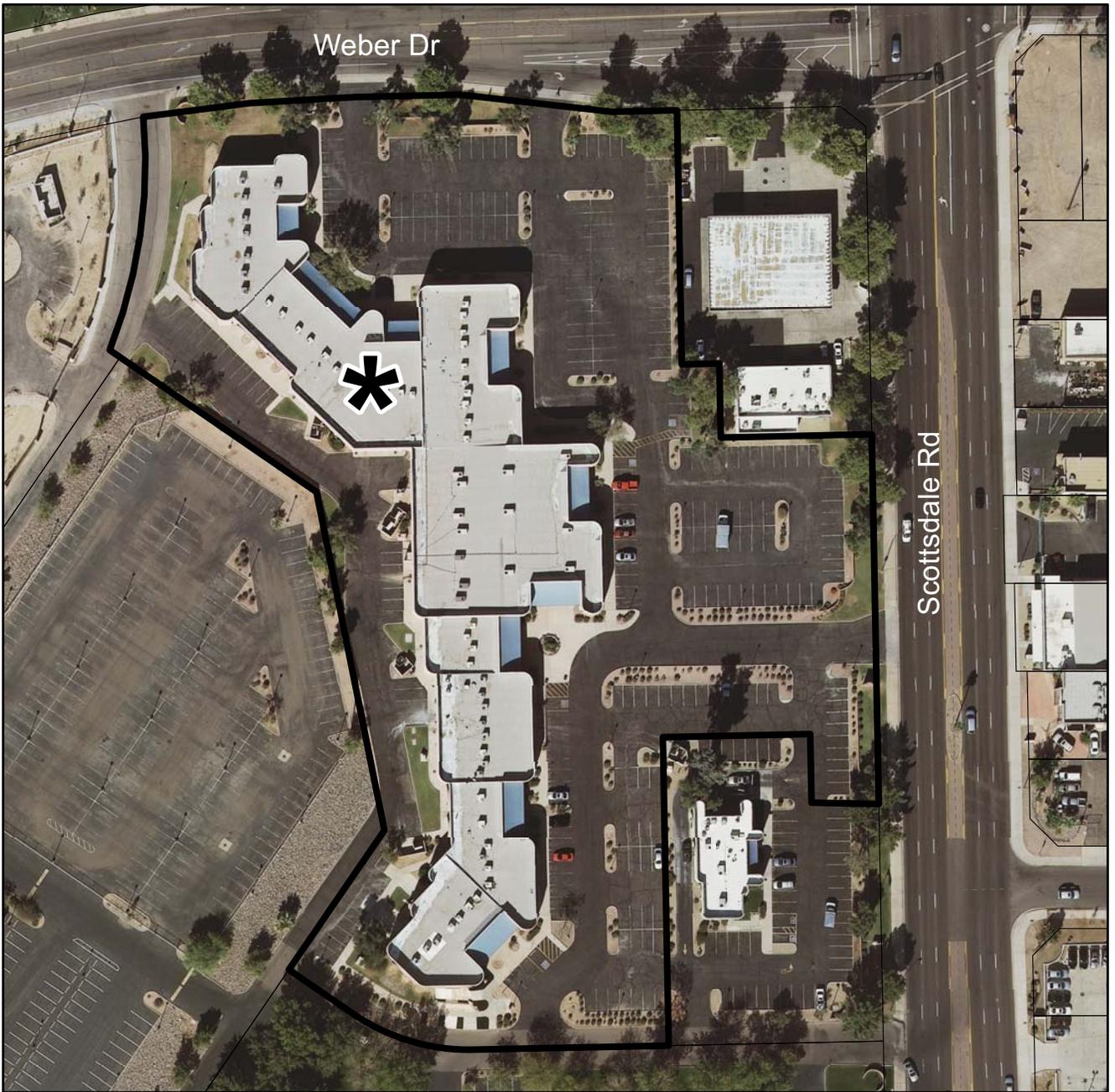
Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts  
Part 4, Chapter 6, Section 4-604 – Shared Parking  
Part 6, Chapter 3, Section 6-308 – Use Permit  
Part 6, Chapter 3, Section 6-311 – Shared Parking  
Part 6, Chapter 3, Section 6-313 – Security Plan

# RIO SALADO CENTER - TEEN DANCE CLUB

PL100060



Location Map



**RIO SALADO CENTER - TEEN DANCE CLUB (PL100060)**

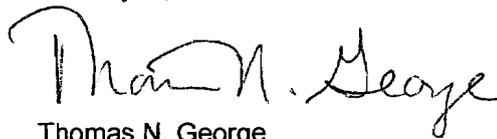
Thomas N. George  
1290 N. Scottsdale Rd. #108  
Tempe, AZ 85281  
emailtommyg@aol.com  
(650)520-8664

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

Type III-N M

URBAN DESIGN CONSULTANTS LIMITED  
 ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS  
 2077 EAST MAIN, SCOTTSDALE, ARIZONA 85261  
 802-841-3880

MERCADO DEL RIO  
 SHOPPING CENTER

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REVISIONS

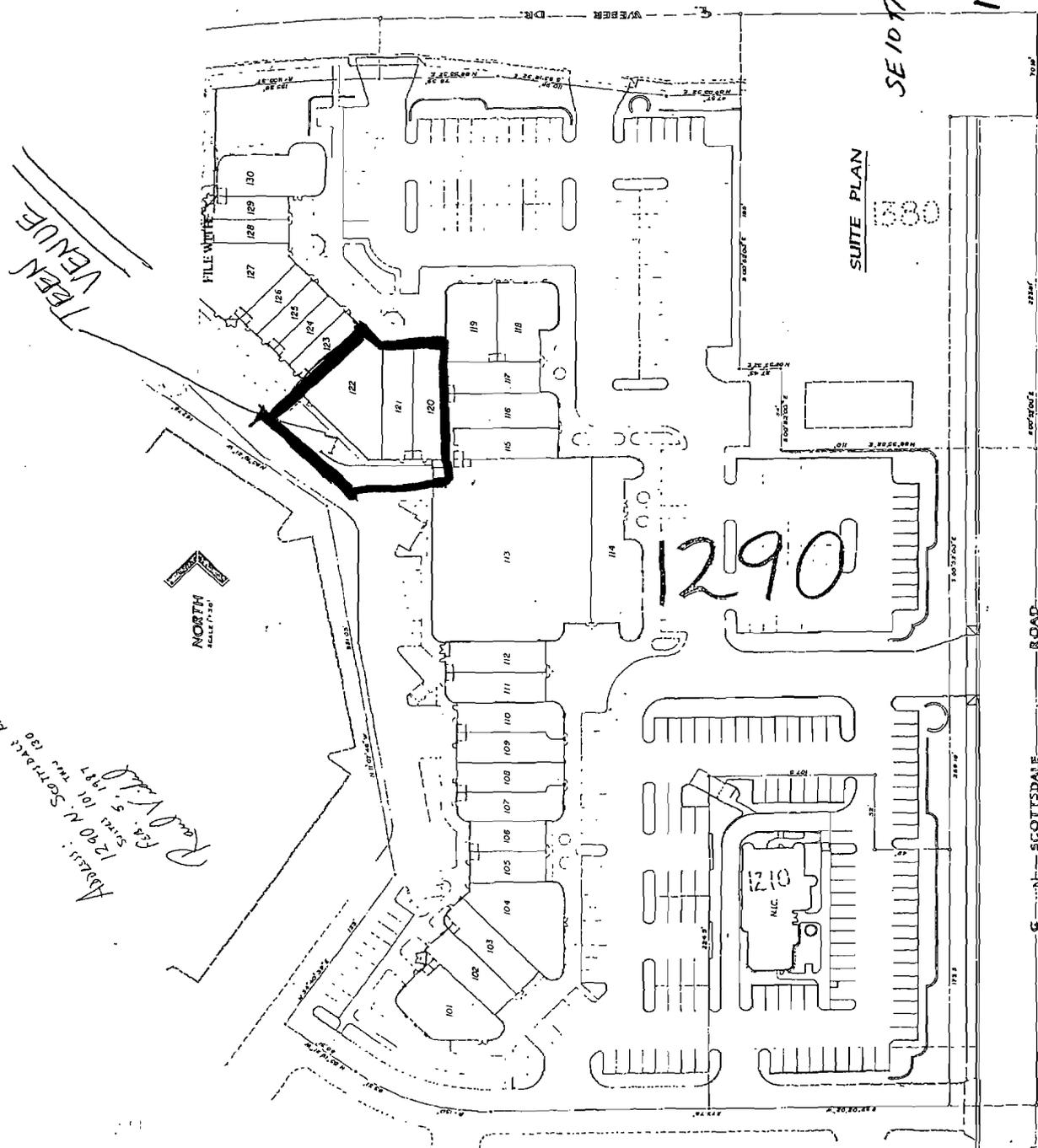
CHECKED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_

SCALE: \_\_\_\_\_

1290 N. Scottsdale Rd

SE 10' x 10'



Address: 1290 N. Scottsdale Rd.  
 P.O. Box 101, Scottsdale, AZ  
 85261  
 5/1/87



City of Tempe  
P. O. Box 5002  
31 East Fifth Street  
Tempe, AZ 85280  
[www.tempe.gov](http://www.tempe.gov)



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Development Services  
Planning

(480) 350-8331

May 7, 2010

Mr. Thomas George  
1290 North Scottsdale Road, Suite No. 108  
Tempe, Arizona 85281  
[emailtommyg@aol.com](mailto:emailtommyg@aol.com)

**RE: TEEN DANCE CLUB  
PL100060 / ZUP10020**

Dear Mr. George:

You are hereby advised that at the hearing held May 4, 2010, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Approved the request by the **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).

Approved subject to the following conditions:

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18. **The applicant is to return to the Hearing Officer on November 3, 2010 for review of compliance with these conditions. ADDED BY HEARING OFFICER**

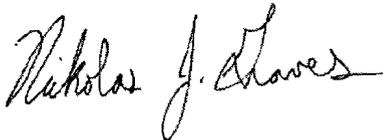
Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

In addition to proceeding with the approvals granted, it is understood that any and all conditions as stipulated by the Hearing Officer as indicated above, shall be fully complied with. If the action of the Hearing Officer was required for the purposes of rectifying any violations of the Zoning and Development Code, the violations shall be the responsibility of the applicant/owner to fully correct and achieve conformance.

In sign-related violations, corrections shall be made within five (5) days of Hearing Officer action; in all other matters, corrections shall be made within fifteen (15) days of Hearing Officer action, unless specifically conditioned otherwise by the Hearing Officer. You are further advised that the above does not waive the requirements for obtaining building permits and other clearances as may be necessary.

If you have any questions please contact me at (480) 350-8690.

Sincerely,



Nick Graves  
Planning Intern

NG:dm

cc: Mr. Arnold Matos/Rio Salado Center LLC (a1matos@yahoo.com)  
File



**RIO SALADO CENTER – TEEN DANCE CLUB**

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

**PL100060**

**FRONT OF BUSINESS**

