

Staff Summary Report



Hearing Officer Hearing Date: June 7, 2010

Agenda Item Number: 6

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: 20110607cdng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Review of compliance with Condition of Approval No. 18, assigned by the Hearing Officer at the 11/3/10 HO, which reads ' The applicant is to return to the Hearing Officer on May 3, 2011 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)

LEGAL REVIEW BY: N/A

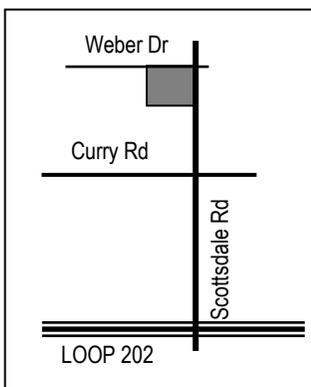
DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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

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

ADDITIONAL INFO:

The 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. Then at the November 3, 2010 meeting, the Hearing Officer imposed another condition of approval requiring the use permit to be reviewed after another six months for compliance with all conditions of approval. Since the last review of this project, staff has had no further public input.



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
- 6-8. 5/4/10 Hearing Officer Minutes
- 9-10. 5/4/10 Hearing Officer letter of resolution
- 11-12. 11/03/10 Hearing Officer Minutes
- 13-14. 11/03/10 Hearing Officer letter of resolution
15. 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.

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 Community Development 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.~~ **ACTIVITY COMPLETE**
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 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.
11. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8372.
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. **ACTIVITY COMPLETE**~~
- ~~14. Provide ten inch (10") vinyl suite/address numbers on proper suites. **ACTIVITY COMPLETE**~~
- ~~15. Replace bicycle parking racks per City of Tempe Public Works Department bicycle rack detail T-578 standard. **ACTIVITY COMPLETE**~~
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 May 3, 2011 for review of compliance with these conditions. **ACTIVITY COMPLETE**~~
19. All conditions shall be completed prior to the use permit becoming effective.

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.

November 3, 2010 PL100060 – The Hearing Officer re-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 May 3, 2011 for review of compliance with these conditions.

January 13, 2011 A Teen Dance Hall application was approved by City Council.

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

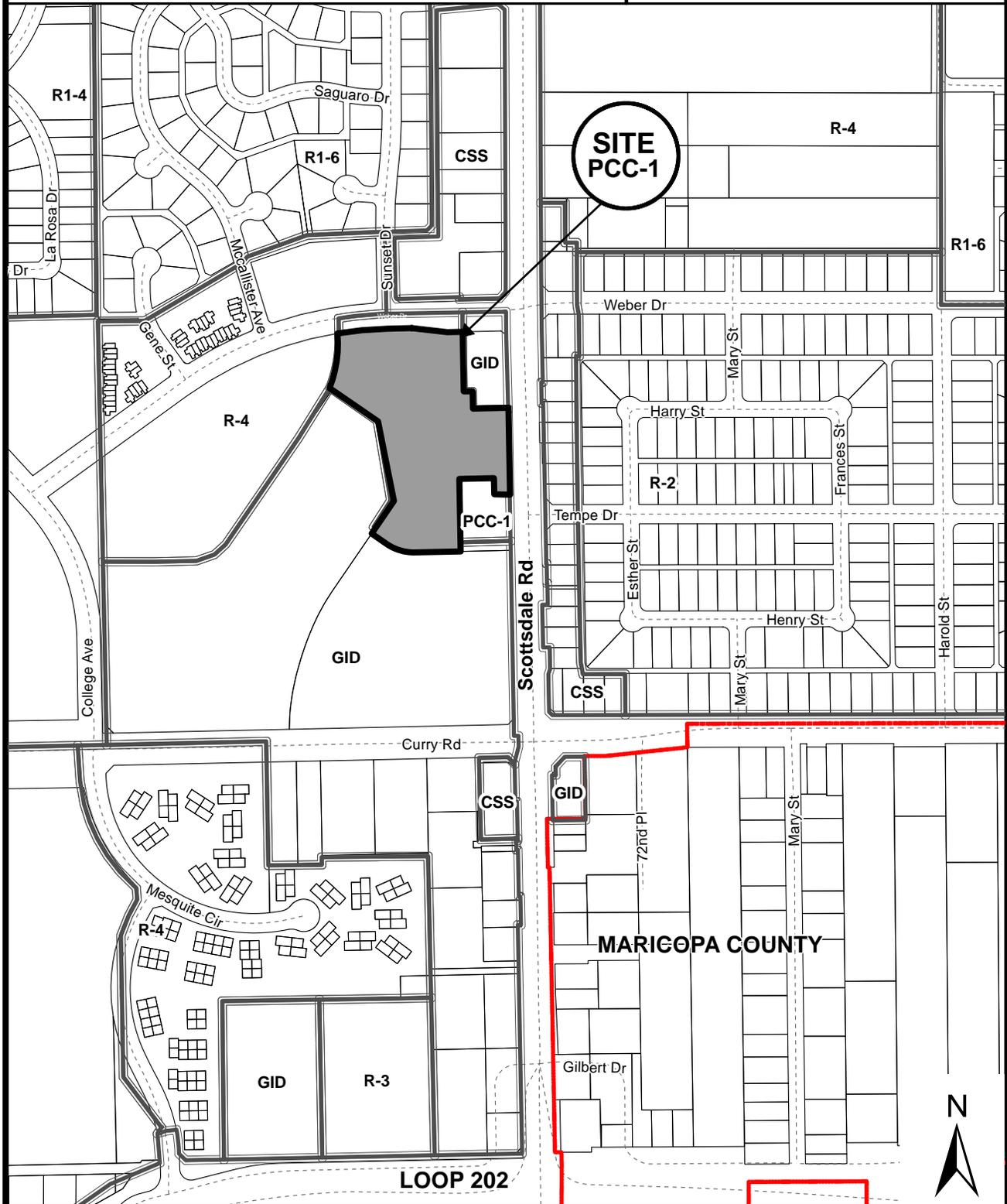
**ZONING AND
DEVELOPMENT**

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,

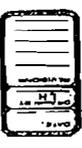
I am presently a restaurant owner (Mijana) in this particular center located at 1290 N. Scottsdale Rd., Tempe, AZ 85281. I would like to be approved for a teen only (teens under the age of 21 years old) dance venue in suites 120-122. The venue will serve only water and NON-ALCOHOLIC beverages along with 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

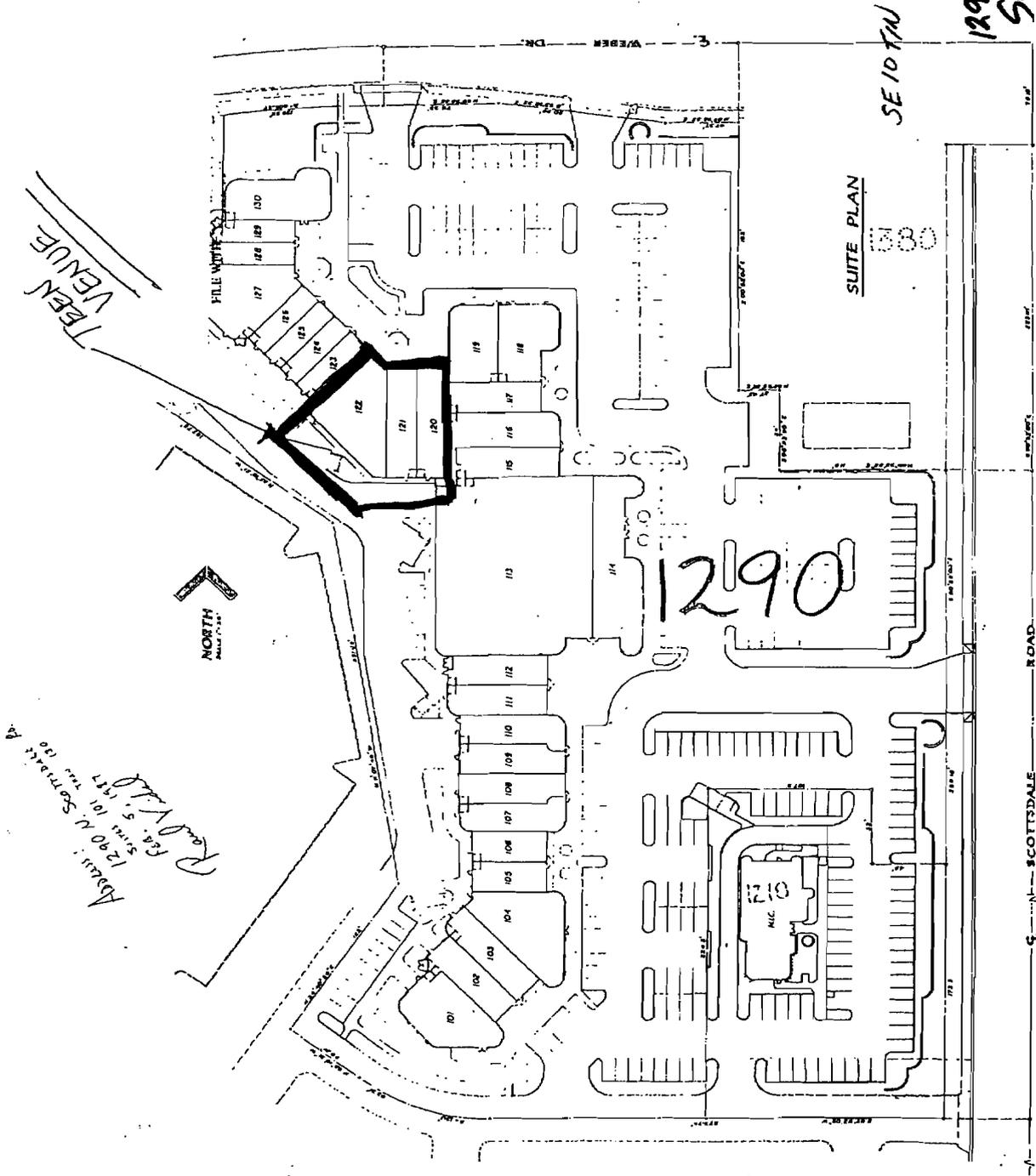

URBAN DESIGN CONSULTANTS LIMITED
 ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS
 7077 EAST MAIN, SCOTTSDALE, ARIZONA 85261 802-941-3880



SHEET NO. 1
 OF 12

MERCADO DEL RIO SHOPPING CENTER

1290 N. Scottsdale
 Suite 101



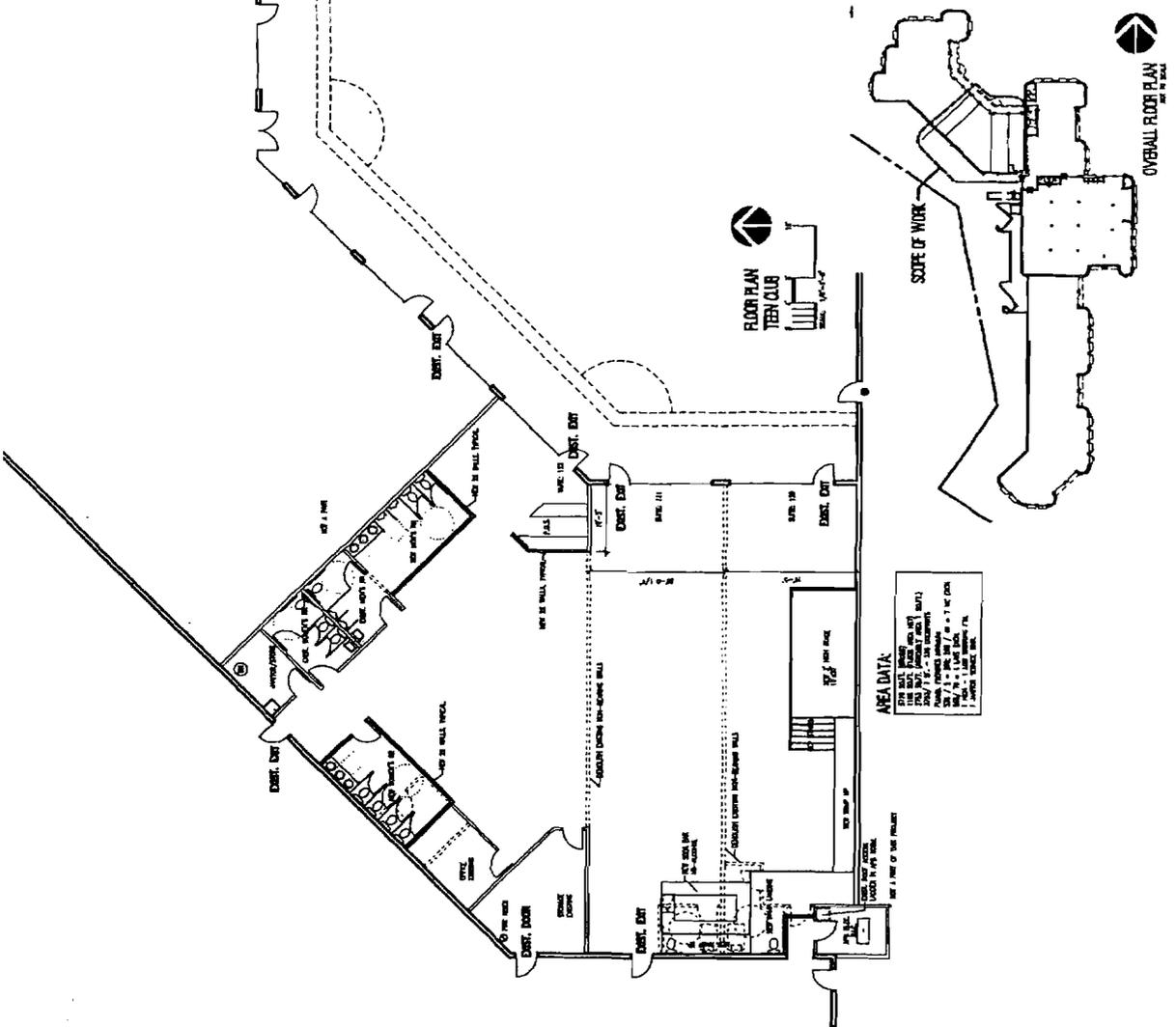
Address: 1290 N. Scottsdale, AZ
 Suite 101
 Tel: 480-941-1177
 Fax: 480-941-1177

DATE: 11-11-10
 BY: J. J. JOHNSON

TEEN NIGHT CLUB
 Rio Salado Center

IBAC ARCHITECTS
 1100 N. GARDEN AVENUE
 SUITE 100, GARDEN CITY, AZ 85032
 PHONE: 480-520-1100
 FAX: 480-520-1101
 WWW: WWW.IBACARCHITECTS.COM

DATE: 11-11-10
 BY: J. J. JOHNSON



3. Request by **TEMPE CORPORATE CENTER - CLEARWIRE – AZ-PHX0725E (PL090492)** (Rulon Anderson/Realand Consulting; Wilshire Enterprises Inc., property owner) located at 4515 South McClintock Drive in the CSS, Commercial Shopping and Services District for:

ZUP10024 Use permit to allow a sixty foot (60 ft) monopole (monopine).

Mr. Rulon Anderson of Realand Consulting was present to represent this case.

Shawn Daffara, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. Mr. Daffara presented the site plan and related photo simulations to those present.

Mr. Anderson explained that the intent was to have this structure as a co-locatable pine tree with space available for a second carrier. This was the reason for the height request, he stated.

DECISION:

Mr. Williams approved PL090492/ZUP10024 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. The monopine shall be no greater than 72' – 0" (seventy-two feet) in height (to the top of the tree).
3. Any intensification or expansion of use will require a new use permit.
4. The proposed enclosure shall be constructed of similar material and color to match the existing refuse enclosure for the property.
5. The monopine shall be designed to blend in with the "Aleppo Pine" species. Details can be worked out with staff prior to Building Permits being issued.
6. The enclosure gate shall require lighting to meet five (5) foot candles at the gate.
7. Light fixture to be full cut off design and match the existing light fixtures on site.
8. The wireless device shall be removed within thirty (30) days of discontinuance of use.

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4. 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).

Mr. Thomas George was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. A shared parking analysis was submitted by the applicant and approved by staff. Mr. Graves referred to security concerns expressed by the Police Department.

Mr. Williams noted to those present that the Tempe Police Department had been requested to attend today's hearing, however were unable to do so.

Mr. George stated that he recognized the assigned conditions of approval, and that the security team would be walking patrons to the cars. There would be assigned security personnel to the parking area and a no loitering policy. Only sodas, water and snacks would be available inside and there would be a no tolerance of drugs or alcohol. Acceptable ID would be required of patrons. Mr. George stated that he would be responsible for all security which he would provide. He has been in contact with the Tempe Police Department regarding an acceptable security plan. New lighting has just been installed in the parking lot. Most of the opposition is based on problems in the neighborhood or police issues, Mr. George explained.

Mr. George stated that it was anticipated that there would be from 400 to 500 with the target audience from the ages of 16 to 21 so everyone would be subject to the same curfew. Legal ID accepted by the State of Arizona would be adequate to confirm the age of attendees. He stated the hours of operation would be from 6 PM to 11:30 PM.

Lane Carraway, Tempe resident, stated that he did not feel this location was adequate to support this venue if 400 to 500 kids were expected. That area is well know for drugs, alcohol, homeless and transient population. Efforts are being made to clean up the neighborhood and Mr. Carraway feels that this venue would only escalate the problems. The statement made by Mr. George regarding that security would be walking out every patron is ludicrous, he stated. He does not feel that the parking situation is adequate to support this type of activity. This is going to increase the need for the Tempe Police Department and increase their workload. Previous clubs in this location have had to shut down due to drinking, drug and prostitution problems. Mr. Carraway presented additional signatures in opposition to this request. Even granting a temporary use permit for a period of 90 days would not be fair to the neighborhood in this area. The neighbors should not have to be subjected to increased traffic and noise generated by this venue, Mr. Carraway stated. Sound from the kids, club and patrons coming and going will be a big problem.

In response to a question from Mr. Williams, Mr. Carraway showed on the site plan where his neighborhood is located, which is less than a block to the north of this proposed club.

Darlene Justus, North Tempe Neighborhood Association representative, the proximity to the apartments nearby is an issue. In April 2009, the community began meeting with the police on a regular basis because of issues with the apartment complex (Santa Fe Court). An interdepartmental task force with the City of Tempe was formed at that time. The apartment complex is under criminal abatement, Ms. Justus, explained. Since November 2009 to March 2010 there have been 49 arrests and there are a lot of transients that have been congregating in that area. To have a teen center in close proximity directly across from this apartment complex which is well known for drug problems is not a good location. The area is infested with crime. The neighborhood needs a break. To put up a Teen Dance Club in this location is to aggravate the situation with noise and security issues.

Mr. Williams asked Ms. Justus if there was an area in North Tempe that she felt would be better suited to this type of venue. Ms. Justus responded if the location was changed to possibly the Curry Road area it would then be away from the residential homes and would not escalate the problems of noise, traffic and sound problems.

The available square footage would be subject to Building Code regulations. Mr. George emphasized that drugs and alcohol would not be allowed inside the club, and that is someone appeared to have been drinking they would be denied admittance. Everything that was addressed here by the opposition pertains to the area, Mr. George said, and should not be held against his proposed business. Although the back of his building may be across the street from the Santa Fe Apartments, there is still a sizeable amount of area between the apartments and his club. There are 8 suites between his club and the street. He did not feel that the number of opposition signatures submitted were representative of the large population in that area . . . there should have been at least 100 to 200 signatures if the residents were really in opposition to this request. At the close of the evening, when everyone has exited the building, the security force which will number 15 or 20 individuals .. whatever is recommended by the security plan . . will all go out to the parking lot and make sure that all the patrons leave – there will be no loitering in the parking lot allowed.

Mr. George noted that he would like the option to be open 7 days a week in case there is someone who would like to hold a special event such as a birthday party at his location. The amount of business will determine how many days he will be open . . 2 days, 3 days, etc. The youth at this age restriction will attract a more mature type of individual, Mr. George stated.

Mr. George noted that this shopping center had been recently renovated and that being there for several evenings a week for his restaurant, he does not see a lot of homeless persons.

Mr. Williams asked what was Mr. George's parking lot monitoring plan. He responded that his security team would be responsive to make sure that no negative behavior such as loitering, drinking, etc. would be present. The shared parking analysis was done by a registered engineer and approved by the City, Mr. George stated.

Mr. Williams noted that the Tempe Police Department did not recommend denial of this use permit request but recommended that strict adherence to security plan stipulations be followed by the applicant. Mr. Williams acknowledged the problems the neighborhood has been experiencing with Santa Fe Court apartments and their particular concern with a teen venue. The intent is not to mix adults with teenagers at this venue. It is not fair to penalize all teenagers for the percentage that causes problems with their behavior. This business deserves a chance stated Mr. Williams.

DECISION:

Mr. Williams approved PL100060/ZUP10020 subject to the following conditions:

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. MODIFIED BY STAFF**
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. **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 HEARING OFFICER**
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.
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. ADDED BY HEARING OFFICER**
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**

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

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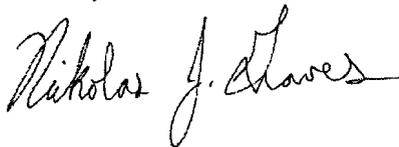
Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

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

copy of the e-mailed to Marlene Justus & Jay Kleisler/TRD

- Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **RANGEL RESIDENCE (PL100316/ABT10030/CE101987)** (Brandy Zedlar, Inspector; Gilbert Rangel, property owner) located at 2612 West Carter Drive in the R1-6, Single Family Residential District.

WITHDRAWN BY CITY OF TEMPE – CODE COMPLIANCE SECTION

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3. 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).

Mr. Thomas George was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. Two (2) phone calls of inquiry and one (1) phone call of concern were received prior to the report, Mr. Graves noted. Mr. Graves stated that staff would like to add one additional Condition of Approval, COA No. 19, to state that all conditions shall be completed prior to the use permit becoming effective.

In response to a question from Ms. MacDonald, Mr. Graves confirmed that this business had not yet opened for business.

Mr. George explained that he would be picking up his building permit today as the red line drawings had been approved. The landlord has begun on the required landscaping improvements. The lighting requirements had been included in the red lined drawings. There will be no exterior sound other than what might occur when the door(s) opens and closes. The security plan will be reviewed on site prior to opening the business. Mr. George noted that the plaza had recently been remodeled and the lighting upgraded. His security personnel will be escorting individuals as they leave and they will be encouraged to exit the premises and not loiter. Clientele would be from the ages of 16 to 20.

Mr. George confirmed that he understood the added Condition of Approval No. 19 and had no problem(s) with any of the assigned Conditions of Approval.

Mr. Lane Caraway, of the North Tempe Neighborhood Association, spoke in opposition stating that they did not want this business. He noted that issues with drugs, alcohol and prostitution were present at the Santa Fe Court Apartments. Ms. MacDonald responded that they were not here to discuss the Santa Fe Apartment Complex which had been addressed in the early hearing for this use permit. Mr. Caraway stated that the Complex was only 100 ft away from this venue's location and that he felt it would be conducive to a younger generation being led astray. Nearby liquor stores added to the location problems. He did not feel that the security personnel employed by Mr. George would be able to accommodate the number of people leaving the Dance Club at one time. NTNA will protest this venue until it closes, Mr. Caraway stated.

Mr. George responded to Mr. Caraway's comments stated that the issues had been addressed previously. His concern is his business and not the apartment complex. There will be no drinking at the teen club. He is not there to monitor someone else's children patronizing liquor stores or participating in activities at the apartment complex. He has done his research and complied with all of the City's stipulations.

Ms. MacDonald stated that although Mr. George does not have a track record as yet on which to base a decision, he has made every effort to comply with the City regulations. Condition of Approval No. 18 has been modified to require Mr. George to return to the Hearing Officer for a review in 6 months (May 3, 2011). There is no reason to believe that Mr. George would not be a good neighbor at this location and she would uphold the previous Hearing Officer's decision based on the modified conditions.

DECISION:

Ms. MacDonald re-approved PL100060 / ZUP10020 subject to the following modified conditions:

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 Community Development 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 **William Gallauer at 480-350-8749**. This security plan shall specifically address issue 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- 8334-**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**
19. **All conditions shall be completed prior to the use permit becoming effective. ADDED BY STAFF**

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4. Request by **CROWN CASTLE PUBLIC STORAGE – A. T & T. WIRELESS W252-BB (PL100195)** (Grettel Keane/Westower Communications, applicant; Lori Kind, Leasing Agent/Crown Castle Public Storage, property owner) located at 1737 East McKellips Road in the GID, General Industrial and RSOD, Rio Salado Overlay Districts for:

ZUP10084 Use permit to increase the height of an existing monopole from 58 ft to 75 ft to allow the co-location of wireless antennae.

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
www.tempe.gov



Community Development
Planning

(480) 350-8331

November 8, 2010

Mr. Thomas George
1290 North Scottsdale Road, Suite No. 108
Tempe, Arizona 85281
emailtommyg@aol.com

RE: TEEN DANCE CLUB
1290 North Scottsdale Road, Suite Nos. 120-122
PL100060 / ZUP10020

Dear Mr. George:

You are hereby advised that at the hearing held November 3, 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:

Reviewed the following request for 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':

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).

The Hearing Officer re-approved subject to the following modified conditions:

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 Community Development 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 **William Gallauer at 480-350-8749**. This security plan shall specifically

addressed issue 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- 8334-**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**
19. **All conditions shall be completed prior to the use permit becoming effective. ADDED BY STAFF**

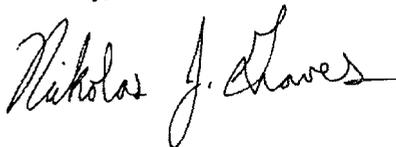
Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

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)
Bill Gallauer/Tempe Police Department
Ms. Darlene Justus/NTNA (d_justus@cox.net)
Ms. Darlene Tussing/East Rio NA (spec12me@q.com)
File



RIO SALADO CENTER – TEEN DANCE CLUB

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

PL100060

FRONT OF BUSINESS

