

Staff Summary Report



Hearing Officer Hearing Date: 04/05/11

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by **TEREQ HOOKAH LOUNGE** located at 1835 East University Drive, Suite Nos. 9-10, for one (1) use permit.

DOCUMENT NAME: 20110405cdng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **HAYDEN UNIVERSITY CENTER - TEREQ HOOKAH LOUNGE (PL110107)** (Chris Doran/SDS Consulting Inc., applicant; Jewels of the West Old Town Trading Company, property owner) located at 1835 East University Drive, Suite Nos. 9-10, in the CSS, Commercial Shopping and Services District for:

ZUP11019 Use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment (D.J. music and belly dancing).

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

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

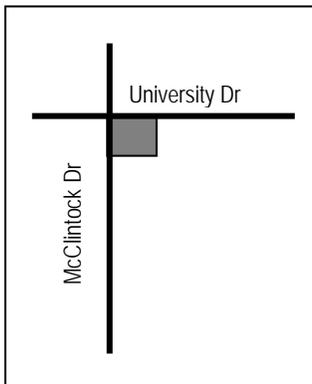
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is before the Hearing Officer to request approval of a use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment in the form of D.J. music and belly dancing. There has been no public input to date regarding this request. Staff recommends approval of the request as submitted with conditions.



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. Staff Photograph

COMMENTS:

Tareq Hookah Lounge is before the Hearing Officer to request approval of a use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment in the form of D.J. music and belly dancing. The proposed store will be located within the Hayden University Center shopping center at 1835 East University Drive, Suite Nos. 9-10, at the southeast corner of University Drive and McClintock Drive.

The business will involve the sale of tobacco, flavored tobacco and similar products. To the north, across University Drive, the center is adjacent to the CSS, Commercial Shopping and Service District; to the east and to the west across McClintock Drive, there is the PCC-1, Planned Commercial Center Neighborhood District. The property is also adjacent to the R-2, Multi-Family Residential District to the south. According to the applicant, the intended hours of operation will be from 5:00 p.m. to 1:00 a.m., Sunday through Thursday and 7:00 p.m. to 3:00 a.m., Friday to Saturday. There will be up to four (4) employees on site during business hours, depending on demand.

The City of Tempe Zoning and Development Code's tobacco retailer separation requirements, which took effect in June of 2007, prohibit a tobacco retailer from locating within 1,320 feet of a school. This proposal is not within 1,320 feet of a school, thus a tobacco retailer can be allowed subject to an approved use permit. The applicant will also be required to meet the City Adopted International Mechanical Code that requires a "smoking lounge" to meet outside air and ventilation requirements.

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

Use Permit

The Zoning and Development Code requires a Tobacco Retailer to obtain a use permit in the CSS, Commercial Shopping and Services District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There should be no significant increase in vehicular or pedestrian traffic in adjacent areas. The applicant has indicated a culture of carpooling for patrons of this use which would reduce the amount of vehicular traffic.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a retail use, similar to others within the shopping center; there should be no nuisances. The applicant is aware of the City Adopted International Mechanical Code that requires a "smoking lounge" to meet outside air and ventilation requirements.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development should not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit should not be detrimental to the surrounding area, but should further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
 - Provisions will be proposed to maintain adequate control of disruptive behavior. The applicant is required to meet with the Crime Prevention Unit of the Police Department to obtain a security plan.

Conclusion

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

REASONS FOR APPROVAL:

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

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

CONDITIONS OF APPROVAL:

1. The use permit is valid for Tereq Hookah Lounge and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
4. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the City Adopted International Mechanical Code.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. All business signs shall receive a separate Sign Permit. Please contact Planning staff at (480) 350-8372.
7. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact William Gallauer at 480-350-8749 before May 5, 2011.
8. No outdoor speakers shall be allowed.
9. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.

10. 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.
11. An occupancy inspection and clearance from the Tempe Fire Department shall be obtained prior to the use permit becoming effective.
12. All nonconforming building lighting along the east elevation shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review. Site lighting must remain on from dusk to dawn.
13. Replace dead and/or missing trees and landscape material in the landscape island in front of the suite and in the three (3) parking islands to the east.
14. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
15. The gross sale of beverage and food items may not exceed that of tobacco and hookah products for the hookah lounge tax license.

HISTORY & FACTS:

February 21, 1984 Final approval for a retail shell building.

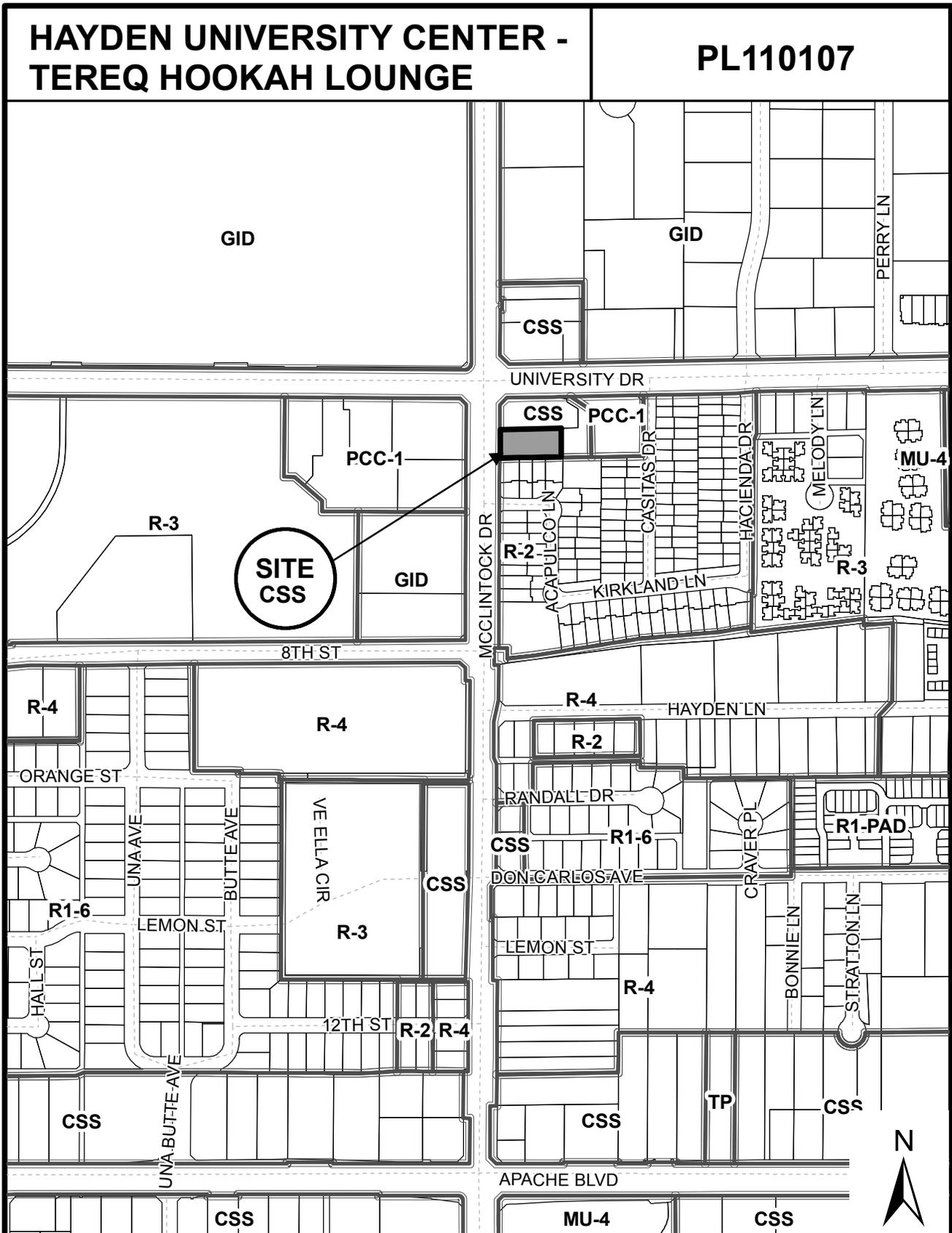
DESCRIPTION:

Owner – Jewels of the West Old Town Trading Company
 Applicant – Chris Doran/SDS Consulting Inc.
 Existing Zoning – CSS, Commercial Shopping & Services District
 Total Site Area – 56,991 s.f. / 1.308 acres
 Total Building Area – 8,224 s.f.
 Proposed Tenant Lease Space – 1,877 s.f.
 Parking Required – 6
 Total Parking Provided – 80

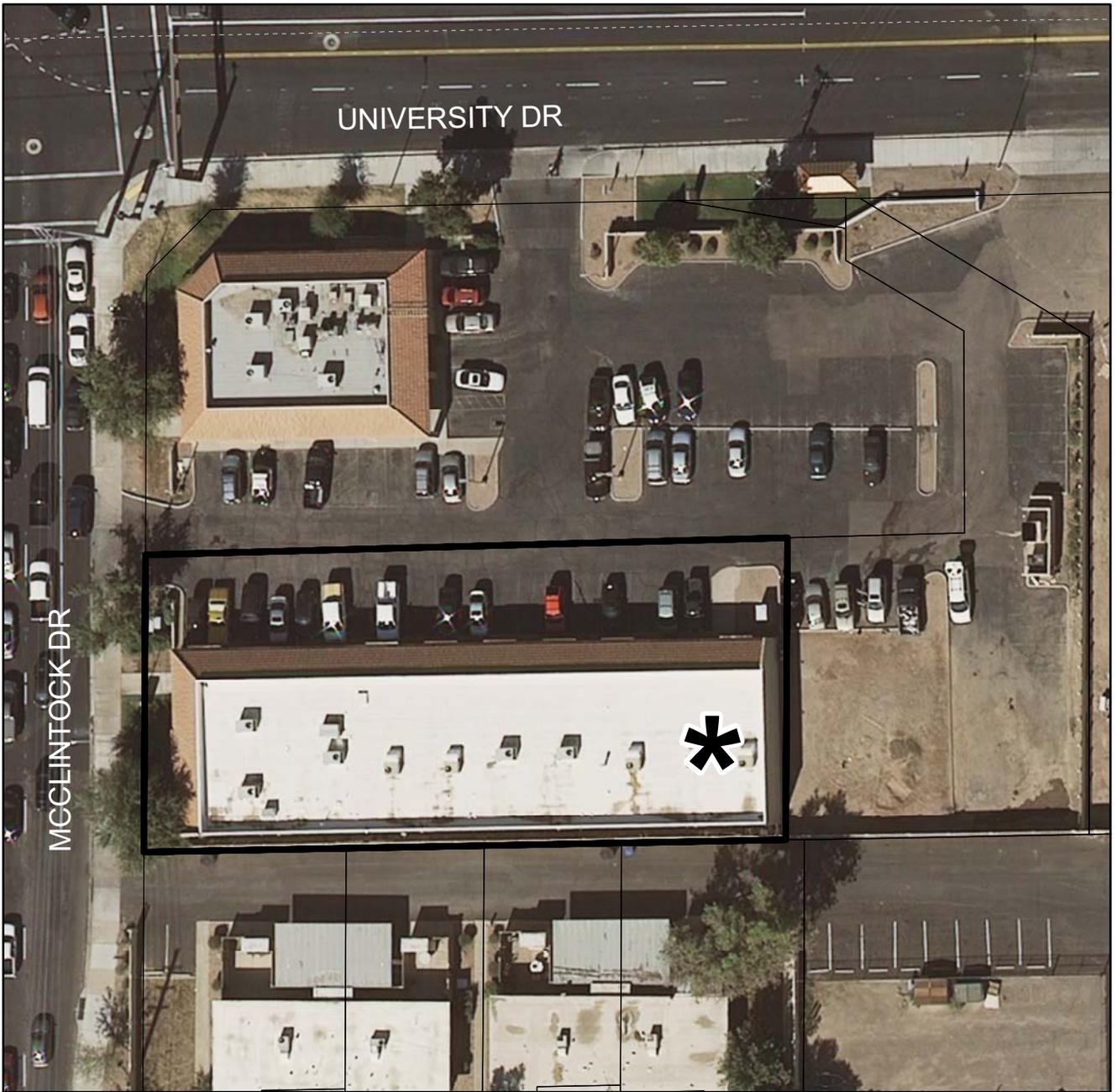
ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
 Part 3, Chapter 4, Section 3-423(C) – Use Separation Requirements (Tobacco Retailer)
 Part 6, Chapter 3, Section 6-308 – Use Permit
 Part 6, Chapter 3, Section 6-313 – Security Plan



Location Map



HAYDEN UNIVERSITY CENTER - TEREQ HOOKAH LOUNGE (PL110107)

1835 East University Blvd.
Suites 9 - 10
Tempe, Arizona 85280
Phone
Fax

March 8, 2011

Dear Development Services,

My name is Terek Haj and I would like to apply for a use permit for my business, Terek Hookah Lounge which will be a smoking lounge offering flavored tobacco products, D.J. music, belly dancing and non-alcoholic beverages. The location will be a 1,877 square-foot suite located at 1835 East University Blvd., Suites 9 - 10. The Lounge will have 1,477 s.f. and the Tobacco Shop will have 293 s.f. The lounge will serve 74 people and the Tobacco Shop will serve 6 people for a total of 80 occupants.

The facility will have up to four (4) employees, given customer demand; our customer base will be any persons between the ages of 18 and 100 years old who would like to experience the hookah in a clean, safe, and comfortable Middle-Eastern type atmosphere. Our hours will be Sunday-Thursday from 5pm to 1am and Friday-Saturday from 7pm to 3am.

This location is close to Arizona State University, in a complex with other retail tenants and a restaurant. The customer base of the hookah lounge will overlap with that of the surrounding businesses in a manner that is mutually beneficial to all. With one parking lot totaling approximately 76 spaces, the complex already provides ample parking to accommodate the addition of this business. The area will not experience any significant change in current traffic patterns. Patrons are expected to walk, take the buses and carpool. They have a culture of carpooling. We plan to provide security in both the lounge and the parking lot during business hours.

Disruptive and/or public behavior will not be an issue. All noise and activity (music, dancing, and smoking) will occur inside the lounge and within the City's legal parameters regarding indoor smoking establishments. Furthermore, as we fully understand the nature of this business, special air handlers, exchanges, and exhausts will be installed to prevent any potential nuisance to the surrounding area. Live entertainment will include: D.J. music, live music, and belly dancers.

Included with this letter please find all other information required for this application. If you have any questions, please contact me. I thank you in advance for your time and attention to this matter.

Thank you for your assistance with this application.

Sincerely,



Terek Haj

CD APPROVED	
CD	
DRAWN BY	
DATE	
JOB NUMBER	
OWNER REV.	

Sonoran Design Service
 2375 East Camelback Road, #5127
 Phoenix, AZ 85017
 Chris Doran, P.E., 602-405-8951

TREQ HOOKAH LOUNGE
 1835 EAST UNIVERSITY DRIVE
 TEMPE, AZ



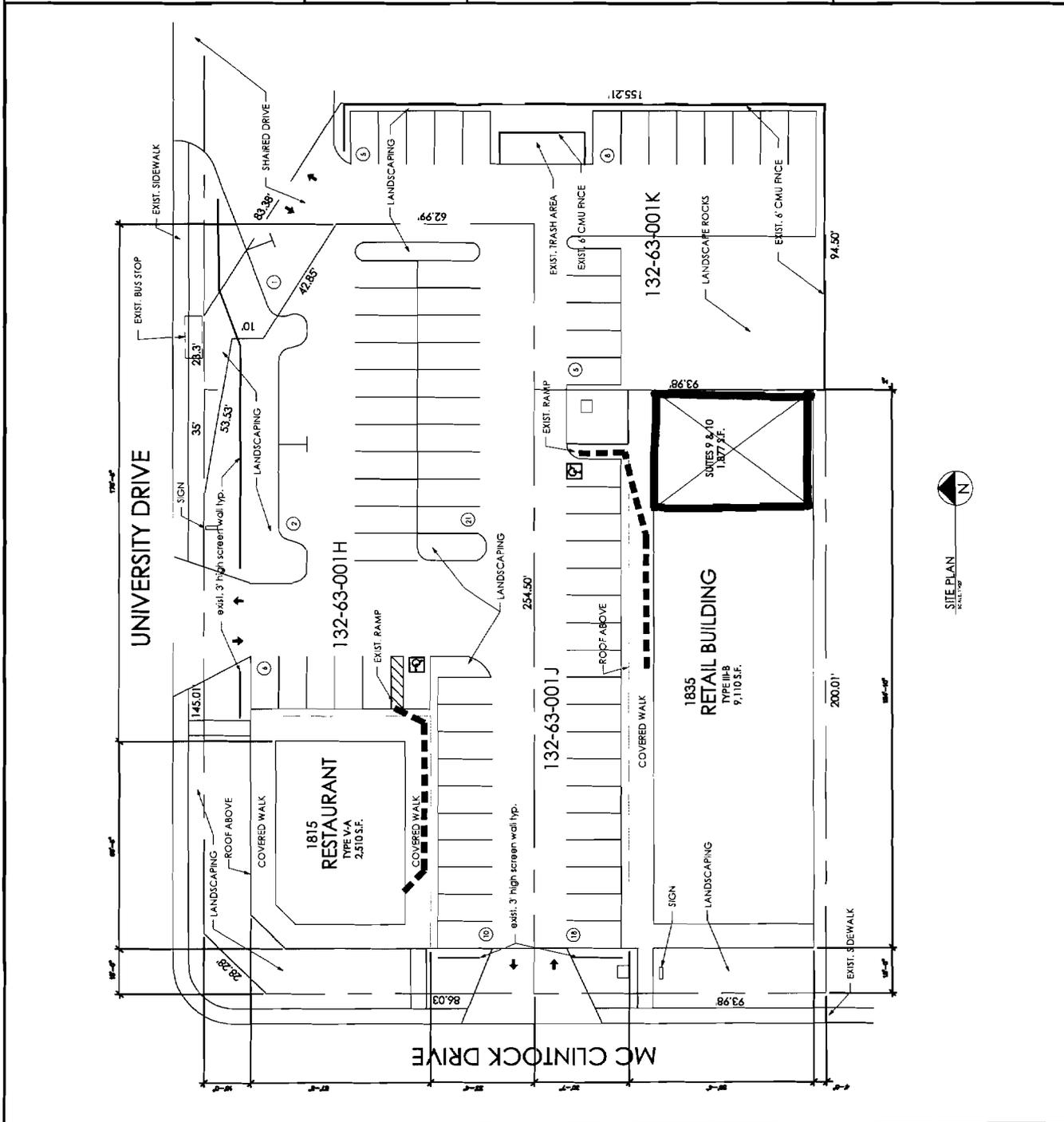
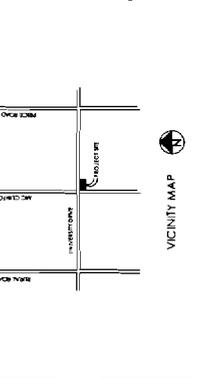
PROJECT: TREQ HOOKAH LOUNGE
 SHEET: PZ 1

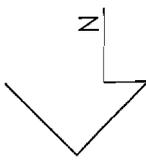
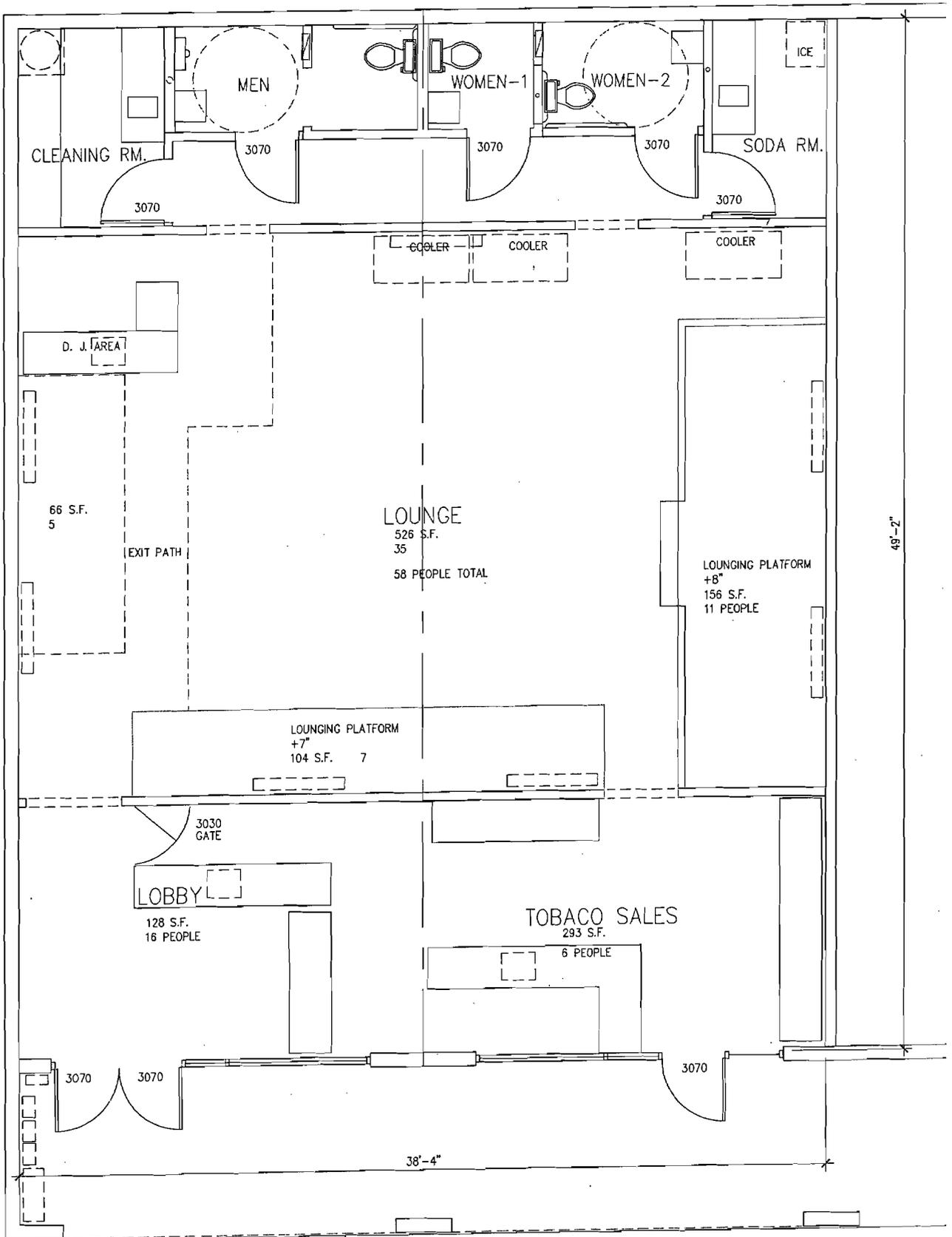
PROJECT DATA
 Project Name: TREQ HOOKAH LOUNGE
 APN: 200-10-10-10-10-10
 LOT AREA: 23,113 SF
 ZONING: M-15
 SPECIAL SOURCE VOUCHER CODE: 200-10-10-10-10-10

PERMITS:
 Building Type: 100-10-10-10-10-10
 Building Area: 1,877 SF
 Occupancy: 100-10-10-10-10-10
 Fire Alarm: 100-10-10-10-10-10
 Fire Sprinkler: 100-10-10-10-10-10
 Sign: 100-10-10-10-10-10
 Street Light: 100-10-10-10-10-10
 Storm Water: 100-10-10-10-10-10
 Other: 100-10-10-10-10-10

PARKING CALCULATIONS:
 SIZE: 100 LOUNGES
 REQUIREMENT: 2,310 SF x 1.75 = 4042.5 SF
 AVAILABLE: 2,310 SF x 1.75 = 4042.5 SF
 DEFICIT: 0 SF

SITE PLAN NOTES
 1. NO NEW IMPROVEMENTS OF PARKING AREA.
 2. ALL NEW PARKING SPACES ARE DESIGN.
 3. ACCESSIBLE ROUTES AND RAMP ARE DESIGN.
 4. ALL SIGN ARE DESIGN.







**HAYDEN UNIVERSITY CENTER –
TEREQ HOOKAH LOUNGE**

1835 EAST UNIVERSITY DRIVE, SUITE NOS. 9-10

PL110107

FRONT OF BUSINESS

