

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 2

SUBJECT: This is a public hearing for a request by the **LAYALENA RESTAURANT (PL080100)** located at 1290 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20080617dsac01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **LAYALENA RESTAURANT (PL080100)** (Rawi Issa, applicant; Rio Salado LLC, property owner) located at 1290 North Scottsdale Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP08090 Use permit to allow indoor live entertainment, consisting of belly dancing, live and amplified music.

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

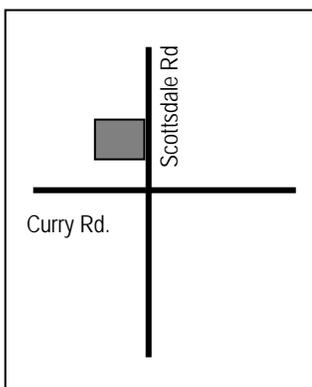
A handwritten signature in black ink, appearing to read 'Sh'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-13

ADDITIONAL INFO: The applicant is requesting a use permit to allow live entertainment in the form of a small band and live belly dancing, located at 1290 North Scottsdale Road in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports this request. To date no public input has been received



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor Plan
6. Staff Photograph(s)

COMMENTS:

The applicant is requesting a use permit to allow live entertainment in the form of a small band and live belly dancing, located at 1290 North Scottsdale Road in the PCC-1, Planned Commercial Center Neighborhood District. The entertainment will consist of a live band and a belly dancer. There will be no speakers allowed outside of the restaurant on the patio. The dancing and music will take place on Friday and Saturday nights from 11:00pm to approximately 11:30pm. The restaurant is open from 5:00pm to 12:00am on Tuesday, Wednesday, and Thursday; and until 2:00am on Friday and Saturday. Dancing and music will take place on a stage located in the back left of the restaurant.

The applicant intends to permit hookah smoking on the patio only, and will not allow hookah to be smoked indoors. As the gross sale of tobacco and tobacco related products does not exceed fifty percent (50%) of the restaurant's revenue, and as all hookah smoking will take place outdoors, Layalena Restaurant is not required to obtain a use permit for a tobacco retailer/hookah lounge. This existing use is not out of character with the area's existing retail and commercial businesses.

Staff supports the requested use permit. To date no public input has been received.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment in the PCC-1, Planned Commercial Center Neighborhood District.

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 will 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 restaurant use is compatible with other uses in the area; sound from music will have to conform to the noise ordinance. There will be no belly dancing performances outdoors.
- 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 would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.

Conclusion

Staff recommends approval subject to conditions.

REASON(S) FOR APPROVAL:

1. The business is a general commercial use (restaurant/bar), 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.

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 for "Layalena Restaurant" and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only. Outdoor speakers are not permitted.
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. Any expansion or intensification of the use will require review of the use permit.
7. The use permit is valid for the plans as submitted within this application.
8. The restaurant Layalena will adhere to the City of Tempe Noise Ordinance.
9. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business.
10. Hookah smoking is permitted on the patio only.
11. Gross sale of tobacco and tobacco related products shall not exceed fifty percent (50%) of total revenue.
12. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
13. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
14. Applicant shall submit for Development Plan Review for outdoor patio by July 17, 2008.

HISTORY & FACTS:

March 11, 2008

CM080346 – Live entertainment without a use permit

April 3, 2008

DSM08013 – Applicant applied for a Zoning Administrator's Opinion regarding separation requirements for a tobacco retailer. Applicant received notification that their hookah use existed prior to the separation requirements becoming effective.

DESCRIPTION:

Owner – Rio Salado LLC
Applicant – Rawi Issa
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Area – 237,054 s.f.
Restaurant Area – 5,300 s.f.
Patio area – approx 517 s.f.
Parking required – 75 spaces
Parking provided on site – 267 spaces (shared parking)

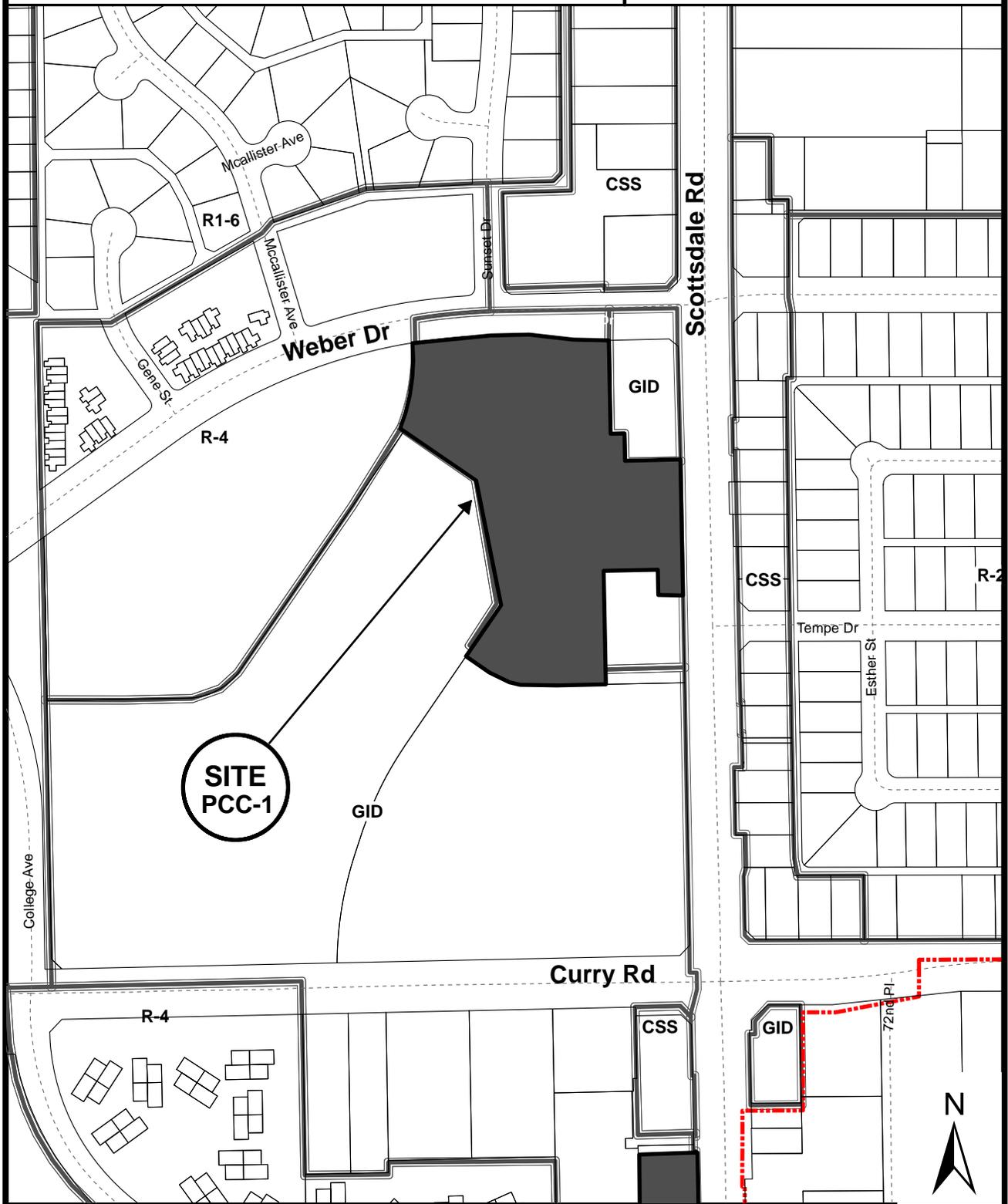
**ZONING AND
DEVELOPMENT**

CODE REFERENCE: Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in PCC-1, Planned Commercial Center District.

Part 6, Chapter 3, Section 6-308 – Use Permit

LAYALENA RESTAURANT

PL080100



Location Map



LAYALENA RESTAURANT (PL080100)

Layalena Restaurant
1290 N Scottsdale Rd
Tempe AZ 85281
480-966-9116

To Whom It May Concern:

6/2/2008

Thank you for giving us a chance to tell you little about our Entertainment program at LAYALENA Restaurant in Tempe AZ.

We are proud to introduce the art of belly dancing and Mediterranean culture to the Valley of the Sun in the Beautiful city of Tempe.

Belly dancing have been an art and folklore in the Mediterranean world for thousands of years, started in Spain in the seven hundreds and spread throughout the Middle East after, to be the most enjoyed Art performance in our modern times.

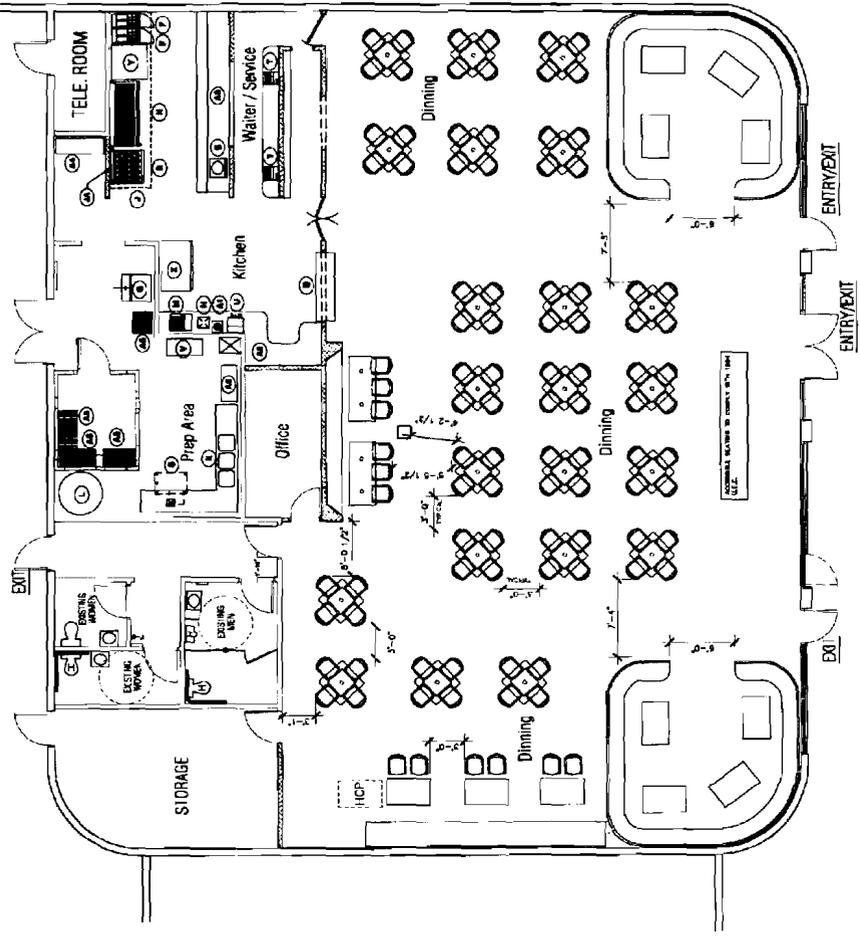
Our performer Myreyka is Extremely talented She is the winner of many competitions throughout the world ,recently she is in Egypt for private lessons with the legend (Najwa Fuad) Egypt most Popular Belly dancer of all time .

Layalena Restaurant is also proud to introduce some of the most talented Mediterranean bands in the nation to perform live in front of a multi cultural crowd .Which such events, where unknown to the Valley.

The Valley wide residents of Mediterranean heritage that relocated from other states such as Michigan, Chicago, California and others which their number know exceeds 70,000 resident in phoenixes alone had no such establishment to express their love and joy of art and music.

Sincerely yours

RAWI ISSA
Manager



EQUIPMENT AND SEATING PLAN
SCALE: 3/16" = 1'-0"

EQUIPMENT SCHEDULE

NO.	DESCRIPTION	QTY	ELECT.	WATER	WASTE	COMMENTS
1	HYDRO-PNEUM. TANK	1	200/20	1/2"	2	1/2" DIA. HYD. TANK
2	SINK	1	1/2"	1/2"	1/2"	
3	NOT USED					
4	NOT USED					
5	NOT USED					
6	NOT USED					
7	1. 100 GPM. 1200 2000	1	200/20	1/2"	1/2"	2000 GPM. 1200 2000
8	1. 100 GPM. 1200 2000	1	200/20	1/2"	1/2"	2000 GPM. 1200 2000
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NOTE:
 ABOVE SCHEDULE IS FOR EQUIPMENT LOCATIONS AND DESCRIPTION ONLY.
 REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR MORE DETAILS ON ALL
 ELECTRICAL AND MECHANICAL REQUIREMENT FOR EACH EQUIPMENT.



Architecture
 Planning

1290 N. SCOTTSDALE ROAD, SUITE 4-10, TEMPE, ARIZONA 85281



REVISIONS

LAYALENA - RESTAURANT AND LOUNGE
 1290 N. SCOTTSDALE ROAD, SUITE 4-10, TEMPE, ARIZONA 85281

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LAYALENA RESTAURANT

1290 NORTH SCOTTSDALE ROAD

PL080100

FRONT OF BUSINESS