

Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **MEMOS CAFE (PL080109)** located at 1845 East Broadway Road, Suite No. 9 for one (1) use permit.

DOCUMENT NAME: 20080415dsac02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **MEMO'S CAFE (PL080109)** (Ramez Rabata/Memos Café LLC, applicant; Red Mountain Retail Group, property owner) located at 1845 East Broadway Road, Suite 9 in the CSS, Commercial Shopping & Services District for:

ZUP08045 Use permit to allow a Hookah Lounge/Tobacco Retailer.

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

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

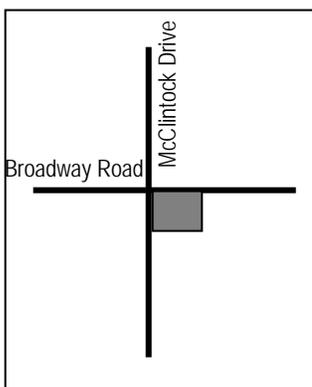
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LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-10

ADDITIONAL INFO: The applicant is requesting a use permit to allow a Hookah lounge/tobacco retailer located at 1845 East Broadway Road, Suite 9 in the CSS, Commercial Shopping & Services District. No public input has been received to date. Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code.



PAGES:

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

ATTACHMENTS:

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

COMMENTS:

The applicant, Memo's Café is requesting a use permit to allow a hookah lounge/tobacco retailer located at 1845 East Broadway Road, Suite 9 in the CSS, Commercial Shopping & Services District. Memo's Café will occupy approximately 1,136 square feet of space and plans to sell snacks and beverages in addition to hookah and related products. The primary use will be as a hookah lounge. Hours of operation will be from 5pm to 2am, seven (7) days a week; they will employ 2-3 full time employees. Peak hours for hookah tend to be after dinner into the late evening. No public input has been received on this request. Staff supports the request for a use permit to allow a hookah lounge.

Use Permit

The Zoning and Development Code requires a use permit for a hookah lounge in the CSS, Commercial Shopping and Services 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;
 - This is a hookah lounge so there will be smoke; however all hookah smoking shall be contained inside the establishment. Therefore this use should not adversely impact neighboring businesses with the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare.
- 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 would 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 will not be detrimental to the surrounding area, but will 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

Conclusion

Staff recommends approval of the use permit subject to conditions.

REASON(S) 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.

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

**CONDITION(S)
OF APPROVAL:**

1. The use permit is valid for Memo's Café and may be transferrable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
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.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review
6. The gross sale of beverages and snack items may not exceed that of tobacco and hookah products.
7. The tables outside of the café may not be used to set up hookah smoking stations. All hookah smoking must be done indoors.
8. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review prior to issuance of building permit.
9. All doors shall have illumination to meet five (5) foot candles at the door and two (2) foot candles within a 15' radius. Details to be approved through Building Safety Plan Review.
10. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.

HISTORY & FACTS:

- April 6, 1994 BA940072: Use Permit approved for TASTE OF INDIA to allow outdoor dining.
- October, 31 2007 DPR07221: Exterior modification of the BROADWAY PLAZA shopping center.
- March 4, 2008 ZUP08025: Use permit approved for MAXIT PAWN to allow a pawn shop.

DESCRIPTION:

Owner – Red Mountain Retail Group
Applicant – Ramez Rabata
Existing Zoning – CSS, Commercial Shopping and Services District
Parcel Size – 150,141 s.f. / 3.44 acres
Total Building Area – 34,614 s.f.
Tenant Area – 1,136 s.f.
Parking Required for Tenant – 4 spaces
Parking Provided – 211 spaces

ZONING AND

DEVELOPMENT

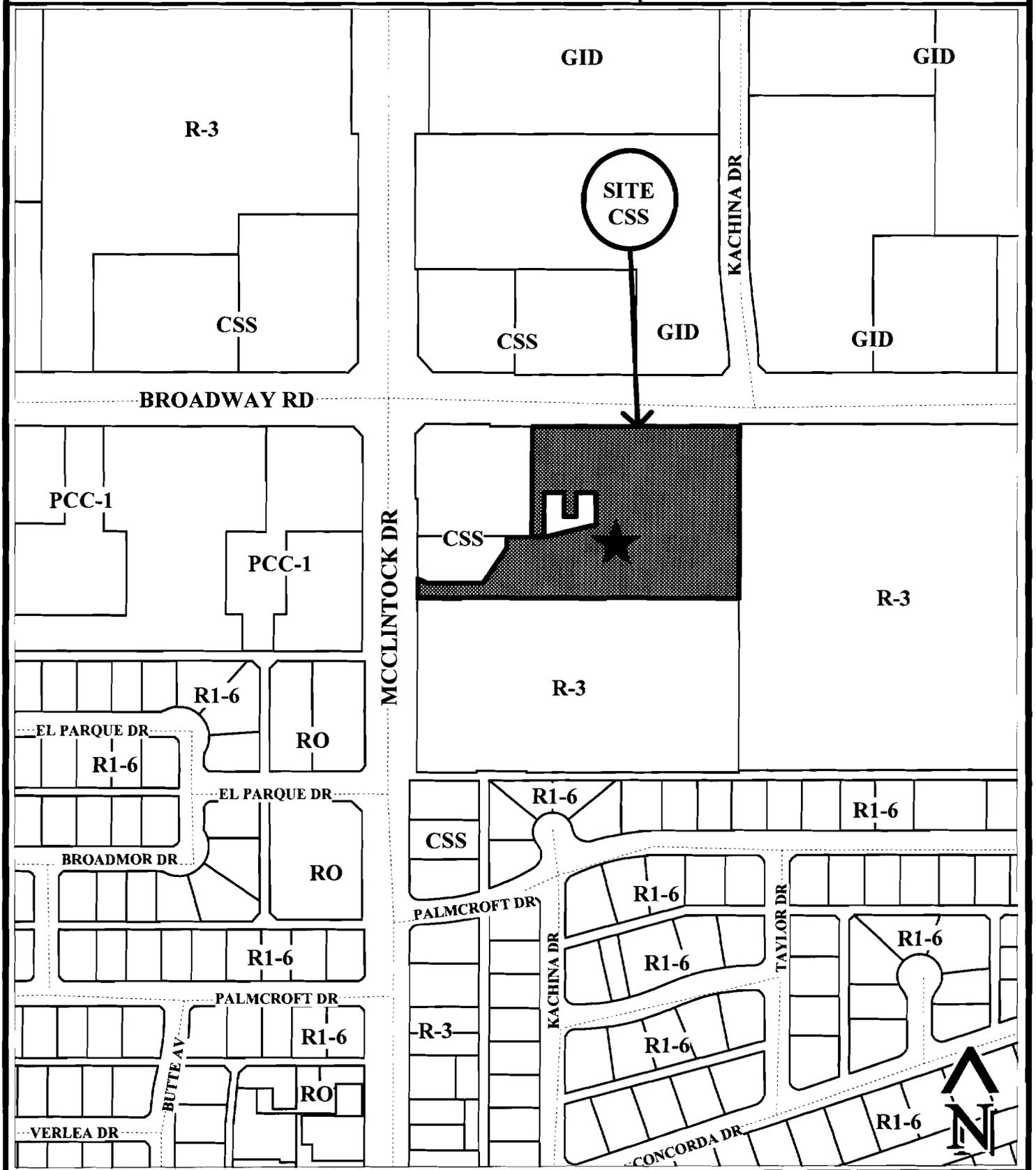
CODE REFERENCE:

Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in CSS, Commercial and Shopping and Services District.

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

MEMO'S CAFE

PL080109



Location Map



MEMO'S CAFE (PL080109)

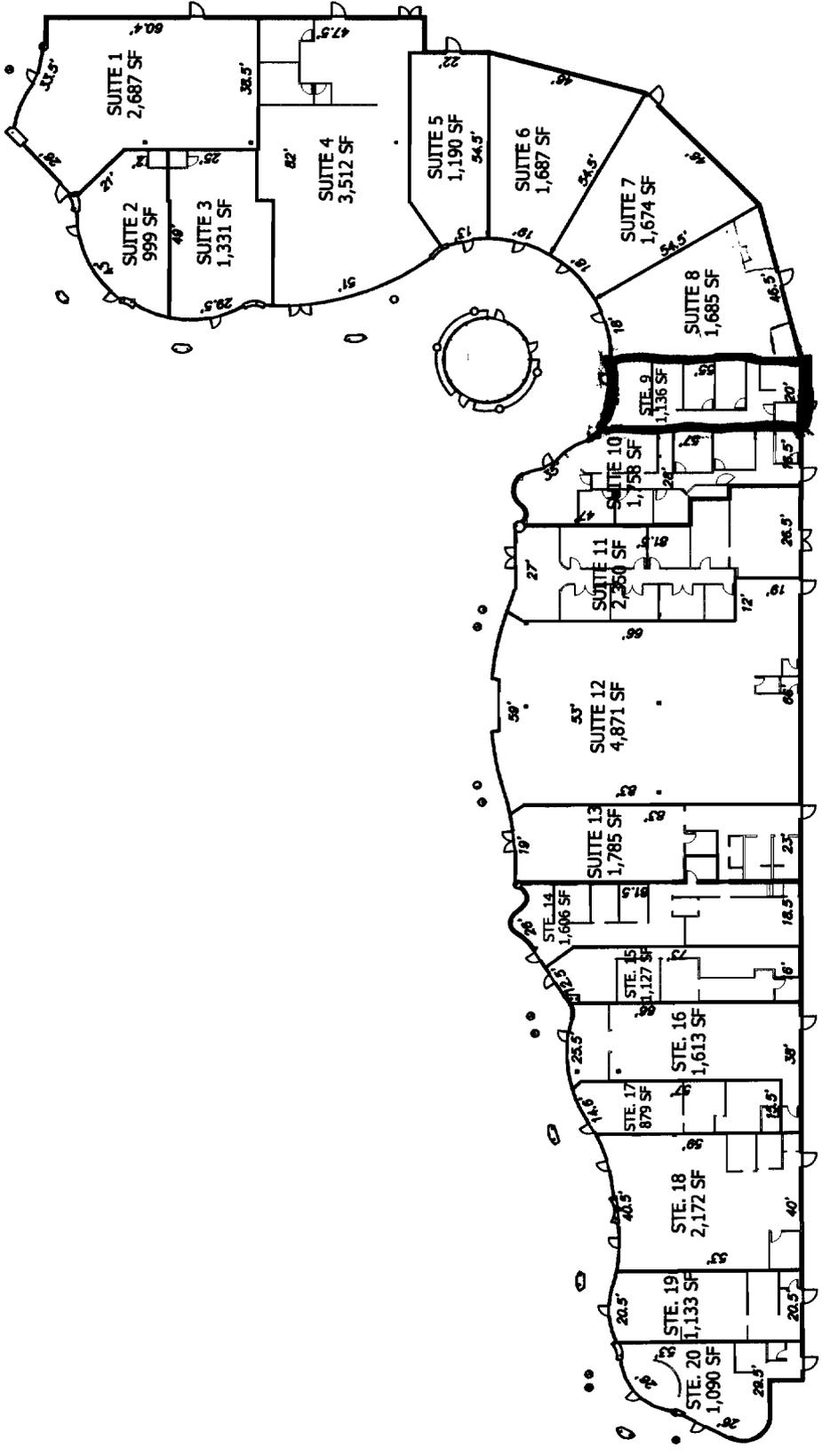
To Whom It May Concern:

I am currently working on opening a new hookah lounge/smoke shop. My business will consist of serving customers hookahs with their choice of a variety of flavors I will have available for them to smoke. In addition to serving hookahs, I would also have them on hand for customers to purchase along with charcoal and tobacco made specifically for the hookahs. I am also planning to serve fresh juice, water, and sodas to my customers. In the future I would like to add cold sandwiches to the menu for customers to snack on while they are smoking hookah in my lounge.

Sincerely,

Ramez Rabata

A handwritten signature in black ink, appearing to be 'Ramez', is written over a horizontal line. The signature is stylized and somewhat cursive.



Date: 11-12-2007
 By: PERCY CHENG
 Scale: 1"=30'-0"

LEASE PLAN - A

00760LP07-1112



BROADWAY ROAD & McCLINTOCK DRIVE
TEMPE, ARIZONA

LEASE PLAN



MEMO'S CAFE

1845 E BROADWAY RD, SUITE NO. 9

PL080109

FRONT OF BUSINESS





MEMO'S CAFE

1845 E BROADWAY RD, SUITE NO. 9

PL080109

OUTER COURTYARD OF BUSINESS

