

# CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 01/09/2024

Agenda Item: 4

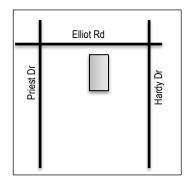
**ACTION:** Request a Use Permit to allow an amusement business for KIDS EMPIRE, located at 1245 West Elliot Road, Suite No. 113. The applicant is Kids Empire.

FISCAL IMPACT: N/A

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

**BACKGROUND INFORMATION:** KIDS EMPIRE (PL230307) is a proposed indoor playground for children aged 12 and under. The proposed use is located in the northeast corner of the Price Club Plaza, which consists of multiple suites. The request includes the following:

ZUP230071 Use Permit to allow an amusement business.



Property Owner Costco Plaza Property LLC
Applicant Alton Klein, Kids Empire
Zoning District PCC-2, SWOD
Site Area 177,376 s.f.

Building Area 12,538 s.f. (Suite 113)

Vehicle Parking 178 spaces provided on the entire parcel (25 min.

required)

Bicycle Parking 3 Required

Hours of Operation 10 a.m. to 8 p.m. Monday – Thursday 10 a.m. to 10 p.m. Friday – Sunday

**ATTACHMENTS:** Development Project File

STAFF CONTACT(S): Lucas Jensen, Planner I (480) 350-8023

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lucas Jensen, Planner I

Reviewed by: Mailen Pankiewicz, Principal Planner

#### **COMMENTS**

The site is located south of Elliot Road and west of Priest Drive on the northeast parcel of the Price Club Plaza in Suite 113. Surrounding uses include restaurants, a plasma donation center, a fitness center, and furniture stores. The proposed use is a kid's indoor playground which consists of large play areas, seating, and a snack bar. Per the applicant's Letter of Explanation, the business plan requires a parent or guardian to accompany the children and does not allow drop offs.

#### **PUBLIC INPUT**

Staff has not received input from the public as of the publication of this report.

#### **POLICE INPUT**

The Police Department will not be requiring a security plan at this time.

#### **USE PERMIT**

The proposed use requires a Use Permit to allow an amusement business within the PCC-2 zoning district. The applicant provided a letter of explanation detailing the business operations. Below is an evaluation of the use in context of Section 6-308(E) Approval criteria for Use Permit (*in italics*):

- 1. Any significant increase in vehicular or pedestrian traffic; the proposed use has a lower parking ratio than previous retail uses and is not expected to increase pedestrian or vehicular traffic.
- 2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the amusement business use in not expected to create a nuisance.
- 3. 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; an amusement business is not expected to be detrimental to the surrounding business or properties.
- 4. Compatibility with existing surrounding structures and uses; the proposed use in located in a commercial plaza and does not conflict with nearby businesses/uses.
- 5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the proposed use is conducted only on the interior of the business and fully staffed during all hours of operation.

#### REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

#### CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- 1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed.
- 2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
- 3. Hours of operation to end no later than 8:00 p.m. Monday through Thursday and no later than 10:00 p.m. Friday through Sunday.
- 4. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.

- 5. Prior to Certificate of Occupancy of Suite 113 on Lot 5 of Parcel B the applicant shall provide Planning staff an updated tenant list of all current tenants and square footages and total number of bike parking on site for verification of required bike parking or provide 2 bike loops per Tempe Detail 578, to meet the minimum 3 bike parking spaces for this use. Bike racks shall be located in a lighted area near entrance of the business and out of required ADA path or required landscape.
- 6. Verify all exterior doors shall meet 5.0-foot candles (contact Crime Prevention Coordinator on lighting modification questions Shawn Daffara at <a href="mailto:Shawn Daffara@tempe.gov">Shawn Daffara@tempe.gov</a>).

#### **CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

#### **USE PERMIT:**

- The Use Permit is valid for Kids Empire and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to
  the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and
  general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval but will
  apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals,
  become familiar with the ZDC. Access the ZDC through <a href="http://www.tempe.gov/zoning">http://www.tempe.gov/zoning</a> or purchase from Development
  Services.
- Any intensification or expansion of use shall require a new Use Permit.
- 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.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit
  is void.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to <a href="https://www.tempe.gov/signs">www.tempe.gov/signs</a>.

#### **HISTORY & FACTS:**

October 23, 1990 A Certificate of Occupancy was issued for the Suite 113 for a retail sales establishment.

#### **ZONING AND DEVELOPMENT CODE REFERENCE:**

<u>Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts</u> Section 6-308, Use Permit



## **DEVELOPMENT PROJECT FILE**

for KIDS EMPIRE (PL230307)

### **ATTACHMENTS:**

- 1. Location Map
- 2. Aerial Map
- 3. Site Photos
- 4-5. Applicant's Letter of Explanation
- 6-7. Site Plan
- 8. Floor Plans



**KIDS EMPIRE** PL230307 SITE PCC-2, **SWOD** WELLIOTED SHARDYDR WDRIVERSINER S HARDY DR WORVERSWAY General Industrial District (GID) Railroad **Twelve Point** Planned Commercial Center General (PCC-2) Street CenterlineSubType <all other values> Single-Family Residential (R1-4) ADOT Multi-Family Residential Limited (R-3) **Zoning District** Canal Multi-Family Residential General (R-4) Light Industrial District (LID) Monument Satellite Imagery 2022

Attachment 1

Private

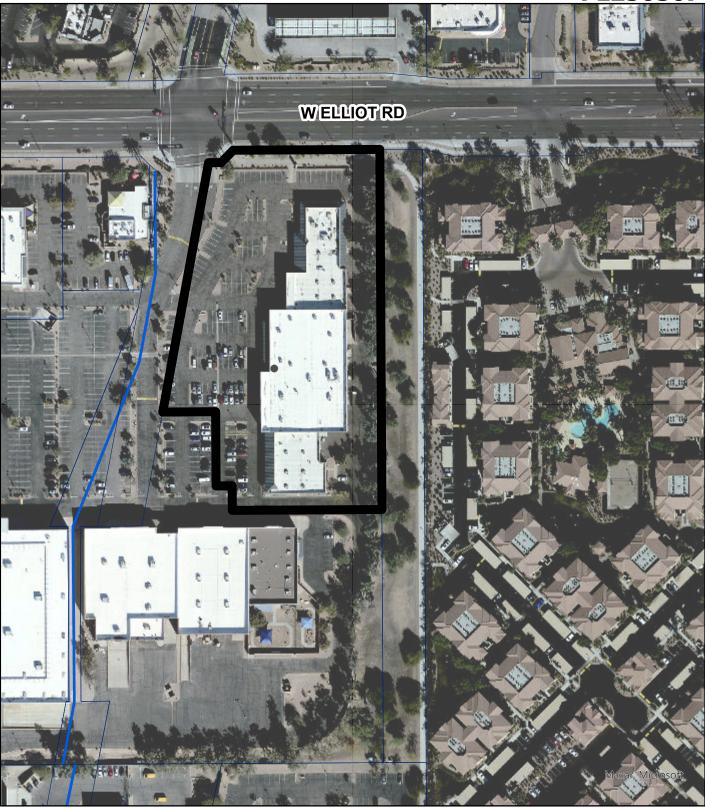
Parcels Parcels

General Industrial District (GID)

Heavy Industrial District (HID)

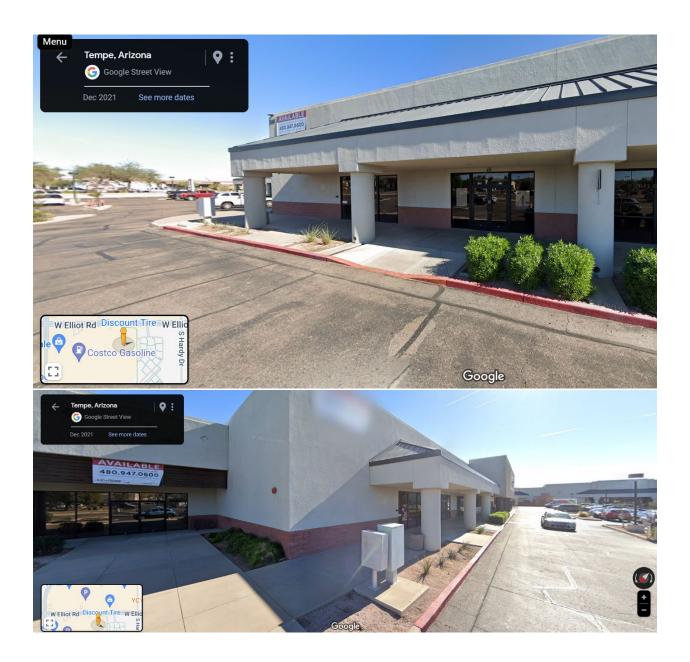


KIDS EMPIRE PL230307



**Aerial Map** 







City of Tempe AZ Planning Dept.

November 30, 2023

#### RE: Use Permit request, Business plan and State of Benefits to the Community for Kids Empire

To whom it may concern,

Kids Empire formally requests the City of Tempe's Planning Commission's consideration for a Use Permit to allow us to build out and operate a Kids Empire indoor playground.

We are proposing to build out and operate within the approx. 12,538 gross S.F. space located at 1245 W. Elliot Road Suite 113, Tempe, AZ 85284. Currently the space is zoned PCC-2, Planned Commercial Center General.

Kids Empire is an indoor playground for children 12 years old and under. We have a large two-story playground and a smaller "toddler" playground for toddlers and infants. All children must be accompanied by a parent or guardian as we do not accept or allow drop offs, not even for reserved birthday parties or other group events like girl scouts events, etc. We are not a day care and we do not prepare or cook any food on the premises.

Kids Empire sells pre-packaged foods like chips, candy, cookies, and bottled drinks such as water, juice, and soda. Pizza and cakes are an "on demand" option for reserved birthday parties only. Our Operations team will contract with a local caterer or baker, and pizzeria. Pizza and cakes are not stored on premises and are only brought in at the time of the parties, thus we do not have a need to heat or cool these items. All plates, cups, and utensils are single use so there is no need for a 3-comp sink or other ware washing equipment. Leftovers are either given to party goers or thrown away after the party. I have included our menus for reference.

Our Hours of Operations are Monday through Thursday from 10am to 8pm and Friday through Sunday from 10am to 10pm and we staff 5 to 7 employees during our busiest peak shifts. Our peak hours on Monday's thru Friday's are 4pm to 8pm and Saturday's and Sunday's are from 2pm to 6pm.

Kids Empire will be utilizing an existing vacant space, we are not enlarging the footprint, changing the parking or landscaping. All existing drive aisles and fire lanes will remain as they are.

Our average total occupant load within our parks are approx. 142 guests per day with an approximate parent/child ratio of 90 parents and 52 children. The average number of employees will be five to seven per shift with a parking need of approx 25 spaces throught the day. We have not seen any significant increase in vehicular or pedestrian traffic in adjacent areas as a result of our use.

Since we do not cook or prepare any food on the premises our parks do not emit odors or create smoke. We only play music inside our space. We have not had any issues of of being a nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.

Attachment 4

Kids Empire positively contributes to the communities that we open in. Kids Empire helps landlords bring new concepts to their shopping centers or malls, provides jobs, and provide a safe, controlled environment for children to play. We have not see any deterioration of the neighborhoods or to the downgrading of property values in the communities we open in.

Where we are proposing to open our Tempe AZ Kids Empire is located in an existing shopping center anchored by Costco and surrounded by other retail and restaurant uses. Our use would be compatible and complementary to the existing surrounding structures and uses.

Kids Empires entire business model is to provide a safe, fun environment for kids 12 and under. We are not a day care, and we do not let parents drop off their children. Kids Empire's staff does not tolerate disruptive behavior either inside or outside the premises sure ensure our guests and their children's saftey and well-being.

Having a Kids Empire in the City of Tempe will provide a safe, climate-controlled play destination for kids 12 and under, year-round. In addition, Kids Empire will help to summon customers to the shopping center, provide jobs, and contribute to the overall economic development of the City of Tempe.

If you should have any questions, please do not hesitate to contact me.

Best Regards,

Alton M. Klein

Dir. of Design and Entitlements

Kids Empire 714-292-2491

