

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/26/2019
Agenda Item: 4**

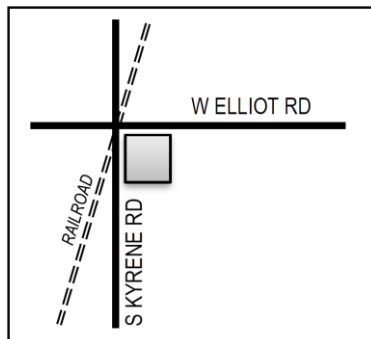
ACTION: Request approval for a Use Permit to allow live entertainment for JOLLOF KING, located at 325 West Elliot Road. The applicant is Jollof King.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: JOLLOF KING (PL190027) is requesting a Use Permit to allow live entertainment in an existing restaurant within the PCC-1, Planned Commercial Center Neighborhood zoning district. The request is a result of a code violation (CM190093). The request includes the following:

ZUP190013 Use Permit to allow live entertainment.



Property Owner
Applicant
Code Inspector
Zoning & Overlay Districts
Vehicle Parking
Bicycle Parking
Hours of Operation

Tempe Crossroads, LLC
Ernest Nyarko, Jollof King
Amy Wozniak
PCC-1, SWOD
No change in demand
No change in demand
Tu-Th 11am-9pm, F-Sat 11am-2am, Sun 2pm-9pm

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Jollof King is an existing restaurant located on the southeast corner of West Elliot Road and South Kyrene Road. Jollof King was cited by Code Compliance for conducting live entertainment after hours without a Use Permit. There will be a condition of approval to address allowable hours for live entertainment. The applicant has stated in the letter of explanation that the live entertainment will be live music conducted indoors for the customers of the restaurant.

PUBLIC INPUT

To date, staff has not received any public input.

USE PERMIT

The proposed use requires a Use Permit to allow live entertainment within the PCC-1, Planned Commercial Center Neighborhood zoning district and SWOD, Southwest Overlay District.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; offering live entertainment incidental to the primary restaurant use is not expected to create a significant increase in 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*; limiting the hours in which live entertainment can occur will address the noise concern for surrounding tenants and neighbors.
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*; live entertainment is a permitted use in the PCC-1 zone subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the subject property is within a commercial center with industrial and commercial uses to the north of Elliot and to the west of Kyrene.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; a security plan will be required to be submitted to the City of Tempe Crime Prevention Unit.

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:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. 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.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

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, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.
6. The live entertainment use shall take place inside only. No live entertainment will be allowed outside, including the use of outdoor speakers.
7. Live entertainment to cease at 9:00 pm Sunday-Thursdays and 1:55 am Friday-Saturday.
8. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before April 26, 2019.

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.

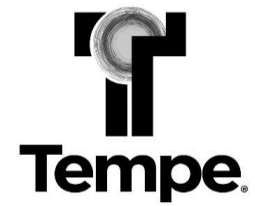
- The Use Permit is valid for Jollof King and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply 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 <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.

HISTORY & FACTS:

- | | |
|-------------------|---|
| January 23, 2019 | Code Compliance filed a code violation (CM190093) for a business operating after hours conducting live entertainment without a Use Permit at Jollof King, located at 325 West Elliot Road, Suite 103. |
| February 13, 2019 | Jollof King submitted an application to Community Development requesting a Use Permit to allow live entertainment for Jollof King, located at 325 West Elliot Road, Suite 103. |

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
- Section 6-308 Use Permit
- Section 6-313 Security Plan

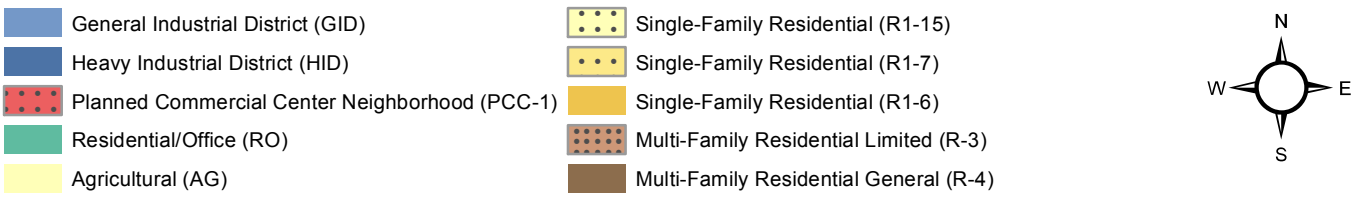
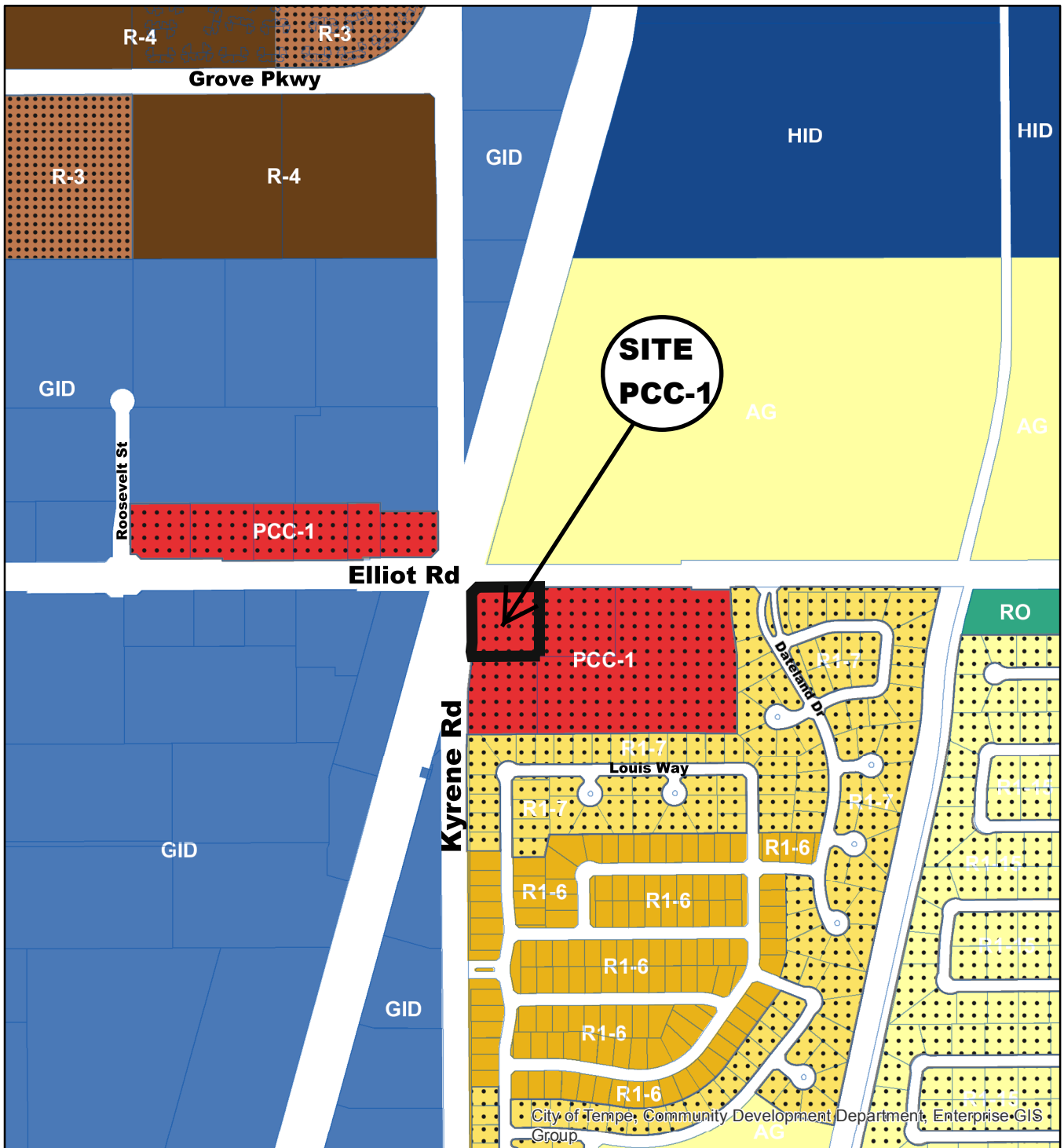


DEVELOPMENT PROJECT FILE

for
JOLLOF KING
(PL190027)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
- 7-10. Site Photos





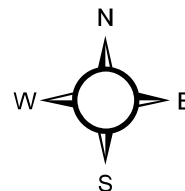
Tempe

PL 190027

JOLLOFKING



Aerial Map



LETTER OF EXPLANATION

USE PERMIT:

Referencing 325 W Elliot Rd Ste 103 Tempe AZ 85284

Jollof King W. African Cuisine is a west African restaurant offering authentic, always ready to serve, West African dishes prepared with the freshest of ingredients. With a quick-service buffet style setting, a plethora of delicious and healthy meals are offered daily on the menu. Dine-in or takeout, patrons enjoy the well spiced and tasty dishes of West Africa, hosted by a very friendly staff in a culturally vibrant atmosphere; all affordably priced.

As important as the taste and quality of our food and service is to Jollof King, the mood and vibe of our restaurant is highly regarded as well. We create this vibe by carefully selecting culturally inspired music which daily grace our customers' ears via our in-ceiling speaker systems.

To add to the atmosphere, relaxation, and the enjoyment of our cuisine by our customers, Jollof King seeks to add occasional live music entertainment, which will expose our customers to various genres of music, especially those originating from the African continent.

A: Jollof King is located at Tempe Crossroads center which is well established and designed to accommodate pedestrian and vehicular traffic, including adequate parking; handicap parking available.

B. Jollof King does not use any equipment or processes that would be deemed harmful and/or damaging to the environment and neighborhood. With live music only to be offered inside the restaurant, Jollof King will have a minimum to zero nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.

C. Jollof King will only be offering live entertainment which allows our customers to relax and happily enjoy the various delicious menu items we serve, in the confines of the restaurant. This will not contribute to the deterioration of the neighborhood or to the downgrading of property values.

D. Jollof King already exist within the Tempe Crossroads center complex consisting of retail, service companies and other restaurants. Jollof King will not be adding any additional structures to the site.

E. Jollof King will extend our professional, courteous and organized approach, employed in our everyday operations, to the live entertainment addition we seek to offer our customers. Jollof King will have adequate staff and manager(s) on hand to handle any behavior deemed disruptive both inside and outside our premises, which may create or seek to create a nuisance to the surrounding area or general public. Our business hours listed below are favorable to our customers, employees and the community in general.

Monday – Closed

Tuesday – Thursday 11AM – 9PM

Friday – Saturday 11AM – 2AM

Sunday – 2PM – 9PM

Jollof King is excited to be a part of the vibrant Tempe community and look forward to adding this exciting and needed offering to the enjoyment of customers and the community.

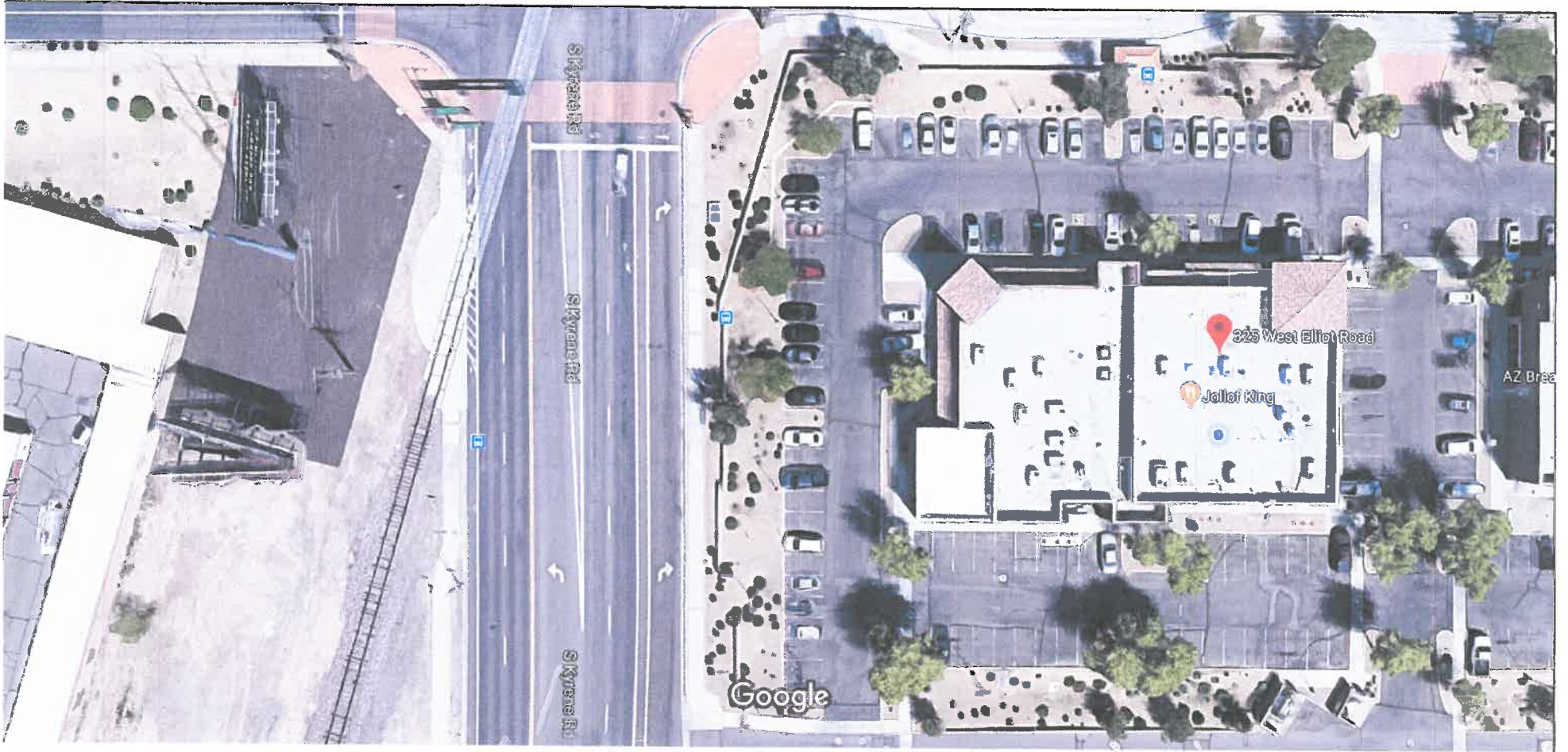
Sincerely,

A handwritten signature in black ink, appearing to read 'Ernest Nyarko', with a long horizontal flourish extending to the right.

Ernest Nyarko

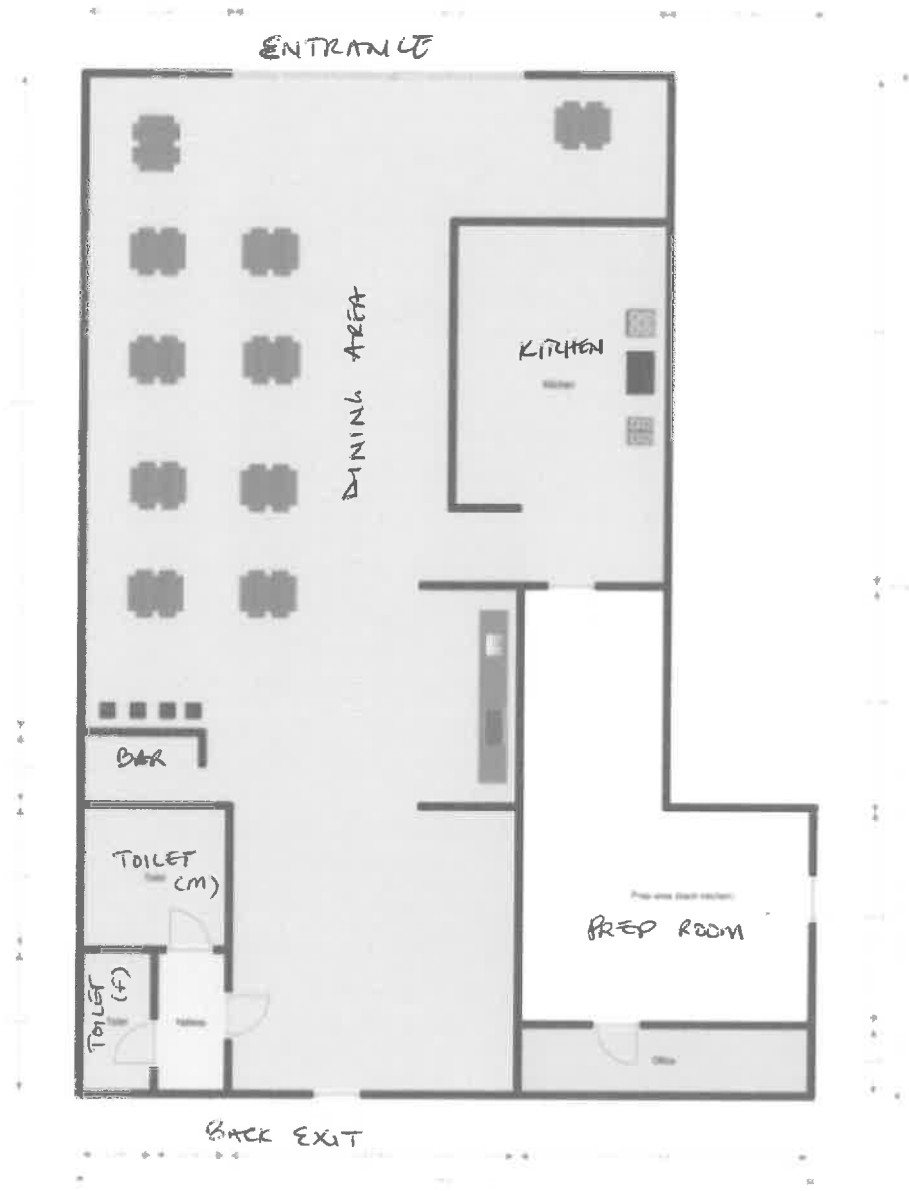
Owner of Jollof King

Google Maps 325 W Elliot Rd



Imagery ©2019 Google, Map data ©2019 Google 20 ft

Attachment 5





Attachment 7



Attachment 8



