

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/13/2019  
Agenda Item: 5**

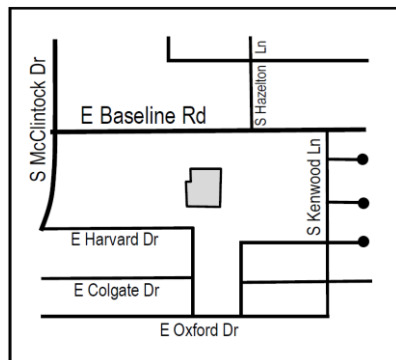
**ACTION:** Request a Use Permit to allow an Amusement Business (Gaming Lounge) for SAK GAMING LOUNGE, located at 1861 East Baseline Road. The applicant is SAK Ventures, LLC. (PL190167)

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** SAK GAMING LOUNGE (PL190167) is requesting a Use Permit to allow an amusement business within the PCC-1, Planned Commercial Center Neighborhood zoning district. The request is a result of a code violation for operating a gaming business without a Use Permit (CM190557). The request includes the following:

ZUP190053 Use Permit to allow an amusement business (gaming lounge).



Property Owner	Baseline Village, LLC
Applicant	Stephen Shackelford, SAK Ventures, LLC
Code Compliance Inspector	Marvin White, Code Inspector
Zoning District	PCC-1
Suite Area	2,200 s.f.
Vehicle Parking	58 spaces (49 min. required for the center)
Hours of Operation	Tu, Thu, Fri 5pm – 11pm and Sat 10am – 10 pm

**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**

The applicant is requesting a Use Permit to allow an amusement business (gaming lounge) within the PCC-1 zoning district. The business was in operation prior to obtaining Use Permit and has been cited by Code Compliance. SAK Gaming Lounge is a business that hosts video game tournaments throughout the week. The applicant expects 60-70 customers during peak hours and will have 3 employees at any given time. Vehicle parking on site is sufficient with this use being parked as an arcade.

## **PUBLIC INPUT**

To date, staff received one inquiry regarding the request.

## **POLICE INPUT**

City of Tempe Police has no issues with the request.

## **USE PERMIT**

The proposed use requires a Use Permit to operate an amusement business within the PCC-1 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic; staff does not expect this use to create more traffic than is already existing within the commercial center.*
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 business is conducted indoors and is not open past 11pm on any given night.*
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 permitted subject to a Use Permit within the PCC-1 zoning district.*
4. *Compatibility with existing surrounding structures and uses; the two suites being occupied are within an existing commercial center on the southeast corner of McClintock and Baseline.*
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 applicant enforces a strict code of conduct that all customers must adhere to.*

## **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, 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 the 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. An occupancy inspection and clearance from the Tempe Fire Department shall be obtained prior to the use permit becoming effective.

**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.

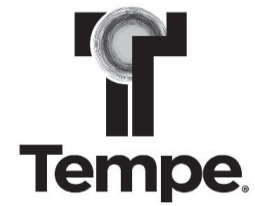
- The Use Permit is valid for SAK Gaming Lounge and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but 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.
- 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.

**HISTORY & FACTS:**

- |              |  |
|--------------|--|
| May 23, 2019 | Code Compliance issued a correction notice to SAK Gaming Lounge for operating a gaming business without a Use Permit.                |
| July 8, 2019 | Community Development received an application for a Use Permit to allow an amusement business (gaming lounge) for SAK Gaming Lounge. |

**ZONING AND DEVELOPMENT CODE REFERENCE:**

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



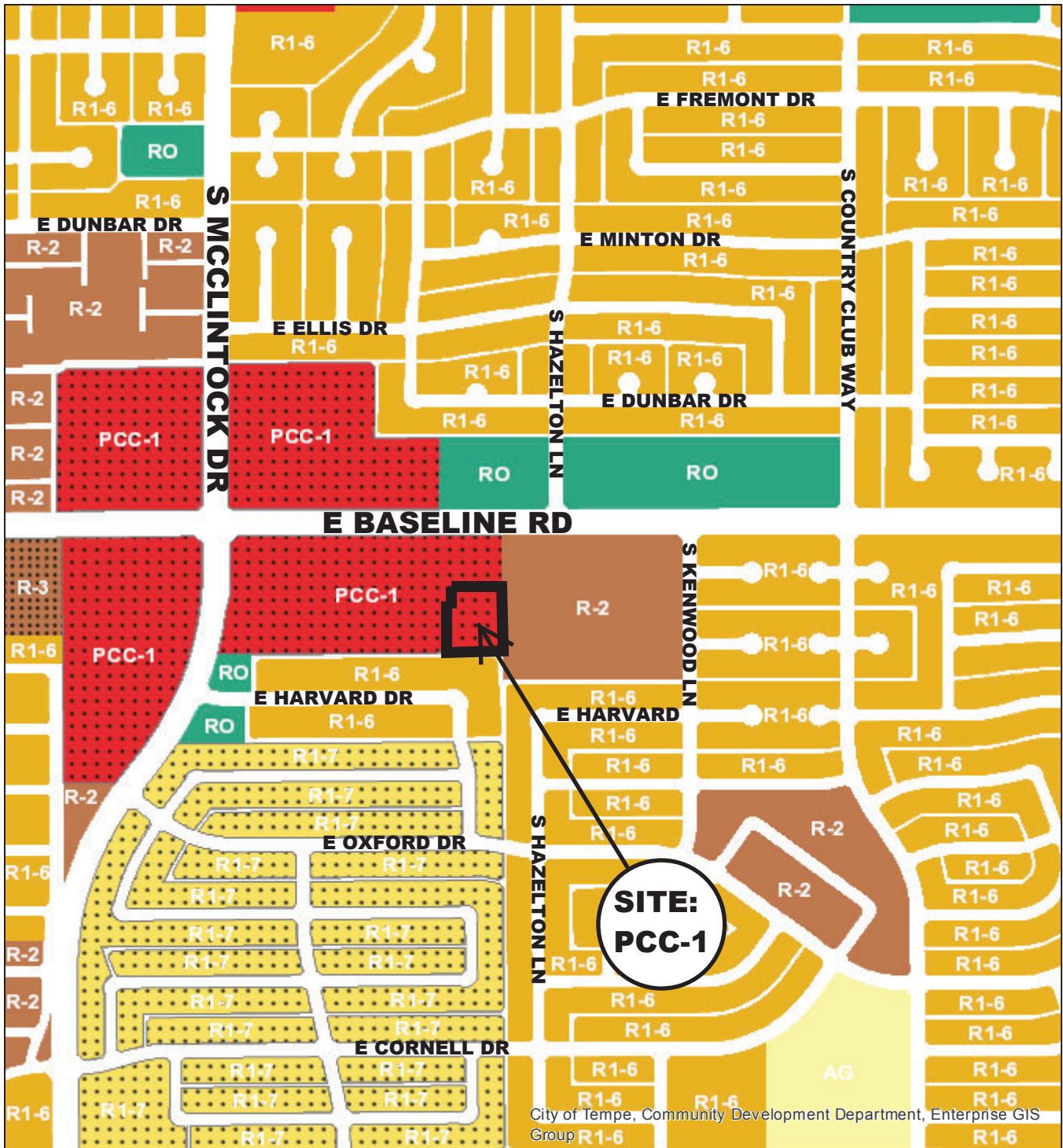
**DEVELOPMENT PROJECT FILE**  
for  
**SAK GAMING LOUNGE**  
(PL190167)

**ATTACHMENTS:**





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

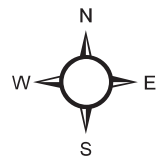
# SAK GAMING LOUNGE

PL 190167



City of Tempe, Community Development Department, Enterprise GIS Group

- |   |  |   |  |
|---|--|---|--|
|  | Commercial Shopping and Services (CSS)         |  | Single-Family Residential (R1-7)       |
|  | Planned Commercial Center Neighborhood (PCC-1) |  | Single-Family Residential (R1-6)       |
|  | Residential/Office (RO)                        |  | Multi-Family Residential (R-2)         |
|  | Agricultural (AG)                              |  | Multi-Family Residential Limited (R-3) |



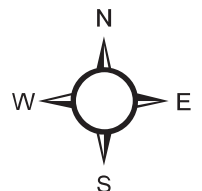


# SAK GAMING LOUNGE

PL 190167



Aerial Map





Mr. Stephen Shackelford  
SAK Ventures, LLC  
1861 E. Baseline Rd.  
Tempe, AZ 85283

July 8th, 2019

City of Tempe Community Development Department  
Planning Division  
31 E. Fifth St.  
Garden Level East  
Tempe, AZ 85281

To Whom it May Concern,

This is a letter of explanation regarding the use permit application for The SAK Gaming Lounge, located at 1861 and 1863 E. Baseline Rd. in Tempe, AZ.

My company, SAK Ventures, which does business as SAK Gaming, is requesting a use permit for these suites in order to operate as an amusement business in a PCC-1 zoning.

We organize competitive video game tournaments for a range of video games, with an emphasis on the Super Smash Bros. video game series. Currently, the events take place on Tuesdays, Thursdays, and Fridays from 5 pm to 11 pm, and most Saturdays from 10 am to 10 pm.

We are a small grassroots company, with three part-time employees. Most events are organized by myself, with the three employees filling in when necessary. Our clientele is primarily students ages 15 to 25. Attendance varies by weeknight - from 20 to 30 on Tuesday evenings, up to 60 to 70 on Thursday evenings.

As regards the specific sections of the Use Permit Approval Criteria:

- A. Any significant increase in vehicular or pedestrian traffic.
  - a. Our business does result in an increase in vehicular and pedestrian traffic within the shopping complex. On particularly busy nights, nearly all parking spots on our parcel are full between our customer base, employee parking from nearby restaurants, and fleet vehicle parking from our next door neighbor Molly Maids, who have a fleet of ten vehicles that are parked on the parcel overnight. However, this is after 6 pm and as such does not impact any of the adjacent businesses, all of which either operate during the hours of 9 am to 5 pm or do not have significant vehicular traffic in the evenings. Despite having almost all

parking parcels full on some nights, we have yet to receive complaints from any of our neighboring tenants.

- B. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.
  - a. Our businesses does not produce any emissions and thus does not affect the ambient conditions of the retail complex.
- 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.
  - a. Our business does not contribute to the deterioration of the neighborhood or to the downgrading of property values. In fact, our business provides neighborhood benefits - we offer a safe location for teens and young adults to congregate, form friendships, and learn valuable lessons through competition.
- D. Compatibility with existing structure and uses.
  - a. Our business does not require any changes to the existing structure and is fully compatible with surrounding structures and 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.
  - a. Our clientele is between the ages of 15 and 25, with the majority falling in the 17 to 20 age range. While that many young people in a space can get loud and raucous, we have never received a noise complaint and have never had any violent outbursts or disruptive behavior worth reporting. We do maintain a strict code of conduct that all customers are expected to adhere to. While rare, violations have occurred and offenders have been peacefully removed from the premises. A copy of the above-mentioned code of conduct has been included in the submission documents.

Additionally, we are not proposing any changes to the building itself or other developmental standards.

It is our hope that the city will grant us the required use permit needed to both continue and expand our business. If there are any questions regarding our business or the content of this letter, please feel free to contact me via my cell phone 480-242-3225 or via email at [SAKGamingLLC@gmail.com](mailto:SAKGamingLLC@gmail.com).

Thank you for your time,

Stephen Shackelford  
Co-Owner and Lead Tournament Organizer  
SAK Gaming



## The SAK Code of Conduct

- 1) Violence of any kind is strictly prohibited within the SAK Gaming Lounge and at any SAK Gaming event.
  - a) Physical aggression such as throwing controllers or water bottles, striking tables or walls, etc. will result in immediate disqualification and a warning. A second infraction will result in a two week ban.
  - b) Physical violence such as shoving, knocking items out of the hands of others or physical aggression towards others will result in a one month ban, no warnings, no questions.
  - c) Fighting, including tackling, punching, kicking, etc will result in an immediate lifetime ban, no warnings, no questions.
- 2) Racial slurs, ableist slurs, homophobic slurs etc. are strictly prohibited within the SAK Gaming Lounge and at any SAK Gaming event.
  - a) Use of such slurs will result in disqualification and removal from the event at which the offense occurs.
  - b) Repeated offenses will result first in a one month ban, followed by a lifetime ban.
- 3) Language should be kept PG-13.
- 4) Drugs and alcohol are strictly prohibited within the SAK Gaming Lounge and at any SAK Gaming event, unless the event is being held at a venue where alcohol is allowed such as a bar.
  - a) Anyone caught with drugs or alcohol on their persons will be disqualified from the event and asked to leave the premises.



Feature Information

(1 of 1) Clear ?

**301-01-006Z**

Owner Information

Owner Name: BASELINE VILLAGE LLC  
 Property Address: 1867 E BASELINE RD TEMPE 85283  
 Mailing Address: 409 S GLENDALE AVE 202 GLENDALE CA 91205  
 Deed Number: 060986641  
 Sale Date:  
 Sale Price: \$

Property Information

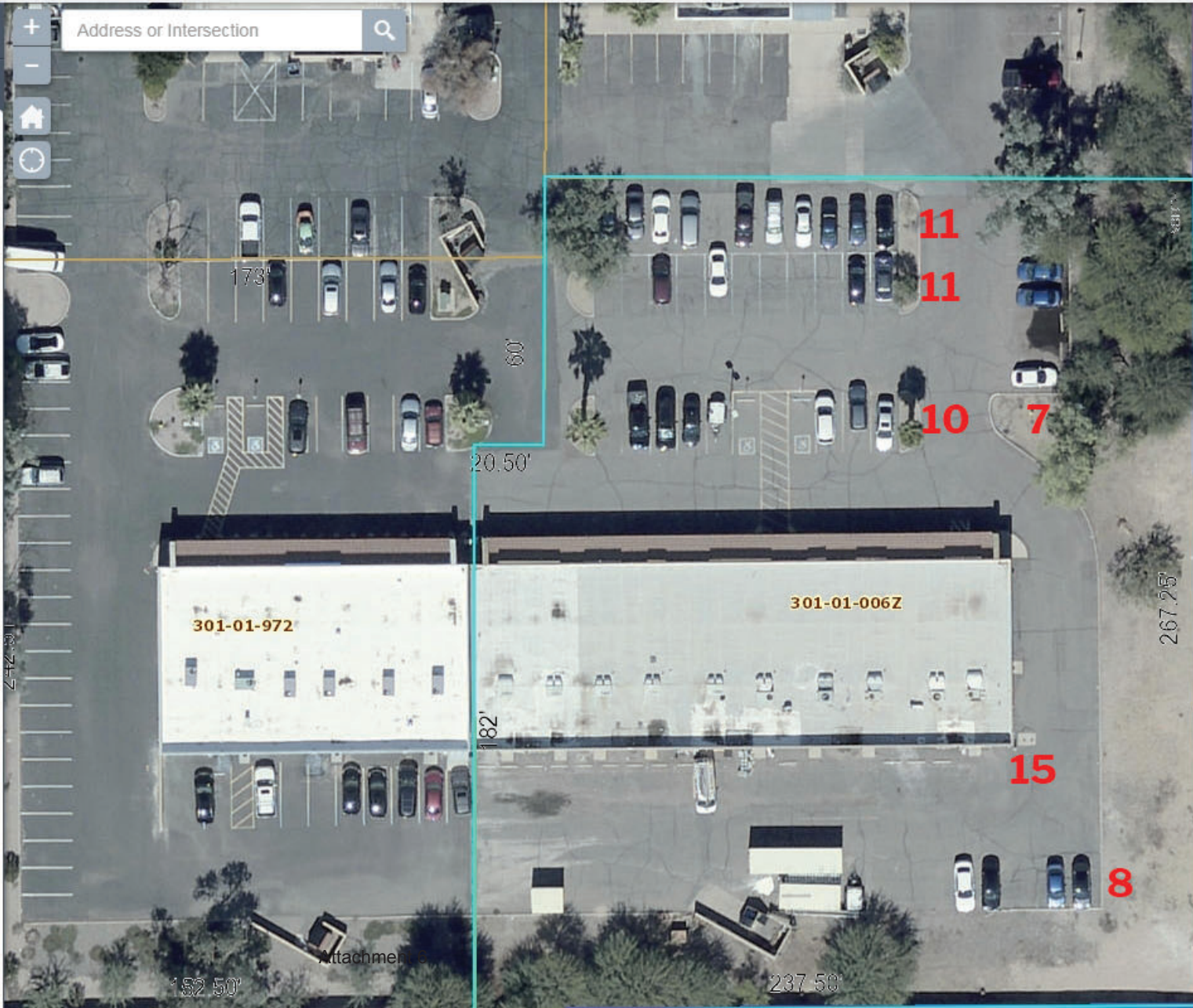
Lat/Long: 33.377324, -111.905712  
 S/T/R: 1 1S 4E  
 Jurisdiction: TEMPE  
 Zoning: PCC-1  
 PUC: 1130  
 Lot Size (sq ft): 61,855  
 MCR #:  
 Subdivision:  
 Lot #:  
 Floor: 1  
 Construction Year:  
 Living Space (sq ft):

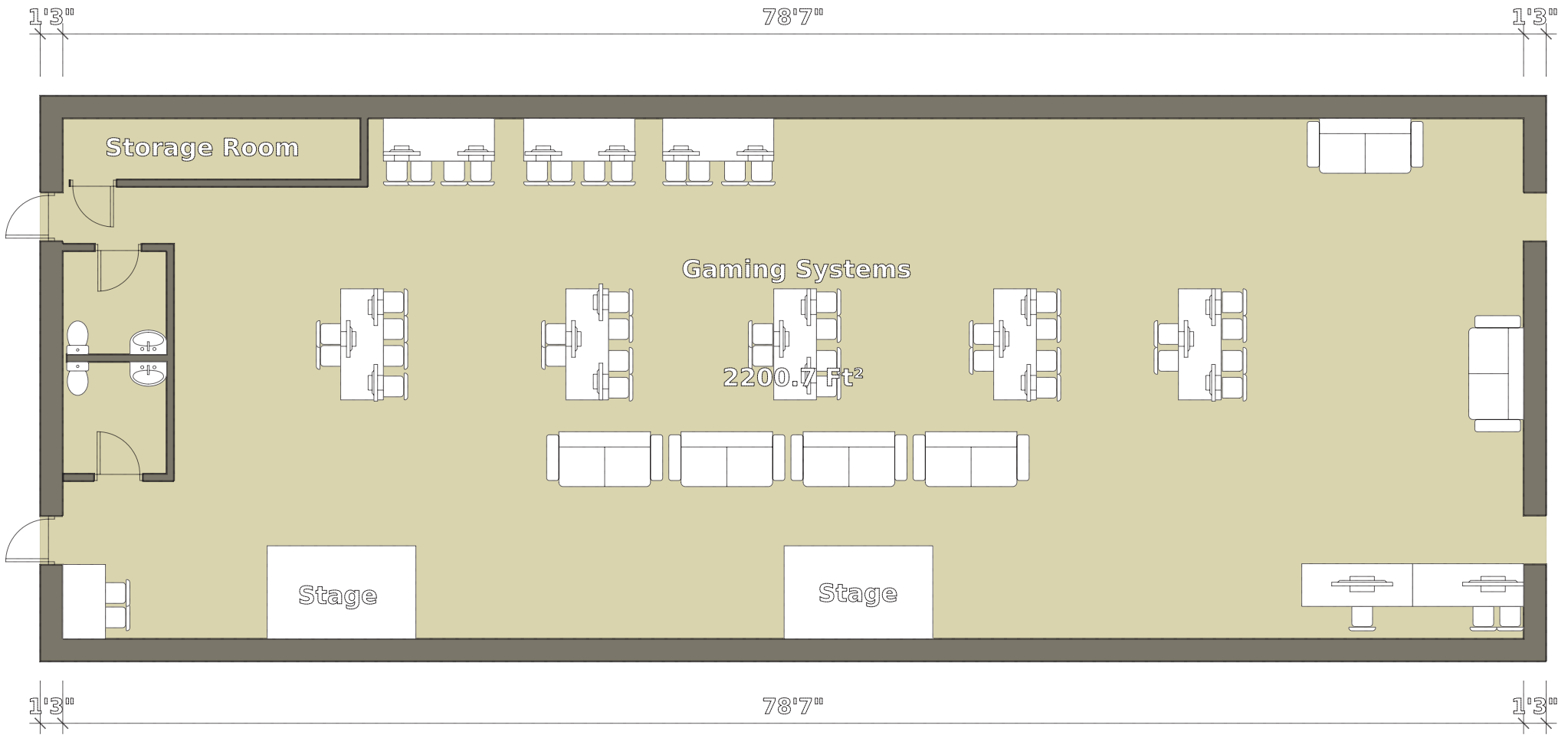
Valuation Information

Tax Year:	2020	2019
FCV:	\$1,107,500	\$1,030,300
LPV:	\$656,514	\$625,251
Legal Class:	1.12	1.12



Zoom to ...





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