

REVISED

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/26/2021
Agenda Item: 5**

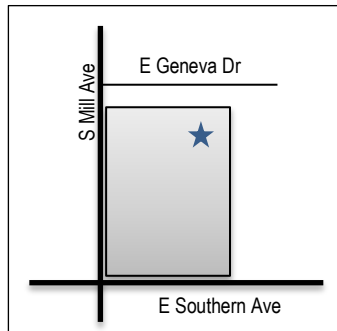
ACTION: Request a Use Permit to allow entertainment (live singing, dancing, and music) for **TIME OUT LOUNGE**, located at 3129 South Mill Avenue in the PCC-1, Planned Commercial Center Neighborhood Zoning District. The applicant is Time Out Lounge.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: **TIME OUT LOUNGE** (PL210287) is an existing bar which is requesting a Use Permit to allow for live entertainment. Entertainment would include local bands, open mic, and DJ's. The request includes the following:

ZUP210077 Use Permit to allow entertainment



Property Owner
Applicant
Zoning District

Building Area
Vehicle Parking
Hours of Operation

Huntington Square Baceline LLC
Laura Kelly Phillips, Time Out Lounge
PCC-1 (Planned Commercial Center
Neighborhood)
2,400 s.f.
48 spaces (300 spaces provided in the plaza)
10 a.m. to 2 a.m. daily

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Jacob Payne, Planner I (480) 350-8652

Department Director: Shelly Seyler, Interim Community Development Director
Legal review by: N/A
Prepared by: Jacob Payne, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Time Out Lounge is an existing series 6 bar, which has been operating since the early 1980's. It is located in the Huntington Square Plaza in the northeast portion. The applicant is requesting a Use Permit to allow them to host local bands, open mic events, and DJs among other similar types of entertainment. The proposed location for the entertainment activities is on the west side of the suite, furthest from the nearby residential uses.

PUBLIC INPUT - Updated

To date, staff has received one public comment about this request. The comment came from a resident of the adjacent neighborhood and was generally in opposition of this request. They voiced concern over noise levels from the entertainment reaching into the nearby neighborhoods and the potential for the business to contribute to crime in the area.

POLICE INPUT

Tempe Police Department had no input for this request.

USE PERMIT

The proposed use requires a Use Permit to allow entertainment within the PCC-1, Planned Commercial Center Neighborhood zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; Time Out Lounge is an existing business in the plaza and the proposed use of live entertainment is not expected to significantly increase 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*; All entertainment will occur indoors as a condition of approval, the entertainment portion of the business will be on the west side of the suite, mitigating sound from traveling to the residential areas to the north and east. The rear door on the east side of the suite will remain shut during live entertainment events. Hours of operation will also be restricted by condition of approval for this Use Permit.
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 within the PCC-1 zoning district subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the suite is located in a commercial plaza at the intersection of two arterial streets and is bordered by other PCC-1 districts on two sides. There are two other businesses in the vicinity of Mill and Southern Avenues that have live entertainment Use Permits.
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 approved before the business begins to operate their entertainment use.

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.

CONDITIONS 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. The live entertainment use shall take place inside only. No live entertainment activities will be allowed outside
4. Live entertainment to cease at 12am (midnight) Sunday-Wednesday and 1:55 am Thursday-Saturday.
5. 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 November 26, 2021.

6. All exterior doors are to remain closed during live entertainment events.

7. No speakers will be permitted to be located on the exterior of the building.

8. Staff will conduct an administrative review for compliance with the conditions of approval within six (6) months. The timing for the six-month review period to commence begins when the business is in full operations. Advise Community Development staff when in full business operation (live entertainment). Should Community Development staff determine there are non-compliance issues, the request shall be returned to the Development Review Commission for a re-review.

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 TIME OUT LOUNGE 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 <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.

- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

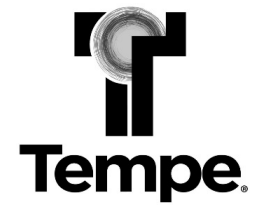
February 24, 1982 The Board of Adjustment approved Use Permit for a cocktail lounge for Time Out Lounge located at 3129 South Mill Avenue within the C-2 zoning district.

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

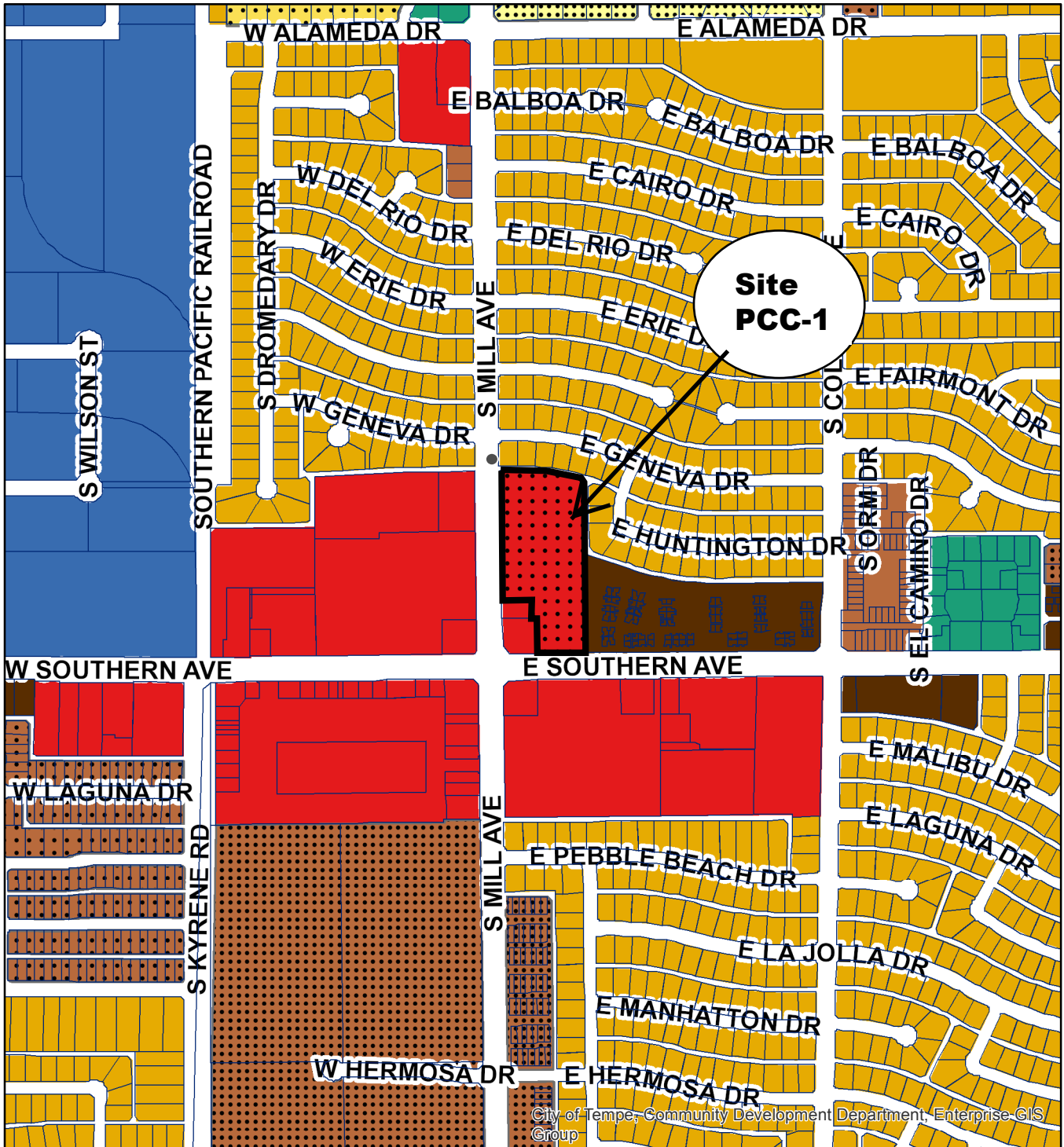
**TIME OUT LOUNGE
(PL210287)**












ATTACHMENTS:

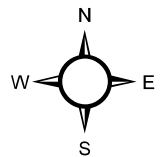
1. Location Map
2. Aerial
3. Letter of Explanation
4. Plaza Site Map
5. Floor Plan
- 6-8. Site Context Photos

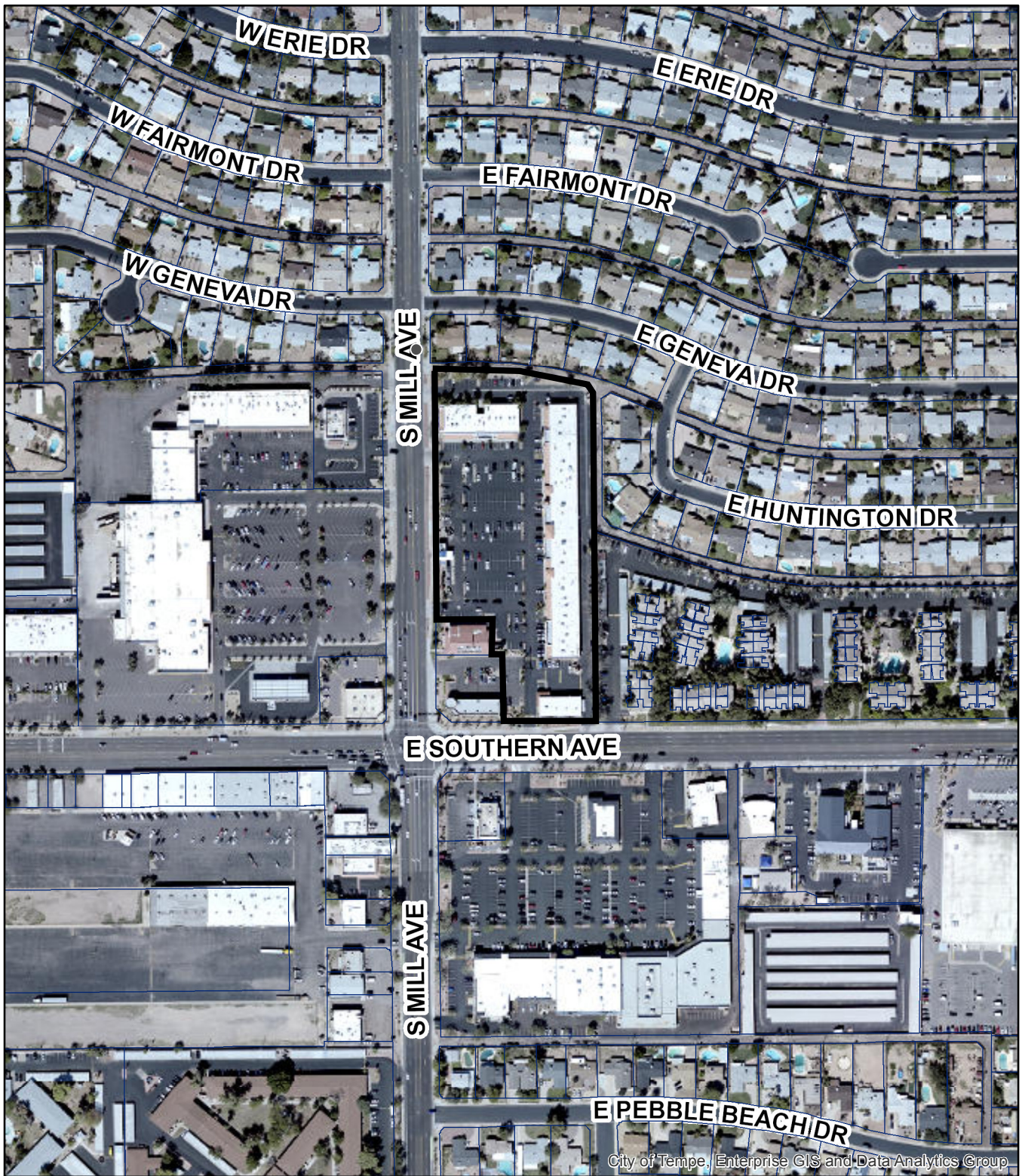
Time Out Lounge

PL210287

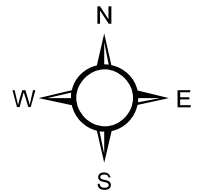


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|--|--|
|  General Industrial District (GID) |  Single-Family Residential (R1-6) |
|  Commercial Shopping and Services (CSS) |  Multi-Family Residential (R-2) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential Restricted (R-3R) |
|  Residential/Office (RO) |  Multi-Family Residential Limited (R-3) |
|  Single-Family Residential (R1-10) |  Multi-Family Residential General (R-4) |
|  Single-Family Residential (R1-7) | |





Aerial Map



TIME OUT LOUNGE--USE PERMIT FOR LIVE ENTERTAINMENT

Brats Inc. (DBA) Time Out Lounge, is applying for a new Use Permit for Live Entertainment at 3129 S. Mill Ave. Tempe AZ 85282.

We are an existing neighborhood bar that supports original local music and will have an indoor stage for entertainment acts such as bands, open mic, DJ's among other similar types of live entertainment. Dancing may also occur during the entertainment events.

Typically, doors will open at 7 or 8 pm with live entertainment starting at 9 pm and ending by 1 am. While shows are anticipated to occur on Thursday, Friday, Saturday and Sunday nights, there may be an occasional weekday night and/ or afternoon weekend show.

The shows not will affect any neighboring business and parking in any way, will only occur during normal business hours (10 am-2 am daily) and the rear door will be closed during any live entertainment.

The Use Permit Criteria:

- Significant effect on any vehicular or pedestrian traffic in the adjacent areas--***The use will have similar amount of traffic to the existing bar, with a minimal increase of traffic during hours of live entertainment.***
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions--***The live entertainment will be conducted indoors to prevent nuisances above ambient conditions.***
- Contribution to the deterioration of the neighborhood or the downgrading of property values, which is in conflict with the goals, objectives or policies of the City's adopted General Plan--***The proposed use is expected to benefit the area by being an addition to the mix of entertainment/ social uses that currently exist, the use is permitted in this zoning district with a use permit and is consistent with the adopted General Plan.***
- Compatible with the existing surrounding structures and uses--***The proposed use is compatible with the existing surrounding uses, including existing live entertainment at Monkey Pants Bar & Grill located at the south end of the plaza.***
- 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 submitted to the City of Tempe Crime Prevention Unit within 30 days of approval of the Use Permit for Live Entertainment.***

Sincerely,



Laura A. Kelly Phillips, President/ Manager
BRATS Inc (DBA) Timeout Lounge

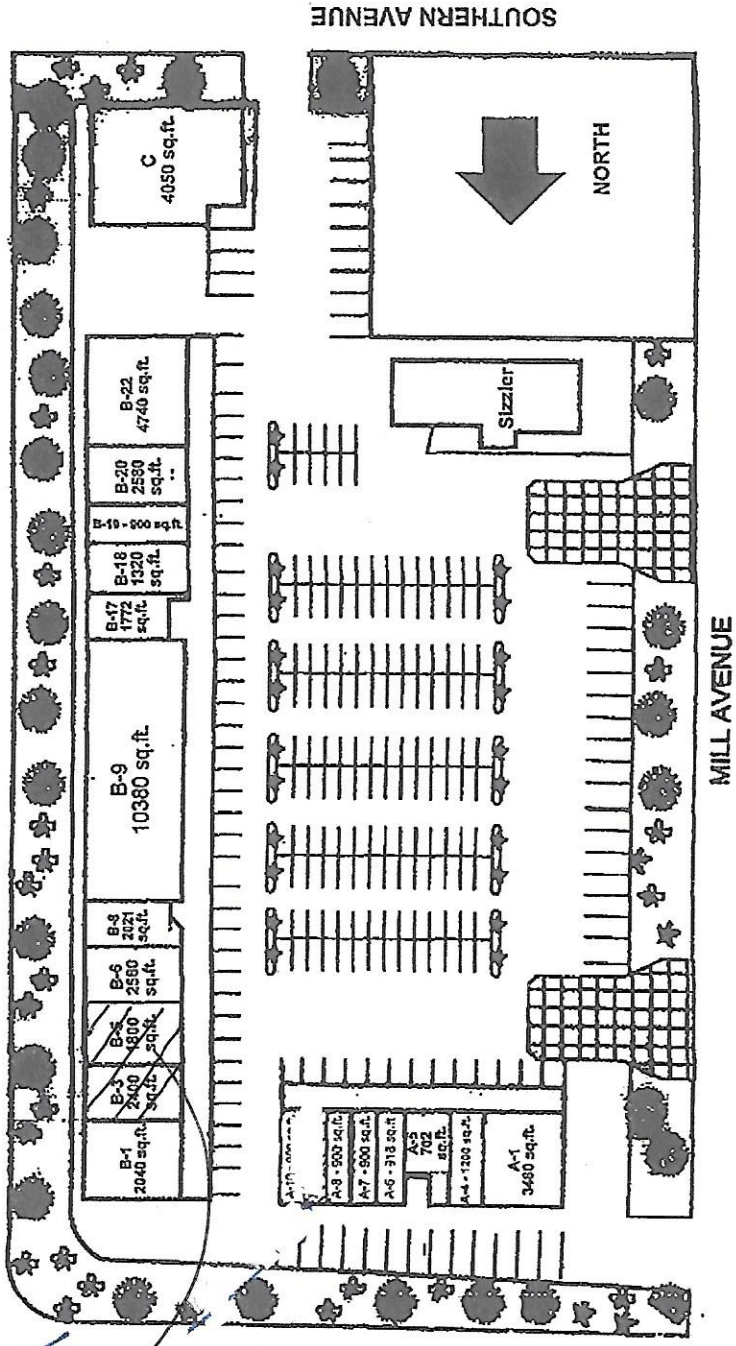
TIME OUT LUNGE 3129 S. MILL AVE

EXHIBIT "A" SHOPPING CENTER SITE PLAN SHOWING PREMISES CROSSHATCHED

The attached site plan is for general informational purposes only. Any and all features, matters and other information depicted thereon are for illustrative purposes only and subject to the provisions of the Lease, are subject to modification without notice, are not intended to be relied upon by Tenant and are not intended to constitute representations, warranties or covenants as to the size and nature of the improvements to be constructed (or that any improvements will be constructed) or as to the identity or nature of any occupants thereof.

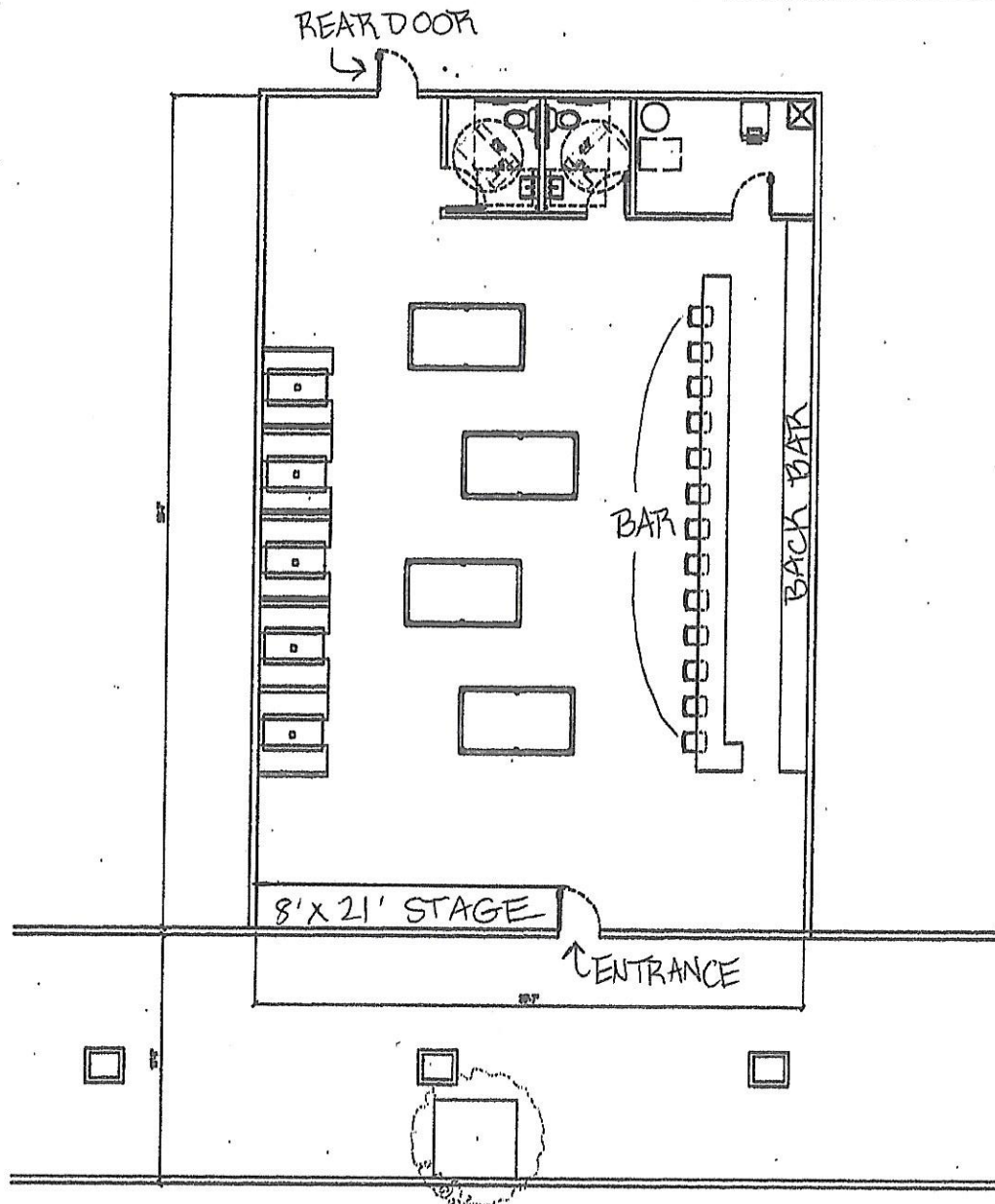
HUNTINGTON SQUARE SHOPPING CENTER

09/15/99



subject

TIME OUT LOUNGE 3129 S. Mill Ave



1 EXISTING FLOOR PLAN
FIELD 09-10-10



RUN RUN DESIGN
ARCHITECTURE INTERIOR DESIGN

PROJECT NAME AND LOCATION:

TIME OUT LOUNGE
 3129 S. MILL AVE.
 TEMPE, AZ 85281

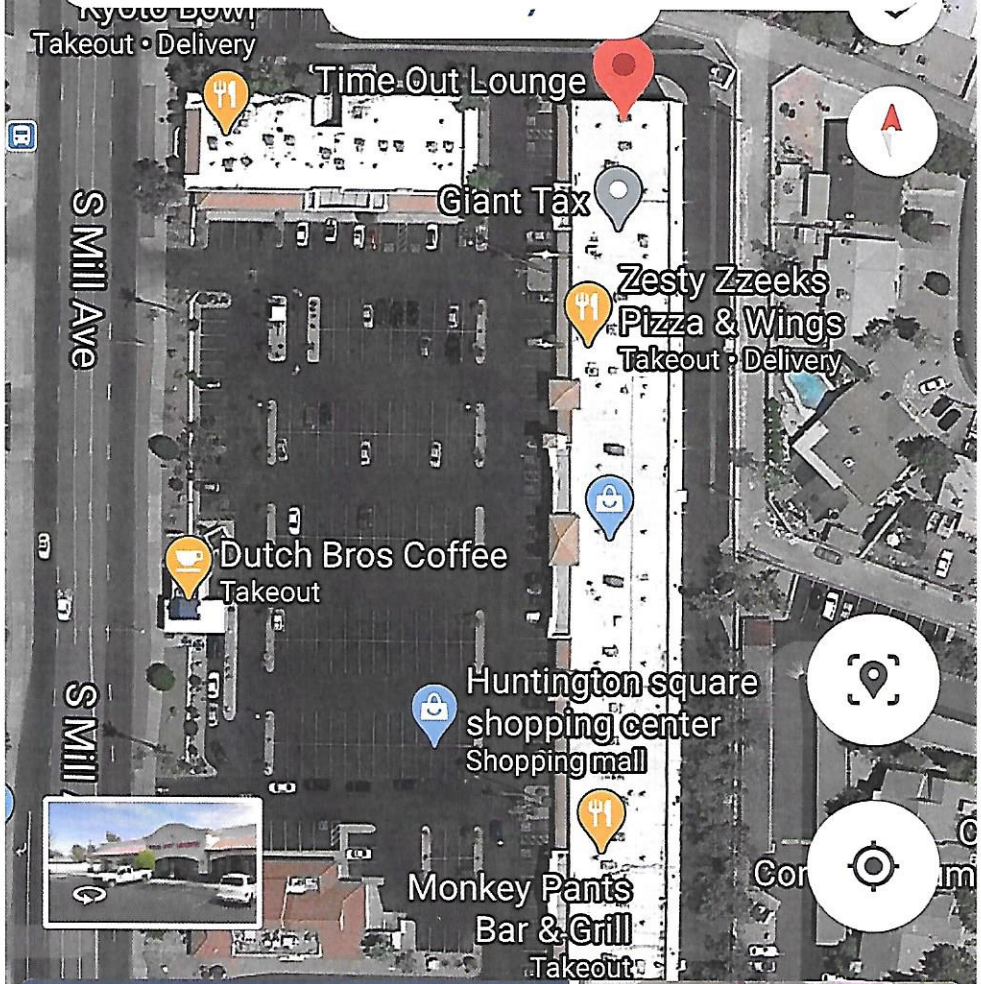
EXISTING CONDITIONS

No.	Location	Area
1		
2		
3		
4		
5		
6		
7		

EXISTING PLAN

EXIST

Ringtone



Time Out Lounge

4.5 ★★★★★ (241)

Bar · \$ · 🚗 6 min

Closed · Opens 11:00 AM

⚠️ Hours or services may differ due to COVID-19

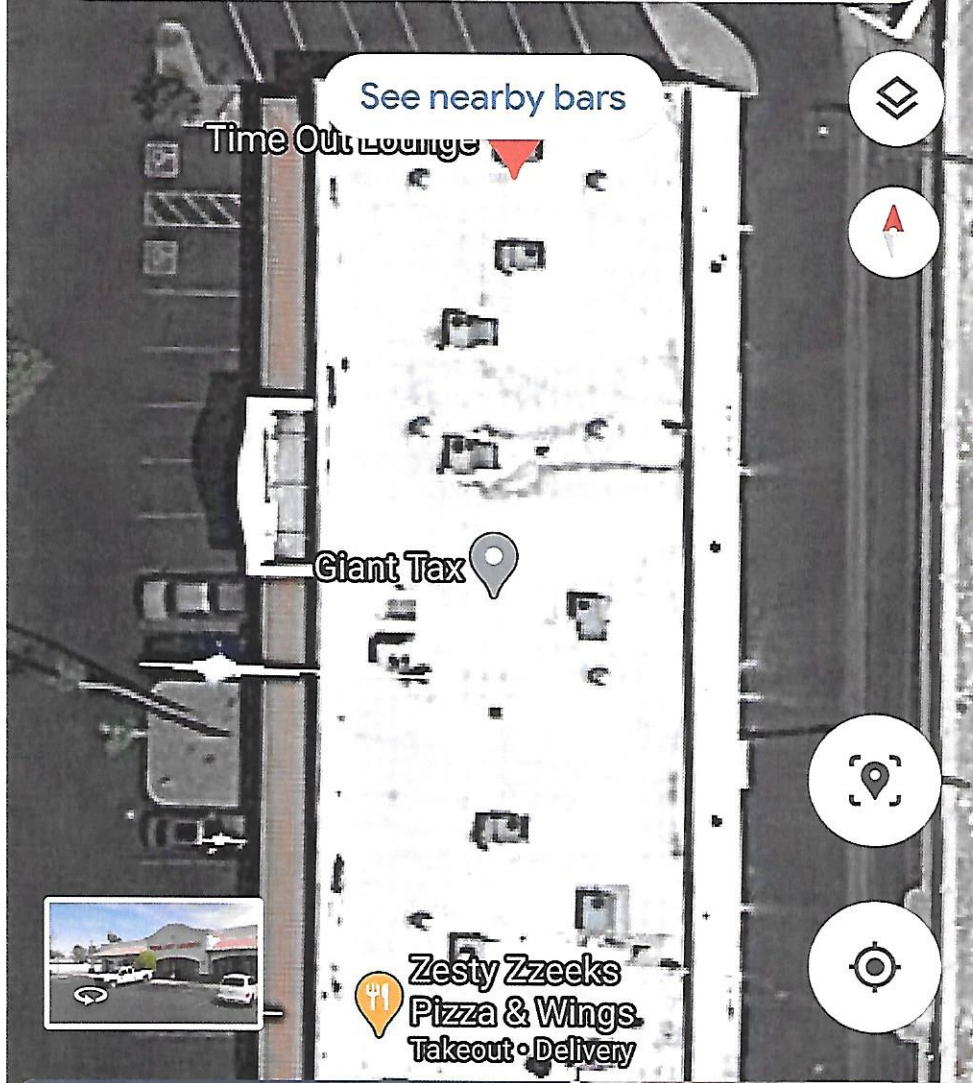
Directions

Start

Call

Save

← Time Out Lounge ×



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Ringtone



Tempe, Arizona

