



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/14/21
Agenda Item: 4**

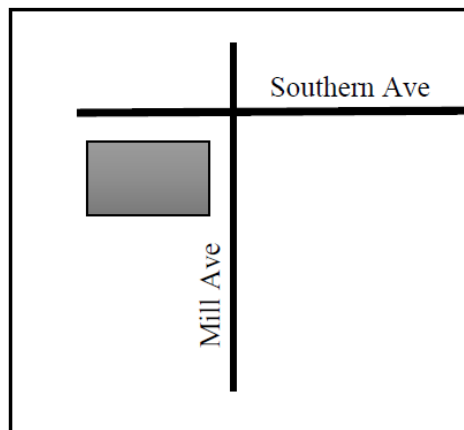
ACTION: Request a Use Permit to allow an amusement business for **THE ELECTRIC BAT ARCADE**, located at 29 West Southern Avenue. The applicant is The Electric Bat. **(PL210215)**

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE ELECTRIC BAT ARCADE (PL210215) plans to operate a pinball and other electric games amusement business in an existing building located at 29 West Southern Avenue in the CSS, Commercial Shopping and Services Zoning District. The establishment will operate Sunday through Saturday from 8 a.m. to 12 a.m.. The request includes the following:

ZUP210215 Use Permit to allow an amusement business (Pinball and game arcade)



Applicant	Sean Downing, The Electric Bat Arcade
Zoning Districts	CSS
Lot Area	4,320 s.f.
Suite Area	528 s.f.
Vehicle Parking	No Change
Bicycle Parking	No Change
Hours of Operation	Sunday – Saturday (7 days) 8:00 a.m. to 12:00 a.m.

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Steve Abrahamson, Principal Planner (480) 350-8359

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Steve Abrahamson, Principal Planner

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The proposed use is will provide entertainment services within a pinball and other electronic amusement games arcade. The proposed use is adjacent to the Yucca Tap Room in a 528 s.f. suite. It will operate seven (7) days a week from 8 a.m. to 12:00 a.m..

PUBLIC INPUT

To date, staff has received no inquiries regarding the proposed use.

USE PERMIT

The proposed use requires a Use Permit for an amusement business in the CSS, Commercial Shopping and Services Zoning District.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to significantly increase vehicular or pedestrian traffic in adjacent areas. As the proposed space has been utilized as a bar in the past, the parking demand would not be increased.
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 nature of the business will not generate emissions greater than ambient conditions and will be conducted inside the premises.
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*; the proposed use is not in conflict with the goals, objectives and/or policies adopted by the City.
4. *Compatibility with existing surrounding structures and uses*; the proposed use is compatible in nature with uses allowed by right in the CSS and no changes to the exterior of the building or site are anticipated.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*. This use should not cause disruptive behavior. As with other amusement uses, the applicant shall contact the City of Tempe Police Department's Crime Prevention Unit for a security plan.

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 for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
2. 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.
3. Live entertainment requires a separate Use Permit.
4. An occupancy inspection and clearance from the Tempe Fire Department shall be obtained prior to the use permit becoming effective.

5. The applicant shall contact the City of Tempe Police Department's Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before January 9, 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 The Electric Bat Arcade 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.

HISTORY & FACTS:

None pertinent to this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-302 Permitted Uses in Office/Industrial Districts

Section 6-308 Use Permit

Section 6-313 Security Plan

DEVELOPMENT PROJECT FILE
for
THE ELECTRIC BAT ARCADE
(PL210215)

ATTACHMENTS:

Location Map

Aerial

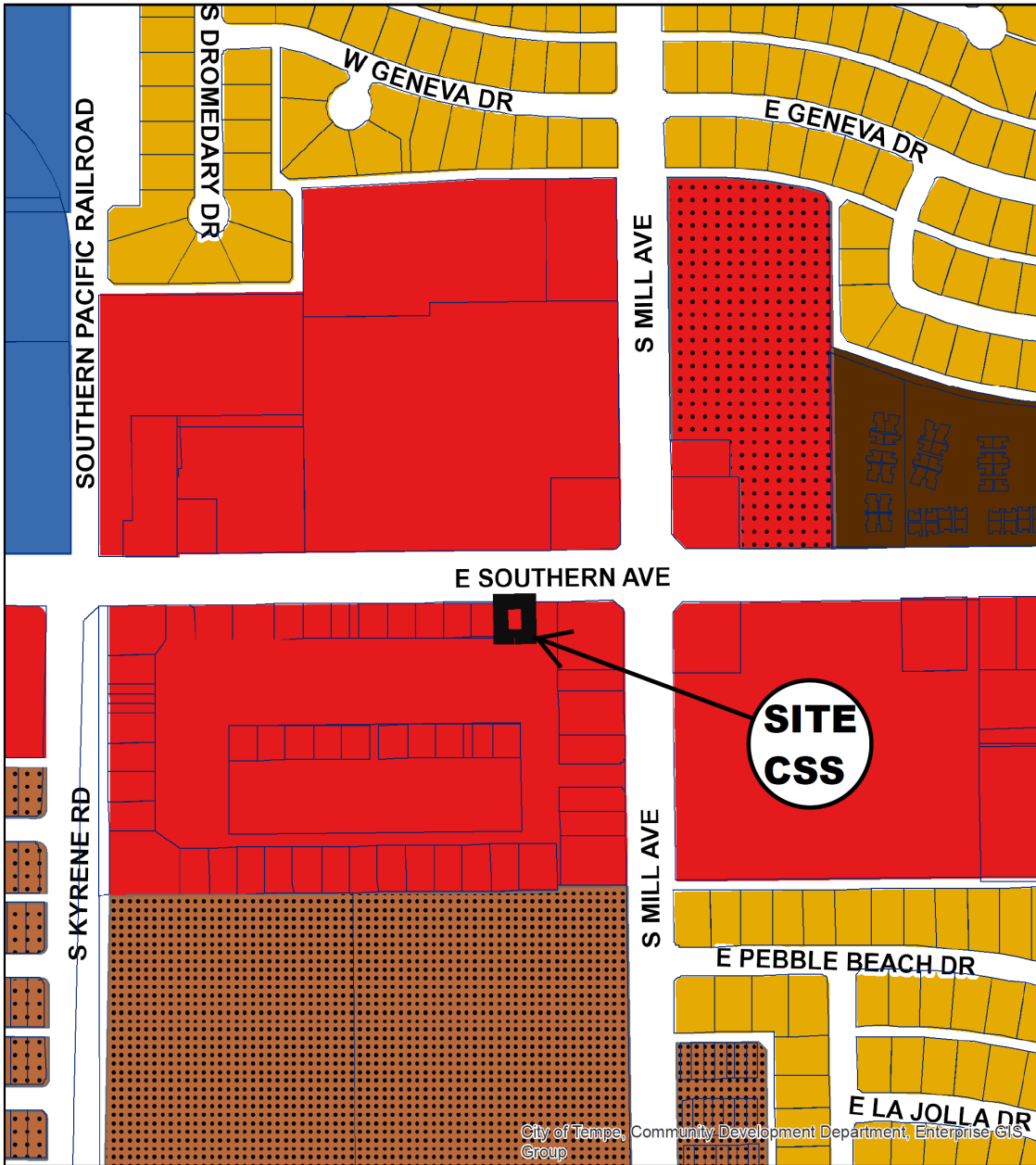
Letter of Explanation

Floor Plan – Overall

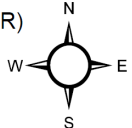
Floor Plan – Specific to The Electric Bat

ELECTRIC BAT

PL210215



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



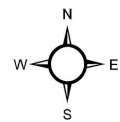
City of Tempe, Community Development Department, Enterprise GIS Group

ELECTRIC BAT



City of Tempe, Enterprise GIS and Data Analytics Group

Aerial Map



Letter Of Intent

June 23rd, 2021

Hearing Officer
Planning Division
City of Tempe
21 E 6th St. #208
Tempe, AZ 85281

Re: Use Permit for Electric Bat Arcade LLC

Dear Hearing Officer,

This letter of intent is regarding the application for a Use Permit for Electric Bat Arcade LLC, 25 W Southern Ave, Tempe AZ 85282. The Electric Bat Arcade LLC provides entertainment services to the general public, through arcade gaming. This location is the only Electric Bat Arcade LLC location and is owned and operated by Sean Downing and Rodney Hu. Electric Bat Arcade's Intends to operate within the building space located at 25 W southern Ave. The purpose of this letter is to request approval of the use permit for Electric Bat arcade LLC.

Electric Bat Arcade LLC proposed use meets the five criteria for granting Use Permit

1. The use will not cause any significant vehicular or pedestrian traffic in adjacent areas

The proposed use is an appropriate use of the existing building and will not change or effect the vehicular or pedestrian traffic in adjacent areas.

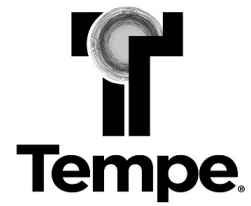
2. The use will not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding ambient conditions.

The use of the building will not be disruptive or result in any nuisance to the surrounding tenants, and all business will be conducted within the building.

3. The use will not contribute to the deterioration of, the neighborhood or be in the conflict with the goals, objectives and policies of the city.

This establishment will not contribute to any deterioration of the neighborhood, nor conflict with goals or objectives, and will abide by all policies set forth by the city of Tempe.

4. The use will be compatible with surrounding structures.



Electric Bat Arcade LLC intends to use the original existing building and will not impact or change surrounding structures.

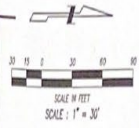
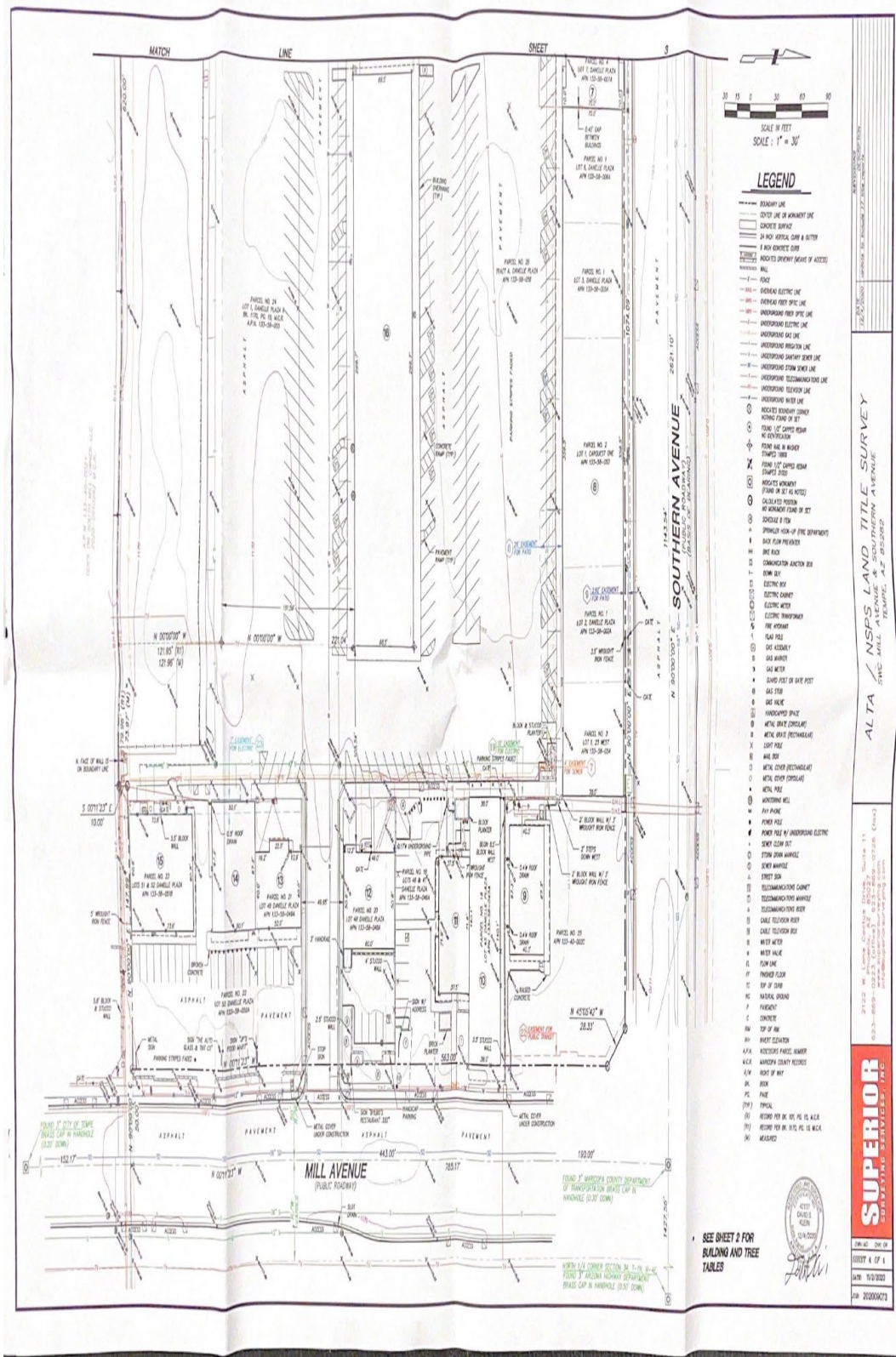
5. 5. The use will not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

As stated in category 2, Electric Bat Arcade LLC use of the building will not disrupt the surrounding businesses or create any behavior that may cause a nuisance to the surrounding area or general public.

Thank you for reviewing this letter of intent. Please feel free to contact me at (623)-252-7231 or at GM@yuccatap.com if you need any further information in order to process this application for a Use Permit.

A handwritten signature in black ink, appearing to read 'Sean Downing', written in a cursive style.

Sean Downing



LEGEND

- BOUNDARY LINE
- COVER LINE ON EXISTING LOT
- CONCRETE SURFACE
- 2\"/>

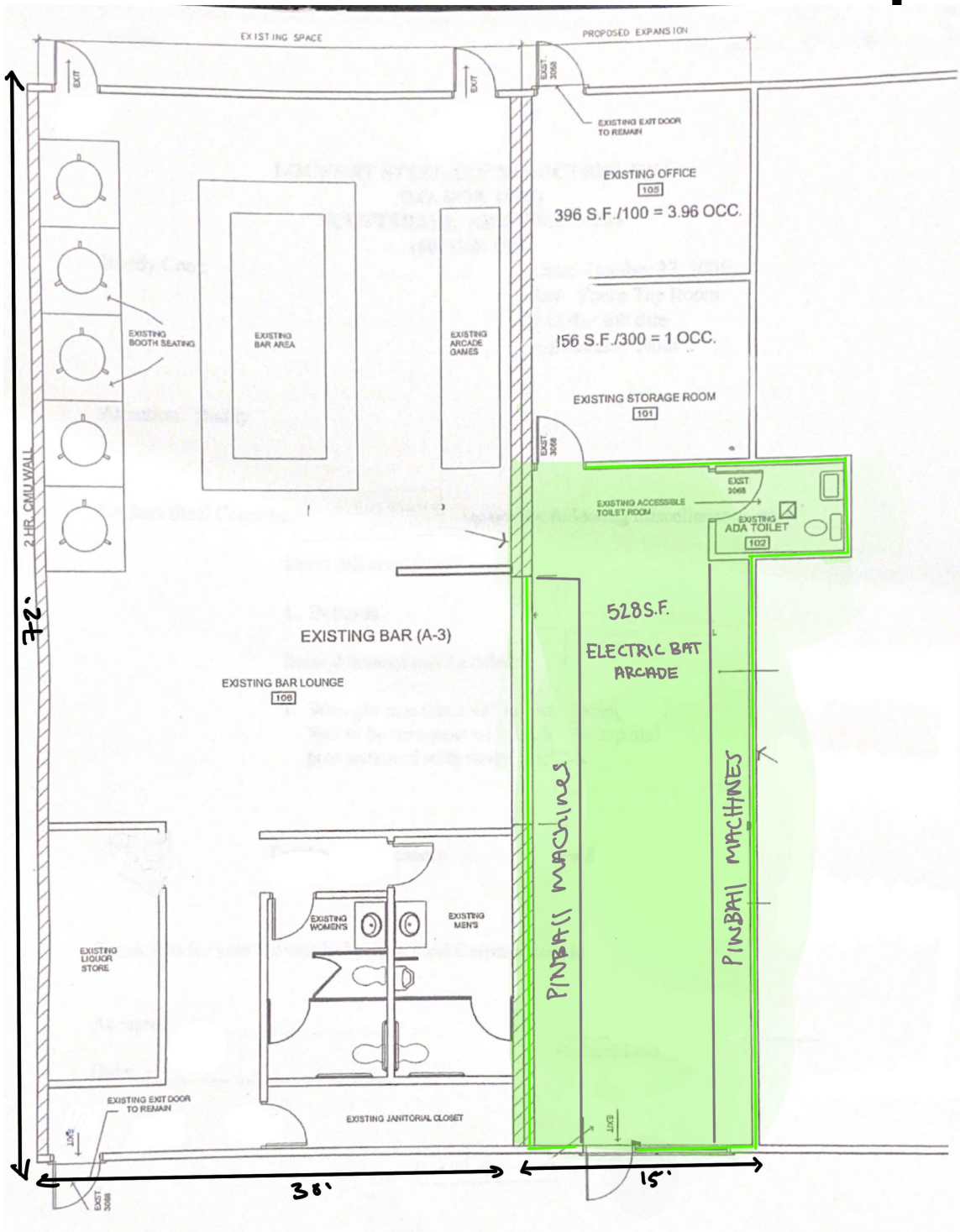
ALTA / NSPS LAND TITLE SURVEY
 SMC MILL AVENUE
 TEMPE, AZ 85283

SUPERIOR SURVEYING SERVICES, INC.
 10000 N. CENTRAL AVENUE, SUITE 100
 PHOENIX, AZ 85018
 (602) 998-8888
 www.superiorsurveying.com



SEE SHEET 2 FOR BUILDING AND TREE TABLES

DRAWN BY: JMS
 CHECKED BY: JMS
 DATE: 10/20/2023
 JOB: 202300023



THE ELECTRIC BAT – SPECIFIC FLOOR PLAN