REVISED



Agenda Item: 5

Meeting Date: 2/22/2022

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

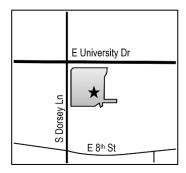
ACTION: Request a Use Permit to allow entertainment (karaoke and dancing) for AUGUST KARAOKE BOX, located at 1301 East University Drive, Suite 106. The applicant is Morris Group Architects, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: AUGUST KARAOKE BOX (PL220007) is an existing individual and group karaoke singing business, located in the Aztech Court Commercial Center on the southeast corner of East University Drive and South Dorsey Lane in the PCC-1, Planned Commercial Center Neighborhood District. The Hearing Officer approved the original Use Permit to allow a karaoke club with live entertainment for AUGUST KARAOKE BOX (PL100373) on December 7, 2010. The business is in the process of upgrading its restroom facilities and has installed fixed dancing poles, which are to be used as a prop during karaoke, in at least one (1) of the private rooms. There will be no floor area added to the original leased space. The business plans to continue operating as it has been in the past, hosting small private events such as birthday parties, team-building events, dates, and other similar activities. The request includes the following:

ZUP220005 Use Permit to allow entertainment (karaoke and dancing).



Property Owner Martin Bloom Investments / Tiburon Investments
Applicant Bryan Morris, Morris Group Architects, LLC

Zoning District PCC-1
Site Area 147,783 s.f.
Building Area 40,530 s.f.
Suite Area 1,574 s.f.

Lot Coverage 27% (50% max. allowed)
Building Height 16' (35' max. allowed)

Building Setbacks 75' front, 38' east side, 65' street side, 17' rear (0',

0', 30', 30' min. required) No change in demand No change in demand

Bicycle Parking

No change in demand

Hours of Operation

12:00 p.m. to 12:00 a.m., daily

Building Code Occupancy E

Vehicle Parking

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Lee Jimenez, Senior Planner Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The site is located between East University Drive, East 8th Street, South McClintock Drive, and South Dorsey Lane. The private rooms vary in size and theme. Each room is equipped with audio and video equipment that offers parties a large catalog collection of songs to perform karaoke with the ability to record themselves. The business also offers props for use by guests which include costume accessories, dancing poles, and other similar items.

PUBLIC INPUT

Staff has received no public comments as of the publishing date of this staff summary report.

POLICE INPUT

A security plan is required for the proposed entertainment use.

USE PERMIT

The proposed use requires a Use Permit to allow entertainment (karaoke and dancing) in 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; the proposed entertainment use is not expected to significantly increase vehicular or pedestrian traffic more than the existing use and other uses permitted by right in the PCC-1 zoning district.
- 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 proposed entertainment use will take place indoors only and is not expected to generate emissions at a level greater than local ambient conditions.
- 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 entertainment use does not conflict with any of the City's adopted plans or general plan and is expected to positively contribute to the surrounding area.
- 4. Compatibility with existing surrounding structures and uses; the proposed use does not require alterations to the exterior of the building. Furthermore, the commercial center already includes other entertainment uses such as a billiards hall and a rage release room.
- 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 entertainment use requires a security plan through the City of Tempe Police Crime Prevention Unit which will help the operator plan for potential disruptive behavior that may result from the proposed 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.

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. The entertainment use shall only be allowed indoors. No entertainment use shall be allowed outdoors.

- 4. The entertainment use shall begin no earlier than seven o'clock in the morning (7:00 a.m.) and cease no later than midnight (12:00 a.m.), daily.
- 5. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan review within 30 days of this approval. Contact 480-858-6409 before March 24, 2022. A security plan review is required should the applicant apply for a BYOB license from the Arizona Department of Liquor Control and Licensure.
- 6. Outside paid-for entertainment services (i.e., bands or dancers) shall be prohibited.
- 7. All karaoke room doors shall be provided with clear glass vision panels, having a maximum width of three (3) inches and a maximum height of twenty-three (23) inches. Details to be resolved during Building Safety Plan 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 AUGUST KARAOKE BOX 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 entertainment shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

July 20, 1987	Building Safety Department final inspection passed for the construction of Aztech Court, located at 1301 East University Drive in the I-2, General Industrial District.
March 25, 1987	Board of Adjustment approved use permit to operate a commercial business in an industrial district for BEAUVAIS FITNESS CENTER, located at 1301 East University Drive in the I-2, General Industrial district. (A-87-3.11)

May 17, 1988 Hearing Officer approved a Variance to reduce the required parking from 235 to 210 at 1301 E

University Drive in the PCC-1, Planned Commercial Center Neighborhood District.

August 9, 2005	Planning & Zoning Commission approved the request by A Plus Beauty School for a Use Permit to allow a beauty/vocational school, located at 1301 East University Drive, Suite 118 & 119 in the PCC-1, Planned Commercial Center Neighborhood District. (CC050046 / #SIP-2005.67)
May 21, 2014	Hearing Officer approved use permit to allow the resale of items at a second hand store for DAVI' TREASURES, located at 1301 East University Drive in the PCC-1, Planned Commercial Center Neighborhood District. (PL140112)
April 28, 2016	Community Development Department Planning Division staff approved shared parking analysis for GLASS BOARD GAME CAFÉ, located at 1301 East University Drive, Suite 130 in the PCC-1, Planned Commercial Center Neighborhood District.
December 7, 2010	Hearing Officer approved Use Permit to allow an amusement use (karaoke club) with live entertainment for AUGUST KARAOKE BOX, located at 1301 East University Drive, Suite 106 in the PCC-1, Planned Commercial Center Neighborhood District. (PL100373)
January 9, 2006	Development Services Department Board of Adjustment staff approved request for Use Permit transfer for T'S LIQUOR AND CONVENIENCE STORE, located at 1301 East University Drive, Suite 132 in the PCC-1, Planned Commercial Center Neighborhood District. (BA050201)
May 17, 2017	Hearing Officer approved a Use Permit to allow an animal kennel (cats) for LA GATTARA CAT CAFÉ, located at 1301 East University Drive, Suite 136 in the PCC-1, Planned Commercial Center Neighborhood District. (PL170083)
August 15, 2017	Hearing Officer approved a Use Permit to allow an amusement business (stress relief room) for SIMPLY SMASHING, located at 1301 East University Drive, Suite 101 in the PCC-1, Planned Commercial Center Neighborhood District. (PL170224)

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

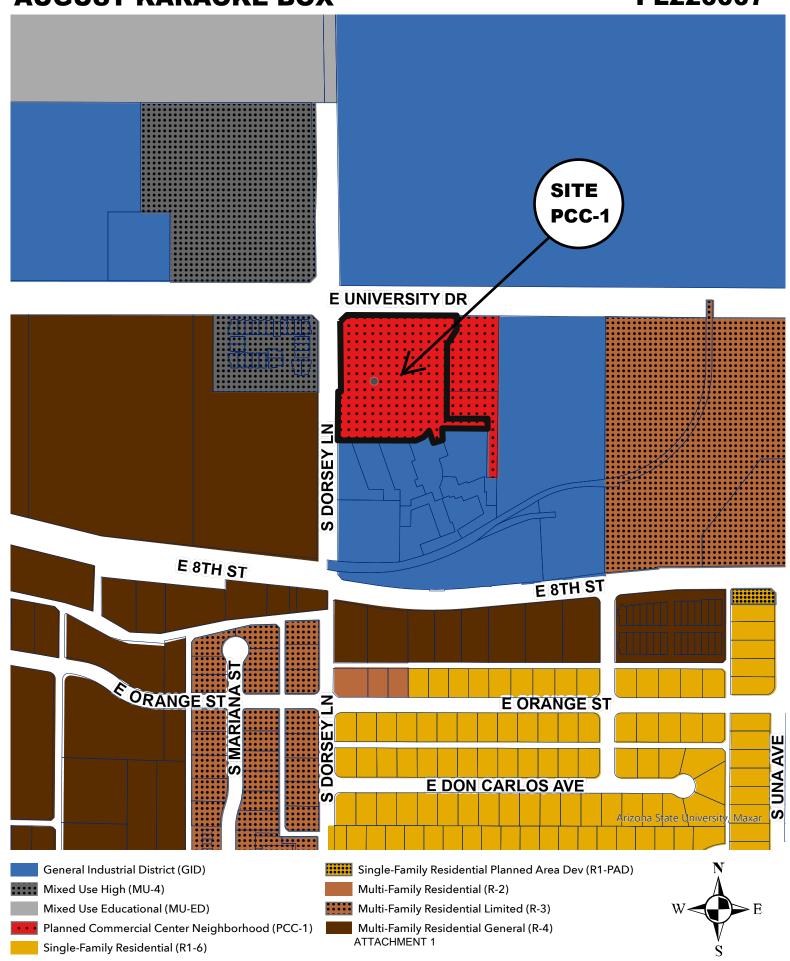
for AUGUST KARAOKE BOX (PL220007)

ATTACHMENTS:

- 1. Location Map
- 2. Aerial
- 3-4. Letter of Explanation
- 5. Site Plan
- 6. Floor Plan
- 7-26. Site Context Photos

AUGUST KARAOKE BOX

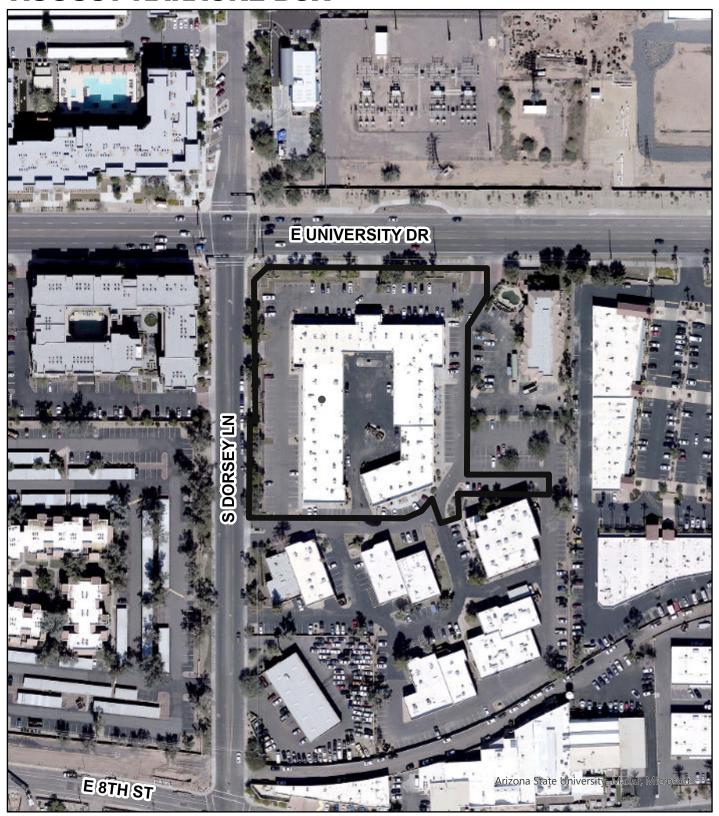




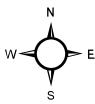


AUGUST KARAOKE BOX

PL220007



Aerial Map





January 10, 2022

To: City of Tempe

Community Development Department

Planning Division

RE: Use Permit Application for:
August Karaoke Box
1301 E. University Drive, Suite 106
Tempe, Arizona 85281

To Whom it may concern,

Please accept his application for a use permit for the purpose of allowing music to be played as a part of the business purpose of this venue.

August Karaoke Box is an existing tenant within a larger commercial retail center. This retail center includes other similar business activities including a neighborhood bar (with music), dining establishments, an athletic gym and a "rage release room" (an amusement business that allows smashing items in a controlled environment).

The nature of this business is individual and group karaoke singing (entertainment), in a private environment. Individuals and small groups of people can reserve one of several rooms for their own private entertainment. It is designed for birthday parties, business team building, dates, and similar activities.

The private rooms vary in size and have different themes. The rooms come equipped with state-of-the art audio and video equipment so parties can select from a large catalog of songs to perform karaoke and video themselves for posterity. In addition to the audio-video equipment, there are also props for use by guests to enhance their experience. These include costume accessories, dancing poles, and other similar items.

There will be no paid-for outside entertainment allowed. In other words, there will be no music bands or dancers provided for entertainment purposes - this is strictly a venue for private parties to create their own entertainment. As such, part of this use permit request is to allow the use of the fixed dancing poles as they are a prop used as part of the karaoke experience.

This venue will provide non-alcoholic beverages and pre-packaged snacks for sale. There will be two or three employees on premise during business hours to accept reservations and provide guidance and support for guests. Business hours are 12pm to 12am, 7 days a week and reservations are required.



This business is very similar to the existing "Simply Smashing Rage Room", suite 101, in the same building that provides private entertainment and props for use by guests who create their entertainment.

There should be no impacts to neighboring business or properties as the entertainment is kept within the business suite and cannot be heard outside of the business. This business is compliant with the zoning district and overall building use. There will be no impacts to existing vehicular and pedestrian traffic and there is no change to the existing building or site.

In addition to this use permit application, we will be submitting plans (under separate submittal) for the purpose of obtaining a building permit and bringing the existing restrooms into compliance with accessibility standards

If you have any questions, please do not hesitate to call me at the number below.

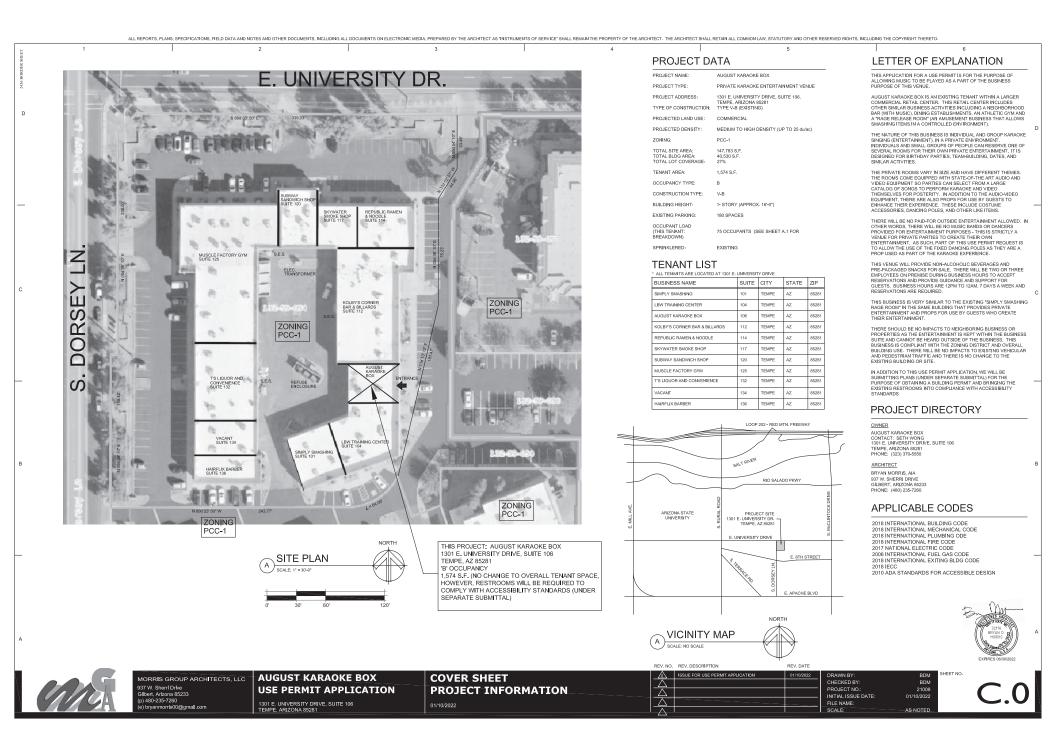
Sincerely,

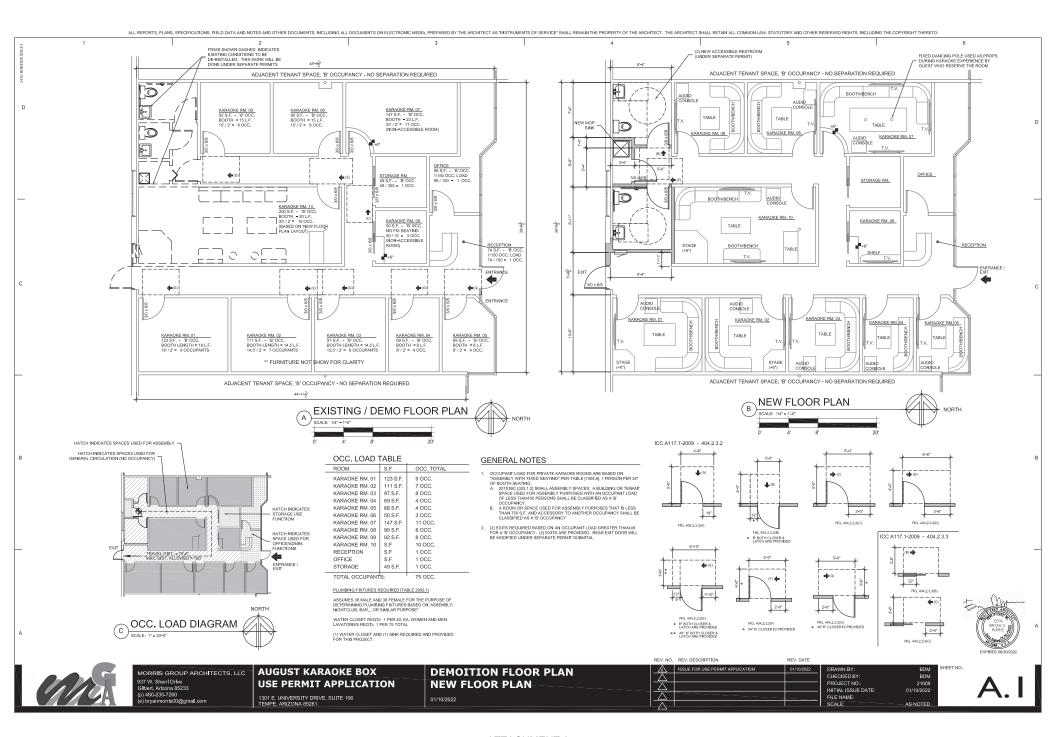
Bryan Morris, AIA

MORRIS GROUP ARCHITECTS, LLC

(480) 235-7260

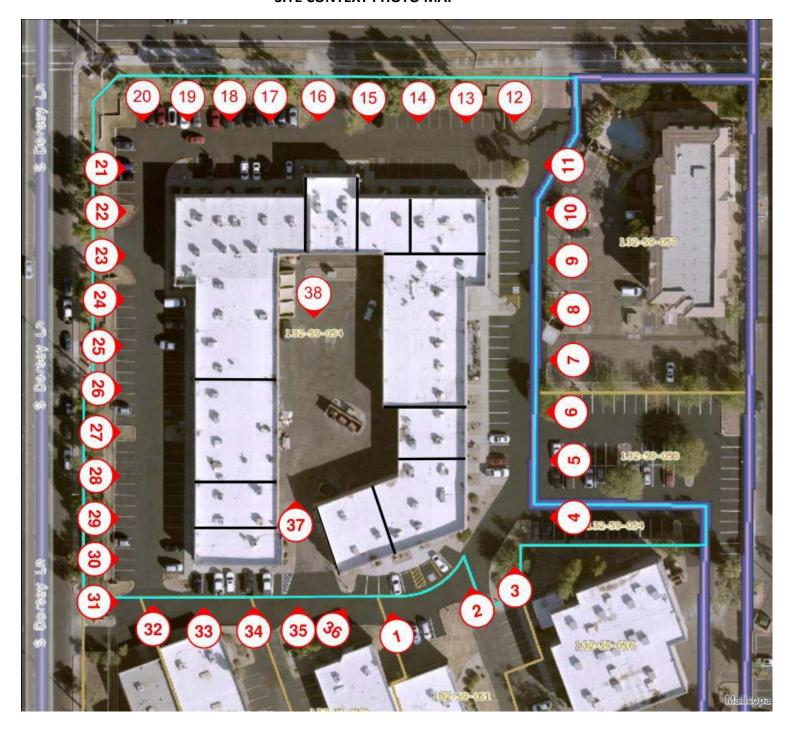
email: bryanmorris00@gmail.com





RE: Use Permit Application for: August Karaoke Box 1301 E. University Drive, Suite 106 Tempe, Arizona 85281

SITE CONTEXT PHOTO MAP



SITE CONTEXT PHOTOS



1. First photo starts at Suite 101. Subsequent photos walk around the building counterclockwise.

















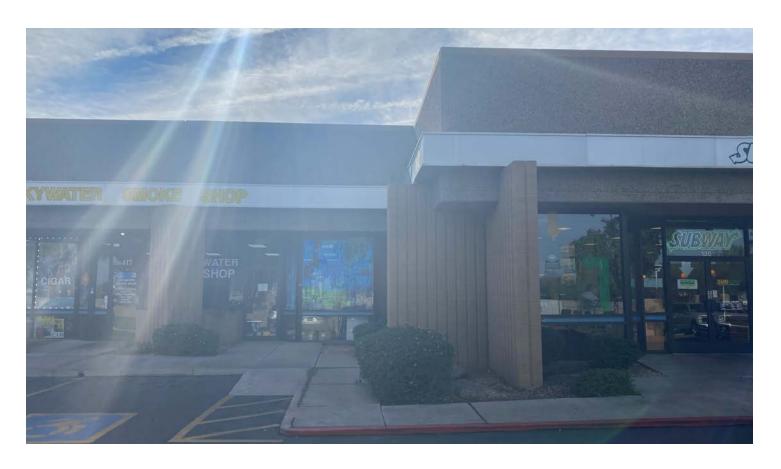


















































ATTACHMENT 24







