REVISED



Agenda Item: 6

Meeting Date: 2/22/2022

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

ACTION: Request a Use Permit to allow entertainment (karaoke and dancing) for TANG GARDEN RESTAURANT, located at 1320 East Broadway Road, Suite 104. The applicant is Morris Group Architects, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TANG GARDEN RESTAURANT (PL220018) is proposing to add entertainment to the existing restaurant, located in the Broadway Center on the northeast corner of South Dorsey Lane and East Broadway Road in the CSS, Commercial Shopping and Services District. The business plans to host small private events such as birthday parties, team-building events, dates, and other similar activities. The request includes the following:

ZUP220006 Use Permit to allow entertainment (karaoke and dancing).



Property Owner Saia Family Limited Partnership

Applicant Bryan Morris, Morris Group Architects, LLC

Zoning District CSS

 Site Area
 207,560 s.f.

 Building Area
 51,810 s.f.

 Suite Area
 3,551 s.f.

Lot Coverage 25% (50% max. allowed) Building Height 16' (35' max. allowed)

Building Setbacks 85' front, 30' side, 179' street side, 106; rear (0', 0',

0', 10' min. required)
No change in demand
No change in demand

Hours of Operation 12:00 p.m. to 12:00 a.m., daily

Building Code Occupancy B

Vehicle Parking

Bicycle 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 Vista Del Cerro Drive, East Broadway Road, 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):

- 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, nor does it conflict with any of the nearby commercial and residential uses.
- 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 TANG GARDEN RESTAURANT 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 22, 1987

Board of Adjustment approved the following for THE BEVERLY GRILL (A-87-7.10), located at 1320 East Broadway Road in the C-2, General Commercial District:

- a. Use Permit to allow a 1,200 s.f. outdoor dining area, as an accessory to a restaurant;
- b. Variance to reduce the total required number of parking spaces for the center from 249 spaces to 243 spaces to accommodate the outdoor dining;
- c. Variance to waive the required landscaping islands at every 15th parking stall and at ends of parking isles.

May 25, 1988

Board of Adjustment approved the following for THE BEVERLY GRILL (A-88-5.16), located at 1320 East Broadway Road in the C-2. General Commercial District:

- a. Use Permit to provide live entertainment in conjunction with the existing restaurant/bar;
- b. Variance to reduce the required off-street parking from 289 to 260 spaces.

October 11, 1988 Board of Adjustment approved a Variance to reduce the required number of off-street parking

spaces from 324 to 260 spaces for SPORT TRAINING AND REHABILITATION (A-88-9.28), located at 1334 East Broadway in the C-2, General Commercial District.

July 26, 1989 Board of Adjustment approved the following for BEVERLY BAR & GRILL (BA890197), located at

1320 East Broadway Road in the C-2, General Commercial District:

a. Use Permit to expand an existing restaurant/bar to add a poolhall;

b. Variance to reduce the required off-street parking from 311 to 260 spaces.

September 17, 2002 Hearing Officer approved the following items for HORSE AND HOUND OFF BROADWAY

(BA020223), located at 1320 East Broadway Road in the C-2, General Commercial District:

a. Use Permit to allow a change of ownership of an existing restaurant/bar;

b. Use Permit to allow live entertainment (off-track betting, karaoke, DJ, and live music);

c. Use Permit to allow more than three (3) pool tables.

January 4, 2005 Hearing Officer approved a Use Permit to allow an expansion of a business with live

entertainment for THE HORSE AND HOUND SPORTS GRILL (BA040254), located at 1320 East

Broadway Road in the C-2, General Commercial District.

August 6, 2013 Hearing Officer approved a Use Permit to allow a tobacco retailer (hookah lounge) for VERTIGO

HOOKAH LOUNGE AND CAFÉ (PL130216), located at 1320 East Broadway Road in the CSS,

Commercial Shopping and Services 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 TANG GARDEN RESTAURANT (PL220018)

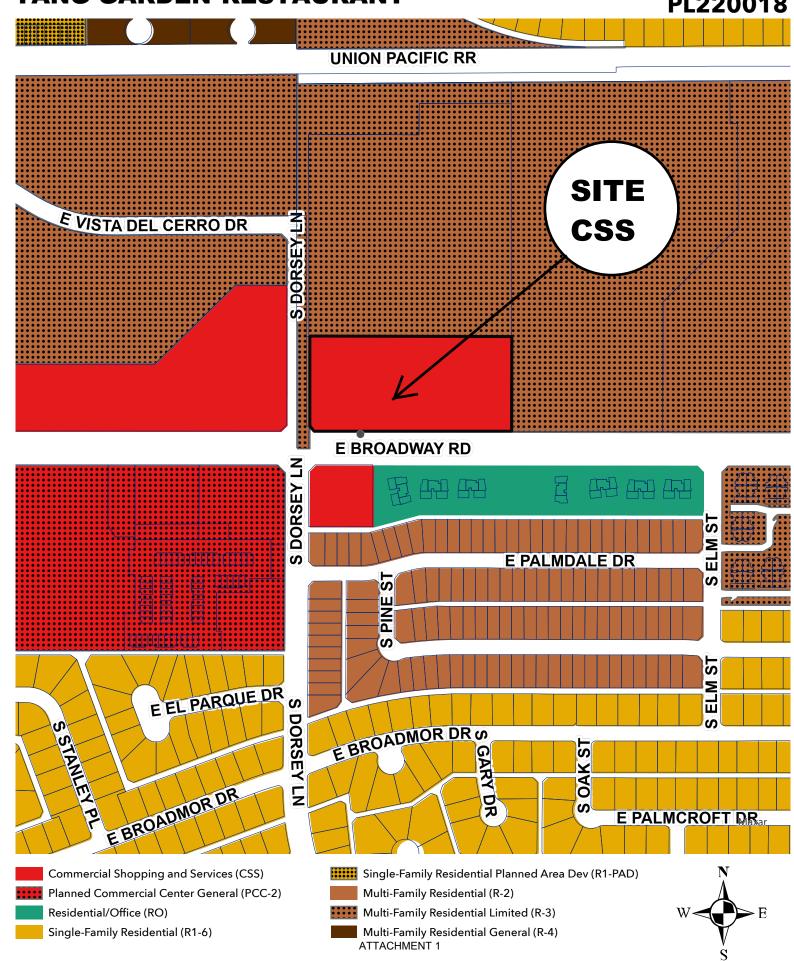
ATTACHMENTS:

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

TANG GARDEN RESTAURANT



PL220018

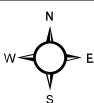


Tempe. PL220018

TANG GARDEN RESTAURANT



Aerial Map





January 20, 2022

To: City of Tempe

Community Development Department

Planning Division

RE: Use Permit Application for: Tang Garden Restaurant 1320 E. Broadway Rd., Suite 104 Tempe, Arizona 85282

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.

Tang Garden Restaurant is an existing tenant within a larger commercial retail center. This retail center includes other similar business activities including a couple of other restaurants, one with an exterior patio that required a use permit.

Tang Garden Restaurant will retain its existing restaurant operation but have added private rooms for individual and group karaoke singing (entertainment) - they have replaced a portion of their existing dining room. Individuals and small groups of people can reserve one of several rooms for their own private entertainment. It is designed for birthday parties, 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 like 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.

As stated, this venue is an existing restaurant and will provide a full-service kitchen and both alcohol and non-alcoholic beverages. The karaoke venue will have 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. The restaurant will maintain its existing staff.

There should be no impacts to neighboring businesses 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 for the new karaoke room work recently completed.

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

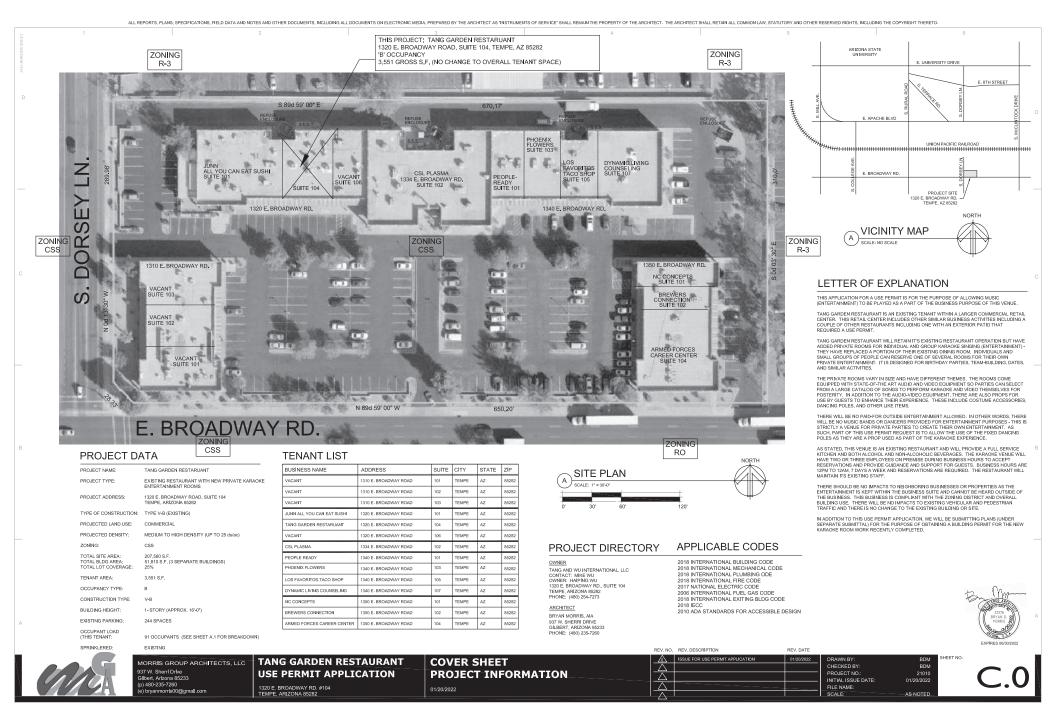
Sincerely,

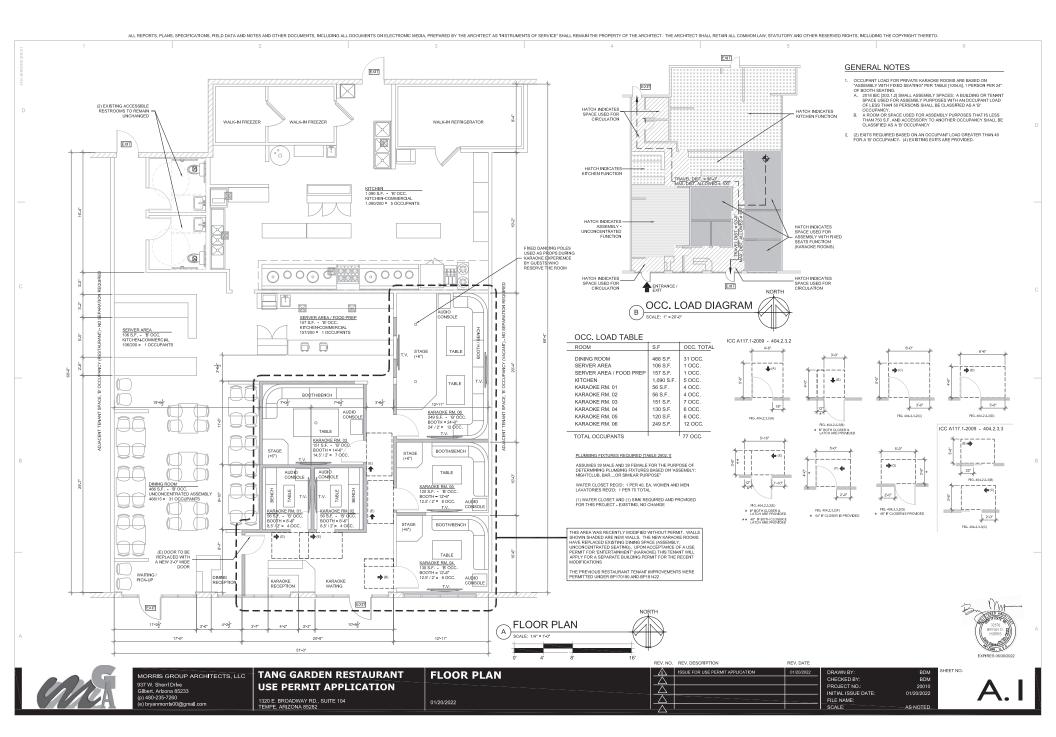
Bryan Morris, AIA

MORRIS GROUP ARCHITECTS, LLC

(480) 235-7260

email: bryanmorris00@gmail.com





RE: Use Permit Application for: Tang Garden Restaurant 1320 E. Broadway Rd., Suite 104 Tempe, Arizona 85282

SITE CONTEXT PHOTO MAP



SITE CONTEXT PHOTOS



1.























