

Location Map



Apache Blvd

HAREM NIGHTS (PL090148)

Harem Nights
1630 E. Apache Blvd Ste 3
Tempe, Arizona 85281

April 21, 2009

LETTER OF INTENT

To Whom It May Concern:

This letter is to serve as my letter of intent and apprise the City of Tempe of my intended function and operation.

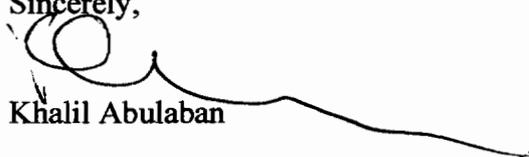
I previously owned and operated a family restaurant from 2001-2007 in the City of Tempe. The establishment provided food, beverage, entertainment, and was also one of the City of Tempe's first hookah lounge.

My intention is to establish a hookah lounge; Harem Nights located at 1630 E. Apache Blvd. Tempe, Arizona and comply with all City codes and zoning regulations

Harem Nights hours of operation will be from 5pm-4am 7 days a week where hookah's with flavored tobacco will be served along with non-alcoholic beverages. There will be no food served staying in compliance with the City of Tempe's no smoking ban. Harem Nights will also provide the sale of flavored hookah tobacco, hookahs and hookah accessories.

Thank you for your timely consideration to my application.

Sincerely,


Khalil Abulaban

(480) 350-8331 (Phone)

May 21, 2009

Mr. Khalil Abulaban
Harem Nights
4704 South Kenwood Lane
Tempe, Arizona 85282

**RE: HAREM NIGHTS
PL090148 / ZUP09063 / ZUP09067**

Dear Mr. Abulaban:

You are hereby advised that at the hearing held May 19, 2009, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Approved the request by **HAREM NIGHTS (PL090148)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite No. 103 in the CSS, Commercial Shopping and Services District for:

ZUP09063 Use permit to allow a hookah lounge.

ZUP09067 Use permit to allow live entertainment.

Approved subject to the following conditions:

1. The use permit is valid for Harem Nights and may be transferrable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff or review of the business operation.
2. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
3. 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.
4. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. The gross sale of beverages and snack items may not exceed that of tobacco and hookah products.
7. No outdoor live entertainment or outdoor speakers shall be allowed.
8. Live entertainment shall not violate the City of Tempe Noise Ordinance.
9. Existing fluorescent lighting above entrance doors shall be operable from dusk until dawn. Staff will conduct evening inspection to verify.
10. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
11. The applicant shall contact the City of Tempe Crime Prevention Unit for a Security Plan within 30 days of this approval. Contact Crime Prevention at (480) 858-6027 before June 19, 2009.

12. **Live entertainment is restricted to live belly dancing only. ADDED BY STAFF**
13. **Live entertainment shall cease at 11:30 PM nightly. ADDED BY STAFF**

Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

In addition to proceeding with the approvals granted, it is understood that any and all conditions as stipulated by the Hearing Officer as indicated above, shall be fully complied with. If the action of the Hearing Officer was required for the purposes of rectifying any violations of the Zoning and Development Code, the violations shall be the responsibility of the applicant/owner to fully correct and achieve conformance.

In sign-related violations, corrections shall be made within five (5) days of Hearing Officer action; in all other matters, corrections shall be made within fifteen (15) days of Hearing Officer action, unless specifically conditioned otherwise by the Hearing Officer. You are further advised that the above does not waive the requirements for obtaining building permits and other clearances as may be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Daffara', with a long horizontal flourish extending to the right.

Shawn Daffara
Planner II

SD:dm

cc: Mr. Milivoje Djordjevich/1630 Apache LLC
File

January 13, 2010

Mr. Khalil Abulaban
Harem Nights
4704 South Kenwood Lane
Tempe, AZ 85282

RE: Zoning Violation – 1630 East Apache Blvd. Tempe

Dear Mr. Abulaban:

Your business, located at 1630 East Apache Blvd. continues to be in violation of the City of Tempe Zoning and Development Code section 6-308(I). The use permit approval for your Hookah Lounge/Tobacco Retailer was based on several specific conditions. Condition number four (4) of the approval letter, dated May 21, 2009, states that “All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective”. Our records indicate that your business has not complied with this condition of approval.

The purpose of this letter is to inform you that if corrective actions are not taken, then the original decision making body may revoke the use permit, per City of Tempe Zoning and Development Code, Part 6, Chapter 9, Section 6-902.

Please contact me if you have any questions or concerns. Your cooperation in this matter is greatly appreciated.

Sincerely,



Dean Miller
Sr. Code Inspector
Development Services Department
480-350-8435

Copy: File

January 29, 2010

Mr. Khalil Abulaban
4704 South Kenwood Lane
Tempe, AZ 85282

**RE: HAREM NIGHTS - Use Permit
1630 East Apache Blvd.
PL090148/DS090389/ZUP09063**

Dear Mr. Abulaban:

We are requesting your presence at an administrative hearing to discuss the conditions of approval for your use permit for Harem Nights at 1630 East Apache Blvd (ZUP09063). Condition number four (4) of the approval letter dated May 21, 2009 stated that "All permits and clearances required by the Building Safety Division be obtained prior to the use permit becoming effective". Our records indicate that this condition has not been complied with.

Please be advised that the City of Tempe Zoning and Development Code Part 6, Chapter 9, Section 6-902 states that if the applicant has not taken corrective actions to resolve the issues related to the approval, then the original decision making body may revoke the use permit. We have scheduled the hearing for Friday, February 19, 2010 at 9:00 AM in the City of Tempe Development Services Department Conference Room located at 31 E. 5th Street, Tempe. Staff recommends that you be in attendance for the hearing to provide any relevant information and/or plans for possible corrective actions that may be taken to avoid the revocation of your use permit.

Should you have questions concerning this notice, please contact me directly at (480) 350-8435.

Sincerely,



Dean Miller
Senior Code Inspector
Development Services Department
480-350-8435

Copy: File
1630 E. Apache Blvd.

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
www.tempe.gov



Development Services
Planning

(480) 350-8331

May 25, 2010

Mr. Khalil Abulaban
Harem Nights
4704 South Kenwood Lane
Tempe, Arizona 85282

RE: **HAREM NIGHTS**
Revocation of use permit ZUP09063
PL090148 / ZUP09063

Dear Mr. Abulaban:

You are hereby advised that at the hearing held May 19, 2010, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code revoked ZUP09063 – use permit to allow a hookah lounge – due to non-compliance with the Condition of Approval No. 4, which reads, "All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code."

This use permit had been formerly approved for **HAREM NIGHTS (PL090148)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite No. 103, in the CSS, Commercial Shopping and Services District on May 19, 2009.

If you have any questions, please contact me at (480) 350-8989.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Collins'.

Lisa Collins
Planning Director

LC/dm

cc: Mr. Jeff Tamulevich/COT
Mr. Dean Miller/COT
Mr. Steve Abrahamson/COT
Mr. Shawn Daffara/COT
File

3. 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.

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5. Request by the **KEEGAN RESIDENCE (PL090145)** (Pat Keegan, applicant/property owner) located at 1325 East Secretariat Drive in the AG, Agricultural District for:

ZUP09061 Use permit to allow an accessory building (ramada).

Mr. Pat Keegan was present to represent this case.

Derek Partridge, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued.

DECISION:

Mr. Williams approved PL090145/ZUP09061 subject to the following conditions of approval:

1. Obtain necessary clearances from the Building Safety Division.
2. The use permit is valid for the plans as submitted to the Hearing Officer.

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6. Request by **HAREM NIGHTS (PL090148)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite No. 103 in the CSS, Commercial Shopping and Services District for:

ZUP09063 Use permit to allow a hookah lounge.

ZUP09067 Use permit to allow live entertainment.

Ms. Tara Eivers was present to represent this case. TV's are available to watch sports events, entertainment is belly dancing only. The belly dancer provides her own music on a CD and there are two (2) shows of 20 minutes duration – one at 10 PM and one at 11 PM.

Shawn Daffara, staff planner, gave an overview of this case and stated calls of inquiry had been received since the staff report had been issued. He identified the location of the nearest Single Family Residential District to the north and that the live entertainment would only consist of belly dancing. The calls of inquiry had concerned the nature of the live entertainment and no letters of complaint had been received. Mr. Daffara confirmed in response to a question from Mr. Williams that this applicant is required to comply with the Smoke Free Arizona stipulations. No liquor is allowed to be served, just coffee, tea, soft drinks, water – there is no liquor license. Customers can bring in their own food from other sources but the applicant is not allowed to serve food on site.

Mr. Chuck Buss, Tempe resident of the University Heights neighborhood, stated that the biggest concern is that the building is ten (10) feet from a residential area. Residents had experienced noise problems from a bar that was in this location previously. This business has a very small parking lot and there are concerns about parking issues as overflow parking may occur on 12th Street. He presented thirteen (13) statements of opposition to this request to the Hearing Officer, noting that the lack of a neighborhood meeting generated the calls of inquiry to staff.

Mr. Williams asked staff whether a neighborhood meeting was required. Mr. Daffara responded that the Zoning and Development Code only requires that a neighborhood meeting be held in when issues of variances or PADs exist. Staff does recommend that neighborhood meetings be held when there are residential areas nearby use permit requests however they cannot require that the applicant(s) do so. Applicants who receive letters/inquires of concern from residents often decide to hold a neighborhood meeting in order to alleviate those issues of

concern. Mr. Daffara explained that there had been no calls or inquiry until after the staff report had been issued to the applicant.

Mr. Williams asked how long Harem Nights had been in operation. Mr. Daffara responded that they are not yet in operation so no track record as to the number of patrons, or issues of operation exist at this time. Mr. Daffara stated that based on staff's experience with other hookah lounges, the majority of patrons usually number 15 to 20 people. Mr. Daffara read the conditions of approval into the record for those present.

Mr. Christopher McKee, Tempe resident of the University Heights neighborhood, stated that the conditions of approval address the residents' concerns. He would recommend that the applicant seek an agreement for overflow parking on another lot. He asked that the applicant assure that the entertainment/patrons do not overflow into the parking lot or patio area.

Ms. Eivers explained that Harem Nights is an upscale place catering mainly to the 25 to 85 year age group. She is very conscious of the homeowners in the nearby area and would be happy to hold a neighborhood meeting even after the use permit is approved if the residents so desired. Everything will be indoors and there is no room for an outdoor patio. She assured Mr. Williams that she had no problem being accountable to the residents concerns. There are no other tenants of this center who have night time activities so parking should not be an issue. She expects that most people will like to come on the weekends when the belly dancer is present and estimated that there may be 10 to 40 patrons at that time.

In response to a question from Mr. Williams as to the seating availability, Ms. Eivers stated that on the floor itself there is seating for about 23 people. An upper area seats about 20 people comfortably and there are additional stools available.

Mr. Williams noted that in essence that the residents in the audience were in fact now having a neighborhood meeting. He asked if anyone had additional questions for this applicant. Mr. Buss returned to the podium to question Ms. Eivers about the current status of this business/security plan/parking. She responded that they were currently doing renovations. She explained that several of the parking lot lights were inactive and that the property owner would be rectifying that situation which relate to the security issue(s). A security plan is required to be implemented within thirty (30) days. The property owner has agreed to have the parking lights in operation by May 19th.

Mr. Buss noted that there had been a homeless contingent in this parking lot area. Ms. Eivers explained that she had been working with the Tempe Police Department on this issue and that there were a lot of more police officers driving thru this area to resolve this situation of homeless tenancy.

Mr. Buss asked what would be required should this business decided to expand in the future and the subsequent parking affect. Mr. Williams confirmed that they would be required to return to Development Services staff to obtain approval for anything of that nature. Ms. Eivers noted that their objective is to be a good neighbor.

DECISION:

Mr. Williams approved PL090148/ZUP09063/ZUP09067 subject to the following conditions of approval:

1. The use permit is valid for Harem Nights and may be transferrable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff or review of the business operation.
2. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
3. 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.
4. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code.

5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. The gross sale of beverages and snack items may not exceed that of tobacco and hookah products.
7. No outdoor live entertainment or outdoor speakers shall be allowed.
8. Live entertainment shall not violate the City of Tempe Noise Ordinance.
9. Existing fluorescent lighting above entrance doors shall be operable from dusk until dawn. Staff will conduct evening inspection to verify.
10. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
11. The applicant shall contact the City of Tempe Crime Prevention Unit for a Security Plan within 30 days of this approval. Contact Crime Prevention at (480) 858-6027 before June 19, 2009.
12. Live entertainment is restricted to live belly dancing only. ADDED BY STAFF
13. Live entertainment shall cease at 11:30 PM nightly. ADDED BY STAFF

-
7. Request by TEMPE TOWNE CENTER – URBAN CAMPFIRE (PL090150) (Steve Wolff, applicant; Tempe Towne Holding Company, property owner) located at 921 East University Drive in the CSS, Commercial Shopping and Services District for:

ZUP09064 Use permit to allow live entertainment.

Mr. Steve Wolff was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued. This business owner had spoken with the adjacent business owner and obtained a petition of support from them for this request. The patio is located on the north side of the building.

At Mr. Wolff's request, Mr. Williams read the conditions of approval. Mr. Wolff stated that they are working with the Crime Prevention Department and the landlord will be removing the weeds. He acknowledged the need for a sign permit for the painted sign on the building.

DECISION:

Mr. Williams approved PL090150/ZUP09064 subject to the following conditions of approval:

1. The use permit is valid for Urban Campfire and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Noise generated from the use shall conform to the City of Tempe Noise Ordinance requirements for noise control.
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.
5. The band and/or karaoke area to maintain a minimum 3' clearance from patio entrance to comply with ADA accessibility requirements.
6. The use permit is valid for the plans as submitted within the application.
7. The applicant shall work with the Tempe Police Department to update the Security Plan for the business. Contact the Crime Prevention Department at 480-858-6027.
8. Remove weeds from landscape areas on site by 06/19/09.
9. Obtain approval of painted sign on rear of building or remove by 06/19/09.

6. Request by the **DUPLEX AT THIRD STREET (PL100119)** (Glenn Odegard/Nordic Builders Inc., applicant /property owner) located at 839 West 3rd Street in the R-3, Multi-Family Residential Limited District for:

ZUP10040 Use permit standard to reduce the north and south side yard setbacks by twenty percent (20%) from 10 ft to 8 ft.

Mr. Glenn Odegard was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no public input has been received since the staff report was issued. She noted that the current address of 324 South Carney Avenue will be changed to 839 West 3rd Street in the near future. This request is to support a second story addition, she explained.

Mr. Williams questioned whether a use permit was required for this second story addition. Ms. Lesser responded that it was not.

DECISION:

Mr. Williams approved PL100119/ZUP10040 subject to the following conditions:

1. Obtain a separate Development Plan Review approval for the design of the addition.
2. Obtain all necessary clearances and permits from the Building Safety and Engineering Divisions.

7. **Review of the following for possible revocation of the use permit per the City of Tempe Attorney office's direction due to non-compliance with the Condition of Approval No. 4, which reads, "All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code."**

Request by **HAREM NIGHTS (PL090148)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite No. 103, in the CSS, Commercial Shopping and Services District for:

ZUP09063 Use permit to allow a hookah lounge.
(Use permit was approved by the Hearing Officer at the May 19, 2009 HO hearing.)

Mr. Kahlil Abulaban was not present at this hearing.

Shawn Daffara, staff planner, gave a brief overview of the history of this business and the chronology of events to date. He noted that there was an attempt to submit plans in March 2010 however they were incomplete and were rejected. Mr. Abulaban requested a continuance due to a death in the family and this continuance was granted. Currently, no plans have been submitted or building permits issued.

In response to a question from Mr. Williams, Mr. Daffara confirmed that this business has been opened since the May 19, 2009 hearing.

Mr. Morena was present to represent this case and requested that the proceedings be continued. Mr. Williams asked when plans would be submitted in accordance with the submittal requirements. Mr. Morena was indicated an undetermined time.

Mr. Williams stated that this use permit with the accompanying conditions of approval was approved a year ago and since that date Mr. Abulaban has been enjoying the benefits without complying with the conditions. This is unfair to other applicants who go to the time and expense to comply with assigned conditions.

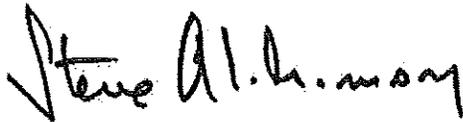
DECISION:

Mr. Williams approved revocation proceedings for PL090148 and revoked ZUP09063.

The next Hearing Officer public hearing will be held on Tuesday, June 1, 2010.

There being no further business the public hearing adjourned at 2:07 PM.

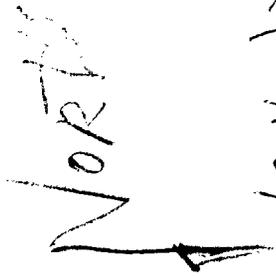
Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



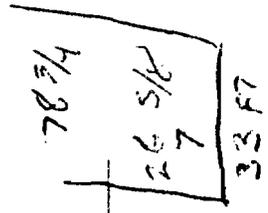
Steve Abrahamson, Planning & Zoning Coordinator
for David Williams, Hearing Officer

SA:dm

APACHE

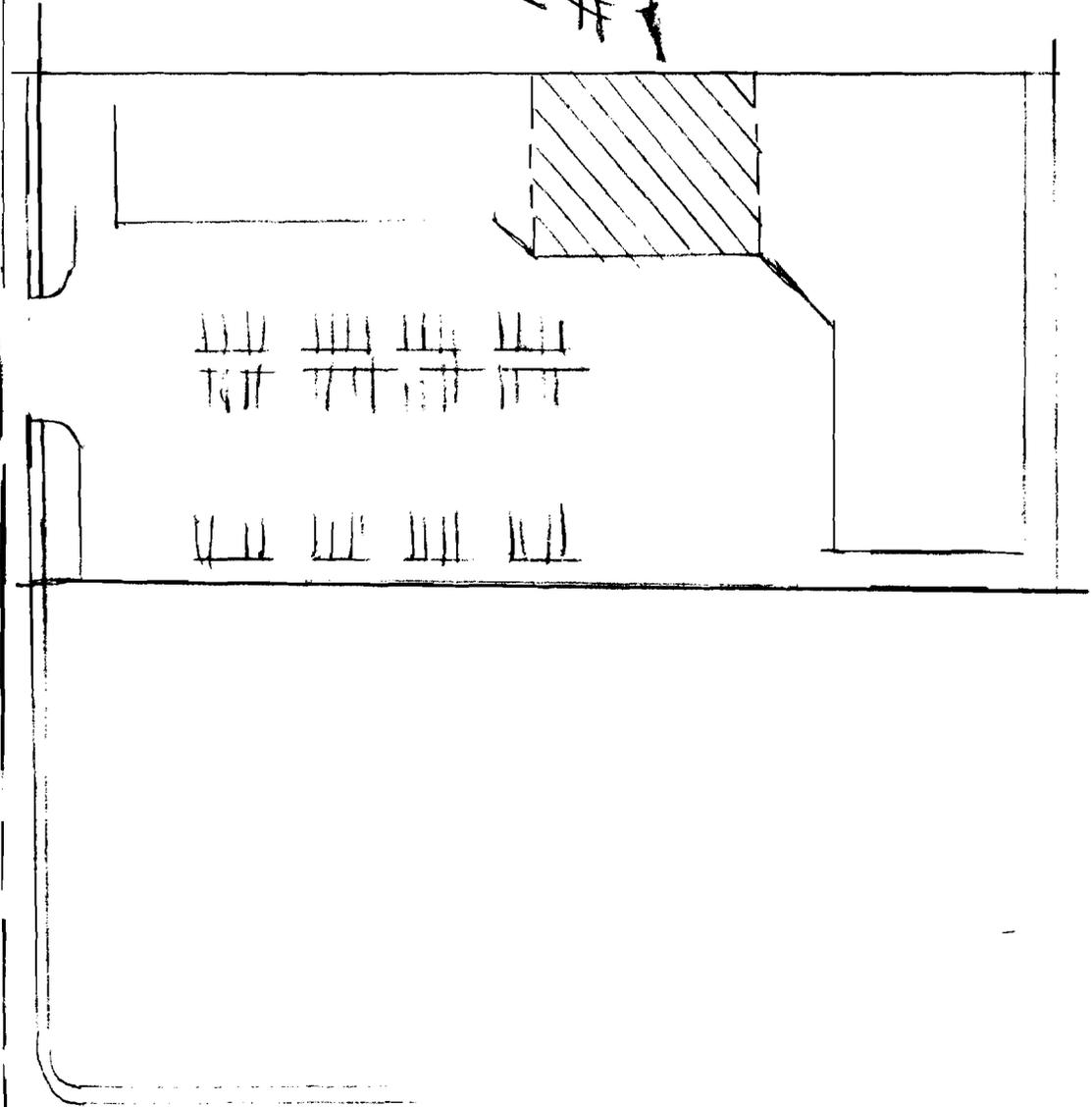


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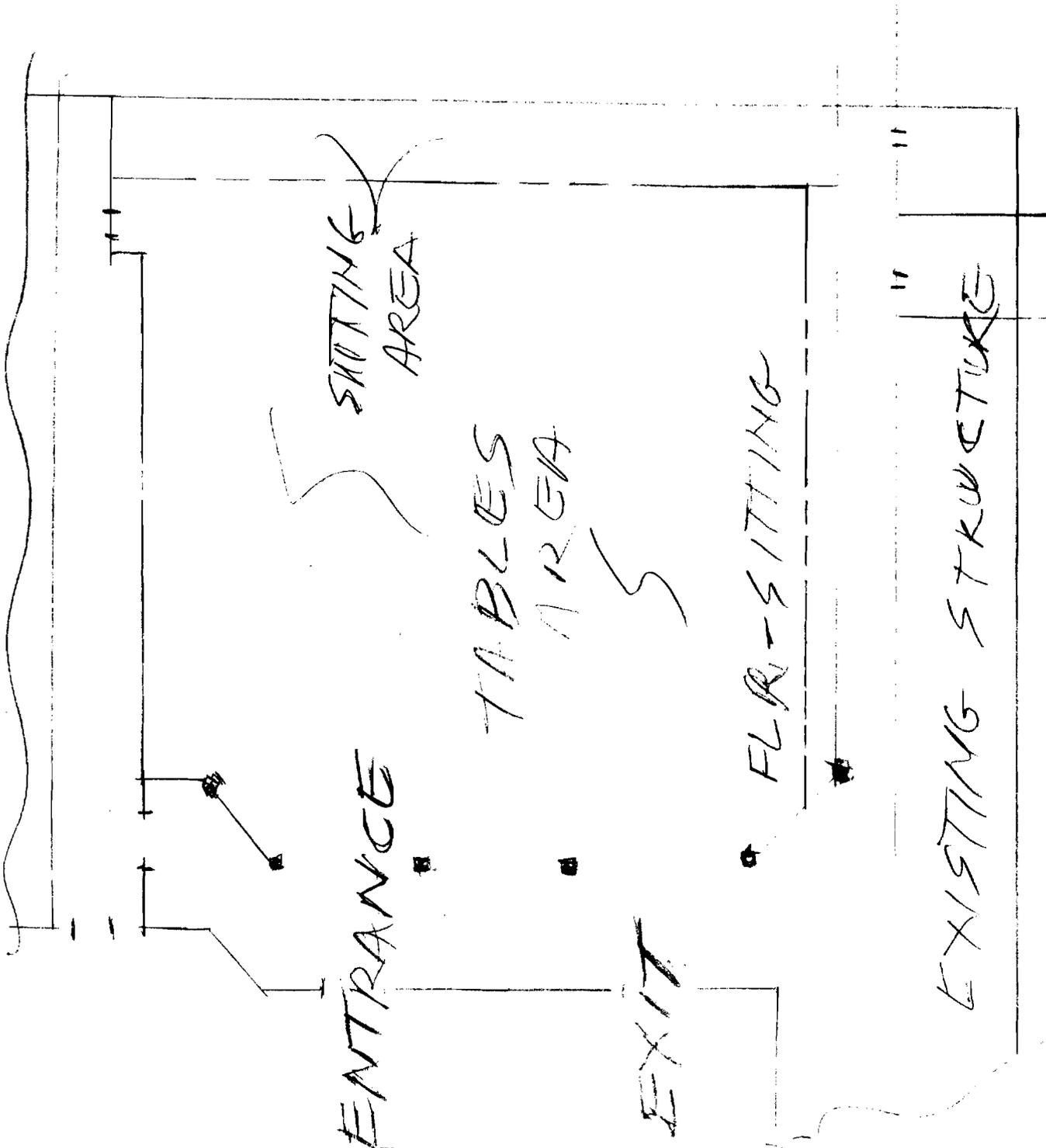
1630
#2



MCCLINTOCK

SITE PLAN

EXISTING STRUCTURE



~~TRUCK~~
 KHARIL ABULHABAN
 1630 East Beach #102
 - Tampa, FL 35282

FLOOR PLAN (NOT TO SCALE)



HAREM NIGHTS

1630 EAST APACHE BOULEVARD,
SUITE NO. 103

PL090148

FRONT OF BUSINESS



SDS Consulting, Inc.
2375 East Camelback Road, #5127
Phoenix, Arizona 85016
602-405-8951

Date: 10-7-10

Project: Harem Nights Hookah Lounge (# PL090148/RVK10002)
Address: 1630 East Apache Trail
Tempe, AZ
Owner: Khalil Bei-Laban

Dear Council/~~BOARD~~:

We hereby request an appeal be heard by the City Council regarding this case.

Considerable progress has been made toward meeting city requirements. A building permit has, at long last and with considerable difficulty with the building department, been secured.

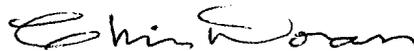
We are currently working on the code required improvements and plan to be done by November 30.

Approval of our appeal for an extension on the Use Permit will allow us to complete the improvements and to continue to operate our lounge in conformance with all city requirements.

Contact me if there are any further questions.

Thank you for your support in this matter,

Chris Doran, Architect for
Khalil Bei-Laban, Owner



MINUTES OF THE
DEVELOPMENT REVIEW COMMISSION
SEPTEMBER 28, 2010

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission Present:

Vanessa MacDonald, Chair
Stanley Nicpon
Monica Attridge
Dennis Webb
Paul Kent
Peggy Tinsley, Alternate
Mario Torregrossa, Alternate

Commission Not In Attendance:

Mike DiDomenico
Tom Oteri
Kolby Granville, Alternate

City Staff Present

Lisa Collins, Deputy Director Community Development
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Sherri Lesser, Senior Planner
Shawn Daffara, Code Inspector II

1. **CONSIDERATION OF MEETING MINUTES: 09/14/10**

On a motion by Commissioner Kent and seconded by Commissioner Torregrossa, the Commission with a vote of 4-0 (Nicpon, Webb, Tinsley abstained) approved the minutes from the September 14, 2010 meeting.

CONSENT AGENDA

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved the Consent Agenda as recommended in the following staff reports and with the modified conditions as read by staff:

2. Request for **MEMO'S CAFE (PL080109/RVK10001)** (Ramez Rabata/Memos Cafe, applicant; Red Mountain Retail Group, property owner) to appeal the Hearing Officer's Decision of April 6, 2010 to revoke the Use Permit. Memo's Café is located at 1845 East Broadway Road, Suite No. 9, in the CSS, Commercial Shopping and Services District. The request includes the following:

RVA10001 - To appeal the revocation of a Use Permit to allow a hookah lounge/tobacco retailer.

THIS CASE WAS CONTINUED FROM THE JUNE 8, JUNE 22 AND AUGUST 24, 2010 MEETINGS

STAFF REPORT: [DRCr_MemosAppeal_092810.pdf](#)

THIS APPEAL WAS APPROVED, THE USE PERMIT WAS NOT REVOKED

4. Request for **PAPPAS RESIDENCE (PL100157)** (Michael Pappas, property owner, Tessa Jones/The Phactory, applicant) for a 7,000 +/- s.f., two unit multi-family development including a main residence and an accessory dwelling unit located at 55 West 13th Street in the R-2, Multi-Family Residential District. The request includes the following:

DPR10106 – Development Plan Review including site plan and building elevations.

THIS CASE WAS CONTINUED FROM THE JULY 13, 2010 MEETING

STAFF REPORT: [DRCR_PAPPASRESIDENCE_092810.PDF](#)

THIS CASE WAS CONTINUED TO THE OCTOBER 26, 2010 MEETING

5. Request for **CITY OF TEMPE SOUTH WATER TREATMENT PLANT ENVIRONMENTAL LABORATORY (PL100054)** (City of Tempe, property owner; James W. Dettmer, PE, Malcolm Pirnie, Inc., applicant) consisting of the addition to the South Water Treatment Plant of a 14,605 s.f. freestanding building on a +/- 53.37 acre site, located at 6600 South Price Road in the AG, Agricultural District. The request includes the following:

DPR10149 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR_SWTP_ENVLAB_092810.PDF](#)

APPROVED WITH MODIFIED CONDITION NO. 10 TO READ AS FOLLOWS:

Locate the electrical service entrance section inside the building as is indicated **or in an enclosed, exterior yard.**

6. Request for **QUIK TRIP # 1400 (PL100107)** (Dave Mason, University LLC, property owner; Juan Romero, Quik Trip Corporation, applicant) consisting of a 6,071 s.f. convenience store with a 7,670 s.f. fuel sales canopy on a +/- 1.97 acre site, located at 2150 East University Drive in the GID, General Industrial District. The request includes the following:

ZUP10082 – Use Permit for fuel sales and convenience store in the GID District.

ZUP10083 – Use Permit for vehicle parking quantity in excess of 125% of required parking quantity.

DPR10148 -- Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR_QUIKTRIP1400_092810.PDF](#)

APPROVED WITH MODIFIED CONDITION NO. 9 TO READ AS FOLLOWS:

Provide upgraded paving at each installed driveway apron consisting of ~~clay unit~~ or concrete ~~unit~~ paving. Extend ~~unit~~ paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

9. Request for **CARLIFE PROFESSIONAL AUTO SERVICE (PL100205)** (L & G Ray LLC, property owner, Ridenour, Hieton & Lewis, applicant;) consisting of a new 7,249 sf. building on a vacant pad for an automotive business on approx. 1.31 acres, located at 9895 South Priest Drive in the PCC-2, Planned Commercial Center General District. The request includes the following:

ZUP10079 – Use Permit to allow vehicle repair.

DPR10144 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr_CarLifeAuto_092810.pdf](#)

THIS CASE WAS CONTINUED TO THE OCTOBER 26, 2010 MEETING

10. Request for **FARMER ARTS SENIOR HOUSING (PL100244)** (City of Tempe, property owner, Huellmantel & Associates, applicant) consisting of a new 5-story multi-family housing complex with 56 units, all within 53,910 sf. of building area on approx. 0.92 acres, located at 601 South Farmer Avenue in the MU-4, Mixed Use High Density District within the Transportation Overlay District and a Planned Area Development Overlay. The request includes the following:

DPR10147 – Development Plan Review including site plan, building elevations and landscape plan.

SBD10020 – Preliminary Subdivision Plat for four (4) lots and one (1) tract.

THIS CASE WAS APPROVED AS RECOMMENDED IN THE STAFF REPORT

REGULAR AGENDA

3. Request for **HAREM NIGHTS (PL090148/RVA10002)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) to appeal the Hearing Officer's Decision of May 19, 2010 to revoke the Use Permit. Harem Nights is located at 1630 East Apache Boulevard, Suite No. 103, in the CSS, Commercial Shopping and Services District. The request includes the following:

RVA10002 - To appeal the revocation of a Use Permit to allow a hookah lounge/tobacco retailer.

THIS CASE WAS CONTINUED FROM THE JULY 13 AND JULY 27, 2010 MEETINGS

STAFF REPORT: [DRCR_HAREMNIGHTSAPPEAL_092810.PDF](#)

This case was presented by Shawn Daffara and represented by Chris Duran. Mr. Daffara made a brief presentation on the history of the case and indicated that the applicant and his engineer have been in Building Safety plan review four times and just made their fifth submittal of corrections.

Mr. Duran indicated that he and the applicant have had considerable difficulty with the mechanical engineer hired to complete their portion of the submittal and that his involvement has only been within the last two plan reviews. After speaking with the Building Safety plan reviewer assigned to the case, Mr. Duran stated that it's his belief they are very close to being able to pull permits.

Commissioner Nicpon asked Mr. Duran at what percentage they are towards completion. Mr. Duran indicated they are at 90-95% complete at having plans completed and approximately 4 to 6 weeks away from getting permits.

Chair MacDonald verified that if the Commission voted to uphold the Hearing Officer's decision and revoke the Use Permit, the applicant would have a two week window to appeal this Commission's decision to the City Council.

Chair MacDonald opened the hearing to public input.

One person spoke in support of this case.

Chair MacDonald closed the hearing to public input.

Commissioner Nicpon stated that he felt the Commission should continue the case and give the business owner the chance to complete his submittal process and obtain building permits.

On a motion by Commissioner Webb and seconded by Commissioner Tinsley, the Commission with a vote of 6-1 (Commissioner Nicpon opposed) denied the appeal and upheld the Hearing Officer's decision to revoke the Use Permit.

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7. Request for **VALLEY WESLEY RESIDENCE HALL (PL100108)** (First United Methodist Church of Tempe, property owner, ORB Architecture LLC, applicant) consisting of demolishing an existing building for a new 5-level residence hall with 57 bedrooms, all within 23,551 sf. of building area on approx. 1.45 acres, located at 215 East University Drive in the CC, City Center District within the Transportation Overlay District. The request includes the following:

DPR10140 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR_VALLEYWESLEYRESHALL_092810.PDF](#)

This case was presented by Ryan Levesque and represented by Rich Barber, Architect. Mr. Barber made a brief presentation regarding the Wesley Foundation and how this student residence hall would tie into ASU and the campus housing.

Commissioner Attrill asked for clarification on the parking. Mr. Barber indicated that residents will be issued standard ASU parking passes and that onsite parking is for office, guests and services.

Commissioner Kent questioned whether this building had any historic significance. Mr. Levesque indicated that this property was listed as a "potential contributing property". Individually this property does not fall under any historic designation.

Commissioner Webb questioned the use and design of the brick exterior. Mr. Barber indicated that the brick design is similar to the existing sanctuary building. The brick line was held down so as not to dwarf the sanctuary building.

Chair MacDonald opened the hearing to public input.

Reverend Summers of the First United Methodist Church and resident, Don Dotts spoke in support of this case.

Brandon White, ASU student, questioned the applicant as to who could reside in the hall and whether is it open to only ASU students, and if it's open to all students or only members of the church.

Reverend Summers addressed Mr. White's question and indicated that the hall is intended for ASU students regardless of religious affiliation.

Chair MacDonald closed the hearing to public input.

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report.

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8. Request for **QUIK TRIP # 460 (PL100187)** (Celeste Robb, Price & Southern Properties LLC, property owner; Juan Romero, Quik Trip Corporation, applicant) for a 6,071 sf. convenience store with a 9,598 sf. fuel sales canopy on a +/- 2.52 acre site located at 3300 South Price Road in the PCC-1, Planned Commercial Center District. The request includes the following:

ZUP10080 – Use Permit for fuel sales and convenience store in the PCC-1 District

ZUP10081 – Use Permit for vehicle parking quantity in excess of 125 percent of required parking quantity.

DPR10146 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr_Quiktrip460_092810.pdf](#)

This case was presented by Sherri Lesser and represented by Charles Huellmantel, applicant. Ms. Lesser made a brief presentation which included the modification of Condition Nos. 19 and 25a to read as follows:

19. Limit light on paving surface under canopy to an average maximum of 30 foot-candles.

25a. Applicant will work with Planning staff to replace existing trees along Southern Avenue street frontage with canopy type shade trees per ZDC requirements.

Mr. Huellmantel made no formal presentation but stated that this is not a zoning case and the proposed use for this site is allowed and is appropriate for this site.

Commissioners Kent and Attridge asked for clarification of the landscaping in regards to the large trees on the southern portion of the site and the groundcover. Mr. Huellmantel stated there would be groundcover and the large trees would not be removed.

Commissioner Kent questioned the over parking of the site.

Mr. Huellmantel stated that there is significant use of the convenience store, even when customers are not stopping for fuel; therefore, the canopy spots are not included in the parking count.

Commissioner Tinsley read a letter of opposition into the record from Douglas Sanke. The letter stated that there are concerns regarding considerably larger amounts of traffic being introduced into the area and increasing carbon monoxide and other noxious fumes. It also mentions an inadequate landscape plan, issues regarding increased heat, noise and lighting.

Mr. Huellmantel stated that they took the landscaping concerns brought up in the letter to heart and have since modified the landscaping, not only removing existing landscaping but they will provide a new palette. With the modifications to the landscaping, this will directly assist with the heat-island effect.

Mr. Huellmantel respectfully disagreed with Mr. Sanke and indicated that the site is currently almost all asphalt with no landscaping or trees and this use is extremely appropriate for this site and is an area in need of service. This site is an extremely difficult site to develop and not well suited for very many uses. This site is a challenge to get to and with the studies the applicant has done, this site is ideal for people headed home in the evening, i.e., east on Southern and south on Price. Mr. Huellmantel also addressed the concern of additional traffic. Quik Trips are not destination businesses. They are frequented by people already in the area and driving by.

On a motion by Commissioner Nicpon and seconded by Commissioner Attridge, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report with Condition Nos. 19 and 25a to read as follows:

19. Limit light on paving surface under canopy to an **average maximum** of 30 foot-candles.

25a. **Applicant will work with Planning staff to replace existing trees along Southern Avenue street frontage with canopy type shade trees per ZDC requirements.**

9. **ANNOUNCEMENTS** – Commissioner Nicpon asked staff about the next upcoming agenda on October 12th. Ms. Collins stated that the Pappas Residence was continued to that agenda and at this time, is the only case on the agenda.

The hearing adjourned at 7:10 P.M.

Prepared by: Lisa Novia, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Director Community Development Department



Lisa Collins, Deputy Director Community Development Department

APPROVED