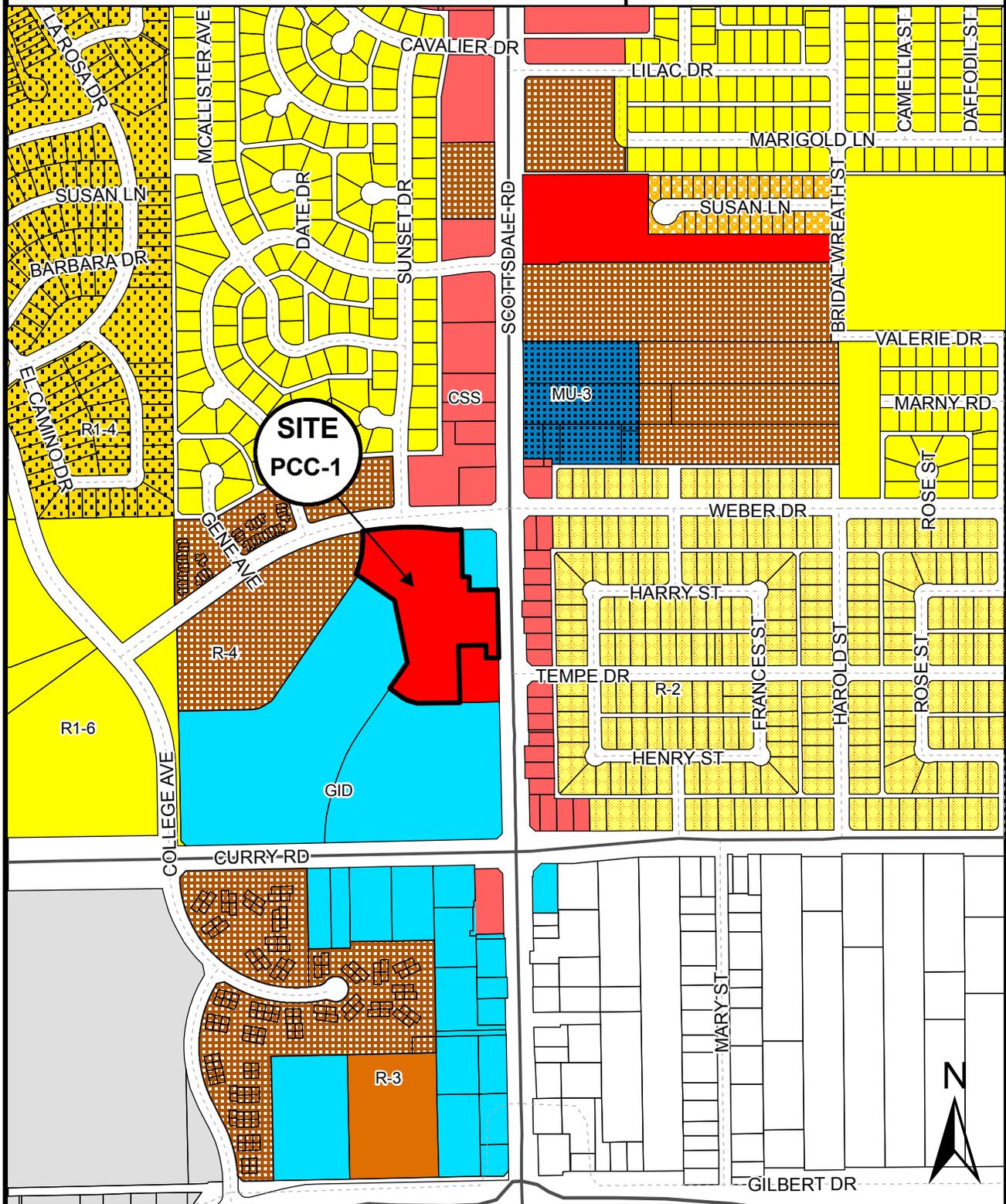


P J PROPERTIES

PL110435



Location Map



P J PROPERTIES (PL110435)

PJ Properties

419 North Rock Street Gilbert. ARIZONA 85234
(480) 990-7871 - Office (602) 418-1119 - cell
PJProperties01@AOL.com - Email

April 17, 2012

VIA: HAND DELIVERED

Mayor and City Council
C/O: Ms. Sheri Lesser, Senior Planner
City of Tempe
Development Services Department
31 East Fifth Street
Tempe, Arizona 85281

RE: PL110435; ZUP11116; DS111274; UPA100005
Development Review Commission's decision to deny a use permit to allow
"Entertainment Use Permit" at the Rio Salado Reception Center at the Rio Salado
Shopping Center located at: 1290 North Scottsdale Road #120-122 in Tempe, Arizona

Please accept this request to appeal the decision of the Development and Review Commission
At the Public Hearing dated April 10, 2012, to the Mayor and City Council.

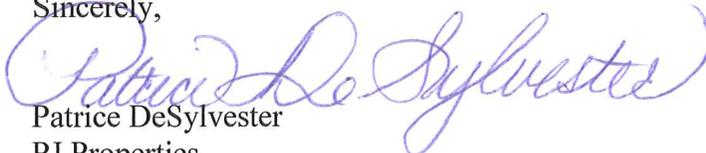
The public hearing was a request for a use permit to allow live entertainment (a Disc Jockey or a
Band and dancing) at the Rio Salado Reception Center.

The Development and Review Commission denied the use permit with a four to three decision.
The Commission had seven members present.

I have parking studies, illumination studies, security agreements, sound studies to warrant this
appeal.

I feel an appeal to the Mayor and City Council of the Development Review Commission's
decision is justified.

Sincerely,


Patrice DeSylvester
PJ Properties

01/04/12

REQUEST FOR APPEAL

**RE: P J Properties
PL:110435**

TO WHOM IT MAY CONCERN :

We are writing this letter to the City of Tempe demanding an Appeal on the decision that the Hearing Officer made on 01/03/12 in regards to PL:110435 P J Properties.

If you have any questions you may contact us at 602-418-7606.



Lane Carraway



Paul Dunham



Eleanor Dunham

**Arnaldo Matos
CO: PJ Properties
419 North Rock Street
Gilbert, Arizona 85234
(480) 990-7871**

Ms. Sherri Lesser
City of Tempe
31 East Fifth Street
Tempe, Arizona 85280

VIA EMAIL: Sherri_Lesser@Tempe.gov

RE: RIO SALADO RECEPTION HALL
1290 North Scottsdale Road #120-#122
Tempe, Arizona 85281

Dear Ms. Lesser,

I am the Property Owner of the Rio Salado Center that is located at 1290 North Scottsdale Road in Tempe, Arizona. I have made application and requesting approval for a use permit to allow me to use suites #120-#122 as a Reception/Event hall.

I will hire a manager to manage and lease the Reception Hall. We will offer for the hall for the purpose of Wedding Receptions, Quinceaneras, Bar Mitzvahs, and business meetings /seminars.

The Hall would be available for lease daily, however, it is our belief that the majority of receptions will be on Friday and Saturday evenings. The hall will be available no later than 1:00 am for these receptions. We will also require the people leasing the hall to provide security.

We will simply be leasing the hall out for events. We will not be serving either food or liquor. The clients will be solely responsible for any food or liquor that they consume during their reception.

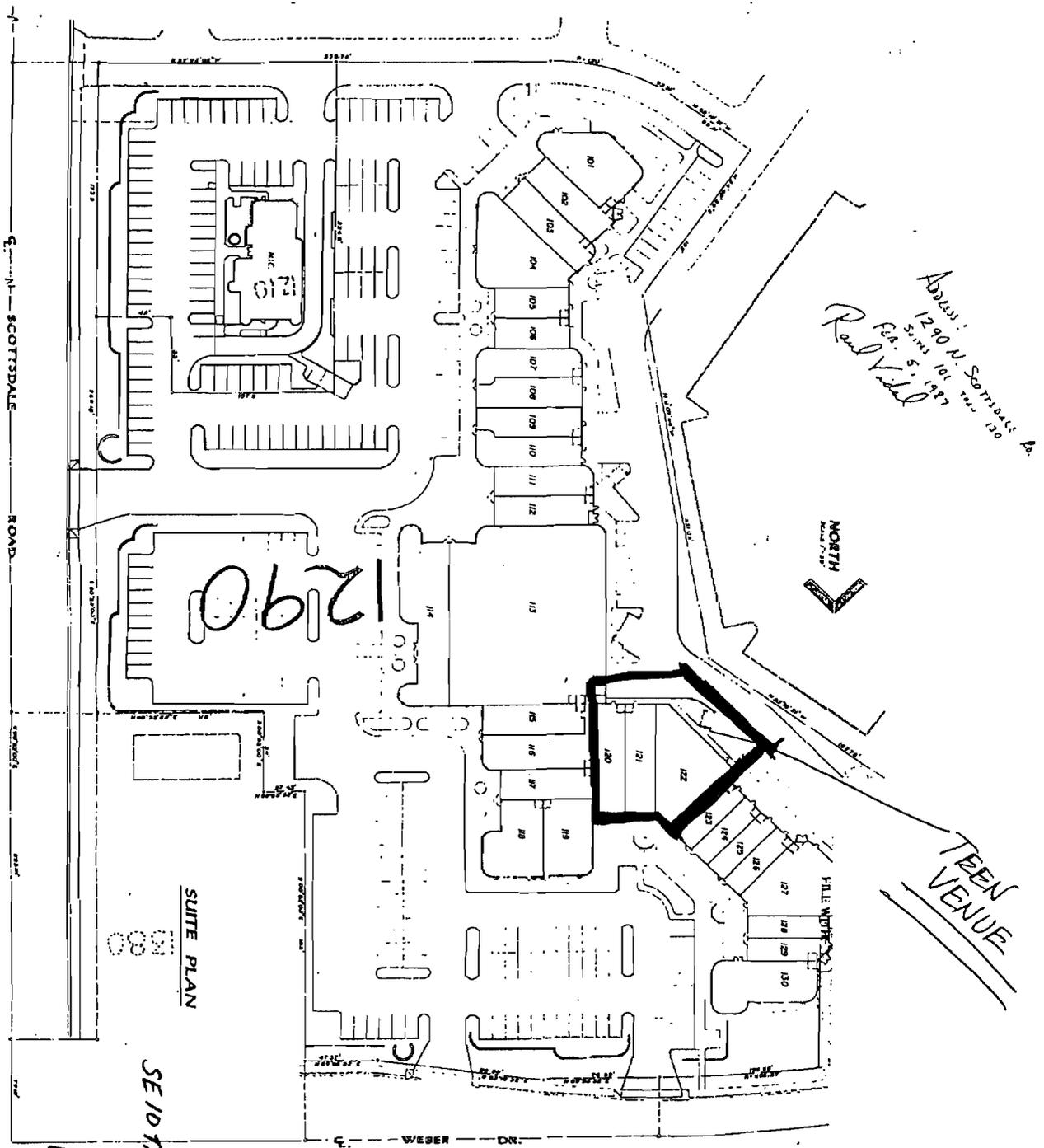
This will be an indoor hall and therefore will not cause any nuisance to the area.

The majority of receptions will take place in the evening hours, and we believe we will have more than adequate parking to accommodate our guests.

I believe this will be a business that will be an asset to the shopping center as well as the neighborhood.

If you should have any questions, please feel free to give me a call.

Arnaldo Matos
Rio Salado Center



1290 N.
 Suite 101

	MERCADO DEL RIO SHOPPING CENTER		<small>THIS DOCUMENT HAS BEEN PREPARED BY THE ARCHITECT FOR THE PROJECT OF THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.</small>	DATE: BY: LM PREPARED BY: CHECKED BY:	
	URBAN DESIGN CONSULTANTS LIMITED ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS 7077 EAST MAIN, SCOTTSDALE, ARIZONA 85251 602-947-3880				

Type III-N M

CLIENT CONTRACT FOR RIO SALADO RECEPTION CENTER LLC

Event:	Date of Event:	Date of Contract:
--------	----------------	-------------------

Client Name:	Address:
Phone Number:	City: State: Zip:

	# of Guests	Total Cost:	Deposit:
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This Contract serves as an agreement between Client and Rio Salado Reception Center LLC

The hall is exclusive for private parties by invitation only. Rio Salado Reception Center LLC are responsible to reserve the date for the event of this Contract. If for some anticipated reason the hall is not able to carry out this contract the hall shall refund in full your deposit and any other payment(s) given no later than two weeks after the refund is requested. The hall reserves the right to interview and ask any questions pertaining to the event for any person(s) renting the hall. There will be a hall Manager or an Assistant Manager present at all times during this event. Please also note that there are active security cameras in the building at all times.

Hall Manager: _____ Date: _____

Terms & Conditions for the Renter Client:

1. There shall be security guards provided by Rio Salado Reception Center LLC for your event 1 for every 100 persons and under and 1 for outside to maintain any persons loitering or any misconduct.
2. The security guards will begin at time your event is scheduled and till every person at this event has left the parking lot.
3. The security guards have the right & authority to suspend the event in the case of a fight or any violations of this contract.
4. No adhesives are permitted when decorating.
5. When the event is over any décor shall be removed from the banquet hall.
6. Rio Salado Reception Center LLC is not responsible for any valuables or personal items lost during or after event.
7. The Hall is not responsible for any losses or damages during the event.

8. There shall be no excessive noise and the door to outside must remain closed unless to go outside.
9. Any and all trash created by your event outside must be cleaned up before you leave..
10. When the event is over any trash shall be taken to the trash container behind the hall.
11. If the client wishes to bring in their own alcohol there will be a security guard fee for an extra guard to monitor all distribution of alcohol. If the client decides to bring in a bar service that is licensed they must be capable of monitoring the distribution of the alcohol.
12. Any consequences that should arise by the guests for any reason shall be your total responsibility, including any damages to the hall. All damages are to be paid for by the renter.
13. The hall can only be used for the indicated event.
14. Your deposit or payment is not refundable 72 hours after signing the contract.
15. Your deposit will not be refunded until an inspection of the hall is complete.
16. We reserve the right to refuse service to any person that disobeys any of the terms of this contract.
17. The hall is exclusive for the private parties by invitation only.
18. The Event will end and must be cleaned up by renter no later than 1:30am
19. Final Payment must be made 1 week prior to the day of the event.
20. Any cancellations must be given at least 2 weeks prior to the day of the event.
21. The Hall is open for an event from 11:00 am to 1:30 am depending on the event.
22. There can be no loitering in the parking lot after the event any and all parties need to leave the premises by 2:00 am.
23. There are no weapons of any kind allowed onto the premises.

24. The Client must have full understanding of the Arizona State liquor Laws which are some of the following: 4-244.

Unlawful acts

It is unlawful:

1. For a person to buy for resale, sell or deal in spirituous liquors in this state without first having procured a license duly issued by the board.
2. For a person to sell or deal in alcohol for beverage purposes without first complying with this title.
3. For a distiller, vintner, brewer or wholesaler knowingly to sell, dispose of or give spirituous liquor to any person other than a licensee except in sampling wares as may be necessary in the ordinary course of business, except in donating spirituous liquor to a nonprofit organization which has obtained a special event license for the purpose of charitable fund raising activities or except in donating spirituous liquor with a cost to the distiller, brewer or wholesaler of up to five hundred dollars in a calendar year to an organization that is exempt from federal income taxes under subsections (3), (4), (6) or (7) of section 501(c) of the internal revenue code and not licensed under this title.
4. For a distiller, vintner or brewer to require a wholesaler to offer or grant a discount to a retailer, unless the discount has also been offered and granted to the wholesaler by the distiller, vintner or brewer.
5. For a distiller, vintner or brewer to use a vehicle for trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing

the name and address of the licensee and the type and number of the person's license in letters not less than three and one-half inches in height.

6. For a person to take or solicit orders for spirituous liquors unless the person is a salesman or solicitor of a licensed wholesaler, a salesman or solicitor of a distiller, brewer, vintner, importer or broker or a registered retail agent.

7. For any retail licensee to purchase spirituous liquors from any person other than a solicitor or salesman of a wholesaler licensed in this state.

8. For a retailer to acquire an interest in property owned, occupied or used by a wholesaler in his business, or in a license with respect to the premises of the wholesaler.

9. Except as provided in paragraphs 10 and 11 of this section, for a licensee or other person to sell, furnish, dispose of or give, or cause to be sold, furnished, disposed of or given, to a person under the legal drinking age or for a person under the legal drinking age to buy, receive, have in the person's possession or consume spirituous liquor. This paragraph shall not prohibit the employment by an off-sale retailer of persons who are at least sixteen years of age to check out, if supervised by a person on the premises who is at least nineteen years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.

10. For a licensee to employ a person under nineteen years of age to manufacture, sell or dispose of spirituous liquors. This paragraph shall not prohibit the employment by an off-sale retailer of persons who are at least sixteen years of age to check out, if supervised by a person on the premises who is at least nineteen years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.

11. For an on-sale retailer to employ a person under nineteen years of age in any capacity connected with the handling of spirituous liquors. This paragraph does not prohibit the employment by an on-sale retailer of a person under nineteen years of age who cleans up the tables on the premises for reuse, removes dirty dishes, keeps a ready supply of needed items and helps clean up the premises.

12. For a licensee, when engaged in waiting on or serving customers, to consume spirituous liquor or for a licensee or on-duty employee to be on or about the licensed premises while in an intoxicated or disorderly condition.

13. For an employee of a retail licensee, during that employee's working hours or in connection with such employment, to give to or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquor, except that:

(a) An employee of a licensee, during that employee's working hours or in connection with the employment, while the employee is not engaged in waiting on or serving customers, may give spirituous liquor to or purchase spirituous liquor for any other person.

(b) An employee of an on-sale retail licensee, during that employee's working hours or in connection with the employment, while the employee is not engaged in waiting on or serving customers, may taste samples of beer or wine not to exceed four ounces per day or distilled spirits not to exceed two ounces per day provided by an employee of a wholesaler or distributor who is present at the time of the sampling.

(c) An employee of an on-sale retail licensee, under the supervision of a manager as part of the employee's training and education, while not engaged in waiting on or serving customers may taste samples of distilled spirits not to exceed two ounces per educational session or beer or wine not to exceed four ounces per educational session, and provided that a licensee shall not have more than two educational sessions in any thirty day period.

(d) An unpaid volunteer who is a bona fide member of a club and who is not engaged in waiting on or serving spirituous liquor to customers may purchase for himself and consume spirituous liquor while participating in a scheduled event at the club. An unpaid participant in a food competition may purchase for himself and consume spirituous liquor while participating in the food competition.

(e) An unpaid volunteer of a special event licensee under section 4-203.02 may purchase and consume spirituous liquor while not engaged in waiting on or serving spirituous liquor to customers at the special event. This subdivision does not apply to an unpaid volunteer whose responsibilities include verification of a person's legal drinking age, security or the operation of any vehicle or heavy machinery.

14. For a licensee or other person to serve, sell or furnish spirituous liquor to a disorderly or obviously intoxicated person, or for a licensee or employee of the licensee to allow or permit a disorderly or obviously intoxicated person to come into or remain on or about the premises, except that a licensee or an employee of the licensee may allow an obviously intoxicated person to remain on the premises for a period of time of not to exceed thirty minutes after the state of obvious intoxication is known or should be known to the licensee in order that a nonintoxicated person may transport the obviously intoxicated person from the premises. For the purposes of this section, "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially impaired and the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction that would have been obvious to a reasonable person.

15. For an on-sale or off-sale retailer or an employee of such retailer to sell, dispose of, deliver or give spirituous liquor to a person between the hours of 2:00 a.m. and 6:00 a.m.

16. For a licensee or employee to knowingly permit any person on or about the licensed premises to give or furnish any spirituous liquor to any person under twenty-one years of age or knowingly permit any person under twenty-one years of age to have in the person's possession spirituous liquor on the licensed premises.

17. For an on-sale retailer or an employee of such retailer to allow a person to consume or possess spirituous liquors on the premises between the hours of 2:30 a.m. and 6:00 a.m.

18. For an on-sale retailer to permit an employee or for an employee to solicit or encourage others, directly or indirectly, to buy the employee drinks or anything of value in the licensed premises during the employee's working hours. No on-sale retailer shall serve employees or allow a patron of the establishment to give spirituous liquor to, purchase liquor for or drink liquor with any employee during the employee's working hours.

19. For an off-sale retailer or employee to sell spirituous liquor except in the original unbroken container, to permit spirituous liquor to be consumed on the premises or to knowingly permit spirituous liquor to be consumed on adjacent property under the licensee's exclusive control.

20. For a person to consume spirituous liquor in a public place, thoroughfare or gathering. The license of a licensee permitting a violation of this paragraph on the premises shall be subject to revocation. This paragraph does not apply to the sale of spirituous liquors on the premises of and by an on-sale retailer. This paragraph also does not apply to a person consuming beer from a broken package in a public recreation area or on private property with permission of the owner or lessor or on the walkways surrounding such private property or to a person consuming beer or wine from a broken package in a public recreation area as part of a special event or festival that is conducted under a license secured pursuant to section 4-203.02 or 4-203.03.

21. For a person to have possession of or to transport spirituous liquor which is manufactured in a distillery, winery, brewery or rectifying plant contrary to the laws of the United States and this state. Any property used in transporting such spirituous liquor shall be forfeited to the state and shall be seized and disposed of as provided in section 4-221.

22. For an on-sale retailer or employee to allow a person under the legal drinking age to remain in an area on the licensed premises during those hours in which its primary use is the sale, dispensing or consumption of alcoholic beverages after the licensee, or the licensee's employees, know or should have known that the person is under the legal drinking age. An on-sale retailer may designate an area of the licensed premises as an area in which spirituous liquor will not be sold or consumed for the purpose of allowing underage persons on the premises if the designated area is separated by a physical barrier and at no time will underage persons have access to the area in which spirituous liquor is sold or consumed. A licensee or an employee of a licensee may require a person who intends to enter a licensed premises or a portion of a licensed premises where persons under the legal drinking age are prohibited under this section to exhibit a written instrument of identification that is acceptable under section 4-241 as a condition of entry. The director, or a municipality, may adopt rules to regulate the presence of underage persons on licensed premises provided the rules adopted by a municipality are more stringent than those adopted by the director. The rules adopted by the municipality shall be adopted by local ordinance and shall not interfere with the licensee's ability to comply with this paragraph. This paragraph does not apply:

(a) If the person under the legal drinking age is accompanied by a spouse, parent or legal guardian of legal drinking age or is an on-duty employee of the licensee.

(b) If the owner, lessee or occupant of the premises is a club as defined in section 4-101, paragraph 7, subdivision (a) and the person under the legal drinking age is any of the following:

(i) An active duty military service member.

(ii) A veteran.

(iii) A member of the United States army national guard or the United States air national guard.

(iv) A member of the United States military reserve forces.

(c) To the area of the premises used primarily for the serving of food during the hours when food is served.

23. For an on-sale retailer or employee to conduct drinking contests, to sell or deliver to a person an unlimited number of spirituous liquor beverages during any set period of time for a fixed price, to deliver more than thirty-two ounces of beer,

one liter of wine or four ounces of distilled spirits in any spirituous liquor drink to one person at one time for that person's consumption or to advertise any practice prohibited by this paragraph.

24. For a licensee or employee to knowingly permit the unlawful possession, use, sale or offer for sale of narcotics, dangerous drugs or marijuana on the premises.

25. For a licensee or employee to knowingly permit prostitution or the solicitation of prostitution on the premises.

26. For a licensee or employee to knowingly permit unlawful gambling on the premises.

27. For a licensee or employee to knowingly permit trafficking or attempted trafficking in stolen property on the premises.

28. For a licensee or employee to fail or refuse to make the premises or records available for inspection and examination as provided in this title or to comply with a lawful subpoena issued under this title.

29. For any person other than a peace officer or a member of a sheriff's volunteer posse while on duty who has received firearms training that is approved by the Arizona peace officer standards and training board, the licensee or an employee of the licensee acting with the permission of the licensee to be in possession of a firearm while on the licensed premises of an on-sale retailer. This paragraph shall not be construed to include a situation in which a person is on licensed premises for a limited time in order to seek emergency aid and such person does not buy, receive, consume or possess spirituous liquor. This paragraph shall not apply to:

(a) Hotel or motel guest room accommodations.

(b) The exhibition or display of a firearm in conjunction with a meeting, show, class or similar event.

(c) A person with a permit issued pursuant to section 13-3112 who carries a concealed handgun on the licensed premises of any on-sale retailer that has not posted a notice pursuant to section 4-229.

30. For a licensee or employee to knowingly permit a person in possession of a firearm other than a peace officer or a member of a sheriff's volunteer posse while on duty who has received firearms training that is approved by the Arizona peace officer standards and training board, the licensee or an employee of the licensee acting with the permission of the licensee to remain on the licensed premises or to serve, sell or furnish spirituous liquor to a person in possession of a firearm while on the licensed premises of an on-sale retailer. It shall be a defense to action under this paragraph if the licensee or employee requested assistance of a peace officer to remove such person. This paragraph shall not apply to:

(a) Hotel or motel guest room accommodations.

(b) The exhibition or display of a firearm in conjunction with a meeting, show, class or similar event.

(c) A person with a permit issued pursuant to section 13-3112 who carries a concealed handgun on the licensed premises of any on-sale retailer that has not posted a notice pursuant to section 4-229.

31. For any person in possession of a firearm while on the licensed premises of an on-sale retailer to consume spirituous liquor.

32. For a licensee or employee to knowingly permit spirituous liquor to be removed from the licensed premises, except in the original unbroken package. This paragraph shall not apply to either of the following:

(a) A person who removes a bottle of wine which has been partially consumed in conjunction with a purchased meal from licensed premises if a cork is inserted flush with the top of the bottle or the bottle is otherwise securely closed.

(b) A person who is in licensed premises that have noncontiguous portions that are separated by a public or private walkway or driveway and who takes spirituous liquor from one portion of the licensed premises across the public or private walkway or driveway directly to the other portion of the licensed premises.

33. For a person who is obviously intoxicated to buy or attempt to buy spirituous liquor from a licensee or employee of a licensee or to consume spirituous liquor on licensed premises.

34. For a person under twenty-one years of age to drive or be in physical control of a motor vehicle while there is any spirituous liquor in the person's body.

35. For a person under twenty-one years of age to operate or be in physical control of a motorized watercraft that is underway while there is any spirituous liquor in the person's body. For the purposes of this paragraph, "underway" has the same meaning prescribed in section 5-301.

36. For a licensee, manager, employee or controlling person to purposely induce a voter, by means of alcohol, to vote or abstain from voting for or against a particular candidate or issue on an election day.

37. For a licensee to fail to report an occurrence of an act of violence to either the department or a law enforcement agency.

38. For a licensee to use a vending machine for the purpose of dispensing spirituous liquor.

39. For a licensee to offer for sale a wine carrying a label including a reference to Arizona or any Arizona city, town or geographic location unless at least seventy-five per cent by volume of the grapes used in making the wine were grown in Arizona.

40. For a retailer to knowingly allow a customer to bring spirituous liquor onto the licensed premises, except that an on-sale retailer may allow a wine and food club to bring wine onto the premises for consumption by the club's members and guests of the club's members in conjunction with meals purchased at a meeting of the club that is conducted on the premises and that at least seven members attend. An on-sale retailer who allows wine and food clubs to bring wine onto its premises under this paragraph shall comply with all applicable provisions of this title and any rules adopted pursuant to this title to the same extent as if the on-sale retailer had sold the wine to the members of the club and their guests. For the purposes of this paragraph, "wine and food club" means an association that has more than twenty bona fide members paying at least six dollars per year in dues and that has been in existence for at least one year.

41. For a person under twenty-one years of age to have in the person's body any spirituous liquor. In a prosecution for a violation of this paragraph:

(a) Pursuant to section 4-249, it is a defense that the spirituous liquor was consumed in connection with the bona fide practice of a religious belief or as an integral part of a religious exercise and in a manner not dangerous to public health or safety.

(b) Pursuant to section 4-226, it is a defense that the spirituous liquor was consumed for a bona fide medicinal purpose and in a manner not dangerous to public health or safety.

42. For an employee of a licensee to accept any gratuity, compensation, remuneration or consideration of any kind to either:

(a) Permit a person who is under twenty-one years of age to enter any portion of the premises where that person is prohibited from entering pursuant to paragraph 22 of this section.

(b) Sell, furnish, dispose of or give spirituous liquor to a person who is under twenty-one years of age.

43. For a person to purchase, offer for sale or use any device, machine or process which mixes spirituous liquor with pure oxygen or another gas to produce a vaporized product for the purpose of consumption by inhalation.

44. For a retail licensee or an employee of a retail licensee to sell spirituous liquor to a person if the retail licensee or employee knows the person intends to resell the spirituous liquor.

25. If you don't understand anything in this agreement please have the manager go over it with you.

26. If your party reaches greater than 100 persons than there will be specific parking arrangements made.

I have read and agreed to the Terms of this Contract.

Renters Name: _____ Date: _____

Signature: _____

Rio Salado Reception Center

1290 N Scottsdale Rd suite 121

Package 1

- Reception Hall
- Access to Front Patio
- Chairs
- Tables (Round & Rectangular)
- Table Cloths & Table Covers
- Chair Covers with Bows
- Table Arrangements
- Decorated Table for Cake
- Dedicated table for Gifts & Guest Book
- Coordinator for up to 4 hrs
- Security Guards
- Ice & Fountain Drinks
- Cleaning after the Event
- Event Coordinator
- Court of Honor Table
- Gift table

- 100 People \$2550
- 200 People \$ 4050
- 300 People \$6050



Package 2

- Includes same as package 1
- 9 floral arrangements
- Cake by Elizabeth Salas
- DJ or Mariachis for up to 4 hrs
- Table placements
- Food warmers

- 100 People \$3050
- 200 People \$4550
- 300 People \$6550



We are dedicated to making your special day the most memorable it can be. If you are looking to book an event please call us at 602-334-7531

**Reception / Event Hall
1290 N. Scottsdale Rd. #120**

The following conditions of approval are necessary, especially in the absence of a Defined Use for a Reception / Event Hall.

- 1) No ticket sales, No fees collected at door, No membership fees**
- 2) Approved Tempe Police Security Plan shall also address Teen Based Events.**
Please refer to the Pulse Teen Club Tempe Police Security Plan. The Tempe Police have already drawn up an appropriate Security Plan for Teen Based Events. Why should this change now?
- 3) Neighborhood review of the Tempe Police Security Plan.**
- 4) Security**
 - a) At least one off duty police officer for all events with alcohol, sold or served; and for any teen events.**
 - b) Only licensed Security shall be used for any event.**
 - c) Shall provide Security in parking lot – no loitering**
- 5) Teen Based Events must be chaperoned in addition to required Security Personnel.**
- 6) Only licensed alcohol servers shall be used.**
- 7) Prior notification given to Tempe Police Crime Prevention Officer at least 7 days before any events with alcohol or teen events.**
- 8) A designated hall management person shall be the responsible point of contact and shall be present throughout each event, set up through closing and clean-up.**
- 9) Hours of Operation, through closing.**
PJ Properties' Use Permit Application indicates 1am, their contract states 2pm
**Neighborhood recommendation 12pm,
Teen Based Events shall end at 11pm.**
- 10) Installation of a double set of doors at the front entrance is imperative, so that amplified sound can better be contained within the facility. The doors shall remain closed during the event.** Historically, the surrounding neighborhood has been severely impacted by noise from this address. The glass entry doors face the neighborhood. This needs to be addressed to help mitigate the sound.
- 11) The rear entrance door shall remain closed during all events and shall be alarmed, indicating if the door is opened during the event.** This will help to reduce outside sound levels and also prevent exit and entrance by invited or uninvited guests.
- 12) Bass levels must be adjusted to eliminate vibration into neighboring homes.**
Neighbors should be able to enjoy their homes and to get a good night's sleep without the constant rattle and vibration of items and beds within their homes.
- 13) No offsite Valet Parking.**
- 14) Limit events to 250-300 persons, as agreed to by event manager at 2/14/12 Hearing.**

- 15) No Retail Sales, No Tobacco and/or pornographic material sales or distribution.
- 16) The Reception / Event Hall "Contract" must be modified to reflect the conditions of approval. The contract must not conflict with the conditions of approval.
- 17) The Reception / Event Hall contract shall be reviewed by Tempe Crime Prevention and shall include a copy of the Tempe Police Security Plan.

Archstone Tempe – Cut through traffic concerns

PJ Properties' property owner and neighbors have indicated serious concerns regarding cut through traffic from the approved and adjacent Archstone development. There are shared concerns regarding cut through traffic through PJ Properties' parking lot and the alley behind their building. Neighbors are especially concerned with cut through traffic onto Weber.

Archstone has agreed to pay for traffic calming installations such as; the purchase and installation of a fire gate to impede cut through traffic behind the PJ Properties commercial building, and/or any median and landscaping modifications to discourage cut through traffic into their parking lot. We respectfully request that Tempe Development Services pursue an agreement between the property owner and Archstone for any possible improvements reducing cut through traffic. We do realize that Tempe Fire will have to review and approve any modifications to the access to the properties.

Thank you for your assistance with the proposed conditions of approval and cut-through traffic concerns.

Please see that the Development Review Commission receives a copy of this document with ample time to review it before the next hearing.

Respectfully Submitted,
Darlene Justus 480-529-3584

Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **PJ PROPERTIES** located at 1290 North Scottsdale Road, Suite Nos. 120 – 122, for one (1) use permit.

DOCUMENT NAME: 20120103cds106 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **RIO SALADO CENTER – P J PROPERTIES (PL110435)** (Arnaldo Matos/P J Properties, applicant/property owner) located at 1290 North Scottsdale Road, Suite Nos. 120 – 122 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11116 Use permit to allow a reception center with live entertainment.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

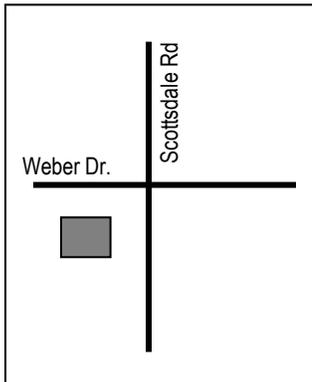
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The applicant is requesting approval of a reception center with live entertainment. This proposed business will occupy the space previously occupied by Pulse Teen Night Club in the Rio Salado Shopping Center located at 1290 N. Scottsdale Road. Staff will return, on an upcoming Hearing Officer Agenda, and hold a revocation hearing for the teen night club use permit. Staff supports the requested use permit with the finding that it meets the criteria for approval to warrant support of the use permit. To date, staff received one telephone inquiry regarding this use. The caller was a representative of the single family neighborhood located to the north of the center. He will attend the Hearing Officer meeting in person to voice his comments regarding this use.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts
4. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan

COMMENTS:

The property owner of the Rio Salado Center is also the applicant for this request. They are seeking the use permit to allow a reception center for a variety of events (i.e. Wedding Receptions, Quinceaneras, Bar Mitzvahs and business meetings/seminars). They will hire a manager to manage and lease the reception center. The property owner will be the ultimate party responsible for the conduct of the business. They will not serve food or liquor; all items will be brought in by the individuals associated with the events. The entertainment will vary per events and will include DJ's, dancing, and live bands. The applicant estimates that the hall will be used primarily on the weekends. The hours of operation will be in the evenings and in all cases the venue will be open no later than 1AM.

Use Permit

The Zoning and Development Code requires a use permit reception centers with live entertainment in the PCC-1, Planned Commercial Center Neighborhood District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
There should be no significant increase in vehicular or pedestrian traffic in adjacent areas not uncommon with a major shopping center.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
The live entertainment use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- c. 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 should not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
The proposed use appears to be compatible with surrounding uses
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
Provisions within will be proposed within the security plan to maintain adequate control of disruptive behavior.

Conclusion

Staff recommends approval of the use permit, subject to conditions.

REASON(S) FOR APPROVAL:

1. The business is a general commercial use, and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
4. The proposed use appears to have adequate control of disruptive behavior.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is valid and operable only for the specific use for an eighteen month time period and will cease on 6/3/13 as allowed per Section 6-308 (L).
3. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
4. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20. Noise complaints arising from the open windows/doors shall require closure of all outdoor windows and doors to mitigate noise trespass to adjacent public or private spaces.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
6. 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.
7. 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.
8. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6333.

HISTORY & FACTS:

October 17, 1996 SGF-96.78 – The City Council approved the request by Studebakers for the following:

- a. Use Permit to allow a 7,900 s.f. restaurant/nightclub with entertainment (including 350 s.f. outdoor patio) to be located in the PCC-1 District
- b. Use Permit to allow parking to be provided based on demand
- c. Variance to allow a center with less than 100,000 s.f. in gross floor area to request permission to provide parking based on demand.

October 5, 2000 SGF-2000.58 – The City Council denied the request by Metropolis for a transfer of ownership and time extension of a previous council condition for a bar with live entertainment at 1290 N Scottsdale Rd.

February 27, 2001 SGF-2000.76 – The Planning & Zoning Commission accepted the withdrawal of the request by Club G for a use permit of a nightclub with live entertainment, DJ and dancing at 1290 N Scottsdale Rd.

April 30, 2009 PL090156 – The Development Services Department Board of Adjustment staff approved the request by Mijana located at 1290 N Scottsdale Rd., Suite Nos. 107-110 for the transfer of an existing use permit to allow a restaurant with live entertainment.

June 2, 2009 PL090171 – The Hearing Officer approved the request by Athena's Temple LLC located at 1290 N Scottsdale Rd., Suite No. 101 for a use permit to allow a massage therapy establishment.

- December 1, 2009 PL090423 – The Hearing Officer approved the request by Goodwill of Central Arizona located at 1290 N Scottsdale Rd., Suite Nos. 113-119 for a use permit to allow a resale retailer (Goodwill of Arizona).
- January 5, 2010 PL090448 – The Hearing Officer approved the request by Hookahmania located at 1290 N Scottsdale Rd., Suite Nos. 111 & 112 for a use permit to allow a hookah lounge.
- April 13, 2010 DSM10009 – Shared Parking Approved.
- May 4, 2010 PL100060 – The Hearing Officer approved the request by Rio Salado Center – Teen Dance Club for a use permit for a teen dance club subject to conditions.

DESCRIPTION:

Owner – Rio Salado Center LLC
Applicant – Arnaldo Matos
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Size – 237,055 s.f. / 5.442 acres
Building Area – 56,205 s.f.
Tenant Area – 5,953 s.f.
Parking Required for Use per ZDC – 119 spaces
Parking Required for Entire Center per ZDC – 331 spaces
Parking Provided on Site – 271 spaces
Parking Required per Parking Study – 270 spaces

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

ZUP11116 CONDITIONS OF APPROVAL: as approved by the Hearing Officer 1/3/2012, discussed by the Development Review Commission and modified by staff with applicant input; the decision making body may modify, delete or add to these conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the Use Permit becoming effective.
2. The Use Permit is valid and operable only for the specific use for a twelve month time period and will cease on ~~04/3/13~~ until 6/14/13 as allowed per Section 6-308 (L). **Updated per CC hearing date**
3. The Use Permit is valid for the following activities: weddings and wedding receptions (but not Bachelor or Bachelorette Parties), Quincinaras, Birthday Parties, Barmitzvahs and Batmitzvahs, Graduation Parties, Family Reunions, Anniversary Parties, Educational Seminars and Religious Services. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new Use Permit. **Modified by Staff**
4. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
6. If there are any complaints arising from the Use Permit or the live entertainment operations of the Reception Hall 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. **Modified by Staff**
7. 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.
8. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6333.
9. The applicant shall have an approved Security Plan on or before 6/14/12. The applicant shall comply with the approved Security Plan for the provision of live entertainment and alcohol sales at the Reception Hall. **Modified by Staff**
10. On site admission sales or pre-sales tickets or other admission fees for events with live entertainment or alcohol sales are prohibited. All events with live entertainment or alcohol sales are by invitation only. **Modified by Staff**
11. Security staffing to be provided by a licensed security company.
12. One (1) security personnel in parking lot at all times for any event when attendance is over 100 patrons, and one (1) security personnel in parking lot at all times for all events after 6 p.m. that include live entertainment, as defined by Use Permit, or alcohol sales, when attendance is over 50 patrons. **Modified by Staff**
13. Only licensed bar service vendors to be used for events providing alcohol.
14. A designated reception center management staff to be present on site for all events from set up to clean up.
15. Hours of operation limited to a closing time of 1:30 a.m. Live entertainment and alcohol sales shall end at or before midnight. Reception Hall Center events shall end at or before 1 a.m., with thirty minutes thereafter permitted for clean-up. **Modified by Staff**
16. Security personnel to continually monitor music and amplified sound, and music and amplified sound shall be not be more than 85 db (incident measured, not average weighted) as measured from inside the premises. **Modified by Staff**
17. Event capacity limited to no greater than 300 people maximum.
18. No Valet parking shall be allowed off-site. **Added by Staff**
19. After 8 PM, Permittee shall close its driveway on Weber Drive that faces Sunset Drive by placing cones across the driveway. These cones shall remain in place for at least 15 minutes past the end of any event. **Added by Staff**

Security Plan



Police Department

**120 E. Fifth Street
Tempe, Arizona 85281
(480) 858-6333
FAX: (480) 858-6339**

SECURITY PLAN

(Rev. 6/12/2012)

Establishment:	Rio Salado Reception Center, L.L.C.
Address:	1290 N. Scottsdale Road, Suite 121
Business Phone:	(602) 334-7531
Business FAX:	(480) 497-2661
Business E-Mail:	Katramirez24@gmail.com
Maximum Occupancy:	300
Effective Date of Plan:	Opening
Date of Plan Review:	
Use Permit Issue Date:	
Beverage License:	No license
Type:	
State No.:	
Issue Date:	

I. PURPOSE OF THE PLAN

This Plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Tempe City Code, Section 26-70.

This Security Plan's purpose is to comply with the Security Plan conditions and/or requirements set forth in a Use Permit; to address the concerns of the zoning ordinance regarding: any significant increase in vehicular or pedestrian traffic, adequate control of disruptive behavior both inside and outside the premises, compatibility with surrounding structures and uses, any deterioration of the neighborhood or to the downgrading of property values; and to assist in providing an environment which may enhance safeguarding of property and public welfare and reduce the necessity for calls for service from law enforcement agencies.

This Security Plan, when approved by the City of Tempe, is granted to the establishment as set forth in Tempe City Code, Section 26-70. A Security Plan is required as a condition prior to the issuance of a Use Permit or City license. Deviations from or changes, modifications or alterations to the Plan shall not occur without prior written approval of the City of Tempe. **A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request.**

II. PLAN OF OPERATION, PROGRAM PLAN AND HOURS

1. PERMITTEE NAME: Manuel Matos

TYPE ORGANIZATION: Arizona Corporation Corporation
 Sole Proprietorship LLC Partnership Other

2. MANAGING AGENT(S):

Name: Kathryn Martin
Title: General Manager
Address: 4527 W. Magdalena Lane
Laveen, AZ 85339
Phone: 602-334-7531
FAX:
Cell: 602-334-7531
E-Mail: Katramirez24@gmail.com

3. BUSINESS OWNER(S) (if different than Managing Agent):

Name: Arnold Matos & Manuel Matos
Address: 1897 Alum Rock Avenue, Suite 20
San Jose, CA 95116
Phone: 408-690-4301
Cell:
E-Mail: A1matos@yahoo.com

4. PROPERTY OWNER or PROPERTY MANAGER (if different from Managing Agent):
Patty DeSylvester / PJ Properties

Name: Patrice DeSylvester
Address: 419 North Rock Street
Gilbert, AZ 85234
Phone: 480-990-7871
FAX: 480-497-2661
Cell: 602-418-1119
E-Mail: Pjproperties01@aol.com

Section II.5 – 10, Section IV.1.c & d, Section IV.2.a, are conditions/requirements governing the use of the premise as found in the Use Permit(s). It is a violation of this Security Plan to violate any condition of any Use Permit(s) which brings about any significant increase in vehicular or pedestrian traffic, disruptive behavior either inside and outside the premises, a condition that is incompatible with surrounding structures and uses, any deterioration of the neighborhood or downgrading of property values, threatens property and public welfare, increases the necessity for calls for service from law enforcement agencies, and/or any violation of Title 13, Title 4, Title 28, Title 18 U.S.C., or Tempe City Code.

5. HOURS OF OPERATION: Hours of operation limited to a closing time of 1:30 a.m. Live entertainment and alcohol distribution shall end at or before midnight. Reception Hall Center events shall end at or before 1 a.m., with thirty minutes thereafter permitted for clean-up.
6. PROMOTIONAL EVENTS: Promotional event for this venue will be defined as: a seminar designed to promote personal selling, advertising, sales promotion, direct marketing, publicity, and/or educational course(s). Live entertainment or liquor distribution shall not be permitted at promotional events.
7. DESCRIPTION OF OPERATIONS/SERVICES (attach or describe):

Services Provided: Rental of reception hall. No retail sales. No tobacco and/or alcohol distribution. No sales or distribution of pornographic material.

Target Audience/Patrons: Weddings and Wedding Receptions (but not Bachelor or Bachelorette Parties), Quincinaras, Birthday Parties, Bar Mitzvahs and Bat Mitzvahs, Graduation Parties, Family Reunions, Anniversary Parties, Educational Seminars, and Religious Services.

Ticket Sales / Entrance Fees: On site admission sales or pre-sale tickets or other admission fees for events with live entertainment or alcohol distribution are prohibited. All events with live entertainment or alcohol distribution are by invitation only.

Estimated Daily Attendance: Limited to 300 people or fewer (Permitted Occupancy by Building Code is 635).

Menu: Contracted out. Bar service to be through a licensed "pouring service."

Designated Driver Program: None.

Reception Hall Contract: Reception Hall Contract must reflect, and cannot conflict with, the conditions of this Plan and the approved City of Tempe Use Permit. The Reception Hall Contract shall include a copy of this Plan.

8. PROGRAM FORMAT, ENTERTAINMENT (attach or describe):
Program/entertainment format, advertising.
 - a. Live entertainment, live music and the providing of alcohol distribution shall terminate no later than midnight and only as provided in the Use Permit.
 - b. Music and amplified sound (interior only) shall terminate at or before midnight.
9. SPECIAL EVENTS:
There shall be no Special Events.
10. COOPERATION/COMPLAINTS/CONCERNS:
 - a. Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses: Kathryn Martin, General Manager, or the current general manager of the business.
 - b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Tempe police and neighbors in addressing and investigating complaints and concerns.
 - c. Permittee's managing agent(s) shall meet with Tempe Police Department when requested by the Security Plan Manager or other personnel of the Tempe Police Department on matters related to this Plan.

III. GENERAL SAFETY CONDITIONS

1. Exterior entrances shall be illuminated with a minimum of five (5) foot-candles of light at ground level to six (6) feet vertical between the hours of sunset and sunrise.
2. Lighting shall be maintained to provide a minimum of three (3) foot-candles of light throughout all parking lots.

3. Existing exterior lamps provided on the building and in the parking areas for security of patrons and employees shall be repaired immediately when the light is not operational to maximize the lighting efficiency.
4. Only ADA locks shall be used on any public restroom doors.
5. Light switches to public restrooms (if provided) shall be inaccessible and incapable of use by anyone other than Permittee staff.
6. Landscape plantings shall not conflict with the above lighting standards. Landscape plantings, including trees, shall also be maintained to allow for good surveillance.
7. Any graffiti that may appear on the Permittee's property shall be removed or covered within forty-eight (48) hours, upon discovery or when notice is given by the Police Department.
8. All fire lanes shall be properly posted and curbs painted in RED.
9. All debris, including glass and can containers, shall be removed from parking lots and adjacent landscape areas after closing.
10. Closed Circuit Television (CCTV) system is required on each building entry/exit, area, office entry and patio. The CCTV must be recorded and the recording medium must be saved for a minimum of thirty-one (31) days.
11. A drop safe is recommended behind the bar for excess change and cash on hand. Install and maintain a safe in the office. Not applicable, no cash on premises.
12. Install and maintain a wide angle viewer in office door(s).
13. Install and maintain a 3 x 18 inch Lexan vision panel on the backdoor. Panel must be installed by – upon opening.
14. The street numbers must be twelve (12) inches tall and located at the entry. The suite numbers must be four (4) inches tall and located on the top section of each door.

IV. PATRON PARKING, INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL

1. PARKING
 - a. Any parking used by patrons or employees of the Permittee and any parking area of the Permittee shall be supervised by the Permittee to ensure that the parking areas are used by persons entering and exiting from their vehicles and **are not used as a gathering place, for consumption of spirituous liquor, for violations of state or city law, acts of violence or disorderly conduct. Loitering in the parking lot by event attendees is not allowed.**

- b. Signs stating "*No Loitering and No Trespassing*" shall be posted throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons. A current letter of prosecution will remain on file with the Tempe Police Department. The verbiage on the signs will include:

No Trespassing
No Loitering
Violators will be prosecuted in
Accordance with
ARS 13-1502.A.1

Private Property

- c. After 8 PM, Permittee shall close its driveway on Weber Drive that faces Sunset Dr. by placing cones across the driveway. These cones shall remain in place for at least 15 minutes past the end of any event. Cones shall not block pedestrian movement on the sidewalk.
- d. No valet parking shall be allowed off-site.

2. PATRON INGRESS/EGRESS

- a. Entrances to the premises will be continually monitored by Permittee for compliance with the maximum occupancy requirement of 300 patrons.
- b. Identification shall be required of all unknown persons and verified by Permittee or its representatives prior to entry to the Premises. A log of patron identification, including ID type and number, shall be obtained and recorded before patrons are granted entry. The log must be maintained by the Security personnel.
- c. Entrances and parking areas will be monitored by designated security service continually until the last guest has exited the property.
- d. Doors shall remain closed except when being used for ingress and egress. Doors shall not be propped open during any event.
- e. Rear entrance doors shall remain closed during all events.

V. STAFFING AND OPERATIONS

1. OFFENSES AND POLICE CALLS FOR SERVICE

The Permittee agrees that it, its agents or employees will not commit or knowingly allow violations of Arizona state law or Tempe city ordinances to occur on the premises utilized by patrons of the Permittee.

Permittee will also inform patrons, through appropriate signage or other means, that acts and conduct prohibited by the following laws and ordinances are not allowed or tolerated by the Permittee on any premises or parking areas utilized by patrons of the Permittee; and that violators will be considered as trespassers by the Permittee, subject to criminal prosecution for trespass in addition to any offense charged.

- a. A.R.S. 4-101 et seq. through 4-261, as amended, Arizona Liquor Laws.
- b. A.R.S. 13-101 et seq. Arizona Criminal Code and A.R.S. 28-101 et seq. Arizona Motor Vehicle Code.
- c. Tempe City Code § 22-8, Curfew. This law sets a curfew for juveniles under the age of sixteen (16) at 10:00 p.m., and for juveniles age sixteen (16) and seventeen (17) at midnight. To comply with this law, Permittee agrees it will not allow any juveniles to remain at any location on its premises 1/2 hour prior to the curfew established in the code unless they are guests of Permittee.

2. DEADLY WEAPONS

Permittee acknowledges that the Tempe Police Department recommends that Permittee notify patrons that carrying of deadly weapons on the Permittee's premises and Permittee's parking areas is not permitted.

3. PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE (This section is applicable only to establishments with a **liquor license**). Per A.R.S. 4-244.22.

It is unlawful for an on-sale retailer or employee to allow a person under the legal drinking age to remain in an area on the licensed premises during those hours in which its primary use is the sale, dispensing or consumption of alcoholic beverages after the licensee, or the licensee's employees, know or should have known that the person is under the legal drinking age. An on-sale retailer may designate an area of the licensed premises as an area in which spirituous liquor will not be sold or consumed for the purpose of allowing underage persons on the premises if the designated area is separated by a physical barrier and at no time will underage persons have access to the area in which spirituous liquor is sold or consumed. The director, or a municipality, may adopt rules to regulate the presence of underage persons on licensed premises provided the rules adopted by a municipality are more stringent than those adopted by the director. The rules adopted by the municipality shall be adopted by local ordinance. This paragraph does not apply:

- a. If the person under the legal drinking age is accompanied by a spouse, parent or legal guardian of legal drinking age or is an on-duty employee of the licensee.

- b. If the owner, lessee or occupant of the premises is a club as defined in section 4-101, paragraph 7, subdivision (a) and the person under the legal drinking age is any of the following:
 - 1. An active duty military service member.
 - 2. A veteran.
 - 3. A member of the United States Army National Guard or the United States Air National Guard.
 - 4. A member of the United States military reserve forces.
- c. To the area of the premises used primarily for the serving of food during the hours when food is served.

4. MANAGEMENT

- a. Permittee agrees to provide managerial staffing on the premises during hours when Permittee is open for business. Management or its designee are responsible for supervision of all employees, security personnel and agents, and shall identify and/or provide proof of employment for all employees, personnel and agents on the premises when requested by Tempe Police.
- b. All employees managing or servicing patrons, security personnel and agents of the Permittee shall be trained and knowledgeable about the contents of this plan.
- c. On-duty employees and agents shall wear clothing that readily identifies them as employees of the Permittee.

5. SECURITY PERSONNEL AND EMPLOYEES

- a. Permittee agrees to provide one (1) security personnel on the premises at least thirty minutes prior to, and during hours, when the Permittee is open for business and the last person has left the Premises, or as otherwise indicated hereto. **Security personnel shall primarily perform security functions and not serve as manager or in another capacity.**
- b. Any personnel serving in security capacity on the premises (whether as employee or contractor) shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards and any regulations issued pursuant thereto.
- c. Security will be Contract Security Services, uniformed, unarmed, and DPS licensed.

6. SECURITY APPAREL AND EQUIPMENT

All security personnel shall display on their outer most clothing readily identifiable, and in contrasting colors, the words "Security" or "Security Personnel." Security shall be designated on the front of the clothing at least two (2) inches high, and on the back of the clothing at least four (4) inches high. Security uniforms shall not resemble Tempe law enforcement uniforms. Security uniforms shall be approved prior to use.

- a. All exterior security personnel shall have reflectorized vests with "SECURITY" displayed on both the front and back if the outer garment does not display "SECURITY."
- b. Two-way radios or cellular phones will be provided by Permittee to all managers and exterior security personnel.

7. STAFFING FOR SECURITY PLAN

For the purpose of developing and implementing the Security Plan for approval by Tempe, Permittee hereby offers to maintain the following minimum staffing on the premises during the hours indicated during the effective term of this Plan.

- a. Operations. There shall be a manager on duty all hours while open for business and thirty (30) minutes after closing. A manager shall be identified as the "Security Manager" and be responsible for insuring that a safe environment exists, for the supervision of all security personnel as identified here, and for meeting the requirements of Section VI of this Security Plan. Anytime 4 or more security personnel are required, the Security Manager can have no other managerial functions, other than maintaining security for the premise and parking areas.
- b. Additional functions performed by security. Monitor each entry door open for patrons, and ensure closure of doors as required elsewhere in this Plan. Monitor and patrol exterior uses of the premises including the parking areas. Monitor noise levels both inside and outside the establishment to comply with Tempe City Code – Chapter 20.
- c. Minimum Staffing Requirements
 1. Activities without live entertainment or alcohol distribution:
 - 0-50 no security
 - 51-100 – (1) inside
 - 101-150 - (1) inside and (1) in parking lot = 2
 - 151-200 - (1) inside and (1) in parking lot = 2
 - 201-250 - (1) inside and (1) in parking lot = 2
 - 251-300 - (1) inside and (1) in parking lot = 2
 2. Activities with live entertainment:

- 0-50 1 inside
- 51-100 - (2) inside
- 101-150 - (2) inside and (1) in parking lot = 3
- 151-200 - (3) inside and (1) in parking lot = 4
- 201-250 - (3) inside and (2) in parking lot = 5
- 251-300 - (3) inside and (2) in parking lot = 5

3. Activities with alcohol:

- 0-50 2 inside
- 51-100 – (2) inside (1) parking lot = 3
- 101-150 - (2) inside and (1) in parking lot = 3
- 151-200 - (2) inside and (2) in parking lot = 4
- 201-250 - (3) inside and (2) in parking lot = 5
- 251-300 - (4) inside and (2) in parking lot = 6

VI. CONDITIONS OF PLAN

1. COMPLIANCE WITH THE PLAN. Successful execution and implementation of the Plan is a requirement and condition of Tempe's Use Permit (# ZUP11116). Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.
2. TERMINATION OF PLAN. This Plan will terminate one (1) year from the Security Plan's effective date or upon termination of the City of Tempe Use Permit. It shall be the responsibility of the Permittee to insure the continuance of the Security Plan which may be renewed for two (2) year periods. Permittee must insure the continuation of the Security Plan by contacting the Security Plan manager sixty (60) days prior to expiration of the Plan.
3. VIOLATIONS AND PENALTIES. No person shall operate a use which requires a Security Plan as directed in Tempe City Code Section 25-70 in the absence of such required Security Plan or in a manner which violates a Security Plan required by this Article, and is punishable as set forth in Tempe City Code, Section 1-7.
4. REVOCAION OF THE PLAN. The Plan may be revoked by the City of Tempe upon ten (10) days written notice to the Permittee for 1) a violation of the Plan, 2) violation of the conditions of the Use Permit, 3) violation of Tempe ordinances or law, 4) repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, 5) failure of the Permittee to take reasonable steps to protect the safety of person(s) entering, leaving or remaining on the premises when the Permittee knew of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or

break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations, 6) any enlargement or expansion of the premises, plan of operation or program format without appropriate approvals from Tempe, 7) misrepresentations or material misstatements of the Permittee, its agents or employees.

- a. Permittee may request a hearing to appeal the decision to revoke the Plan by making the request in writing addressed to the Chief of Police of the Police Department, within five (5) days of receipt of the revocation. The Chief of Police, or a designated representative, may modify, affirm or reverse the revocation.
 - b. If the Permittee is dissatisfied with the administrative review by the Police Department, the Permittee may file an appeal in writing with the City Clerk to be heard by the City Council. Any appeal shall be filed within ten (10) days of receipt of the decision of the Police Department, setting forth the reasons why the decision should not be implemented, and
 - c. The City Council, acting in its legislative capacity, may modify or remand the decision of the Police Department.
5. ASSIGNMENT OR TRANSFERS. This Plan is not assignable or transferable to Permittee's successors or assigns. The Plan is automatically terminated upon sale or transfer of any interest in the Permittee.
 6. SECURITY PLAN CHANGES. Any change in personnel identified in this Plan shall be reported to the Security Plan Manager or his designee within fourteen (14) calendar days after the change. Any change in the plan of operation or program shall be reported to the Security Plan Manager or its designee at least fourteen (14) calendar days prior to the change taking place and is subject to approval by the Security Plan Manager. The Security Plan Manager or his designee may make changes to this plan based upon need.
 7. MEETING REQUIREMENTS. Management of Permittee shall arrange meetings with a representative of the Tempe Police Department for their staff and security personnel pertaining to disorderly conduct, safety I.D. verification and general security issues prior to opening and at intervals thereafter or when deemed necessary by the Security Plan Manager or other personnel of the Tempe Police Department. A letter shall be forwarded to the Security Plan Manager with proposed meeting date(s) and number of employees attending Meetings throughout the year will be required as necessary.
 8. A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request. Permittee shall provide a copy of their policy and procedures, training documentation and overall operational plan pertaining to security.

APPLICANT:

Name: Kathryn Martin

Title: General Manager

Phone: 602-334-7531

Date: _____

APPLICANT:

Name: Patrice DeSylvester

Title: Property Manager

Phone (480) 990-7871 Office
(480) 497-2661 Fax
(602) 418-1119 Cell

Email PJPROPERTIES01@aol.com

Date: _____

TEMPE POLICE:

_____ Date: _____

Supervisor Approval

06/12/2012

RIO SALADO RECEPTION CENTER

1290 NORTH SCOTTSDALE ROAD / SWC SCOTTSDALE ROAD AND WEBER DR.

CASE NO. ZUP11116

ON APPEAL – CASE NO. UPA12005

**PROPOSED MODIFICATIONS TO HEARING OFFICER APPROVED AND DRC
RECOMMENDED STIPULATIONS**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is valid and operable only for the specific use for a twelve month time period (until 6/14/13 ~~1/03/13~~) as allowed per Section 6-308(L).
3. The use permit is valid for the following activities: weddings and wedding receptions (but not Bachelor or Bachelorette Parties), Quincinaras, Birthday Parties, Barmitzvahs and Bahtmitzvahs, Graduation Parties, Family Reunions, Anniversary Parties, Educational Seminars and Religious Services. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
4. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20. Noise complaints arising from the open windows/doors shall require closure of all outdoor windows and doors to mitigate noise trespass to adjacent public or private spaces.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
6. If there are any complaints arising from the use permit or the live entertainment operations of the Reception Hall 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.

7. 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.
8. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6333.
9. The applicant shall have an approved Security Plan on or before 6/14/12.
The applicant shall comply with the approved Security Plan for the provision of live entertainment and alcohol distribution at the Reception Hall. ~~update the security plan to incorporate additional conditions of approval. Please contact the Crime Prevention Department at 480-858-6333.~~
10. On site admission sales or pre-sales tickets or other admission fees for events with live entertainment or alcohol distribution are prohibited. All events with live entertainment or alcohol distribution are by invitation only.
11. Security staffing to be provided by a licensed security company.
12. ~~Security personnel to continually monitor the parking lot before, during and after all events.~~ Management and security staffing shall be in accordance with the approved Security Plan.
13. Only licensed bar service vendors to be used for events providing alcohol.
14. A designated reception center management staff to be present on site for all events from set up to clean up.
15. Hours of operation limited to a closing time of 1:30 a.m. Live entertainment and alcohol distribution shall end at or before midnight.
Reception Hall Center events shall end at or before 1 a.m., with thirty minutes thereafter permitted for clean-up.
16. ~~Modify interior space to provide additional sound attenuation, final details to be approved by staff.~~ Security personnel to continually monitor music and amplified sound, and music and amplified sound shall be not be more than 85 db (incident measured, not average weighted) as measured from inside the premises.
17. Event capacity limited to no greater than 300 people maximum.
18. No Valet parking shall be allowed off-site.

19. After 8 PM, Permittee shall close its driveway on Weber Drive that faces Sunset Drive by placing cones across the driveway. These cones shall remain in place for at least 15 minutes past the end of any event.
20. Signs stating "No Loitering and No Trespassing" shall be posted throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons.

Lesser, Sherri

From: specl2me@q.com
Sent: Wednesday, May 23, 2012 3:43 PM
To: Lesser, Sherri
Subject: Re: reception hall proposal.

Hi Sherri
Darlene Tussing here.
Re: East Rio's views on the Proposed Reception Hall

As You know "All" the North Tempe neighborhoods / Associations are very concerned that we may not stay on the forward motion of crime reduction.

Now: We are told that because the hall is defined as a reception hall, there are no real laws or guidelines regarding usage and safety of same.

We, in East Rio, feel, until, some very strong guidelines on public safety, noise and behaviors are in place, this reception hall should not be allowed.

With the new firearms laws and having some exposure to how many reception halls utilized and not governed: we are very concerned with potential misconduct and lack of caring for neighborhood residents. Not to mention violence.

Please have it go on record that we agree with the rest of North Tempe that we do not support the hall.

Thank you
Darlene Tussomg

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:47 PM
To: Benson, Benicia
Subject: Fwd: P J Properties Appeal

Sent from my iPhone

Begin forwarded message:

From: <jlglaw@q.com>
Date: May 29, 2012 4:49:17 PM PDT
To: <sherri_lessor@tempe.gov>
Cc: <dunhamlaneaz@aol.com>, <mgarcia16@q.com>
Subject: P J Properties Appeal

To Whom It May Concern:

I am a South Tempe homeowner/resident in the Cavalier Homes neighborhood. I oppose the issuance of a use permit to P J Properties – Rio Salado Center for the specific purpose of establishing a reception center with live entertainment at 1290 North Scottsdale Road, Suites 120-122. I opposed the opening of PULSE, a teen nightclub at the same location, and firmly believe that P J Properties is attempting to circumvent the legal process by requesting an alternative use permit for these premises. The Cavalier Homes neighborhood has been experiencing a high level of criminal activity in and around the Rio Salado Center, and the presence of the Hookah Bar coupled by an underage party facility at the same location open until 1:30 AM will provide an increase in high risk foot traffic in the area, encourage underage drinking and loitering in violation of the law, and impact the area with high noise levels and add to the already present high level of drug activity in the apartment complex areas adjacent to the Rio Salado Center. Please pass along my concerns and strong opposition to the use permit issuance to the Development Review Commission in advance of the public hearing scheduled for May 31, 2012. I am prepared to file an action for injunctive relief on behalf of the Cavalier Homes neighborhood homeowners if this use permit is approved.

Regards,

Janis L. Garcia
Attorney at Law
Cavalier Homeowner & Resident
1617 N. Date Drive
Tempe, AZ 85281
(480) 945-1610

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:47 PM
To: Benson, Benicia
Subject: Fwd: CASE NAME P.J.PROPERTIES/CASE#PL110435

Sent from my iPhone

Begin forwarded message:

From: Tammi Davis <davist1@cox.net>
Date: May 29, 2012 3:28:52 PM PDT
To: <sherri_lesser@tempe.gov>
Subject: CASE NAME P.J.PROPERTIES/CASE#PL110435

This email is to voice my opposition to the proposed use of 1290 n. scottsdale rd. #120 for a reception hall. We have had issues with this property in our neighborhood in the past when it was Pulse. LOTS of noise, trash, and public intoxication and traffic in our neighborhood that was not here before. This is a family area with lots of people that have lived here for a very long time (our family has had homes here for over 30 years) and we would like to keep it a quiet neighborhood, which as we have seen in the past does not work at this property. Tempe police have told us there were numerous complaints at this address and I cannot see having a reception hall with alcohol that is open until 1:30 am being a good thing for our neighborhood.

Thank You, R. Davis
davist1@cox.net

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:48 PM
To: Benson, Benicia
Subject: Fwd: PJ Properties

Sent from my iPhone

Begin forwarded message:

From: Karen Pukys <karenp0727@yahoo.com>
Date: May 29, 2012 8:07:45 AM PDT
To: "sherri_lesser@tempe.gov" <sherri_lesser@tempe.gov>
Cc: "DUNHAMLANEAZ@aol.com" <DUNHAMLANEAZ@aol.com>
Subject: PJ Properties
Reply-To: Karen Pukys <karenp0727@yahoo.com>

Dear Sherri,

I want to let the City know that I am strongly opposed to a Reception Hall opening in our neighborhood at the corner of Weber and Sunset Dr. The people who hope to operate this business at this location tried last year to open a teen nightclub at this location. The City declined this request.

A Reception Hall, in the City of Tempe Guidelines, has **NO** defined definition..... which means they can do whatever they want. This is an attempt to circumvent the law. (to still have the same venue enhanced with no regulations).

These establishments, in the past, brought in noise (loud beat), drugs, traffic, prostitution, trash, parking and loitering in Cavalier Hills. They wish to be open from 8 am - 1:30 am with catered food and alcohol. There is no regulated or defined venue, in other words, anyone can rent the reception hall, and anything goes with no regulation.

If the City allows such a venue to open at this location, there is a strong probability of a decline in quality of life for the residents of Cavalier Hills as well as the negative impact such an establishment will have on property values in the area. Please help preserve our neighborhood by denying the permit necessary for this business to open at this location.

Sincerely,
Karen Gifford
1915 N. Cavalier Dr.
602-403-4032
karenp0727@yahoo.com

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:48 PM
To: Benson, Benicia
Subject: Fwd: Reception Hall

Sent from my iPhone

Begin forwarded message:

From: Earlene Miller <earlenemiller@cox.net>
Date: May 28, 2012 9:35:50 PM PDT
To: <sherri_lesser@tempe.gov>
Subject: Reception Hall

Just a note to let you know that I and my family are against a reception hall at 1290 N. Scottsdale Rd. We do not feel that this is a proper venue for our neighborhood. We have concerns primarily about the noise. That concern coupled with the reality that there are no controls regarding the types of occasions or celebrations or frequency of occasions held here lead us to oppose this reception hall.

Sincerely,
Earlene Miller DeLaura

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:48 PM
To: Benson, Benicia
Subject: Fwd: P J PROPERTIES

Sent from my iPhone

Begin forwarded message:

From: <DUNHAMLANEAZ@aol.com>
Date: May 27, 2012 7:59:34 AM PDT
To: <sherri_lesser@tempe.gov>
Cc: <marissap@cox.next>, <DUNHAMLANEAZ@aol.com>
Subject: P J PROPERTIES

Good Morning Sherri, please see attached Email.

Thanks

Lane and Paul

I am opposed to the re-opening of Pulse in our neighborhood. It is directly across from a problem apartment complex where there is drug and gang member activity. I feel this would only incinerate an already out-of-hand situation. Also, the lovely Bird Sanctuary is at the end of the building (between Pulse and the apartments across the street). This would go against any type of peaceful, caring, and loving atmosphere the owners of this store are trying to create. The birds are exposed to sunlight (large windows surround the building), and I am worried that loud, boisterous parties would upset the birds in their peaceful sanctuary. The Tempe Police Department does an incredible, amazing job of policing our Cavalier Estates neighborhood but we are already facing the issues that Motel 6 brings to this area as well as the added population of the new apartments recently built near Weber and College. Recent break-ins have caused us to band together and we will NOT tolerate people other than well-wishers to enter our close-knit community.

Thank you for your time and perusal.

Sincerely,
Mary E. Powell

1630 N Sunset Dr. Tempe
480-734-0019

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:49 PM
To: Benson, Benicia
Subject: Fwd: not approving Use permit

Sent from my iPhone

Begin forwarded message:

From: Marge Fedorchak <msfedorchak@msn.com>
Date: May 26, 2012 9:19:58 PM PDT
To: <sherri_lesser@tempe.gov>
Subject: re: not approving Use permit

Sherri,

We already have enough going on in the neighborhood without this being allowed to happen. Please know that we do not approve of this call as it will not be used for what they are proposing. It is also right across the street from a drug haven apartment building which will just encourage more problems in a caring neighborhood. We have lived here for 44 years and do not want anything to ruin our nice active neighborhood. Marge Fedorchak 704 E. Hancock Ave. Tempe, 85281

Benson, Benicia

From: Lesser, Sherri
Sent: Wednesday, May 30, 2012 3:49 PM
To: Benson, Benicia
Subject: Fwd: Reception Hall, Case Number PL110435

Sent from my iPhone

Begin forwarded message:

From: Fritz Beckert <fritz@extremezone.com>
Date: May 26, 2012 12:11:17 PM PDT
To: <Sherri_Lesser@tempe.gov>
Cc: <DUNHAMLANEAZ@aol.com>
Subject: Reception Hall, Case Number PL110435

Dear Mrs. Lesser,

Please except this e-mail as my opposition to case PL110435.

We have a very quite neighbor hood and currently dealing with problems generated by poor businesses in our area.

Passing this permit would only add to the problem.

Fritz Beckert
1534 N. McAllister Avenue
Tempe,AZ 85281

Benson, Benicia

Subject: FW: application for Reception Hall at 1290 N. Scottsdale Road

From: Lisa Martin [<mailto:lhmartin@cox.net>]
Sent: Sunday, June 03, 2012 5:23 PM
To: Lesser, Sherri
Subject: application for Reception Hall at 1290 N. Scottsdale Road

Dear Ms. Lesser:

We have been homeowners in Cavalier Hills for 28 years. We oppose the above referenced application for several reasons:

previous nightclub/reception businesses at this location have created noise and loitering problems, excessive alcohol consumption, drug use, and littering problems which have all spilled over into Cavalier Hills.

It is our understanding that a "reception hall" is not defined in the zoning code, and thus this establishment would have no noise or other operating restrictions under which it would have to operate. This lack of restrictions or regulations will put homeowners in Cavalier Hills at a disadvantage to ensure their peace, quiet and safety.

Cavalier Hills is a neighborhood of residences which are primarily owner-occupied by older adults and young families, and the above behaviors do not fit in with our neighborhood atmosphere.

Cavalier Hills has also recently experienced a rash of burglaries, and it is our belief that the above-listed club related behaviors might also lead to other illegal activities. Certainly the history of drug use could lead to the presence of addicts in Cavalier Hills. At a homeowner's meeting several weeks ago, Tempe Police officers opined that our recent burglaries were committed by drug users in search of quick money.

Please consider the quality of our neighborhood and deny this application.

Kevin A. Bethancourt and Lisa Martin
owners of:
1816 N. Circle Drive
Tempe, AZ 85281-1559

phone: 480-941-2876