Staff Summary Report

Tempe

To: Mayor and City Council
Through: City Manager

Agenda Item Number 22
Meeting Date: 03/29/01

SUBJECT: **LASER DOME #SGF-2001.18**

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: This is the second public hearing for Laser Dome for a time extension of a use permit at 931 East Elliot Road.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **LASER DOME** (Pollack Enterprises and Southwind Plaza L.L.C., property owner) for an Amended General and Final Plan of Development **#SGF-2001.18** for Southwind Plaza commercial center for a use permit time extension (previous condition of approval #2) consisting of 9,140 s.f. building leased area (86,722 s.f. total building area for shopping center) located at 931 East Elliot Road.

Previous Council Condition:

#2. Within two years of the date of Council approval, the applicant shall return to the City Council for compliance with the conditions of approval.

Document Name: 20010329devsrh07 Supporting Documents: Yes

SUMMARY: On December 10, 1998, City Council approved a request by Laser Dome for a use permit to allow a 9,140 s.f. arcade (laser tag games) business in the PCC-1 Zoning District located at the southeast corner of Rural and Elliot Roads. As part of that approval, the applicant was required to return to City Council for review of compliance with conditions within two years. Since the use permit for laser tag arcade was approved in 1998, Police Department and Development Services staff have received no complaints. Therefore, the Police Department has issued an automatic Security Plan extension. Staff received a call from a resident supporting this request indicating that the laser tag arcade has been a good entertainment for the neighborhood kids. Staff feels that the two-year time period is no longer necessary. Other conditions listed should assure compliance of Ordinance 808 under the use permit requirements. Staff recommends approval.

RECOMMENDATION: Staff - Approval
Public – Comments but no opposition

ATTACHMENTS:

1. List of Attachments
2. History & Facts
3. Description/Comments/Recommendation
4. Conditions of Approval

A. Location Map
B. Plan of Development/Site Plan
C. Floor Plan
D. Letter of Explanation/Intent
E. Property Owner's Authorization Letter
F. Police Department Renewal Letter
G. Previous Approval Letter, 12/10/1998

HISTORY & FACTS:

January 11, 1985	The Council approved a rezoning and General Plan of Development for Southwind Plaza with variances for building coverage and reduction in parking stall size.
July 11, 1985	The Council approved the Final Plan of Development for Southwind Plaza.
April 17, 1986	The Council approved an amended General and Final Plan of Development for Southwind Plaza with a use permit to allow outside dining (Pacific Beach Club).
May 15, 1986	The Council approved an amended General and Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a health club facility (Maricopa Health and Fitness Center).
April 30, 1987	The Council approved an Amended General and Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a massage therapist (The Total Touch).
March 8, 1990	The Council approved an Amended General and Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a health club facility (World Gym) with conditions.
June 18, 1992	The Council approved a request by World Gym to allow a 2,080 s.f. expansion (for an aerobics room) to the existing 13,000 s.f. health club facility plus a three-year time extension, subject to conditions.
July 23, 1992	The Council approved an Amended General and Final Plan of Development and a use permit for Terri's Consignment World to allow new and used furniture, second hand goods, subject to conditions.
October 13, 1994	The Council approved a use permit for Lizette Murney to allow a 2,330 s.f. women and children's clothing and accessory consignment store (Back to the Rack), subject to conditions.
November 28, 1995	The Council approved an amended General and Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a health club facility (Get Fit Fitness for Women) plus a four (4)-year time extension.
December 10, 1998	The Council approved an Amended General and Final Plan of Development for Southwind Plaza including a use permit for Laser Dome, Inc.
March 22, 2001.	Council held the first public hearing for this request.

DESCRIPTION: Property Owner – Pollack Enterprises Inc., Southwind Plaza LLC
Business Owner/Applicant – Steven/Cathy Dutton, DBA Laser Dome
Existing zoning – PCC-1
Total site area – 7.6 net acres
Total bldg. area – 86,722 s.f.
Laser Dome Leased Area – 9,140 s.f.
Total Parking required – 485 spaces
Total Parking provided – 495 spaces

Bicycle parking required – 49 spaces
Bicycle parking provided – 49 spaces

Laser Dome, Inc. leased Area – 9,140 s.f.
- Parking Required – 61 spaces
- Parking provided – 61 spaces
- Bicycle parking required – 18 spaces
- Bicycle parking provided – 18 spaces

COMMENTS: On December 10, 1998, City Council approved a request by Laser Dome for a use permit to allow a 9,140 s.f. arcade (laser tag games) business in the PCC-1 Zoning District, located at the southeast corner of Rural and Elliot Roads. As part of that approval, the applicant was required to return to City Council for review of compliance with conditions within two years.

Since the use permit for laser tag arcade was approved in 1998, Police Department and Development Services Department staff have received no complaints. Therefore, the Police Department has issued an automatic Security Plan extension.

Staff received a call from a resident supporting this request indicating that the laser tag arcade has been a good entertainment for the neighborhood kids. Staff feels that the two-year time period is no longer necessary. Other conditions listed should assure compliance of Ordinance 808 under the use permit requirements. No changes on the business operation or ownership have been proposed under this request. Staff recommends approval subject to conditions.

RECOMMENDATION: Staff - Approval

REASON(S) FOR APPROVAL:

1. The owners of Laser Dome Inc. appears that have been operating this business within the Southwind Plaza Commercial center without problems and provide a service to the surrounding neighborhood.

CONDITION(S) OF APPROVAL:

1. The use permit is non-transferable and is issued to the current business owners of Laser Dome Inc. only.

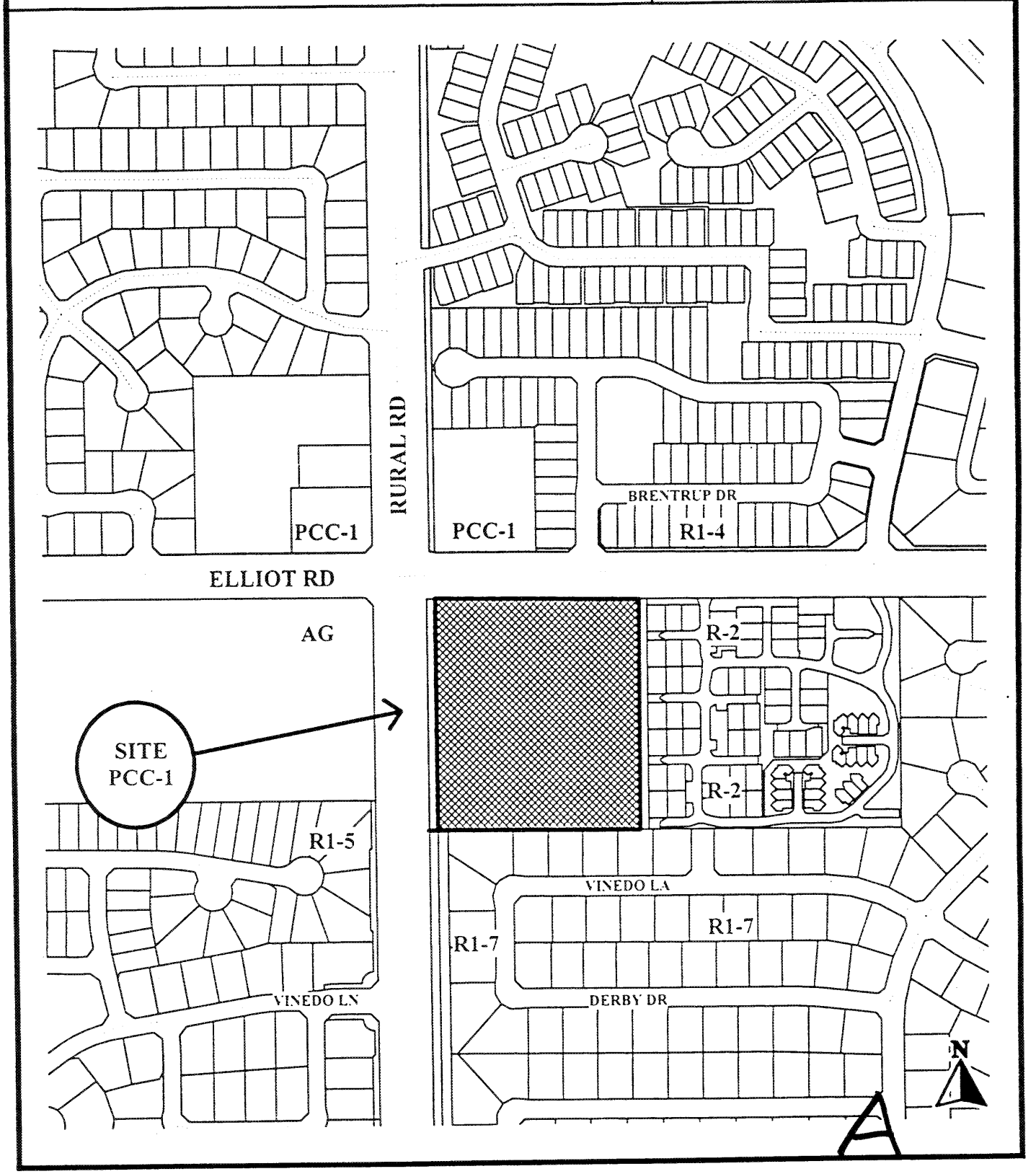
2. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.

3. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.

4. A Security Plan shall be provided according to the agreement with the Police Department renewal letter dated 11/24/2000.

Tempe

LASER DOME	SGF-2001.18



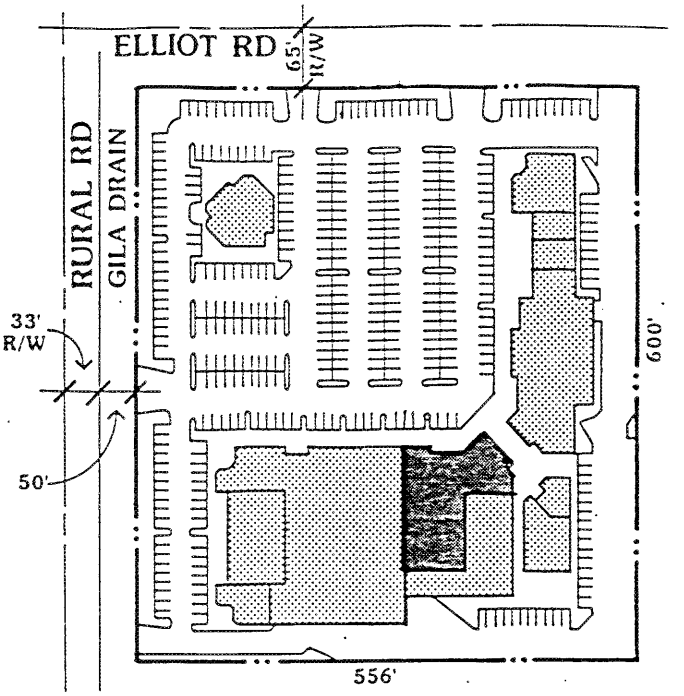
Location Map SEE OTHER SIDE FOR MORE INFORMATION

LASER DOME | SGF-2001.18

SYMBOL(S):

EXISTING BUILDING(S)

E'STING R'QSTING USE PERMIT



USE PERMIT(S):

(SEE BELOW)

SITE DATA:

TOTAL BUILDING AREA:	86.722 S.F.
NET SITE AREA:	7.60 AC
LEASED AREA:	9,140 S.F.
TOTAL PARKING REQUIRED:	61
TOTAL PARKING PROVIDED:	61

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PUBLIC HEARING NOTICE

This is a notice for two public hearings for **LASER DOME** (Pollack Enterprises and Southwind Plaza L.L.C., property owner) for an Amended General and Final Plan of Development **#SGF-2001.18** for Southwind Plaza commercial center for a use permit time extension (previous condition of approval #2) consisting of 9,140 s.f. building leased area laser tag arcade located at 931 East Elliot Road.

Previous Council Condition:

2. Within two years of the date of Council approval, the applicant shall return to the City Council for compliance with the conditions of approval.

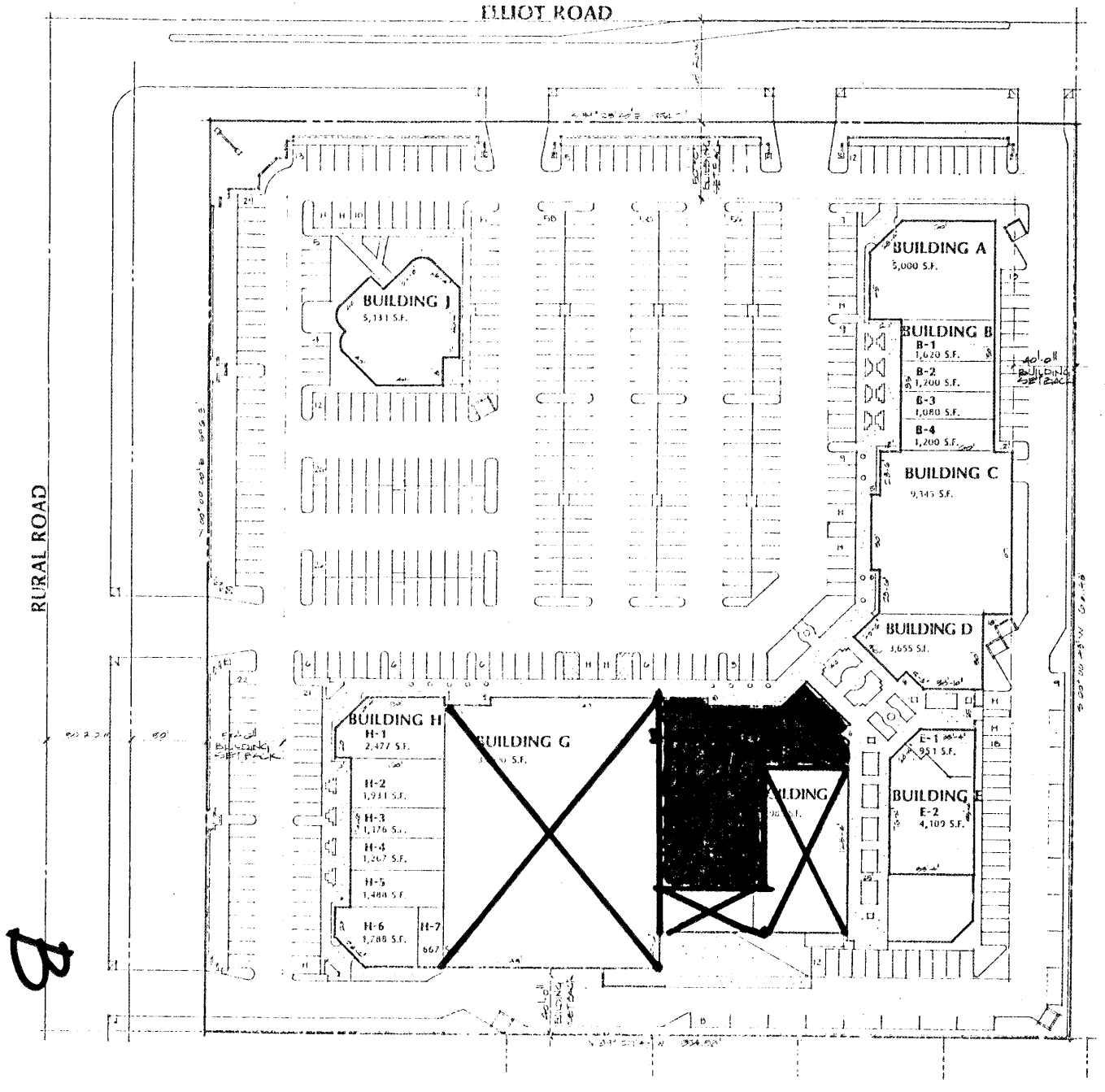
If you are interested you may attend either one or both of the two public hearings of the City Council at **7:30 p.m. Thursday, March 22 and March 29, 2001** at the **Council Chambers, 31 East Fifth Street**. These will be public hearings and you may present your views in person at the hearing. Or you may respond in writing to the City Clerk, P. O. Box 5002, Tempe, AZ 85280-5002.

If you have any questions or wish to view additional material including artists renderings and elevations which are or file you may contact the Development Services Department at 350-8331 or come in to the office at 31 East Fifth Street. Procedures for the public hearing may be picked up at the City Clerk Office or at the public hearing itself.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 350-8331 (voice) or 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

FILE COPY

MAILED 2-28-01



DEVELOPMENT NARRATIVE

[illegible]

SITE DATA

ADDRESS:

909 EAST ELLIOT ROAD
931 EAST ELLIOT ROAD
951 EAST ELLIOT ROAD
975 EAST ELLIOT ROAD

ZONING & USE:

PCC-1 RETAIL

PROPERTY OWNER:

GREAT WESTERN BANK
7800 DUBLIN BLVD.
DUBLIN, CA 94568
(415) 551-6142

AREAS:

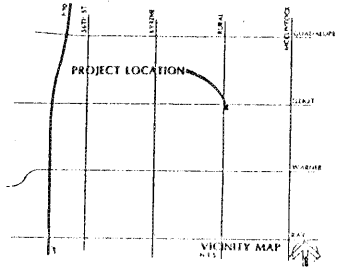
GROSS SITE	436,478 S.F.	10.02 AC.
NET SITE	330,925 S.F.	7.60 AC.
BUILDING	86,722 S.F.	

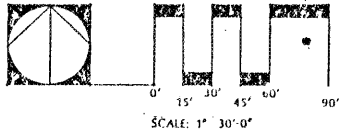
PARKING:

REQUIRED	343 SPACES
PROVIDED	495 SPACES

LANDSCAPING:

ON SITE	45,934 S.F.	13.9%
RIGHT OF WAY	32,711 S.F.	
TOTAL	78,643 S.F.	





SCALE: 1" 30'-0"

SITE PLAN

NELSON KUDICEK ARCHITECTS, AIA.
5021 NORTH SEVENTH STREET
PHOENIX, ARIZONA 85016

SOUTHWIND PLAZA
SEC. ELLIOT ROAD & RURAL ROAD
TEMPE, ARIZONA
GREAT WESTERN BANK

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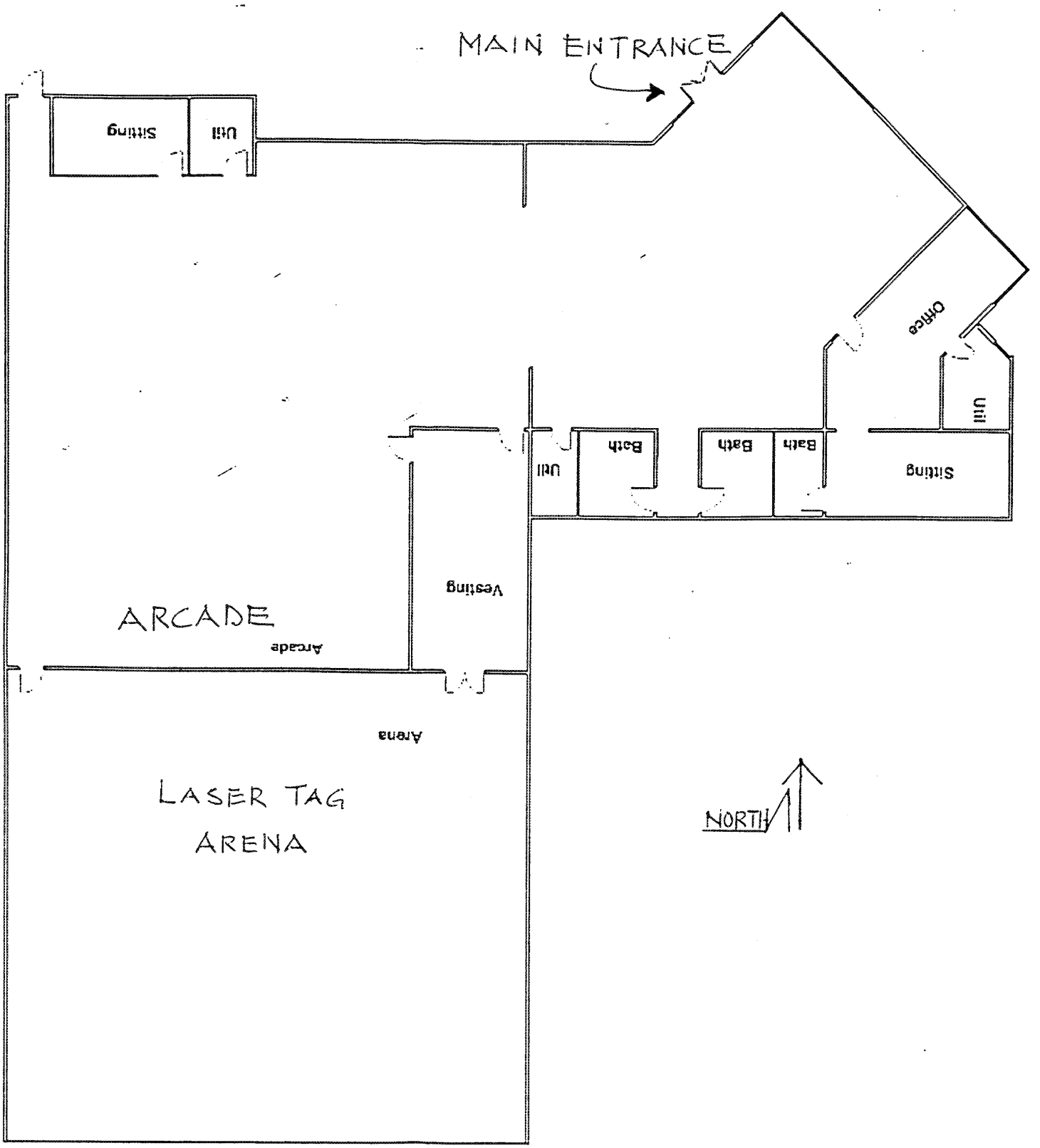

LASER DOME, INC. — FLOOR PLAN

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Laser Dome Inc.

Business Hours

Mon - Fri 1 pm - 9 pm

Sat - Sun 9 am - 9 pm

Description:

Laser Dome Inc., will provide laser tag entertainment to youths and adults ages 5 - ?

The objective is to wear vests attached to laser guns and shoot your opponents while walking through a prefabricated maze. The theme will parallel space aliens. We will also have video arcades, birthday parties and corporate parties. The only food and drinks served will come from snack and soda vending machines. The maximum people within the arena " maze" will be 24 people. The expected total occupancy for all areas is expected to be around 75 - 100 people maximum.
We will also provide a quiet area for adults who bring their children who wish to sit in a quiet environment and watch television or read.

Our staff will consist of 4 qualified people with a minimum of 3 people for safety reasons.

D

M.A.P.
INTERNATIONAL MANAGEMENT INC.

September 28, 1998

City of Tempe
Attn: Development Services
31 E. 5th Street
Tempe, Arizona

RE: Steven L. Dutton DBA Laser Dome

To Whom It May Concern:

Please allow this letter to confirm that Pollack Enterprises Inc. and Southwind Plaza LLC as Owners of the Southwind Plaza Shopping Center located at 909-975 E. Elliot Road, Tempe, Arizona entered into a lease agreement with Steven L. Dutton DBA Laser Dome, as Tenant, at 931 E. Elliot Road Suite G1-A with the understanding that the Tenant would be conducting business as an electronic game and amusement arcade.

Should anyone desire further information please contact the undersigned.

Sincerely,
M.A.P. INTERNATIONAL MANAGEMENT INC.

Terry M. Connett

Terry M. Connett, CPM
Vice President

E

610 North Alma School Road, Suite 28 • Chandler, AZ 85224 • (602) 786-3899

Date: October 24, 2000

Reference: Automatic renewal of Security Plan for
Laser Dome
931 E. Elliot Suite G1A
Tempe, AZ 85284

To: Management/Owners of Laser Dome:

This is to inform you that your current Security Plan with the City of Tempe has almost expired. After a reexamination of your establishment we have found no specific reason not to renew your Security Plan at this time.

Please acknowledge your acceptance of this automatic renewal for your existing Security Plan by returning the enclosed document signed and dated to Buck Rogers before your expiration date of December 8, 2000. An automatic renewal means that the conditions of the original approved plan, including any amendments will remain in effect. Failure to do so may lead to the possibility of reapplying for a new Security Plan. It is a violation of Tempe City Code Chapter 11, Section 11-30 (e) to operate a Use without a Security Plan.

If you would also complete the included operation Notification form so that we may update any changes that may have occurred at your business.

Should you have any questions please feel free to contact me during business hours.

Sincerely,

Bill "Buck" Rogers
Security Plan Manager
Tempe Police Department
480-350-8542

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Security Plan Renewal

By signing below I acknowledge and accept the automatic renewal of the existing Security Plan for Laser Dome originally signed and dated December 8, 1998. I agree to continue to comply with all conditions during the renewal period, which will extend until December 8, 2002. At which time the plan will be re-evaluated. I also understand I can contact Buck Rogers with the Tempe Police Department at any time with any questions or concerns I may have.

Name: Signature on file. Date: 11-24-00
Steven Dutton
CEO

Address: 931 E. Elliot Road Suite G1A
Tempe, AZ 85284
Phone: (480) 897-2601
Fax: (480) 897-2566
Cell: (602) 527-3332

In order to avoid missing the expiration date of December 8, 2000 please sign, date and mail this agreement ASAP.

Please provide information of **any changes** in management below. Include name, home address and phone. Please Print.

1)

2)

3)

F2

City of Tempe
P.O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
602-350-8872 (FAX)

Tempe

Development Services
Department

602-350-8331 (Phone)

FILE COPY

December 14, 1998

Steven Dutton
Laser Dome, Inc.
16602 South 38th Place
Phoenix, AZ 85044

Re: #SGF-98.83

Dear Mr. Dutton:

At their regular meeting of December 10, 1998, the City Council held its second public hearing and approved the request by **LASER DOME, INC.** (Pollack Enterprises and Southwind Plaza L.L.C., property owner) for an Amended General and Final Plan of Development **#SGF-98.83** consisting of 9,140 s.f. bldg. Leased Area (86,722 s.f. total bldg. Area for shopping center) on 7.60 net acres located at 931 East Elliot Road, including the following:

Use Permit:
Allow a 9,140 s.f. Arcade (laser tag games) business in the PCC-1 Zoning District.

The approval shall be subject to the following conditions:

1. The use permit is non-transferable and is issued to the business owners of Laser Dome, Inc. only. Any change in ownership shall require re-approval by the City Council in a public hearing.

2. Within **two years** of the date of City Council approval, the applicant shall return to the City Council for compliance with the conditions of approval.

3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.

4. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.

5. A security agreement shall be executed and approved with the Police Department prior to final Council action.

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Printed on Recycled Paper

6. Security shall be provided according to the agreement with the Police Department dated 12/10/98.

7. Laser Dome business owner or the property owners of Southwind Plaza Commercial Center shall provide at least 18 bicycle parking spaces dedicated to the arcade business prior to the use permit becoming effective.

8. The hours of operation shall be from 1:00 P.M. to 9:00 P.M. Monday through Friday and from 9:00 A.M. to 9:00 P.M. Saturday and Sunday.

Sincerely,

Fred Brittingham
for Terry L. Mullins
Deputy Director

TLM:jrh

cc: File
Traffic Engineer

G1