

Staff Summary Report



Hearing Officer Hearing Date: October 16, 2007

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **YUCCA JUNIOR (PL070415)** located at 23 West Southern Avenue for one (1) use permit.

DOCUMENT NAME: 20071016dsjc01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **YUCCA JUNIOR (PL070415)** (Rodney Hu/On Call Construction, applicant/property owner) located at 23 West Southern Avenue in the CSS, Commercial Shopping and Services District for:

ZUP07147 Use permit to allow live entertainment.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

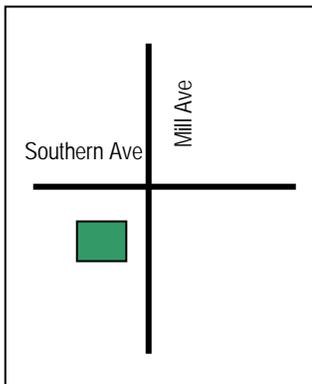
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-8

ADDITIONAL INFO: The Yucca Junior is applying for a use permit to allow live entertainment at 23rd West Southern Ave located in the Danelle Plaza in the CSS, Commercial Shopping and Services District. Staff supports the use permit as requested with the finding that they meet the criteria for approval of use permit. To date, no public input has been received.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Floor plan
- 5-6. Staff Photograph(s)

COMMENTS:

The Yucca Junior is requesting approval of a use permit for live music to allow to operation at their propose location. The property is located near the southwest corner of Mill and Southern Avenues within the Danelle Plaza. The business operation calls for concerts for teenage demographic group (under age / minors). The proposed the hours of operation will be Monday through Sunday, 10:00 am to 10:00 pm.

The applicant indicated that staff management experience consists of forty (40) years of clubs and concerts. At the proposed location, the management team will consist of three (3) General Managers and six (6) retail / wait staff . The security team consists of seven (7) licensed security officers who will maintain the premises to be free from alcohol, drugs, and violence. The owner of Yucca Junior business has stated they will operate under City of Tempe Police Department's code of safe /secure environment.

Use Permit

The Zoning and Development Code requires the Yucca Junior business to obtain a use permit in the CSS, Commercial Shopping and Services District, as well as a use permit to allow live entertainment. The proposed use permit(s) meet 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 will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. 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 development would not contribute to neighborhood deterioration or downgrade property values. This use permit is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- c. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

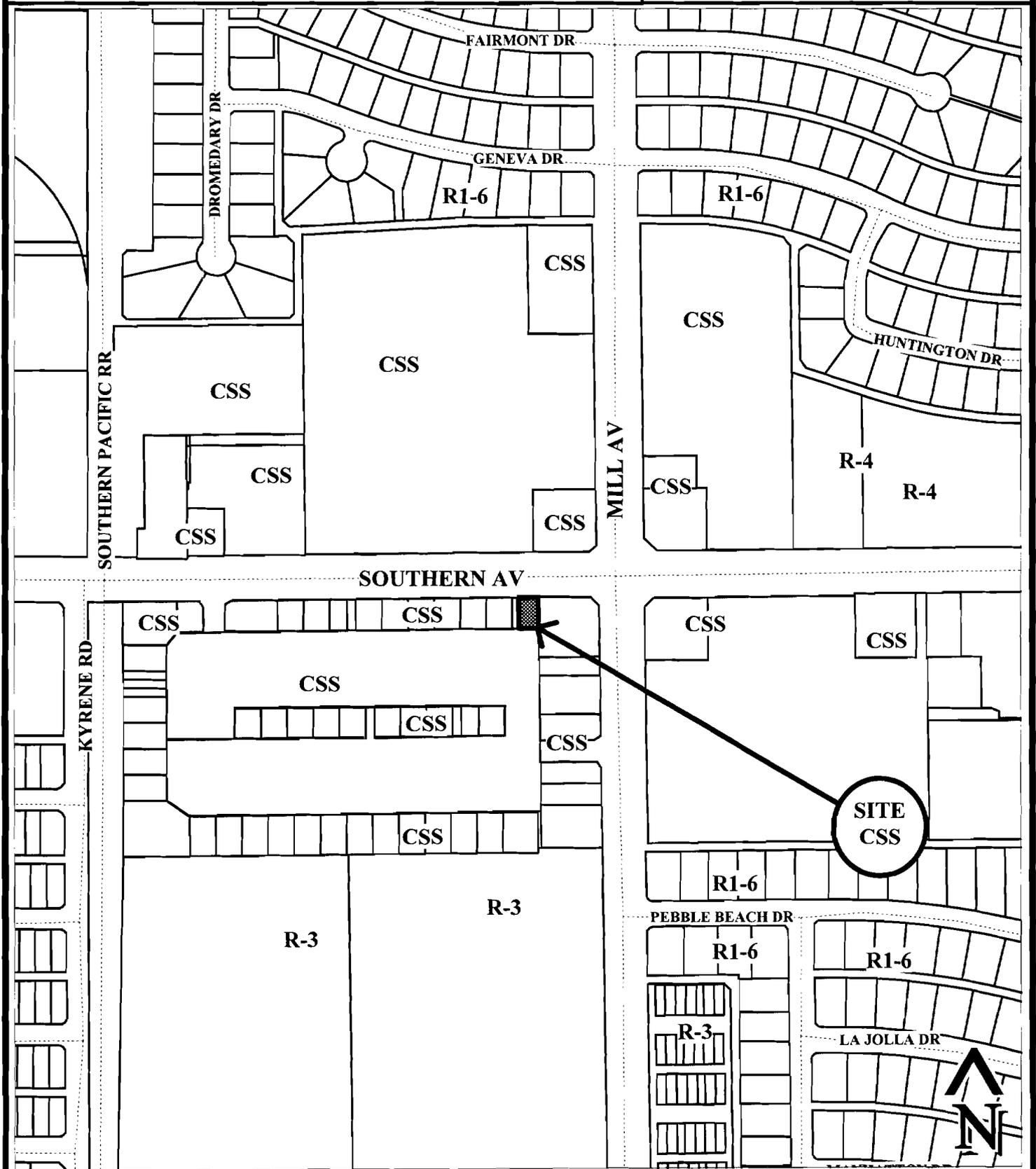
Staff recommends approval of the use permit subject to the attached conditions of approval.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. There appears to be a demonstrated need for this use at the proposed location.

YUCCA JUNIOR

PL070415





YUCCA JUNIOR (PL070415)

Yucca Junior

September 4, 2007

City of Tempe
Re: Alternate Use Permit
23 W. Southern Ave
Tempe, AZ 85282

The Yucca Junior use will be a completely alcohol free concert venue open to people of all ages. It will be a place where young people can go and see a concert in a safe and secure environment.

Often time's young people are excluded from the concert going experience because of age restrictions. The majority of concert venues and clubs in Phoenix and the east valley areas focus on alcohol sales; which means that the underage will either be excluded, or confined to fenced-in areas with poor ventilation and cramped conditions. There will be no fences at our club. Since alcohol will not be an issue, there is no need for age division. The kids of Tempe will have a place they can call their own, while providing a safe environment to give parents a peace of mind.

Our management and staff have a combined 40 years of experience with clubs and concerts and will consist of 3 General Managers, 6 retail/wait staff and our security team of 7 is comprised of licensed security officers who are veterans of concerts and events, and will ensure an environment free of alcohol, drugs, and violence. To ensure all of this, we are in the process of meeting with Bill Vanek from Tempe Police Department to discuss security at the Danielle Plaza as well as at Yucca Jr. We encourage parents to attend any or all concerts alongside their children too see for themselves.

We understand wanting our children to be safe while still allowing them the freedoms of youth. We want to be able to provide the same concert experiences that we all enjoyed as teenagers without the dangers that were always present.

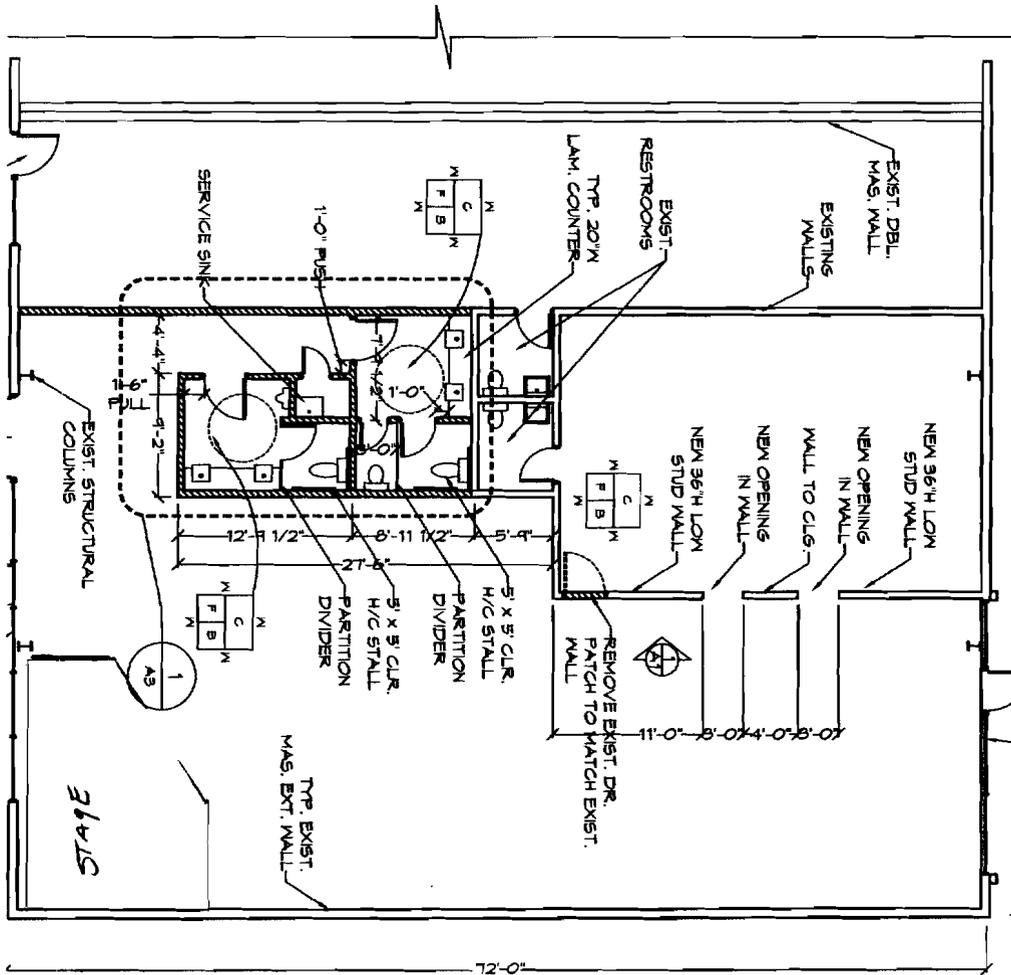
Hours of operation will be Monday through Sunday 10AM to 10PM

We look forward to working with the City of Tempe and other business owners in the Danelle Plaza.

Thank you for your consideration,



Rodney Hu
Managing Partner





YUCCA JUNIOR

23 W SOUTHERN AVE

PL070415

REAR OF SUITE: VIEW TO SOUTH



YUCCA JUNIOR

23 W SOUTHERN AVE

PL070415

FRONT SIDE OF SUITE: VIEW TO NORTH