

Staff Summary Report



Hearing Officer Hearing Date: 3/01/11

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **CANTEEN MODERN TEQUILA BAR** located at 640 South Mill Avenue, Suite No. B2-110 for one (1) use permit.

DOCUMENT NAME: 20110301cddk2 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **CANTEEN MODERN TEQUILA BAR (PL110028)** (Julian Wright, applicant; Centerpoint on Mill, property owner) located at 640 South Mill Avenue, Suite No. B2-110, in the CC, City Center District for:

ZUP11009 Use permit to allow live indoor entertainment (disc jockeys, comedy, dancing, concerts).

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

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

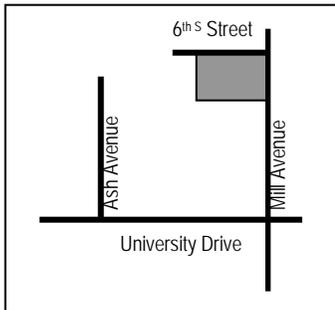
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The site is located at the southwest corner of 6th Street and Mill Avenue, within the Centerpoint Development, within a suite adjacent to retail and restaurant uses. The use permit request is for live entertainment in the form of disc jockeys, dancing, small musical acts, live entertainment (comedy, impersonation, magician) Thursdays through Saturdays, as well as special events or holidays.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Floor plan
- 6-7. Photographs

COMMENTS:

The property is located at the southwest corner of 6th Street and Mill Avenue, in a building with a cigar tobacco retailer and another restaurant/bar use in the same building, and other restaurants and bars with outdoor patios also in near proximity within the Centerpoint development. Nearby uses include the Courtyard Hotel, Hayden Square Condominiums and the Centerpoint residential development currently under construction. The adjacent restaurant/bar has a live indoor entertainment use permit. The Canteen added live entertainment after opening, not realizing there was a need for a use permit. Both businesses have been providing live entertainment. There have been complaints from residences and the hotel for loud music from the building; it is unclear whether the source was the applicant or the adjacent tenant.

The applicant provided an application and letter of intent. The letter of intent did not specifically address all criteria listed; staff met with the business manager on site and received additional information to address these points. The applicant requested live entertainment for both indoors and outdoors. Staff discussed the possibility of outdoor entertainment, which the applicant indicated might include brass, percussion or amplified small solo or duet acts. The adjacent business has a use permit for live entertainment, restricted to indoor only. This use permit was transferred from the previous business, no hearing process was held for the new business. The adjacent business owner was unaware of the condition restricting live entertainment to the indoors only, and he has indicated to staff a desire to make an application for outdoor live entertainment.

The advertised request for The Canteen is for live indoor entertainment, to match the conditions of the use permit from the adjacent suite and minimize further potential impacts to adjacent uses. The design of this suite creates an outdoor environment that may create conflicts for adjacent businesses: the north and south sides of the building have large glass window walls that can be rolled up like garage doors, to create an open-air restaurant that takes advantage of breezes and adds to the ambiance of the space. A disc jockey or musical group performing indoors could feasibly be heard on the outdoor patios and still be in compliance with a live indoor entertainment use permit. To ensure that this unique design remains an amenity and does not become a nuisance, a condition has been added that complaints arising from noise would require the doors and windows to be closed, as is the standard practice in other venues with live indoor entertainment.

The applicant requested the opportunity to provide dancing within the restaurant, and identified an interior ramada area with furniture as the location of the dance floor. Building Safety staff has indicated that if the furniture is removed to accommodate the dance floor, it must not be stored inside the restaurant in conflict with accessibility and emergency egress; #4 of the conditions of approval addresses this issue.

USE PERMIT

The proposed use requires a use permit, to have live indoor entertainment within an existing bar within the City Center CC Zoning District.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

The Canteen has a security team hired for Thursday through Saturday evenings, with as many as 13 staff available on duty at one time. They check identification at the door. They have closed circuit video surveillance on property. There is a condition of approval that requires a security plan with any additional requirements of the Police Department.

2. Any significant increase in vehicular or pedestrian traffic.

The proposed live entertainment uses are intended to supplement the existing clientele, not become a destination. The size and scope of the entertainment is ancillary to the primary uses as a bar and restaurant.

3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of

ambient conditions.

The Use Permit is for live entertainment limited to indoor entertainment only; in keeping with the adjacent restaurant/bar live use permit for indoor entertainment. The Canteen restaurant has roll-up window walls that allow pass-through air for an open air cantina atmosphere. A condition of approval is included that if there are nuisance complaints arising from the indoor entertainment (noise, odor, vibration, etc.) that exceed ambient conditions, the windows and doors would be closed to mitigate the nuisance.

4. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 uses outlined in the letter of intent do not appear to be deleterious and are similar to other uses within the Downtown Tempe area.

5. Compatibility with existing surrounding structures and uses.

The proposed list of uses is compatible with the existing commercial core of downtown Tempe. The primary hours of operation are after office business hours, and should not conflict with surrounding retail uses. The Irish pub located within the same building has similar indoor live entertainment, setting precedence for these uses within Centerpoint development.

6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

The applicant has described an existing security team of up to 13 staff on weekend evenings, and will comply with all conditions of this Use Permit and the required Security Plan to adequately control disruptive behavior.

Conclusion

Based on the information provided by the applicant and the above analysis staff recommends approval of the requested Use. This request meets the required criteria and will conform to the conditions 1-13.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit and is compatible with the downtown environment.

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

CONDITIONS OF APPROVAL:

1. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications must be submitted for review by planning.
2. The Use Permit is valid for The Canteen and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
3. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.

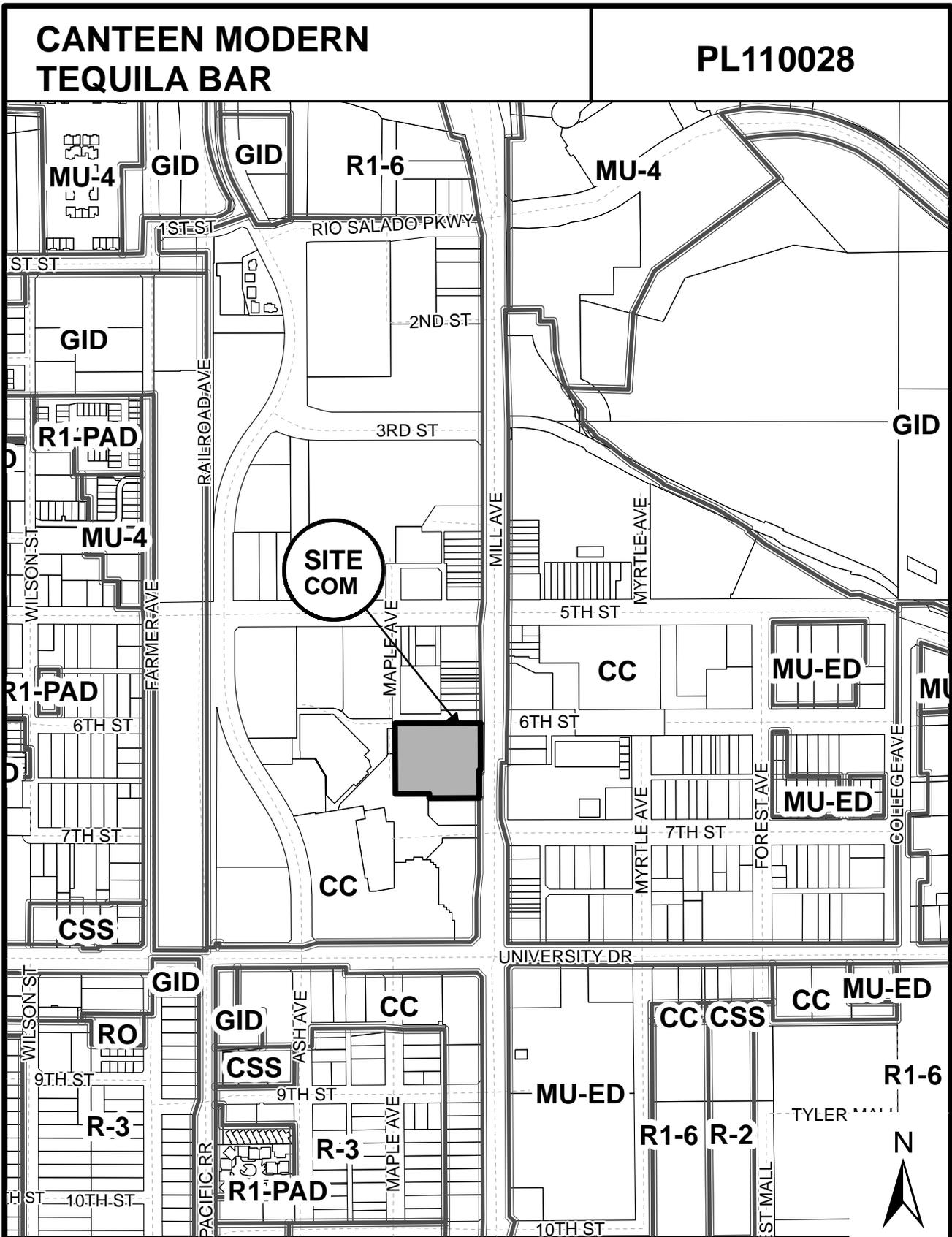
4. Dancing is limited to the area defined as Dining 102 on the floor plan, located under the wooden ramada. Furnishings currently shown within this area must be stored in a location that does not conflict with required emergency exiting.
5. If there are any complaints arising from the Use Permit that 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.
6. Live entertainment limited to indoor entertainment: disc jockeys, solo/duet musical performances, video projection, dance, comedy, small theatrical acts in association with special events; concert assembly and outdoor entertainment not allowed.
7. 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.
8. Noise interference with police communication equipment shall require volume or environmental controls to mitigate condition.
9. No outdoor speakers allowed. No live entertainment allowed outdoors.
10. This use shall not violate the State Smoking Ordinance, www.smokefreearizona.com.
11. 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.
12. Live entertainment to cease at or before 1:55 AM.
13. The applicant shall contact the City of Tempe Crime Prevention Unit for an updated security plan within 30 days of this approval. Contact William Gallauer at 480-350-8749 before April 1, 2011.

HISTORY & FACTS:

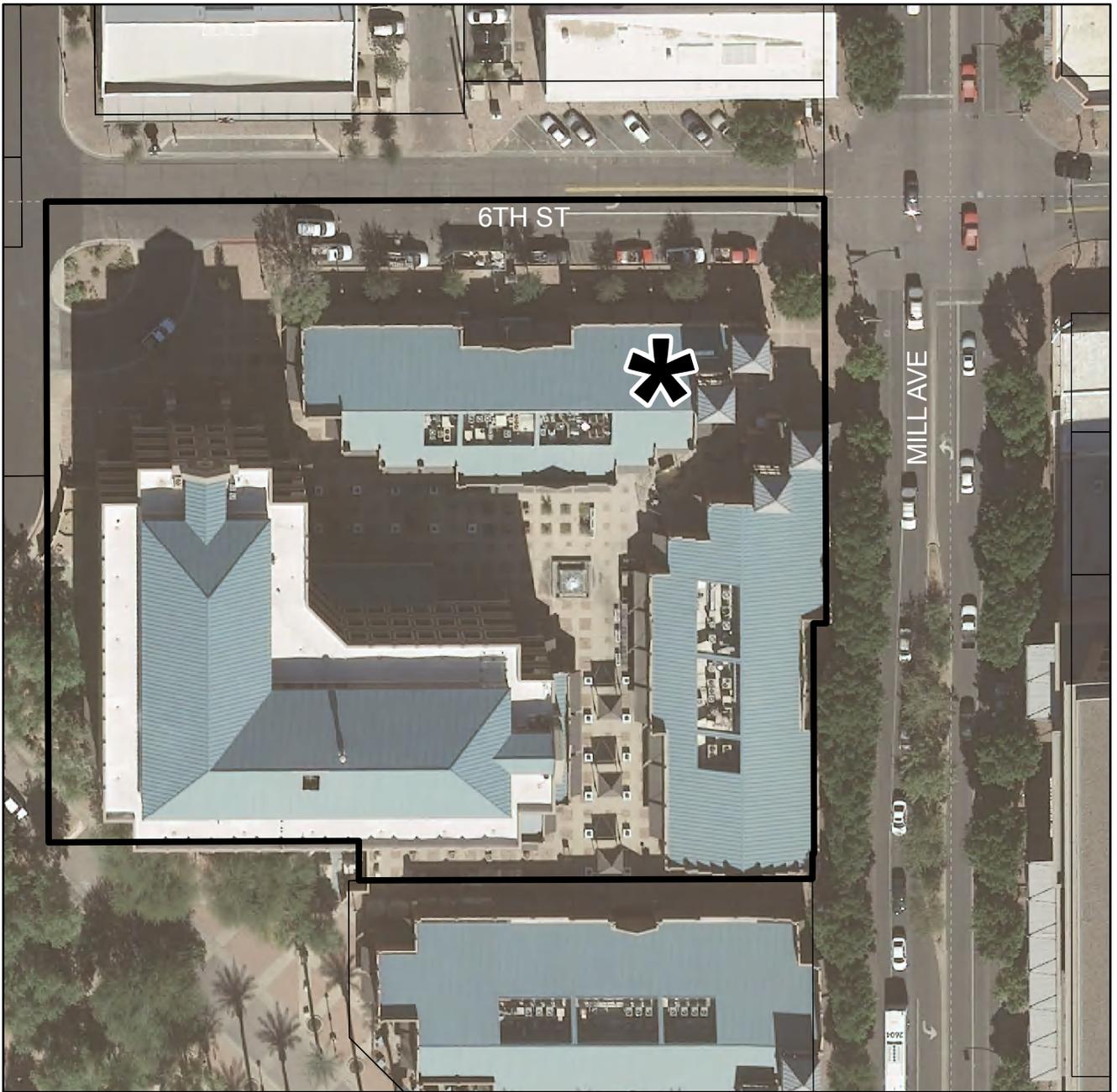
December 17, 2007	City Council Approved the 14 th Amended Planned Area Development for DMB Centerpoint development.
2009	The suite was occupied by Regions Bistro and Bar, prior tenants were retail uses.
July 2, 2010	Development Services Planning Division staff approved a patio addition and elevation modifications for Canteen Modern Mexican Restaurant.

DESCRIPTION: Owner – Centerpoint on Mill
 Applicant – Julian Wright
 Existing Zoning – CC, City Center District

ZONING AND DEVELOPMENT CODE REFERENCE: Section 6-308 Use Permit



Location Map



CANTEEN MODERN TEQUILA BAR (PL110028)

CANTEN

City of Tempe
Community Development Services
31 East 5th Street
Tempe AZ, 85281

January 27, 2011

To whom it may concern,

This letter is to inform you exactly what type of entertainment Canteen Modern Tequila Bar will offer. We intend to employ the services of a Disc Jockey consistently on Thursdays, Fridays and Saturdays. However, there may be special occasions (sporting event days or holidays) that we would like to employ the use of live entertainment on a day other than those aforementioned.

Furthermore, our talent showcase may include one or more of the following;

Disk Jockeys, indoor video projection, social dance, solo and duet musical performances, comedy shows, impressionists, child entertainment, public and corporate entertainment. Sometimes their might be several at one time.

On a Thursday, Friday or Saturday the entertainment will usually begin at 5pm and end at 2am. However, there may be special occasions that warrant an earlier start time. In any case, all entertainment shall operate within the proper limits with the City of Tempe in mind at all times and will never continue past 2:15am.

Sincerely,

Daniel Saady
General Manager
"Canteen" Modern Tequila Bar
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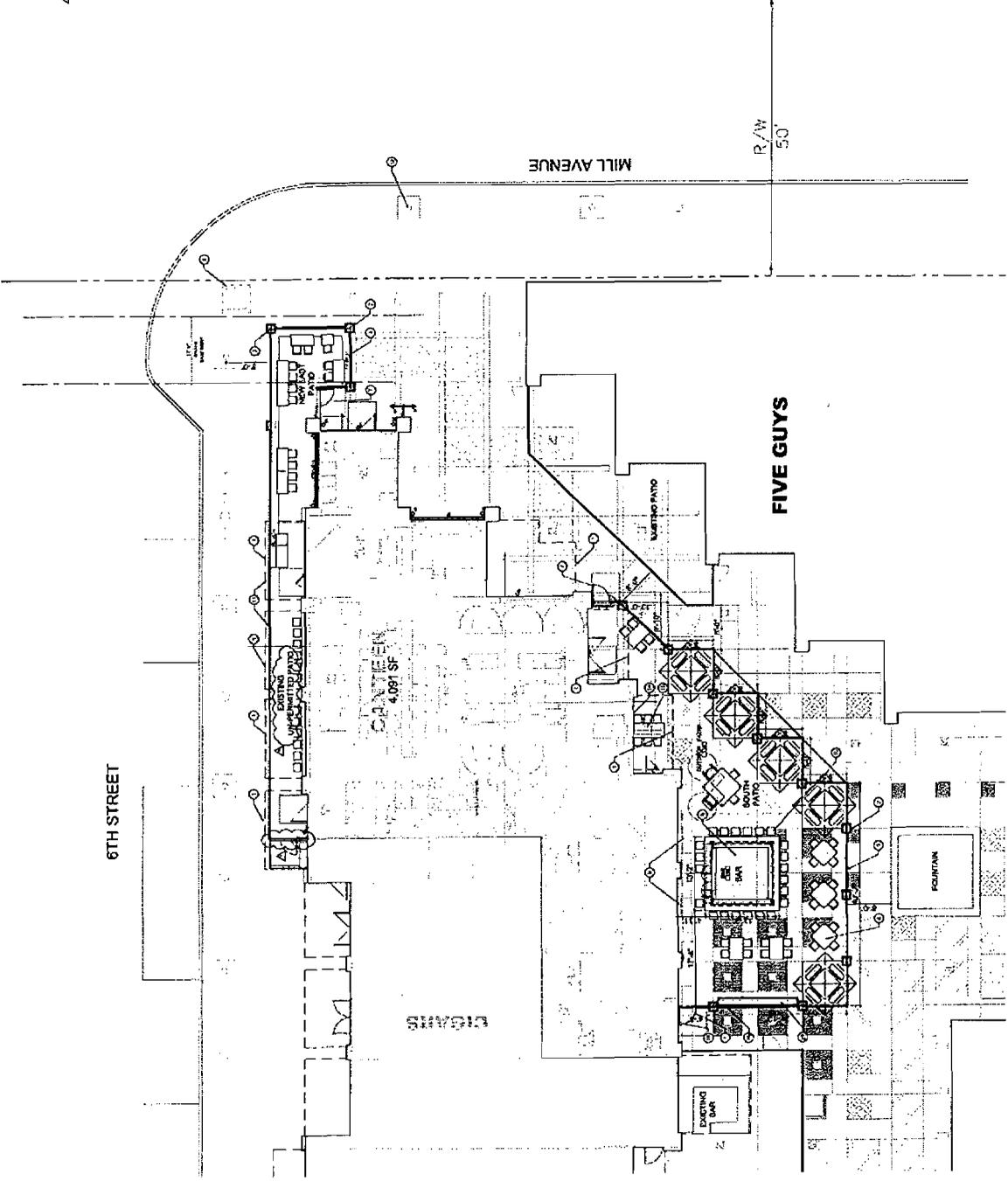
- KEYNOTES**
1. LINE OF AVENUE ABOVE, SEE DETAIL.
 2. NEW 20" x 20" x 1/4" HIGH FIRE-RATED GLASS DOOR.
 3. NEW 2" x 4" x 1/4" GALVANIZED & HEAVY GROUND ROLLED CORROSION RESISTANT STEEL FENCE PANELS, TYP.
 4. NEW 2" x 4" x 1/4" GALVANIZED & HEAVY GROUND ROLLED CORROSION RESISTANT STEEL FENCE PANELS, TYP.
 5. NEW 1/2" x 1/2" x 1/4" GALVANIZED & HEAVY GROUND ROLLED CORROSION RESISTANT STEEL FENCE PANELS, TYP.
 6. DAM WITH COMPENSATED 3" TYP. ROCK.
 7. LOCATION OF EXISTING SIGNAGE.
 8. SIGNAGE TO BE REMOVED BY OTHERS.
 9. EXISTING SIGNAGE TO BE REMOVED BY OTHERS.
 10. EXISTING SIGNAGE TO BE REMOVED BY OTHERS.
 11. EXISTING SIGNAGE TO BE REMOVED BY OTHERS.
 12. EXISTING SIGNAGE TO BE REMOVED BY OTHERS.
 13. EXISTING SIGNAGE TO BE REMOVED BY OTHERS.
 14. NEW GLASS GARAGE DOOR.
 15. EXISTING BIKE PARKING.
 16. NEW WALL WITH 10' x 10' x 1/2" STAINLESS STEEL PANELS.
 17. NEW WALL MOUNTED STORAGE LIGHTING.
 18. EXISTING WALL MOUNTED STORAGE LIGHTING.
 19. CONTROLLED GLASS TO JARVIS LIGHTING AT 1/4" OVER DOORS.
 20. NEW ARCHITECTURAL FEATURE LIGHTING.
 21. NEW FRIEZE.

Restaurant Tenant Improvement
 640 South Mill Avenue, Suite 82-110, Tempe, Arizona 85281

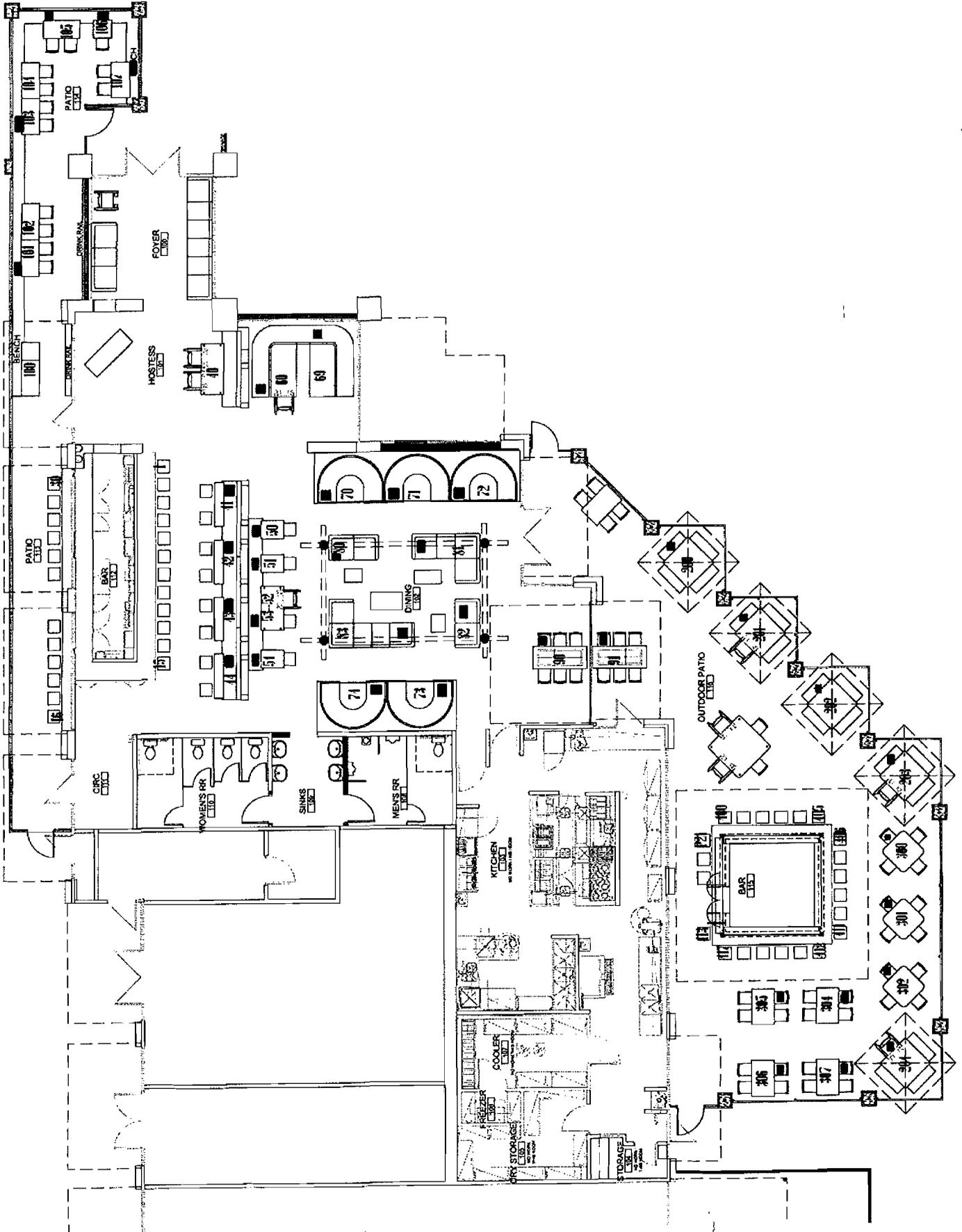
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PROJECT: 181818
DATE: 10/11/2018

SITE PLAN

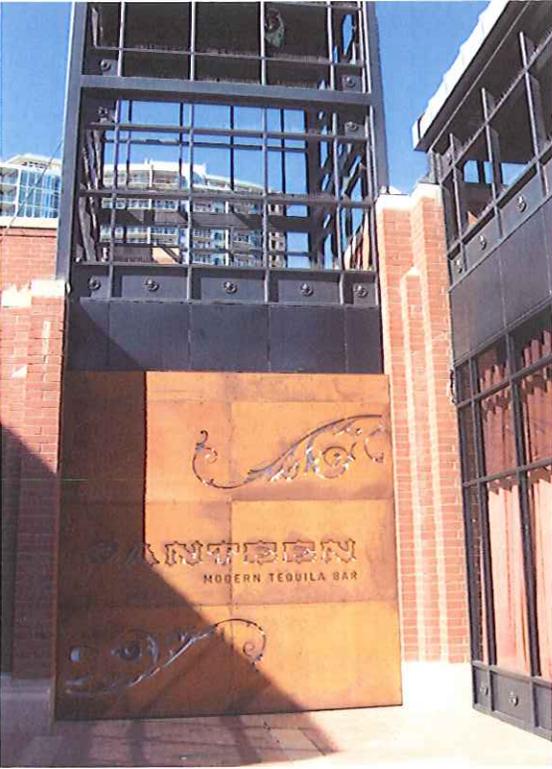
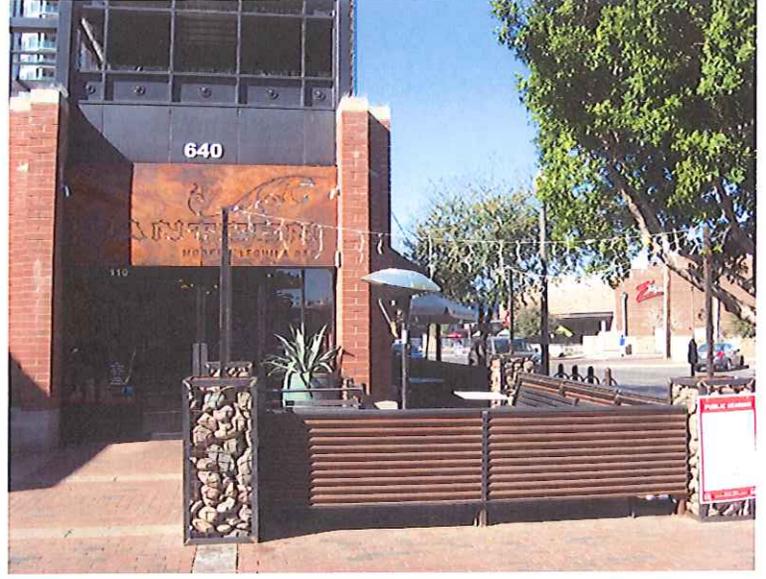
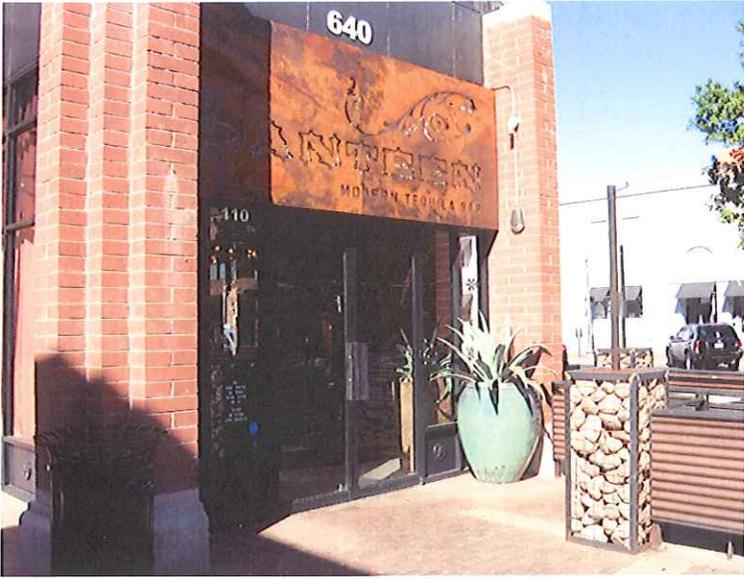
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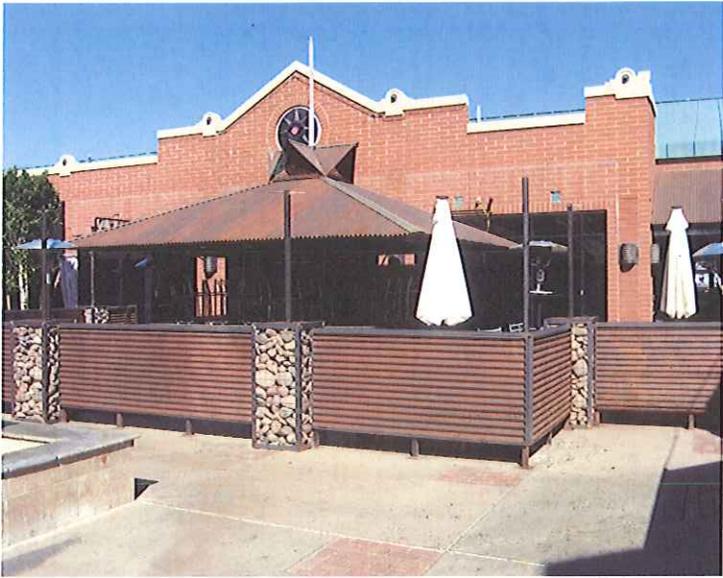
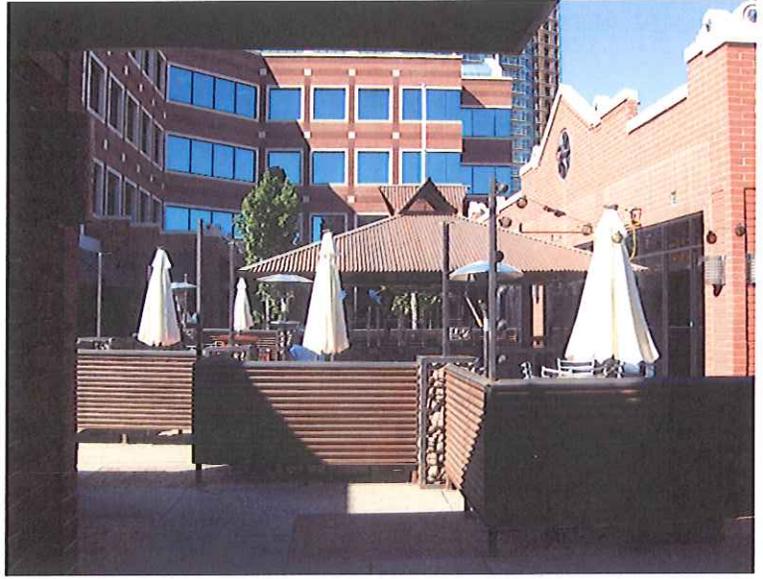
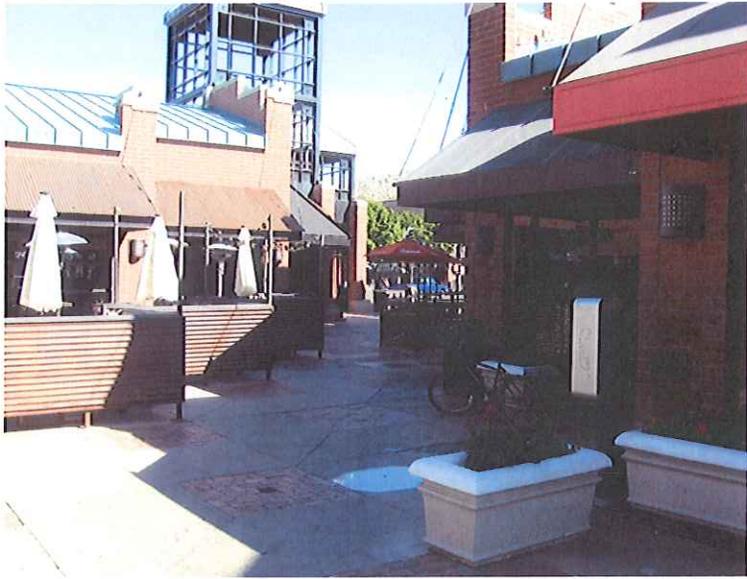
SITE PLAN



FLOOR PLAN / PATIO PLAN
 SCALE: 1/8" = 1'-0"
 NORTH



View of front entry, east and north sides of building.



View of main patio and south side of building.