

# Staff Summary Report



Hearing Officer Hearing Date: April 6, 2010

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by **FINAL ROUND** located at 5030 South Mill Avenue for one (1) use permit.

**DOCUMENT NAME:** 20100406dssl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **FINAL ROUND (PL100066)** (Jesse Feller, applicant; Presson Corporation, property owner) located at 5030 South Mill Avenue in the GID, General Industrial District for:

**ZUP10021** Use permit to allow a bar with a Series 6 liquor license.

**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

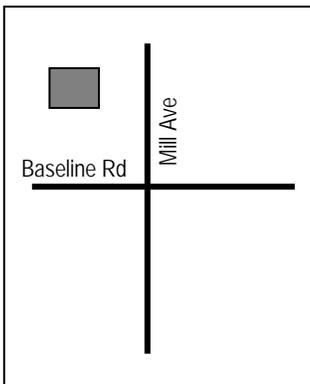
**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:**

The applicant is requesting a use permit to allow a bar with a class 6 liquor license, located at 5030 South Mill Avenue, in the GID, General Industrial District. A restaurant/bar has existed at this location for several years. The volume of liquor sales exceeds food sales thus creating the need for a class 6 liquor license. Staff supports approval of the use permit based on the criteria for approval of a use permit. To date no public input has been received.



**PAGES:**

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

**ATTACHMENTS:**

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

**COMMENTS:**

The applicant is requesting a use permit to allow a bar with a class 6 liquor license in the GID, General Industrial District. . A restaurant/bar has existed at this location for several years. The volume of liquor sales exceeds food sales thus creating the need for a class 6 liquor license. Per the applicant’s letter of explanation, nothing will change per the operation of the business. Staff supports the use permit for a bar with a class 6 liquor license in this location. An update to the parking file for this building will be required prior to the use permit becoming effective. The new liquor license requires the use to be parked as a bar rather than a restaurant, based on a 1964 s.f. tenant space floor area; the required parking for a bar will be 39.28 parking spaces. The existing restaurant was required to provide 26 parking spaces thus creating the need to accommodate a 13 space difference. There is ample parking on this site so the difference in the parking space numbers should not create a deficiency. The applicant will need to provide an up to date list of tenants, the use of the space and the leased area for each tenant.

**Public Input**

To date, no input has been received from neighboring tenants or property owners.

**Use Permit**

The Zoning and Development Code requires a use permit for a bar with a class 6 license in the GID, General Industrial District.

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) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;  
     This use should not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
  
- 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 development would not contribute to neighborhood deterioration or downgrade property values. This use permit request 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.
  
- 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;  
     The proposed use appears to have adequate control of disruptive behavior.

**Conclusion**

Staff recommends approval of the use permit request with conditions.

**REASONS 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. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

**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 Final Round and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Obtain all necessary clearances from the Building Safety Division.
3. Any intensification or expansion of the use would require the use permit to be reheard by the Hearing Officer.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Update the data for parking file for this building prior to the use permit becoming effective. Provide information within 14 days or by **4/20/10**.
6. Any new business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.

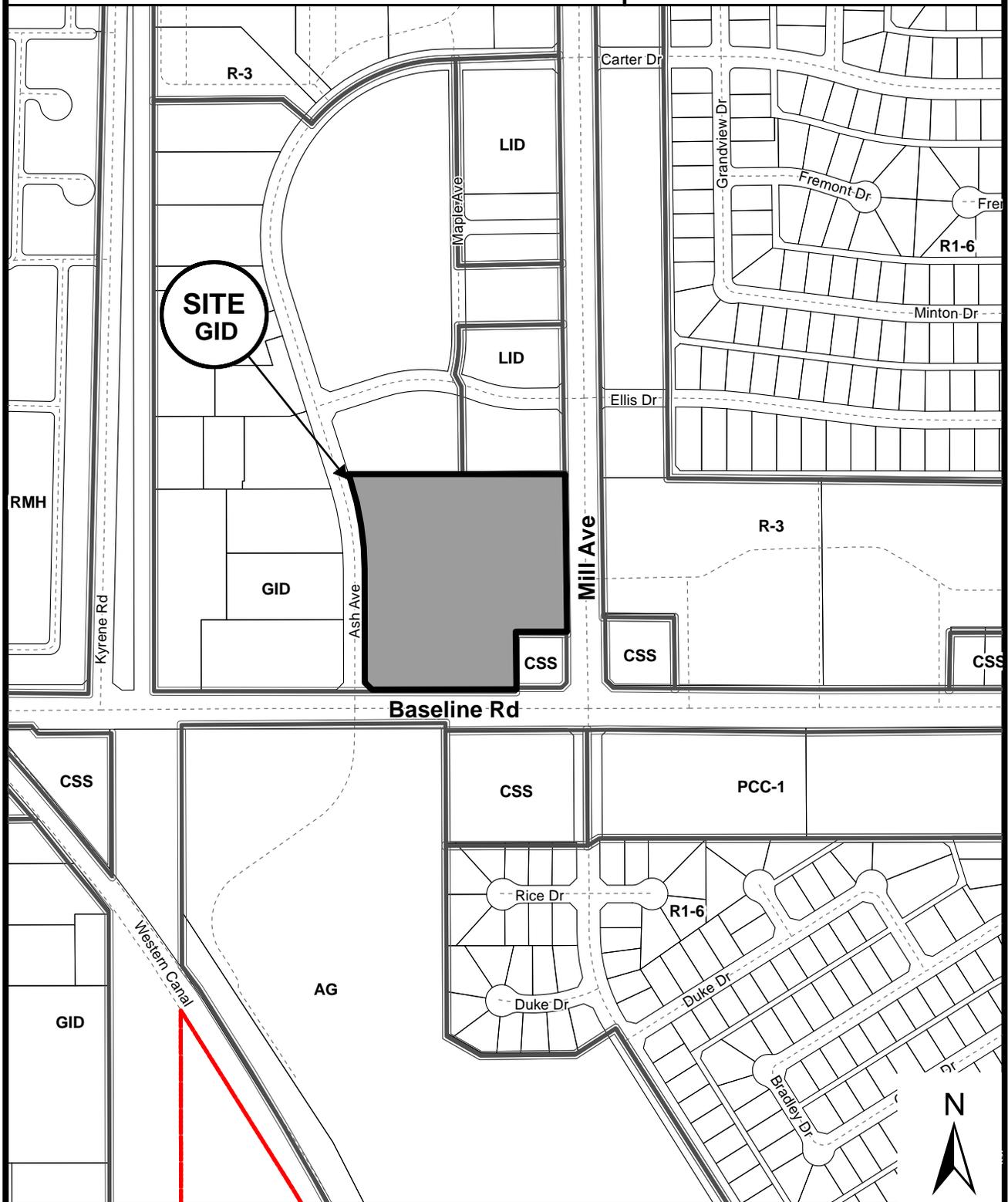
**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:** Owner – Presson Corporation  
Applicant – Jesse Feller  
Existing Zoning – GID, General Industrial District

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:** Part 3, Chapter 3, Section 3-301 – Permitted Uses in Industrial Districts  
Part 6, Chapter 3, Section 6-308 – Use Permit

**FINAL ROUND**

**PL100066**



**Location Map**



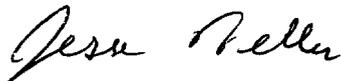
**FINAL ROUND (PL100066)**

FELLER'S PLACE LLC  
dba FINAL ROUND  
5030 S. Mill Ave., Ste D20  
Tempe, AZ 85282

To Whom It May Concern:

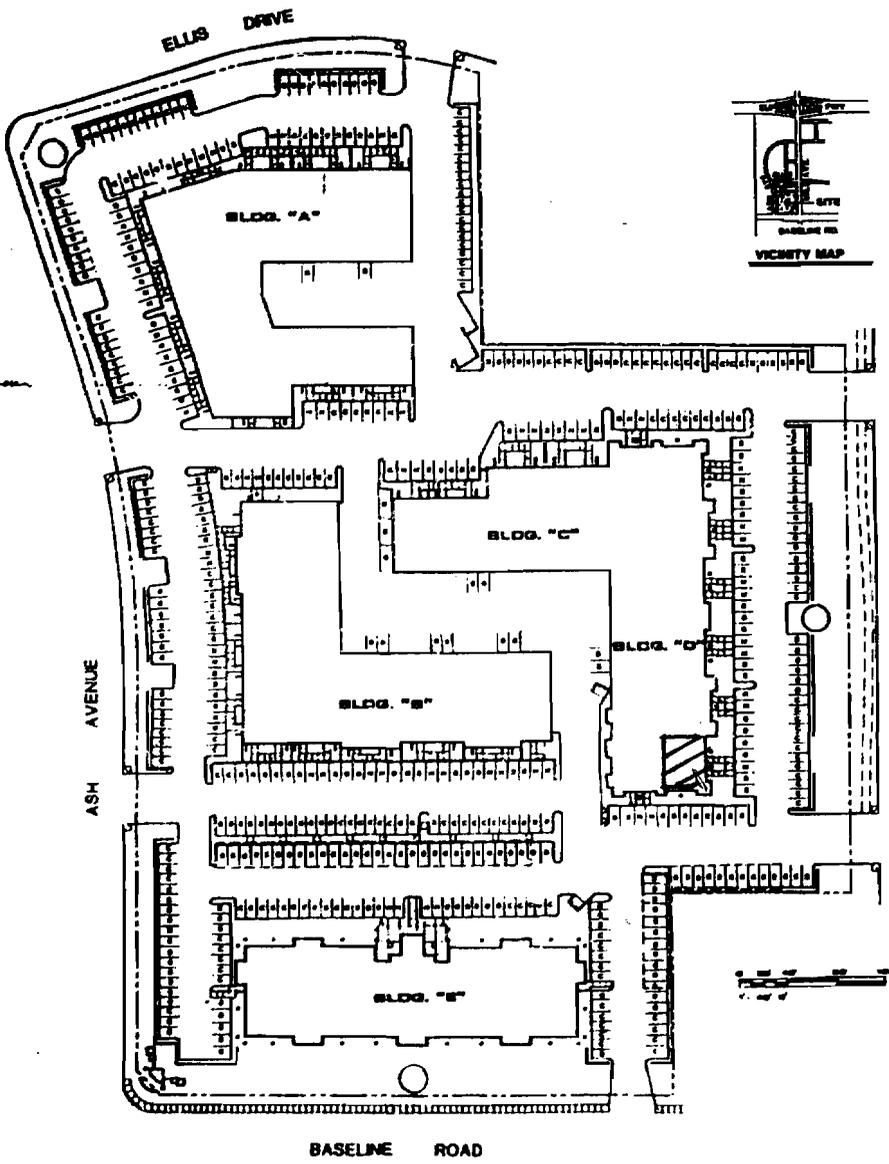
My name is Jesse Feller, and I own Final Round. I currently have a #12 Restaurant License in place. According to the Arizona Department of Liquor Licenses and Control, I need to switch to a #6 Liquor License in the establishment. The licensing will be the only change, nothing structurally. Please contact me directly at 480-703-0955 with any questions or concerns. Thank you for reviewing this application.

Sincerely,



3/5/10

Jesse Feller

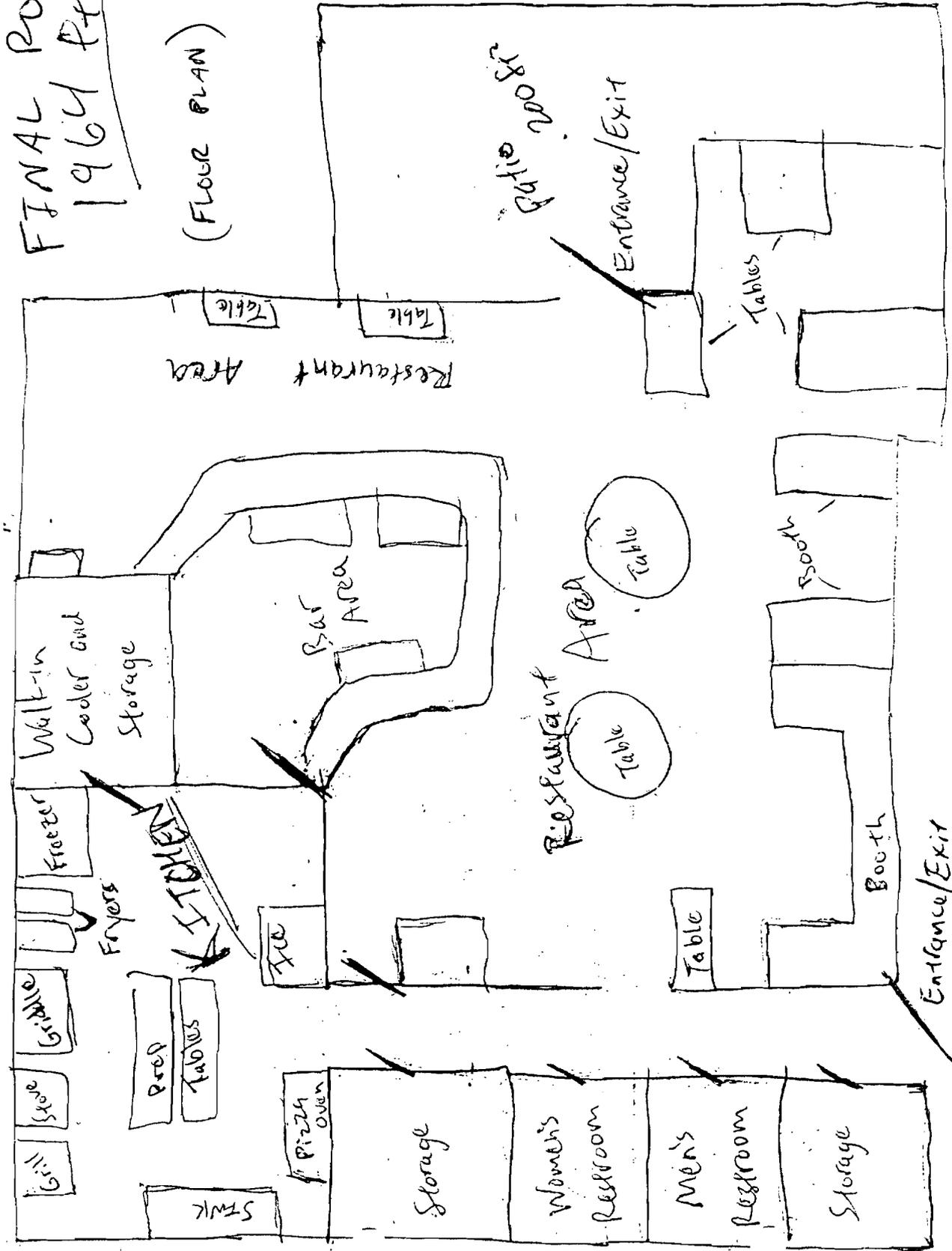


SITE PLAN

 LOCATION OF SITE

FINAL ROUND  
1964 Pt 2

(FLOOR PLAN)



FELLER'S PLACE LLC  
dba FINAL ROUND  
5030 S. Mill Ave., Ste D20  
Tampa, FL 33622



**FINAL ROUND**

**5030 SOUTH MILL AVENUE**

**PL100066**

**FRONT OF BUSINESS**

