

Staff Summary Report



Hearing Officer Hearing Date: 12/07/10

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **SAYURI SUSHI BAR** located at 1435 East University Drive, Suite No. 111, for one (1) use permit.

DOCUMENT NAME: 20101207cdsl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **UNIVERSITY PLAZA – SAYURI SUSHI BAR (PL100350)** (Sharon Rowe, applicant; Inverness LLC, property owner) located at 1435 East University Drive, Suite No. 111, in the GID, General Industrial District for:

ZUP10131 Use permit to allow a restaurant with live indoor and outdoor entertainment in the GID, General Industrial District.

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

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

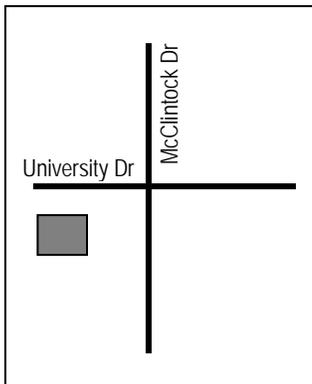
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Sayuri Sushi Bar Restaurant is requesting a use permit to allow a restaurant/bar with live indoor and outdoor entertainment located at 1435 East University Drive in the GID, General Industrial District. To date, there has been one telephone inquiry regarding this request and no public opposition to date. This use is not out of character with the area's existing retail and commercial businesses, and has existed at this location for over twenty (20) years. Staff recommends approval of the use permit as requested by the applicant with attached conditions.

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. Staff Photograph(s)

COMMENTS:

The applicant is before the Hearing Officer to request a use permit to allow a restaurant/bar with indoor and outdoor live entertainment (karaoke, small ensembles) located at 1435 East University Drive in the GID, General Industrial District. Sayuri Sushi Bar is new ownership of a long-established restaurant within the center. The restaurant holds a State of Arizona Series Twelve (12) liquor license.

The applicant originally applied for a transfer of the existing use permit for a restaurant with live entertainment. In review of the request; staff determined that the existing use permit did not include outdoor live entertainment. The previous business owner built a stage on the patio; for which the current owner is proposing to use for the entertainers on weekend nights. The hours of entertainment will be from 8 pm to 12 am Friday and Saturday and occasionally on holidays.

To date, staff received one telephone inquiry but no public comment regarding this use permit request.

Use Permit

The Zoning and Development Code requires Retail Uses (such as a restaurant) to obtain a use permit in the GID, General Industrial District. A use permit is also required for live entertainment. 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 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 is a service use, similar to others in the area; there should be no nuisances.

- 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.

- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding structures and 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 the use permit subject to 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. 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.

CONDITION(S)

OF APPROVAL:

1. The use permit is valid for Sayuri Sushi Bar and may be transferable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
2. All business signs shall be Development Plan Review Approved and permits obtained.
3. 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.
4. The live entertainment shall be limited to karaoke and small ensembles.
5. Live entertainment shall cease at midnight (12 AM) Friday and Saturday; on other nights shall cease at 11 pm.
6. The applicant shall submit an updated security plan to the City of Tempe Crime Prevention Unit. Contact Crime Prevention at 480-858-6330 within 30 days of this approval (January 7, 2011).

HISTORY & FACTS:

- August 26, 1990 The Hearing Officer approved a Use Permit approved for Mikado Restaurant.
- December 18, 1990 The Hearing Officer approved a use permit for Ichiban Restaurant.
- December 21, 1992 The Hearing Officer approved a use permit for Ichiban Restaurant to add live entertainment
- May 21, 1996 The Hearing Officer approved a use permit for Ichiban Restaurant to add an outdoor patio.
- January 2, 2007 Use permit approved of a transfer of ownership for Ichiban Restaurant including the outdoor patio and live entertainment (indoor only).

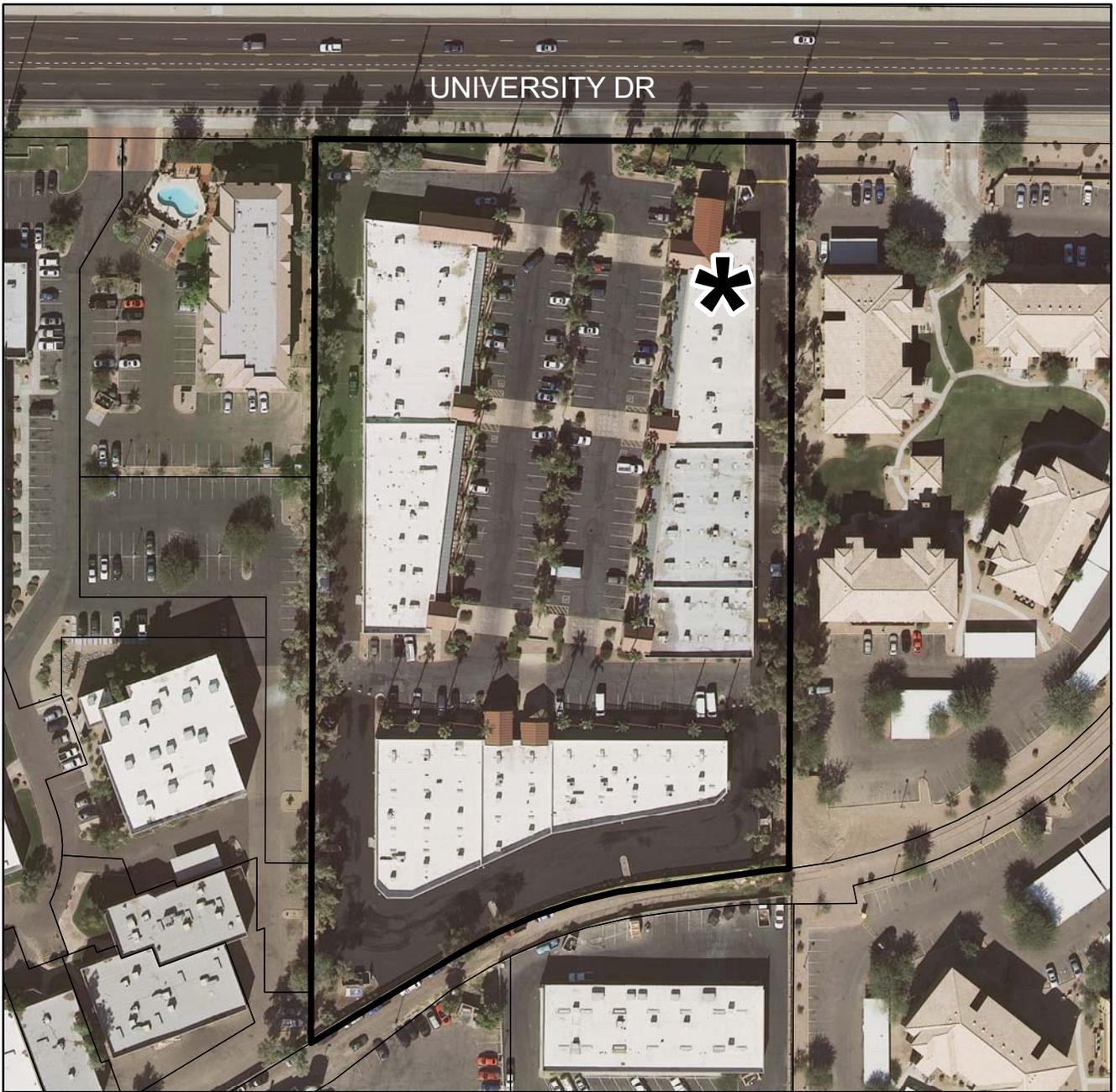
DESCRIPTION:

Owner – Inverness LLC
Applicant – Sharon Rowe
Existing Zoning – GID, General Industrial District

ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 2, Section 3-302, Table 3-202A – Permitted Land Uses in Office/Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit



UNIVERSITY PLAZA - SAYURI SUSHI BAR (PL100350)

Sayuri Sushi Bar requests
to use outside stage for live
entertainment/ Karaoke.

Friday & Sat 8-12 pm - Am.

Occ on weekday for Holiday Reasons.

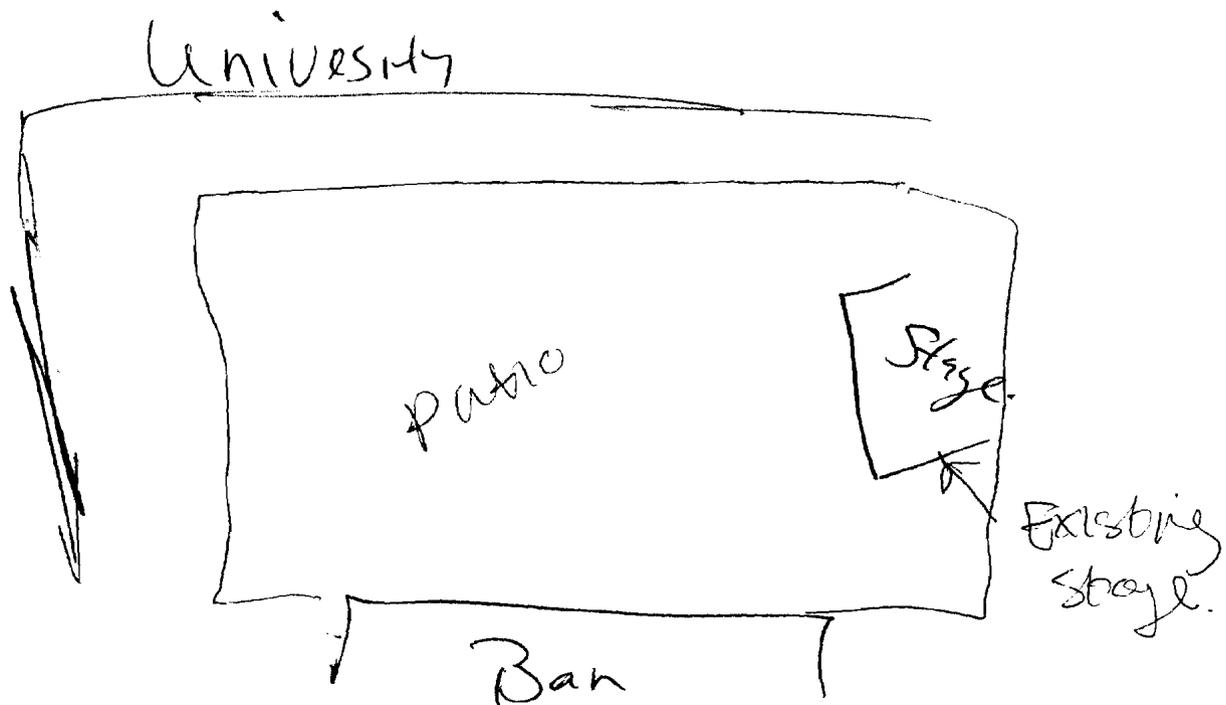
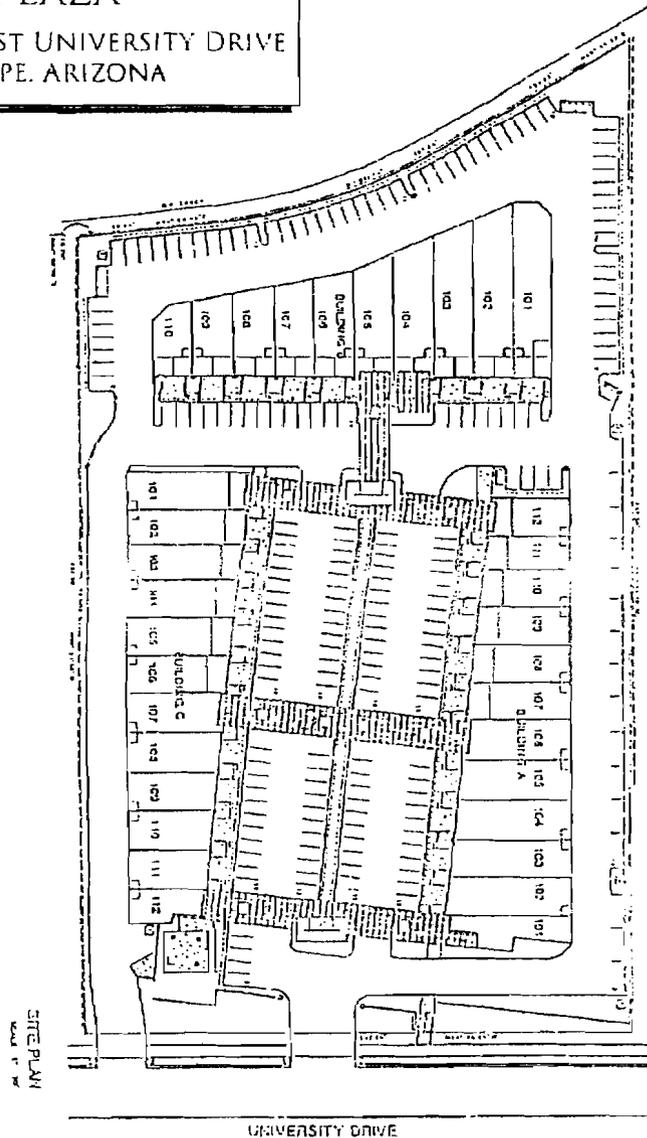


EXHIBIT "A"

SITE PLAN

University Plaza
1415-1435 E. University Drive
Tempe, Arizona

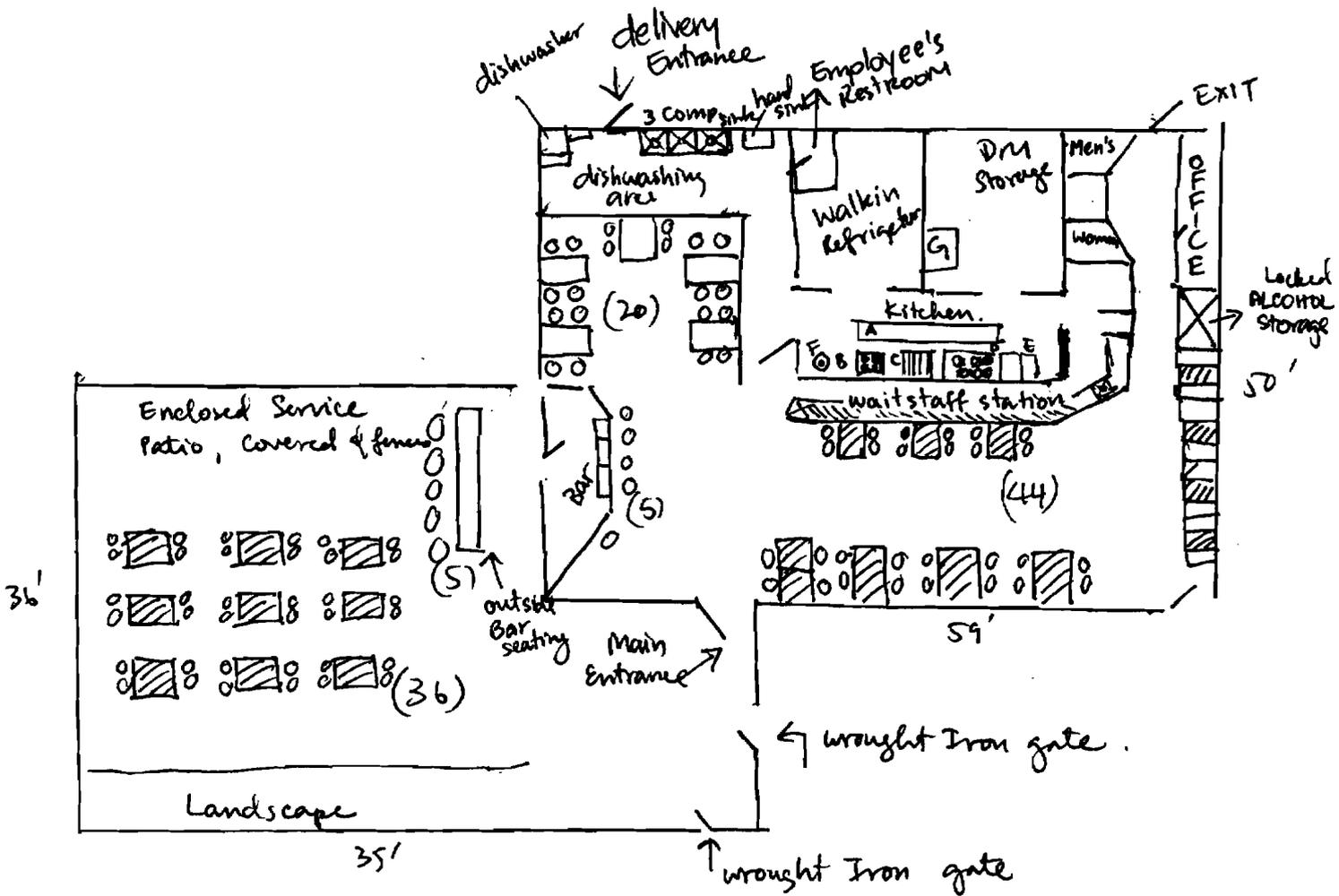
UNIVERSITY
PLAZA
1415-1435 EAST UNIVERSITY DRIVE
TEMPE, ARIZONA



Tipps 88 Thai Cuisine
 floor plan.

1435 E. University - Ste C 111
 Tempe.

- A. prep table w/ Refrigerator
 sandwich table
- B. Burners
- C. B.B.Q. Grill
- D. 6 Burners
- E. deep fryers
- F. gas rice cooker.
- G. Ice Maker





UNIVERSITY PLAZA – SAYURI SUSHI BAR

**1435 EAST UNIVERSITY DRIVE, SUITE
NO.111**

PL100350

FRONT OF BUSINESS

