

Staff Summary Report



Hearing Officer Hearing Date: March 2, 2010

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **STARTERS SPORTS BAR & GRILL (PL100030)** located at 1400 South McClintock Drive, Suite No. 15, for one (1) use permit.

DOCUMENT NAME: 20100302dsdp01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **KINGS PLAZA - STARTERS SPORTS BAR & GRILL (PL100030)** (Douglas Chesney/Chesney Enterprises Ltd, applicant; King Plaza LLC, property owner) located at 1400 South McClintock Drive, Suite No. 15 in the CSS, Commercial Shopping and Services District and TOD, Transportation Overlay District for:

ZUP10008 Use permit to allow live entertainment including live bands, disc jockeys and karaoke.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

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

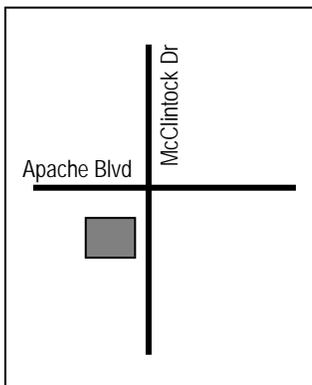
LEGAL REVIEW BY: N/A

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 indoor live entertainment, located at 1400 South McClintock Drive, Suite No. 15 in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music, karaoke and DJ. Staff supports approval of the use permit. To date, there has been one (1) phone call of opposition and one (1) e-mail of opposition for outdoor entertainment.

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 requesting a use permit to allow live entertainment, located at 1400 South McClintock Drive, Suite No. 15 in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music, karaoke and DJ. Live entertainment will take place during regular business hours and primarily on the weekends. The live entertainment will take place fully within the restaurant, please see attached floor plan for detail. To date, one (1) call was received in opposition and one e-mail stating opposition to any outdoor entertainment. Staff supports approval of the use permit.

The Zoning and Development Code requires a use permit for live entertainment in the CSS, Commercial Shopping and Services District. 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 should 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;
 - The restaurant use is similar to others in the area; sound from music must conform to the noise ordinance.
- 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 use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use is 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 will be fully contained within the building.

Conclusion

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

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. The use appears to be compatible with the surrounding structures and uses.

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 Starter's Bar and Grill and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
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. No outdoor speakers associated with the live entertainment use will be allowed.
6. Live entertainment is approved during regular business hours.
7. The applicant or business owner shall contact the City of Tempe Police Department, Crime Prevention Unit to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6330.

HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – King Plaza LLC
Applicant – Douglas Chesney/Chesney Enterprises Ltd.
Existing Zoning – CSS, Commercial Shopping & Services District
TOD, Transportation Overlay District

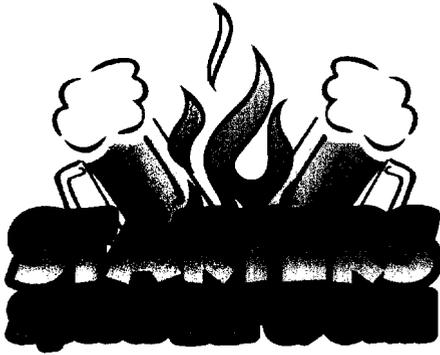
**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Part 3, Chapter 2, Section 3-202: Permitted Uses in Commercial and Mixed Use Districts.
Part 6, Chapter 3, Section 6-308: Use Permit



Location Map



KING PLAZA - STARTERS SPORTS BAR & GRILL (PL100030)



January 29, 2010

Re: Letter of Explanation for Live Entertainment Use Permit

To whom it may concern,

In an effort to better serve our customers and grow our business I am requesting a Use Permit for Live Entertainment. Initially we will be hosting Karaoke one night per week but plan to expand our entertainment offering with a DJ or small bands as opportunities present themselves.

We are a small sports bar with a mature clientele so excessive noise will not be a problem.

If there is any further information needed, please do not hesitate to contact me. Thank you for your consideration and I look forward to working with you on this application.

Douglas P. Chesney

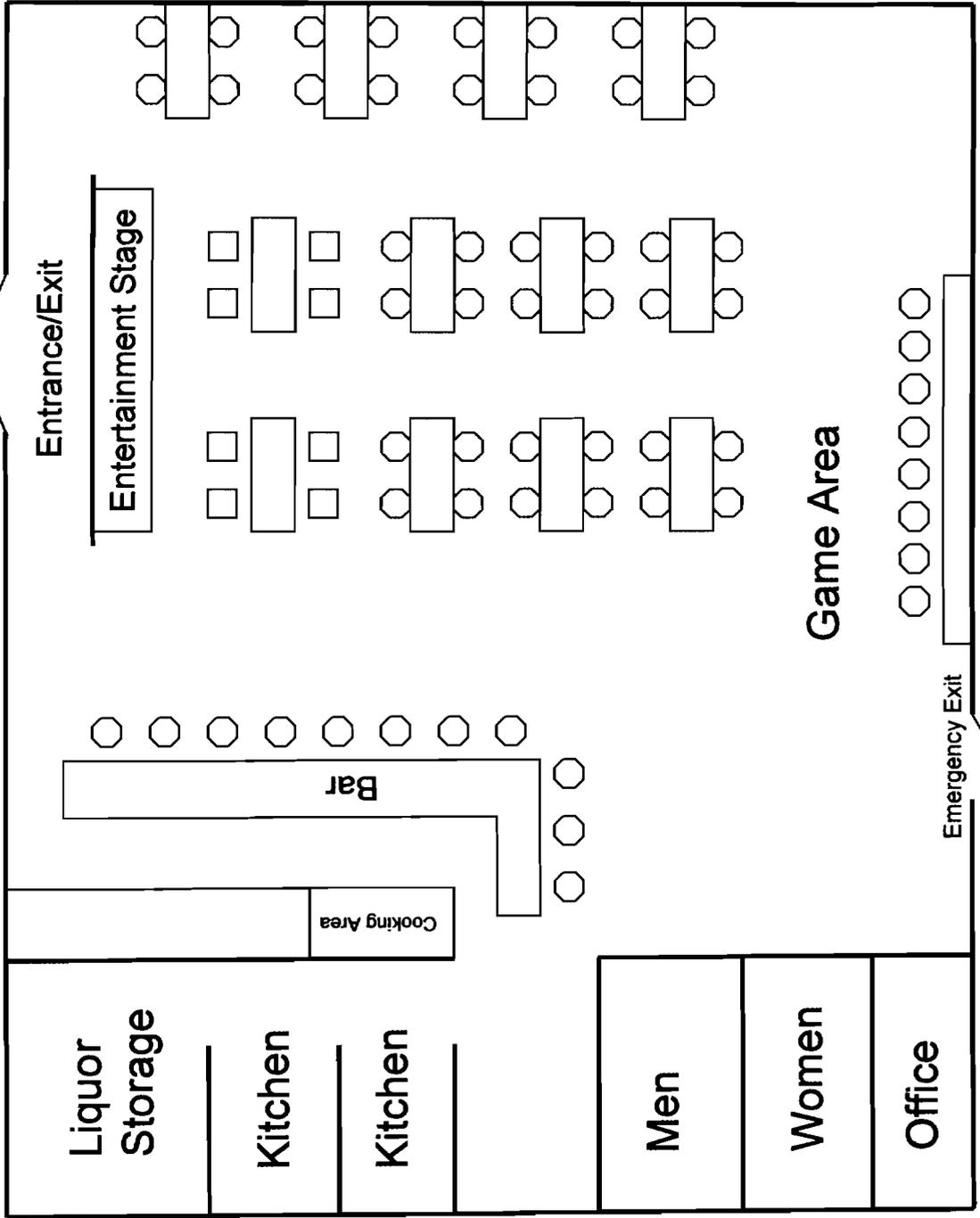
A handwritten signature in black ink, appearing to read 'D. P. Chesney', written over a horizontal line.

Owner, Chesney Enterprises, Ltd.
1208 E. Libra Dr.
Tempe, AZ 85283
(480) 203-2569

DBA Starters Sports Bar & Grill
1400 S. McClintock Dr. #15
Tempe, AZ 85281
(480) 967-2622

Starters Sports Bar & Grill

1400 S McClintock Dr, #15 Tempe, AZ 85281



2,400 sq ft



**KINGS PLAZA – STARTERS SPORTS
BAR & GRILL**

1400 S MCCLINTOCK DR., SUITE NO. 15

PL100030

FRONT OF BUSINESS

