

# Staff Summary Report



Hearing Officer Hearing Date: November 18, 2008

Agenda Number: 5

**SUBJECT:** This is a public hearing for a request by **TOPS LIQUOR PLAZA – TASTE OF TOPS (PL080408)** located at 403 West University Drive, Suite No. 103 for one (1) use permit.

**DOCUMENT NAME:** 200801118dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **TOPS LIQUOR PLAZA – TASTE OF TOPS (PL080408)** (Michael Kelly/Michael Wilson Kelly Architects Ltd., applicant; Greg Eccles, property owner) located at 403 West University Drive, Suite No. 103 in the CSS, Commercial Shopping & Services District for:

**ZUP08170** Use permit to allow a Series 7 wine and beer bar in conjunction with a liquor store.

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

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

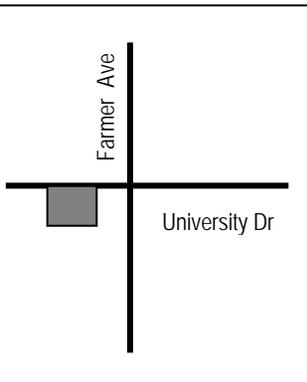
**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions

**ADDITIONAL INFO:**

Taste of Tops is requesting approval of a use permit for a wine and beer bar in conjunction with an existing liquor store located 403 W University Dr. in the CSS, Commercial Shopping and Services District. The proposed use will occupy 1064 s.f. of space adjacent to an existing 3963 s.f. liquor store and will primarily be a wine bar. Staff recommends approval of the use permit; it meets the necessary criteria for approval. To date, no public input has been received.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Cover sheet/site data
6. Site plan
7. Floor Plan
8. Staff Photograph(s)

**COMMENTS:**

Taste of Tops is requesting approval of a use permit for a wine bar in conjunction with an existing liquor store. The proposed tenant space is approximately 1064 sq. ft. and is located on the south side of University Drive, west of Mill Avenue. The site is zoned CSS, Commercial Shopping and Services, which requires a use permit for beer and wine bars with a Class 7 liquor license.

**Use Permit**

The Zoning and Development Code requires a use permit for all uses with a Class 6 and 7 bar license in all commercial zoning districts. Staff supports the use permit as described in the letter of explanation. This use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The proposed business is compatible with the building and the adjacent businesses. The site has demonstrated sufficient parking spaces available to accommodate this use.

**Conclusion**

Staff recommends approval of the request with conditions. To date, there has been no opposition to this use permit application.

**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.
6. There appears to be a demonstrated need for this use at the proposed location.

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

**CONDITION(S) OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
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 set to re-evaluate the appropriateness of the use permit.
6. All required State and Municipal liquor license permits shall be obtained or the use permit is void.
7. 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.
8. All business signs shall be Development Review approved and permits obtained.

**HISTORY & FACTS:**

November 7, 2008.

Development Services Department staff approved a shared parking analysis for Tops Liquor Plaza located at 403 West University Drive in the CSS, Commercial Shopping and Services District.

**DESCRIPTION:**

Owner – Greg Eccles

Applicant – Michael Kelly/Michael Wilson Kelly Architects Ltd.

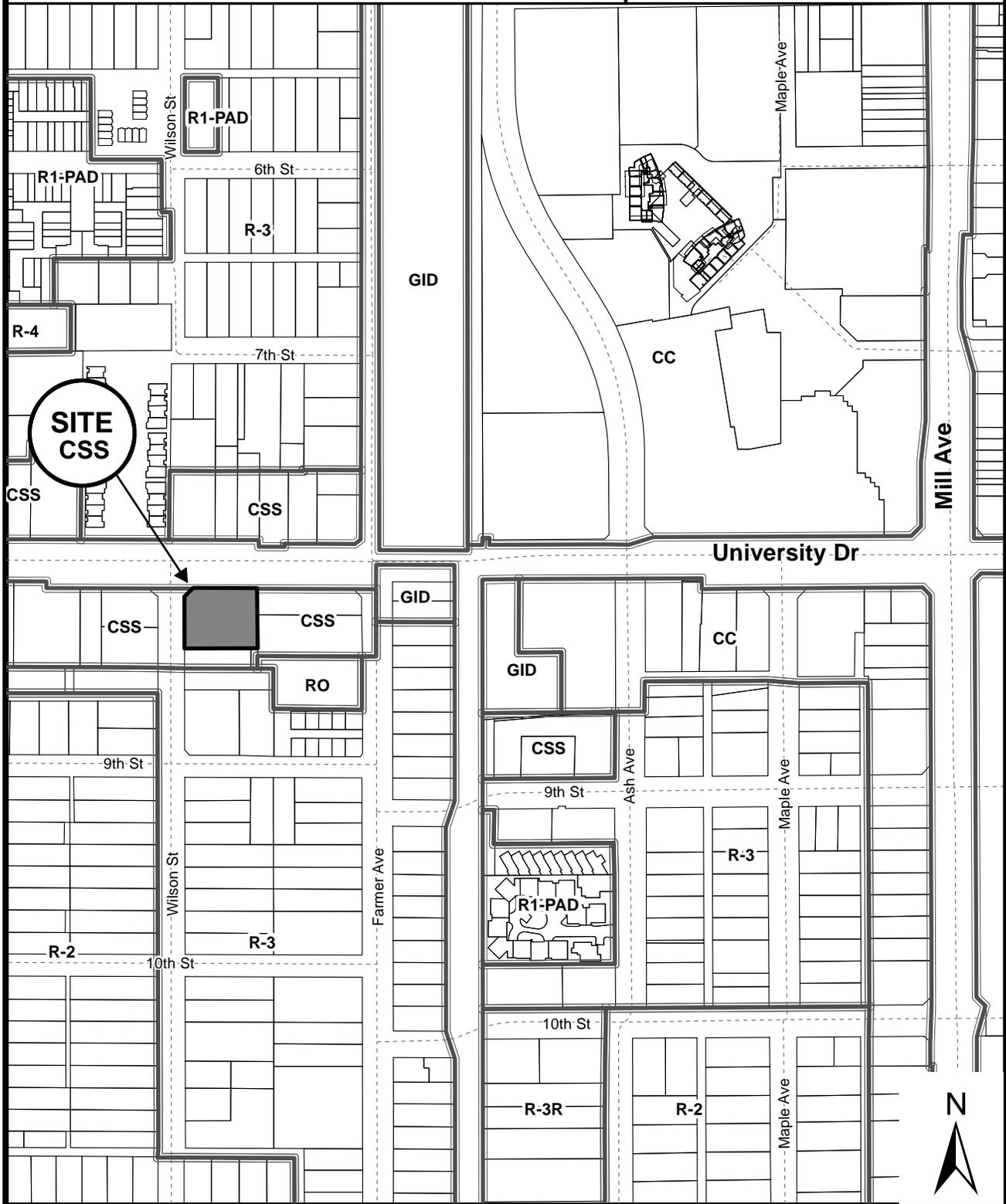
Existing Zoning – CSS, Commercial Shopping & Services District

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

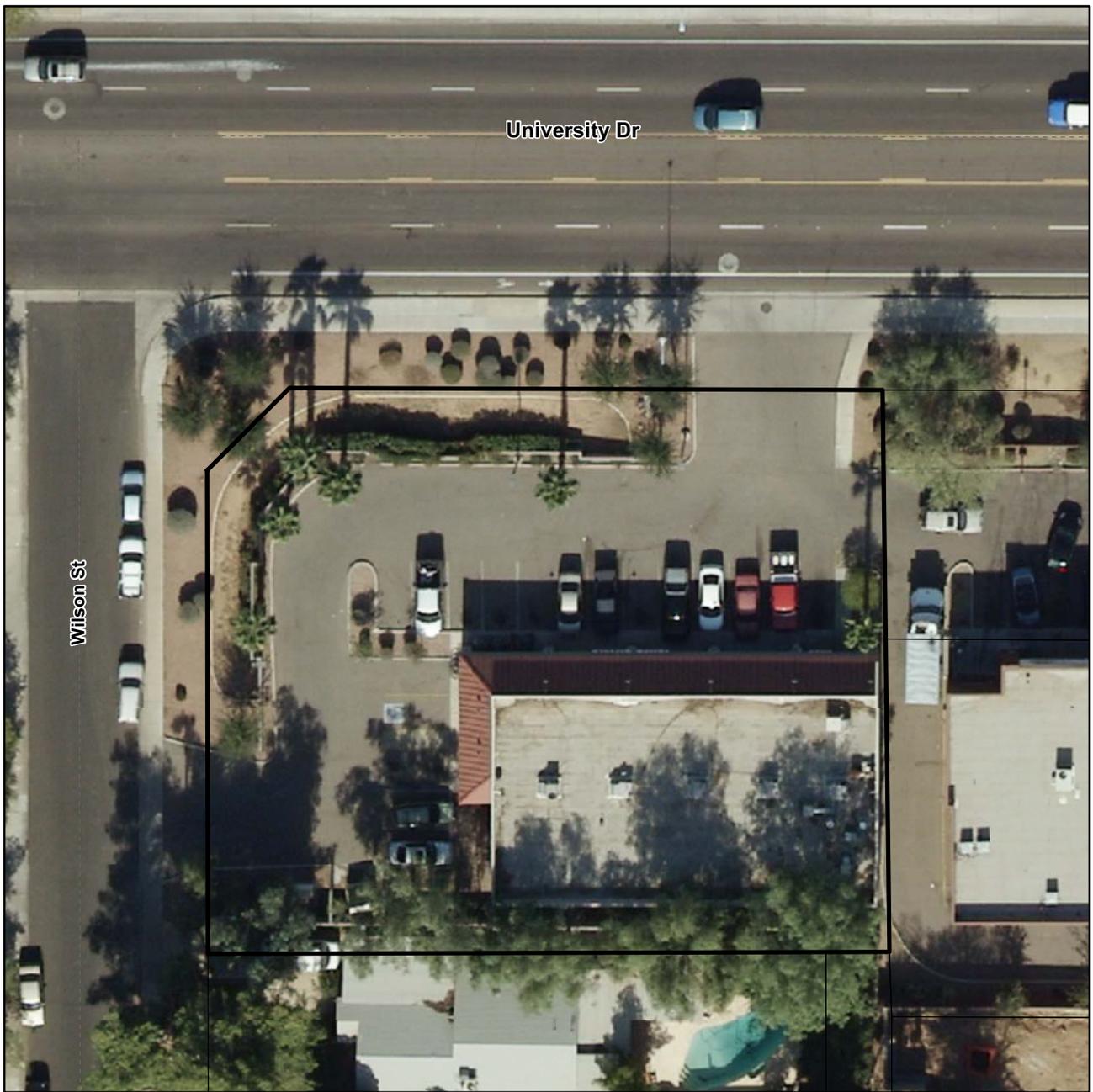
Part 6, Chapter 3, Section 6-308- Use permits

**TOPS LIQUOR PLAZA  
TASTE OF TOPS**

**PL080408**



**Location Map**



**TOPS LIQUOR PLAZA - TASTE OF TOPS (PL080408)**

**MICHAEL WILSON KELLY - ARCHITECTS, LTD.**

O.HOUSE 21 East Sixth Street, Suite 518, Tempe, Arizona 85281 TEL/480.829.7667 FAX/480.829.6863 Info@mwkarch.com

22 October 2006

Mr. David Williams  
City of Tempe  
Board of Adjustment Hearing Officer  
P.O. Box 5002  
Tempe, AZ. 85280

RE: ***Taste of Tops***  
**Top's Wine Bar Use Permit Request**  
403 W. University Drive, Suite 103  
Tempe, AZ 85281

Dear **Mr. Williams:**

On behalf of my client, **Mr. Greg Eccles**, owner and operator of family owned Top's Liquor Store and Top's Liquor Plaza, we respectfully request approval of a **Use Permit to operate a Wine Bar in the C-1 Commercial District.**

This project involves a Tenant Improvement of a 1,064 s.f. tenant suite adjacent to Top's Liquor. (Please see the attached Site Plan & Floor Plan).

It is the expressed intent of Mr. Eccles to provide a small, warm and cozy, high end wine and cheese tasting room atmosphere adjoining his current retail liquor business. Retail wine and imported beer displays and sales would be a part of this business. He has purchased a Number 7 Liquor License (Beer and Wine only) for the Wine Bar.

Mr. Eccles owns the entire 7,431 s.f. **Top's Liquor Plaza**. His long-term tenant mix includes the end cap 1,340 s.f. **Thai Basil** take-out restaurant which closes at 9pm, the 1,064 s.f. **Rare Lion** retail store which closes at 6pm, and Mr. Eccles' current 3,963 s.f. **Top's Liquor Store** which operates from 9am to 1am. The proposed 1,064 s.f. **Wine Bar** would replace a current Hair Salon and the hours of operation would be 4pm to midnight.

Concurrent to this Use Permit Request, Mr. Eccles is requesting an Administrative Staff Approval for Shared Parking. (copy attached). Using the shared parking model, peak loading would occur at 8pm on Saturday night when 31 parking spaces are required. Exactly 31 parking spaces are provided on site.

Since a fair number of local patrons are expected from the adjoining Mitchell Park & Maple-Ash neighborhoods, as well as from future downtown mid-to-high rise condo towers and the redeveloping Riverside-Sunset Neighborhoods across University to the north, we expect that many wine lovers will walk or bike to this proposed establishment.

**USE PERMIT REQUEST:**

**To allow a wine bar in the C-1 Commercial District.**

**JUSTIFICATIONS:**

**A. Will not cause any significant vehicular or pedestrian traffic in adjacent areas.**

Vehicular traffic will not be significantly affected as proven by the attached Shared Parking Model. The current connectivity and close proximity to adjacent medium to high density pedestrian oriented neighborhoods encourages walk-in and bike traffic. Therefore, no adverse impact is anticipated.

**B. Will not cause any nuisance (odor , dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions.**

The wine bar will be a self-contained interior space with no alterations to the exterior of the building. There will be a small residential style warming kitchen for service of cheese, bread, and simple *hors de ourves*. Commercial cooking facilities are not anticipated, therefore no smoke or significant exhaust will be generated. There will be no outdoor patio service, nor any outdoor speakers. Therefore, ambient conditions will remain virtually the same as existing, and the impact of the wine bar will not cause a nuisance of any kind.

**C. Will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City.**

This use is clearly allowed in the Zoning Code and in the C-1 Commercial District via approval of a Use Permit.

The adjacent Mitchell Park & Maple-Ash residential neighborhoods are a mix of single family and low to medium density multi-family dwellings. Soon, several mid-rise and high rise condominium towers will occupy nearby downtown Tempe tilting the demographic toward affluent urbane inhabitants seeking more this type of use. The long range City Planning Objectives and Tempe General Plan 2020 propogate uses of this type that are neighborhood pedestrian friendly.

Therefore, this use is highly suitable to the urban area objectives and will not deteriorate the neighborhood whatsoever; rather, it will enhance the quality of life of local citizens.

**D. Be compatible with existing surrounding structures.**

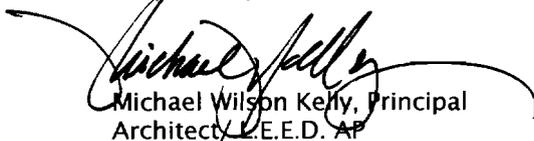
The building will not be modified on the exterior except for new tenant signage. The Plaza building is typical of many similar structures on West University in scale and materials.

**E. This use will not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.**

This use will not cause a nuisance to the public and/or surrounding area whatsoever. This building buffers the adjacent residential districts from the noise and traffic of busy West University Drive. This is a middle building retail space, not an end cap, so this use would be located fronting on University Drive.

Thank you for your kind attention to our request. Please do not hesitate to contact us, and feel free to visit the property at any time to better understand the current operations, access, and the potential shared parking opportunities for the proposed use.

Respectfully submitted,



Michael Wilson Kelly, Principal  
Architect, L.E.E.D. AP

**Enclosures:**

Letter- Administrative Approval Request for Shared Parkng dated 22 October 2008.  
Site Plan  
Floor Plan  
Shared Parking Analysis by City Staff

# TASTE OF TOP'S

## 403 WEST UNIVERSITY DRIVE SUITE 103 TEMPE, ARIZONA

### BUILDING CODES

- 2003 INTERNATIONAL BUILDING CODE (IBC)
- 2003 INTERNATIONAL FIRE CODE (IFC)
- 1996 NATIONAL ELECTRIC CODE (NEC)
- 2003 INTERNATIONAL MECHANICAL CODE (IMC)
- 2003 INTERNATIONAL PLUMBING CODE

### LEGAL DESCRIPTION

LOT 1 OF GOODWIN HOMES

### EXISTING PROJECT DATA

ZONING: C-1  
 GROSS SITE AREA: 36,940 S.F. (.88 ACRES)  
 NET SITE AREA: 33,748 S.F. (.77 ACRES)  
 BUILDING AREA: 7,805 S.F.  
 SITE COVERAGE: 23.9%  
 REQUIRED PARKING: 31 SPACES (7,805 S.F. / 250)  
 PROVIDED PARKING: 31 SPACES  
 BUILDING HEIGHT: 19'-4"  
 LANDSCAPE AREA: 28%  
 LANDSCAPING ON SITE: 9,445 S.F.  
 LANDSCAPING IN R.O.W.: 3,102 S.F.

REFERENCE D.R.B. 89151  
 FOR DESIGN REVIEW BOARD  
 CONDITIONS OF APPROVAL

### PREVIOUSLY APPROVED CODE INFORMATION

OCCUPANCY GROUP: B-2 (EXISTING)  
 CONSTRUCTION TYPE: V - 1 HOUR  
 ALLOWABLE AREA: 18,000 S.F.  
 ACTUAL AREA: 4,000 S.F.  
 3,750 S.F. FUTURE TENANT SPACE  
 OCCUPANT LOAD:  
 TOPS LIQUOR (3,963 S.F. / 30)  
 133 OCCUPANTS  
 TOPS WINE BAR (1,084 S.F. / 15)  
 72 OCCUPANTS  
 TOTAL 5,064 S.F.  
 263 OCCUPANTS  
 EXITS:  
 TOPS LIQUOR 2 REQUIRED (133 > 50)  
 TOPS WINE BAR 2 REQUIRED (72 > 50)  
 OCCUPANT LOAD:  
 NOTE ANY TENANT  
 IMPROVEMENT GREATER  
 THAN 1,500 S.F. WILL  
 REQUIRE TWO EXITS.



#XPIRES 6.3a09

### SHEET INDEX

- A00.01 COVER SHEET
- A01.01 SITE PLAN
- A02.01 PROPOSED FLOOR PLAN

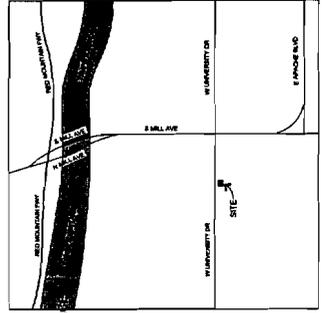
### PROJECT TEAM

**OWNER**  
 ROBERT AND GREG ECCLES  
 403 W. UNIVERSITY DRIVE, SUITE 103  
 TEMPE, ARIZONA 85281  
 CONTACT: GREG ECCLES  
 P: 480.225-9233

**ARCHITECT**  
 MICHAEL WILSON KELLY - ARCHITECTS, LLC  
 21 EAST 6TH STREET, SUITE 518  
 TEMPE, ARIZONA 85281  
 CONTACT: MICHAEL KELLY  
 P: 480.823.7867  
 F: 480.823.6563  
 E: info@mwkarch.com

### PROJECT REQUEST

USE PERMIT TO OPERATE A WINE BAR IN THE  
 C-1 COMMERCIAL DISTRICT.



VICINITY MAP

N.T.S.

TASTE OF TOP'S  
 A TENANT IMPROVEMENT AND EXPANSION FOR TOPS LIQUOR  
 403 WEST UNIVERSITY DRIVE, SUITE 103 TEMPE, AZ



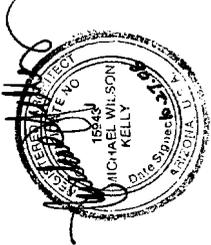
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 TIME: 10:00 AM  
 PROJECT: TASTE OF TOP'S  
 DRAWING: A00.01

COVER SHEET  
 A00.01

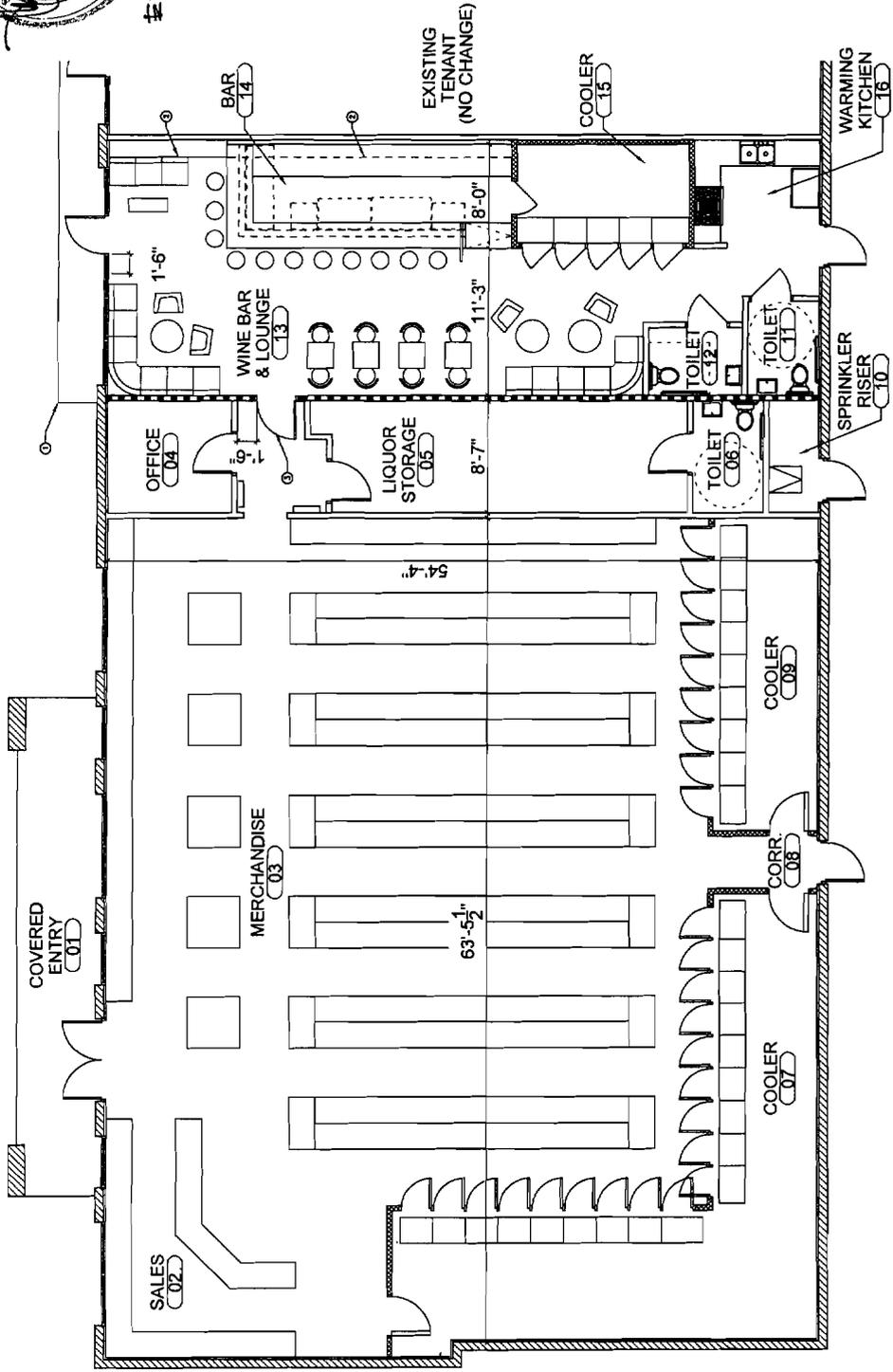


**KEYNOTES**

- 1. LIFTING CLAMBER OVER METAL FRAME (ANNEX)
- 2. LIFTING CLAMBER OVER METAL FRAME (ANNEX)
- 3. FIRE RATED DOOR



**EXPIRES 6.30.09**



# TASTE OF TOP'S

A TENANT IMPROVEMENT AND EXPANSION FOR TOP'S LIQUOR  
403 WEST UNIVERSITY DRIVE, SUITE 103 TEMPE, AZ



**PROPOSED FLOOR PLAN**  
**A02.01**





**TOPS LIQUOR PLAZA – TASTE OF TOPS**

**403 W UNIVERSITY DR., SUITE NO. 103**

**PL080408**

**FRONT OF BUSINESS**

