

Staff Summary Report



Hearing Officer Hearing Date: 11/16/10

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **VINTAGE ON 8TH LLC** located at 1300 East 8th Street for one (1) use permit.

DOCUMENT NAME: 20101116cdsl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **VINTAGE ON 8TH LLC (PL100325)** (Gavin Jacobs, applicant; Arden Properties Inc., property owner) located at 1300 East 8th Street in the GID, General Industrial, and TOD, Transportation Overlay Districts for:

ZUP10127 Use permit to allow a restaurant and bar with GID, General Industrial District, zoning.

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

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

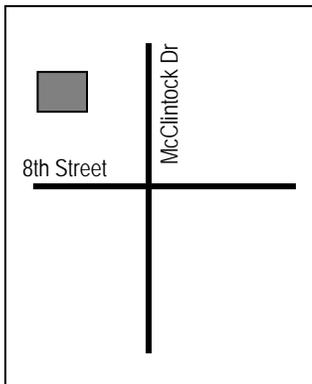
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is before the Hearing Officer to request approval of a use permit to allow a restaurant and bar within the GID, General Industrial District. The business location is an existing office and warehouse space that will be converted to a restaurant/bar with an outdoor patio area. There has been no public input to date regarding this request. Staff recommends approval of the request as submitted.

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)
- 3-4. Letter of Intent
5. Site plan
6. Floor plan
7. Staff Photograph(s)

COMMENTS:

Vintage on 8th Street is a wine, beer and spirits bar with a full service restaurant. The business hours will be from 7 AM-10:30 AM breakfast and 11 AM -1 AM lunch and dinner. They will have approximately 10-13 employees. Their plan is to be a low key restaurant welcoming to the neighborhood area and catering to families, students, city employees, ASU Staff and young professionals.

The site is currently used as office and warehouse shares available parking spaces with the Four Peaks Brewery and Restaurant. This intensification of the space will require a shared parking agreement with the office complex located at 1370 E. 8th Street. In addition to the shared parking agreement; this applicant will need to make some upgrades to the parking area on the abandoned Creamery Railroad Branch behind the building. The abandoned Creamery Branch is land contracted for use by the City of Tempe from the railroad and is included in a trails master plan for the City. The area has been used as right of way for the purpose of parking by the tenants of 1300-1340 E. 8th Street. No formal arrangement for use of the area exists. Staff will require, as a condition of approval, that upgrades are completed on the Creamery Branch prior to the use permit becoming effective.

Use Permit

The Zoning and Development Code requires a use permit for a restaurant and bar located 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 use permit with conditions.

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 Vintage on 8th and may be transferable to successors in interest through an administrative review with the Community Development 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. A shared parking agreement must be processed and approved prior to issuance of building permits for the tenant improvement.
6. Any new business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
7. Provide a wrought iron fence along the north side of the Creamery Branch Railroad; abutting properties with a significant grad change; location and details to be approved by staff. This upgrade to be completed prior to issuance of Certificate of Occupancy.
8. Eliminate parking along the north side of building and create a fire lane/ service area; show site plan change as part of tenant improvement/ planning plan check submittal.
9. Upgrade Creamery Branch paving to Public Works acceptable standards for an alley; work with Eric Iwerson; City of Tempe Transportation Planner (480) 350-8810.

HISTORY & FACTS:

July 24, 2003.

The Hearing Officer approved a use permit for Venom Motor scooters a retail business in the GID, General Industrial District located at 1300 East 8th Street; subject to conditions.

DESCRIPTION:

Owner – Arden Properties

Applicant – Gavin Jacobs

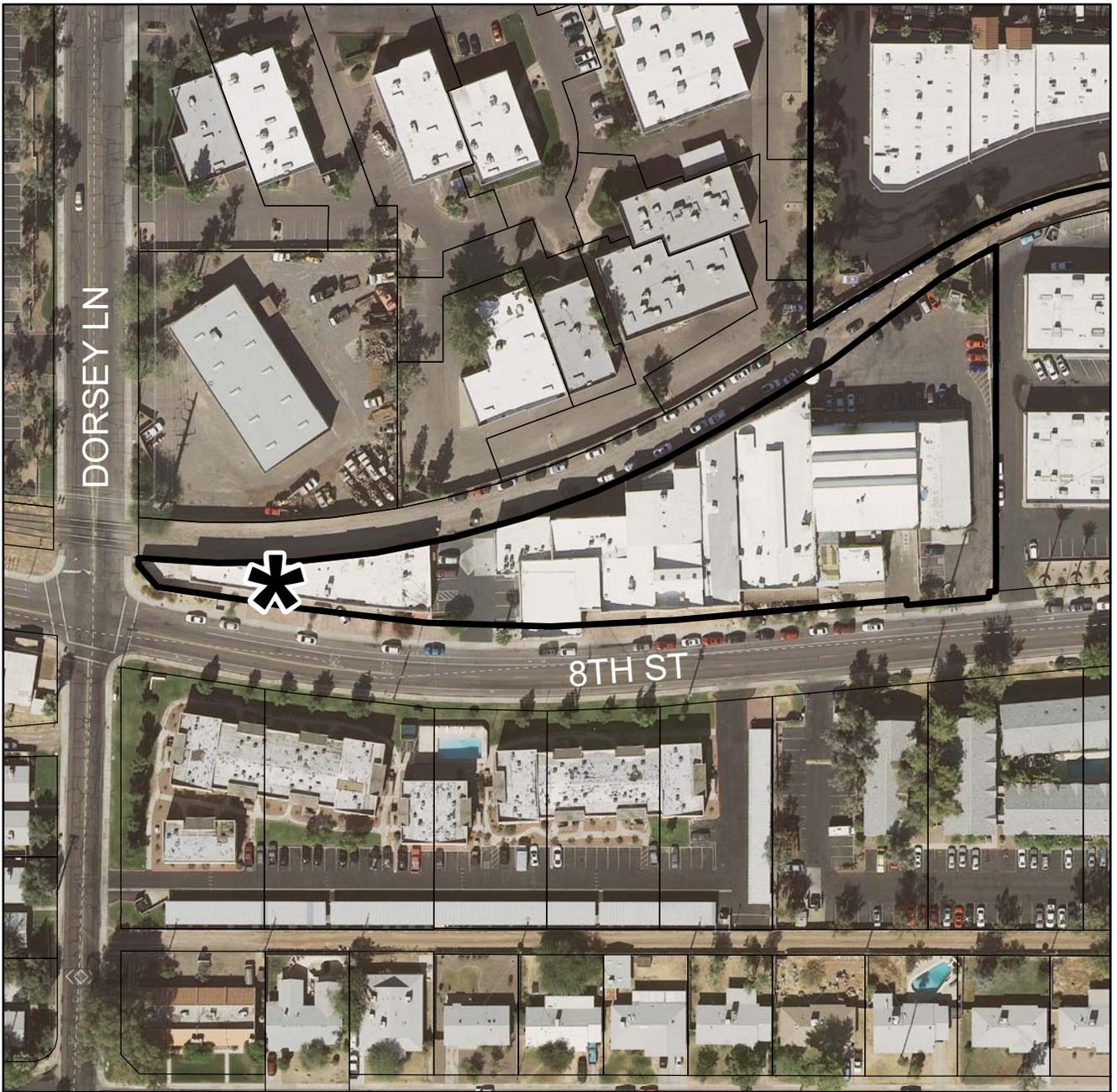
Existing Zoning – GID, General Industrial District & TOD, Transportation Overlay District

ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 3, Section 3-302

Part 6, Chapter 3, Section 6-308



VINTAGE ON 8TH LLC (PL100325)

VINTAGE ON 8th **LETTER OF EXPLANATION**

LOCATION:

1300 East 8th Street Tempe, AZ 85281
On the Northeast corner of Dorsey St. and 8th St.

IDENTITY:

As part of the Historic Creamery Village District, Vintage on 8th will be a wine, beer and spirits bar with a menu consisting of a variety of appetizers, sandwiches, salads, specialty entrees, as well as a breakfast spot with a simple breakfast menu that can be enjoyed on site or on the go.

Our hours of operation will be as follow:

Breakfast 7:00am – 10:30am

Lunch and Dinner 11:00am – 1:00am

Number of Employees:

Management – 2 managers

Kitchen staff – 3 to 4 cooks including 1 chef and 1 dishwasher

Bartenders – 2 to 3

Servers – 3 to 4

Total – 10 to 13 employees

Vintage on 8th will have a market type kitchen setting accommodating the breakfast crowd along with an historic vintage feel throughout. Multiple televisions will allow the customers to view local and cable morning news along with the convenience of Wi-Fi access.

The day crowd will enjoy the natural ambient light while the night crowd can expect to have a comfortable dimmed light setting amongst warm rich colors and a historic, vintage brickyard feel. Not only is the bar accessible from the inside but from the outside patio as well. Due to the large patio area the customer can enjoy a quaint private experience or socialize with the crowd at the walk up bar while the televisions provide news, cable and sports games throughout the restaurant.

We at Vintage on 8th would like our restaurant to be a city destination in Tempe rather than just another restaurant or bar. We are going to create a great local neighborhood experience for all families, students, city workers, professors, as well as other adjacent city commuters. Vintage on 8th wants to provide the community with a place to enjoy this old historic setting while being able to sit back, relax, and enjoy incredible food and drinks.

A) Safety is our number one priority at Vintage on 8th. Our patios are well defined and separated from all public walkways. With Vintage on 8th being grandfathered in with

parking, there are enough spots in the surrounding area to accommodate parking for our patrons without causing any significant vehicular or pedestrian traffic in adjacent areas. The property is within the Transportation Overlay District which allows us to park off-site for tenant use. The drawing in appendix A indicates parking along the back easement and on 8th street. (Appendix A attached)

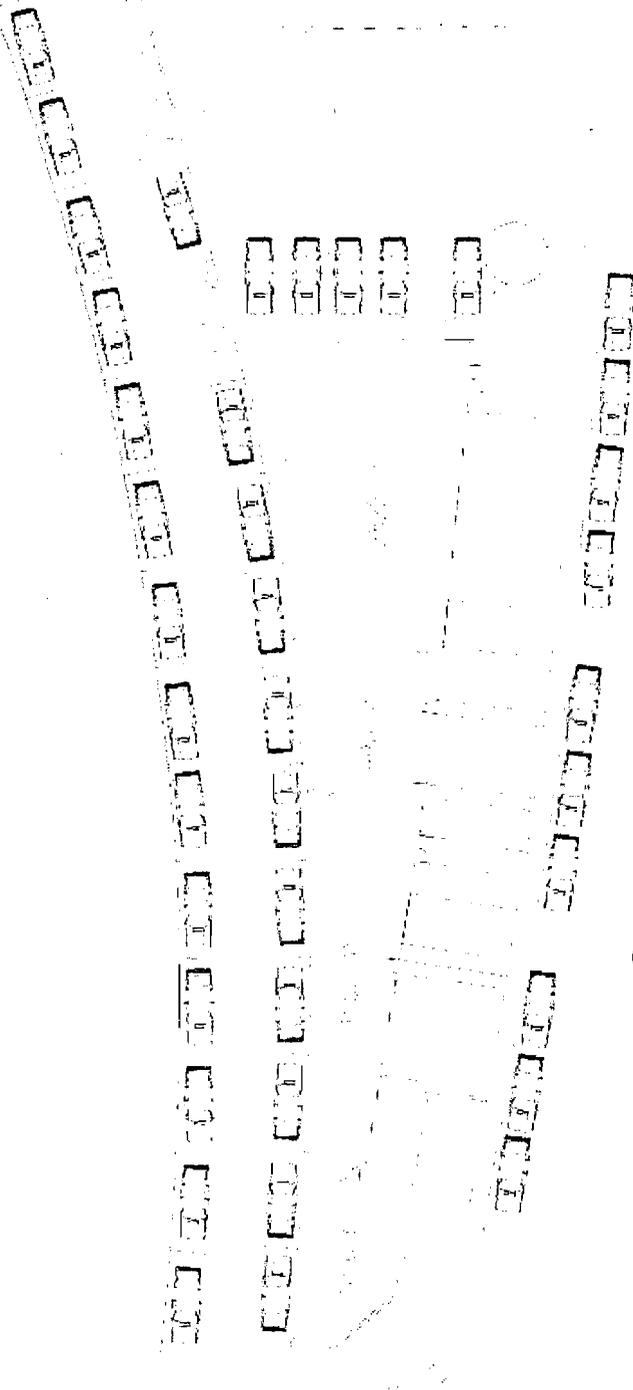
B) We at Vintage on 8th will always be respectful to our neighbors and the community. We will always keep our ambient noise as low as possible and always pay our due diligence to the city's rules and regulations and therefore we will not cause any odor, dust, gas, noise, vibration, smoke, heat, glare, etc. exceeding that of ambient conditions to our surrounding area as well as to our community.

C) We at Vintage on 8th are very excited to be given this opportunity to help enhance the community as well as being a part in helping it grow and develop. We will always obey the city's rules and regulations as well as help enforce any new rules through Tempe city guidelines if asked to do so.

D) Vintage on 8th plans on keeping the industrial structural look to be compatible with existing surrounding structures. We plan on using the initial structure to help enhance our old world, vintage, historical appearance.

E) Disruptive behavior will not be tolerated at Vintage on 8th. Management will be well trained in dealing with any disturbance to the restaurant or the community.

For Site Plan

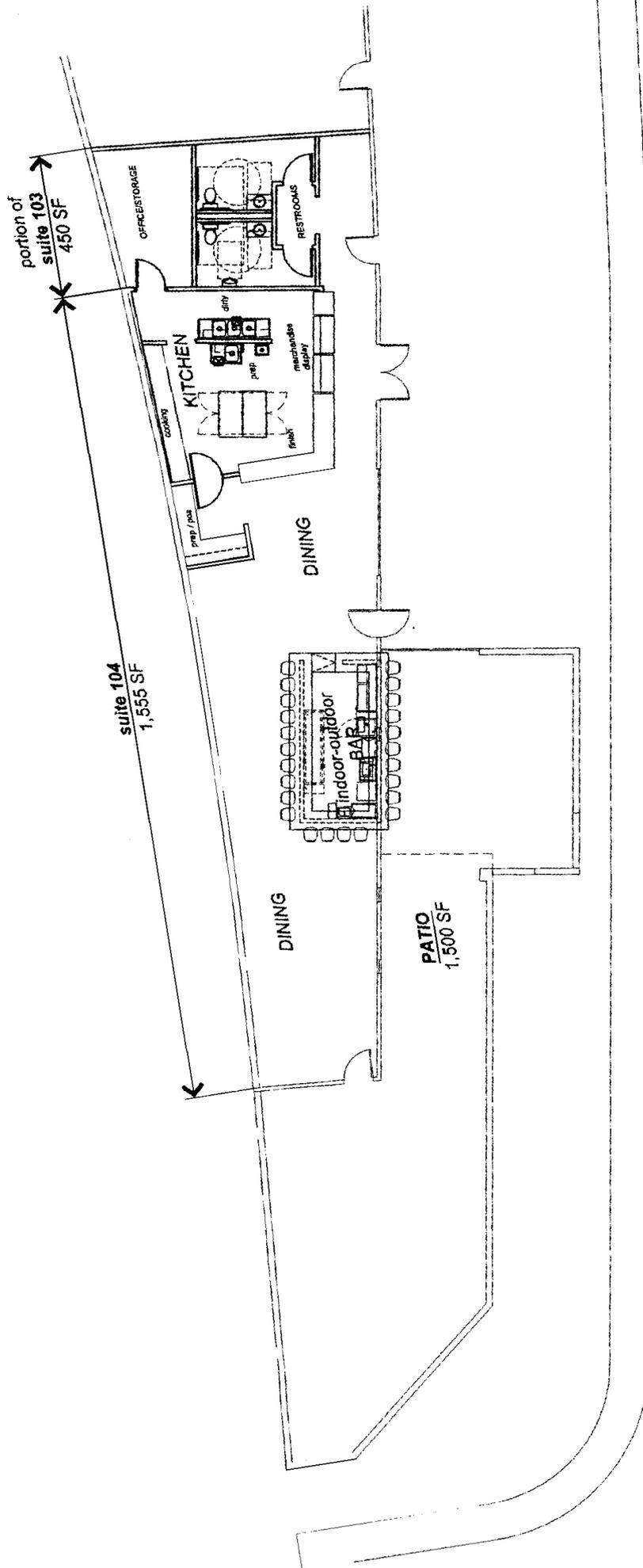


Dorsey

8th Street



1300 Building - TOD Overlay District
Available parking (on & off-site): 40 spaces





VINTAGE ON 8TH LLC

1300 EAST 8TH STREET

PL100325

FRONT OF BUSINESS

