

Staff Summary Report



Hearing Officer Hearing Date: 01/17/12

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **WORLD OF BEER** located at 528 South Mill Avenue, Suite No. 101, for two (2) use permits.

DOCUMENT NAME: 20120117cdr101 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **WORLD OF BEER (PL110433)** (Michael Kelly/M. W. Kelly Architects Ltd., applicant; 526 Mill LLC, property owner) located at 528 South Mill Avenue, Suite No. 101, in the CC, City Center District and an Historic designated property for:

ZUP11123 Use permit to allow a Series 7 bar.

ZUP11124 Use permit to allow live entertainment.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

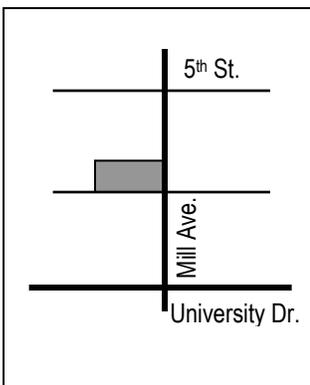
LEGAL REVIEW BY: N/A

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

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

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

ADDITIONAL INFO:



This is a request to allow a new bar and live entertainment for World of Beer. The proposed business will occupy the majority of the historic Tempe National Bank building with future tenant space near the back. This request also includes the addition of a 644 square foot patio for the bar, located at the south eastern side of building.

A neighborhood meeting is not required for this application. To date, staff has not received any public input regarding this request.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description
4. 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. Basement & Mezzanine Plan(s)
8. Elevation(s)
- 9-11. Photograph(s)

COMMENTS:

This is a request to allow a new bar (Series 7 liquor license) and live entertainment for World of Beer. The proposed business is located at the northwest corner of Mill Avenue and 6th Street (a private road). World of Beer will occupy the majority of the historic Tempe National Bank building with future tenant space reserved in the back. The previous tenant for this site was American Apparel, a retail store. In addition to the new business, the request will include the addition of a 644 square feet patio for the bar, located at the south eastern side of building. This patio space, having internal connection to the business, is located on a separate property owner. A separate owner's authorization has been provided to proceed with the patio design, which will also include separate design modification of the existing parking spaces on the north side of the street. The angled parking will be converted from 8 spaces to 12 ninety degree spaces.

This application will require further processing of shared parking application for the change in land use and a development plan review for a proposed building repaint and design modifications for the patio and parking lot area. Additionally, Historic Preservation review is required before completing the design changes, because the building has been designated historic and listed on the Tempe Register of historic places.

Use Permit

The Zoning and Development Code requires a use permit for a bar and for live entertainment in the CC, City Center district. The two use permits will be compatible with the surrounding area that has other businesses with similar uses with bars and live entertainment during the evening hours. Similar businesses along 6th Street include Canteen Modern Tequila Bar, Robbie Fox's Irish Pub, and Chronic Taco, among others.

Section 6-308 E Approval Criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. *This business will be compatible with other uses which have received use permit approvals for a bar and live entertainment in the downtown Tempe area.*
2. Any significant increase in vehicular or pedestrian traffic. *This business potentially will create an increase in both vehicular and pedestrian traffic. One of the objectives for a downtown is to bring visitors to a concentrated area that shares its parking demands for various businesses with a mix of public parking locations in walking distance. The downtown's walkway improvements will also support any additional pedestrian traffic. The improvements will be ensure that a minimum 8'-0" walkway clearance is provided along Mill Avenue and a minimum 6'-0" walkway clearance from any existing structures provided along 6th Street.*
3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. *Any noise generated from the live entertainment, as conditioned in this request, will be contained within the building. Consistent with the entertainment venues within the downtown, limited hours of operation are established. The use permit may be reviewed at a future request if verifiable complaints arise regarding the live entertainment.*
4. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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. *This request will not contribute to downgrading of property values. Having an active business operating in an historic site will ensure long term viability for the building's maintenance and upkeep.*
5. Compatibility with existing surrounding structures and uses. *This business is consistent with other businesses in the downtown and along 6th Street that provide both a bar and live entertainment.*
6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. *The conditions set forth in this request will ensure adequate control of nuisances and disruptive behaviors.*

Conclusion

Based on the information provided by the applicant and the above analysis staff recommends approval of the Use Permit for a bar and live entertainment. This request meets the required approval criteria and will conform to the proposed conditions.

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

CONDITION(S) OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
2. The Use Permit is valid for World of Beer and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee. Should the business be sold, the new owners must contact Community Development staff for review of the business operation.
3. Any intensification or expansion of the use shall 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. The live entertainment use shall take place inside only and is limited to the following: karaoke, live bands, disc jockeys, musical performances, video projection, dance, comedy, or small theatrical acts. No live entertainment will be allowed outside the building.
6. Live entertainment shall cease at or before 1:55 AM weekly.
7. No outdoor speakers allowed.
8. Music/sound/noise generated from the use shall conform to the City of Tempe code requirements for noise control.
9. Any new business signs shall receive a Sign Permit. Contact Dean Miller at 480-350-8435.
10. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact Tempe Police Department – Crime Prevention at 480-858-6333 by February 17, 2012.

HISTORY & FACTS:

June 28, 1912	Tempe National Bank opens new building at the northwest corner of Mill Avenue and 6 th Street.
March 1, 2005	Redevelopment Review Commission approves the request for Design Review (rehab and modification) of building elevations, site plan and landscape plan for TEMPE NATIONAL BANK BUILDING, located at 526 South Mill Avenue.
March 21, 2006	Redevelopment Review Commission recommends approval of historic designation request for TEMPE NATIONAL BANK BUILDING (RRC060003) Ordinance No. 2006.19 #HPO-2006.16, located at 526 South Mill Avenue, in the CC, City Center District

May 4, 2006

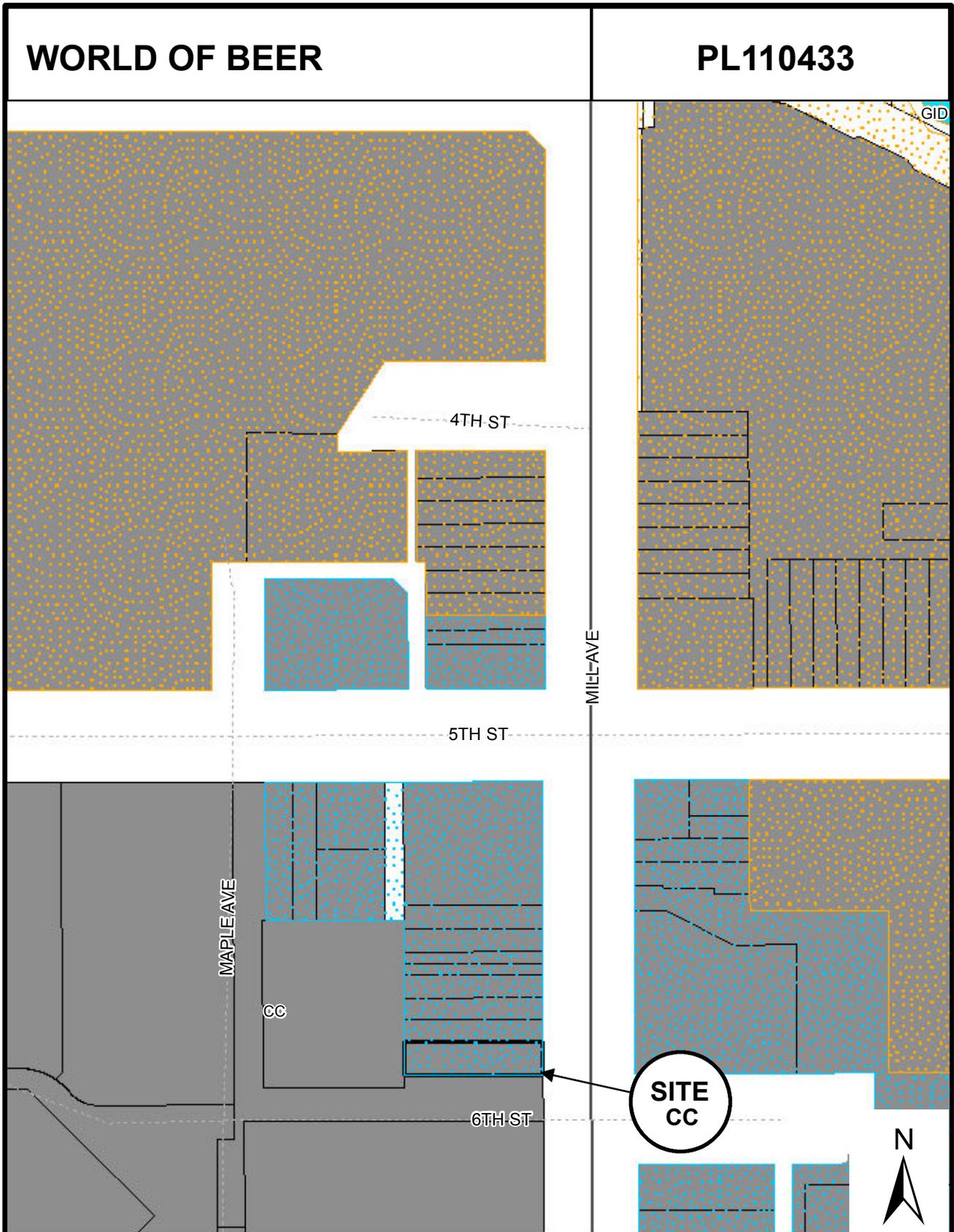
City Council approves the request for TEMPE NATIONAL BANK BUILDING (RRC060003) (526 Mill LLC, owner / City of Tempe, applicant) Ordinance No. 2006.19 #HPO-2006.16 for the historic designation of the Tempe National Bank Building, consisting of approximately .21 acres, located at 526 South Mill Avenue, in the CC, City Center District.

DESCRIPTION:

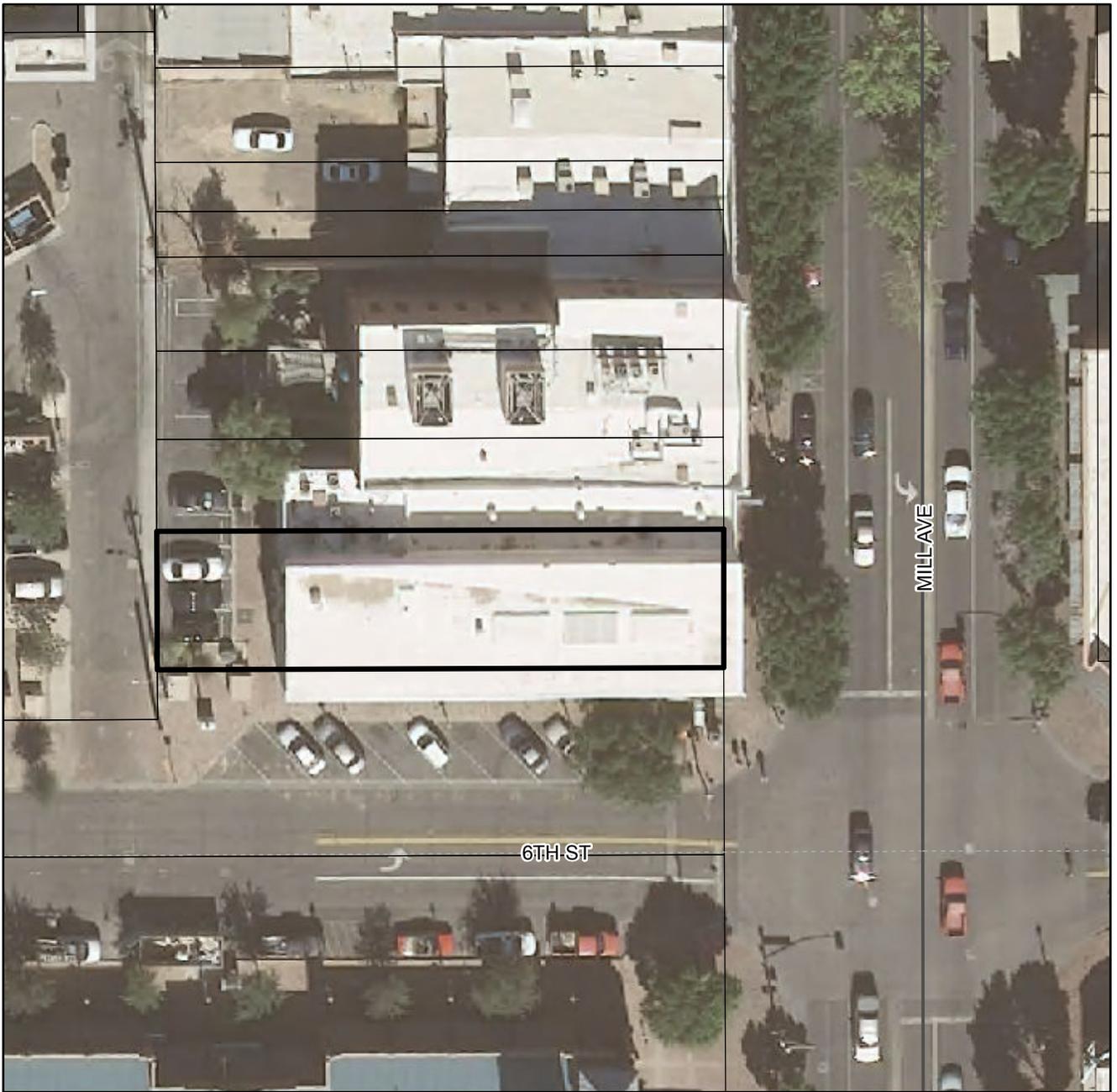
Owner – 526 Mill LLC
Applicant – Michael Kelly/M. W. Kelly Architects Ltd.
Existing Zoning – CC, City Center District and an Historic Designated Property

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Section 6-308, Use Permit



Location Map



WORLD OF BEER (PL110433)

MICHAEL WILSON KELLY - ARCHITECTS, LTD.

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

19 December 2011

Ms. Vanessa McDonald
Board of Adjustment Hearing Officer
City of Tempe
P.O. Box 5002
Tempe, AZ. 85280

RE: **WORLD OF BEER**
Use Permit Request & Letter of Explanation
528 S. Mill Avenue, Suite 101
Tempe, AZ 85281

Dear Ms. McDonald:

On behalf of our client, **PUBLIC HOUSE TEMPE, LLC**, we respectfully request approval of the following Use Permits for the proposed **WORLD OF BEER**:

1. **Use Permit for a Bar Use in the CC District.**
2. **Use Permit for Live Entertainment.**

The **WORLD OF BEER** will feature service of beers from around the globe and specialty beers from local brewing companies. Beer is their only product of service, no other alcoholic beverages will be served. They will have a Series 7 Liquor License.

The requested uses will be housed in approx 3,200 s.f. of the historic Tempe National Bank Bldg. owned by Stuart Siefer of **526 S. Mill, LLC**. The building is also includes upper level office tenant space and a proposed future cafe/bar space to occupy the partial basement. The existing adjacent M & I Bank is considered a part of the overall development for purposes of calculating parking requirements.

Please note that a proposed 644 s.f. outdoor Patio serving World of Beer shown on the Sixth Street side of the building is located on private property owned separately by **DMB Associates**. In exchange for our use of a patio, DMB is requesting that we modify privately owned street parking, thereby gaining 4 parking spaces in the process. Five existing alley access parking spaces on the west side of the building will remain as is.

The hours of operation of the proposed World of Beer Bar will be 11am to 1:55am. Live Entertainment will be restricted to the indoors between the hours of 4pm and 1:55am. Local musical acts will vary in genre from country to rock performing primarily on Thursdays, Fridays, and Saturdays, and perhaps on occasional special weekday events when occurring in the downtown area (i.e., Fat Tuesday, Cinco de Mayo, Halloween, New Year's Eve, major Sporting events, etc.).

USE PERMIT REQUEST:

Use Permit to allow a Bar Use with Live Entertainment (karaoke, live bands, individual acts) in the CC City Center District.

USE PERMIT JUSTIFICATIONS:

The proposed uses will:

- A. **Not cause any significant vehicular or pedestrian traffic in adjacent areas.**
Area vehicular and pedestrian traffic will not be significantly affected as most weekday patrons frequent this establishment in the evenings after 5pm and on weekends when similar Downtown Entertainment District uses are operating in this area. A Shared Parking Study will be commissioned by the client to verify that all parking requirements can be easily met by a combination of on site parking, public parking, mass transit, pedestrian and bicycle traffic common to this area. Further, we are proposing to change 8 diagonal parking spaces to 12 head-in parking spaces on the north side of Sixth Street.

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

Sound from live music events emanating from the interior will be monitored per Tempe City Code not to exceed ambient conditions. No food will be cooked on premises so there will be no odor, dust, gas, noise, vibration, smoke, heat or glare created by the requested uses.

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

The proposed uses will meet and contribute to City goals and policies, will be a highly positive asset to the area, and enhance the image of the burgeoning Downtown Entertainment District.

D. Be compatible with existing surrounding structures.

The proposed uses are similar to several other nearby bars with live entertainment in the downtown area. The proposed uses and improvements will be an exciting compliment to the entire District.

E. Not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

We will work closely with downtown Police personnel to control access and service. A Security Plan will be developed, coordinated, and executed with all appropriate authorities having jurisdiction. **PUBLIC HOUSES LLC** has retained Randy Nations of **AZ LIQUOR INDUSTRY CONSULTANTS, INC** on a consulting basis to train all staff and personnel involved in alcohol sales and related operational procedures. They will have an on-going monthly presence in the liquor compliance operations once established.

Thank you for your kind attention to our request. Please do not hesitate to contact us if you have any questions or concerns.

Respectfully submitted,



Michael Wilson Kelly, Principal
Architect, LEED AP

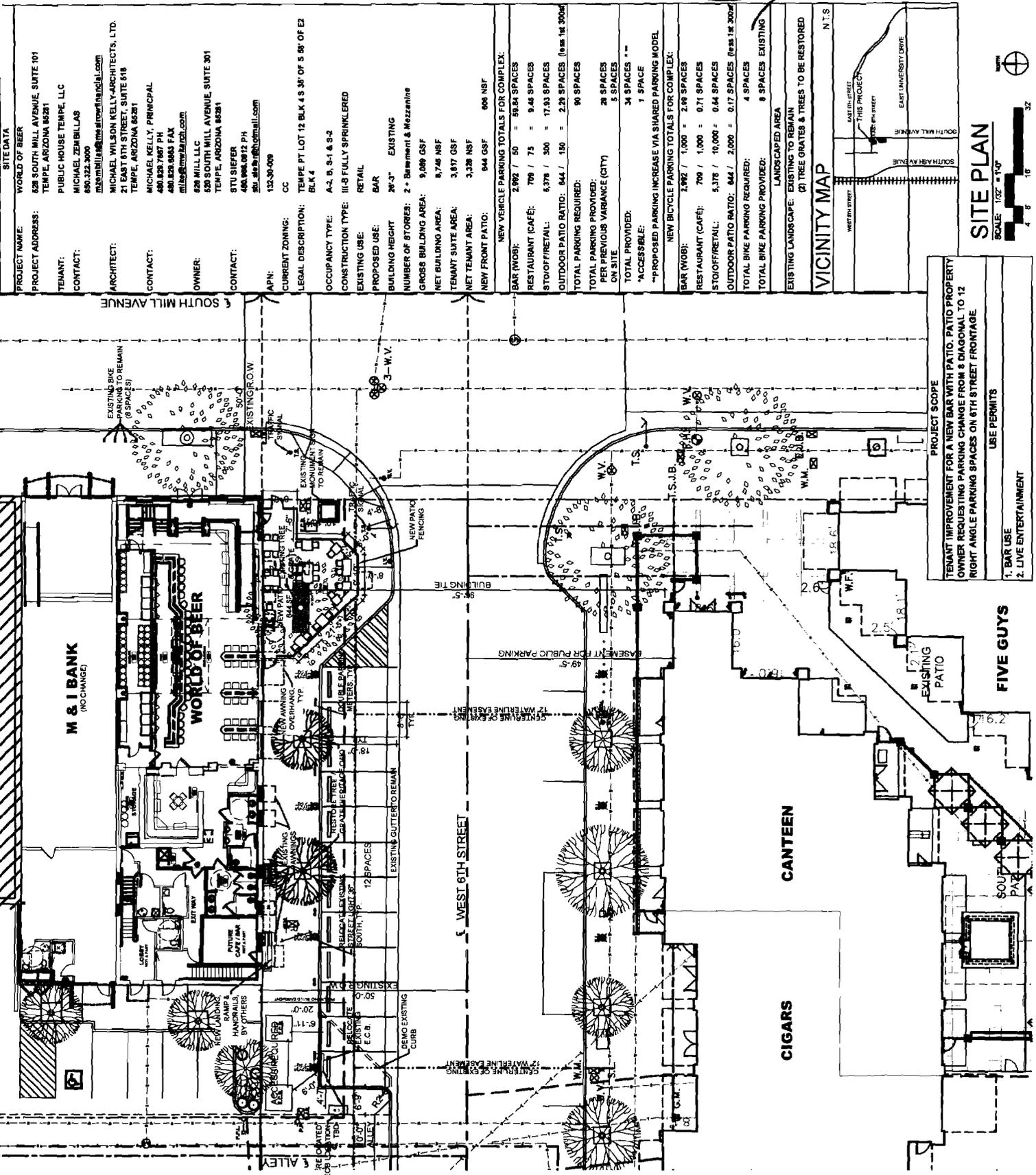
WORLD OF BEER

Minor Bar Tenant Improvement
 528 S. Mill Ave, Tempe, AZ 85281



Expires 6/30/2012
 Drawn by: NMH
 Checked by: MMW
 Project No: 2011.10
 Date: 19DEC2011

SITE PLAN
A01.00



SITE DATA
PROJECT NAME: WORLD OF BEER
PROJECT ADDRESS: 528 SOUTH MILL AVENUE, SUITE 101
 TEMPE, ARIZONA 85281
TENANT: PUBLIC HOUSE TEMPE, LLC
CONTACT: MICHAEL ZEMILLAS
 602.322.1111
 mzemillas@publichouse.com
ARCHITECT: MICHAEL WILSON KELLY-ARCHITECTS, LTD.
 21 EAST 6TH STREET, SUITE 518
 TEMPE, ARIZONA 85281
CONTACT: MICHAEL KELLY, PRINCIPAL
 480.829.7867 PH
 480.829.6663 FAX
 mkelly@mwwkarch.com
OWNER: 628 WILL LLC
 528 SOUTH MILL AVENUE, SUITE 301
 TEMPE, ARIZONA 85281
CONTACT: STU SIEFER
 480.966.0612 PH
 501.483.1818@omail.com
APN: 132-30-009
CURRENT ZONING: CC
LEGAL DESCRIPTION: TEMPE PT LOT 12 BLK 4 S 35' OF S 81' OF E2
 BLK 4

OCCUPANCY TYPE: A-2, B, S-1 & S-2
CONSTRUCTION TYPE: III-B FULLY SPRINKLERED
EXISTING USE: RETAIL
PROPOSED USE: BAR
BUILDING HEIGHT: 26'-3" EXISTING
NUMBER OF STORIES: 2 + Basement & Mezzanine
GROSS BUILDING AREA: 9,009 GSF
NET BUILDING AREA: 8,746 NSF
TENANT SUITE AREA: 3,817 GSF
NET TENANT AREA: 3,328 NSF
NEW FRONT PATIO: 644 GSF 606 NSF

NEW VEHICLE PARKING TOTALS FOR COMPLEX:
 BAR (WOB): 2,962 / 50 = 59.24 SPACES
 RESTAURANT (CAFÉ): 709 / 75 = 9.46 SPACES
 STO/OFFFRETAL: 5,378 / 300 = 17.93 SPACES
 OUTDOOR PATIO RATIO: 844 / 150 = 5.63 SPACES (less 1st 300sq)
TOTAL PARKING PROVIDED: 28 SPACES
PER PREVIOUS VARIANCE (QTY) ON SITE: 3 SPACES
TOTAL PROVIDED: 34 SPACES + 1 SPACE
***ACCESSIBLE:** 1 SPACE
****PROPOSED PARKING INCREASE VIA SHARED PARKING MODEL:**
 NEW BICYCLE PARKING TOTALS FOR COMPLEX:
 BAR (WOB): 2,962 / 1,000 = 2.96 SPACES
 RESTAURANT (CAFÉ): 709 / 1,000 = 0.71 SPACES
 STO/OFFFRETAL: 5,378 / 10,000 = 0.54 SPACES
 OUTDOOR PATIO RATIO: 844 / 2,000 = 0.42 SPACES (less 1st 300sq)
TOTAL BIKE PARKING REQUIRED: 4 SPACES
TOTAL BIKE PARKING PROVIDED: 8 SPACES EXISTING

EXISTING LANDSCAPE: EXISTING TO REMAIN
(2) TREE GRATES & TREES TO BE RESTORED

VICINITY MAP
 N.T.S.
 WEST 6TH STREET
 EAST 6TH STREET
 SOUTH MILL AVENUE
 SOUTH ASH AVENUE
 EAST UNIVERSITY DRIVE

PROJECT SCOPE
 TENANT IMPROVEMENT FOR A NEW BAR WITH PATIO. PATIO PROPERTY OWNER REQUESTING PARKING CHANGE FROM 8 DIAGONAL TO 12 RIGHT ANGLE PARKING SPACES ON 6TH STREET FRONTAGE.
 USE PERMITS
 1. BAR USE
 2. LIVE ENTERTAINMENT

SITE PLAN
 SCALE: 1/32" = 1'-0"
 4 6 16 32

ATTACHMENT 5

Revisions:

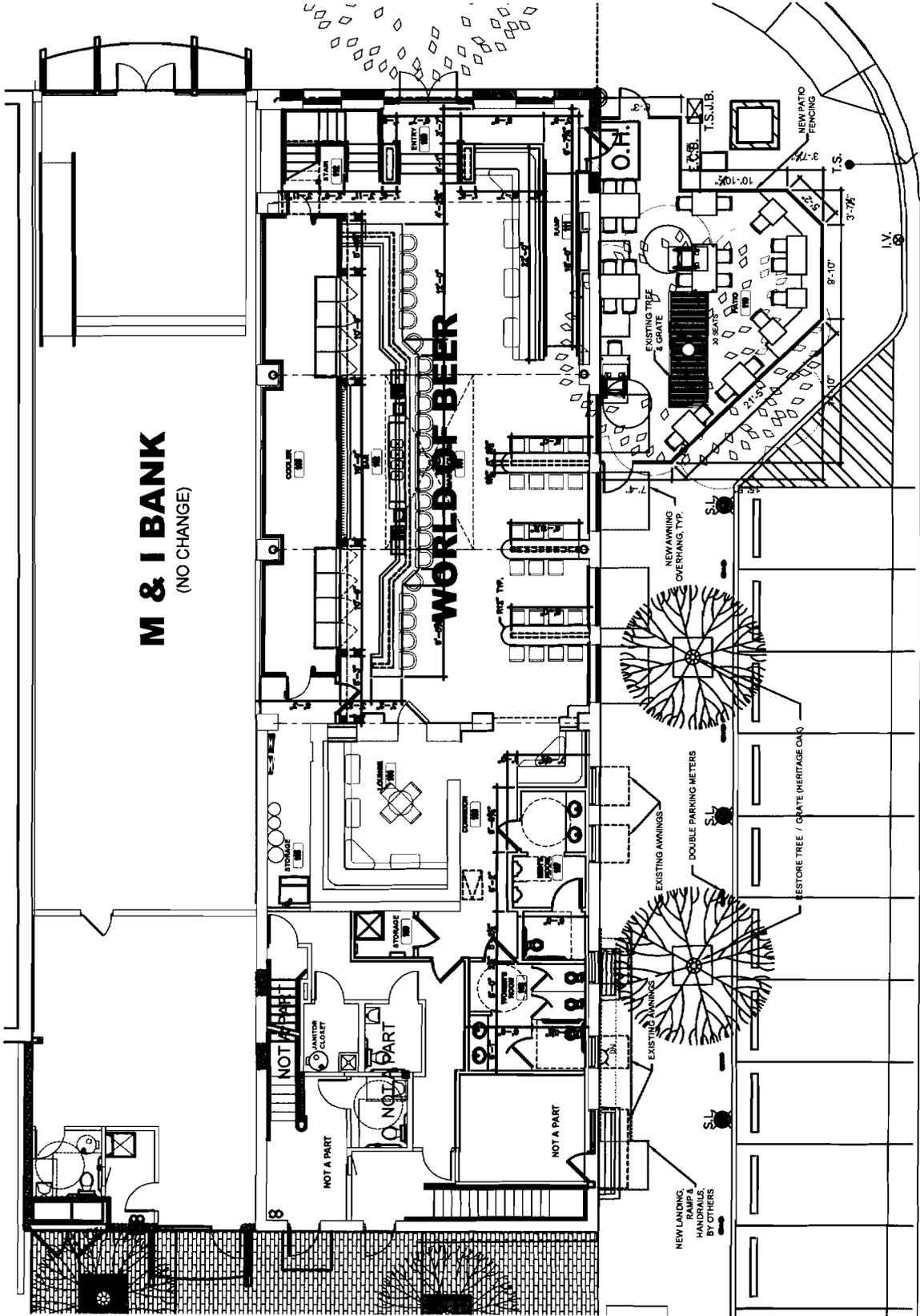
WORLD OF BEER

Minor Bar Tenant Improvement
 528 S. Mill Ave, Tempe, AZ 85281



Expires 6/30/2012
 Drawn by: JVB
 Checked by: MWK
 Project No: 2011.10
 Date: 19DEC2011

FLOOR PLAN
A02.01



M & I BANK
 (NO CHANGE)

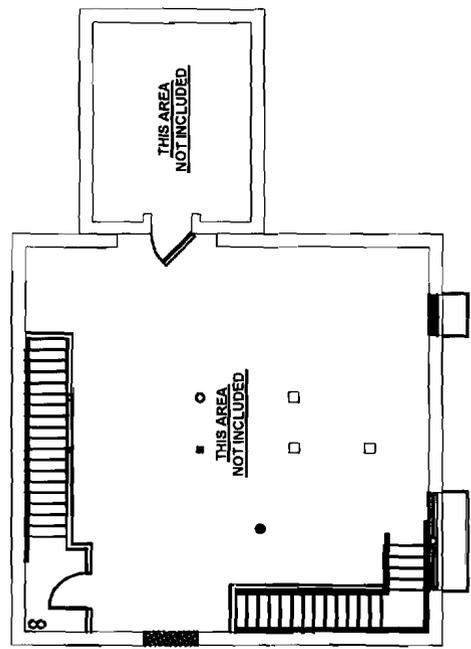
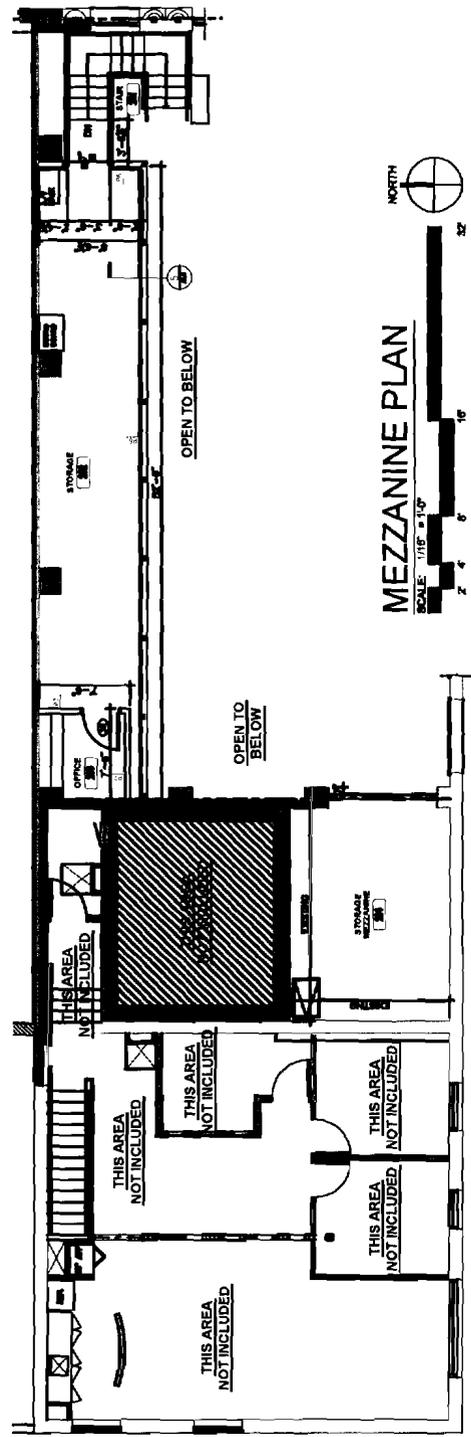


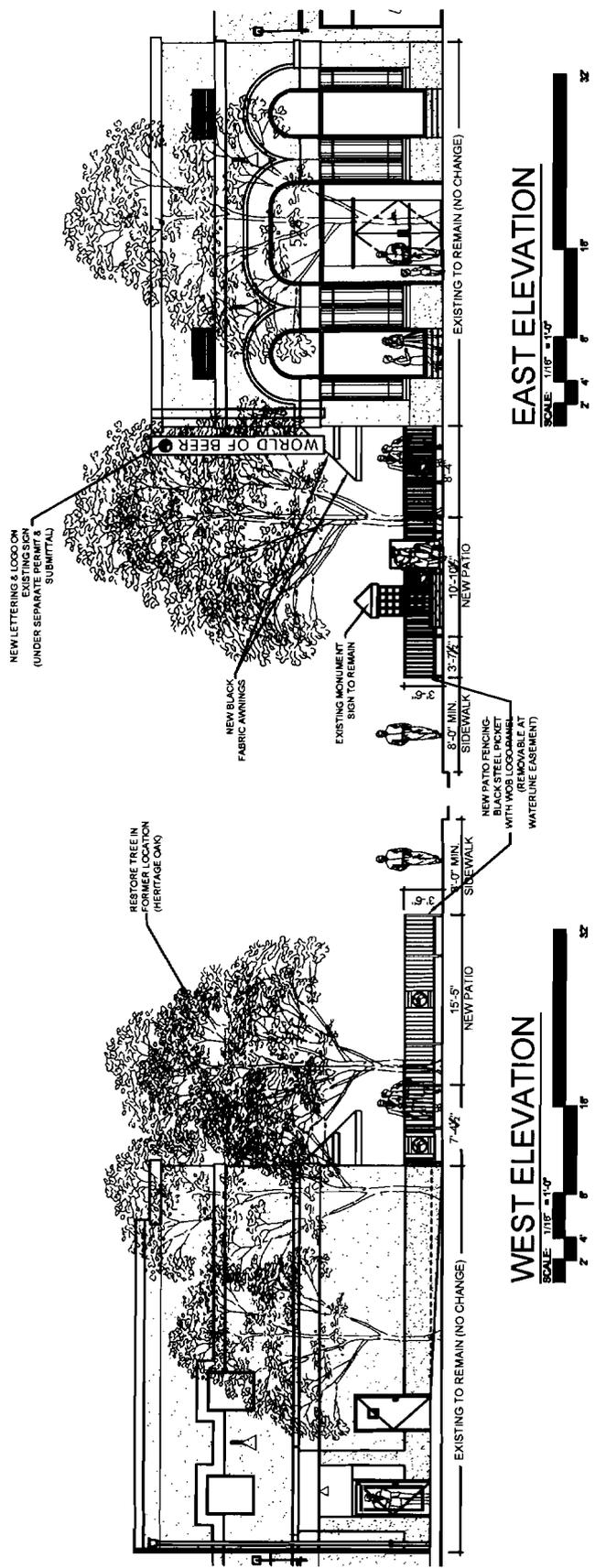


EXPIRES 6/30/2012

Drawn by:	Checked by:
JVB	MWK
Project No.	Date
2011.10	19DEC2011

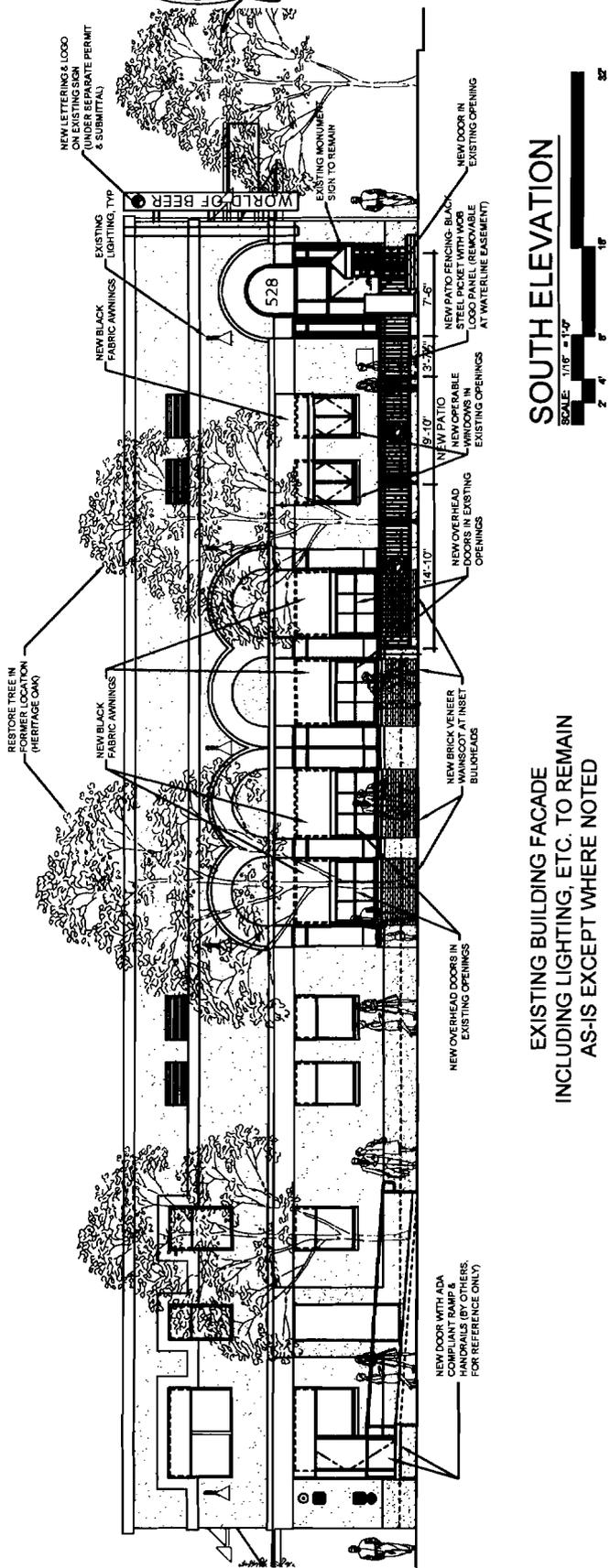
**BASEMENT &
 MEZZANINE
 PLANS
 A02.02**





WEST ELEVATION
 SCALE: 1/16" = 1'-0"

EAST ELEVATION
 SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/16" = 1'-0"

EXISTING BUILDING FACADE
 INCLUDING LIGHTING, ETC. TO REMAIN
 AS-IS EXCEPT WHERE NOTED





