

# Staff Summary Report



Hearing Officer Hearing Date: September 1, 2009

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by **YUCCA TAP ROOM (PL090294)** located at 29 West Southern Avenue for one (1) use permit.

**DOCUMENT NAME:** 20090901dssl01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **DANELLE PLAZA - YUCCA TAP ROOM (PL090294)** (Rodney Hu/Huniversity Properties, applicant/property owner) located at 29 West Southern Avenue in the CSS, Commercial Shopping and Services District for:

**ZUP09118** Use permit to allow the expansion of an existing Series 6 Bar.

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

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

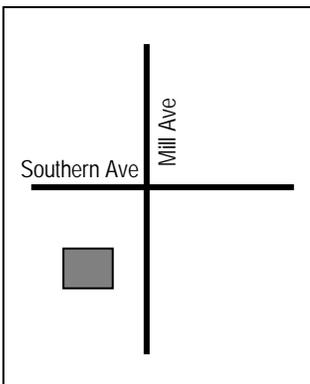
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow the expansion of an existing Series 6 bar located at 29 West Southern Ave in the CSS, Commercial Shopping & Services District. One phone call in support was received from the president of the Southern Village Estates home owners association and one email inquiry from a surrounding business owner. Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code.



**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. Floor Plan
6. Staff Photograph(s)

## COMMENTS:

The applicant, Yucca Tap Room, is requesting a use permit for the expansion of an existing bar with a Class 6 license located at 29 West Southern Avenue. They are expanding to the west to Suite 31 West Southern Avenue. The expansion will include a pool table, dart area and will offer occasional live entertainment (previously approved for the existing use). Hours of operation will be from 2pm to 2am, seven (7) days a week. The applicant is working with the Tempe Police Department to update the security plan.

## Public Input:

Staff received one phone call in support from the president of the Southern Village Estates and one email inquiry from a surrounding business owner.

## Use Permit

The Zoning and Development Code requires a use permit for a bar with a Series 6 license in the CSS, Commercial Shopping and Services 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 adversely impact neighboring businesses with the 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 the use permit subject to conditions.

## REASON(S) FOR APPROVAL:

1. The business is a general commercial use, and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
4. The proposed use appears to have adequate control of disruptive behavior.

**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 the Yucca Tap Room and may be transferable with approval from the Board of Adjustment staff. Should the business be sold, the new owners must contact the Board of Adjustment staff for review of the business operation.
2. Any intensification or expansion of the use shall require the applicant to return to Hearing Officer/Board of Adjustment for further review.
3. The applicant shall devise a modified security plan in conjunction with City of Tempe Crime Prevention Department (480-858-6027) prior to the use permit becoming effective.
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 set to re-evaluate the appropriateness of the use permit.
5. Any new business signs are to have Development Plan Review approval, and permits are to be obtained prior to the installation of signs.
6. This use shall not violate the State Smoking Ordinance, [www.smokefreearizona.com](http://www.smokefreearizona.com).
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. Live entertainment to adhere to all previous conditions of approval per BA040098.

**HISTORY & FACTS:**

August 17, 2004. The Hearing Officer approved a The Yucca Tap Room was approved for an expansion of the existing bar with live entertainment.

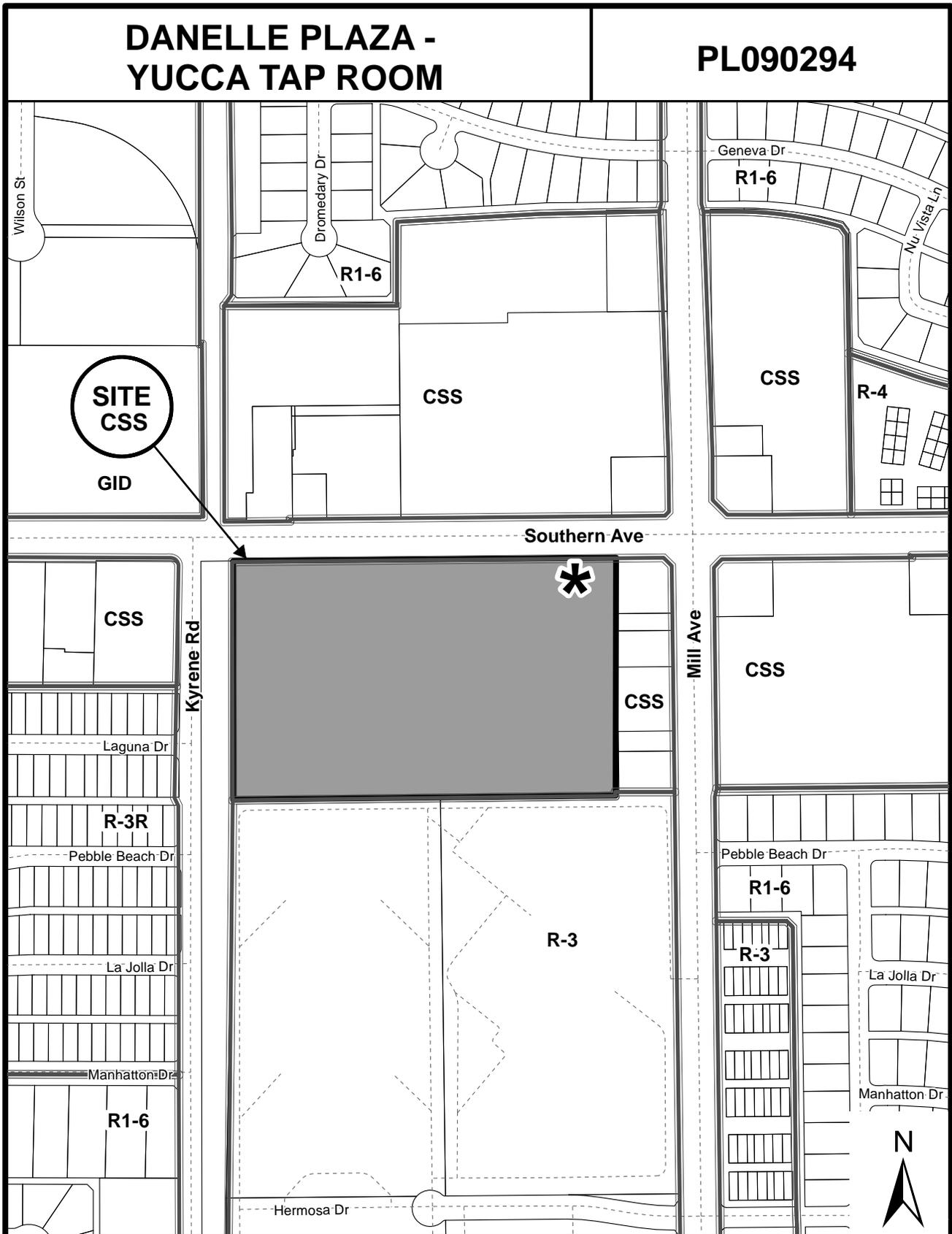
**DESCRIPTION:**

Owner – Rodney Hu/Huniversity Properties  
Applicant – Rodney Hu/Huniversity Properties  
Existing Zoning – CSS, Commercial Shopping and Services District  
Existing Tenant Space- 2310 s.f.  
Tenant Space w/ expansion- 4320 s.f.

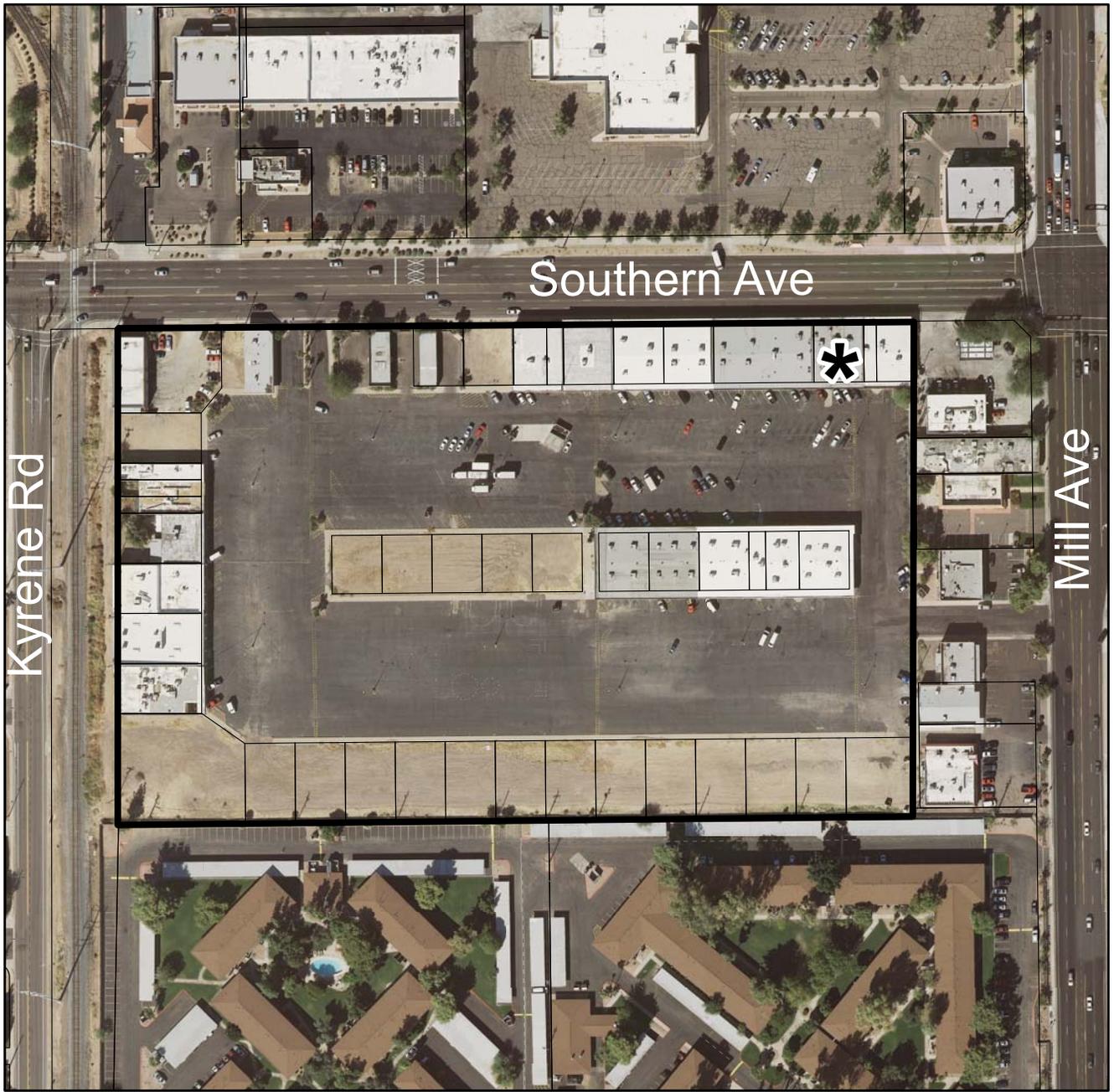
**ZONING AND  
DEVELOPMENT**

**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  
Part 6, Chapter 3, Section 6-313 – Security Plan



**Location Map**



**DANELLE PLAZA - YUCCA TAP ROOM (PL090294)**

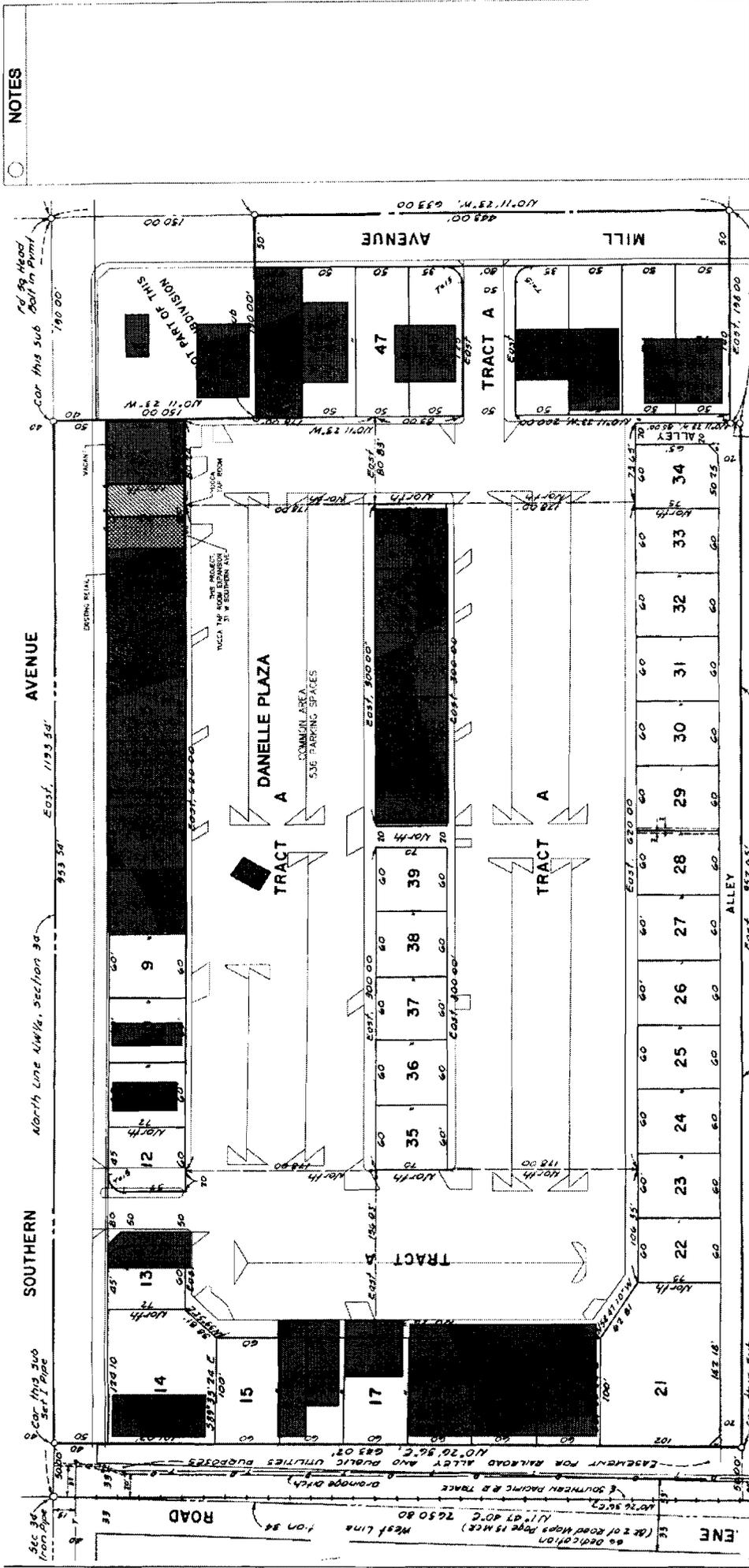
## **Yucca Tap Room**

We are writing this letter to ask for approval for the use permit to allow the expansion of my bar the Yucca Tap Room. We will be taking over the space previously held by Capistrano's Deli and Greaser's Pizza previously before. In the proposed expanded area, we will be adding pool tables, electronic darts, video games and a bar in the space. The walls will be covered with art from various local artists and will host occasional DJ and local art nights. The purpose of the expanded space is to add more of the local art scene to the current Yucca Tap Room. The proposed hours of the expanded bar will be 2PM to 2AM and We have spoke to Tempe Police Crime Prevention about the updated security plan and we will plan everything according to the new code as discussed with Cindy Calendar from the City of Tempe Crime Prevention dept. If there are any questions or concerns, please feel free to call me Rodney Hu at 480-233-9439.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Rodney Hu", with a long horizontal flourish extending to the right.

Rodney Hu



**NOTES**

YUCCA TAP ROOM  
EXPANSION T1  
31 W. SOUTHERN AVE  
Site Plan  
SHEET NUMBER A-0

**Archi-CAD**  
ARCHITECTS, PLLC  
2318 E. McDowell Drive, Suite 2, Tempe, AZ 85283  
Phone: 480.948.1111 | Fax: 480.948.1112 | www.archicad.com

PROJECT: \_\_\_\_\_  
DATE: 08/08/08  
REVISION: \_\_\_\_\_

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
CHECKED: \_\_\_\_\_



**SITE & BUILDING ORIENTATION PLAN**  
SCALE: 1" = 40'

NOTES

YUCCA TAP ROOM

EXPANSION T.I.

31 W. SOUTHERN AVE

Floor Plan

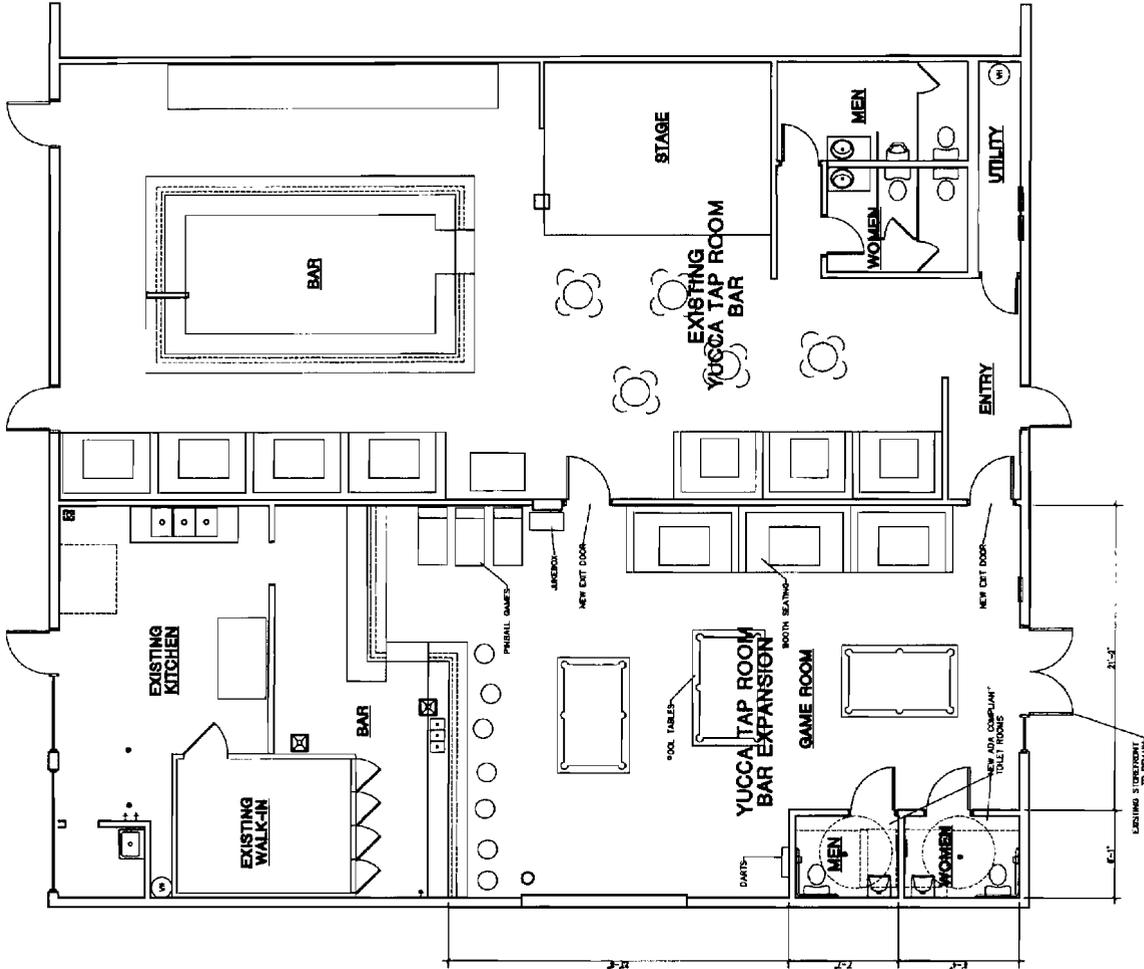
SHEET NUMBER

A-1

**Archi-CAD**  
 ARCHITECTS, PLLC  
 228 S. Highland Drive, Suite 2, Tempe, AZ 85282  
 480.948.8888 • 1000 S. RICHMOND AVE. • PHOENIX, AZ 85027



PROJECT	DATE	BY
REVISION	DATE	BY



0 2'-0" 4'-0" 8'-0"  
 SCALE: 1/4" = 1'-0"

FLOOR PLAN  
 SCALE: 1/4" = 1'-0"





**DANELLE PLAZA – YUCCA TAP ROOM**

**29 WEST SOUTHERN AVENUE**

**PL090294**

**FRONT OF BUSINESS**

