

Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **ANTARS SPORTS BISTRO** located at 699 South Mill Avenue, Suite No. 201, for one (1) use permit.

DOCUMENT NAME: 20120103cdsl08 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **THE BRICK YARD - ANTARS SPORTS BISTRO (PL110404)** (Greg Davis/Antars Sports Bistro LLC, applicant; ASU, property owner) located at 699 South Mill Avenue, Suite No. 201 in the CC, City Center District for:

ZUP11107 Use permit to allow a Series 6 bar with live entertainment.

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

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

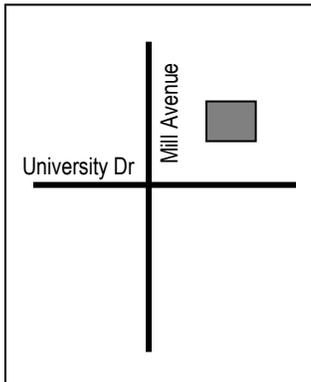
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: 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:



Antars Sports Bistro is a restaurant/sports bar located in the Brickyard on Mill Avenue. Although a restaurant use, they have a Class 6 bar liquor license thus requiring a use permit. They are also requesting a use permit for live entertainment. The entertainment will consist of DJ, dancing, live bands and other musicians. It will be offered three nights a week from 10 pm to 2 am. Staff recommends approval subject to conditions. To date, staff has received one telephone inquiry regarding this request. The caller did not state a position regarding the use until they review the staff report and application.

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. ASU Letter for Landlord Authorization

COMMENTS:

The property is located south of the corner of 6th Street and Mill Avenue on the second floor of the Brickyard Building. They are requesting a use permit for a bar with a Class 6 liquor license and use permit for live entertainment. All entertainment will be allowed for indoor use only. The live entertainment will consist of DJ's, dancing, bands and other musical acts. They will offer entertainment three nights a week from 10 pm to 2 am. The landlord, ASU, has outlined in the letter of authorization their limitations regarding live entertainment. We will incorporate their stipulations in the conditions of approval for the use permit. The applicant requested the opportunity to provide dancing within their restaurant; they indicate in the letter of explanation that they will remove tables to create a dance floor area. To conform with Building and Fire Code requirements; if furniture is removed to accommodate the dance floor, it must not be stored inside the restaurant in conflict with accessibility and emergency egress.

Use Permit

The Zoning and Development Code requires a use permit for bars with Class 6 liquor licenses and live entertainment within the CC-City Central District. This use permit requests meet 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 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 is a commercial use, similar to others in the area; there should be no nuisances.
- 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.
- d. Compatibility with existing surrounding structures and uses;
The proposed use appears to be compatible with surrounding structures and 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.

REASON(S) FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit and is compatible with the downtown environment

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 plans and information as submitted within this application. Any additions or modifications must be submitted for review by planning.
2. The Use Permit is valid for Antars Sports Bistro and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
3. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
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. Live entertainment limited to indoor entertainment: disc jockeys, dancing and live bands; concert assembly.
6. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20. Noise complaints arising from the open windows/doors shall require closure of all outdoor windows and doors to mitigate noise trespass to adjacent public or private spaces.
7. The live entertainment limited to indoor use only and shall not be extended to the outdoors via speakers or open doors to the east patio area closest to the Orchid House residences.
8. Live entertainment limited to three nights a week to cease at or before 2:00 AM.
9. The applicant shall contact Tempe Police Department – Crime Prevention at 480-858-6333 to create a security plan.
10. Any furniture removed to accommodate a dance floor area must be stored in an area that does not conflict with required emergency exiting.

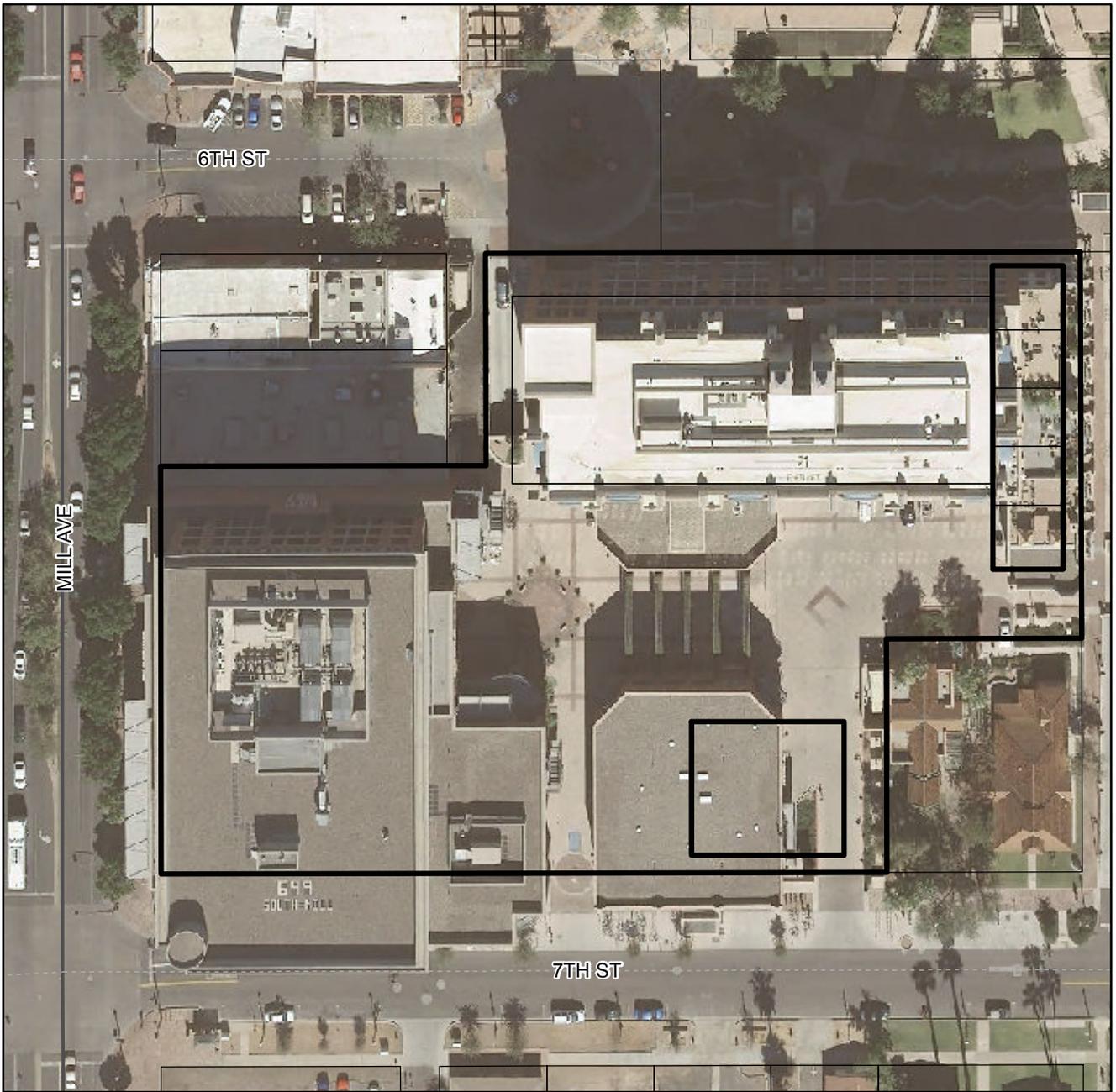
HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – ASU
Applicant – Greg Davis/Antars Sports Bistro LLC
Existing Zoning – CC, City Center 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



THE BRICK YARD - ANTARS SPORTS BISTRO (PL110404)

December 13, 2011

City of Tempe
Community Development
31 East Fifth Street
Tempe, Arizona 85280

Re: **Use Permit Application – PL-110404**
Series 6 Bar License w/ Live Entertainment
Antars Sports Bistro I, LLC
699 S Mill Ave, Suite 201
Tempe, Arizona 85280

To Whom It May Concern:

Letter of Explanation

Antar's Sports Bistro ("ASB") cordially requests a Use Permit to operate various forms of live entertainment.

The live indoor entertainment use shall be limited to the hours of 10:00 pm to 2:00 am and be limited to three nights a week. Live indoor entertainment shall include DJ, dancing, live bands or musicians as well as any other event in which 3 or more tables are moved from the restaurant. When ASB has live indoor entertainment on the leased premises a dress code for customers shall be required and enforced. The dress code shall be further determined after consultation with the Arizona Department of Liquor License and Control and the Tempe Police Department, and shall, at a minimum, include a restriction against allowing patrons to wear hats, sports jerseys, or gang colors.

ASB is an upscale, fast casual restaurant with its signature line "*where gourmet food meets sports.*" The quality and diversity of ingredients, flavors, décor of the restaurants, professionalism of the staff and guest frequency make ASB stand out among similar types of operations within the food service industry

The principle feature of the restaurant is gourmet foods served in abundance in a casual yet upscale sports bar and grille setting. The culinary dimension, as well as the service and décor, set ASB apart from other establishments. The quality, presentation and creativity of the ASB dishes are on par with those found in the finest restaurants. Guests have the option of being served in a "hip", comfortable environment, taking their meals to go, or delivery services. To compliment the main dishes, Chef David Antar has created an array of Salads, Appetizers, low carb/low fat dishes as well as Desserts.

ASB targets guests of all ages including young families, college faculty, undergraduate and graduate students as well as local businesses to name a few. However, during the hours in which ASB operates under the Use Permit it shall have strict guidelines as outlined in the "Security and Policy Manual." The Security and Policy Manual will be used as a guide to coordinate Use Permit Operations with the City of Tempe Police Department, ASU's contract security company – "Team Security," as well as our Private Security Company "Behind the Eyes Security."

ASB currently has 35 employees in Tempe which includes front of house and back of house staff. The occupancy is 436 including indoor and outdoor seating.

Since ASB's restaurant is located on the 2nd floor of The Brickyard it shall provide a significant noise buffer from the Street Level of Mill Avenue as well as surrounding neighbors and therefore shall be less of a nuisance than other establishments that are located at street level of 2nd level with significant Mill Ave frontage. ASB will provide a safe and controlled environment for its patrons and has established a security plan to mitigate any disruptive behavior which may create a nuisance to the surrounding area and general public. We are committed to a long standing relationship with ASU and The City of Tempe.

Due to the cross breeze that runs through the common area on the 2nd level of The Brickyard, ASB also provides for a cooler shaded option with less disruption from vehicular and pedestrian traffic on Mill Avenue.

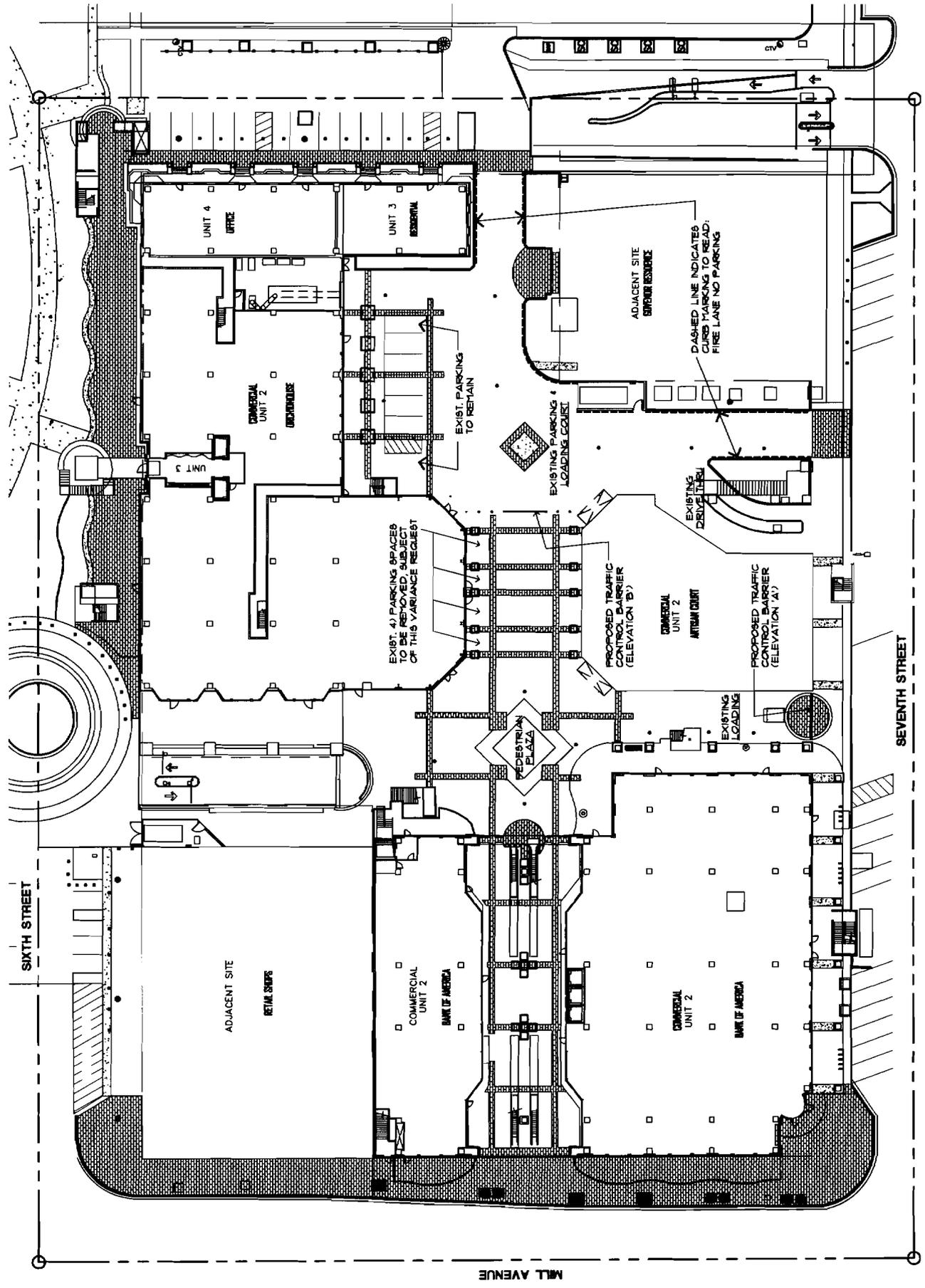
ASB has several means of egress to the 2nd floor of the Brickyard via its escalators, elevators and staircases which bring patrons to the restaurant. We have established a primary and alternate evacuation plan as part of our Security Plan to safely get patrons out of the restaurant in the event of an emergency.

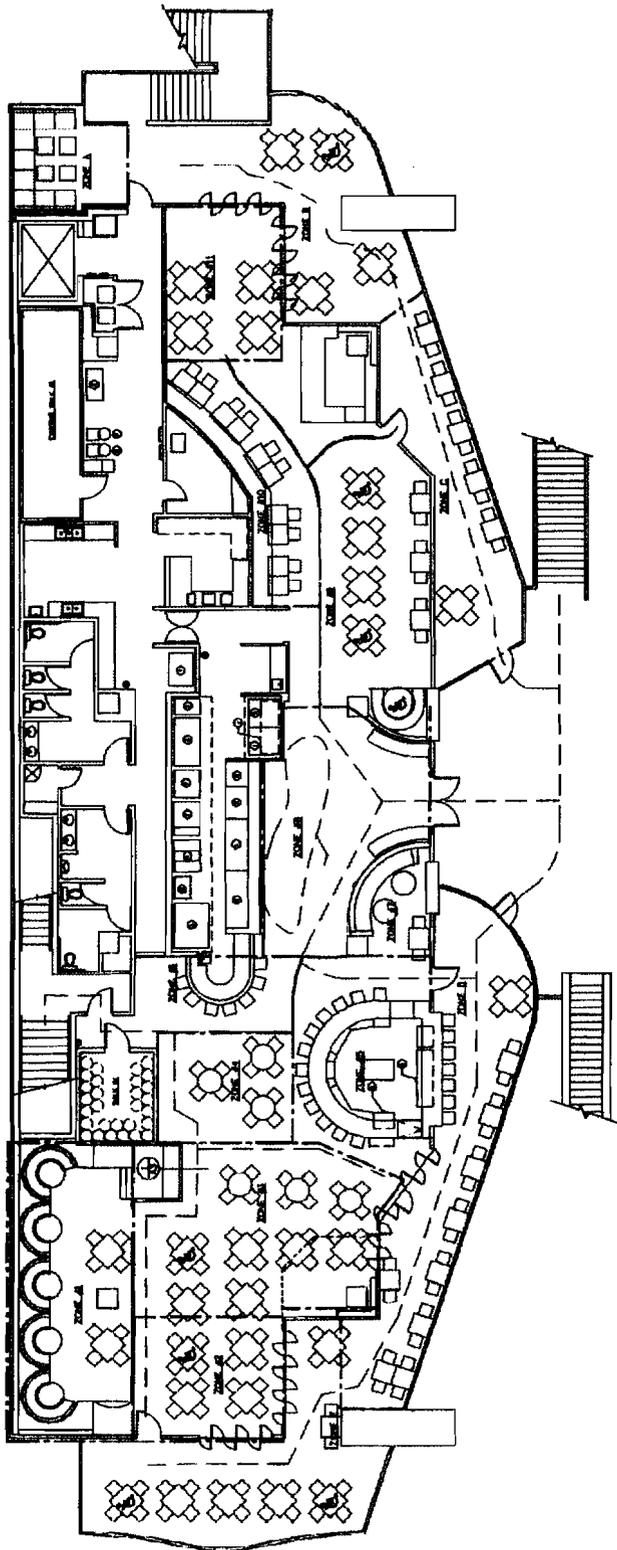
ASB is keenly focused on establishing a long standing partnership with the City of Tempe.

Sincerely,



Alan Antar
Owner





- Indoor Seating**
- Zone 1: 28 seats.
 - Zone 2: 12 seats.
 - Zone 3: 28 seats.
 - Zone 4: 12 seats.
 - Zone 5: 12 seats.
 - Zone 6: 7 seats.
 - Zone 7: 11 seats.
 - Zone 8: 0 seats.
 - Zone 9: 17 seats.
 - Zone 10: 10 seats.
 - Zone 11: 11 seats.
- Outdoor Seating**
- Zone A: 9 seats.
 - Zone B: 16 seats.
 - Zone C: 14 seats.
 - Zone D: 27 seats.
 - Zone E: 20 seats.

FLOOR PLAN
SCALE 1/8" = 1'-0"



November 21, 2011

City of Tempe Planning and Zoning

To: Whom it may Concern:

This letter serves as consent from ASU (as landlord under the Lease) for Antars Sports Bistro to obtain a Use Permit for live indoor music under the following conditions:

- The live indoor music shall be limited to three nights a week.
- The Brickyard on Mill is a mixed-use condominium project that includes a residential building located next to the commercial building. As such, live indoor music shall remain indoors and shall not be extended via speakers or open doors to the east side outdoor patio/balcony areas because of that patio's proximity to the Orchidhouse residential condominium building.
- Live indoor music shall comply with City of Tempe allowable noise levels for commercial use in downtown Tempe.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read "Karen Honeycutt", written over a horizontal line.

Karen Honeycutt
Real Estate Operations Director
480-965-6700

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