

Staff Summary Report



Hearing Officer Hearing Date: September 15, 2009

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **BOULDERS ON BROADWAY (PL090305)** located at 530 West Broadway Road for one (1) use permit.

DOCUMENT NAME: 20090915dsdp01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **BOULDERS ON BROADWAY (PL090305)** (Erick Geryol/Rock Junction Inc., applicant/property owner) located at 530 West Broadway Road in the CSS, Commercial Shopping and Services District for:

ZUP09123 Use permit to allow live entertainment (live bands and small acoustical ensembles).

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

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

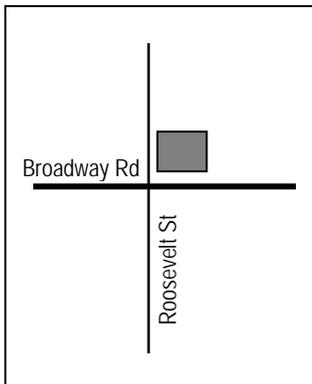
LEGAL REVIEW BY: N/A

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 live entertainment, located at 530 West Broadway Road in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live bands, DJ and acoustic ensembles. To date, no public input has been received. Staff supports approval of the use permit.

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. Staff Photograph(s)

COMMENTS:

The applicant, Eric Geryol with Rock Junction Inc., is requesting a use permit to allow live entertainment, located at 530 West Broadway Road in the CSS, Commercial Shopping and Services District. The business currently operates as "Boulders on Broadway". This request comes after the business was notified of the use permit requirement from a code inspector in December of 2008. The live entertainment proposed would be in the form of live bands, DJ and acoustic ensembles. Live entertainment will take place during regular business hours, primarily on the weekends. The live entertainment will take place fully within the restaurant/bar customer area. To date, no public input has been received. Staff supports approval of the use permit.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment in the CSS, Commercial Shopping and Services District. This use permit request meets 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 should 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;
 - The restaurant use is similar to others in the area; sound from music must conform to the noise ordinance.
- 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 use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use is 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 will be fully contained within the building.

Conclusion

Staff recommends approval of the use permit, subject to conditions of approval.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. The use appears to be compatible with the surrounding structures and uses.

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 Boulders on Broadway and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. 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.
4. No outdoor speakers associated with the live entertainment use will be allowed.
5. Live entertainment is approved during regular business hours.
6. The applicant or business owner shall contact the City of Tempe Police Department, Crime Prevention Unit to implement/update a Security Plan for the business. Please contact the Crime Prevention Department at 480-858-6027.

HISTORY & FACTS:

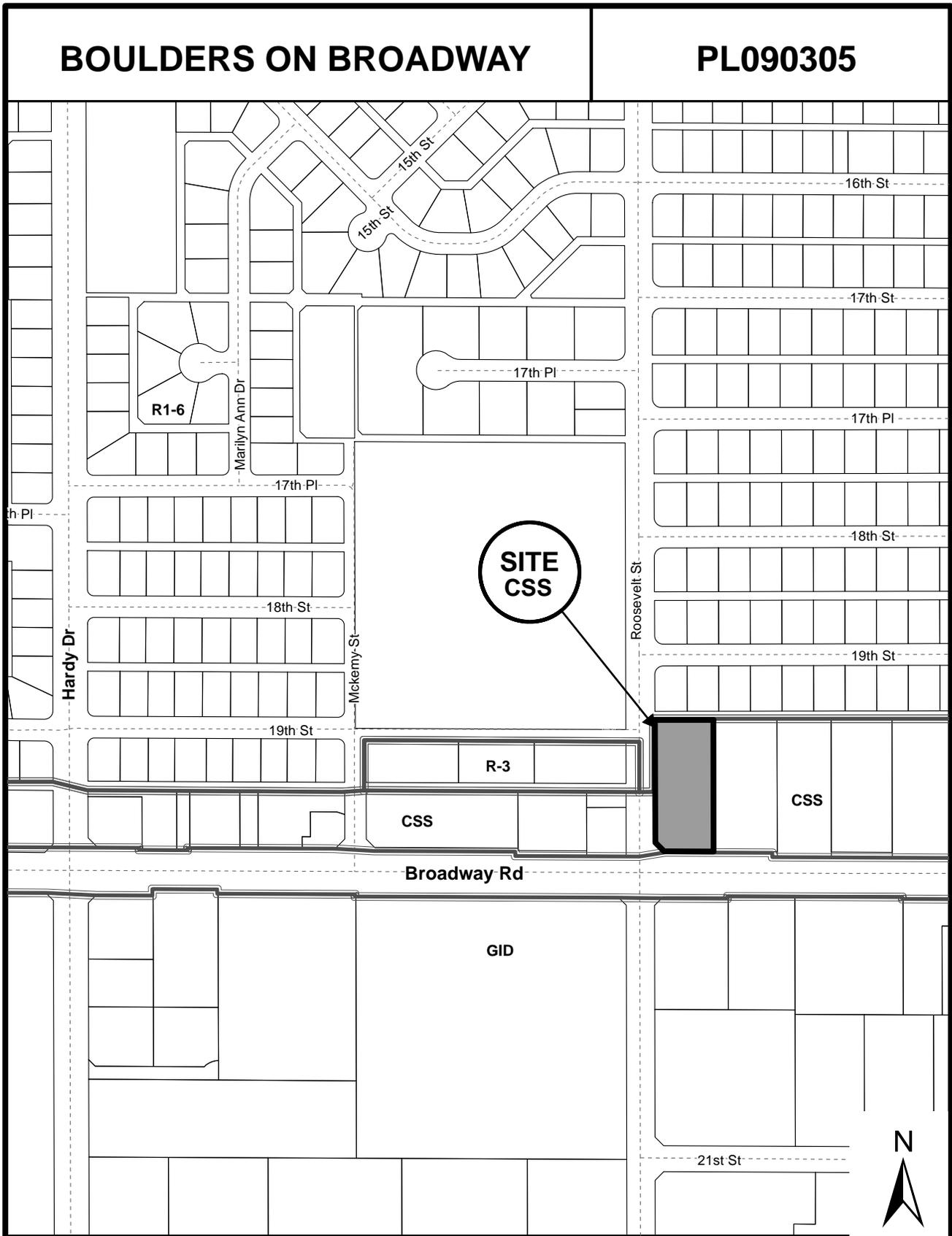
April 19, 2007 DPR07080: Approval for an outdoor patio addition to the existing restaurant.
December 31, 2008 CM081809: Live Entertainment without Use Permit.

DESCRIPTION:

Owner – Rock Junction Inc.
Applicant – Erick Geryol/Rock Junction Inc.
Existing Zoning – CSS, Commercial Shopping & Services 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

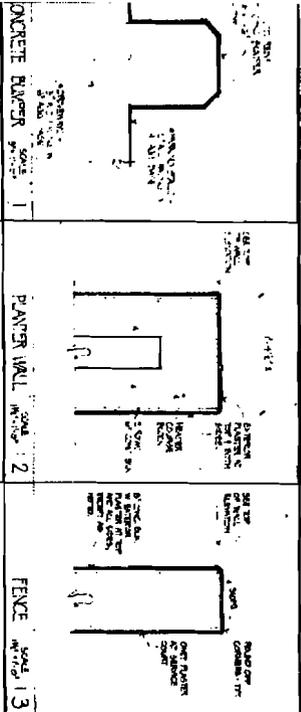


Location Map



BOULDERS ON BROADWAY (PL090305)

We are applying for a use permit in order to have live music. Our current plans are for small acoustical acts to add ambiance. They will set up in the bar area near the south wall. We have purchased a permit from ASCAP for three times a week live music. Our plan is to only have special engagements with local bands and one a week music.



LEGEND :

--- 1/4" --- EXISTING GRADE ELEVATION

--- 1/4" --- NEW ELEVATION

--- 1/4" --- TOP OF CURB ELEVATION

--- 1/4" --- TOP OF WALL ELEVATION

--- 1/4" --- ASPHALTIC CONCRETE

--- 1/4" --- FINISHED SURFACE

--- 1/4" --- TOP OF FINISH

--- 1/4" --- PLANTING AREA

--- 1/4" --- MAN HOLE

ENGINEERING CONSULTANTS:

DONALD I. ADLAND
PROFESSIONAL ENGINEER
8400 E. GOSWOLD WAY
SCOTTSDALE, ARIZONA
(602) 946-5165

RADER & ASSOCIATES
CIVIL & STRUCTURAL
59 E. THOMAS RD. SUITE 103
PHOENIX, ARIZONA
(602) 277-4009

BUILDING INFORMATION:

PROJECT: ANCHORAGE RESTAURANT

OWNER: ANCHORAGE ENTERPRISES, INC.

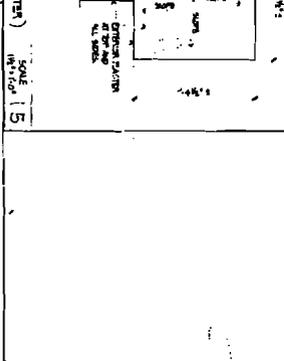
ARCHITECT: GARRISON BAILEY AIA

DATE: 2/15/15

SCALE: AS SHOWN

EET SCHEDULE :

1. SITE PLAN - SUBS INGS - NOTES
2. FIRST FLOOR PLAN
3. BALCONY FLOOR PLAN
4. ELEVATIONS - EXTERIOR
5. ELEVATIONS - INTERIOR
6. INTER. FIN. SCHEDULE - DOOR SCHED.
7. SECTIONS - DETAILS
8. INTERIOR ELEVATIONS
9. INTERIOR ELEVATIONS
10. INTERIOR ELEVATIONS
11. STRUCTURAL NOTES - DETAILS
12. FOUNDATION PLAN
13. BALCONY FRAMING PLAN
14. ROOF FRAMING PLAN
15. STRUCTURAL DETAILS
16. SECTION - EQUIP. SCHEDULE
17. FIRST FLOOR - DUCT LAYOUT
18. BALCONY FLOOR - DUCT LAYOUT
19. WIRING DIAGRAMS
20. DUCT - RUN ISOMETRIC
21. PLUMBING - SITS PLAN
22. ST. PIP. PLUMBING SCHEMATIC
23. BALCONY FLOOR SCHEMATIC
24. RIGOR DIAGRAM - ISOMETRIC
25. ELECTRICAL - SITS PLAN
26. FIRST FLOOR LIGHTING PLAN
27. BALCONY LIGHTING PLAN
28. BALCONY POWER PLAN
29. FIRST FLOOR POWER PLAN
30. SCHEDULES - SYMBOLS
31. 1ST FLOOR ROAD WORK EQUIP. RUN
32. GENERAL NOTES
33. PLUMBING PLAN - 1ST FLOOR
34. ELECTRICAL PLAN - 1ST FLOOR
35. VENTILATION PLAN - 1ST FLOOR
36. PLUMBING EQUIP. PLAN
37. PLUMBING PLAN - BALCONY
38. ELECTRICAL PLAN - BALCONY



APPROVED FOR PERMITS ONLY

DATE: 2/15/15

BY: [Signature]

APPROVED

THE CITY OF TEMPE, ARIZONA

THIS PLAN HAS BEEN APPROVED BY THE CITY OF TEMPE, ARIZONA, AND THE APPLICANT HAS AGREED TO COMPLY WITH ALL CITY ORDINANCES AND REGULATIONS THAT MAY APPLY TO THIS PROJECT. THE APPLICANT HAS AGREED TO MAINTAIN THE EXISTING UTILITIES AND TO REPAIR OR REPLACE ANY UTILITIES DAMAGED BY THE PROJECT. THE APPLICANT HAS AGREED TO MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND TO REPAIR OR REPLACE ANY DAMAGE TO ADJACENT PROPERTIES CAUSED BY THE PROJECT. THE APPLICANT HAS AGREED TO MAINTAIN THE EXISTING CURB AND GUTTER AND TO REPAIR OR REPLACE ANY DAMAGE TO THE CURB AND GUTTER CAUSED BY THE PROJECT.

APPROVED: [Signature]

DATE: 2/15/15

ANCHORAGE RESTAURANT

215 W. BROADWAY, TEMPE, ARIZONA

ANCHORAGE ENTERPRISES, INC.

1500 GOSWOLD, SUITE 100, SCOTTSDALE, ARIZONA 85251

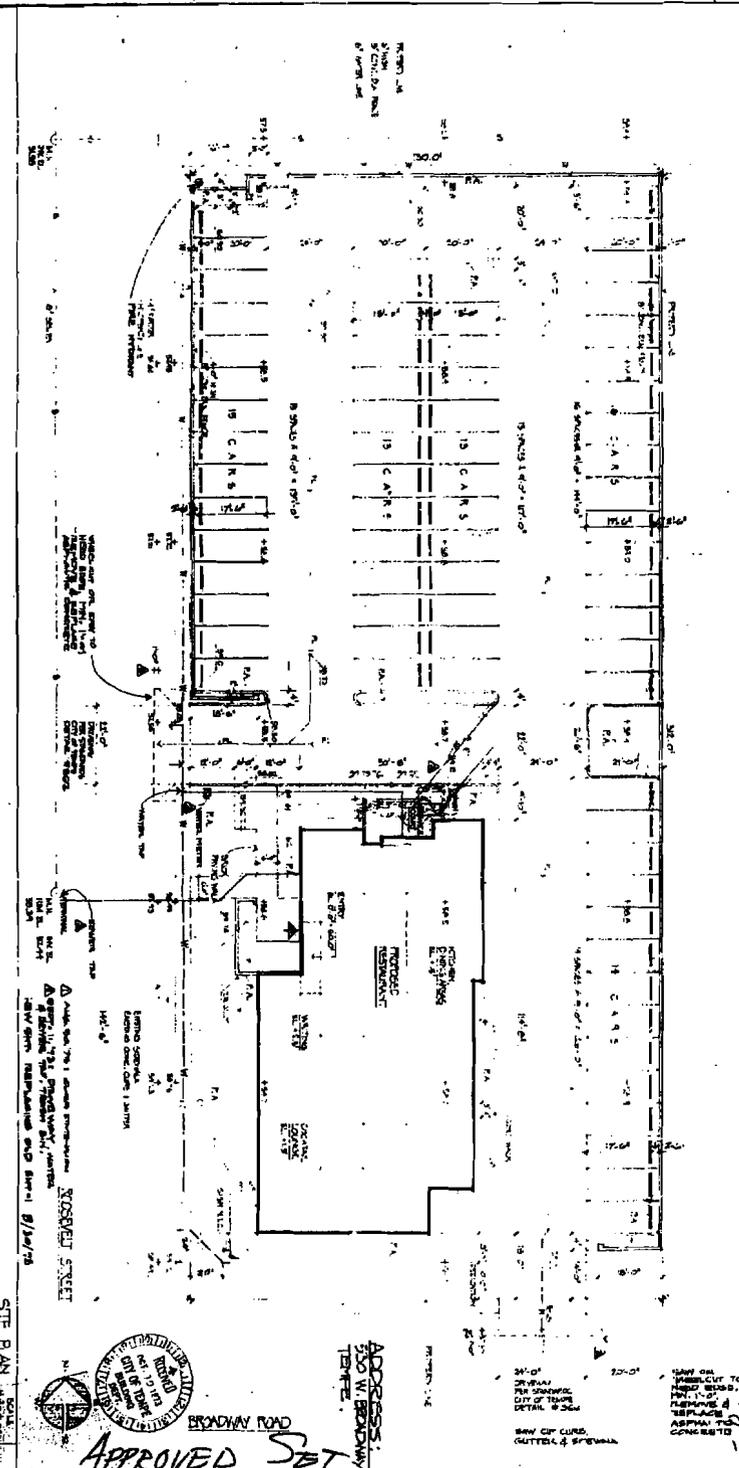
TEL: 480-946-5165

GARRISON BAILEY AIA
ARCHITECT

8400 E. GOSWOLD WAY
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(602) 946-5165

DESIGN CONCEPTS INC.
ARCHITECTURAL DESIGN • DESIGN SERVICES
1500 GOSWOLD WAY, SUITE 100
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CONCRETE CURB 3/10 4 FENCE PLAN (PAVING) 3/10 5



anchorage restaurant

215 W. BROADWAY, TEMPE, ARIZONA

ANCHORAGE ENTERPRISES, INC.

1500 GOSWOLD, SUITE 100, SCOTTSDALE, ARIZONA 85251

TEL: 480-946-5165

P.L.C.583

A-1



BOULDERS ON BROADWAY

530 WEST BROADWAY ROAD

PL090305

**WEST SIDE OF BUSINESS –
MAIN ENTRANCE**

