

Staff Summary Report



Hearing Officer Hearing Date: 12/21/10

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **FLANNYS** located at 1805 East Elliot Road, Suite Nos. 104-105, for one (1) use permit.

DOCUMENT NAME: 20101221dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **FLANNYS BAR AND GRILL (PL100104)** (John Flanagan, applicant; Pollack Royal Palm Plaza LLC, property owner) located at 1805 East Elliot Road, Suite Nos. 104 -105, in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10033 Use permit to allow live indoor entertainment (live bands, small combos & comedy acts).

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

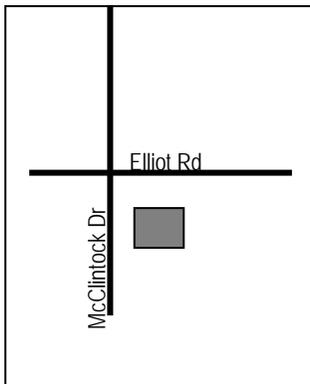
DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: No fiscal impact on City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

The applicant is requesting a use permit to allow live indoor entertainment (live bands, small combos & comedy acts) for Flanny's a restaurant/bar located at 1805 East Elliot Road, Suite Nos. 104-105, in the PCC-1, Planned Commercial Center Neighborhood District. Staff supports approval of the use permit based on the criteria for approval of a use permit. To date, one telephone inquiry was received by staff regarding this project; with no stated objection to 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
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Staff Photograph

COMMENTS:

Flanny's is requesting a use permit to allow live entertainment for a restaurant/bar located at 1805 East Elliot Road Suite Nos. 104-105 in the PCC-1, Planned Commercial Center Neighborhood District. The live entertainment will consist of acoustic, classic and light rock, jazz ensembles; small combos, comedy acts for the enjoyment of the restaurant patrons. Entertainment will be provided in the establishment 2-3 times a month and primarily Thursday- Sunday. To date, staff received one telephone inquiry; the caller did not convey any concern with this business owner adding entertainment to his business. He did express concern with the previous tenants operation as a bar with entertainment.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment in the PCC-1, Planned Commercial Center Neighborhood 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 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;
 - 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 should 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 request with conditions.

REASONS 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.

CONDITIONS OF APPROVAL:

1. The use permit is valid for Flanny's and may be transferable to successors in interest through an administrative review with the Community Development Manager, 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.

HISTORY & FACTS:

- April 24, 2008 PL080138 – The Development Services Department Staff approved a shared parking analysis for Royal Palms Plaza located at 1805 E Elliot Rd.
- July 21, 2009 PL090225 – The Hearing Officer approved a use permit request for Royal Palms Plaza – Yupha's Thai Kitchen located at 1805 E Elliot Rd., Suite No. 115 to allow live entertainment.
- May 4, 2010 PL100104 – The Hearing Officer approved a use permit to allow a restaurant/bar with a Series 6 liquor license.

DESCRIPTION:

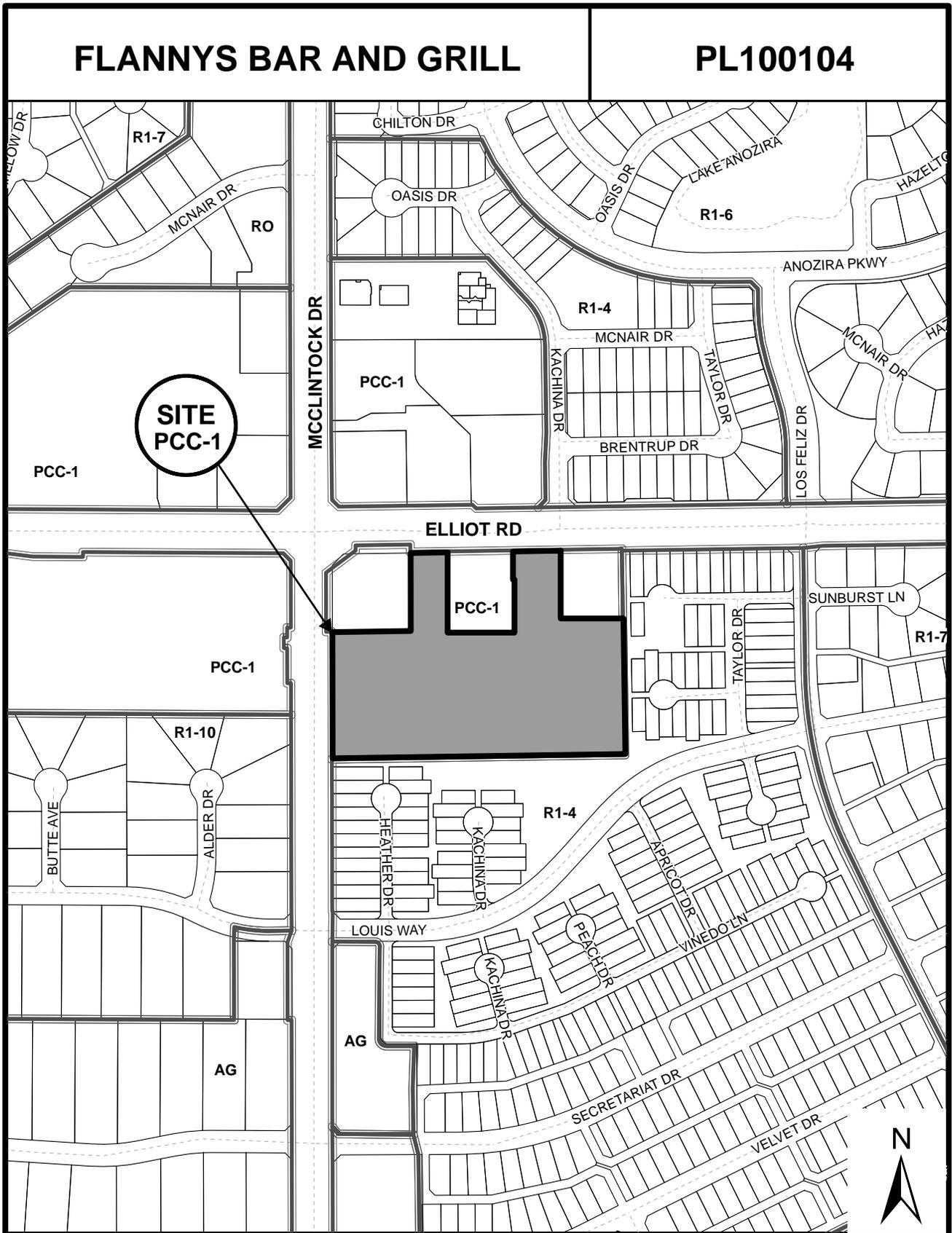
Owner – Pollack Royal Palm Plaza LLC
Applicant – John Flanagan
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Tenant Space Area – 3,300 s.f.
Required Parking per Use – 66 spaces
Total Parking Provided – 515 spaces

ZONING AND DEVELOPMENT

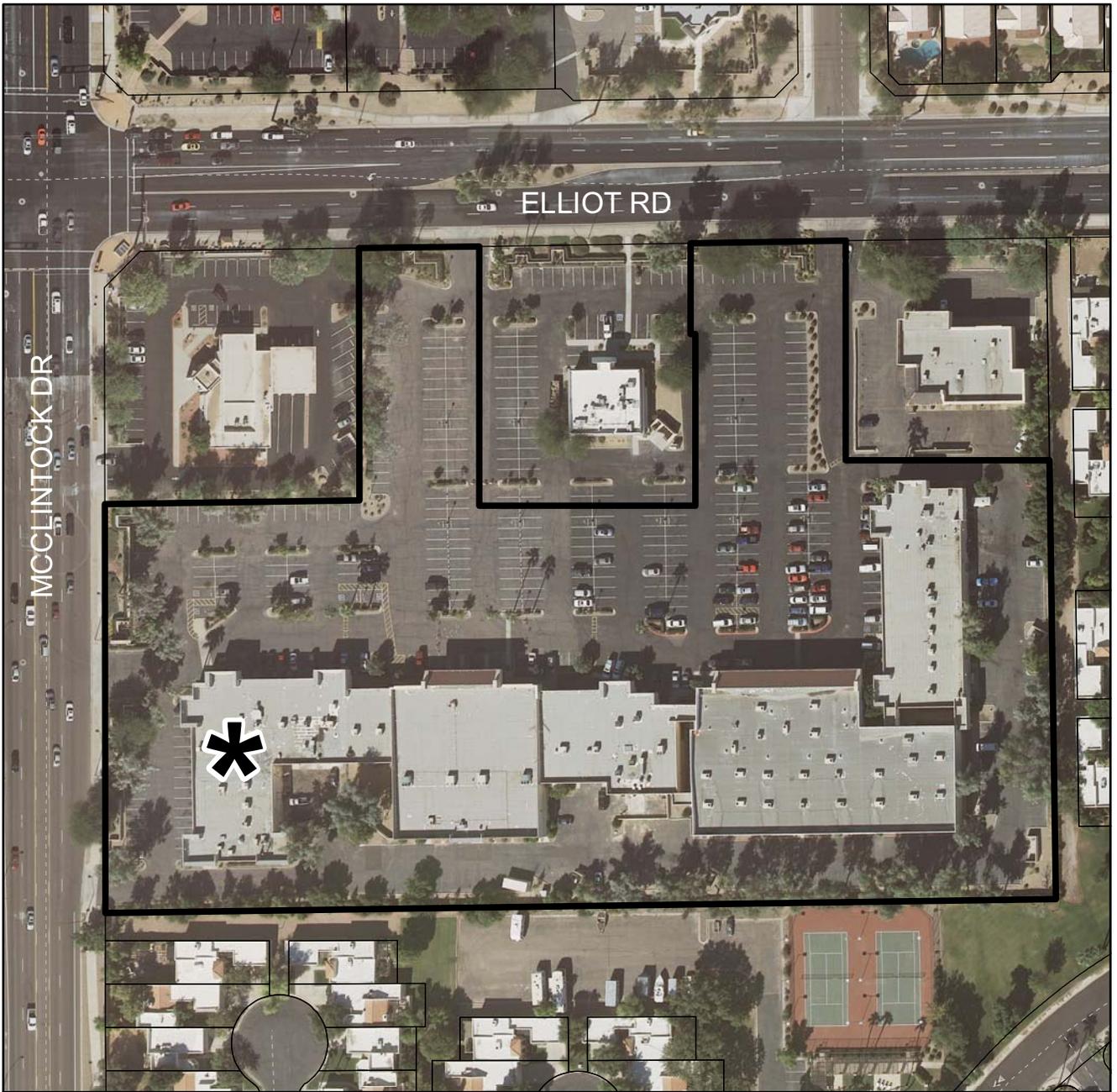
CODE REFERENCE: Part 3, Chapter 3, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

FLANNYS BAR AND GRILL

PL100104



Location Map



FLANNYS BAR AND GRILL (PL100104)

11/30/10

To: Sherri Lesser
Senior Planner
Development Services Department

From: John Flanagan
Flanny's Bar & Grill
1805 E. Elliot Rd. Ste 105
Tempe, AZ 85284

This letter will serve as my *official* request to apply for a Live Entertainment permit. We are a neighborhood Bar & Grill that has been warmly welcomed by our neighbors and would like to offer them live music. Some of the music would be for background and some would be for entertainment. I would like to bring in a combination of Acoustic, classic and light rock, as well as jazz and easy listening and comedy. Music would be offered on Thursdays, Fridays, Saturdays and Sundays 2-3 weeks per month.

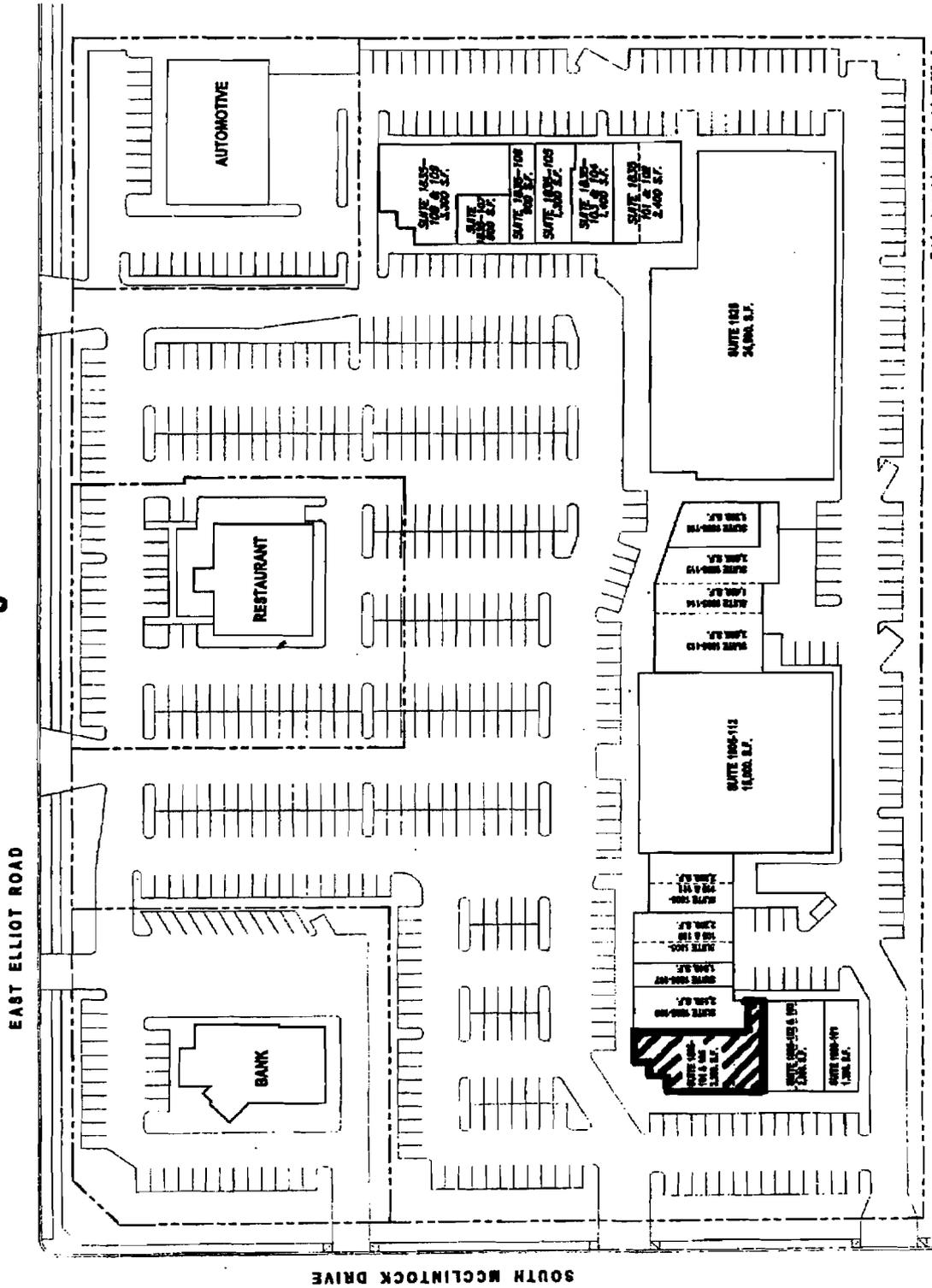
We are open 7 days a week and serve food daily.
Sunday – Wednesday 11:00 AM – 12:00AM
Thursday – Saturday 11:00 AM – 2:00AM

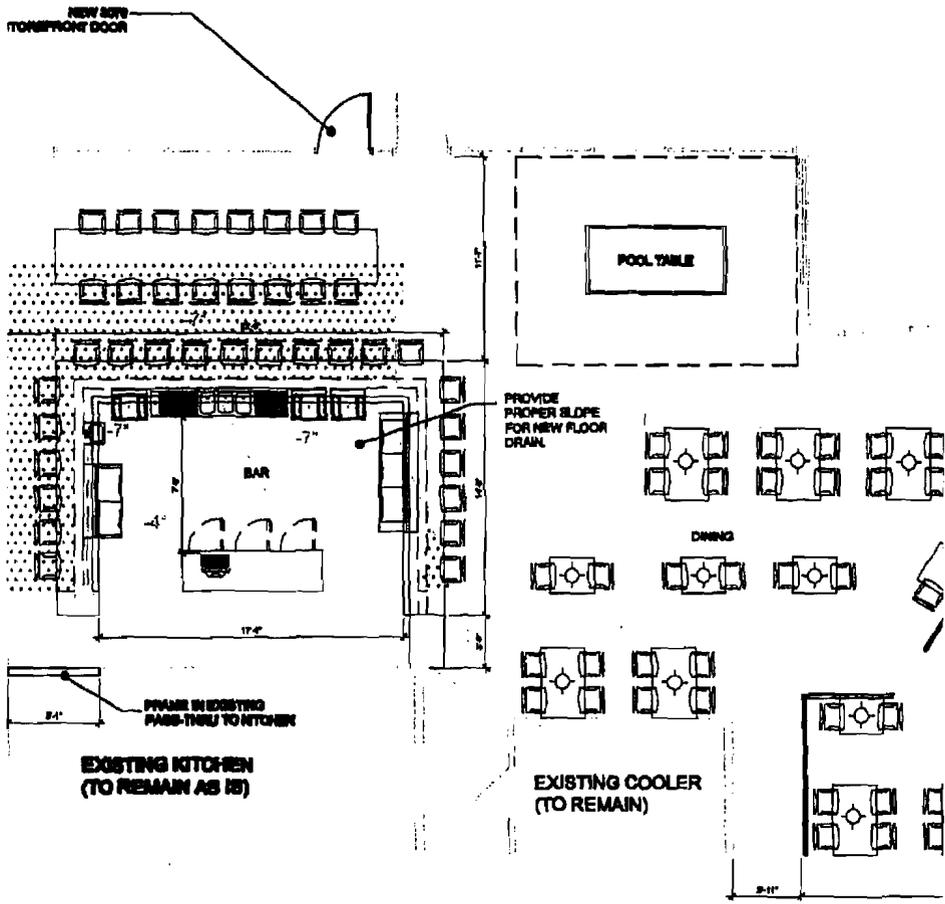
Please let me know if you have any questions or need additional information.

Thank you,

John Flanagan
480-540-3990
JJF1221@GMAIL.COM

Leasing Plan







FLANNYS

1805 E ELLIOT RD., SUITE NOS. 104-105.

PL100104

FRONT OF BUSINESS

