

Staff Summary Report

Hearing Officer Hearing Date: 04/03/12

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **THE HANDLE BAR AND GRILL (PL120027)** located at 680 S. Mill Avenue for a Use Permit to allow a bar with a Series 6 liquor license.

DOCUMENT NAME: 20120403cddk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **THE HANDLE BAR AND GRILL (PL120027)** (Julian Wright, Applicant; Centerpoint Holdings LLC, Property Owner) located at 680 S Mill Avenue, Suite 109, in the CC, City Center District.

ZUP12026 Use Permit to allow a Series 6 bar

PREPARED BY: Diana Kaminski, Senior Planner 480-858-2391

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

LEGAL REVIEW BY: N/A

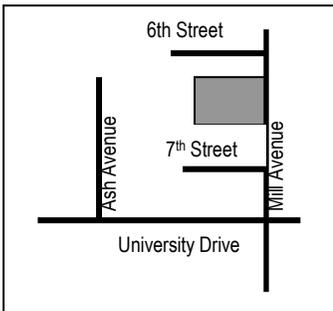
DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: N/A

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

ADDITIONAL INFO:

This is a request to allow a new bar in a former retail suite within the Centerpoint Development. The proposed business will occupy the southern suite of an existing building with other restaurant and bar uses. This request also includes the addition of an exterior patio for the bar, located at the south western side of building. Live entertainment is not being requested with this application.



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
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Elevations
6. Elevations
7. Photo

COMMENTS:

The site is located north of University Drive, on the west side of Mill Avenue, south of 6th Street. The building has Jimmy John's, Fat Tuesday, and Five Guys Burgers & Fries as other tenants. This suite was formerly a Bath and Body Works retail suite that is being converted to a bar use. This request is to allow a new bar (Series 6 liquor license) without live entertainment. Tenant improvements for the new use include the addition of a patio located on the south and west sides of the building.

An Administrative Development Plan Review has been approved for the design of the exterior modifications to the building suite and patio. The use requires further processing of shared parking application for the change in land use, to meet parking requirements.

Use Permit

The Zoning and Development Code requires a Use Permit for a bar in the CC, City Center district. The Use Permits will be compatible with the surrounding area that has other businesses with similar uses with bars. Similar businesses along 6th Street include Canteen Modern Tequila Bar, also owned by this applicant, Robbie Fox's Irish Pub, Fat Tuesday's and World of Beer.

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 applicant owns several establishments along Mill Avenue and is familiar with the requirements for operating a business within the downtown. The proposed use does not request live entertainment, and has a business model that provides a quieter alternative to other establishments within the area. The proposed bar is compatible with other uses which have received Use Permit approvals for bars in the downtown Tempe area.
2. Any significant increase in vehicular or pedestrian traffic. In comparison to retail uses, which are parked at 1 space per 300 square feet, bars are required to be parked at 1 space per 50 square feet due to typical parking demands for this use. The patio addition also increases the capacity of the bar for greater occupancy. Centerpoint is required to update the existing shared parking model to demonstrate sufficient provision of parking for this change of use. This business has the potential to create an increase in both vehicular, bicycle 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 proposed improvements maintain the required minimum 8'-0" walkway clearance is provided along Mill Avenue, and provide a fenced area for food service from a window, so that guests in que do not interfere with pedestrian traffic. The business model, as the name suggests, is designed to promote bicycle transportation, providing more than required bike parking within the patio area for patrons who wish to bike to the bar.
3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. Unlike adjacent uses which have Use Permits for live entertainment, and adjacent street performers who amplify on the street front, the proposed use does not include live entertainment. Any noise generated from the speaker system, as conditioned in this request, will be contained within the building. The proposed use appears to be consistent with ambient uses, consistent with the other venues in the downtown, limited hours of operation are established. The Use Permit may be reviewed at a future request if verifiable complaints arise.
5. 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. The applicant has demonstrated his prior experience and track record with owning and operating bars in the downtown with 12 years of experience running 4 other establishments in the area. The investment to converting the space from retail to bar and promoting an alternative destination for bicyclists does not appear to contribute to downgrading of property values.
6. Compatibility with existing surrounding structures and uses. This business is consistent with other businesses in the downtown.
7. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding

area or general public. The applicant's letter of explanation in operation of other establishments, familiarity of laws for liquor licensure and security plans, as well as 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. This request meets the required approval criteria and will conform to the proposed conditions.

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 The Handlebar and Grill 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 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. No live entertainment.
8. No outdoor speakers allowed.
9. The hours of operation shall be from 11am to 2pm Sunday through Saturday.
8. Music/sound/noise generated from the use shall conform to the City of Tempe code requirements for noise.
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 May 3, 2012.
11. The property owner shall complete a professional shared parking analysis prior to Certificate of Occupancy for this change of use, to demonstrate compliance with required parking.

HISTORY & FACTS:

February 24, 2012

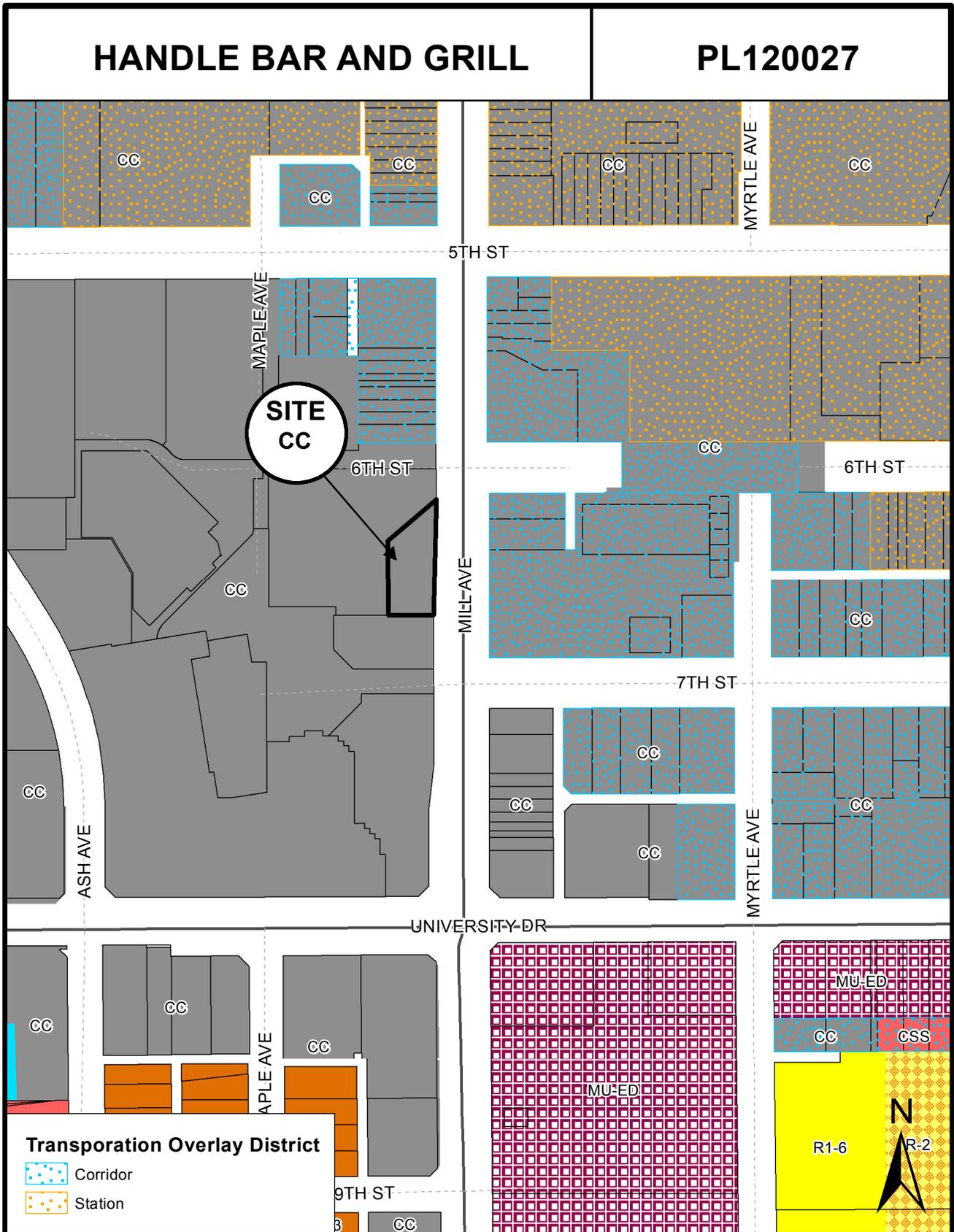
Community Development Department Planning Division staff approved a request for a Development Plan Review for Handle Bar & Grill, including exterior building modifications and a new patio.

DESCRIPTION:

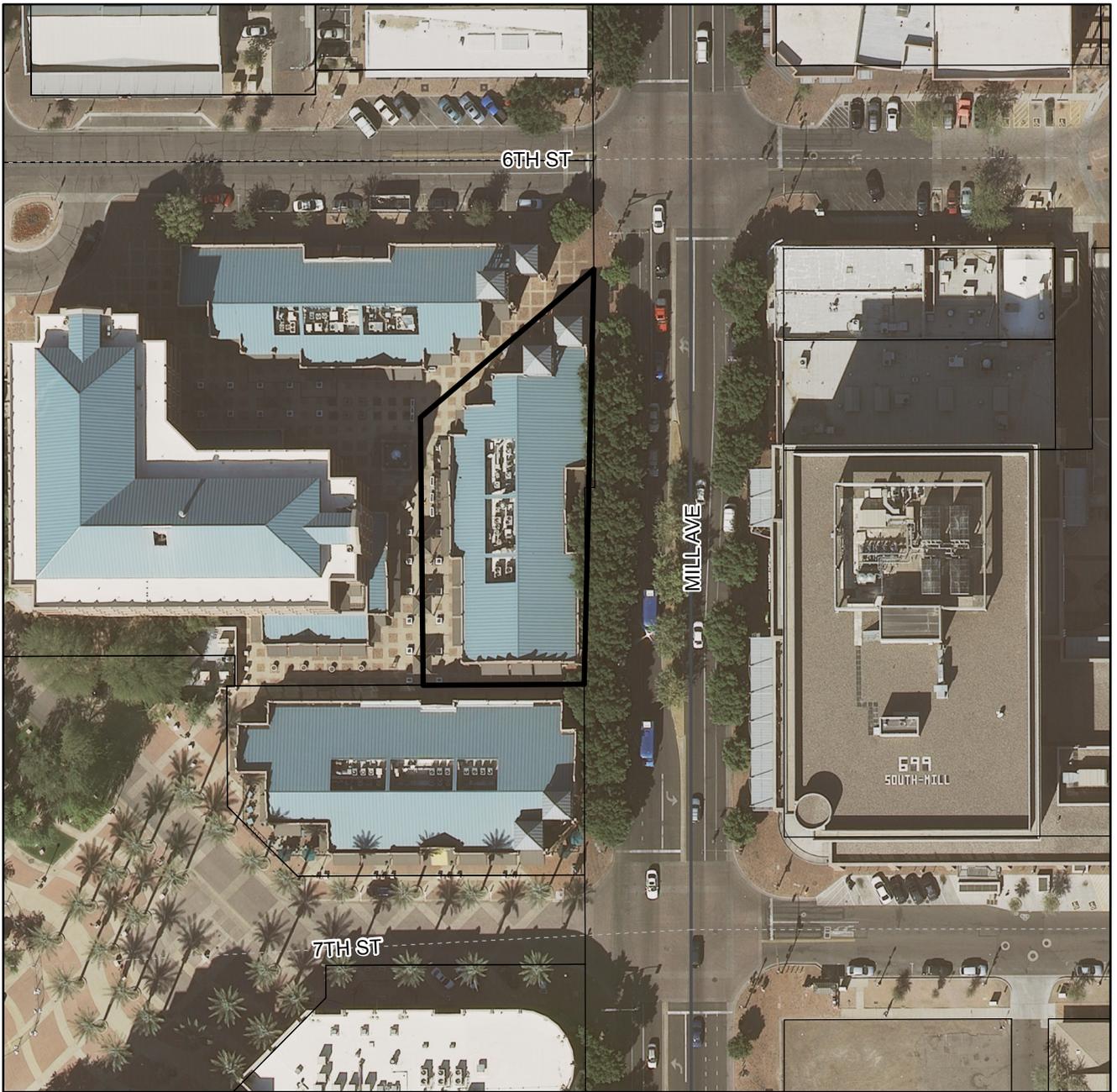
Owner – Centerpoint Holdings, LLC
Applicant – Julian Wright, CEO Fork & Dagger Development
Existing Zoning – CC, City Center

ZONING AND DEVELOPMENT

CODE REFERENCE: Section 6-308, Use Permit



Location Map



HANDLE BAR AND GRILL (PL120027)



Date: March 2, 2012

City of Tempe
Development Services

RE: Use permit for Handle Bar Tempe, LLC

To Whom It May Concern:

The intended use for our project is that of a bicycle-themed "Modern American Beer Garden" featuring a #6 bar license and a small food menu of gourmet local bratwurst, sausages, and fresh cut fries.

We will be open from 11am to 2am seven days a week and employ approximately 25-30 people. We expect about 100 patrons on slow days and 200 on busy days.

I believe we will have a minimal impact on parking and vehicular traffic as most of our customers will be people that already frequent Downtown Tempe and/or ride their bikes as their preferred method of transportation. Regardless, we will leave it up to the City of Tempe and our landlord, DMB, to sort out the parking issues.

The total square footage of the interior is approximately 2,800 sq ft. The patio is approximately 1,900 sq ft.

We don't plan to have live music or dj's at this time. The music will be played through your typical bar/restaurant sound system and will be quieter throughout the day and evening as we plan to be an alternative to the loud club music played at every other bar on Mill Avenue from 6th to 7th Street (Mill Ave Cue Club, Zuma, Antar's, Fat Tuesday, Canteen, and Robbie Fox's).

We will also have much less of an negative impact on the Downtown Tempe residents than the unregulated, unlicensed, untaxed, street performers which have full authority to plug in amplified guitars at all hours of the day and night along Mill Avenue.

As to the management, I will directly oversee all operations and management staff. I have 12 years of ownership experience and have made one of the biggest positive impacts in Mill Avenue's history in the restaurant and bar industry. As Tempe PD, (Derick Pittam) will attest to as well as the Arizona Department of Liquor (Craig Miller), we run the tightest ship out of the bars on Mill Avenue currently and since I opened my first bar in 2000.

As we do with all the bars I've opened over the years on Mill Avenue (this will be the 5th) we will have a security plan which we will submit to the City and work close with Tempe PD to ensure public safety and enforcement of liquor laws.

Our architectural plans significantly enhance the building we are in as well as the overall aesthetics of the sometimes grungy and dirty Downtown.

I can be reached by phone to answer any further questions or to meet in person.

Thanks,

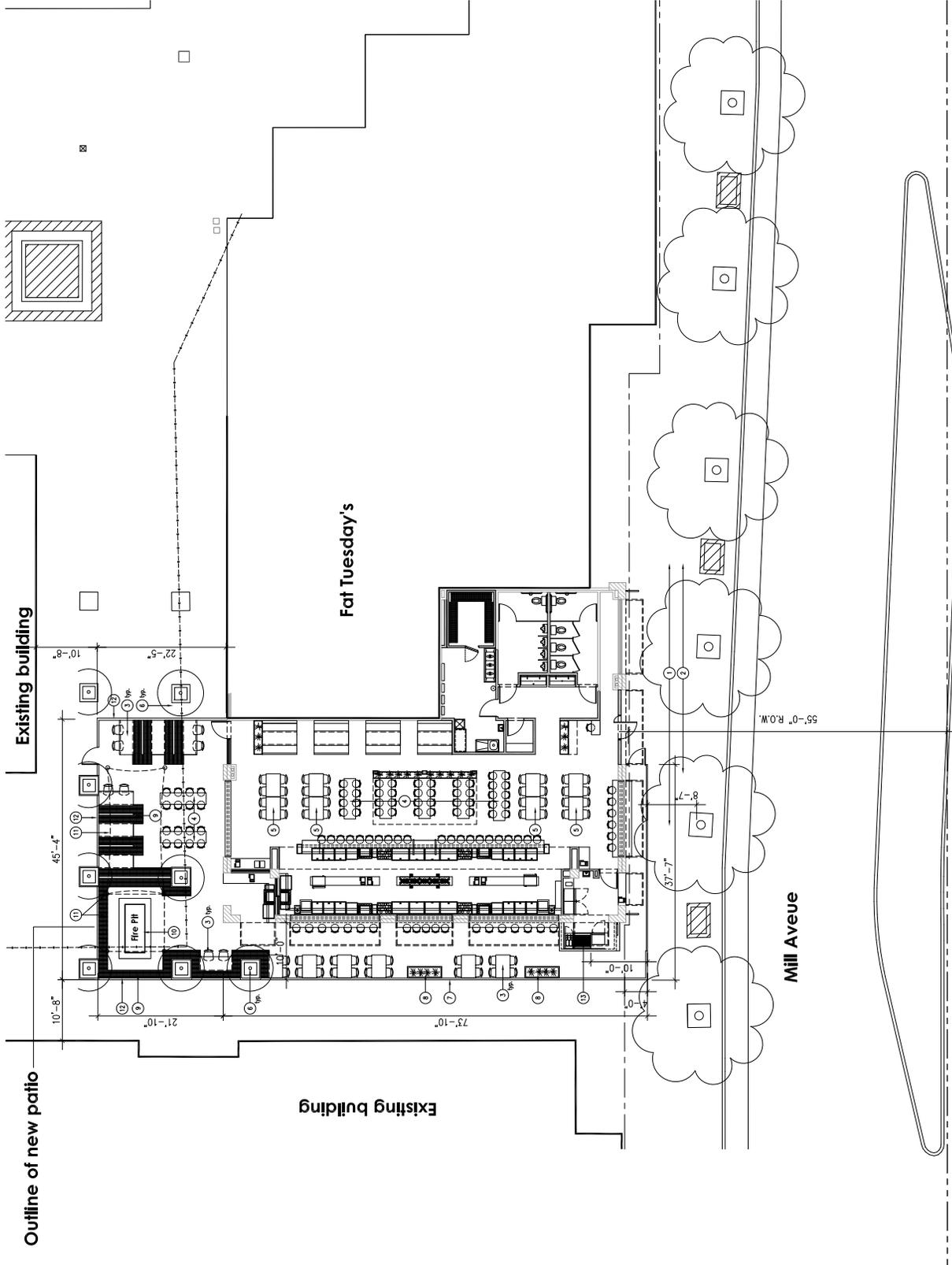


Julian Wright
CEO
Fork & Dagger Development
(480) 239-7114

Canteen Modern Tequila Bar
640 S. Mill Ave, #110
Tempe, AZ 85281

La Bocca Pizzeria & Wine Bar
699 S. Mill Ave, #115
Tempe, AZ 85281

The Handlebar & Grill
680 S. Mill Ave, #109
Tempe, AZ 85281



SITEPLAN NOTES:

1. Existing sidewalk to remain.
2. All existing bike rack storage to remain.
3. New outdoor furniture selected by owner.
4. New high-top table and stools selected by owner.
5. New low-top table and chairs selected by owner.
6. New trees to match existing, select tree species per centerpoint standards.
7. New 42" high guard rail.
8. New 42" high planter box with desert deer grass.
9. New built-in wood bench seating selected by owner, typ.
10. New concrete fire-pit selected by owner, connect to existing gas line.
11. Existing shade canopy structure to remain. New fire retardant awning fabric to cover patio (similar to freest product) - fabric and color selected by owner. Match new shade canopy height to existing canopies.
12. New 6'-0" high fence with visual panels - see elevations.
13. New Broiler selected by owner - equipment to be open air and min. 10'-0" from R.O.W. per county requirements.

Site plan
1/8" = 1'-0"



a1

february 21, 2012

680 south mill avenue, suite 109
tempe, az

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



a1

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Site plan
1/8" = 1'-0"



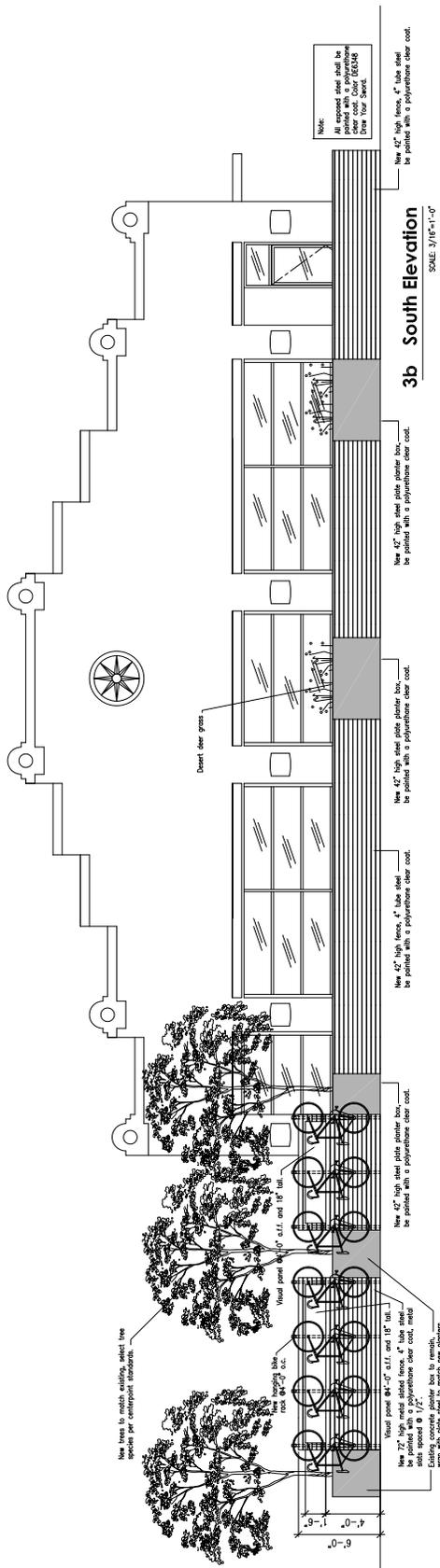
a1

680 south mill avenue, suite 109
tempe, az

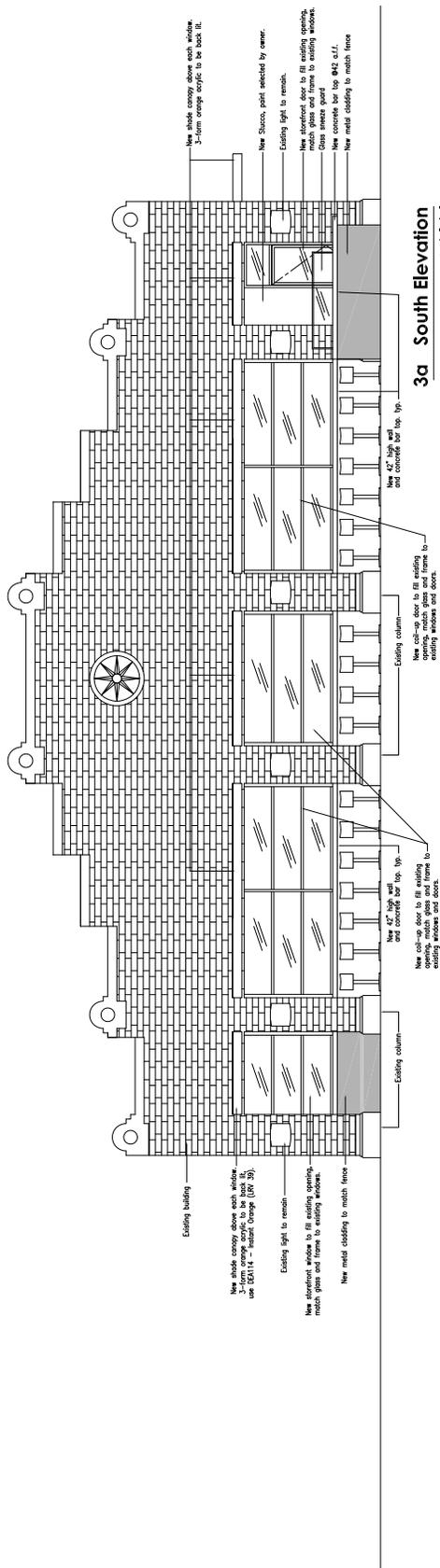
february 21, 2012

Handlebar

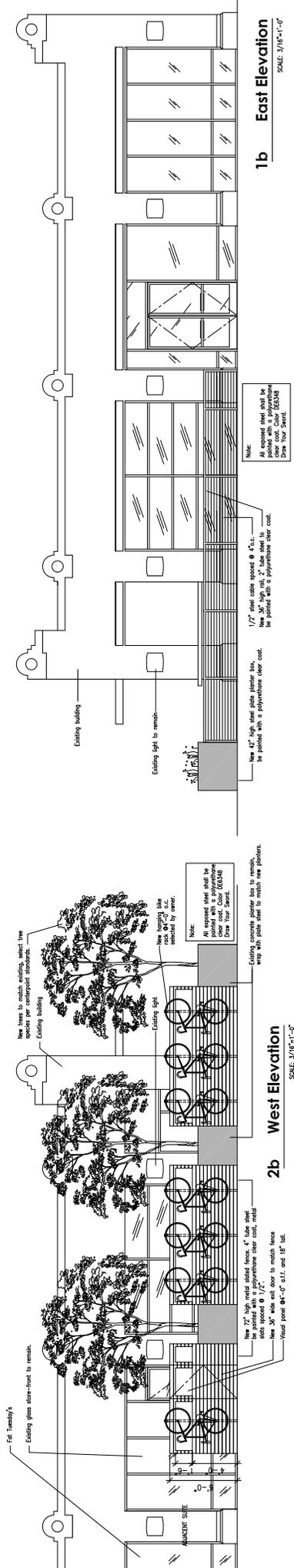
680 south mill avenue, suite 109
tempe, az



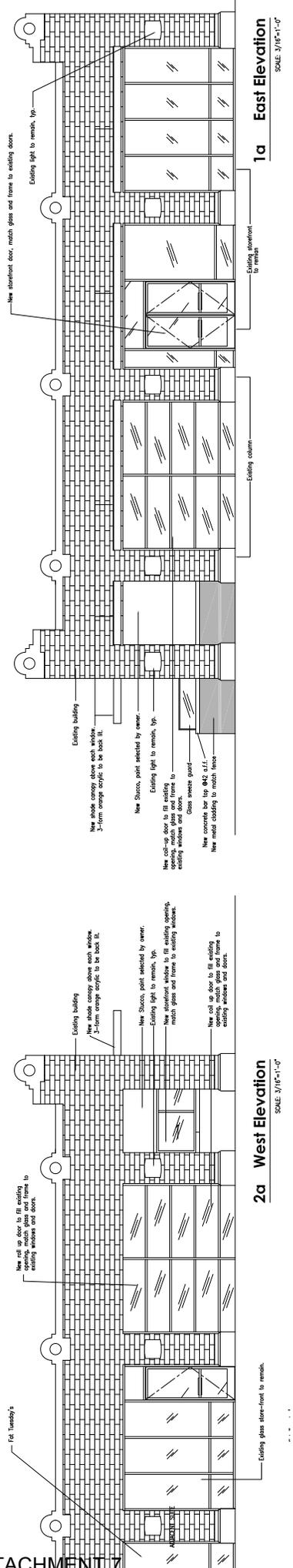
3b South Elevation
SCALE: 3/16"=1'-0"



3a South Elevation
SCALE: 3/16"=1'-0"



ATTACHMENT 7



Handlebar

680 south mill avenue, suite 109
tempe, az

february 21, 2012

Elevations
NTS

a3



