

Staff Summary Report



Hearing Officer Hearing Date: November 18, 2008

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **SOL DIABLO PIZZARIA (PL080411)** located at 904 North Scottsdale Road, Suite 106 for one (1) use permit.

DOCUMENT NAME: 20081118dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **SOL DIABLO PIZZARIA (PL080411)** (Richard Khoshaba, applicant; NG 904 LLC, property owner) located at 904 North Scottsdale Road in the GID, General Industrial District for:

ZUP08171 Use permit to allow a take out pizza restaurant in the GID, General Industrial District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

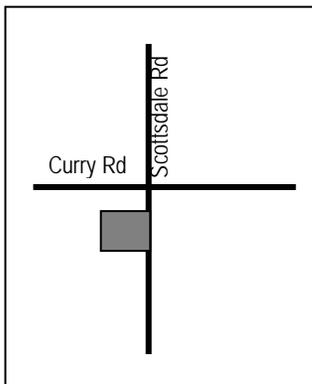
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL 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 for a take out pizza business located at 904 North Scottsdale Road, Suite No. 106 in the GID, General Industrial District. This site is located north of Loop 202 and southwest of the intersection of Curry Road and Scottsdale Road. Staff supports the use permit application. No public input has been received to date.



PAGES:

1. List of Attachments
2. Comments
3. Reasons for Approval; Conditions of Approval; History & Facts
4. 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 is requesting a use permit to allow for a take out pizza business, located at 904 North Scottsdale Road, Suite No. 106 in the GID, General Industrial District. Any retail exceeding fifteen percent (15%) of the total floor space area in the GID requires a use permit. The Pizza business can only operate a take out restaurant; there is not adequate parking to accommodate a restaurant in this plaza. The business will employ three (3) employees.

Hours of operation will be between 11:00 am and 10:00 pm, Monday thru Sunday. Sol Diablo Pizzeria will encompass approximately 1,225 square feet of the 8,025 square foot retail building.

Staff notes that while during due diligence of the property including a site visit, it was noted that there were several issues that are in violation of the Zoning and Development Code. These issues include a refuse enclosure that was constructed without a building permit, electrical conduits running along the north and west elevations that require painting to match the color of the building, and non-compliant lighting above the parapet. Commercial Code Enforcement will issue a correction notice to the property owner and management to correct these concerns.

Staff supports the use permit application. No public input has been received to date.

Use Permit

The Zoning and Development Code requires a use permit to allow a tanning salon in the GID, General Industrial 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 create any 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. 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

Conclusion

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

REASON(S) FOR APPROVAL:

1. There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
2. This use should not create any nuisances.
3. 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.
4. The proposed use appears to be compatible with surrounding 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. Obtain all necessary clearances from the Building Safety Division.
2. All new signs to receive separate approval and permits, contact Planning Staff at (480) 350-8331.
3. Use permit valid per submitted plans reviewed and approved by the Hearing Officer.
4. Use Permit is for take out/delivery only, no dining is allowed for this business.

HISTORY & FACTS:

- December 16, 2003 BA030281 - The Hearing Officer approved the request by Clarkson Wholesale Furniture for a use permit to allow a furniture showroom and sales located at 904 North Scottsdale Road.
- May 17, 2006 BA060052 - The Hearing Officer approved a request by The Pilot Shop for a use permit to allow retail sales in an industrial zone located as 904 North Scottsdale Road, Suite A in the GID, General Industrial District.
- December 5, 2006 BA050160 - The Hearing Officer denied a request by Black Lotus Tattoos for a use permit to allow a tattoo and body piercing studio.
- October 25, 2007 DPR07225 - The Development Services staff approved an exterior modification consisting of a repaint, addition of stucco and stone accents to the GSVW Retail Center.
- May 8, 2008 ZUP08083 - The Development Services Department staff approved a request by Sleep Savvy for a transfer of an existing use permit to allow a mattress and furniture store located at 904 North Scottsdale Road, Suite 101, in the GID, General Industrial District.
- June 3, 2008 ZUP08087 - The Hearing Officer approved a Use Permit for Fahrenheit Tanning to operate a tanning salon.
- June 3, 2008 ZUP08088 - The Hearing Officer approved a Use Permit for Bella Nail to operate a nail salon.

July 10, 2008

DPR08136 - The Development Services staff approved a stucco popout, refuse enclosure, and site lighting modifications for GSVW Retail Center.

July 11, 2008

DSM08034 - The Zoning Administrator approved a parking reduction from 21 to 19 spaces.

DESCRIPTION:

Owner – NG 904 LLC
Applicant – Richard Khoshaba
Existing Zoning – GID, General Industrial District
Parcel Area – 17,486 s.f./ .40 acres
Building Area – 8,025 s.f.
Tenant Area – 1,225 s.f.
Parking Required – 4 spaces (Individual Tenant)
Parking Provided – 19 spaces (Retail Center)

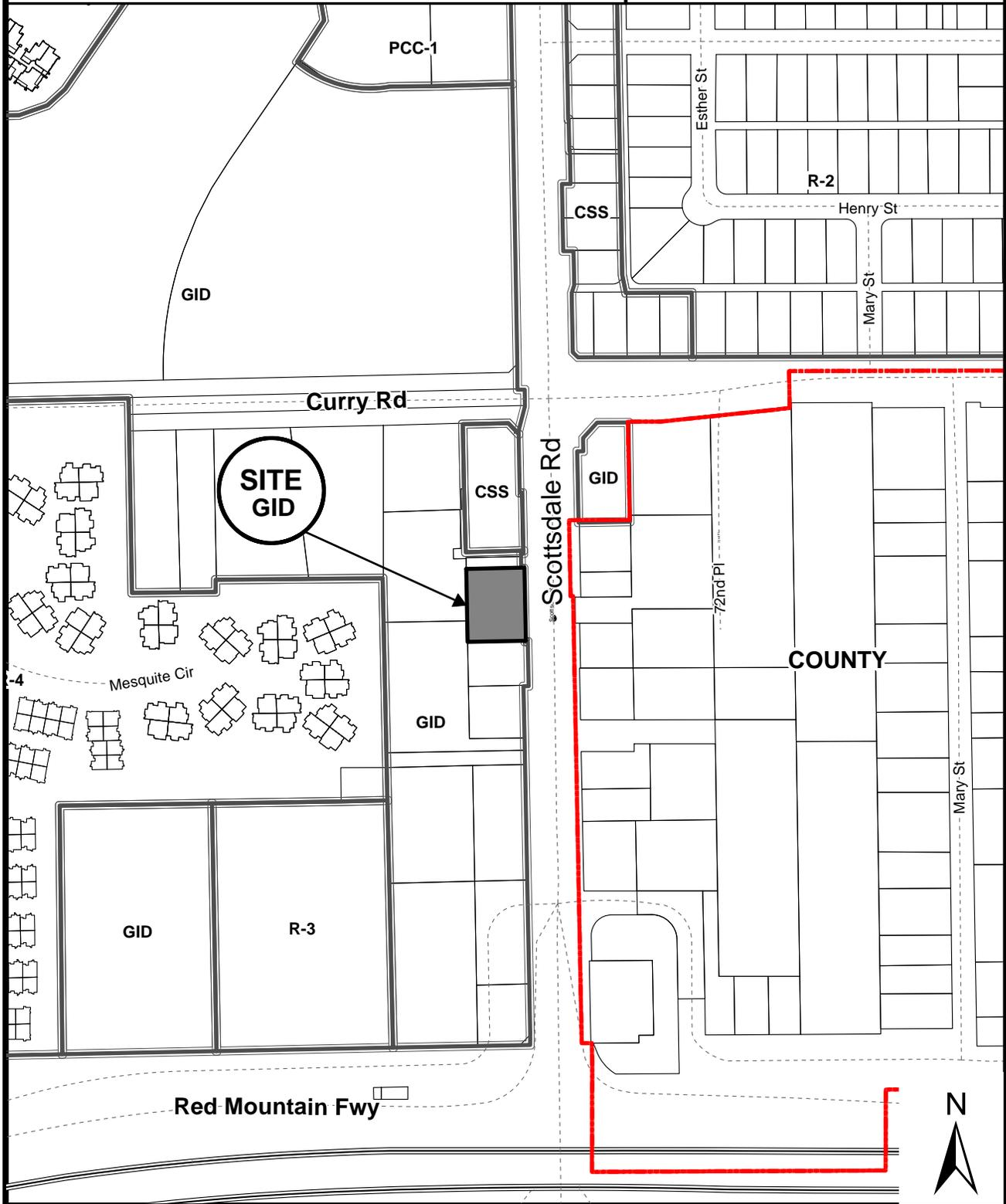
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

SOL DIABLO PIZZARIA

PL080411



Location Map



SOL DIABLO PIZZARIA (PL080411)

City of Tempe

To whom it may Concern,

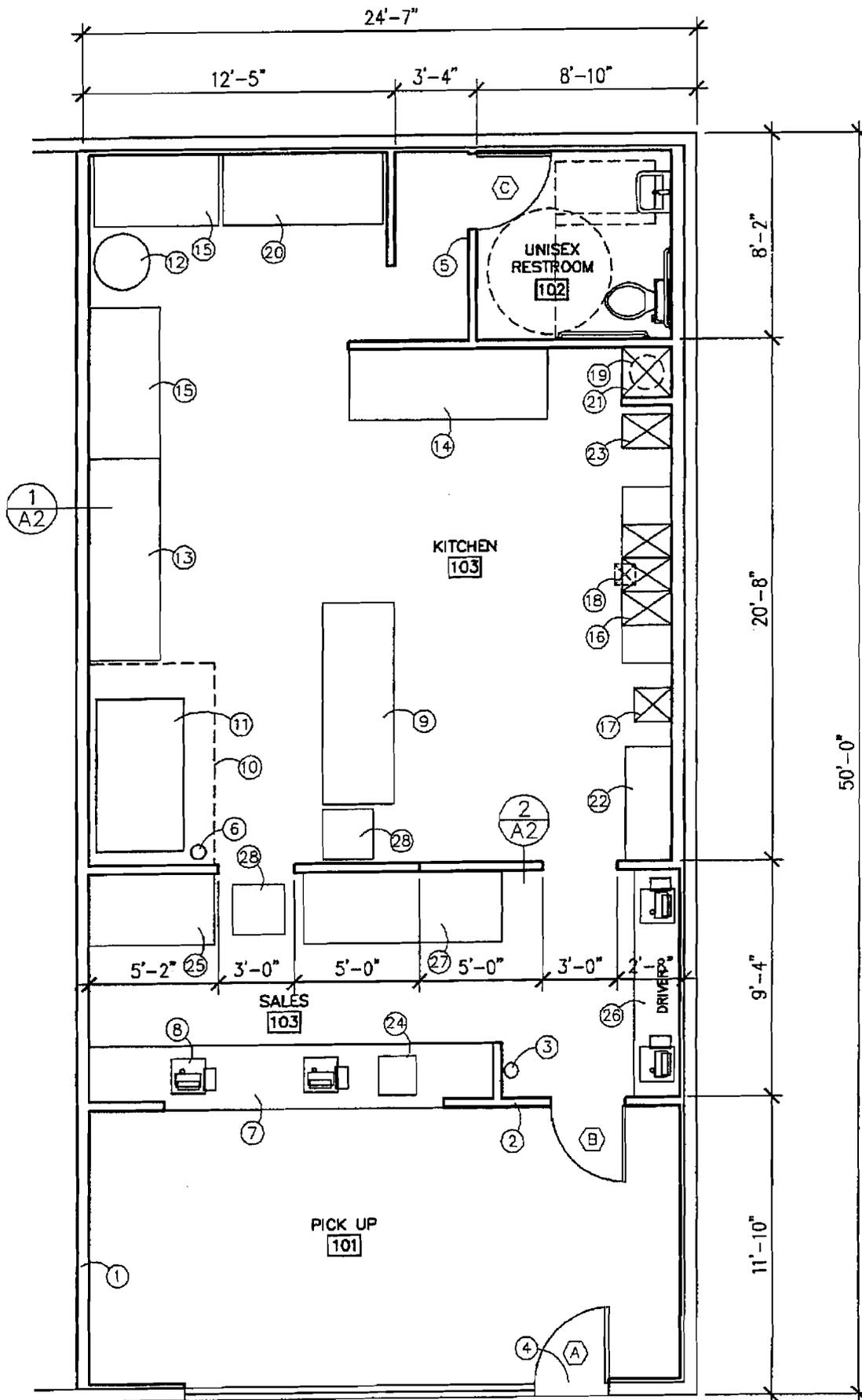
My name is Richard Khoshaba and I am applying to open a pizzeria restaurant. The name of the business is Sol Diablo Pizzeria. It will be a delivery restaurant only. Sol Diablo is a pizza only restaurant. If you have any further questions please dont hesitate to call me at (623) 698-3295. I forgot to mention we will have 3 employees.

Sincerely,



10-29-08

Richard Khoshaba



904 N. SCOTTSDALE #106
 FLOOR PLAN N ↗



SOL DIABLO PIZZARIA

904 N SCOTTSDALE RD., SUITE NO. 106

PL080411

FRONT OF BUSINESS

