

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 05/23/2023
Agenda Item: 3**

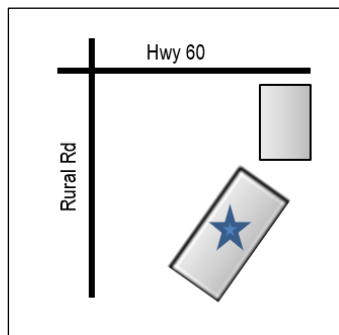
ACTION: Request a Use Permit to allow live entertainment (open mic nights, poetry readings, story hours, and live music) for **BRICK ROAD COFFEE**, located at 4415 South Rural Road, Suite 10. The applicant is Brick Road Coffee.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: BRICK ROAD COFFEE (PL230072) is an existing coffee shop in the Fairlanes Village Center Plaza, in the PCC-2, Planned Commercial Center General zoning district. The request includes the following:

ZUP230017 Use Permit to allow live entertainment.



Property Owner
Applicant
Zoning District
Suite Area
Hours of Operation

Reddy Holdings LLC
Brick Road Coffee
PCC-2 (Planned Commercial Center General)
975 s.f.
M-F, 7:00 a.m.-10:00 p.m.
Sat. & Sun, 8:00 a.m.-10:00 p.m.

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Lily Drosos, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Brick Road Coffee is an existing business, located in Suite 10 of the Fairlanes Village Center Plaza, on the east side of Rural Road and south of the US 60. Brick Road Coffee is requesting a Use Permit to allow indoor live entertainment for open mic nights, poetry readings, story hours, and live music performances by small groups. While there are adjacent residential uses to the east of the plaza, the rear door of the suite shall be kept closed during events to mitigate noise levels. The applicant has indicated that noise levels during live entertainment performances are not expected to exceed that of the business's regular, operating sound levels.

PUBLIC INPUT

Since the publishing of this report, staff has not received any public comments.

POLICE INPUT

The Police Department did not have any input regarding this request.

USE PERMIT

The proposed use requires a Use Permit to allow live entertainment within the PCC-2 district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to cause a significant increase in vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the indoor live entertainment use is not expected to create any nuisances exceeding that of the ambient conditions, as noise during performances will be kept at the same volume as the business's regular operating levels.
3. *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*; live entertainment is a permitted use in the PCC-2 district subject to a Use Permit, therefore it will not contribute to the deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses*; the proposed use is compatible with the neighboring businesses, as Brick Road Coffee is located in an existing shopping center with adjacent commercial uses.
5. *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 is not expected to cause disruptive behavior, but the business is willing to promptly address any nuisances. A security plan is required and the business owners will cooperate with the Tempe Police Department.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid for the plans as submitted within this application.
2. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
3. **The rear door shall remain closed during events to mitigate sound levels for the adjacent residential uses.**
4. Live entertainment to cease at 10:00 p.m. Sunday-Saturday.
5. Hours of operation to end no later than 10:00 p.m. on a daily basis.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

- The Use Permit is valid for Brick Road Coffee and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

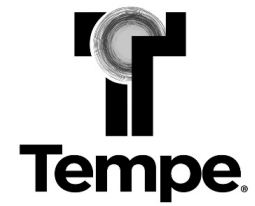
None pertinent to this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)

[Section 6-308, Use Permit](#)

[Section 6-313, Security Plan](#)



DEVELOPMENT PROJECT FILE
for
BRICK ROAD COFFEE
(PL230072)

ATTACHMENTS:

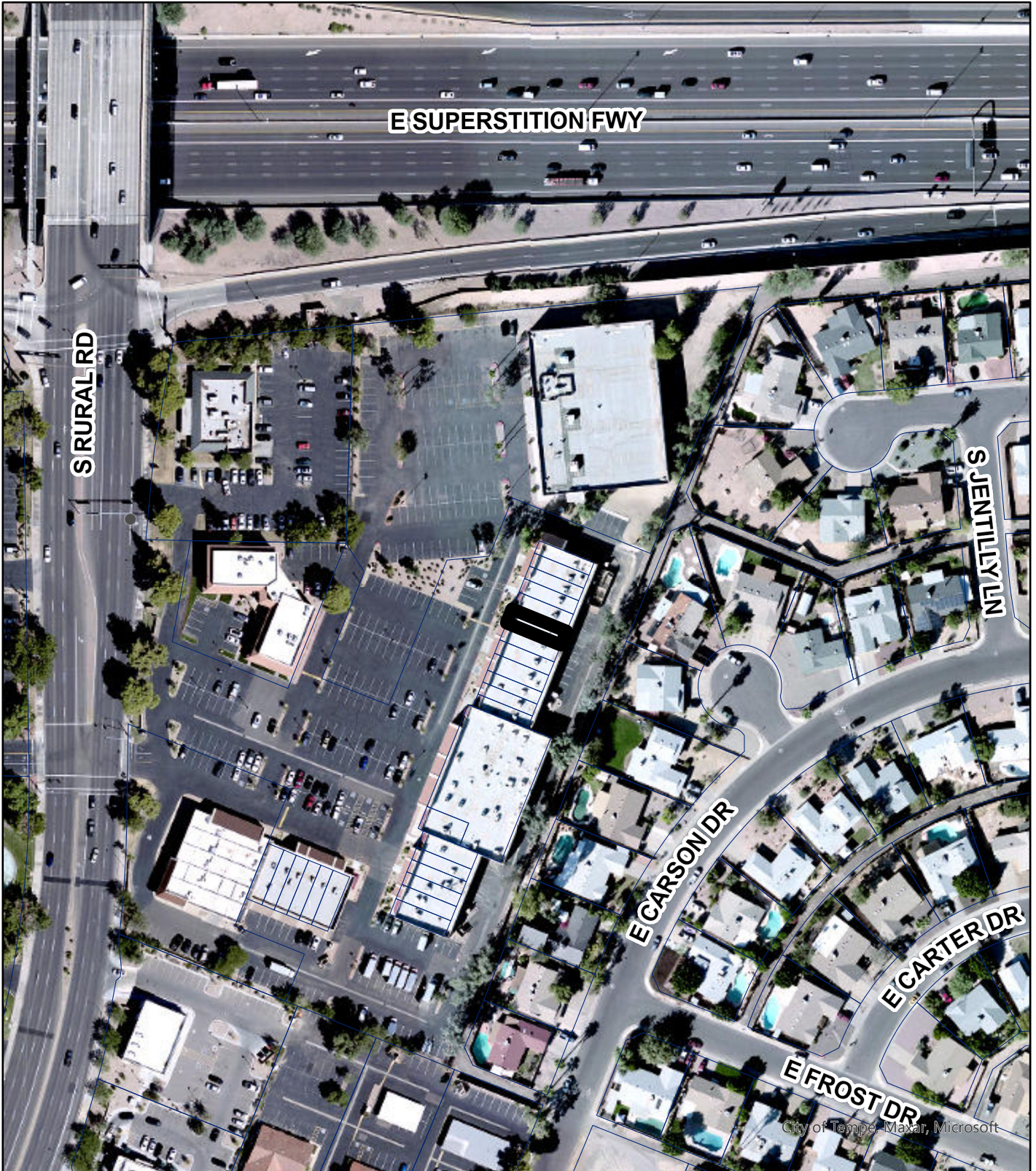
1. Aerial Map
2. Location Map
3. Letter of Explanation
4. Suite Map
5. Site Plan
6. Floor Plan
- 7-10. Context Photos



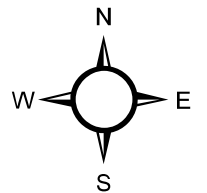
Tempe

PL230072

BRICK ROAD COFFEE

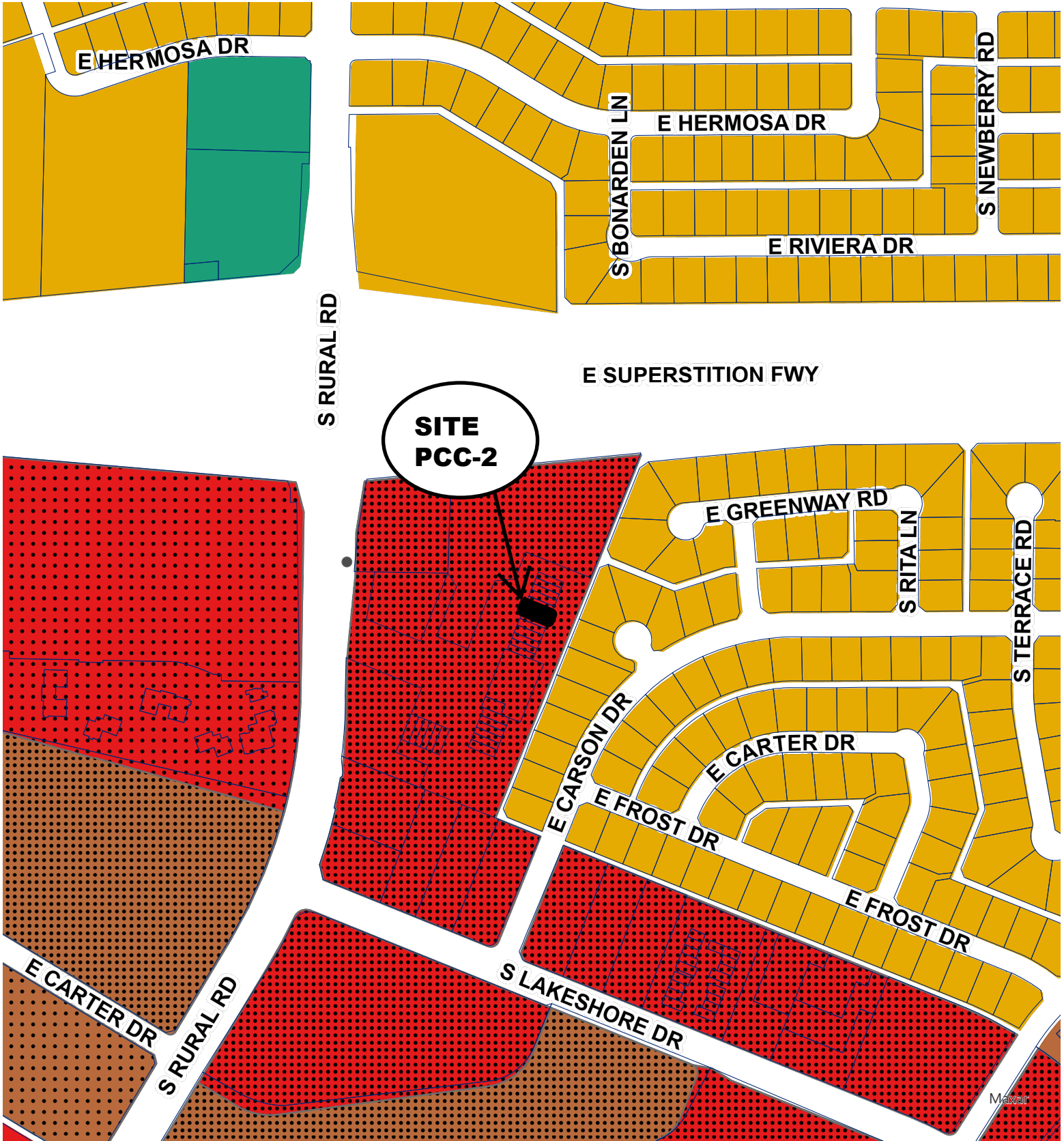


Aerial Map





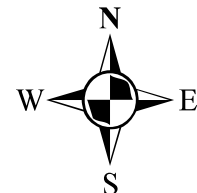
BRICK ROAD COFFEE



- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Planned Commercial Center General (PCC-2)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential (R-2)
- Multi-Family Residential Restricted (R-3R)

- Multi-Family Residential Limited (R-3)
- Parcels
- Twelve Point**
- CenterlineSubType**
- ADOT
- Canal

- Monument
- Private
- Railroad
- Street
- <all other values>
- Zoning District**
- Light Industrial District (LID)



Letter of Explanation

To whom it may concern,

Brick Road Coffee would like to host small events and live music at our place of business. Our coffee shop operations Monday-Friday from 7a-10p and Saturday & Sunday from 8a-10p. There are a total of 8 employees. We anticipate minimal impact to our surrounding area as there is ample parking and our events are not expected to draw in crowds larger than our normal operating volumes. Our events will be contained in our space. Our events will be kept to a reasonable volume similar and we don't anticipate the volume of our events disturbing any residential or commercial neighbors. Events we are planning to host with this use permit include open mic nights, poetry readings, story hours, and live music performances by small groups.

A: Any significant vehicular or pedestrian traffic in adjacent areas:

No, We do not expect any additional traffic beyond what our space typically operates with. Our shopping center has ample parking to support our customers and any events and pedestrian traffic should be limited to our parking lot as our events would be indoors.

B: Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions:

We do not anticipate using any space beyond what has already been planned and allocated for the shopping center. This should not cause any increase in emissions of odor, noise, etc. not already accounted for. Our events will be indoors which is not anticipated to cause any noise to escape beyond our normal operational noise.

C: Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is a conflict with the goals, objectives or policies of the city's adopted plan for General Plan

Our plan is to increase the livability and culture available in central Tempe through our programming. Whether it is small open mic nights or story hours our events would be limited in size.

D: Compatibility with existing surrounding structures and uses; and

Our existing shopping center already houses a meeting space, restaurants, and a bowling alley. Our programming is expected to complement these other venues and we do not anticipate anything to compete or to be considered a nuisance. Our back door faces residential and remains closed at all times for both safety, neighborly, and health code reasons.

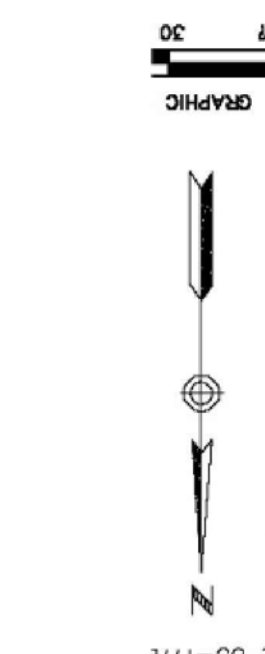
E: Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public

We proactively work with the City of Tempe Police department to monitor any potential disruptive behavior related to our existence. We have partnered to ensure we have full authority to trespass anyone violating our space or causing disruptions.

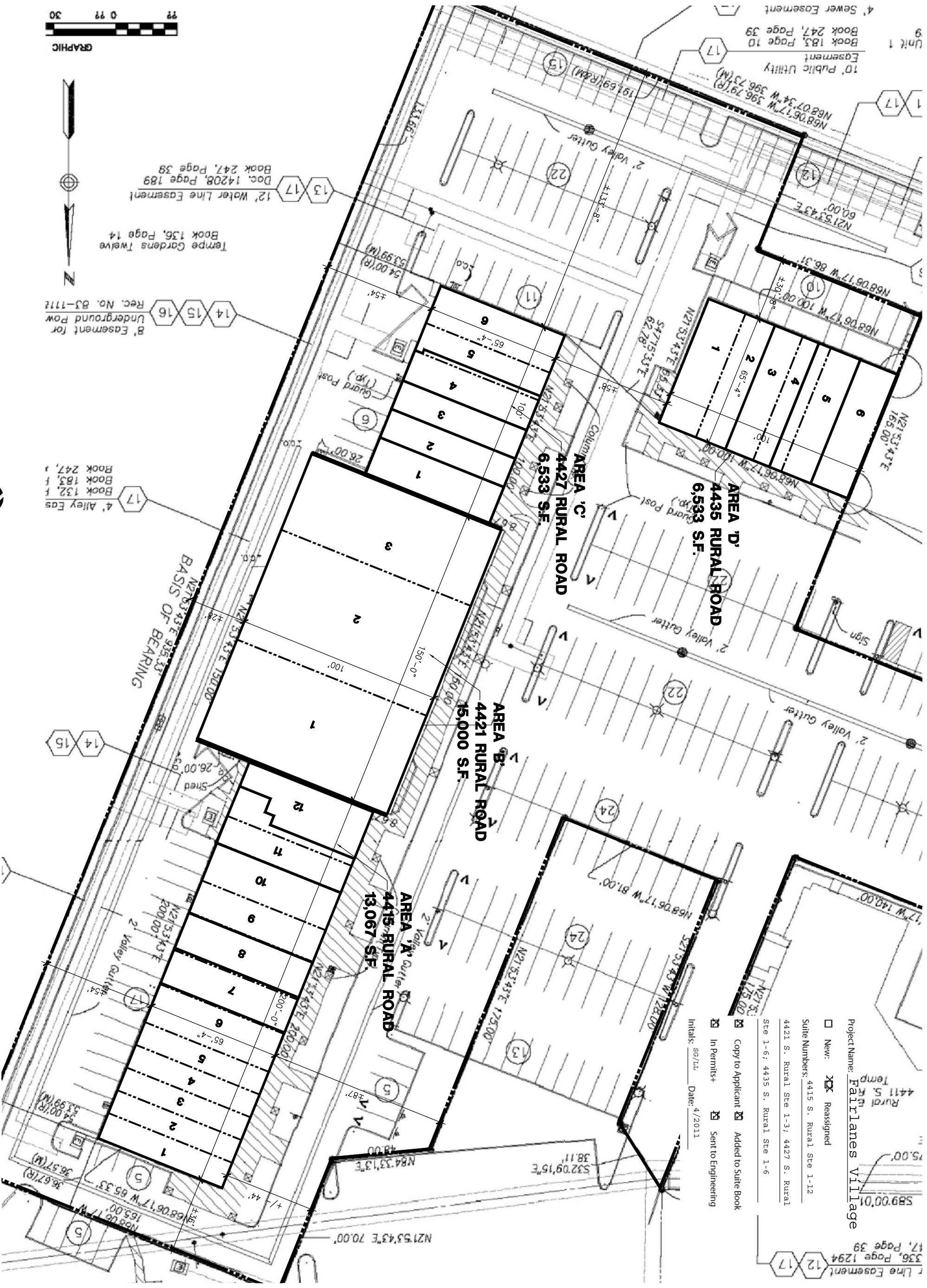
Thank you,

Gabe Hagen

Business Owner



ENLARGED SITE PLAN
SCALE: 1" = 20'-0"



Project Name: Fairlanes Village
 4415 Rural
 4415 Rural

New; Reassigned

Suite Numbers: 4415 S. Rural Ste 1-12
 4421 S. Rural Ste 1-3; 4427 S. Rural
 Ste 1-6; 4435 S. Rural Ste 1-6

Copy to Applicant; Added to Suite Book

In Permits+; Sent to Engineering

Initials: sg/lt Date: 4/2011

17, Page 39
 336, Page 1294
 12, Page 39

ADG Job No: **A0511**

Date: 2/28/11
 Drawn: AS NOTED
 Checked: N.A.L.

SP-2

ENLARGED EXISTING SITE PLAN

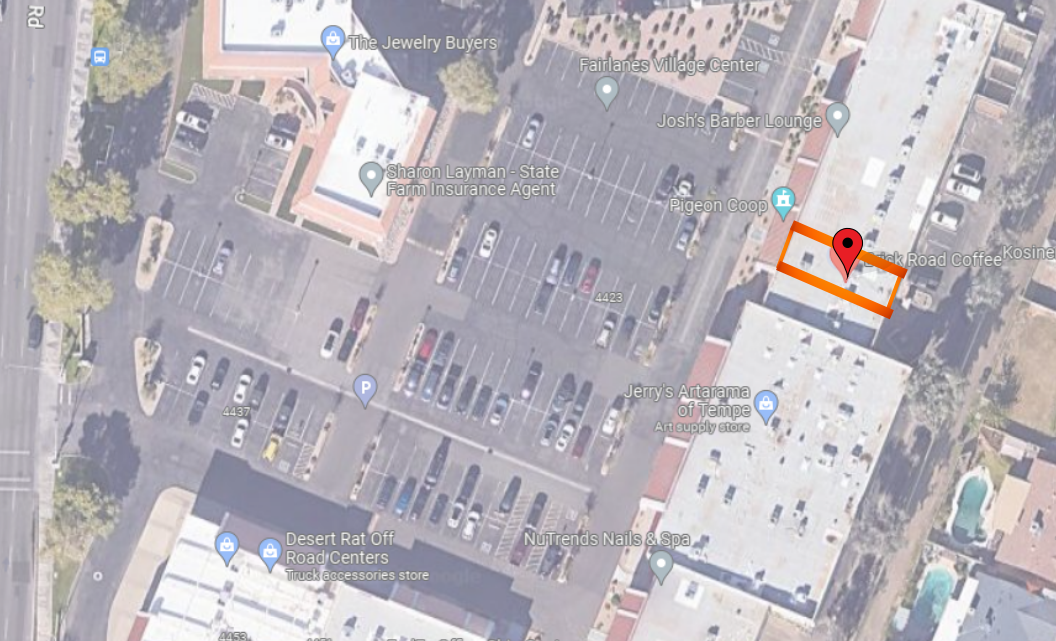
No.	DATE:	REVISION:

FAIRLANES VILLAGE CENTER

A CONDOMINIUM DEVELOPMENT OF A PORTION OF TRACT E OF LAKE COUNTRY ESTATES
 TEMPE, ARIZONA

ANDREWS DESIGN GROUP, INC.
 ARCHITECTS AND PLANNERS
 4434 N. CMV CENTER PLAZA
 SUITE 101
 TEMPE, ARIZONA 85251
 (480)894-3478

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Project Data:

Contact: Gabe Hagen

Address: 4415 S Rural Rd. Ste 10- Tempe AZ 85282

Phone: 519-929-6464

Email: Brickroadcoffee@gmail.com

Brick Road Coffee Use Permit Application

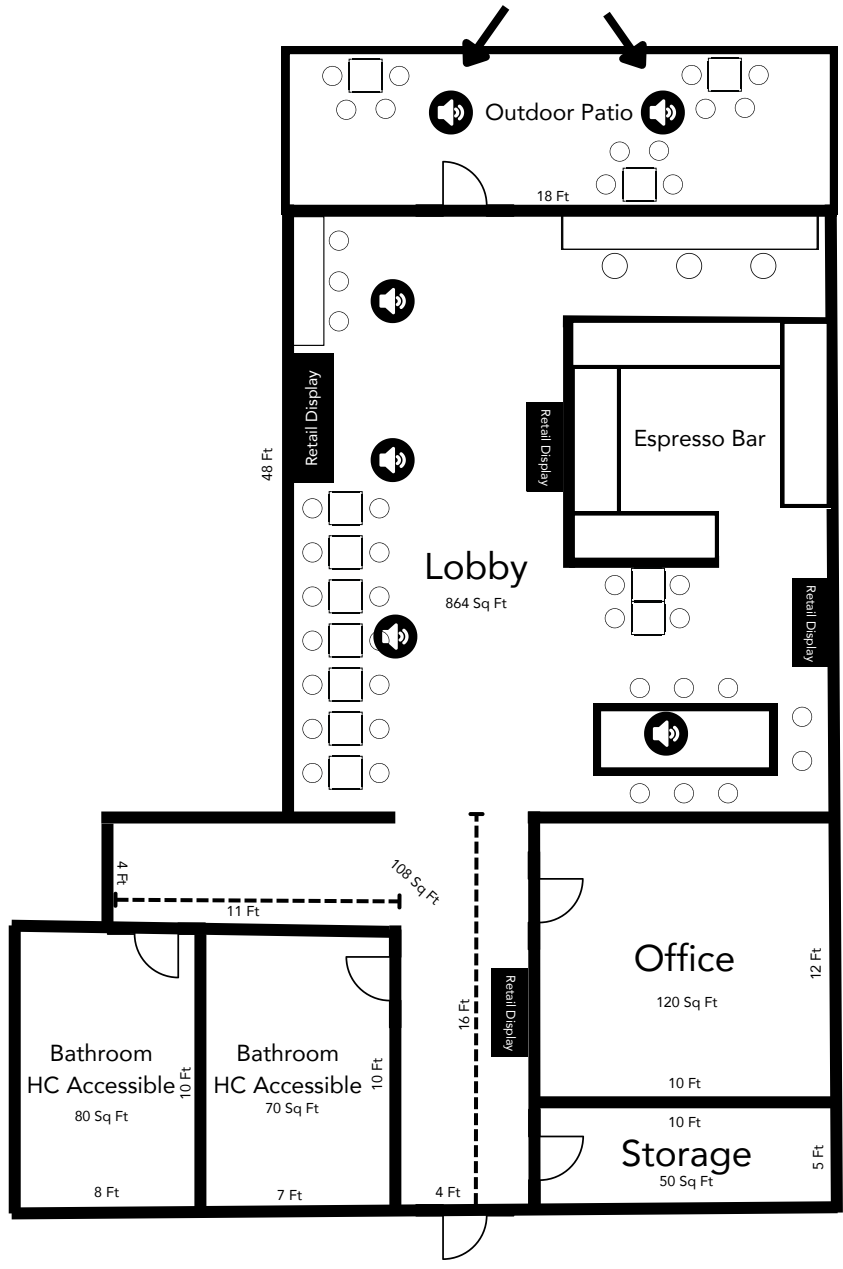


Business

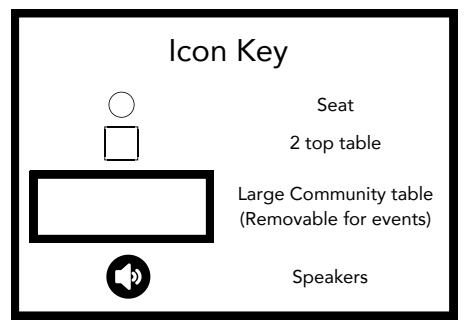


Brick Road Coffee Approximate boundaries

Outdoor Speakers are on separate volume control



Primary Performance Area



Floor Plan not to scale
Measurements are approximated to the nearest foot measurement



THEY EVEN
LAID OUT DOUG'S BODY
IN THE LIVING ROOM.

BOOK CLUB
... PICK ...
April
The Book Eaters
by
Sung J. Deen

BOOKS
THE BEASTS OUT
ALICE'S SEASIDES
BOOK
THE BEASTS OUT
ALICE'S SEASIDES
BOOK

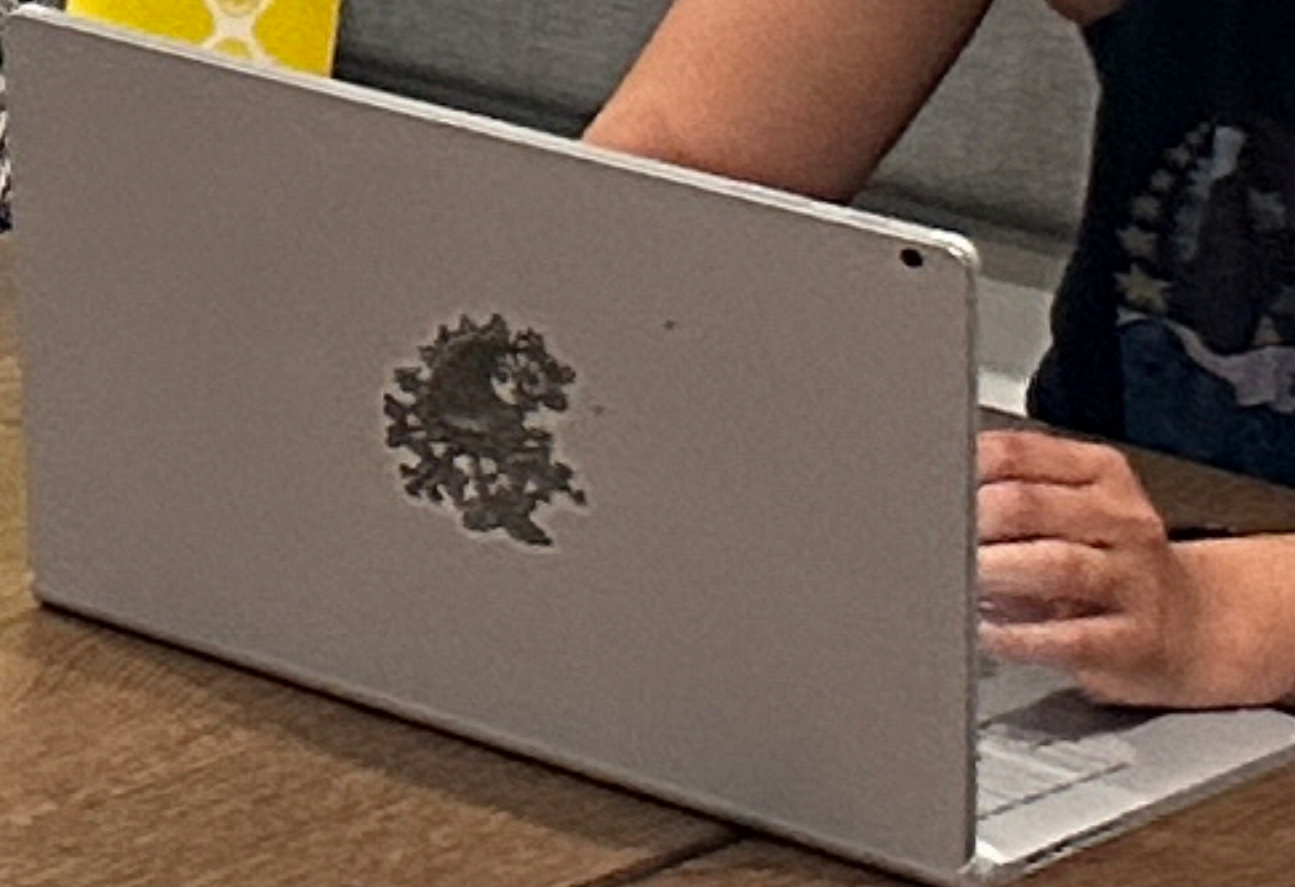
BOOKS
THE BEASTS OUT
ALICE'S SEASIDES
BOOK



WELCOME
TO
BRICK ROAD
COFFEE
OUR DREAM - YOUR SPACE



JOIN OUR
COMMUNITY TABLE!



TILL ONE OF THE
GOT D



ee
GATT
MAY

WELCOME
TO
BRICK ROAD
COFFEE
OUR DREAM - YOUR SPACE

EXIT

SUITE 10

Brick Road

I drink and I know

PLEASE

