

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 8/22/23

Agenda Item: 7

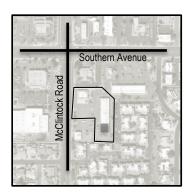
ACTION: Request a Use Permit to allow a drive through restaurant for THE BUZZED GOAT COFFEE, located at 3415 South McClintock Drive, Suite 114, the applicant is Von Beans, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: BUZZED GOAT (PL230220) is a 1,440 s.f. tenant suite located at the south end of a commercial building of inline tenant suites. Suite 114 was a prior dry-cleaner with a drive-through that has been vacant since January 2008. The proposed change of use requires a new Use Permit for a restaurant with a drive-through. The proposed use includes a series 12 liquor license for a coffee bar and tap house with limited food service. An updated parking analysis was provided by the property manager and reviewed and approved by staff to meet code requirements for the change of use. On June 28, 2022, the Development Review Commission approved this request (PL220003) and the applicant subsequently initiated tenant improvements with building permits. Due to unforeseen circumstances, the construction was delayed and building permits expired, along with the use permit. The applicant is requesting re-approval of the following:

ZUP230051 Use Permit to allow a drive through restaurant in the Commercial Shopping and Service (CSS) District.



Property Owner William Steele, Cheyenne Properties LLC.
Applicant Gabriel Von Weimer, Von Beans, LLC

Tenant Gabriel Von Weimer

Zoning District CSS

Site Area 88,322 s.f. (2.03 acres)

Building Area 21,900 s.f.

Lot Coverage 25% (50% max. allowed)
Landscape Coverage 32% (15% min. required)
Building Height 18' (30 max. allowed)

Building Setbacks 20' front, 15'side, 35' rear (0', 0',10' min. required) Vehicle Parking 147 spaces provided (146 code required: 122 min.

by shared time of day model)

Bicycle Parking 30 spaces (15 hoops) (18 min. required)

Hours of Operation 5am to 7pm

Building Code Occupancy A-2 Assembly (Restaurant) occupancy 42

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner, (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner Reviewed by: Mailen Pankiewicz, Principal Planner

COMMENTS

The site is located on the south east side of Southern Avenue and McClintock Road, in the Alameda Character Area Plan. The property has never been subdivided. There are commercial uses to the north and multi-family residences to the east and south of the property. The site has two existing retail buildings, a dental office and a row of inline suite tenants. Tenants include a legal consulting office, an income tax office, a sports collection shop, two smoke shops and a noodle shop. Suite 114 has been vacant since January 2008. The property shares parking with the Boston Market based on a prior approved variance and parking study, however it does not include the parcels or uses along Southern Avenue. An updated parking study was provided to address the change in available parking on site and the proposed change of use from dry-cleaner to restaurant. The existing drive through would be utilized for the new restaurant use. The prior use permit and building permits expired without a requested time extension, resulting in the applicant being required to apply for a new use permit and new building permits. This request includes:

ZUP230051 Use Permit to allow a drive through restaurant in the Commercial Shopping and Service (CSS) District.

The applicant is requesting the Development Review Commission act on the items above, there is no further processing required for this request.

PUBLIC INPUT

A neighborhood meeting not required. No input received at completion of the report.

POLICE INPUT

There is no requirement for a security plan with this use, if live entertainment were requested or the use intensified then reconsideration of the security plan requirement would be evaluated. At the point that a liquor license is requested, the site security would be evaluated and state regulations for licensing would be applied.

USE PERMIT

The proposed use requires a Use Permit to allow a restaurant with drive-through use in the CSS Commercial Shopping and Service Zoning District. The applicant has provided a letter of explanation regarding the proposed use. The business is open from 5am to 7pm, seven days a week. The applicant has indicated they will be obtaining a series 12 liquor license in 2023. The occupancy of the 1,440 s.f. suite #114 is 42 people, the applicant plans to have three employees on a shift. The parking required for this suite is 19 spaces. Peak hours are from 5am to 8am and from 3pm to 6pm. The drive-through would be for coffee beverages and pastries. The plans include indoor seating for 27 including accessible spaces at both tables and bar, and a drive-up single window for point of ordering, transaction and food and beverage service. Based on hours of other coffee shops and drive through restaurants in Tempe, the conditions of approval allow this use to operate up to 11pm, although the current business plan indicates a closing time of 7pm.

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

- 1. Any significant increase in vehicular or pedestrian traffic; The proposed drive-through restaurant will utilize an existing drive-through at the south side of a commercial building with queuing available within the property without conflict to the parking or on-site circulation. Pedestrian traffic from the parking lot or transit stops would be separated from the drive through lane and access the building on the west entrance. The site has a variety of uses with different times of day peak use of the site which may be symbiotic to the proposed coffee bar and tap room which may have peak periods in the early morning and early evening. The suite is 1,440 s.f. which is a relatively small space for a restaurant use and it has no patio area; the suite requires 19 parking spaces and based on scale and scope of use is not anticipated to generate significant 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 proposed use is contained within the suite the nearest residences are approximately 77' from drive through window to building unit wall south of the site. The missing landscape along the south perimeter of the site will be required by condition to restore the buffer along the south side. There is no coffee roasting or beer brewing on site, deliveries to the suite occur on the east side of the building, approximately 81' from the residences to the east. There is no speaker box for the drive-thru; patrons would order at the window. The non-illuminated menu board would be mounted on the building next to the window. Ordering would be face to face and not cause nuisance from noise or glare to the adjacent properties. There are no outdoor patio seats for this suite.

- 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; The site had a history of drive-through use in this suite; the 15-year vacancy of the corner suite has led to deterioration of the south east corner of the site, which will be revitalized with a new use and restoration of missing landscape and activation of the area with customers and employees. The influx of business will help rehabilitate the existing commercial center and provide a new use for residents in the area.
- 4. Compatibility with existing surrounding structures and uses; The CSS zoning allows restaurant uses and allows drive through uses with the use permit to evaluate compatibility. The existing buildings will not be modified and the additional restaurant is compatible with the other uses on site.
- 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 drive through provides greater employee and customer surveillance of the south east end of the site, which is not visible from the street front. Activation of this area with daily deliveries, customer service and utilization of the refuse enclosure at the south east corner will help reduce the existing nuisances noted in this corner of the lot and add security to the property.

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.

CONDITION(S) 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.

- The Use Permit for BUZZED GOAT COFFEE is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, onsite storm water retention may be required to be verified or accomplished on this Site.
- 2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
- No outdoor speakers shall be allowed.
- 4. No live entertainment is allowed; live entertainment requires a separate Use Permit.
- 5. Hours of operation to end no later than 11pm on a daily basis.
- 6. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
- 7. Replace all dead or missing trees along the south and east side of the site within the landscape area and in the existing parking lot landscape islands; along with any other missing landscape material.
- 8. The rear exit door to suite 114 shall have a security vision panel. Details to be approved through Building Safety Plan Review.

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 BUZZED GOAT and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

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- 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.
- SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise
 related to specific comments, they should be directed to the appropriate department, and any necessary modifications
 coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the
 Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior
 to issuance of building permits
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- 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.
- This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.

HISTORY & FACTS:

1930-1976	Historic Aerials indicate former agricultural use of the site
July 11, 1985	Certificate of Occupancy for the commercial building.
September 26, 1990 November 22, 1993	Board of Adjustment approved a Use Permit to allow a 1,440 s.f. laundry and dry-cleaning facility in the C-1 Zoning district for Comet Cleaners at McClintock Village. This is suite 114, the subject suite of the current use permit request. The Board also approved a variance to waive the required center and end parking lot landscape islands. Note: The dry-cleaning use was allowed with a drive-through; the change of use to a restaurant with drive through requires a new Use Permit. Board of Adjustment approved a variance for Boston Market to reduce the required on-site parking from 159 to 151 parking spaces for the total center, in order to allow a restaurant use at 3435 S. McClintock Drive in the C-1 Zoning District.
2005	The new Zoning and Development Code changed the C-1 Zoning District to CSS, Commercial Shopping and Service.
October 21, 2008	Smoke World was granted a use permit to allow a tobacco retailer in suite 109 of this building.
November 1, 2013	Community Development staff approved a Development Plan Review for Risas Dental at 3401 S. McClintock Drive.

At some time between 1990 and 2022 the parking on site was reduced from 151 to 147, it is not clear if this was a restriping or modification for accessible parking, historic aerial images consistently show a total of 5 accessible spaces on site. The change in onsite parking and the proposed change of use from dry cleaner to restaurant triggered an update to the prior 1993 parking analysis on file to determine sufficient parking for the new use.

June 3, 2022 Community Development staff approved the updated parking analysis for McClintock Village, with current and proposed tenant uses requiring 146 spaces and 147 available on site, and a time-of-day model showing a maximum peak demand of 122 parking spaces.

June 28, 2022 Development Review Commission approved the requested Use Permit for BUZZED GOAT to

allow a drive-through restaurant in suite 114, replacing the prior dry-cleaner on site. (PL220003) The project had delays that resulted in expiration of building permits and subsequent expiration of

the use permit, requiring the applicant to seek a new use permit for the same request.

August 22, 2023 Development Review Commission is scheduled to hear the requested Use Permit for BUZZED

GOAT to allow a drive-through restaurant in suite 114, replacing the prior dry-cleaner on site.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts

Section 3-408, Drive-Through Facilities

Section 6-308, Use Permit

Section 6-901, Time Extensions



DEVELOPMENT PROJECT FILE

for BUZZED GOAT (PL230220)

ATTACHMENTS:

- 1-9. Site Context (Location Map, Aerial and Site Context Photos)
- 10. Applicant's Letter of Explanation
- 11-14. Site and Building Design (Site Plan, Floorplan, Building Elevations) For Reference



THE BUZZED GOAT COFFEE

PL230220



Aerial Map



THE BUZZED GOAT PL23022 E ALAMEDA DR E CAIRO DR E CAMPUS DR DORSEYLN S Ш LM SI DR E WESLEYAN DR MCCLINTOCK E DEL RIO DR E DEL RIO DR ELOYOLADR E FAIRMONT DR **KACHINA DR** SITE CSS E HUNTINGTON DR E SOUTHERN AVE ST **ENEWPORT DR** PINE DR **EMALIBUDR** ST E LAGUNA DR S BUTT DR ELACUNA DE OE PEBBLE BEACH DR ALDER **E LAGUNA DR** S ELA JOLLA DR S ELA JOLLA DR E MANHATTON DR S SALDER DR MCCLINTOCK DR ST E RIVIERA DR E HERMOSA DR PINE IS **E SUPERSTITION FWY** E GREENWAY DR Commercial Shopping and Services (CSS) Multi-Family Residential High (R-5) Monument Planned Commercial Center Neighborhood (PCC-1) Parcels Parcels Private Planned Commercial Center General (PCC-2) Railroad Twelve Point Residential/Office (RO) Street CenterlineSubType Single-Family Residential (R1-6) <all other values> ADOT Multi-Family Residential (R-2) **Zoning District** ATTACHMENT 2 — Canal Multi-Family Residential Limited (R-3) Light Industrial District (LID)





THE BUZZED GOAT COFFEE COMPANY

CITY OF TEMPE
EXISTING DRIVE-THRU USE PERMIT
CONTEXTUAL PHOTOS

3415 S. MCCLINTOCK DRIVE
SUITE 114
EXISTING DRIVE-THRU GOOGLE
EARTH VIEW



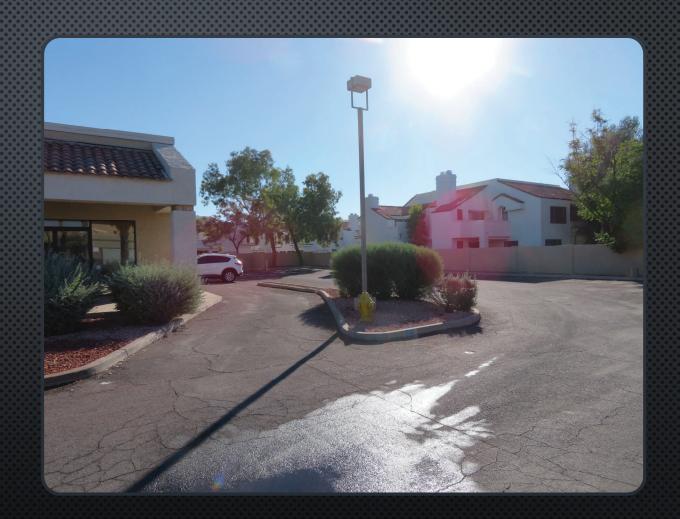
3415 S. MCCLINTOCK DRIVE
SUITE 114
EXISTING STOREFRONT



3415 S. McClintock Drive
SUITE 114
EXISTING DRIVE-THRU
APPROACH FROM SOUTH
MCCLINTOCK DRIVE



3415 S. McClintock Drive
SUITE 114
EXISTING DRIVE-THRU
APPROACH AND ADJACENT
PARKING



3415 S. MCCLINTOCK DRIVE SUITE 114 EXISTING DRIVE-THRU APPROACH



3415 S. MCCLINTOCK DRIVE SUITE 114 EXISTING DRIVE-THRU ADJACENT PARKING LOT



Date: 07/27/2023

Subject: The Buzzed Goat Drive Thru Permit

To Whom It May Concern:

The Buzzed Goat Coffee Company is a local coffee bar. What makes us special and different from other coffee shops is our high energy and upbeat environment. What also sets us apart is that we make our cold brew fresh in-house. The Buzzed Goat is opening its third location, but this is our first one with a Drive Thru, serving only coffee and pastries out of the drive-thru. We are planning on applying for our class 12 liquor license (2024) but will not sell alcoholic beverages through the drive-thru. We will be open from 5 am to 7 pm and do not plan to stay past 7 pm, our peak hours will be Sat-8 am and 3 pm-6 pm. The business will run with 2-3 employees working at a time, totaling 7 employees, our anticipated maximum occupancy is 42 with 3 employees. The drive-thru is a quick and easy way to get coffee out of the door, to prevent long lines we have the customer place an order through an employee outside, therefore there will be no speaker needed and by the time they get to the window the coffee will be out and ready, our busiest time is when no other businesses are open, so there are no traffic concerns in the parking lot. Most supplies will be picked up or dropped off by management, bigger deliveries will be dropped off early mornings through the back alley.

This establishment will have a no-smoking policy, therefore, there will not be an outdoor patio for smoking. In the future having our liquor license will not affect the hours of operation 5 am-7 pm, same as our Ahwatukee location. We are a local business that is very entrenched in the community and supports local businesses as much as we can, including pastries from a local baker. We work with neighboring schools with catering and our food truck. The Buzzed Goat gives back a portion of proceeds to sponsor school club leagues etc. We hope to do the same in Tempe including bringing more business to our plaza. Having a Drive Thru will give us the opportunity to serve the community in a safe manner where customers do not have to come into the establishment to get great coffee.

Thank you.

Sincerely,

Gabe VonWeimer

