

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 05/28/2024  
Agenda Item: 1**

**ACTION:** Request a Use Permit to allow entertainment (live music) for **LUSH CAFE AND LOUNGE** located at 7470 South Priest Drive. The applicant is Rosa Harrison.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** **LUSH CAFE AND LOUNGE** (PL240015) is located in the Grove Parkway Plaza on the northwest corner of Priest Drive and Elliot Road. Zoned Planned Commercial Center District (PCC-1) and located within the Southwest Tempe Overlay District (STOD), Lush Café and Lounge has been in business since March 2023, and operates with a Series 12 (Restaurant) liquor license. The request includes the following:

ZUP240008      Use Permit to allow entertainment (live music)



Property Owner	Lush Cafe and Lounge LLC
Applicant	Rosa Harrison, Lush Cafe and Lounge
Zoning Districts	PCC-1, STOD
Site Area	53,243 s.f.
Building Area	5,624 s.f.
Vehicle Parking	81 spaces (69 min. required)
Hours of Operation	7 a.m. to 11 p.m., Wednesday, 11 a.m. to 1 a.m. Thursday- Saturday, 11 a.m. to 12 a.m., Sunday

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Whitney Mayfield, Planner I+, (480) 350-8486

Department Director: Jeff Tamulevich, Community Development Director  
Legal review by: N/A  
Prepared by: Whitney Mayfield, Planner I+,  
Reviewed by: Michelle Dahlke, Principal Planner

## COMMENTS

Lush Café and Lounge is a restaurant located in the Grove Parkway Plaza on the site of a previous business known as Fuddruckers. The owner was approved for tenant improvements related to the development of Lush Café and Lounge in 2023. The restaurant includes a bar and covered outdoor patio seating near the entrance on the south end of the building. Adjoining commercial tenants include retail stores, a church, a coffee shop, a beauty/barber shop, a restaurant, and a tobacco retailer. Surrounding uses include industrial uses to the north, a Walmart Supercenter to the east, commercial and retail uses to the south, and a mix of commercial and industrial uses to the west.

The business was cited by the Code Compliance Division for hosting live music without a Use Permit on May 9, 2024 through City case number CM240139.

Per the applicant's letter of explanation, live music will be in the evenings from 7 p.m. to 10 p.m. during the week and until midnight on the weekends. The music performances will include music by a DJ, songstresses, live bands, and saxophonists.

## PUBLIC INPUT

At the time of this staff report, staff has not received public input regarding this case.

## POLICE INPUT

The City of Tempe Police Department reviewed the case and will require a security plan for live entertainment uses.

## USE PERMIT

The proposed use requires a Use Permit to allow entertainment (live music) within the PCC-1 zoning and Southwest Tempe Overlay district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; there are no modifications to the square footage of the restaurant; therefore, no additional parking is required by the Zoning and Development Code for this use. Other tenants of the plaza are closed during the evening and dinner hours which will minimize 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 not anticipated to generate nuisances at a level exceeding ambient conditions, as they are a smoke-free establishment and will not emit bothersome odors. Additionally, the owner has opted for wainscoting paneling that will absorb sound waves.
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 proposed use will not contribute to the deterioration of the neighborhood or to the downgrading of property values, and therefore does not conflict with the City's adopted plans.
4. *Compatibility with existing surrounding structures and uses*; the proposed use has not received any noise complaints and the applicant has demonstrated consideration and willingness to work with surrounding property owners. For example, the applicant has agreed to turn off patio speakers on Wednesdays and Sundays in order to avoid disrupting Grace Bible Church services to the west.
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 owner will have unarmed suited security staff because the restaurant serves spiritous beverages. Additionally, the owner has invested in a portable ID scanner that detect expire and underage ID's to circumvent underage drinking.

## 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.

1. The Use Permit 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, on-site 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.
3. The live entertainment use shall take place inside only. No live entertainment will be allowed outside.
4. Live entertainment to cease at midnight Wednesday-Sunday.
5. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before June 28, 2024.
6. **During all other times of business operation, outdoor speakers shall be limited to ambient background music and should not inhibit personal interaction between patio patrons.**
7. **All wiring and cords for the outdoor patio speakers shall be concealed or routed internally within the building.**

**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 Lush Cafe and Lounge 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.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to [www.tempe.gov/signs](http://www.tempe.gov/signs).

**POLICE DEPARTMENT SECURITY REQUIREMENTS:**

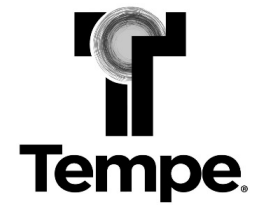
- If the development includes a use listed in [City Code Section 26-70\(c\)](#), the Owner is required to prepare a security plan with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.

**HISTORY & FACTS:**

February 14, 1994	Certificate of Occupancy issued for Fuddruckers development
January 18, 2024	Application for Use Permit for live entertainment submitted
May 9, 2024	Code Compliance issues a notice of violation for live music performances without a Use Permit and exterior changes at Lush Café and Lounge

**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](#)



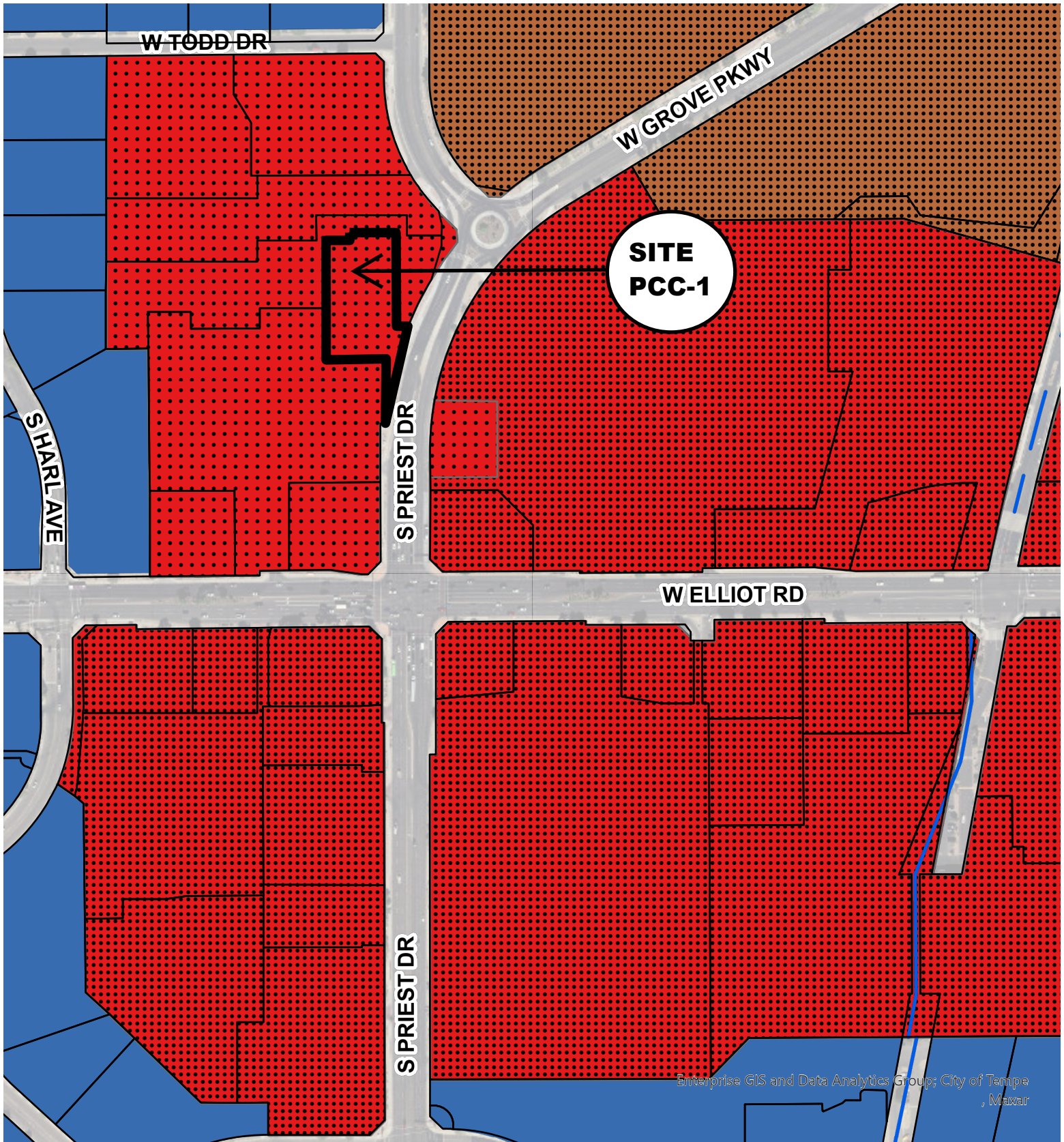
**DEVELOPMENT PROJECT FILE**  
for  
**LUSH CAFE AND LOUNGE**  
**(PL240015)**

**ATTACHMENTS:**





1. Zoning Map
2. Aerial Map
- 3-4. Letter of Explanation
5. Floor Plans
6. Site Plan
- 7-13. Site Context Photos
14. Fire Hydrant Map

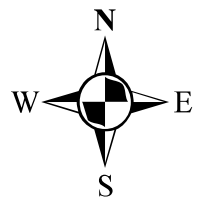
# LUSH CAFE AND LOUNGE

PL240015



Enterprise GIS and Data Analytics Group; City of Tempe  
, Maxar

-  General Industrial District (GID)
-  Planned Commercial Center Neighborhood (PCC-1)
-  Planned Commercial Center General (PCC-2)
-  Multi-Family Residential Limited (R-3)

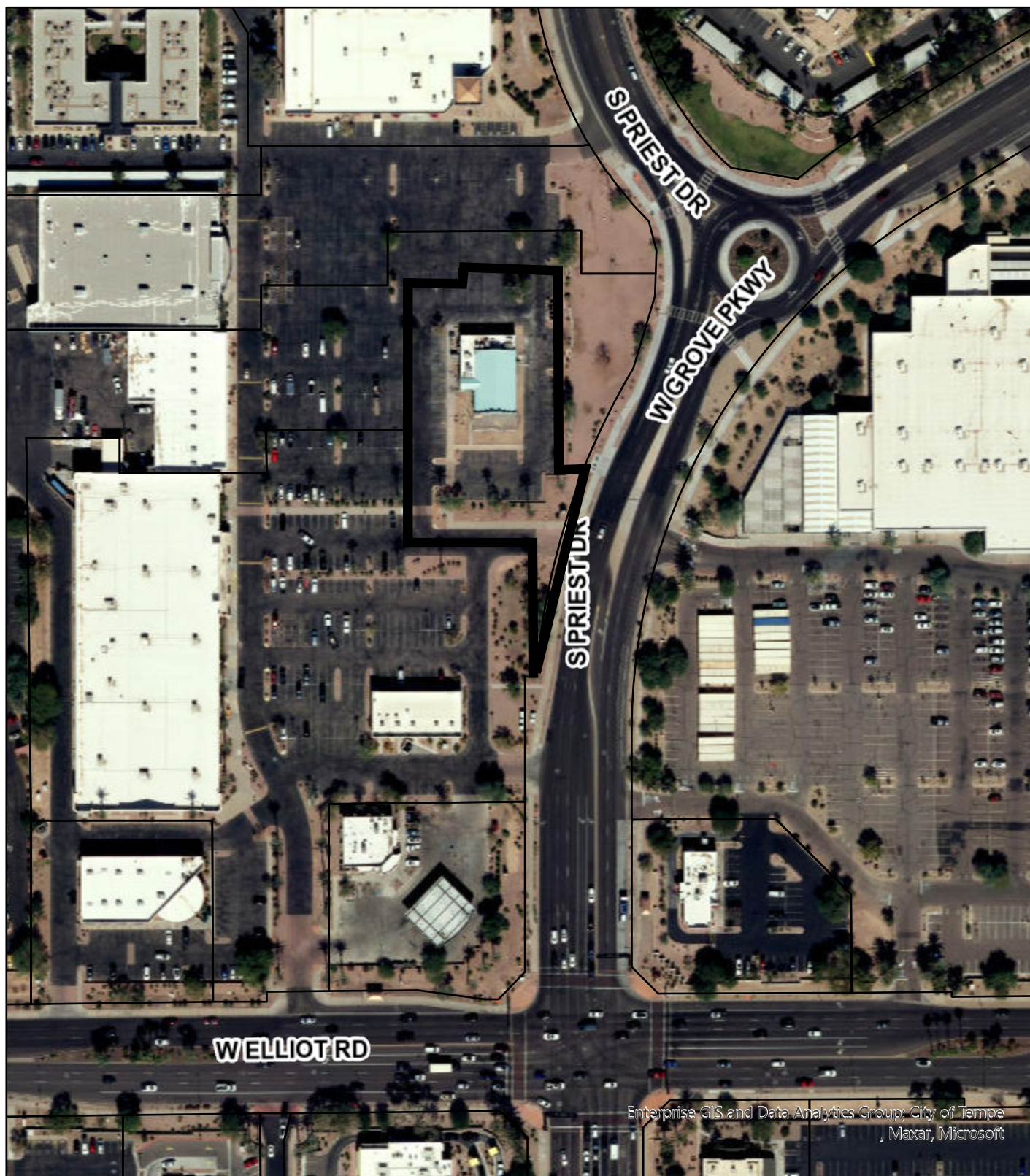




Tempe

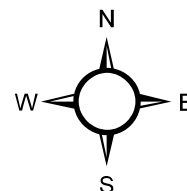
PL240015

# LUSH CAFE AND LOUNGE



Enterprise GIS and Data Analytics Group; City of Tempe  
Maxar, Microsoft

## Aerial Map



Rosa Harrison  
Lush Cafe and Lounge  
7470 S Priest Dr  
Tempe, AZ 85283  
Permit# PL240015

### Letter of Explanation

At Lush Cafe and Lounge, you will be immersed in a meticulously crafted experience inspired by the magic of music and cuisine- where elegance meets exhilaration, sophistication takes center stage, and contemporary allure is the norm. Jazz and easy listening are our primary genre of live music. The live music will require a live music permit from the city of Tempe. Local and well know musicians will perform weekly at the restaurant as patrons dine. Our target audience will be the 35 and up and of the middle and upper class demographic. As the owner and CEO, I regularly attend the HOA board meetings and personally introduced myself to my surrounding neighbors.

Hours of operation are Tuesday – Friday 11a-11pm, closed Mondays. Staffed with a celebrity, award winning chef, championed sous chef and a team of 32, Lush Café and Lounge has a dynamic team in place to serve its patrons. By day, early mornings are covered with everything from cappuccinos, lattes and artisanal coffee to chocolate croissants and muffins. Beginning at 11am and ending at 3:30pm, the highly anticipated chef-curated brunch menu swings into effect. Perfect for the working class as well as those that work remotely, the morning offerings will provide the community with a delightful alternative way to spend their time. Lush will be an invaluable asset due to the plentiful apartment buildings and businesses nearby.

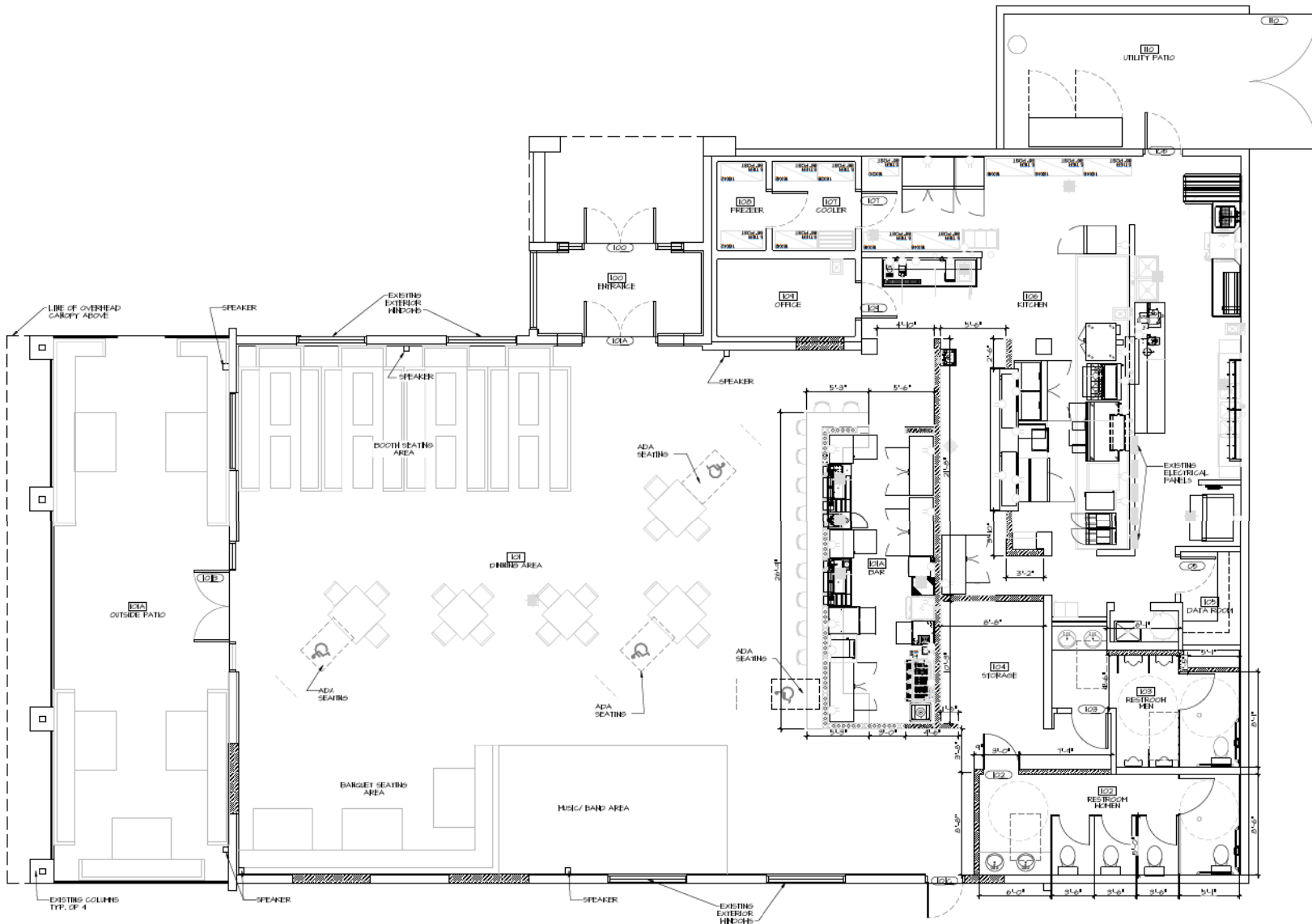
By night , guests will let the stress of the day roll away as they lounge in a musically luxurious but invigorating atmosphere. With a live band to lend to the awe-inspiring ambiance, guests will dine on chef curated dishes exclusive to Lush Café and Lounge while being thoroughly entertained by the house band.

### Public Welfare Statements:

- ❖ This concept will be a tremendous contribution to Tempe, AZ. We will be in great company with power houses like Starbucks and Brunch Snob. Alternatively, we will replenish the live music deficit created by the loss of places like VooDoo Daddy Steam Kitchen. Most excitingly, we will offer Tempe’s first Gospel Brunch. Our neighbor, Grace Bible Church, has expressed their enthusiasm directly!



- ❖ The parking lot offers an abundance of parking spaces allotted to the previous restaurant, Fuddruckers, now Lush. There are designated parking spaces on the North, South, East and West sides of building. Additionally, during the evening/dinner hours, most of our plaza neighbors are closed, which will minimize disturbances and/or overlaps in parking.
- ❖ Pedestrian traffic is minimal since we are situated 150-200 feet from the street and sidewalk, which is separated by the plaza wall, for additional safety.
- ❖ Lush will be nuisance free. We are a smoke-free establishment so there will be no bothersome odors permeating from the premises. Although we have live music, we have carefully partnered with an audio specialist to optimize the audio experience for our guests by keeping the sound internal. Double win! We opted for wainscoting paneling that will absorb sound waves. Furthermore, during the height of our evening when patrons are having dinner, our plaza neighbors are closed, and the nearest residential complex, Finisterra, is .02 miles away. The apartment complex is a (6) minute walk/ (2) minute bike ride.
- ❖ Due to obtaining my liquor license and offering a full service bar with mixologist-crafted cocktails, we have carefully created written training and operations manuals that all employees will receive upon hiring, This is in addition to the state mandated Title 4 Basic and Management Trainings through 360 Training. Lush Café and Lounge will oversee and absorb the associated costs with training to ensure each employee completes them.
- ❖ Although we will do extensive and comprehensive training, we will still have unarmed suited security staff simply because we serve spiritous beverages.
- ❖ To circumvent underage drinking, we have invested in a portable ID scanner that detects expired and underage ID's. Because we are a restaurant with a bar, we will allow ages until 10pm but anyone assumed to be under 21 will have their ID ran through the scanner.
- ❖ I have hired a liquor license consultant. that not only ensures that I remain in compliance but also will do covert inspections to ensure staff protect the safety of the community.



**1 FLOOR PLAN**  
SCALE: 1/4"=1'-0"

**SIXTY FIRST PLACE ARCHITECTS, LTD.**  
3200 NORTH HAYDEN ROAD, SUITE 205  
SCOTTSDALE, ARIZONA 85251  
PHONE (480) 347-6844

**LUSH CAFE AND LOUNGE**  
7470 S PREST DR  
TEMPE, AZ  
FLOOR PLAN

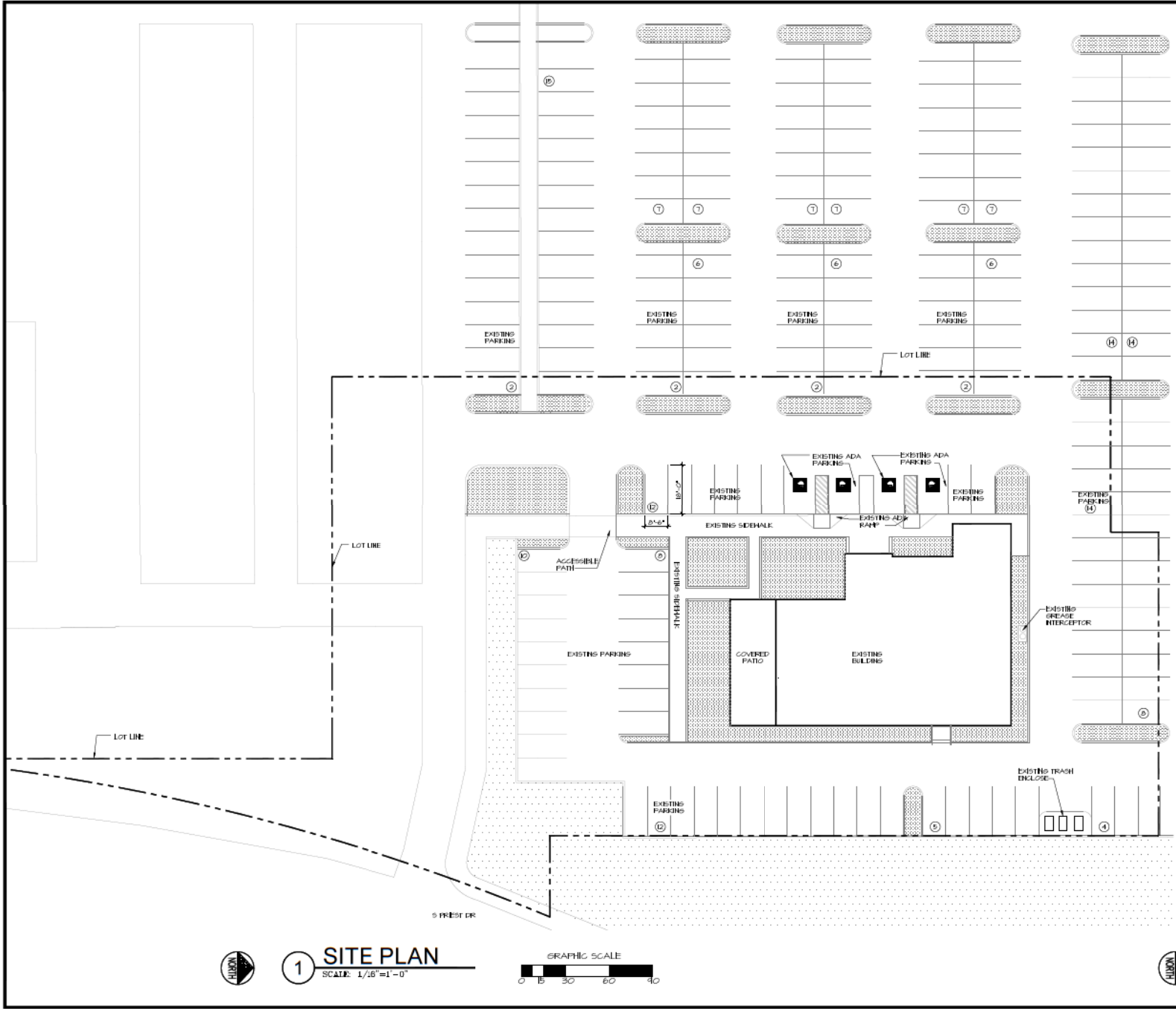
DATE	REVISIONS

**SIXTY FIRST PLACE ARCHITECTS**

JOB NUMBER  
**23052**

DATE  
**05/02/2024**

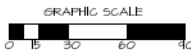
SHEET NO.  
**A1.0**



PROJECT DATA	
PROJECT NAME:	LUSH CAFE AND LOUNGE
ADDRESS:	7470 S. PREST DR. TEMPE, AZ 85283 PHONE: (602) 419-2113
DESCRIPTION:	THIS PROJECT INVOLVES TENANT IMPROVEMENT FOR A CAFE AND LOUNGE, FOCUSING ON REMODELING THE KITCHEN AREA AND SEATING TO ENHANCE FUNCTIONALITY AND EFFICIENCY.
OWNER:	ROSA HARRISON 7470 S. PREST DR. TEMPE, AZ 85283 PHONE: (602) 419-2113
ARCHITECT:	SIXTY FIRST PLACE ARCHITECTS 3200 NORTH HAYDEN RD, SUITE 205 SCOTTSDALE, ARIZONA 85251 PHONE: 4804740844
APN:	301-41-787
ZONING:	POD-1
LOT SIZE:	63249 SQ. FT.
EXISTING BUILDING AREA:	497 SQ. FT.
EXISTING PATIO AREA:	717 SQ. FT.
LOT COVERAGE:	9045243 = 10.9%
BUILDING TYPE:	TYPE V
SPRINKLERS:	YES
<b>PARKING</b>	
RESTAURANT PARKING:	1 SPACE PER 75 SF
INDOOR AREA:	00 SPACE
OUTDOOR AREA:	1 SPACE PER 100
INDOOR PARKING PER 300 SF:	3 SPACE
TOTAL PARKING REQUIRED:	00 SPACE
TOTAL PARKING PROVIDED:	81 SPACE



**1 SITE PLAN**  
SCALE: 1/16"=1'-0"



**2 VACINITY**  
SCALE: N.T.S.

**SIXTY FIRST PLACE ARCHITECTS, LTD.**  
3200 NORTH HAYDEN ROAD, SUITE 205  
SCOTTSDALE, ARIZONA 85251  
PHONE: (480) 347-8844

**LUSH CAFE AND LOUNGE**  
7470 S. PREST DR.  
TEMPE, AZ

OVERALL SITE PLAN

DATE	REVISIONS

JOB NUMBER: 23052  
DATE: 05/02/2024  
SHEET NO.: SP.1.1

















# Site Plan Map

MARICOPA COUNTY

NORTH ARROW



W GROVE PKWY

X = fire hydrant

S. Priest Dr

S. PRIEST DR

GROVE PARKWAY PLAZA MERIDIAN