

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 03/24/2015  
Agenda Item: 4

**ACTION:** Request for an Appeal of the Hearing Officer decision of February 17, 2015 for a Use Permit for operation of a brewery in the General Industrial Zoning District, a Use Permit for outdoor patio use, a Use Permit for outdoor vending (food truck service), a Use Permit for live entertainment, a Use Permit Standard for a reduction of the front yard setback, for DOG AND PONY BREW CO. (PL140471), located at 922 WEST FIRST STREET. The appellant is Larry Minchuk.

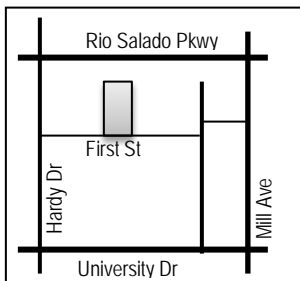
**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff –None

**BACKGROUND INFORMATION:** DOG AND PONY BREWERY (PL140471) is located in the Riverside Neighborhood west of Downtown Tempe. The property has been used for automotive uses and is being proposed for a brewery use within the existing buildings. A public hearing was held on February 17, 2015, resulting in the Hearing Officer approval of the following Use Permits:

- ZUP15005 Use Permit to allow a brewery in the General Industrial District
- ZUP15006 Use Permit to allow an outdoor seating patio in the General Industrial District
- ZUP15007 Use Permit for outdoor vending (food truck service)
- ZUP15008 Use Permit for live entertainment
- ZUP15009 Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75'

An Appeal of the Hearing Officer decision was made on March 2, 2015 by a property owner of the multi-family residences to the south of the subject site. UPA15001 is an appeal of all of the above Use Permit entitlements. At the completion of this report, no additional public input had been received.



Property Owner of subject site	Dean Formanek, 922/936 West First Street LLC
Dog & Pony Applicant	David Arnce, Dog & Pony Brew Company
Appellant	Larry Minchuk
Zoning District	General Industrial District
Lot Size	.75 acres
Building Size	3,200 s.f. (Brewery), 418 s.f. (office mezzanine), 800 (Cold Storage), 936 s.f. (Tasting Room) : <u>5,354 s.f.</u>
Outdoor Patio	1,064 s.f. patio
Parking Required/Provided	3 (Brewery), 1 (office), 1 (storage), 19 (tasting room), 5 (patio) : 29 spaces required / 29 provided
Bike Parking Required/Provided	1 (Brewery), 1 (office), 1 (storage), 2 (tasting room), 1 (patio) : 6 spaces required / 8 provided
Hours of Operation	8am-5pm brewery / 3pm-midnight tasting room
Occupancy	46 total persons (employees and customers)

**ATTACHMENTS:** Development Project File

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

Department Director: Dave Nakagawara, Community Development Director  
 Legal review by: N/A  
 Prepared by: Diana Kaminski, Senior Planner  
 Reviewed by: Larry Tom, Principal Planner



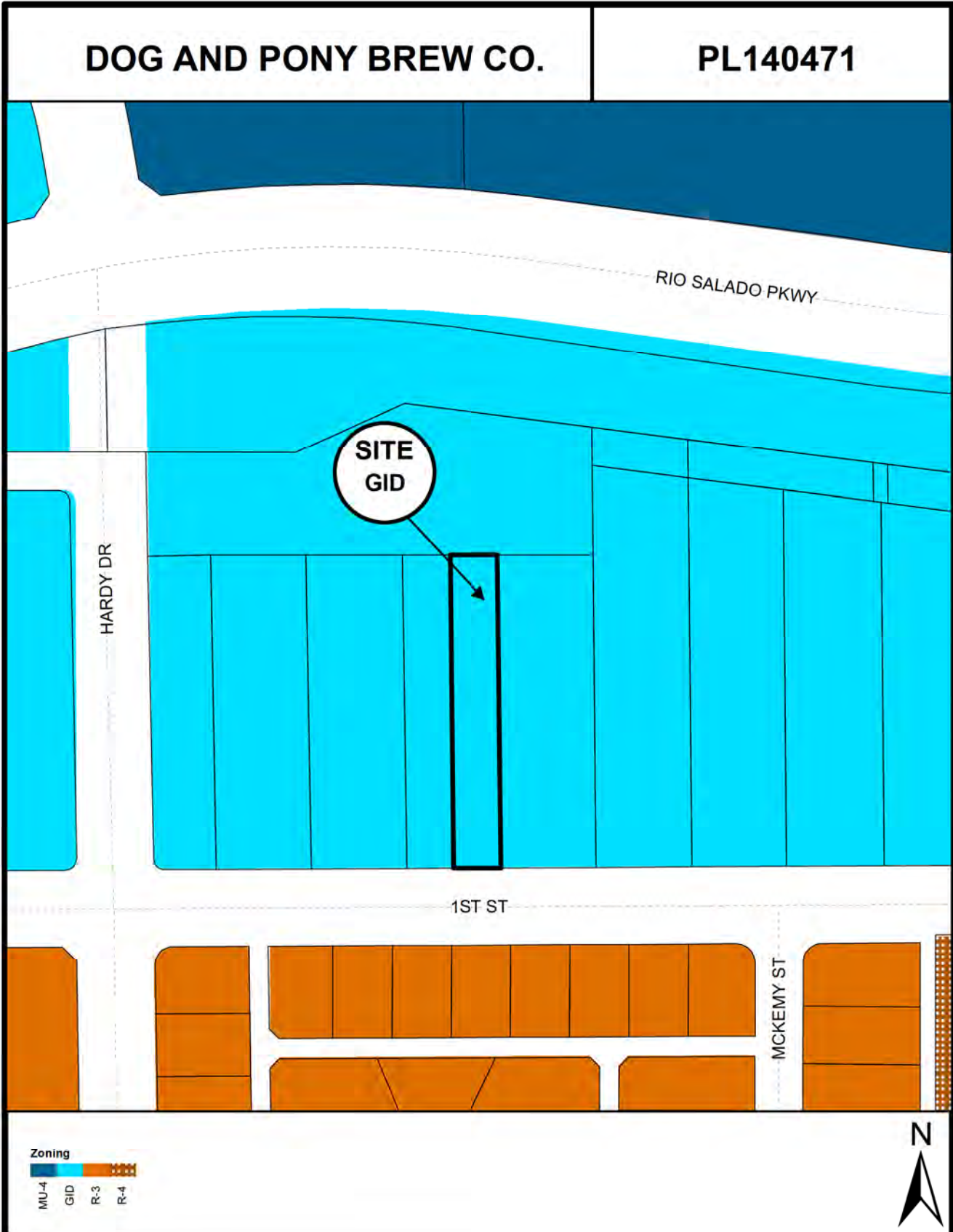
# DEVELOPMENT PROJECT FILE

for

## DOG AND PONY BREWERY

### ATTACHMENTS:

1. Location Map
2. Aerial
- 3-15. Appellant Submittal
- 16-44. Public Input Received
- 45-49. Hearing Officer Minutes
- 50-55. Report for Hearing Officer public hearing
- 56-58. Letter of Explanations from Dog & Pony Applicant
59. Site Plan & Data
60. Detailed Site Plans (Circulation, Landscape, Dimensions)
61. South end of lot Floor Plan & East Elevation
62. North end of lot Floor Plan & East Elevation & Roof Plan
63. Elevations
64. Sections
- 65-67. Renderings & Material Concepts for reference only



**Location Map**

**DOG AND PONY BREW CO.**

**PL140471**



**Aerial Map**



3/2/2015

From: Concerned Tempe Property Owners

Regarding the Proposed Dog and Pony Brewery site at 922 W First Street

We are Larry and Susan Minchuk. We have owned the 12 Unit Apartment building (3 Fourplexes) since May 1975.

In our Forty Years of ownership, and being a Tempe Resident, as a Tempe Rental Tax Payer and Maricopa County Tax Payer, we would like to let you know that we care about our City of Tempe, where we have worked and raised our family and have two sons who are Arizona State University Graduates.

As a Tempe property owners, we care about the surrounding neighborhood and our City of Tempe that we have called home for forty years. Please look over our enclosed package of information to think about the 922 W First Street site and the impact on the Families and surrounding schools and playgrounds that Tempe has built over the years.

Our children go to school and play sports in the neighboring parks within a half mile from this Proposed Brewing/ Serving/ and Consuming Alcohol site.

Larry Minchuk  
Susan Minchuk

Regarding: 922 West First Street, Tempe

Proposal of: Dog & Pony Brewery

This Site is approximately One Mile from the Mill Avenue Entertainment District.

- This Site is on the North side of West First Street (attachment 1 & 2), and Directly South across a 2-lane street (First Street) with Bike Lanes and No Street Lights (attachment 3) and an Established Family area (attachment 4).
- No Parking in front of Site (on North side of First Street) (attachment 5).
- Fire Hydrant at front of Site (on North side of First Street) (attachment 5).
- There is a narrow driveway entry/ exit to the Site (attachment 6).
- Across the Street, on the South side of First Street, (within 400 feet) there are 144 Units of Residential and Family area where Children Live, Study, Play, and need to Grow Up.
- There are more Residential Units within One Half Mile of the Site.
- This is a Family area. This is Not a Student/ "Party" area.

Dog and Pony Brewery want to use this Site to Brew/ Sell/ Consume Alcohol.

This Site is Less than One Half Mile from:

- Scales Technology Academy (elementary school) on West Fifth Street (attachment 7) and
- Tempe Boys & Girls Club on West Fifth Street (closer if the kids cut through yards and don't walk on Hardy Drive) (attachment 8).

The applicant has made five different individual requests.

Neighborhood Major Impact Issues are:

**ZUP 15005** Use Permit to allow a brewery in the General Industrial District (Directly across a 2-lane Street with Bike Lanes, No Street Lights and a Family Neighborhood):

- Increased traffic impact on First Street frontage and on neighboring properties. There is a 4-way stop on First Street & Hardy Drive.
- Continuous Equipment (Brewery) Noise is different/ louder than intermittent Airport/ Airplane noise.
- Fermentation Smell (Brewery) will come from equipment on site to neighborhood across the street (First Street) and even further into neighborhood depending on Wind.

**ZUP 15006** Use Permit to allow an Outdoor Seating Patio in the General Industrial District (across from family neighborhood)

Parking:

- Parking shortages (There is "No Parking" allowed in front of Site, on the North side of First Street).
- The proposed Dog and Pony "Party" house is next to the street (First Street).
- There is a fire hydrant in front portion of the Site.
- There is a narrow driveway entry on the Site.
- Due to driveway on site, as cars turn out of driveway, headlights will shine right into residences and circle around the neighborhood.

Noise:

- Continuous talking/music noise is different/ louder than Intermittent Airport/Airplane noise.
- Patio Talking/ Music Noise will echo around between the buildings and out into the neighborhood.

Regarding: 922 West First Street, Tempe

Proposal of: Dog & Pony Brewery

- More Expected Noise Volume - The location site is closer to the Airport/ Airplanes, so intermittent Airport/ Airplane noise means:
  - there will be More Constant Noise from the people on Outside Patio who are talking (over the Airplane noise)
  - the Volume will be louder to be heard over the Airplane noise and
  - the Conversation/ Sound will echo around.

**Other Issues:**

- At night, Light Radiating from the Outdoor Patio areas and TV Monitors will have an impact on residents/ families directly across the street (First Street) and beyond into the neighborhood.
- Trash (waste, cups, etc., and Health Hazards!) may be left by patrons on Neighborhood properties (where Dog & Pony patrons will probably park!). This observation is based on current conditions from non-residents parking on First Street when there are Frequent Events at further away venues: Tempe Beach Park, (Sail Inn on Farmer & First Street – is scheduled to re-open), The Yard at Farmer & First Street, and weekends from the Mill Avenue Entertainment District (more than One Mile away).
- Noise from other Frequent Events at Tempe Beach Park, (Sail Inn on Farmer & First Street - is scheduled to re-open) and weekends from the Mill Avenue Entertainment District with Extra Noise on the weekends heard from a distance. (Example: Super Bowl Weekend Party at The Yard, the noise was heard on First Street past Hardy Drive and attendees parked past 922 W. First Street, which is more than one-half mile away. This is Not an Every Weekend occurrence.)

**ZUP 15007 Use Permit for Outdoor Vending (Food Truck service)**

- Parking – Site is narrow. Where will Food Truck be parked on site and how will patrons be able to safely drive in and out? (attachment 6)
- Hours for Food Truck - What amount of time will Food Truck be waiting/ Idling on Site per day?
- How will food be maintained -- Truck Running Generator to Maintain food temperature and ICE?
- Generator Noise from truck running with food available.
- Generator and Exhaust Smell/ other Odors/ issues from Waiting/ Idling Food Truck(s).

**ZUP 15008 Use Permit for Live Entertainment**

- What type of "Entertainment"? Broad description given to the existing residents and property owners, but Applicant said they "want more" at hearing.
- Intermittent Airport/Airplane noise will cause louder talking/ Music noise. What volume for "Entertainment" so can be heard over the Conversation Volume and Airport/ Airplane noise?
- Where on the property will the "Entertainment" be located? Broad description given of the "Small" approximately 900 Sq. Ft. home as the "Party" House.
- What are the Evening Hours/ Days for "Entertainment"? There are Children in the area who need Quiet Sleep so they can get up for School – with Elementary School less than One-Half Mile away.
- Patio Talking/ Music Noise will echo around between the buildings and out into the neighborhood.
- The location site is closer to the Airport/ Airplanes, so Intermittent Airport/ Airplane noise means:
  - there will be More Noise from the people outside who are talking (over the noise) and
  - the Volume will be louder to be heard over the airplane noise.



Regarding: 922 West First Street, Tempe

Proposal of: Dog & Pony Brewery

**ZUP 15009** Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75'

- 25% reduction of setback will move the "Patio" 6.25 Feet Closer to Neighborhood Across 2-lane Street (First Street) with Bike Lanes, No Street Lights and an Established Family Neighborhood.
- No Parking in front of Site. (attachment 5)
- Fire Hydrant in front of Site. (attachment 5)
- There is a Water Retention area on property – will it be sufficient for the rain/ water? (attachment 9)
- Light from Front Patio will Glow out into the street and Neighborhood.
- Talking/ noise will echo out to street and around neighborhood.
- Concern about loss of quality of life for Family Neighborhood caused by proposed use and hours of operation.

LARRY MINCHUK

815-821-827 W. FIRST ST

TEMPE, AZ 85281

*Larry Minchuk*  
3/2/15

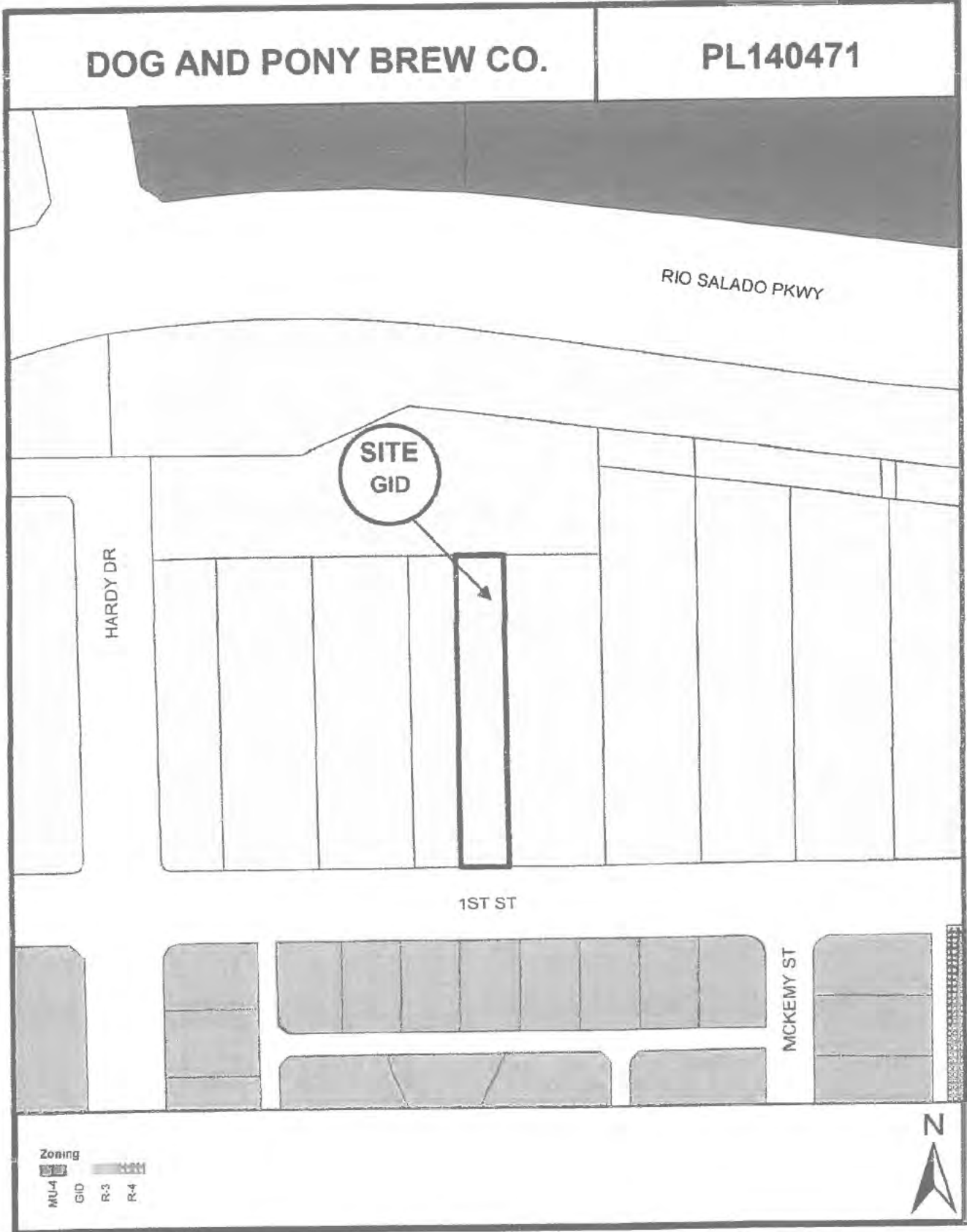
Susan Minchuk

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*Susan Minchuk*  
3/2/15





**Location Map**

**DOG AND PONY BREW CO.**

**PL140471**



**Aerial Map**





Across  
 First  
 Street -  
 No  
 Street  
 Lights  
 Bike  
 Lanes

922 W 1st St  
 Tempe, Arizona  
 Street View - Jun 2014







Front – No Parking on 1<sup>st</sup> Street (1)

Fire Hydrant



←  
No  
Parking  
Signs

Fire  
Hydrant

No Parking on 1<sup>st</sup> Street (2)



922 W 1<sup>st</sup> Street, Tempe, AZ

Entrance view across 1<sup>st</sup> Street (from 827 & 833 W 1<sup>st</sup> Street, Tempe) - Narrow Driveway Entry

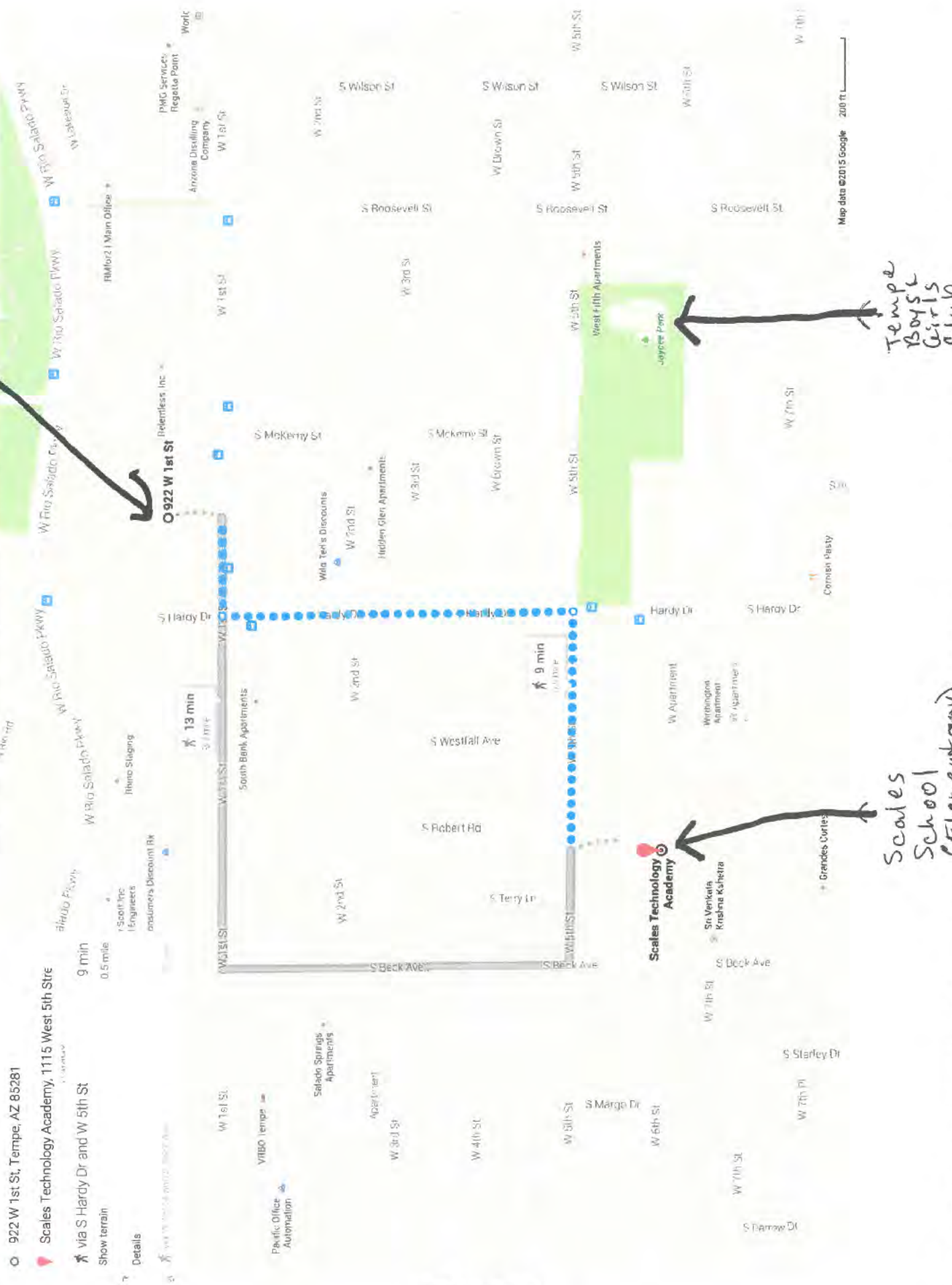


From  
Across  
First  
Street

Yard area, behind gate – metal & junk car



Narrow  
Driveway





922 W 1st St, Tempe, AZ 85281

Boys and Girls Club, 715 West 5th Street, Tempe,

via S Hardy Dr

Show terrain

Details

10 min  
0.5 mile

Salvado Pkwy

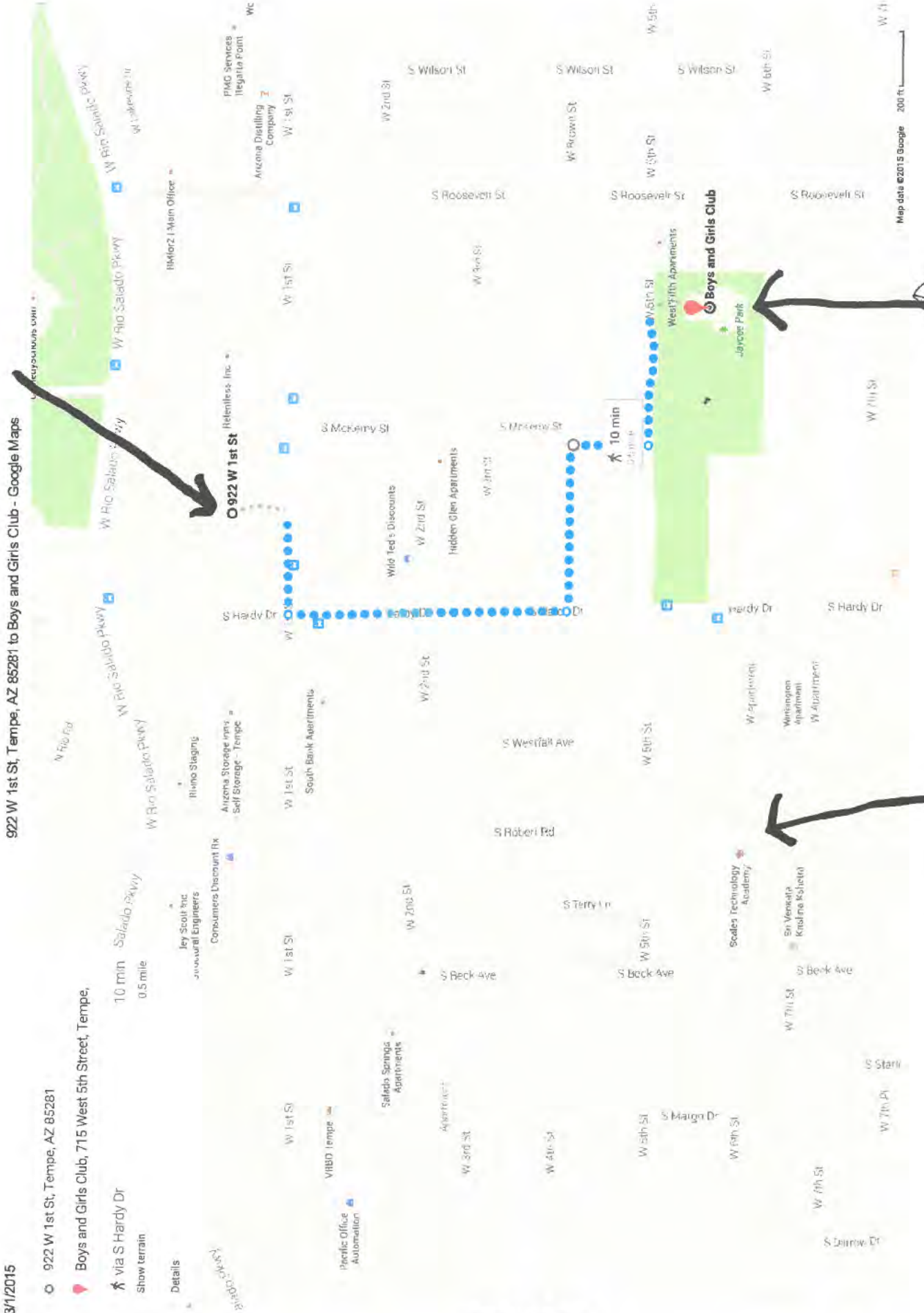
Salvado Pkwy

Salvado Pkwy

Salvado Pkwy

Salvado Pkwy

Salvado Pkwy



Scaltes  
Tech Academy



922 W 1<sup>st</sup> Street, Tempe, AZ

Water retention on front of property – dip where shadow disappears



Water  
Retention  
Area

XXXXXX  
↑  
DIP

- Attachment 9 -

**From:**  
**To:** [Kaminski, Diana](#)  
**Cc:** [steve\\_abrahamson@tempe.gov](mailto:steve_abrahamson@tempe.gov)  
**Subject:** Update Dog and Pony Pub Concerns  
**Date:** Tuesday, February 17, 2015 12:16:45 PM

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On the Hearing Officer Agenda today is an item related to the Dog and Pony Brew Pub. I have concerns about this project as a property owner in the area. The current general industrial zoning of this parcel/area requires a request for a use permit for anything other than the type of use specified for this parcel. While the placement of the brewer portion of the project might be considered general or light utility the remaining use permits are not and should not be approved.

The placement of this facility across the street from a 100% residential tract is questionable at best and problematic by nature. Although the applicant describes part of the project as a "tasting room" that concept is not a full explanation of the intent of the project. The pub as described in the applicants words will allow for people to eat and drink until midnight 7 days per week. This is not a tasting room it is a bar/pub. The main focus of the outward face of this business into the community will be as a pub with point of sale to the public as a strong element of the project. Other businesses in the area close up generally by 6pm six days per week, and I and other property owners and residents of the area like it that way. This project belong closer to Mill Ave where law enforcement can be routine.

My discussion with other people who live/own in the community yielded fears about impaired drivers driving through alley ways as short cuts between streets. These alley ways are narrow and are often used by young children and seniors as part of their daily routine, be it school, play or retirement. The potential for impaired drivers puts property and children at risk.

It is my belief that this project will not enhance the quality of life for residents in the area but rather create a conflict between the right to quiet enjoyment of life and property by residents and the traffic and noise of the establishment.

If the applicant wants to have a brewery on site with a point-of-sale that does not include on-site consumption then maybe this workable. If the project is approved and permits approved I suggest the following conditions:

1. The public consumption area be moved to the north side of the project as far away from First street as possible.
2. The business close and the public portion of the project end at 10 pm
3. Higher walls be built around the public area to help deaden noise to adjacent businesses/residents
4. A landscape package be offered at the expense of the applicant to each property owner with 500 feet of any part of the parcel to help integrate the landscape approach into the community. This need only be a plant or two for each property owner from the projects approved vegetation list
5. A paint package be offered at the expense of the applicant to each property owner within 500 feet on any part of the parcel to help integrate the applicants' color scheme on to the community. this could be either the main project color or trim colors

Thanks

Steve Tyrrell

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## **Kaminski, Diana**

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**From:**  
**Sent:** Thursday, February 12, 2015 4:46 PM  
**To:** Kaminski, Diana  
**Subject:** Regarding: 922 W 1st St Tempe  
**Attachments:** 922 W 1 St -

Attached is information from residents who are voicing issues and concerns about Permit requests for Dog & Pony Brewery to be at 922 W 1st St, Tempe. All live within the immediate area.

Please confirm that you have received this and have presented this to the permit hearing officer. Please let me know if you have any questions.

Larry Minchuk

02/12/2015

Regarding: 922 W. 1<sup>st</sup> Street, Tempe

For: Dog & Pony Brewery

The requests being made by the applicant include five different requests, all of which will be heard and determined individually:

- ZUP15005 Use Permit to allow a brewery in the General Industrial District
- ZUP15006 Use Permit to allow an outdoor seating patio in the General Industrial District
- ZUP15007 Use Permit for outdoor vending (food truck service)
- ZUP15008 Use Permit for live entertainment
- ZUP15009 Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75'

The major issues are:

ZUP 15005

- This is Across a 2 lane street from residential and family area
- Parking shortages (No Parking allowed in front of property on North side of the street) & fire hydrant in front of property. And Property has with narrow driveway entry
- Increased traffic impacts on street frontage (4-way stop on 1<sup>st</sup> St & Hardy) and neighboring properties
- potential trash (and health hazards) left by patrons on other properties, this is based on current conditions from non-residents parking on street

ZUP 15006

- expected noise from the outdoor patios and impact on residents/families directly across the street and beyond

ZUP 15007

- Noise /parking /permit issues for Food Truck(s) -- where will truck be parked when at this location and how will truck be running to maintain food?

ZUP 15008

- What type of "entertainment"? Where on the property will the "entertainment" be location? What are the hours for "entertainment"?

ZUP 15009

- 25% reduction of setback will move the "patio" 6.25 feet closer to neighbors across the street
- Water retention area on property
- concern about loss of quality of life caused by proposed use and hours of operation

LANDLORD:

LARRY MINCHUK

LANDLORD:

SUSAN MINCHUK

Larry Minchuk  
2/12/2015

Susan Minchuk  
2/12/15



Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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Concerns regarding the proposed use at 922 W First Street.

- concern about increased noise and air pollution from the outdoor patios and impact on residents directly across the street
- parking shortages, traffic – cars and people, and pollution impact on other properties and street frontage
- concern about trash left by patrons on other properties, based on current conditions from non-residents parking on street
- concern about Food Truck time/location on property – time, noise, and air pollution
- concern about loss of quality of life caused by proposed use and hours of operation

Sign:

Terisa Perez

Name:

TERISA PEREZ

Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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Sign:

Gabe Olea

Name:

GABE OLEA

Address:

/

Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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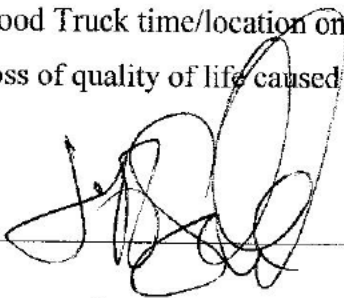
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Sign:



Name:

Jeff Schulte

Address:

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Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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Sign:

David Provincio

Name:

DAVID PROVINCIO

Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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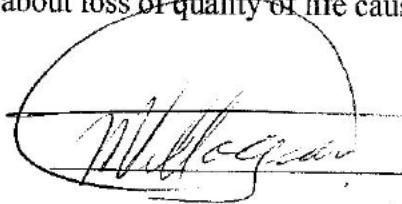
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Sign:



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Name:

MARCOS Villagrán

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Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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Sign:

Jose Contreras

Name:

JOSE CONTRERAS

Address:

-



Regarding: 922 W. 1<sup>st</sup> Street, Tempe

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Sign:

\_\_\_\_\_

Name:

DIANNA ZELAYA\_\_\_\_\_

Address: \_\_\_\_\_

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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Sign:

  
\_\_\_\_\_

Name:

DAVID Esposito  
\_\_\_\_\_

Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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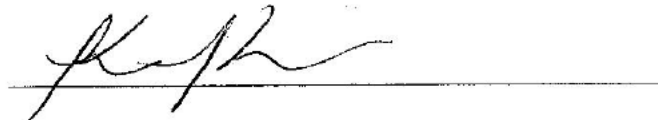
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- concern about trash left by patrons on other properties, based on current conditions from non-residents parking on street
- concern about Food Truck time/location on property – time, noise, and air pollution
- concern about loss of quality of life caused by proposed use and hours of operation

Sign:



Name:

KORINA RIVERA

Address:



Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

The requests being made by the applicant include five different requests, all of which will be heard and determined individually:

ZUP15005 Use Permit to allow a brewery in the General Industrial District

ZUP15006 Use Permit to allow an outdoor seating patio in the General Industrial District

ZUP15007 Use Permit for outdoor vending (food truck service)

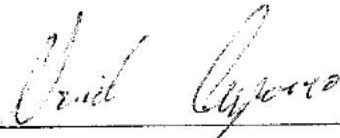
ZUP15008 Use Permit for live entertainment

ZUP15009 Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75'

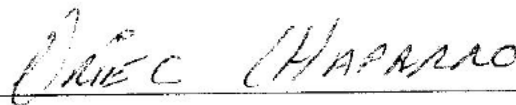
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Sign:

  
\_\_\_\_\_

Name:

  
\_\_\_\_\_

Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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Sign:

Lakin Collins

Name:

LAKIN COLLINS

Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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- concern about loss of quality of life caused by proposed use and hours of operation

Sign:

Ruben Rodriguez

Name:

RUBEN RODRIGUEZ

Address:


Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

The requests being made by the applicant include five different requests, all of which will be heard and determined individually:

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Sign: 

Name: JOHN STAHL

Address: \_\_\_\_\_



Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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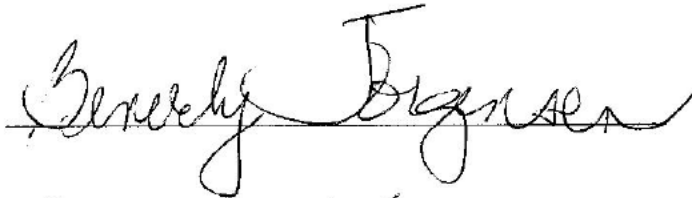
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- concern about loss of quality of life caused by proposed use and hours of operation

Sign:



Name:

BEVERLY JORGENSON

Address:

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Regarding: 922 W. 1<sup>st</sup> Street, Tempe

Proposed Use: Brewery

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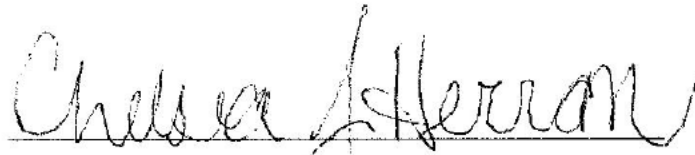
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Sign:



Name:



Address:

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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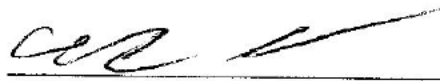
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- concern about loss of quality of life caused by proposed use and hours of operation

Sign:



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Name:

Collyn Stobenchek

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Address:

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Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

The requests being made by the applicant include five different requests, all of which will be heard and determined individually:

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Sign:

SARAH JARO

Name:

SARAH JARO

Address:

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Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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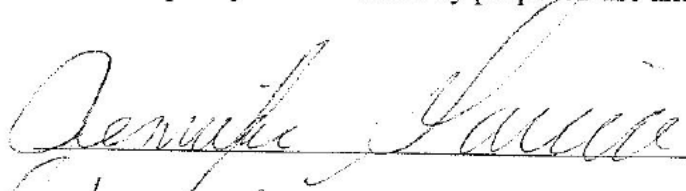
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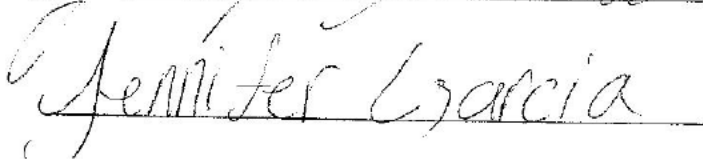
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Sign:



Name:



Address:

\_\_\_\_\_

Regarding: 922 W. 1<sup>st</sup> Street, Tempe Proposed Use: Brewery

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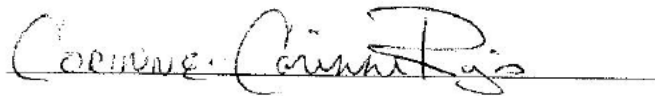
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Sign:



Name:



Address:

Front – No Parking on 1<sup>st</sup> Street (1)



No Parking on 1<sup>st</sup> Street (2)





922 W 1<sup>st</sup> Street, Tempe, AZ

Entrance view across 1<sup>st</sup> Street (from 827 & 833 W 1<sup>st</sup> Street, Tempe)



Yard area, behind gate – metal & junk car





922 W 1<sup>st</sup> Street, Tempe, AZ

Water retention on front of property – dip where shadow disappears



Water retention area between fire hydrant and fence



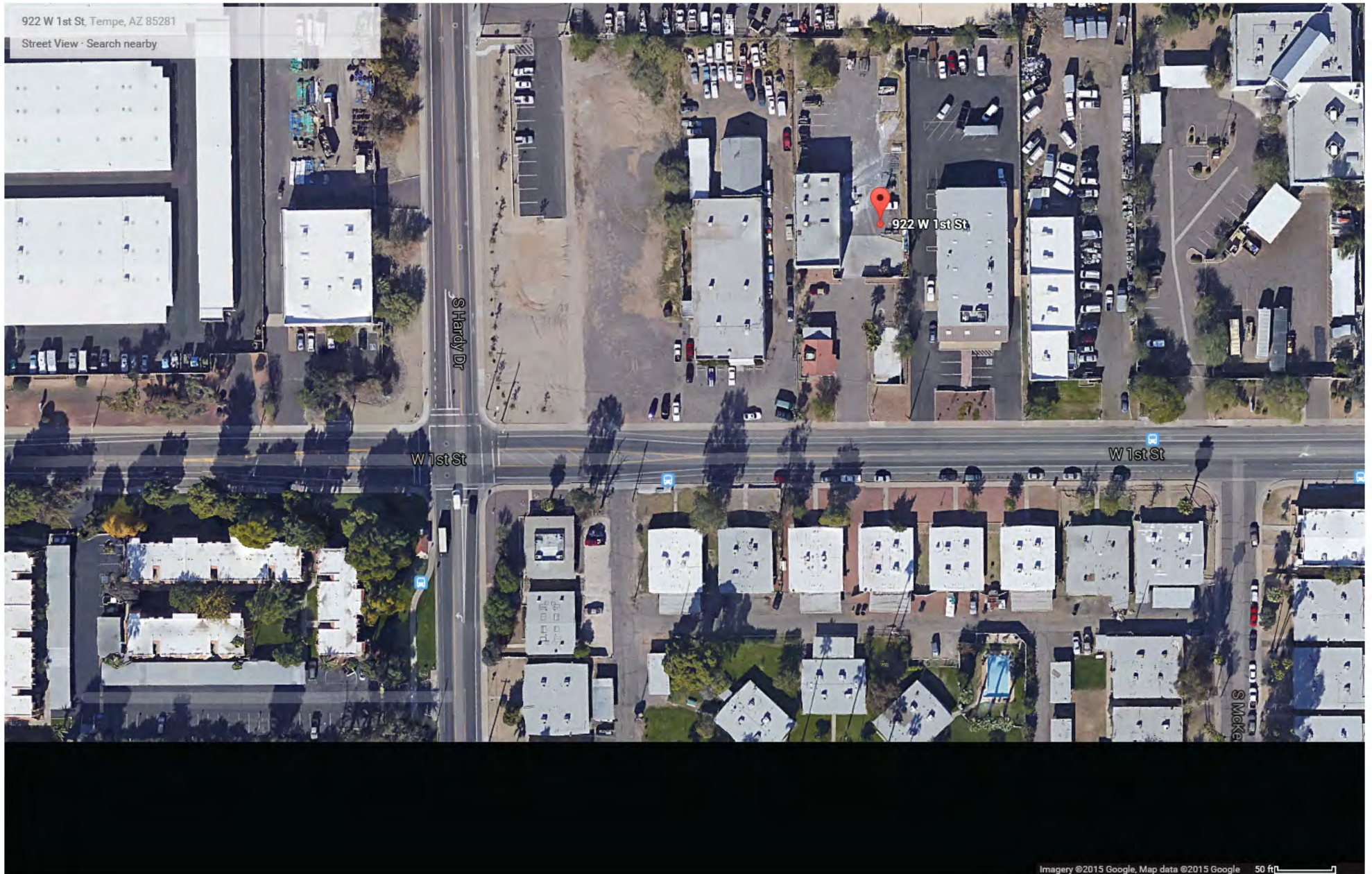




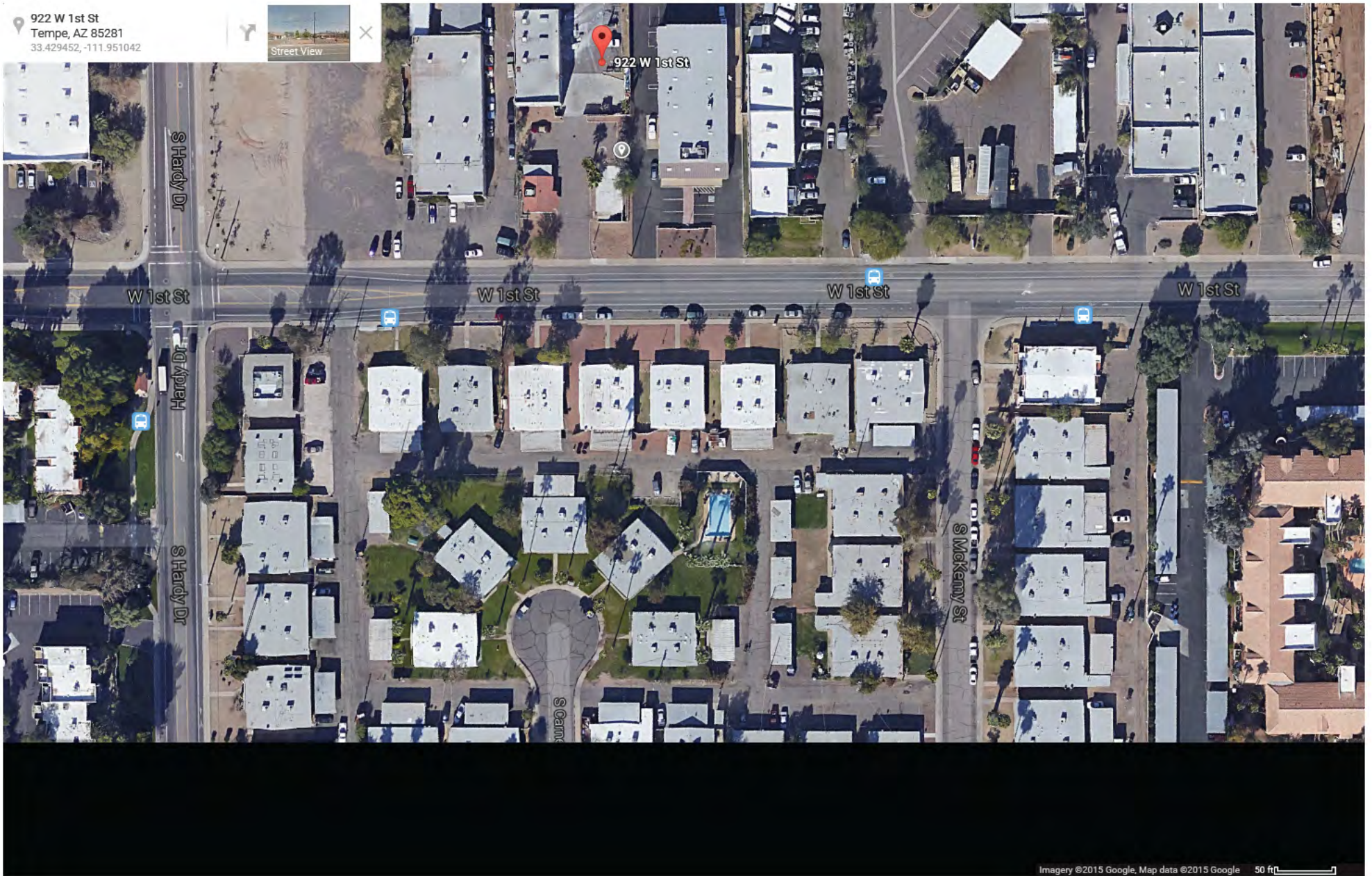














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**MINUTES  
HEARING OFFICER  
February 17, 2015**

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Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**Present:**

Vanessa MacDonald, Hearing Officer  
Martin Perez, Deputy Director – Building Safety  
Steve Abrahamson, Planning & Zoning Coordinator  
Sherri Lesser, Senior Planner  
Diana Kaminski, Senior Planner  
Steve Nagy, Administrative Assistant II

**Number of Interested Citizens Present: 20**

Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by MARCH 3, 2015 at 3:00 PM, to the Community Development Department.

- 
1. Ms. MacDonald noted that the Hearing Officer Minutes for December 2, 2014 had been reviewed, and approved with a correction, which she read into the record

- 
2. Request approval for a Variance to reduce the front yard building setback and a Variance to reduce the on-site driveway length for the **GIGUERE RESIDENCE (PL140422)** located at 534 WEST 15TH STREET. The applicant is Bob Giguere.

Sherri Lesser presented the case by reviewing the background of the case and pointing out other homes in the area that have had similar variances granted.

Martin Perez, then approached the podium and discussed the process through which the plans had gone through, how and where the mistake allowing the house to be built 10 feet beyond the property setback was made.

Ms. MacDonald called up the applicant up to the podium.

Bob Giguere, Tempe, approached the podium and Ms. MacDonald asked what efforts he had made to satisfy his neighbor's concerns. Mr. Geiger replied that he had made no other efforts since the last hearing. He continued that he would be willing to put in landscaping to mitigate the view of the house from the street, but was concerned with water retention and drainage issues that could result from such.

Ms. Lesser stipulated that the applicant add 3 trees and shrubs to the front yard to mitigate the view of the house, which Mr. Giguere agreed with doing.

Ms. MacDonald then opened the Hearing to public comment.

1. Kim Pearce, Tempe, expressed opposition because of the precedent approving the variance would set, and would like to see the house moved or torn down.
2. Barbara Lloyd, Tempe, expressed opposition because of the precedent approving the variance would set, and the loss to the character of the area that would result.
3. Karen Adams, Tempe, expressed opposition because of the precedent approving the variance would set, and the resulting eyesore the house would be.
4. Freda Rothermel, Tempe, expressed opposition because of the precedent approving the variance would set.
5. Chet Myers, Tempe, expressed opposition because of the precedent approving the variance would set. He then addressed the concerns he had with staff allowing this mistake to be made.

Ms. Lesser replied by clarifying that she had been brought onto the case after construction had been completed.

Ms. MacDonald then closed the Hearing to public comment.

Mr. Giguere then approached the podium to reply to the concerns expressed by the neighbors. He explained that the home was essentially finished by the time the mistake was discovered. He continued that the style of the home fits in the same era of style as the other homes in the neighborhood. He then proceeded to present other homes in what he considered to be the neighborhood, not just his street, that had permanent structures and other add-ons built within property setbacks.

Ms. MacDonald asked Mr. Giguere if anyone had raised concerns regarding the setback to him during the construction process. Mr. Giguere clarified that he cannot confirm no one had concerns, but if they did, the concerns were never brought to his attention during construction.

Ms. MacDonald reviewed the history of this case, and referred to three other cases in Arizona where variances had not been granted.

Ms. MacDonald noted that this request did not meet the criteria for a Variance:

- That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings; and
- The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
- A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.

**DECISION:**

Ms. MacDonald denied PL140422/VAR14008/VAR15001



3. Request approval for a Use Permit for operation of a brewery in the General Industrial Zoning District, a Use Permit for outdoor patio use, a Use Permit for outdoor vending (food truck service), a Use Permit for live entertainment, a Use Permit Standard for a reduction of the front yard setback, for **DOG AND PONY BREW CO. (PL140471)**, located at 922 WEST FIRST STREET. The applicant is David Arnce.

Diana Kaminski presented by reviewing the location, the site plan, and the various requests for the case. With no questions of staff, Ms. MacDonald called up the applicant.

Lindsay Schube, Phoenix, approached the podium to represent the applicant. Ms. Schube reviewed the surrounding zoning and site plans. She also requested a modification to condition #5 to limit outdoor entertainment, and #9, to extend hours of operation to 2 a.m. She added that they would be willing to limit hours of front patio to 10 p.m. if it would provide a good solution to concerns over noise.

Ms. MacDonald also added that she would like to add a stipulation that would bring the applicant back after one year (in February, 2016) for review, to which the applicant agreed.

With no other questions of the applicant, Ms. MacDonald read into record the name of a resident who had written an email in opposition to the case, and then opened the hearing to public comment.

1. Larry Minchuk, Tempe, owns the properties across the street and expressed opposition because the use ignores the multi-family residences across the street and would impact the tenants quality of life.
2. Ruben Rodriguez, Tempe, resident and property manager of units across the street is concerned with litter from guests parking on the south side of the street and noise that the business could attract.
3. Deborah Jacobson, Tempe, owns a property across the street, expressed opposition due to potential noise and increase in traffic.
4. Ray Burk, Tempe, owns a property across the street, expressed opposition because his tenants could be negatively affected and there is a lack of parking.
5. Susan Minchuk, Tempe, expressed opposition because of concern with lack of parking.
6. Bill Truit, Tempe, expressed opposition because of lack of parking and lack of security plan.

Ms. MacDonald clarified that a security plan is created with Tempe PD once the Use Permits have been entitled. Mr. Truit replied that his main concern was really with people cutting through his property to access the brewery, increasing his liability. Ms. Kaminski clarified that parking spaces provided met the code requirement.

Ms. MacDonald Closed the Hearing to Public Comment.

Ms. Schube came back up to the podium to address the concerns of the neighbors.

Ms. MacDonald asked for clarification on how the food trucks would operate on the property. Ms. Schube provided clarification.

Ms. Schube added that she believes that the revitalization of the site will cause a ripple effect of revitalization to the surrounding area. She then reiterated that the case was in fact a small scale tasting room that will not have a large negative impact to the area in any way.

Ms. MacDonald went on to explain that with granting the Use Permits, she views the applicant coming back on February 2016 as an adequate amount of time to reassess Use Permits. She also added that she was going to keep conditions #5 and #9 the way they were written in the report, and added #13, that the applicant would return in February, 2016.

Ms. MacDonald noted that all Use Permits in request meet the criteria for a Use Permit:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level

- exceeding that of ambient conditions.
- 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.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

**DECISION:**

Ms. MacDonald approved PL140471/ ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 subject to the assigned Conditions of Approval:

**CONDITIONS OF APPROVAL:**

1. A Development Plan Review for landscape and building elevations shall be completed prior to implementation of the Use Permits.
2. The Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 are valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
3. The Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. If there are any complaints arising from the Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 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, which may result in termination of the Use Permit.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside
6. Live entertainment to cease at 12 midnight.
7. Outdoor speakers and televisions will not be allowed on the south patio, and must be reviewed for design approval if proposed for the north patio.
8. 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 March 17, 2015.
9. Hours of operation to begin no earlier than 8am and end no later than 12:00 am (midnight).
10. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
11. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
12. Provide bicycle parking racks per City of Tempe Public Works Department bicycle rack detail T-578 standard.
13. Applicant to return in February of 2016 for review of Use Permits.

The next Hearing Officer public hearing will be held on March 03, 2015.

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There being no further business the public hearing adjourned at 3:05 PM.

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Prepared by: Steve Nagy, Administrative Assistant II  
Reviewed by:



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Steve Abrahamson, Planning & Zoning Coordinator  
for Vanessa MacDonald, Hearing Officer

SA:SN



**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 02/17/2015  
Agenda Item: 3**

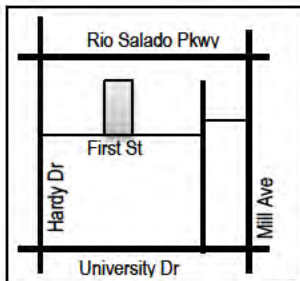
**ACTION:** Request approval for a Use Permit for operation of a brewery in the General Industrial Zoning District, a Use Permit for outdoor patio use, a Use Permit for outdoor vending (food truck service), a Use Permit for live entertainment, a Use Permit Standard for a reduction of the front yard setback, for DOG AND PONY BREW CO., located at 922 West First Street. The applicant is David Arnce.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** DOG AND PONY BREWERY (PL140471) is located in the Riverside Neighborhood west of Downtown Tempe. The property has been used for automotive uses and is being proposed for a brewery use within the existing buildings. This request includes the following:

- ZUP15005 Use Permit to allow a brewery in the General Industrial District
- ZUP15006 Use Permit to allow an outdoor seating patio in the General Industrial District
- ZUP15007 Use Permit for outdoor vending (food truck service)
- ZUP15008 Use Permit for live entertainment
- ZUP15009 Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75'



Property Owner	Dean Formanek, 922/936 West First Street LLC
Applicant	David Arnce, Dog & Pony Brew Company
Zoning District	General Industrial District
Lot Size	.75 acres
Building Size	3,200 s.f. (Brewery), 418 s.f. (office mezzanine), 800 (Cold Storage), 936 s.f. (Tasting Room) : <u>5,354 s.f.</u>
Outdoor Patio	1,064 s.f. patio
Parking Required/Provided	3 (Brewery), 1 (office), 1 (storage), 19 (tasting room), 5 (patio) : 29 spaces required / 29 provided
Bike Parking Required/Provided	1 (Brewery), 1 (office), 1 (storage), 2 (tasting room), 1 (patio) : 6 spaces required / 8 provided
Hours of Operation	8am-5pm brewery / 3pm-midnight tasting room
Occupancy	46 total persons (employees and customers)

**ATTACHMENTS:** Development Project File

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

Department Director: Dave Nakagawara, Community Development Director  
 Legal review by: N/A  
 Prepared by: Diana Kaminski, Senior Planner  
 Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

The site consists of two adjacent properties located south of Rio Salado Parkway, east of Hardy Drive, west of Farmer Avenue, on the north side of First Street. The property was annexed into the City with two buildings and a parking lot in 1963 and has been used for industrial purposes. The larger masonry building on the north west side of the site was built in 1986 and the eastern building was torn down in 2008. There are industrial uses to the west, north and east sides of the site, and multi-family residential on the south side of First Street. The proposed brewery requires a Use Permit to operate within the General Industrial District. The 3,200 square foot building to the north would house the brewery, restrooms and an office. This building is secured with a security gate. Public tours may be permitted into the brewery, however the primary public space is south of the brewery. The space between the north and south building would become a 500 square foot outdoor patio with a bar connected to the tasting room, the southern building. A proposed new 500 square foot wrap-around porch would be added to the east and south side of the tasting room, to allow patrons to sit on the street side, activating the street frontage with a front porch. The proposed use would require building code upgrades to meet changes to the use, however modifications are not large enough to trigger complete site upgrades. The porch will be raised above the retention area to minimize impacts to on site drainage. There will be no kitchen within the facility, however food trucks are proposed to visit the site to provide food service to beverage patrons. The business model includes the potential for live entertainment; therefore the applicant is also applying for a use permit to have live entertainment on site.

## PUBLIC INPUT

Staff received a call from a property owner of residences across the street, the major issues were:

- concern for parking shortages and impacts on other properties and street frontage,
- concern about noise from the outdoor patios and impacts on residents directly across the street,
- concern about trash left by patrons on other properties, based on current conditions from non-residents parking on street
- concern about loss of tenants from loss of quality of life caused by proposed use and hours of operation

## POLICE INPUT

A security plan will be required for this use and the live entertainment.

## USE PERMIT

The proposed use requires a Use Permit to allow a brewery in the General Industrial District, a Use Permit to allow an outdoor seating patio in the General Industrial District, a Use Permit for outdoor vending (food truck service), a Use Permit for live entertainment, a Use Permit Standard for a 25% reduction of the front yard setback from 25' to 18.75' The applicant has provided a letter of justification for the requested uses.

Section 6-308 E Approval criteria for Use Permit (*in italics*) with regard to the brewery with outdoor patios, food truck service and live entertainment:

1. *Any significant increase in vehicular or pedestrian traffic.* The existing site has approximately 24 parking spaces, and has served large truck traffic; the proposed site plan has 29 parking spaces and is designed primarily for standard sized vehicles. The site is also accessible by Orbit. The prior use was limited in hours, the proposed use will have longer hours and weekends, having more traffic to the site than prior uses when open. During daytime hours, three employees will be on site operating the brewery; the tasting room opens at 3pm drawing the largest customer traffic between 3 and 10pm Monday through Saturday. The proposed building will not increase in size, but can accommodate an interior occupancy of 46 people. The patio additions will increase the utility of the site, and potential for more traffic. The applicant will be adding a safe pedestrian path from the street to the buildings. The proposed brewery with outdoor patios, a food truck and live entertainment will increase both vehicular and pedestrian traffic to the site, but is not in excess for the zoning classification, surrounding contextual uses, or the street capacity.
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 site is located within the Sky Harbor International Airport flight path, with scheduled air traffic and associated noise. The site is located within ½ mile of the Union Pacific Rail and Valley Metro Light Rail lines, which contribute to general noise. The site is within a small industrial strip adjacent to Rio Salado Parkway, and has the potential for uses that would be greater generators of nuisances common to industrial

businesses. The brewery use will be entirely contained inside, with the exception of the grain silo and the connection to the indoor grain handling equipment. The operation of the brewery is not anticipated to produce nuisances out of character with, or in excess of industrial uses. The outdoor patios may generate noise from patrons, and will be required to meet the noise ordinance requirements in Tempe City Code, Chapter 21 to assure that residents to the south of the site are not adversely impacted by late night noise. Live entertainment is conditioned to be indoors only. The site is a small site, which can only accommodate one food truck by the patio between the buildings. There may be a potential for 2 food trucks to park on the street front, but they would need to comply with requirements of the Tempe City Code, Chapter 24.

3. *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 existing industrial use, and prior uses, have provided little site upgrades or upkeep since the 1986 building was erected. The proposed brewery with outdoor patios will revitalize the site, provide landscape to the property, and create an interactive street front. There are no known degradations to property valuation with the revitalization of an industrial site to a brewery with a tasting room; recent investments in other locations have resulted in the larger revitalization of surrounding areas, anecdotally improving the neighborhoods where rehabilitations and industrial conversions have occurred.
4. *Compatibility with existing surrounding structures and uses.* With regards to the structures, the existing buildings on site will remain. The larger masonry block building will not be modified on the exterior. The southern building will be modified with an upgraded roof and wrapped patio, giving the house-like building a more residential feel with contemporary materials such as a standing metal seam roof, transitioning from the residential area to the south, but compatible with the surrounding industrial architecture. The proposed use has been established less than a ½ mile east of this location since 1979, when a cocktail lounge was permitted and later granted a live entertainment permit (the site became known as The Sail Inn). The use of industrial buildings for restaurant or bar uses was supported again in 2014, with the conversion of Thorens cabinet shop into Culinary Drop Out and a use permit for live entertainment was approved for The Yard on Farmer Avenue. Both of these businesses have proximity to existing residential, as does this site. The proposed uses and existing structures are appropriate to the area.
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 south side of the building, where the patio is proposed to be located, is approximately 130 feet from the residences on the south side of First Street. Concern has been expressed by residents that the addition of a patio and the allowance of live entertainment will affect their quality of life. The applicant will be required to maintain a security plan on site. The existing access control gate will allow security of the north portion of the lot when the business is not open, the patio between the buildings will also be secured after hours. The live entertainment will be contained to indoor use only. By conditions and existing City Codes, the proposed brewery with tasting room and outdoor patios with food truck service will be controlled adequately, to prevent nuisances impacting the general public.

Section 6-308 E Approval criteria for Use Permit Standard (*in italics*) with regard to the reduced front yard setback:

1. *Any significant increase in vehicular or pedestrian traffic.* The proposed reduction from a 25 foot front yard setback in the General Industrial District to an 18.75' front yard setback would allow a 300 square foot porch to the front of the existing building. This would allow additional patrons to visit the site, however, the first 300 feet of patio space is not required to be parked, so there is limited additional traffic generated by adding a front porch and reducing the setback by 6.25'.
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 reduction of a setback has no known impacts on nuisances, however the addition of the patio created with the reduction would enable patrons to drink alcohol and socialize outside, which can generate noise. The proposed use permit standard would not allow a large patio however, and the size would be comparable to a balcony or patio on a residence. It would not be anticipated to exceed the ambient conditions of the area.
3. *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.*

4. *Compatibility with existing surrounding structures and uses.* Along the north side of First Street, west of the site, there are no structures as close as 18.75' to the property lines, however, the newer developments to the east of the site have changed the character of the street front, with buildings as close as 5 feet to the street front. The multi-family zoning on the south side of First Street allows structures as close as 20 feet, and open patios as close as 15 feet from the property line. The proposed addition of a patio to the existing building adds a residential character to the industrial building, creating a transition between industrial uses on the north side of the street, and residential uses on the south side of the street. The proposed Use Permit Standard is an appropriate deviation from the large 25 foot setback of the General Industrial District, in the context of the surrounding structures and uses.
  
6. *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 setback will not create nuisances on site. The addition of the patio on the street front will provide more visibility to street activity, activating an area for pedestrians, and generating a more congenial community environment. Bringing the patio closer to the public right of way may help reduce crime such as theft from autos or graffiti, by having eyes on the street as late as midnight. Behavior on the patio will be controlled by staff of the establishment, and maintained through the security plan held with the Police Department.

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.

#### **Conclusion**

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permits. 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:**

1. A Development Plan Review for landscape and building elevations shall be completed prior to implementation of the Use Permits.
2. The Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 are valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
3. The Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. If there are any complaints arising from the Use Permits ZUP15005/ZUP15006/ZUP15007/ZUP15008/ZUP15009 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, which may result in termination of the Use Permit.
5. The live entertainment use shall take place inside only. No live entertainment will be allowed outside
6. Live entertainment to cease at 12 midnight.
7. Outdoor speakers and televisions will not be allowed on the south patio, and must be reviewed for design approval if proposed for the north patio.

8. 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 March 17, 2015.
9. Hours of operation to begin no earlier than 8am and end no later than 12:00 am (midnight).
10. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
11. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
12. Provide bicycle parking racks per City of Tempe Public Works Department bicycle rack detail T-578 standard.

**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.

- The Use Permit is valid for DOG AND PONY BREWERY and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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 [www.tempe.gov/planning/documents.htm](http://www.tempe.gov/planning/documents.htm) or purchase from Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews. 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 Department 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 any of the approved uses shall require new Use Permits specific to the use that has been expanded.
- 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.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

**HISTORY & FACTS:**

- |                  |   |
|------------------|---|
| 1949-1959        | Historic aerial photos indicate the site was undeveloped until after 1953. Two buildings located on two adjacent lots are visible in 1959; no aerial images were available between 1954 and 1958.                                   |
| October 21, 1959 | Property Record Card history indicates the building on the eastern lot was built in Maricopa County prior to annexation by the City of Tempe. The lot was used by Plumbing by Gay Plumbing, and was subdivided prior to annexation. |
| July 23, 1963    | City Council adopted Ordinance 385.23 Zoning the property I-2 Industrial at the time of annexation.   |
| March 5, 1986    | Design Review Board approved a request for a new building and landscape plan behind the   |



existing building on the western lot, for Traffic Marking and Striping Company.

1992                      Underground tank removed  
2008                      Building on east lot removed.

The property has been in use for various industrial uses as well as residences since the late 1950s.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 4-201 Use Permit Standard

Section 4-204 Table of Development Standards for General Industrial District

Section 6-308 Use Permit

January 19<sup>th</sup> 2015

City of Tempe  
Community Development  
Planning  
31 East Fifth Street  
Tempe, AZ 85280

**RE: LETTER OF EXPLANATION  
Use Permit Request (Brewery in an Industrial Zone)**

Dog & Pony Brew Co. is a small craft brewery. The primary business of brewing beer, will occur in the masonry building to the rear of the property. At least three of the estimated 10 employees will always be present for operation. The tasting room for the product brewed onsite will operate in the wood framed structure to the front of the property. Initially, there will be approximately six employees to serve patrons during the operating hours of 11:00am to 12:00am. (six days per week).

This request will not cause any significant vehicular or pedestrian traffic in adjacent areas because this site has ample parking and our service license requires our patron traffic to be self contained.

This request will not cause any nuisance exceeding ambient conditions due to nature of the brewing process. Beyond shipping and receiving, the brewing process is self contained within our premise and is indoors.

This request will not contribute to the deterioration of the neighborhood or conflict with the cities' goals, objectives or policies because the business is intended to be a community enhancement center.

This request will be compatible with existing surrounding structures because it is not substantially changing the existing condition.

This request will not result in any disruptive behavior or nuisance because it is consistent with existing conditions and is a highly compatible concept for the City of Tempe.



## **Use Permit Request (Outdoor Patio Seating)**

This request is being made to allow patrons of the brewery to enjoy the amazing weather of Tempe via an outdoor patio. The property is the perfect location for the development of a community supported business, such as ours. The intent is to serve an elite clientele of working professionals and neighborhood residents. The front patio/porch is proposed to serve 2 purposes; curb appeal and atmosphere. The first, curb appeal, is obvious. This site has a long and unique history for Tempe and that charm is intended to remain, as well as, be enhanced via the porch upgrade. This will allow passersby's and pedestrians to see a welcoming, safe environment from the curb that is intended to be inviting and stand as a symbol for our core beliefs as a business, everybody is welcome.

Secondly, atmosphere. For the patrons inside our establishment, our intention is to create a warm and welcoming atmosphere that feels like "home". Adding a front porch will be a wonderful and fun way to achieve this effect.

The front porch is proposed to be a total of 264 sqft, which is only enough room to allow for 12 seats and a walking aisle. Customer experience and volume control are, of course, central issues for our mutual enjoyment and ongoing success. Highly trained staff and security will be on site ensuring the enjoyment for all who come.

The outdoor seating proposed for the rear of the property is intended to serve the same purpose as above. It is proposed to accommodate 24 seats. The property is well balanced with our amply sized parking lot of 29 spaces.

## **Use Permit Request (Outdoor Vending (Food Trucks))**

As we all know, tasty snacks are the perfect compliment to ice cold beer, thus we are requesting to allow for food trucks to visit our site. Due to the physical size of our structure (approx. 1000 sqft), there is not sufficient room to build a kitchen on this site. A solution to that issue, is partnering/inviting with the latest innovation in the Phoenix area, food trucks. These wonderfully innovative chefs have designed food truck concepts ranging from BBQ to Crab cakes. The food prep is done off-site by licensed professionals and is served with the same level of scrutiny as any local restaurant. The beauty of this style of food service is that the food truck rolls in, and serves and then leaves. No waste or discharge remains as a result of their presence and once they serve, they leave the property. No more than 2 trucks will be on site at any one time and hours of service are expected to be from 11:00am to 2:00pm and from 4:00pm -8:00pm 4 days per week.

## **Use Permit Request (Live Entertainment)**

Dog & Pony Brew Co. and its associated tasting room is not meant to be a loud sports bar or night club venue. Any entertainment will be low-key and focused on attracting area professionals who are beer connoisseurs and will promote the business of craft brewing. The entertainment area will be limited to the inside of the tasting room and will not ever reach a volume that will be disruptive to the neighborhood. The types of anticipated entertainment will be solo keyboard/piano or singer/songwriter guitar and vocal performances. No live performance will be allowed to continue beyond 10:00pm and is expected approximately once per month. As previously mentioned, the property will be secured and monitored by Dog & Pony security personnel.

## **Use Permit Request (Reduction of Front Yard Setback)**

The request is being made to reduce the front yard setback from 25 feet to 18.75ft. As mentioned earlier regarding the front porch of the property, it is necessary to expand the front porch to a distance that accommodates 1 (one) row of seats (12 seats) and an ADA compliant walk way. In order to achieve and comply with the other regulations we ask for this expansion of the current standard. It is our fervent goal to create a warm and welcoming environment that is first and foremost, SAFE.

Cheers,

Vito Dascoli  
c/o Dog & Pony Brew Co.  
930 W 1<sup>st</sup>. st  
Tempe, AZ 85281



# DOG & PONY BREW HOUSE

102 N FIRST ST, TEMPE, AZ

## DEVELOPMENT PLAN REVIEW AND USE PERMIT APPLICATIONS

LAND OWNER: DEAN FOMALIEK  
BUSINESS OWNER: DAVID ANGE

### Site & Building Data

Space	Footages	OCC Load	Action
A Brew House (masonry structure)	• Brewing area	80 x 40 3200 TSF	Permitted use by special use permit Permitted use by special use permit Allowed Allowed by building permit Architectural screening
	• Public lavatories & stairwell	12 x 40 480 TSF	
	• Office mezzanine	12 x 40 480 TSF	
	• Outdoor cold box	800 TSF	
	Totals:		
B Tasting Room (wood frame structure)	• Interior seating	39 x 25 975 TSF	Permitted use by special use permit Permitted use by special use permit N/A Allowable addition by special use standards (set bk. only) Allowable addition by building permit
	• Cooler	19 x 25 475 TSF	
	• Covered porch	11.75 x 21 246 TSF	
	• Trellis patio	6 x 40 240 TSF	
Totals:			
C Outdoor open area/entertainment	• Hardscaping	35 x 30 1050 TSF	Permitted use by special use permit Permitted use by special use permit
	Totals:		
D Outdoor parking	• Food truck	N/A	Permitted use by special use standards
	Totals:		

### Zoning Regulations

- Zone: G10
  - Permitted uses (summary)
    - Manufacturing
    - Warehousing
    - Wholesaling
    - Distribution
    - Office
  - Permitted uses with special use permit
    - Drinking establishment (with tasting room)
    - Entertainment
  - Permitted use with special use standards
    - Outdoor seating
    - Temporary outdoor vending
    - Outdoor equipment

- Setbacks: Buildings A & B
  - Front: 25 FT
  - Rear: 0 FT
  - Sides: 0 FT

- Maximum building height: 35 FT
- Lot coverage: N/A
- Minimum open space: 10%
- LANDSCAPE: 1/30% STREET TREES AND LANDSCAPE PLANTS

### Occupancy Load Calculations

- Building A  
Brew house  
BREW AREA: 3200 sq ft  
OFFICE/LOUNGE: 960 sq ft

- Building B  
Tasting Room  
INTERIOR SEATING: 975  
TABLES: 160  
BAR: 176  
TOTAL: 1311

### Parking Calculations

- Building A  
Brew house  
BREW AREA: 3200 sq ft  
OFFICE/PUBLIC AREA: 960 sq ft

- Building B  
Tasting Room  
INTERIOR SEATING: 975  
TABLES: 160  
BAR: 176  
TOTAL: 1311

- Area C  
Open outdoor space  
1050 sq ft / 150 = 7.0

- Paved parking  
4 PER 1750 sq ft

### CODE ANALYSIS

- CONSTRUCTION TYPE: BREW HOUSE, TASTING RM, WOOD FRAME
- OCCUPANCY: BREW HOUSE, TASTING RM, DRINK ESTAB
- OCC LOAD: 46
- GROSS LEASED AREA: 4175 sq ft
- PERMITS: 180

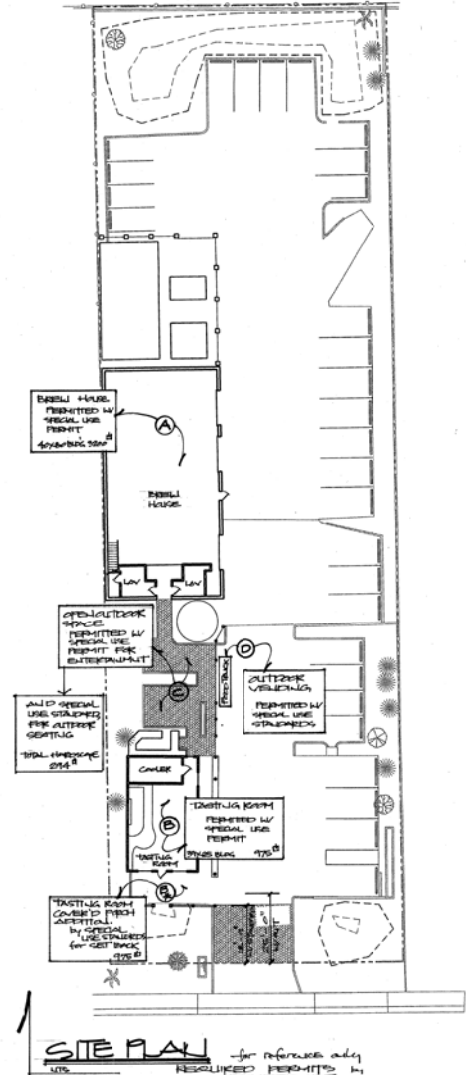
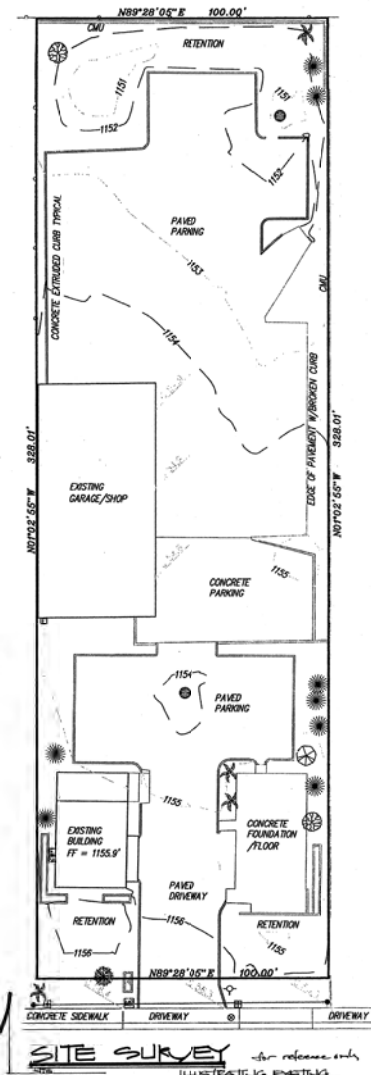
### CONTACTS

- AN INTIMATE APPROACH... TO DESIGN & CONSTRUCTION 480-241-9100
- PLANNING/INTERIOR DESIGN
- ARCHITECTURE
- ENGINEERING

DAVID ANGE 480-747-7136  
BUSINESS OWNER

### INDEX

- A1 TITLE SHEET
- A2 SITE PLANS
- A3 PLUMBING/ELECTRICAL
- A4 MECH PLANS/ELEV
- A5 ELECTRICAL & MECH
- A6 BUILDING SECTIONS
- ATTACHMENT 1: TOPOGRAPHICAL SURVEY



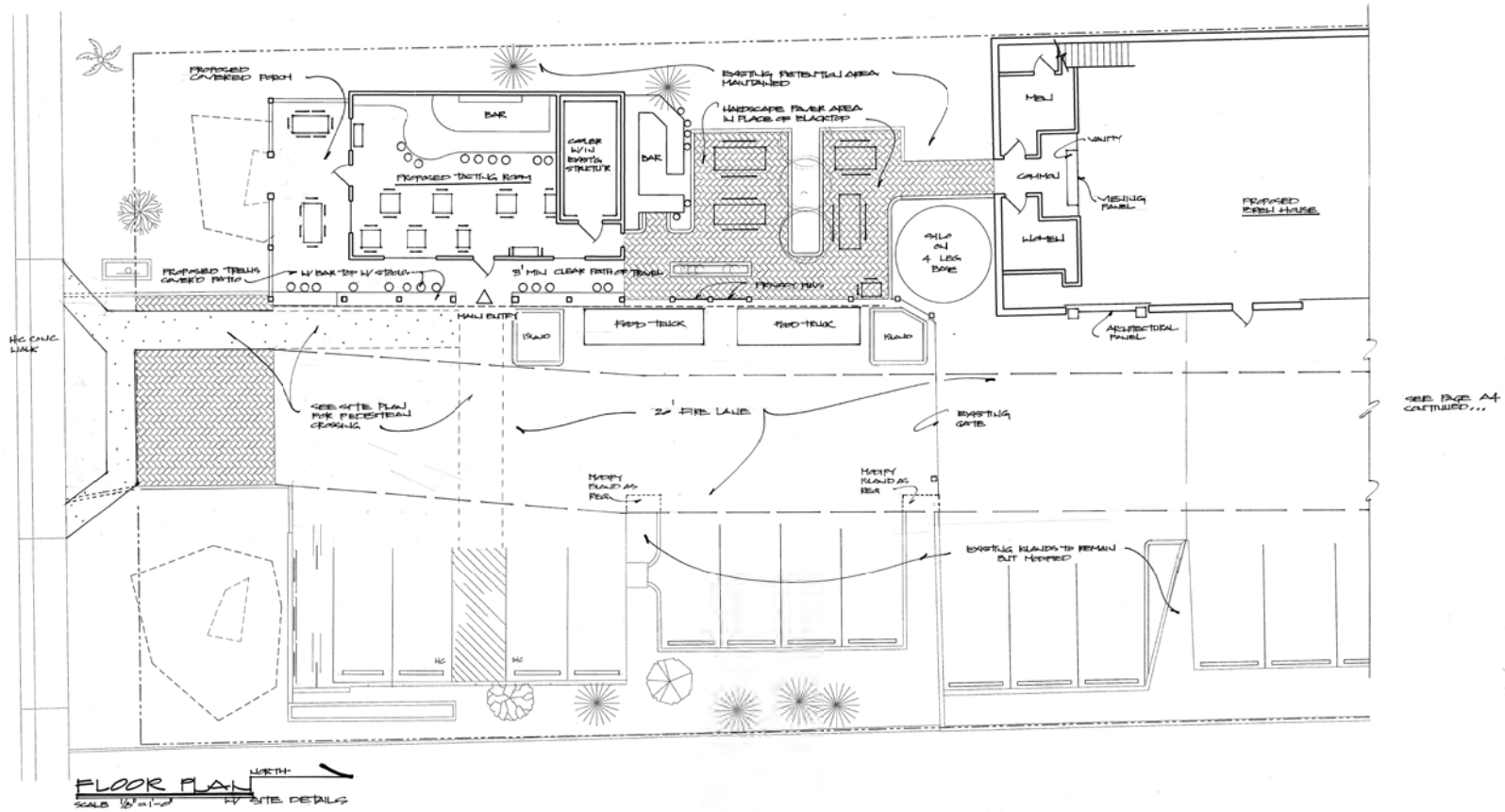
AN INTIMATE APPROACH...  
TO DESIGN & CONSTRUCTION  
VITO DASCOLI  
480-241-9100  
VDASCOLI@GCOM.NET

PLANNING/DESIGN  
SHEET  
DATE  
PRELIMINARY SUBMISSION  
FEB 2 2015  
SIX

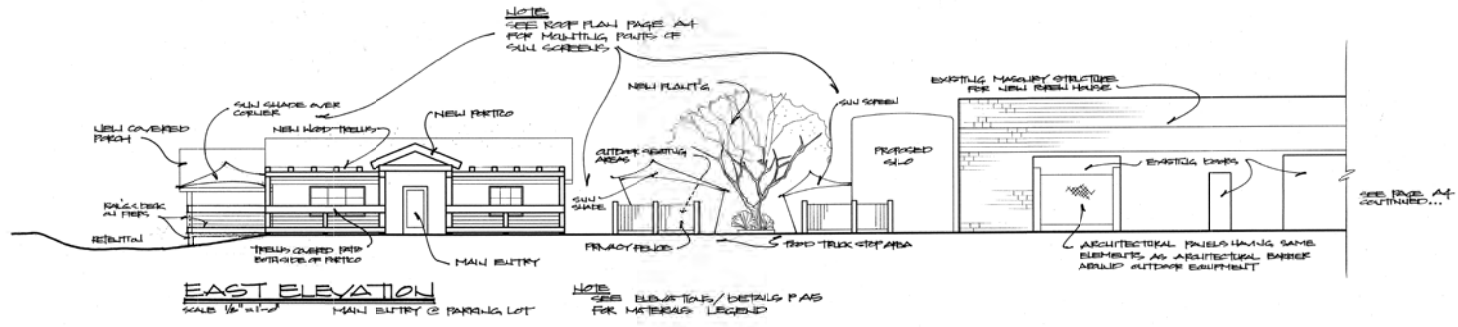
DOGS & PONY BREW CO.  
422 N. 1ST ST., TEMPE, AZ  
DAVID ANGE  
480-747-7136







**FLOOR PLAN**  
SCALE 1/8" = 1'-0"  
BY SITE DETAILS



**EAST ELEVATION**  
SCALE 1/8" = 1'-0"  
MAIN ENTRY & PARKING LOT

NOTE  
SEE ELEVATION/DETAILS PAGES FOR MATERIALS LEGEND

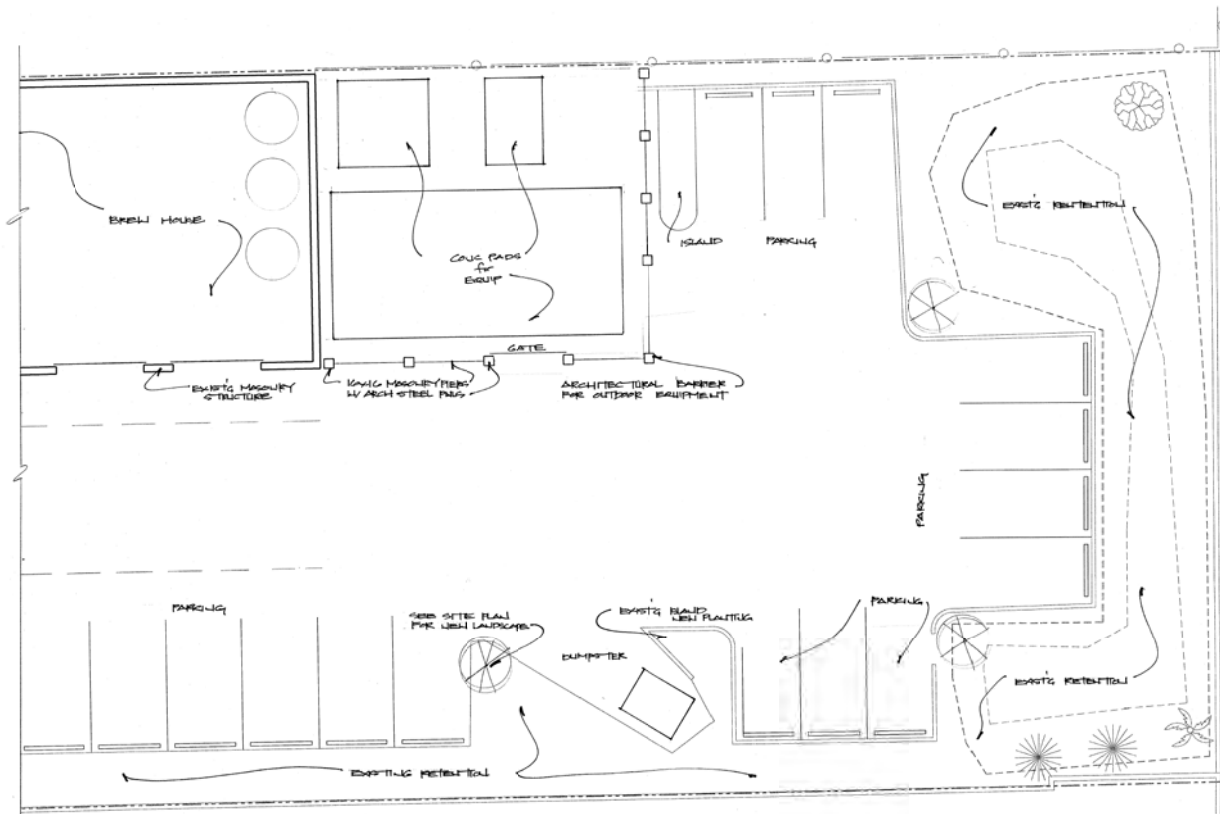
AN INTIMATE APPROACH...  
 ... TO DESIGN & CONSTRUCTION ...  
**VITO DASCOLI**  
 VONASCO, INCORPORATED  
 480-241-3180

PLANNING/DESIGN  
**PROJECT**  
 SCALE  
 SHEET  
**A3**  
 OF  
**SIX**

DRAWING  
**FLOOR PLAN/ELEVATION**  
 PRELIMINARY SUBMISSION  
 DATE  
 FEB. 2, 2015

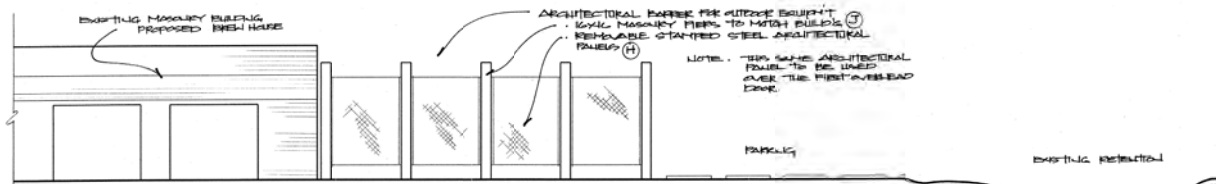
JOB/ENGINEER  
**DOG & PONY BREW CO.**  
 922 N. 1ST ST. TEMPE, AZ  
 DAVID ARNICE  
 480-747-7316

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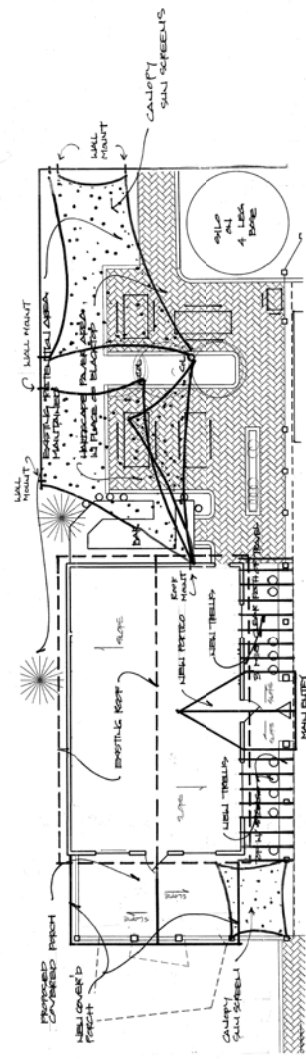


**FLOOR PLAN** ... CONTINUED  
SCALE 1/8" = 1'-0"

FROM PAGE AS



**EAST ELEVATION** ... CONTINUED  
SCALE 1/8" = 1'-0"



**REF PLAN** - for wall screens REF  
SCALE 1/8" = 1'-0"

DATE

**DOUG & PONY BREW CO.**  
922 N. 1ST ST. TEMPE, AZ  
DAVID ARICE  
480-747-1316

DRAWN

**FLOOR PLAN/ELEV**  
PRELIMINARY SUBMISSION  
DATE FEB 2, 2015

SHEET

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OF  
**SIX**

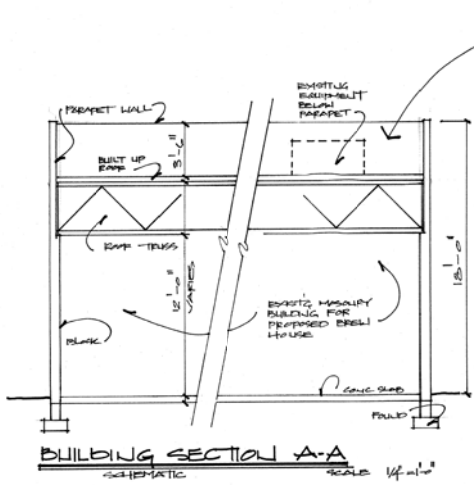
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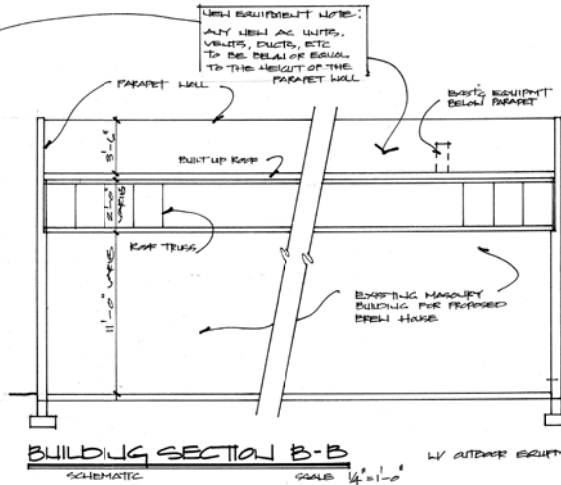
PLANNING/DESIGN

**AN INTIMATE APPROACH...**  
... TO DESIGN & CONSTRUCTION ...  
**VITO DASCOLI**  
VONASCOLICONNET  
480-244-3880

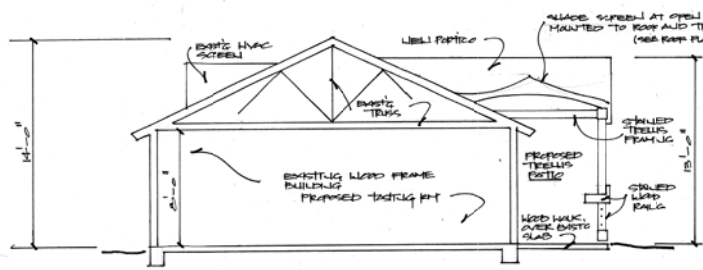
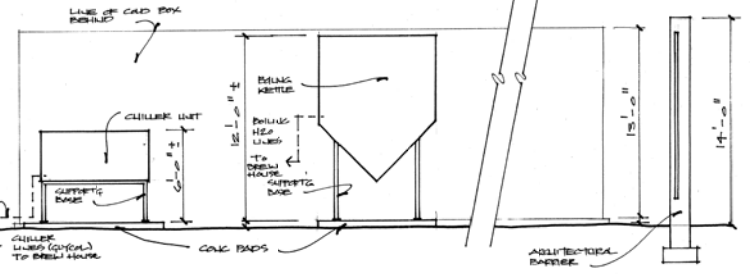




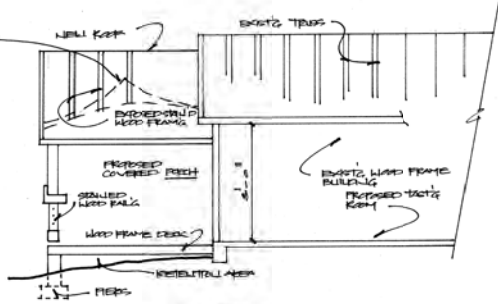
**BUILDING SECTION A-A**  
SCHEMATIC SCALE 1/4"=1'-0"



**BUILDING SECTION B-B**  
SCHEMATIC SCALE 1/4"=1'-0" LV OUTSIDE EQUIPMENT SHOWN



**BUILDING SECTION C-C**  
SCHEMATIC SCALE 1/4"=1'-0"



**BUILDING SECTION D-D**  
SCHEMATIC SCALE 1/4"=1'-0"

AN INTIMATE APPROACH...  
... TO DESIGN & CONSTRUCTION  
... VITO DASCOLI  
VITODASCOLI.COM/NET  
480-241-3100

PLANNING/DESIGN  
SEAL  
SHEET  
A6 OF SIX  
DATE FEB. 2, 2015  
DRAWN BY DAVID ARNCE  
CHECKED BY VITO DASCOLI  
PROJECT: DOG & PONY BREW CO.  
922 N. 1ST ST. TEMPE, AZ  
480-747-7316



# Dog & Pony Brew Co. Materials Board



# Dog & Pony Brew Co. Materials Board



Metal Sales Model # 2111607 Internet # 20125262

16 ft. Classic Rib Steel Roof Panel in Charcoal



# Dog & Pony Brew Co. Materials Board

