

CITY OF TEMPE **DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 4/27/2021

Agenda Item: 11

ACTION: Request a Use Permit to allow a bar (Series 7) for THE HUDSON EATERY & BAR, located at 1601 East Apache Boulevard. The applicant is The Hudson, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE HUDSON EATERY & BAR (PL210072) is a restaurant located on the southeast corner of South Elm Street and East Apache Boulevard in the CSS, Commercial Shopping and Services District, and within the TOD, Transportation Overlay District. The property contains one building with a retail liquor store and a restaurant. The restaurant is currently operating with a Series 12 restaurant liquor license which allows it to sell and serve all types of spirituous liquor solely for consumption on the premises. A restaurant with a Series 12 license is permitted by right in the CSS zoning district. The restaurant must provide at least forty percent (40%) of its gross revenue from the sale of food to remain in good standing with the Series 12 license. The reason for the Use Permit request is because the applicant wishes to stack a Series 7 liquor license on top of their Series 12 license which would allow both on- & off-sale retail privileges (beer and wine only), meaning the business will be allowed to sell some of their specialty draft beers and wines to-go in growler or crowler containers. The request includes the following:

ZUP210032 Use Permit to allow a bar (Series 7).



Property Owner KCMD, LLC

Applicant Kyle Delly, The Hudson, LLC

Zoning District CSS (TOD) Site Area 18.737 s.f. **Building Area** 4,897 s.f.

Lot Coverage 26% (# max. required) **Building Height** 16'-9" (35'-0" max. required)

86'-10" front, 0' east side, 0' street side, 4'-0" rear **Building Setbacks**

> (0', 0', 0', 10' min. required) 22 spaces (8 min. required)

Vehicle Parking Bicycle Parking 8 spaces (7 min. required) Hours of Operation 6 a.m. to 2 a.m., Daily **Building Code Occupancy** B (less than 49 occupants)

Development Project File ATTACHMENTS:

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Lee Jimenez, Senior Planner

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The restaurant opened for business in November of 2020. There are two (2) attached outdoor patio areas. The smaller of the patios is located along the north side of the building, and the larger one is located along the west side of the building. The current business hours are 11 a.m. to 10 p.m., Sunday through Thursday, and 11 a.m. to 11 p.m., Friday and Saturday. The operator plans to expand the hours of operation when the pandemic ends as the volume of customers is expected to increase.

PUBLIC INPUT

Staff has received one (1) neutral comment, one (1) comment in opposition, and one (1) comment in support from nearby residents. The first comment indicates no issues with the establishment; however, he is concerned about unnecessary onstreet parking along Elm Street and into the neighborhood. He recommends employees and customers using the parking lot before street as a last resort. The second comment does not believe a bar use is appropriate at the location since it is next to a liquor store and located so close to a residential area to the south. The third comment

POLICE INPUT

No concerns from the Crime Prevention Unit. A security plan will be required.

USE PERMIT

The proposed use requires a Use Permit to allow a bar (Series 7) in the CSS zoning district.

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

- 1. Any significant increase in vehicular or pedestrian traffic; the proposed use is expected to generate more vehicular and pedestrian traffic but not at a significant level. Nevertheless, the site provides more off-street parking spaces than the minimum requirement of the Zoning and Development Code. The site is also located less than a quarter mile from the Apache & Dorsey light rail station to the west and the Apache & McClintock light rail station to the east. Furthermore, the operator incentivizes patrons to ride in on bicycles by offering a 10% discount on food.
- 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 operator is in agreement with the recommended condition of approval not allowing outdoor patio speakers in an effort to help mitigate any potential future noise concerns.
- 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 uses do not conflict with the City's adopted plans and will complement the other dining, retail, and service uses along Apache Boulevard.
- 4. Compatibility with existing surrounding structures and uses; the proposed use is compatible with the other existing uses and structures located along Apache Boulevard. A small shopping center containing restaurants, retail shops, and a dental office is located across Elm Street to the west, a mixed-use development and reception hall is located across Apache Boulevard to the north, a used car dealership is located directly to the east, and a single-family residential subdivision is located across the alley to the south.
- 5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; a security plan will be required to operate the bar. The operator is the owner of the property and has a vested interest to assure there is adequate control of any potential disruptive behavior.

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 for the plans as submitted within this application.
- 2. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6330 before May 27, 2021.
- 3. Business hours of operation to begin no earlier than six o'clock in the morning (6:00 a.m.) and end no later than two o'clock in the morning (2:00 a.m.), daily.
- 4. Outdoor patio speakers are permissible and shall be mounted above patio areas and directed downward.
- 5. Outdoor patio speakers use shall begin no earlier than seven o'clock in the morning (7:00 a.m.) and end no later than ten o'clock in the evening (10:00 p.m.), daily.
- 6. Indoor speakers located near building openings shall be directed inward, away from the exterior.

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 The Hudson Eatery & Bar 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.
- 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.

HISTORY & FACTS:

January 16, 2019

Building Safety Division approved a Building Development Plan Review for minor site, landscape, and elevation modifications for THE HUDSON (BDPR18121), located at 1601 East Apache Boulevard in the CSS, Commercial Shopping and Services District, and within the TOD, Transportation Overlay District.

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

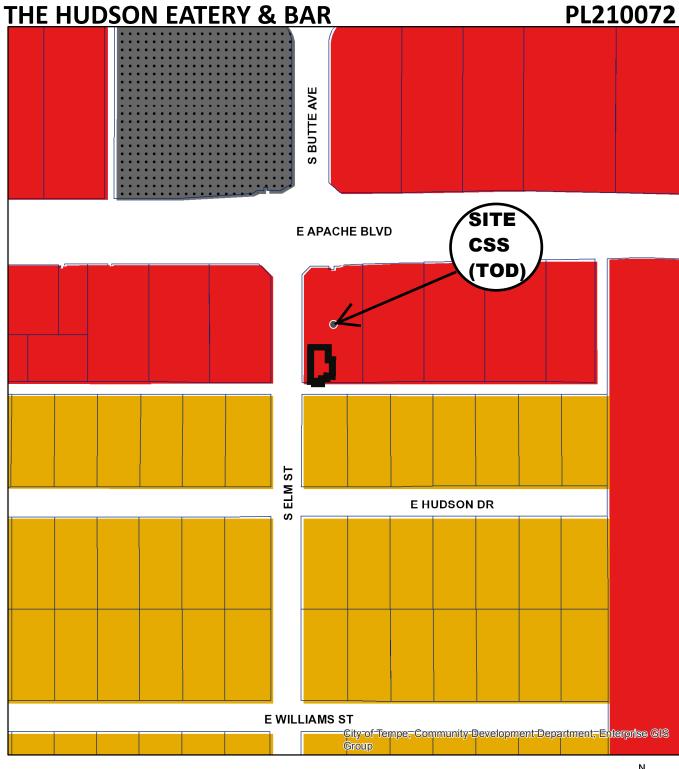
for THE HUDSON EATERY & BAR (PL210072)

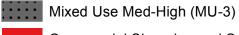
ATTACHMENTS:

1.	Location	Mag	

- 2. Aerial
- 3-4. Letter of Explanation
- 5. Site Plan
- 6. Floor Plan
- 7. Elevations
- 8. Site Context Photos
- 9. Public Comments







Commercial Shopping and Services (CSS)

Single-Family Residential (R1-6)





THE HUDSON EATERY & BAR

PL210072



Aerial Map



Letter of explanation for The Hudson Eatery & Bar site address:

1601 E Apache Blvd. Tempe, AZ 85281

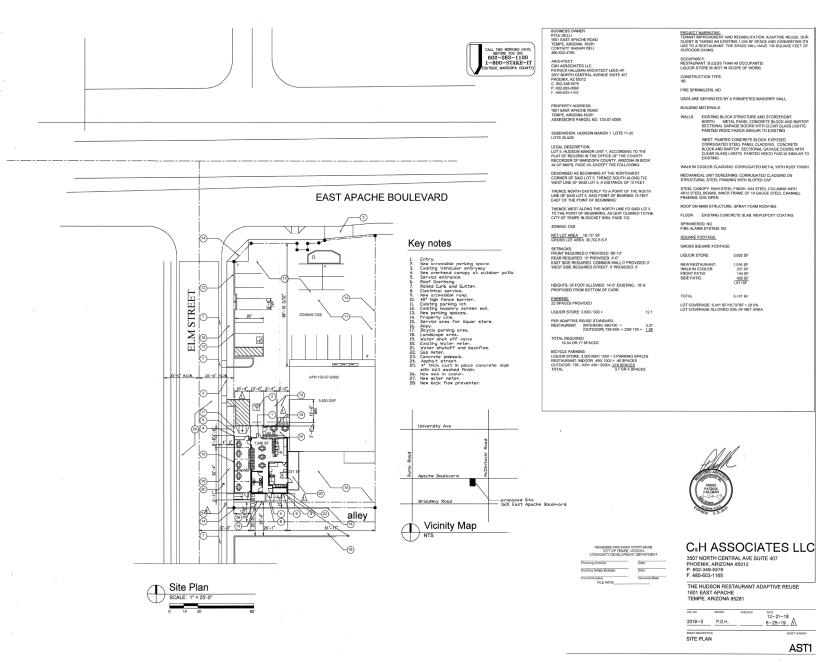
The business is currently operating as a neighborhood restaurant and bar.

Hours of operation 6am to 2am Monday to Sunday. The Hudson Eatery & Bar is currently operating as a restaurant and bar under a series 12 liquor license and has a staff of 8 team members. The use permit for the series 7 beer & wine licenses should not have any change or impact outside of the current business operation and surrounding neighborhood, as the establishment currently offers beer, wine and spirits. The applicant is only activating the license to stack it on top of the current series 12 license, so it is not forfeited. The applicant currently owns a series 7 liquor license that was awarded and purchased through the Arizona Department of Liquor. The license needs to be activated in the next several months or the license will be forfeited. There should not be any additional increase in traffic or change in operation as the establishment currently offers everything the series 7 license will allow. The license activation will also allow the establishment to sell some of their specialty draft beers and wines done exclusively for the restaurant to go, which is not an option currently. The surrounding neighborhood on a weekly basis has requested they be able to fill up their growler bottles, so they can enjoy the same draft beers served on site, in the convenience of their own home. The request for the series 7 license should not affect the surrounding neighborhood. We owned the liquor store next door for the past 36 years with not issues and being good neighbors to the surrounding businesses and residence. There should not be any additional vehicular traffic then there currently is, the business has also gone above and beyond the minimum required bike rack and has installed two additional bike racks outside the establishment and offers a 10% discount on food, for anyone that rides in on a bike. This project was made possible through the adaptive reuse project through the city of Tempe. The

building had sat empty for over 6 years and no upgrade to the property since it was built back in 1965. The addition of the restaurant and bar will help increase the surrounding areas property values with the recent upgrades to the building. The restaurant and bar has provided new life to the corner and a place for the surrounding neighborhood to meet up for a bit to eat and drink. We are owner-operators and we will be onsite at any given time. We have a vested interest in the neighborhood. We own the property, we have operated a business at the same site for over 36 years and lived in the Hudson Manor neighborhood to the south of us in the past.

for hely	
Bashar Delly	4/8/21







Tempe.

E C E I V E Mar 11, 2021

Planning

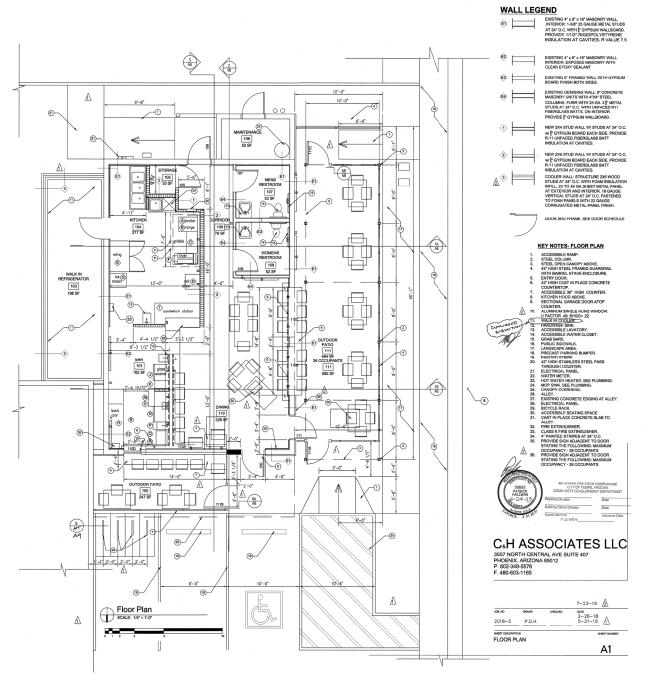
Key	Item .	Quantity	Manufacturer	Model	Amps	volts	Phase	MOTOR SIZE	TOTAL BTU
(A)	BROILER	1	AMERICAN RANGE	ARCM-36					35,000
®	RANGE	1	VULCAN	36C-2B24CBN	4.0	115V	1		159,000
©	GRILL	1	MAGIKITCH'N	MKG24	.44	115	1		60,000
®	DELI SLICER	1 .	UNIVEX	7512	. 4	4 115 1			
(E)	2-DOOR FREEZER	1 .	AVANTCO	178A49R-HC	4.56	115	1		
(F)	DEEP FRYER	1	AVANTCO	FF3100					90,000
©	ICE MACHINE & BIN	1 .	HOSHIZAKI	KM-340MAS & B-300 PF	9.2	115	1		
(f)	DISPLAY COOLER	2	PERLICK	BBLP60	5.3	120	1	1/4 HP	1
①	SANDWHICH STATION	1	KOOLIT	KST-72-3	5.5	115	1,	1/3 HP	
③	GLASS WASHER	1 '	PERLICK	PKD24B	16	115/230	1 .		- 2111
				1 2 2 2 2					
® :	GLASS WASHER ACCES	1.	PERLICK	757-03	<u> </u>	-			
<u>(</u>)	TRASH BIN	1 .	PERLICK	TSF 12BTB	-				
<u></u>	GLASS WASHER DRY STORAGE	1 -	PERLICK	705 SA-D		<u> </u>			
®	UNDERBAR ICE CHEST	1	PERLICK	TS2 41CS					
(SPEED RAIL	1	PERLICK	SR-024				-	
®	BLENDER STATION	, 1	PERLICK	TS12BLW					
®	DRAINBOARD	1	PERLICK	TSD24RIC					
®	DISPENSING HOOD	1	PERLICK	4008-SB		3.7			

NO.	Room	Floor	Base	WALLS				CEILING		
				North	East	South	West	TYPE	HEIGHT	REMARKS
100	FRONT PATIO	SC	т-		TPB	ISB		PGB	8-0*	
101	BAR	SC	CB	FRP/EB	FRP/ EB	FRP	FRP	EX	9-0"	
103	WALK IN COOLER	SC .	-	FRP	FRP	FRP	FRP	MTL	8'-0"	
104	KITCHEN	SC	CB .	FRP	FRP	FRP	FRP	ACT	8'-0"	,
105	STORAGE	SC .	CB	GB	GB	GB	GB	PGB	8,-0,	
106	MAINTENANCE	SC		EB	EB	EB	EB	EX		
107	MENS RESTROOM	PT	CB	PT/PGB	PT/PGB		PT/PGB	PGB	8,-0,,	
108	CORRIDOR .	SC	WB	-	GB	GB	GB	EX		-
109	WOMENS RESTROOM	PT	CB.	PT/PGB	PT/PGB	PT/PGB	PT/PGB	PGB	9'-0"	
110	DINING	SC	-	EX	-	PGB	EB	EX		
111	PATIO	SC			1.					
	100									

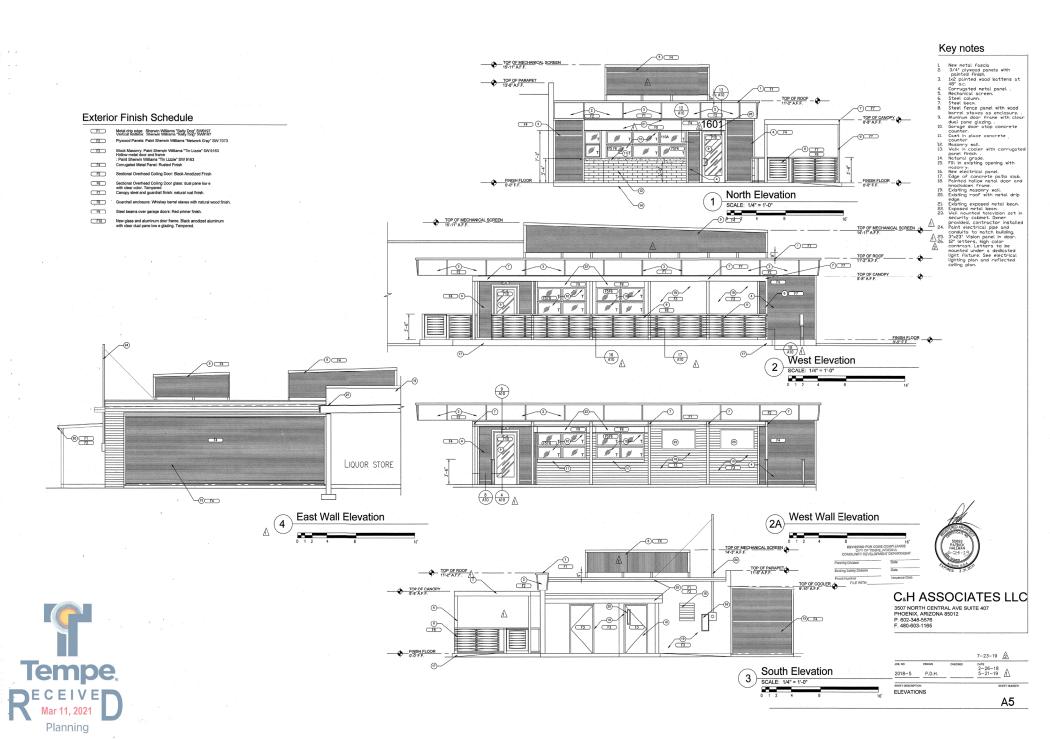
SC - SEALED CONCRETE.
POB - GYPSUM BOARD
ACT - WIPEABLE ACCUSTICAL CEILING
TILES
PT - PORCELAIN TILE
PTB - COVED TILE BASE

EB - EXPOSED BLOCK FRP - FOOD RESISTANT PANEL (HAS COVED FRP BASE) PGB- PAINTED % GYPSUM WALLBOARD PB - PAINTED BLOCK SB- EXPOSED SEALED BLOCK



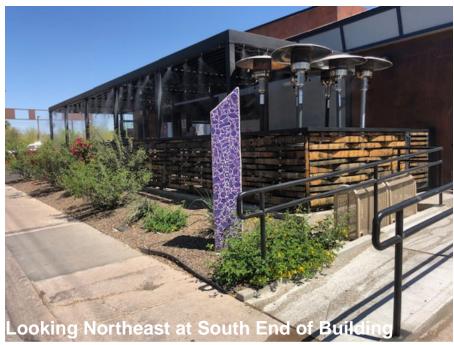


ATTACHMENT 6











Jimenez, Lee

From: philamo@cox.net

Sent: Monday, April 12, 2021 3:27 PM

To: Jimenez, Lee

Subject: The Hudson (PL210072)

Hi Mr. Jimenez,

I would like to send this letter of support for the Hudson Eatery and Bar getting a Use Permit for a series 7 liquor permit. It is a small place and not a rowdy establishment. It is a good addition to the neighborhood.

Phil Amorosi

E Cedar St.

Tempe