

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 6/8/2021
Agenda Item: 3**

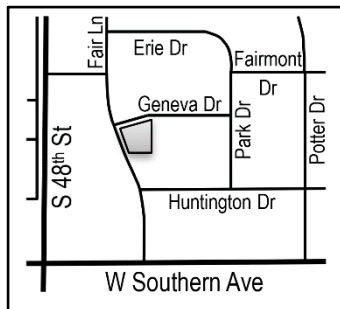
ACTION: Request a Use Permit to allow beer and wine bar services (Series 7) for LUMBERJAXES AXE THROWING, located at 3109 South Fair Lane. The applicant is Angelo DiNardo.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: LUMBERJAXES AXE THROWING (PL210141) is an axe throwing amusement business located on the southeast corner of South Fair Lane and West Geneva Drive in the GID, General Industrial District. The business wishes to offer beer and wine bar service to customers with a Series 7 liquor license which will allow beer and wine sales (no other spiritous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. The business currently has eleven (11) employees and operates from eleven o'clock in the morning (11:00 a.m.) to eleven o'clock in the evening (11:00 p.m.), daily. No changes to the operations or building are anticipated with the addition of beer and wine service. The request includes the following:

ZUP210044 Use Permit to allow beer and wine bar services (Series 7).



Property Owner	Burbidge Brothers Properties
Applicant	Angelo DiNardo, LB Jax Tempe, LLC
Zoning District	GID
Site Area	41,988 s.f.
Building Area	12,600 s.f.
Suite/Unit Area	6,728 s.f.
Vehicle Parking	31 spaces (31 min. required for proposed & existing mix of uses)
Bicycle Parking	0 spaces (4 min. required)
Hours of Operation	11 a.m. to 11 p.m., daily
Building Code Occupancy	B, A-3

ATTACHMENTS: Development Project File

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

LUMBERJAXES AXE THROWING (PL210141) was previously a "Bring your own bottle" (BYOB) permitted location, also known as an "unlicensed location" pursuant to Title 4 of Arizona Liquor Law. Approved BYOB locations shall not allow a patron to possess or consume more than forty ounces of beer, 740 milliliters of wine, or four ounces of distilled spirits per visit. The BYOB permit expired on February 10th, 2020.

PUBLIC INPUT

No public comments have been received by staff as of the publishing of this staff summary report.

POLICE INPUT

There were no calls for service that were a concern for the Police Department when the BYOB permit was active. Police has no concerns with the business seeking to add beer and wine bar services. A security plan will be required prior to commencing beer and wine service.

USE PERMIT

The proposed use requires a Use Permit to allow a beer and wine bar (Series 7) in the GID zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; additional traffic is not anticipated since the proposed use is simply adding a service to the operations for the existing customer base with no plans for modifications to the building or site.
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 will be conducted in the interior of the premises and is not expected to generate emissions that would otherwise cause a nuisance to the surrounding area.
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 is not in conflict with the goals, objectives and/or policies adopted by the City.
4. *Compatibility with existing surrounding structures and uses*; the proposed use is compatible with the existing building and operations. Beer and wine will be stored in a cooler behind the front counter.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the proposed use will be properly staffed and trained to provide adequate supervision and safety to patrons. A security plan will be required prior to the use commencing.

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. Any additions or modifications may be submitted for review during the building plan check process.

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 July 8, 2021.
3. Hours of operation to end no later than eleven o'clock in the evening (11:00 p.m.), daily.
4. **Provide a minimum of four (4) bicycle spaces per City of Tempe bicycle rack detail (T-578) or equivalent design prior to the Use Permit becoming effective. Bicycle racks shall be installed near the main entrance, subject to approval by Community Development. Once installation is complete, schedule a Final Planning Inspection by calling the City Inspections Line IVR at (480) 350-8072.**

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:

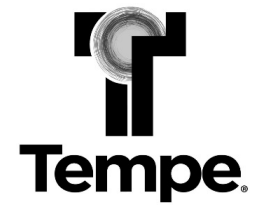
- The Use Permit is valid for Lumberjaxes Axe Throwing and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit 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.

HISTORY & FACTS:

- | | |
|------------------|---|
| November 5, 1979 | Building Safety Department passed the final inspection for the construction of an industrial building located at 3105 & 3109 South Fair Lane in the I-2, General Industrial District. |
| October 3, 2017 | Hearing Officer approved a Use Permit to allow an amusement business (axe throwing) for LUMBERJAXES AXE THROWING, located at 3109 South Fair Lane in the GID, General Industrial District. (PL170285) |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-302 Permitted Uses in Office/Industrial Districts
Section 6-308 Use Permit
Section 6-313 Security Plan



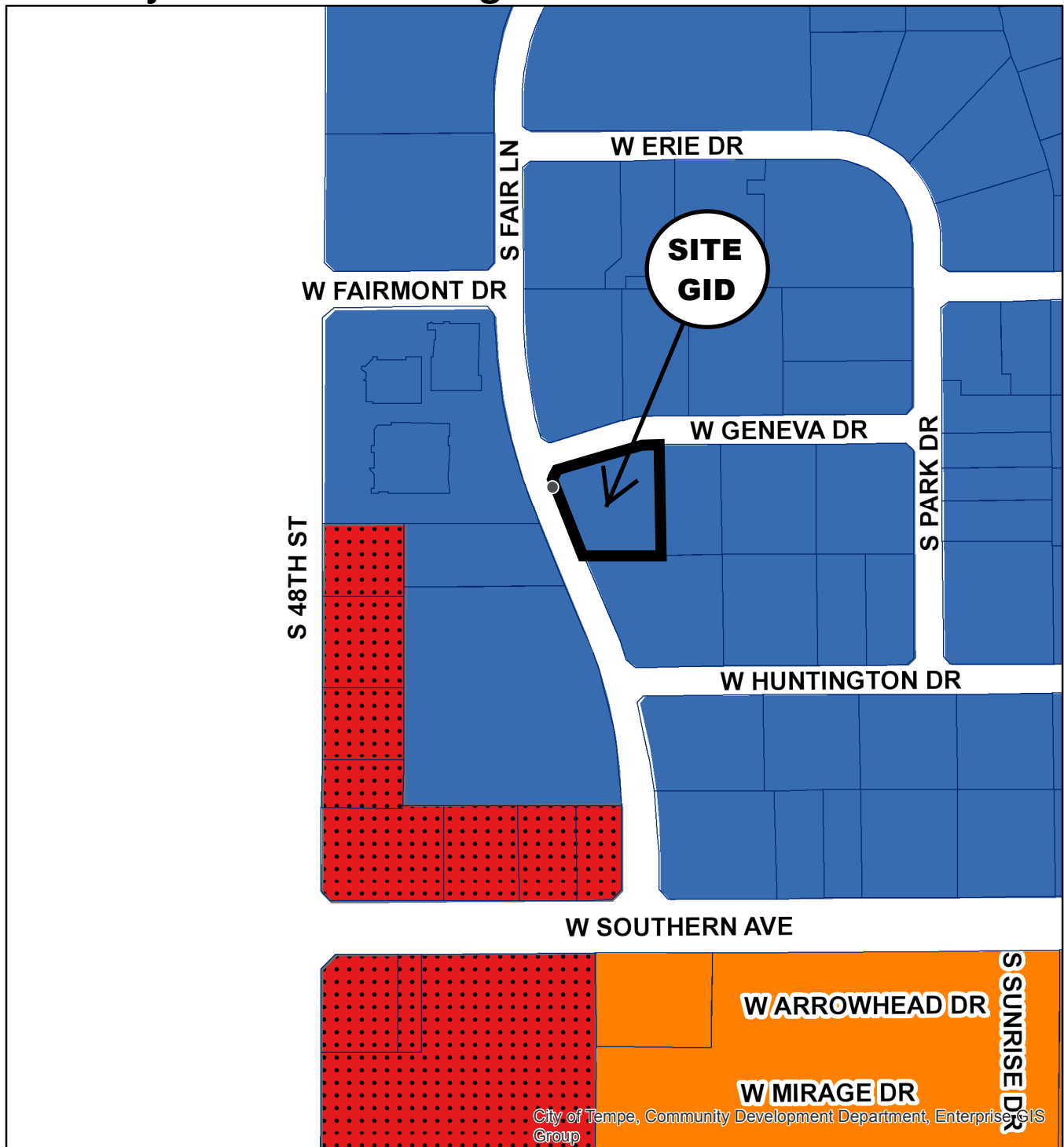
DEVELOPMENT PROJECT FILE
for
LUMBERJAXES AXE THROWING
(PL210141)




ATTACHMENTS:

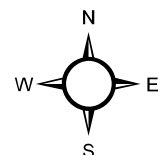
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Elevations

Lumberjaxes Axe Throwing

PL210141



-  General Industrial District (GID)
-  Planned Commercial Center Neighborhood (PCC-1)
-  Mobile Home Residence (RMH)

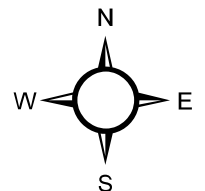


Lumberjaxes Axe Throwing

PL210141



Aerial Map



Lumberjaxes Axe Throwing Use Expansion LOE

Our goal is to obtain a Series 7 Beer and Wine License. We will not be changing anything to our existing operation, only that we will now be selling beer and wine vs allowing for BYOB which we have done in the past.

We are the first recreational axe throwing location in the Phoenix Metropolitan Area and are proud to have been permitted to bring this to Tempe back in 2017. As an axe throwing location, we take pride in the sport of axe throwing as well as the safety and enjoyment of our guests.

No hours of operation or staffing will change.

Currently our hours of operation are 11am – 11pm Monday – Sunday only closed for select holidays.

Currently we have a staff of 11 employees.

Currently we service about 20,000 customers annually.

The addition of this should not affect the surrounding area as we have been in business since 2018 at this location and have been a great neighbor to all the surrounding business for which we get design done by a tenant across the street, get our merchandise from a tenant down the street and helped to partner and market for another tenant across the street.

- a. We do not anticipate any additional vehicular traffic from the addition of this, only that we will be provided a service to our existing guests. Adding this license will not generate more traffic, only just add a service to existing guests.
- b. There will be no nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat, or glare. With our beer and wine, we will dispose of our trash according to our normal trash disposal.
- c. We will not contribute to any deterioration or downgrading to the neighborhood. As this is in a business park and we will only be looking to adding a service to existing guests.
- d. We will remain compatible with existing structures and uses, and no additional structures will be needed. We will add a cooler behind our existing front desk to store and serve beer and wine to guests.
- e. We will maintain control of disruptive behavior in and outside the premises. With this added service to guests, we will continue to monitor their safety and behavior as we currently do. We will ensure all staff is trained and implements responsible behavior to monitor consumption for safety and guest enjoyment.

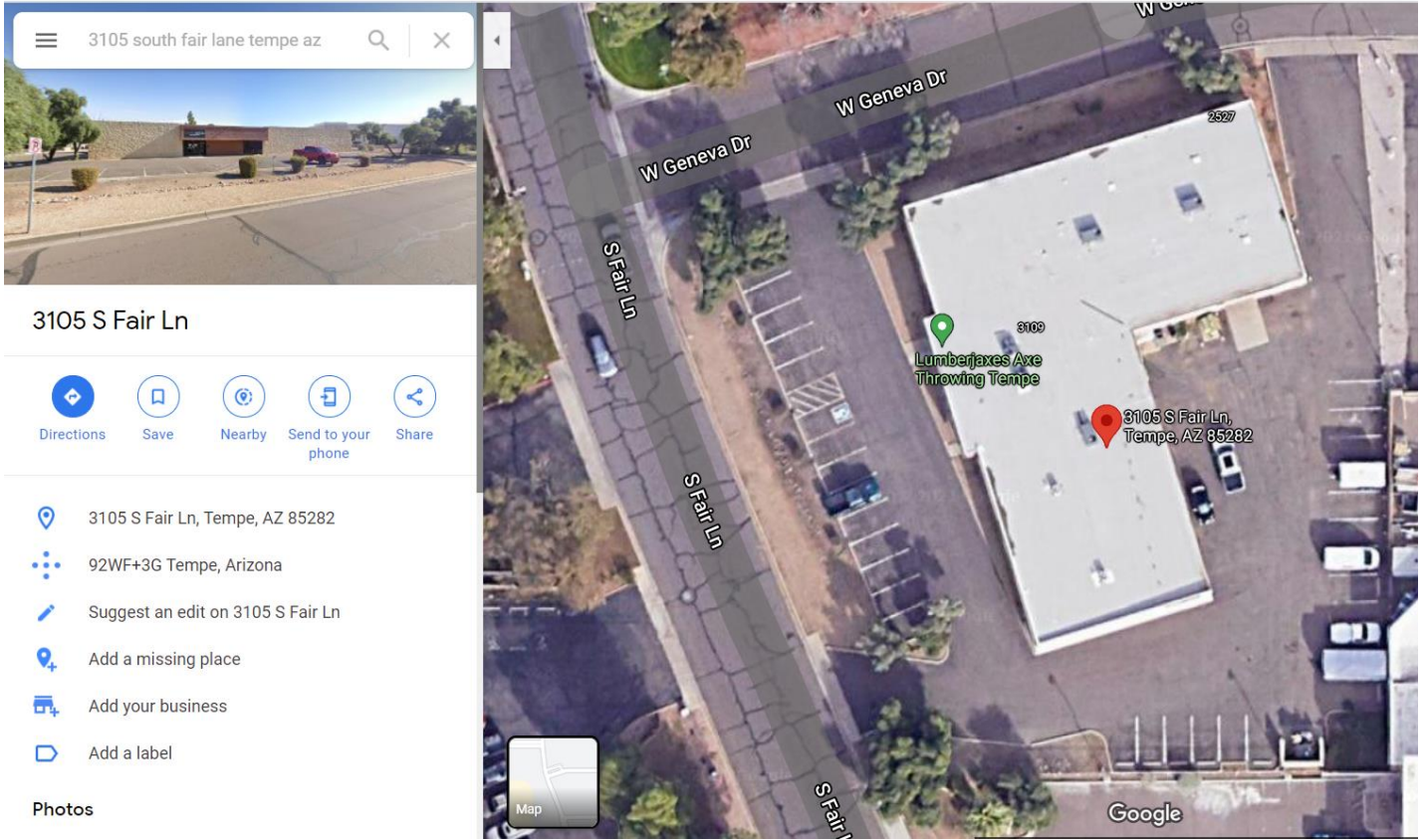


Angelo DiNardo
Founder
Lumberjaxes Tempe

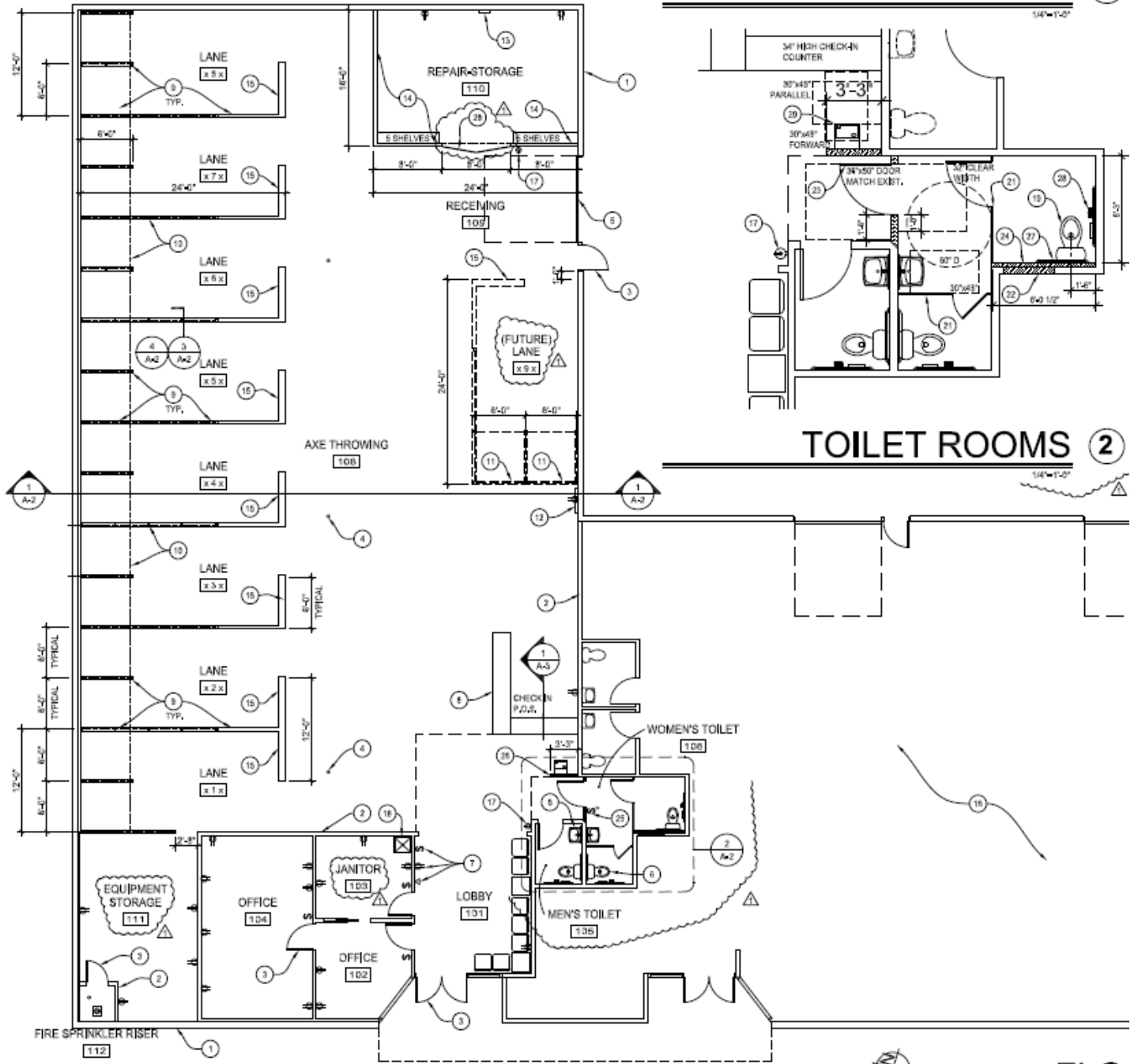
4/27/2021

Date

Site Plan of Building – PL 210141



Floor Plan – PL 210141



Google Maps 3109 SOUTH FAIR LANE
West Elevation



Image capture: Dec 2020 © 2021 Google

Tempe, Arizona



Street View

