

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 3/22/2022

Agenda Item: 7

ACTION: Request a Use Permit to allow entertainment as an accessory use (live bands, DJs, karaoke, acoustic performances, and open mic) for TEMPE EATS, located at 85 East Southern Avenue. The applicant is Tempe Eats, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TEMPE EATS (PL210162) is a food hall style restaurant proposed in an adaptively reused pad building at Valley Fair Shopping Center, located on the southeast corner of East Southern Avenue and South Mill Avenue in the CSS, Commercial Shopping and Services District. The Development Review Commission approved a Use Permit for TEMPE EATS to allow a restaurant with a drive-through on July 27, 2021. The Community Development Department administratively approved a Shared Parking Analysis for TEMPE EATS on July 20, 2021, and a Minor Development Review for minor site, landscape, and elevation modifications on September 30, 2021. At this time, TEMPE EATS is now requesting a Use Permit to allow entertainment as an accessory use which will consist of live bands, DJs, karaoke, acoustic performances, and open mic. All performances will be conducted in the interior of the building. The request includes the following:

ZUP220012 Use Permit to allow entertainment as an accessory use (live bands, DJs, karaoke, acoustic performances, and open mic).



Property Owner South Mill, LLC / EC Valley Fair Refi 2016, LLC Applicant Ramiel Le Febvre, Andrews Design Group, Inc.

Zoning District CSS
Site Area 329,183 s.f.
Total Building Area 90,166 s.f.
Pad Building Area 5,507 s.f.

Lot Coverage 3.6% (50% max. required)

Landscape Coverage 9% (6% min. required per Variance granted on

4/13/1988)

Building Height 24' (35' maximum allowed)

Building Setbacks 52' front, 91' east side, 154' west side, 321' street

side, 417' rear (0', 0', 0', 0', 10' min. required)

Vehicle Parking 458 spaces (454 min. required per shared parking

model)

Bicycle Parking 52 spaces (43 min. required)

Hours of Operation 10:30am to 10pm, Sun-Thu; 11am to 12am, Fri-Sat

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

This site is located between East Southern Avenue, East Pebble Beach Drive, South College Avenue, and South Mill Avenue.

PUBLIC INPUT

A neighborhood meeting is not required for this Use Permit Request. Staff has not received any public comments as of the publishing date of this staff summary report.

POLICE INPUT

A security plan will be required.

USE PERMIT

The proposed use requires a Use Permit to allow entertainment as an accessory use (live bands, DJs, karaoke, acoustic performances, and open mic) in the CSS, Commercial, Shopping and Services 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 considered an accessory to the primary restaurant use and is not expected to increase vehicular or pedestrian traffic.
- 2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the proposed use will only be conducted inside the building and is not expected to generate emissions beyond ambient conditions 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 will enhance the ambiance of the restaurant use and positively impact the shopping center by creating a destination for dining, enjoyment, and community outreach.
- 4. Compatibility with existing surrounding structures and uses; the proposed use is compatible with the restaurant use as well as other retail and service uses provided at the shopping center.
- 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 business plans to train staff to deal with any potential disruptive behavior and has been in communication with Tempe Police Crime Prevention Unit to discuss security plans that may be required for any special events in the future.

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:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- 1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
- 2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
- 3. Entertainment shall only take place inside the building. No entertainment will be allowed outside the building.

- 4. Entertainment shall begin no earlier than seven o'clock in the morning (7:00 a.m.), daily, and cease no later than midnight (12:00 a.m.) Sunday through Wednesday, and two o'clock in the morning (2:00 a.m.) Friday and Saturday.
- 5. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact (480) 858-6409 before April 21, 2022.

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 TEMPE EATS and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to
 the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and
 general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval but will
 apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals,
 become familiar with the ZDC. Access the ZDC through http://www.tempe.gov/zoning or purchase from Development
 Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit
 is void.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

December 13, 1963 Building Safety Department passed the final inspection for a PAD building, located at 125 East Southern Avenue.

April 2, 1973 Design Review Board approved the building addition (840 s.f. canopy & 842 s.f. addition), sign, and landscaping for FIRST NATIONAL BANK BUILDING (DR-72.180) located at 125 East Southern Avenue, in the C-2 District.

April 13, 1988 Planning & Zoning Commission approved the following for VALLEY FAIR SHOPPING CENTER (SIP-88.14), located at the SEC of Mill and Southern Avenues:

- a. Waive required 6' masonry screen wall and landscape strip between service and residential uses on the south property line.
- b. Reduce required on-site landscaping from 10% to 6%.
- c. Waive required landscape islands at the ends of certain rows of parking.
- d. Waive required screening of mechanical and storage equipment on site.

October 29, 1993 City Council approved the following for VALLEY FAIR SHOPPING CENTER (SIP-93.51), located at 7 East Southern Avenue in the C-2 District:

Use Permits:

- a. Allow parking to be provided based on demand.
- b. Allow a health club (34,273 s.f.).

Variance:

C. Allow a center with less than 100,000 total gross floor area to provide parking based on demand.

September 22, 2009 Development Services Department staff approved shared parking analysis for VALLEY FAIR SHOPPING CENTER (PL090337), located at 5 East Southern Avenue in the CSS, Commercial

Shopping & Services District.

Hearing Officer approved a use permit to allow a restaurant with a drive-through for VALLEY FAIR June 6, 2017

SHOPPING CENTER - PAD B (PL170111), located at 125 East Southern Avenue in the CSS,

Commercial Shopping & Services District.

August 24, 2017 Community Development Department administratively approved a Shared Parking Analysis for

VALLEY FAIR SHOPPING CENTER – PAD B (PL170111), located at 125 East Southern Avenue

in the CSS, Commercial Shopping & Services District.

October 2, 2017 Community Development Department administratively approved a Development Plan Review to

> allow minor site and elevation modifications for VALLEY FAIR SHOPPING CENTER - PAD B (PL170111), located at 125 East Southern Avenue in the CSS, Commercial Shopping & Services

District.

August 7, 2018 Hearing Officer approved a use permit to allow a restaurant with a drive-through for VALLEY FAIR

SHOPPING CENTER - PAD B (PL180193), located at 125 East Southern Avenue in the CSS,

Commercial Shopping & Services District.

July 20, 2021 Community Development Department administratively approved a Shared Parking Analysis for

TEMPE EATS (PL210162), located at 85 East Southern Avenue in the CSS, Commercial Shopping

& Services District.

July 27, 2021 Development Review Commission approved a Use Permit to allow a restaurant with a drive-through

for TEMPE EATS (PL210162), located at 85 East Southern Avenue in the CSS, Commercial

Shopping & Services District.

September 30, 2021 Community Development Department administratively approved a Development Plan Review

consisting of minor site, landscape, and elevation modifications for TEMPE EATS (PL210162),

located at 85 East Southern Avenue in the CSS, Commercial Shopping & Services District.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 3-408, Drive-Through Facilities

Section 4-203, Development Standards for Commercial and Mixed-Use Districts

Section 4-603(E), Parking Standards Applicable in the Adaptive Reuse Program

Section 4-704(F). Adaptive Reuse Program

Section 6-308, Use Permit

Section 6-314, Adaptive Reuse Program

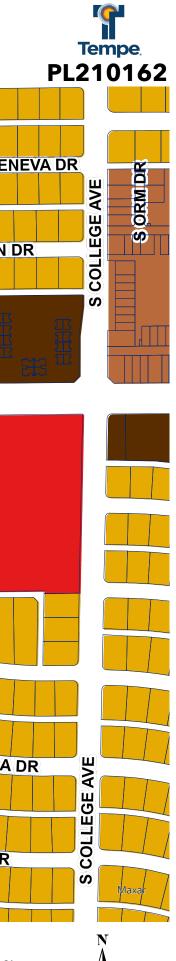


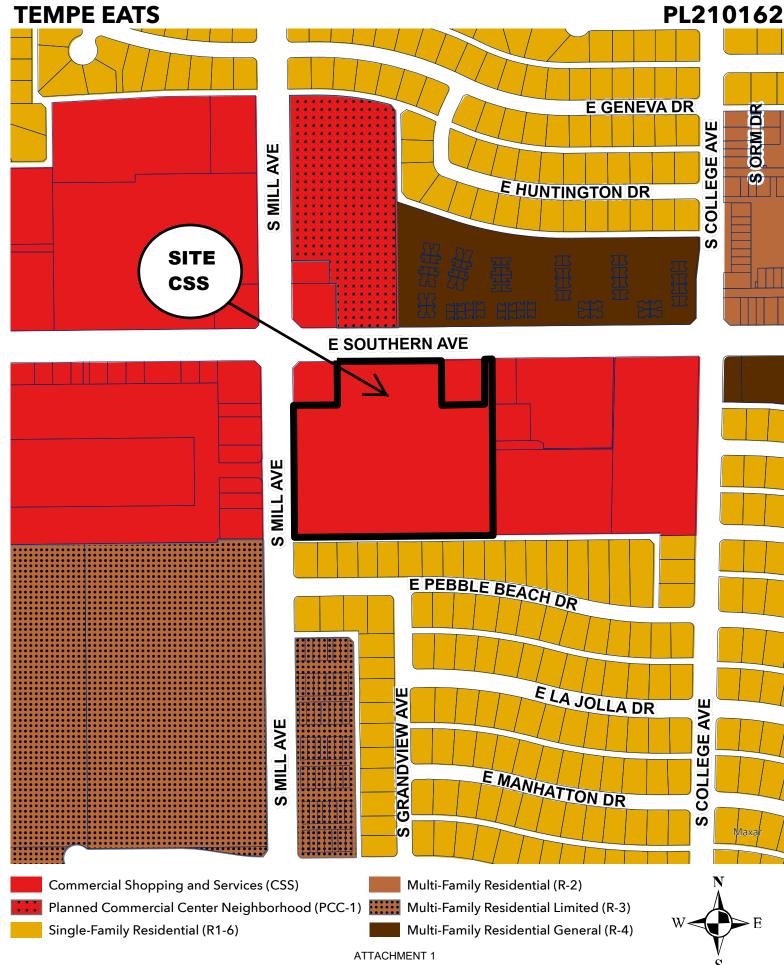
DEVELOPMENT PROJECT FILE

for TEMPE EATS (PL210162)

ATTACHMENTS:

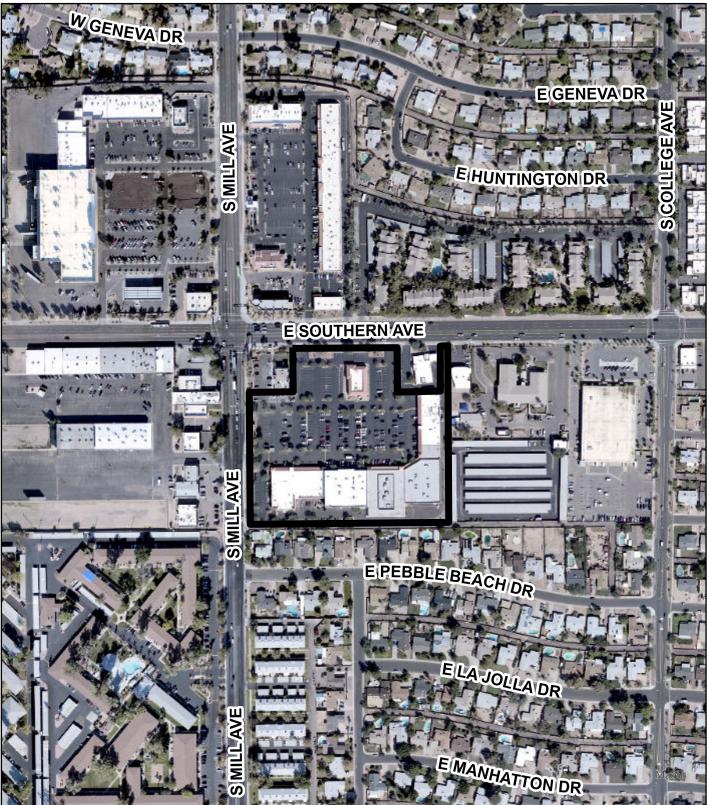
- 1. Location Map
- 2. Aerial
- 3. Letter of Explanation
- 4. Site Plan
- 5. Floor Plan
- 6-7. Building Elevations
- 8-10. Floor Plan







TEMPE EATS PL210162



Aerial Map





Tempe Eats Letter of Explanation for Live Entertainment Use Permit

January 7, 2022

Tempe Eats LLC is applying for a live entertainment use permit at 85 E Southern Ave, Tempe, AZ 85282.

Tempe Eats is taking over space that has been vacant for many years, that was previously a pet supply store and before that an auto parts store, which have both gone out of business. We are bringing to the neighborhood an exciting new food hall that will have eight restaurants and three bars. The idea is that you can take a lap and see what you're craving the most that day... Will it be Spanish tapas? Wagyu burger? Sushi? Or its fusion cousin, the sushi burrito? Or homemade pasta? Then, once the foodie in you has made a selection, it's time to quench your thirst. Shall it be a cold brew Vietnamese coffee? Something from our wine bar? Craft beer from our tap wall? Or a handcrafted cocktail from our full bar? There's something for everyone to enjoy together in a social setting, including two dog-friendly patios.

To complement our unique variety of food and beverage choices, we would like to add live entertainment.

This may include:

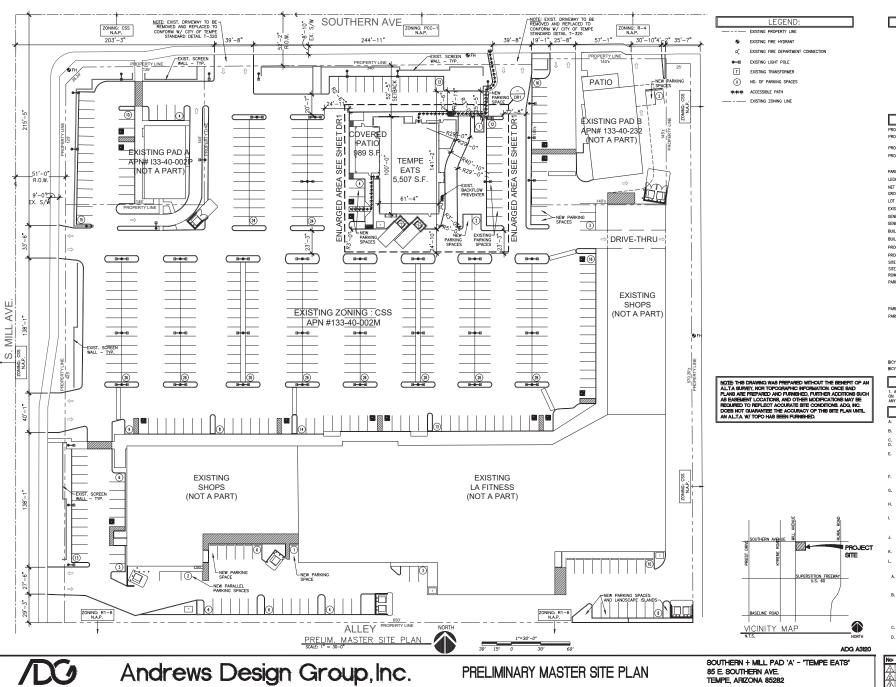
- Live bands
- DJs
- Karaoke
- Acoustic performances
- Open mic events or trivia night
- Community fundraisers

This will improve the ambiance of the restaurant. The addition of live entertainment will enhance its draw as a destination for dining, enjoyment, and community outreach. The initial operating hours will be 10:30AM to 10 pm Sunday through Thursday and 11AM to midnight on Friday & Saturday. We anticipate adding weekend brunch in a future phase. We estimate that we will have 70 employees. There will be enough seating for 201 patrons. Tempe Eats will affect the surrounding area by creating new jobs, attracting more customers and more tenants to the shopping center, and giving back to the community, making it a more desirable area to live, work, and play. We also have extensive remodeling planned, including two patios, a mural, and vibrant landscaping. The attached site plan indicates where the live entertainment would be set up. We have adequate parking and it will not affect vehicular or pedestrian traffic. We will ensure that the staff is trained to deal with any potential disruptive behavior both inside and outside the premises, to avoid being a nuisance to the surrounding area or general public. We have met with several members of Tempe Police to discuss security plans that may be needed for any special events in the future.

Teresa Nguyen

Cheers,

Founder & Managing Member



PROJECT TEAM:

ARCHITECT: ANDREWS DESIGN GROUP, INC.
1095 W. RIO SALADO PKIW.
SUITE 203
TEMPE, ARZONA 65281
PHONE: (480) 894—3479
FAX: (480) 894—4013
CONTICT: DOMALD A ANDREWS
E—MAIL: don@odgorch.net

MANAGEMENT/LANDLORD:
BOULEVARD INVESTMENT GROUP
11645 WILSHIE BOULEVARD,
SUITE 901
LOS ANGELES, CA 90025
PHONE: (818) 882–5700
CONTACT: SAMANTHA HATTICK
E-MAIL: shottick@boulevardlo.com

PROJECT LOCATION: S.E.C OF MILL AVE & SOUTHERN AVE PROJECT ADDRESS: 85 E. SOUTHERN AVE. TEMPE, AZ 85282

TEMPE EATS

PROJECT DESCRIPTION: NEW 5,507 S.F. RESTAURANT BUILDING INCLUDING NEW PARKING AND PICK-UP WINDOW, NEW TRASH ENCLOSURE, DRIVE AISLES TO REMAIN

PARCEL: 133-40-002M LEGAL DESCRIPTION: S34 T1N R4E NET SITE AREA: 329,183 S.F. (±7.55 AC)

GROSS SITE AREA: 406,265 S.F. (±9.33 AC) LOT COVERAGE: 5,507 S.F/ 329,183 S.F = 1.67% EXISTING/PROPOSED ZONING: CSS GENERAL COMMERCIAL

GENERAL PLAN PROJECTED LAND USE: GENERAL PLAN PROJECTED RESIDENTIAL DENSITY: 16-25 D.U./ACRE BUILDING CONSTRUCTION: VB - FULLY SPRINKLERED

BUILDING HEIGHT: 24' FEET PROPOSED BUILDING HEIGHT: ±24'-0" FEET / 1 STORY PROPOSED BUILDING AREA: 5,507 S.F. (EXISTING TO REMAIN)

53,306 S.F. (15%) SITE LANDSCAPE AREA PROVIDED (EXIST. SITE): 30.715 S.F. (9%) 9,196 S.F. (EXIST.)

SITE LINEUMA:
ROW LANDSCAPING:
PARKING REQUIRED: RESTAURANT
INCOR: 1/75 @ 5.507/75
OUTDOOR: NO PARKING FIRST 300s.f.
1/150 @ 689

PARKING SPACES REQUIRED (PER SHARED PARKING ANALYSIS): 445 EXISTING PARKING: 455 P.S.

- DEMOLISHED PARKING: 17 P.S.

= TOTAL EXISTING TO REMAIN: 438 P.S. PARKING PROVIDED: EXISTING PARKING:

+ PROPOSED ADDED PARKING: 23 P.S. = TOTAL PROPOSED PARKING: 461 P.S.

- TOTAL PROPUSED PARKING: "461 P.S. (INCL. 2 ACCESSIBLE P.S.)
STANDARD PARKING SIZE 9'x16'
PARALLEL PARKING SIZE 8'6'x22'
ACCESSIBLE SPACE 10'x16'

BICYCLE PARKING SPACES REQUIRED: BICYCLE PARKING SPACES PROVIDED: 44 EXIST. + 8 PROPOSED = 52

GENERAL NOTE

1. ALL EXISTING BROKEN, OR OUT OF GRADE CURB AND SIDEWALK ON THE PROJECT SITE WILL NEED TO BE REPLACED, AS WELL AS ANY NEW CURB OR SIDEWALK DAMAGED DURING CONSTRUCTION.

GENERAL NOTES:

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INFORMATION.

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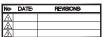
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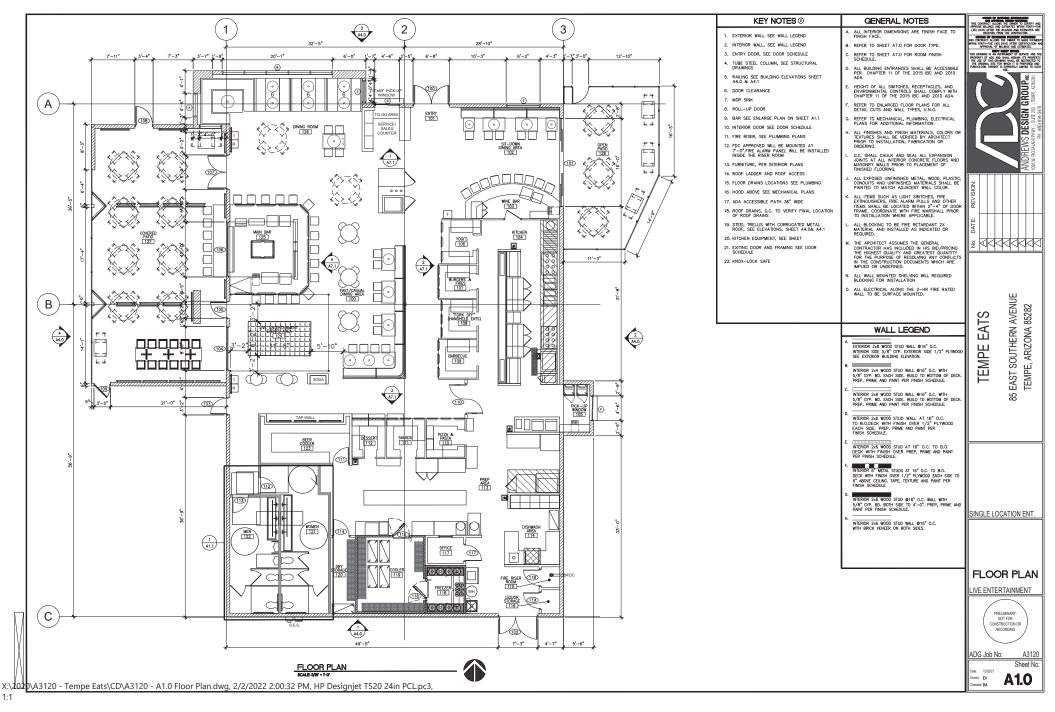
TEMPE, ARIZONA 85282

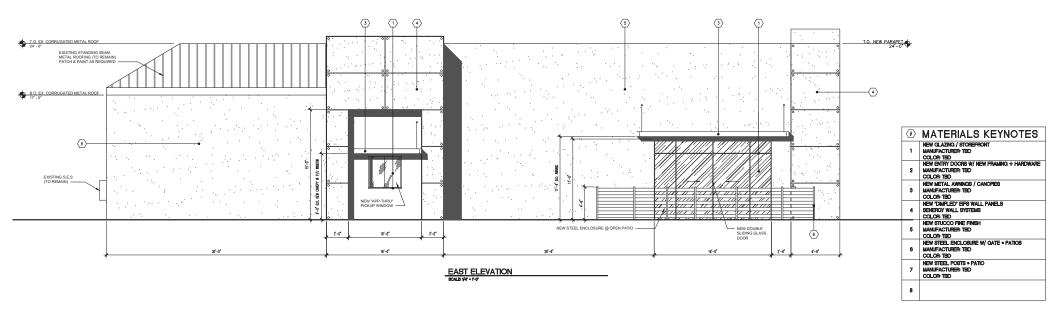
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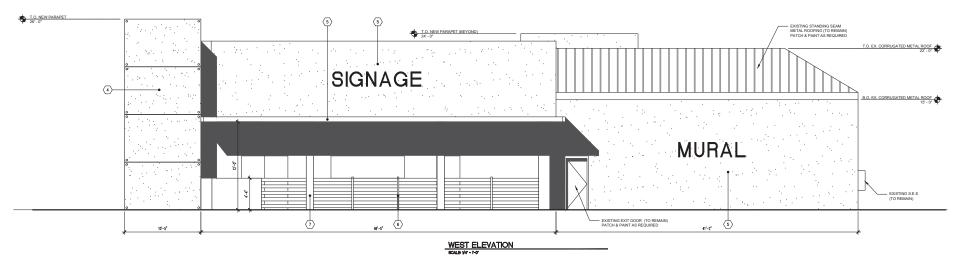
PLANNING

INTERIORS

PROJECT MANAGEMENT







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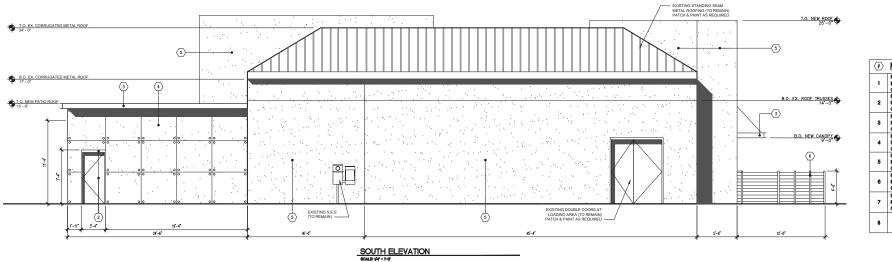
Andrews Design Group, Inc. ARCHITECTURE PLANNING INTERIORS PROJECT MANAGEMENT

PRELIM. EXTERIOR ELEVATIONS

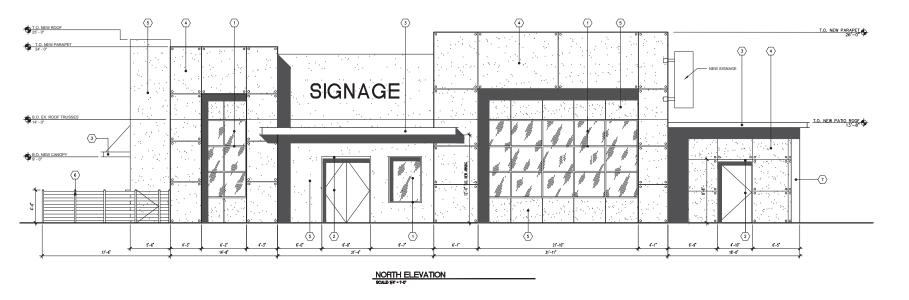
SOUTHERN + MILL PAD 'A' - "TEMPE EATS" 85 E. SOUTHERN AVE. TEMPE, ARIZONA 85282











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Andrews Design Group, Inc.

PROJECT MANAGEMENT

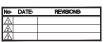
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PLANNING

INTERIORS

PRELIM. EXTERIOR ELEVATIONS

SOUTHERN + MILL PAD 'A' - "TEMPE EATS" 85 E. SOUTHERN AVE. TEMPE, ARIZONA 85282



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