

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/26/2022
Agenda Item: 6**

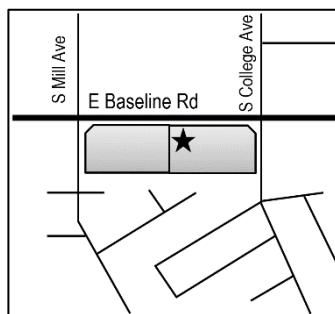
ACTION: Request a Use Permit to allow an expansion to a bar for BRICK & BARLEY, located at 201 East Baseline Road, Suite G1. The applicant is Brick & Barley.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: BRICK & BARLEY (PL220136) is an existing bar establishment operating in Building G of the Mill Towne Center, located on the south side of East Baseline Road between South Mill Avenue and South College Avenue, in the PCC-1, Planned Commercial Center Neighborhood District. During the COVID-19 pandemic, the Mayor issued a proclamation on July 31, 2021 giving businesses the allowance to apply for an extension of premises permit which allowed the expansion of retail sales and restaurant/bar seating, in certain instances, for dining into designated outdoor area that may consist of public right-of-way and/or private property, effective through February 28, 2022. The business enjoyed the additional patio area for customers and wishes to make the extension permanent. In addition to the use permit request, the applicant is also concurrently processing a Minor Development Plan Review and updating the commercial center's Shared Parking Model, both to be reviewed and decided at a staff or administrative level. The request includes the following:

ZUP220026 Use Permit to allow an expansion to a bar (patio extension).



Property Owner	Mathews (Mill Towne Center) Real Estate, LLC
Applicant	Jefferey Evans, Brick & Barley
Zoning District	PCC-1
Site Area	357,931 s.f.
Building Area	80,115 s.f.
Suite Area	3,587 s.f.
Patio Area	1,093 s.f.
Building Setbacks	545' front, 60' street side, 200' side, and 40' rear (0', 0', 30', and 30' min. required)
Vehicle Parking	442 spaces (393 min. required per Mill Towne Center Shared Parking Model ADM220018)
Hours of Operation	11 a.m. to 12 a.m., Su-Th; and 11 a.m. to 2 a.m., F & Sa

ATTACHMENTS: Development Project File

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

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Mill Towne Center is located between East Baseline Road, East Rice Drive, South College Avenue, and South Mill Avenue.

PUBLIC INPUT

Staff has not received any public comments to date.

POLICE INPUT

A new or amended security plan will be required.

USE PERMIT

The proposed use requires a Use Permit to allow an expansion of a bar use in the PCC-1 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 expansion is not expected to increase traffic at a significant level.
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 expansion is a contiguous addition to the existing patio area which has not experienced any nuisance issues since the original bar use permit became effective.
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 expansion is compatible with the existing patio and commercial center, including the tenant use mix.
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 new or amended 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. Hours of operation to end no later than two o'clock in the morning (2:00 a.m.), daily.
3. 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 August 25, 2022.
4. **Prior to the Use Permit becoming effective, the applicant shall update the Shared Parking Model for Mill Towne Center by processing a Shared Parking Model Application to account for the bar expansion. The Shared Parking Model is subject to review and approval by the Community Development Department Planning Division.**

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 BRICK & BARLEY 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:

December 13, 1984	City Council approved the Final Plan of Development for Baseline/Mill Partners consisting of 80,960 s.f.
October 3, 1985	City Council approved an appeal of a parking variance from 476 to 447 spaces for Baseline/Mill Partnership.
July 27, 1990	The Board of Adjustment approved a variance request by MILL TOWNE CENTER to reduce the required off-street parking from 511 to 442 spaces (13.6% reduction) at 101 E. Baseline Road in the PCC-1, Planned Neighborhood Commercial Center District. (BA900141)
May 20, 2003	Hearing Officer approved a use permit to allow an outdoor dining/drinking/smoking patio for MILL TOWNE CENTER – BASELINE SPORTS BAR, located at 201 East Baseline Road in the PCC-1, Planned Commercial Center Neighborhood District. (PL030309)
August 13, 2010	Community Development Department staff approved a minor development plan review to allow a 322 s.f. outdoor patio expansion for BASELINE SPORTS BAR, located at 201 East Baseline Road in the PCC-1, Planned Commercial Center Neighborhood District. (PL100235)
December 1, 2015	Hearing Officer approved a use permit to allow a series 6 bar for BASELINE SPORTS BAR, located at 201 East Baseline Road in the PCC-1, Planned Commercial Center Neighborhood District. (PL150346)
June 7, 2016	The Hearing Officer approved a use permit request for ESCAPE MASSAGE DAY SPA, located at 209 East Baseline Road, Suite E-102 in the PCC-1, Planned Commercial Center Neighborhood District. (PL160176)

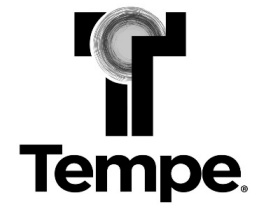
- January 4, 2017 The Community Development Department administratively approved the request for the transfer of an existing use permit to allow massage therapy services from Escape Massage Day Spa, located at 209 East Baseline Road, Suite E-102, to ESCAPE MASSAGE DAY SPA, located at 123 East Baseline Road, Suite D-202A, in the PCC-1, Planned Commercial Center Neighborhood District. (PL160176 / PL170001)
- October 17, 2017 Hearing Officer approved a use permit to allow massage therapy services for TEMPE MASSAGE THERAPY, located at 209 East Baseline Road, Suite E-102, in the PCC-1, Planned Commercial Center Neighborhood District. (PL170298)
- March 6, 2018 Hearing Officer approved a use permit to allow a gun shop for JDR GUNS LLC, located at 209 East Baseline Road in the PCC-1, Planned Commercial Center Neighborhood District. (PL180030)
- April 3, 2018 Hearing Officer approved a use permit to allow a gun shop for ALPHA DOG FIREARMS, located at 107 East Baseline Road, Suite No. A2, in the PCC-1, Planned Commercial Center Neighborhood District. (PL180065)

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](#)



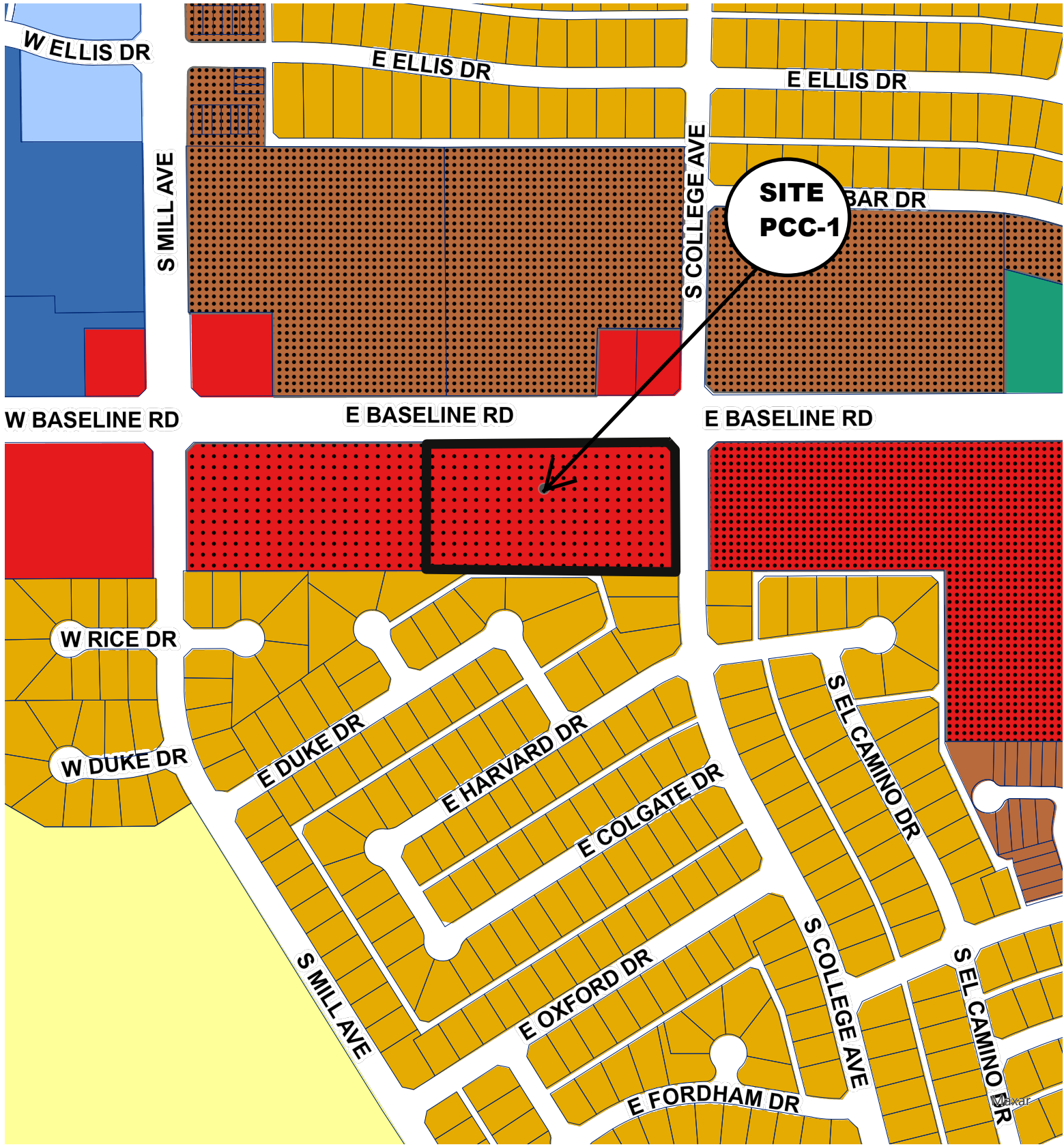
DEVELOPMENT PROJECT FILE

for
BRICK & BARLEY
(PL220136)

ATTACHMENTS:

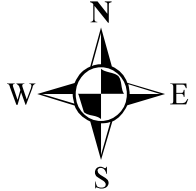
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Enlarged Site Plan, Floor Plan, and West Elevation
6. Site Context Photos

Brick & Barley



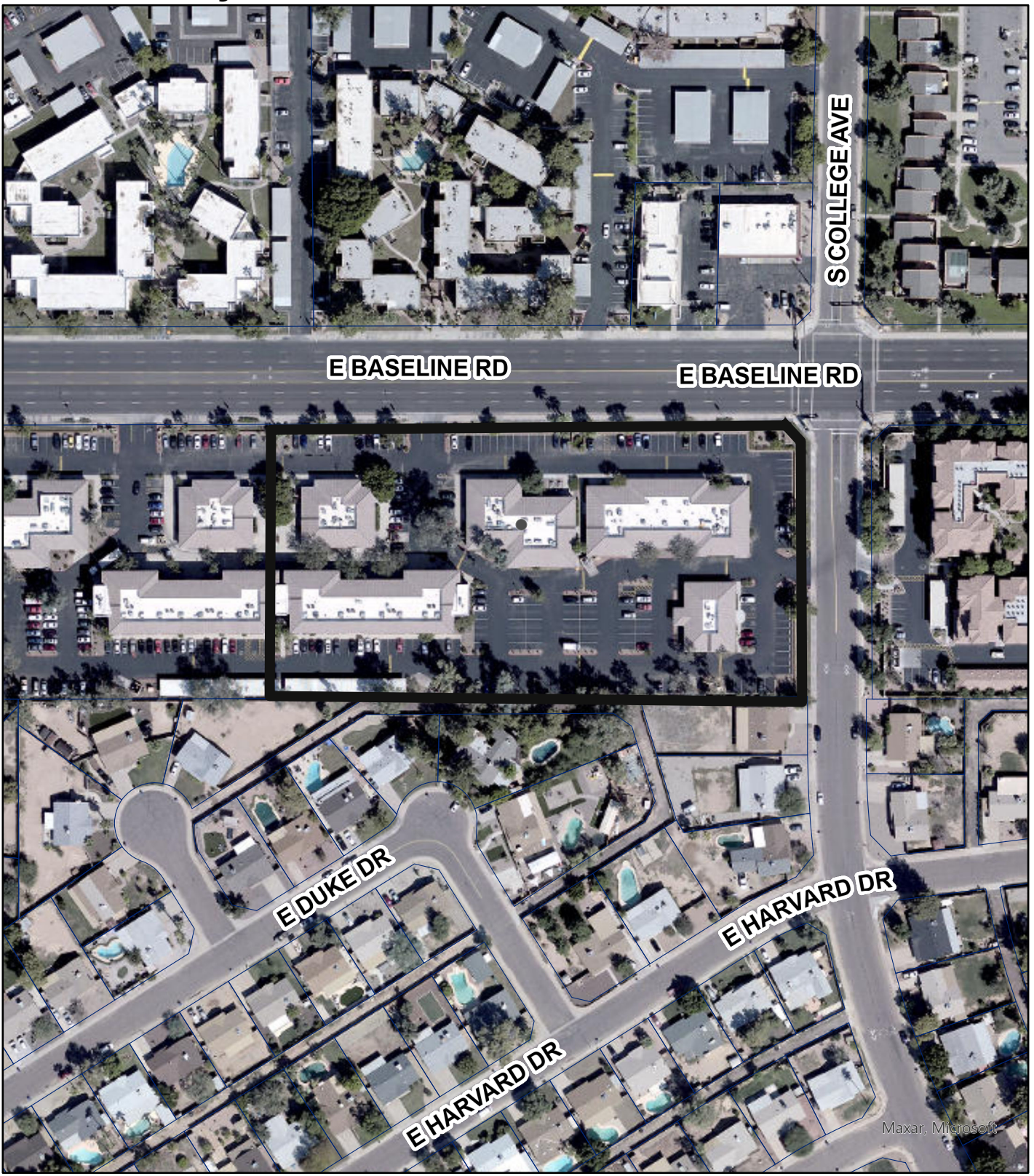
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|--|--|--|--|
| | Light Industrial District (LID) | | Single-Family Residential (R1-6) |
| | General Industrial District (GID) | | Multi-Family Residential (R-2) |
| | Commercial Shopping and Services (CSS) | | Multi-Family Residential Limited (R-3) |
| | Planned Commercial Center Neighborhood (PCC-1) | | Override 1 |
| | Planned Commercial Center General (PCC-2) | | |
| | Residential/Office (RO) | | |
| | Agricultural (AG) | | |

- Twelve Point
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private

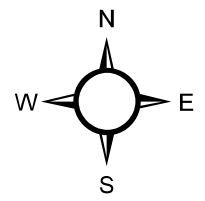


Brick & Barley

PL220136



Aerial Map



Date: 07/13/2022

City of Tempe
Planning Division
31 East Fifth Street
Tempe, Arizona 85281

RE: 201 E Baseline Rd. Suite G1- Patio Expansion - Minor Development Plan Review / Use Permit

Dear Planning Division:

Seven Thirteen Inc. on behalf of the property owner, Matthews (Mill Towne Centre) Real Estate, is proposing a project within City of Tempe. The project is located at 201 E. Baseline Rd. suite G1 Tempe, AZ 85283, SE corner of Mill Ave/ Baseline Rd, Mill Towne Centre, and parcel ID: 301- 80-004E/301-03-004E. The project includes the expansion of the outdoor patio area. The property is currently zoned PCC-1.

It is a local small business that operates as a restaurant and bar #6 license. The hours are Sunday through Thursday 11:00AM – 12:00AM and Friday – Saturday 11:00AM – 2:00AM. The number of current employees is thirteen, customer number occupancy is currently set at 115.

The proposed patio would be covering a common area of a business complex and would not encumbrance any right of way or neighboring business. Due to the location and the fact this area was used temporarily for the same use, for a timeframe of approximately 10 months with no issues, this project will not be detrimental to any persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general. Metal fencing would be used to enclose the patio, to match the rest of the existing patio. Misters added to the perimeter of the patio using three metal support posts painted to match metal fencing. Materials will comply with the requirements of the underlying zoning and design adaptation.

The placement, form, and articulation of the building and structures are not changing as part of the patio addition. The Building design and orientation has not changed due to the patio addition but the shaded part of the patio with the existing canopy will mitigate heat gain/retention. The materials will be of a superior quality and the details will complement the surroundings. The building, structures, and landscape elements have not changed as part of this patio addition. There are no large building masses and no change to the building itself. There are no design changes proposed to the existing building façade and signage. The existing center provides easy access for multi-modal transportation options. The existing vehicular circulation will not be changed as part of the patio expansion. The project is open and easily viewable which would integrate crime prevention through environmental design principles. There is no parking landscape accents proposed as part of the project. The lighting provided will comply with the code standards and will not create negative impact on the surrounding areas. There is no landscaping within the expansion area and none of the current grading or draining will be affected. The zoning will not be affected by the expansion of premises. The expansion would be on the southwest corner of current building adding 644 SF to current business and patio with same use.

Regards,

Jeffrey Evans

Seven Thirteen Inc.
DBA: Brick and Barley
(480)240-0897

CSS
133-11-003S

R-3
133-11-588

R-3
133-11-003Z

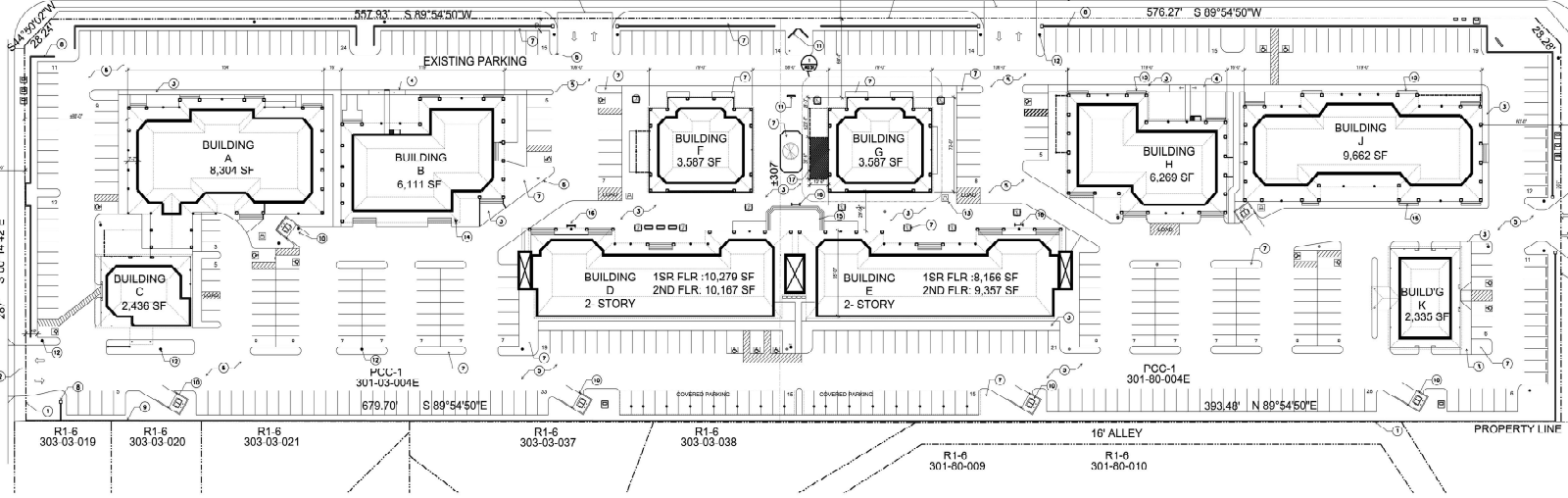
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CSS
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BASELINE ROAD
(CENTERLINE OF ROAD)

MILL AVENUE
(CENTERLINE OF ROAD)

COLLEGE ROAD
(CENTERLINE OF ROAD)



1 SITE PLAN
SCALE: 1" = 50'-0"



2 VICINITY MAP
SCALE: NTS



PROJECT DATA	
NAME:	BRICK AND BARLEY
ADDRESS:	201 E BASELINE RD, TEMPE, AZ 85283
DESCRIPTION:	EXTENSION OF EXISTING OPEN PATIO
OWNER:	MATTHEWS (MILL TOWNE CENTER) REAL ESTATE LLC
ARCHITECT:	SIXTY FIRST PLACE ARCHITECTS 7128 EAST BIRMAN SCHOOL ROAD, SUITE L SCOTTSDALE, ARIZONA 85251 PHONE: 480-947-6844
BUILDING DATA	
EXISTING BUILDING 'G' S.F.	3,587 S.F.
EXISTING PATIO S.F.	668 S.F.
NEW PATIO EXTENSION S.F.	425 S.F.
BUILDING HEIGHT:	EXISTING HEIGHT BUILDING G 210' 1 STORY
SITE DATA	
ZONING:	PCC-1
SITE AREA NET S.F.	357,931 SF
APN:	301-80-004E/301-80-004E
TOTAL BUILDING AREA SHOPPING CENTER	80,115 SF
MILL TOWN CENTER SHARED PARKING	
PARKING REQUIRED: 394 SPACES AT PEAK DEMAND PER MILL TOWN CENTER SHARED PARKING MODEL (ADM20016)	
PARKING PROVIDED: 442 SPACES	
BICYCLE PARKING IS SOUTH OF SOTHERN AVE SO IT IS NOT IN THE BICYCLE COMMUTE AREA REQUIRED: 11000' 4650'1000' = 450' PROVIDED: 0 BIKE PARKING SPACES PROVIDED	

KEY NOTES	
①	EXISTING PROPERTY LINE
②	EXISTING CONCRETE DRIVEWAY
③	EXISTING CONCRETE WALK
④	EXISTING CONCRETE RAMP
⑤	EXISTING ASPHALT PAVING
⑥	EXISTING CONCRETE CURB
⑦	EXISTING LANDSCAPE
⑧	EXISTING 4'-0" HIGH SCREEN WALL
⑨	EXISTING 6'-0" HIGH MASONRY FENCE
⑩	EXISTING TRASH ENCLOSURE
⑪	EXISTING SIGN
⑫	EXISTING LIGHT POLE
⑬	EXISTING ELECTRICAL EQUIPMENT
⑭	EXISTING FIRE HYDRANT
⑮	EXISTING CONCRETE STAIRS
⑯	EXISTING BIKE RACK
⑰	NEW PATIO EXTENSION

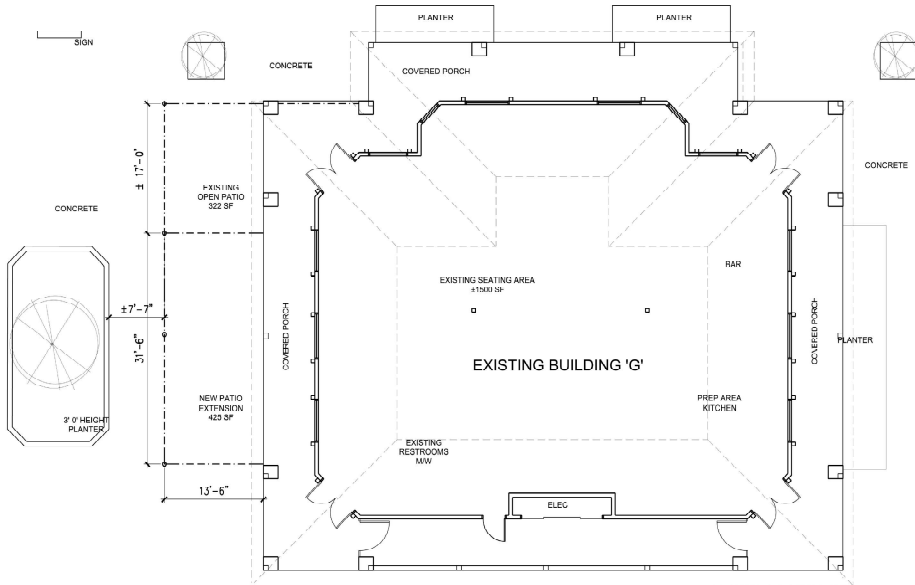
SIXTY FIRST PLACE ARCHITECTS, LTD.
3200 N HAYDEN ROAD, SUITE 285
SCOTTSDALE, ARIZONA 85251
PHONE (602) 947-6844

BRICK AND BARLEY
201 E BASELINE RD
TEMPE, AZ 85283



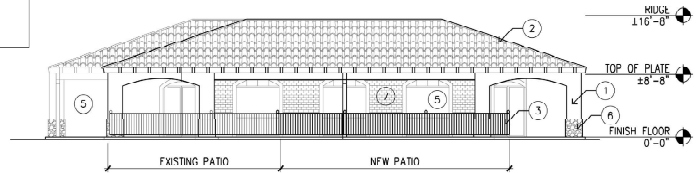
REVISIONS	DATE

SIXTY FIRST PLACE ARCHITECTS
JOB NUMBER
22040
DATE
7/15/22
SHEET NO.
SP1.0

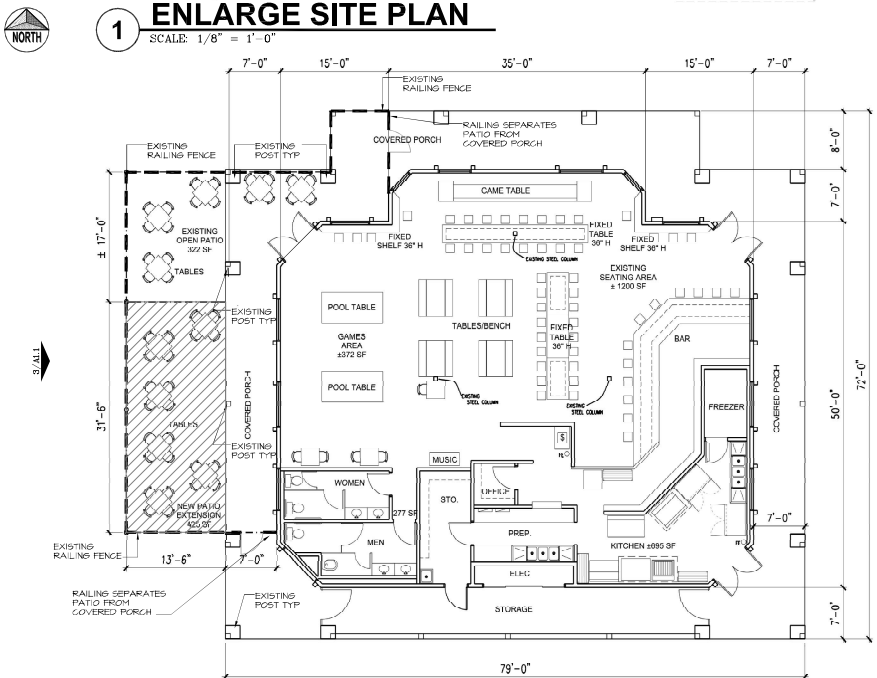


1 ENLARGE SITE PLAN
SCALE: 1/8" = 1'-0"

- KEY NOTES ELEVATION**
- ① EXTERIOR STUCCO FINISH
 - ② ROOF TILE
 - ③ STEEL RAILING 3' HEIGHT
 - ④ FIXED WINDOWS
 - ⑤ COVERED WALKWAY
 - ⑥ STONE FINISH
 - ⑦ BRICK FINISH



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 FLOOR PLAN
SCALE: 1/8" = 1'-0"

SIXTY FIRST PLACE ARCHITECTS, LTD.
3200 N HAYDEN ROAD, SUITE 285
SCOTTSDALE, ARIZONA 85251
PHONE (602) 947-0844

BRICK AND BARLEY
201 E BASELINE RD
TEMPE, AZ 85283
FLOOR PLAN AND ELEVATION



REVISIONS	DATE

SIXTY FIRST PLACE ARCHITECTS
JOB NUMBER 22040
DATE 7/15/22
SHEET NO. A1.0

BUILDING 'G' EXTERIOR PICTURES



A



B



C



D



E



F



G



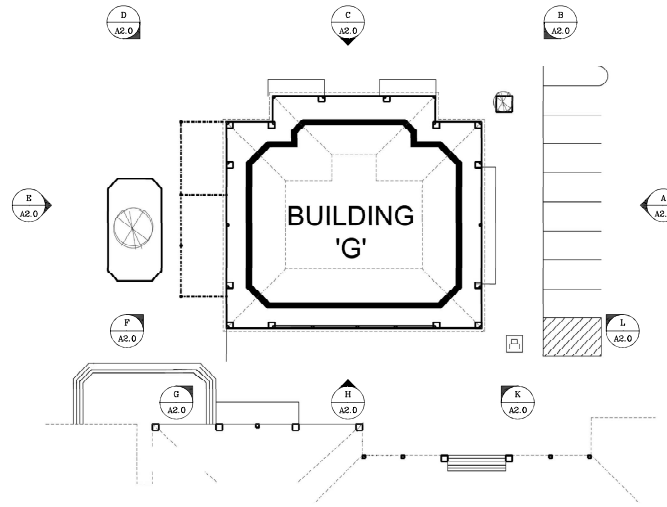
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K



L



NORTH

1 KEY PLAN

SCALE: NTS

SIXTY FIRST PLACE ARCHITECTS, LTD.

3200 N HAYDEN ROAD, SUITE 285
SCOTTSDALE, ARIZONA 85251
PHONE (602) 947-0844

BRICK AND BARLEY

201 E BASELINE RD
TEMPE, AZ 85283

SITE CONTEXT IMAGES



REVISIONS

DATE

SIXTY
FIRST
PLACE
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TECTS

JOB NUMBER
22040

DATE
7/15/22

SHEET NO.
A2.0