

CITY OF TEMPE **DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 10/25/2022

Agenda Item: 7

ACTION: Request a Use Permit to allow a drive-through restaurant for FERRIS 808 REMODEL, located at 833 West Broadway Road. The applicant is James M Day & Associates.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: FERRIS 808 REMODEL (PL220202) proposes to operate a drive-through restaurant in the former First National Bank of Arizona building, located at the southeast corner of South Hardy Drive and West Broadway Road in the GID, General Industrial District. The project is considered an Adaptive Reuse Project and will provide it relief from City of Tempe Zoning and Development Code required parking and landscape standards. Should the use permit be granted, the design review of the proposed interior and exterior modifications will be processed as a Building Development Plan Review application by the Building Safety Division. In addition, two (2) other suites will be provided in the building; three (3) total, including the drive-through restaurant. One suite will provide office area for the restaurant and the other will consist of vanilla shell for a future office or commercial tenant. The request includes the following:

ZUP220056 Use Permit to allow a drive-through restaurant in the GID zoning district.

| | W 19 th St | |
|---------------|-----------------------|---|
| W Broadway Rd | | |
| S Hardy Dr | W 22 nd St | 1 |

Property Owner 833 W Broadway Rd RE, LLC

James M. Day, James M Day & Associates Applicant

GID

Zoning District Site Area 22,303 s.f. **Building Area** 3,310 s.f. Suite Area 1,425 s.f.

Lot Coverage 20% (no max. standard required)

Landscape Coverage 23% (10% min. required) 21'-9" (35'-0" max. allowed) **Building Height**

55' front, 52' street side, 15' side, and # rear (25', **Building Setbacks**

> 25'. 0'. and 0' min. required) 15 spaces (8 min. required)

Vehicle Parking Bicycle Parking 8 spaces (7 min. required) Hours of Operation 11 a.m. to 7 p.m., Daily

Building Code Occupancy В

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

Pursuant to the City of Tempe Zoning and Development Code Section 4-602(E), Parking Standards Applicable in the Adaptive Reuse Program, parking for restaurant uses shall be calculated at one parking space per 150 square-feet of net area and shall exclude hallways, restrooms, kitchens, and storage areas from the net area, essentially only requiring the dining areas to be parked. However, the lot shall maintain the existing number of provided parking spaces, except for modifications required by the American with Disabilities Act.

PUBLIC INPUT

Staff has not received any public comment about this use permit request as of the publishing date of this staff summary report.

HISTORIC PRESERVATION OFFICER INPUT

- The First National Bank of Arizona building (circa 1967) at 833 West Broadway Road is in the Neo-Expressive style, with Neo-Sonoran elements.
- It not listed in the National Register of Historic Places or designated in the Tempe Historic Property Register.
- While only the State Historic Preservation Office can make an official determination of eligibility for the National Register, ACS/Commonwealth, in its survey of Tempe buildings constructed between 1961 and 1975, has stated that the building is eligible for the National Register under both criteria A and C, which speaks to the building's historical and architectural importance.
- HPO recommends that the applicant consult with Tempe Historic Preservation Office/State Historic Preservation
 Office regarding any proposed façade changes, as these could impact the building's potential eligibility for the
 National Register.

USE PERMIT

The proposed use requires a Use Permit to allow a drive-through restaurant 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; an increase in vehicular and pedestrian traffic is anticipated but not significantly more than other uses permitted by right in this zoning district. Furthermore, the project is considered an Adaptive Reuse Project and will conform to conform to code required parking standards.
- 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 is not expected to generate emissions greater than 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 does not conflict with any City adopted plans and is consistent with the General Plan 2040.
- 4. Compatibility with existing surrounding structures and uses; the building has been vacant for more than a decade but has been previously occupied by financial institutions and cable television providers. The proposed use and building/site modifications are compatible with surrounding structures and uses.
- 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 nature of the proposed use is not expected to cause 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 only after a Building Development Plan Review and 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. Hours of operation to end no later than twelve o'clock in the morning (12:00 a.m.), daily.
- 4. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details to be resolved during Building Safety Division Plan Check Review.
- 5. All rear exit doors require a security vision panel. Details to be approved through Building Safety Plan Review. Details to be resolved during Building Safety Division Plan Check Review.
- 6. Provide a minimum of eight (8) bicycle parking spaces on-site per City of Tempe bicycle rack detail T-578 standard or equivalent design prior to the Use Permit becoming effective. Details to be resolved during Building Safety Division Plan Check Review.
- 7. Replace all dead or missing street trees along the South Hardy Drive and West Broadway Road landscape frontage areas and within all required landscape islands, along with another other missing landscape material. Details to be resolved during Building Safety Division Plan Check Review.

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 FERRIS 808 REMODEL 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.
- Live entertainment (indoor and/or outdoor) requires a separate use permit.
- Operating a business with a Series 6 or 7 liquor license requires a separate use permit.
- 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:

June 9, 1967 Building Inspections Department issued a certificate of occupancy to FIRST NATIONAL BANK OF

ARIZONA, located at 833 West Broadway Road in the I-1, Light Industrial District.

April 21, 1969 Board of Adjustment approved a Variance to reduce the required landscape area form 65% to

12% for FIRST NATIONAL BANK OF ARIZONA (A-69-4.2), located at 833 West Broadway Road

in the I-1, Light Industrial District.

March 2, 2016 Hearing Officer approved the following for ROUTE 66 PAWN AND GUNS (PL150506), located at

833 West Broadway Road in the GID, General Industrial District:

1. Use Permit to allow resale retail (pawn establishment) in the GID zoning district.

2. Use Permit to allow the sale of firearms in the GID zoning district.

April 19, 2016 Development Review Commission approved an appeal of the March 1, 2016 Hearing Officer's

decisions (2) for ROUTE 66 PAWN & GUNS (PL150506), located at 833 West Broadway Road in

the GID, General Industrial District.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 3-302, Permitted Uses in Office/Industrial Districts

Section 3-408, Drive-Through Facilities

Section 3-503, Legal Non-Conforming Development

Section 4-204, Development Standards for Office/Industrial Districts

Section 6-308, Use Permit

Section 6-314, Adaptive Reuse Program



DEVELOPMENT PROJECT FILE

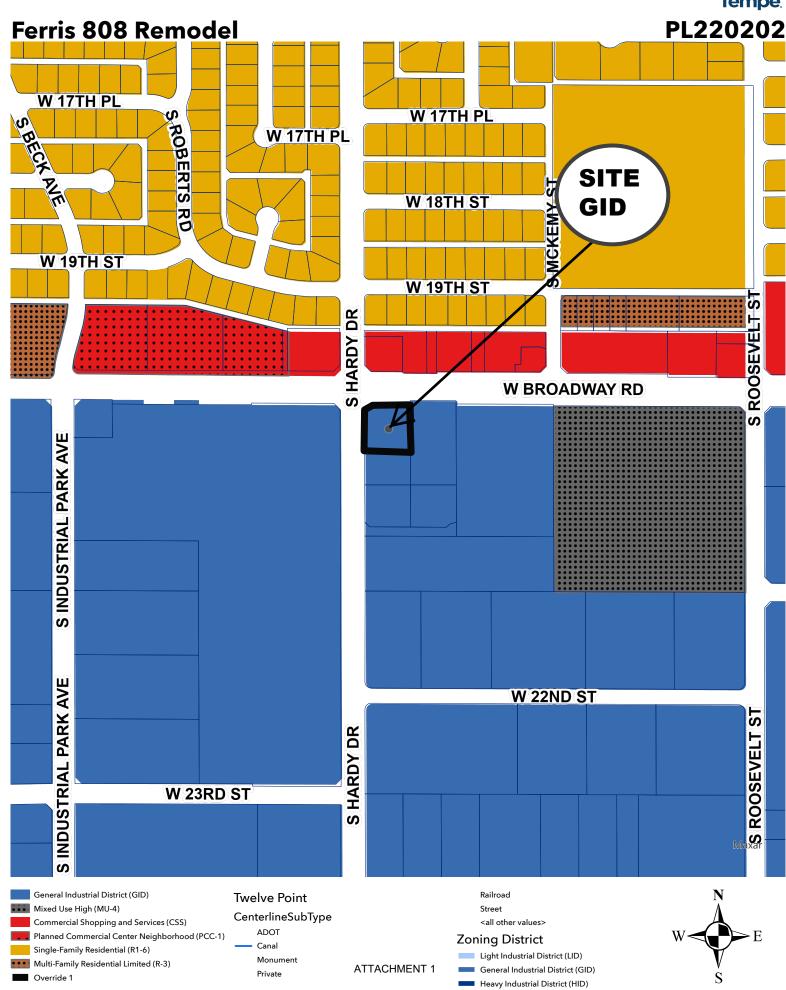
for FERRIS 808 REMODEL (PL220202)

ATTACHMENTS:

| i. Location ivia | 1. | Location I | Map |
|------------------|----|------------|-----|
|------------------|----|------------|-----|

- 2. Aerial Map
- 3-5. Letter of Explanation
- 6. Site Plan
- 7. Floor Plan
- 8-9. Building Elevations
- 10. Site Context Photos
- 11. Historic Preservation Officer Correspondence

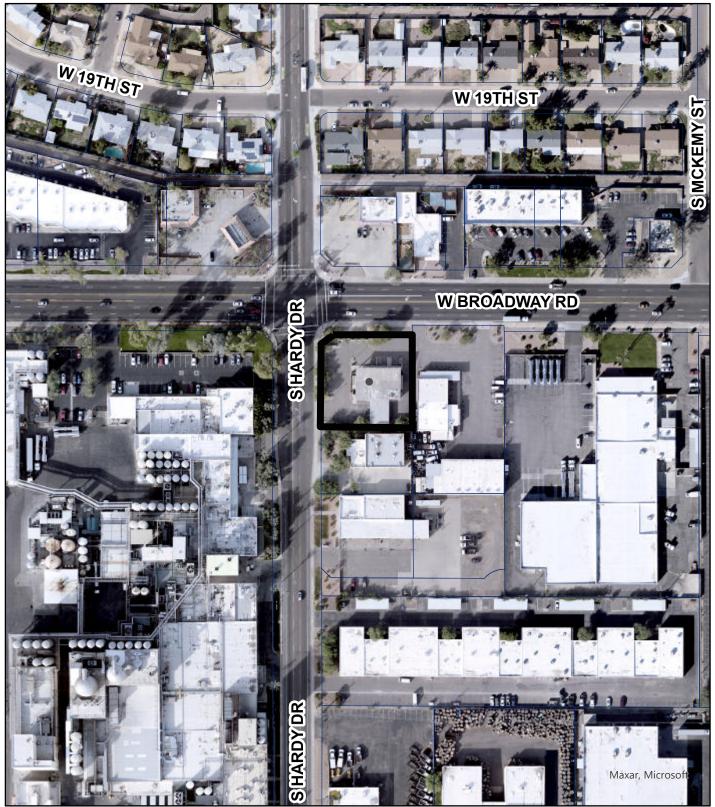






Feris 808 Remodel

PL220202



Aerial Map



James M Day, Architect

Email j-day@jmda-architects.com

Phone 623-271-7705 **Fax** 623-271-7707

Mailing Address

8194 W Deer Valley Rd Suite 106-321 Peoria, AZ 85382

July 18, 2022

CITY OF TEMP, AZ Planning and Development Department

RE: BP221405

FERRIS 808 TENANT REMODEL

833 W BROADWAY ROAD, TEMPE, AZ

LETTER OF EXPLANATION FOR USE PERMIT

This is an adaptive reuse of an existing bank building. We are preserving the existing architectural vocabulary and using the site configuration and flow for a QSR and business use. We feel this is compatible and will breathe new life into this wonderful building.

There will be three tenants occupying this building.

Suite 101 Quick Service Restaurant with a drive-thru

Food and beverage includes; chicken products, fries, sodas,

tea, frozen drinks and ice cream.

Tap beer is a franchise option that will not be used at this time. We understand a type 7 liquor license is requires to be

obtained and approved by the City of Tempe

Hours of operation 11:00am – 7:00 pm

Number of staff per shift 2-3

Dine in customers 21 seats with 10 in line (31 maximum)

Drive Thru lanes 2 with menu boards

Vehicle stacking 15 and 4 behind the pickup window

Suite 102 Vanilla Shell, Office tenant space.

Hours of operation est 8:00 am - 7:00 pm

Total occupancy 8

Suite 103 Business Office for QSR

Hours of operation varies

Total occupancy 2



Placement

This is an existing developed site with building and landscaping. As such we are dealing with exiting placement and forms. The only modification of forms applies to the previous flat roof at the bank teller drive thru. In this area we are removing the roof and replacing about 1/3 of the roof, with parapets to screen mechanical equipment.

Transportation

We have provided appropriate ADA parking with access to the public way, which is currently lacking. This allows pedestrian and bus users to access the site. We have existing car parking, a delivery parking and bicycle parking area.

Broadway Road is the main arterial path that will provide the majority of vehicular access to this site. Hardy Road has much less traffic and is mostly industrial/business use. As such most traffic to the site and to the drive thru will be from Broadway Road and counter-clockwise through the site.

Most pedestrian traffic will also be along Broadway Road and from the transit system.

Vehicular Circulation

The vehicular circulation is existing. The previous access for the bank drive thru is being repurposed for the food and beverage order location with the pickup and pay window located at the previous vault wall. This circulation and stacking will allow for other access and egress for the site to function much as is has in the past. A waste enclosure is added to the site in a location that allows a direct pickup and exit. The site will be modified to allow fire apparatus and waste trucks access.

Environmental impact

We do not expect any nuisance issues from dust, gas, noise, vibration, smoke, heat or glare. The cars negotiating the drive thru are in an area that is screen on the south by a 6' masonry wall, and the east by a tall commercial building. The restaurant impact will be less than typical burger QSRs.

We expect the renewal of this site to have a positive impact on the neighbors, as It will be occupied, and the activity should reduce vandalism. The QSR and office space will fit into the mixed industrial and provide the neighbors another option for food and beverage.

This type of facility does not promote disruptive behavior. With the modifications to the site elements we are removing the options for loitering.

Crime Prevention

We do have an existing site with some inherited issues. With the refreshing of the landscape, all large rocks shall be removed from the site. They have been an issue with the vandalizing of this building.

The existing drive thru roof us supported by masonry columns and a long masonry wall just off the south property line (which is fenced). This wall creates a hiding area for criminal activity. With the removal and reconstruction of the roof in this area, the wall is removed. This will open the space and eliminate hiding areas.

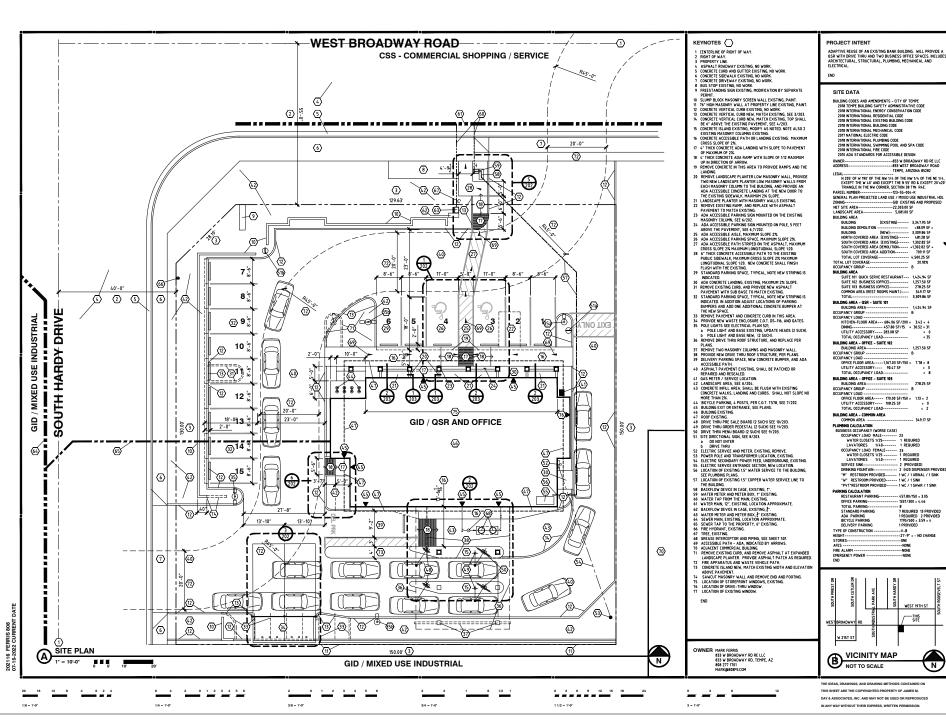
Landscape

Landscape areas were previously defined. These areas are being refreshed. It currently separates the public traffic from the site and provides a base to the building.

Exterior Lighting

The existing exterior pole lights are to be refreshed with new heads and lamps. There is one new pole light added at the south side of the site to match the others. The light heads are full cutoff fixtures. New recessed down lights are provided in the new roof at the south side of the building. New full cut off wall packs are provided around the building to provide security and a well-lit site, without intruding on the adjacent properties.

END



RELEASE DATE 07-15-2022

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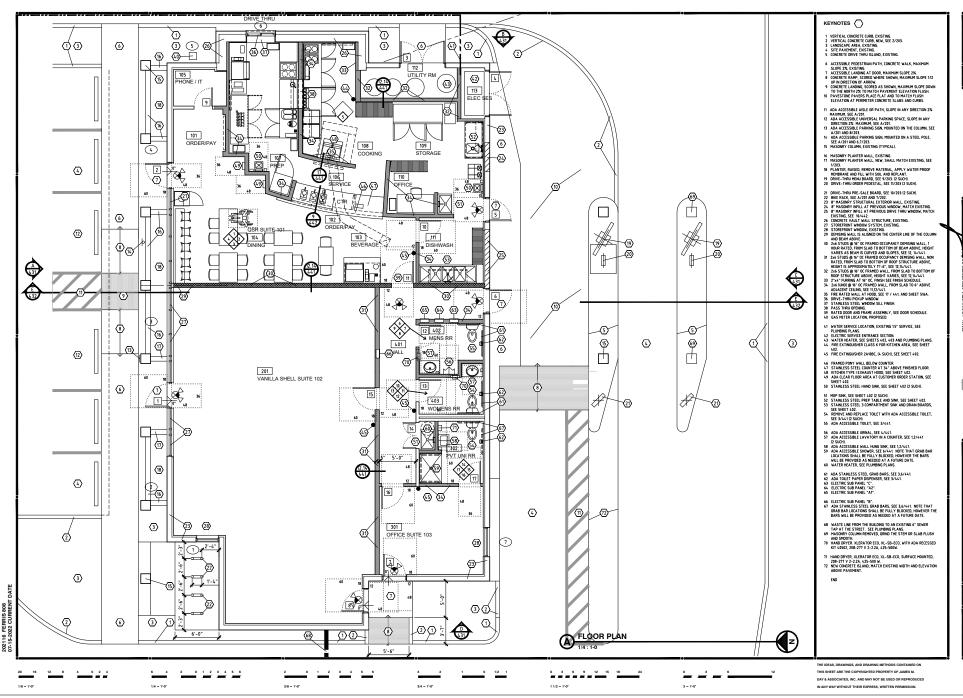
James m day & associates, td.
architecture

FERRIS 808
833 WEST BROADWAY ROAD
TEMPE, ARIZONA 85000

202116

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IF THIS SHEET IS NOT 36 x 2 IT IS REDUCED AND SHOULD BE SCALED ACCORDINGLY





DELEASE DATE

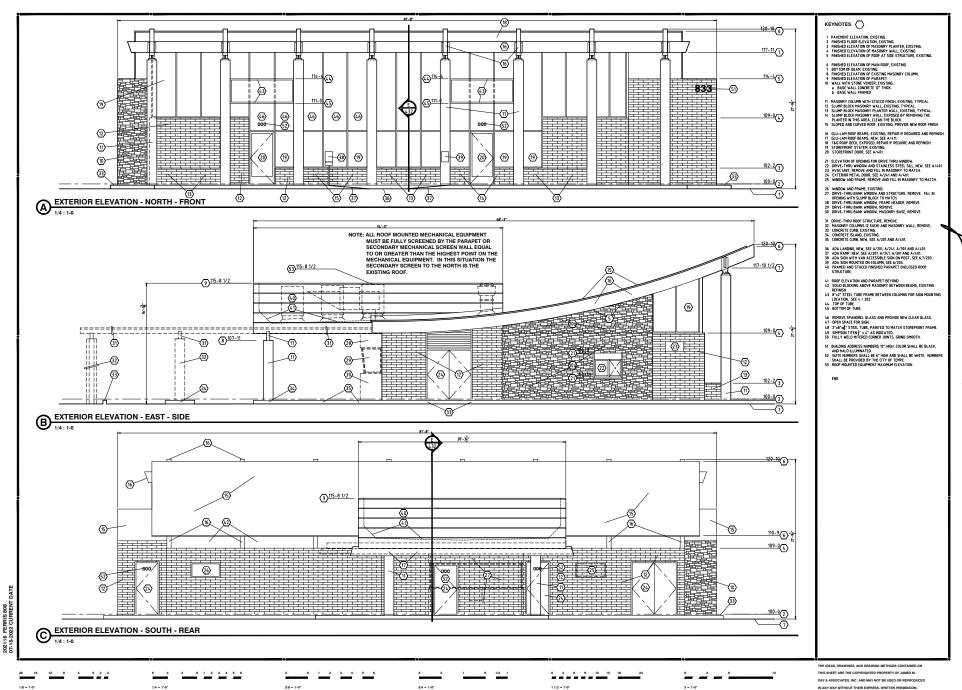
07-15-2022

DECT : COMMERCIAL : REMODEL
FERRIS 808
833 WEST BROADWAY ROAD
TEMPE, ARIZONA 85000

202116

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IT IS REDUCED
AND SHOULD BE
SCALED ACCORDINGLY



RELEASE DATE 07-15-2022

FERRIS 808 833 WEST BROADWAY ROAD TEMPE, ARIZONA 85000

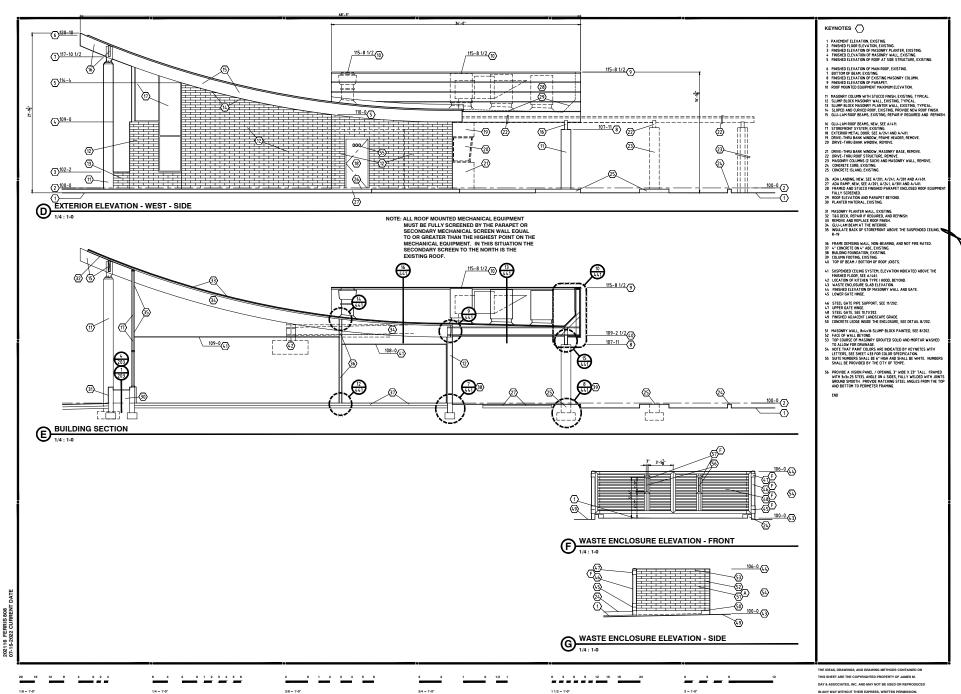
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RELEASE DATE 07-15-2022

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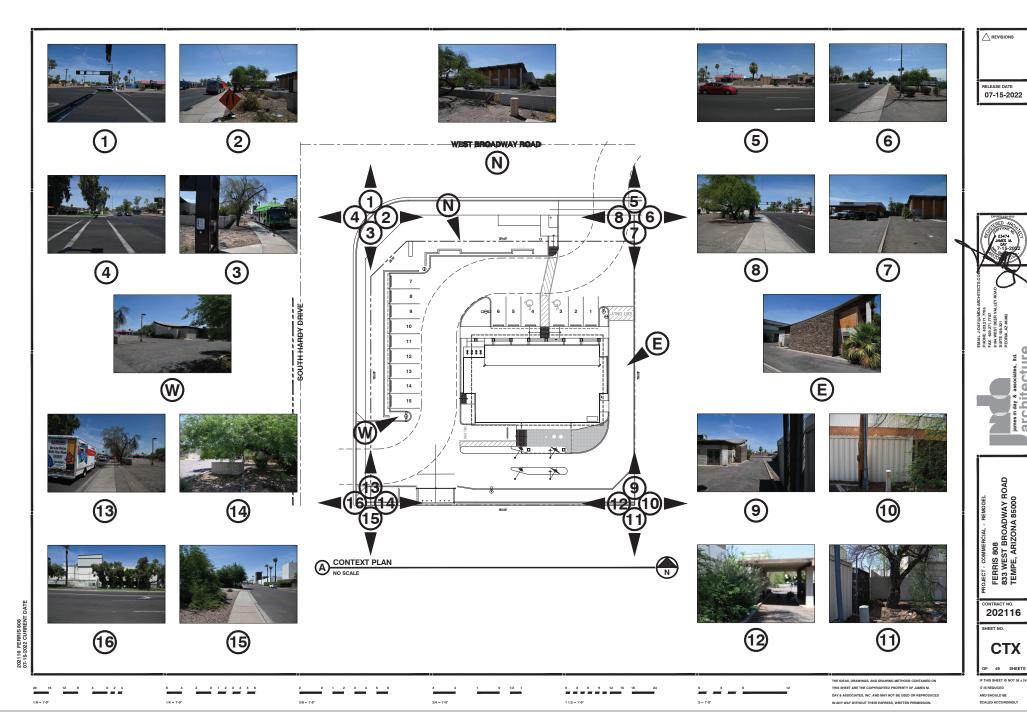
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IN ANY WAY WITHOUT THEIR EXPRESS, WRITTEN PERMISSION.



James m day & associates, td.

architecture

Jimenez, Lee

From: Lechner, Zachary

Sent: Thursday, October 13, 2022 1:11 PM
To: J-DAY@JMDA-ARCHITECTS.COM
Cc: Jimenez, Lee; Levesque, Ryan
Subject: 833 W Broadway Adaptive Reuse

Hello James,

After our conversation last week, I reached out to the State Historic Preservation Office (SHPO) as promised. SHPO determined that, even with your current project's proposed changes to the building, the former First National Bank Building of Arizona at 833 West Broadway Road would be eligible for listing in the National Register of Historic Places. Because of it's National Register eligibility, per the Tempe Historic Preservation Ordinance, the building would also be eligible for designation in the Tempe Historic Property Register (THPR). Both designations carry prestige, and in the case of the National Register, potential eligibility for federal tax credits.

Because you are interested in preserving the historic features of the building, I'd encourage you to consider nominating the building to both the National Register and the Tempe Historic Property Register (THPR). The City of Tempe Planning Department, which includes the Historic Preservation Office, can assist you in moving the application through the City's lengthy designation process. That includes the need for approval of a zoning map amendment by City Council. Application fees related to the zoning map amendment application would be waived.

Don't hesitate to let me know if you'd like to talk further about the National Register or THPR processes. I'd be happy to assist you.

Best,

Zach



Zachary J. Lechner, Ph.D.

Senior Planner/Historic Preservation Officer Community Development, Planning Division 31 E. 5th St., Tempe, AZ 85281 480.350.8870 zachary_lechner@tempe.gov/planning