

Staff Summary Report



Hearing Officer Hearing Date: August 7, 2007

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **A INTERNATIONAL WINES (PL070277)** located at 2125 South 48th Street for one (1) use permit.

DOCUMENT NAME: 20070807dssa01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BUTTES BUSINESS CENTER – A INTERNATIONAL WINES (PL070277)** (Theresa Morse, applicant; Presson P.V. Four LLC, property owner) located at 2125 South 48th Street in the GID, General Industrial District for:

ZUP07091 Use permit to allow a beer/wine bar (Series 7 License).

PREPARED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

A handwritten signature in black ink, appearing to read 'SEA'.

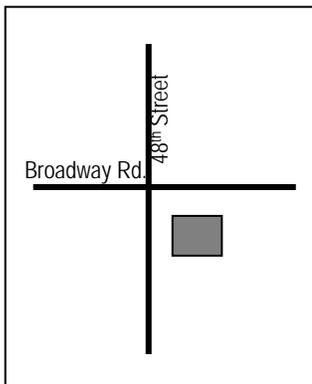
REVIEWED BY: N/A

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 - 6).

ADDITIONAL INFO: A International Wines is before the Hearing Officer to request approval of a use permit to allow a beer /wine bar with a Series 7 Arizona Department of Liquor Control License at 2125 South 48th Street, Suite 103 in the GID, General Industrial District. The business plan is to provide retail “to go” wines with occasional on-premises wine-tasting. There has been no public input to date. Staff recommends approval of the request as submitted.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site Plan
5. Floor Plan
- 6-7. Staff Photograph(s)

COMMENTS:

The applicant is requesting approval for a use permit to allow a beer/wine bar with a Series 7 Arizona Department of Liquor Control License in the GID, General Industrial District. The site is located within the Buttes Business Center at the southeast corner of 48th Street and Broadway Road. A International Wines is proposing to occupy a 720 s.f. suite housed in the northern portion of the center. The proposal is for a business predominantly retailing package "to go" wines with occasional on-premises wine tasting or sampling. Delivery of products will be a component of the operation. Initially, the business will have two (2) employees (including the owner). The proposed hours of operation will be Monday through Friday from 1:00 p.m. until 9:00 p.m.; serving 10 – 15 customers per day.

To date, staff has received no public input to this request.

Use Permit

The Zoning and Development Code requires a beer/wine bar (Series 7 License) to obtain a use permit in GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The business is a general commercial use and is compatible with the other businesses on the property and within the area.
- c. 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 development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - Again, the proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)

OF APPROVAL:

1. This use permit is valid for A International Wines / Agnieszka Helena Rozum and may be transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff for review of the business operations.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
4. Any expansion or intensification of the use will require review of the use permit.
5. The use permit is valid for the plans as submitted within this application.
6. Submit a security plan with the Tempe Police Department within 30 calendar days (**September 7, 2007**). Contact Officer William Vanek at (480) 858-6342.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

Owner – Presson P.V. Four LLC
Applicant – Theresa Morse
Owner - Agnieszka Helena Rozum
Existing Zoning – GID, General Industrial District
Lease Area – 720 s.f.

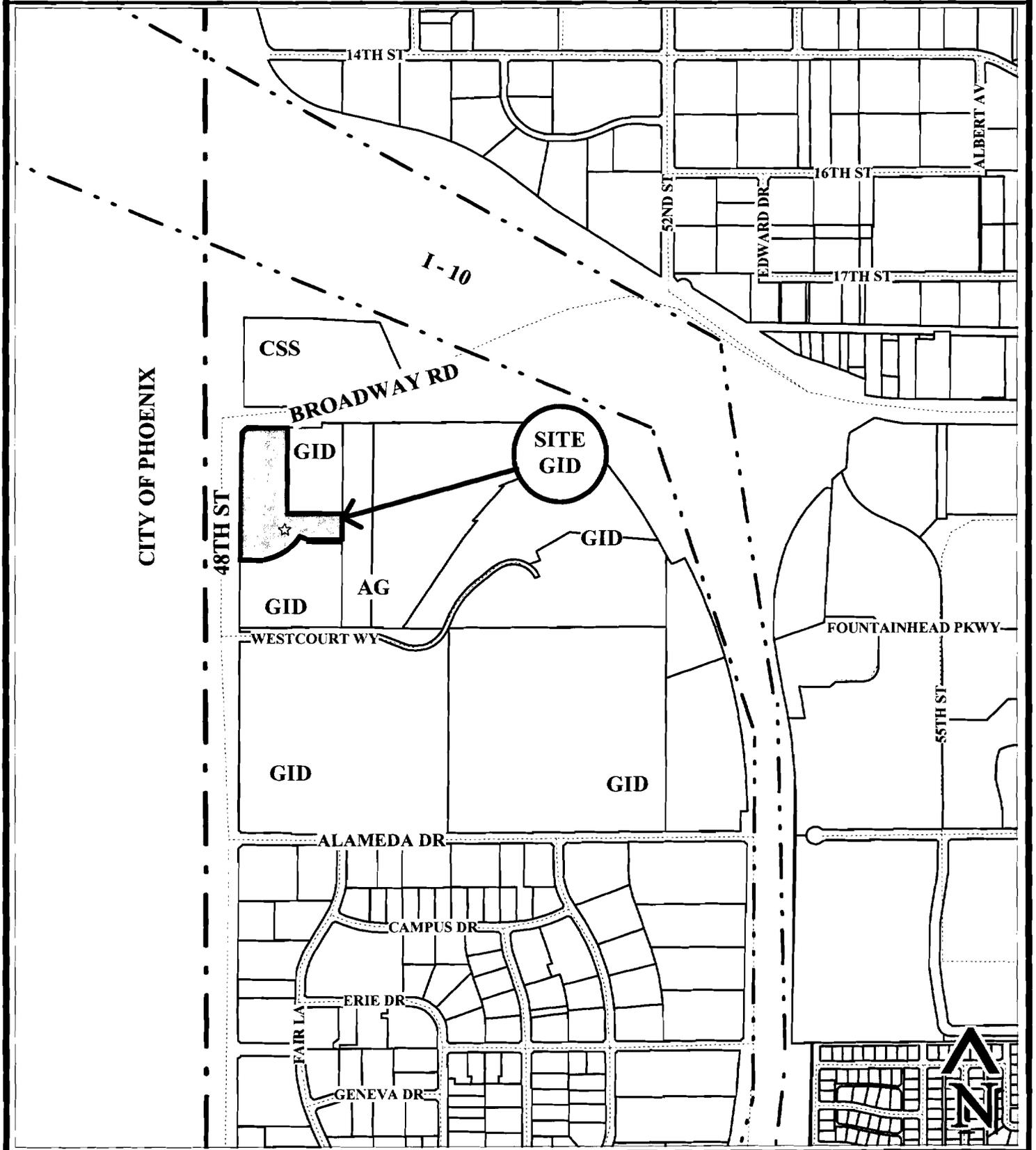
ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 2, Section 3-202
Permitted Uses in Office / Industrial Districts – Table 3-202A
Part 6, Chapter 3, Section 6-308
Use Permit.

BUTTES BUSINESS CENTER - A INTERNATIONAL WINES

PL070277





BUTTES BUSINESS CENTER - A INTERNATIONAL WINES (PL070277)

A INTERNATIONAL WINES

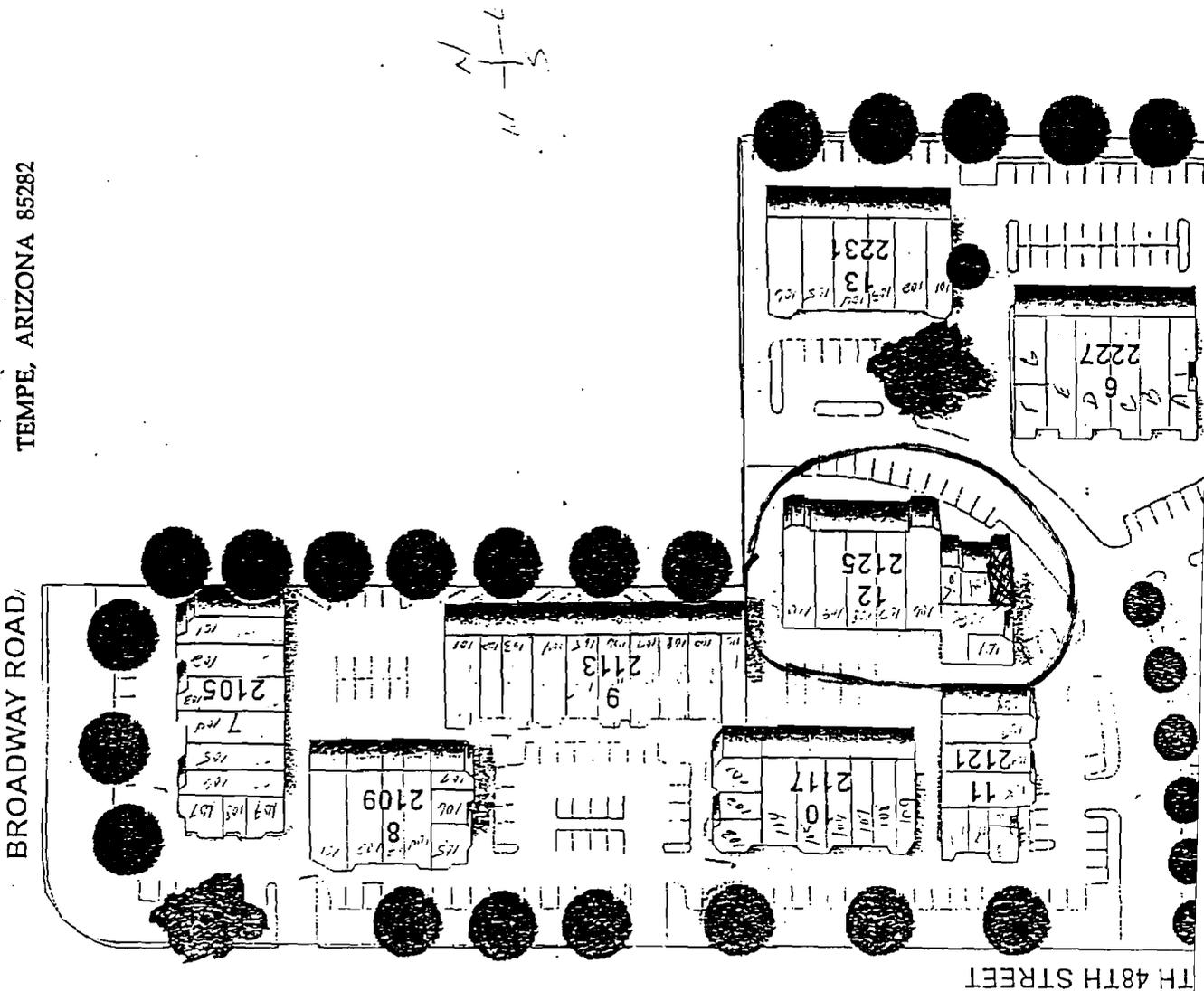
A International Wines holds a series 7 beer and wine bar liquor license. My business will predominantly sell package to go wines with occasional wine tasting or sampling. A significant number of my clientele desire delivery of the wine products I will be offering. I will not be having any entertainment which is typical in a bar setting. I simply desire to meet the needs of our customers by allowing them to taste great wine products on the premises if they desire and to make deliveries of these great wines to their homes. Therefore my business will not cause any significant vehicular or pedestrian traffic in the adjacent areas or any nuisance such as noise or smoke. My business will be an asset to the community and to the City of Tempe. It will not be in conflict with the goals or objectives of the City or neighborhood. My proposed hours of operation will be from 1pm until 9pm. FIVE DAYS A WEEK. I ANTICIPATE AN

AVERAGE OF 10-15 CUSTOMERS PER DAY. THERE
will be a total of two employees (including
myself - AGNIESZKA H. ROZUM) operating the business.

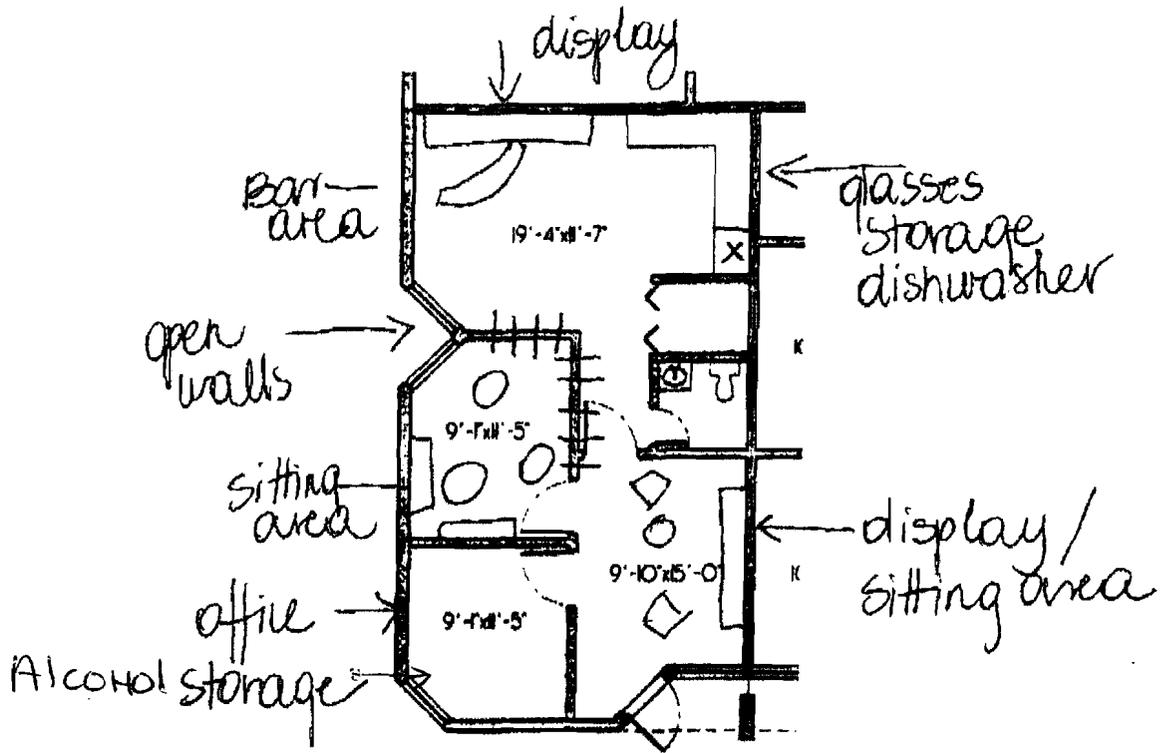
BUTTS BUSINESS CENTER

TEMPE

BROADWAY ROAD,
TEMPE, ARIZONA 85282



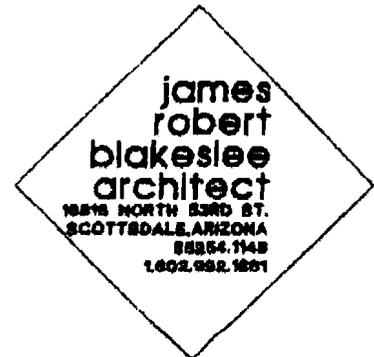
TH 48TH STREET



FLOOR PLAN

SCALE : 3/32" = 1'-0"

720 S.F.
 BUILDING 12
 2125 SOUTH 48TH STREET
 SUITES 103
 TEMPE, ARIZONA 85282





INTERNATIONAL WINES

2125 S. 48TH ST.

PL070277

FRONT OF SUITE: VIEW TO WEST



INTERNATIONAL WINES

2125 S. 48TH ST.

PL070277

ILLEGALLY MOUNTED LIGHT FIXTURE.