

Staff Summary Report

Development Review Commission Date: 08/14/07

Agenda Item Number: 2

SUBJECT: Hold a public meeting for a Development Plan Review including building elevations for Olive Branch Restaurant located at 3231 South Mill Avenue.

DOCUMENT NAME: DRCr_OliveBranch_081407

**PLANNED DEVELOPMENT
(0406)**

SUPPORTING DOCS: Yes

COMMENTS: Request for **OLIVE BRANCH RESTAURANT (PL070203)** (Hanna Sayegh, business owner and property owner; Neil Sheiner, Sheiner and Associates, applicant) for an appeal of Development Plan Review staff approval for a building elevation modification for a restaurant on +/- .21 acres, located at 3231 South Mill Avenue in the CSS, Commercial Shopping and Service District, including the following:

DPR07098 – Development Plan Review of modified building elevations including new outdoor patio area, building trim color, lighting fixtures and neon illuminated building accent. Appeal of condition #8:

8. Building-mounted neon accent lighting not approved as part of this submittal: delete from plans for future Building Safety submittals.

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

REVIEWED BY: Lisa Collins, Planning Director (480-350-8989)

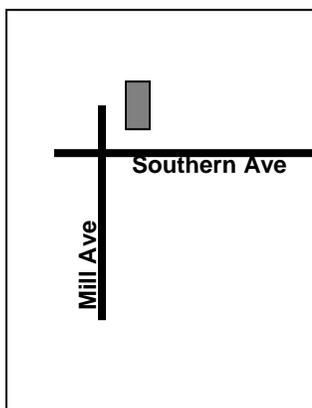
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial of the Appeal

ADDITIONAL INFO:

Site Area:	+/- .21 net acres
Building Area:	+/- 5,527 s.f.
Bld'g/Lot Coverage:	+/- 6 %
Parking required/provided:	Park by Demand



The applicant is appealing a condition of approval imposed as part of Development Plan Review Staff approval. The applicant is requesting approval of exposed neon accent lighting along the fascia of the gable roof. Staff previously approved proposed building modifications with the condition that the neon be deleted from the elevations.

CONTENTS:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Appeal
4. Design Narrative
5. Southwest view w/neon
6. Northwest view w/neon
7. Copy of Staff Approval Letter
8. Letter of Continuance

COMMENTS:

The Olive Branch Restaurant has submitted an elevation modification for an existing restaurant located at the northwest corner of Mill Avenue and Southern Avenue. The restaurant was originally built as a "Golden Corral and later became "Sizzler" within the Huntington Square Shopping Center.

The applicant is proposing to upgrade the existing exterior by remodeling the glass exterior addition to an open air patio with a canvas canopy cover and retractable shades.; add two (2) new decorative fixtures at the main entrance.; and repaint the existing trim blue to match the patio canopy. They have also proposed an exposed neon building accent to attach to the fascia of the building under the gable roof. Development Plan Review staff has approved all the modifications to building except for the neon accent. Although this building is separately owned from the shopping center; there are unifying building elements which tie the design of the restaurant with the design of the center. Exposed neon accent lighting is not a feature that is present within this center or on any of the buildings located on the opposing corners of the intersection.

Conclusion

Staff recommends that the appeal of the DPR staff condition be denied. The exposed neon is out of character with area and serves as an attention attracting devise that does not enhance the building elevations; perhaps if the neon was encased within a cove and cast light on the building, then the lighting could be considered an enhancement. The current application of neon, if not strictly maintained, may diminish and detract from the appearance of the building. It should be noted that should this appeal be heard, it is within the Commission's purview to add, delete or modify any condition as they see fit.

REASONS FOR DENIAL:

1. Exposed neon accent lighting does not complement building architecture.
2. Exposed neon accent lighting is not in character with the area.

DPR07098**CONDITIONS OF APPROVAL:**

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **August 14, 2008**, or Development Plan Review approval will expire.
2. Approval is valid from plans as submitted to and approved by the Development Review Commission staff. These drawings indicate the new trim colors to be blue; approved for repaint of existing red trim areas only.
3. A blue canvas canopy with retractable striped shades is approved for new outdoor patio. The final design of canopy supports and restored exterior elevation of building; to be approved by planning plan check staff as part of Building Safety Review.
4. The patio wall to be minimum 36" inches high with a combination of masonry and wrought iron and must be in compliance with State Liquor Law requirements. Update security plan with City of Tempe Police Department for new patio area.
5. Decorative Fixtures approved for entrance; may not illuminate greater than 100 watts each. Provide cut sheet for Planning Plan Check review.
6. Any new signs to receive separate approval, contact Jeff Tamulevich at (480) 350-8441.
7. Repaint address numerals to a contrasting color other than main building color, details to be approved by staff.

8. Building-mounted Neon accent lighting not approved as part of this submittal; delete from plans for future Building Safety submittals.
9. Remove fixture above main entry door and patch/paint surface to match existing building.

HISTORY & FACTS:

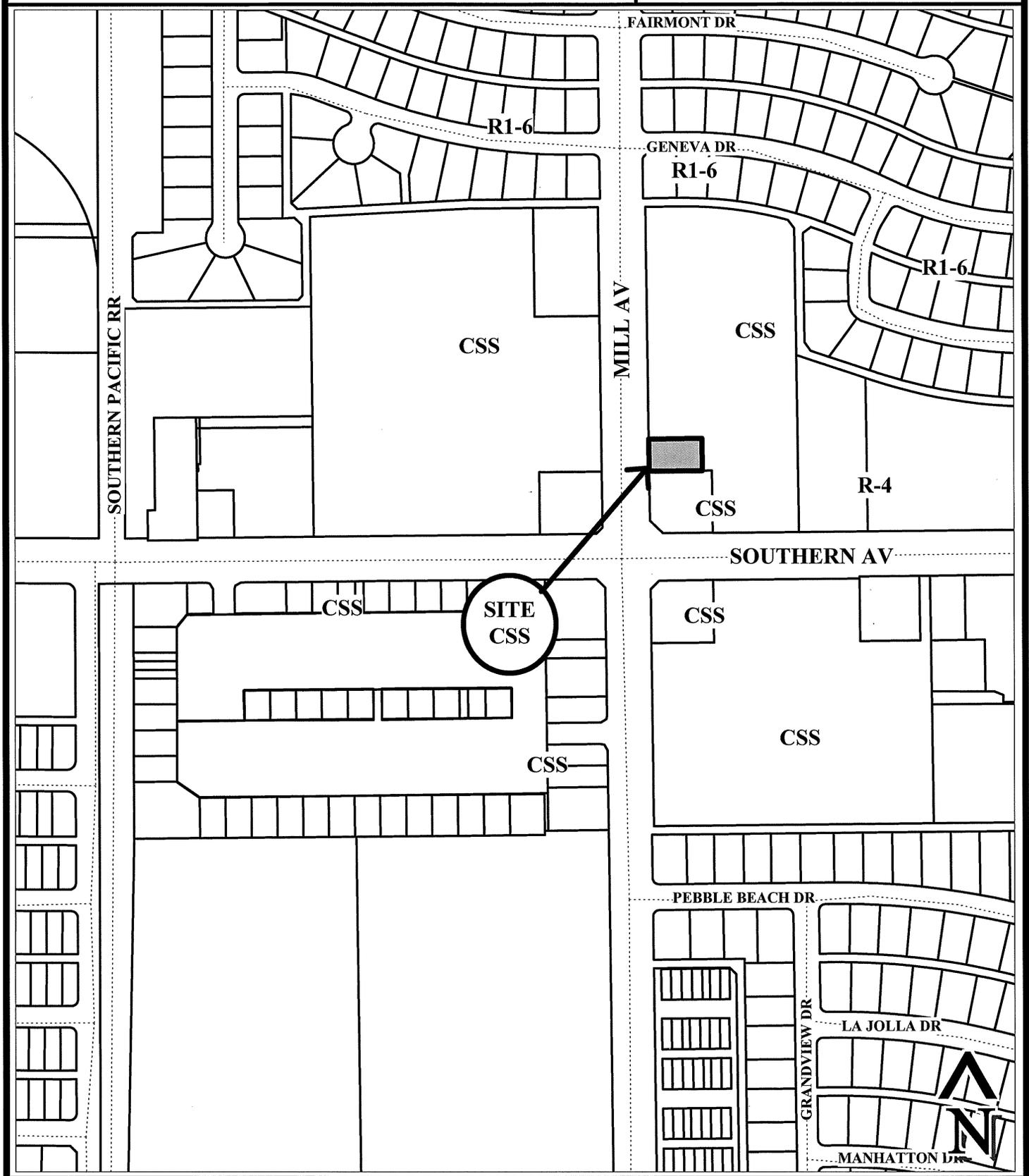
October 20, 1983	Design Review Board approved building elevations, site plan and landscape plan for the Golden Corral.
September 6, 1989	Design Review Board approved signs for Sizzler.
June 26, 2007	Development Review Commission continued the request for Olive Branch Restaurant to July 10, 2007.
June 29, 2007	The applicant requested the appeal be continued to August 14, 2007.

ZONING AND DEVELOPMENT CODE REFERENCE:

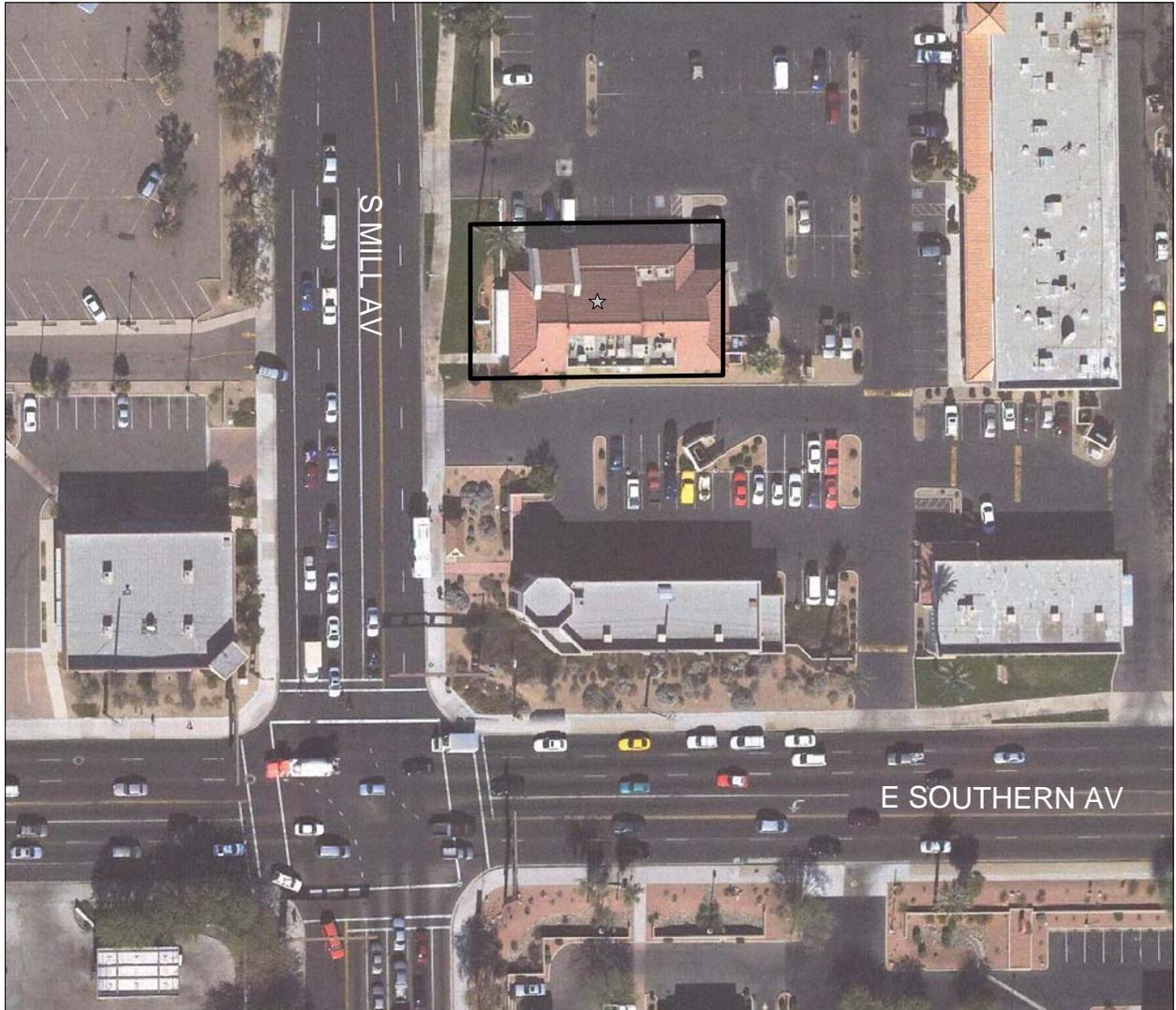
Section 6-306, Development Plan Review

OLIVE BRANCH RESTAURANT

PL070203



Location Map



OLIVE BRANCH RESTAURANT (PL070203)

neal sheiner
sheiner & associates
5250 north 20th street - # 208
phoenix, arizona 85016

May 25, 2007

Sherri Lesser
Senior Planner
Development Services Department
City of Tempe
Tempe, Arizona 85281

Re: Olive Branch
3231 South Mill Avenue

Dear Sherri:

This letter is in response to your letter dated May 23, 2007 approving the exterior building modifications to the Olive Branch restaurant in Tempe with conditions.

We agree with all the conditions with the exception of condition number 8 as follows:

- Building-mounted Neon accent lighting not approved as part of this submittal; delete from plans for future Building Safety submittals.

We are requesting that this item be put on the June 22, 2007 DRC meeting.

Please feel free to contact me with any questions.

Sincerely,

Neal Sheiner

File: Olive Branch development response
602-799-8080

neal sheiner
sheiner & associates
5250 north 20th street - # 208
phoenix, arizona 85016

May 8, 2007

Sherri Lesser
Senior Planner
Development Services Department
City of Tempe
Tempe, Arizona 85281

Re: Olive Branch
3231 South Mill Avenue

Dear Sherri:

We are submitting an application for an "exterior modification" to the Olive Branch restaurant at 3231 South Mill Avenue.

We are proposing the following modifications:

- Removal of the existing glass enclosure on the west end of the building and turn this space from an interior dining area into an exterior dining patio. The lower (24" +/- high) wall will remain. We will be installing a permanent "cloth type" awning structure with a "roll down" awning on all three sides to shade the patio from the sun during the late afternoon. This area has been used for interior dining and will remain as dining.
- Install neon lighting along the fascia of the gable roof structure. This neon will have a blue glow. The structure color (where the neon goes) will be changed from its existing red color to a blue color. The existing color of the building will remain as a "buff".
- Install two (2) wall mount "electric gas lights" at the entrance on the north side of the restaurant. Final selection of light fixture to follow.

MAY - 8 2007

Sherri, as you know this is a very dated building and we feel that the changes we are making along with the maintenance painting and cleanup will be refreshing to this restaurant.

We are asking for approval of these changes at the staff level.

Please feel free to contact me with any questions.

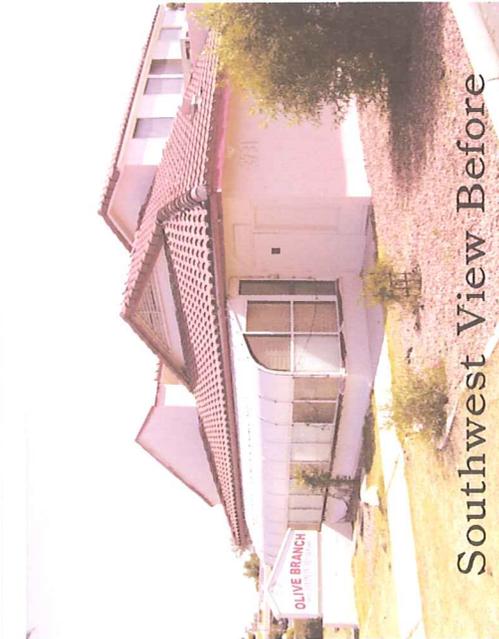
Sincerely,

A handwritten signature in cursive script that reads "Neal Sheiner". The signature is written in black ink and is positioned above the printed name.

Neal Sheiner

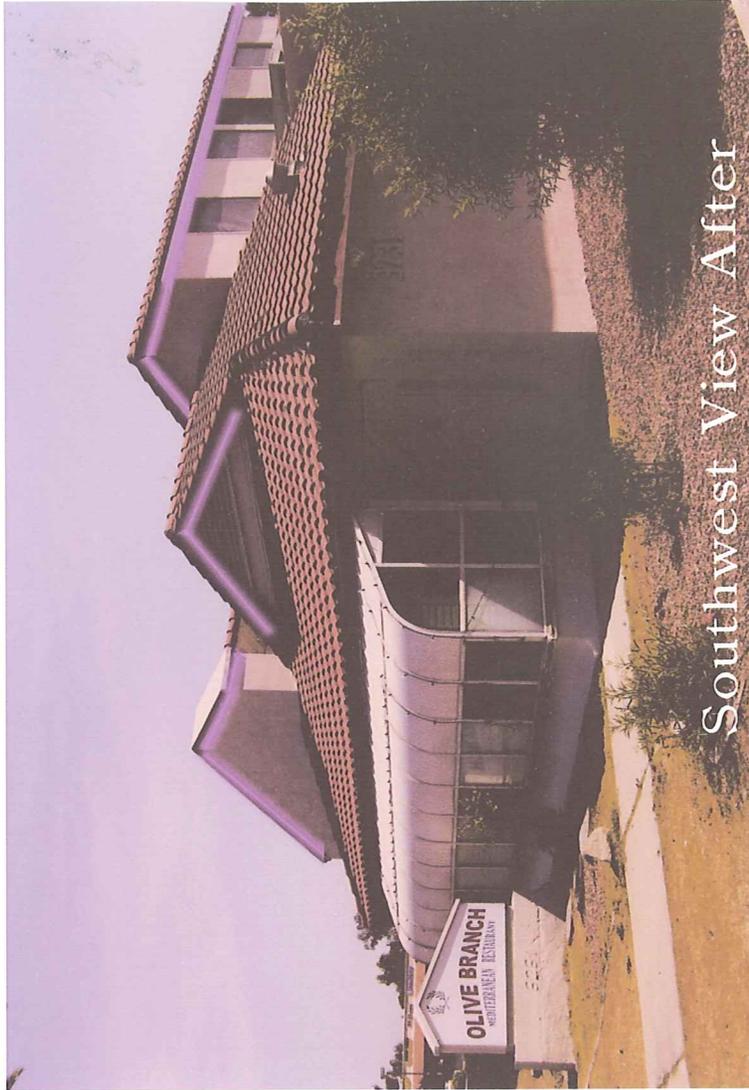
File: Olive Branch development letter
602-799-8080

MAY - 8 2007



Southwest View Before

1. 15 Mil Neon Border (Blue)
2. 30 MA Transformer GFI
3. Install With Exterior Water tight Herbie Boots
4. Sleeved GTO
5. Install per City and current NEC code



Southwest View After

A Lighting

Tel: 602.758.6605
Fax: 602.604.1955
ROC # 225062

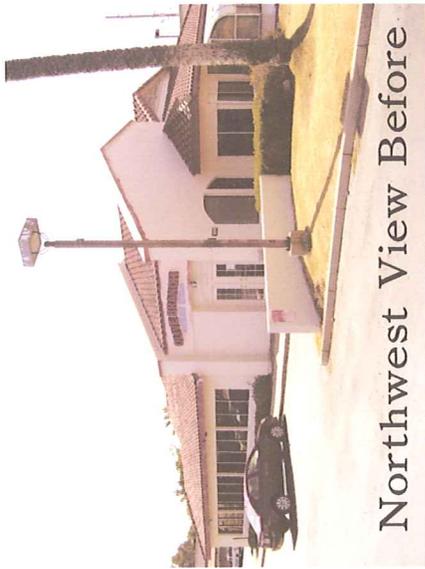
*This artwork is the property of
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 reproduced. You must obtain a
 written authorization first.*
 5811 N. 7th St Phoenix AZ 85014

Client: Olive Branch Restaurant
 Location: 3231 S ~~Mc~~ Ave Tempe
 AZ 85281

Approval Signatures as Required:
 Client: _____
 Landlord: _____

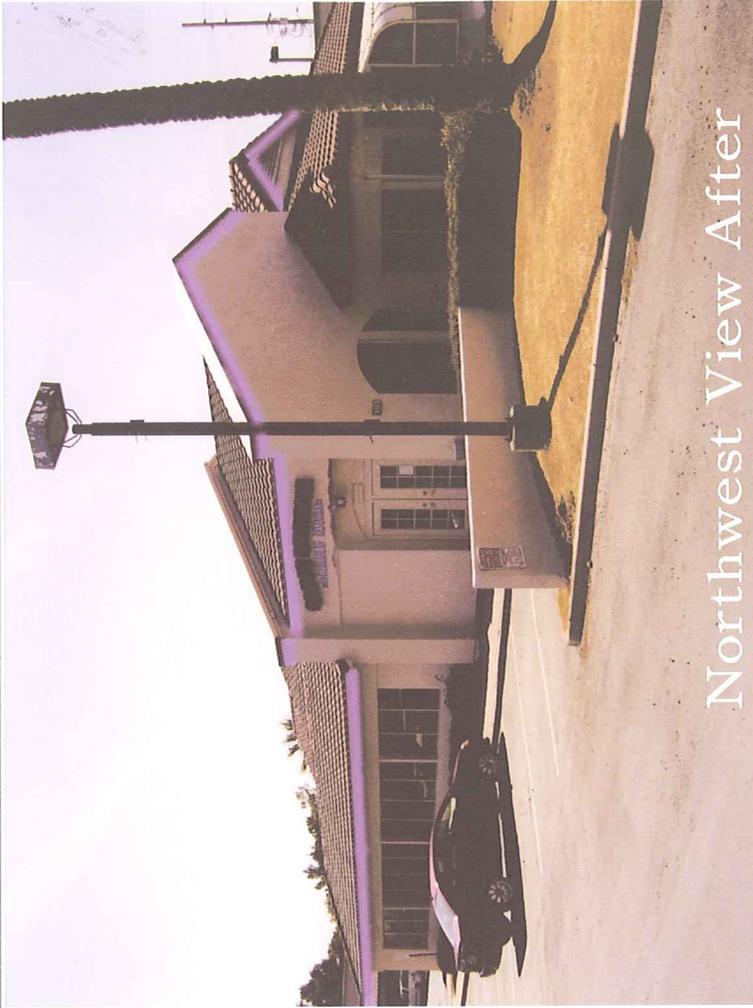
Client approval certifies that
 all artwork specification,
 Spelling, and colors are all
 correct as shown.

Design Date:
 11/27/06
 Design NO:
 Page:



Northwest View Before

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Northwest View After

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 5811 N. 7th St. Phoenix AZ 85014

Client: Olive Branch Restaurant
 Location: 3231 S ~~14th~~ Ave Tempe
 AZ 85281

Approval Signatures as Required:

Client:
 Landlord:

Client approval certifies that
 all artwork specification,
 spelling, and colors are all
 correct as shown.

Design Date:
 11/27/06

Design NO:
 Page:

(480) 350-8331

May 23, 2007

Neil Sheiner
Sheiner and Associates
5250 North 20th Street #208
Phoenix, AZ 85016

RE: Olive Branch Restaurant
Exterior Building Modification
3231 South Mill Avenue
PL070203

Dear Mr. Sheiner:

The Development Review Commission Staff has approved your request for an exterior building trim repaint to blue; the modification of the glass enclosure to an outdoor patio area; a canvas canopy cover with retractable shades.; and two (2) new decorative fixtures at entrance. This site is located at 3231 South Mill Avenue in the CSS, Commercial Shopping and Services District.

This approval is based on compliance with the plans submitted as part of the application with such modifications as may be required by any conditions listed below. Your proposal must be completed prior to final inspection. This approval is valid for one year or the Development Plan Review approval will lapse.

Approved subject to the following conditions:

BUILDING ELEVATIONS

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **May 23, 2008**, or Development Plan Review approval will expire.
2. Approval is valid from plans as submitted to and approved by the Development Review Commission staff. These drawings indicate the new trim colors to be blue; approved for repaint of existing red trim areas only.
3. A blue canvas canopy with retractable striped shades is approved for new outdoor patio. The final design of canopy supports and restored exterior elevation of building; to be approved by planning plan check staff as part of Building Safety Review.
4. The patio wall to be minimum 36" inches high with a combination of masonry and wrought iron and must be in compliance with State Liquor Law requirements. Update security plan with City of Tempe Police Department for new patio area.
5. Decorative Fixtures approved for entrance; may not illuminate greater than 100 watts each. Provide cut sheet for Planning Plan Check review.
6. Any new signs to receive separate approval, contact Jeff Tamulevich at (480) 350-8441.
7. Repaint address numerals to a contrasting color other than main building color, details to be approved by staff.

PL070203-Olive Branch Restaurant
May 23, 2007

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8. Building-mounted Neon accent lighting not approved as part of this submittal; delete from plans for future Building Safety submittals.
9. Remove fixture above main entry door and patch/paint surface to match existing building.

If you have any questions, please contact me at (480) 350-8486. If there are any issues which remain after discussions with staff, you have the opportunity to have the case heard before the Development Review Commission. A written request must be forwarded to staff in order to have the application placed on the next available agenda.

Sincerely,



Sherri Lesser
Senior Planner
Development Services Department

Copy: File

neal sheiner
sheiner & associates
5250 north 20th street - # 208
phoenix, arizona 85016

June 29, 2007

Steve Abrahamson
Development Services Department
City of Tempe
Tempe, Arizona 85281

Re: Olive Branch
3231 South Mill Avenue

Dear Steve:

This letter is in response to our meeting this morning regarding the exterior building modifications (Building-mounted Neon accent lighting) to the Olive Branch restaurant in Tempe with conditions.

We are requesting that this item be rescheduled for the August 14, 2007 DRC meeting.

Please feel free to contact me with any questions.

Sincerely,

Neal Sheiner

File: Olive Branch development response 2
602-799-8080