

Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **THREE ROOTS COFFEE HOUSE (PL080106)** located at 1020 South Mill Avenue for one (1) use permit.

DOCUMENT NAME: 20080415dsdp01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **THREE ROOTS COFFEE HOUSE (PL080106)** (Robin Bundy & Albert Quhuis/The Mat Corner Inc., applicant/property owner) located at 1020 South Mill Avenue in the CC, City Center District for:

ZUP08046 Use permit to allow live entertainment (poetry, live acoustic and amplified music).

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

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

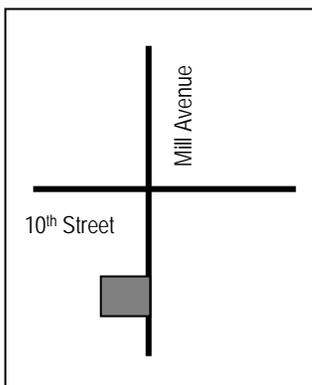
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-6

ADDITIONAL INFO: The applicant is requesting a use permit to allow live entertainment (poetry, live acoustic and amplified music) at the coffee house/art gallery located at 1020 South Mill Avenue in the CC, City Center District. To date, no public input has been received on this request. Staff recommends approval of the use permit request with conditions.



PAGES:

1. List of Attachments
2. Comments; Reasons 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
- 6-8. Staff Photograph(s)

COMMENTS:

Three Roots Coffee House is requesting a use permit to allow live entertainment in the form of poetry, live acoustic and amplified music at the existing restaurant (coffee house/art gallery) located at 1020 South Mill Avenue in the CC, City Center District. The coffee house/art gallery will not be imposing cover charges for live entertainment and will not advertise the events/entertainers. The intent of the use is to provide a space for local artists and provide customers with live entertainment. The hours of operation of the coffee house/art gallery are 7:00 AM to 11:00 PM Monday through Friday and 9:00 AM to 10:00 PM Saturday and Sunday. The requested live entertainment use will not occur outside of normal business hours; no specific hours or days are proposed for the requested use.

This request is not out of character with the existing use of the business and appears to be an ancillary to the existing coffee shop use.

To date, no public input has been received on this request.

Use Permit

The Zoning and Development Code requires a use permit for live entertainment uses in the CC, City Center District. This use permit request appears to meet all applicable tests in the following manner:

Evaluating the use permit, the proposal passes the use permit tests 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. The existing business and its capacities are to remain the same in size.
- 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 noise level of the proposed live entertainment use should not exceed ambient conditions. The live entertainment will be indoors and at a small scale.
- c. Compatibility with existing surrounding structures and uses;
 - The business appears to be in an appropriate location for the proposed use. The proposed live entertainment should be complimentary to the current coffee house/art gallery use.

Conclusion

Staff recommends approval of the use permit subject to conditions.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

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 "Three Roots Coffee House" and may be transferable. Should the business be sold, the new owners must contact the Hearing Officer staff to review the use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only, no live entertainment will be allowed on the exterior patio; this is to include no outdoor speakers.
4. 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.
5. The use permit is valid for the plans as submitted within this application and any expansion or intensification of the use will require review of the use permit.
6. The applicant shall adhere to the City of Tempe Noise Ordinance.

HISTORY & FACTS: None pertinent to this case.

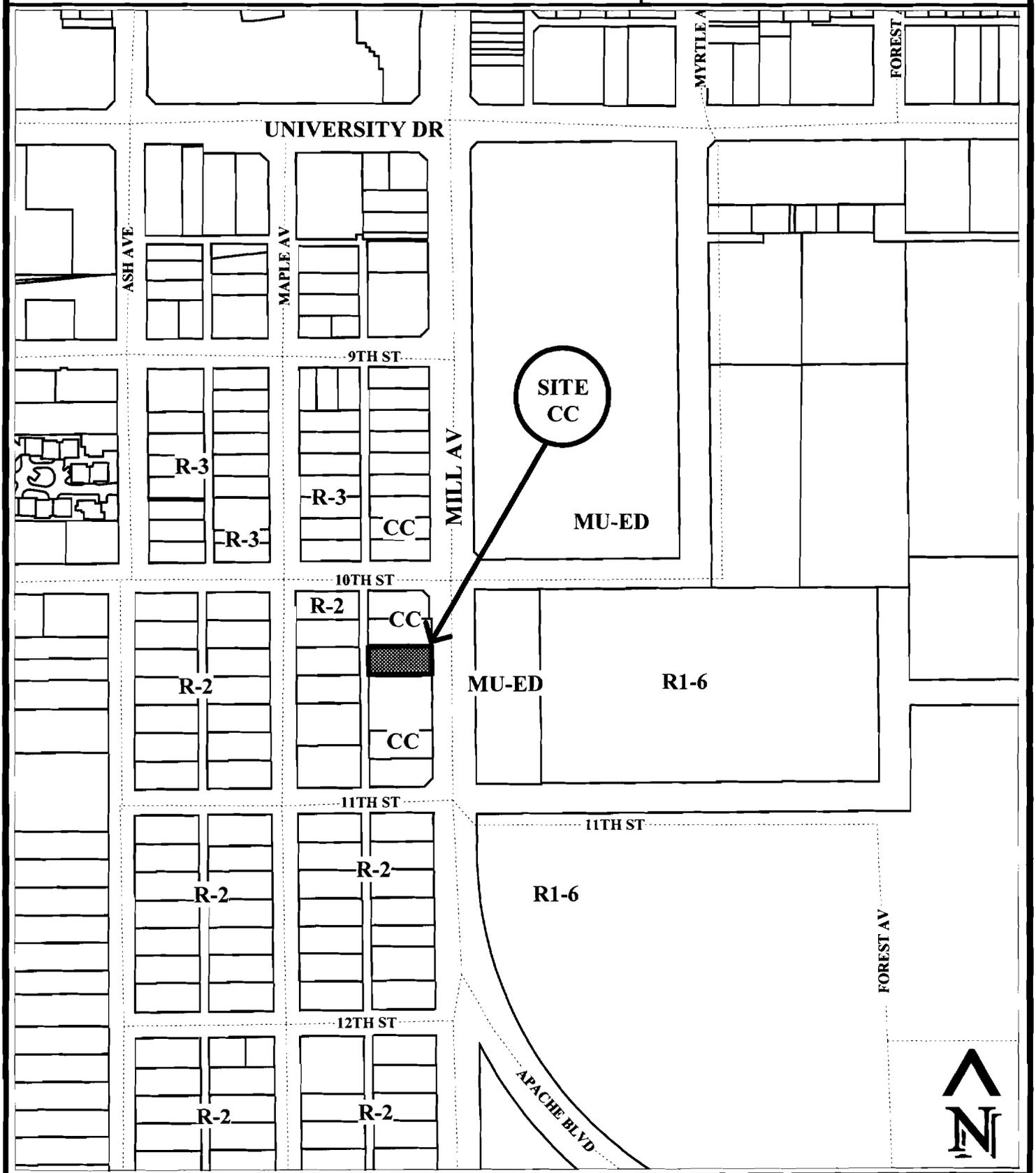
DESCRIPTION: Owner – Robin Bundy & Albert Quhuis/The Mat Corner Inc.
Applicant – Robin Bundy & Albert Quhuis/The Mat Corner Inc.
Existing Zoning – CC, City Center District
Tenant Area – 1,200 s.f.
Parking Required – Downtown Shared Parking Model

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in CC, City Center District.
Part 6, Chapter 3, Section 6-308 – Use Permit

THREE ROOTS COFFEE HOUSE

PL080106



Location Map

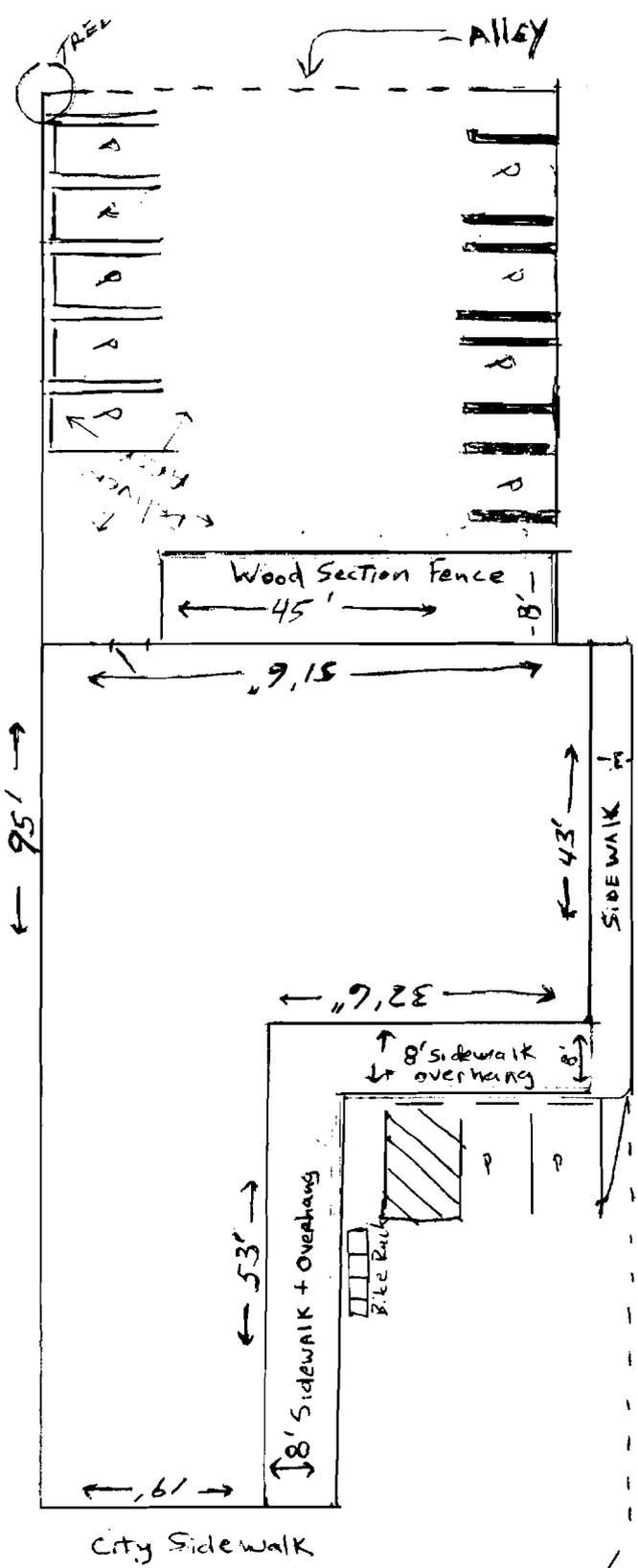


THREE ROOTS COFFEE HOUSE (PL080106)

Letter of Explanation for Use Permit

The Mat Corner, Inc. DBA Three Roots Coffee House in accordance with the City of Tempe and the Development Planning Division intends to apply for a live entertainment permit. The main purpose of the live entertainment permit is to provide our customer base with entertainment that will make their experience at Three Roots Coffee House more enjoyable. We are not trying to start a music venue, just merely providing a space for local artists to have poetry, small jazz ensembles on Sundays and an occasional acoustic act in our main gallery. A good percentage of the musicians and artists involved with Three Roots are either students at ASU or faculty and we encourage a strong and productive relationship with the University. Our demographic is varied and wide-ranging, we intend to provide entertainment of all kinds so we can cater to all of the different groups of people who frequent our establishment. Our parking lot is small, but most of our clientele are students or people who live in the surrounding neighborhood and more often than not walk or ride their bikes to our business. There should be no increase in traffic in our surrounding area. Most of the live entertainment we would have at Three Roots will occur inside of the building in our gallery area and will therefore not be of any nuisance to the surrounding area. In the occasion that we have live entertainment outdoors it will be kept to a reasonable volume level and will be handled in a way as to not disrupt the surrounding establishments and kept in accordance with City of Tempe laws and regulations. In our opinion, the addition of live entertainment to our business can only benefit Tempe. We consider ourselves a community driven establishment with strong ties to the City of Tempe, Arizona State University and it's citizenry. Everyone employed at Three Roots, the majority of its customers and even the owners, live in Tempe and only want what is best for the city. We are all interested in making Tempe a destination for people, not only in the valley, but from around the country. We feel we can add a positive environment to the downtown scene, and more importantly a community driven, locally owned environment. Our use permit will require no additional space to be utilized effectively. We are completely capable of using the space we currently have. Three Roots is open Monday through Friday 7 a.m. until 11 p.m., Saturday and Sunday 9 a.m. until 10 p.m. No live entertainment would happen before or after these times. Twice a year we hold a music festival to coincide with the Tempe Arts Festival. We have a varied list of local bands that come and play in celebration of the arts. We feel this will help Tempe be known as a city that is supportive of the arts as well as supportive of local business' that want to share their creative spirit with the surrounding community. We charge no money to our customers for live entertainment and never will. Our main goal is to have a creative outlet for all of Tempe's citizens, whether they are in college, young professionals, of the baby boomer generation, or even the retired community. We are confident we can accomplish this goal given the opportunity.

South
South M. Chukch Parking lot



WEST

SIDE PLAN

DRIVEWAY FROM MILL AVENUE TO ALLEY

Jewish Center

mill AVENUE



THREE ROOTS COFFEE HOUSE

1020 S MILL AVE

PL080106

FRONT OF BUSINESS





THREE ROOTS COFFEE HOUSE

1020 S MILL AVE

PL080106

FRONT OF BUSINESS





THREE ROOTS COFFEE HOUSE

1020 S MILL AVE

PL080106

REAR OF BUSINESS

