

# Staff Summary Report



Hearing Officer Hearing Date: October 7, 2008

Agenda Item Number: 7

**SUBJECT:** This is a public hearing for a request by **CAFE ROMA (PL080336)** located at 960 West University Drive, Suite Nos. 105 & 106, for one (1) use permit.

**DOCUMENT NAME:** 20081007dsac02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **ROSITA'S PLAZA - CAFE ROMA (PL080336)** (Paula Faria, applicant; 32 Gallon Investments, property owner) located at 960 West University Drive, Suite Nos. 105 & 106 in the CSS, Commercial Shopping and Services District for:

**ZUP08142** Use permit to allow live entertainment (live music, comedy, karaoke).

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

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

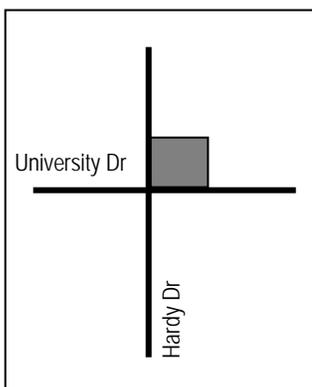
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow live entertainment, located at 960 West University Drive, Suite Nos. 105 & 106 in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music, comedy, and karaoke. To date no public input has been received. Staff supports approval of the use permit.



**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. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow live entertainment, located at 960 West University Drive, Suite Nos. 105 & 106 in the CSS, Commercial Shopping and Services District. The entertainment would be in the form of live music including acoustic and full band, comedy, and karaoke. Live entertainment will take place between the hours of 7:00pm and 2:00am Thursdays, Fridays, and Saturday (if the restaurant is open on Saturday). Currently, Café Roma is open Monday – Friday, but may consider opening on Saturday as well.

To date no public input has been received. Staff supports approval of the use permit.

## Use Permit

The Zoning and Development Code requires a use permit for live music in the CSS, Commercial Shopping and Services 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 should 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 restaurant use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- 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 requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.

## Conclusion

Staff recommends approval of the use permit, subject to conditions.

## REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. The use appears to be compatible with the surrounding structures and uses.

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

**CONDITION(S)  
OF APPROVAL:**

1. The use permit is valid for Café Roma and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. Music generated from the use shall conform to the City of Tempe code requirements for noise control.
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 live entertainment shall be indoors only. No speakers are permitted outside.
6. The use permit is valid for the plans as submitted within this application.
7. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business.
8. Live entertainment is to take place between the hours of 7:00pm and 2:00am Thursdays, Fridays, and Saturday (if the restaurant is open on Saturday).

**HISTORY & FACTS:** None related to this case.

**DESCRIPTION:** Owner – 32 Gallon Investments  
Applicant – Paula Faria  
Existing Zoning – CSS, Commercial Shopping & Services District  
Parcel Area – 102,825 s.f.  
Suite Size – 1,886 s.f.  
Parking required – 25 spaces  
Parking provided – 199 spaces in the entire center

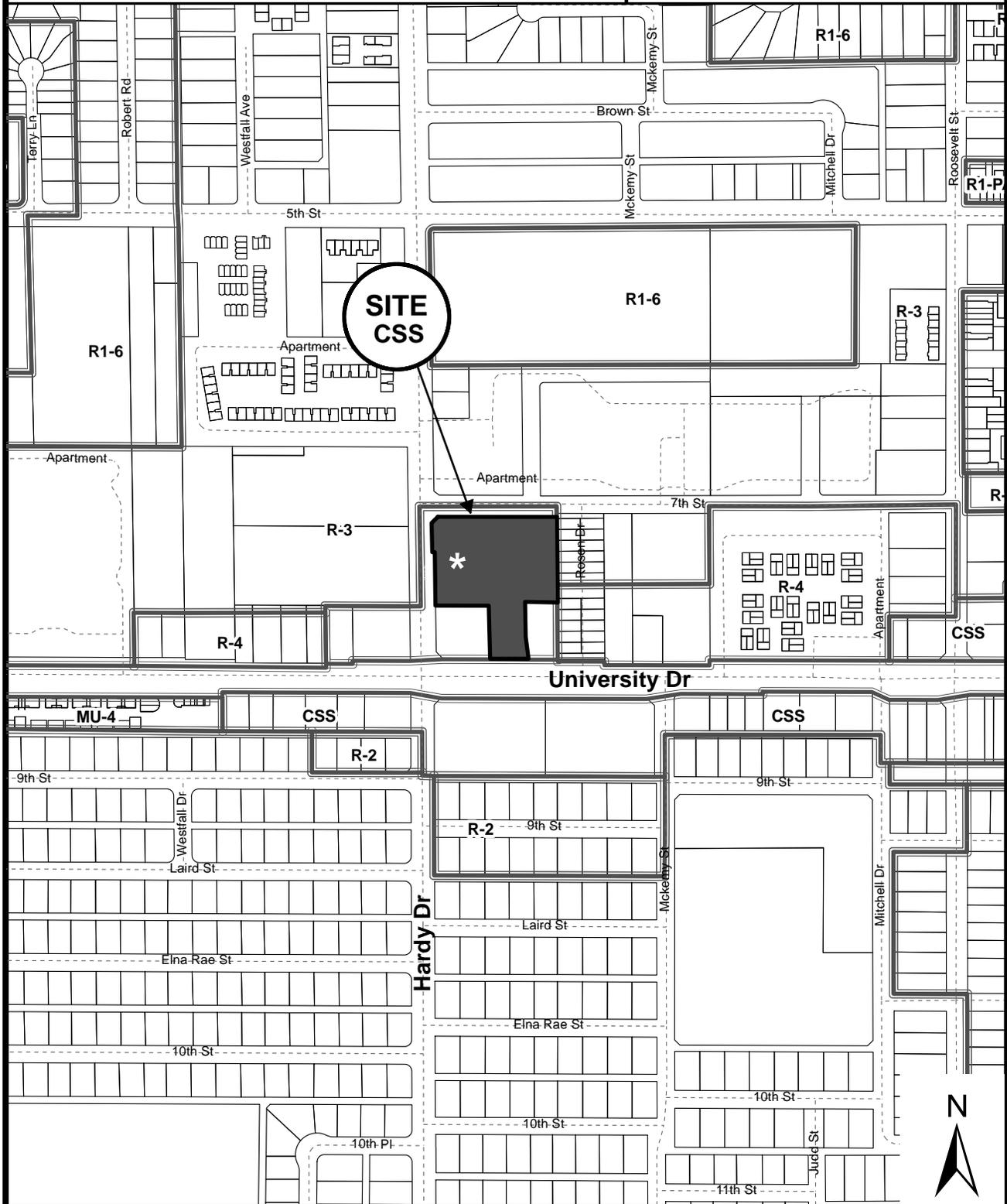
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:** Part 3, Chapter 2, Section 3-202: Permitted Uses in Commercial and Mixed Use Districts.

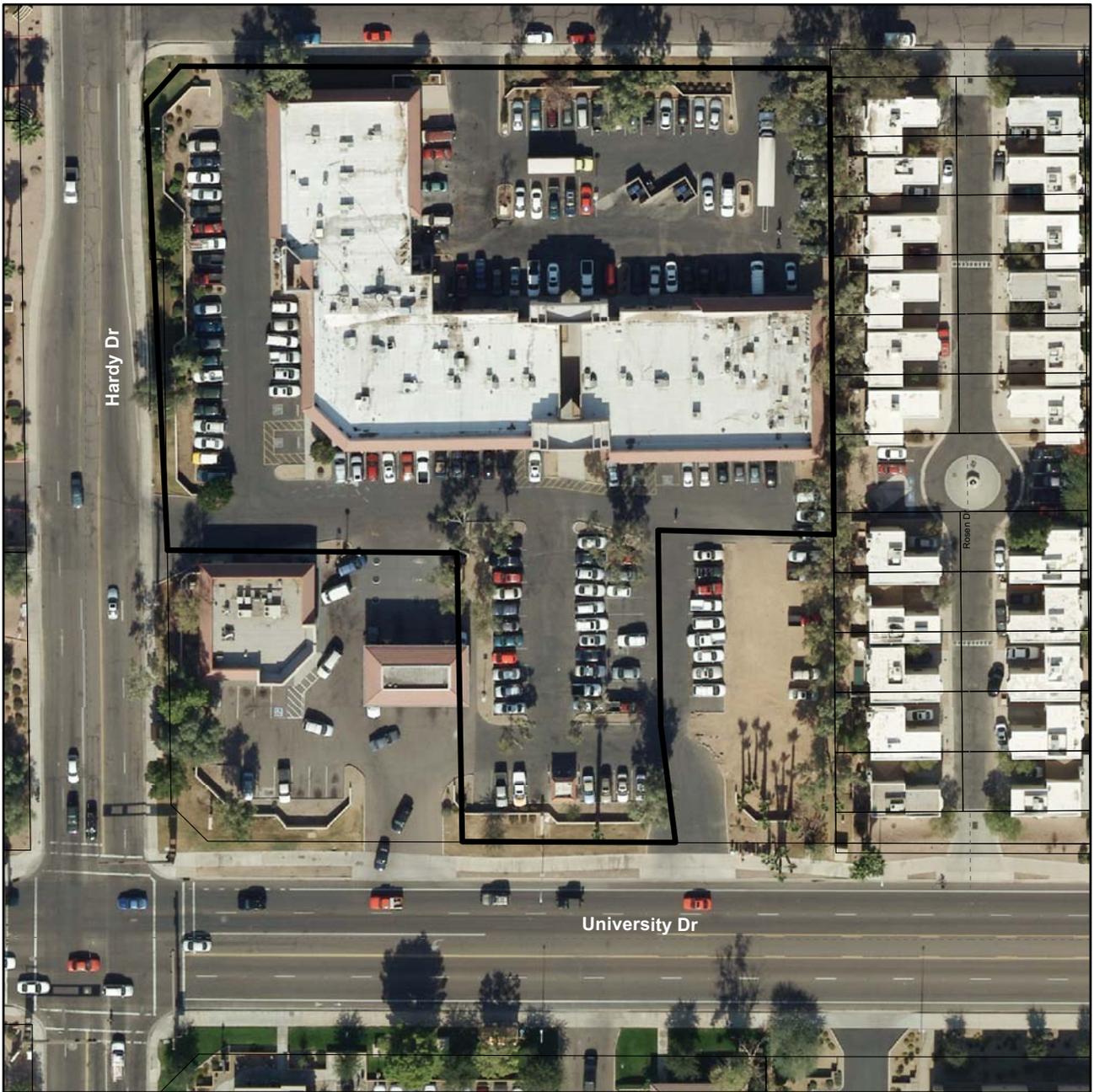
Part 6, Chapter 3, Section 6-308: Use Permit

# ROSITA'S PLAZA - CAFE ROMA

## PL080336



### Location Map



**CAFE ROMA (PL080336)**

Café Roma  
960 W. University Dr. #105  
Tempe, AZ 85281

9/1/2008

City of Tempe  
Development Services  
31 E 5<sup>th</sup> Street  
Tempe, AZ 85280

Re: Special Use Permit - for live entertainment

Dear Madam/Sir,

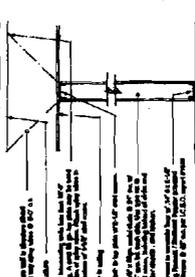
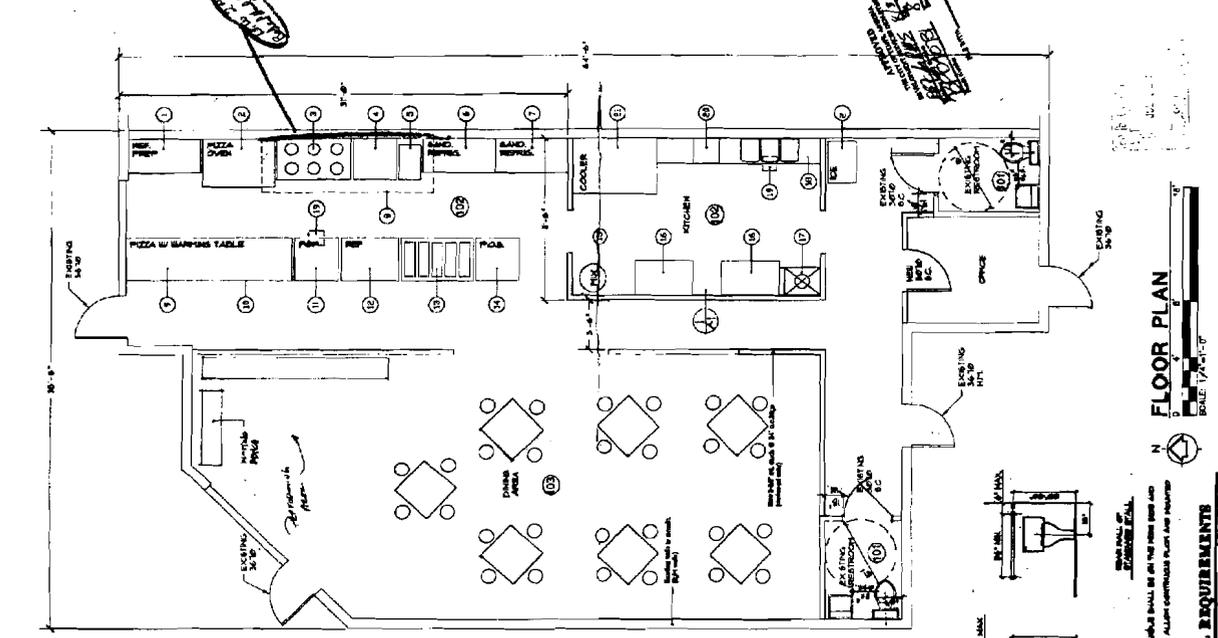
Our business is located at 960 W University Dr. We have been at this location as an Italian Restaurant for three years and would like to be able to have live entertainment in our establishment for the purpose of entertaining our patrons. The live entertainment would be between the hours of 7:00pm and 2:00am various days of any given week. All entertainment shall be held indoors with a minimum exposure to exterior noise. This is to be an all ages show so that we can provide entertainment that will appeal to a variety of people and not try to appeal to one particular group. We also are not remodeling the inside of the restaurant for more room, and the number of parking spaces needed for our patrons would not increase. We expect to use the space that we currently have to hold any entertainment shows at this location. The kind of entertainment held would include but not limited to karaoke, comedy shows, live acoustic guitar, music played professionally and live signing with or without a band. We think this would help bring quality entertainment to the surrounding areas that a variety of people would be able to enjoy.

Thank you for your consideration.

Sincerely,



Paula Faria



Interior Wall Detail

**Floor Plan Legend:**

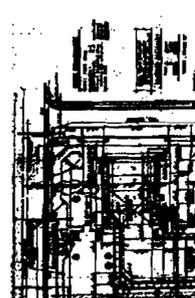
- 1 4" REFRIGERATED PIZZA PREP TABLE
- 2 PIZZA OVEN, 800.000BTU WITH TYPE B GAS VENT
- 3 8" BURNER GAS RANGE, 145,000 BTU.
- 4 36" GAS GRIDDLE
- 5 48Lb. GAS FRYER, 100,000BTU
- 6 2 DOOR REFRIGERATED PREP TABLE
- 7 3 DOOR REFRIGERATED BANQUET PREP TABLE
- 8 10' of food service equipment system.
- 9 11' OF STAINLESS STEEL TABLE WITH HEAT LAMPS FOR PIZZA WARMER
- 10 SINKER QUAD
- 11 500A MACHINE WITH DUAL FLAV' W/ DEVICE.
- 12 2 DOOR REFRIGERATOR
- 13 5 WELL ELECTRIC WARMER
- 14 PDA COFFEE @ 3" JET UNIMOTOR
- 15 VCM MIXER
- 16 STAINLESS STEEL WORK TALKER
- 17 30" X 48" GAS SINK WITH 16" TALL GAS WATERFALL ABOVE
- 18 STAINLESS STEEL 5 COMPARTMENT SINK WITH DOUBLE DRAIN BOARD
- 19 FLOOR SINK
- 20 FUTURE DISHWASHER LOCATION
- 21 8" X 4' X 9' 8" IN COOLER
- 22 50Lb. ICE MAKER

**Finish Schedule**

14 FREQ.	10.5556 F.
3 WREQ.	8.2706 F.
5 WREQ.	1.1465 F.
17 FREQ.	2.2651 F.
18 FREQ.	22.5465 F.

**General Notes**

1. All work and construction methods shall comply with OSHA, local and state regulations.
2. All security systems shall comply with local regulations.
3. Contractor shall verify all electrical, mechanical, and plumbing work is in accordance with approved plans and specifications.
4. Contractor shall maintain, repair, and replace all existing mechanical, electrical, and plumbing work in accordance with approved plans and specifications.
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PROJECT LOCATION

**Sheet Index**

- A1 FLOOR PLAN
- A2 REFLECTED CEILING PLAN
- M1 LEGEND AND SYMBOLS
- M2 MECHANICAL FLOOR PLAN
- M3 MECHANICAL FLOOR PLAN
- M4 DETAILS
- M5 SCHEDULE SHEET
- P1 HOT/COLD WATER WASTE AND VENT PIPING
- P2 SINKS AND DRAINAGE
- P3 GAS PIPING PLAN AND ISOMETRIC
- E01 LIGHTING PLAN
- E3.1 LIGHTING PLAN
- E4.1 ROOF FLOOR POWER PLAN
- E5.1 ONE LINE PANEL LOAD

**Door Notes**

1. All door frames to be heavy duty or steel and heavy construction.
2. All doors shall be operated from the inside, unless otherwise noted.
3. Door shall have a minimum clear height of 6'8" and a minimum clear width of 3'0".
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**PHASING CALCULATION:**

RESTAURANT (INCLUDING CAFE ROMA)	10,555.6 F.
OFFICE	8,270.6 F.
OFFICE	1,146.5 F.
OFFICE	2,265.1 F.
TOTAL	22,546.5 F.

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## **ROSITA'S PLAZA – CAFÉ ROMA**

**960 W UNIVERSITY DR, Nos. 105 & 106**

**PL080336**

**FRONT OF BUSINESS**