

Staff Summary Report



Hearing Officer Hearing Date: August 7, 2007

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the **TIPPS 88 THAI CUISINE (PL070294)** located at 1435 East University Drive, Suite Nos. C111 and C112 for one (1) use permit.

DOCUMENT NAME: 20070807dssd05

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **UNIVERSITY PLAZA – TIPPS 88 THAI CUISINE (PL070294)** (Patcharee Liampetchakul, applicant; Inverness LLC, property owner) located at 1435 East University Drive, Suite Nos. C111 and C112 in the GID, General Industrial District for:

ZUP07092 Use permit to allow a restaurant with an outdoor dining patio.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

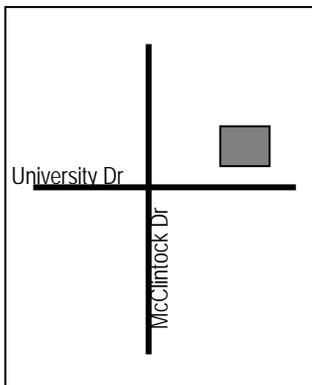
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 – 8).

ADDITIONAL INFO: Tipps 88 Thai Cuisine is requesting a use permit to allow a restaurant with an outdoor patio located at 1435 East University Drive in the GID, General Industrial District. The need for the use permit stems from the new ownership of this restaurant and the previous use permit was not transferable. To date, staff has received one (1) letter of opposition to this request. In that this existing use is not out of character with the area's existing retail and commercial businesses, staff recommends approval of the use permit request with conditions.



PAGES:

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

ATTACHMENTS:

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

COMMENTS:

Tipps 88 Thai Cuisine is requesting a use permit to allow a restaurant with an outdoor patio located at 1435 East University Drive in the GID, General Industrial District. The need for the use permit stems from the new ownership of this restaurant and the previous use permit was not transferable. To date, staff has received one (1) letter of opposition to this request. In that this existing use is not out of character with the area's existing retail and commercial businesses, staff recommends approval of the use permit.

The proposed hours of operation are from 11:00 a.m. until 9:30 p.m., Monday through Saturday and closed on Sunday. The restaurant has a seating capacity of 110 and will have seven (7) employees.

Use Permit

The Zoning and Development Code requires restaurants to obtain a use permit in the 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;
 - This use is similar to others in the area; there should be no nuisances.
- 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 use appears to be compatible with surrounding structures and uses.

Conclusion

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

REASON(S) FOR APPROVAL:

1. The business is a general commercial use (bar/tavern), and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

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 "Tipps 88 Thai Cuisine "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.
9. Submit a security plan with the Tempe Police Department within 30 calendar days (**September 7, 2007**). Contact Officer Derek Pittam at (480) 858-6341
10. The restaurant Tipps 88 Thai Cuisine shall adhere to the City of Tempe Noise Ordinance.

HISTORY & FACTS:

- | | |
|-------------------|--|
| January 19, 1988 | <u>A8800030</u> : Use Permit approved for Hair Performers. |
| February 24, 1988 | <u>A8800034</u> : Use Permit approved for Interia Motor Car Limited. |
| February 24, 1988 | <u>A8800044</u> : Use Permit approved for Arizona Beach Restaurant. |
| January 25, 1989 | <u>A8900006</u> : Use Permit approved for Karate-Do Center. |
| April 25, 1990 | <u>BA900081</u> : Use Permit approved for CFR-Computer Rentals. |
| August 26, 1990 | <u>BA900176</u> : Use Permit approved for Mikado Restaurant. |
| December 18, 1990 | <u>BA900229</u> : Use Permit approved for Ichiban Restaurant. |

June 18, 1991 BA910077: Use Permit approved for Pro Beauty Salon and Supplies.

December 21, 1992 BA920182: Use Permit approved for Ichiban Restaurant to add live entertainment

May 21, 1996 BA960117: Use Permit approved for Ichiban Restaurant to add an outdoor patio.

July 16, 2002 BA020145: Use Permit approved for Dazon- Motorcycle Rentals.

August 19, 2003 BA030181: Use Permit approved fro Dazon-Motorcycle to add retail sales, and motorcycle repairs.

June 6, 2006 BA960064: Transfer of Use Permit for Tempe Yarn and Fiber.

January 2, 2007 ZUP06097: Use permit approved of a transfer of ownership for Ichiban Restaurant including the outdoor patio and live entertainment.

DESCRIPTION: Owner – Inverness LLC
 Applicant – Patcharee Liampetchakul
 Existing Zoning – GID, General Industrial District
 Parcel Size– 199,160 s.f. / 4.5 acres
 Suite Area #C111 – 4,210 s.f.
 Parking Required for Suite– 47 spaces
 Total Parking Provided– 204 spaces

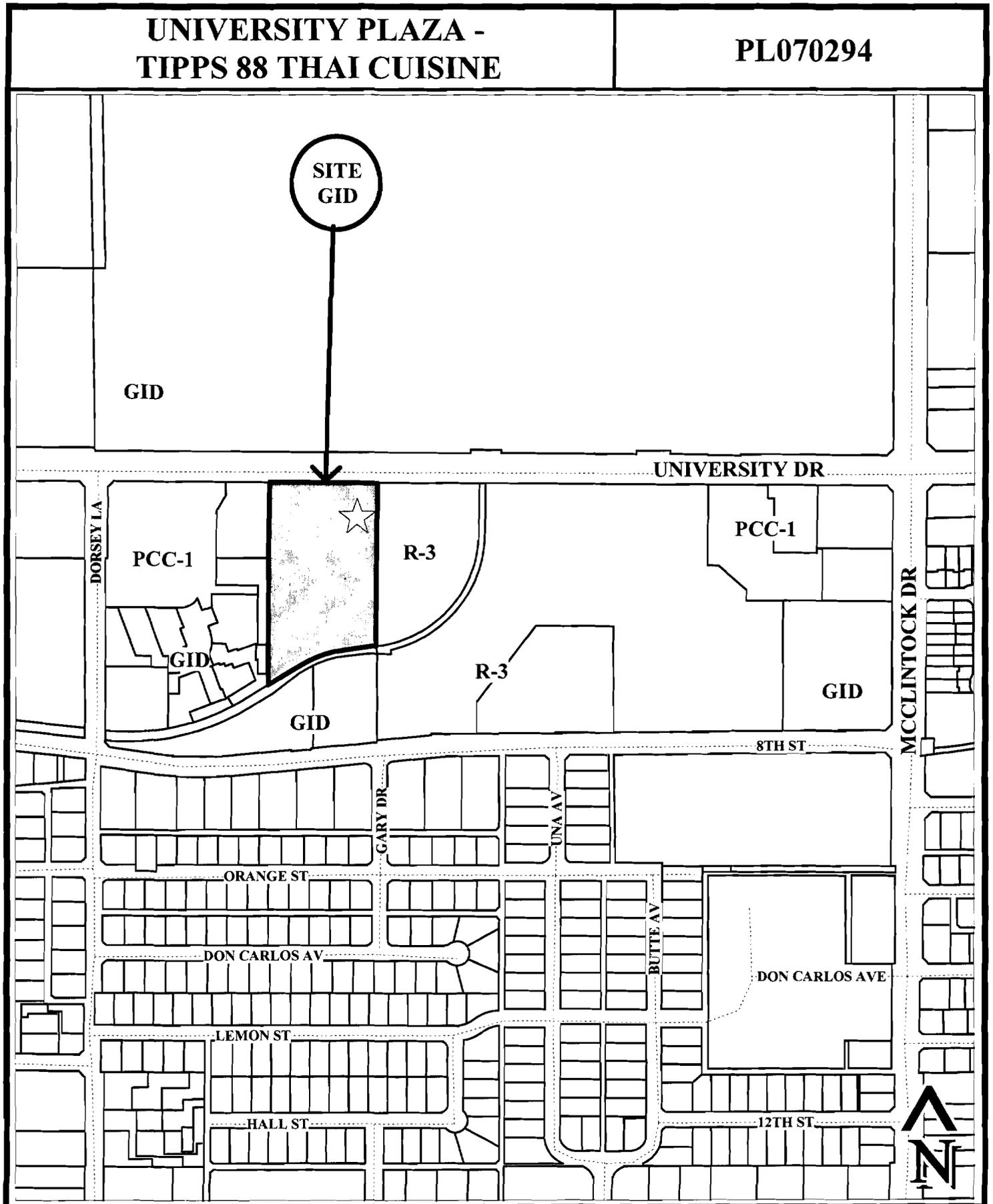
ZONING AND DEVELOPMENT

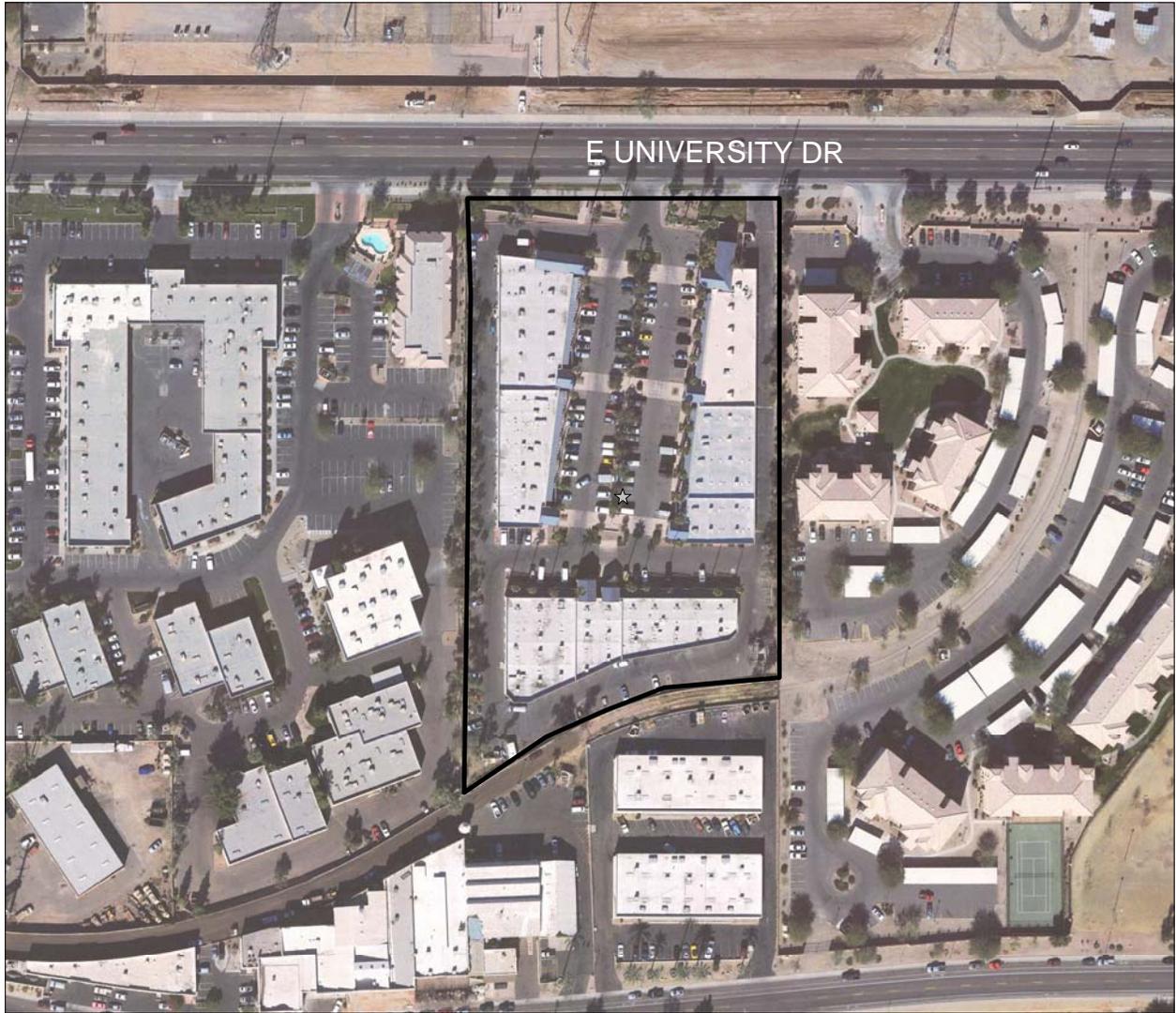
CODE REFERENCE: Part 3, Chapter 2, Section 3-302, Table 3-302A – Permitted Land Uses in GID, General Industrial District.

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

**UNIVERSITY PLAZA -
TIPPS 88 THAI CUISINE**

PL070294





UNIVERSITY PLAZA - TIPPS 88 THAI CUISINE (PL070294)

Patcharee Liampetchakul

DBA TIPPS 88 THAI CUISINE

1435 E. University Drive Ste. C111 & C112

Tempe, AZ 85281

June 29, 2007

Dear Sirs or Madams;

I will be operating a full service restaurant with full bar, dine in and take out at the above address. I have been in restaurant business for 24 years. I'm specialized in authentic gourmet Thai cuisine either Thai mild or Thai spicy. We offer full range of menu with meat, seafood and vegetarian. Our features are Lunch Specials Combination, full dinner menu, party trays, office luncheons and catering. The menu's price ranges from \$6.95 – \$14.45 the copy of the menu is also attached. To compliment the meals our customers will have option to enjoy our selections of imported and domestic beers, wines or cocktails. Our concept is to serve good quality food in a friendly, relaxing and clean environment. Therefore we have no interest in hosting a live entertainment or DJ party on the premise.

The total seating capacity is 110: 44 dining area, 20 banquet dining, 5 inside bar, 5 outside bars, and 36 enclosed covered & fenced patio.

The Business hour: Lunch Monday – Friday 11-3pm

Dinner Monday –Thursday	5-9pm
Friday	5-9:30pm
Saturday's hours	11-9:30pm
Sunday	Closed

I have put a lot of efforts in cleaning the place up since I took over the business. Once we open the door TIPPS 88 THAI CUISINE will served the best Thai Food in town. I have a confidence to say that the people and the city of Tempe will be pleased with us.

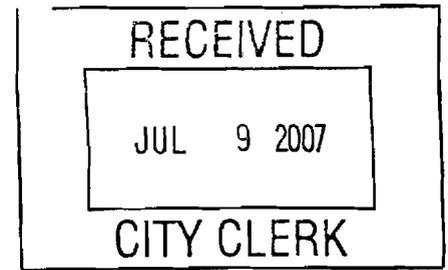
Sincerely yours,

Patcharee Liampetchakul

Chef, Owner and Operator.

July 6, 2007

Tempe City Clerk
31 S. 5th St.
Second Floor
Tempe, AZ 85281



Re: Application for various permits for Tipps 88 Thai Cuisine, 1435 E University Dr. # C 111, Tempe AZ, 85281.

To All Concerned Parties:

The purpose of this correspondence is to formally protest the granting of any licenses, permits or approvals of any type for the above captioned establishment.

The application pasted in the door window of this establishment on June 18, 2007 references a Liampetchakul Patcharee as the applicant with a license # of 12077185. In addition in the upper right hand corner of the posting is the number 113857. Further on in the document a "Pat and Rose Partnership" is referenced.

The reason for this objection is that the prior owner, Mr. Johnny Park, owner of Ichiban Japanese Restaurant sold this establishment without the prior knowledge or consent of Ichi 1, LLC the entity he purchased it from.

Ichi 1, LLC has a lien against and an encumbrance on, all of the fixtures, furniture and equipment of this establishment. In addition Mr. Parks, who resides at 15837 S 35th Way, Phoenix, AZ 85048, has a promissory note with Ichi 1, LLC, which has not yet been satisfied.

Please advise us of any pending meetings, reviews, or any type of action which may pertain to this establishment. In addition to myself you may also contact Mr. James Barker at the same office number.

Sincerely,

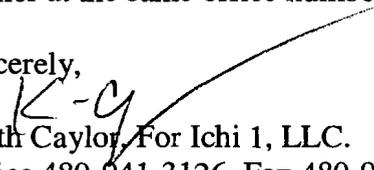
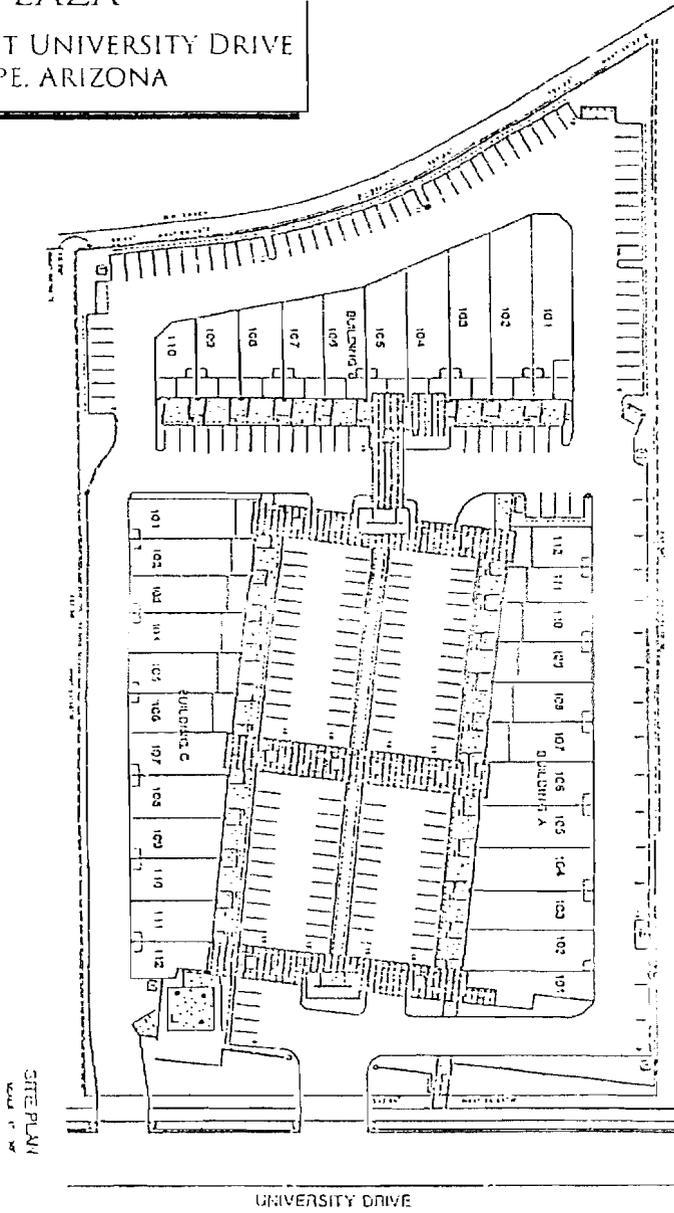

Keith Caylor For Ichi 1, LLC.
Office 480-941-3126, Fax 480-941-6023, C-602-686-2263, email
kcaylor@sunstatemtg.com

EXHIBIT "A"

SITE PLAN

University Plaza
1415-1435 E. University Drive
Tempe, Arizona

UNIVERSITY
PLAZA
1415-1435 EAST UNIVERSITY DRIVE
TEMPE, ARIZONA



SECTION 14 Restaurant, or Hotel/Motel Applicants:

1. Is there a valid restaurant or hotel-motel liquor license at the proposed location? YES NO If yes, give licensee's name: Park JOHNNY YUN and license #: 12076043
Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.
3. All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.
4. Do you understand that 40% of your gross revenue must be from food sales? YES NO

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

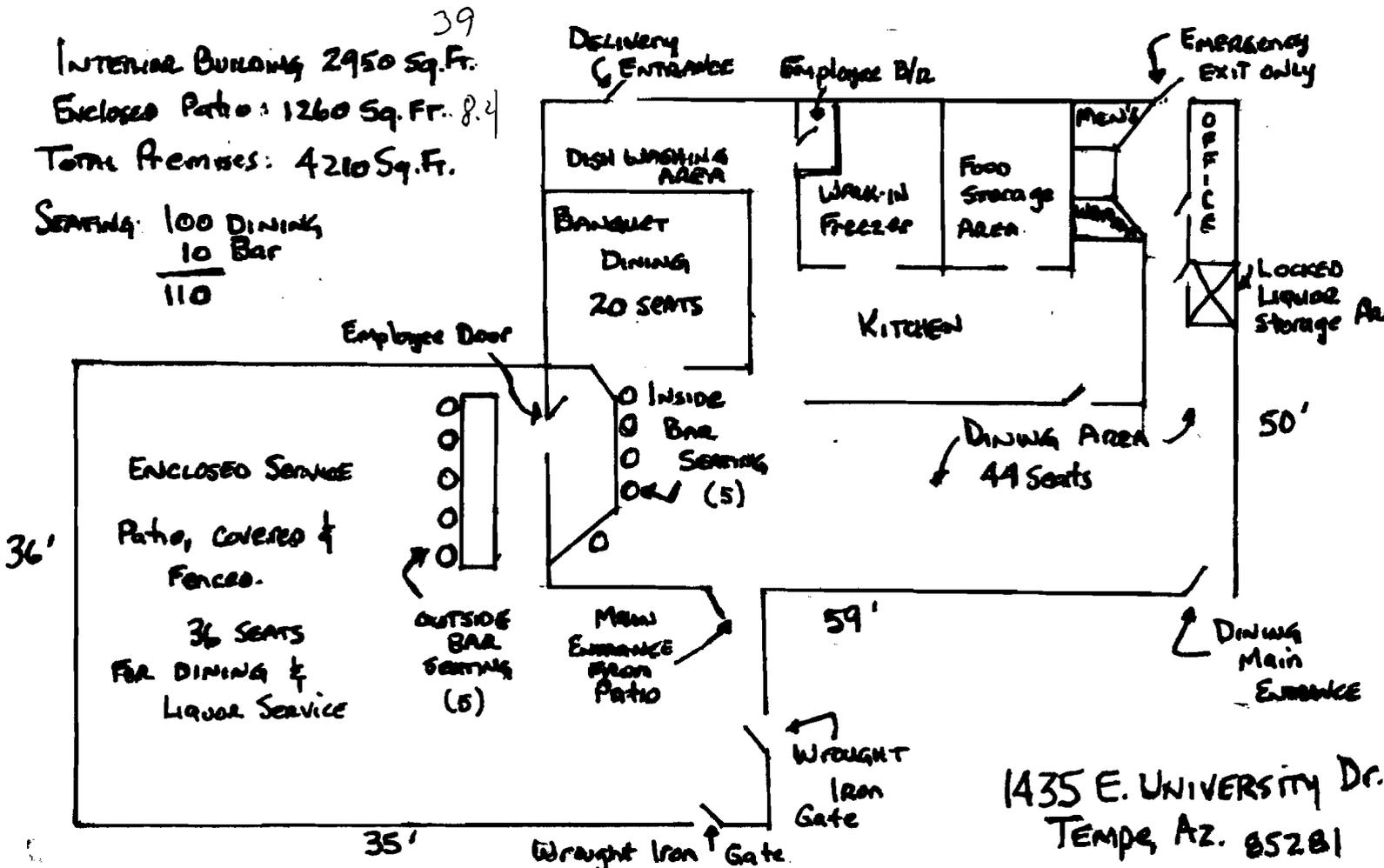
1. Check ALL boxes that apply to your licensed premises:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas |
| <input type="checkbox"/> Drive-in windows | <input checked="" type="checkbox"/> Patio enclosures |
| <input type="checkbox"/> Service windows | <input type="checkbox"/> Under construction: estimated completion date _____ |

2. Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

3. The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

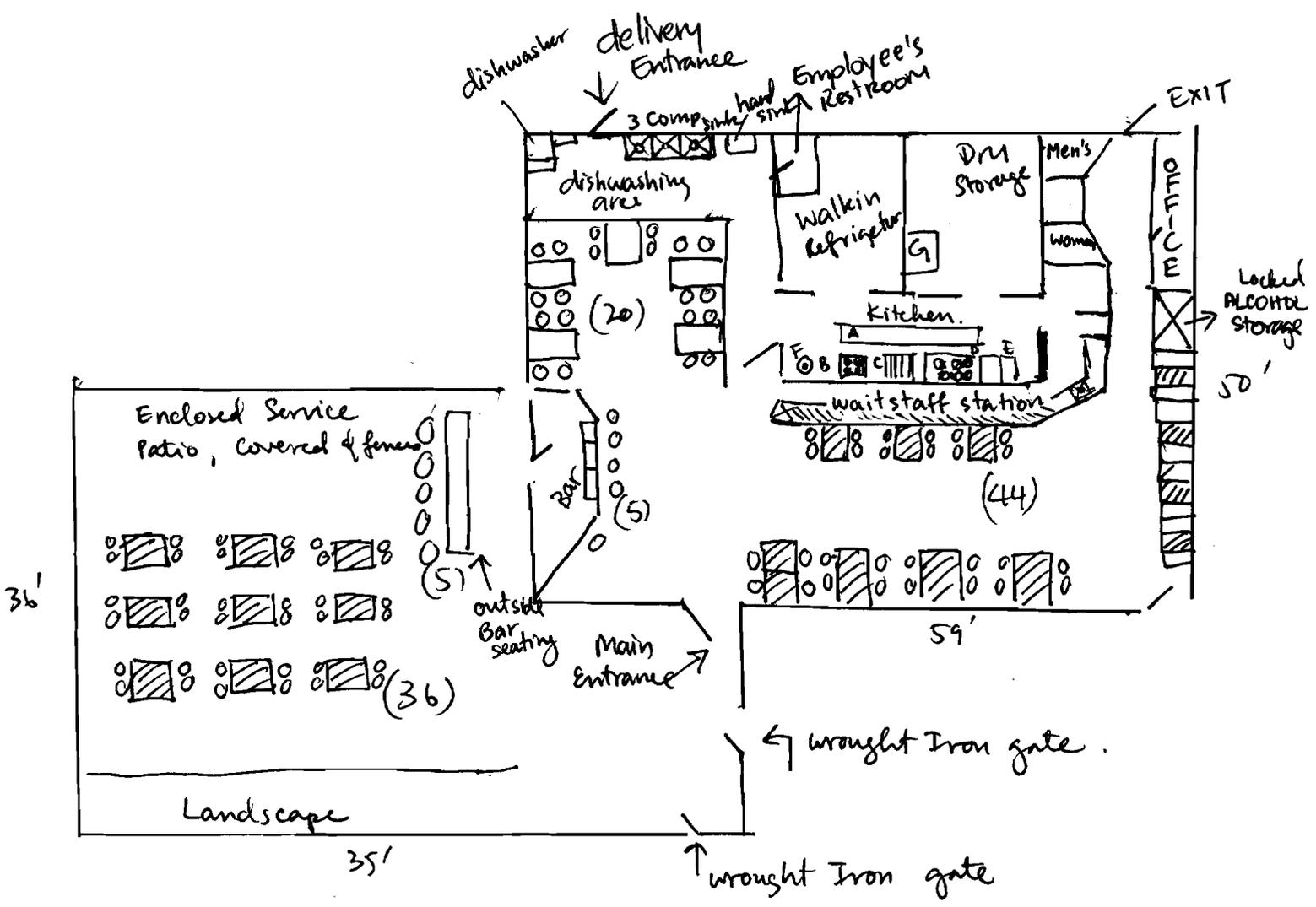


YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

Tipps 88 Thai Cuisine
floor plan.

1435 E. University - Ste C III
Tempe.

- A. prep table w/ Refrigerator
Sandwich table
- B. Burners
- C. B.B.Q. Grill
- D. 6 Burners
- E. deep fryers
- F. gas rice cooker.
- G. Ice Maker





TIPPS 88 THAI CUISINE

1435 E. UNIVERSITY DR.

PL070294

FRONT ENTRANCE TO BUSINESS