

Staff Summary Report



Development Review Commission Date: 08/25/09

Agenda Item Number: ____

SUBJECT: Hold a public hearing for (2) two Use Permits and Development Plan Review for DOS GRINGOS

DOCUMENT NAME: DRCr_DOSGRINGOS_072809

PLANNED DEVELOPMENT (0406)

COMMENTS: Request by **DOS GRINGOS (PL090094)** (Mario Sanchez, Tempe Mill LLC., owner; Lesley Call, Sixty First Place Architects, applicant) for an outdoor bar/restaurant space. The 0.35 acre site is located at 703 South Mill Avenue within the CC, City Center District. The request includes the following:

DPR09102 - Development Plan Review including site plan, building elevations and landscape plan.

ZUP09088 - Use Permit for Outdoor Bar

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

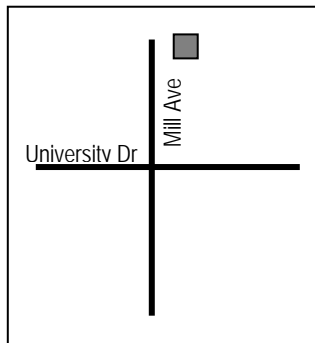
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

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FISCAL NOTE: N/A

RECOMMENDATION: Approval, subject to conditions

ADDITIONAL INFO:



Gross/Net site area	+/- 0.35 acres
Total Building area	967 s.f.
Total Outdoor Use Area	4,097 s.f.
Lot Coverage	2,101 sf. / 15,625 sf. = 13 %
Building Height	15'- 0"
Building Setbacks	0 ft front, 0 ft side, 0 ft rear
Vehicle Parking	967 s.f. with TOD reduction of (25%) = 726 s.f. / 75= 9.6 spaces.
	10 spaces provided on site.
Bicycle Parking	8 spaces

PAGES:

1. List of Attachments
- 2-3. Comments / Project Analysis
- 4-5. Conditions of Approval
- 6-7. Code / Ordinance Requirements
8. History & Facts/ Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-5. Applicant's Letter of Explanation
6. Site Plan
7. Ramada Roof Plan
8. Elevations
9. Landscape Plan
- 10-11. Perspective Plans

COMMENTS:

This site is bounded by Mill Avenue to the west, 7th Street to the north, Jack in the Box restaurant to the south and an alley adjacent to E-Joy Internet Café. The block to the north is occupied by the Brickyard development and the property to the west and northwest corner of 7th and Mill is occupied by Centerpoint development. The site is located within the City Center Zoning District.

The site was formerly occupied by Long Wong's, Café Boa, and other small commercial businesses until they were demolished in 2005 for a proposed mixed-use development. Currently, the site consists of two (2) parcels and is currently vacant and this proposal is requesting to occupy the site for three (3) to four (4) years until the mixed use project can be developed.

This request for Dos Gringos includes the following for a 0.35 net acre site:

1. Use Permits to operate a (Series 6) bar.
2. Development Plan Review for building elevations, site plan and landscape plan for a outdoor bar/restaurant space

PROJECT ANALYSIS**DEVELOPMENT PLAN REVIEW**

The site is located on the southeast corner of Mill Avenue and 7th Street. The request includes a use permit to operate a bar and Development Plan Review for two (2) modular buildings totaling 967 s.f., 1137 s.f covered bar structure and a pocket park totaling 4097 s.f. of public use area. The outdoor covered bar structure will be located near the northwest corner of the site, with the two (2) modular buildings taking up the middle of the site and proposed pocket park at the south end of the property.

Site Plan

The proposed site improvements will include two (2) modular buildings; one for a kitchen and a second for restroom facility's and storage. A large outdoor bar canopy will be located near the main entrance and will be the primary active use area for the business. The business owner is also including a pocket park that will be used as open space for downtown users; and may be used as a dog park with a future concept to have "movies in the park." Parking for the business will utilize ten (10) parking spaces on site in accordance with the requirements outlined in the zoning and development code.

Building Elevations

The project will redevelop a vacant property; enhance the streetscape, add necessary parking; upgrade landscaping and security lighting. The proposal consists of permanent affixed modular buildings with corrugated metal paneling attached to the exterior walls with a covered walkway and an 1137 s.f. covered canopy over the outdoor bar area. The canopy roof will include corrugated metal roofing material. The perimeter of the site will be secured by a wrought iron fence and gates providing visual surveillance into the public use area.

Landscape Plan

The proposed landscape plan is heavily planted with low-water-use shade trees, at more than double the required number of parking lot trees to mitigate heat impacts. The proposed pocket park will be completely covered with turf, providing a retention basin for the site and open space for the downtown urban core. The landscape plan is in accordance with code requirements. The variety of plants will provide year round color and texture, and enhance the building with a softened natural aesthetic.

USE PERMIT(S)

Dos Gringos is requesting a use permit to operate an outdoor bar. Dos Gringos is planning to relocate the Dos Gringos located at 1001 East 8th Street to the Mill Avenue District. The Dos Gringos near Elliot Road and Priest Drive will continue its normal daily operation. The hours of operation are from 11:00 AM to 2:00 AM daily with 40 full time and part time employees with plans to serve 500 customers per day. The business provides daily music through the house speaker system and will include a light food menu. The applicant is working on a proposal to have "movies in the park" events in the pocket park. The applicant will continue to work with city staff on this concept and will return to the Development Review Commission once the concept had been finalized with City of Tempe staff.

The Zoning and Development Code requires use permit to operate a bar. This use permit requests meets all applicable tests in the following manner: In evaluating the use permits, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - The use may have an increase in vehicular or pedestrian traffic, but would not have a significant impact on the area. The site is vacant and only (10) ten parking spaces will be provided on site.
- 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 applicant is requesting a bar use permit, similar to other businesses in the downtown area. The bar use will include house music similar to other bar establishments in the downtown area. All businesses will have to abide by the Tempe City Code, to avoid causing a nuisance. Specific conditions of approval have been added to the report that requires monitoring of this use to ensure adherence to codes and ordinances.
- 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 proposal 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. This area is defined as Mixed Use which encourages development that includes but is not limited to being a reasonable scale to the surrounding area and encouraging alternate modes of transportation. Because of the proximity to the light rail and other transportation modes and T.O.D. (Transportation Overlay District) parking reductions support the use of alternate modes which is complimentary to and consistent with other bar, restaurant and commercial uses in the Downtown Tempe area.
- d. Compatibility with existing surrounding structures and uses;
 - A new bar will be compatible with existing uses in the downtown Tempe district.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area of general public.
 - The bar use will be required to meet city codes and regulations. Additional conditions of approval, specifically the security plan, have been added to ensure that this use will be compatible with other uses located with in the downtown area.

Conclusion

Based on the information provided by the applicant and the above analysis, it has been determined that the request meets the required criteria. Development Services staff recommends approval of the requested Development Plan Review and Use Permit subject to the conditions of approval.

REASONS FOR APPROVAL:

1. The project will meet the development standards required under the Zoning and Development Code.

2. The proposed project meets the approval criteria for a Use Permit and a Development Plan Review.
3. Shade for energy conservation and comfort are an integral part of the design.
4. Buildings and landscape elements have proper scale with the site and surroundings.
5. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized in conformance with the city transportation policies, plans and design criteria.

CONDITIONS OF APPROVAL

Site Plan

1. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
2. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
3. Wrought Iron security fence shall be installed to restrict access to rear of modular buildings.

Floor Plans

4. Public Restroom Security:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
 - b. Single user restroom door hardware: Provide a key bypass on the exterior side

Building Elevations

5. The materials and colors presented are approved as presented:
Primary buildings – Corrugated Metal Paneling over Hat Channel.
Accents – Wooden Decking, Fountains, Steel Bar Top and Façade.
Specific colors and materials exhibited on sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff verifies colors and materials during the construction phase.
6. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
7. Conceal roof drainage system within an architectural feature of the building. Minimize visible, external features, such as overflows, and where needed. Incorporate these into the design of the building elevations.
8. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations.
9. Exposed conduit, piping, etc. is not allowed.

Lighting

10. Illuminate building entrances from dusk to dawn by use of a photocell.
11. Main entrances, exits, restroom doors, and building entrance/exit doors shall require (5) five foot candles and (2) two foot candles within a 15' radius.
12. The outdoor customer area(s) shall require (2.5) two and a half foot candles through out the property.
13. The covered bar structure shall require (3) three foot candles under the canopy.

14. Ornamental/Accent Lighting allowed in trees, buildings, canopies and outdoor bar ramada only. No ornamental/accent lighting allowed on the perimeter fence. (Holiday Decorations exempt from this condition)

Landscape

15. The plant palette is approved as presented on the signed landscape plan; submit any additions or modifications for review during building plan check process.
16. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Provide temporary irrigation to existing landscape on site or in frontage for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontage is irrigated as part of the reconfigured system at the conclusion of this construction.
17. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
18. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

19. Provide address sign(s) near the main entrance.
 - 1) Provide street number only, not the street name
 - 2) Use numbers 8"- 12" in height
 - 3) Individual mount, metal reverse pan channel characters.
 - 4) Self-illuminated or dedicated light source.
 - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid visual obstructions.

Use Permit(s)

20. The use permit is valid for the plans as submitted within this application.
21. The applicant/business shall return in two (2) years to the decision making body for a review of the use permits.
22. House Music is allowed as ancillary entertainment to the outdoor bar.
23. No temporary or portable speakers shall be allowed on site. Speakers shall be permanently mounted or integrated into the buildings. (Special Events License through City of Tempe Community Services may be exempt from this condition)
24. Applicant shall meet with Development Services Staff to determine locations of outdoor speakers prior to submitting construction documents.
25. 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.
26. The use permit does not become effective until all permits and clearances required by the Building Safety Division and Tax and License Division are obtained.

27. The use permit does not become effective until a security plan has been reviewed and approved by the Tempe Police Department. The applicant/business shall contact the City of Tempe Police Department, Crime Prevention Unit to implement a Security Plan for the business. Please contact Officer Derek Pittam at (480) 350-8311

CODE REQUIREMENTS

THE BULLETED ITEMS REFER TO EXISTING CODES, ORDINANCES AND SUBMITTAL INFORMATION THAT ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT. THESE ITEMS ARE NOT AN EXHAUSTIVE LIST.

- Your drawings must be submitted to the Development Services Building Safety Division for building permit by August 25, 2010 or Development Plan and Use Permits approvals will expire.
- Specific requirements of the Zoning and Development Code are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- The use permit is valid for Dos Gringos and may be transferable with approval from the Development Services staff. Should the business be sold, the new owners must comply with all conditions of approval and must contact the Development Services staff for review of the business operation to ensure compliance.
- Any expansion or intensification of the use will require a new use permit.
- Noise generated from the site shall conform to the City of Tempe Noise Ordinance.
- SITE PLAN REVIEW: Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated 3/18/09, 5/27/09, 6/17/09. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- BUILDING HEIGHT: Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.

SECURITY REQUIREMENTS:

- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.
- Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
- Refer to Zoning and Development Code: Part 4, Chapter 8: Lighting Standards.
- A security vision panel shall be provided at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.

FIRE: (Jim Walker 480-350-8341)

- Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.

ENGINEERING AND LAND SERVICES:

- Underground overhead utilities, excluding high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

REFUSE:

- Refuse containers indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
- Contact Sanitation staff (Ron Lopinski 480-350-8132) to verify that vehicle maneuvering and access to the enclosure is still adequate.
- Gates for refuse enclosure(s) are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days

DRIVEWAYS:

- Driveway entrance configurations must be approved by Traffic Engineering.
- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways similar to Standard Detail T-319 or other solutions, require permission of Public Works/Traffic (Cathy Hollow 480-350-8445)
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

PARKING SPACES:

- Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
- At parking areas, provide demarcated accessible aisle for disabled parking.
- Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

LIGHTING:

- Follow requirements of ZDC Part 4 chapter 8
- Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.
- Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with plants in order to maintain illumination levels for exterior lighting.
- Keep a minimum twenty 20'-0" separation between light poles and tree trunks for all new lights and trees.
- Illuminate building entrances, parking areas, refuse enclosure, pedestrian pathways from dusk to dawn, by use of a photo cell, no timer or time clock.

LANDSCAPE:

- Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the

Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is available at www.agriculture.state.az.us . Follow the link to "form", to "native plants", and to "notice intent to clear land".

SIGNS:

- Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

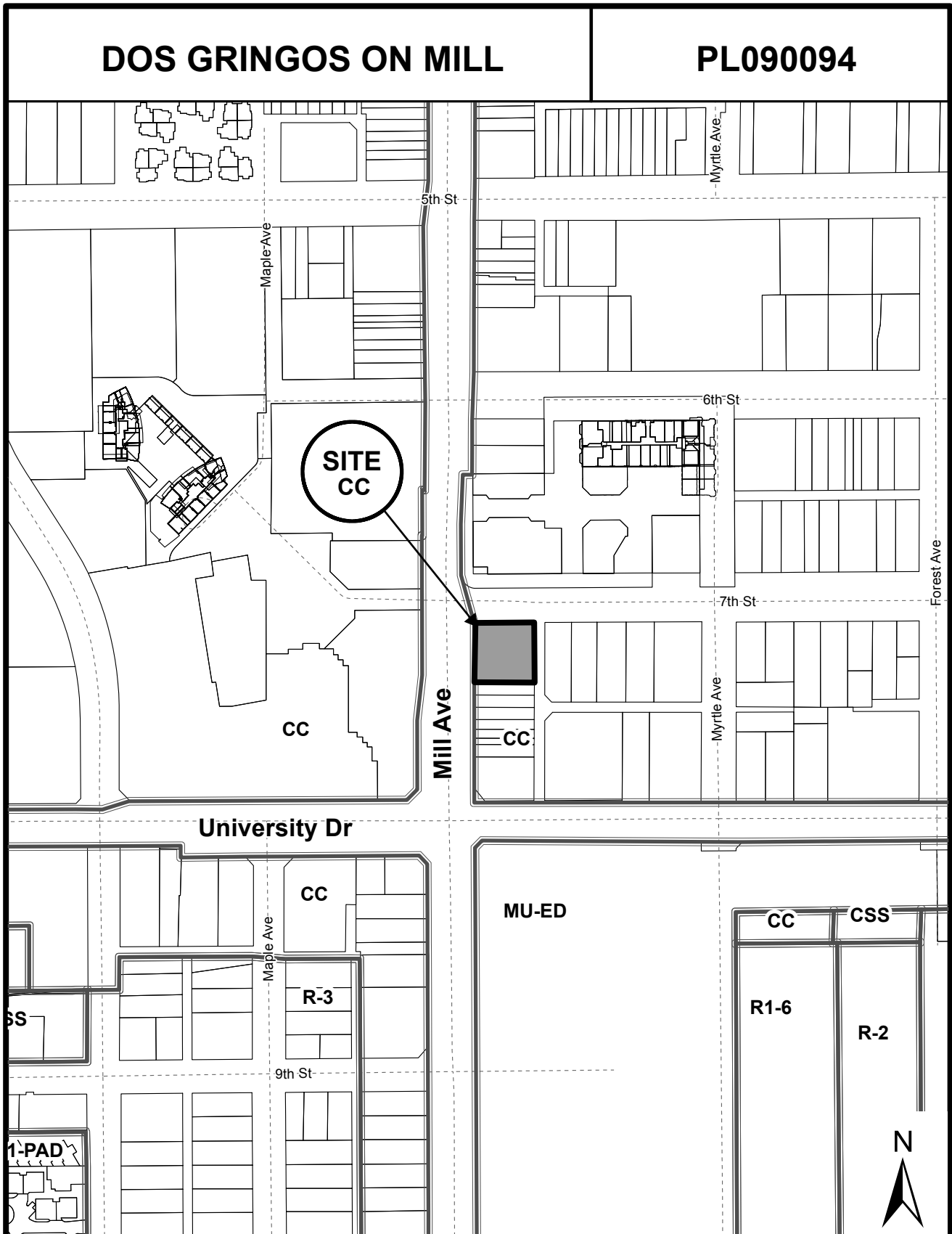
HISTORY & FACTS:

December 19, 2006	<u>ZUP06092</u> : Hearing Officer approved a use permit for JEB ENTERPRISES to allow temporary outdoor retail of official NCAA Bowl Game merchandise.
May 9, 2006	<u>BP051673</u> : Building Safety Division issued a Demo Permit to remove the retail building on site.
April 17, 2008	<u>PAD07004</u> : City Council approved a Planned Area Development for M-7 for a new multi story mixed use hotel, residential, commercial development.
August 11, 2009	Applicant requested a continuance due to a short four (4) member commission. Case continued to the August 25, 2009 Development Review Commission Hearing.

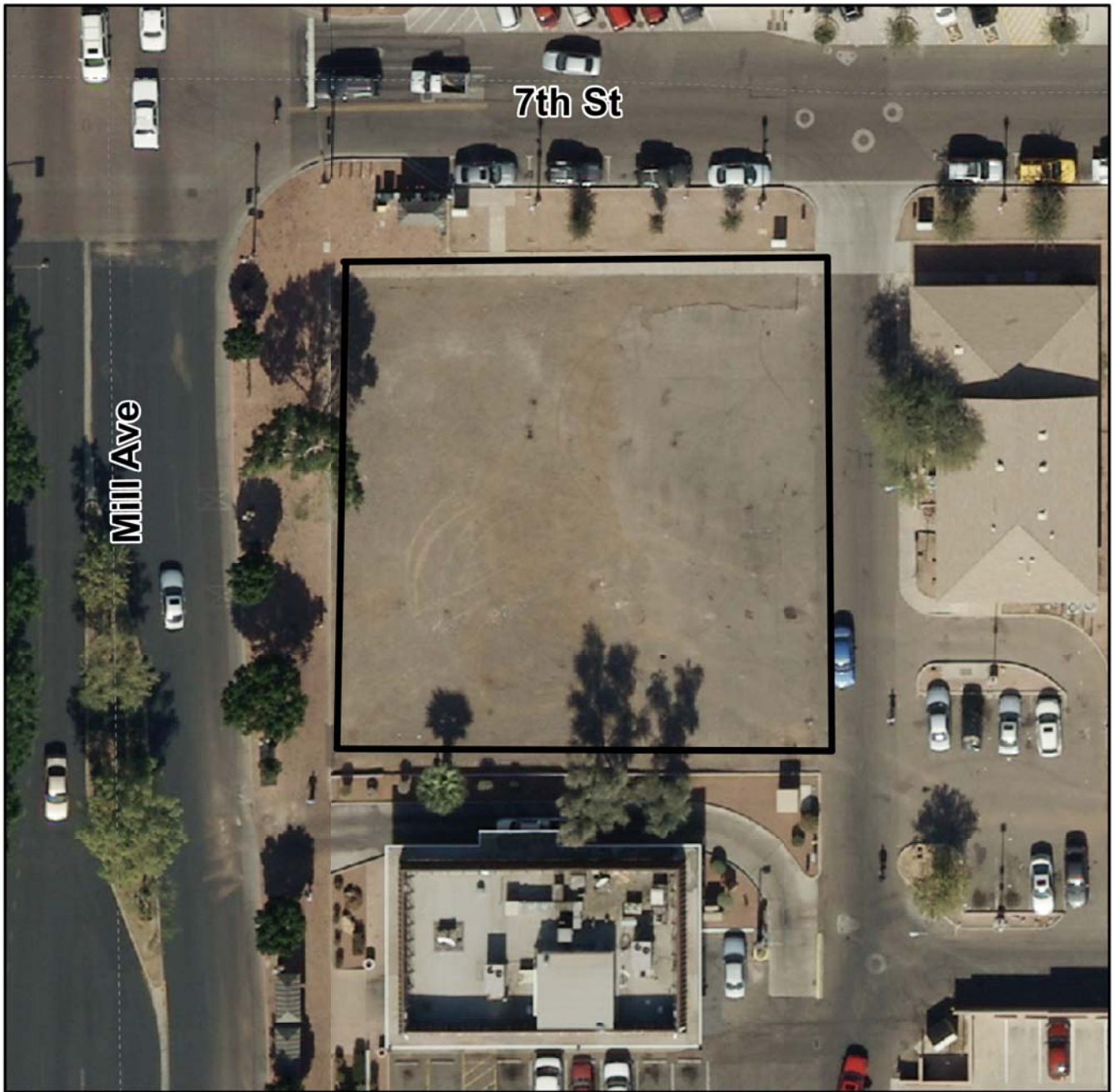
ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review

Section 6-308, Use Permit



Location Map



DOS GRINGOS ON MILL (PL090094)



Dos Gringos
703 S Mill Ave.
Tempe, AZ
DS 090244
SPR 09013

Project Description;

Dos Gringos is a new a bar and grille which is being planned for the southeast corner of Mill avenue and 7th street, currently a vacant lot. The project will require a site plan review, use permits for liquor service, tandem parking and live entertainment. A development plan review will be required as well as signage permits.

Storm water retention will be handled above ground on a portion of the site which will be designated as a "pocket park". Water and sewer service will be required on site. No right of way work or fire lines are anticipated.

The site will require review by building safety. Two modular buildings licensed by the state of Arizona will be placed on the site. Covered walkways will be added on site. An open shade canopy will be added to the site under which a service bar will be placed.

JUN 10 2009



City of Tempe
Development Services
31 East Fifth Street
Tempe, Arizona

RE: Use Permit for a Liquor bar
Dos Gringos
703 S Mill Ave
DS 0902 ~~42~~ / SPR 09013

We are requesting a use permit to provide a liquor bar for Dos Gringos, a new bar and grill, located at 703 South Mill Avenue which is the southeast corner of Mill Avenue and 7th Street in downtown Tempe. Dos Gringos will serve a full menu from 11:00 am to 2:00 am daily. The business will staff forty full-time and part-time employees and expects to serve five hundred customers daily. The location is an urban area that supports this use and has historically had liquor service. The business will not increase the active area's existing traffic. The site is currently vacant and is an eyesore for the downtown area. This project will fill a missing tooth with the addition of the structures and adjacent park. This use will enhance the downtown adding to its vibrancy and commerce.

JUN 10 2009



City of Tempe
Development Services
31 East Fifth Street
Tempe, Arizona

RE: Use Permit for Live Entertainment
Dos Gringos
703 S Mill Ave
DS 090242/ SPR 09013

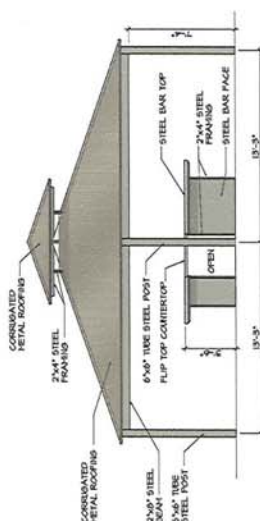
We are requesting a use permit to provide live entertainment for Dos Gringos, a new bar and grill, located at 703 South Mill Avenue which is the southeast corner of Mill Avenue and 7th Street in downtown Tempe. Dos Gringos will serve a full menu from 11:00 am to 2:00 am daily. The business will staff forty full-time and part-time employees and expects to serve five hundred customers daily. The use permit for live entertainment will be for a site that has historically had live entertainment. The addition of live music will not increase the active area's existing traffic. The surrounding buildings and uses are commercial in nature and are compatible with the proposed use.

JUN 10 2009

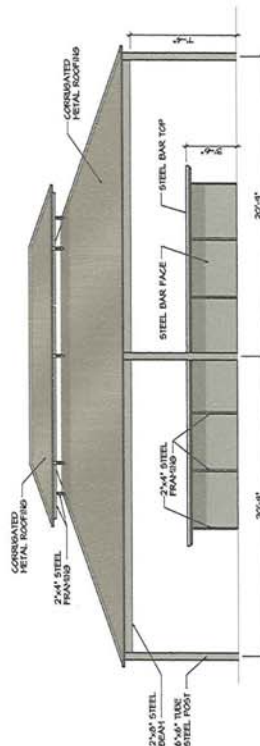




1 **PERSPECTIVE**
MAIN ENTRY VIEW



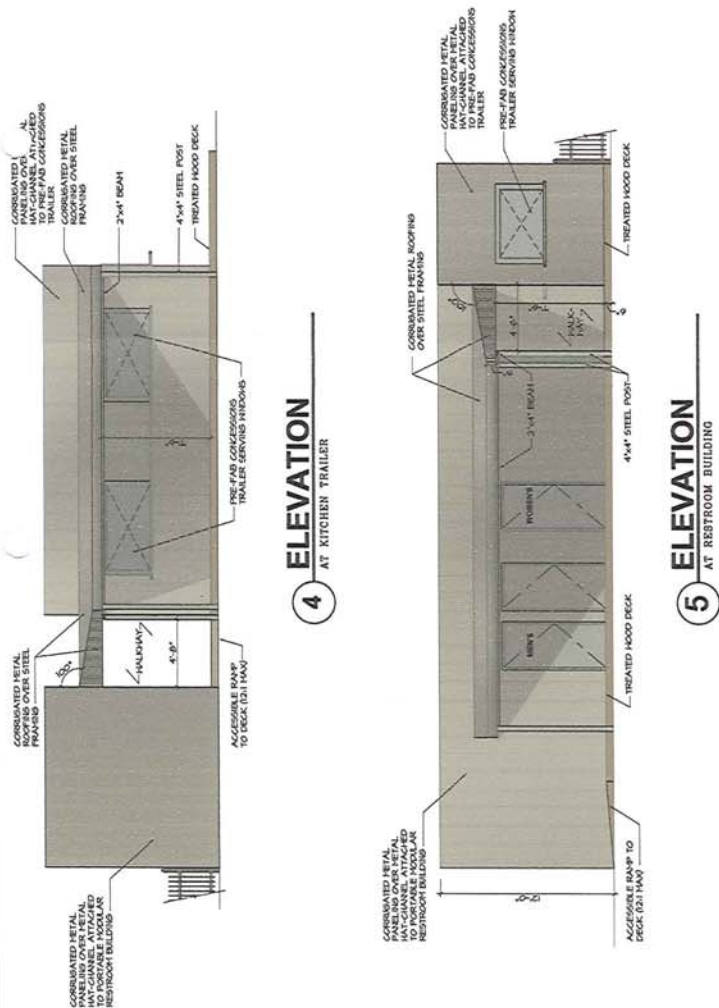
2 ELEVATION AT SHADE CANOPY



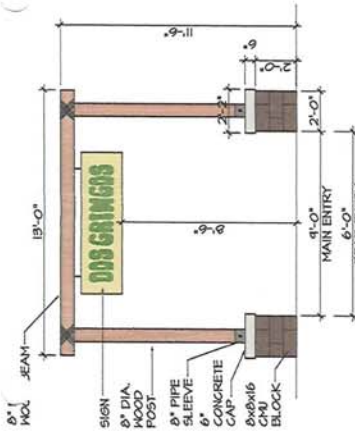
3 ELEVATION AT SHADE CANOPY



ELEVATION
WEST VIEW



5 **ELEVATION**
AT RESTROOM BUILDING



6 ELEVATION ENTRY FEATURES



5 PERSPECTIVE NORTH VIEW



4 PERSPECTIVE WEST VIEW



1 PERSPECTIVE AERIAL VIEW



3 PERSPECTIVE MAIN ENTRY VIEW



2 PERSPECTIVE INSIDE VIEW