

# Attachment A

Zoning Adjustment Hearing  
March 26, 2020

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**Application #:** **ZA-87-20-7 – APPROVED / STIPULATIONS**  
**Existing Zoning:** DTC-DG ACOD, DTC-DG HP ACOD  
**Location:** 829 and 833 North 1st Avenue  
**Quarter Section:** 11-27(F8)  
**Proposal:** **1)** Use permit to allow a bar. Use permit required. **2)** Use permit to allow outdoor liquor service accessory to a restaurant. Use permit required. **3)** Use permit to allow outdoor entertainment (amplified music or loudspeakers) until 12:00 AM on Friday through Sunday. Use permit required. **4)** Use permit to allow alcohol sales and service within 300 feet of a church in an entertainment district. Use permit required.  
**Ordinance Sections:** 1204.D. 1204.D. 1204.C.5. 307.A.17.a.  
**Applicant:** Barcoa, LLC  
**Representative:** Amy Nations, Arizona Liquor Industry Consultants  
**Owner:** Point B First Avenue, LLC

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY**  
**PLANNER: JAZMINE BRASWELL, PLANNER II**

Speaking in favor was Amy Nations and Ryan Oberholtzer.  
Present in support was David Tyda.

**DECISION:** This request for use permits was approved with the following stipulations:

- 1) Amplified music must be shut off by 10:00 PM on Sundays.
- 2) The employees must have a clear view of the area in order to supervise the activities and /or be present while patrons utilize the outdoor area.
- 3) Attend at least one (1) neighborhood meeting, for the next 2 years, within the affected area, to state intentions, show transparency and build trust with the surrounding community.
- 4) “No trespassing” signs must be posted and an authority to arrest trespassers form be signed to deter loitering/unwanted guests inside the surrounding the establishment.
- 5) 1 year to apply and pay for building permits.

**FINDINGS OF FACT:** The spirit and intent of the Downtown Code (DTC) is to encourage more density, diversity, and social amenities within the area. Thus, granting of these use permits to allow a bar with outdoor liquor service and outdoor entertainment an accessory to a restaurant less than 300 feet from a residential zoning district as allowed under ordinance Sections 1204.D., 1204.D, 1204.C.5. will not cause any adverse impact on adjacent property or properties in the area. Additionally, allowing these uses within 300-feet of a church as allowed under ordinance Section 307.A.17.a. will not have any adverse effect on the neighborhood.

There should be no contribution in a measurable way: to the deterioration of the neighborhood or area, or contribution to the lowering of property values. Further, there are no indications that there will be any significant increase in vehicular or pedestrian traffic in adjacent residential areas; emission of; odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient condition.

**SUMMARY:** Ms. Amy Nations with Arizona Liquor Industry Consultants represented the applicant and stated that they were proposing a specialty tequila bar with an art studio in it. She noted that the parking for the proposed business was going to be on the 833 North 1<sup>st</sup> Avenue parcel. She explained that they were proposing to have outdoor speakers on Fridays, Saturday's and Sunday's until midnight. The adjacent church did not hold regular services; however, the church was still operational. The subject building was 15,023 square feet and the outdoor patio was going to be 600 square feet.

Mr. Craig Steblay asked where the proposed patio was going to be located. Ms. Nations stated that the patio was going to be located on the northeast side of the building.

Ms. Nations stated that they were remodeling the entire existing building. She noted that the remodeled building was going to be an improvement for the neighborhood.

Mr. Steblay stated that he was concerned with the outdoor amplified music on Sunday nights until 12:00AM. Ms. Nations stated that the outdoor speakers were not amplified, they were regular speakers for ambient music. She explained that the Light Rail was adjacent to the subject property. Therefore, the proposed music was not going to be more than the ambient conditions in the neighborhood.

Mr. Ryan Oberholtzer spoke in support and stated the proposed use was an adaptive reuse project. The business was going to provide a high-end experience for their customers and the business was not going to be a dive bar. Hence, the proposed music was going to be ambient and less than the street traffic that was outside. He noted that the music was not going to be played inside the business and turned up, so it could be heard on the outdoor patio. The music was going to come from small speakers that were outside on the patio.

Mr. Steblay asked if they needed to play outdoor amplified music on Sunday's until 12:00AM. Mr. Oberholtzer stated, no. He stated that they would be okay with the music until 10:00PM on Sunday's.

Mr. Steblay asked where the closest residential use was in relation to the subject property. Mr. Oberholtzer stated that the closest residential use was a new apartment complex that was approximately 400 to 500 feet away.

Mr. Steblay stated that he received suggested stipulations from the Police Department. One of the stipulations was to have an annual meeting with the surrounding neighborhood. Mr. Oberholtzer stated that he did not mind having meetings with the neighbors.

Mr. Steblay approved the requests, subject to stipulations as noted above.

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