

Attachment A - Zoning Adjustment Hearing Summary

Zoning Adjustment Hearing
June 13, 2019

Application #:	ZA-224-19-7 – APPROVED / STIPULATIONS
Existing Zoning:	DTC-West Evans Churchill ACOD
Location:	110 East Roosevelt Street, Suite C
Quarter Section:	12-28(G8)
Proposal:	1) Use permit to allow alcohol sales and service in an entertainment district within 300 feet of a church. Use permit required. 2) Use permit to allow a bar as a primary use. Use permit required. 3) Use permit to allow outdoor liquor service as an accessory use to a bar. Use permit required. 4) Use permit to allow retail liquor sales. Use permit required.
Ordinance Sections:	307.A.17.a 1204.D.Table 1204.D.Table 1204.D.Table
Applicant:	Ryan Kemmet, The Theodore, LLC / The Theodore Beer Bar
Representative:	Ryan Kemmet, The Theodore, LLC / The Theodore Beer Bar
Owner:	Ryan Kerr, RO2 110 LLC/True North Studio

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL MILILLO
PLANNER: JAZMINE BRASWELL, PLANNER II

Speaking in favor was Jill Kennedy.
Present in support was Justin Evans.

DECISION: The requests for use permits were approved with the following stipulations:

- 1) The outdoor patio along Roosevelt Street shall be limited to a maximum of 5 feet in depth from the building wall.
- 2) 1 year to apply and pay for building permits.
- 3) General conformance to the floor plan date stamped May 7, 2019.

FINDINGS OF FACT:

1. The request is compatible with the Entertainment District and will not have any negative impacts on surrounding areas because the outdoor dining is limited in area yet will enhance the pedestrian environment along Roosevelt Street as stipulated.
 - a. The use will not cause a significant increase in vehicular traffic. The anticipated increase in pedestrian traffic will be accommodated by maintaining an adequate width sidewalk along Roosevelt Street as stipulated in this approval.
 - b. The use will not cause emission of odor, dust, gas, noise, vibration, smoke, heat or glare that exceed ambient conditions.
 - c. The use will not contribute in a measurable way to the deterioration of the neighborhood or area given the approved stipulations requiring conformance to the floor plan and the limited depth of the south patio.
 - d. The use will not contribute to downgrading of property values.

2. The use will be in compliance with all provisions of the Zoning Ordinance and other Phoenix laws.

SUMMARY: Ms. Jill Kennedy, represented the property owner, and stated that they were proposing a craft beer shop. The proposed business would serve craft beer, wine, and sake and would not serve any food. She stated that the proposed use was compatible with existing uses in the surrounding area and would bring more foot traffic to the downtown area. She noted that the proposed outdoor patio was located within the public right-of-way. She explained that they did receive one letter of concern from the Urban Phoenix Project regarding the outdoor patio being located in the public right-of-way. She noted that an adjacent business had an outdoor dining patio and it was approved to be located within the public right-of-way. She explained that they were going to have roll-up doors that opened the interior of the business to the outdoor patio to provide an open environment. She explained that there would still be a 10-foot sidewalk after the outdoor patio but the Street Transportation Department needed to approve their Revocable Permit to allow them to have their patio located in the public right-of-way. She stated that they had not received any opposition or statements of concern from surrounding property owners regarding the proposed use. In addition, they had not received any opposition from the church that was located within 300 feet of the subject site. She stated that the retail component of the business was canned beer and bottled sake.

Mr. Michael Milillo asked where the retail area was located. Ms. Kennedy stated the retail aspect of the business was secondary to the main use. She explained that the canned beer, wine, and bottled sake would be located within a refrigerator in the common area and customers would pick out what they wanted to purchase and take it to the bar to pay.

Ms. Kennedy stated that the proposed use would not cause any increase in vehicular traffic or negative impact to the surrounding area. She stated that the proposed use would positively impact the Entertainment District.

Mr. Milillo stated that the proposed use would be an improvement to the area and fit in with the character of the Entertainment District. He approved the request, subject to stipulations as noted above.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.