

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 8/10/2021
Agenda Item: 3**

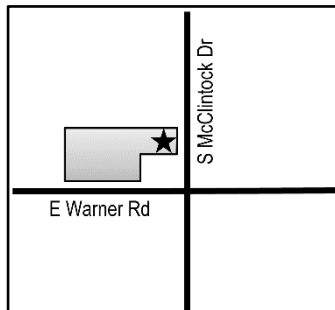
ACTION: Request a Use Permit to allow a series 7 bar for FREMONT TAPROOM & KITCHEN, located at 1730 East Warner Road, Suite No. 11. The applicant is Fremont Taproom & Kitchen.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: FREMONT TAPROOM & KITCHEN (PL210145) is a new taproom and kitchen establishment proposed in the Countryside Specialty Shops Shopping Mall, located on the northwest corner of South McClintock Drive and East Warner Road in the PCC-1, Planned Commercial Center Neighborhood District. The establishment wishes to stack a Series 7 liquor license on top of a Series 12 license which would allow both on- & off-sale retail privileges (beer and wine only), meaning the business will be allowed to sell beer and wine to-go in growler or crowler containers. The request includes the following:

ZUP210045 Use Permit to allow a series 7 bar.



Property Owner	Morris Family Trust
Applicant	Paul Gillingwater, Fremont Taproom & Kitchen
Zoning District	PCC-1
Site Area	136,386 s.f.
Building Area	31,523 s.f.
Suite Area	2,281 s.f.
Lot Coverage	23% (50% maximum allowed)
Building Setbacks	50' front, 49' street side, 36' side, 40' rear (0', 30', 0', 30' min. required)
Vehicle Parking	178 spaces (178 min. required per Shared Parking Model)
Bicycle Parking	22 spaces (14 min. required)
Hours of Operation	2 p.m. to 12 a.m., Weekdays; and 11 a.m. to 2 a.m., Weekend
Building Code Occupancy	A-2, B, and S-1

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Shelly Seyler, Interim Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

This site is located between East Calle de Caballos, East Warner Road, South McClintock Drive, and South Juniper Street.

PUBLIC INPUT

Staff has not received any public comments as of the publishing date of this staff summary report.

POLICE INPUT

A security plan will be required by Tempe Police Crime Prevention Unit.

USE PERMIT

The proposed use requires a Use Permit to allow a series 7 bar in the PCC-1 zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed bar use will generate slightly more trips than other permitted use types but not at a significant level.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; outside of the outdoor dining area, the proposed use will primarily take place indoors and is not expected to generate emissions above existing ambient conditions.
3. *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 uses do not conflict with the City's adopted plans and will complement the other dining, retail, and service uses located within the shopping mall.
4. *Compatibility with existing surrounding structures and uses*; other than the outdoor dining area, there are no exterior modifications anticipated. The proposed bar use is compatible with other restaurant and retail uses located within the shopping mall. Additionally, the leased space is located at the very east end of the shopping mall, furthest from any of the adjacent residential uses in the vicinity.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the proposed bar use requires a security plan which will help provide adequate control of any disruptive behavior.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid for the plans as submitted within this application.
2. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6330 before September 10, 2021.
3. Business hours of operation to begin no earlier than six o'clock in the morning (6:00 a.m.) and end no later than two o'clock in the morning (2:00 a.m.), daily.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

- The Use Permit is valid for The Hudson Eatery & Bar and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** 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, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

July 20, 2021

Community Development Department administratively approved a Shared Parking Analysis for COUNTRYSIDE SPECIALTY SHOPS C/O FREMONT TAPROOM & KITCHEN (PL210145), located at 1730 East Warner Road in the PCC-1, Planned Commercial Center Neighborhood District.

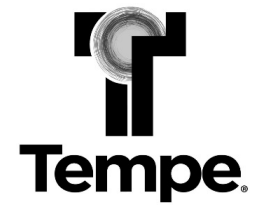
ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)

[Section 4-203, Development Standards for Commercial and Mixed-Use Districts](#)

[Section 6-308, Use Permit](#)

[Section 6-313, Security Plan](#)



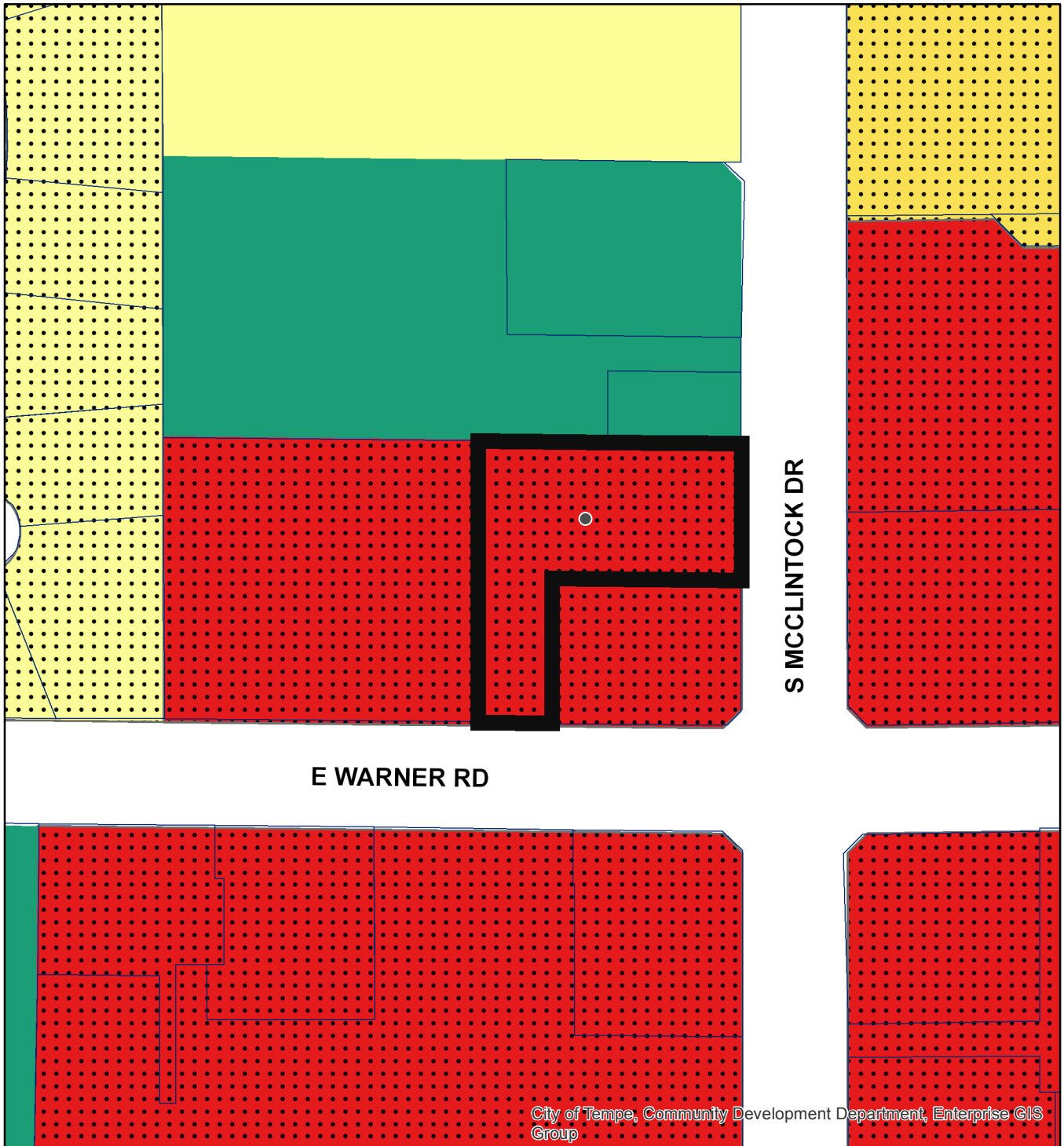
DEVELOPMENT PROJECT FILE
for
FREMONT TAPROOM & KITCHEN
(PL210145)

ATTACHMENTS:






1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Elevations

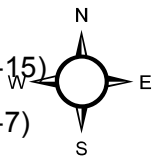
FREMONT TAPROOM & KITCHEN

PL210145



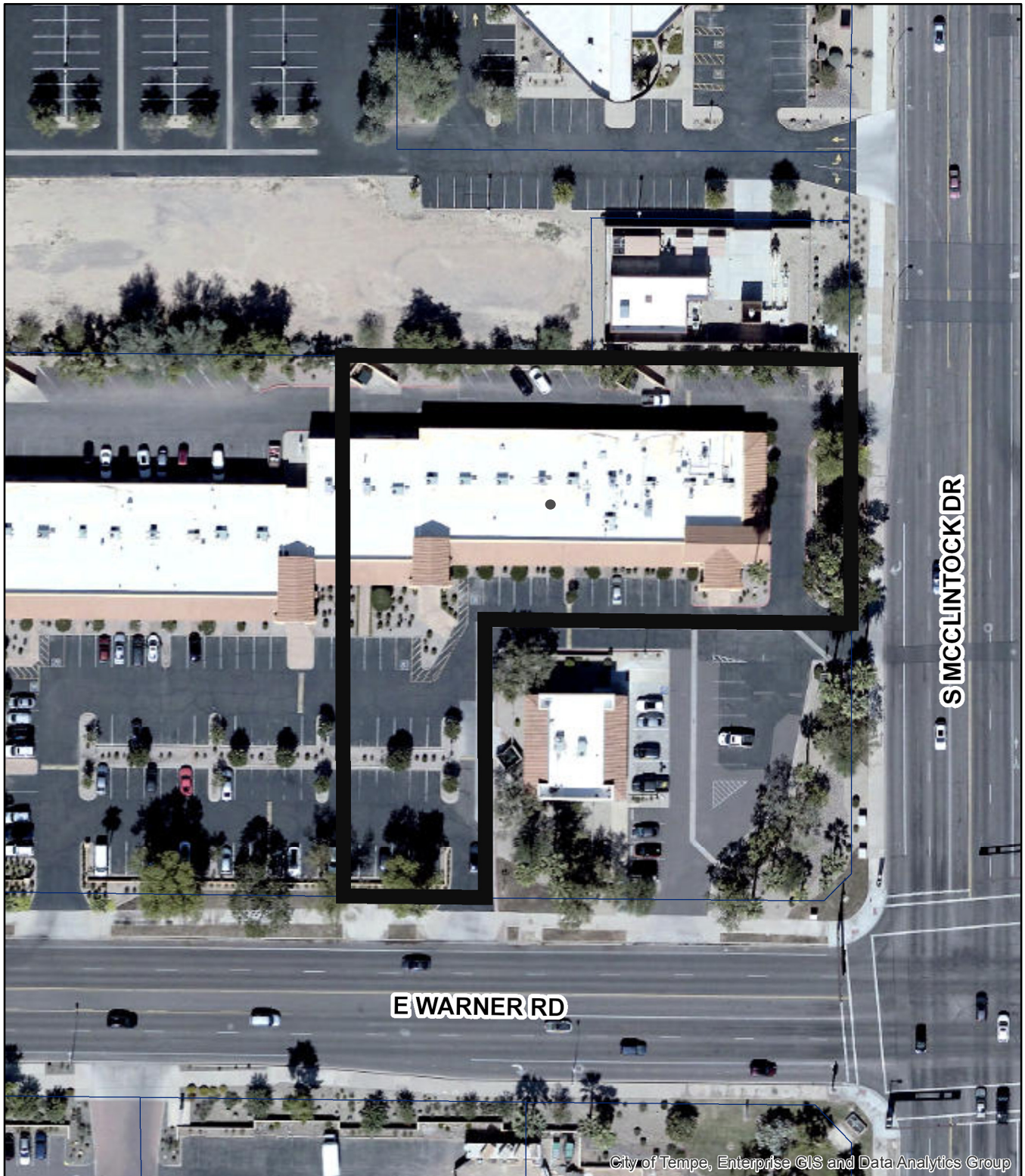
City of Tempe, Community Development Department, Enterprise GIS Group

- | | |
|--|--|
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-15) |
|  Residential/Office (RO) |  Single-Family Residential (R1-7) |
|  Agricultural (AG) | |

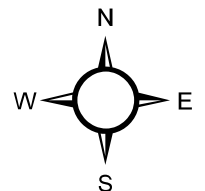


FREMONT TAPROOM & KITCHEN

PL210145



Aerial Map





FREMONT
TAPROOM & KITCHEN

Fremont Taproom & Kitchen
1730 E Warner Rd STE 11
Tempe, AZ 85284

4/29/21

City of Tempe
Use Permit
Letter of Explanation

The purpose of this Use Permit Application is to stack a Series 7 (Beer & Wine To-Go) Liquor License on a Series 12 License for 1730 E Warner Rd #11. Our Series #12 gives us a full bar license, but due to COVID-19 we are seeking a Series 7 to allow for off premise sales (Beer & Wine to-go). In the event that a public health emergency shuts down Restaurants, we would still be able to sell Beer and Wine to-go. The combo use of a #12 & #7 will carry the same privileges as House Bill 2733 that has passed both Senate and House Committees in the AZ State legislature.

The addition of a taproom & restaurant in this neighborhood has been well received with the surrounding neighbors. A post in the Facebook group "South Tempe Style" shows much enthusiasm for Fremont Taproom. Neighbors are saying "did my neighborhood just go up in value because I can now bike to a tap(room)? Yes, yes it did!" and "I love a walkable brew/pub!!".

When Fremont Taproom opens, we plan on operating daily serving dinner and eventually brunch. Weekdays we will be open from 2pm-Midnight, and weekends 11am-midnight. We will have food available during all hours of operation. Our location on the east end of Countryside Shops gives us an advantage of not being near any residential neighborhood.

I've been in the restaurant industry for 24 years and at a popular brewery for the last 10 years. I have the experience to follow all applicable liquor laws and maintain adequate control over the premise. We are excited to become part of the South Tempe neighborhood!

Thank you for taking the time to review these materials.

Feel free to reach out with any questions or concerns.

Paul Gillingwater
Fremont Taproom & Kitchen
916-613-5950

 4/29/21

SITE PLAN PROJECT DATA

BUILDING 'A'	10,440 SF
BUILDING 'B'	3,960 SF
BUILDING 'C'	12,000 SF
BUILDING 'D'	5,395 SF
OUT-PARCEL 'A'	3,585 SF
TOTAL	34,320 SF

PARKING DATA
 34,320 SF = 115 PARKING STALLS REQUIRED (14,320 / 300 RETAIL)
 118 PARKING STALLS PROVIDED
 (172) STANDARD PARKING STALLS
 (6) ADA PARKING STALLS

• SITE PLAN KEYNOTES

1. EXISTING ASPHALT PARKING LOT, EXISTING STRIPING TO REMAIN.
2. EXISTING DRIVE WALLE / FIRE ACCESS LANE TO REMAIN.
3. EXISTING RAMPSTER ENCLOSURE AND CONCRETE APRON TO REMAIN.
4. EXISTING LANDSCAPING TO REMAIN.
5. EXISTING #4 CONCRETE SCREEN WALL TO REMAIN.
6. EXISTING 12" DIA. PARKING STALL AND STRIPING TO REMAIN.
7. EXISTING RETENTION BASIN TO REMAIN.



FREMONT + TAPROOM

1730 E WARNER ROAD SUITE 111/12
 TEMPE AZ 85284



1920 E Indian School Rd #2072
 Phoenix AZ 85016
 602.966.3286

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21001

SITE PLAN

issue date

06.19.18

revisions

a
101

1.10.21 PLOTS

1
 SP1 EXISTING SITE PLAN
 1" = 20'-0"

GENERAL NOTES

The General Contractor shall be responsible for ensuring that all construction and construction related activity shall comply with all applicable laws, codes, regulations, ordinances, safety guidelines, and labor union requirements as enforced by the local jurisdiction at the time of construction including but not limited to those noted within the contract documents.

Safety in all phases of construction shall be governed by provisions of applicable laws and regulations including those referenced above. The General Contractor is responsible for ensuring that all selected subcontractors and individuals under their employ are appropriately licensed, insured, certified, and otherwise individually legal to perform assigned tasks as required by applicable State and Local laws. The Contractor shall be responsible for the safety of all personnel and authorized visitors.

In the event that conditions pose unexpected safety hazards; or if the nature of construction installation are not in compliance with appropriate standards of practice or are in conflict with local codes, laws, ordinances, etc., the Contractor shall not proceed with the item in question and shall contact the Architect for direction.

The General Contractor is responsible for coordination between all subcontractors, including those hired by the owner. The General Contractor shall be responsible for ensuring that the Subcontractors selected are approved applicators of the manufacturer's products as required.

All reference to existing conditions shall be field-verified prior to the start of construction. All drawings and components within shall be reviewed for discrepancy prior to the start of construction. The Contractor shall not scale from the drawings. Only written dimensions, notes, and specifications shall be used. Contact Architect for clarification or additional information is required.

In the event that discrepancies, conflicts, or other issues that compromise the correctness, intent, or cost are found within the drawings or specifications, the Contractor shall not proceed with the affected item and shall contact the Architect for direction. The General Contractor shall be solely responsible for the means, methods, and sequences of construction. Coordination of all trades and performance of all workers shall be the ultimate responsibility of the General Contractor.

The General Contractor shall coordinate work with all applicable utility providers.

The General Contractor shall coordinate with the Owner and comply with appropriate procedures for maintaining site/building security.

Contractors shall obtain all required inspections and similar releases required for construction and occupancy. Contractor shall furnish copies of all such items to the Owner and Architect upon request. If permits are issued with certain conditions requiring revisions to the work or if permits are delayed for any reason, the Contractor shall notify the architect immediately prior to proceeding.

The Contractor shall remove and properly dispose of all construction debris. Contractor shall obtain approval of owner for the detailed plan for debris disposal. In the event of significant material overages, excess, damaged or irregular items, or changed items, the contractor shall retain said items and obtain direction from the Owner regarding their possible reuse on-site or elsewhere, prior to disposal. Contractor shall provide a continually orderly, clean, and neat jobsite with clear, unobstructed paths of travel and shall ensure coordination of staging areas for equipment and their equipment as needed.

General Contractor shall arrange for temporary parking at the site for construction personnel in accordance with City requirements. General Contractor shall be responsible for maintaining a dust and noise control program in accordance with applicable ordinances.

All installed work shall be protected and kept free of damage. The General Contractor shall be responsible for their expense for ensuring that any damages to installed systems and/or finishes, or furnishings are cleaned, repaired, or replaced as necessary to the level of craftsmanship and cleanliness meeting or exceeding the original condition.

Each installer shall examine the substrate condition upon which their work will be installed. The installer shall not proceed if conditions are found that will negatively affect the quality or craftsmanship of each item/system to be installed. If any conditions are found to exist which have a detrimental effect on the ability to properly perform their installation, the installer shall not proceed and shall immediately notify the General Contractor. Installation will not proceed until the unsatisfactory condition(s) are corrected. An installation shall signify acceptance of conditions by both Subcontractor and General Contractor.

The Contractor is responsible for providing a watertight building envelope. If conditions are found within the construction documents that compromise the ability to deliver a watertight system, the Contractor shall not proceed with the condition in question and shall contact the Architect for direction.

Shop drawings shall be provided for all custom manufactured products as required by the specifications. Architect approval is required prior to fabrication of said products.

Unless otherwise noted, building dimensions are to face of masonry, face of concrete, or face of stud. Door and window widths on plans are to edges of rough openings. Structural grids and column lines are to centerline of column, beam, truss, or other structural member.

Construction shall not commence until life safety and fire protection plans (including access roads and fire hydrants) have been reviewed and approved.

Fire blocking and draft stops shall be installed per all applicable codes and regulations. Fire resistive construction shall comply with the IBC, requirements and applicable UL, GA, FH, or other testing or regulatory agencies.

All products listed by ICC ECR numbers shall be installed per the report and manufacturers written instruction. Product substitutions for products listed shall also have ICC approved evaluation report, or be approved and listed by other nationally recognized testing agency.

Contractor shall supply all required certificates and/or reports including but not limited to waste management; recycling; hazardous waste; debris disposal routes, times, and destinations; method for dust control, and similarly applicable environmental and jurisdictional requirements.

The General Contractor shall be responsible to ensure that all trades have all information required to perform their portion of work and coordinates with other trades. Relevant information for construction and/or coordination may appear throughout the document set and separation of drawings or specifications shall be avoided.

Information within this set of project documents are required to have a valid professional seals and signatures of the architect, engineer, and designers involved. Unless noted otherwise, drawings lacking a professional stamp and signature shall be considered preliminary and are not to be used for construction. The Architect, Engineer, or other professional responsible for information in a drawing that is in a preliminary state shall not be held responsible for errors or omissions in a bid or cost estimate. In all cases where clarification of preliminary information is required, the contractor shall contact the Architect for direction.

All glazing in hazardous locations shall be tempered glass, including:

- All glazing adjacent to tubs or showers where the bottom edge of the glazing is less than 60" above a standing surface and drain outlet.
- Windows adjacent to a stairway landing or within 5' of the bottom and top of stairways where the bottom edge of the glass is less than 60" above floor level.
- Windows located within 24" from either vertical edge of a door in the closed position, and where the bottom edge of the glass is less than 60" above floor level.
- Windows less than 18" above floor level and more than 9 sq. ft. in area per glazed panel.

Tactile exit signage shall be provided and in compliance with the 2018 IBC:

- Each exit door from an interior room or area to a corridor or hallway that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words "exit route".
- Each exterior exit door shall be identified by a tactile exit sign with the words "exit".
- The mounting height for such signage shall be 60" from finish floor level to the center of the sign.

Tactile stairway identification signs shall be located at each floor level landing in all enclosed stairways in buildings two or more stories in height to identify the floor level. At an exit discharge level, the sign shall include a raised five pointed star located to the left of the identifying floor level. The star shall be the same size and height as the raised characters.

All data details shown illustrate the specific requirements of the accessibility regulations and are only to be used as an aid for building design and construction. The data details are to be used for reference only, see construction documents for further information and general building design requirements.

At every primary public entrance, and at every major function area, or leading to, an accessible route of travel, there is to be a sign displaying the International Symbol of Accessibility. Signs are required to indicate the direction to accessible building entrances and facilities, per the 2018 IBC.

An additional sign shall be posted adjacent to and visible from each stall or space, per the 2018 IBC.

Where permanent identification is provided for rooms and spaces raised letters shall be provided and shall be accompanied by braille. Signs shall be installed on the wall adjacent to the latch outside of the door.

All hand-activated door opening hardware in a path of travel are operated with a single effort by lever type hardware, by panic bars, push-pull activating bars, or other hardware designed to provide passage without requiring the ability to grasp the opening hardware.

The maximum effort to operate doors shall not exceed 8-1/2' pounds for exterior doors and 5 pounds for interior doors, with such pull or push effort being applied at right angles to the hinged doors and at the center plane of sliding or folding doors. When fire doors are utilized, the maximum effort to operate the door may be increased to not exceed 15 pounds, per the 2018 IBC.

The lower 10" of all doors shall be smooth and uninterrupted, to allow the door to be opened by a wheelchair footrest, without creating a trap or hazardous condition. Narrow frame doors may use a 10" high smooth panel on the push side of the door.

Handrails for stairways should comply with the following per the 2018 IBC:

- Handrail should be 34" to 38" above the nosing of the treads per the 2018 IBC.
- The hand grip portion of handrails shall not be less than 1-1/4" nor more than 1-1/2" in cross sectional dimension and placed a minimum of 1-1/2" from walls per the 2018 IBC.
- Handrails should extend a minimum of 12" beyond the top nosing and 12" plus the tread width beyond the bottom nosing.
- Ends should be returned or should terminate in newel posts or safety terminals.
- The hand grip portion shall have a smooth surface, without any sharp corners.

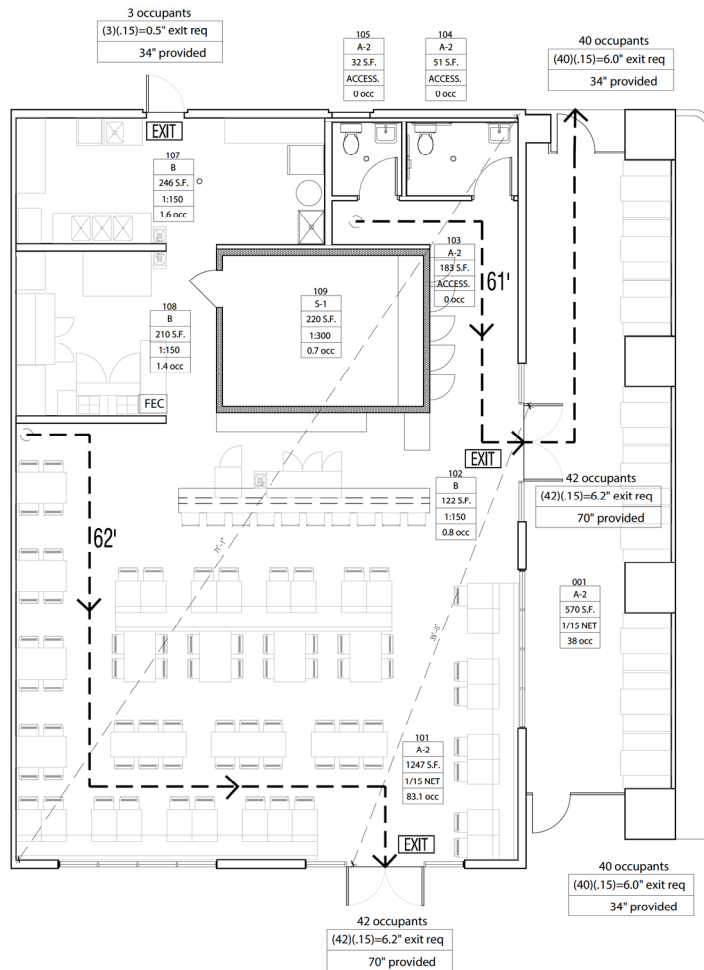
The upper approach and the lower tread of each interior stair (All treads for exterior stairs) shall be marked by a strip of clearly contrasting color at least 2" wide and placed parallel to and not more than 1" from the nose of the step of landing, per the 2018 IBC.

Stair tread surfaces shall comply with the 2018 IBC, as follows:

- All stair treads shall be no less than 11" deep, measured from riser to riser.
- All treads must be slip resistant and smooth, rounded or chamfered exposed edges.
- Nosing shall not project less or equal to 1-1/2" past the face of the riser above.
- The upper approach and lower tread of each stair shall be marked by a contrasting color.

SYMBOL LEGEND

- 22** DETAIL NUMBER
- 418** DRAWING NUMBER
- ◇** WALL TYPES (SEE FLOOR PLAN SHEETS)
- Ⓜ** WINDOW TYPE SCHEDULE
- ROOM NAME** ROOM NAME
- 101** ROOM NUMBER
- W** INTERIOR ELEVATION SYMBOL
- △** REVISION NUMBER



OCCUPANCY SUMMARY

ROOM #	ROOM NAME	OCCUPANT TYPE	LOAD FACTOR 2018 IBC TABLE 1004.1.1	OCC LOAD
101	DINING	1247 SF	1:15 NET	81.3 (82)
102	BAR	122 SF	1:15 GROSS	0.8 (1)
103	CORRIDOR	183 SF	ACCESSORY	
104	RR1	51 SF	ACCESSORY	
105	RR2	32 SF	ACCESSORY	
107	SERVICE	216 SF	1:15 GROSS	1.4 (2)
108	KITCHEN	210 SF	1:15 GROSS	1.4 (2)
109	WALKIN COOLER	220 SF	1:300 GROSS	0.7 (1)
001	EXTERIOR PATIO	570 SF	ACCESSORY	
			1:15 NET	38 (38)
TOTAL OCC LOAD				(125)

SYMBOL LEGEND

- A2** = OCCUPANCY TYPE
- 255 S.F.** = ROOM AREA (S.F.)
- 1/15 NET** = OCCUPANT LOAD FACTOR
- 17** = OCCUPANT LOAD

EXIT	EXIT SIGNAGE
XX occupants	NUMBER OF OCCUPANTS
(XX)(1.5)=XX" exit req	NUMBER OF OCCUPANTS X (1.5)
XX" provided	= EXIT WIDTH REQUIRED PER 2018 IBC
	EXIT WIDTH PROVIDED
XX	PATH OF EGRESS
FEC	FIRE EXTINGUISHER CABINET, CONFORM W/ FIRE MARSHALL

PLUMBING FIXTURE ANALYSIS

FIXTURE CALCULATIONS FOR REQUIRED NUMBER OF FIXTURES PER TABLE 2002.1	OCC. LD.		MENS		WOMEN'S		DRINKING	SERVICE
	M.	W.	LAV.	SHOWERS	LAV.	SHOWERS	FOUNTAIN	SINK
GROUP A2 (297 TOTAL OCC.)								
OCC. LOAD/ 75 OCC. (WATER CLOSETS)	63	63	.84	.32	.84	.32	.25	1
OCC. LOAD/ 200 (LAVATORY)								
OCC. LOAD/ 500 (DRINKING FOUNTAIN) 1 SERVICE SINK								
TOTAL FIXTURES REQUIRED	1	1	1	1	1	1	1	1
TOTAL FIXTURES PROVIDED	1	1	1	1	1	1	0	1

PLUMBING NOTES

- ALL OCCUPANCIES WILL BE PROVIDED FULL DRINKING WATER SERVICE THROUGH THE FOOD SERVICE OF THE FACILITY AT ANY TIME IN LIEU OF PROVIDING DRINKING FOUNTAINS.
- SERVICE SINK IN KITCHEN

FREMONT + TAPROOM

1730 E WARNER ROAD SUITE 111/12
TEMPE AZ 85284



1920 E Indian School Rd #2072
Phoenix AZ 85016
602.966.3286

These calculations are a summary of information provided by the client and are for use on the project only. They are not intended for use as a construction document and shall not be used for any other purpose without the written consent of the author. The author assumes no liability for any errors or omissions in these calculations.

21001

PROJECT DATA

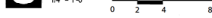
ISSUE DATE

06.19.18

REVISIONS

a
002

1 LIFE SAFETY PLAN



South Elevation



East Elevation

