

Application #: ZA-452-16-4 (Continued from 12/22/16) – APPROVED / STIPULATIONS
Existing Zoning: C-2 TOD-1 WSNSPD
Location: 10 East Camelback Road
Quarter Section: 19-28(H8)
Proposal: Use permit to allow outdoor alcoholic beverage consumption accessory to a bar (Huss Brewing Uptown). Use permit required.
Ordinance Sections: 662.F.1.d.
Applicant: Jeffrey & Leah Huss, The Farmhouse by Huss Brewing
Representative: Camila Alarcon, Gammage & Burnham PLC
Owner: Uptown Plaza, LLC

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: MATTEO MORIC, PLANNER II

DECISION: This request for a use permit was taken under advisement. On March 2, 2017, it was taken out from under advisement and approved with the following stipulations:

- 1) Prior to the issuance of a Certificate of Occupancy or Certificate of Completion for the Huss Brewing (“Huss”) patio area, an 8-foot-high fence (“Fence”) shall be constructed along the east side of this patio, extending 45-feet northerly from the northeast corner of the building, as approved by the Planning and Development Department. See Attachment A – Fence Location. The Fence shall be constructed entirely of wood, with a construction type minimum of 2.4 pounds per square foot, and will contain no air gaps.
- 2) The Fence will contain a solid sliding gate with no air gaps (when closed) that will be locked at 9:30 p.m. and will open no earlier than 5:00 a.m. The Fence will have no graphics or mural painted on the side facing the Windsor Square Historic District (“Windsor Square”). Signs installed for safety or security purposes are permitted upon the Fence, if professionally prepared.
- 3) Noise-mitigating drywall shall be installed in the interior seating area of the Huss premises (the “premises”) as needed to limit sound emissions.
- 4) The patio shall have a containment wall or fence to prevent the unlawful removal of alcohol from the premises in addition to the Fence.
- 5) Any high-top tables will be restricted to the east side of the patio.
- 6) Any ingress/egress to/from the patio from the interior of the premises shall be oriented to the west (away from Windsor Square).

- 7) Patio lighting shall comply with all applicable City of Phoenix light-spillage ordinances and be trained away from Windsor Square, as approved by the Planning and Development Department.
- 8) Employees shall monitor patron activity on the patio at all times.
- 9) Any signage on the north building elevation of the premises shall not be illuminated on the east face facing Windsor Square.
- 10) No live or recorded music, televisions, intercom or other sound-emitting system shall be permitted on the patio, prohibiting any mounted on the exterior walls adjoining the patio.
- 11) Any indoor speakers within 10 feet of the patio and the roll-up doors shall be oriented to the interior of the premises (i.e., away from Windsor Square).
- 12) Hours of operation (including Huss' premises' interior and patio) shall cease by not later than 11:00 p.m. on Sunday – Thursday and Midnight on Friday and Saturday nights.
- 13) The roll-up doors on the north building elevation of the premises shall be lowered to a minimum 7-foot height no later than 8:00 p.m. daily, and shall not open before 8:00 a.m. daily.
- 14) Huss shall provide the Windsor Square association board with current contact information (name, telephone and text or email) of the daytime and evening premises' managers to facilitate timely communications between the neighborhood and Huss.
- 15) The Zoning Administrator shall conduct a Use Permit review at 3 months and at 6 months following issuance of Huss' Certificate of Occupancy for the premises' interior.
- 16) Huss shall comply with all applicable ordinances and laws of the City of Phoenix, including Section 307 of the Zoning Ordinance that prohibits the emission of noise, vibration, or glare at a level exceeding ambient conditions.
- 17) The applicant has 180 days to apply and pay for building permits.
- 18) These stipulations are binding on Huss, its officers, agents, employees, successors and assigns and, as applicable, to the ownership of Uptown Plaza.

ADDITIONALLY, HUSS BREWERY, UPTOWN PLAZA, AND THE WINDSOR SQUARE NEIGHBORHOOD HAVE AGREED TO THE FOLLOWING CONDITIONS:

- 19) Employees of Huss shall not park on any Windsor Square residential street, including on either side of Medlock Drive adjacent to Uptown Plaza.
- 20) Additional downward shielded security lighting may be installed in the service alley.
- 21) Security personnel shall monitor the parking lots of Uptown Plaza and service alley for the presence of unauthorized persons.
- 22) Employees shall not deposit glass into the outdoor dumpsters after 8:00 p.m. daily. Dumpster lids shall be lifted and lowered slowly, and not be released or dropped into place.
- 23) Use of the service alley for product deliveries shall be limited to between the hours of 6:00 a.m. and 6:00 p.m.
- 24) Tables and chairs following closure of the patio shall be removed to inside the premises by lifting, not dragging.
- 25) Drink specials, beverage-price discounts or "reverse happy hours" shall not be advertised or apply to beverage service at Huss later than 8:00 p.m. daily.

FINDINGS OF FACT: In granting the application for a use permit to allow outdoor alcoholic beverage consumption accessory to a bar known as Huss Brewing, with the applicant's complying with the 24 stipulations attached to these findings, I find the use will not have a materially adverse impact on the surrounding neighborhood or properties from noxious side-effects, should not materially impact pedestrian or vehicular traffic counts, will not contribute to the diminution of property values, and will not otherwise violate the zoning ordinance of the City of Phoenix and other applicable ordinances.