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MEMORANDUM **Planning and Development – PZ Memo No. 09-110**

DATE: SEPTEMBER 30, 2009

TO: PLANNING AND ZONING COMMISSION

THRU: PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
KEVIN MAYO, ACTING PLANNING MANAGER KM

FROM: BILL DERMODY, SENIOR CITY PLANNER BD

SUBJECT: LUP09-1002 FIBBER MAGEES

Request: Extension of Use Permit approval to sell and serve all spirituous liquor within a restaurant and bar that includes an outdoor patio (Series 6 Bar License)

Location: 1989 W. Elliot Road, Suites 19-21, southeast corner of Elliot and Dobson Roads

Applicant: Fibber Magees, Trevor Kingston

RECOMMENDATION

Staff, finding consistency with the General Plan and C-2/PAD (Community Commercial with a Planned Area Development overlay) zoning, recommends approval of the Use Permit, subject to conditions.

BACKGROUND

The application requests Use Permit approval to sell and serve all spirituous liquor within a restaurant and bar that includes an outdoor patio (Series 6 Bar License). Fibber Magees is an authentic Irish restaurant and pub that has operated under a Series 6 Bar License at this location since September 2005. The restaurant is located at the southeast corner of Dobson and Elliot Roads within the Elliot Square shopping center. The business occupies approximately 5,200 square feet in three adjacent suites and has a 350 square foot outdoor patio that was added in 2007. There is indoor seating for 190 and outdoor seating for 40 persons. The patio has inward-facing speakers for ambient music. No live entertainment is conducted for the patio, and indoor music is not broadcast on the outdoor speakers.

The hours of operation are 11 a.m. to 1 a.m. Sunday through Wednesday with extended hours to 2 a.m. Thursday through Saturday. The center is zoned C-2/PAD (Community Commercial with a Planned Area Development overlay) and is bordered by a mix of uses. Single-family residential homes (SF-8.5) are immediately adjacent to the property on the south and east, a vacant lot zoned C-2 bordered by an existing townhouse development is across Elliot Road to the north. A small retail center surrounded by a large lot County residential subdivision is on the west side of Dobson Road.

The restaurant previously held a Series 12 Restaurant License (from March 2003 through September 2005), which requires that a minimum of 40% of the total sales be in food and non-alcoholic beverages. A Series 6 Bar License was acquired in 2005 when the business no longer met the minimum food sales requirements for a Series 12 license. A Use Permit for a Series 6 was granted for one (1) year in September 2005, extended for three (3) years in October 2006, and extended for three (3) years again in September 2007 when a patio addition required a new Use Permit. The establishment continues to operate as a restaurant with the amount of food and non-alcoholic beverages sold averaging around 35% of total sales.

At this intersection, only two other liquor licenses exist; a Series 10 (Beer and Wine Store) at the Circle K within Elliot Square and a Series 6 (Bar License) at Priceless Primetime located on the northwest corner of the intersection. Due to the proximity of this establishment to a single-family neighborhood, the possibility of noise was discussed during the approval of the original Use Permit. A stipulation of approval was added that decibel levels be controlled so as to not create a nuisance beyond the center. There are a day care and a tutoring facility in the center. The tutoring facility (Kumon) is located two suites east of the subject business. The day care (Kindercare) is located near Dobson Road approximately 240 feet west of the subject business.

The restaurant holds annual St. Patrick's Day party in their parking lot that has previously been the cause for noise complaints. The St. Patrick's Day party includes outdoor entertainment, as allowed by a special event license. The special event license is a separate approval for a one-time event and is not a part of this Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 29, 2009 at the IHOP at the southeast corner of Elliot and Alma School Roads. No neighbors were in attendance.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- At the time of this writing, Staff is not aware of any opposition.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.

2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.

3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.

4. The Use Permit is non-transferable to any other store location.

5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Elliot Square shopping center.

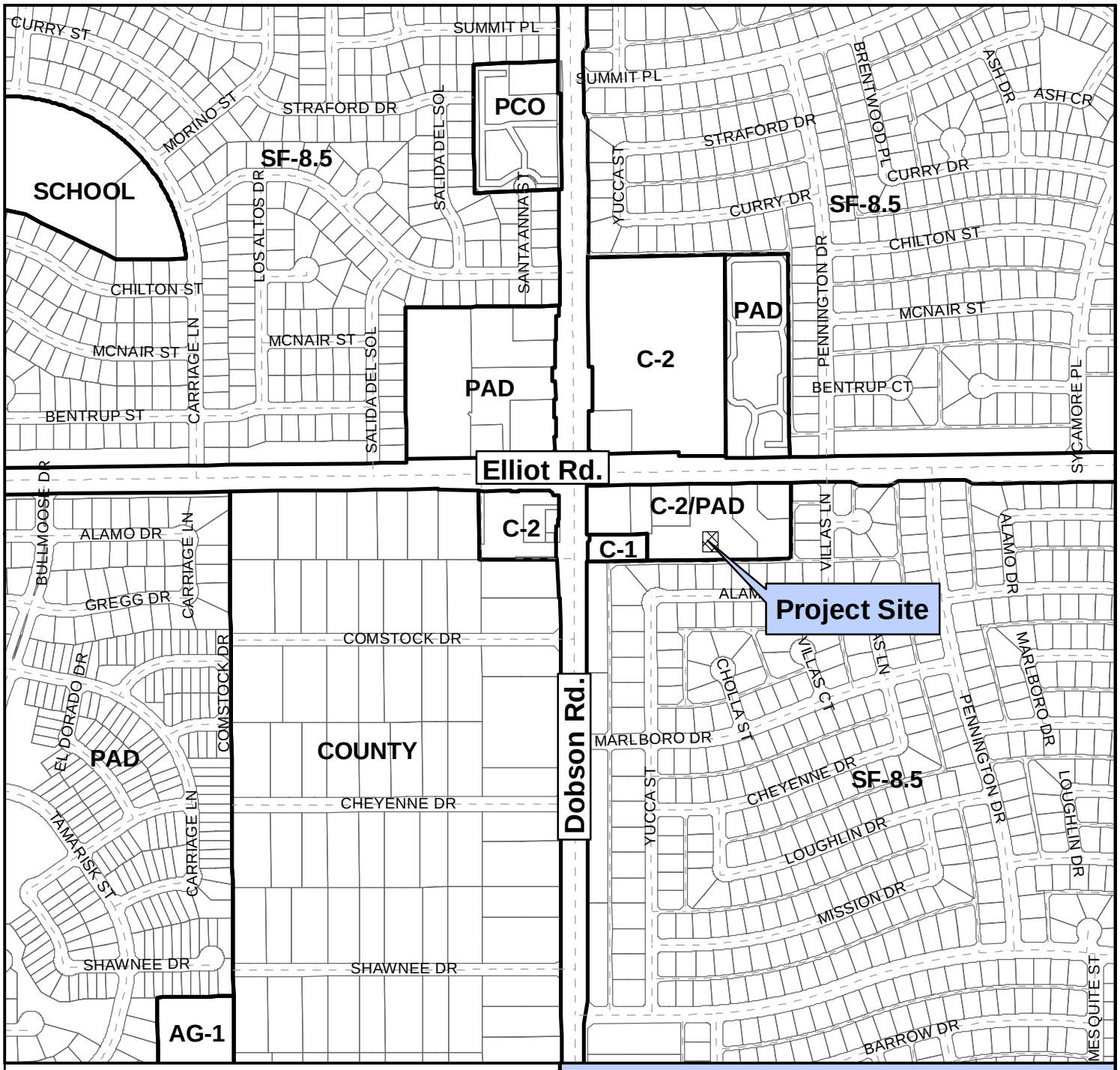
6. The patio shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to recommend approval of Use Permit LUP09-1002 FIBBER MAGEES, subject to the conditions recommended by Staff.

Attachments

1. Vicinity Map
2. Applicant Narrative
3. Site Plan
4. Floor Plan



Vicinity Map

LUP09-1002

Fibber Magees
Liquor Use Permit

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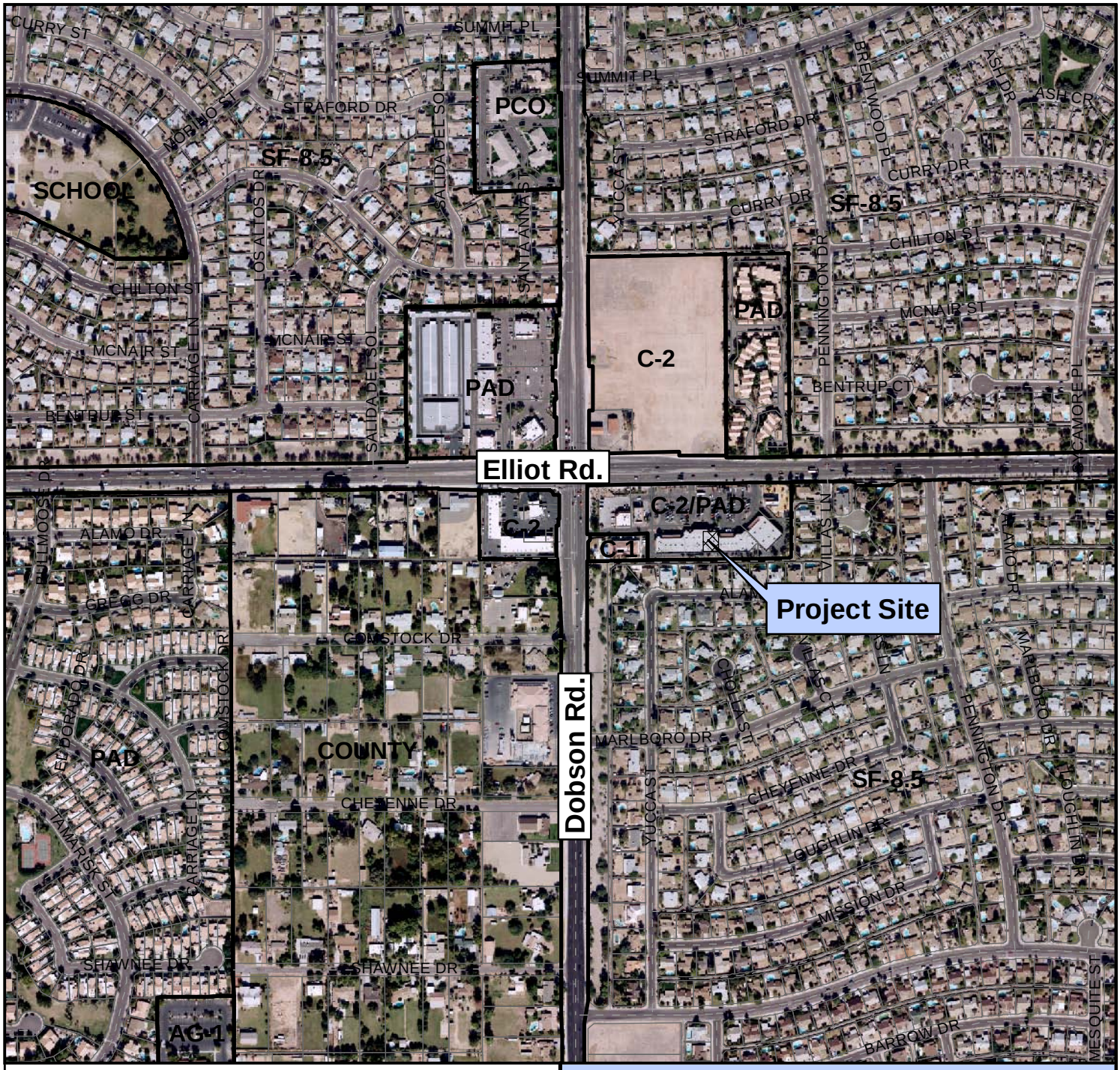
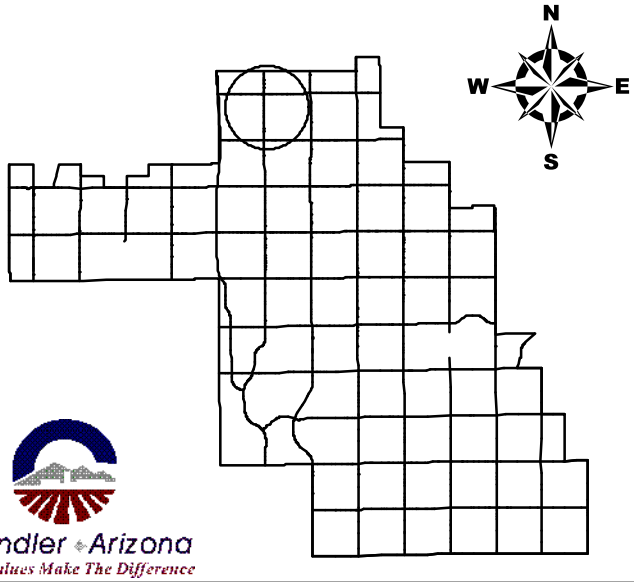


Vicinity Map



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LUP09-1002

Fibber Magees
Liquor Use Permit

CITY OF CHANDLER 8/20/2009

Fibber Magees
1989 West Elliot Rd
Chandler, AZ 85224
480.722.9434

August 18th, 2009

City of Chandler Planning and Zoning

Dear Sir/Madam

Allow me to introduce myself I am Trevor Kingston one the founding member of Fibber Magees, a prominent Chandler Restaurant. The business model for our restaurant is to operate as an upscale Irish pub, providing Irish dishes that offer exciting tastes and value for money.

Our Mission Statement is "To be the highest quality authentic Irish Pub in the market, offering excellent standards of food, drink, guest service and hospitality".

Our menu includes a traditional Irish Fare including Fish and Chips, Corn Beef and Cabbage and Irish Stew. We also introduced a Modern Irish Fare that includes a Lemon Caper and Dill Salmon Dish, a Peppercorn Flat iron Steak. We have been recognized by many of the Valley's chief Food critics:

Howard Seftel – Arizona Republic 2004.
"Chandler is not exactly Dublin in the Desert, but this spirited Irish Pub can fuel anybody's roots, a few tasty dishes help fuel this imagination"

Carey Sweet – New Times 2003
"I show up for a simple beer and a Boxty and discover actual cuisine"

Audrey Tate – New Times 2004
"Fibber's is warm and inviting and offers the East Valley a refreshing taste of culture and class"

Yelp and Phoenix City Search 2009
4 Stars

We are located on the South East Corner of Dobson and Elliot at 1989 West Elliot Road; our hours of operation are 11am to 2am . We currently employ 17 staff and of these 8 are fulltime employees, our wait staff are long-term employees with our last turnover being over a year ago. Because of longevity of their employment they have been fully trained based State sponsored Liquor training and on our employee handbook which outlines the legal statutes for alcohol consumption in Arizona and of particular concern are minors.

Although we are a full functional restaurant we do not allow minors on premises after 10pm, no exceptions.

Since opening in 2003 we feel we have been a model Irish Pub in regards to community awareness, we have offered charity events in the form of St Patrick's Day Festival in conjunction with Best Buddies Charity, Participant in the Celtic Fire and Police Order, Excess Food Donations to Andre House. If you wish to check our status with the Chandler Police Department or Arizona Liquor board you will see we have an exemplary record.
We have monitored our food sales closely since the restaurant opened in March 2003 and have tried every avenue to increase our food sales to the 40% minimum. We have used Print media discount coupons, discount flyers, 'Entertainment' coupons all in an effort to boost our food sales. The difference between 35% and 40% food sales has been our non-existent lunch trade, we are open from 11am daily and although we offer an extensive and very reasonably priced menu, we appear to be in a location that does not support a more vibrant lunch crowd.

As a result of us being unable to maintain 40% food sales we had to opt for a Series 6 license. We have always operated as a restaurant despite the State's legal determination of our status and this model will continue.

The Business model for Fibber Magees will not change for Fibber Magees. We operate a 5,500 sq foot establishment and have the dining capacity for 193 people with a 500 sq ft patio, with seating for 24 people. The patio has been approved by the Maricopa County Health department to allow smoking, there are air curtains in place to restrict the movement of smoke to adjoining businesses. The patio is surrounded by a 4ft Block wall with a decorative brick exterior. Access to the patio is only through the restaurant.

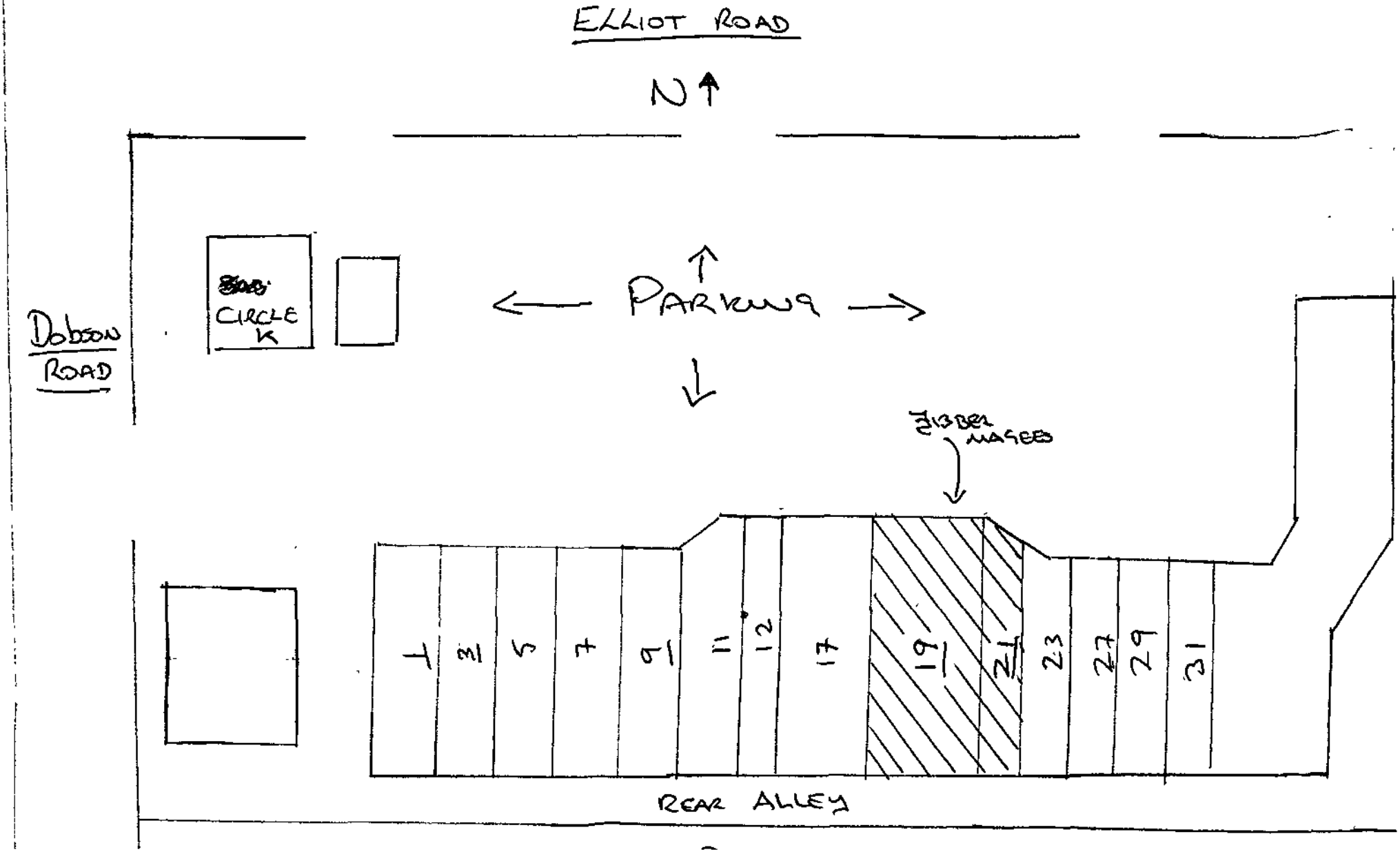
Fibber Magees offers live entertainemt Wednesday through Sunday, with the majority of it being of Irish origin to enhance our Irish atmosphere. In addition to the live entertainment we offer pool tables, dart boards and televisions to our customers who are not there to avail of the music.

If you have any questions or have any comments please feel free to contact me at any time directly at 480-213-7291.

Yours truly,

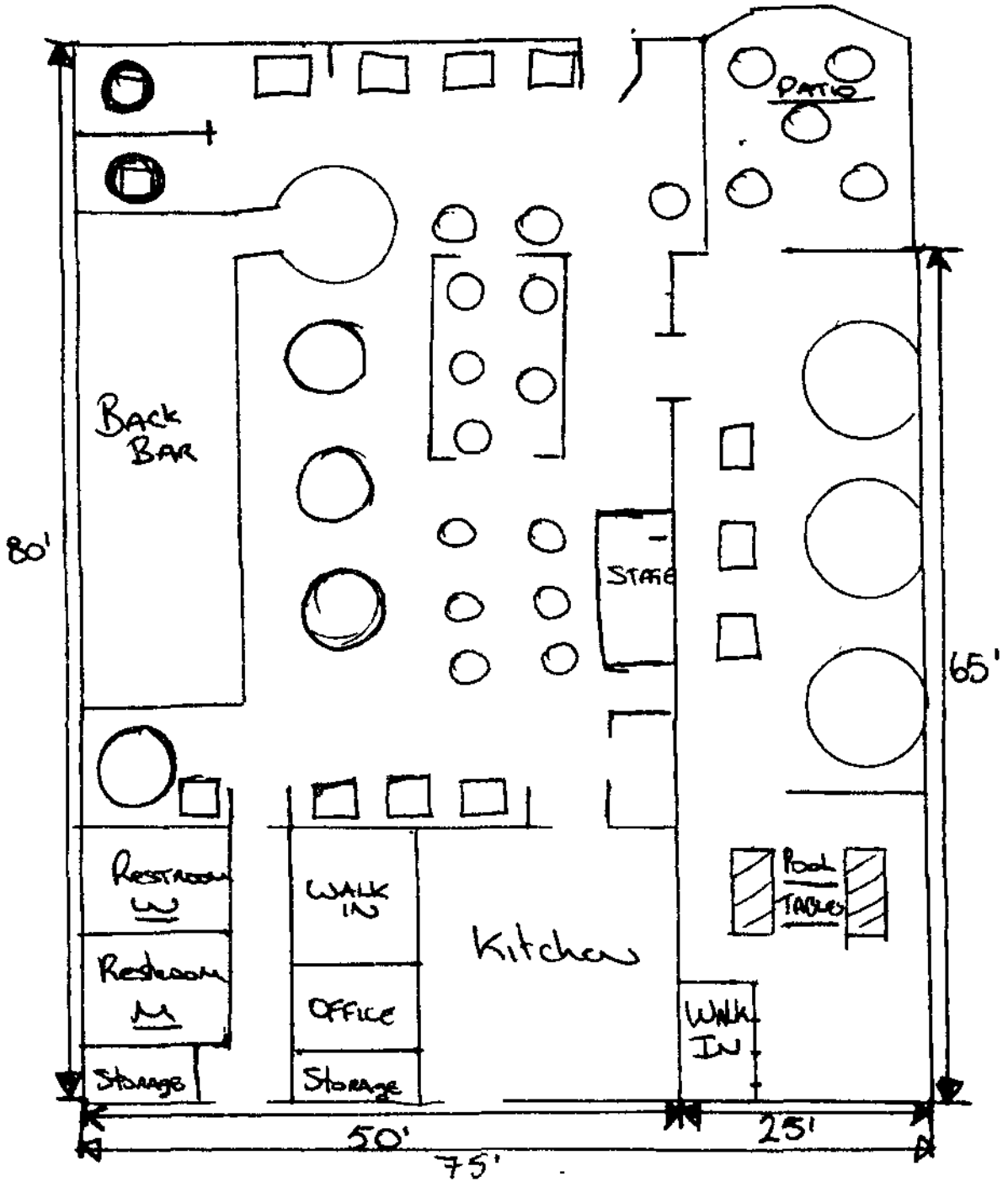
Trevor Kingston

FIBER MAGEES
1989 W. ELLIOT ROAD #19
Chandler, AZ 85224



Jibber Magees 2009

1989 W Elliot Rd #19.



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● — 4FT TABLE

◯ -> 5FT ROUND TABLE