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MEMORANDUM **Planning and Development – PZ Memo No. 09-093**

DATE: AUGUST 25, 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: UP09-0027 THE DETOUR RESTAURANT

Request: Extension of Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes an outdoor patio (Series 12 Restaurant License)

Location: 6403 W. Chandler Boulevard, approximately ¼ mile west of Kyrene Road

Applicant: Eric Amorossi

Owner: Earl Geller Trust

RECOMMENDATION

The request is for extension of Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes an outdoor patio located at 6403 W. Chandler Boulevard (Series 12 Restaurant License). Staff, finding consistency with the General Plan, recommends approval for one (1) additional year subject to conditions.

BACKGROUND

The subject facility is a stand-alone building located on a half-acre parcel on the south side of Chandler Boulevard approximately ¼ mile west of Kyrene Road. Two buildings located immediately east and south of the subject site are in the same zoning district (Community Commercial, C-2) and have parking lots interconnected with the subject site. A building immediately west is also in the same zoning district, but has a completely separate parking lot fenced off from the subject site. Farther south and west is a large industrial park that extends south to Frye Road.

The subject business occupies an approximately 3,000 square foot building that has been a restaurant and bar since 1978 under the names Sticks & Steaks, Coach's Corner, and Sports 4em until becoming The Detour Restaurant in late 2007. The previous occupants operated under Series 12 Restaurant Licenses that predated the need for liquor Use Permits. A Use Permit was granted in 2008 for one (1) year to allow for a patio expansion.

The restaurant is open Monday through Friday 11 a.m. to 2 a.m. and weekends 2 p.m. to 2 a.m. There is indoor seating for approximately 85 people. The building interior includes restaurant seating, a bar, and a stage to be used for live and recorded musical entertainment. A 1,000 square foot outdoor patio flanks the front entrance. The patio was approved in 2008 to be 1,600 square feet with the additional portion wrapping around the building's east side, but the ownership decided to only build part of it at this time.

The subject site provides roughly 41 of the Code-required 64 parking spaces. The 2008 Use Permit, which involved the patio expansion that created the parking shortage, allowed liquor service on the patio contingent on a parking agreement with the property to the east for the additional required spaces. Such a parking agreement is currently in place. The property to the east is currently occupied by a breakfast-oriented restaurant and an archery club– uses that are generally closed at night when The Detour's parking need peaks.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-premise consumption. Under a typical Series 12 license the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

DISCUSSION

Staff recommends an extension of only one (1) year, rather than a longer time period, to allow close monitoring of compliance issues. In March 2009, staff became aware of two violations of the 2008 Use Permit: recurring litter surrounding the building, and a failure to pay for the parking agreement, thereby rendering it invalid. The litter issue was resolved almost immediately through standard nightly cleanups. The parking agreement was finalized and provided to staff in June 2009. Staff is not aware of any Use Permit violations or neighbor complaints since June.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- A neighborhood meeting was held on July 30, 2009 at the subject site. No citizens attended.
- Staff is not aware of any opposition to the request.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommends approval of UP09-0027 THE DETOUR RESTAURANT subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.

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

3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

4. Outdoor music or live entertainment shall be prohibited.

5. No alcohol shall be carried outside of the building into the parking lot or off-premises.

6. The patio and area adjacent to the establishment shall be maintained in a clean and orderly manner.

7. The Use Permit shall not be valid unless additional parking is provided on a permanent basis or through a shared parking agreement with the parcel to the east to account for additional serving area. Additional parking shall be safely walkable for patrons and shall be provided at a ratio of one space per 50 square feet of serving area.

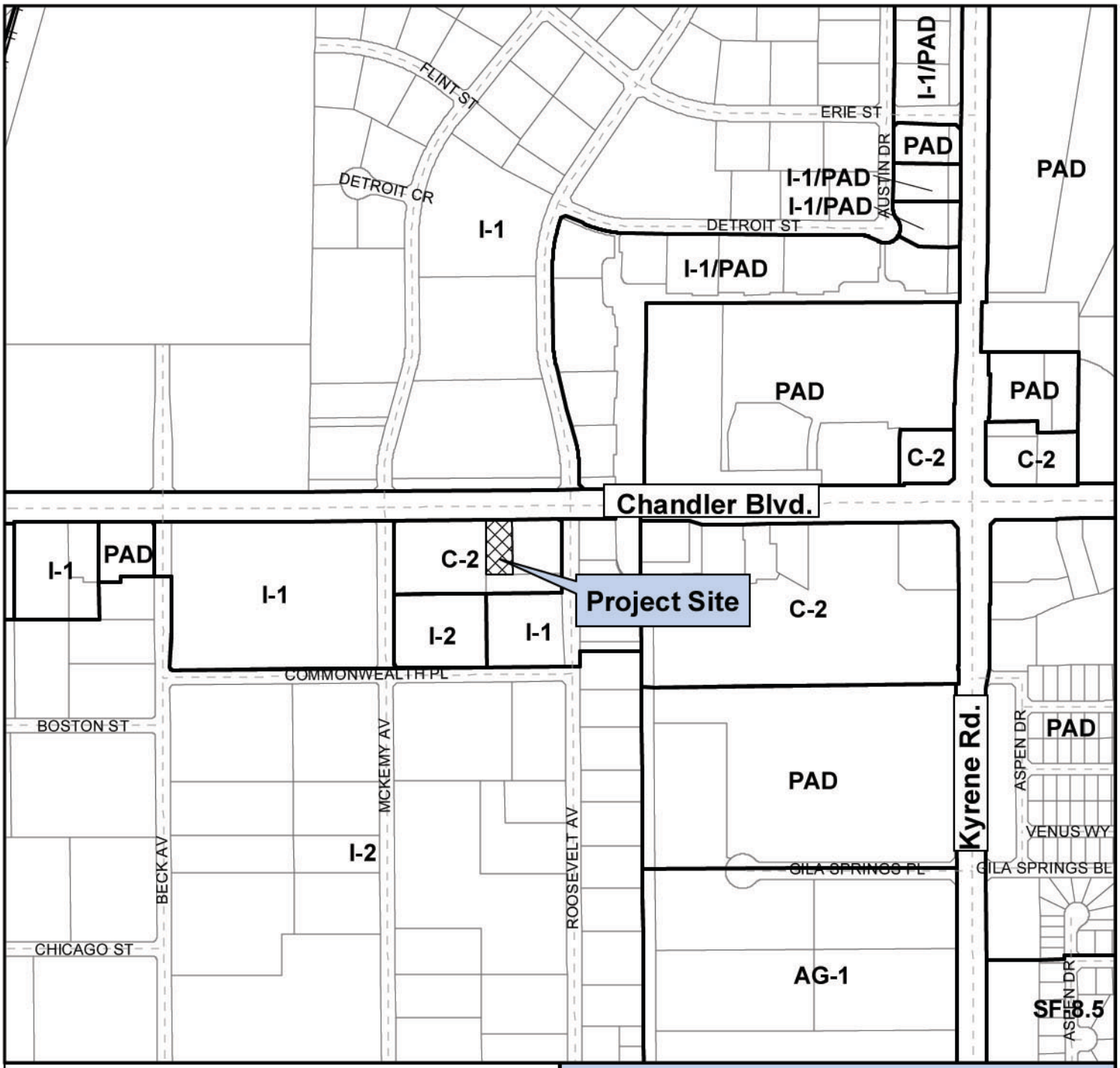
8. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

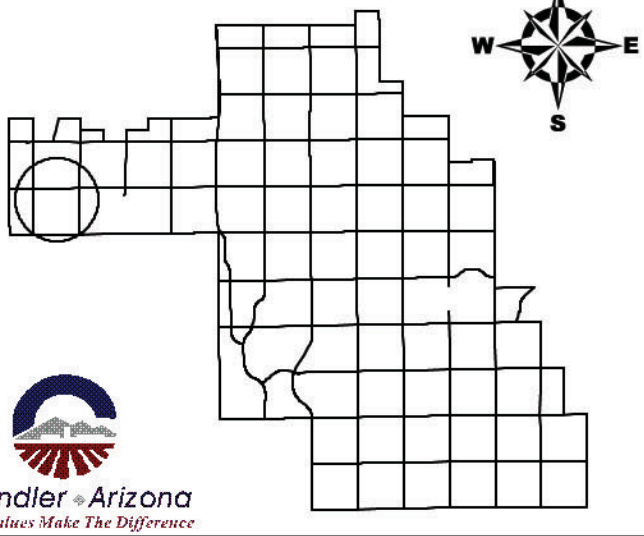
Move to recommend approval of UP09-0027 THE DETOUR RESTAURANT Use Permit for liquor sales subject to the conditions recommended by Staff.

Attachments

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



Vicinity Map



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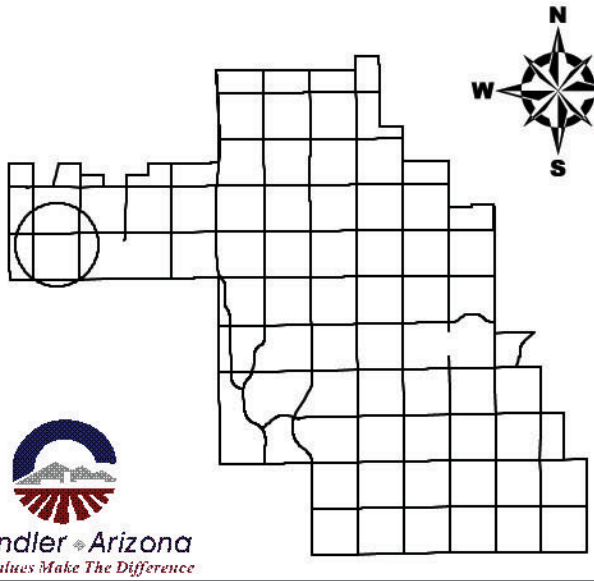
UP09-0027

The Detour Restaurant and Bar
Liquor Use Permit

CITY OF CHANDLER 6/15/2009



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Vicinity Map

UP09-0027

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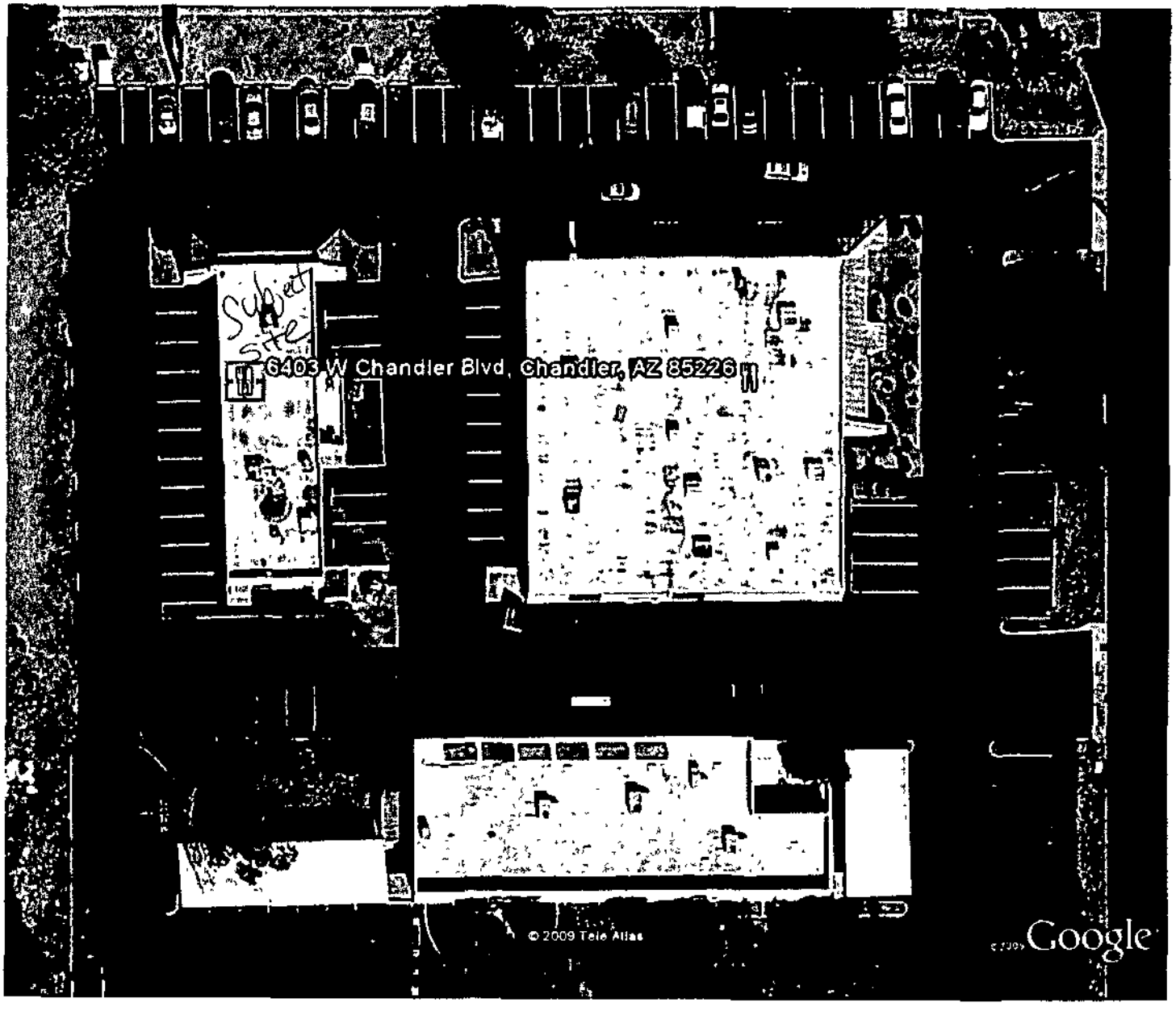
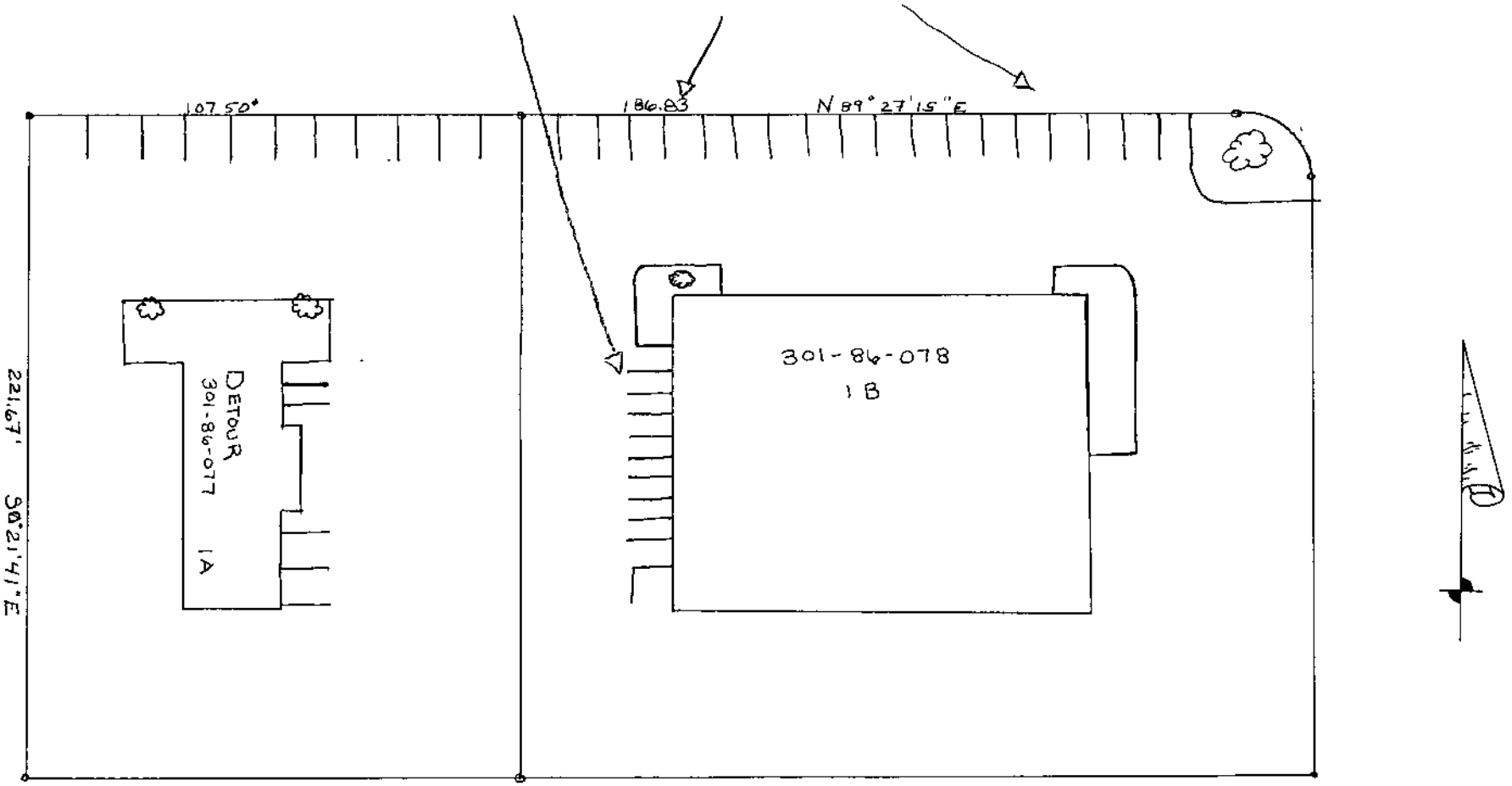
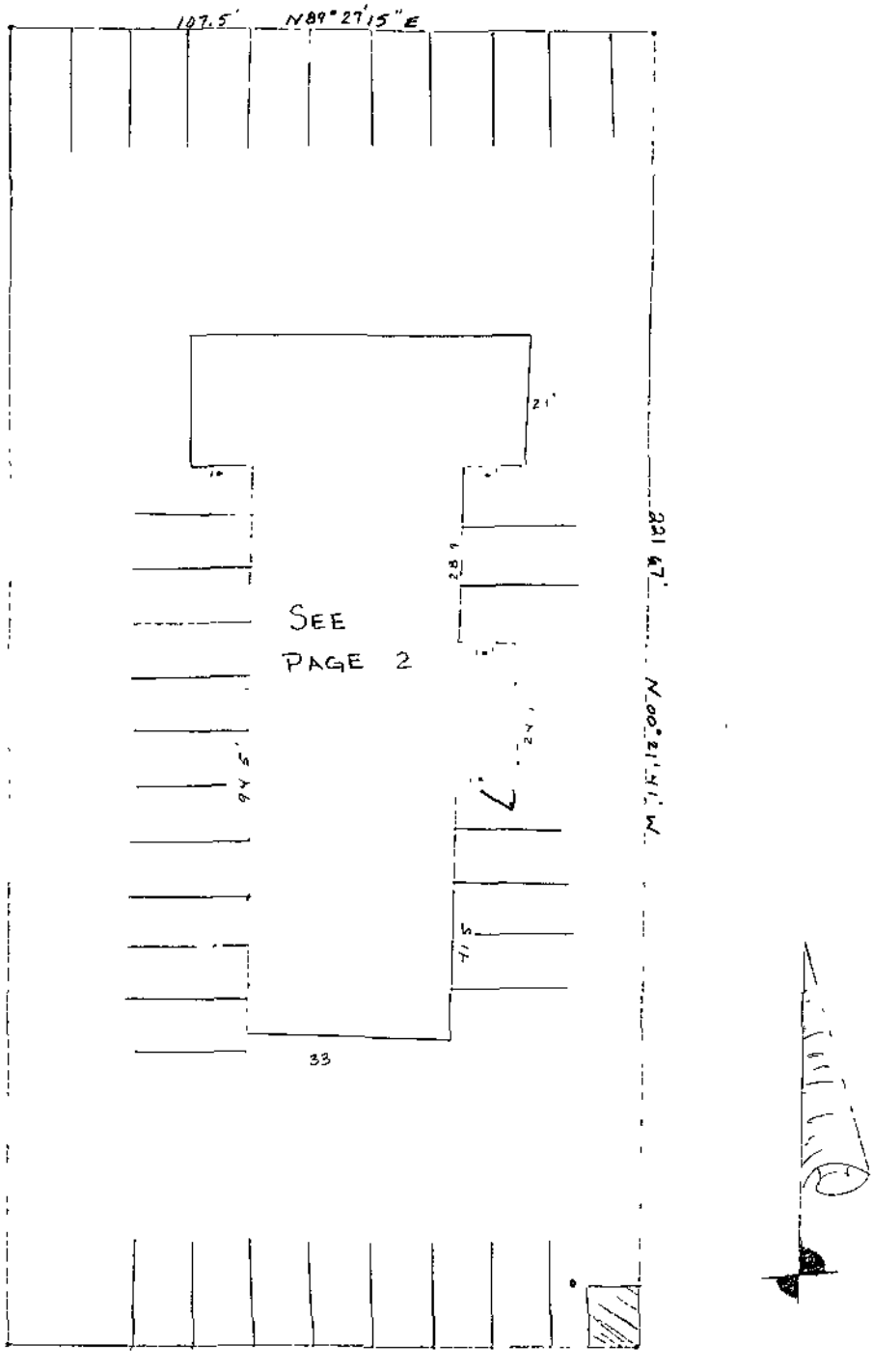
CITY OF CHANDLER 6/15/2009


Subject site
6403 W Chandler Blvd, Chandler, AZ 85226
© 2009 Tele Atlas
Google

"EXHIBIT A"


107.50'
186.83
N 89° 27' 15" E
221.67'
S 0° 21' 41" E
DETOUR
301-86-077
1A
301-86-078
1B

CHANDLER BLVD.



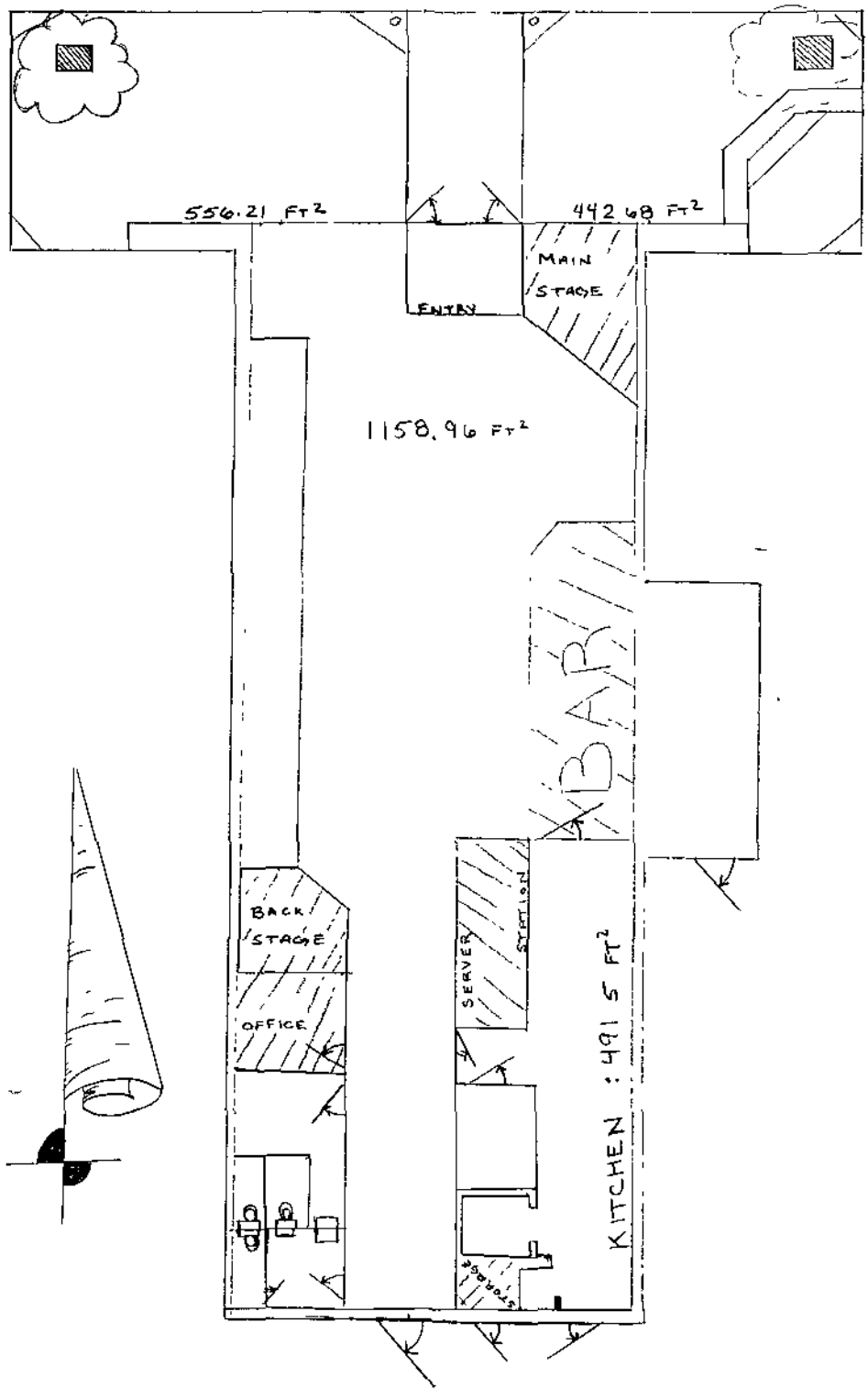
0' 10' 20' 30' 40'

The Detour
6403 W Chandler
CHANDLER, AZ 85226

301-86-077

SERVABLE AREA:

2649.15 Ft²


556.21 FT²
442.68 FT²
MAIN STAGE
ENTRY
1158.96 FT²
BAR
BACK STAGE
OFFICE
SERVER STATION
KITCHEN : 491.5 FT²
STORAGE
0
10'
20'
30'
40'

Written Narrative for Use Permit Renewal.

RE: Restaurant located at 6403 W Chandler Blvd. "The Detour Restaurant & Bar".
Permit deals specifically with the ability to serve alcohol on the Patio.

The Detour is a free-standing building located on Chandler Blvd. in an area that is primarily Industrial. We are surrounded by businesses on all sides, with the nearest residential area being across Chandler Blvd. to the north behind 2 commercial buildings. This location (we are told) has been a restaurant or bar for nearly 20 years. We were the first to build and expand the existing patio structure… despite the fact that the space was nothing but gravel and cement. We were also the first lessee in a decade to paint the exterior and interior, paint and fix the roofline and patio awning, repair 14 broken spotlights, and install cameras. These improvements, and especially the patio, have provided our guests with an outside eating and drinking environment that has been a real boon. We added 20 chairs, 2 bankettes that seat 5 each, and 6 tables outside. We also brought in a pre-fabricated fireplace and decorative barbeque island which are not yet operational, but nonetheless provide a nice ambience. We have worked very hard, and continue to work at improving the "curb appeal" of our restaurant, and recently installed new landscaping and plants between the parking lot and Chandler Blvd. We have placed all our furniture far from the only doors into the building, and demarcated the "smoking area" in order to enforce the Smoke Free Arizona Law.

ALL drinks and food are prepared inside, and then served on the patio. We do not have access to the bar or kitchen from the patio. There are currently no TVs or entertainment sources whatsoever outside. There are 2 speakers connected to the jukebox inside mounted in the patio ceiling, and the volume outside is limited to ½ the volume inside. We have never received a single complaint about noise, and we assume that has a lot to do with our location. All our closest neighbors are closed by 6pm, and our busiest hours are between 8pm and 12am.

Submitted with this request for renewal, you will find a fully executed parking agreement with our neighbor to the east. After clearing up some miscommunication, we have had nothing but a great relationship with them… again, because Wanda's is a breakfast café which uses our parking spaces as overflow during the day when we are slow (which we believe helps our business with the cars in the parking lot) and they close at 2pm. We now open at Noon during the week, and 2pm on the weekends… so we always have PLENTY of parking. When we do need the occasional overflow for some big event, we now have the agreement in place. As it happens, our big events never occur during our neighbor's business hours, which leaves us with dozens of spaces to spare.

We are asking that the city renew our Use Permit so that we may simply continue to do what we've been doing… improving an old building that was literally falling apart, improving the current entertainment and food offerings in our city, and doing our best to stay in business during a very difficult economic period. The permit has certainly increased our business, and it is nice to see patrons enjoying the beautiful weather, dining and drinking on the patio. We have been told countless times by our guests that "Arizona is the Patio State!" and despite our difficult summers, we now understand why. We appreciate your approval last year, and hope this renewal can last for a very long time. Paying hundreds of dollars in fees every year to renew would be a costly, time-consuming affair. We are confident that our patio has zero negative impact on anyone, including our neighbors, and we believe it improves the look and feel of a building that has had little improvement over the last 20 years.

Thank you for your consideration.

Sincerely,
Eric Amorossi
The Detour Restaurant & Bar
6403 W. Chandler Blvd.
Chandler, AZ 85226