

#32

APR 26 2012



Chandler · Arizona
Where Values Make The Difference



MEMORANDUM Transportation & Development – CC Memo No. 12-040

DATE: APRIL 6, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER ^{PM}
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR ^{RJ}
 JEFF KURTZ, PLANNING ADMINISTRATOR ^{JK}
 KEVIN MAYO, PLANNING MANAGER ^{KM}

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER ^{JMN}

SUBJECT: LUP11-0025 TONIC

Request: A time extension of the Liquor Use Permit allowing the sale of liquor (Series 6 Bar License) for consumption indoors and within an outdoor patio, including live music indoors at an existing lounge/bar

Location: 3400 W. Chandler Blvd., Suite 5, which is west of the Loop 101 Price Freeway and north of Chandler Boulevard

Applicant: Adam Dahlberg with TMAC Ventures, Inc.

RECOMMENDATION

The application requests a time extension approval of a Liquor Use Permit to continue the sale and consumption of liquor indoors and outdoors as permitted under a Series 6 Bar License including indoor live music. Planning Commission and Planning Staff, finding consistency with the General Plan and PAD zoning, recommend approval with conditions.

BACKGROUND

The lounge bar is located within the Chandler Gateway retail center in an in-line shops building north of the Bank of America building off of Metro Boulevard. West of the building are additional retailers and restaurants including Baja Fresh and Stone Creek Furniture. Tonic received Liquor Use Permit approval for a Series 6 Bar License in December 2009 and approval for live music indoors only in December 2010 with a one-year time limit due to area homeowner concerns. A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container

for consumption on or off the premises. Under a Series 6 Bar License, the establishment does not have a requirement for percentage of food versus alcohol sales.

The previous Liquor Use Permit included a zoning condition that restricted noise. The condition reads, "No noise shall exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas." This condition was added to mitigate any noise that may emanate from the outdoor patio, indoor/outdoor bar area, and indoor live music. The lounge bar has indoor and outdoor speakers to provide background music as well as televisions viewable internally and from outside bar seating.

The requested live music/entertainment was previously approved with a limit of three (3) musicians with amplification via amplified instruments, speakers, and microphones. The request is to allow more than 3 musicians as on occasion they have 4 persons. The live music, limited to indoors only, typically occurs between 6 p.m. and 12 p.m. seven days a week. The lounge bar is open from 4 p.m. to 2 a.m. every day.

The previous approval included sports games such as a bean bag toss and table pong on the patio. These games are not occurring currently but will remain as an allowed use. Pool tables, video gaming machines, or like is not represented. During the sports games, a maximum of three tables and twelve chairs will be temporarily moved to accommodate the games.

The business is approximately 2,905 square feet in size. Interior seating is designed to accommodate approximately 89 seats including bar seats. The outside patio accommodates approximately 53 seats.

DISCUSSION

Planning Commission and Planning Staff do not have a concern for the number of musicians playing and is not limiting the number by condition. The applicant has proven to control the impacts of live music indoors and there have been no complaints. Zoning conditions will remain to mitigate noise disruptions associated with amplified live music/entertainment and sports games given there are surrounding residential subdivisions and prior noise complaints. Planning Commission and Planning Staff are not recommending a time limit maintaining consistency with other Series 6 Liquor Use Permit requests.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting was held March 22, 2012. There were no attendees other than the applicant.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- As of the date of this memo, Staff is not aware of any opposition or concerns. There was one homeowner who called leaving a message. Staff left a message and has not heard back.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval of LUP11-0025 TONIC Use Permit, subject to the following conditions:

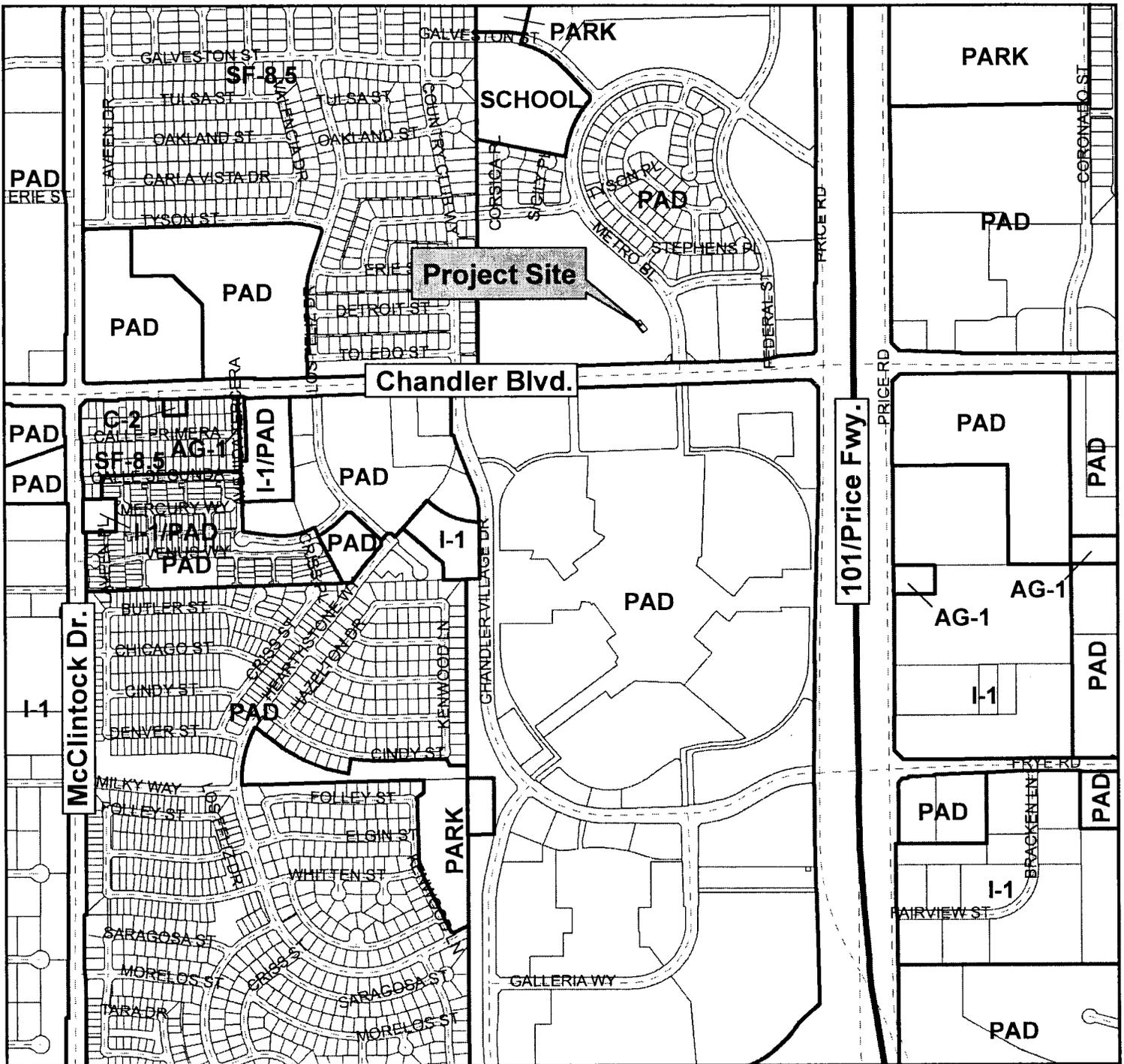
1. The Use Permit is granted for a Series 6 Bar License only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, Narrative, and Neighborhood Meeting Notification Letter) shall void the Use Permit and require new Use Permit re-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 additional entertainment or sporting game related uses shall require re-application and approval of the Use Permit.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site shall be maintained in a clean and orderly manner.
6. The patio shall be maintained in a clean and orderly manner.
7. The rear door to this business shall remain closed and not propped open during business hours and shall not be used as a customer entrance or exit.
8. Noise shall not exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. Amplified or non-amplified live music is prohibited on the outdoor patio and shall only occur indoors.

PROPOSED MOTION

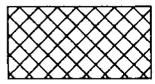
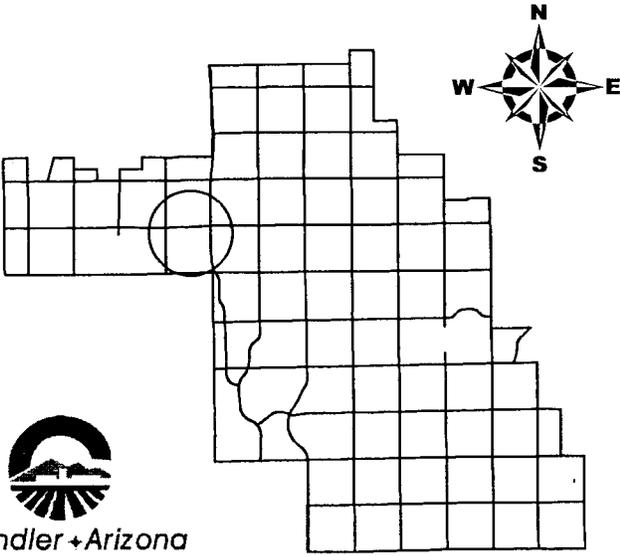
Move to approve Liquor Use Permit case LUP11-0025 TONIC, subject to the conditions recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Floor Plan
5. Menu



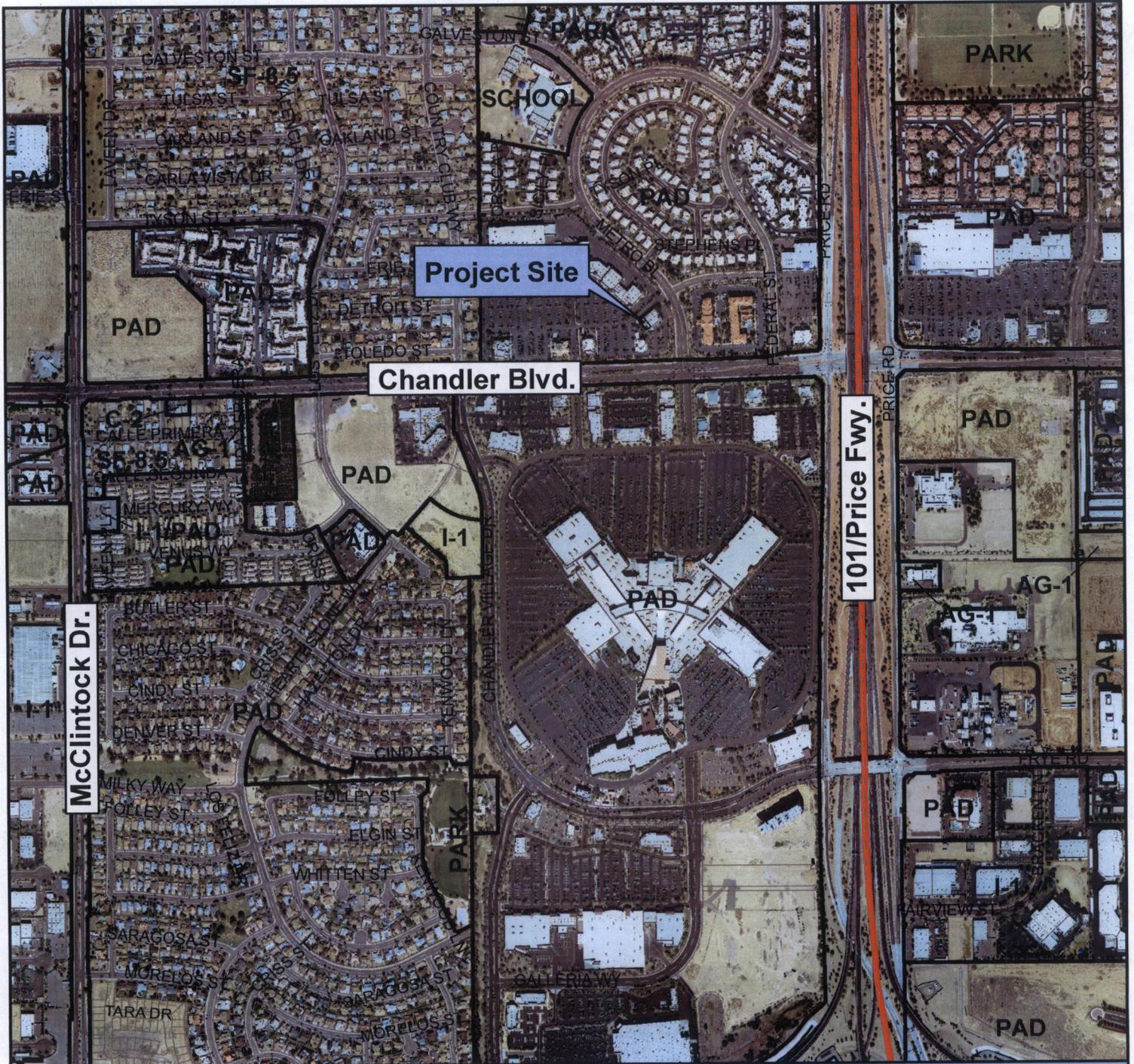
Vicinity Map



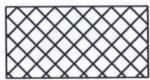
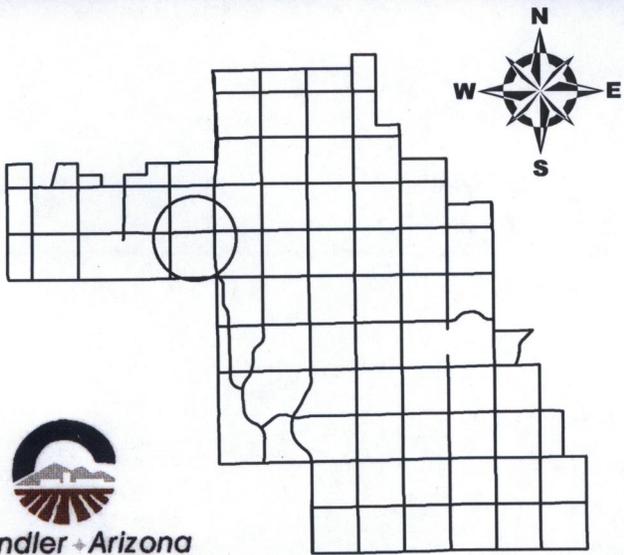
LUP11-0025

**Tonic
Liquor Use Permit**





Vicinity Map



LUP11-0025

**Tonic
Liquor Use Permit**



3400 W. Chandler Blvd. Suite 5

Chandler, AZ 85226

Adam Dahlberg - 480-220-7526

LIQUOR USE PERMIT APPLICATION

Requesting a Series 6 Liquor License Renewal

Located in Chandler Gateway on the NW corner of Chandler Blvd. and Metro Blvd.

The following narrative contains the same information as our previous application dated 9/08/2010 #LUP10-0039. The only requested changes refer to the section about live music. We are requesting change to the use permit to alter the number of allowed band members from 3 to "on occasion" increase to 4 and to allow "on occasion" certain types of instruments that fall under the title of percussion. For the last year, to our knowledge, we have had no complaints, filed with the city, the Chandler Police Department, or with Westcor about any disturbances whatsoever; specifically relating to noise, violence, vandalism, or inappropriate behavior of our guests. We place a strong emphasis on the safety of our property, our neighborhood, our image, and our customers. We have taken the roll to change our image as a series 6 'bar' to become a family friendly restaurant. We have significantly increased our menu options to assist in facilitating this change, as well as adding more seating in our dining room. We have become a business that wants to give back to our community through monthly fundraisers, charity involvement, and supporting the arts with organizations such as Grace Community Church, The United Way, and The Center for Habilitation. We have become an

advocate to bring support of those arts (both music and artwork) to Chandler, trying to fill a void that we currently feel we have in our part of the city. These are some of the ways we stand out in our community.

TONIC is a privately owned entity operated by TMAC Ventures, Inc. The principals of TMAC Ventures, Inc. collectively, have over 60 years in the restaurant/service industry combined with over 65 years in senior management roles.

- Hours of operation will be 4:00pm – 2:00am 7 days a week
- We will employ 13 people.
- Facility is 2,905sf.
- Indoor lounge type seating for 23 . Hi-top table seating for 58, and bar top seating for 8.
- Patio area with table seating for 28. Hi-top table seating for 15, and bar top seating for 10.
- We have planted an 8' tall oleander hedge around the patio seating area to make it more intimate and to create a natural privacy screen as well as for sound mitigation.
- There are 8 big screen TV's for quiet viewing from every part of the dining.
- There are air curtains above the windows leading from the patio to the indoor bar area to eliminate any smoke from the smoking portion of the patio entering the facility.
- We have a beautifully designed, halo lit sign on both the front and back of the building.
- We are continuously adding new sound dampening panels inside the facility to add to our sound mitigation plan. We take regular decibel meter readings in our parking lot and surrounding area to ensure we do NOT exceed the limits set by city law.
- TONIC IS NOT A NIGHTCLUB.
- TONIC has mature live music performances. They are held inside ONLY and have been limited to acoustical artists for the last year.
- Our intent has been, and continues to be, creating a business that will be well accepted by all the other tenants and will be an asset to the intended plan of the City of Chandler and the landlord.

Following are a few excerpts from our business plan which should help describe our vision.

Mission Statement

TONIC will offer our guests a family oriented dining experience. All of our exceptionally trained employees will continuously strive to provide our patrons with a stimulating, yet relaxing, fun atmosphere in which to enjoy our unique combination of delicious appetizers, quality entrees, desserts and beverages, all designed to entice frequent visits.

Business Goals and Objectives

- To maintain an upscale family friendly bar/restaurant with the goal of creating an inviting atmosphere where guests can gather to relax, unwind, socialize, meet new people and/or conduct business.
- To become a popular restaurant that will compliment the growing population of Chandler and the surrounding area.
- Have a clientele return rate of 80% by the end of the third year.
- Become an established community destination by the end of the third year.

Brief Company Summary

TONIC is a restaurant that will cater to guests who appreciate quality service and food, but also enjoy a surrounding that is fun, as well as affordable. The Chandler area is ready for a family friendly destination with an environment that is appealing to all guests who enjoy the arts.

General Notes

1. Check for any existing conditions, easements, and restrictions prior to starting the project.
2. All utility lines and structures shall be shown with their location and depth.
3. All utility lines and structures shall be shown with their location and depth.
4. All utility lines and structures shall be shown with their location and depth.
5. All utility lines and structures shall be shown with their location and depth.
6. All utility lines and structures shall be shown with their location and depth.
7. All utility lines and structures shall be shown with their location and depth.
8. All utility lines and structures shall be shown with their location and depth.
9. All utility lines and structures shall be shown with their location and depth.
10. All utility lines and structures shall be shown with their location and depth.



Paramount Design & Drafting
 52 N. 1st Avenue, Suite 100
 Phoenix, Arizona 85004
 602-495-0000

Tenant Improvement for:
SHABU-FONDU
 CHANDLER BLDG., SUITE 105, 105.E
 CHANDLER, AZ

Project No.
Scale
Drawn by: J.L.
Checked by: J.L.
Date: 06/20/24
Sheet No.: A1
Project Name:
FLOOR PLAN

Door Notes

1. All door frames shall be installed on the side with the largest opening of 48 inches.
2. All door frames shall be installed on the side with the largest opening of 48 inches.
3. All door frames shall be installed on the side with the largest opening of 48 inches.
4. All door frames shall be installed on the side with the largest opening of 48 inches.
5. All door frames shall be installed on the side with the largest opening of 48 inches.
6. All door frames shall be installed on the side with the largest opening of 48 inches.
7. All door frames shall be installed on the side with the largest opening of 48 inches.
8. All door frames shall be installed on the side with the largest opening of 48 inches.
9. All door frames shall be installed on the side with the largest opening of 48 inches.
10. All door frames shall be installed on the side with the largest opening of 48 inches.

Sheet Index

- A1 SITE PLAN
- A2 FLOOR PLAN
- A3 REFLECTED CEILING PLAN
- A4 ELEVATIONS
- A5 FINISH SCHEDULES
- P1 HOT/COLD WATER, WASTE AND VENT PIPING
- P2 HOT/COLD WATER, WASTE AND VENT PIPING
- P3 DETAILS AND DIAGRAMS
- M1 MECHANICAL 1ST FLOOR PLAN
- M2 MECHANICAL 1ST FLOOR PLAN
- M3 MECHANICAL 1ST FLOOR PLAN
- M4 MECHANICAL 1ST FLOOR PLAN
- M5 MECHANICAL 1ST FLOOR PLAN
- ES1 SYMBOLS
- ES2 LIGHTING PLAN
- ES3 POWER PLAN
- ES4 1 LINE DIAGRAM
- ES5 1 LINE DIAGRAM
- ES6 PANEL SCHEDULE

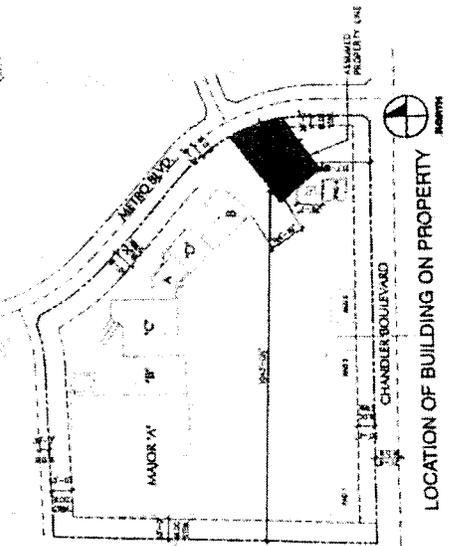
Project Data

Tenant: SHABU FONDU RESTAURANT
Address: CHANDLER BLDG., SUITE 105, 105.E
Occupancy: A3
Occupancy Load: DINING = 83
Staff: 8
BAR: 12
Construction Type: V4 (Sprinklered)
Zone: C1 / C3
Building Code: 2000 IBC
2000 IBC
2000 IBC
1907 LFC

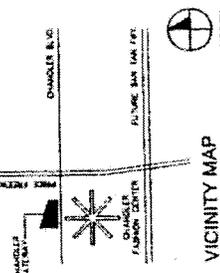
Site plan

107214 W / 2444 4200 E
 1' = 20'-0"

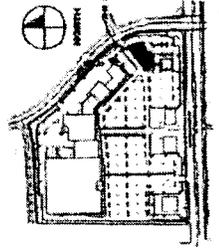
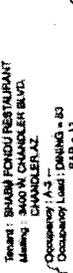
EXISTING SITE DATA:	PROVIDED
LOT COVERAGE ALLOWABLE:	PROVIDED
LOT COVERAGE PROVIDED:	PROVIDED
HEIGHT REGULATIONS:	PROVIDED
TOWER ENLIGHTENMENT:	PROVIDED
PAVING CALCULATION:	PROVIDED
REQUIRED FOR ADA SECTION 4.3.4:	PROVIDED



VICINITY MAP



LOCATION OF BUILDING ON PROPERTY

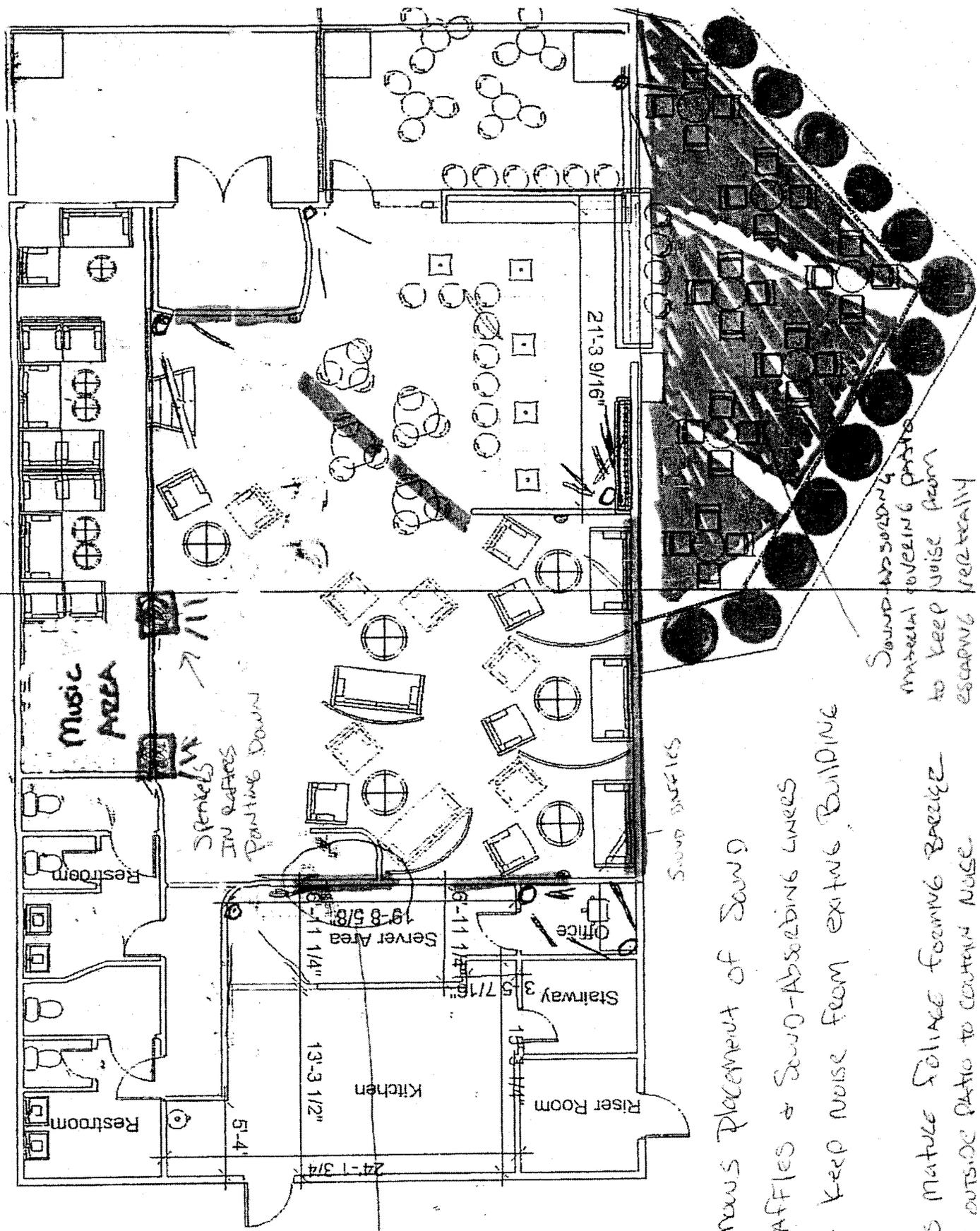


SITE KEY PLAN

Make-Ready Prior to Permit Commencement

1. Provide 2000 IBC minimum fire alarm system for the entire building.
2. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
3. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
4. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
5. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
6. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
7. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
8. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
9. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.
10. Provide fire alarm system with pull stations to reflect the actual floor plan for the building.

Front of building faces
Chenoweth Blvd



- Shows placement of Sound Baffles & Sound-Absorbing Lines to keep noise from exiting Building
- Shows mature Soling Bamboo around outside patio to contain noise
- Sound Absorbing Panels Material covering patio to keep noise from escaping here really

Sound Baffles
Panels

Sound Baffles

Music Area

Restroom

Restroom

Speakers in Restrooms Pointing Down

Server Area

Kitchen

Office

Riser Room

Stairway 3

21'-3 9/16"

Shows Placement of Sound Baffles & Sound-Absorbing Lines to keep noise from exiting Building

Shows mature Soling Bamboo around outside patio to contain noise

Sound Absorbing Panels Material covering patio to keep noise from escaping here really

Sound Baffles
Panels

Sound Baffles

Music Area

Restroom

Restroom

Speakers in Restrooms Pointing Down

Server Area

Kitchen

Office

Riser Room

Stairway 3

21'-3 9/16"

T TONIC

TAVERN & KITCHEN

OPENING ACTS

nikki sbx sbx	6.95
cheese...pepperoni...pepperoncini & garlic sticks	
a pound of rockin' fries	5.95
sloppy nachos	8.95
sloppy joe inspired nachos with ground beef, cheese and jalapenos	
gooey cheezy bread	6.95
cheese & garden platter	12.95
 artie spooner dip	7.95
spinach & artichoke dip served with seasoned pizza chips	
soft pretzel & guinness beer cheez	6.75
salted edamame	3.95

CLEVELAND SLIDERS

made with seasoned fresh ground beef... onions...pickles...cheese add bacon 50¢

three	6.95
six	11.95
twelve	19.95

TOPPINGS

veggies
black olives
green olives
onions
caramelized onions
mushrooms
green peppers
roasted red peppers
jalapenos
pepperoncini
pineapple
basil
spinach
tomatoes

meats
pepperoni
italian sausage
canadian bacon
ham
bacon
chicken
ribeye

cheeses
fresh mozzarella
ricotta
cheddar
provolone
velveeta
cheez whiz

HAND-CROSSED PIZZA

h.y.o pizza	9.95
start with our three cheese blend...choose your toppings 75¢ each	
the muhammad ali	13.50
three cheese blend...ricotta...pepperoni...pineapple...red sauce... with or without jalapenos ~ no extra charge!	
fleetwood mac	12.95
velveeta...ground beef...white onion...dill pickle...thousand island...	
old fashion	9.95
three cheese blend...red sauce	
the maggie may	12.50
fresh mozzarella...tomato...basil...garlic...olive oil	
the dee snider	13.50
mozzarella...parmesan...roasted red peppers...pepperoncini...seasoned chicken...parsley	
eye of the tiger	13.95
ribeye (or chicken)...cheez... "wit" onions...green peppers...mushrooms	
uncle ted's	14.95
three cheese blend...pepperoni...sausage...ham...bacon...	
 the john wayne	11.95
italian sausage...bacon...onion...bbq sauce blend	
elton's favorite	12.95
spinach...tomatoes...mozzarella...mushrooms...parmesan...with a balsamic drizzle	
kenny rogers "the gambler"	12.95
chicken...three cheese blend...hot wing sauce...celery...bleu cheese	

R.R.

8.95
warm pretzel roll...roast beef...sauteed green peppers... caramelized onions...pepperjack cheese... seasoned waffle potatoes...creamy horseradish spread...served with au jus

8.95
hot for teacher
chicken breast...swiss...bacon...tomato mushrooms...nestled between a warm pretzel roll...served with honey dijon dressing

8.95
simple man-wich
seasoned sloppy joe beef...cheddar cheese...between challah bread...served

rouban

8.95
pastrami...swiss...coleslaw...thousand island...on challah bread...served with applesauce

8.95
war pig
ham...salami...pepperoni...provolone...on pretzel bread...served with warm pizza sauce

8.95
culture club
challah bread...ham...turkey...bacon...cheddar cheese...avocado ranch dressing...served with applesauce

CBGC

7.95
parmesan trusted challah bread...velveeta...provolone...swiss...cheddar...pepper jack...served with tomato soup and goldfish crackers

SANDWICHES

all sandwiches served with chips & a pickle

8.95
the roaster
warm pretzel roll...grilled chicken breast...roasted red peppers...fresh mozzarella...basil...served with strawberry balsamic vinaigrette

8.95
maybelline melt
soft challah bread...baked honey ham...creamy velveeta...cheddar cheese...served with tomato soup

8.95
patty henotar melt
freshly made slider patties...caramelized onions...swiss...thousand island...on challah bread...served with coleslaw

SALADS

6.95
the bourdain
wedge...ham...turkey...bacon...chicken...tomatoes...cucumbers...cheddar cheese...hardboiled egg...croutons...ranch dressing

6.95
caesar
wedge...chicken...croutons...parmesan...caesar dressing

6.95
tommy lee-tuca greek salad
wedge...kalamata olives...tomatoes...red onion...cucumbers...feta cheese...pepperoncini...italian dressing... add grilled chicken \$1.50

6.95
love me tender
spinach...breaded chicken...bleu cheese crumbles...red onion...cranberries...candied almonds...croutons...raspberry vinaigrette

6.95
kung fu greens
spinach...grilled chicken...mandarin oranges...water chestnuts...red bell pepper...carrots...shallots...wonton strips...sesame ginger dressing

DRUM SETS

10.95
massive basket o' wings
over a full pound of oven baked crispy golden wings...tossed in your favorite sauce. Served with veggies and your choice of ranch or bleu cheese.

SAUCES

mild...medium...hot...beyonce! (very hot)
bbq mild...medium...hot...beyonce!
sweet & sour
salt & pepper (dry)
honey hot...add 50¢
extra wet...add 50¢
extra ranch or bleu cheese...add 50¢

these selections are groupie faves...try one today!

FAN PHOTOS, FOOD PIX, SPECIALS & MORE ON OTHER SIDE