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JUN 25 2015

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MEMORANDUM **Planning Division – CC Memo No. 15-084**

DATE: JUNE 25, 2015

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, ACTING CITY MANAGER MR
JEFF KURTZ, PLANNING ADMINISTRATOR JK
KEVIN MAYO, PLANNING MANAGER KM

FROM: ERIK SWANSON, SENIOR CITY PLANNER ES

SUBJECT: LUP15-0007 THE YARD CIGAR BAR

Request: Liquor Use Permit approval to allow liquor sales as permitted under a Series 7 Beer and Wine Bar License in conjunction with an existing cigar bar for indoor and outdoor consumption

Location: 1981 W. Elliot Road;
East of the southeast corner of Dobson and Elliot roads

Applicant: Amy Nations, AZLIC

RECOMMENDATION

Planning Commission and Planning Staff, upon finding the Liquor Use Permit request to be consistent with the General Plan, recommend approval subject to conditions.

BACKGROUND

The subject site is a stand-alone building located at the eastern edge of the Elliot Square commercial shopping center, located at the southeast corner of Dobson and Elliot roads. A drive aisle separates the subject site from the main inline shops. Along the eastern boundary are single-family homes and an alley for the single-family residential subdivision. West and south are retail shops within the commercial center; north is Elliot Road.

The Yard Cigar Bar has been open since February, and recently decided to pursue a Series 7 Beer and Wine Bar license in order to provide alcohol to their patrons. The site is approximately 17,600 square feet with a 1,004 square foot building. Prior to The Yard Cigar Bar, the site operated as a retail business selling outdoor playground equipment with a large outdoor display area. Along the north side of the building is a 284-square foot covered patio that provides seating for 20 patrons. While outdoor patrons generally stay within the covered patio area, there is the

ability for the patrons to socialize beyond the patio seating area, as there is an approximate 1,100 square foot concrete pad that could be used for additional outside seating that extends from the patio running to east side of the building. North of the concrete pad is an open area, 36-feet in depth, that currently has landscape bark. A small fence is provided on the east side of the building preventing patrons from going to the rear of the site, behind the building. The site is enclosed with a combination of two-foot solid wall base with three-feet of view fencing, allowing for patrons with alcoholic drinks to locate on the patio area without additional fencing needed.

Within the building there is general seating for 15 patrons, with an additional six seats at the bar. The bar is a single top with a length of approximately 14-feet. The humidor area is approximately 140 square feet. Alcohol service is not anticipated to be a major contributor to sales, as per tobacco regulations, 51% of sales has to be generated by tobacco products. Two beer taps will be provided along with a limited wine selection. Five televisions are provided inside; there are no televisions or speakers located outside. Business hours are generally 10 a.m. to 11 p.m. Monday through Thursday, 10 a.m. to 12 a.m. Friday and Saturday, and 10 a.m. to 5 p.m. on Sundays. The business employs four people.

DISCUSSION

Based on the ability for patrons to be within close proximity to the backyards of the adjacent residential lots, Planning Staff is recommending a two-year timing condition. The timing condition will allow time for the business to get established, and allows for a cycle of seasons of which Planning Staff can gauge if noise is an issue. Additionally, Planning Staff has added the standard noise condition.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Wednesday, May 20, 2015. Three neighbors attended and were supportive of the request.
- Planning Staff received a call from a resident within the condominium development north of Elliot Road citing potential noise concerns due to past issues with a bar that is located within the same commercial center. Planning Staff discussed the general operation of the business as well as explained the conditions that were added that specifically address noise. The resident was satisfied that the conditions addressed her concerns.
- As of the writing of this memo, Planning Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:
In Favor: 5 Opposed: 0 Absent: 2 (Pridemore, Wastchak)

One Commissioner raised a concern about wafting cigar smoke into the adjacent neighbor's back yards, wondering if there was anything to address the issue. Staff explained that while it has not been a problem, if it does arise, there is the ability to add fans around the patio. Additionally, with the two-year timing condition, Planning Staff will be able to explore other options if smoking on the outdoor patio proves to be problematic.

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of LUP15-0007 THE YARD CIGAR BAR, to allow liquor sales as permitted under a Series 7 Beer and Wine Bar License in conjunction with an existing cigar bar for indoor and outdoor consumption, subject to the following conditions:

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

2. The Liquor Use Permit is granted for a Series 7 Beer and Wine Bar license only, and any change of license shall require reapplication and new Liquor Use Permit approval.

3. The Liquor Use Permit is non-transferable to other store location.

4. Liquor Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Liquor Use Permit shall apply.

5. 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 re-application and approval of a Liquor Use Permit.

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

7. Noise shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.

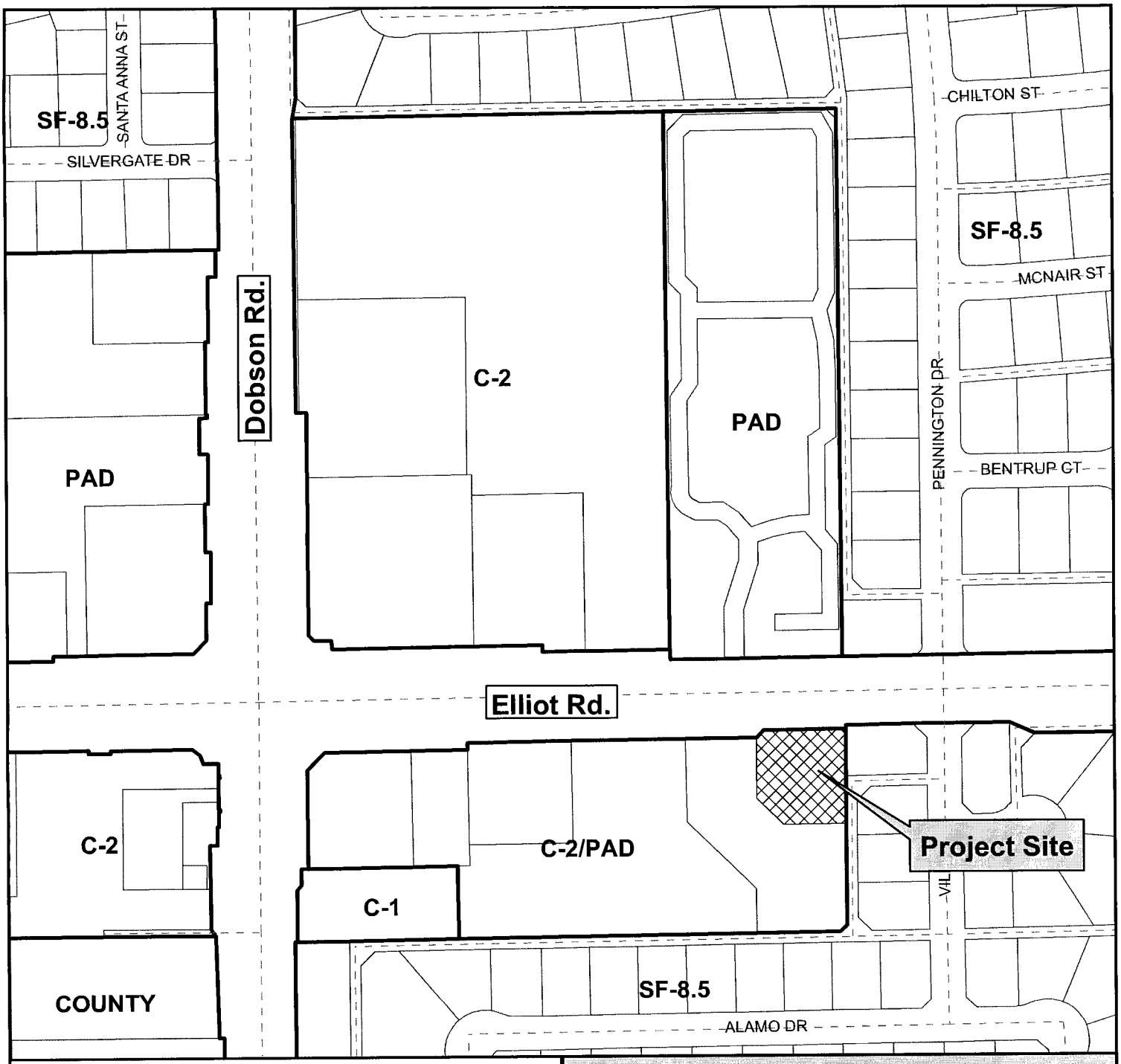
8. The Liquor Use Permit shall remain in effect for two (2) years from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

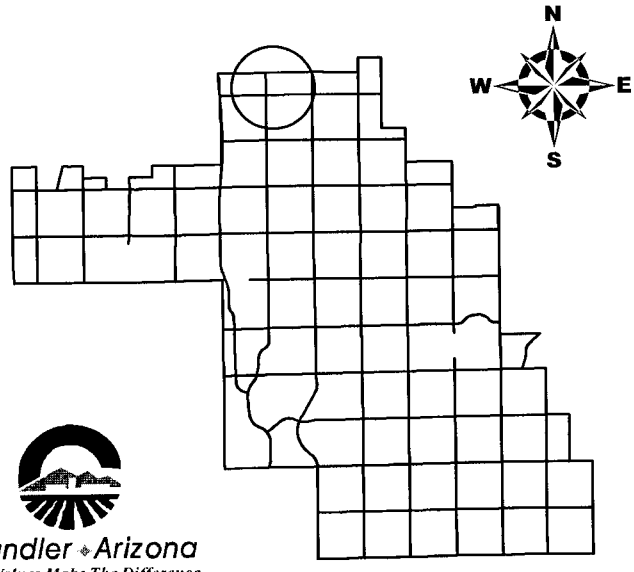
Move to approve LUP15-0007 THE YARD CIGAR BAR, subject to the conditions as recommended by Planning Commission and Planning Staff.

Attachments

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



Vicinity Map



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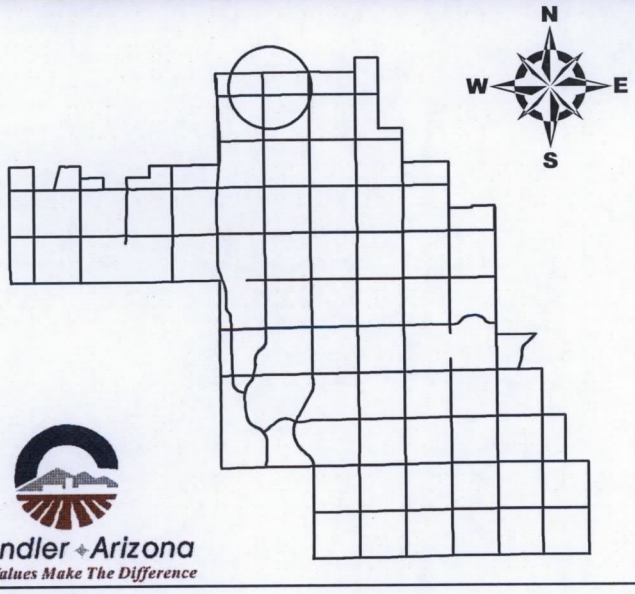
LUP15-0007

The Yard Cigar Bar
Liquor Use Permit

CITY OF CHANDLER 4/10/2015



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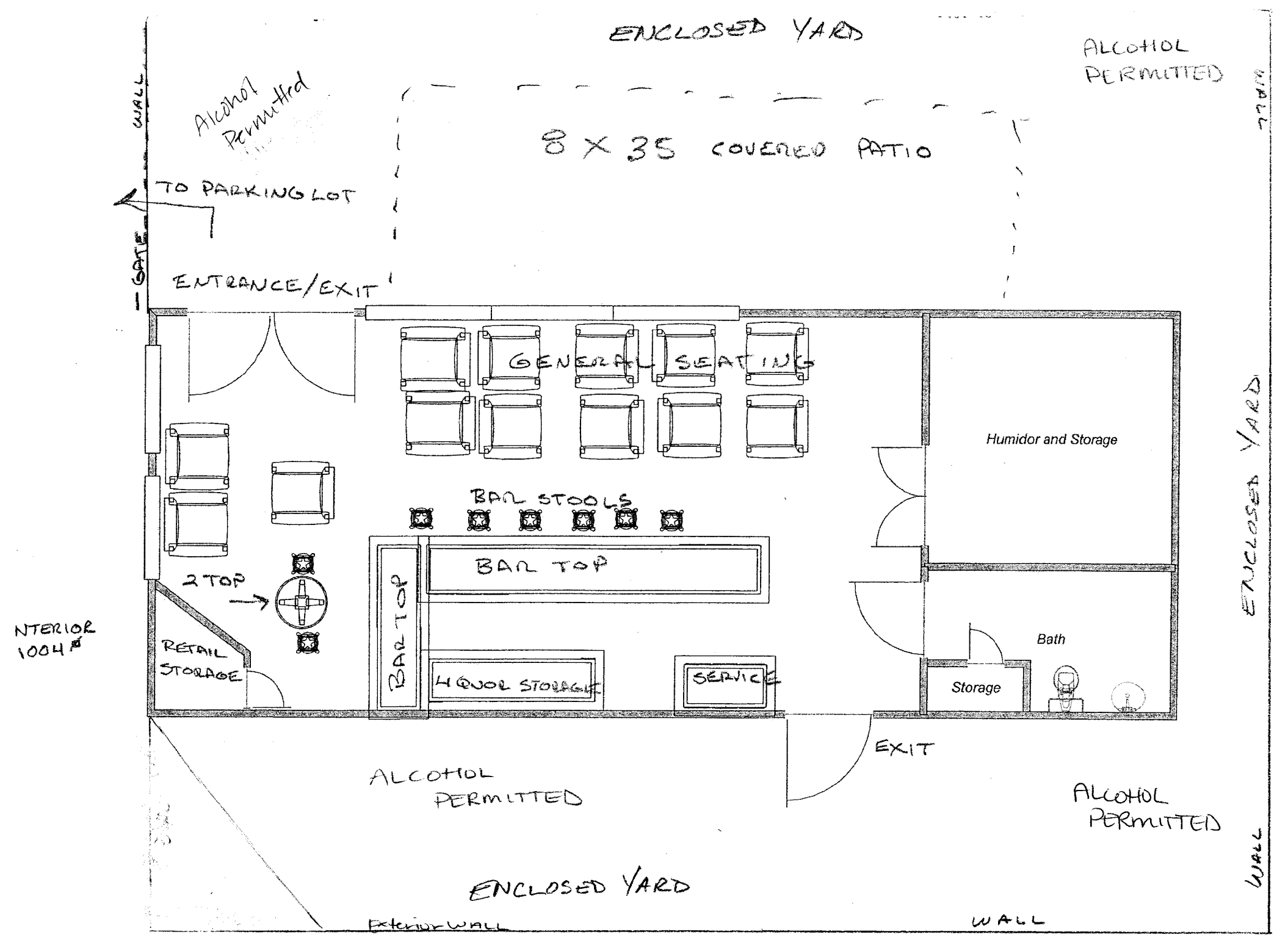
Vicinity Map

LUP15-0007

The Yard Cigar Bar
Liquor Use Permit

CITY OF CHANDLER 4/10/2015

SITE PLAN



Lot 17,573 sq ft

Interior 1,004 sq ft
Covered Patio 284 sq ft.

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax

ARIZONA LIQUOR
INDUSTRY CONSULTANTS

City of Chandler Transportation and Development Department
Planning Division
215 East Buffalo Street
Chandler, AZ 85225

April 22, 2015

To Whom It May Concern:

We would like to respectfully request a Liquor Use Permit for a Series 7 on & off sale liquor license for a Cigar Bar located at The Yard Cigar Bar, 1981 W Elliot Rd Chandler AZ.

The Yard Cigar Bar's owners consist of three local retired law enforcement officers, and an owner who has current and previous retail experience. The Yard Cigar Bar's name came from the layout and design of this establishment and was created to have a relaxed enjoyable atmosphere, where clients can stop by and have a cigar and alcoholic beverage if they choose. Our patrons vary from day & times but usually are 20 or less at any one time. The establishment previously was a store that specialized in Wooden Swing Sets for kids which is why the layout and yard is rather large.

The establishment is a stand-alone building that is fully enclosed. The Yard Cigar Bar interior total is a 1,004 square feet. The Covered patio 284 square feet and the entire enclosed lot being 17,573 sq feet. There are currently 21 seats on the inside and 20 patio seats. The remainder of the exterior building will be used if we have more guests that want to sit outside. Outside activities will mostly be limited to the North Side. The outside area is rather large and will mainly be used as needed or for special events such as benefits for the 100 Club and Humane Society. The exterior walls surrounding the property are a combination of stucco covered block and wrought iron. Upgrades will be made to the exterior of the building as business expands & more funds are available.

There will be no live entertainment. There are no TV's, radios or speakers outside. There is 1-65" TV and 4-43" TV that are mounted throughout the inside. There is a single sound bar under the large tv for occasional tv use or used as a speaker for Pandora radio.

The Smoke-Free Arizona Act, A.R.S. § 36-601.01, defines retail tobacco stores as "a retail store that derives the majority of its sales from tobacco products and accessories." In addition, in order to qualify as a retail tobacco store in Arizona, the establishment must derive at least 51% of its gross income from tobacco products and accessories. We will continue to maintain our 51% in tobacco sales. We will remain a Cigar Bar with beer & wine.

The regular business hours will be from Monday through Thursday 10 am - 11pm, Friday and Saturday 10 am – 12 am and Sunday 10 am to 5 pm. The hours are flexible based upon business volume toward the end of the evening. The Yard Cigar Bar will employ approximately 4 employees.

Sincerely,

Amy Nations