

ADD. INFO

#24

FEB 25 2016

TO: Lauren Schumann  
City Planner, City of Chandler

FROM: James Kinsella  
Harmon Ranch Resident  
City of Chandler

SUBJECT: LUP15-0024 STARBUCKS

DATE: Feb. 24, 2016

On January 11, 2016 I received a letter from Lewkowitz Law Office, PLC (hereinafter Lewkowitz) dated January 8, 2016.

Re: Zoning Case: LUP15-0024 / Starbucks

4985 W. Ray Rd.

#### GENERAL PURPOSE OF LETTER

Notification of a Liquor Use Permit Zoning Case filed with the City of Chandler's Planning Division on behalf of Coffee House Holdings, Inc., dba Starbucks #6920 proposing allowance of alcoholic beverages permitted by a Series 12 Restaurant Liquor License.

The second paragraph of the letter described the intent "introduce Evenings". However, the letter weakly described the specific intent "to complement the restaurant's current operation; the anticipated result of the intent described the beer and wine sales to account for only 2% of total sales".

#### COMMENTS

It is manifestly apparent that Lewkowitz deliberately diluted the anticipated result of "Evenings" by stating that beer and wine sales would only be 2% of total sales. This is an inadequate analysis and fails to describe the result(s) in quantitative terms that provide meaningful understanding of the proposal. Furthermore, how does "Evenings" fit with "beer and wine will only be available in the "afternoon and evenings"?

Next, Lewkowitz failed to address the impact of alcohol drinking customers on an outside patio visible to:

Drive-thru Wells Fargo customers

High School students walking from Corona Del Sol

Heavy traffic along Ray Rd.

The Ray Rd. and Rural Rd. intersection does not need an additional catalyst to cause more traffic accidents there.

The above comments are submitted for your consideration and in response to a City of Chandler postcard indicating "your questions or comments regarding the LUP15-0024 STARBUCKS are welcome ....."

Respectfully submitted,

James Kinsella

# 24

FEB 25 2016



**Chandler · Arizona**  
*Where Values Make The Difference*



**MEMORANDUM**                      **Planning Division – CC Memo No. 16-019**

**DATE:**            FEBRUARY 25, 2016

**TO:**                MAYOR AND COUNCIL

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

**FROM:**            LAUREN SCHUMANN, CITY PLANNER *LS*

**SUBJECT:**        LUP15-0024 STARBUCKS

**Request:**        Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at an existing restaurant

**Location:**        4985 W. Ray Road  
                           Southeast corner of Rural and Ray roads

**Applicant:**        Andrea Lewkowitz, Lewkowitz Law Office PLC

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit subject to conditions.

**BACKGROUND**

The subject site is located at the southeast corner of Rural and Ray roads, within the Corona Del Sol Plaza. The plaza contains a mix of restaurants, commercial businesses, and a vacant Fry's Food & Drug store. Starbucks is a free standing building with frontage along Ray Road, which has been open since 2012. Starbucks is introducing a new concept for the evening hours to serve craft beer and wine. Starbucks presently provides this concept within several cities of the valley as well as nine other states. This is the first request within the City of Chandler.

The current request is for a Liquor Use Permit to sell and serve liquor as permitted under a Series 12 Restaurant License for an existing restaurant. 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. Starbucks plans to sell craft beer and wine during the afternoon and evening hours along with savory

small plates to compliment the current operations. Beer and wine sales at presently licensed locations accounts for only 2% of total sales.

The subject 2,536 square-foot restaurant, seats 42 persons, with a 871 square-foot 23 seat outdoor patio located on the northwest side of the building. The restaurant is open from 4:30 a.m. to 9 p.m. daily. In order to comply with Arizona State Statue, Starbucks will use reusable glassware, dishes, and utensils. The restaurant will also have employees who will be at least 19 years of age and managers, all of which will be trained in responsible alcohol sales and service: they will employ approximately 20 employees. Starbucks will continue to utilize the speaker system to play recorded music at a controlled volume and will not have live music or entertainment.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 27, 2016, and two residents attended. A resident had concerns about increased traffic at the intersection and the amount of establishments serving alcohol in the area.
- As of the writing of this memo, Planning Staff is not aware of any opposition to this request.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 5    Opposed: 0    Absent: 2 (Baron, Foley)

**RECOMMENDED ACTION**

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP15-0024 STARBUCKS, subject to the following conditions:

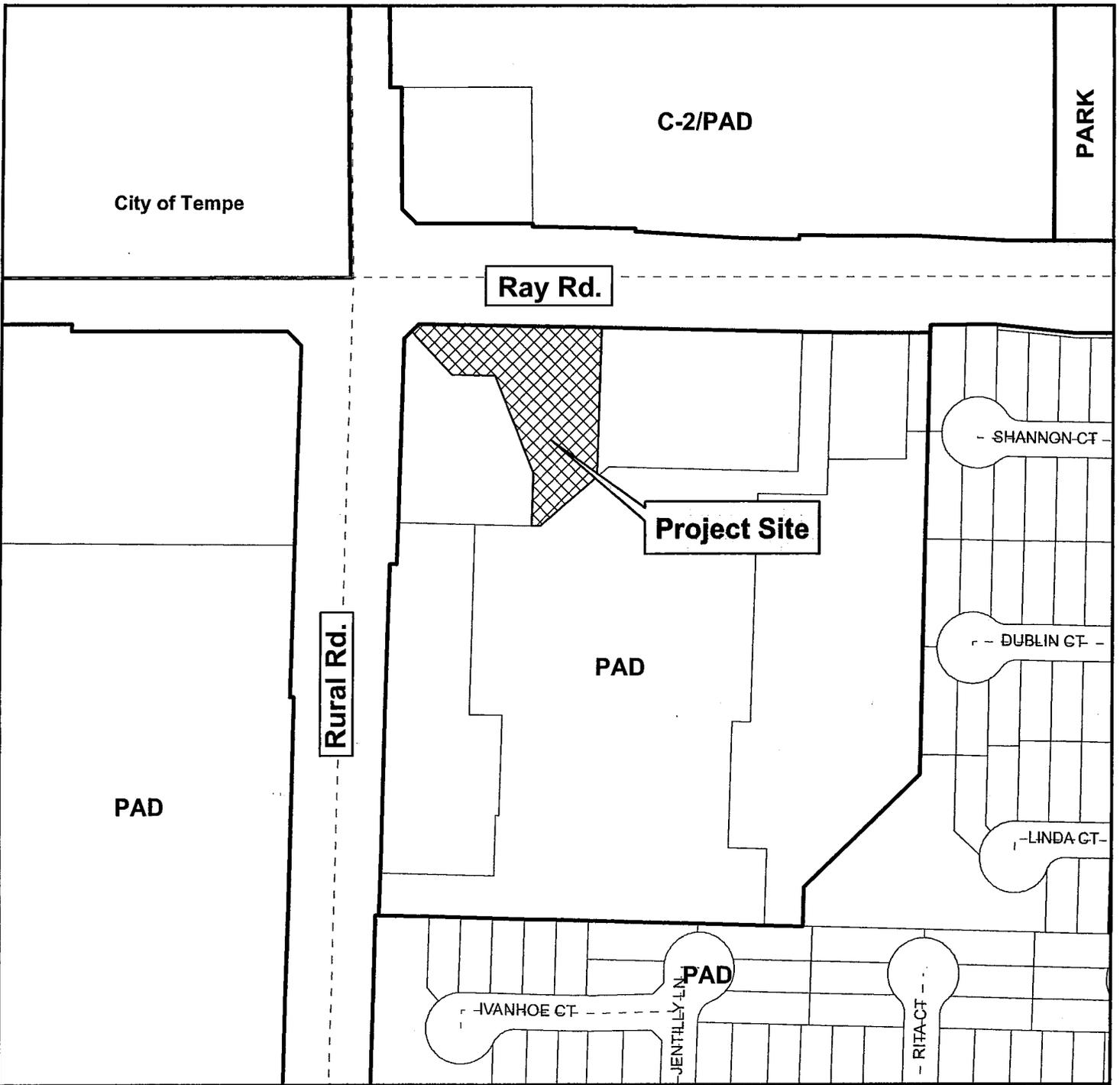
1. The Liquor Use Permit is granted for a Series 12 License only, and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. 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.

**PROPOSED MOTION**

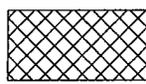
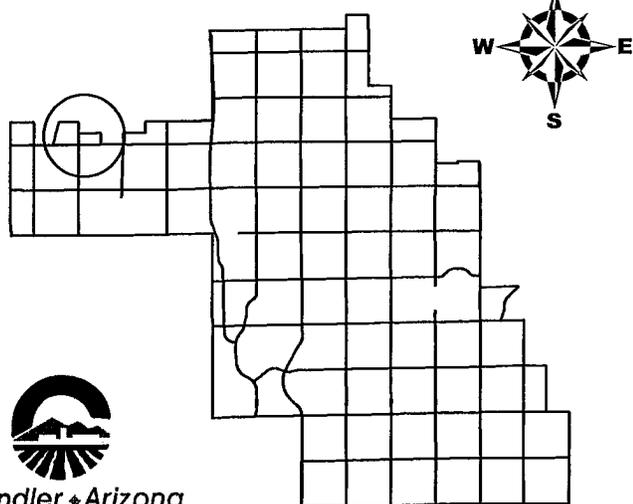
Move City Council approve Liquor Use Permit case LUP15-0024 STARBUCKS, subject to the conditions as recommended by Planning Commission and Planning Staff.

**Attachments**

- |                  |                       |
|------------------|-----------------------|
| 1. Vicinity Maps | 3. Floor Plan         |
| 2. Site Plan     | 4. Building Narrative |

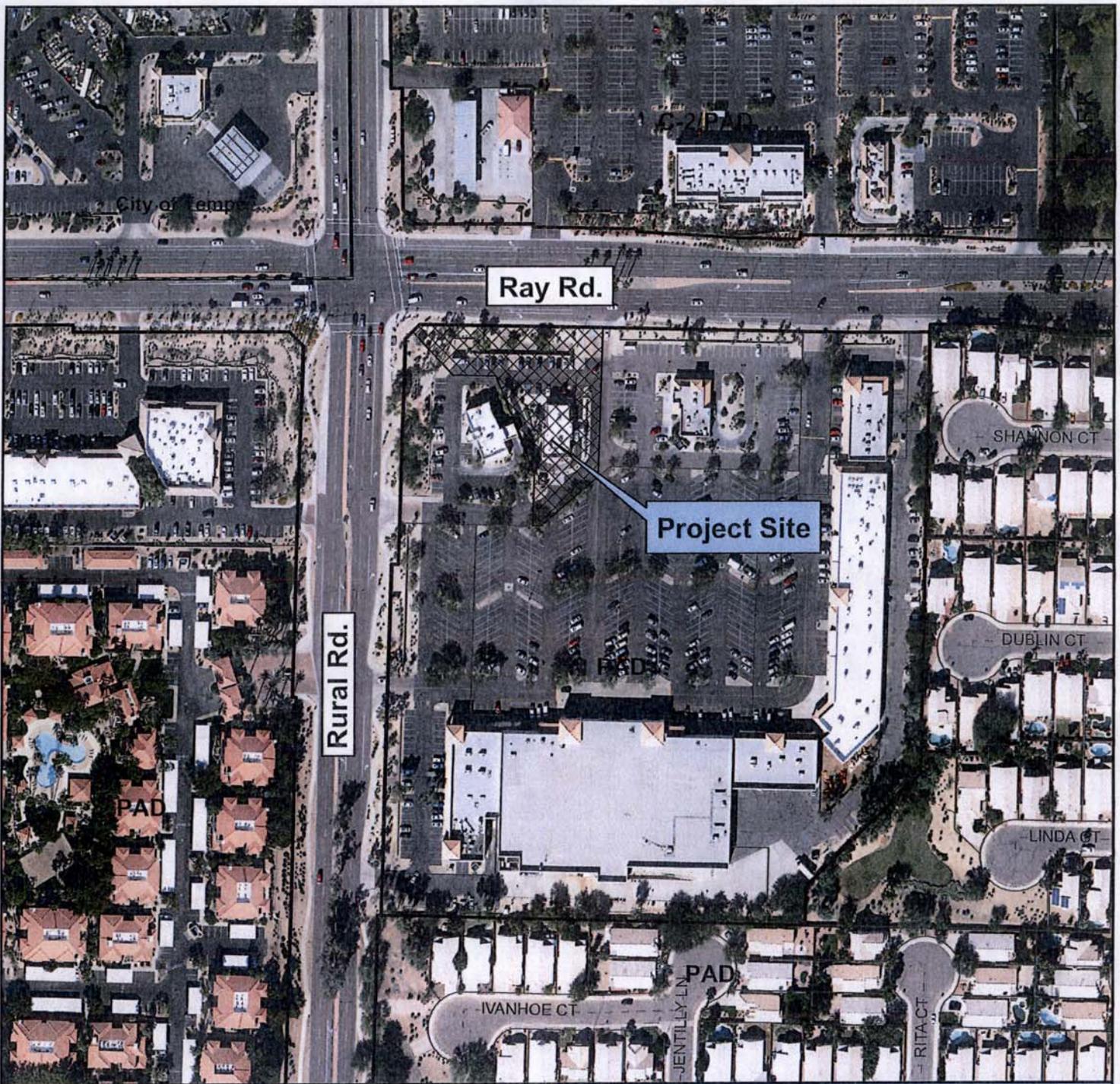


### Vicinity Map

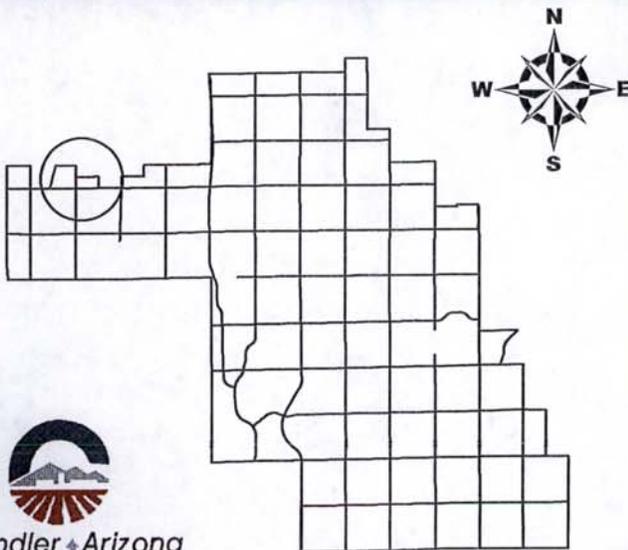


LUP15-0024

**Starbucks  
Liquor Use Permit**



## Vicinity Map



LUP15-0024

**Starbucks  
Liquor Use Permit**

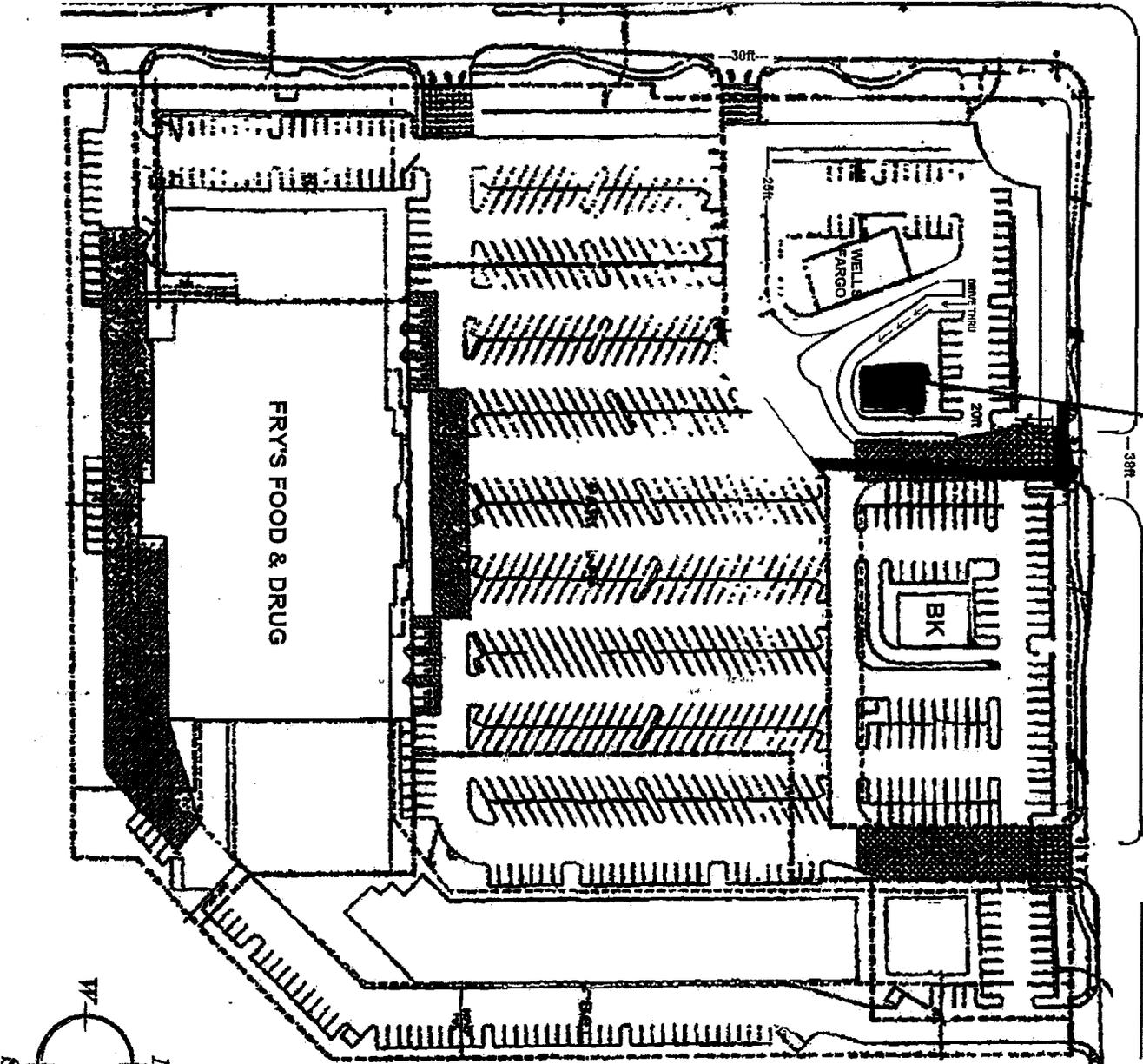
RURAL ROAD

RURAL ROAD

STARBUCKS #15746

RAY ROAD

RAY ROAD



STARBUCKS #15746

4985 W RAY RD  
CHANDLER, AZ 85226

INTERIOR: 2536 SF  
PATIO: 871 SF

ZONING: PAD

PARCEL: #305-85-681

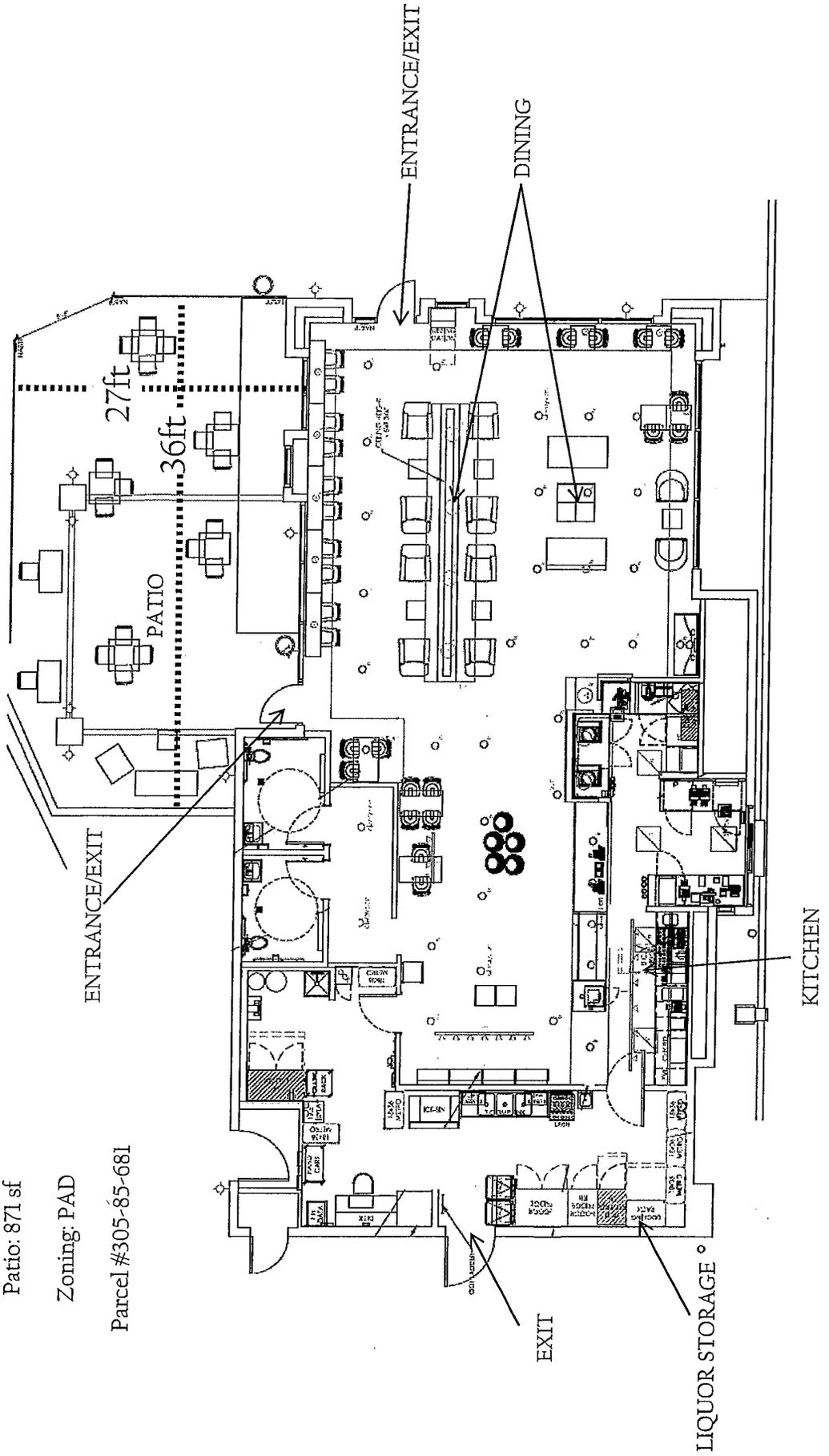
Starbucks Coffee #15746

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Parcel #305-85-681





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Phoenix, Arizona 85004  
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[www.lewkowitzlaw.com](http://www.lewkowitzlaw.com)

Andrea D. Lewkowitz  
H.J. Lewkowitz

[andrea@lewklaw.com](mailto:andrea@lewklaw.com)

December 15, 2015

City of Chandler, Planning Division  
215 E. Buffalo St.  
Chandler, AZ 85226

Re: Liquor Use Permit / Starbucks, 4985 W. Ray Rd.

Starbucks occupies a free-standing building at 4985 W. Ray Rd. on the southeast corner of Rural and Ray Roads. The restaurant has been open since January 2012, and is known for its coffee, tea, and specialty breakfast, lunch, and snack items. Starbucks proposes to add a series 12 liquor license to the restaurant in conjunction with its introduction of "Evenings," a dine-in concept developed to compliment Starbucks' current operations. Evenings restaurants are now open in nine states. In addition to all current menu items, Evenings restaurants offer savory small plates with limited wine and craft beer selections available through the afternoon and evening.

The restaurant is 2536 square feet inside with an 871 square foot patio on the northwest side of the building. The interior will be updated for increased on-premises dining with new seating layouts (42 interior seats), lighting, and patio enclosures (23 seats), as well as reusable dishes, utensils and glassware for Evenings menu items. The restaurant will employ approximately 20 staff, including managers. There will not be any televisions, games, dancing or live music, but there will be recorded music inside.

To ensure adequate attention is given to the issues related to licensed restaurants, Evenings restaurants will be under separate management by Coffee House Holdings, Inc., a subsidiary of Starbucks. All staff will be at least 19 years old, and trained in responsible alcohol sales and service. The availability of beer and wine will not change the restaurant's core brand. Beer and wine sales at licensed locations account for only 2% of total sales.

Sincerely,

A handwritten signature in cursive script that reads "Andrea D. Lewkowitz".

Andrea D. Lewkowitz

Encl.: Menu, Site Plan + Floor Plan

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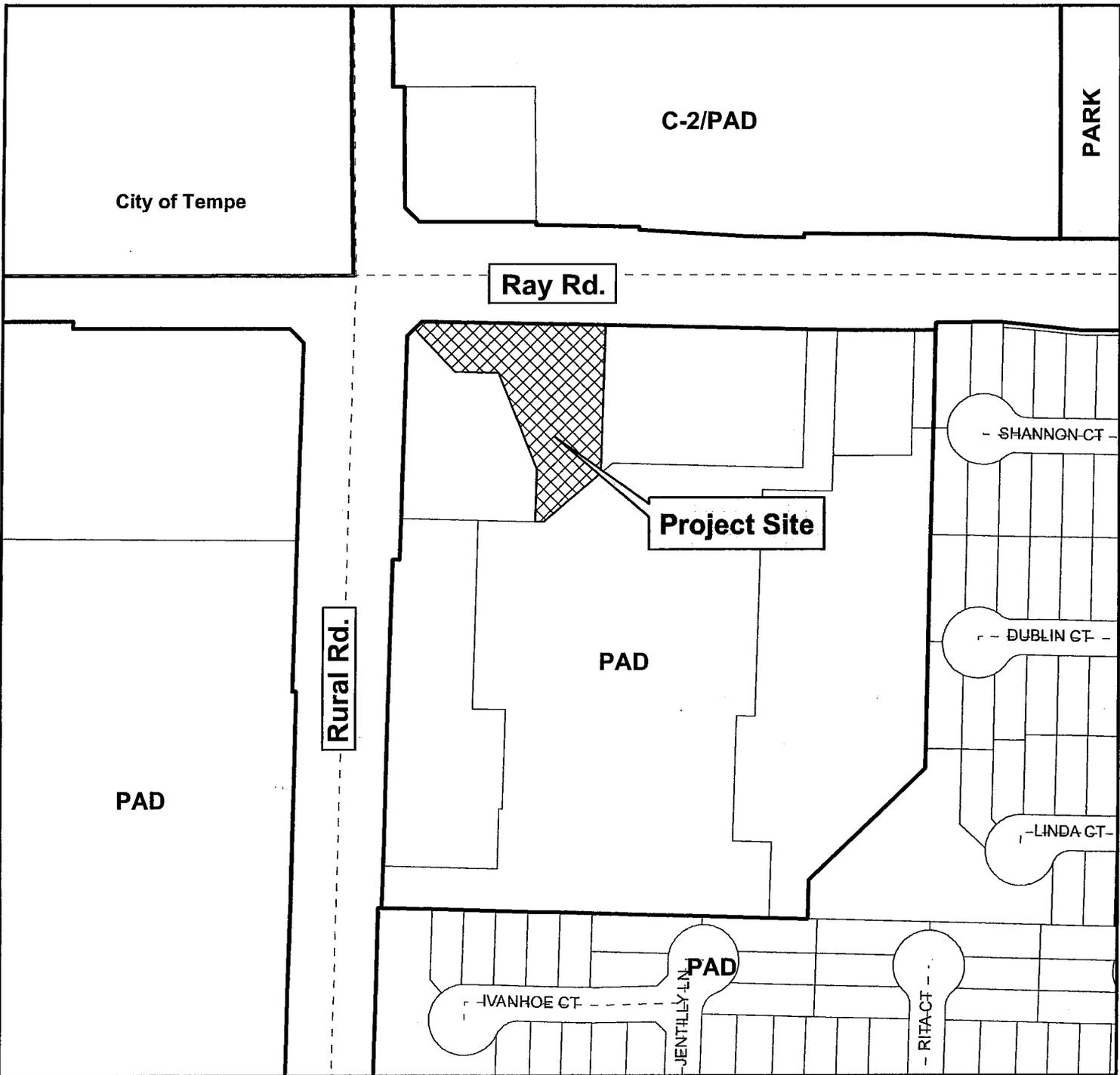
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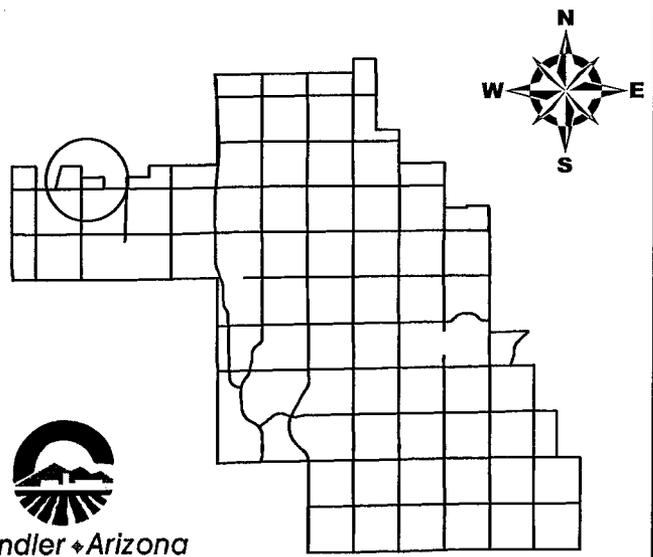
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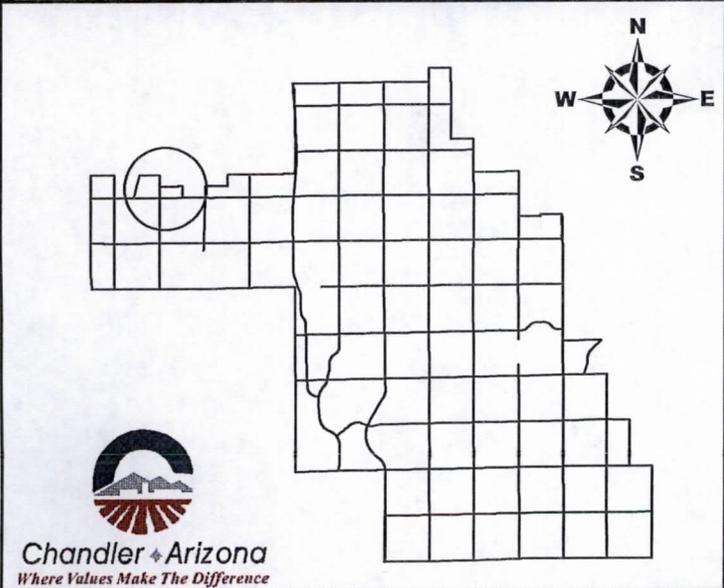


### Vicinity Map



 LUP15-0024

**Starbucks  
Liquor Use Permit**



**Vicinity Map**



LUP15-0024

**Starbucks  
Liquor Use Permit**



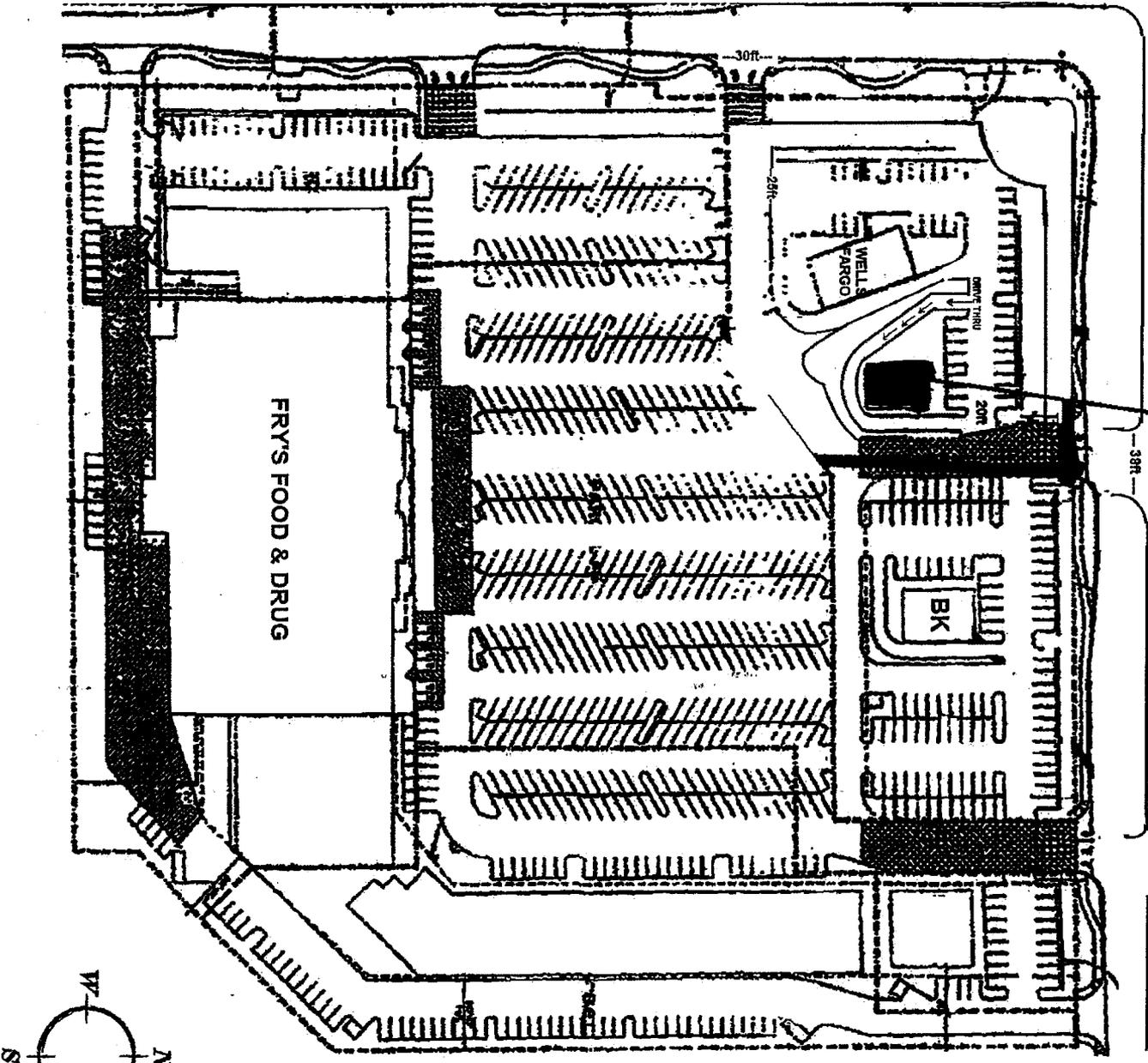
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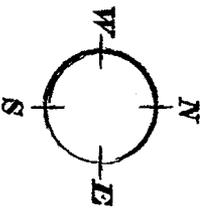


FRY'S FOOD & DRUG

BK

WELLS FARGO

DRIVE THRU



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