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APR 0 4 2012

Chandler

All-America City

2010

Chandler · Arizona
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MEMORANDUM **Transportation & Development – PZ Memo No. 12-028**

DATE: MARCH 28, 2012

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

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 Staff, finding consistency with the General Plan and PAD zoning, recommends 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

Staff does 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. Staff it 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.

RECOMMENDED ACTION

Planning Staff, upon finding consistency with the General Plan and PAD zoning, recommends 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.

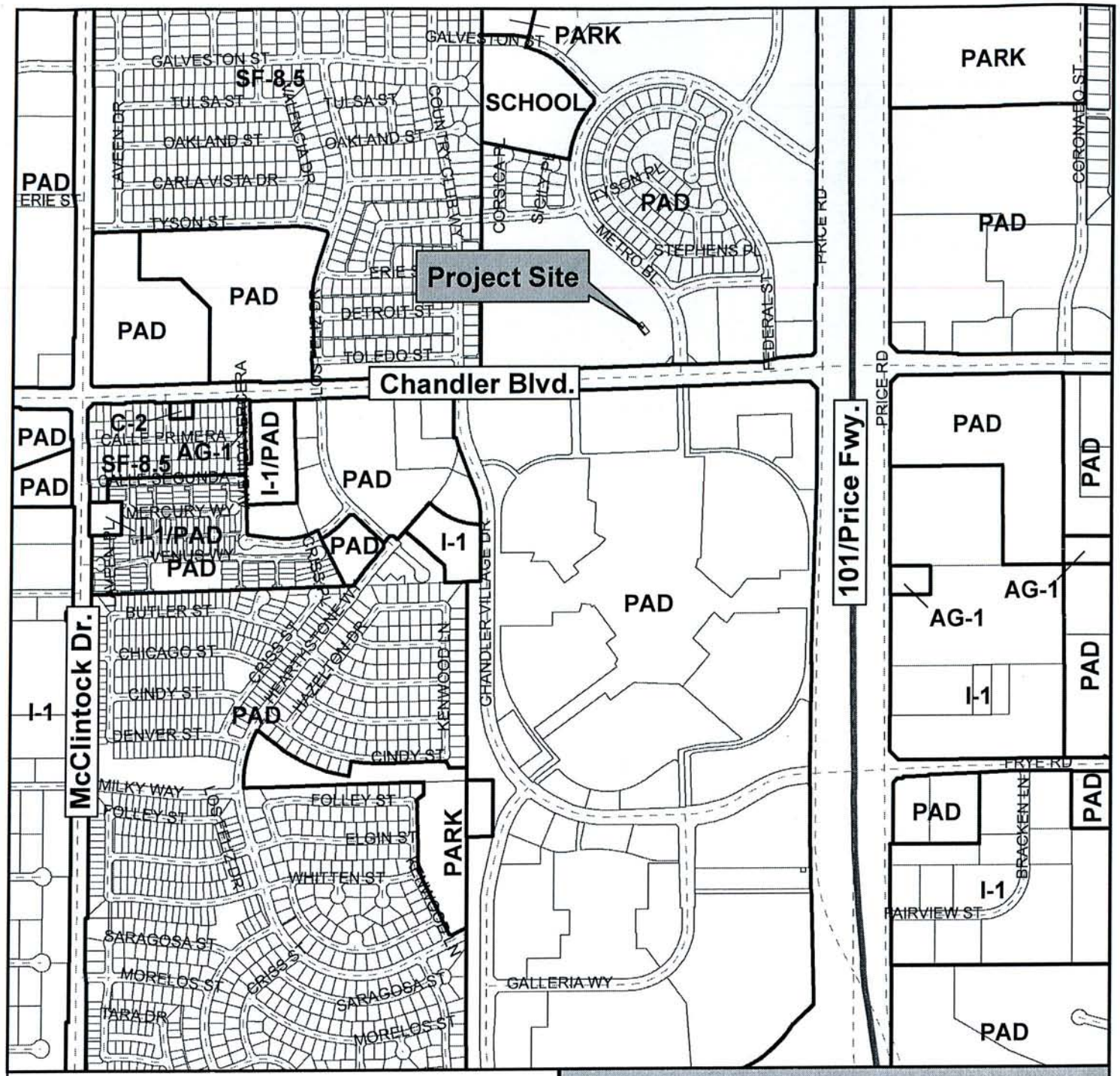
9. Amplified or non-amplified live music is prohibited on the outdoor patio and shall only occur indoors.

PROPOSED MOTION

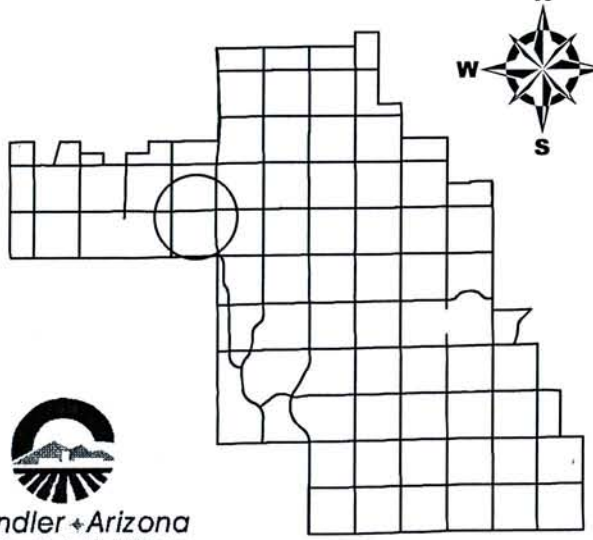
Motion to recommend approval of Liquor Use Permit case LUP11-0025 TONIC, subject to the conditions recommended by Planning Staff.

Attachments

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



Vicinity Map



LUP11-0025

Tonic
Liquor Use Permit

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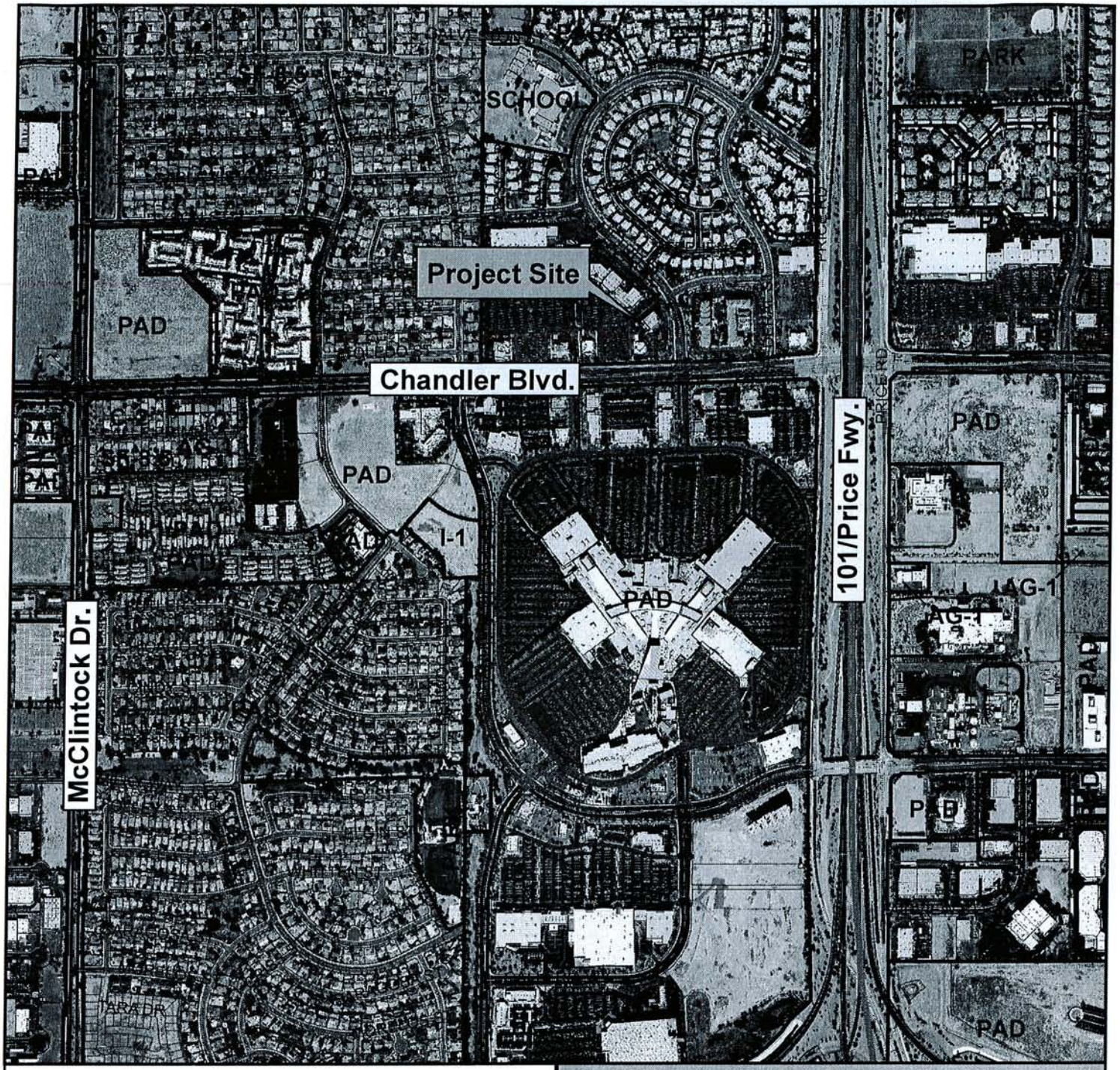
CITY OF CHANDLER 12/13/2011



Vicinity Map

Chandler • Arizona
Where Values Make The Difference

LUP11-0025

Tonic
Liquor Use Permit

CITY OF CHANDLER 12/13/2011

TONIC

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

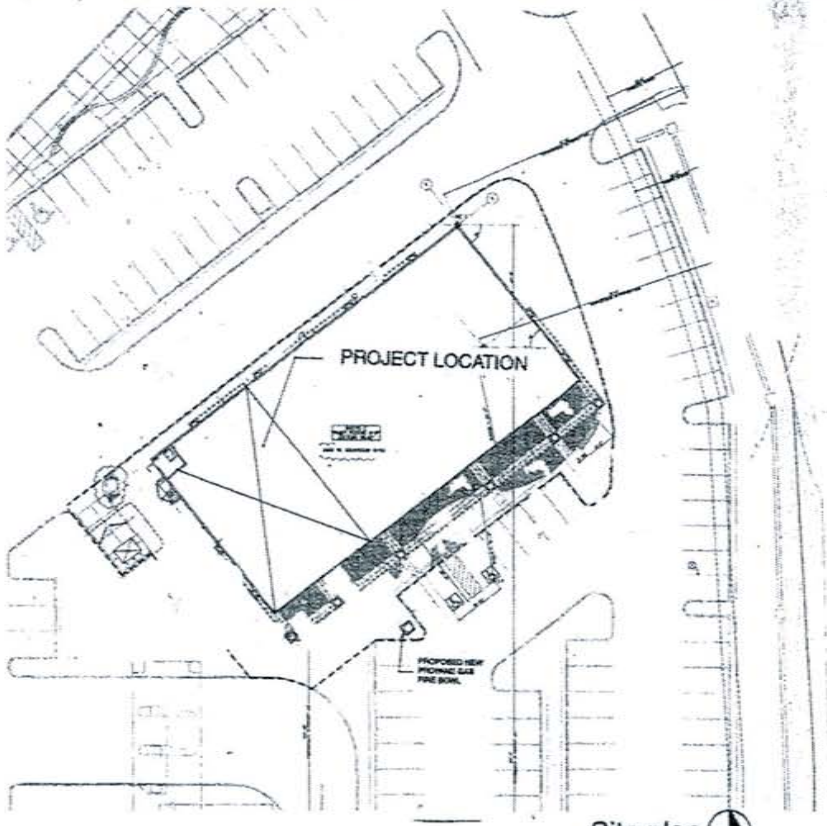
TONIC will offer our guests a family oriented dining experience. All of our exceptionally trained employees will continuously strive to provide our patrons with a stimulating, yet relaxing, fun atmosphere in which to enjoy our unique combination of delicious appetizers, quality entrees, desserts and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

Business Goals and Objectives

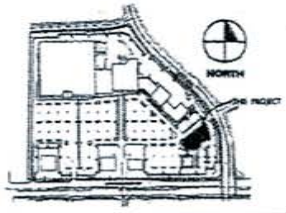
- To maintain an upscale family friendly bar/restaurant with the goal of creating an inviting atmosphere where guests can gather to relax, unwind, socialize, meet new people and/or conduct business.
- To become a popular restaurant that will compliment the growing population of Chandler and the surrounding 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.



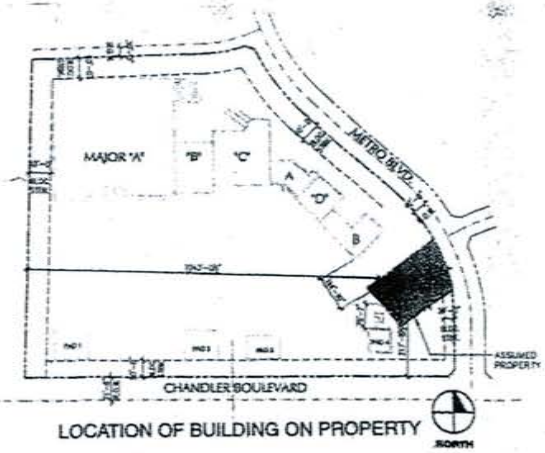
Site plan
1"=20'-0" NORTH



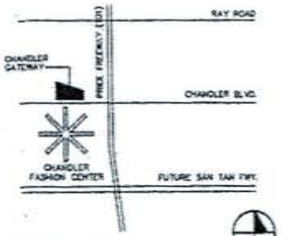
SITE KEY PLAN

EXISTING SITE DATA:

SITE AREA:	1,072,414 SF (24.62 ACRES)
BUILDING AREA:	2
MAJORS A, B, C, D	191,839 SF
SHOPS A, B, C	32,372 SF
FUTURE PADS 1, 2, 3, 4	31,089 SF
TOTAL BUILDING AREA:	255,300 SF
F.A.R:	255,300 SF / 1,072,414 SF = .24
LOT COVERAGE ALLOWABLE:	35 %
LOT COVERAGE PROVIDED:	23.8 %
HEIGHT REGULATIONS:	
BUILDING:	30'-0"
TOWER EMBELLISHMENTS:	45'-0"
PARKING CALCULATION:	
REQUIRED:	@ 5.0/1000 PARKING 255,300 SF / 200 = 1,277 SPACES
PROVIDED:	1,258 SPACES
ACCESSIBLE PARKING:	
REQUIRED (PER ADA SECTION 4.1.2.5a)	23 SPACES
PROVIDED:	23 SPACES



LOCATION OF BUILDING ON PROPERTY
NORTH



VICINITY MAP
NORTH

Project Data

Tenant : SHABU FONDU RESTAURANT
Mailing : 3400 W. CHANDLER BLVD.
CHANDLER,AZ.
Occupancy : A-3 --
Occupancy Load : DINING = 83
BAR = 12
STAFF = 6
TOTAL =101 OCC. LOAD
Construction type : V-N/Sprinklered
Zoning : C1 / C2
Sprinklered : Yes EMERGENCY LIGHT:YES
Building Code: 2000 IBC
2000 IMC
2000 IPC
1999 NEC
1997 UFC

General Notes

1. Contractor shall visit site and verify all existing dimensions and conditions prior to submitting bid and for subcontracting work.
2. All work and construction methods shall comply with OSHA rules and regulations.
3. All security systems shall comply with local regulations.
4. Contractor shall verify all dimensions indicated on drawings and bring any discrepancies to the architect prior to construction.
5. Contractor shall determine , coordinate , and accomodate all utility service requirements (telephone,gas,electric,water,sewer,etc) for the facility prior to construction.
6. Contractor shall replace and/or repair all disabilities , finishes , equipment, piping , conduit , wiring , etc. which are damaged or are to be relocated and / or altered to make way for new construction.
All construction and demolition shall be scheduled in a manner which protects pedestrians and shall comply with building code.
7. Discrepancies and / or omissions from these drawings that are discovered during construction shall be immediately brought to the attention to the architect for clarification. Contractor must verify dimensions prior to construction.
8. Contractor shall complete all work in a workmanlike industry standard construction like manner. All work shall comply in full accord with adopted codes and ordinances.

Door Notes

1. All door handles to be lever type per state and local accessibility requirements. Exit doors shall be operable from the inside without use of a key or any special knowledge.
2. Provide door stops of appropriate type for all interior doors , match adjacent hardware.
3. Door closers shall be adjusted so that from an open position of 90 degrees the time required to move the door to an open position of 12 degrees will be 3 seconds minimum.
4. All exit doors without panic hardware , to have durable signage above door in 1" high letters on contrasting background stating , "THIS DOOR TO REMAIN UNLOCKED WHENEVER THE BUILDING IS OCCUPIED."
5. Maximum effort to operate doors shall not exceed 8 1/2 lbs. for exterior doors and 5 lbs. for interior doors , push pull or push effort applied at the right angle to hinged doors and at the center plane of a sliding or folding doors.
6. The bottom 10" of all doors except automatic doors , power assisted doors , and sliding doors shall have a smooth , uninterrupted surface to allow the door to be opened by a impact(not broken) without a hazardous condition.

Sheet Index

A1	SITE PLAN
A2	FLOOR PLAN
A3	REFLECTED CEILING PLAN
A4	ELEVATIONS
MP1	LEGENDS AND SMBOLS
MP2	SPECIFICATIONS
P1	HOT/COLD WATER,WASTE AND VENT PIPING
P2	HOT/COLD WATER,WASTE AND VENT ISOMETRIC
P3	DETAILS AND DIAGRAM
M1	MECHANICAL ROOF PLAN
M2	MECHANICAL 1ST FLOOR PLAN
M3	MECHANICAL EXHAUST PLAN
M4	MECHANICAL DETAILS
M5	MECHANICAL SCHEDULES
E0.1	SYMBOLS
E3.1	LIGHTING PLAN
E4.1	POWER PLAN
E4.2	ROOF POWER PLAN
E5.1	1 LINE DIAGRAM
E5.1	PANEL SCHEDULE

APPROVED as of Oct 20, 2004 City of Chandler

Shabu-Fondu Final Review Comments

1. Provide AE or structural engineer's calculations for structural support of EC-1 shown on drawing M-1.
2. Provide revised electrical panel schedule to reflect the added electrical load for EC-1.
3. Provide panic hardware on doors 48, 49 & 50 as required by Section 1005.3.1.3 of the International Building Code, 2000 edition.
4. Sheet A-2 shows seven (7) dining tables on the patio and sheet E4.1 shows nine (9) electrical outlets. No electrical outlet may project above the walking surface of the patio unless it is incorporated into or installed adjacent to one of the dining tables since this would create a tripping hazard. This discrepancy must be addressed before approval of the under slab inspection of the patio can be approved.

Paramount Design & Drafting
53 N. Ivy Vista Suite #100
Chandler, Arizona 85224
602-828-3000

Seal

Rev	Date	Description

Revisions

Tenant Improvement for:
SHABU-FONDU
3400 W. CHANDLER BLVD., SUITE#106,106,E
CHANDLER , AZ

Project Title

Designed By H.L.
Drawn By H.L.
Date 06/08/04
Scale

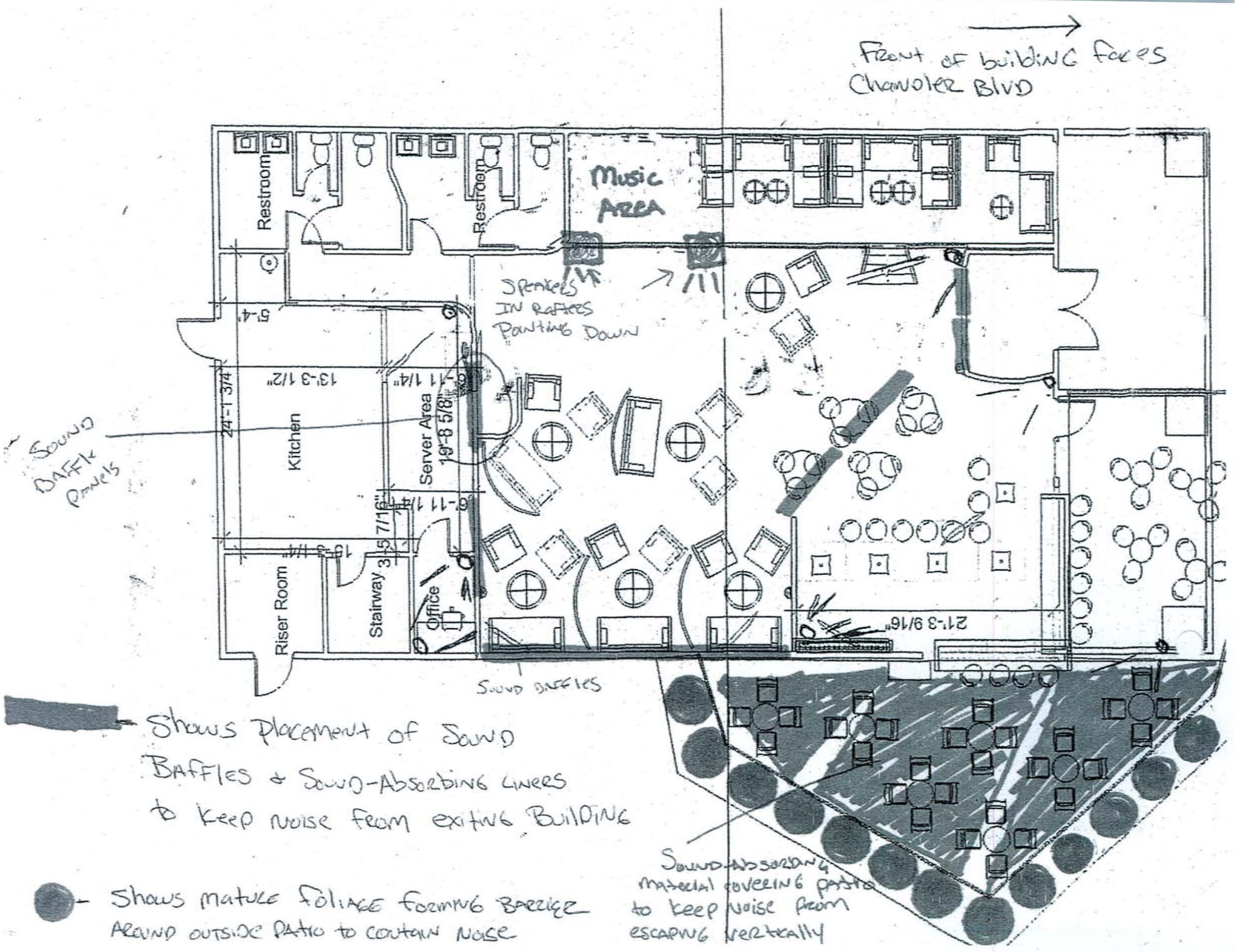
Project Information

FLOOR PLAN

Drawing Name

A1

Sheet Number


Front of building faces Chandler Blvd
Restroom
Restroom
Music Area
Speakers IN Rafters Pointing Down
Sound Baffle Panels
Kitchen
Server Area
Riser Room
Stairway
Office
Sound Baffles
Shows Placement of Sound Baffles & Sound-Absorbing Liners to keep noise from exiting Building
Shows mature foliage forming barrier around outside patio to contain noise
Sound-absorbing material covering patio to keep noise from escaping vertically

TONIC
TAVERN & KITCHEN

OPENING ACTS

nikki sixx stixx 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-TOSSED PIZZA

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

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

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

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

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

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

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

SANDWICHES

all sandwiches served with chips & a pickle

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

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

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

SALADS

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

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

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

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

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

these selections are groupie faves! try one today!

DRUM SETS

massive basket o'wings 10.95
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¢

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