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JUN 19 2013

Chandler

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Chandler • Arizona

Where Values Make The Difference

MEMORANDUM **Transportation & Development – PZ Memo No. 13-044**

DATE: JUNE 19, 2013

TO: PLANNING AND ZONING COMMISSION

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

FROM: SUSAN FIALA, CITY PLANNER SMF

SUBJECT: LUP13-0004 MAX & TED'S 480

Request: Liquor Use Permit approval to sell liquor for on-premise consumption and live music indoors at an existing bar under a Series 6 Bar License

Location: 480 North Arizona Avenue
South of the southwest corner of Oakland Street and Arizona Avenue

Applicant: Ted W. Smith

RECOMMENDATION

Planning Staff, finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommends approval for one year, subject to conditions.

BACKGROUND

The subject site is located south of the southwest corner of Oakland Street and Arizona Avenue. The surrounding businesses include: Coyotes Bar to the east, Redwood Motel to the south, and apartments to the north and west. The nearest single family neighborhood is Hoy Homes, to the northwest. Chandler High School is approximately 500 feet south of the site.

The Liquor Use Permit approved in 1999 did not impose a time condition; however, a condition of approval stated that any change of bar operator required Use Permit re-application. The current request is two-fold, one is due to the new ownership and the second is to add live music to the bar's operation.

The bar is an existing business and has been in operation since 1961. Since it was established, the business name and ownership has changed several times. As of April 2013, the bar is under new ownership.

The subject business is approximately 2,600 square feet in floor area on a lot of approximately 11,250 square feet. The bar has 64 seats, including bar stools and chairs, and eight tables. The bar has five employees plus the owner/operator. Business hours are from 10 a.m. to 2 a.m., Monday through Saturday, and from noon until 2 a.m. on Sunday.

The business currently operates with four pool tables, 12 televisions, and a juke box. Karaoke, pool tournaments, and pool leagues also take place. The new owner requests to include live music once a month on Saturday nights. There is no proposal for an interior stage or expanded floor area.

The proposed live music would occur on the first Saturday of each month starting at 9 p.m. and ending at 1 a.m. The live music will occur indoors only and be located where pool tables are normally placed. Two conditions addressing any potential noise concerns have been added as conditions of approval. Planning Staff recommends a one-year time limit to allow evaluation of neighborhood compatibility under the new ownership.

A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors 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.

DISCUSSION

Planning Staff supports the request, finding that the bar with live music indoors is appropriate at this location if controlled so as to not unreasonably disturb the surrounding businesses and residents. There have been no complaints filed with the Police Department or opposition during the neighborhood meeting and public notification processes.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on May 30, 2013 at the Downtown Chandler Community Center. One neighbor attended; however, their concerns were not on the subject business, rather the concerns focused on an establishment across the street.
- The Police Department has been informed of the application and has no issues or concerns.
- As of this writing, Planning Staff has not received any phone calls or letters in opposition to the request.

RECOMMENDED ACTION

Planning Staff, upon finding consistency with the General Plan and zoning, recommends approval of LUP13-0004 MAX & TED'S 480 for one year subject to the following conditions:

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.

2. The Use Permit shall remain in effect for one (1) year from the 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.

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

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

5. Music shall be controlled so as to not unreasonably disturb area residences and shall not exceed the ambient noise level as measured at the commercial property line.

6. No noise shall be emitted from the live entertainment occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

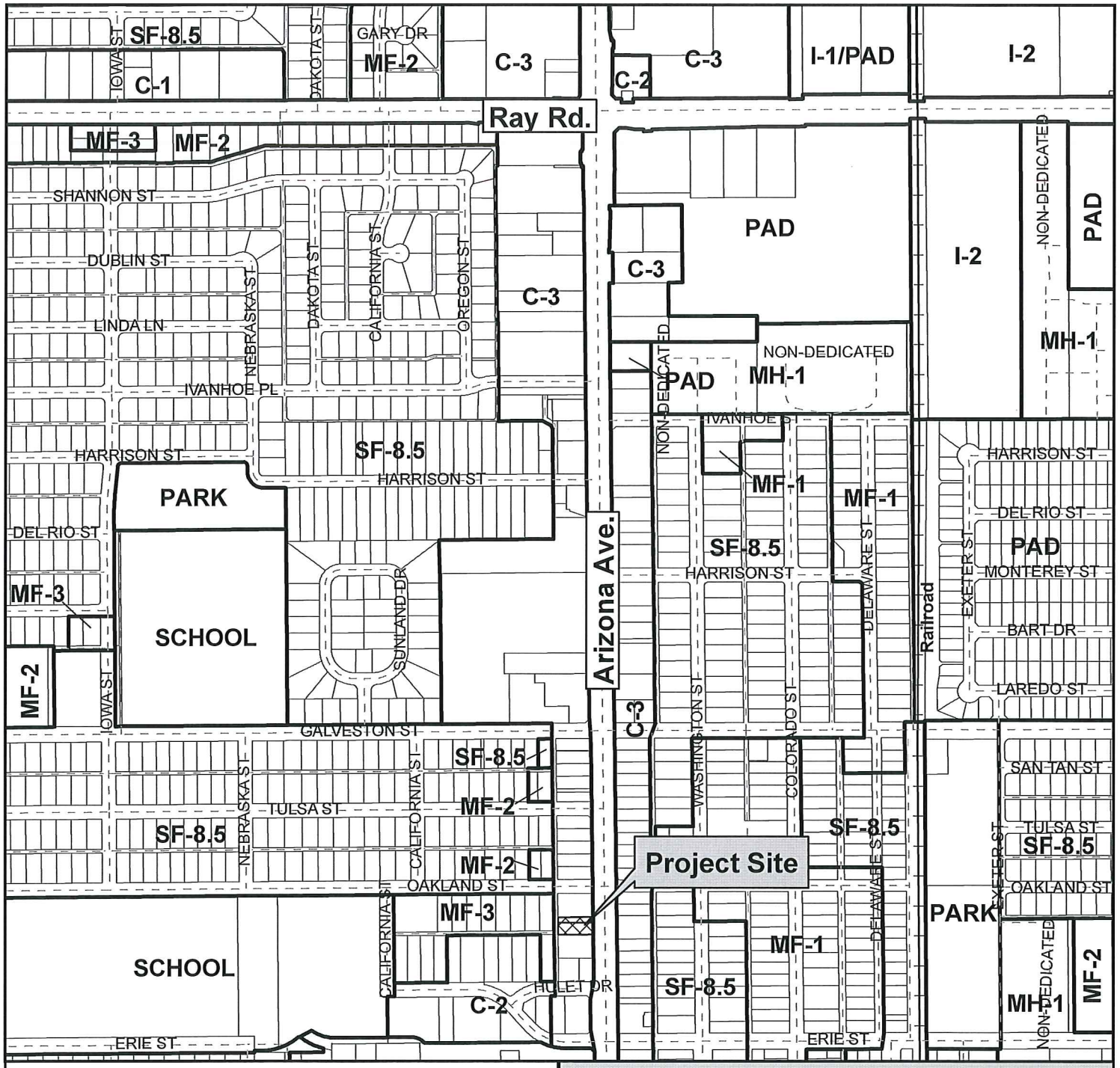
7. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

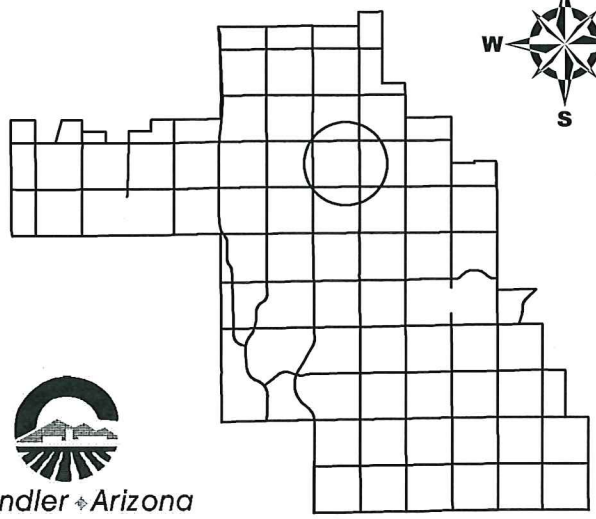
Move to recommend approval of Liquor Use Permit, LUP13-0004 MAX & TED'S 480, subject to the conditions recommended by Planning Staff.

Attachments

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



Vicinity Map

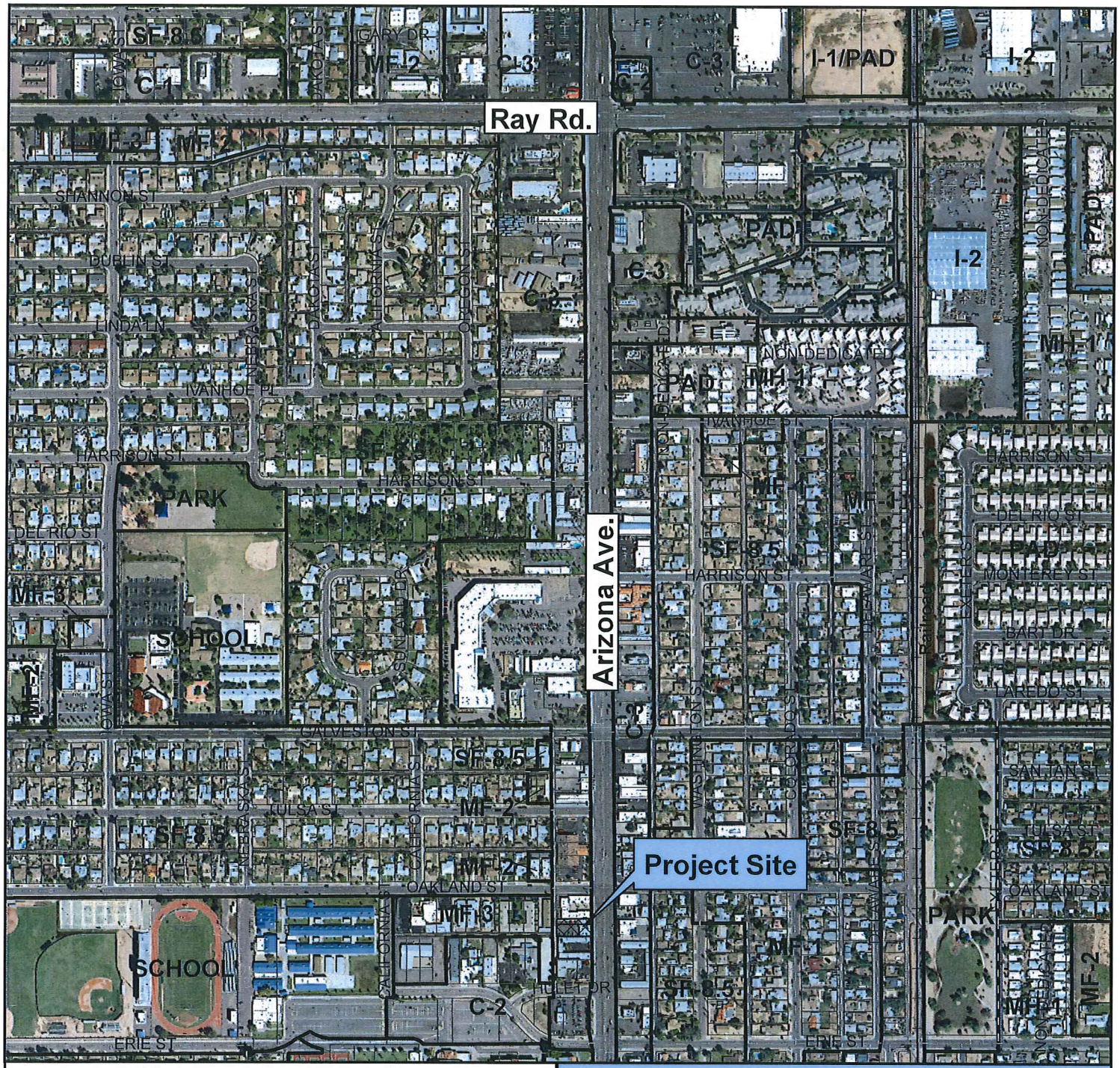


Chandler Arizona
Where Values Make The Difference

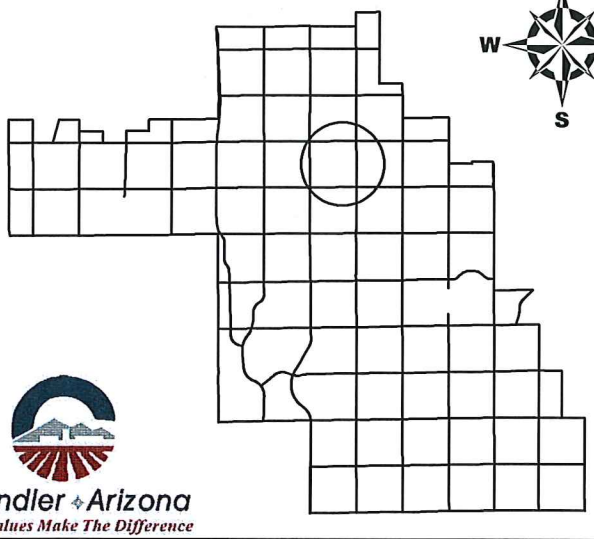
LUP13-0004

Max & Ted's 480
Liquor Use Permit

CITY OF CHANDLER 4/22/2013



Vicinity Map



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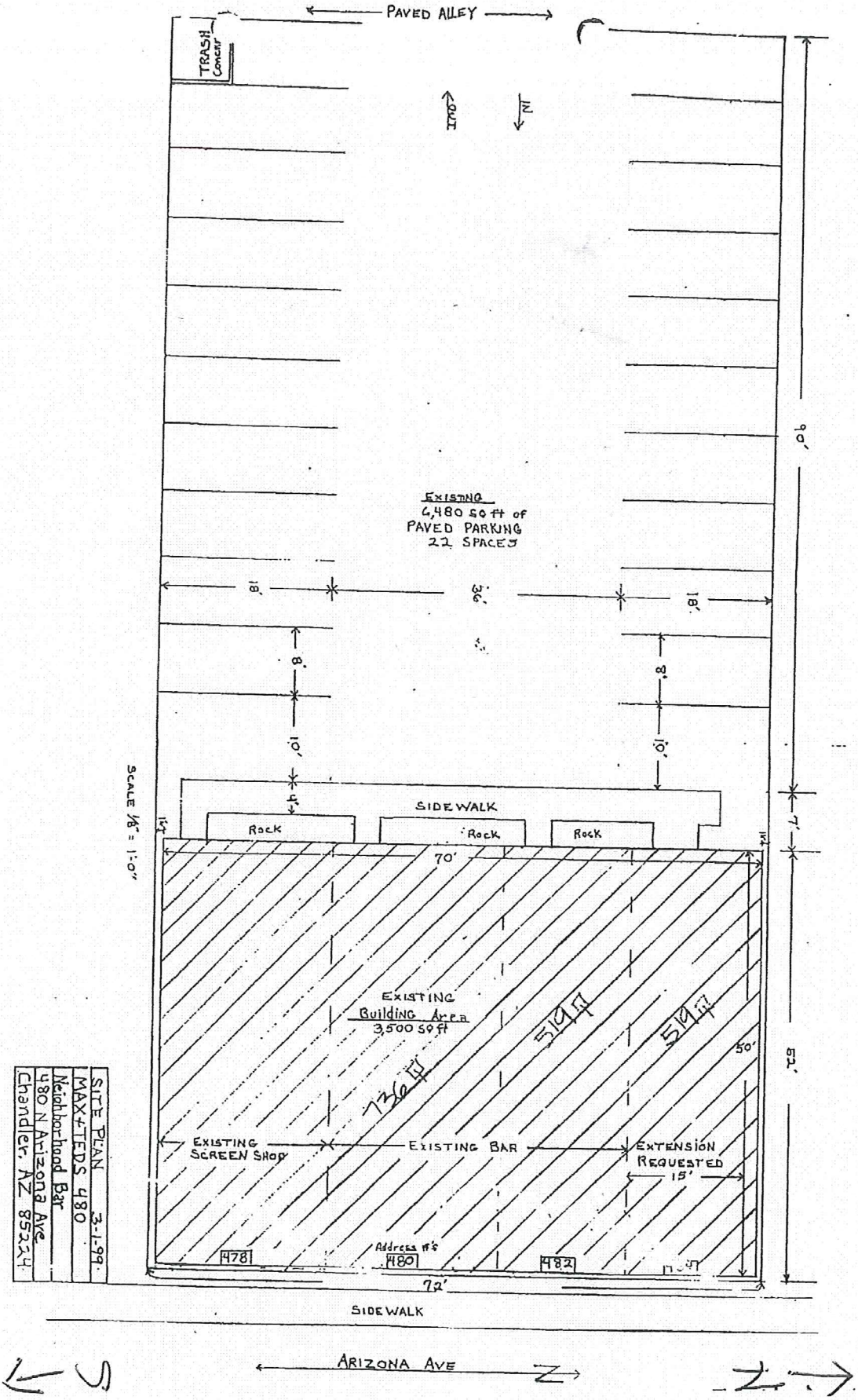
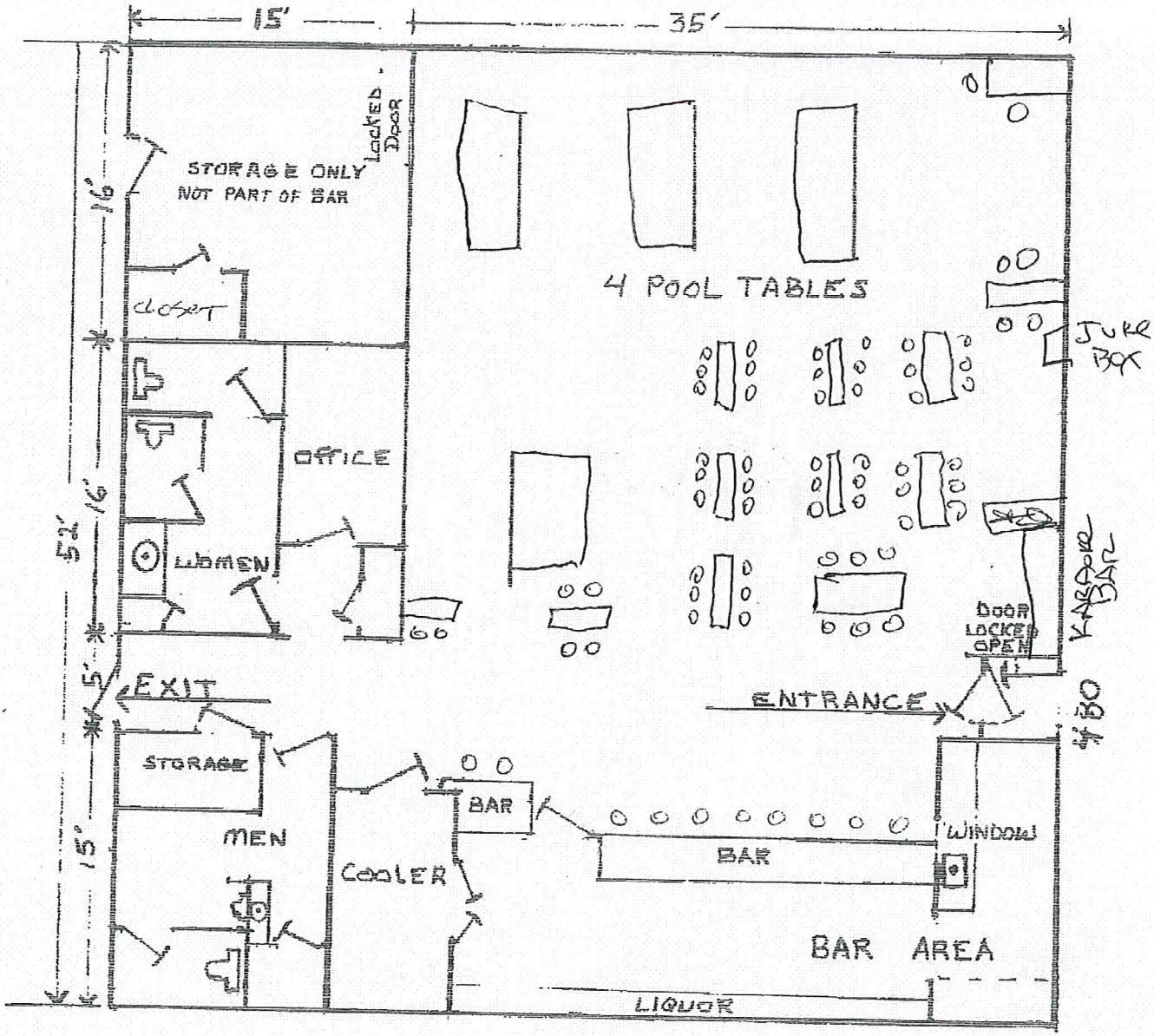

PAVED ALLEY
TRASH Concrete
OUT
IN
EXISTING
6,480 SQ ft of
PAVED PARKING
22 SPACES
18'
36'
18'
8'
8'
10'
10'
4'
SIDEWALK
Rock
Rock
Rock
SCALE 1/8" = 1'-0"
90'
7'
52'
70'
EXISTING
Building Area
3,500 SQ ft
736 ft
519 ft
519 ft
50'
EXISTING
SCREEN SHOP
EXISTING BAR
EXTENSION
REQUESTED
15'
478
Address #'s
480
482
72'
SIDEWALK
ARIZONA AVE
SITE PLAN 3-1-99
MAX+TEDS 480
Neighborhood Bar
480 N Arizona Ave
Chandler, AZ 85224



FLOOR PLAN 3-20-13
480 N ARIZONA AVE
CHANDLER AZ 85225
SCALE 1/8" = 1'-0"
BAR # 480-899-2268

April 5, 2013

To: City of Chandler
From: TWS Inc. dba Max and Teds 480
Ted W. Smith, President
480 N. Arizona Ave
Chandler, Arizona 85225

I am purchasing Max and Ted's 480, a neighborhood bar at 480 N. Arizona Ave. effective April 25, 2013. It is currently open and running at that address, owned by Roy and Dottie Maxted. They have been the owners for 17 years. It has a class 6 license that I am purchasing along with the property and the business. It sells liquor, beer, and wine. It also has a small menu of fried foods, i.e. wings, jalapeno poppers, French fries, etc. It is open from 10 A.M. till 2 A.M. Monday through Saturday, and Noon till 2 A.M. on Sunday. It has 5 employees plus myself as the owner/operator. The only change from the current operation is that I would like to have live music 1 time a month on a Saturday night. I would like to do the live music on the first Saturday of each month, starting at 9:00 P.M. and ending at 1:00 A.M. Other than that it will be operated just like the current owners do, with 4 pool tables, 12 televisions, Karaoke, pool tournaments, and pool leagues. There is also a Juke Box that has 4 speakers. The building is 2600 Sq. Feet (see attached floor plan). The lot is appx 11,250 sq. feet. There is no outside patio, but there is a bench outside the back of the building for customers to sit on while they smoke. The bar has 64 stools and chairs and 8 tables, with a max capacity of 100 patrons. There is limited parking in front, with most of the parking in the parking lot off the alley in the back of the building. That is enough space for 22 vehicles. This is no change and has been the same for appx. 50 years.

As I stated earlier, I plan on no changes to the existing format with the exception of having live music one time a month on a Saturday night. I will accommodate that by moving two of the pool tables to the storage room (see floor plan), and putting one other table against the wall. This will open an area for both the band to play, and for patrons to dance.

Thank You for your Time and consideration:

Ted W. Smith

President: TWS inc. dba Max and Ted's 480

602-620-9023