

# 42  
APR 12 2007



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

**MEMORANDUM**

**Planning and Development – CC Memo No. 07-079**

**DATE:** APRIL 5, 2007

**TO:** MAYOR AND CITY COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER   
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR   
JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR   
BOB WEWORSKI, PLANNING MANAGER 

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

**SUBJECT:** UP07-0020 SPICES MEDITERRANEAN KITCHEN

**Request:** Use Permit approval to sell liquor (Series 12 Restaurant License) for on-premise consumption only within an outdoor dining area for a new restaurant

**Location:** 4040 West Ray Road, Suite 12 – northwest corner of Ray Road and McClintock Drive in the Albertson's shopping center

**Applicant:** Etgar Wagner, restaurant owner

**RECOMMENDATION**

The applicant requests a Use Permit approval to sell liquor (Series 12 Restaurant License) in a new restaurant located in west Chandler. Commission and Staff, finding consistency with the General Plan and PAD zoning, recommend approval.

**BACKGROUND**

The applicant's request is for Use Permit approval to sell liquor as permitted under a Series 12 Restaurant liquor license within an outdoor dining area. A Series 12 license, which is considered a "restaurant license," allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment derives at least forty (40) percent of its gross revenue from the sale of food.

The restaurant is located within the Copper Point shopping center anchored by Albertson's. The proposed tenant suite was approved a Use Permit for liquor (Series 12) in January 2006 for a sandwich shop named W.G. Grinders. This Use Permit had no time limit and did not include an outdoor dining area with the floor plan. The current application requests Use Permit approval to

allow liquor within an outdoor dining area, which requires a new Use Permit. The previous Use Permit remains in effect for the restaurant's interior.

The restaurant's hours of operation are Sunday through Thursday 11:00 a.m. to 9:00 p.m. and Friday and Saturday 11:00 a.m. to 10:00 p.m. The applicant provided a preliminary menu, which may change. The restaurant offers Mediterranean style food including appetizers, salads, entrees, sides and a kids menu.

The tenant space is approximately 2,070 square feet in size. The interior dining area seats approximately 40 persons. The proposed outdoor dining area seats approximately 15 persons. The proposed total seating capacity is approximately 55 seats. There is no representation of live entertainment, game rooms, pool tables, dance floor, stage, and the like. The outdoor dining area does not include televisions, outdoor heaters, table awnings, and the like.

The proposed patio is located on the suite's north side adjacent to a common pedestrian area. The patio area is approximately 342 square feet in size. The patio is accessed from the restaurant's dining area. The patio does not affect the use of the common pedestrian area and provides appropriate passing space for pedestrians adjacent to the patio.

#### **PUBLIC / NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting was held on Thursday, March 29, 2007. No one attended.
- The Police Department has been informed of the application and has responded with no issues or concerns.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve. In Favor: 7 Opposed: 0

#### **RECOMMENDED ACTION**

Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval of UP07-0020 SPICES MEDITERRANEAN KITCHEN Use Permit, subject to the following conditions:

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit re-application and approval.
3. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.

CC Memo No. 07-079

April 5, 2007

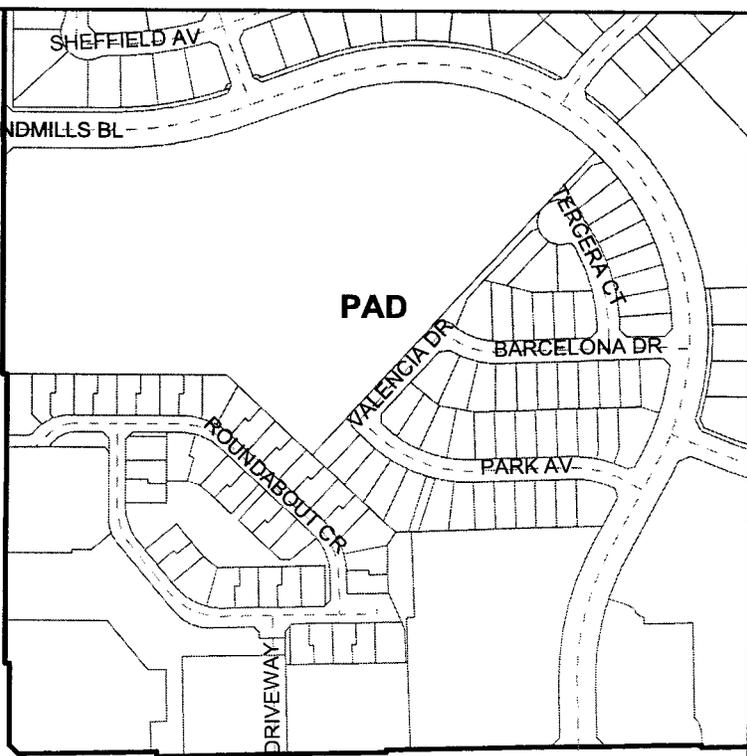
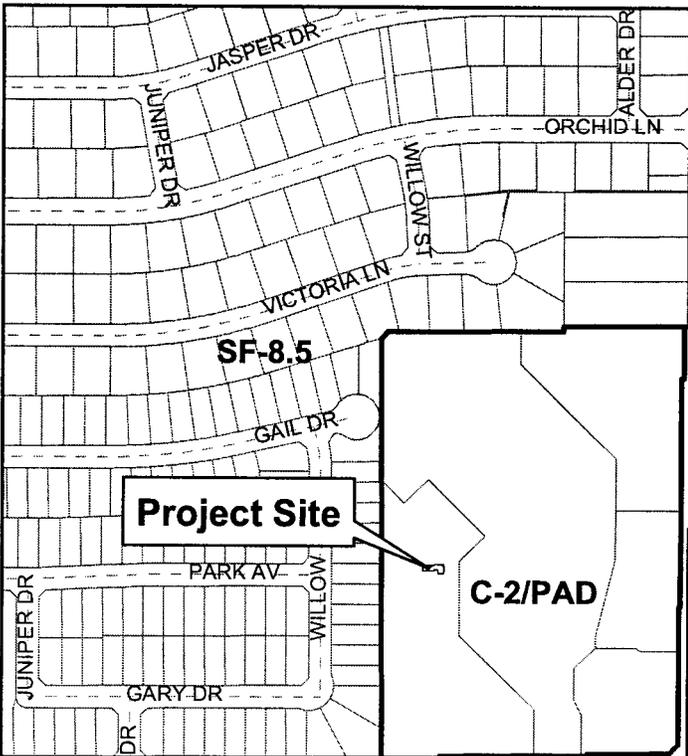
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**PROPOSED MOTION**

Move to approve case UP07-0020 SPICES MEDITERRANEAN KITCHEN Use Permit, subject to the conditions recommended by Commission and Staff.

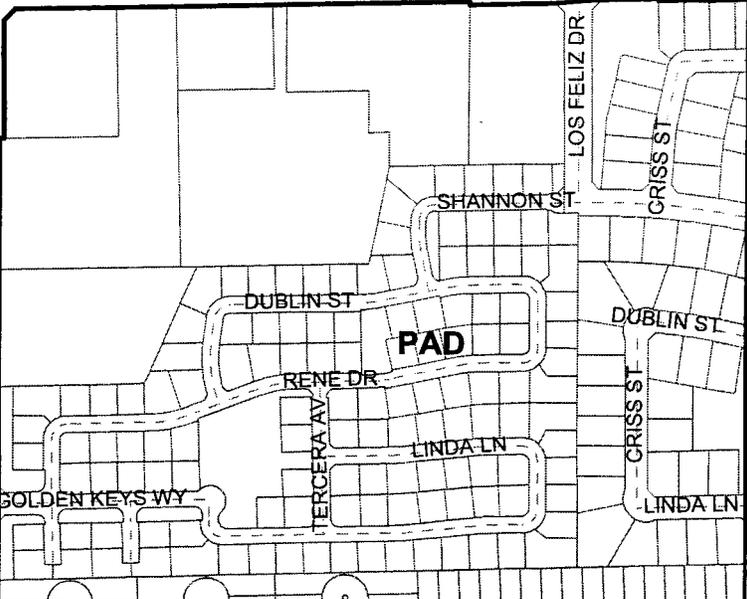
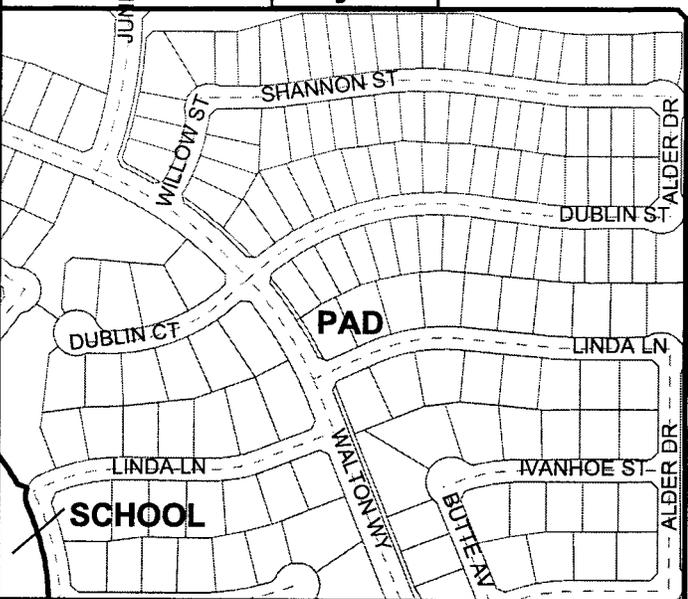
**Attachments**

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Narrative
5. Menu
6. Photos of outdoor plaza

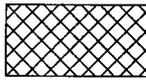
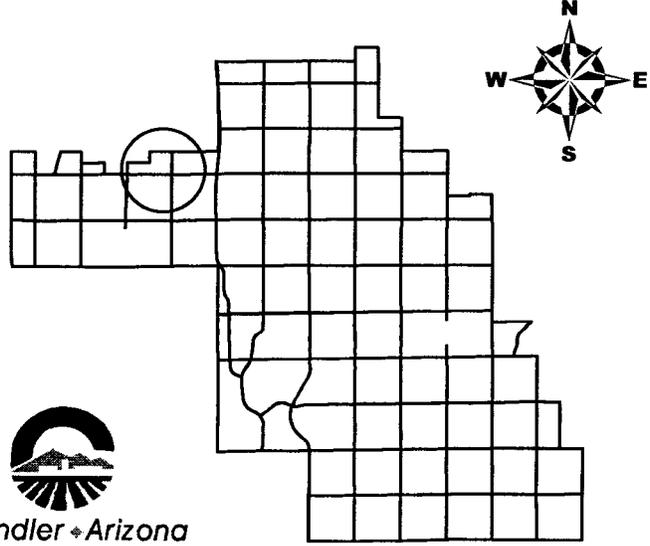


McClintock Dr.

Ray Rd.



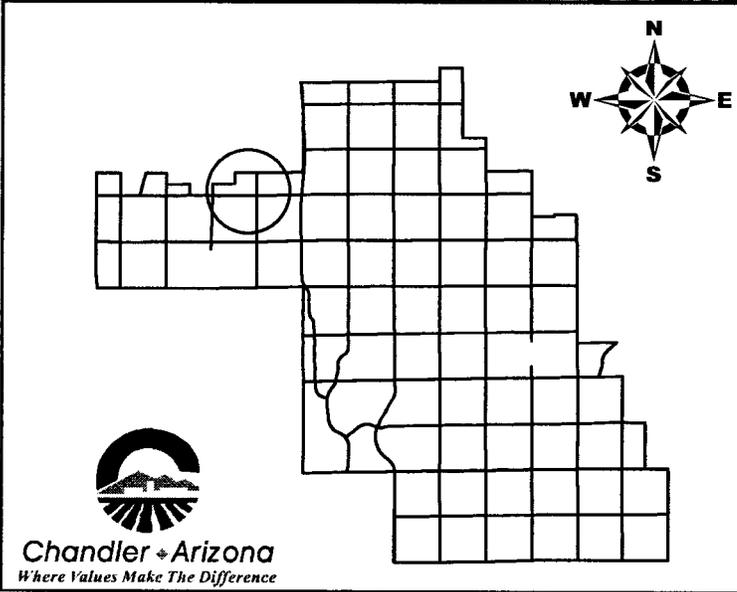
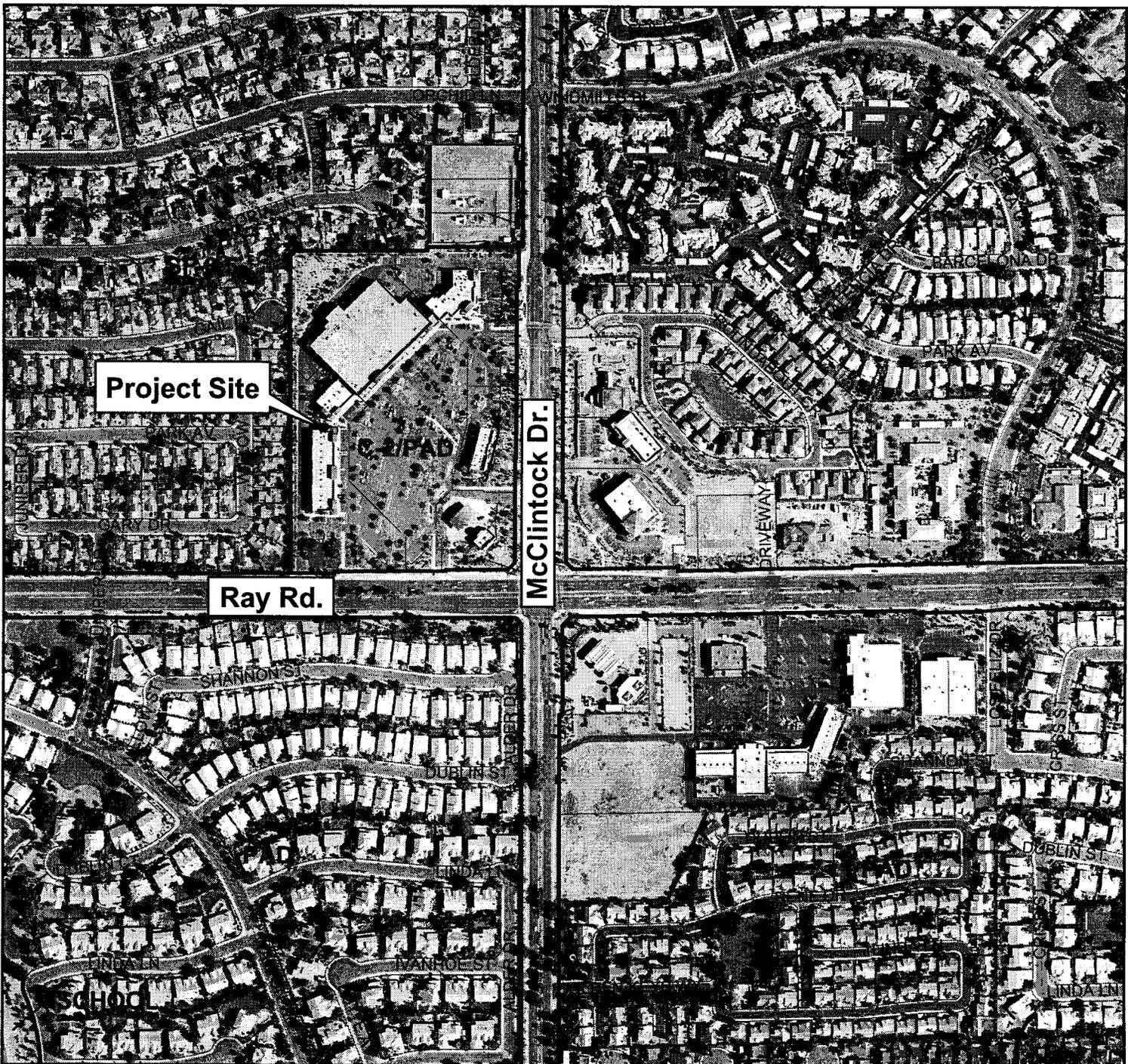
## Vicinity Map



UP07-0020

**Spices Mediterranean Kitchen**





**Vicinity Map**

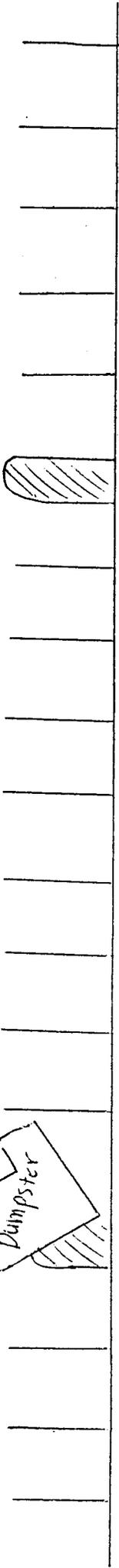


**UP07-0020**

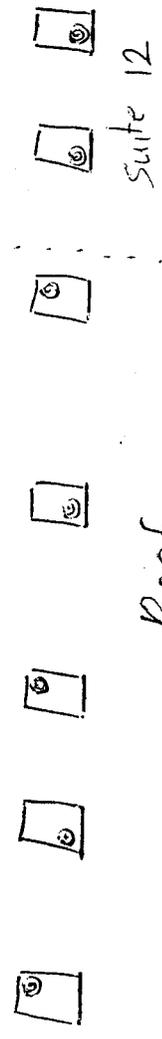
**Spices Mediterranean Kitchen**



Back parking



Roof of shops "D"



Art statue

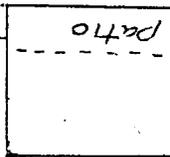


4 1/2'

pedestrian Area

suite # 14

15 feet

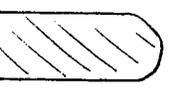


suite 12



walk way

front parking



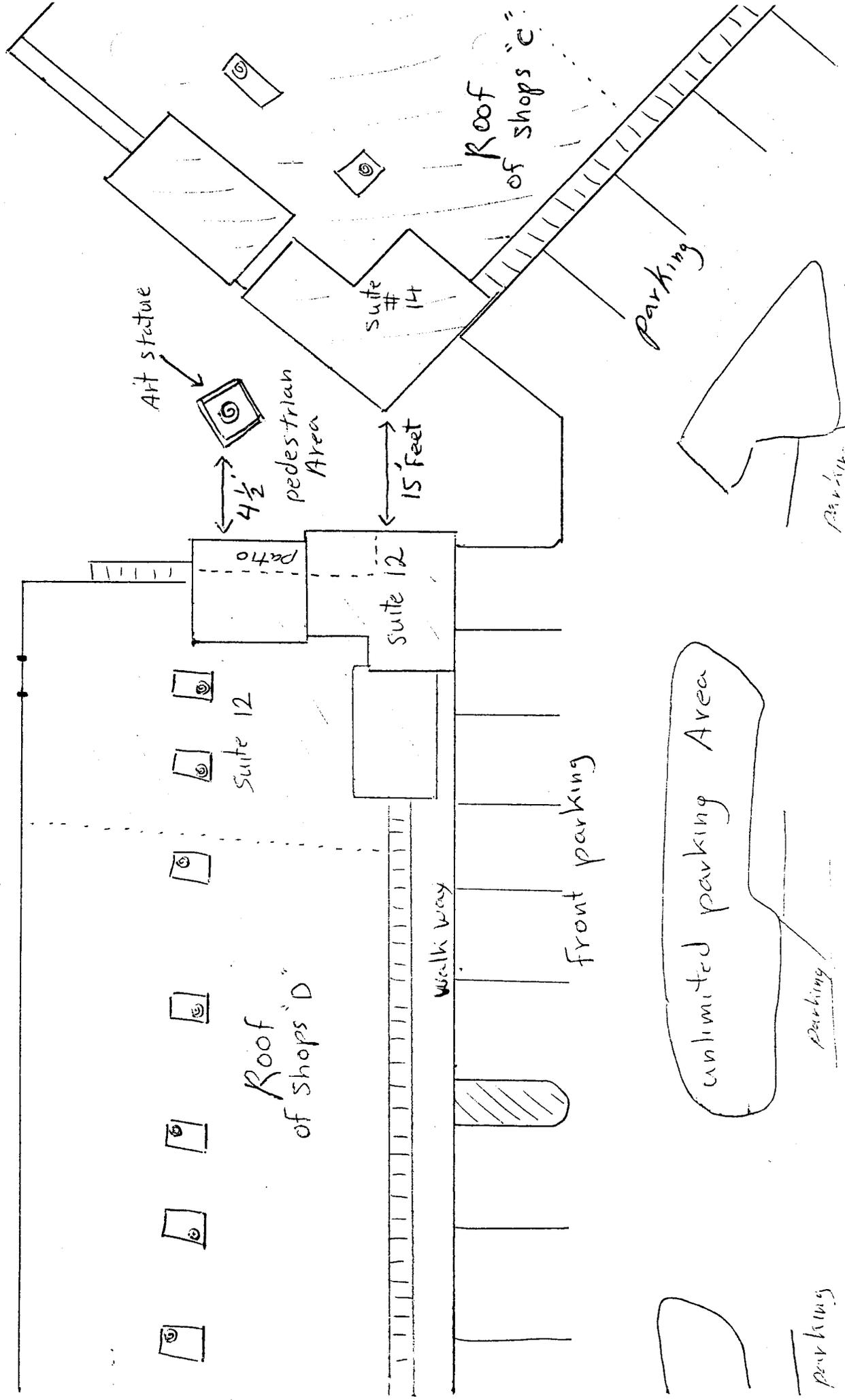
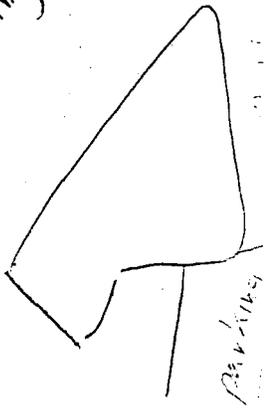
Roof of shops "C"

Parking

unlimited parking Area

Parking

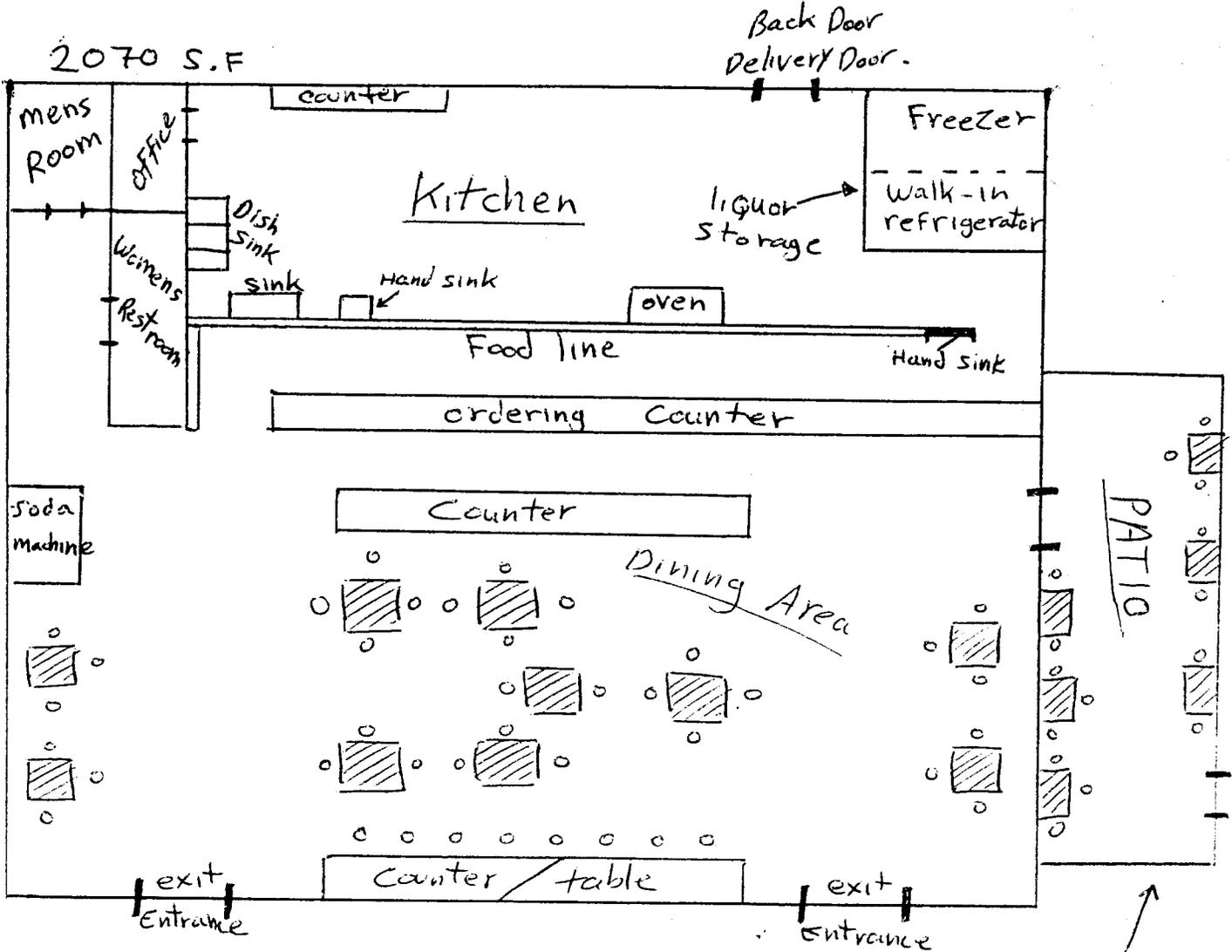
Parking



SPICES mediterranean kitchen @ 4040 W. Ray rd, suite # 12

Floor plan

Chandler, AZ 85226



parking

Subject: Spices Mediterranean Kitchen Use Permit request

The request is for Use Permit Approval to sell all types of liquor for on-premise consumption within a restaurant. (series 12 Restaurant License)

Background- The restaurant is located within the Copper Point Shopping Center anchored by Albertson's at the northwest corner of McClintock and Ray Rd, 4040 West Ray Rd Chandler AZ 85226. The space suite 12 is 2,070sq ft. The restaurant, Spices Mediterranean Kitchen will provide a unique combination of excellent food at great value pricing with a warm atmosphere. Spices Mediterranean Kitchen wishes to sell beer and wine for customers to consume with their meals at lunch and dinner.

The restaurant hours of operation are:  
11:00am - 9:00pm Sunday - Thursday  
11:00am - 10:00pm Friday - Saturday

At this location parking is unlimited.

There is seating for 40 customers indoors and possible 15 customers outdoors under the patio.

There will be no live entertainment.

A common pedestrian area is located immediately North of the restaurant.

The total number of employees is 6 total on staff.

The previous tenants, W. G. Grinders was approved for Use Permits for Alcohol sales.

Three other use permits are active in this shopping center, including a series 9 liquor store license for the Albertson's grocery store, a series 10 beer and wine store license for the A-Express convenience store at the immediate corner, and a series 12 restaurant license for Bongos Bar and Grill.

The use permit, if approved, will be used in Association with a series 12 liquor licenses. A series 12 restaurant licenses allows the sale of all liquor and requires a minimum of 40% of the total sales to be in food and non-alcoholic beverages.

Mission Statement:

To provide a unique combination of excellent, healthy home made food at a great price value. Spices will provide a casual dining environment for lunch, dinner, take out and catering services. We will be serving top quality food hand made daily on the premises and seasoned to perfection.

Thank you for your consideration and time regarding this matter.

Respectfully,

Etgar Wagner

Attn:  
Jodie Novak  
3 pages.

*SPICES*  
*MEDITERRANEAN KITCHEN*

By Etgar Wagner.

*APPETIZERS*

*HUMMUS BI TAHINA*

*CREAMY HUMMUS AND TAHINI SAUCE WITH FRESH HOT PITA BREAD AND OLIVE OIL*

*HUMMUS WITH SHAWARMA BEEF OR CHICKEN*

*SERVED WITH FRESH HOT PITA BREAD*

*BUREK*

*HOT PUFF PASTRY FILLED WITH FETA AND MOZZARELA CHEESE*

*OR*

*SPINACH AND FETA BUREK*

*MALAWACH*

*HOT CRISP PITA WITH SEASONED THREE CHEESES AND 'SPICES' FRESH TOMATO RELISH*

*PITA AND TAHINI*

*FRESH HOT PITA WITH CREAMY TAHINI SAUCE*

*BUTTER AND GARLIC PITA CHIPS*

*SERVED WITH TAHINI ADD...*

*SERVED WITH HUMMUS ADD...*

*ROASTED RED PEPPER AND TOMATO SOUP*

*SALADS*

*AEGEAN SALAD*

*SWEET BABY GREENS, FETA, CINNAMON GLAZED PECANS AND HONEY BALSAMIC VINAIGRETTE*

*ADD CHICKEN...*

*ADD SHRIMP...*

*CYPRUS SALAD*

*CRISP ROMAINE LEAVES, FETA, PEPPERS, TOMATOES, OLIVES AND ARTICHOKES IN A GARLIC RED WINE VINAIGRETTE*

*ADD CHICKEN...*

*ADD SHRIMP...*

*EDEN SALAD*

*GRILLED HALLOUMI CHEESE OVER*

*CRISP ROMAINE LEAVES, PEPPERS, TOMATOES, AND OLIVES IN A CREAMY SUNDRIED  
TOMATO AND GARLIC VINAIGRETTE  
ADD CHICKEN...*

*CAESAR SALAD*

*CRISP ROMAINE AND PITA CROUIONS TOSSED IN A LIGHT CITRUS CAESAR WITH SHAVED  
GRANA  
ADD CHICKEN...  
ADD SHRIMP...*

*ENTREES*

*SHAWARMA PITA*

*CHOICE OF CHICKEN OR BEEF*

*SERVED WITH MEDITERRANEAN SALAD, TAHINI AND FRENCH FRIES.*

*SHAWARMA PLATE*

*SERVED WITH MEDITERRANEAN SALAD, TAHINI AND FRENCH FRIES*

*FALAFEL PLATE (5)*

*SERVED WITH MEDITERRANEAN SALAD, TAHINI AND CUCUMBERS*

*FALAFEL SANDWICH*

*SERVED WITH MEDITERRANEAN SALAD, TAHINI AND CUCUMBERS*

*SHISH KABOB*

*BEEF, CHICKEN OR COMBO*

*ALL KABOB ARE SERVED WITH MEDITERRANEAN SALAD, PITA, AND TAHINI SAUCE  
ADD FRENCH FRIES...*

*KIDS*

*CHICKEN STRIPS*

*PITA PIZZA*

.....

*SIDES*

*TAHINI SAUCE*

*HUMMUS PITA BREAD*

*FRENCH FRIES*

*MEDITERRANEAN SALAD*



