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APR 26 2007



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MEMORANDUM

Planning and Development – CC Memo No. 07-090

DATE: APRIL 19, 2007

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, CITY PLANNER

SUBJECT: UP07-0018 TOM RYAN'S LOUNGE

Request: Extension of premises for Liquor Use Permit in conjunction with Series 6 Bar License

Location: 70 West Warner Road, Suite #105
Northwest corner of Warner Road and Arizona Avenue

Applicant: MAKK (Ken Seal)

RECOMMENDATION

The request is for a Use Permit to sell all types of alcohol for on-premise consumption only within a bar (Series 6 Bar License). Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

BACKGROUND

The bar is located within the East Valley Mall at the northwest corner of Warner Road and Arizona Avenue. The bar shares a pad building (with DJ's Smoke Shop and Cousins Subs) along Warner Road approximately 350 feet west of the intersection. The bar has been selling alcohol under an existing Use Permit in conjunction with a Series 6 Bar License since 1992. The application requests that the alcohol service area be extended to include an outdoor patio in addition to the previously approved indoor service area, a change that requires a new Use Permit.

The existing 5,100 square foot facility contains a bar, small tables for eating and drinking, and two pool tables, with an approximate seating provision of 180. An existing approximate 750 square foot patio area north of the suite is proposed to be fenced with wrought iron in order to allow provision of alcohol under the existing Series 6 Bar License. The enclosed patio, which

will be accessed from inside the bar through a new door, will include a television, radio for ambience, and provide a seating capacity of approximately 48 persons. The hours of operation are 6:00 a.m. to 2:00 a.m. Monday through Saturday and 10:00 a.m. to 2:00 a.m. Sunday. There is live entertainment indoors on Friday and Saturday nights, but no live entertainment on the patio. Also, the patio door will remain closed and indoor live music will not be broadcast on the outdoor speakers.

The request for alcohol service on the patio is driven by the new statewide smoking law, effective May 1, that generally prohibits indoor smoking in bars and restaurants. The applicant indicates that a large proportion of their clientele smokes, and so the ability to provide an outdoor smoking area is important to the business' success.

There are numerous other active and inactive liquor Use Permits in the area. In the East Valley Mall, China Star possesses a Series 7 (Wine & Beer) Use Permit and a soon-to-be-opened bar about 300 feet west of the subject site possesses a Series 6 (Bar) Use Permit, plus five other locations in the center hold inactive liquor Use Permits. There is also a Series 6 (Bar) license active across Warner Road (First Round Draft) and a Series 12 (Restaurant) license across Arizona Avenue in Chandler Mercado (Portrero).

The shopping center was parked at 6 spaces per 1000 square feet, resulting in a parking surplus of over 100 spaces even after subsequent building additions.

DISCUSSION

Planning Commission and Staff find that the fencing of and provision of alcohol to the patio area is an appropriate use at this location. The patio area is generous and the fencing will not interfere with normal pedestrian movement. Additionally, no homes are located near the subject site that could easily be affected by any increased noise.

The original application request was to enclose not only the adjacent concrete patio, but also the grassy area just beyond it. Planning Commission and Staff recommend a condition that limits the fence enclosure to only the concrete area, thereby leaving the grassy area open and unfenced. The applicant consents to this condition.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Thursday April 12, 2007 at the Downtown Chandler Community Center. No citizens attended.
- The Police Department has been informed of the application and has responded with no issues or concerns.

At the time of this writing, Staff has received no communications from concerned citizens regarding this proposal.

COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 0 Absent: 1 (Anderson)

Planning Commission revised Condition No. 5 in order to specify the size of the tree to be planted. They also introduced Condition No. 7 to limit fence height with the intention of making it more attractive.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval of UP07-0018 TOM RYAN'S LOUNGE subject to the following conditions:

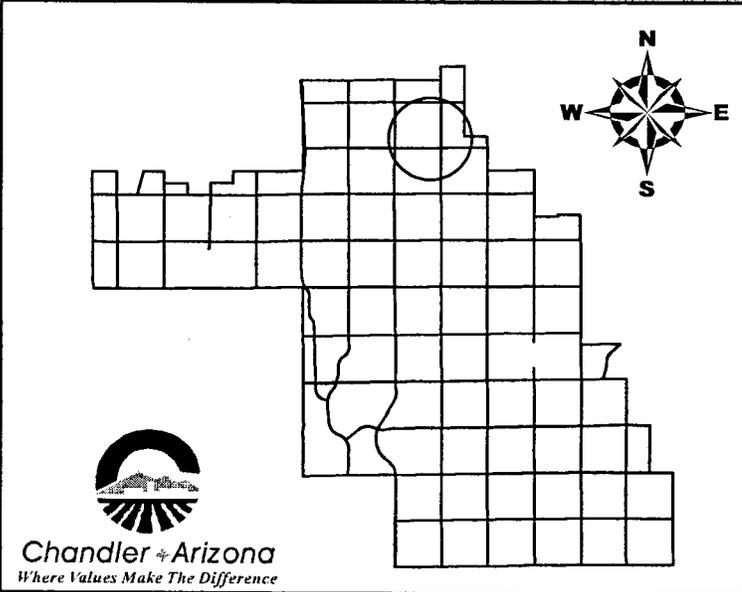
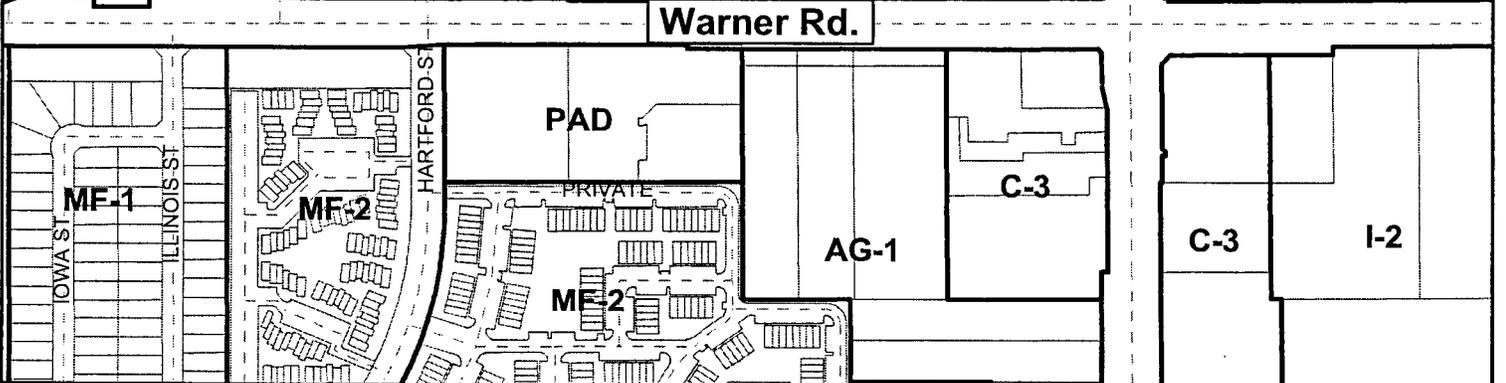
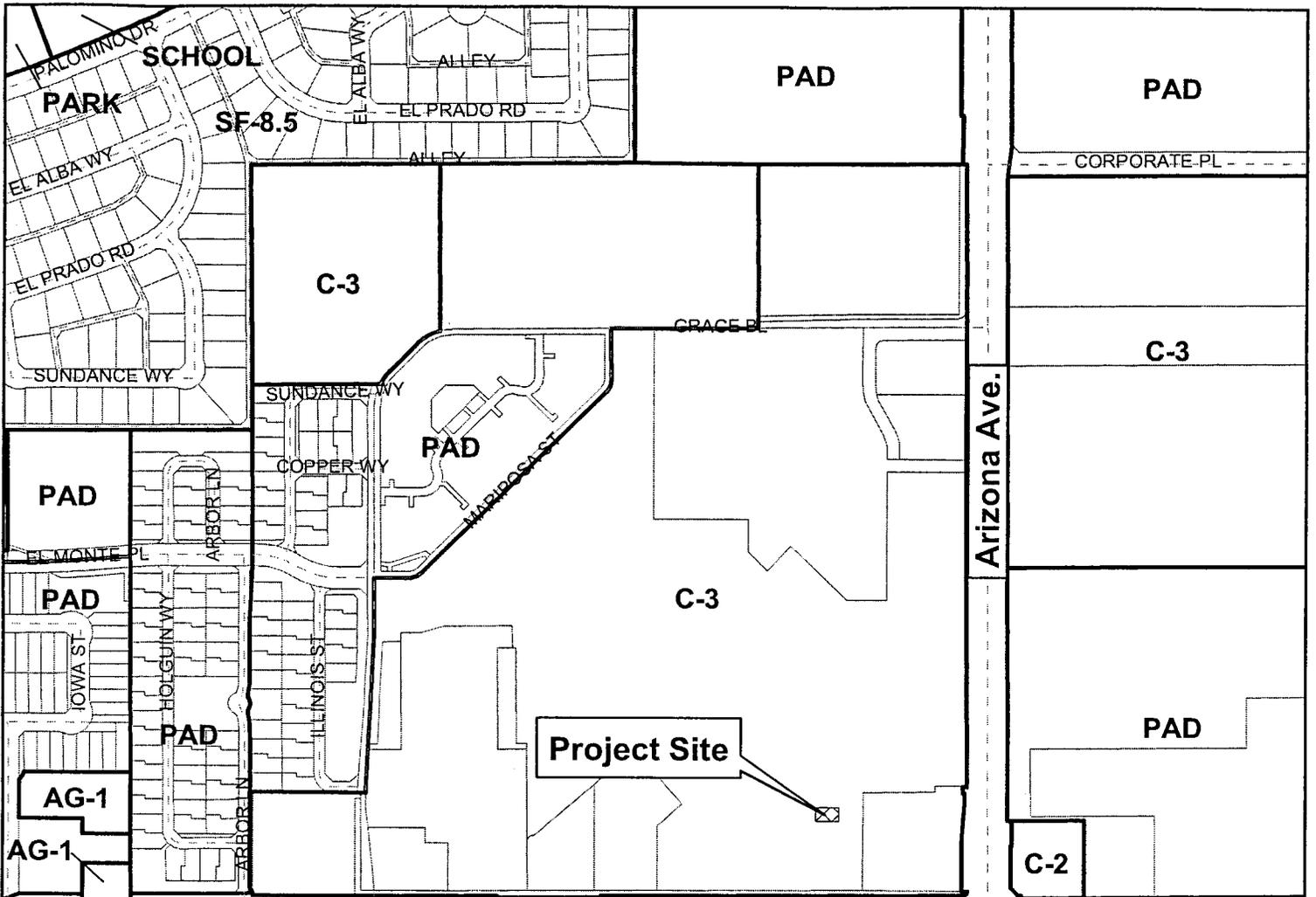
1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or an increase in entertainment related uses shall require reapplication and approval of the Use Permit.
5. A 48"-box shade tree and a bench shall be installed nearby to account for the tree and bench removed through the patio enclosure process.
6. Only the concrete patio area shall be enclosed. The adjacent grassy area shall remain unfenced.
7. The perimeter fence shall be a maximum height of 48".

PROPOSED MOTION

Move to approve UP07-0018 TOM RYAN'S LOUNGE Use Permit for alcohol sales subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Floor Plans (2)
3. Existing Elevation
4. Proposed Elevation (with patio)
5. Applicant Narrative
6. Photos of Existing Patio Area



Vicinity Map

UP07-0018

Tom Ryans Lounge

Liquor Use Permit



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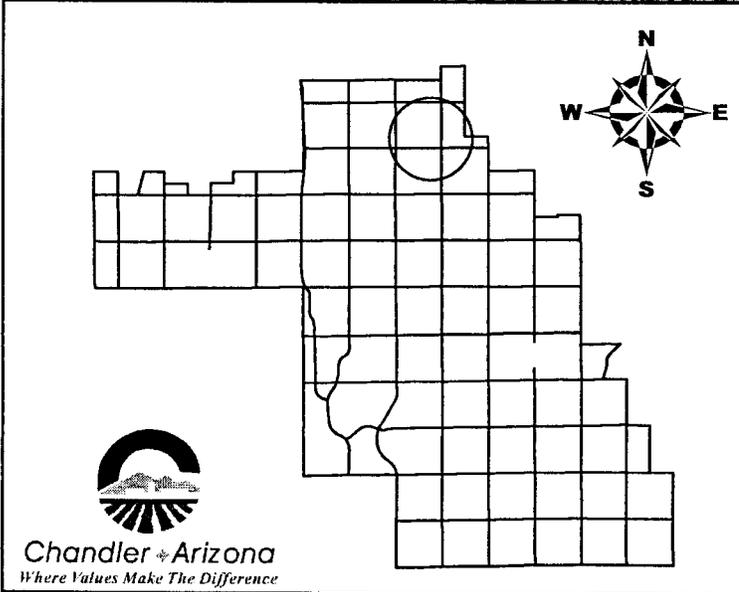
CITY OF CHANDLER 2/28/2007



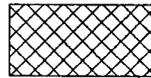
Project Site

Warner Rd.

Arizona Ave.



Vicinity Map



UP07-0018

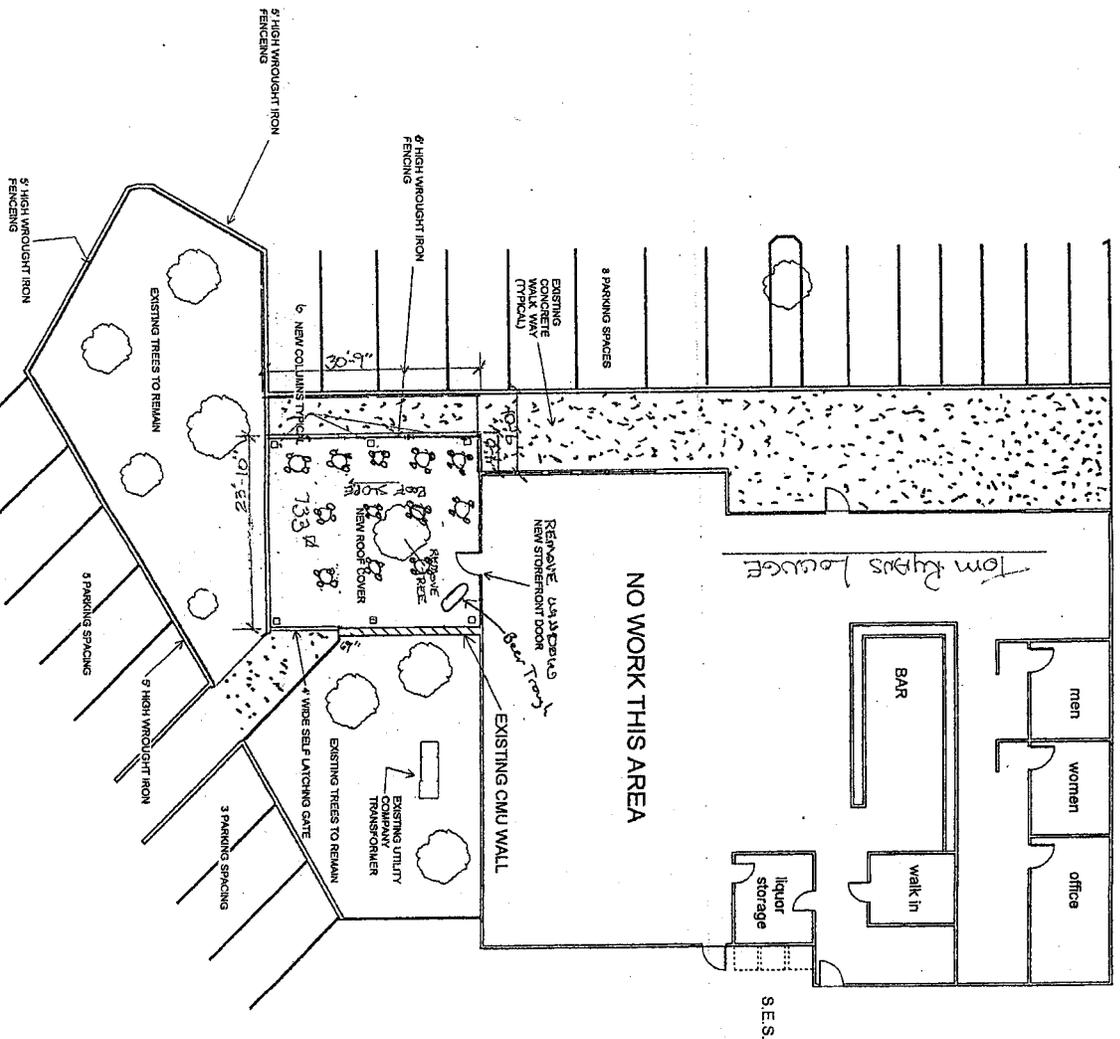
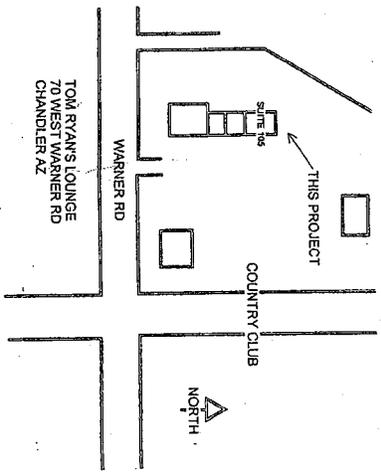
Tom Ryans Lounge
Liquor Use Permit



Chandler, Arizona
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Governing Building Codes: All construction shall comply with the following codes and amendments per their adopting ordinances:

- 2003 International Building Code (ord. # 4155)
- 2003 International Residential Code (ord. # 3925)
- 2003 International Mechanical Code (ord. # 3926)
- 2003 International Fire Code (ord. # 3507)
- 1999 National Electrical Code (ord. # 3413)
- 1994 Uniform Plumbing Code (ord. # 2785) IAPMO Edition



Tom Ryan's Lounge Patio Roof Addition

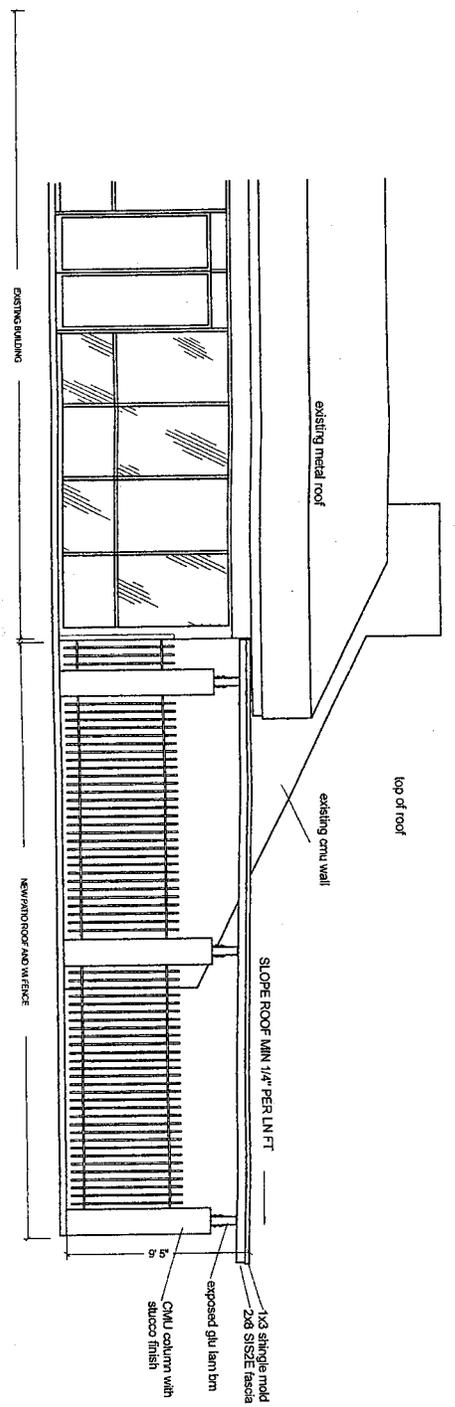
We plan to build a free standing patio roof over the existing patio and sidewalk area at the North end of the existing building. The new roof will butt up to the existing building on 2 sides and drain into the grassy area north of the new roof. We will not change any structure to the existing, no will we add electrical or plumbing in the new structure. All paint colors and stucco texture will match the existing building.

We will have to sawcut the concrete patio slab to install new bearing footings for the new columns. We will re-concrete the area around the new columns to match the original slab. One other thing we will do is install a new door in the existing storefront window area. The door will have tempered glass, be self-closing and weather tight.

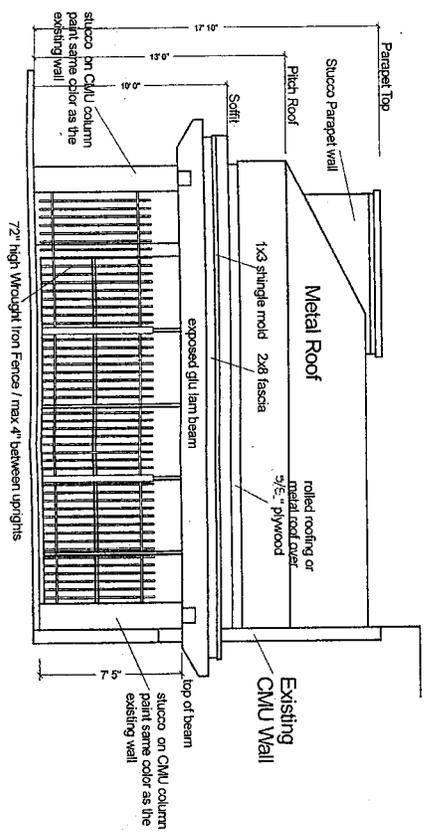
*Beer Trough for Fri/Sat + Saturday Nights
+ special events (Fund Raiser Etc)
12 Tables with seating for 42 people*

Page #	Drawing
1	Site Plan
2	Existing Elevations
3	New Elevations
4	Floor Plan
5	Concrete Plan
6	Roof Framing
7	Section/Details

TOM RYAN'S LOUNGE PATIO ROOF ADDITION



FRONT ELEVATION



RIGHT ELEVATION

NEW ELEVATIONS

TOM RYAN'S LOUNGE

**70 W. Warner Rd Suite#105
Chandler, AZ 85225
480-792-1699**

Description of business:

Tom Ryan's Lounge is a bar that serves liquor only with a Class 6 liquor license.

We are open from 6am-2am Monday-Saturday and 10am-2am Sunday.

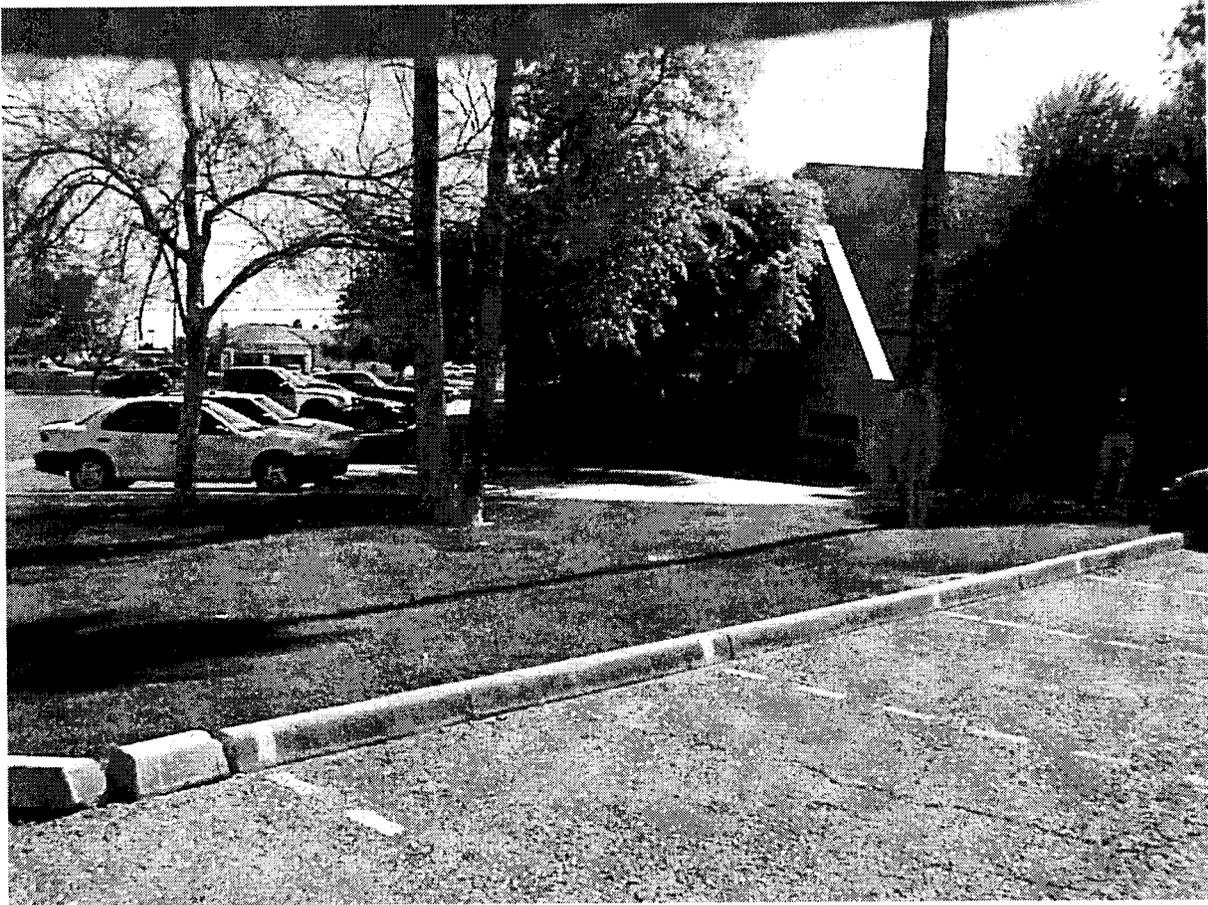
There are bands that perform every Friday and Saturday evening from 9pm-1:30am.

We also do benefits and charity events at various times of the year.

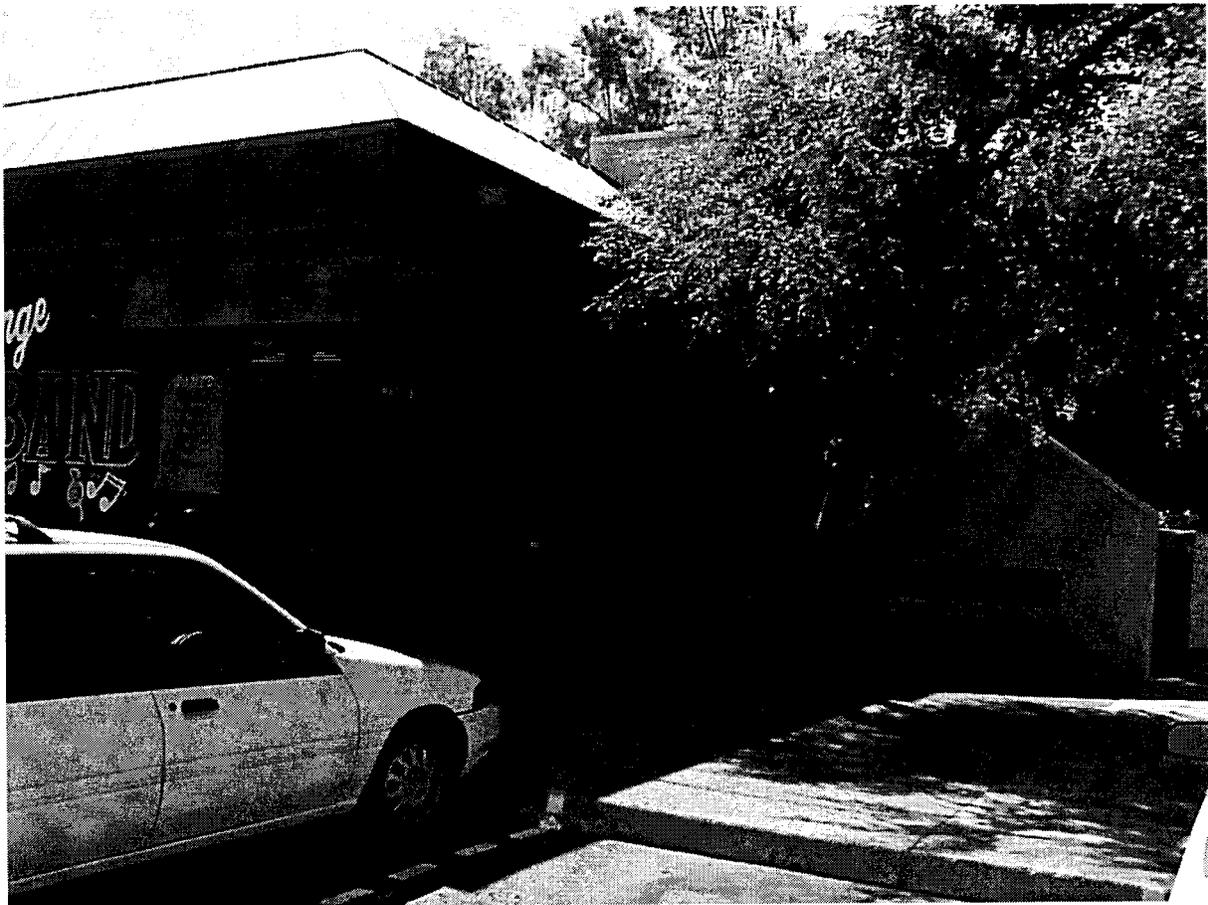
We are interested in putting in a patio mainly for band nights and special events.

These are the only times that we will actually serve alcohol on the patio. We will be using a beer trough for bottled beer only. We will always have at least 1 bartender and 1 security person on the patio at the times we are serving alcohol on the patio. The rest of the time, during normal business hours, the patio will be used by customers for outside seating and for the purposes of the new smoking laws that will be going into effect as of May 1st. We will allow customers to take there drinks from inside the bar to the patio. The area of the patio is all glass store front and will be visible from the bar area inside. We are enclosing the entire grassy area to the north of the patio and surrounding the patio and grassy area with a 5 foot high wrought iron fence. The grass area will be left as is and may be used for horse shoes or volley ball etc. at some point in time.

We are also suppling archetectural plans that show the beer trough and seating for the patio.



View of patio area and adjacent grass from north. One tree and bench to be replaced elsewhere.



Closeup view of area to be enclosed (from the east).