

#46

SEP - 6 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 07-205

DATE: AUGUST 21, 2007

TO: MAYOR AND CITY COUNCIL

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

FROM: ERIK SWANSON, CITY PLANNER ^{ES}

SUBJECT: UP07-0050 THE DIRTY DRUMMER

Request: Use Permit approval to sell liquor within an extension of premises for two outdoor patios for an existing bar (Series 6 Bar License).

Location: 3002 N. Arizona Avenue, Suites 1-4
West of the northwest corner of Arizona Avenue and Elliot Road

Applicant: Dennis Ortiz, Owner

RECOMMENDATION

The request is for Use Permit approval to sell liquor within an extension of premise for two outdoor patios for an existing bar (Series 6 Bar License). Planning Commission and Staff, finding consistency with the General Plan and the Community Commercial (C-2) zoning district, recommend approval with conditions.

BACKGROUND

The subject site is located west of the northwest corner of Arizona Avenue and Elliot Road, within the Pollack Plaza commercial center. The Dirty Drummer is located at the southwestern end of the center on the end cap of a section of inline shops. Directly east of the subject site within the inline shops is a vacant tenant space, and beyond that a small convenience market. East of the inline shops is a freestanding Circle K convenience store. North of the plaza is the Palm Plaza Commerce Center. East of the subject site across Arizona Avenue is the Pollack Business Park North. South, across Elliot Road is a vacant parcel. West of the subject site,

across San Marcos Place within the Chandler Business Plaza is truck parts center, specialty automotive shop, and a cabinetry shop.

Within the Pollack Plaza commercial center there are a variety of commercial uses including, convenience markets, hair salon, furniture stores, fitness center, Korean BBQ restaurant, and a childcare day care center.

The subject site was rezoned in 1977 as part of a 1,500-acre rezoning. The subject site has been in operation with a Series 6 liquor license since 1986. In 1992 the subject site expanded its operation into an additional two suites, requiring a new Use Permit. The current request is to allow for an extension of premises for two outdoor patios. The applicant is proposing to construct a temporary patio on the south side of the restaurant (labeled "Plan A", see attachments), facing Elliot Road. The patio would extend five feet into the covered walkway. The width of the covered walkway is 10' feet to the support columns, and extends an additional five feet beyond. The patio would be approximately 21' long, and would be utilized for smokers. Since The Dirty Drummer extended its premises in 1992 the proposed temporary patio will be utilizing a door that is currently not in use. The patio door is 20' from the main entrance. The temporary patio would be used until the end of the first of the year in which the applicant hopes to have plans completed for the permanent patio.

The second proposed patio is on the west side of the establishment (labeled "Plan B" see attachments). The patio is approximately 128 sq. ft. The patio would extend eight feet from the restaurant and would be approximately 16' wide. The patio would be a permanent patio. The applicant is requesting the temporary patio to provide him time to determine if a patio is necessary, and if so time to submit plans. The proposed permanent patio would require engineering since it extends into a current retention basin. Both patios will utilize a metal railing 32" in height.

DISCUSSION

Located within the Pollack Plaza is a Kids-R-Our-Future Child Daycare. The daycare has been in operation for approximately two months, and is open from 6 a.m. to 6:30 p.m. Monday through Friday. Current Arizona State liquor laws require that there be a separation of 300' between a business utilizing a Series 6 liquor license and State licensed schools. This requirement does not include daycare facilities. The Kids-R-Our-Future does not meet the requirements of a State licensed educational facility. The daycare is approximately 200' north of the subject site. In addition, the daycare has an outdoor playground located on the west side of the building. The subject site is proposing their permanent outdoor patio to be located on the west side of their building. There is no pedestrian or vehicular connection between the proposed patio and the outdoor playground. Staff finds that there are no outstanding land use issues of concern, and recommends approval of the Use Permit for the extension of premises to allow the two outdoor patios.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- The Police Department has been notified, and has not responded with any concerns.

- A neighborhood meeting was Wednesday July 25, 2007. No neighbors were in attendance.

As of the writing of this memo, Staff has received two phone calls. The first phone call was from a resident that lives south of the subject site across Elliot Road. The resident had concerns about noise levels. Staff explained that there would not be live entertainment outside, but that a condition would be added to address outdoor noise levels. The second caller had general questions.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

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

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and the C-2 zoning district, recommend approval of the Use Permit subject to the following conditions:

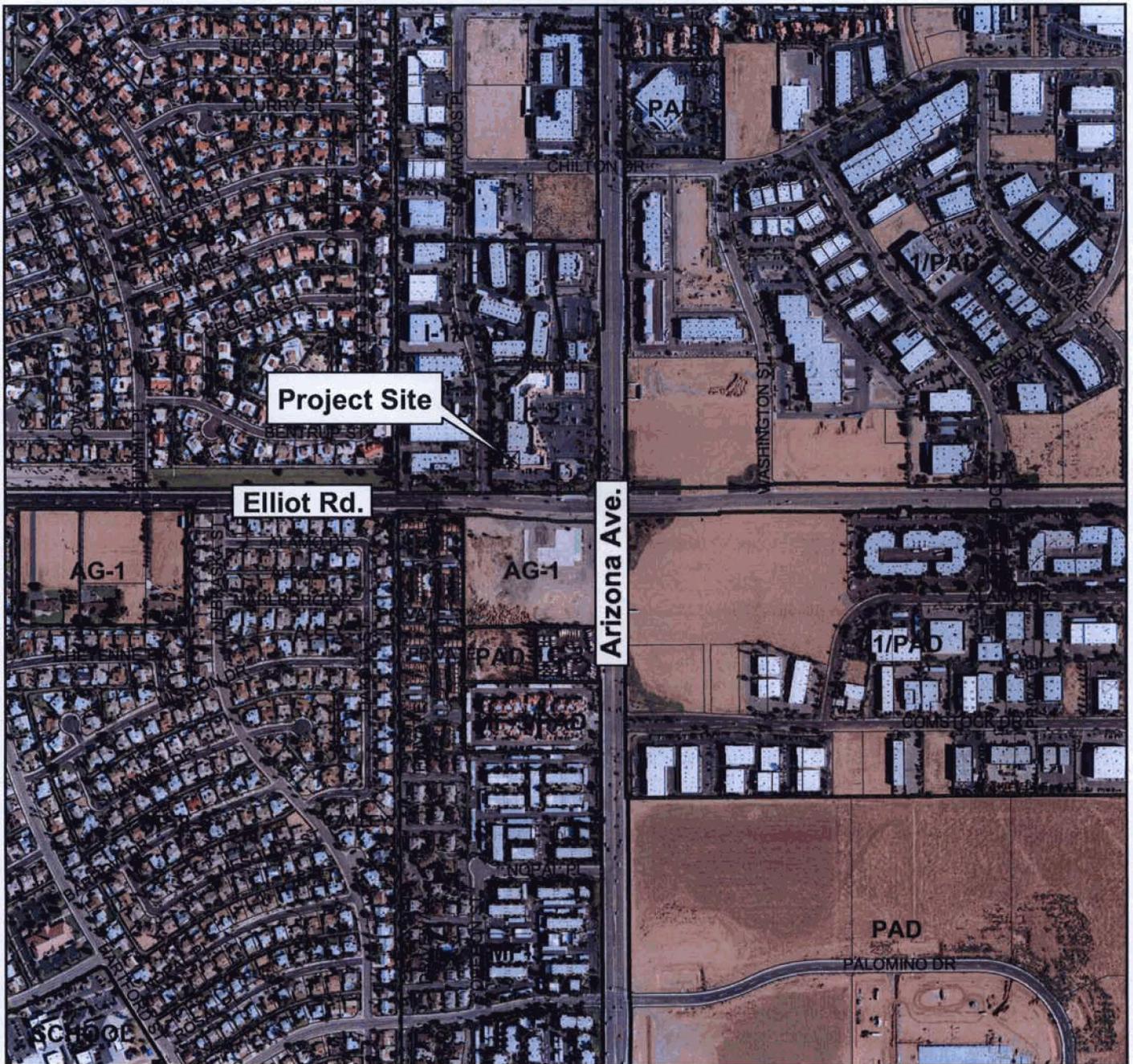
1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other store location.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
5. Noise shall be controlled so as to not cause a nuisance for nearby residences.
6. The outdoor patio and adjacent areas shall be kept in a clean and orderly manner.

PROPOSED MOTION

Move to approve UP07-0050 THE DIRTY DRUMMER, Use Permit for an extension of premises, subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Site Plan
3. Plan A
4. Plan B
5. Floor Plan of both patios
6. Photographs



Project Site

Elliot Rd.

Arizona Ave.

AG-1

AG-1

PAD

1/PAD

1/PAD

PAD

PALOMINO DR

SCHOOL

Vicinity Map



UP07-0050

The Dirty Drummer



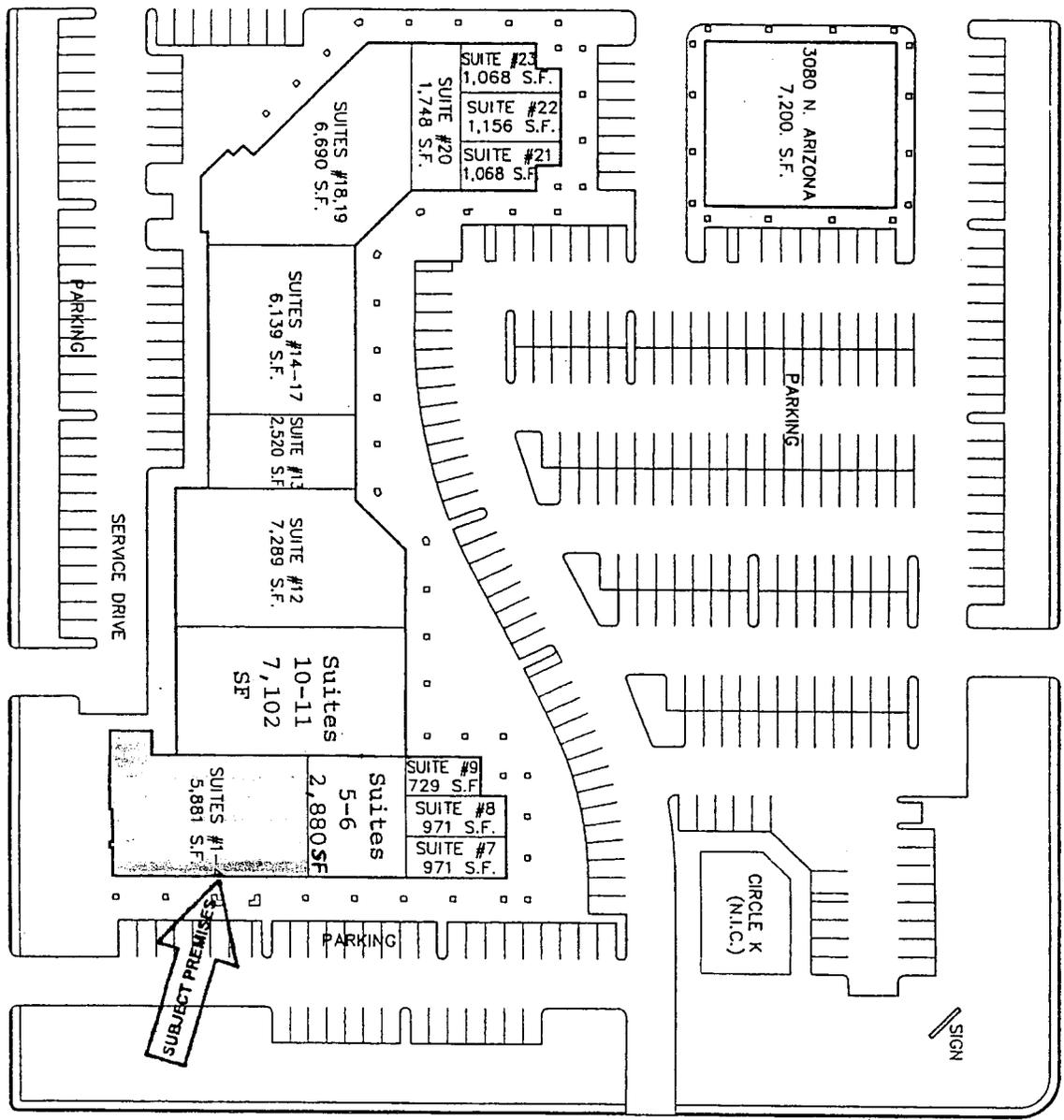
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CITY OF CHANDLER 6/18/2007

LEASING PLAN

NORTH ARIZONA AVENUE

SAN MARCOS P.L.



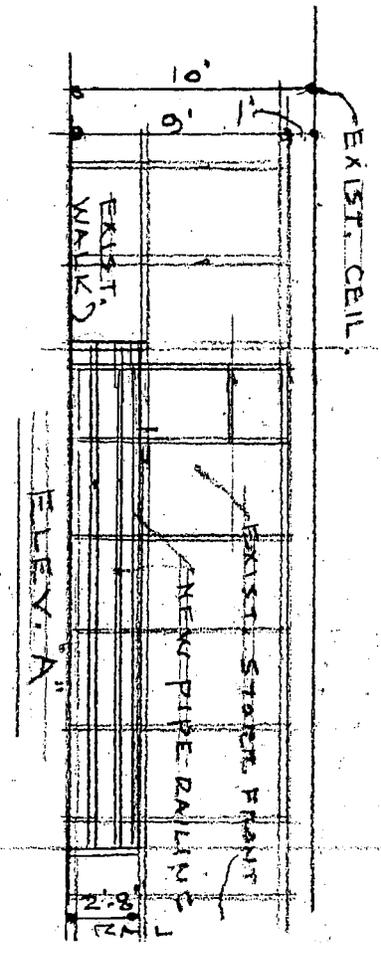
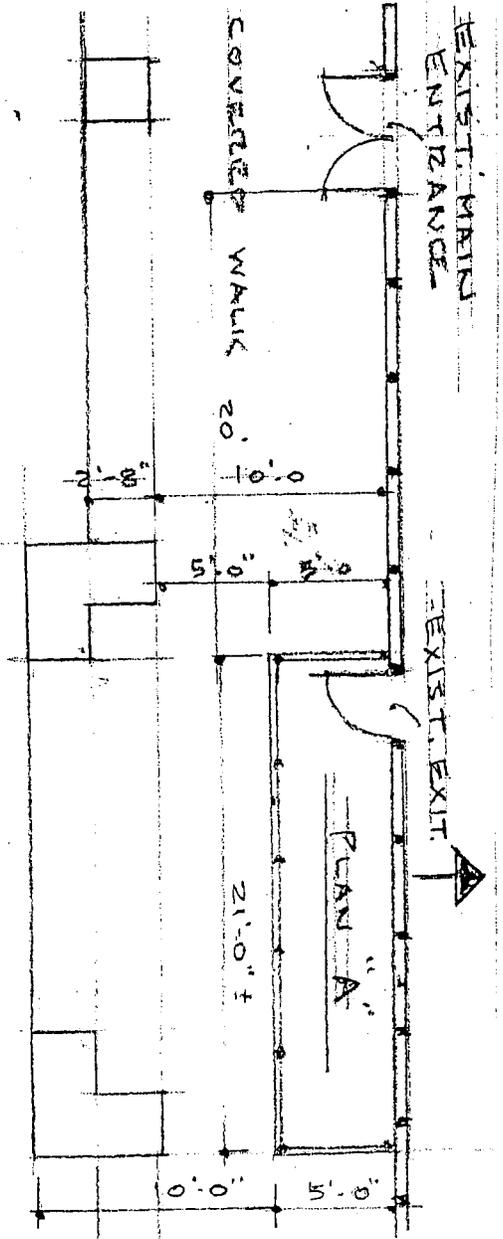
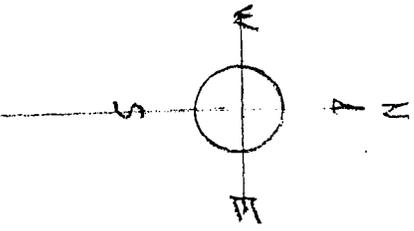
ELLIOT ROAD

SUBJECT PREMISES

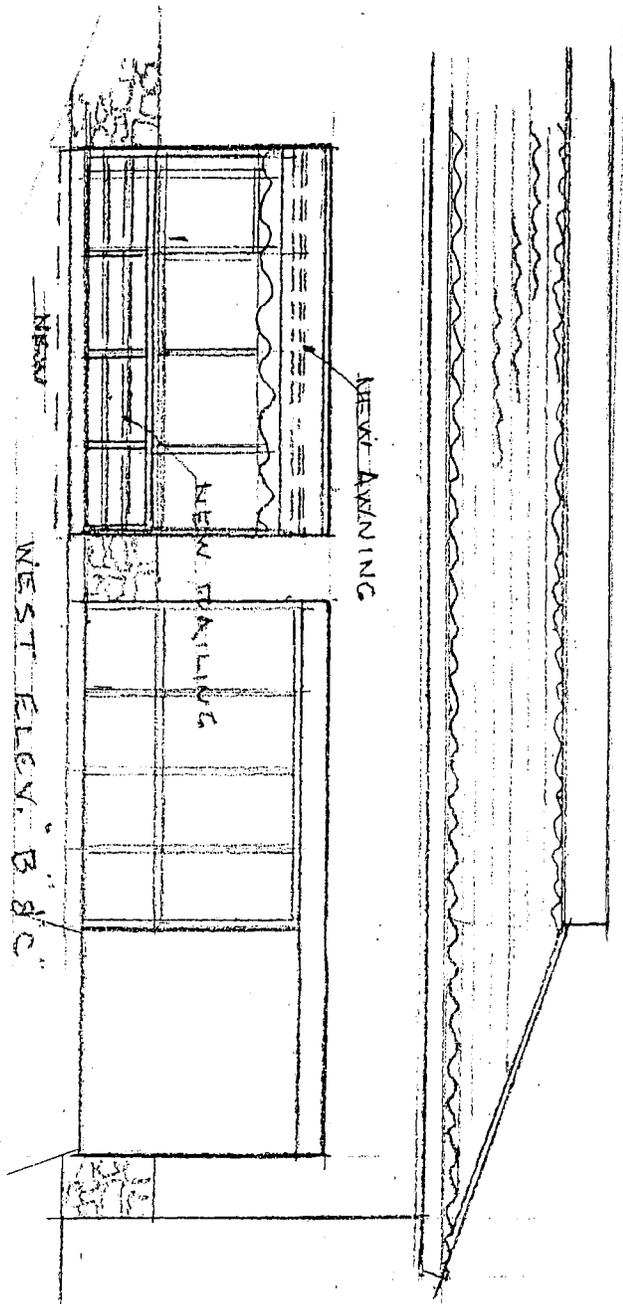
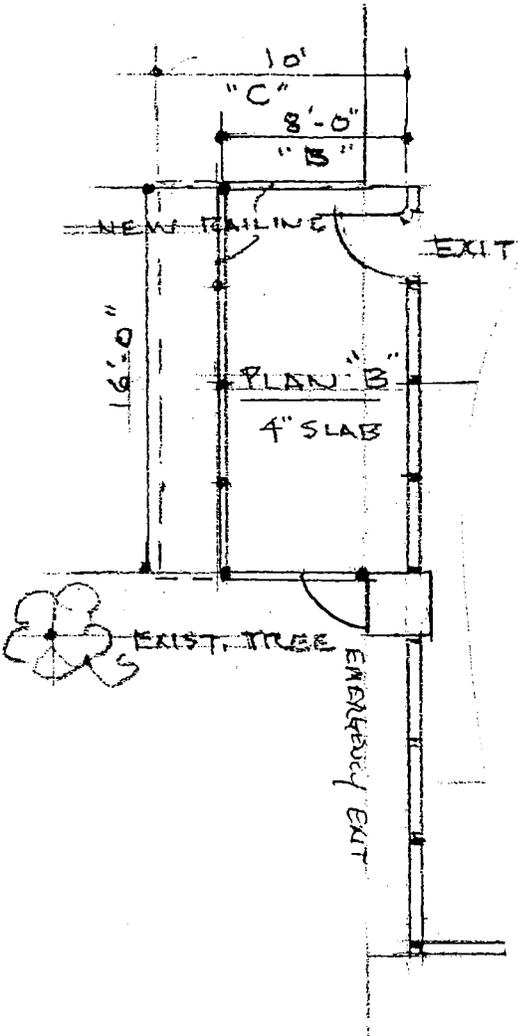
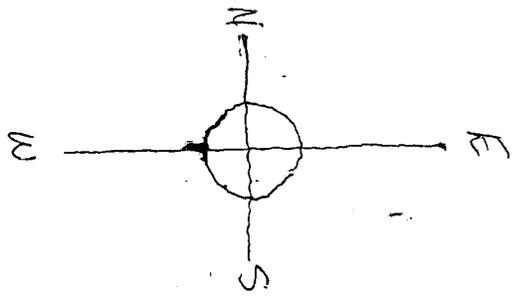


TOTAL SPACE CONTAINS APPROXIMATELY 46,212 S.F. ALL FOOTAGE AND PARKING SHOWN IS APPROXIMATE, AND IS SUBJECT TO CHANGE AT THE SOLE DISCRETION OF THE LANDLORD. THERE ARE APPROXIMATELY 382 PARKING SPACES. THIS DRAWING IS NOT TO SCALE.

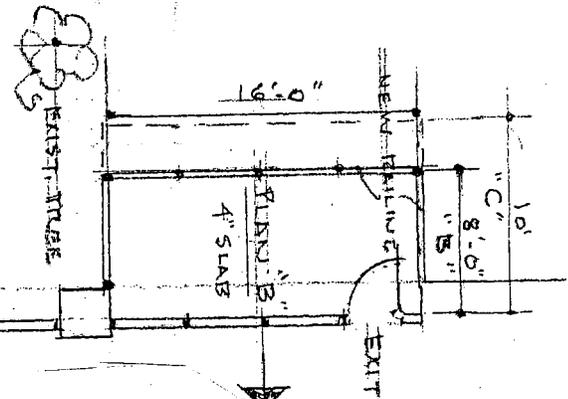
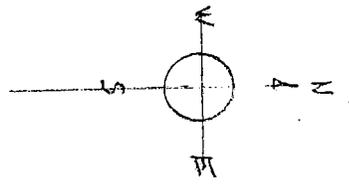
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Plan A, Exb 1



Plan B, Exb 1



EXIST. BAIT & GRILL "THE DIRTY VACUUMER"

NEW SMOKING PIZZA
"THE DIRTY VACUUMER"
3002 ARIZ. AVE. CHANDLER ARIZ.

4/22/07

EXIST. COVERED WALK 20'

EXIST. MAIN ENTRANCE

EXIST. EXIT

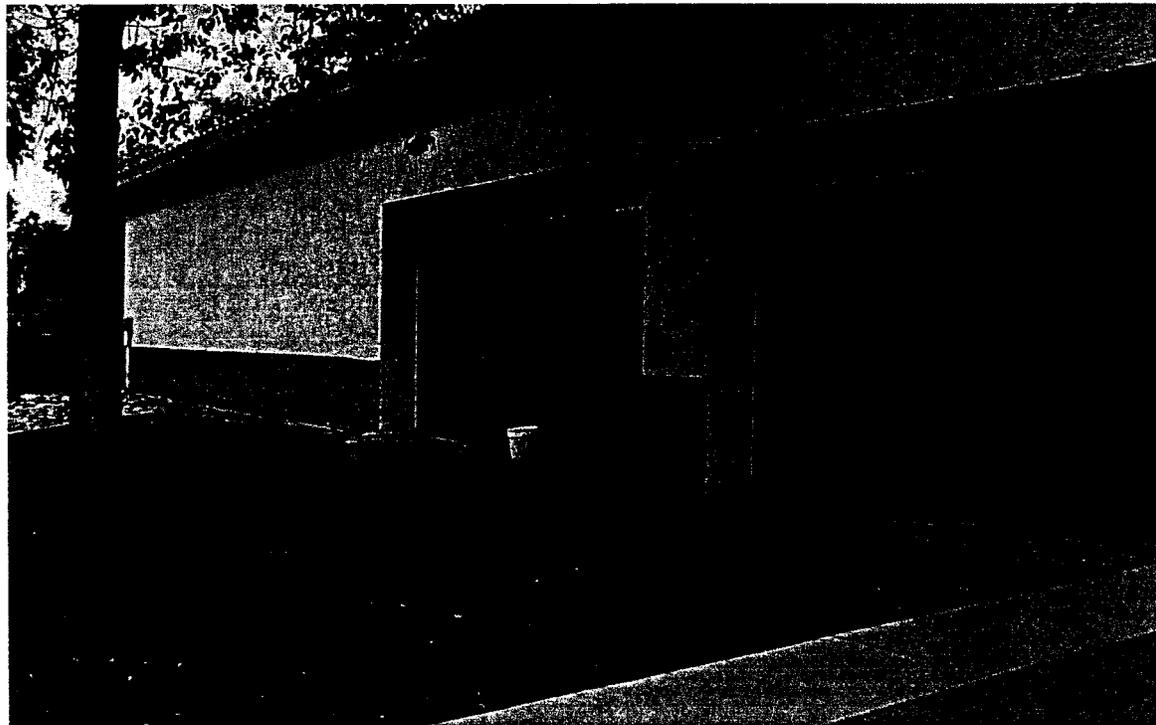
PLAN "A"

FLOOR PLAN

SCALE 1/8" = 1'-0"



Location of "Plan A" patio looking west, on the south side of the subject site



Location of "Plan B" patio on the west side of the subject site