

Info#1
SEP - 6 2007

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, August 15, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:39 p.m.
2. Pledge of Allegiance led by Commissioner Rivers.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Mark Irby
Commissioner Dick Gulsvig
Commissioner Angela Creedon
Commissioner Michael Cason
Commissioner Leigh Rivers

Absent and Excused: Commissioner Brett Anderson

Also Present:

Mr. Bob Weworski, Planning Manager
Mr. Kevin Mayo, Principal Planner
Mr. Erik Swanson, City Planner
Mr. Bill Dermody, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk
Mr. Bob Bortfeld, Senior Engineer/Traffic Engineering

4. PRESENTATION OF RECOGNITION PLAQUE TO RICK HEUMANN
CHAIRMAN FLANDERS asked Mr. Heumann to please come forward. He presented the recognition plaque for his dedicated service to the city. He stated that he and Rick were appointed to the Commission within a couple of months of each other and it had been fun and interesting. They did a lot of good work. One word that he could think of to describe Rick is 'dedicated'. He thanked him.

RICK HEUMANN thanked his family for putting up with him all these years and the late Wednesday night dinners. He also thanked everybody on the dias. His colleagues up there had become his friends over the years and he felt they probably had the best Commission in all the Metro area of Phoenix if not the whole state. He thanked the Staff as well. He thanked some of his mentors who were in the audience including Mike Perry, Tom Padilla and Phil Ryan who really taught him the ropes over the years. He learned a lot and he hoped he added something to the city.

VICE CHAIRMAN IRBY said it was a definite pleasure working with him. He always found his insight and dedication to projects inspiring and knew that he was always trying to look out for what was the right thing to do.

COMMISSIONER GULSVIG stated he really enjoyed working with Mr. Heumann and said the word 'tenacious' was his statement to summarize him. He was always dedicated in working hard for the Planning Commission and for the best welfare of the residents. Commissioner Gulsvig said he appreciated that and enjoyed working with him.

COMMISSIONER CASON thanked Rick Heumann for taking him under his wing when he first got on the dias. He said he felt bad that he didn't have an opportunity to work with him longer. He wished him luck in all his future endeavors and he would be there to help him if he needed it.

COMMISSIONER CREEDON said to Rick Heumann that it had been a pleasure. He was the person that she would pick up the phone and call when she had a question or didn't understand something. He was a great mentor. He was a passionate and caring Commissioner and it has been an absolute pleasure to work with him. She said she knows she teased him about adding all those stipulations but they were all just in fun. She again said it was truly a pleasure to work with him on Commission.

COMMISSIONER RIVERS said he felt left out because he was the only one who never got to work with him. He has known Rick Heumann for a long time but not through this venue. He said he is being mentored by him a little bit by just being up there. He said Rick Heumann was nice enough to call him when he got appointed and started easing his concerns about what and what not to do. Commissioner Rivers said he wouldn't lose his phone number.

Everyone applauded.

5. APPROVAL OF MINUTES
MOVED BY COMMISSIONER CREEDON, seconded by **COMMISSIONER GULSVIG** (Vice Chairman Irby abstained as he was not at the meeting). Minutes were approved 6-0 (Anderson was absent).

6. CONSENT AGENDA ITEMS
CHAIRMAN FLANDERS explained to the audience that prior to the Commission meeting, Planning Commission members and Staff met in a study session to discuss each of the items on the agenda. Staff will read into record all the items on the consent agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion.

MR. BOB WEWORSKI, PLANNING MANAGER stated the following items are for consent agenda approval along with any additional stipulations. There was one action item, item C.

A. AP07-0001/DVR07-0003/PPT07-0010 VILLA DEL LAGO

APPROVED.

Request Area Plan Amendment from Specialty Commercial to Medium Density Residential, rezoning from Planned Area Development (PAD) Specialty Commercial to PAD Multi-Family Residential along with Preliminary Development Plan (PDP) and Preliminary Plat approval for a multi-family residential development located on approximately 14.6 acres at the southeast corner of Ocotillo and Dobson Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "VILLA DEL LAGO" kept on file in the City of Chandler Current Planning Division, in file number AP07-0001/DVR07-0003, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
9. 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).

10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Villa Del Lago development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The landscaping in all open-spaces and rights-of-way shall be maintained by the homeowners' association.
12. The residential units shall be individual "for sale only" units at the time of the development.

B. PDP07-0024 84 LUMBER COMPANY

APPROVED.

Request amendment of Preliminary Development Plan (PDP) approval to place a 1,000-gallon fuel storage tank on an industrial site at 275 E. Willis Road, approximately ¼ mile east of the southeast corner of Willis Road and Arizona Avenue.

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Fuel containment shall be in accordance with all State and Federal laws.

3. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.
4. A Spill Prevention Plan shall be kept on file with the Fire Marshall.

D. UP07-0044 THE URBAN TEA LOFT

APPROVED.

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) for on-site consumption in a new retail/restaurant facility that includes a new outdoor patio at 11 W. Boston Street, Suite #2.

1. The Use Permit granted is for a Series 12 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 the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. **The outdoor patio and adjacent area shall be kept in a clean and orderly manner.**

E. UP07-0050 THE DIRTY DRUMMER

APPROVED.

Request Use Permit approval for an extension of premises to allow for outdoor patios at an existing bar (Series 6 Bar license). The subject site is located at 3002 N. Arizona Avenue, located at the northwest corner of Arizona Avenue and Elliot Road, within the Chandler Business Plaza.

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.**

F. UP07-0052 DOS GRINGOS GRILLE

APPROVED.

Request approval of a time extension for a Use Permit to allow the sale of liquor (Series 12 Restaurant License) at a new restaurant located at 1361 North Alma School Road, approximately one half-mile north of Ray Road on the east side of Alma School Road.

1. Development shall be in substantial conformance with previously approved zoning conditions and the Development Booklet, entitled "Dog Gringos Grille", kept on file in the City of Chandler Planning Services Division, in File No's. PDP06-0011 and UP06-0013, except as modified by condition herein.
2. The Use Permit shall remain in effect for one (1) year from the effective 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.

G. UP07-0057 A.J.'S FINE FOODS #168

APPROVED.

Request Use Permit approval to sell alcohol (Series 9 license) to customers within a grocery store. The subject site is located at 4975 S. Alma School Road, located at the northeast corner of Alma School and Chandler Heights Roads, within the Promenade at Fulton Ranch.

1. The Use Permit is for a Series 9 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. 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.
3. The Use Permit is non-transferable to any other store location.

H. UP07-0059 LONGHORN STEAKHOUSE

APPROVED.

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) to restaurant patrons within a new restaurant. The subject site is located at 2950 E. Germann Road, located north of the northwest corner of Gilbert and Germann Roads, within the Crossroads Towne Center.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. 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.
3. The Use Permit is non-transferable to other store locations.

I. UP07-0060 BRAVI

APPROVED.

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) to restaurant patrons within a new restaurant located at 2990 E. Germann Road, Suite #7, located at the northwest corner of Gilbert and Germann Roads, within the Crossroads Towne Center.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. 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.
3. The Use Permit is non-transferable to other store locations.
4. **The outdoor patio and adjacent areas shall be kept in a clean and orderly manner.**

J. UP07-0065 WHOLE FOODS MARKET

APPROVED.

Request Use Permit approval to sell alcohol (Series 7 license) to customers. The request is to allow for the sale of beer and wine only, on-site tasting, and the serving of beer and wine to customers dining in-store. The subject site is located at 2955 W. Ray Road, located at the southeast corner of the Price-101 freeway and Ray Road, within the Raintree Ranch shopping center.

- 1 The Use Permit is for a Series 7 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. 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.
3. The Use Permit is non-transferable to any other store location.

K. PPT07-0024 CHANDLER CROSSNG 5

APPROVED.

Request preliminary plat approval for an existing office/retail building divided into two condominiums located at the southeast corner of Ray Road and 56th Street.

CHAIRMAN FLANDERS asked if there was anybody in the audience that would care to pull any of the items. He also stated that on item D he has a “conflict of interest” as he was the architect of record on the renovation of that building. Also, on item J he is employed by that architectural firm. Chairman Flanders then entertained a motion.

COMMISSIONER GULSVIG asked if they could add a stipulation on the outdoor patio for item D.

BOB WEWORSKI said he would be glad to add an additional condition on item D, The Urban Tea Loft. It read as follows:

5. **The outdoor patio and adjacent area shall be kept in a clean and orderly manner.**

COMMISSIONER GULSVIG made a motion to approve the consent agenda as read into record by Staff, seconded by **VICE CHAIRMAN IRBY**.

COMMISSIONER RIVERS stated he would be voting no on item B of the consent agenda.

The consent agenda passed unanimously with noted exceptions 6-0 (Anderson was absent).

ACTION:

C. UP07-0043 WATERFRONT GRILL

Request Use Permit approval to sell alcohol (Series 6 Bar License) in an existing establishment at 1949 W. Ray Road, Suites 11-13, within the Boardwalk of Anderson Springs shopping center at the southeast corner of Ray and Dobson Roads.

1. The Use Permit is granted for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the existing floor plan, including additional bar serving area, shall void the Use Permit and require new Use Permit application and approval.
3. Use Permit approval allowing the sale of alcohol under a Series 6 liquor license is subject to the operation of the establishment as a full-service restaurant and bar that also offers catering services. Conversion to a cocktail lounge, bar without dining accommodations, nightclub, or other like uses shall require a new Use Permit application and approval by the City Council.
4. The Use Permit is non-transferable to any other bar or restaurant location.
5. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. The sale of liquor for off-site consumption is permitted only in conjunction with the operation of the catering service. Alcohol sale that is to be taken from the establishment for off-site consumption by an individual is prohibited.
7. There shall be no outdoor live entertainment.
8. Noise shall be controlled so as to not cause a nuisance for nearby residences.

MR. BILL DERMODY, CITY PLANNER, said this is a request for a use permit approval in order to sell alcohol in conjunction with a series 6 bar license. It's at the southeast corner of Ray and Dobson Roads within the Anderson Springs shopping center,

The Boardwalk at Anderson Springs. This is a restaurant and/or bar since about 1997 and has gone back and forth between a series 12 and series 6 license. The most recent change was about a year ago when they went from a 12 to a 6. At the time, there was a lot of concern from the neighbors about negative impacts and it turning it into more of a bar with live music and so forth. There were stipulations that prevented live music and required lunch and so forth. Coming back to you this year, they have requested to bring back the live music and in fact this business just sold a week ago, so they have another change they need to bring to Commissions attention which they were not aware of in study session. The new owners that just purchased this would like to bring back the stage when they have live bands. Generally, what used to be the stage was a little raised area. Near the front door is seating and will remain as such most of the time. However, a couple nights a week when they have a live band they will clear that out and put the band up top.

Same as during the study session, Staff recommends approval for one year on this to monitor any noise situation.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

JAY JAHARI, 419 NORTH VALENCIA DRIVE, CHANDLER and his partner **RANDY SHANAHAN, 4750 WEST MICHIGAN AVENUE, GLENDALE**, said they took over on the ninth of August and they intend on using the restaurant partly for catering. They have a catering plan set in motion and they plan on using the front area for private rehearsal dinners for weddings and such. It's kind of an eclectic area. Currently, they have rugs down and centerpieces in an area that they have set aside from the restaurant so customers can come in and check out the food and see what their catering company is about. They would like to keep that front area there if at all possible.

CHAIRMAN FLANDERS asked in regards to the catering part of it what has been the percentage of the catering business? Mr. Jahari said they do about 50% food in the restaurant currently. That's what the prior owners have stated to them. He's not sure how much catering food they did before. They intend to use the number 6 liquor license and to do more catering. They have advertised for it and plan on making it a big part of the restaurant. Chairman Flanders asked what they anticipate their percentage of catering to be? Mr. Jahari said hopefully, just a quarter of it. About 25%. They are actively selling their product for rehearsal dinners and catering. Hopefully, it will be more but he intends for it to be a big portion of the restaurant. They do custom food, they have all the equipment to do catering on and off-site. They fully intend on making it a big part of the restaurant.

CHAIRMAN FLANDERS also stated that they want to bring back the stage for live entertainment. He asked what kind of music are they anticipating? Mr. Jahari replied that occasionally they have a top 40 band or just an acoustic band that sits in the front. They do have people that come and listen to music. It's not an everyday thing. If there is not a band there will be that area set for the catering. It's not designed for a stage of any sort. It just happens to be a little raised for their catering. They are not a bar where they

do live entertainment everyday, but occasionally they have some dancing and salsa and maybe have a little band come in. Chairman Flanders inquired as to what time of the week do they think this live music would occur and what's the frequency? Mr. Jahari said that if they have live music it would be on the weekends, Friday and Saturday. Chairman Flanders asked if they are talking every weekend or once a month? Mr. Jahari said it would be a couple times a month. The bar has been redone. They have changed out the flooring and it's not a club/bar atmosphere, it's a restaurant atmosphere. Anybody that comes and plays, it would be kind of relaxed, not like a huge event. Their occupancy is only 190 people. Chairman Flanders said to Staff that he knows on a previous occasion when this came through there was a lot of opposition. Was it primarily for the live entertainment or was it just the type of facility that is was? Was it more of a bar with bands - was that the big problem? Mr. Bill Dermody answered that the fear was going from a 12 to a 6 would make it more of a bar. The stipulations that were added by Planning Commission a year ago to address that had to do with the live music. Apparently that was the major concern. Chairman Flanders asked that as far as a year ago, are those stipulations still in place? Mr. Dermody said that with the exception of one, live music was prohibited altogether a year ago and now it would be allowed and in place of that there would be a couple of new stipulations regulating the noise to make sure it's not a nuisance for the neighbors.

CHAIRMAN FLANDERS asked if there were any questions of the applicant.

COMMISSIONER CREEDON said she was looking at a couple of advertisements for the Waterfront Grill. She said she was curious that it almost sounded like this wasn't necessarily the type of atmosphere they are going to continue. She asked if that was correct? Mr. Jahari asked in regards to what? Commissioner Creedon said it showed a wet T-shirt contest, hip hop night, etc. Are they anticipating that continuing? Mr. Jahari said that was from the prior owner and they were not aware of that. They were not aware of these advertisements and their liquor consultant made that clear to them. Currently, the bar has no live entertainment of any sort. They do want to continue having a comedian come in and have a comedian dinner and maybe a small DJ for music. They also made stipulations that there are speakers outside and he will change the volume control on it so that they can control just the outside speakers. They have also moved them so that they are facing in instead of facing out. Mr. Jahari said they have also come up with special doors. These doors come right back when they are opened and don't stay open so that they are aware of the noise coming out. They don't want to have any problems with the people across the lake.

COMMISSIONER RIVERS stated he was just revisiting what Commissioner Creedon just asked. He asked if he was hearing him correctly, that they have no desire to have wet-T shirt contests and anything of that nature at all? Mr. Jahari said they have not considered that. Commissioner Rivers asked him if he would object to a stipulation to that? Mr. Jahari said he would not object to that.

VICE CHAIRMAN IRBY inquired if Mr. Jahari currently owns other facilities? Mr. Jahari said he does not. Vice Chairman Irby also asked if he sold another facility to purchase this one and what experience level does he have? Mr. Jahari said he has been a manager for Fat Tuesday's in California and Arizona for several years. He and his partners are both MBA students and have come together to purchase a restaurant.

RANDY SHANAHAN said in regards to his background he is an outpatient administrator for a dialysis unit in Sun City. He has an accounting background and has been managing the same outpatient unit for 12 years. Part of that has been all physician management. Their other partner is a general licensed contractor in Maricopa County.

VICE CHAIRMAN IRBY said the reason he asked was because of what type of restaurants they have operated and trying to see what characteristics of those would flow possibly into this facility.

COMMISSIONER CASON asked Mr. Dermody if he could show them on the floor plan where the stage is going to be? Mr. Jahari said he would like to say one more thing. Anytime they plan on having live music or where they anticipate a high volume of people, they intend on having off-duty sheriff dept. staff at the front of the doors to insure the quietness of the area and not having any crowd problems.

MR. DERMODY said the entrance is on the right, the lake is on the left and the light gray tables are on the outdoor patio. The bar is in the center and the kitchen on the bottom. When you come in the door there is a raised area just above that is labeled "lounge" on the site plan. That is what is easily converted to the stage.

COMMISSIONER CASON asked where the dance floor was? Mr. Dermody answered the area near the bar on both sides, above it and to the right on the site plan. They are generally open and don't have tables. He assumes that it where it is. The applicant nodded yes. Commissioner Cason asked when this was posted and the neighborhood meetings planned and attended, did we know that there was going to be live music at that time? Mr. Dermody replied that they did not. They discovered right around the time of the neighborhood meeting that live music was occurring under the previous ownership illegally and in violation of their use permit. It's not something they would normally advertise. They would simply site "Series 6 coming up at this location". Details such as live music typically don't go on those advertisements. Commissioner Cason asked if it would be fair to say if any of the people that were to attend those meetings or any of the people that have voiced concerns previously, may have not reacted because they didn't think that there was going to be music? Mr. Dermody said no and in fact, since live music had been occurring illegally, they sort of have a test case of live music that was occurring and wasn't bothering the neighbors enough to make them want to come out or to call the city.

CHAIRMAN FLANDERS asked if there were any other questions. He asked the audience if there was anybody that cared to speak in regards to this item tonight.

CHAIRMAN FLANDERS asked Staff that as a result of this change would it be appropriate to continue this so at least they can go ahead and do a neighborhood meeting so they are informed that this is the intent? Mr. Dermody said they could certainly make that direction and have another neighborhood meeting where it was advertised that there is live entertainment. Chairman Flanders asked as far the meeting they had for the neighbors, it was advertised as live music? Mr. Dermody said it was advertised as neither. It was simply advertised as a bar serving alcohol. Chairman Flanders asked if it would be appropriate to let them know of that change? He said he knew that previously it was a problem with those neighbors.

MR. GLENN BROCKMAN, ASST. CITY ATTORNEY, stated that if he looked at the application it looked like it was simply for the use permit for liquor. The use of entertainment didn't seem to be addressed one way or the other. He didn't see any necessity for having another neighborhood meeting, but it is possible to do it if he wants. Chairman Flanders said he was just trying to get a read to make sure that everybody is aware of this. Mr. Brockman said he would have a concern if it was indicated one way or the other either in the notice or in the meeting that there was or was not going to be live music. The way it was presented there is nothing that would exclude live music as part of the application process.

VICE CHAIRMAN IRBY said he would be more concerned if they were proposing live entertainment outdoors and there is a stipulation that there is no outdoor entertainment. He doesn't see it as a critical item.

CHAIRMAN FLANDERS stated he was trying to just get a feel for it.

COMMISSIONER CREEDON asked Staff for clarification on his point. Do they have any idea how long that test case was? How long were they operating with live entertainment?

MR. DERMODY, CITY PLANNER, stated the earliest advertisement they saw for it was mid-July so they have about a month or a little less.

AMY NATIONS, ARIZONA LIQUOR INDUSTRY CONSULTANTS, 1811 S. ALMA SCHOOL ROAD, CHANDER, said the opposition that they had before them last time was due to a competitor of theirs that walked through the neighborhood that raised attention saying there was going to be bad things happening. That is why they had so much opposition last time. They haven't had any this time.

COMMISSIONER CREEDON stated she was comfortable with this given that they have that one-year time stipulation on it.

CHAIRMAN FLANDERS said he would entertain a motion then. A motion was made by **COMMISSIONER CREEDON** to approve UP07-0043 WATERFRONT GRILL,

seconded by **VICE CHAIRMAN IRBY**. The motion passed unanimously 6-0 (Anderson was absent).

7. DIRECTOR'S REPORT

There was nothing to report.

8. CHAIRMAN'S ANNOUNCEMENTS

The next regular meeting is September 5, 2007 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

9. ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary