

#61

SEP 20 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 07-223

DATE: SEPTEMBER 6, 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: UP07-0056 FIBBER MAGEES

Request: Use Permit approval to sell and serve all spirituous liquor within an expanded restaurant and bar that includes a new outdoor patio (Series 6 Bar License)

Location: 1989 W. Elliot Road Suites 19, 20, & 21
Southeast corner of Elliot and Dobson Roads

Applicant: Fibber Magees, Trevor Kingston

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan and C-2/PAD (Community Commercial with a Planned Area Development overlay) zoning, recommend approval for a Series 6 Bar License for three (3) years, subject to conditions.

BACKGROUND

The application requests Use Permit approval to sell and serve all spirituous liquor within an expanded restaurant and bar that includes a new outdoor patio (Series 6 Bar License). Staff recommends a time limit of three (3) years. Fibber Magees is an authentic Irish restaurant and pub that has operated under a Series 6 Bar License at this location since September 2005. The restaurant is located at the southeast corner of Dobson and Elliot Roads within the Elliot Square shopping center. The business currently occupies approximately 4,000 square feet in Suites 19 and 20 and wishes to expand into the adjacent 1,200-square foot suite to the east (Suite 21) and

add a new 350 square foot outdoor patio in front of Suite 21. A new Use Permit is required because of the proposed floor area expansion and patio addition.

The new suite will be connected to the existing facility by a 5'- to 6'-wide opening through the mutual wall. The new patio, with seating for approximately 30, will have public access only through the new suite. The new suite will accommodate a relocation of the pool table and dart board entertainment as well as seating for 40 persons. With additional capacity afforded by the entertainment use relocation, the old suites will now be able to seat approximately 160, bringing the total facility's capacity to approximately 230.

The request for alcohol service on the patio is driven by the new statewide smoking law 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. A new patio bordered by a concrete fence topped with planters that will be constructed in an existing nook east of the current entrance. To accommodate the patio, mailboxes and bike racks will be relocated within the center and one parking space will be removed. An unencumbered 5' wide path will be left between the fence and the curb to allow for free pedestrian movement. The patio will have inward-facing speakers for ambient music. No live entertainment is proposed for the patio, and indoor music will not be broadcast on the outdoor speakers.

The hours of operation are 11 a.m. to 1 a.m. Sunday through Wednesday with extended hours to 2 a.m. Thursday through Saturday. The center is zoned C-2/PAD (Community Commercial with a Planned Area Development overlay) and is bordered by a mix of uses. Single-family residential homes (SF-8.5) are immediately adjacent to the property on the south and east, a vacant lot zoned C-2 bordered by an existing townhouse development is across Elliot Road to the north. A small retail center surrounded by a large lot County residential subdivision is on the west side of Dobson Road.

The restaurant previously held a Series 12 Restaurant License (from March 2003 through September 2005), which requires that a minimum of 40% of the total sales be in food and non-alcoholic beverages. A Series 6 Bar License was acquired in 2005 when the business no longer met the minimum food sales requirements for a Series 12 license. A Use Permit for a Series 6 was granted for one (1) year in September 2005 and extended for three (3) years in October 2006. The establishment continues to operate as a restaurant with the amount of food and non-alcoholic beverages sold averaging 33-34% of total sales.

At this intersection, only two other liquor licenses exist; a Series 10 (Beer and Wine Store) at the Circle K within Elliot Square and a Series 6 (Bar License) at Priceless Primetime located on the northwest corner of the intersection. Due to the proximity of this establishment to a single-family neighborhood, the possibility of noise was discussed during the approval of the original Use Permit. A stipulation of approval was added that decibel levels be controlled so as to not create a nuisance beyond the center. There are a day care and a tutoring facility in the center. The tutoring facility (Kumon) is located two suites east of the subject business. The day care (Kindercare) is located near Dobson Road approximately 240 feet west of the subject business.

The restaurant holds annual St. Patrick's Day party in their parking lot that has previously been the cause for noise complaints. The St. Patrick's Day party includes outdoor entertainment, as allowed by a special event license. The special event license is a separate approval for a one-time event and is not a part of this Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 17, 2007 at the IHOP at the southeast corner of Elliot and Alma School Roads. No neighbors were in attendance.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- At the time of this writing, Staff has received one telephone call from a neighbor north of Elliot Road concerned about noise increasing with the addition of a patio.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 4 Opposed: 0 Absent: 3 (Anderson, Creedon, Cason)

RECOMMENDED ACTION

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

1. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. 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 of the Use Permit.
4. The Use Permit is non-transferable to any other store location.
5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Elliot Square shopping center.
6. The Use Permit shall remain in effect for three (3) years 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.
7. The patio shall be maintained in a clean and orderly manner.

CC Memo 07-223

September 6, 2007

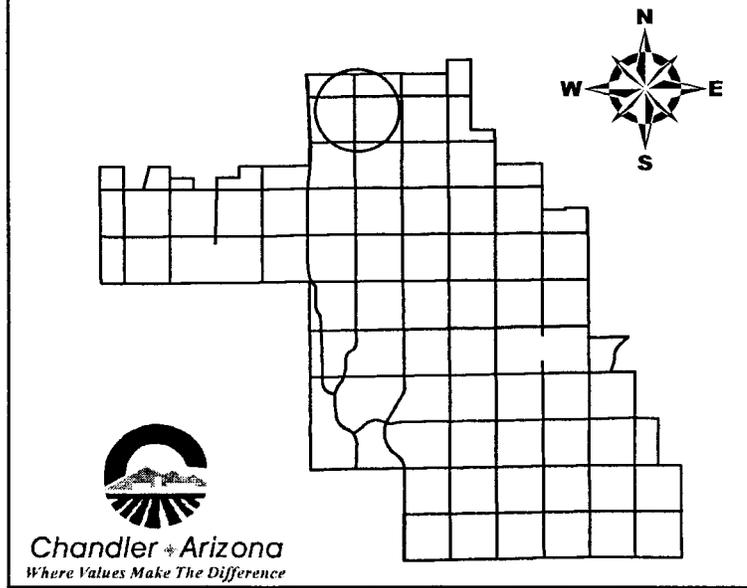
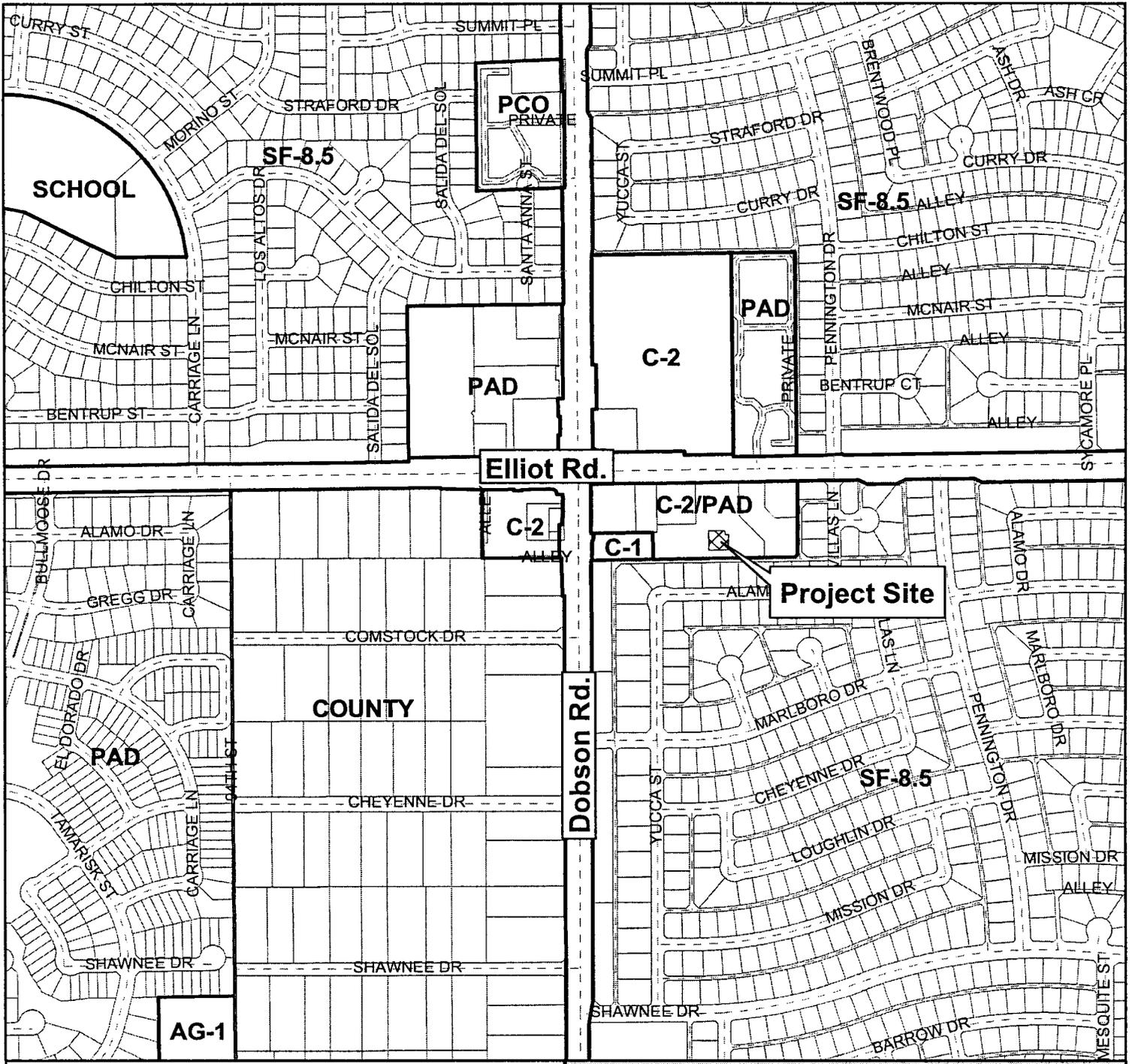
Page 4 of 4

PROPOSED MOTION

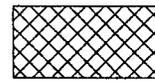
Move to approve Use Permit UP07-0056 FIBBER MAGEES, subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Applicant Narrative
3. Site Plan
4. Floor Plan
5. Patio Photos (by staff)



Vicinity Map

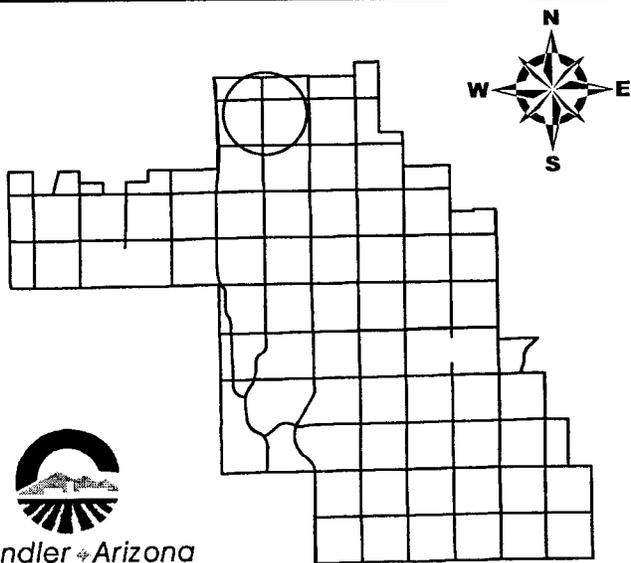


UP07-0056

Fibber Magees Expansion



Vicinity Map



UP07-0056

Fibber Magees Expansion



Chandler Arizona
Where Values Make The Difference

CITY OF CHANDLER 6/19/2007

Dear Sir/Madam

Allow me to introduce myself I am Trevor Kingston, one of the founding members of Fibber Magees, a prominent Chandler Restaurant. The business model for our restaurant is to operate an upscale Irish Pub, providing Irish dishes that offer exciting tastes and value for money. Our mission statement is "to be the highest quality authentic Irish Pub in the market, offering excellent standards of food, drink, guest service and hospitality. Our dishes have been critically acclaimed by all the local food critics including Howard Seftel (Arizona Republic) and Carey Sweet (New Times).

We are located on the Southwest corner of Dobson and Elliot at 1989 West Elliot Road. Our hours of operation are from 11am to 2am daily. We currently employ 22 employees, of which 11 are full time. Our wait staff are long term employees and this helps our excellent level of service. All staff are reviewed and restaurant knowledge tested frequently, this not least of all them keeps them updated on all Arizona liquor laws. Although we are a Functional restaurant, we do not allow any minors to be present after 10pm, no exceptions.

Since opening in 2003 we have been involved with the local and state communities, holding our Saint Patrick's events in conjunction with Friends of Animal Care and Control, Best Buddies, Celtic Fire and Police Order, church organizations and neighboring Elementary and High Schools. If you wish to check our record with the City Police and State Liquor Board, you will see that we have tried to be a pillar of our community.

We have been presented with an opportunity to expand our business into the suite (#21) to the East of our current location. This will increase our square footage by 1,200 square feet. The space will be mixed use allowing us to add additional dining for approximately 60 people inside, and opportunity to move our dart board and Pool table from to this space, enabling us to allow more dining listen to authentic Irish music bands in our original space on our busier nights. The rear of the new suite will also be used for additional cold storage.

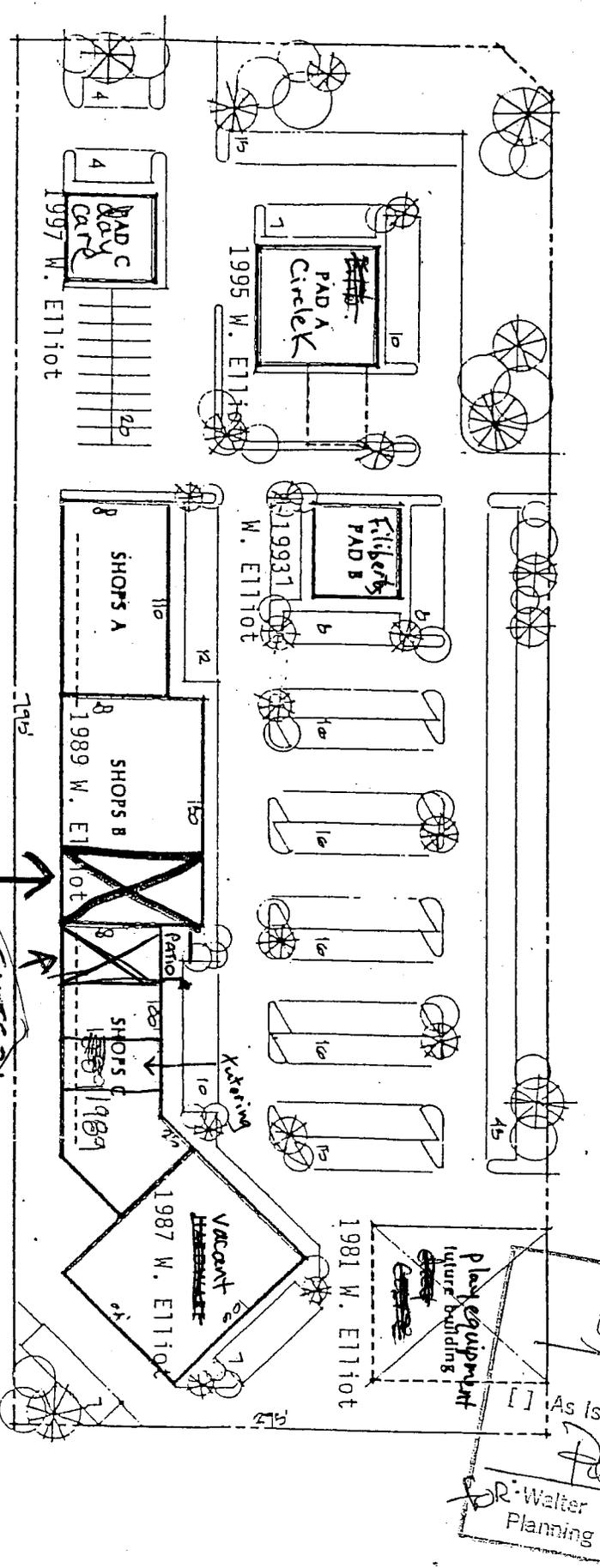
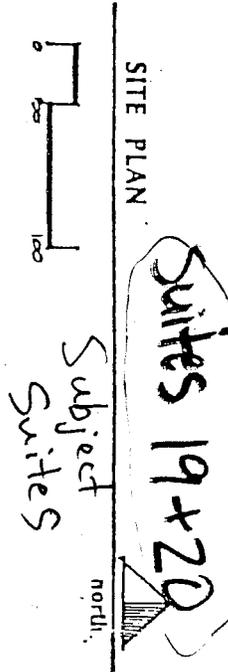
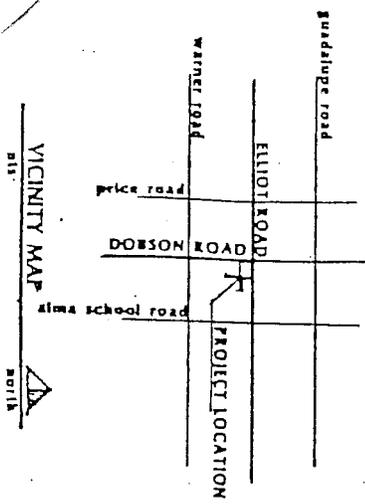
The addition of this suite has opened us to opportunity to add a 350 square foot patio to the front of the proposed new suite. It's location will abide with all the new State smoking laws and County Health requirements. We have discussed the proposed patio space with Chandler Planning and Development and have had them assist us with the space development. Noise level will be controlled, as we will not pipe the Live Irish music to this area.

The addition of the new suite will not change our business model, we will continue to operate the East Valleys original and authentic Irish Restaurant and Pub.

Yours truly,



Trevor Kingston



PROJECT SUMMARY

SHOPS A	6600
SHOPS B	10400
SHOPS C	9600
HARDWARE	10000
PAD A	5000
PAD B	3600
PAD C	3000
TOTAL	48200 S.F.

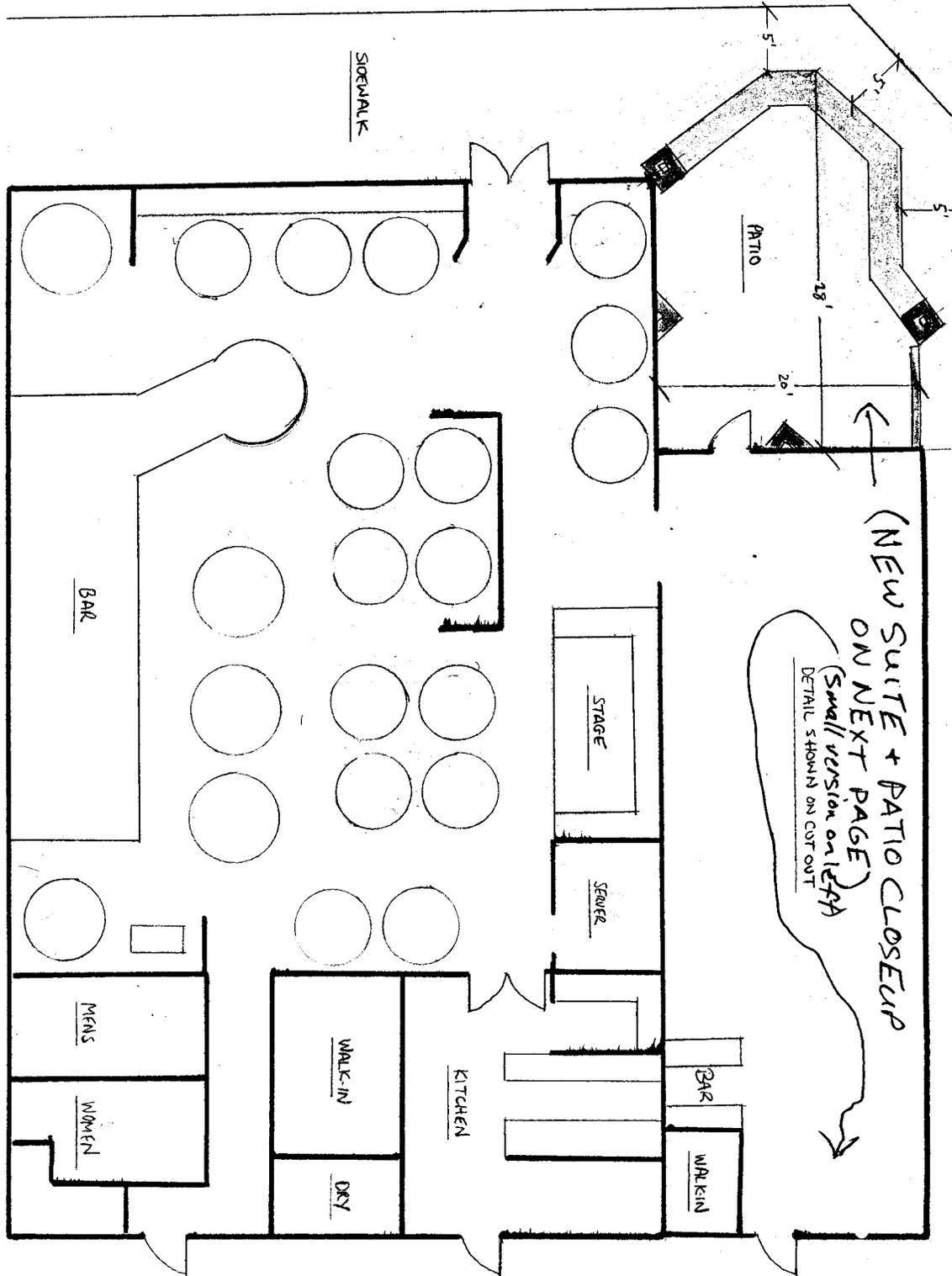
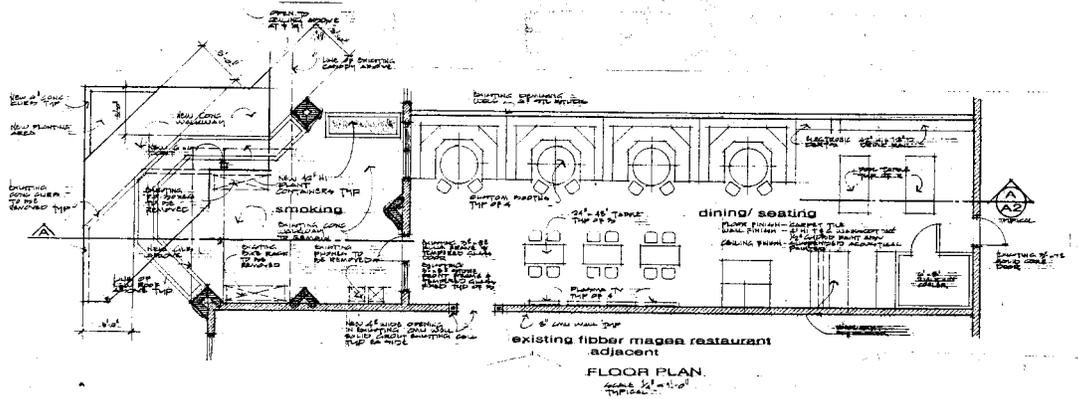
PARKING
48200 ÷ 250 : 193 SPACES REQ'D
239 SPACES PROV'D

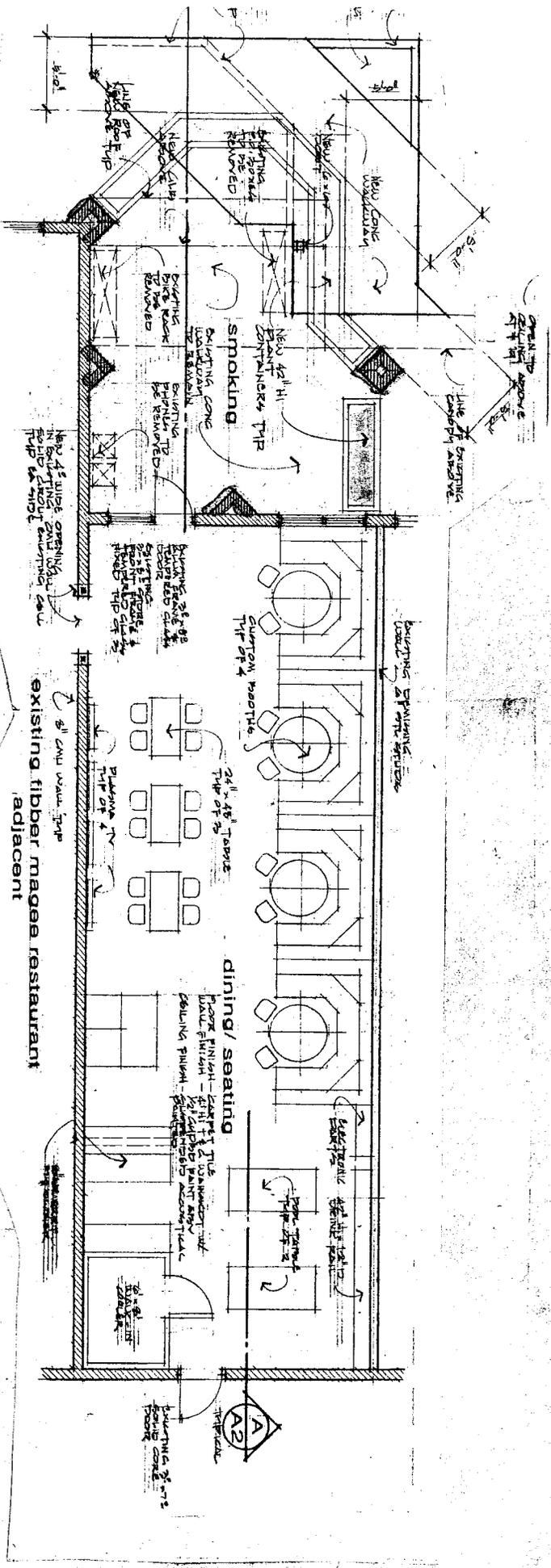
DEVELOPMENT for:
PHOENIX P. FIC PROPERTIES

SON-KUBICEK
2950 0542

As Is
R. Walter
Planning

- POTTED BOUNDARY
 - COLUMN
 - GATE

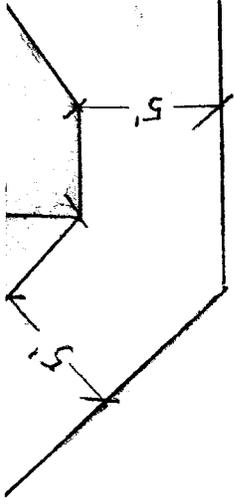


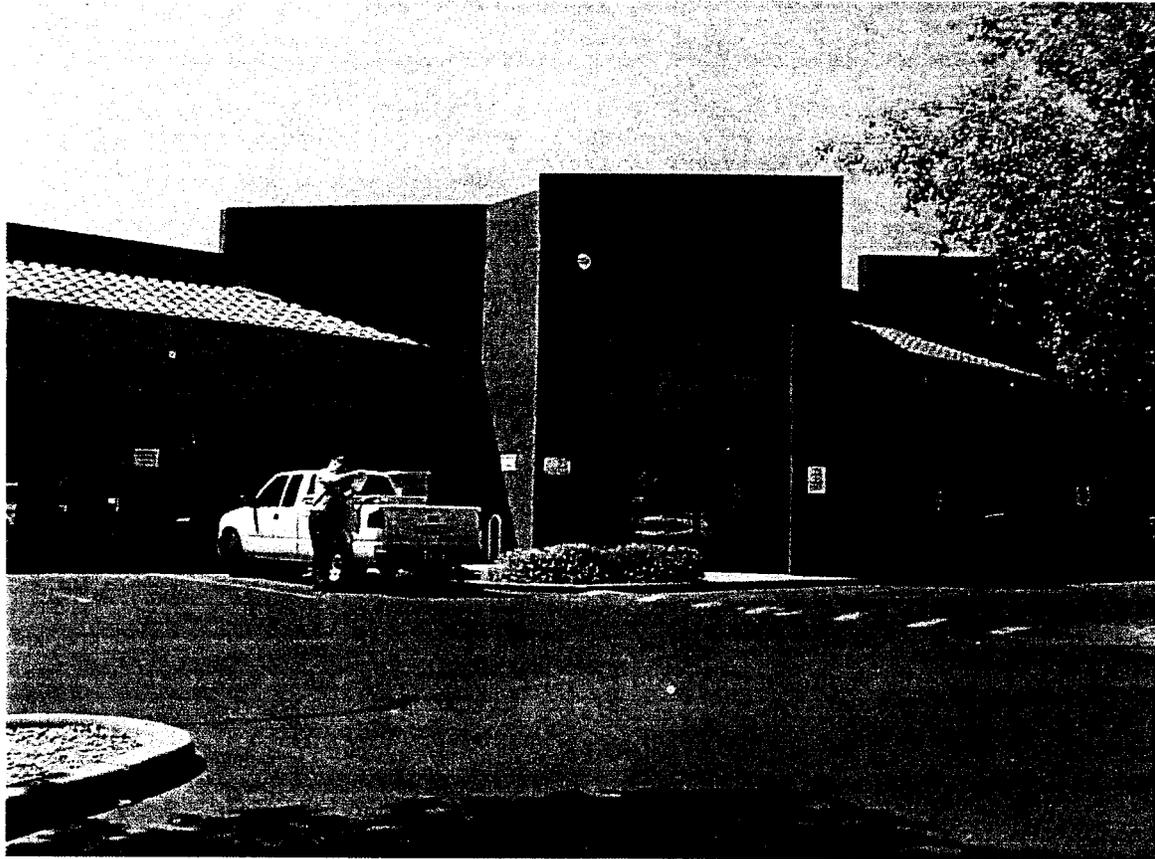


FLOOR PLAN
 SCALE 1/4" = 1'-0"
 TYPICAL

existing fiberbar magaa restaurant
 adjacent

SIDE VIEW

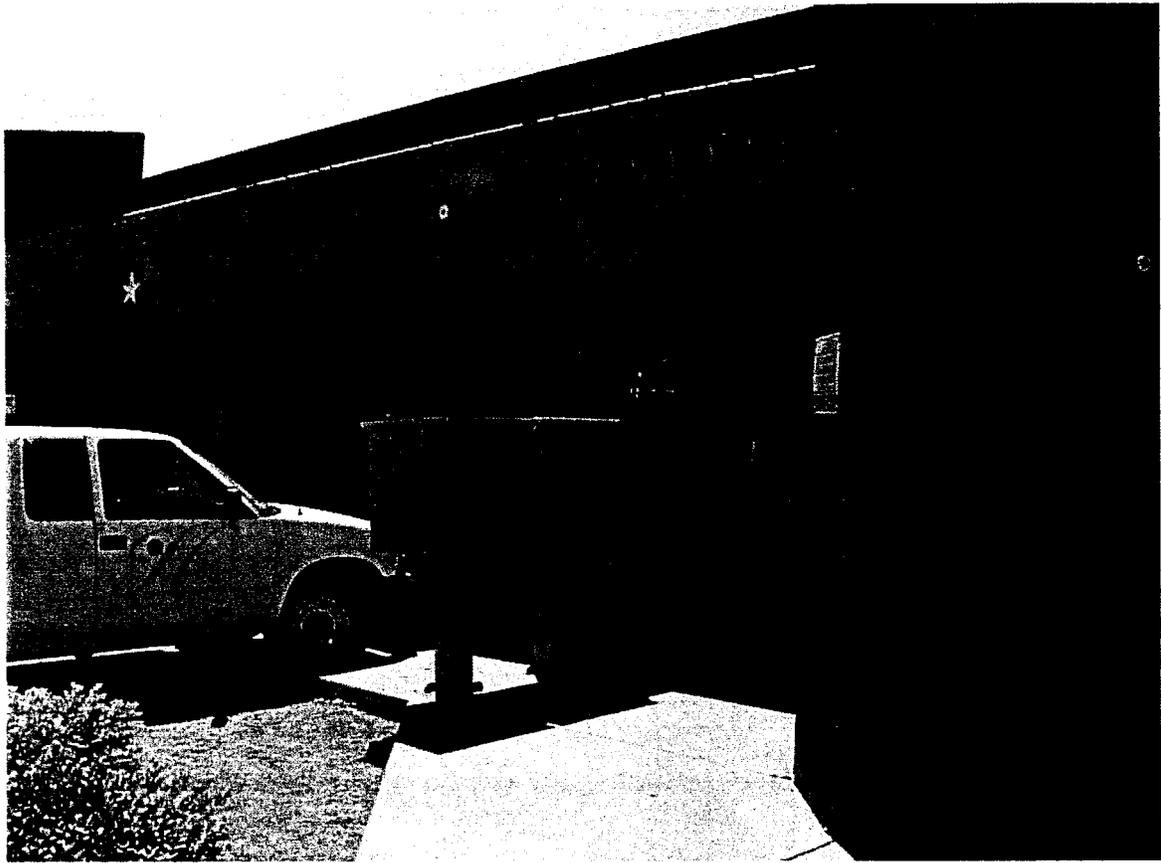




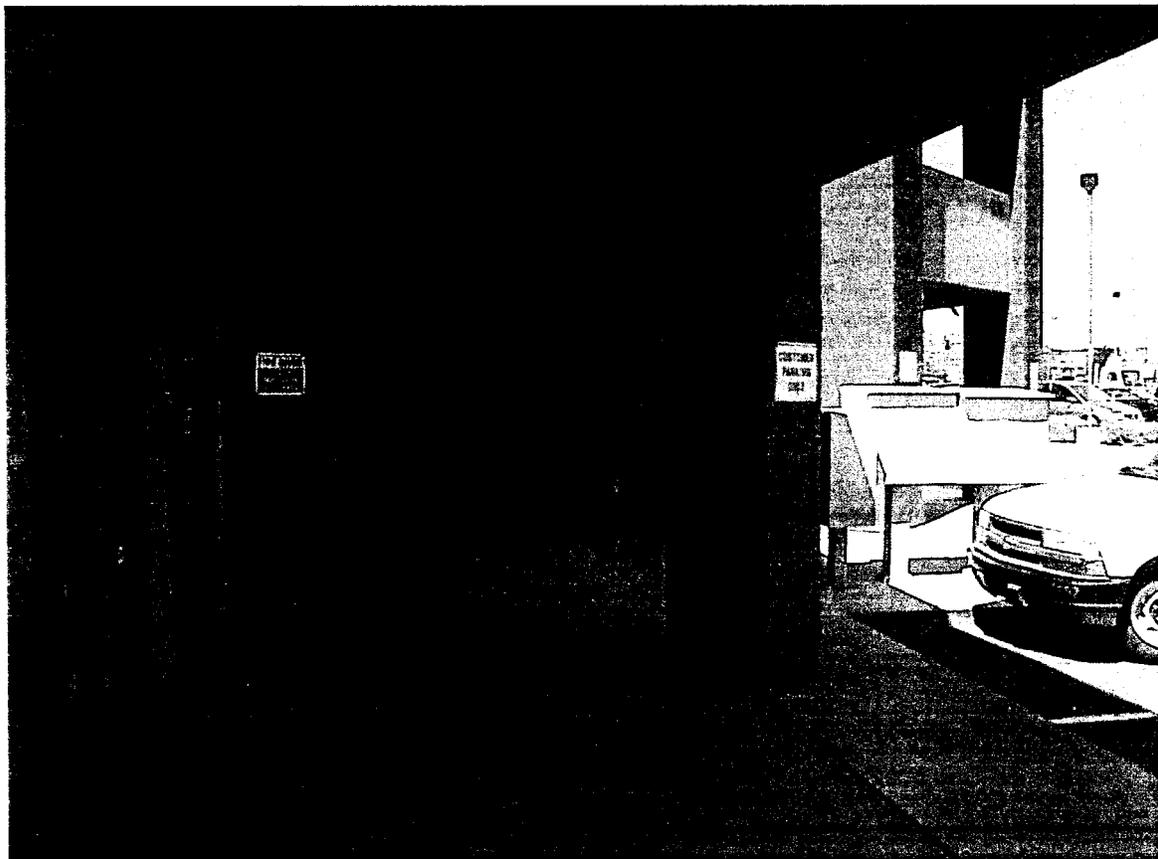
Chiropractor suite to be taken over. New patio will be in front of that suite



Future patio location. Space occupied by white truck will be removed for new sidewalk



Future patio location (from front)



Future patio location (from side)



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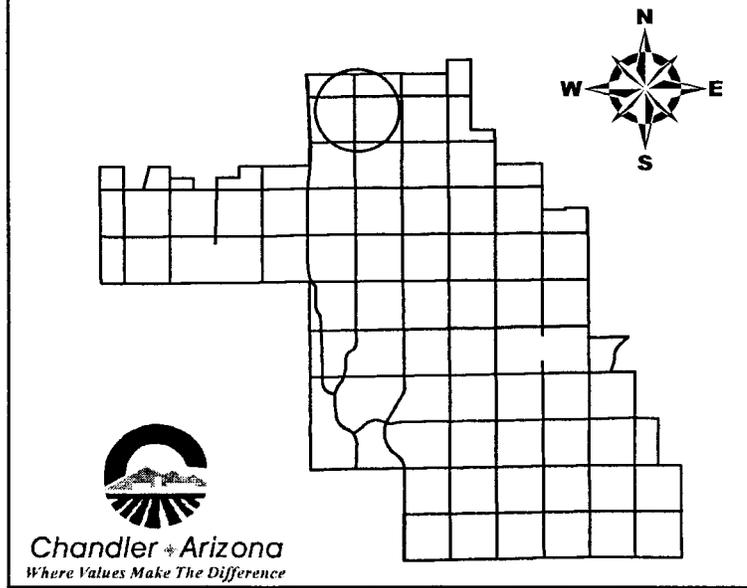
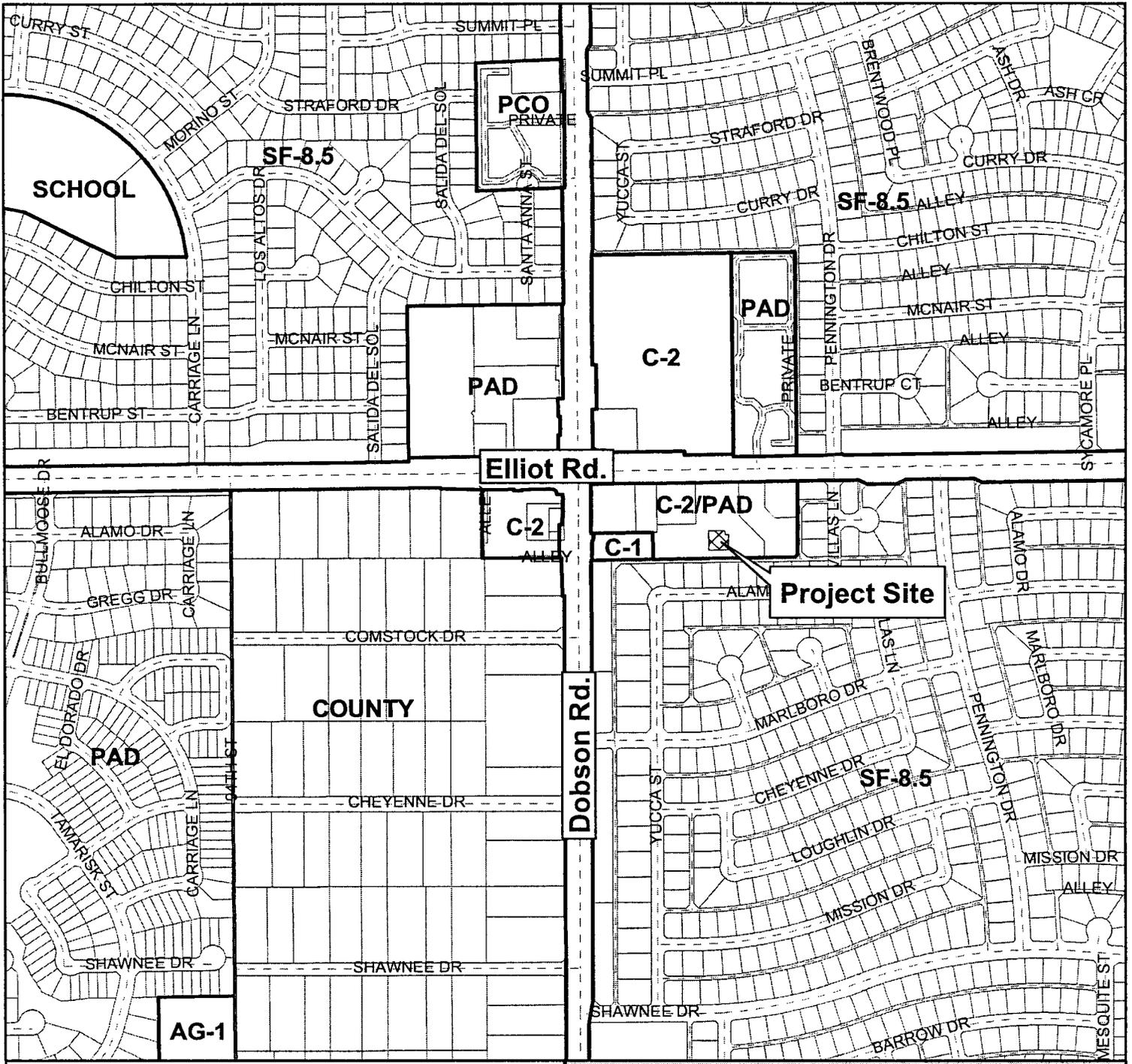
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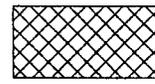
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Vicinity Map



UP07-0056

Fibber Magees Expansion

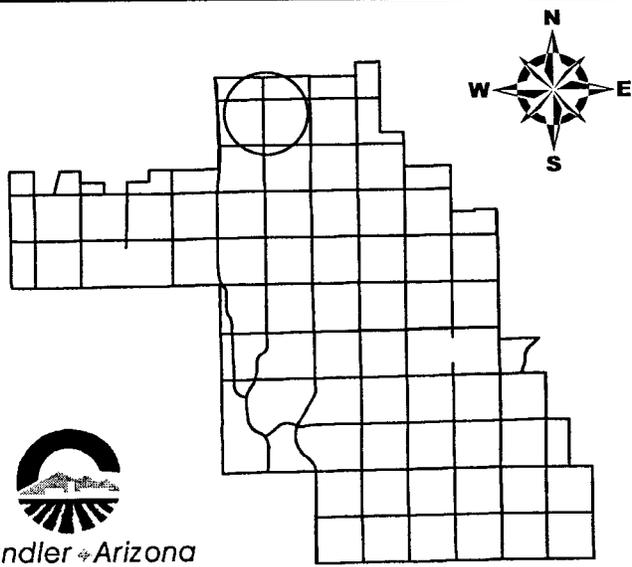


Elliot Rd.

Dobson Rd.

Project Site

Vicinity Map



UP07-0056

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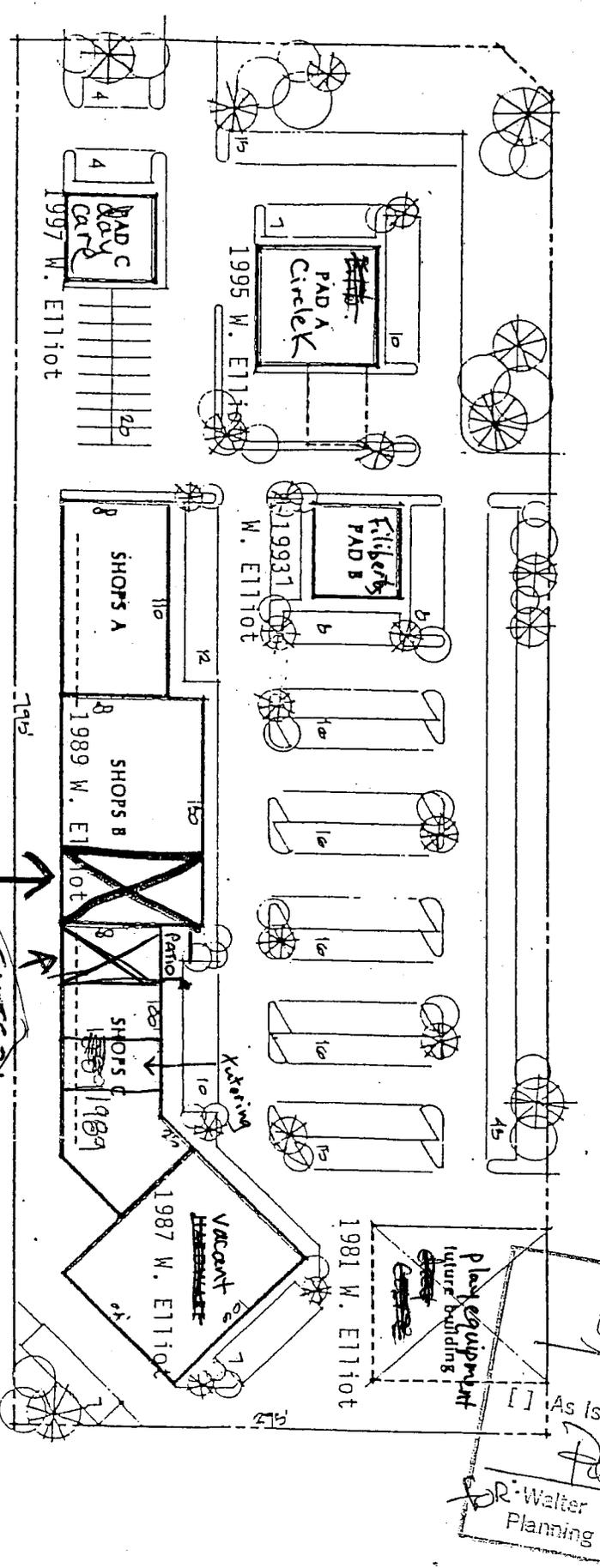
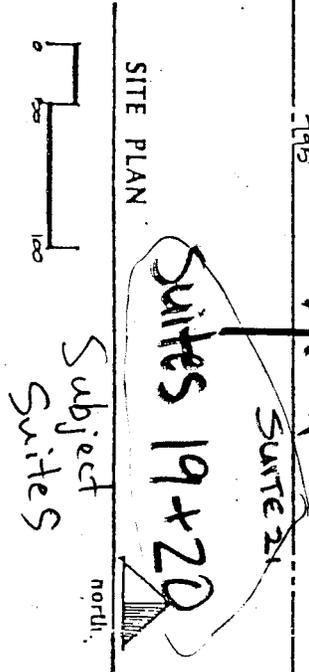
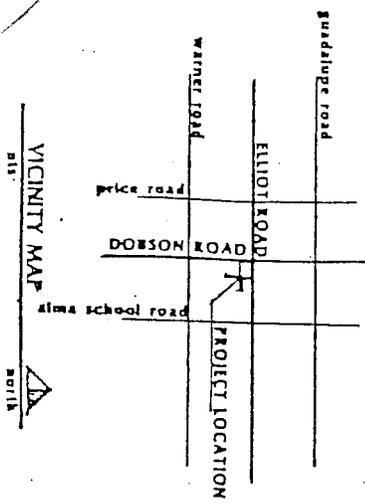
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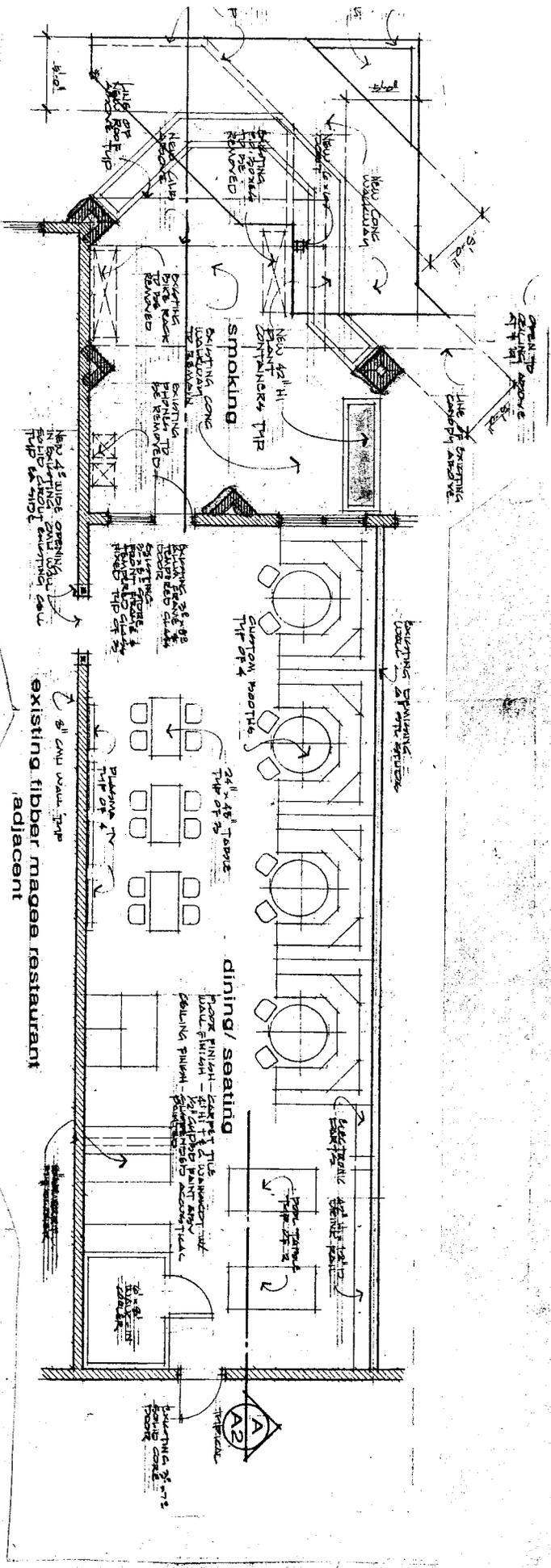
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DEVELOPMENT for:
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SON-KUBICEK
 2950 0542

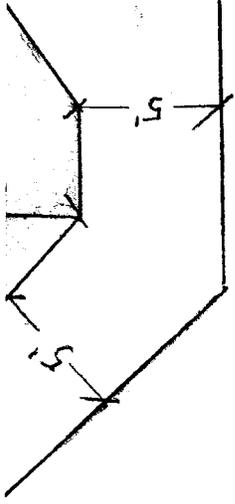
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FLOOR PLAN
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SIDE VIEW

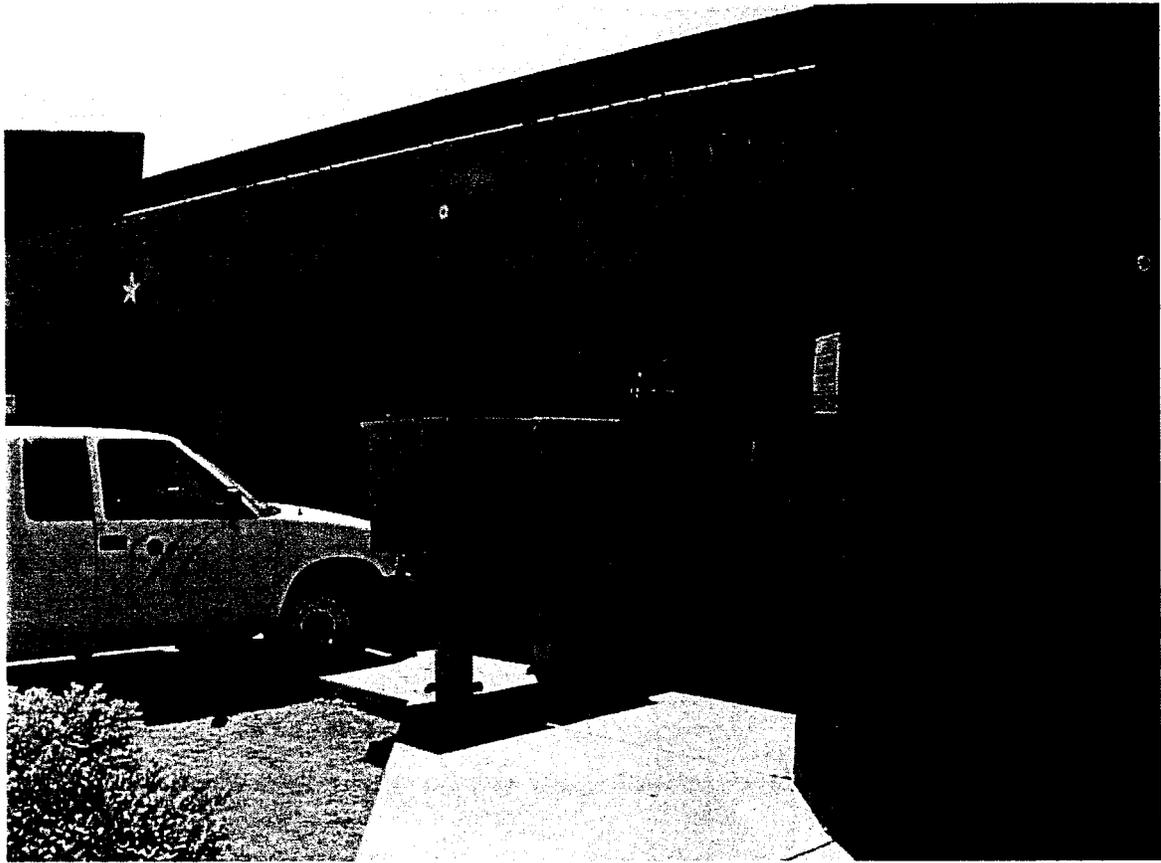




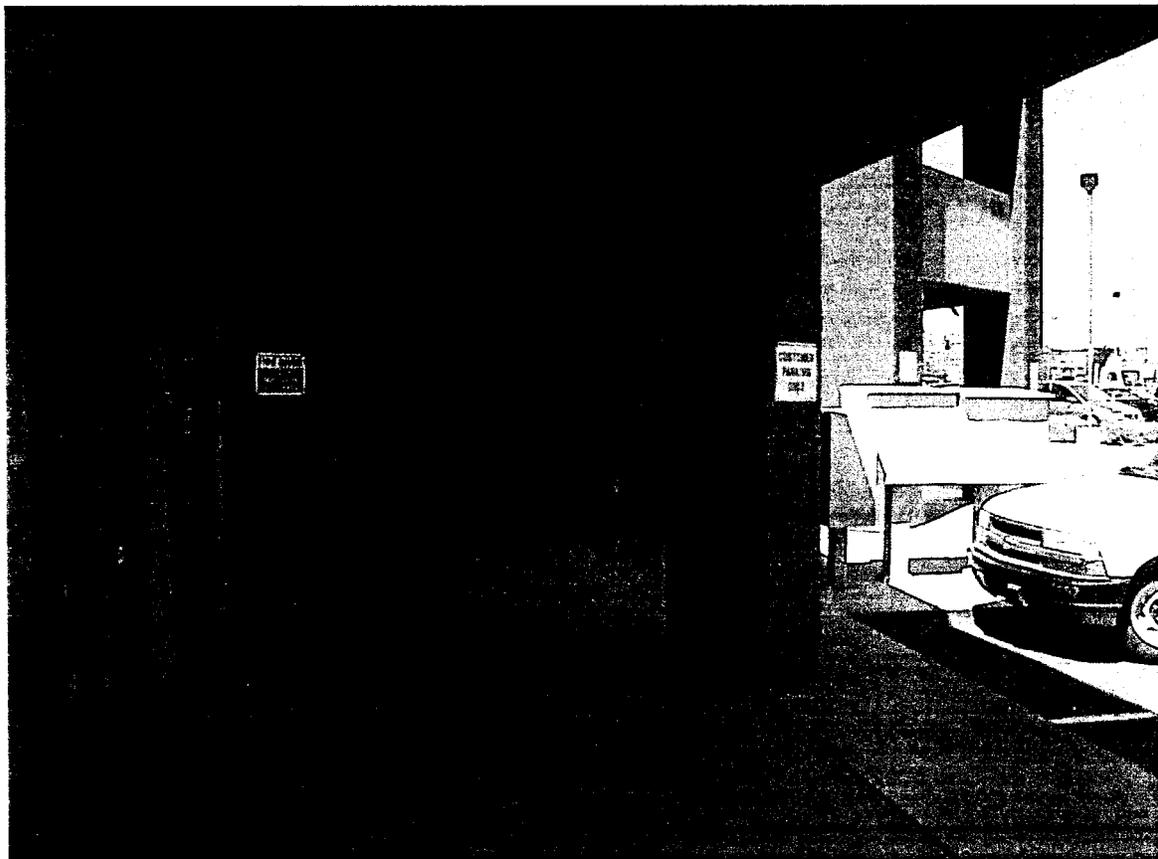
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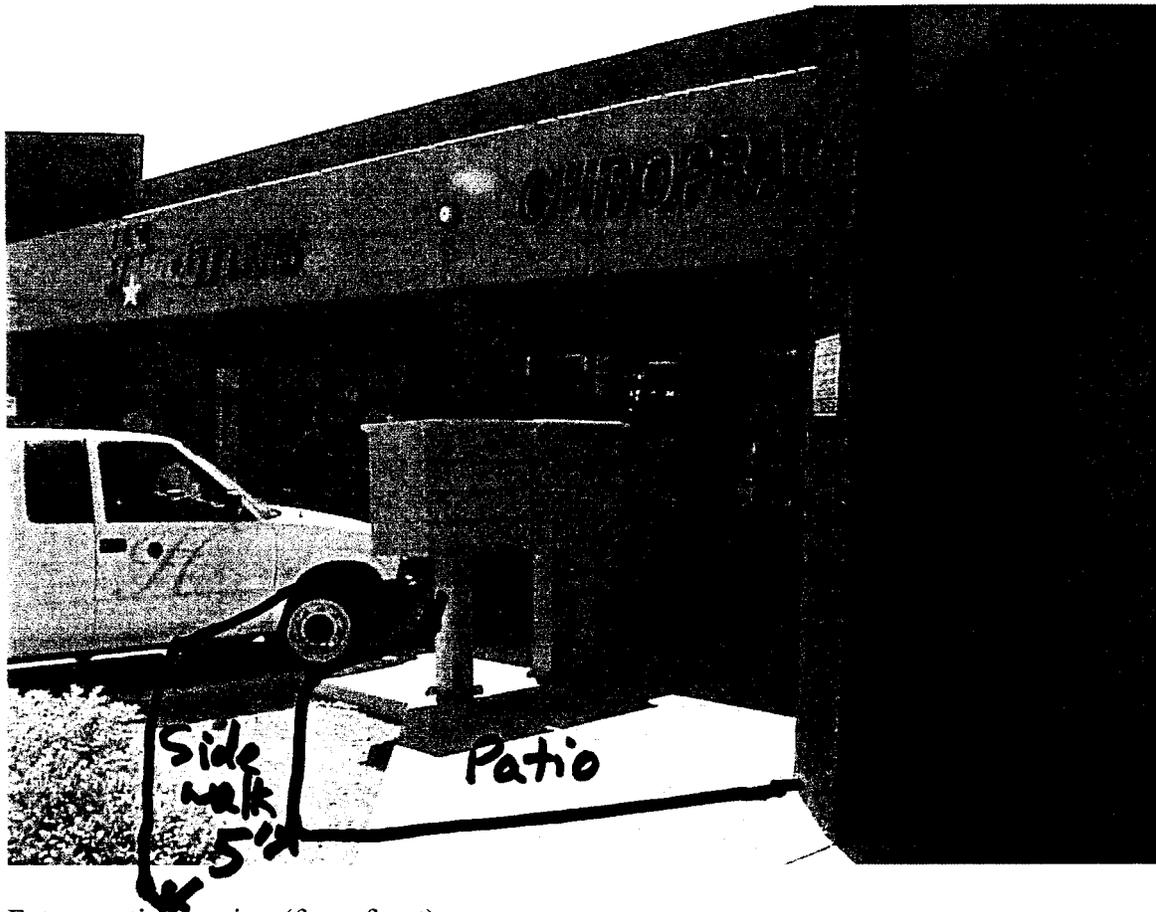
Future patio location. Space occupied by white truck will be removed for new sidewalk



Future patio location (from front)



Future patio location (from side)



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