

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, September 5, 2007 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Flanders called the meeting to order at 5:40 p.m.
2. Pledge of Allegiance led by Commissioner Gulsvig.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Irby
Commissioner Dick Gulsvig
Commissioner Leigh Rivers

Absent and Excused:

Commissioner Brett Anderson
Commissioner Angela Creedon
Commissioner Michael Cason

Also Present:

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

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN IRBY, seconded by **COMMISSIONER GULSVIG**, to approve the minutes of the August 15, 2007 Planning Commission Hearing. Minutes were approved 4-0 (Anderson, Creedon and Cason were absent).
5. ACTION 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. There are two action items, item F and M.

MR. BOB WEWORSKI, PLANNING MANAGER, stated the following items are on the consent agenda along with any additional stipulations.

A. DVR07-0022/ PPT07-0012 STELLAR AIRPARK ESTATES

Request rezoning from Agricultural District (AG-1) and Planned Commercial Office District (PCO) to Planned Area Development (PAD) for a 2-lot custom single-family residential subdivision with aviation-related uses, with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards on approximately 14.5-acres located at the southeast corner of Chandler Boulevard and Galaxy Drive, ½-mile west of McClintock Drive. **(REQUEST CONTINUANCE TO THE NOVEMBER 7, 2007 PLANNING COMMISSION HEARING.)**

B. DVR07-0025 WARNER COMMERCE PARK

Request rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to expand the list of permitted uses within the zoning district on an approximately 16.9-acre business park development with commercial and industrial uses located on the southeast corner of Warner Road and Delaware Street.

1. Development shall be in substantial conformance with all exhibits and representations kept on file in the City of Chandler Current Planning Division, in file number DVR07-0025 WARNER COMMERCE PARK, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 3653 in case DVR04-0036 WARNER COMMERCE PARK, except as modified by condition herein.
3. Any building area utilized for training, classes and/or clinics shall be considered part of the maximum allowable area for office/showroom uses outlined as follows; Buildings 1-3 are 55% max office/showroom, buildings 4-6 are 25% max office/showroom, and buildings 7-8 are max 30% office /showroom.
4. **Future property owners and potential sub-lease tenants shall comply with the PAD zoning land-use restrictions while maintaining the square-footage limitations as identified in Condition 3.**

C. DVR07-0031 PARCLAND CROSSING AMENDMENT

Request to amend the Planned Area Development (PAD) zoning allowing a mixed-use development with office, commercial retail, and residential condominiums with a mid-rise overlay by deleting a zoning condition requiring “Perimeter landscaping, the greenbelt, and street improvements to occur in Phase One”. The property is located at the northeast corner of Alma School Road and Willis Road.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3858 in case DVR05-0063 ParcLand Crossing, except as modified by condition herein.
32. Improvements for Phase One include perimeter landscaping and off-site street improvements along the entire project site, and the greenbelt on the Phase One portion only in accordance with the Phasing Plan on file as part of case DVR07-0031.

D. DVR07-0035 E OF SEC PECOS & MCQUEEN ROADS

Request the establishment of initial City zoning of Agricultural District (AG-1) on an approximately 4.37-acre site located east of the southeast corner of Pecos and McQueen Roads.

E. PDP07-0006 ADVANTAGE BUSINESS PARK

Request Preliminary Development Plan (PDP) approval to construct an office and retail development on an approximate 13-acre site. The property is located at the southeast corner of Alma School and Pecos Roads.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3260 in case DVR00-0005 Pecos Plaza, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Advantage Business Park – Preliminary Development Plan 8-22-07" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0006, except as modified by condition herein.
3. No medical or dental office uses will be permitted unless a revised parking analysis is provided demonstrating that the center contains adequate parking per the Zoning Code requirements to accommodate the proposed uses.
4. The development shall be in conformance with the City's Commercial Design Standards including landscaping.
5. The design and construction of the upgraded perimeter theme wall along the southern property line shall be coordinated with ADOT.
6. A separate Preliminary Development Plan is required for the corner parcel planned for a gas station with a convenience store and carwash.
7. At the time of gas station PDP, the car wash's entrance and exit shall be oriented away from view of the arterial streets to provide further screening.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting. This stipulation shall apply to all phases of the site including the future gas station pad.
9. The entire site shall be maintained in a manner free of weeds, trash, and debris. This stipulation shall apply to all phases of this site including the gas station.
10. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
11. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
12. The future pad at the intersection corner shall carry an architectural level of detail similar to architectural design theme for the larger surrounding development.

13. Any future monument sign's for retail shops shall be in compliance with Sign Code and in conformance with the represented quality of this development. Sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
14. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
15. All raceway signage shall be prohibited within the development.
16. Building mounted signage for all office buildings shall occur on each façade in an orderly manner.
17. Landscape planters shall be provided at the base of all freestanding monument signage.

G. PDP07-0021 FULL CIRCLE AUTOWASH

Request Preliminary Development Plan (PDP) Amendment approval for the fuel station facility. The subject site is located at 2755 W. Chandler Boulevard, located east of the southeast corner of the Price-101 freeway and Chandler Boulevard. **(REQUEST CONTINUANCE TO THE OCTOBER 3, 2007 PLANNING COMMISSION HEARING.)**

H. UP07-0035 FRESH & EASY MARKET – RAY & KYRENE ROADS

Request Use Permit approval to sell beer and wine for off-premise consumption only within a new grocery store. The subject site is located at 5805 W. Ray Road, east of the southeast corner of Ray and Kyrene Roads within the Laguna Village.

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 granted for a Series 10 license only, and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.

I. UP07-0045 SHEILA'S ACADEMY "MINDS IN MOTION"

Request approval of a time extension for a Use Permit to allow a residential childcare/academic training for children business within a Planned Area Development (PAD) zoning district for single-family residential. The property is located at 2735 W. Highland Street, south of Warner Road and east of the northbound Loop 101 Price Freeway off of Coronado Street.

1. Use Permit approval for operating residential childcare shall be applicable only to the applicant and location identified with this application and shall not be transferable to any other person or location.
2. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Operation of the business beyond the five-year time period shall require reapplication to and approval by the City.

3. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan, Licensure, Narrative, and Neighborhood Notice) shall require a new Use Permit application and approval.

J. UP07-0056 FIBBER MAGEES EXPANSION

Request Use Permit approval to sell and serve all spirituous liquor (Series 6 Bar License) within an expanded restaurant that includes a new outdoor patio located at 1989 W. Elliot Rd., Suites #19-21, at the southeast corner of Dobson and Elliot Roads.

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.

K. UP07-0064 SAN TAN JUNIOR HIGH SCHOOL / T-MOBILE

Request Use Permit approval to install a 50-foot monopalm wireless communication facility on San Tan Junior High School property. The property is located at 1550 E. Chandler Heights Road, west of the northwest corner of Chandler Heights and Cooper Roads. **(REQUEST WITHDRAWAL FOR THE PURPOSE OF RE-ADVERTISING.)**

L. UP07-0070 SUSHI EYE IN MOTION

Request Use Permit approval to sell alcohol (Series 12 Restaurant License) for on-site consumption in a new restaurant at 58 W. Buffalo Street.

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.

N. PPT07-0026, 0027, 0028, 0029, 0030, 0031 WESTECH LOT 1-5
Request preliminary condominium plat approval for a business park consisting of commercial and industrial land uses for property located at the southeast corner of Arizona Avenue and Palomino Drive (approximately ½ mile north of the northeast corner of Arizona Avenue and Warner Road).

O. PPT07-0037 WALGREENS
Request preliminary plat approval for a retail building in the Laguna Village shopping center located on the southeast corner of Ray and Kyrene Roads.

CHAIRMAN FLANDERS stated that Staff has read into record all the items that will be on tonight's consent agenda. As mentioned earlier, the consent agenda will be approved by a single vote. He asked if there was anybody in the audience that would care to pull any of those items for a full presentation.

COMMISSIONER GULSVIG made a motion to approve the consent items as ready in by Staff, seconded by **COMMISSIONER RIVERS**. Before Chairman Flanders asked for the vote, he stated he does have two items on tonight's agenda that he does have a conflict of interest on, items H and O. Both the user and the developer is a current client. He will be abstaining from voting on those two items.

COMMISSIONER GULSVIG said he would like to add one comment on the Advantage Business Park item. He complimented the applicant plus the Staff for coming forward with a very artistic project that's going to be a real model in his mind for future developers.

CHAIRMAN FLANDERS agreed with him on that point. It is very nice.

Motion to approve the consent agenda passed unanimously 4-0 (Anderson, Creedon and Cason).

ACTION:

F. PDP07-0020 TCF NATIONAL BANK

Request Preliminary Development Plan (PDP) Amendment approval for a comprehensive sign package for TCF Bank. The subject site is located at 1990 E. Ray Road, located at the northwest corner of Ray and Cooper Roads.

1. Development shall be in substantial conformance with the Development Booklet, entitled "TCF NATIONAL BANK" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0020, except as modified by condition herein.
2. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
3. All raceway signage shall be prohibited within the development.
4. All signage shall be reverse pan-channel halo-illuminated.
5. The applicant shall work with Staff to develop an internal translucent illumination with halo-illumination for the corporate 'swoosh' logo.

MR. ERIK SWANSON, CITY PLANNER, stated that TCF National Bank is within the Cooper Crossing commercial center. The commercial center came through for PDP approval earlier this year. As part of that PDP, a comprehensive sign package was included for the retail and office component of that site. With the TCF Bank they had proposed one building mounted sign and that was located at the intersection corner of the building, fronting the intersection. The applicant's have come back and requested a new comprehensive sign package specifically for the TCF Bank. The request is to allow for building mounted signs on all faces of the building with one of them being located on the drive-thru canopy. In addition, they are requesting that there be a monument sign located at the intersection corner. The signage meets our current sign code and they are very pleased with the design and outcome of the monument sign located at the intersection corner. The request was to have pan channel internally illuminated signage for the building mounted signage. Staff is not in support of the internally illuminated signage since it does not meet the rest of the Cooper Crossing commercial development. They had proposed and recommended a condition requirement that all building mounted signage be halo illuminated reverse pan channel.

CHAIRMAN FLANDERS asked if there were any questions of Staff. He asked the applicant to please step forward and state their name and address.

MYRNAN FRONCZAK, TCF BANK CONSTRUCTION DEPT., 6400 S. FIDDLERS GREEN CIRCLE, SUITE 800, GREENWOOD VILLAGE, COLORADO 80111, said her position is that the buildings behind them are an office

development. They are a retail establishment and they feel that for the visibility of the signs, the individual internally illuminated pan channel letters are better and more visible. It is also their corporate standard to have that type of illumination. She asked that as a compromise to Staff's recommendation, is it possible to have the monument sign with the halo illumination and the signs on the building as the individual internally illuminated pan channel letters? If the Commission feels that they are going to follow Staff's recommendation, they would offer that as a compromise.

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

VICE CHAIRMAN IRBY said he is inclined to see the whole complex blend together and not one building standing out as a different type of signage. Most of the time he finds internally luminated signage as feeling very cheap looking. He is not really inclined to allow it but will let everyone else speak on it. He is trying to justify whether he can deal with the monument sign meeting the standard and having your building signage be something a little bit different.

MYRNAN FRONCZAK showed pictures of their bank that was opened in Mesa last December and that picture was taken at twilight, so you get an idea how the signs are illuminated and how they look on the building.

CHAIRMAN FLANDERS stated that to the applicant he agrees with what the Vice Chairman and Staff are saying about signage. It's an established office project that is very nice and typically what they like to do is blend the signage together. He asked Staff if they have changed their logo signage at all? They just asked for a specific type of sign?

ERIK SWANSON, CITY PLANNER, said that was correct. **CHAIRMAN FLANDERS** said he typically doesn't like messing with people's logos. He thinks they can still achieve the look they are looking for with the reverse pan channel from what he has seen. That is a result from what has been established and a lot of times they work in that direction with signage on these smaller buildings as a total package.

VICE CHAIRMAN IRBY said he knows that lettering can be done as reverse pan channel, but can the 'swoosh' be done appropriately and look like a corporate logo? He said he was trying to envision it that way. **ERIK SWANSON** said he wasn't entirely sure but he would imagine so.

BOB WEWORSKI, PLANNING MANAGER said they have seen that happen where there is a combination of reverse pan channel and the pan channel and in this case the 'swoosh' or the logo or where a portion is illuminated and it is successful. They have seen that work before. He said this might be a good solution.

VICE CHAIRMAN IRBY said he was trying to figure out how you made that physically work and look right in the evening. He could understand leaving that 'swoosh' portion the way they are presenting it and leaving the rest as reverse pan channel.

ERIK SWANSON said the monument signage in the conditions that were crafted, such as condition no. 4, states building mountage signage shall be reverse pan channel halo illuminated. This will also need to include the monument sign that was overlooked and just noticed. It should say that all signage shall be reverse pan channel halo illuminated.

CHAIRMAN FLANDERS stated that they need to revise that stipulation with that additional verbiage. He asked the applicant if they have any additional questions? He then went to the audience to see if there was anybody that would like to speak in regards to this item? There was none.

VICE CHAIRMAN IRBY said he was curious that the Chairman thought that the 'swoosh' could be done correctly as reverse pan channel design.

CHAIRMAN FLANDERS said he has seen it actually done in a couple of different ways with the reverse pan channel with the plastic. They use the color with the halo light behind it. He has also seen elements like that done with a channel with neon too. He wasn't sure if neon was appropriate at this location or not.

BOB WEWORSKI said they have seen signs that are actually reverse pan channel and halo illuminated but they also are illuminated in the front portion, such as a logo like this.

CHAIRMAN FLANDERS said they have the acrylic material that lets light through it.

BOB WEWORSKI stated that it also halos behind it.

CHAIRMAN FLANDERS stated to the applicant that they are getting the best of both worlds. They are getting a real high quality look that matches the center plus they are also achieving the letters that they are looking for.

COMMISSIONER GULSVIG entertained a motion to approve the PDP07-00020 TCF NATIONAL BANK with stipulations as read in by Staff.

ERIK SWANSON asked for clarification as to what kind of signage are they going to allow for that 'swoosh'? Is it going to be on the building or on the monument sign?

CHAIRMAN FLANDERS answered that they are going to ask him to read into the record the revised verbiage for stipulation no. 4. Reverse pan channel is to be used on all signage including the 'swoosh' and halo illuminated.

VICE CHAIRMAN IRBY said he was looking for a compromise but if it can be done leave it as noted.

ERIK SWANSON said revised stipulation no. 4 shall read:

All signage with the exception of the corporate ‘swoosh’ shall be reverse pan channel halo illuminated.

BOB WEWORSKI asked if they would like the logo to allow for direct illumination in addition?

CHAIRMAN FLANDERS said he threw it out there because he has seen it before and it works.

VICE CHAIRMAN IRBY said he doesn’t have a problem with that but he was just concerned that if they try to do it as reverse pan channel that it didn’t work. If it can be done by adding direct lighting, he would like to give them some flexibility.

BOB WEWORSKI said he thinks it probably could work. They could craft a stipulation for the applicant to work with Staff to develop that and allow the logo to have a halo illuminated sign with some direct illumination on the ‘swoosh’.

CHAIRMAN FLANDERS said that in addition to what they have already read, go ahead and ask the applicant to work with Staff.

COMMISSIONER GULSVIG said his motion would include all the past discussion. Seconded by **VICE CHAIRMAN IRBY**. The item passed unanimously 4-0 (Anderson, Creedon and Cason were absent.)

M. UP07-0071 POTRERO BAR AND GRILL

Request Use Permit approval to sell and serve all spirituous liquor (Series 6 Bar License) within a restaurant and entertainment facility in the Chandler Mercado shopping center at the northeast corner of Warner Road and Arizona Avenue.

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 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. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also, the sale of "To Go" packaged liquor is prohibited.

BILL DERMODY, CITY PLANNER, said item M is a Use Permit request for alcohol sales, **POTRERO BAR AND GRILL**, to serve and sell all spirituous liquor within a new bar and grill under a Series 6 Bar License. This is at the northeast corner of Warner Road and Arizona Avenue. Some of you may remember this from a year ago where they had previously requested a Series 12 Restaurant License and then going through the inspection process, the State said a Series 12 would not be appropriate and to please come back as a Series 6. Again, this at the northeast corner of Warner Road and Arizona Avenue within the Chandler Mercado Center which is under a rehab right now, which is partially funded by the City. It's the old K-Mart site. The K-Mart is going to be inhabited by a PGA Golf Super store and there will be some additional shops on the southern end along Warner. It has been a struggling center but they are hopeful that the rehab will help bring it around.

This particular request will be for a 14,500 square foot facility in one of the larger suites in the site just to the north of the Dollar Tree. It will have eating areas as well as an internet café, a stage with live entertainment at night starting at 9:00 p.m. three nights a week. Significantly, in this center there is a day care. There is no prohibition about a Series 6 license going within 300 linear feet of a day care. This does happen to be within about 270 feet. They do expect the day care proprietors to speak this evening in opposition and that is the only opposition that they are aware of. Staff does recommend approval of this request for a Use Permit to sell alcohol under a Series 6 Bar license. They do recommend a one-year time limit to see how things go with the live entertainment. They don't anticipate any land use conflicts especially since the day care closes at 6:30 p.m. Monday through Friday. Live entertainment won't start until 9:00 p.m. With that Mr. Dermody said he would be glad to answer any questions that they might have.

CHAIRMAN FLANDERS asked if there were any questions of Staff.

VICE CHAIRMAN IRBY stated he was looking at their floor plan and asked if their interior concept changed from the last submittal?

BILL DERMODY replied that it had not changed significantly. It's approximately the same concept as they had last year. The stage moved but it's about the same size stage, same size entertainment area, pool tables and kitchen. Square footage for each use is about the same.

VICE CHAIRMAN IRBY asked if the same applicant has another facility he is working on?

BILL DERMODY said that was correct. The owners of Potrero Bar and Grill are also the owners of Hollywood Billiards.

VICE CHAIRMAN IRBY said that is where he was getting confused. He remembered a lot of pool tables and some other issues.

COMMISSIONER RIVERS said he had questions for Staff because he went and visited the site today and he was taken by its proximity to Kids World Learning Center. He would like some more information as Mr. Dermody said it didn't violate any ordinances. He wanted to know if he could elaborate on that a little bit?

BILL DERMODY said there is a State Statute that limits where Series 6 Bar Licenses can go with regard to schools. They cannot be within 300 linear feet of a school that has K thru 12 programs or a church. A day care does not have K through 12 programs and is not licensed by the state for K through 12 and therefore, technically does not get that protection. It certainly is within the Commission's privilege to declare that there is a land use conflict, but not based on that state law. Simply on the idea of a day care within the proximity to a bar.

CHAIRMAN FLANDERS went to the applicant and asked him to please step forward and state his name and address for the record.

SAM LEE from California said he has been ill the last few days. He was in bed and got a call from Mr. Park to come out here. He is here now. Tonight they have a very unusual case in front of them because this application has been approved in September of 2006. They have a Special Use Permit as a restaurant and a bar with a liquor license type 12. One thing they didn't know was by state law and because of departmental regulations, after submitting an application for liquor license, the applicant has to receive the final inspection by the department of liquor in a one-year period. The applicant received the e-mail from the department a couple months ago saying that you have to have the final inspection by July 12, 2007. So now they had to hurry up and they had difficulties finding the General Contractors. After they got approval from them and the City Council, they hired a General Contractor for the tenant improvement work. They had a contract and a deposit and started working. They had many delays and one day they disappeared. They left the state. They got another contractor and things are going pretty good. They have to do a lot of required work to be a restaurant. One example, they have to make sure to have a proper grease intercept, which collects all grease from the kitchen to go outside and they need a lot of plumbing work as well. The reason he is saying this is that it is not easy to be prepared for the operation of a restaurant. This is a full service restaurant and it has complete equipment. Mr Lee said it is very upscale.

Potrero Bar and Grill is a new concept business in the family entertainment in the dining hour so that all family members can enjoy dining together. Since July 7 is coming, they made a call to the liquor department and asked them to please come over and do their inspection. Somebody came July 9, which is a Monday morning and said they are not the ones doing the final inspection. Somebody else will have to come here for your final inspection. He made a call July 12 to the inspector and asked him when is he coming as this was the last day. Finally, they came to the location on July 12. Two inspectors came and said the problem is they are not really complete yet to sufficiently show them the seating area and the kitchen facilities. After inspecting their location, they said because of their live entertainment it is better to apply for a type 6 license. Mr. Lee said they spent a lot of money for type 12. The inspectors replied the problem is that they have an inspection today. Mr. Lee asked them if they could get an extension? The inspectors said they would talk to their supervisor and call back later. They received a call and said they could not do that. Unfortunately, the application will expire as of midnight tonight. They said to apply for a type 6. This is good for you. The very next day they applied for the type 6. In the meantime, type 12 – you don't have to pay anything except the application fee to the city and the state. But the type 6, you have to purchase – it cost them over \$120,000. They purchased it and they filed it. The reason he is saying this is because that is why they went suddenly from a 12 to a 6. By the suggestion of the liquor department, they did this. They have to start all over again and had the neighborhood meeting on August 29.

The Planner suggested we send the mailing out to all the neighbors that live around the area. They had one tenant from the same shopping center who came to the meeting and they had a very open discussion. He was from the Kids World Learning Center and he had questions. They explained to him that they would be good neighbors and to tell them what his concerns are. They will figure out what they can do. He said to be open as a restaurant he is not against, but he asked when do they do entertainment and dancing? Mr. Lee replied that they have entertainment on Friday, Saturday and Sunday night-3 nights a week from 9:00 p.m. on. The Kids World Learning Center is not open at that time because they close at 6:30 p.m. He said they have a concern that if you have 'happy hour' at 6:00 p.m. your customers could get drunk. His customers are parents and pick up their kids. They look at that and it doesn't look good. Mr. Lee said that makes sense to him. First of all they haven't decided if they are going to have 'happy hour' or not. If they do that, they are going to have a security guard riding around the parking lot. He will be a good neighbor. He understands that. Mr. Lee referred to the memo from the City Planner under the discussion section where it states a one-year time limit. He pointed out three items. Number one, "No live entertainment while the day care center is open." Number two, "Prevent alcohol from being taken outside the facility." Number three, "Prevent expansion of entertainment without receiving new permit." They accept this. Whatever conditions you put together they are willing to accept. Mr. Lee said that sometimes as Commissioners they might think on how can they reject that application. He would like to ask them to please think how can they approve this application and then

they can have a solution together. As a final note, he will make sure that this management will follow their guidelines. He thanked them for their time and attention on this matter.

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

COMMISSIONER GULSVIG stated that back when they approved the Use Permit for a Liquor License 12, he argued strongly about whether or not the facility was capable of meeting their criteria by the state. The applicant argued very strongly that they could. His argument was the size of the kitchen. Now it seems that argument never came to fruition because it evolved into a Series 6 anyways. This is what it should have been applied for in the very beginning. As for the Use Permit, he has no other comments other than he would like to hear the input from the day care folks.

SAM LEE said this center is being done with the assistance from the City's Commercial Reinvestment program. It is being assisted by our tax dollars. The shopping center is zoned to allow Community Commercial Use (C-2) including restaurant or bar. Mr. Dermody mentioned that this is the largest space of the shopping center. As far as he is concerned, this applicant spent a lot of capital investment. This will be good for the center and as whole, good for the city.

CHAIRMAN FLANDERS went to the audience to see if there was anybody that would care to speak in regards to this item.

MR. RAMADOS, 2745 S. SHAWN DRIVE, CHANDLER, ARIZONA 85248 stated he is the owner of the Kids World Learning Center. His main concern was when he heard the city hearing last year it was for more of a restaurant and now with the change in liquor license, it sounds more like a bar. His main concern is with the safety of the children and the parents that come. He attended the neighborhood meeting with the owner and was assured that it's still a restaurant. It's just a technical change from a liquor license perspective. If liquor is the main item served, he will be concerned. If it's more like a restaurant and they happen to have alcohol along with their food, he's o.k. with that. If it's just liquor served in the evening hours, that is his concern.

VICE CHAIRMAN IRBY asked what was his reaction to the applicant's comments about entertainment not happening during the weekdays and any issues with happy hour timing as it relates to his hours of operation?

MR. RAMADOS said he was glad to hear that there will be dancing only late at night and only on the weekends. That concern went away. The happy hour they said they don't plan to do, but with the new license they are allowed to do it if they choose. He didn't get a firm commitment that they will not have a happy hour.

VICE CHAIRMAN IRBY said his operation ends at 6:30 p.m. during the weekdays. His feeling is that even if it functions as a bar, their main problems are only during their

times of operation. They could add a stipulation that the happy hour will not be during the same operation as their facility.

MR. RAMADOS said he would be happy with that if that is a stipulation. Some of their parents have expressed concern about the proximity of the bar.

VICE CHAIRMAN IRBY asked where is the relationship of his facility to theirs?

MR. RAMADOS replied it's in the same plaza about 270 feet from them.

BILL DERMODY pulled up a site plan and showed where the shopping center is. The day care is just north of the old K-Mart. The hatched area is the proposed building.

VICE CHAIRMAN IRBY said it's not right next door but around the corner more or less.

COMMISSIONER RIVERS asked if they were to add a stipulation regarding happy hour, what would they think a good starting time for happy hour would be? Would it be 5:00 p.m. or 4:00 p.m.? What did he think?

MR. RAMADOS said he would be happy if it's 6:00 p.m. because they close at 6:30 p.m. Sometimes there are late pickups from the parents, which takes them to 6:45 p.m. or in the worse case 7:00 p.m.

COMMISSIONER RIVERS said typically happy hour is a marketing tool to bring people into the restaurant prior to dinner. If you had people coming into the restaurant at 5:00 p.m. to unwind and watch sports on TV or play pool, he can see they wouldn't be a danger or overly intoxicated in an hour. He asked if he thought 5:00 p.m. would be o.k.?

MR. RAMADOS said 5:30 p.m. would be better.

COMMISSIONER RIVERS asked if all of his customers are gone from the parking lot by 6:30 p.m.?

MR. RAMADOS said most of the time. After 6:30 p.m. is an exception.

CHAIRMAN FLANDERS asked if there was anybody else in the audience that would care to speak on this item. He asked the applicant if he wanted to make a closing statement or respond to the possible stipulation of happy hour time.

SAM LEE said as he mentioned earlier he would like to be a good neighbor and would like to be a model business in the town of Chandler because this is not the only one. He stated that these are very important steps. If they create some kind of conditions, they are going to abide by that. As he said to him in the meeting, they would like to be a good

neighbor. Mr. Lee cares about that. Mr. Ramados has a concern about the children. Whatever conditions you print, he won't hesitate with anything. He will go for that because it's good for everybody. Not just for me or for you, but for society. They will not deny that if they put in some reasonable condition.

CHAIRMAN FLANDERS asked if he was in agreement with a 5:00 p.m. start time for their happy hour?

MR. LEE said that was no problem.

COMMISSIONER GULSVIG stated that at bars you typically have an area that needs to be cleaned at the end of the night. He would like to have a stipulation that the patio area be kept clean. In some of the late night establishments there is a tendency to have debris left in the parking lot area and on the sidewalk. He was wondering if they could put some kind of stipulation that the area immediately surrounding the establishment be maintained in a neat and orderly fashion.

BOB WEWORSKI said they would be glad to add that as another stipulation.

COMMISSIONER RIVERS stated that he would like to see a stipulation added to have a start time for happy hour at 5:00 p.m. on the weeknights with Saturday and Sunday possibly going earlier in the afternoon. They could stipulate Monday through Friday with a start time of no earlier than 5:00 p.m. He thinks that would work well.

VICE CHAIRMAN IRBY said he was going to suggest the same thing and just have it controlled during the weekdays.

CHAIRMAN FLANDERS stated he talked to Mr. Weworski earlier about security being provided especially when there is entertainment. They have a stage so there will be live music. When there is that type of activity going on there should possibly be some type of security. He asked Glenn Brockman about providing a stipulation as far as additional security for the parking lot. He said a lot of people are coming and going.

GLENN BROCKMAN said he thinks you can impose that if they want. He wasn't sure if they want it under all conditions or all the time.

CHAIRMAN FLANDERS said it's on the weekends when they have live entertainment and there is more of a group coming and going.

GLENN BROCKMAN said he could do that. **CHAIRMAN FLANDERS** stated they need to provide a stipulation that on the weekends when there is live music, there will be additional security provided. He thought this would be good for everybody.

COMMISSIONER RIVERS said he is very comfortable with the additional stipulations and it's one-year time limit. He thinks this will give an extremely clear picture of how this business develops and if there is a problem with it, they will know about it soon enough.

CHAIRMAN FLANDERS went back to the audience to see if there was anybody else that wanted to speak on this item.

COMMISSIONER RIVERS made a motion to approve USE PERMIT UP07-0021 POTRERO BAR & GRILL subject to the conditions recommended by Staff and the additional stipulations, seconded by **COMMISSIONER GULSVIG**. Staff read the additional stipulations.

7. **Any happy hour drink specials offered by the business shall not take place before 5:00 p.m. Monday through Friday.**
8. **The area immediately surrounding the establishment shall be maintained in a neat and orderly manner.**
9. **Security shall be provided during the hours of live entertainment.**

GLENN BROCKMAN said he noticed there was no stipulation specific when live entertainment would occur.

BILL DERMODY said you could have a stipulation but it is part of the record already and so any expansion beyond those three nights in the hour of 9:00 p.m. or any significant expansion beyond that would require a use permit.

VICE CHAIRMAN IRBY pointed out that it is in the narrative also.

CHAIRMAN FLANDERS took the vote to approve the item. Item M passed unanimously 4-0 (Anderson, Creedon and Cason were absent.)

6. DIRECTORS REPORT
There was nothing to report.

7. CHAIRMAN'S ANNOUNCEMENTS
The next regular meeting is September 19, 2007 at 5:30 p.m. in the Council Chambers, 22 S. Delaware Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 6:35 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary