

#76

OCT 25 2007



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**                      **Planning and Development – CC Memo No. 07-233**

**DATE:**            OCTOBER 4, 2007

**TO:**                MAYOR AND CITY COUNCIL

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

*[Handwritten initials and signatures: WMP, DB, JK, BW, JMN]*

**FROM:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

**SUBJECT:**        UP07-0084 98 SOUTH

**Request:**            Use Permit approval to allow liquor sales and service under a Series 12 Restaurant License for on-premise consumption within an outdoor patio at an existing restaurant in Historic Downtown Chandler

**Location:**            98 South San Marcos Place, west of Arizona Avenue at the northwest corner of Boston Street and San Marcos Place

**Applicant:**            Ron Wojcicki, business owner

**RECOMMENDATION**

The application requests Use Permit approval to sell and serve liquor under a Series 12 Restaurant license for on-premise consumption within an outdoor patio at an existing restaurant in Historic Downtown Chandler. Planning Commission and Staff, finding consistency with the General Plan and City Center District (CCD) zoning, recommend approval.

**BACKGROUND**

The application requests Use Permit approval to sell liquor as permitted under a Series 12 Restaurant liquor license within an outdoor dining area. A Series 12 license, which is considered a "restaurant license," allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment must derive at least forty (40) percent of its gross revenue from the sale of food.

The existing restaurant was granted Use Permit approval in April 2004 with a one-year time period. The Use Permit was extended in 2005 with no time limit. The outdoor patio is located on the

building's east side along the front entrance area. This Use Permit request is to allow an outdoor patio as permitted in the recent City approval of extension of liquor premises in the City Center District (CCD) zoning.

The patio is approximately 29'6" wide by 7'7" deep, approximately 230 square feet in size. A 6-foot wide space of unobstructed sidewalk is maintained in front of the patio. The patio accommodates approximately 11 tables totaling up to 44 seats. The patio's design and railing is in compliance with the downtown patio standards including a 4-foot high "Regal Style" wrought-iron fence in black enamel finish.

The restaurant serves lunch and dinner 11:30 a.m. to 10:00 p.m. or later Monday through Saturday and offers catering and "to go" items. The restaurant offers wine and beer tasting with cheeses and specialty gourmet items and hosts wine classes, wine tasting groups, and wine clubs.

The tenant space is approximately 3,750 square feet. There are 8-10 employees per day and the restaurant seats approximately 68 – 75 guests including bar seats, dining room, and lounge sitting areas.

#### **PUBLIC / NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- A neighborhood meeting was held on Friday, September 21, 2007. No one attended.
- As of the date of this memo, Staff has received no telephone calls or letters from residents opposed to this Use Permit.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve. In Favor: 4 Opposed: 0 Absent: 2 (Creedon, Rivers)

#### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and City Center District zoning, recommend approval of UP07-0084 98 SOUTH Use Permit, subject to the following conditions:

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses, other than for special events, shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.

CC Memo No. 07-233

October 4, 2007

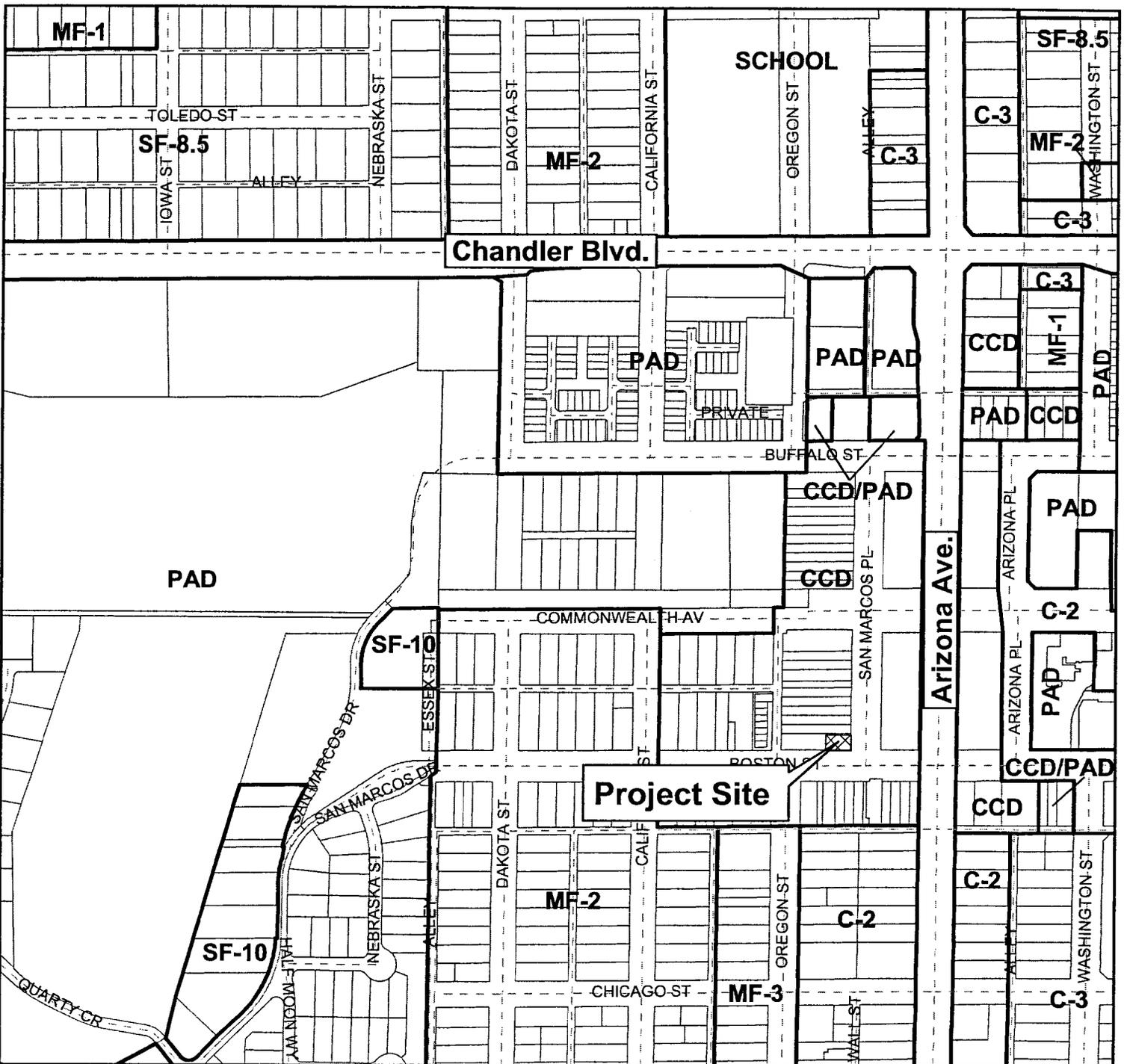
Page 3 of 3

**PROPOSED MOTION**

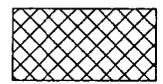
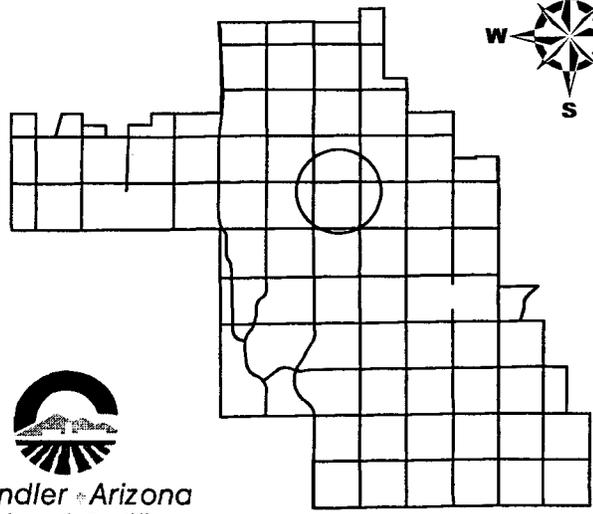
Move to approve Use Permit case UP07-0084 98 SOUTH, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Map
2. Narrative
3. Site Plan/Floor Plan
4. Patio Railing Detail



## Vicinity Map



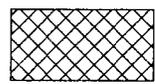
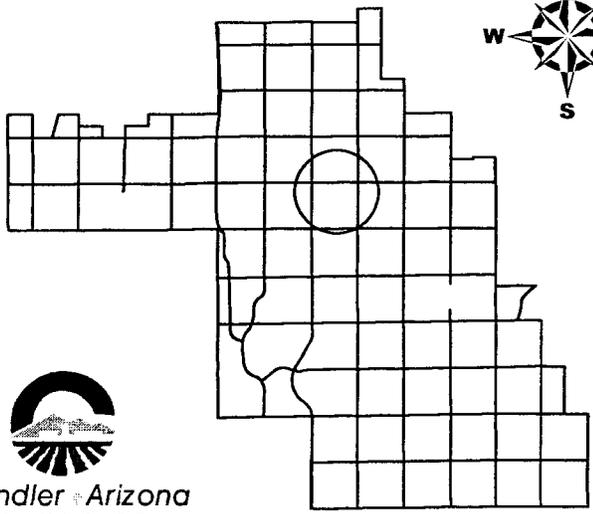
UP07-0084

98 South  
Liquor Use Permit



**Project Site**

## Vicinity Map



**UP07-0084**

**98 South  
Liquor Use Permit**



**Chandler Arizona**  
Where Values Make The Difference

## **98 SOUTH**

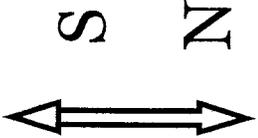
98 S. San Marcos Place  
Chandler, Arizona 85225

**98 SOUTH** is a series #12 license that is currently used for serving Eclectic American Cuisine. We are open for lunch and dinner six days a week and also offer catering and "to go" items. The restaurant hours will be from 11:30 am until at least 10 pm, Monday – Saturday. We are applying for the permanent extension of use permit for outdoor patio dining per the extension of use guidelines of the City of Chandler.

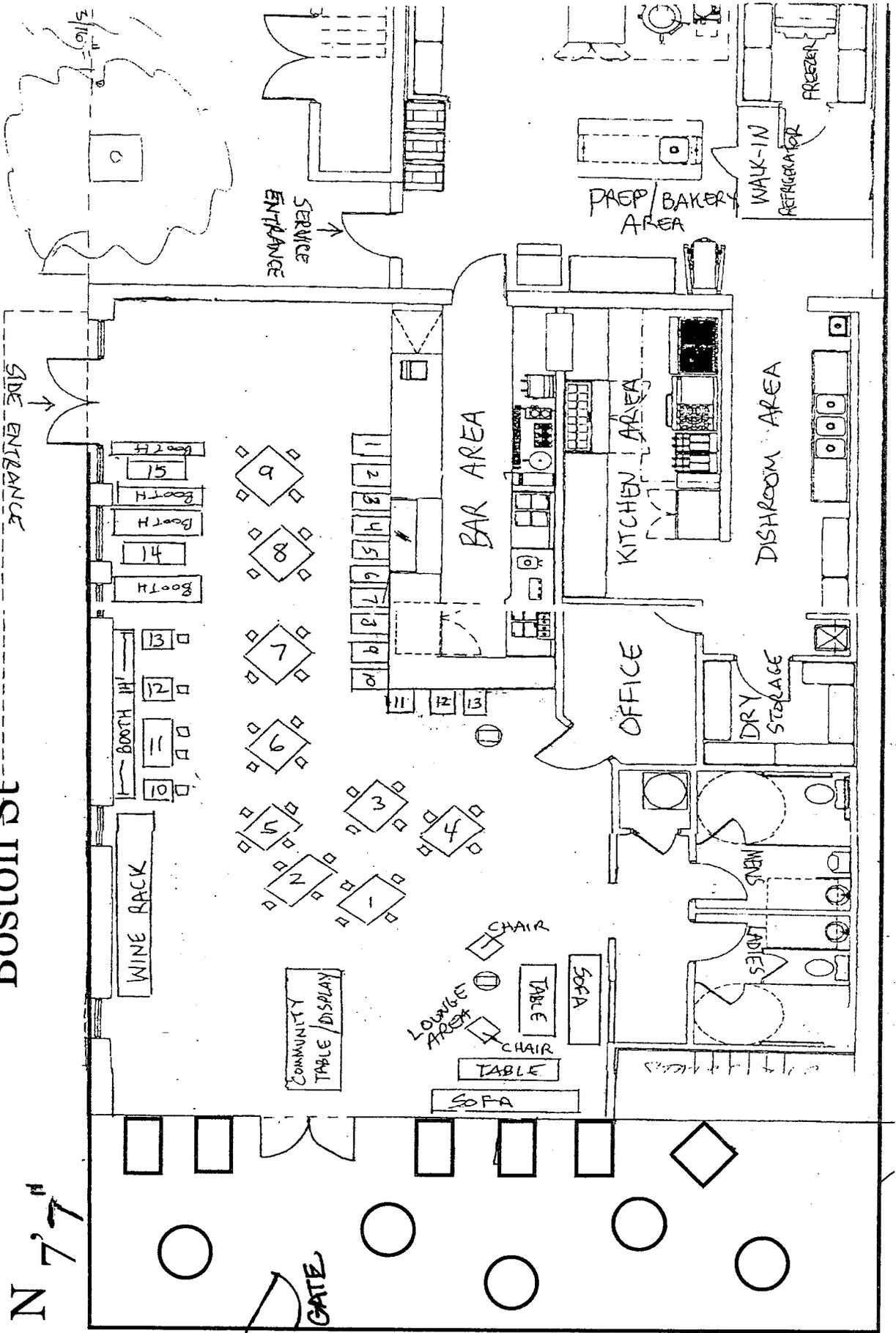
We will have a 42" high wrought iron fence with gate per the City of Chandler guidelines for extension of premises. Please see the attached picture and layout for the proposed outdoor dining.

# San Marcos

29' 6"



Boston St



Boston

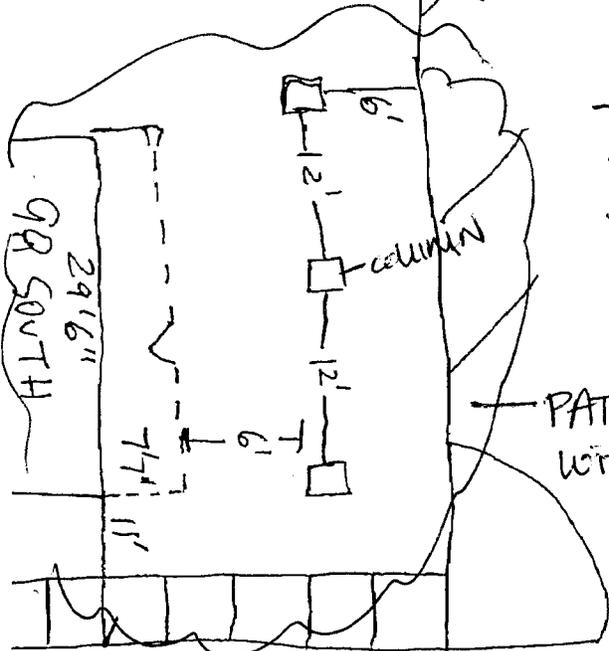
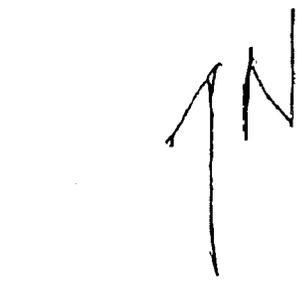
A2 AVE



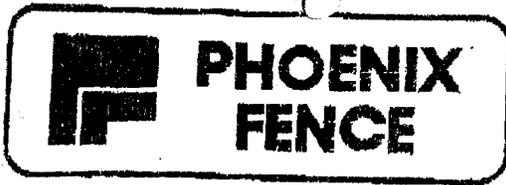
SAND WAREHOUSE PLATES

PARKING

PAGE 2/2



PATIO'S location within colonnade # columns.



P.O. BOX 21183  
PHOENIX, AZ 85036-1183

## 4' HIGH "REGAL STYLE" FENCE

RAILS:	1" SQ X 16 GA
PICKETS:	5/8" SQ X 18 GA (4-1/2" O.C.)
POSTS:	2" SQ X 11 GA (8" O.C.)
PLATE:	6" X 6" GALVANIZED PLATES
FINISH:	BLACK INDUSTRIAL ENAMEL FINISH

