

#70

DEC 13 2007



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MEMORANDUM **Planning and Development – CC Memo No. 07-282**

DATE: NOVEMBER 9, 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: UP07-0090 HOLLYWOOD BILLIARDS

Request: Use Permit approval to sell and serve beer and wine within a billiards hall and cafe (Series 7 Liquor License)

Location: 3029 N. Alma School Road #114, northeast corner of Elliot and Alma School Roads within the Paseo Del Oro shopping center

Applicant: Duck Y. Hong

RECOMMENDATION

The request is for Use Permit approval to sell and serve beer and wine within a billiards hall and cafe (Series 7 Liquor License). Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

BACKGROUND

Hollywood Billiards is an existing facility that features pool tables and an internet cafe and is located at the northeast corner of Elliot and Alma School Roads within the Paseo Del Oro shopping center anchored by Pure Fitness. The tenant space, formerly occupied by Peter Piper's Pizza, has been occupied by the subject business since early 2007 (without alcohol service). The subject business received city approvals for a Series 12 Restaurant License in July 2007, but the state did not process the license due to the entertainment-oriented floor plan rather than one more typical of a restaurant.

The business is open 10 a.m. to 1 a.m. Sunday through Thursday and 10 a.m. to 3 a.m. Fridays and Saturdays. The kitchen remains open until 11 p.m. on weekdays and until 12 a.m. on weekends. There is no live entertainment. The 12,800 square-foot suite provides seating for

approximately 90 persons in the cafe and restaurant areas, plus numerous cocktail tables placed in various parts of the facility. The facility's central portion features 32 pool/billiard tables and other games like foosball and air hockey. Internet service is featured in the cafe area adjacent to the entrance.

The shopping center is zoned to allow Community Commercial (C-2) uses, including restaurants and pool halls. The center has two active Use Permits for alcohol sales: a Series 9 Liquor Store Use Permit for Liquor Square and a Series 6 Bar Use Permit for Priceless Too; both of the existing liquor uses are located at the center's southeastern end. The subject suite's previous occupants, Peter Piper's Pizza and Pistol Pete's, sold alcohol under a Series 7 Wine & Beer License.

A facility with a Series 7 Wine & Beer License must be located at least 300' from schools with K-12 programs and churches—the subject suite meets this requirement. A children's dance academy is located upstairs from and adjacent to the subject suite, a charter high school is located on the second floor on the center's northern end, and a day care is located within the Pure Fitness facility. A church used to be located upstairs and adjacent to the subject suite, but it has moved to the center's northern end, more than 300' from Hollywood Billiards.

The Use Permit, if approved, will be used in association with a Series 7 liquor license. A Series 7 License allows the sale of wine and beer by individual portions for on-premise consumption or in the original container for off-premise consumption. A recommended condition would restrict the alcohol to on-premise consumption only.

DISCUSSION

Planning Commission and Staff find no negative land use impacts arising from the proposed use. Public access to the restaurant is from the parking lot, and there is no live entertainment to cause disturbance to the residential neighbors. A recommended condition of approval would prohibit off-site alcohol consumption, thus other businesses including the church and school will not be subject to the subject business' patrons littering or loitering with alcohol in other parts of the center. It is anticipated that the subject business will have a similar impact on its neighbors as did the Peter Piper's Pizza and other previous tenants in this space.

Planning Commission and Staff recommend a one-year time limit on the Use Permit, given the unique business nature and to allow an opportunity to demonstrate that this facility will indeed be able to operate as proposed. Other recommended conditions would prohibit the applicant from operating under a different type of license or adjusting the submitted floor plan without first applying for and receiving new Use Permit approval from City Council. Also, customer access through the building's rear will be prohibited.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on October 22, 2007 at Potrero Grill & Bar (northeast corner of Warner Road and Arizona Avenue). No citizens attended.
- The Police Department has been informed of the application and has responded with no issues or concerns.

- The owner of the Priceless Too bar, located in the same shopping center, has expressed concern with the application. The bar owner is not against the application as long as they follow all state laws, including those relating to distance from churches and avoiding alcohol service to minors.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommend approval of UP07-0090 HOLLYWOOD BILLIARDS subject to the following conditions:

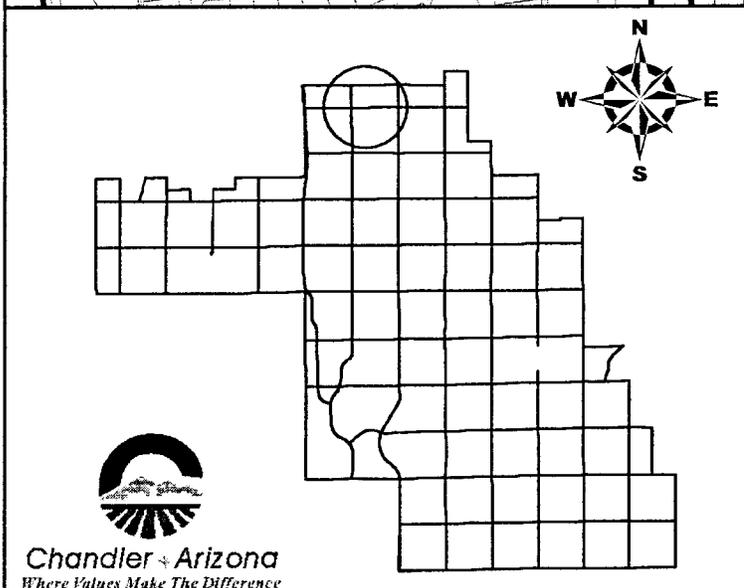
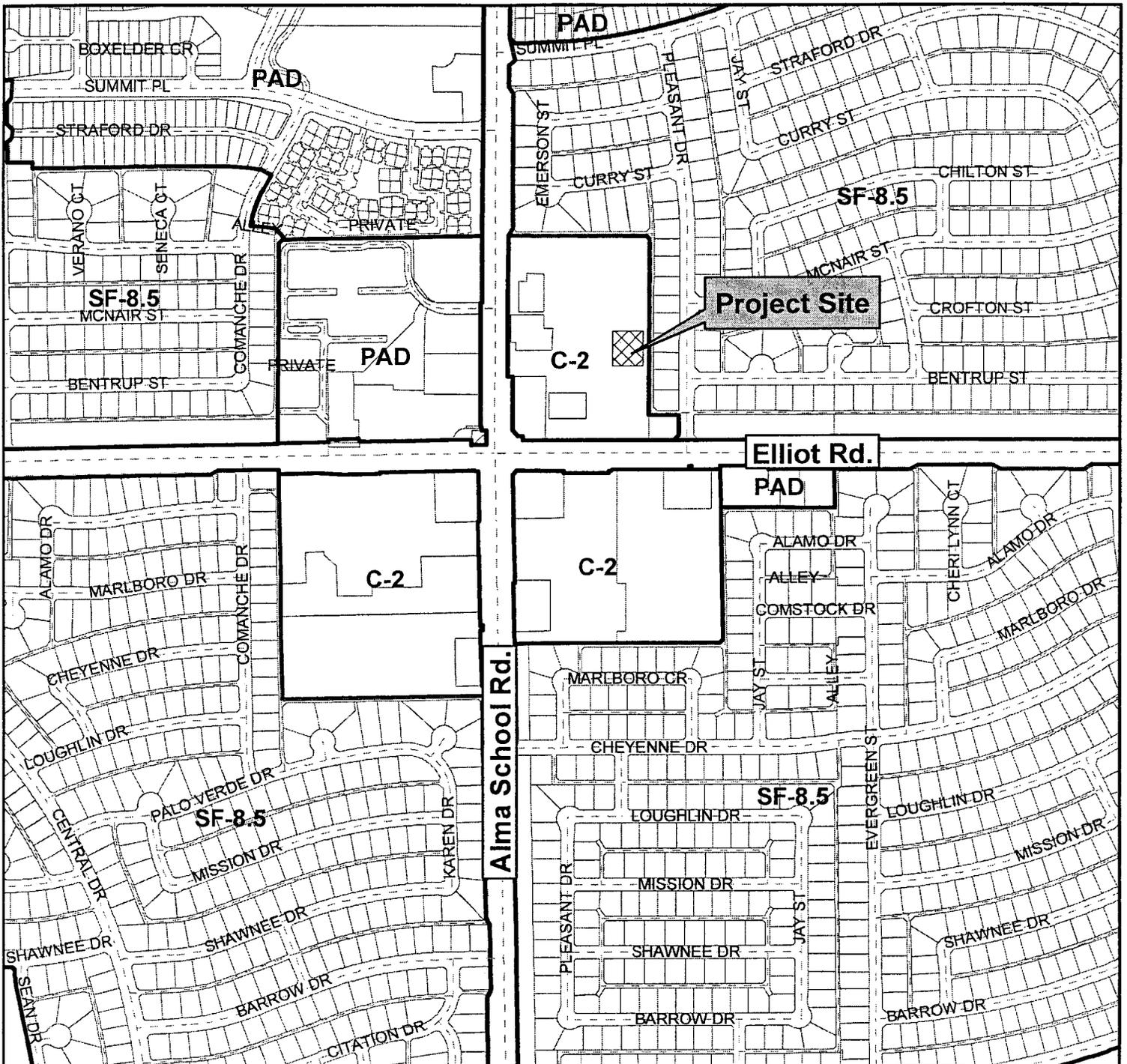
1. The Use Permit granted is for a Series 7 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. 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.
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 re-application to and approval by the City of Chandler.
6. There shall be no customer access through the rear of the building.
7. The applicant shall install software on the computers to prevent access to adult-oriented sites, internet gambling sites, and other inappropriate sites for children.
8. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to approve UP07-0090 HOLLYWOOD BILLIARDS Use Permit for alcohol sales subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Applicant Narrative
5. Photos

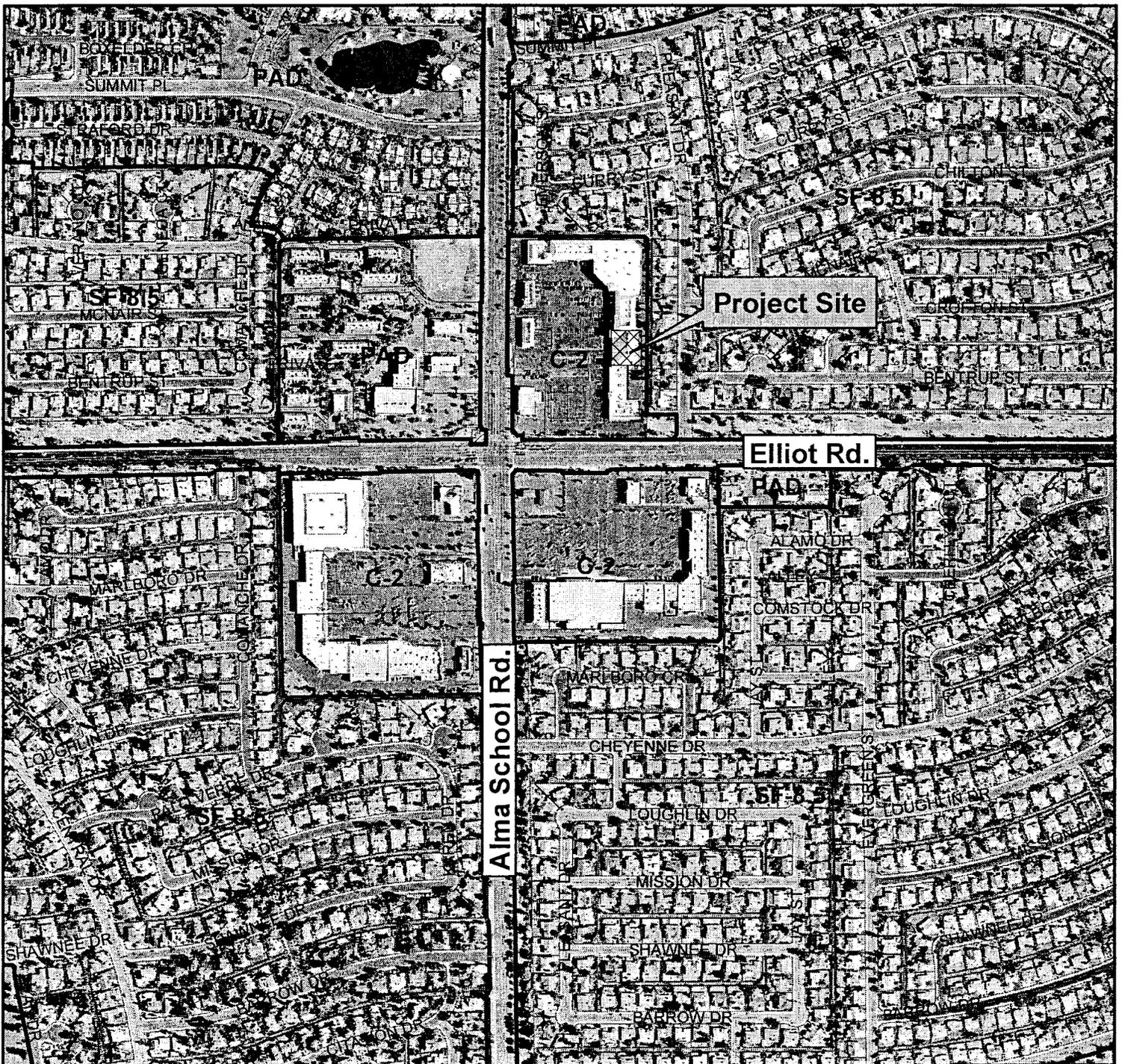


Vicinity Map

UP07-0090

Hollywood Billiards
Liquor Use Permit

CITY OF CHANDLER 9/18/2007

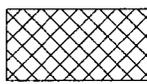


Project Site

Elliot Rd.

Alma School Rd.

Vicinity Map



UP07-0090

**Hollywood Billiards
Liquor Use Permit**



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CITY OF CHANDLER 9/18/2007

Date: September 8, 2007

To: Planning and Development Dept.
Current Planning Division
City of Chandler

Re: Series 7 Liquor (beer/wine) Use Permit Application
for On-site consumption in Hollywood Billiards & Internet Cafe

Proposed Project:

This application is to formally request a Series 7 Liquor Use Permit Approval from the City of Chandler to sell beer/wine for on-site consumption at Hollywood Billiards & Internet Cafe located at 3029 N. Alma School Road, #114, Chandler, AZ 85225 (formerly known as Peter Piper Pizza in the Paseo Del Oro Shopping Center).

Hollywood Billiards & Internet Café is a new concept in family entertainment, where all family members can enjoy entertainment (playing billiards, using the internet, playing video games), while dining on an assortment of foods (e.g. pizza, chicken, nachos, hamburgers, hot dogs) and beverages (e.g. soda, juice, coffee, beer, wine). Our goal is to appeal to all age groups, families, and walks of life to provide a complete entertainment experience as they spend time with their loved ones.

The interior décor is highly upscale with bright lighting and is completely different from the traditional billiards business. The bright colors and luxurious space will instantly change the typical stereotype for a billiard business from the moment patrons walk into Hollywood Billiards.

Furthermore, the entire Hollywood establishment is non-smoking. Our ultimate goal is to appeal to families and all age groups and to provide a complete entertainment experience as our patrons spend time with their loved Ones.

Hollywood Billiards occupies 12,800 square feet of floor area in the Paseo Del Oro Shopping Center. The Shopping Center provides plenty of parking spaces with sufficient lighting. Patrons are allowed to park in the entire parking lot within the Center per the CC&R Regulations of the Shopping Center.

Hollywood Billiards has 26 regulation pool tables, 4 billiard tables, 2 bar pool tables as well as 10 large flat screens TV's showing all different types of sporting events, 25 high speed computers with always connected wireless internet service for laptops, thus providing the first and best service to our customers and to the city of Chandler. Patrons who enjoy sports will be able to visit this facility frequently with their family and friends to watch whatever sporting event they choose.

At the main entrance to Hollywood Billiards, located to the left, there is approximately 1,200 square feet of internet café room including a coffee shop that serves pizza, chicken, soda, juice, and snacks with 25 comfortable seats. To the right of the main entrance, there are 32 pool or billiard tables. Adjacent to the line of pool tables, there is an open area with a football table, darts games, air hockey table, and approximately 30 video arcade games, which are all provided for all ages. There is no live entertainment.

No alcoholic beverage is allowed or consumed in the parking areas and outside the premises at all times. In short, Hollywood Billiards is a very safe and comfortable place for all patrons to come with family and friends for entertainment.

The Shopping Center is zoned to allow Community Commercial (C-2) uses, including restaurants and bar. As of this writing, the Center has two active Use Permits for alcohol sales at this moment. After Iglesia Church (located on the second floor, directly above Hollywood Billiards) relocates to a different part of the shopping center by 9/30/07, there will not be any churches, schools or playgrounds within 300 horizontal feet from Hollywood Billiards. The relocation has been agreed to by Iglesia Church and approved by the landlord, Pollack Investments.

Background:

This project was approved for a Series 12 Restaurant Liquor Use Permit from the City of Chandler on July 26, 2007. However, the Arizona Department of Liquor License and Control prefers a Series 7 beer and wine license for Hollywood Billiards, because it is an entertainment-oriented facility, rather than a restaurant. Thus, the management of Hollywood Billiards accepts the recommendation and re-applies for this new Liquor Use Permit application.

Hours of Operation:

The business will be open 7 days per week, Sunday through Thursdays from 10:00 a.m. to 1:00 a.m., and Friday and Saturday from 10:00 a.m. to 3:00 a.m.

Number of Employees:

The anticipated number of employees will be two managers, two assistant managers, six to nine cashiers, four waitresses, and two janitors.

Kitchen Facilities:

The kitchen area is approximately 2,000 square feet with sufficient kitchen fixtures and equipment for preparing foods.

Management Background:

Mr. Park, one of main management team members, has an impressive restaurant and entertainment management background. He has owned and operated four separate family restaurant/entertainment businesses in California ranging from 10,000 to 37,000 square feet of floor area.

He has a strong history of being a responsible neighbor and business operator, and has sponsored a number of community activities for the city of Oxnard, California and the city of Oxnard Police department, as well as many community organizations. He has received many awards for those sponsorships. The excellent, and proven, management experience will be a benefit for this great city of Chandler.

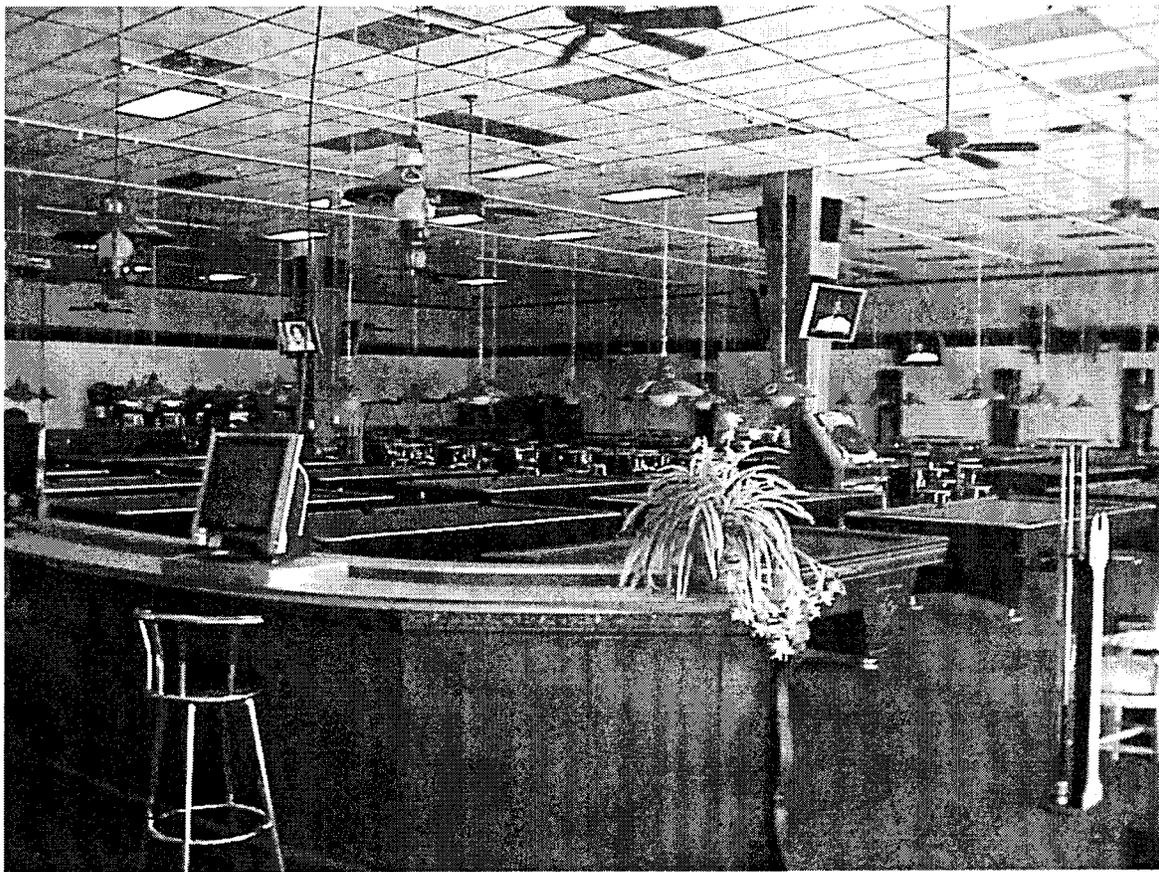
Summary:

Hollywood Billiards & Internet Cafe will be a quality establishment under a proven management team. There will be nothing but the pride of ownership on all tenant improvements built on the premise. The management feels the Hollywood Billiards will be a strong and positive addition to the great city of Chandler.

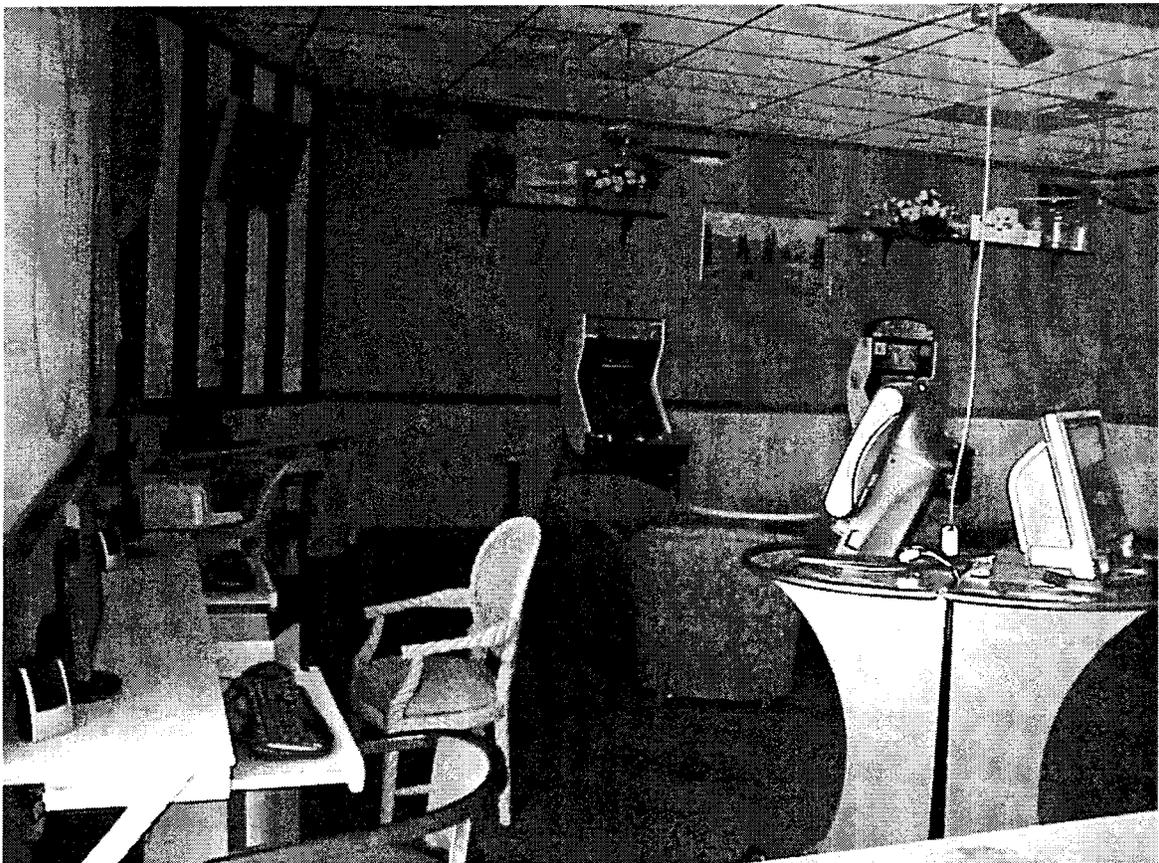
We, the management, look forward to working with you. If you have any questions concerning this matter, please feel free to contact me at (480) 240-8161 or samleearizona@aol.com

Sincerely,

Simon (Sam) K. Lee
samleearizona@aol.com



Pool tables



Internet cafe