

#38  
FEB 14 2008



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

**MEMORANDUM**                      **Planning and Development – CC Memo No. 08-025**

**DATE:**            FEBRUARY 7, 2008

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER <sup>RP</sup>  
                         DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR <sup>DB</sup>  
                         JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR <sup>JK</sup>  
                         BOB WEWORSKI, PLANNING MANAGER <sup>BW</sup>

**FROM:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER <sup>JMN</sup>

**SUBJECT:**        UP08-0005 SANTAN BREWING COMPANY

**Request:**            Use Permit approval to allow liquor sales as permitted under a Series 12 Restaurant License and Series 3 Domestic Microbrewery License for an extension of premises of an outdoor patio at an existing restaurant

**Location:**            8 South San Marcos Place in Historic Downtown Chandler

**Applicant:**            Anthony Canecchia, owner

**RECOMMENDATION**

The application requests Use Permit approval to allow an extension of premises for an outdoor patio for liquor sales as permitted under a Series 12 Restaurant License and a Series 3 Domestic Microbrewery License. The existing restaurant is located in Historic Downtown Chandler. Planning Commission and Staff, finding consistency with the General Plan and City Center District (CCD) zoning, recommend approval subject to conditions.

**BACKGROUND**

A Series 12 license, which is considered a “restaurant license”, allows the on-site sale of beer, wine, and spirits for on-site consumption only. Under a Series 12 license, the establishment must derive at least forty (40) percent of its gross revenue from the sale of food. A Series 3 Domestic Microbrewery License allows the sale of on-site manufactured beer for on-premise and off-premise consumption.

The application request includes changing a temporary patio to a permanent patio and connecting two patios versus keeping them separate. SanTan Brewing Company received Use Permit approval for liquor sales in March 2007 with a condition that alcohol sales were prohibited on

the patio. The liquor sales were permitted in the restaurant's interior only. The condition was required due to the patio's location within public right-of-way in which the City did not permit liquor sales in the public right-of-way at that time. Approval of this Use Permit required that an extension of premises through a new Liquor Use Permit application is needed to allow alcohol sales on the patio.

In July 2007, a new Use Permit was filed for an extension of premises to allow liquor sales on the patios. Prior to this Use Permit for an extension of premises, the City adopted a code amendment, which allows for the consideration of liquor sales in Historic Downtown Chandler public areas under a Use Permit. Two patios were approved which included a permanent patio on the restaurant's north side along Commonwealth Avenue and a temporary/special events patio on the restaurant's east side by the main entrance. Both patios were approved with 42-inch high perimeter fence railings; however, the eastern patio on San Marcos Place was approved with a fence railing that is removed when not in use.

The temporary/special events patio on the building's east side was approved for use during the initial business opening until the north patio and Commonwealth Avenue street improvements were completed. The temporary patio was anticipated for use on a limited basis up to 12 times per year for City related events such as the Downtown Jazz Festival and Classic Car event. This application requests to change this patio to a permanent patio. The patio includes 6 tables accommodating 12 patrons.

The north patio is a permanent patio that was designed to be separate from the temporary patio. This application also requests approval to connect both patios. Railing has already been installed connecting the patios. There are no tables at the connection point; this area allows patrons and servers to walk to and from the patios.

The patio improvements comply with minimum pedestrian circulation clearances and other requirements from the code amendment. A minimum six foot clearance is required to be maintained along the San Marcos Place patio between the fence enclosure and the inside face of any column, street light, street sign, traffic signal pole, curb line, utility equipment box, or other street fixture, to allow unobstructed pedestrian use of the remaining public sidewalk. Since the right-of-way is being reconstructed at Commonwealth Avenue, the minimum clearance may be reduced to five feet, as identified within the code amendment. Compliance with the applicable provisions of the Americans with Disabilities Act (ADA) must be maintained at all times within the adjoining public street right-of-way outside of the fence enclosure. The development exceeds the clearance requirements on both the east and north sides of the patios.

The east patio is located under the existing colonnade adjacent to the building. This patio is located on either side of the restaurant's main entrance doors. A roll up door adjacent to the north patio provides access from the restaurant. A trellis extends over the patio space and along the building's north side. A misting system will cool the patio during the summer months and heat lamps will heat the space during the winter. Background music is proposed to complement a future Downtown colonnade music system. Occasional live music is proposed for the patio that is not intended to disrupt neighboring businesses.

Staff is of the opinion that changing the temporary patio to a permanent patio is consistent with the function of other patios located in the downtown area. The patios meet code requirements for location and providing for pedestrian passing space. The connection of the two patios does not affect the patios function, colonnade, or sidewalk 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.
- At the time of the memo, Staff is not aware of any opposition to this request. Staff was contacted by a business owner in the area asking why SanTan Brewery is going through a zoning process again.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 7    Opposed: 0

Planning Commission asked why trees were not installed for the length of the patio along Commonwealth Avenue. Due to the patio's size and location as well as meeting right-of-way improvement standards, there was not enough space to provide tree wells and meet pedestrian and ADA passing space requirements. Trees were provided west of the patio along Commonwealth Avenue. In lieu of trees near the patio, decorative pots with plants are provided along the patio's rail fencing.

**RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and CCD zoning, recommend approval of Use Permit UP08-0005 SANTAN BREWING COMPANY, 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 shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 12 and Series 3 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.
5. The site and outdoor dining areas shall be maintained in a clean and orderly manner.
6. Compliance with all building and fire code requirements including fire sprinkling the colonnade per approved plans.

CC Memo No. 08-025

February 7, 2008

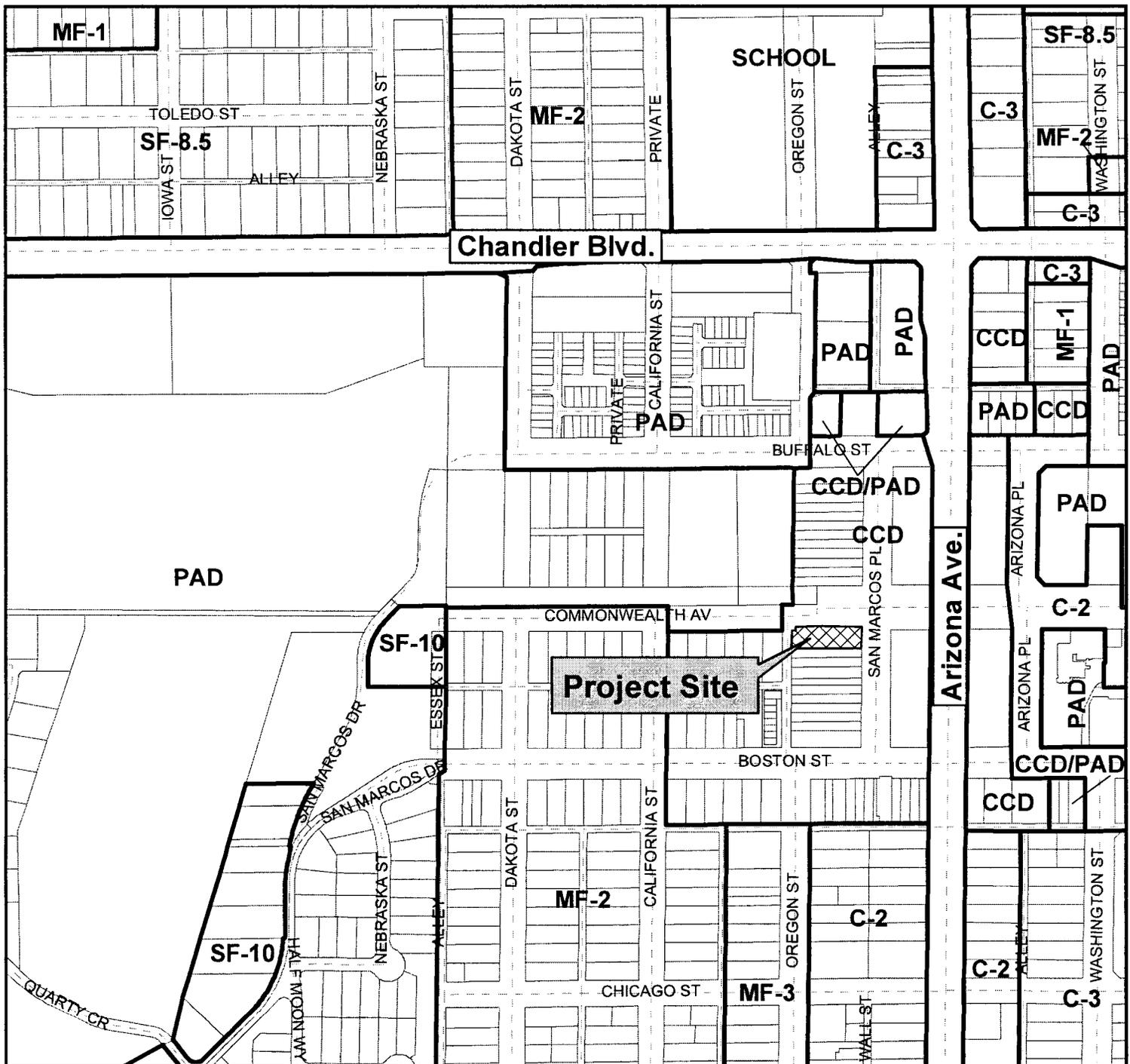
Page 4 of 4

**PROPOSED MOTION**

Move to approve Use Permit case UP08-0005 SANTAN BREWING COMPANY, subject to the conditions recommended by Planning Commission and Staff.

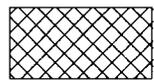
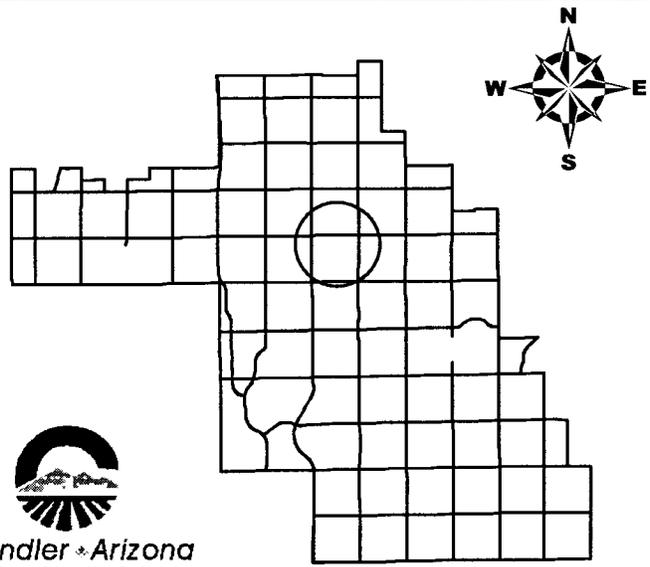
**Attachments**

1. Vicinity Maps
2. Narrative
3. Patio Site Plan
4. Floor Plan



**Project Site**

## Vicinity Map

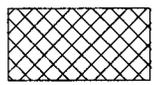
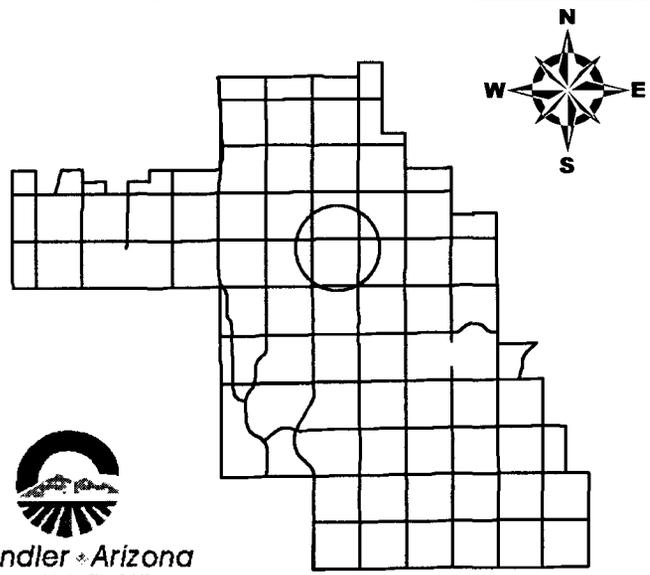


UP08-0005

**San Tan Brewing Company, LLC  
Liquor Use Permit**



## Vicinity Map



UP08-0005

**San Tan Brewing Company, LLC  
Liquor Use Permit**

# SanTan Brewing Company, LLC

## Use Permit Ammendment

1/17/08

To Whom It May Concern,

SanTan Brewing Company would like to amend an existing Use Permit to allow for permanent use of the fenced in serving area on the east side of the building at 8 S San Marcos Pl. The existing area will be licensed under SanTan Brewing Company's existing Series 12 Liquor License. The current Use Permit allocates the area as Temporary and SanTan Brewing Company wishes to amend this to a permanent Use. The approximate square footage is 350.

Thank You

Anthony Canecchia

SanTan Brewing Company

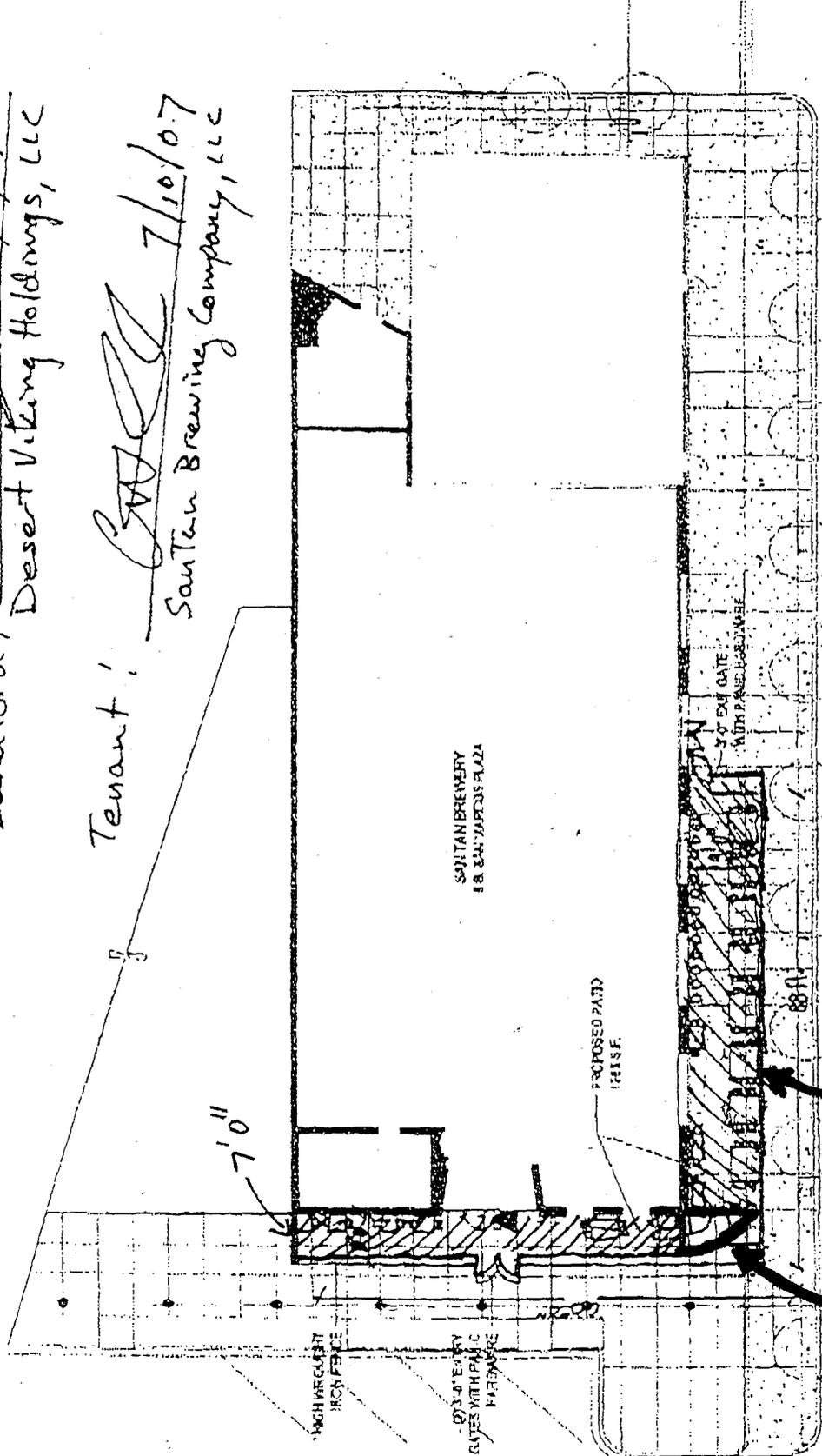
Owner / Head Brewer

480-330-2979

*Narrative*

Landlord: *[Signature]* 7/10/07  
Desert Viking Holdings, LLC

Tenant: *[Signature]* 7/10/07  
Santitas Brewing Company, LLC



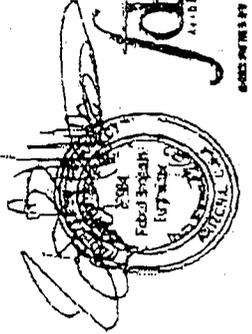
COMMON WEALTH AVENUE  
PROPOSED EXTERIOR PATIO



Permanent Area  
(Commonwealth Pasture)

NEW FENCE SECTION  
PERMANENT STATUS  
FOR SAN MARCOS PLACE  
PATIO.

155 WEST WILSON STREET, SUITE 100, CHANDLER, AZ 85224  
PHONE: (480) 841-1075  
FAX: (480) 841-1075



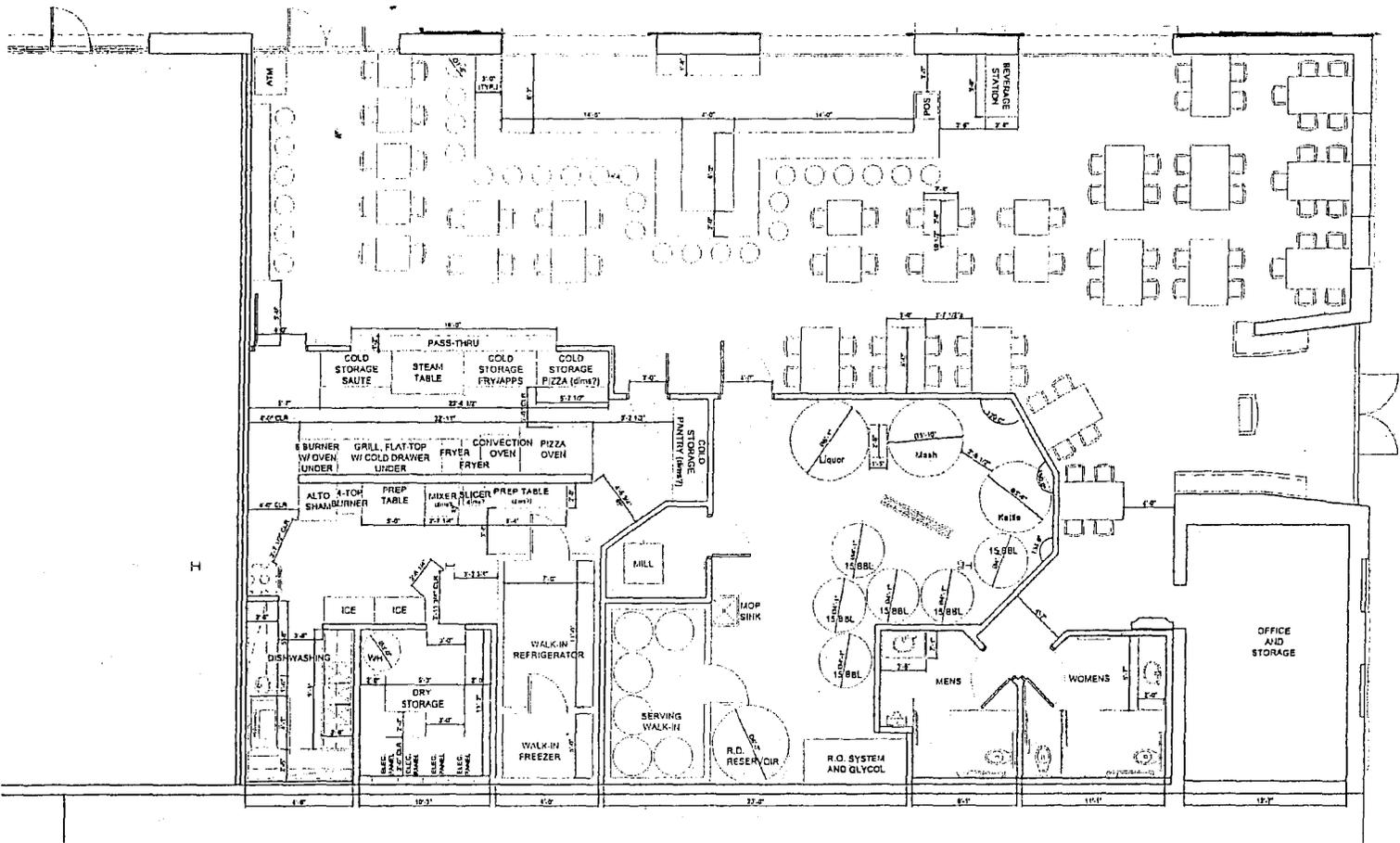
SAN MARCOS PLACE

001  
No. 4680

DESERT VIKING  
PATIO SHEET PLAN

07/10/2007 14:33 FAX 4808593842  
07/10/2007 10:55AM

Flour pan



NORTH  
**CONCEPTUAL FLOOR PLAN** Revised 1/12/07  
 SCALE: 1/4" = 1'-0"

100 West Main Street, Suite 201  
 Princeton, NJ 08542  
 Tel: 609.984.1012



**SAN TAN BREWERY**  
 8 South San Marcus Place  
 Chandler, NJ 08524

Project: San Tan Brewery	Architect:
Date: 1/12/07	Engineer:
Sheet: 1 of 1	