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MAY 22 2008



**MEMORANDUM**                      **Planning & Development - CC Memo No. 08-105**

**DATE:**            MAY 8, 2008

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER *WMP*  
                         DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR *DB*  
                         JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *J*  
                         KEVIN MAYO, ACTING PLANNING MANAGER *KM*

**FROM:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        UP08-0007 PITTA SOUVLI

**Request:**        Use Permit approval to sell all spirituous liquor under Series 12  
                         (Restaurant) liquor license

**Location:**      1940 S. Alma School Road, Suite #5  
                         Northwest corner of Germann and Alma School Roads

**Applicant:**     George Charalambois, owner

**RECOMMENDATION**

The request is for Use Permit approval to sell all spirituous liquor under a Series 12 (Restaurant) liquor license for restaurant patrons within an existing restaurant. Planning Commission and Staff, upon finding consistency with the General Plan, and Planned Area Development (PAD) zoning, recommend approval with conditions.

**BACKGROUND**

The subject site is located at the northwest corner of Germann and Alma School Roads, within the Alma School Town Center. This will be the third restaurant at this location since the development of the site in 2003. With both prior restaurants utilizing a Use Permit to operate a Series 12 liquor license. The subject site is surrounded on the west, north, and east sides by commercial businesses within the shopping center. South, across Germann Road is a Fry's grocery store.

The restaurant specializes in Mediterranean food and is open daily. Sunday thru Wednesday the restaurant will be open from 11 a.m. to 9 p.m., and Thursday thru Saturday 11 a.m. to 10 p.m.

The restaurant is approximately 1,486 square feet, and has an approximate 200 square foot outdoor patio located within the breezeway. The breezeway is approximately 33-feet wide, while the patio encroaches approximately ten-feet into the breezeway. The restaurant has a seating capacity of approximately 50 patrons indoors, and approximately 12 patrons on the patio. The restaurant has approximately eight employees.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-site consumption only. The establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

The previous two restaurants both had Use Permits to sell liquor in conjunction with a Series 12 liquor license. The reason for this request is due to a three-year timing condition that was placed on the Use Permit approval in 2004 requiring the restaurant to receive Use Permit approval at the end of the three-year period.

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

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- The Police Department was notified of the request and has no concerns.
- A neighborhood meeting was held on Monday, April 21, 2008. No neighbors were in attendance. At the time of this writing, Staff has received no telephone calls or letters opposed to this application.

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

Motion to Approve:

In Favor: 6      Opposed: 0

#### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of UP08-0007 PITTA SOUVLI, subject to the following conditions:

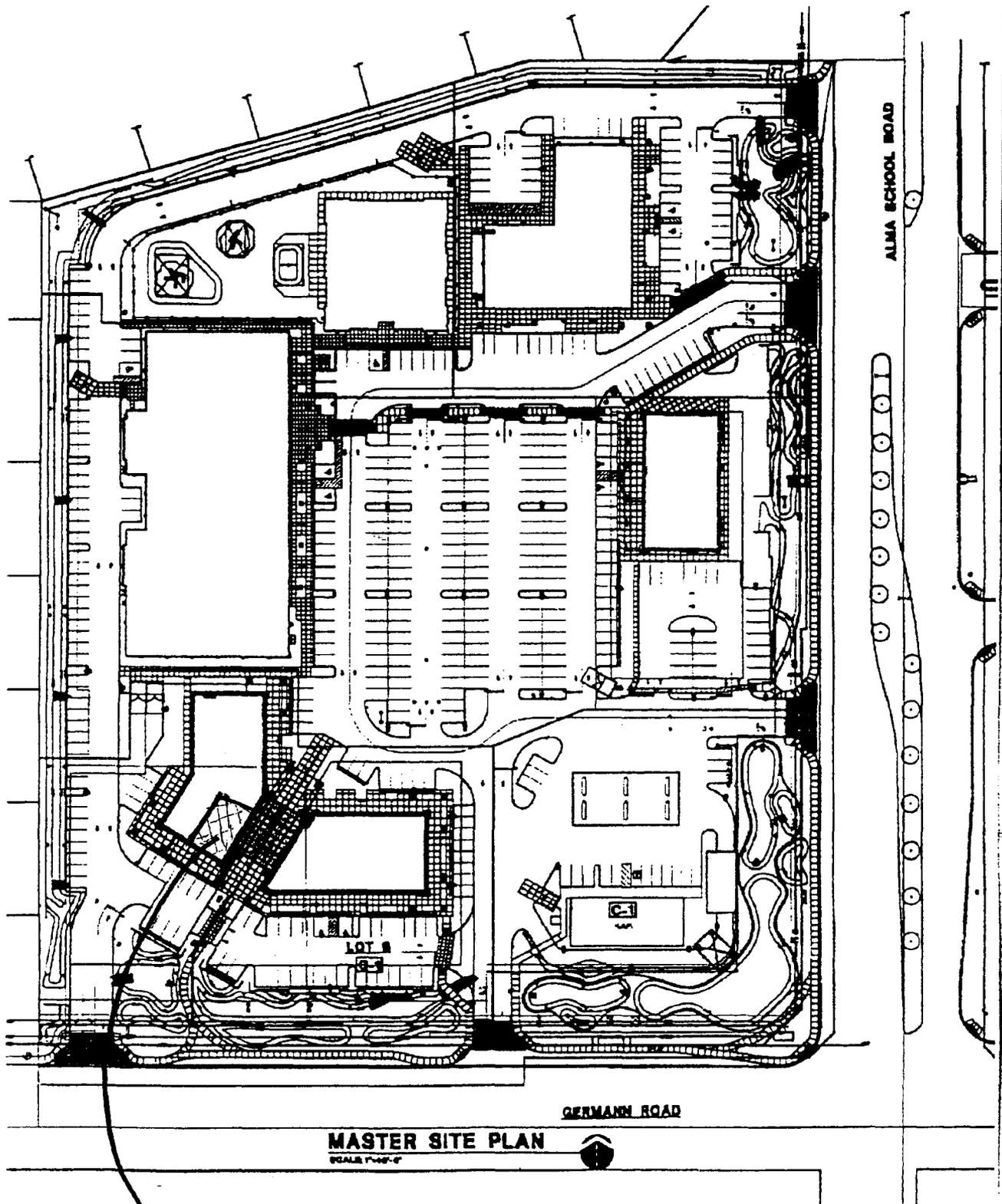
1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.
4. The patio shall be maintained in a clean and orderly manner.

#### **PROPOSED MOTION**

Move to approve UP08-0007 PITTA SOUVLI, subject to the conditions recommended by Planning Commission and Staff.

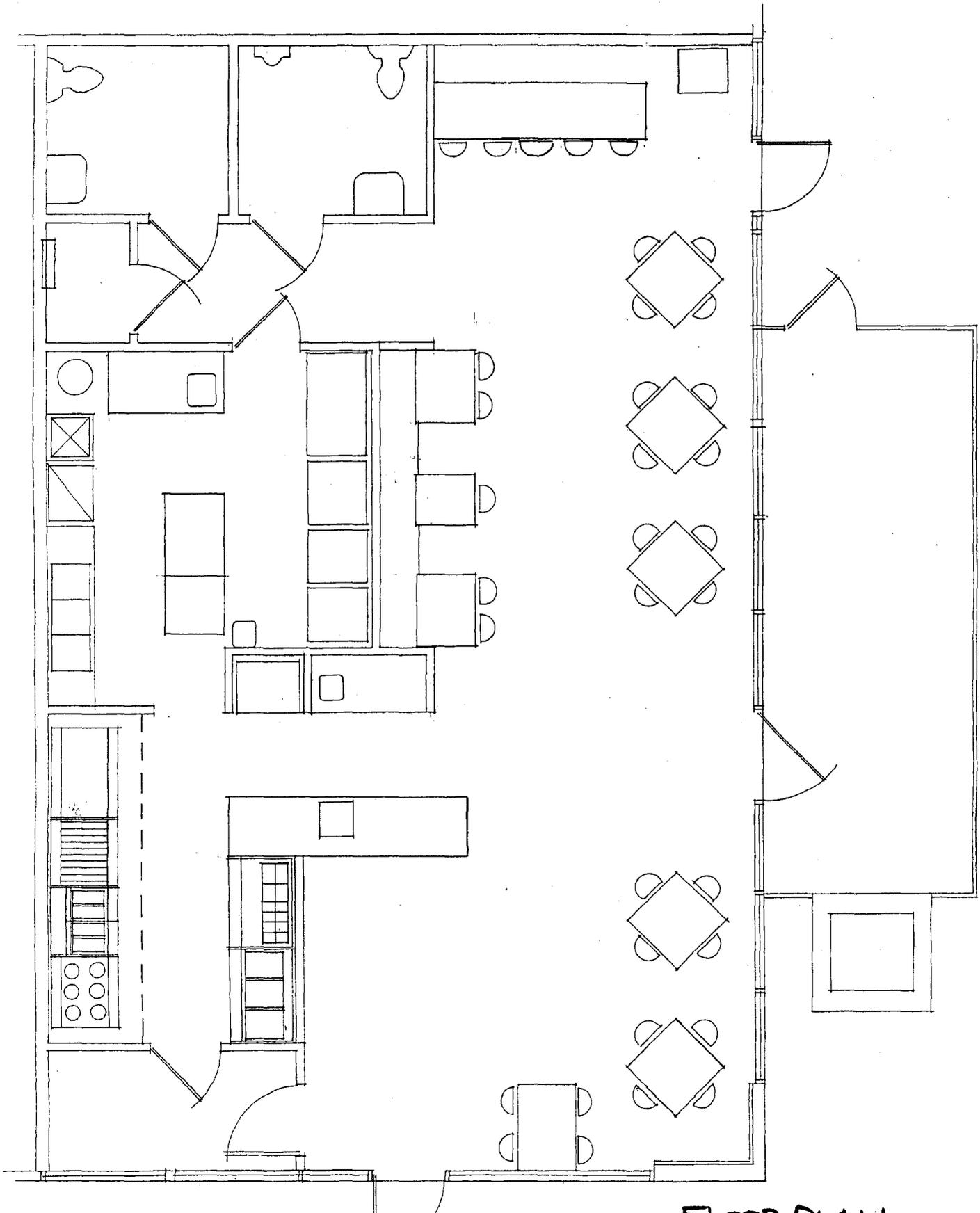
#### **Attachments**

1. Vicinity Map
2. Site Plan
3. Floor Plan

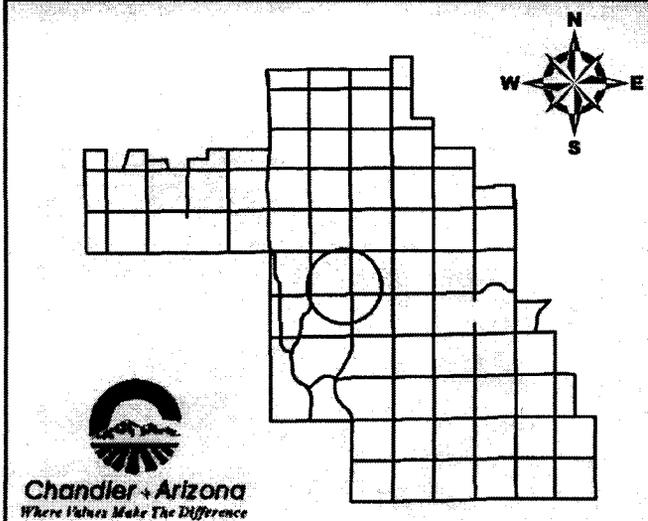


SUBJECT SITE

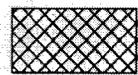
SITE PLAN



FLOOR PLAN



Vicinity Map



**UP08-0007**  
**Pitta Souvli**  
**Liquor Use Permit**

