

# 46  
JUN 12 2008



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

**MEMORANDUM**                      **Planning and Development – CC Memo No. 08-087b**

**DATE:**            MAY 22, 2008

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER  
                  / DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR DK17  
                  JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR J  
                  KEVIN MAYO, ACTING PLANNING MANAGER jmm/km

**FROM:**            BILL DERMODY, SENIOR CITY PLANNER BD

**SUBJECT:**        UP07-0111 THE DETOUR RESTAURANT

**Request:**            Use Permit approval to sell liquor for on-premise consumption only within a restaurant that includes a new patio (Series 12 Restaurant License)

**Location:**            6403 W. Chandler Boulevard, approximately ¼ mile west of Kyrene Road

**Applicant:**            AFAB Bar & Restaurant Design, Inc. (Joseph Severs)

**Owner:**             Earl Geller

The case was continued from the May 8, 2008 City Council meeting to allow the applicant to acquire a shared parking agreement. The applicant has indicated he has acquired such an agreement and is ready to move forward under the recommended conditions of approval.

**RECOMMENDATION**

The request is for Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption only within an existing restaurant that includes a new patio located at 6403 W. Chandler Boulevard. Planning Commission and Staff, finding consistency with the General Plan and Community Commercial (C-2) zoning, recommend approval subject to conditions.

**BACKGROUND**

The subject facility is a stand-alone building located on a half-acre parcel on the south side of Chandler Boulevard approximately ¼ mile west of Kyrene Road. Two buildings located

immediately east and south of the subject site are in the same zoning district C-2 (Community Commercial) and have parking lots interconnected with the subject site. A building immediately west is also in the same zoning district, but has a completely separate parking lot fenced off from the subject site. Farther south and west is a large industrial park that extends south to Frye Road.

The subject business occupies an approximately 3,000 square foot building that has been a restaurant and bar since 1978 under the names Sticks & Steaks, Coach's Corner, and Sports 4em until becoming The Detour Restaurant in late 2007. The previous occupants operated under Series 12 Restaurant Licenses that predated the need for liquor Use Permits. The requested Use Permit is necessary because of a planned patio addition.

The restaurant is open every day from 10 to 2 a.m. and has indoor seating for approximately 85 people. The building interior includes restaurant seating, a bar, and a stage to be used for live and recorded musical entertainment. A small patio is attached to the front of the building that currently includes no service area. The existing patio would be expanded to encompass two landscaped areas in front of the entrance and would also wrap around the building's east side to replace three existing parking spaces. The requested patio addition results in a total of 1,600 square feet of outdoor service area and service for an additional 50 people, including 1,130 square feet on the expanded front patio and 470 square feet on the new east side patio. The front patio requires removal of several shrubs that would be replanted along the street frontage. Two trees in front of the building would remain.

The subject site provides exactly enough code-required parking (41 spaces) for its current arrangement. The requested expansion requires an additional 35 parking spaces that must be accounted for before the Use Permit becomes valid. The applicant intends to secure a shared parking agreement with the property to the east to account for the 35 spaces. The property to the east houses a breakfast-oriented restaurant, an archery club, and administrative offices for a swimming club. The restaurant and offices are closed at night when The Detour's parking peaks, while the archery club generates little traffic and closes early on Fridays and Saturdays (6 p.m. and 5 p.m.). The C-2 zoning on the building to the east could allow other restaurants or retail businesses to exist that might have later peak hours, but the current tenants would allow for an abundance of evening parking spaces that could be dedicated to the subject business.

As part of the expansion, the applicant will also stripe seven (7) new motorcycle parking spaces along the subject building's east side. Motorcycle spaces do not count toward parking requirements.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-premise consumption. Under a typical Series 12 license the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages. Upon purchasing the restaurant several months ago, the applicant renovated the facility's interior to make it more likely to meet the food and non-alcoholic beverage sales requirements after it had failed a Arizona Department of Liquor Licenses and Control audit under previous ownership. Renovations included elimination of a pool table, carpet removal, and full-table seating additions. The applicant also revamped the menu and added lunch specials.

### **DISCUSSION**

Planning Commission and Staff support the concept of an expansion of premises at this location if the parking shortage can be accounted for through a shared parking agreement with the property to the east or, alternatively, through permanent acquisition of parking rights from other nearby properties. A one-year time limit is recommended to allow for further monitoring of the parking situation. If parking is found to be a problem in the future, the applicant may have to eliminate service to part of the patios or pursue alternate parking arrangements.

Besides shared parking to the east, the most obvious possibility for additional parking is a 35-foot wide gravel strip west of the property that is outside their neighbor's fence and not obviously dedicated to any use. If not needed for retention and if the neighbor is willing, the gravel strip could be recorded as a parking easement and improved to contribute approximately 17 parking spaces. Other possibilities include shared parking agreements with industrially zoned properties farther south, provided that the owners are willing and that safe pedestrian access can be maintained.

A parking agreement with the owner to the south is included among the memo attachments; however, Planning Commission and Staff discount the agreement's value due to that particular site being under-parked by Code standards.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- A neighborhood meeting was held on March 16, 2008 at the subject site. No citizens attended.
- Staff is not aware of any opposition to the request.

### **PLANNING COMMISSION VOTE REPORT**

Motion to approve.

In Favor: 5    Opposed: 0    Absent: 2 (Creedon, Kelley)

Planning Commission changed the nature of Condition No. 7 to allow the applicant to pursue shared parking with the lot east of the subject site, noting that the current businesses on that site close early and have a large amount of surplus parking in the evenings when the subject business is most active. Commission also added Condition No. 8 to place a one-year time limit on the Use Permit and allow re-evaluation of the parking situation after it is put into practice.

### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommend approval of UP07-0111 THE DETOUR RESTAURANT subject to the following conditions:

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.

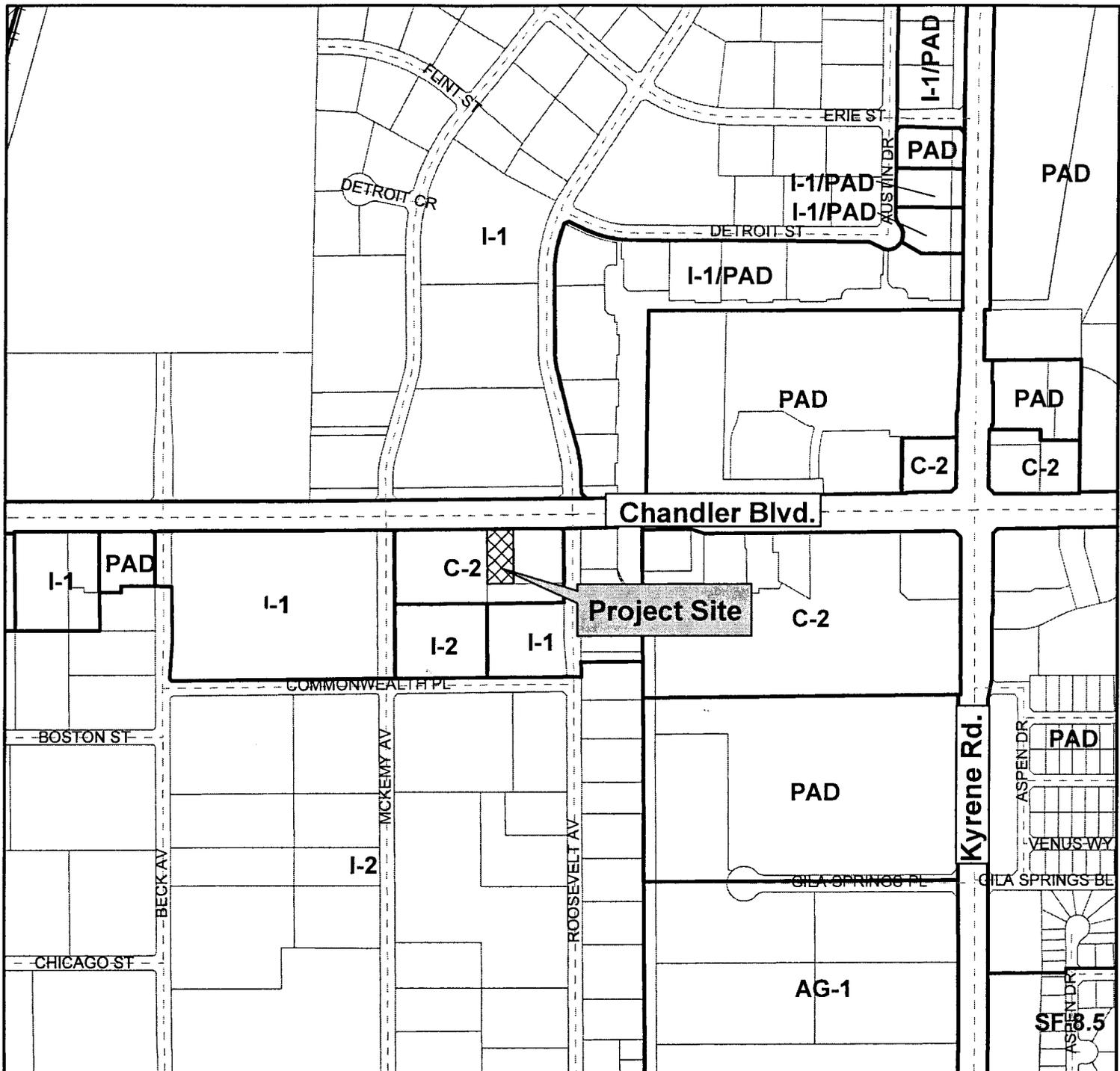
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. Outdoor music or live entertainment shall be prohibited.
5. No alcohol shall be carried outside of the building into the parking lot or off-premises.
6. The patio and area adjacent to the establishment shall be maintained in a clean and orderly manner.
7. The Use Permit shall not be valid unless additional parking is provided on a permanent basis or through a shared parking agreement with the parcel to the east to account for additional serving area. Additional parking shall be safely walkable for patrons and shall be provided at a ratio of one space per 50 square feet of serving area.
8. 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.

**PROPOSED MOTION**

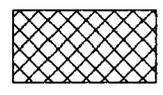
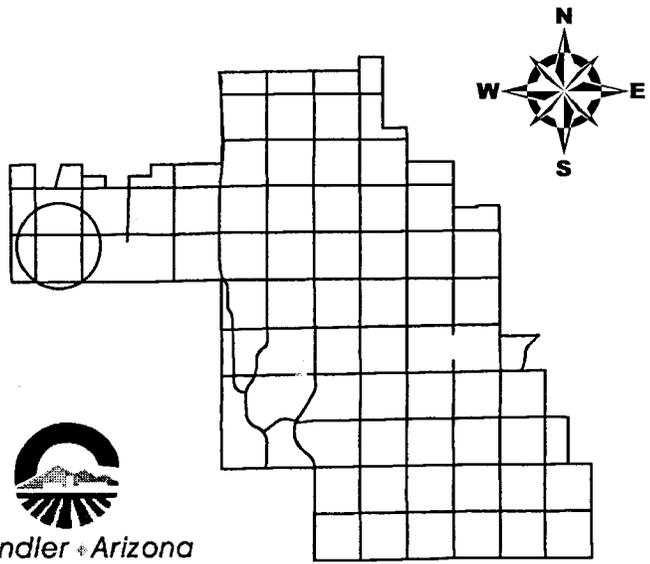
Move to approve UP07-0111 THE DETOUR RESTAURANT Use Permit for liquor sales subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Applicant Narrative
3. Aerial Close-up
4. Site Plan
5. Floor Plan
6. Building Elevations
7. Shared Parking Agreement

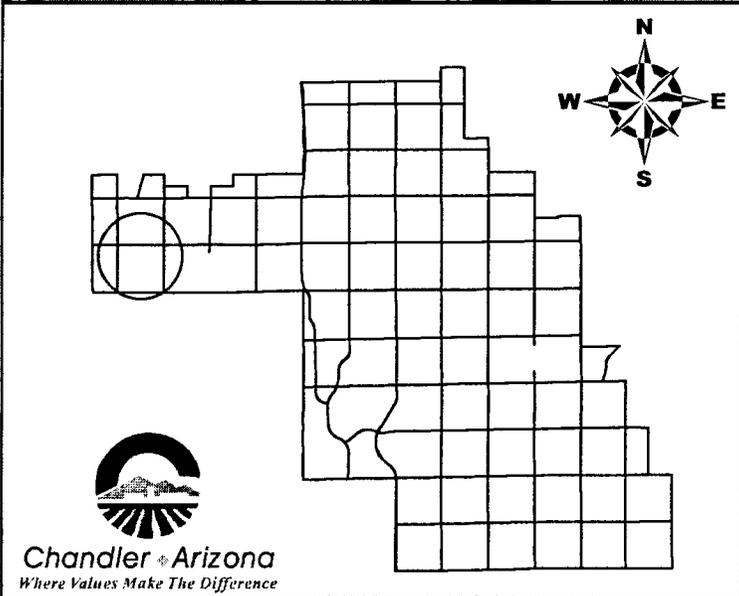


## Vicinity Map



UP07-0111

**The Detour Restaurant  
Liquor Use Permit**



## Vicinity Map



**UP07-0111**

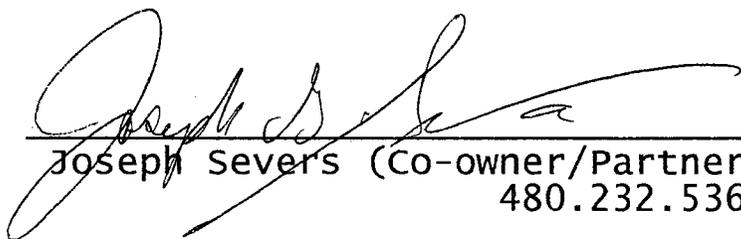
**The Detour Restaurant  
Liquor Use Permit**

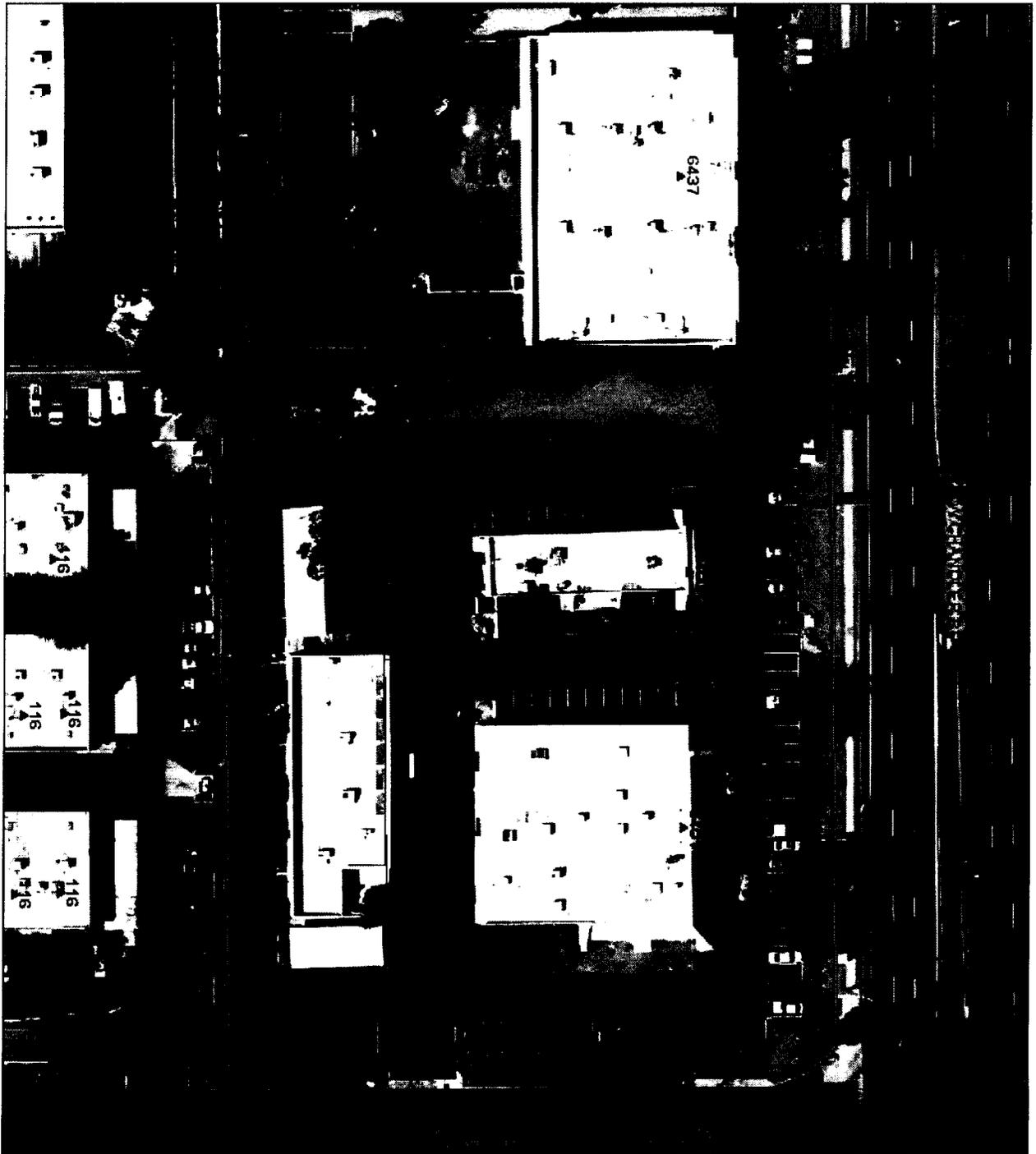
THE DETOUR RESTAURANT & BAR  
6403 W. CHANDLER BLVD.  
CHANDLER, AZ 85226

TO WHOM IT MAY CONCERN

THE OWNERS OF "THE DETOUR" RESTAURANT ARE RESPECTFULLY REQUESTING A PERMANENT EXTENSION OF PREMISES ON THEIR CLASS 12 LICENSE TO BUILD AN OUTDOOR PATIO OFF THE FRONT SIDE OF THEIR BUILDING AND WRAPPING IT AROUND THE NORTH EAST CORNER. THE PATIO WILL BE USED 7 DAYS A WEEK FROM 10AM UNTIL 2AM. "DETOUR" OFFERS LIVE ENTERTAINMENT i.e. KARAOKE, TRIVIA & BANDS. IT ALSO ACCOMODATES A JUKE BOX AND 5 TELEVISIONS IN ITS 3,000 sq. ft. SPACE. THE ESTABLISHMENT HAS 10 EMPLOYEES AT THE PRESENT TIME. THE BUILDING SITS ON A 1.25 ACRE LOT, ALLOWING PLENTY OF ROOM FOR THE REQUESTED PATIO. THE EXISTING PATIO/FRONT PORCH DOESN'T MEET THE NECESSARY GUIDELINES TO COMPLY WITH THE NEW SMOKE FREE LAWS IN ARIZONA. THIS PATIO EXTENSION WOULD ALLOW THE ESTABLISHMENT TO COMPLY WITH THE NEW LAW AND WOULD PLEASE THOSE PATRONS WHO WOULD LIKE TO SMOKE WITHOUT BREAKING THE LAW. "THE DETOUR" MAXIMUM OCCUPANCY IS 98; THE OUTDOOR PATIO WOULD SEAT APPROXIMATELY 50. IN ORDER TO EXTEND THE PREMISES, 5 DEAD BUSHES WOULD HAVE TO BE REMOVED. IN EXCHANG, THE OWNERS WOULD LIKE TO LANDSCAPE THE ENTIRE ISLAND AT THE STREET OR THE FAR NORTH PORTION OF THEIR PROPERTY. 3 PARKING SPACES WILL BE LOST BECAUSE OF THE EXTENSION BUT, DUE TO A SHARED-PARKING AGREEMENT WITH THE COMPLEX WHERE THE RESTAURANT IS LOCATED AND, THE FACT THAT THE REST OF THESE BUSINESSES CLOSE EARLY AFTERNOON, THIS WON'T HAVE A SIGNIFICANT IMPACT ON THE COMPLEX. PLEASE NOTE THAT THIS SPACE HAS BEEN A BAR AND RESTAURANT FOR THE LAST 26 YEARS, APPROXIMATELY.

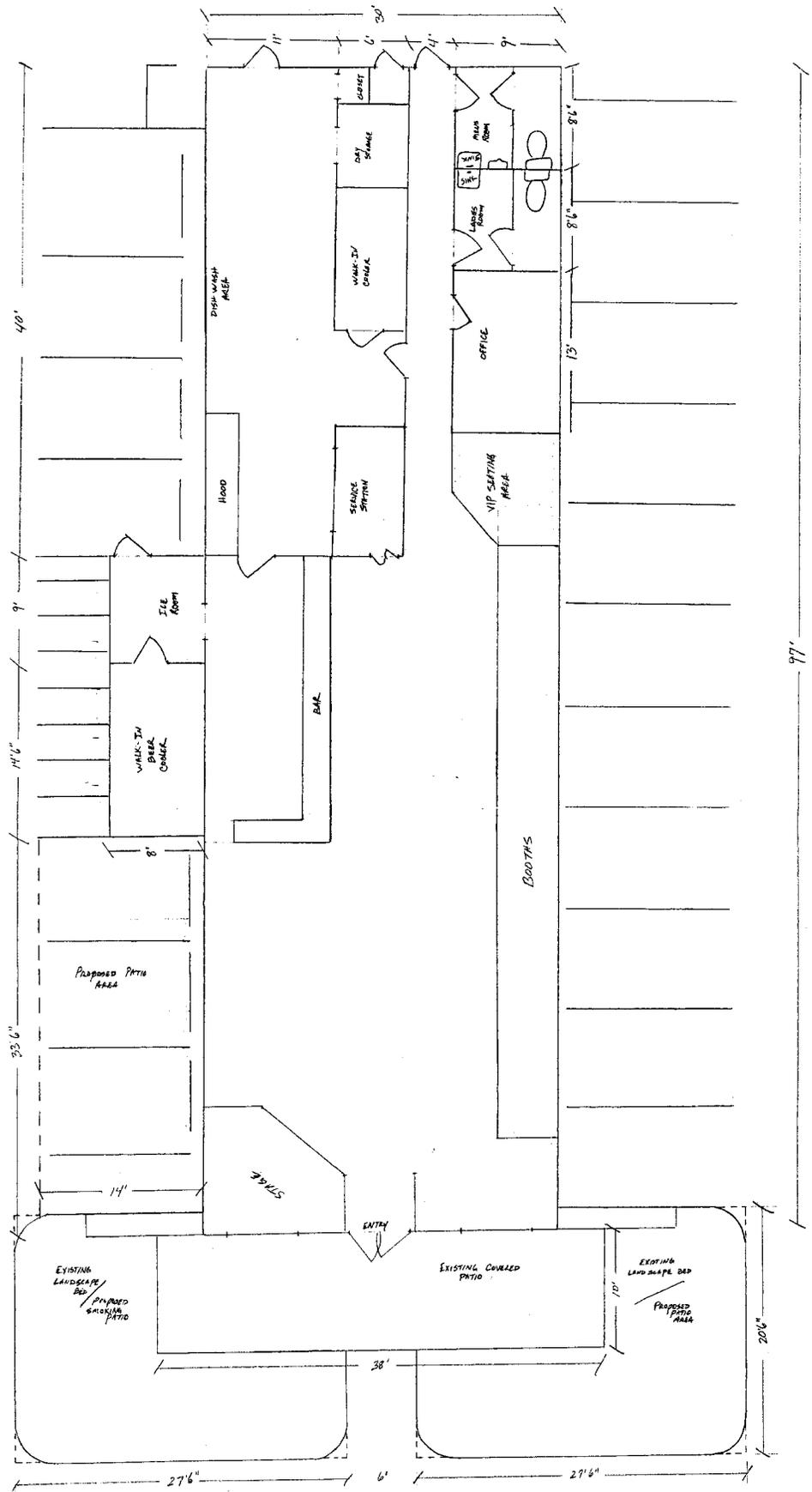
\*SEE ATTACHED MENU

  
Joseph Severs (Co-owner/Partner)  
480.232.5368



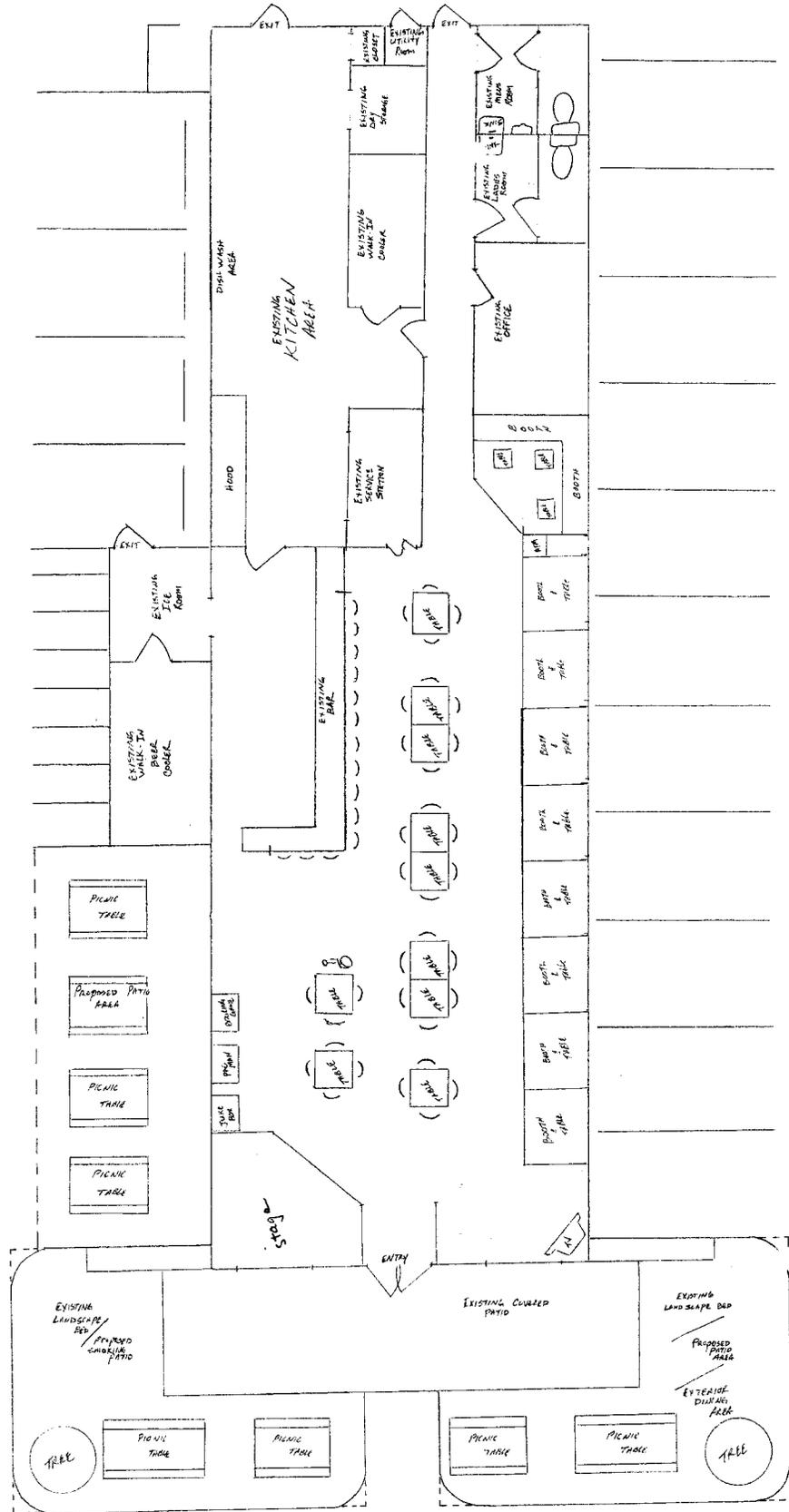
SPECIFIC SITE  
CONFIGURATION/DIMENSIONS

10/31/11

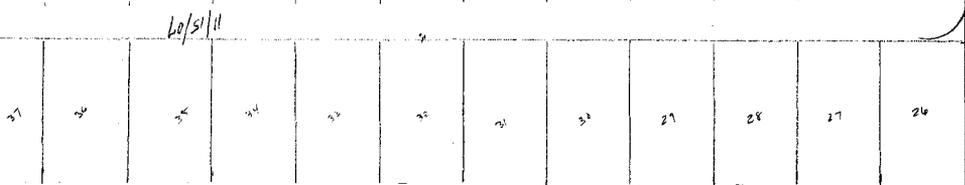


1/8" = 1'  
Page 3

DETOUR RESTAURANT AND BAR

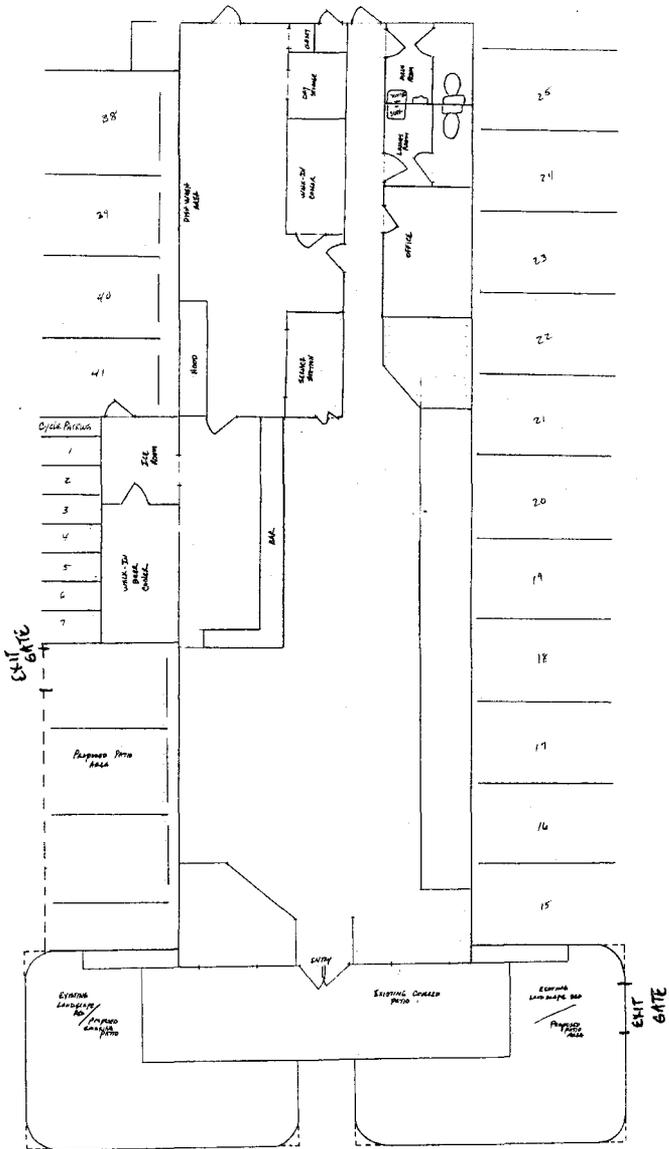


PARKING PLAN  
LANDSCAPE

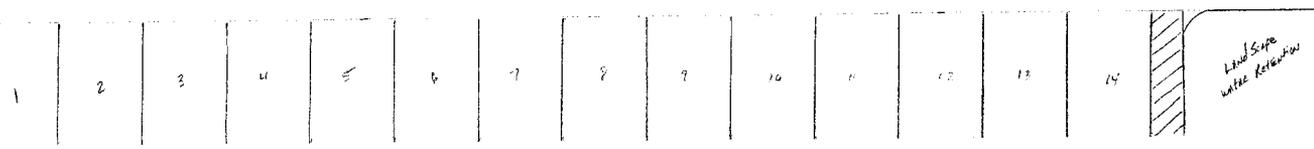


60/51/11

Plot 5x

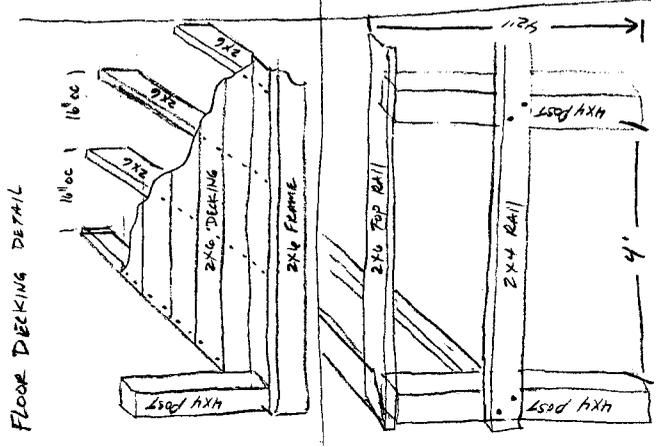
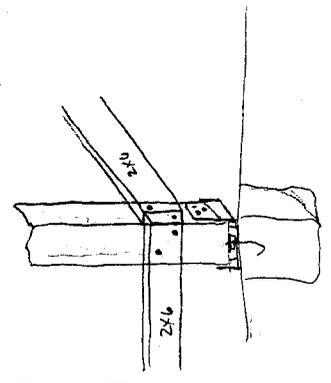
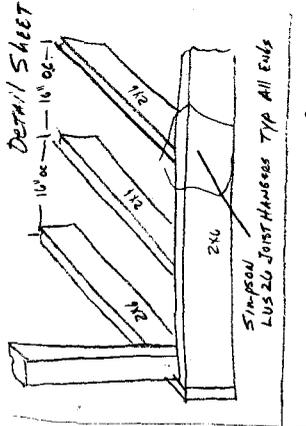
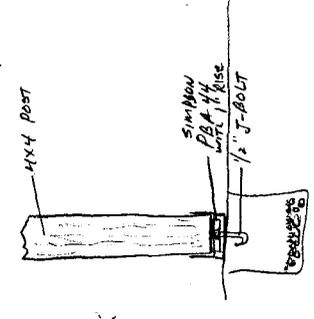
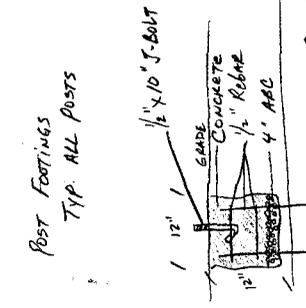
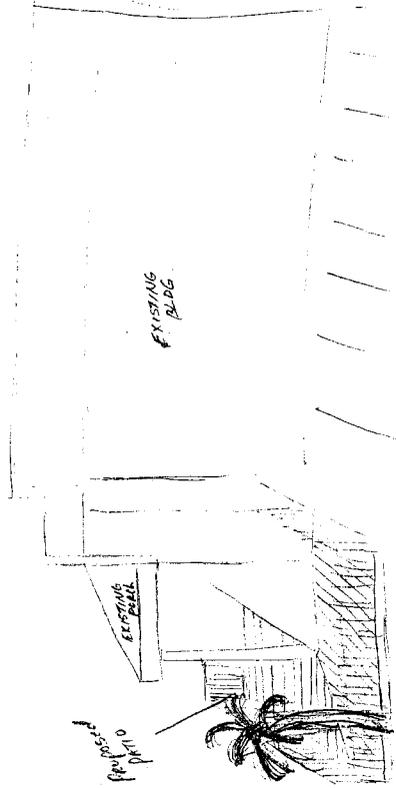
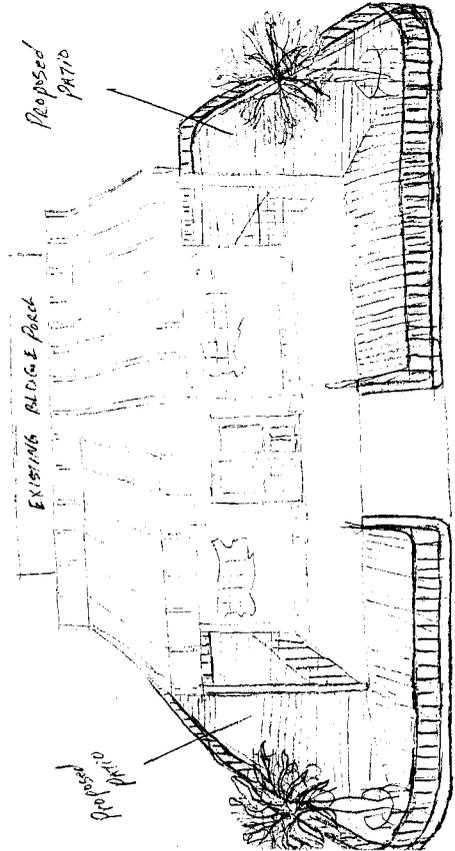


DETROIT RESTAURANT A: BONE



Wind Scape  
with Retention





ATTN: Bill Dermody

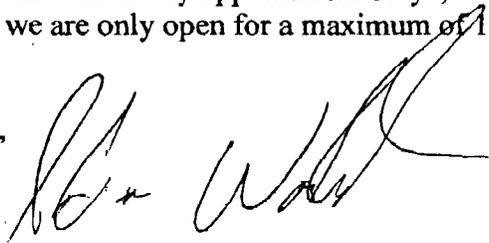
RE: SHARED PARKING AGREEMENT

February 25, 2008

To Whom It May Concern:

I am the owner of Porcupine Productions located at 8 N. Roosevelt Ave. which is located directly behind "The Detour Restaurant & Bar" at 6403 W. Chandler Blvd. This is to inform the City of Chandler and all parties that I will allow ANY and ALL customers of The Detour to park in my 22 reserved parking spaces. My space is zoned industrial and since my business is "by appointment only", we have never used more than 2 spaces at a time, and we are only open for a maximum of 14 hours per week.

Sincerely,



John Wroble  
Owner/Manager  
Porcupine Productions & Studio

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