

#58

JUN 26 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 08-116

DATE: JUNE 19, 2008

TO: MAYOR AND CITY COUNCIL

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

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

SUBJECT: UP08-0023 RED WHITE AND BREW

Request: Use Permit approval to allow live music indoors and/or on an outside patio at an existing restaurant in conjunction with a Series 12 Restaurant Liquor License

Location: 4850 South Gilbert Road, Building D, Suite 4 at the northwest corner of Chandler Heights and Gilbert Roads

Applicant: Arizona Liquor Industry Consultants

RECOMMENDATION

The application requests Use Permit approval to allow live music within an existing restaurant in conjunction with a Series 12 Restaurant Liquor License. Planning Commission and Staff, finding consistency with the General Plan and PAD zoning, recommend approval.

BACKGROUND

The application request is for Use Permit approval to allow music and dancing in conjunction with an existing Series 12 Restaurant liquor license. A liquor Use Permit was approved for a Series 12 license in February 2007. A Series 12 is considered a “restaurant license,” which allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment derives at least forty (40) percent of its gross revenue from the sale of food.

The restaurant is located within the Chandler Heights Marketplace shopping center anchored by Bashas'. This application requests Use Permit approval to allow live entertainment indoors and/or on an outside patio. Live jazz and blues music will occur approximately 2 to 3 times per month. Music starts at approximately 6 p.m. typically during the week and possibly weekends. There will be no dancing, stages, DJ, or other live entertainment.

The restaurant's hours of operation are Monday through Saturday 11:00 a.m. to 10:00 p.m. and Sunday 12:00 p.m. to 10:00 p.m.; however, music may occur until 11 p.m. The restaurant offers a variety of pasta, seafood, pizza, chicken, salads, and appetizers. The tenant space is approximately 6,100 square feet in size. The restaurant occupies all of shops Building D. The interior dining area seats approximately 152 persons. The dining area is approximately 921 square feet with 90 seats. The interior bar area is 859 square feet in size with 62 seats. The outdoor dining area seats approximately 44 persons and is 967 square feet in size. The total seating capacity is approximately 196 seats.

The patio is located on the suite's northeast side adjacent to a covered common pedestrian seating area. The outdoor dining area utilizes half of the existing outdoor patio area, which was intended for outdoor dining use. The patio is accessed from the restaurant's dining area. The patio is cordoned off with rail fencing that matches the existing site's fencing. The patio does not affect the use of the common pedestrian area and provides appropriate passing space for pedestrians adjacent to the patio. The rest of the common pedestrian area remains unoccupied at this time.

Staff is of the opinion the addition of live music in conjunction with an existing Series 12 Restaurant License for liquor sales and service is compatible with the area. The music is proposed a few times a month. There are no residences abutting the site. There's a single-family residential subdivision directly east of the restaurant and the patio across Gilbert Road. Staff has added a condition that live entertainment on the outdoor patio shall not occur past 10 p.m.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting was held on May 27, 2008. No area property owners attended.
- Staff received one phone call from a resident who supports the addition of music.
- The Police Department has been informed of the application and has responded with no issues or concerns.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

Commission requested the addition of a one-year time limit for the live entertainment to ensure compatibility with residential homes east of Gilbert Road across from the restaurant. Condition No. 6 has been added. Condition 7 has been added regarding site maintenance.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval of UP08-0023 RED WHITE AND BREW Use Permit, subject to the following conditions:

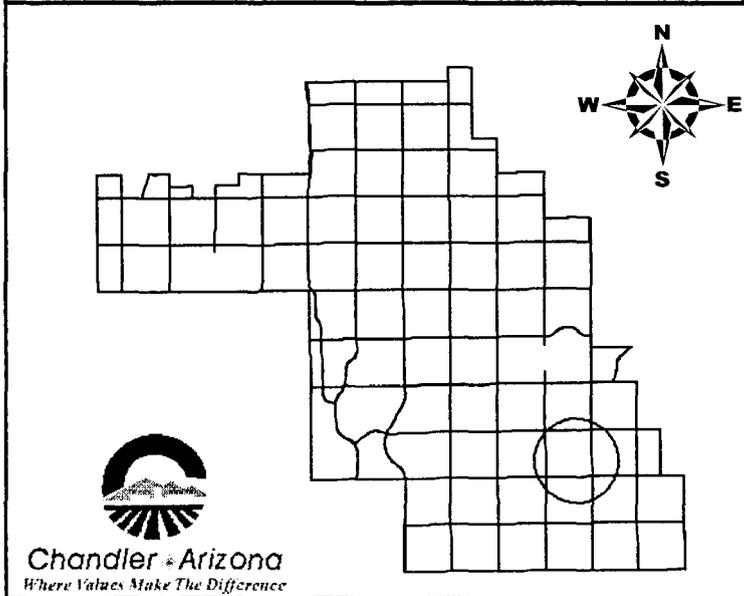
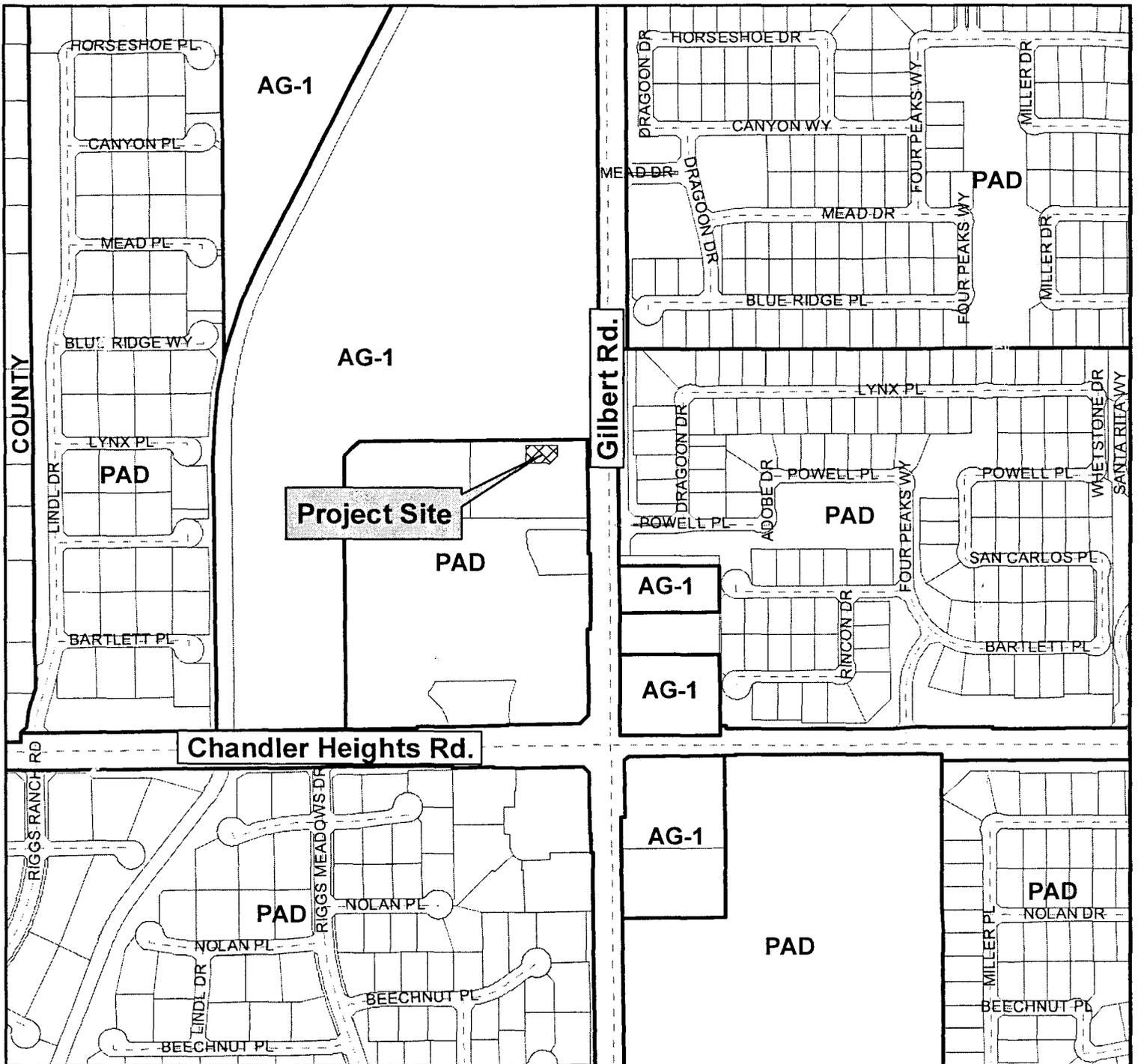
1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to other restaurant locations.
4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
5. No live entertainment/music on the outdoor dining patio area after 10 p.m.
6. 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.
7. The site and outdoor patio shall be maintained in a clean and orderly manner.

PROPOSED MOTION

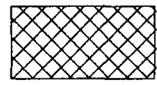
Move to approve Use Permit UP08-0023 RED WHITE AND BREW, subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative/Proposal Info.
3. Site Plan
4. Floor Plan



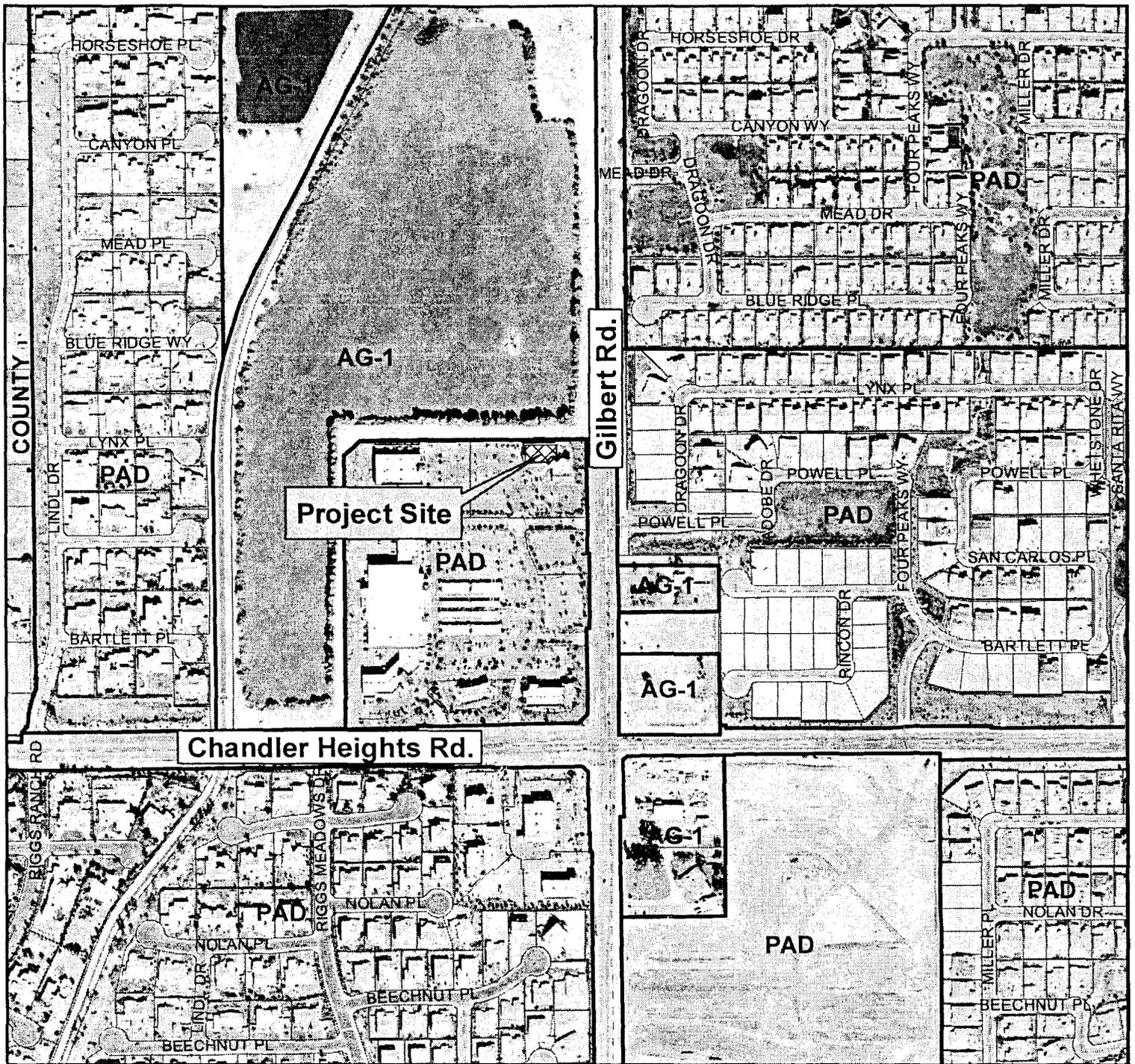
Vicinity Map



UP08-0023

**Red White and Brew
Liquor Use Permit**



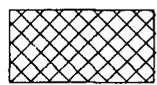
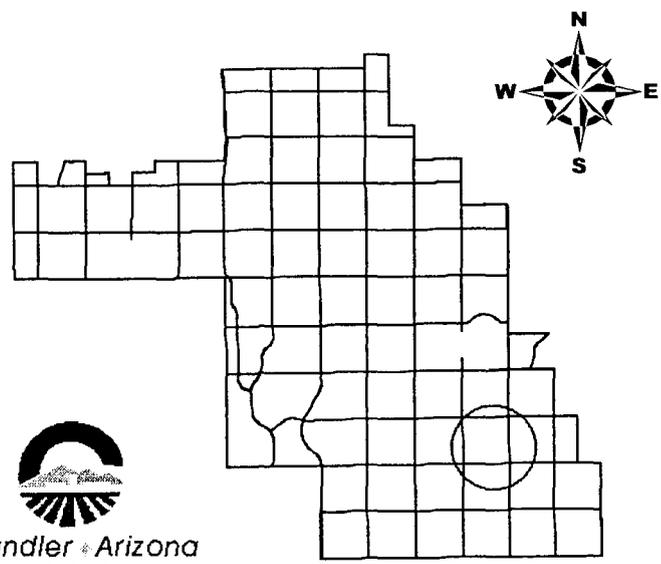


Project Site

Chandler Heights Rd.

Gilbert Rd.

Vicinity Map



UP08-0023

**Red White and Brew
Liquor Use Permit**

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

City of Chandler Planning and Development
215 E. Buffalo Street
Chandler, Arizona 85225

April 15, 2008

Use Permit Narrative

We would like to respectfully request to add live entertainment for a series 12 liquor license for our Arizona business located at 4850 South Gilbert Road. Bldg D #4, Chandler, Arizona 85248.

Red White and Brew is a casual restaurant who employs 85 local residents and contributes tax revenue to the City of Chandler.

Hours of operation are Monday through Saturday 11 am to 10 pm and Sunday 12 pm to 10 pm.

Red White and Brew currently holds another liquor license in the City of Mesa.

If you have any questions, please feel free to give us a call.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Amy Nations". The signature is written in black ink and is positioned above the printed name.

Amy Nations



"Rhonda Perez"
<rhonda@azlic.com>
05/08/2008 09:47 AM

To <Jodie.Novak@chandleraz.gov>
cc
bcc

Subject RE: UP08-0023 Red White and Brew

1. The live entertainment will either be a blues singer or a jazz band.
2. The hours will be from 7 pm to 11 pm . *2 to 3 times a month. may start at 6pm.*
3. The live entertainment will either be in the back of the bar or on the patio
4. There will not be any bouncers or anything like that. He stated this is a family restaurant.
5. There will be no dance floor, stages, dj or piano.

*Typically during
week & maybe
weekends too.*

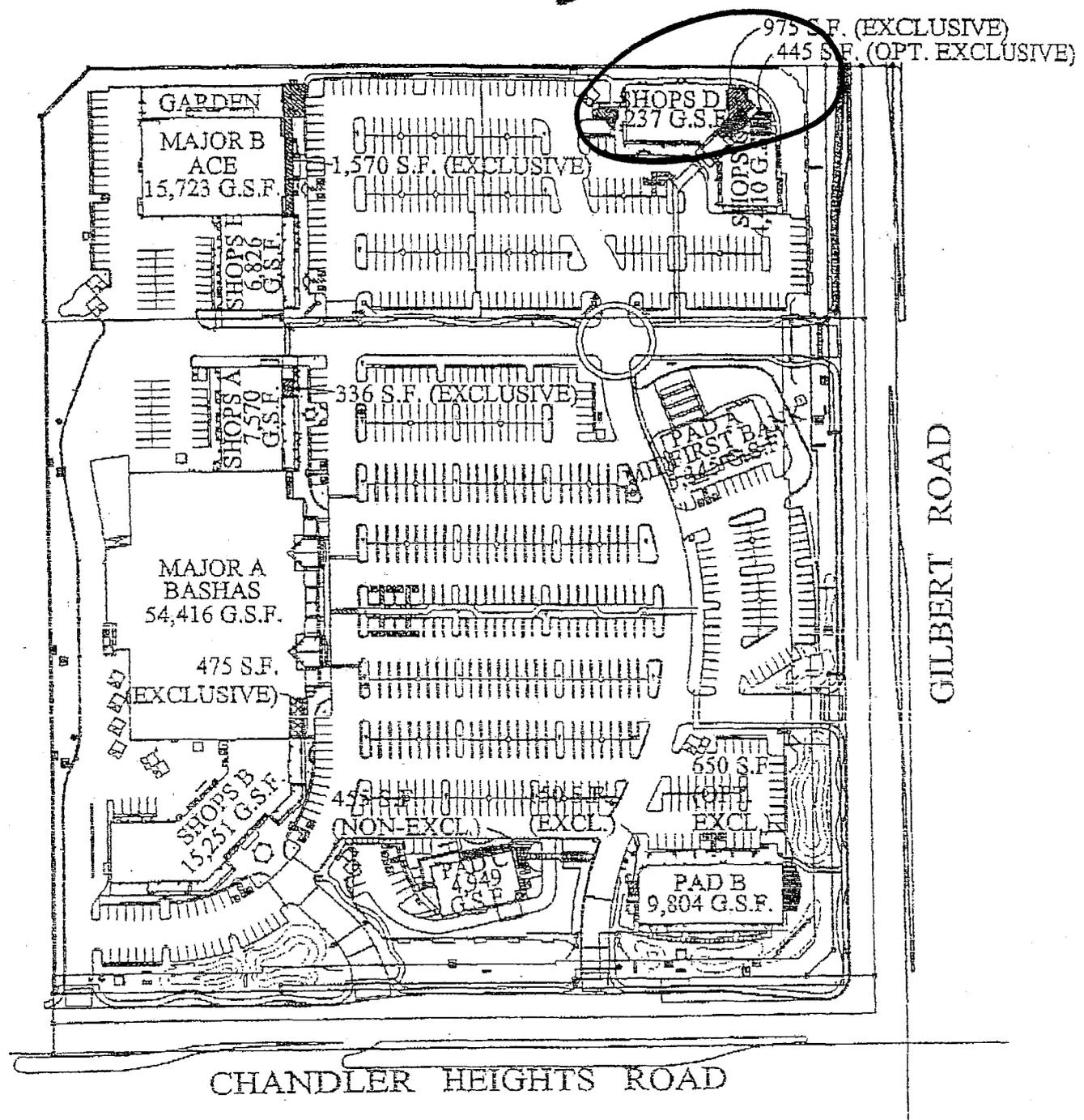
I am sending over the floor plan marked with the locations.

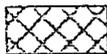
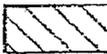
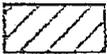
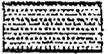
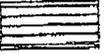
Please let me know if this is the information you needed or if there is anything else you need. I would like to get the notification mailed out by tomorrow or today if possible.

What is the next step after the neighborhood meeting? Does this have to go to council?

Thanks
Rhonda

COPY



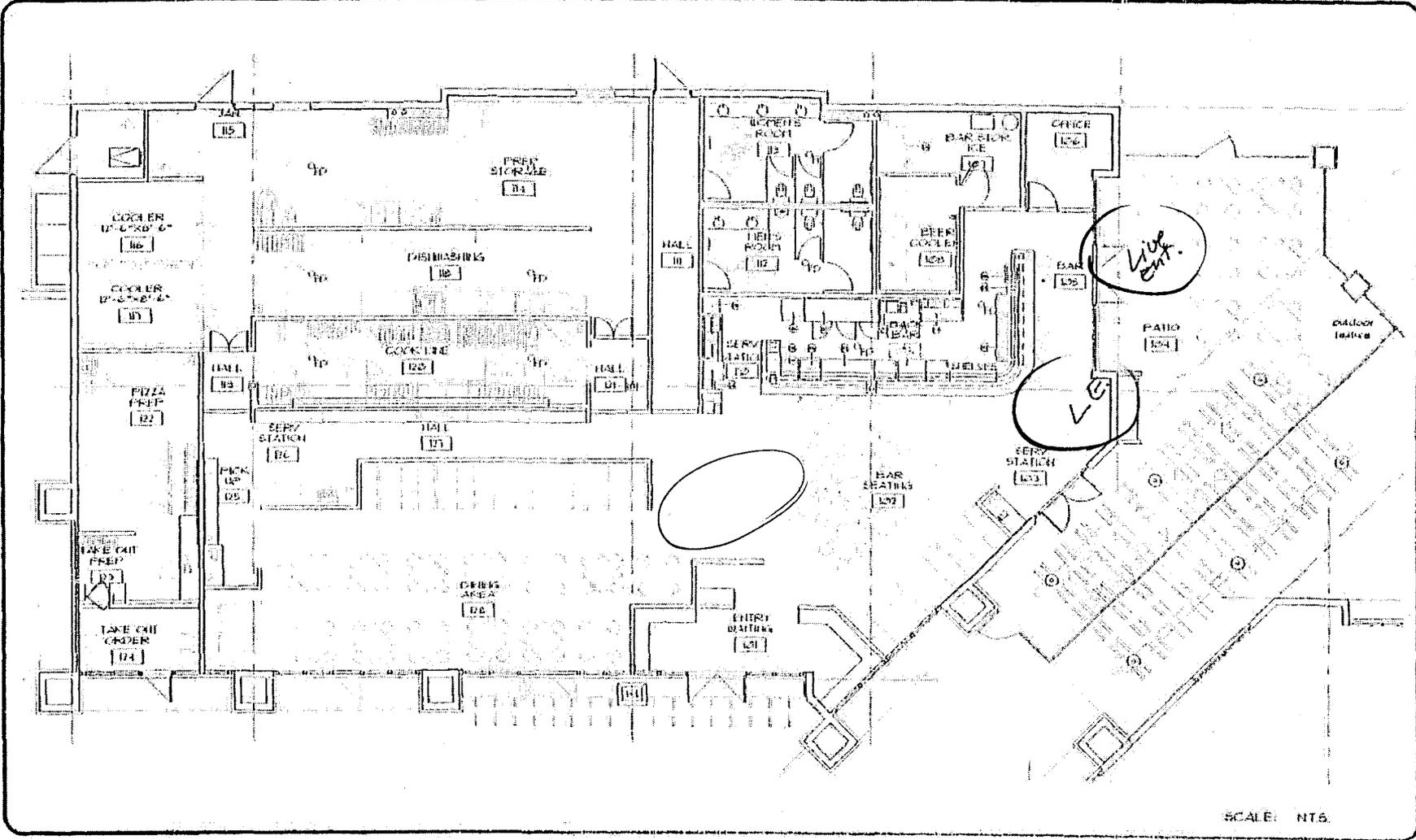
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 BASHAS'S EXCLUSIVE PATIO AREA
- 
 ACES EXCLUSIVE PATIO AREA
- 
 EXCLUSIVE PATIO AREAS
- 
 OPTIONAL EXCLUSIVE PATIO AREAS
- 
 NON-EXCLUSIVE PATIO AREAS

**CHANDLER HEIGHTS MARKETPLACE
EXHIBIT 'M' - PATIO AREA**

09.12.06

IN THE ENTIREMENT AREAS

FLOOR PLAN



SCALE: N.T.S.

RED WHITE & BREW II
 4850 S. GILBERT ROAD
 CHANDLER, AZ

PROJECT NO: 060510-01
 PROJECT MGR: MFM/AIL
 DRAWN BY: MFM
 CHECKED BY: PSARANTIS
 DATE ISSUED: 02/28/01

DESCRIPTION:



ADDITION
 Architecture & Interiors
 404 NORTH CENTRAL AVENUE
 SUITE C-102
 PHOENIX, ARIZONA 85012
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 WWW.ADDITION.COM