

#32

FEB 26 2009



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Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 09-013

DATE: FEBRUARY 5, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP08-0053 POTRERO BAR & GRILL

Request: Use Permit extension approval to sell and serve all spirituous liquor within a night club (Series 6 Bar License)

Location: 2061 N. Arizona Avenue, at the northeast corner of Arizona Avenue and Warner Road within the Chandler Mercado shopping center

Applicant: Duck Hong/Sam Lee

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommend approval for a Series 6 Bar License for an additional three (3) years subject to conditions.

BACKGROUND

The application requests Use Permit approval to continue to sell and serve all spirituous liquor within a night club (Series 6 Bar License). Potrero occupies a 14,548 square foot tenant space in the northern portion of the Chandler Mercado retail center at the northeast corner of Warner Road and Arizona Avenue. The tenant space is immediately east of the existing Dollar Tree store. A day care facility exists in the center approximately 270 feet from the subject suite that is open Monday through Friday until 6:30 p.m. North of the shopping center is the Thorobred Chevrolet auto dealership, east are the Biscayne Bay Apartments, south across Warner Road are a fuel station (on the immediate corner) and industrial uses, and west across Arizona Avenue is the East Valley Mall.

The business opened in October 2007 after receiving a one (1) year Series 6 liquor Use Permit approval. At the time, Potrero was represented as a hybrid sports bar/restaurant/live entertainment facility. It has since become primarily a live entertainment facility, though it has retained its kitchen. There is a 250 square foot stage and a 1,500 square foot dance floor area. Hours of operation are currently 4 p.m. to 2 a.m. Thursday through Saturday, with live entertainment beginning at 9 p.m. They plan to expand to seven days a week with similar hours.

Previous to opening, the subject business received Use Permit approval for one (1) year in September 2006 to sell alcohol in conjunction with a Series 12 Restaurant License. However, upon inspection of the business, the Arizona Department of Liquor Licenses and Control directed the applicant to pursue a Series 6 Bar License because the floor layout was not (in their judgment) conducive to a restaurant operation under the requested Series 12 license.

The Chandler Mercado shopping center was approved in April 2006 for a major rehabilitation that includes construction of new retail space, dividing of the former Kmart space into multiple tenant spaces, new landscaping, new monument signage, and a facade overhaul. The rehabilitation was done with assistance from the city's Commercial Reinvestment Program. The shopping center is zoned to allow Community Commercial (C-2) uses, including restaurants or bars.

DISCUSSION

Planning Commission and Staff recommend a three-year time limit on the Use Permit, finding it an appropriate land use within this retail center as controlled by recommended conditions. Though there were some complaints about bottles in the parking lot in early 2008, there have not been problems reported in recent months. The nearby day care is closed at 6:30 p.m., hours before any live entertainment occurs at the subject business (live entertainment begins at 9 p.m., three nights per week). Also, Planning Commission and Staff recommend conditions that would prevent alcohol from being taken outside the facility and would prevent expansion of entertainment uses without first receiving a new Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 21, 2009 at the Downtown Chandler Community Center. No citizens attended.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- The owners of the nearby day care are opposed to the request because they feel it is inappropriate to have a night club in such close proximity to a day care.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 5 Opposed: 0 Absent: 2 (Irby, Rivers)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of the Use Permit subject to the following conditions:

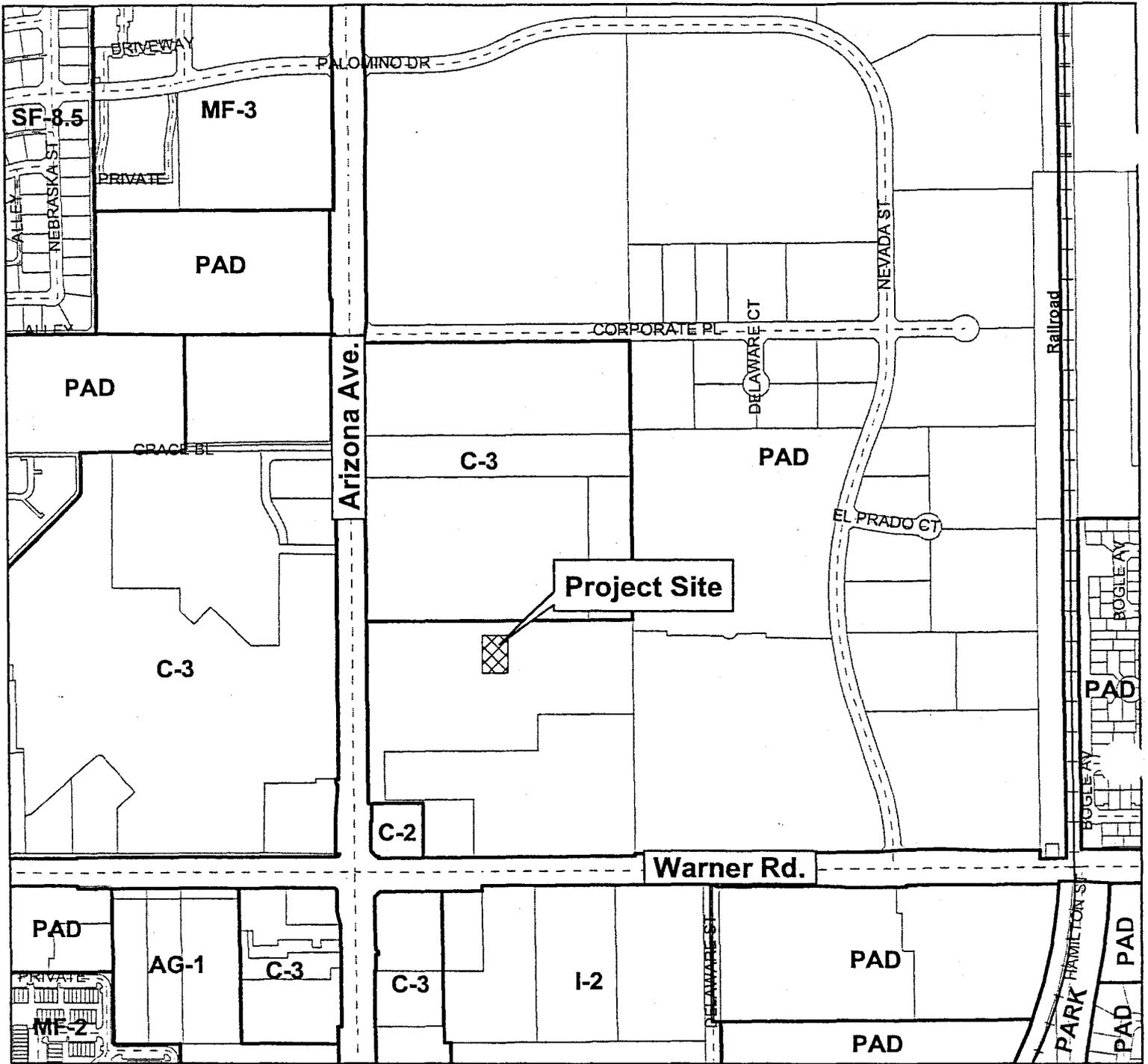
1. The Use Permit is for a Series 6 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other location.
5. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. 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.
7. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

PROPOSED MOTION

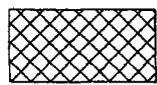
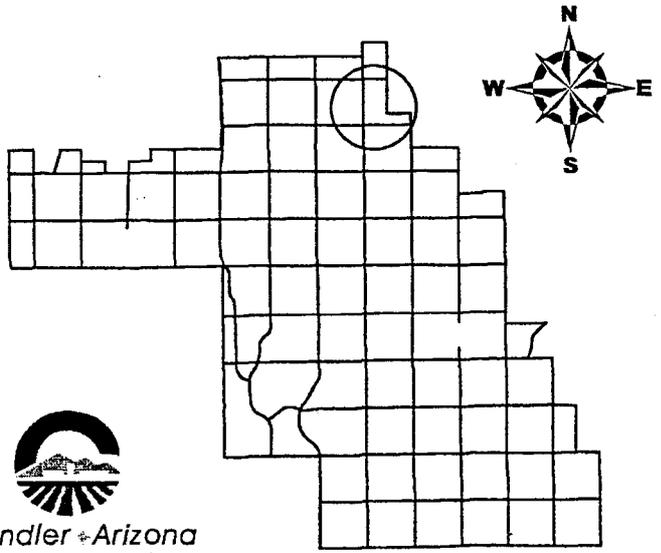
Move to approve Use Permit UP08-0053 POTRERO BAR & GRILL, subject to the conditions recommended by Planning Commission and Staff.

Attachments

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



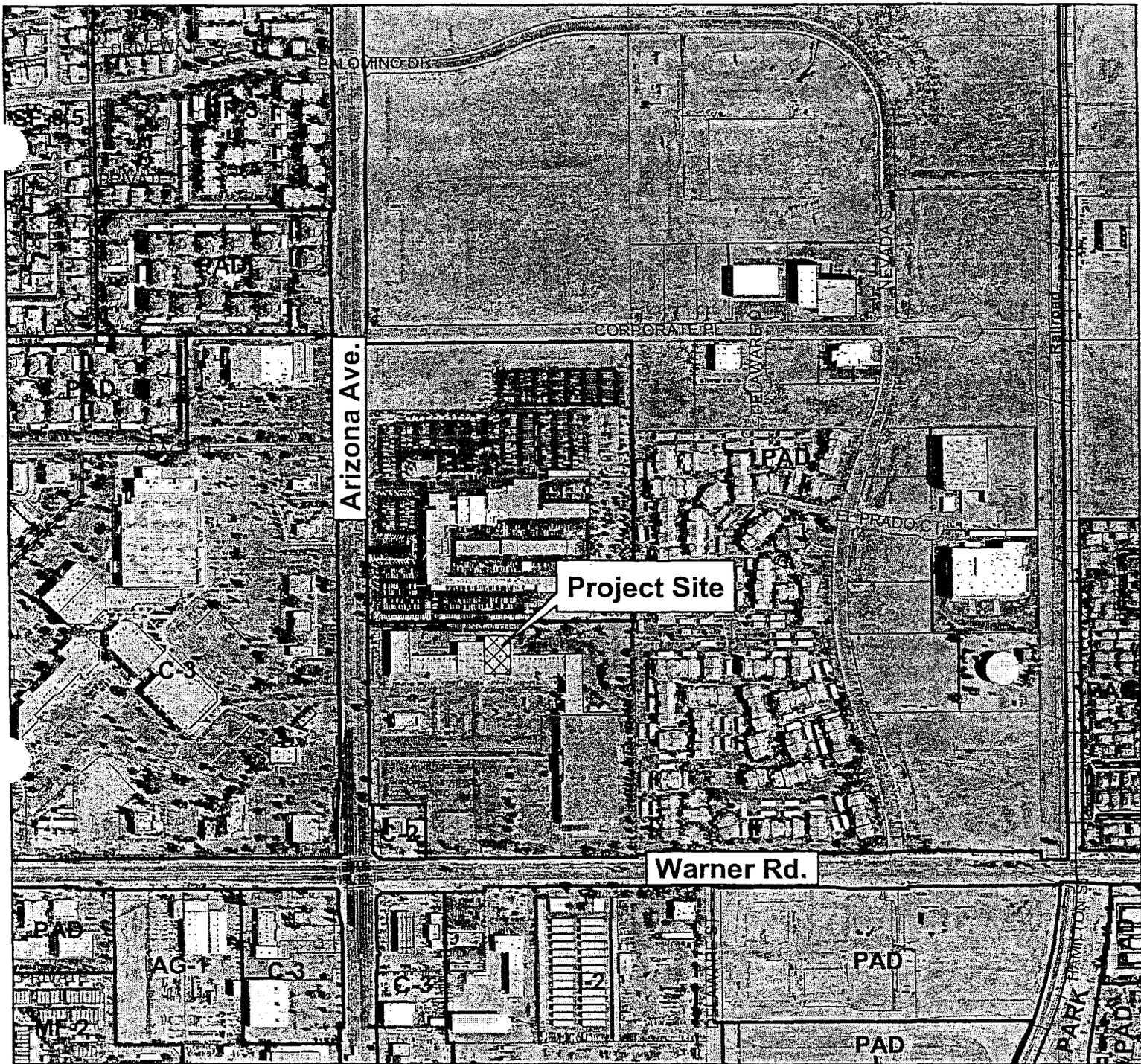
Vicinity Map



UP07-0071

**Portrero Bar and Grill
Liquor Use Permit**

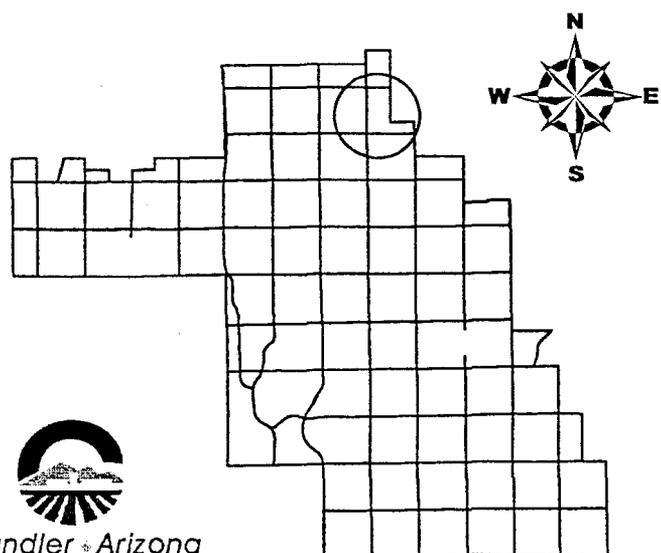




Project Site

Warner Rd.

Vicinity Map



UP07-0071

Portrero Bar and Grill
Liquor Use Permit



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CITY OF CHANDLER 7/25/2007

October 15, 2008

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

Re: Series 6 Liquor Use Permit Application
For onsite consumption in "Potrero Bar & Grill"
2061 N. Arizona Ave., Chandler

Project Description:

The application requests Use Permit Approval to sell and serve all spirituous liquor within premises. (Series 6 bar license)

POTRERO is a bar opened in January 2008 that features a sports bar and live music. The subject business is located at 2061 N. Arizona Ave., Chandler (Northeast corner of Arizona Avenue and Warner Road , which is in the Chandler Mercado Shopping Center).

The subject business received Use Permit approval for one (1) year in October, 2007 to sell and serve all spirituous liquor with a Series 6 bar license.

The POTRERO facility is a new concept in family entertainment, which provides a down home feeling and the excitement of one of a kind entertainment. It includes a sport bar, live music and dancing.

The interior décor is highly upscale with bright lighting and is completely different from the traditional bar. Furthermore, the entire POTRERO establishment is non-smoking.

POTRERO occupies 14,548 square feet of floor area in the Chandler Mercado Shopping Center. The Shopping Center provides plenty of parking spaces with sufficient lighting. Patrons is allowed to park in the entire parking lot within the Center per the CC&R regulations of the Shopping Center.

Prior to the opening of the subject business, there were a lot of vacant tenant spaces within the Shopping Center, but the subject business has been contributed to bring more tenants to the Shopping Center. It is now one of most successful Shopping Center in the community.

The type of music that POTRERO provides is either by live bands or disc jockey. There are 10 large TV's showing all different types of sporting event. Patrons who enjoys sports are able to visit the subject facility frequently with their family and friends to watch whatever sporting event they choose.

The subject business facility has sufficient uniformed security guards to provide the best security inside the premises and surrounding areas, depending on the number of patrons and time of operation. There are also sixteen (16) security cameras, which is in operation 24 hours a day, 7 days a week with sufficient lighting in the parking lot area. Furthermore, there are off-duty police officers from the Chandler Police department during the live music and dancing hours in the parking lot area, which provides extra safety to our patrons.

No alcoholic beverage is allowed or consumed in the parking lot areas and outside the premises at all time. In short, POTRERO is a very safe and comfortable place for all patrons to come with family and friends for entertainment. Furthermore, our security guards and janitorial staffs clean up the outside of premises and pick up litters to keep the Shopping Center clean at the end of business hours.

Patrons is able to come in any time during the regular hours of operation which will reduce the traffic impact and keep the traffic flow consistent or normal, Further, the surrounding businesses is closed by the time live music and dancing begins.

Tenant improvements, besides being highly upscale with modern security system and sufficient insulation, includes a sound proofing system to reduce any possible noise. The tenant improvement for the POTRERO Entertainment facility shows the pride of ownership.

The floor plan includes an 250 square foot stage and a 1,500 square foot dance floor area. There are about 50 employees for the subject business.

The subject business has an opportunity to demonstrate that POTRERO is a quality establishment under the proven management team. There is nothing but the pride of ownership on all tenant improvement built on the premise. The management feels the POTRERO is a strong and positive addition to the great City of Chandler.

In summary, the management, proudly announce that the subject business, POTRERO, has been performed and demonstrated better than expectation, since the opening of the business.

We, the management, look forward to have opportunity to contribute to the community of this great city of Chandler for many years come.

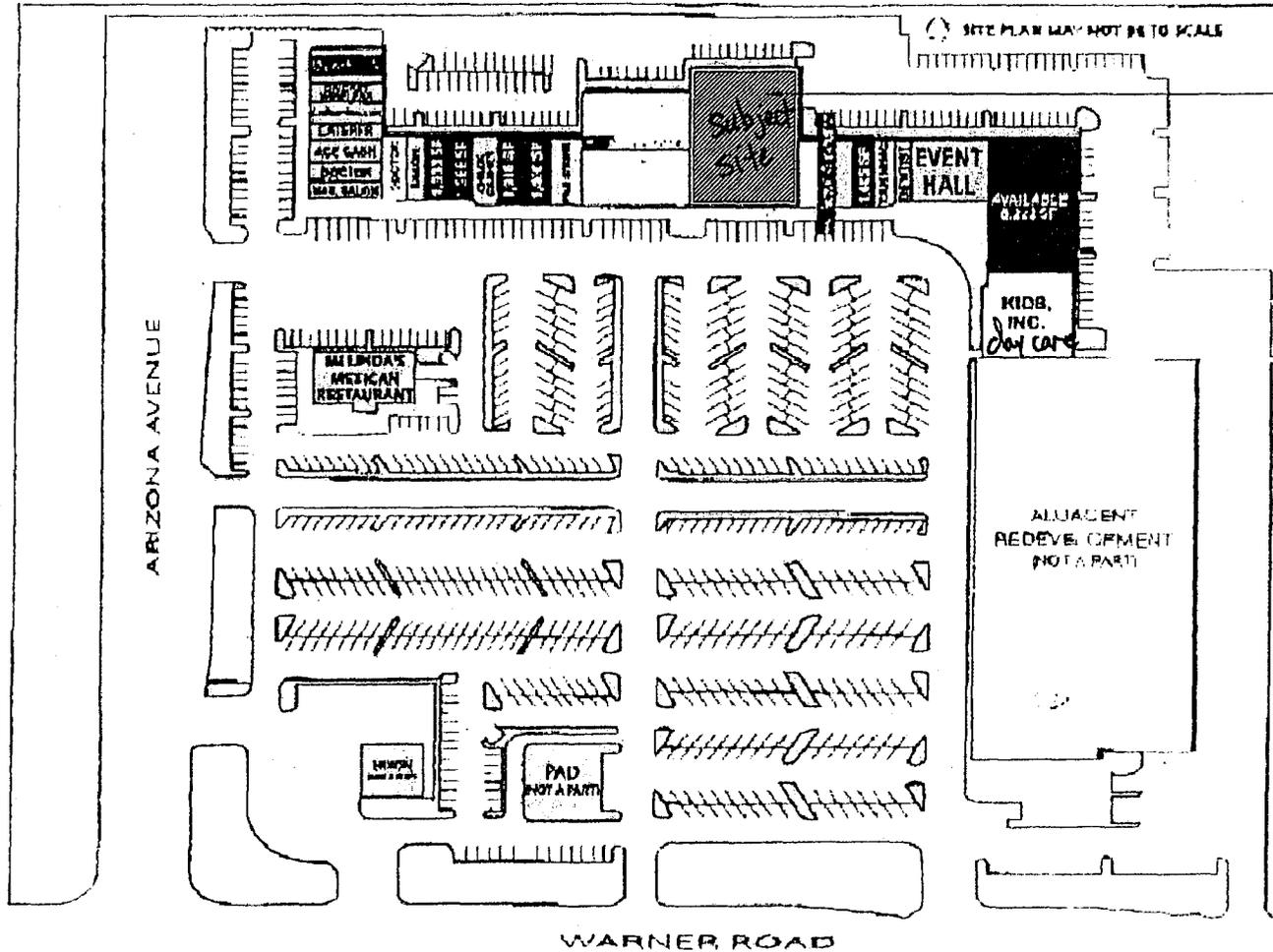
Sincerely,

Siirian (Sam) K. Lee

Samleearizona@aol.com

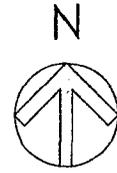
SITE PLAN

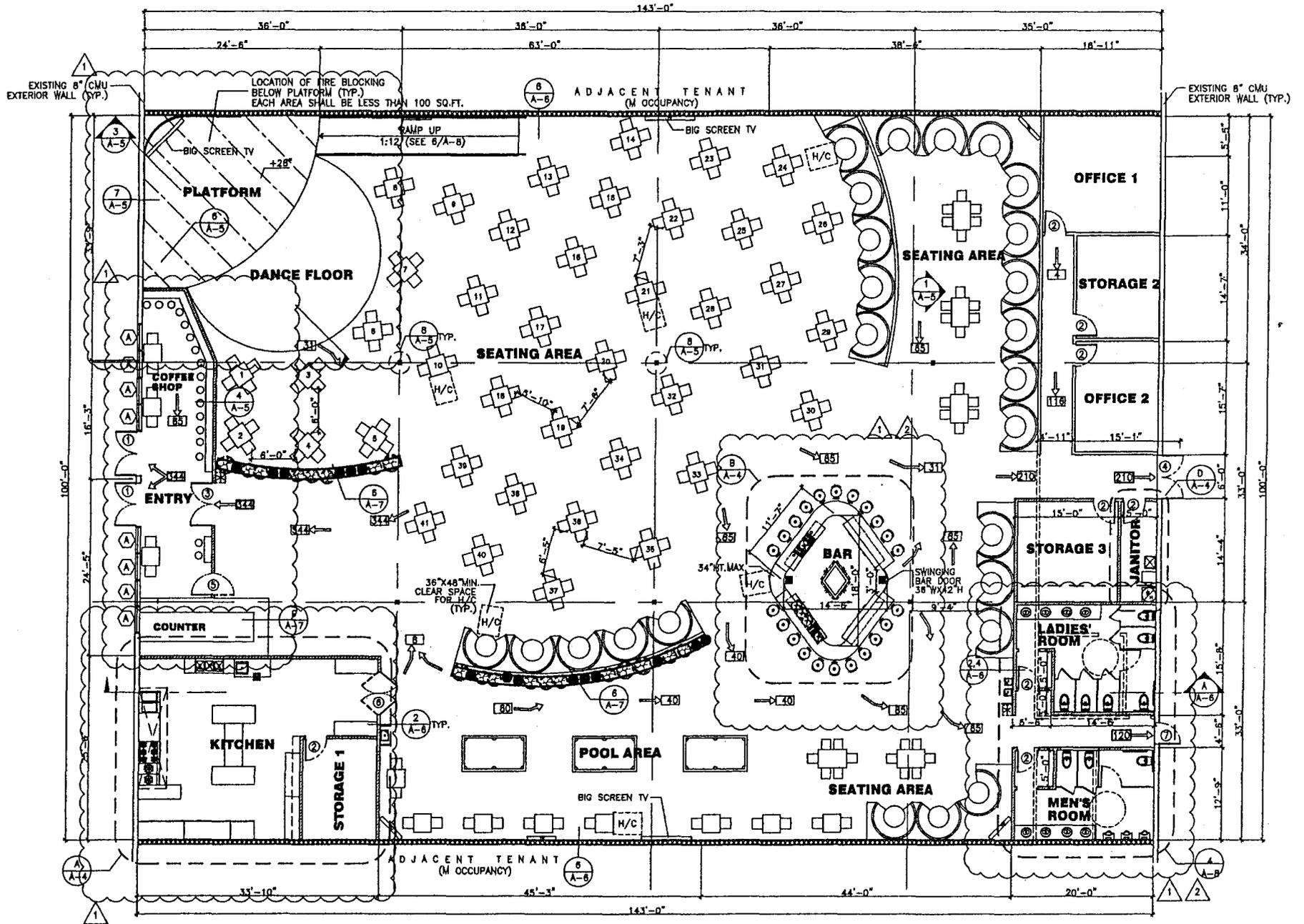
N.T.S.



SITE PLAN MAY NOT BE TO SCALE

LOCATION OF EXISTING
BLDG. & PROPOSED
TENTANT IMPROVEMENT





FLOOR PLAN

SCALE: 1/8" = 1'-0"