

#40

AUG 13 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Planning and Development – CC Memo No. 09-071**

DATE: JULY 22, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER 
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER 
 JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR 
 KEVIN MAYO, ACTING PLANNING MANAGER 

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

SUBJECT: UP09-0017 AMERICAN LEGION POST 35

Request: Use Permit approval for an extension of premises to sell liquor as permitted under a Series 14 Club License for on-premise consumption only within an outdoor area

Location: 2240 West Chandler Boulevard, northeast corner of Carriage Lane and Chandler Boulevard, west of Dobson Road

Applicant: Deborah Bostwick, American Legion Post 35

RECOMMENDATION

The application requests Use Permit approval to allow liquor sales as permitted under a Series 14 Club License for on-premise consumption within an outdoor area at the existing American Legion Post 35. Planning Commission and Staff, finding consistency with the General Plan, recommend approval.

BACKGROUND

A Series 14 license, which is considered a “club license,” allows the holder of a club license to sell and serve spirituous liquor for consumption only on the premises owned or occupied by the club, and only to bone fide members of the club and their guests. A “club” is defined as including veterans and fraternal organizations and their building associations, social, and airline clubs.

The subject property is located at the northeast corner of Carriage Lane and Chandler Boulevard, west of Dobson Road. The American Legion Post 35 purchased the subject property in 1937. The entire property is approximately 3.83 acres. The property consists of two separate parcels; the northern portion of the site is approximately 0.58-acres and zoned AG-1 (annexed in 1975) and includes a paved parking area, a storage building, and an unimproved area. The larger parcel with the existing Post building and outdoor areas is approximately 3.25 acres and zoned SF-18 (annexed in 1969).

The application requests liquor use permit approval outdoors on the larger parcel only. The northern parcel is not a part of this application request. The application does not include liquor use permit approval for the existing Post building as this building has grandfathered rights for liquor. It is believed the Post was initially granted a liquor license in the 1950's then updated their license in 1986. The initial liquor license issuance predates the City's requirements for a Use Permit, which became effective in 1980.

The application requests liquor approval for existing outdoor areas. At this time, liquor is only permitted within the existing Post building. Patrons cannot bring liquor outside of the building. The Legion hosts weddings and other events in the outdoor areas north of the building, therefore, the Post requests an extension of premises for State licensing and a Liquor Use Permit to allow liquor outdoors.

The Post is open 7 days a week including holidays. The hours of operation are Monday to Friday from 10 a.m. to 11 p.m., and Saturday and Sunday from 11 a.m. to 1 a.m. There is one, full-time employee and 5 part-time bartenders. Events held throughout the year occur for Christmas, Thanksgiving, Memorial Day, Veteran's Day, and St. Patrick's Day. There are special awards events, programs, and charitable events held throughout the year.

Weekly events open to Post members and their guests include Monday night dinner from 6 to 7 p.m., Friday night steak and fish fry from 6 to 8 p.m., and live music on Friday's from 7 to 10 p.m. The Post's "main hall" room is open to the public on Saturday nights for Bingo from 7 to 10 p.m. There is no drinking or smoking in the main hall during this time.

The Post requests approval for liquor outdoors so members can further use the unenclosed outdoor space north of the building and within an existing enclosed area for the wedding garden/patio. The open area north of the building was recently enclosed with donated wrought iron fencing approximately 5 feet high in order to meet State liquor license requirements to have a cordoned-off area for liquor. The Post is considering a solid block wall with stucco to match the existing wall around the other enclosed outdoor space. This area is also being considered for a patio cover, a wet bar, patio furniture, heaters, misting system, and a fire pit requiring the removal of existing plants and trees. The applicant has been advised that the addition of a patio cover, a bar area, and the like would require new Liquor Use Permit application and approval as this would be an expansion of the liquor use and a change to the existing representations.

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 June 22, 2009. No one attended other than the applicant.
- 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

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 6 Opposed: 0 Absent: 1 (Hartke)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of Use Permit UP09-0017 AMERICAN LEGION POST 35, subject to the following conditions:

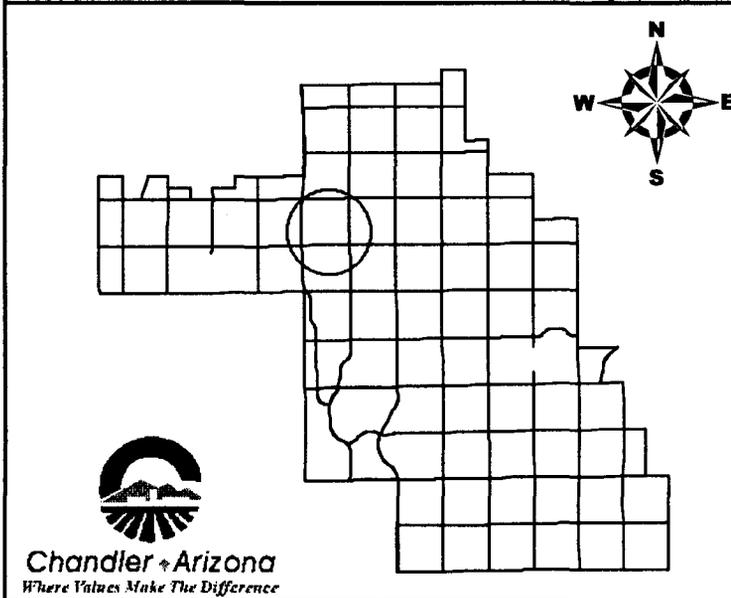
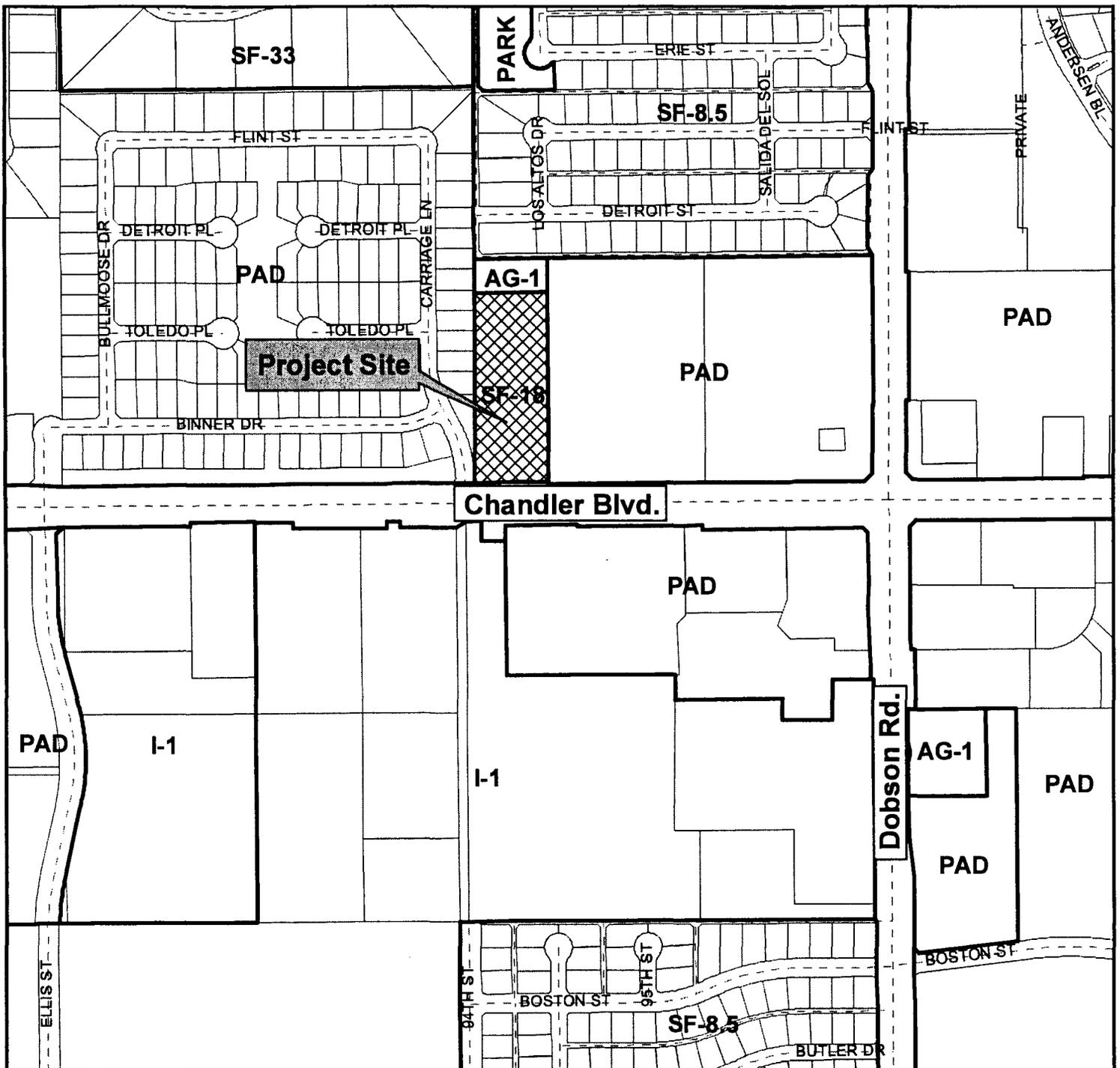
1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 14 license only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.
5. There shall be no live entertainment outdoors including acoustic groups, bands, background music, speaker/audio systems, and the like other than provided for a special event as described in the Narrative.
6. Noise from outdoor areas shall be controlled so as to not cause a nuisance for nearby residences.

PROPOSED MOTION

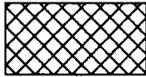
Move to approve Use Permit case UP09-0017 AMERICAN LEGION POST 35, subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Applicant Narrative
3. Site Plan – proposed area
4. Site Plan – existing area
5. Photos



Vicinity Map



UP09-0017

**American Legion Post 35
Liquor Use Permit**

CITY OF CHANDLER 4/27/2009



Chandler Blvd.

Dobson Rd.

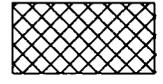
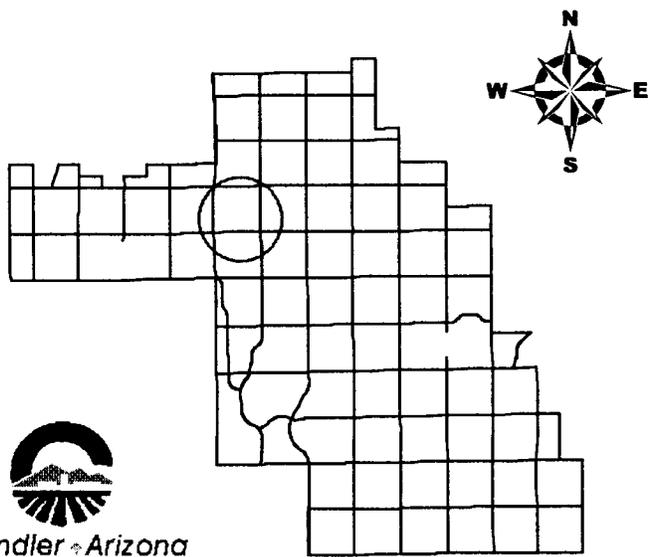
Project Site

PAD

PAD

PAD

Vicinity Map



UP09-0017

**American Legion Post 35
Liquor Use Permit**



MATHEW B. JUAN
POST 35
2240 W. Chandler Blvd
Chandler, Arizona 85224
www.legionpost35.org
480-821-0002

April 22, 2009

TO: Chandler City Planner

FROM: Commander, American Legion Post 35

SUBJECT: Use Permit for a Permanent Extension of Existing Liquor License

The attached application is to establish a use permit that the American Legion, Post 35, was grandfathered into when the city starting requiring a use permit with a liquor license.

The post has been in existence since 1924 and has an 88 year history. It is a non-profit, Veteran owned organization that support WWI, WWII, Vietnam, Desert Storm and Iraqi veterans. We also support Children and Youth organizations. Our main purpose is to have a support group for veterans and their families of all ages to feel comfortable to socialize and come to for any type of support. We support the State Veterans Home, Disabled Veterans and other charitable programs.

The post is open seven days a week including all holidays. The hours of operations are Monday –Friday from 10 am to 11 pm and Saturday and Sunday 11 am to 1 am. We have one full time employee the Club Manager, Tony Bareford and 5 part time bartenders. We also contract our janitorial service.

We have functions all throughout the year, especially, holidays such as Christmas, Thanksgiving, Memorial Day, Veteran's Day, and St Patrick's Day and other awards and special program functions. They are open to our membership. Except Thanksgiving we provide a homemade meal to all veterans and families.

The weekly functions open to our members is Monday night dinner from 6-7 pm, Friday night steak and fish fry from 6-8 pm, live music on Friday's from 7-10 pm.

Saturday night our back hall is open to the public for Bingo from 7-10 pm. There is no drinking or smoking when the hall is open to the public.

We have sports satellite television with 7 television's in the club room and 2 video games, a bowling game and pool table. These items are only in the club room open to membership only.

The American Legion consists of 2 buildings totaling 12,000 square feet and was built in 1972 according to the Maricopa County Assessor's records.

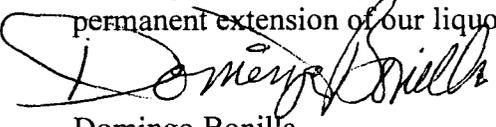
The post has been working very hard on maintaining our landscaping and making minor improvements to the inside premises. Such improvements are replacing our industrial dishwasher, remodeling the men's restroom, installing more handicap stalls in the back hall women's restroom, and painting our walls. We have installed smoke eaters in the club room and big hall.

We are requesting an extension to our current liquor license because our membership has requested we upgrade our patio for their use. We plan to install a enclosed wall and gate to the open areas and add patio access with double doors from the pool room. The back patio is a controlled enclosed area and will have signs to not remove alcohol from these premises.

We plan to add concrete, remove 2 trees and add the wall. Add a wet bar and patio furniture, heaters, mister system and fire pit. This is primarily for the use by our 700 plus membership.

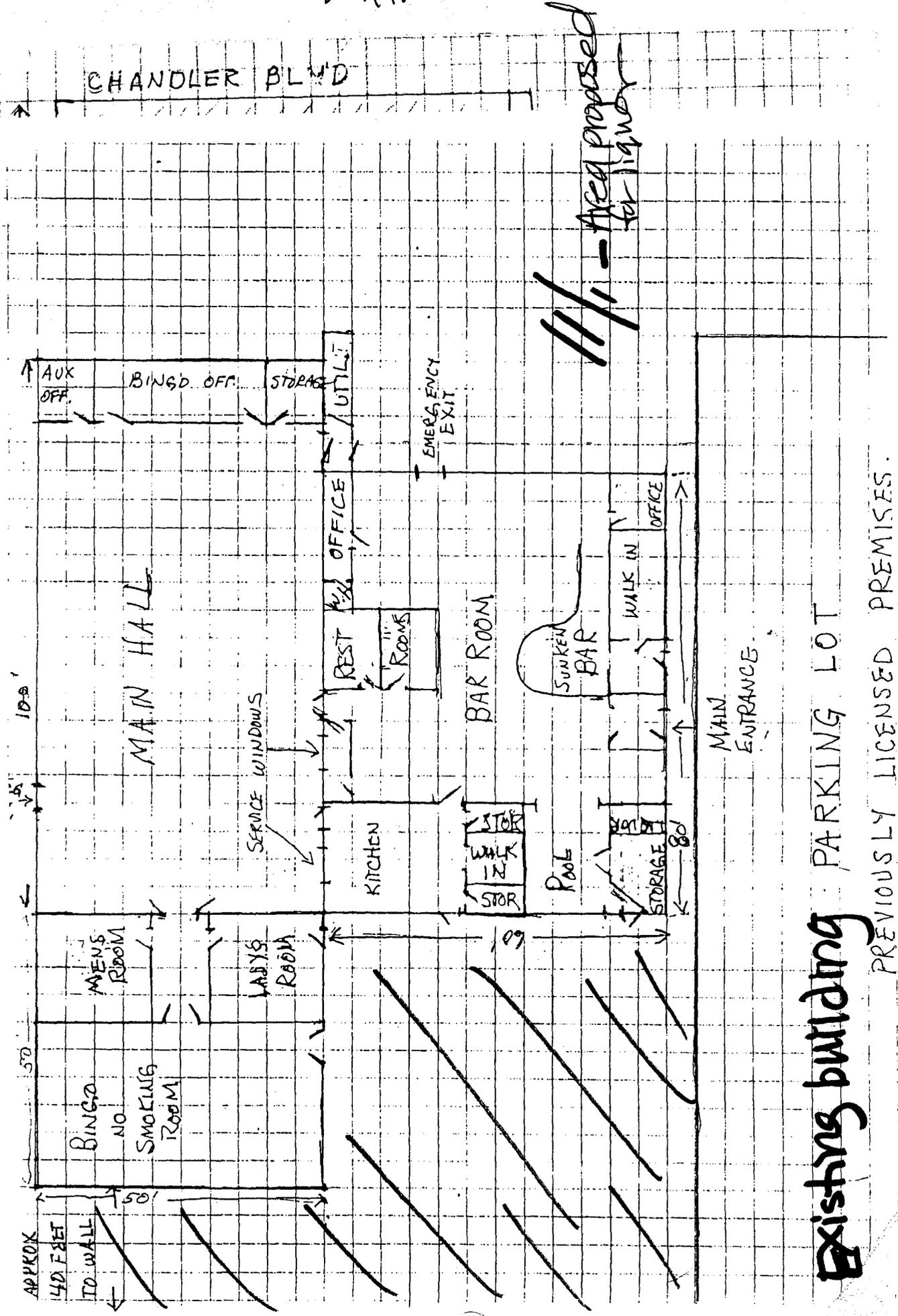
On occasion, during special events we will have a band or music outside but not on a regular weekly basis. We also would like to make the patio accessible only from inside the club room, our main entrance and exit. The patio is a diamond in the rough and a permanent liquor extension would be beneficial to the post and our veteran membership. Arizona is such a beautiful state and not being able to access our garden area is a shame.

This request is to comply with the "Use Permit" requirement for the City and request a permanent extension of our liquor license to our back patio and garden area.



Domingo Bonilla
Commander
Post 35

Post Building



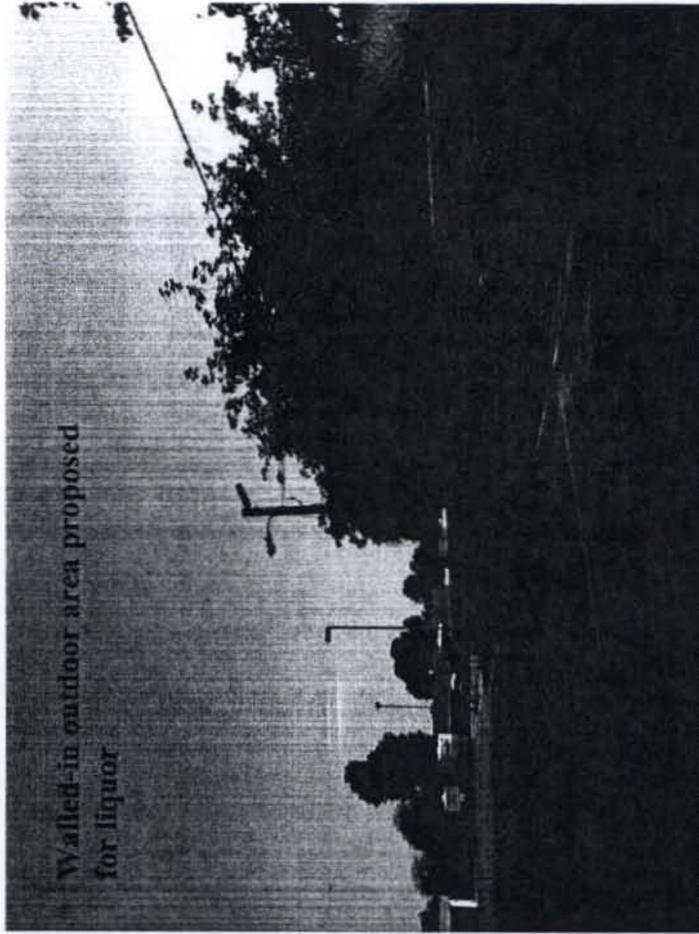
Existing building PARKING LOT

PREVIOUSLY LICENSED PREMISES.

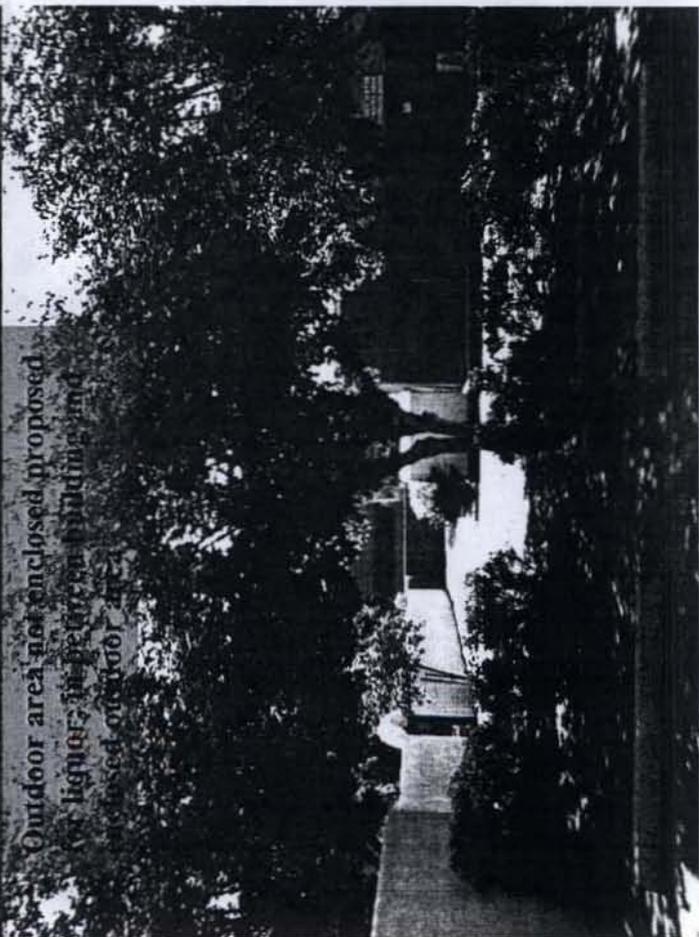
Walled-in outdoor area proposed for liquor



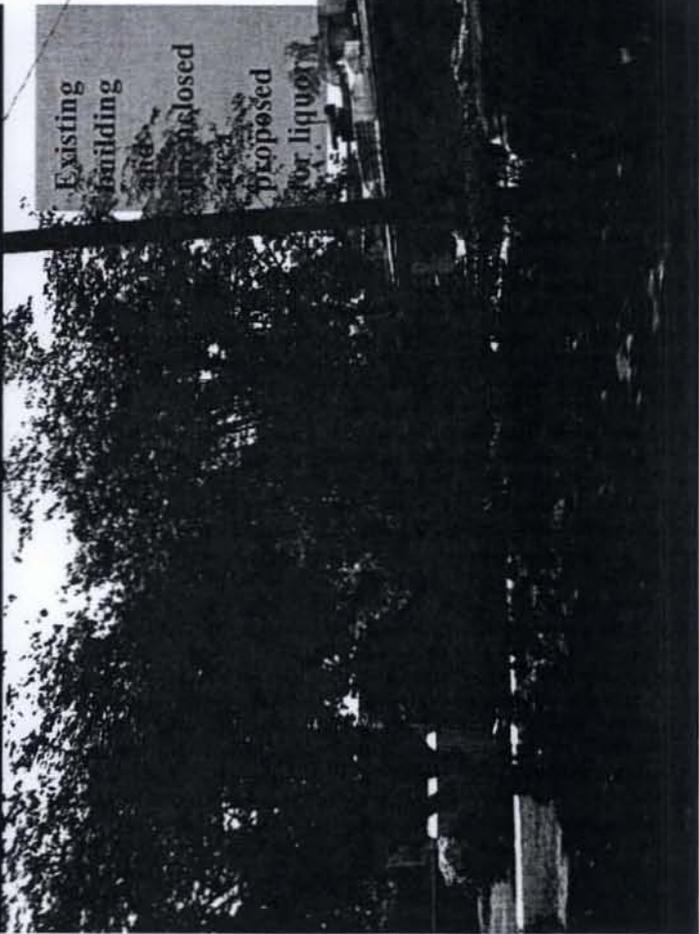
Walled-in outdoor area proposed for liquor



Outdoor area not enclosed proposed for liquor in behind building and enclosed outdoor area



Existing building not enclosed proposed for liquor



Entrance from Carriage Lane

East side of building

Walled-in outdoor area
proposed for liquor

Walled-in outdoor area
proposed for liquor

