

#56

NOV 19 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 09-136

DATE: NOVEMBER 5, 2009

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: LUP09-1007 PHASE

Request: Use Permit approval to sell and serve all spirituous liquor within a concert venue that includes an outdoor patio (Series 6 Bar License)

Location: 1020 N. 54th Street, northeast corner of Ray Road and the I-10 Freeway

Applicant: Arizona Liquor Industry Consultants, Amy Nations

PLANNING COMMISSION RECOMMENDATION

Planning Commission, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommends approval of the Use Permit for one (1) year, subject to conditions.

STAFF RECOMMENDATION

Staff, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommends approval of the Use Permit without time limit, subject to conditions.

BACKGROUND

The application requests Use Permit approval to sell and serve all spirituous liquor within a concert venue that includes an outdoor patio (Series 6 Bar License). The venue is being established in the western two-thirds of an existing building at the northeast corner of Ray Road and the I-10 Freeway that previously housed Robb & Stuckey furniture and Terri's Consignments. The eastern third of the building continues to be occupied by a retail mattress

store. The building is surrounded in all directions by retail uses such as restaurants, car dealerships, and a bank. The nearest residential use is an apartment complex about 850' to the northeast.

A new 1,540 square foot patio is planned south of the building. The mature existing trees in this area will be retained, while several of the shrubs will be replaced by vines. The patio will have an upper and lower tier in order to maintain the site's drainage needs in this area, as well as to enhance its character. New doors will be created in the building's southern exterior to facilitate patio access. The patio includes a bar and seating for 30.

The approximately 21,000 square foot interior includes a 2nd floor balcony and will have horseshoe-shaped bars on both floors. There is a stage planned in the 1st floor's northern portion for live music, adjacent to which is standing room for spectators (open to the ceiling). Most of the interior will not have fixed seating. A will-call/ticket sales window is being created near the stage that faces outdoors. Regular business hours are 8 p.m. to 2 a.m. Wednesday through Saturday.

Staff has administratively approved the patio's size relative to parking requirements. The subject building is part of a larger shopping center that provides parking at greater than the Code-required ratio of 4 spaces per 1000 square feet. The patio would require seven (7) parking spaces that can be absorbed by the site's existing excess capacity.

Signage, though mentioned in the narrative, is not part of this request and shall meet existing regulations for the PAD.

The Series 6 Bar License has no minimum food sales requirement and it allows for both on-site and off-site consumption. The proprietor plans for on-site consumption only.

DISCUSSION

Planning Commission and Staff find the proposed liquor sales appropriate at this location. The location in a commercial area far from residential uses is ideal for a music venue such as proposed. The rear patio is sandwiched between the building and a large hill so as to isolate any noise effects. A recommended condition will ensure that the parking lot is well maintained (no litter, etc.). Overall, the requested use adds positive character to the area without negative land use impact.

Staff recommends approval without time limit because of the lack of residential neighbors and the clear compatibility if the proposed use operates lawfully and according to the other recommended conditions.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on October 14, 2009 at the subject site. No neighbors were in attendance.

- The Police Department has been informed of the application and has not responded with any issues or concerns.
- At the time of this writing, Staff is not aware of any opposition.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

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

Planning Commission added Conditions No. 6 and 7 to ensure that alcohol not be sold for off-premises consumption and that the Use Permit be limited to one (1) year to allow for re-evaluation of any land use effects caused by music or the large numbers of patrons.

PLANNING COMMISSION RECOMMENDED ACTION

Planning Commission, upon finding consistency with the General Plan, recommends 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. Substantial conformance with submitted application materials (floor plan, narrative). 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 patio and parking area adjacent to the facility shall be maintained in a clean and orderly manner.
6. "To-go" sales of alcoholic beverages shall be prohibited.
7. The Use Permit is effective for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond that date shall require reapplication to and approval by the City of Chandler.

STAFF RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends 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. Substantial conformance with submitted application materials (floor plan, narrative). 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 patio and parking area adjacent to the facility shall be maintained in a clean and orderly manner.
6. "To-go" sales of alcoholic beverages shall be prohibited.

PROPOSED MOTIONS

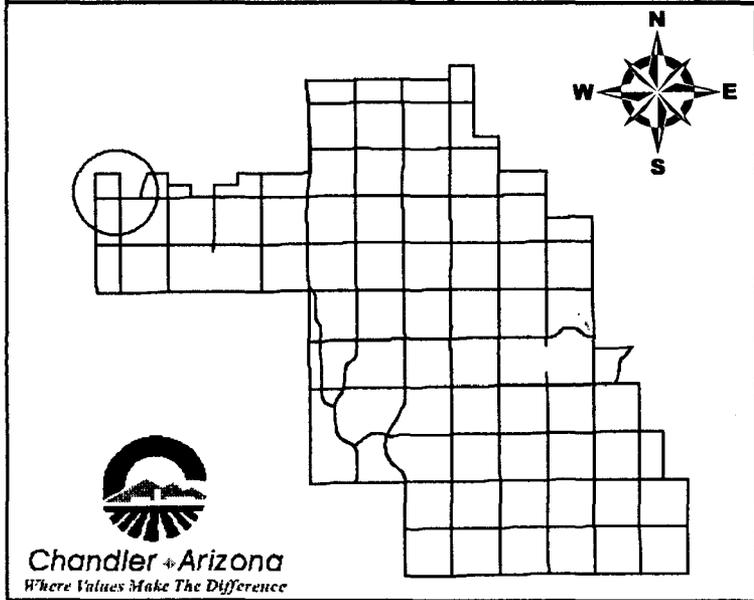
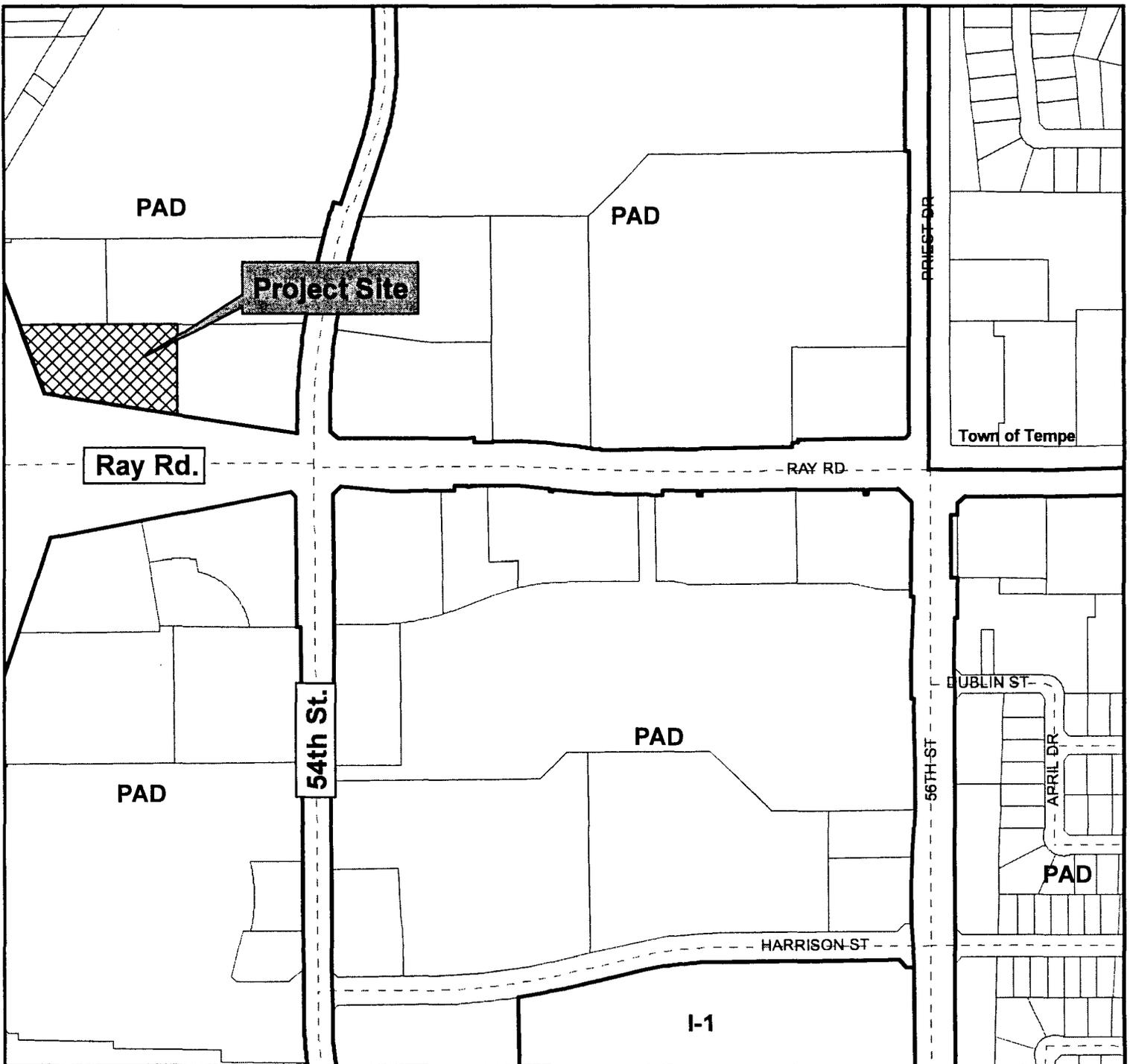
Move to approve Use Permit LUP09-1007 PHASE, subject to the conditions recommended by Planning Commission.

OR

Move to approve Use Permit LUP09-1007 PHASE, subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Aerial Closeup
3. Applicant Narrative
4. Floor Plan
5. Site Photographs (patio area)

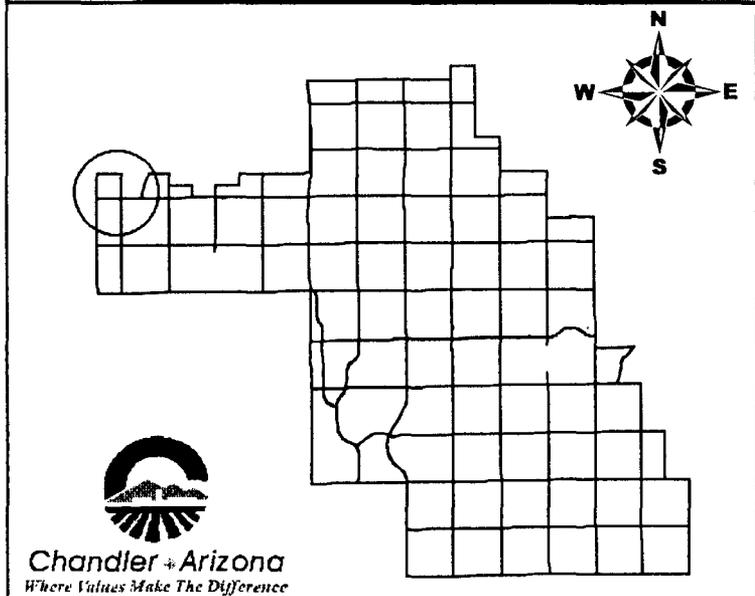


Vicinity Map



LUP09-1007

**Phase
Liquor Use Permit**



Vicinity Map



LUP09-1007

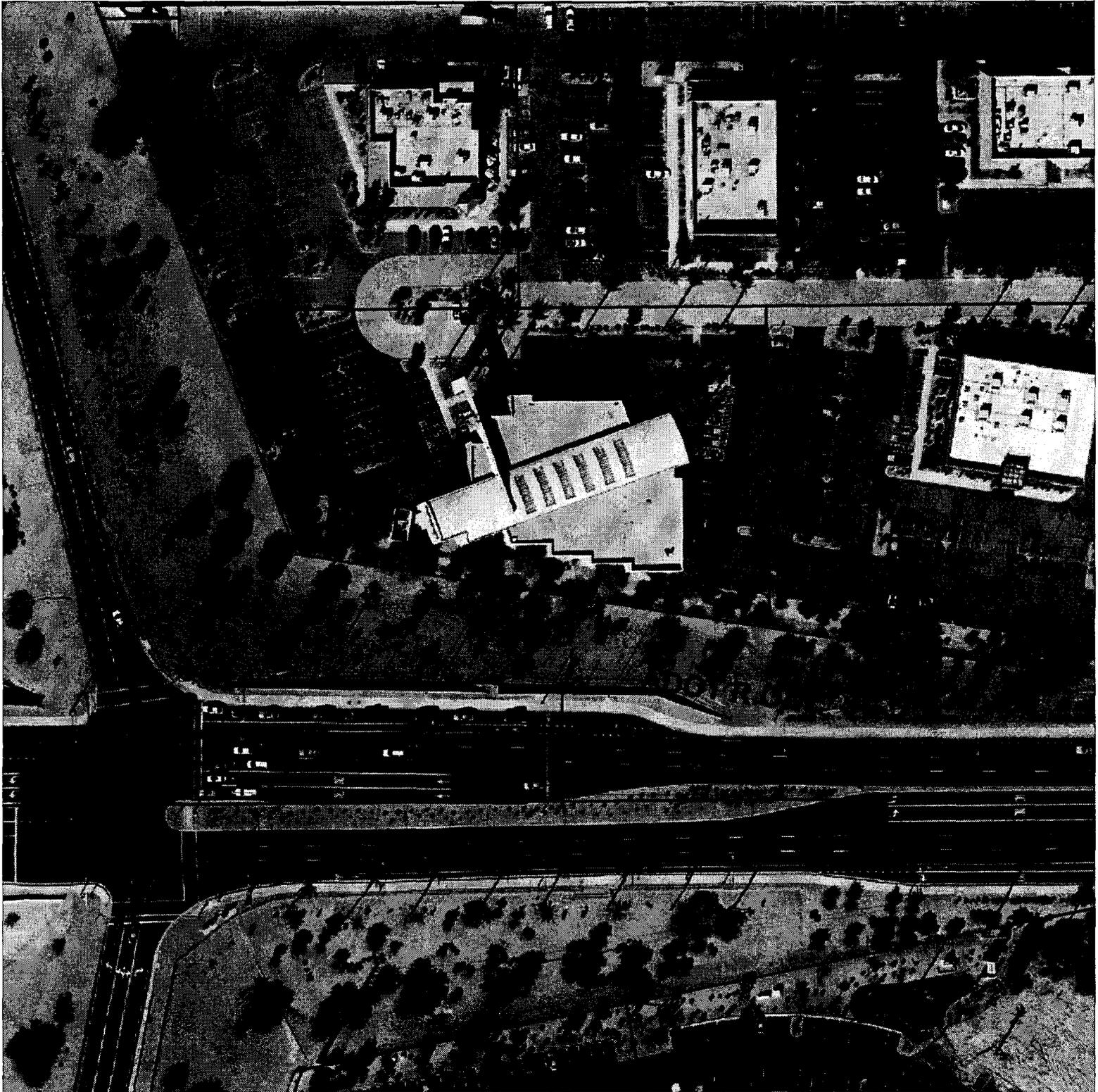
Phase
Liquor Use Permit



Chandler + Arizona
Where Values Make The Difference

CITY OF CHANDLER 9/29/2009

County Parcels



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 Department
Current Planning Division
215 East Buffalo Street
Chandler, AZ 85225

September 21, 2009

To Whom It May Concern:

We would like to respectfully request a Liquor Use Permit for a Series 6 liquor license located at Phase 1020 N 54th St in Chandler. It's a two story 21,000 square foot Concert Venue. This is a commercial area that will not disturb the neighborhood.

Phase's regular business hours will be from 8 pm to 2 am Wednesday through Saturday. With occasional changes to open and close schedule depending on concert opportunities. It will employ 10-20 full time employees. Staff may increase depending on the concert.

There are (2) 8 foot double doors that serve as main entrances from the inside onto the patio, and an additional 4 foot side entrance as well as barriers all constructed out of rod iron and masonry. There are (2) 8 foot double door gates at opposite sides of the patio that exit onto paved sidewalks that lead to parking lots. The patio will have (4) 12 inch speakers. We will not have any awnings. We will have approximately 200 indoor seats and 30 on the patio. At this point it is not fully determined but there should be 12 tv's at a variety of sizes throughout the venue.

The entire retail development has 540 spaces on a time share program.

There are three marquee signs that existence to serve other establishments in the retail area. One visible from the Interstate, one visible from Ray Rd, and one visible from 54th St. On the building itself, we are looking into providing signage on the east side of the building visible from the driveway to the building, and/or above the front entrance on the North side. Additional signage on the west side facing the freeway.

Sincerely,

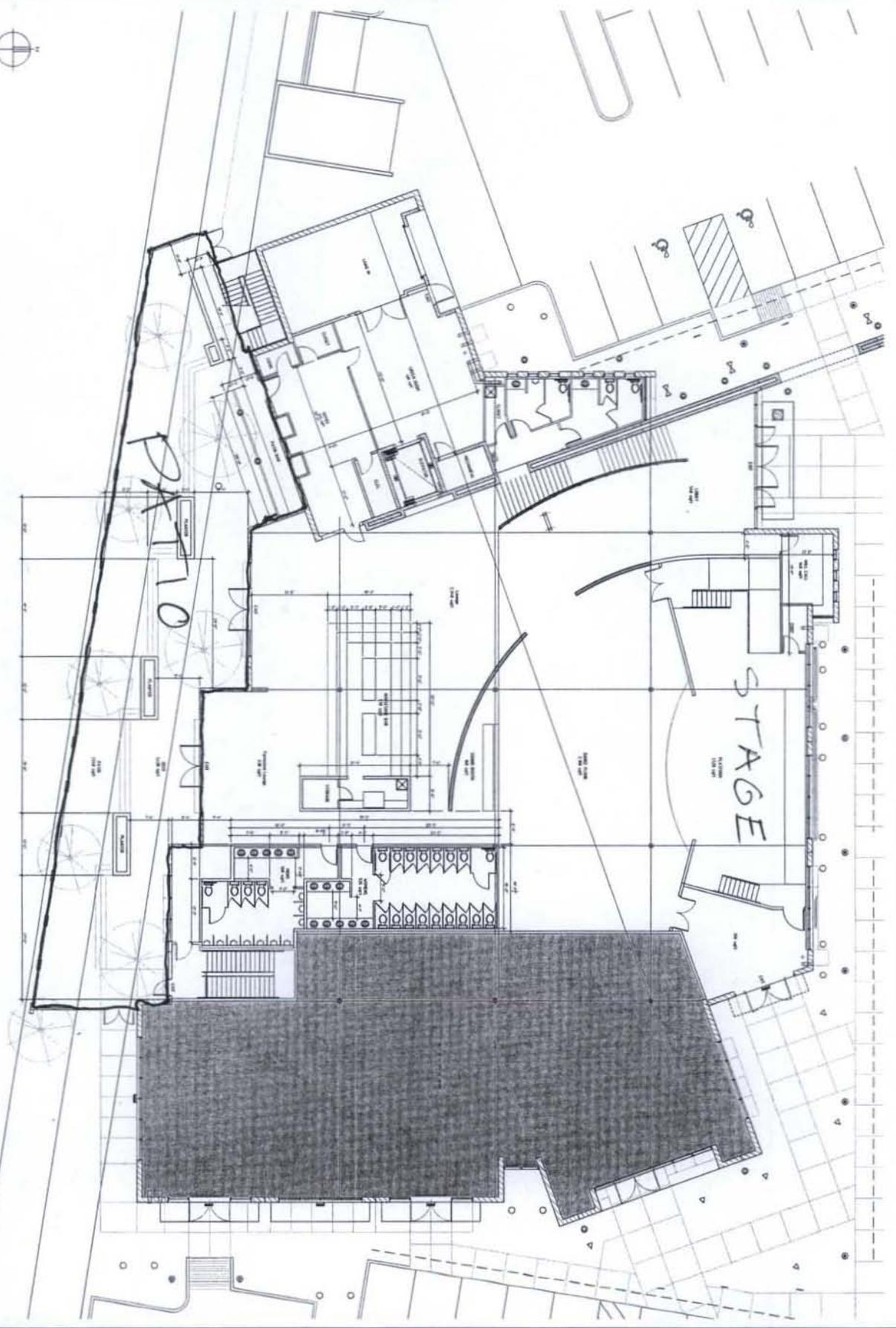
A handwritten signature in cursive script that reads "Amy Nations".

Amy Nations

1/8"=1'-0"



FIRST FLOOR PLAN



1
A0.0

Tenant Improvements for
PHASE 5-4
 at GATEWAY WEST, lot 4
 1020 N. 54th Street
 Chandler, Arizona

Project: 0502
 Client: Gateway West
 Architect: RYDEN ARCHITECTS
 Date: 05/01/07

RYDEN ARCHITECTS
 ARCHITECTURE PLANNING HISTORIC PRESERVATION

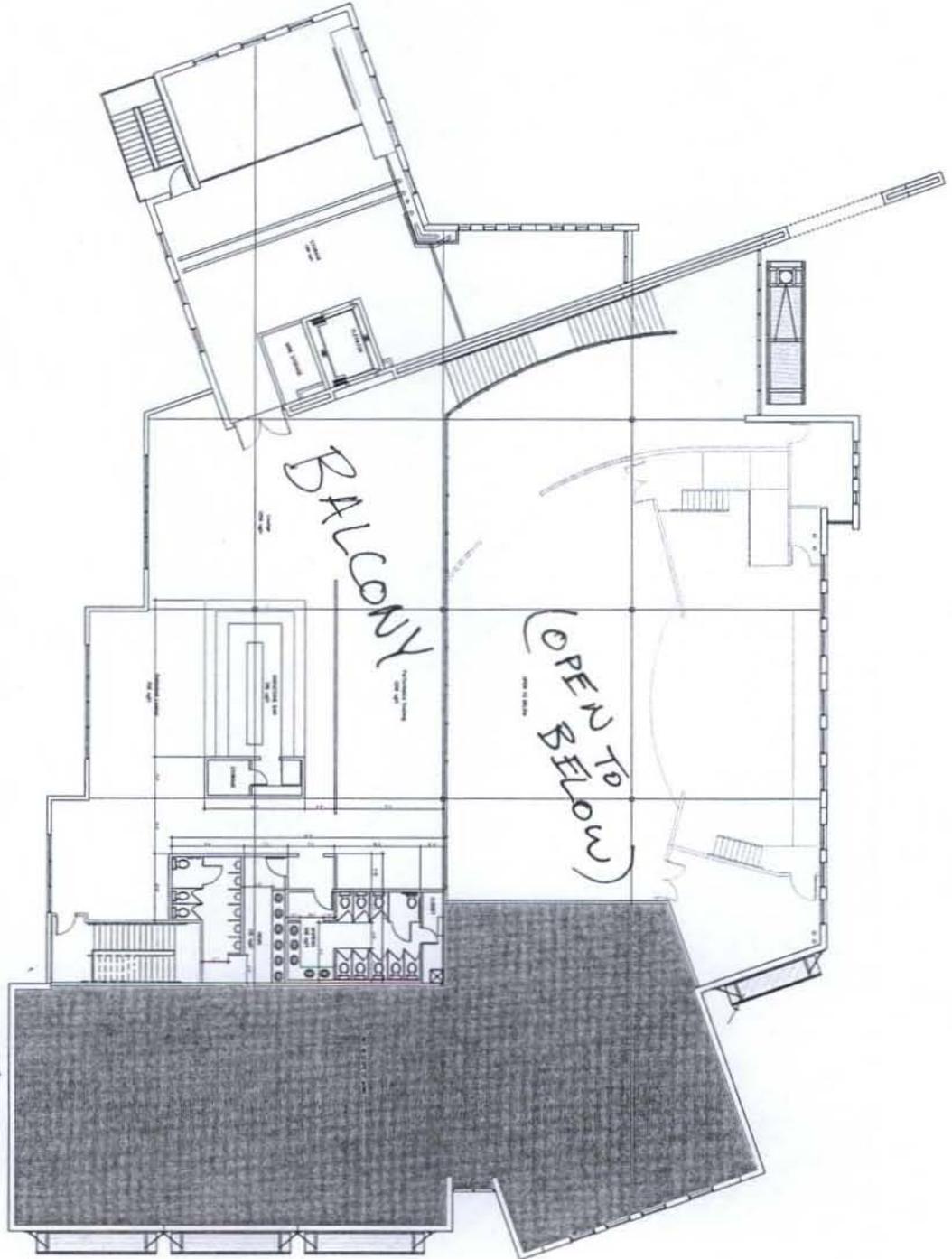
902 W. McDowell Road
 Phoenix, Arizona 85007
 602/253-5381
 602/253-5389 fax

SCHEMATIC
 NOT FOR
 CONSTRUCTION

1/8"=1'-0"



SECOND FLOOR PLAN



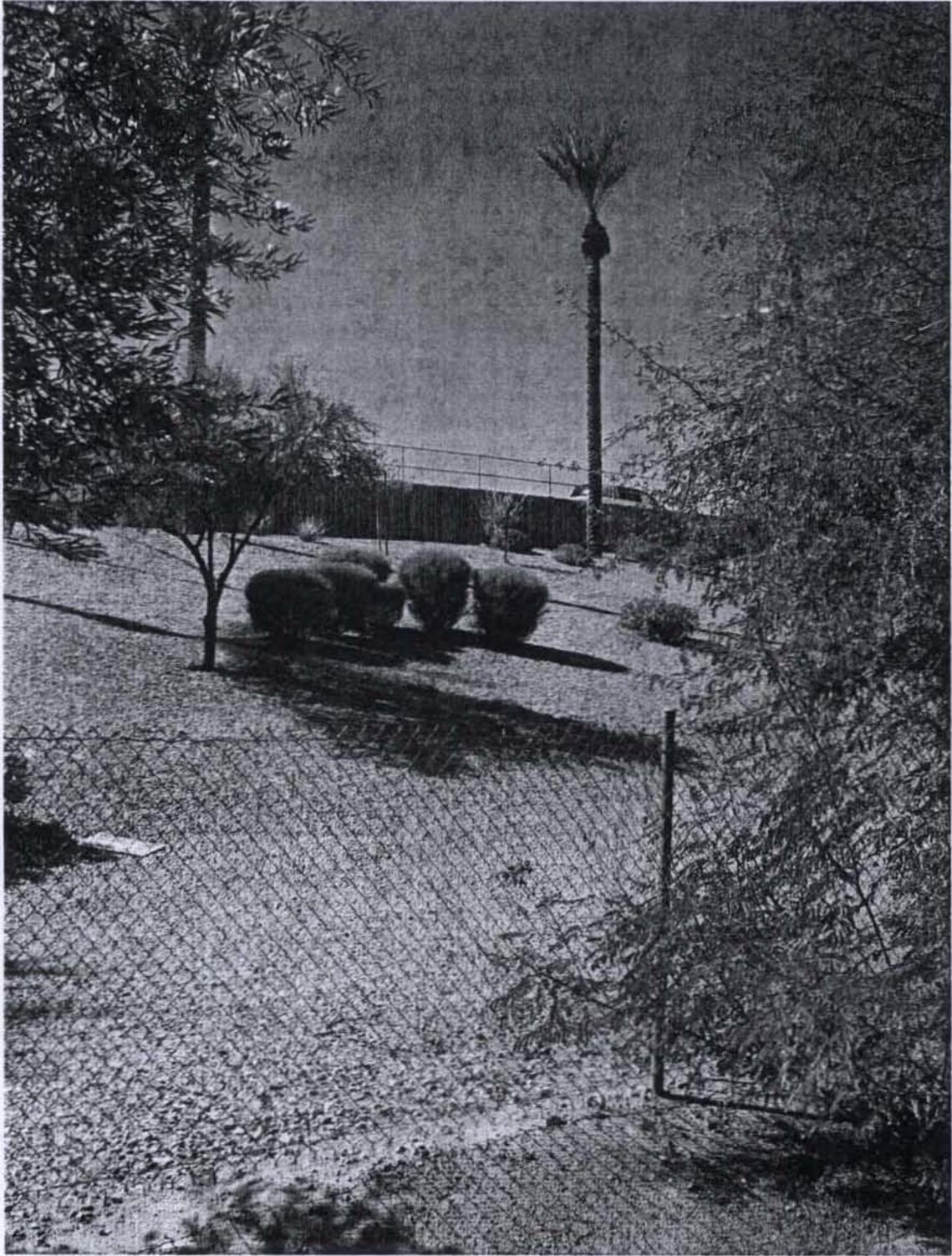
SHEET
A0.0
 1 of 27

Tenant Improvements for
PHASE 54
 at GATEWAY WEST, lot 4
 1020 N. 54th Street
 Chandler, Arizona


RYDEN ARCHITECTS
 ARCHITECTURE PLANNING HISTORIC PRESERVATION

902 W. McDowell Road
 Phoenix, Arizona 85007
 602/253-5381
 602/253-5389 fax

SCHEMATIC
 NOT FOR
 CONSTRUCTION



VIEW TOWARD RAY ROAD
FROM PATIO AREA



PLANNED PATIO AREA