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JUL 21 2010



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Where Values Make The Difference

MEMORANDUM Transportation & Development – PZ Memo No. 10-076

DATE: JULY 12, 2010

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
 JEFF KURTZ, PLANNING ADMINISTRATOR
 KEVIN MAYO, PLANNING MANAGER *KM*

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

SUBJECT: LUP10-0028 UNCLE BEAR'S GRILL AND BAR

Request: Approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at a new restaurant within the Shops at Pecos Ranch development

Location: Northeast corner of Dobson and Germann Roads

Applicant: Amy Nations, ALIC

Project Info: Inline retail shops building with a single restaurant user, approximately 3,171 square foot building with a 1,684 square foot patio

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Staff recommends approval of the requested liquor Use Permit for the sale of liquor as permitted by a Series 12 Restaurant License with conditions.

BACKGROUND

The application requests liquor Use Permit approval to sell liquor as permitted by a Series 12 Restaurant License within a new restaurant with an outdoor patio area. A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment must derive at least forty (40) percent of its gross revenue from the sale of food and non-alcoholic beverages.

This new restaurant is located within the Shops at Pecos Ranch and is one of a few restaurants that will be opening in this center. At this time, Uncle Bear's and the other restaurants, a Mexican and an Italian restaurant, are under construction. Liquor Use Permits will be forthcoming separately for the other two restaurants.

Uncle Bear's is a casual family restaurant that has three existing locations in the East Valley. The restaurant describes itself as an upbeat, fun establishment that has been a neighborhood favorite for the last 10 years. The menu includes gourmet burgers, unique pastas, thin crust pizzas, fajitas, and barbecue. The restaurant has a full bar and local microbrews. The restaurant's interior includes approximately 15 to 20 flat-panel TV's. Several speakers are located in the restaurant and on the outdoor patio.

The narrative does not represent any live music; however, after further inquiry with the applicant, the restaurant does intend to have karaoke a couple times per week and a 2-3 person acoustical group 1-2 times per week. Acoustical musicians may play indoors and on the outdoor patio. While two other Uncle Bear's establishments have a band play there, it is not requested at this location in Chandler.

The restaurant's business hours are from 11 a.m. to 12 a.m. Monday through Thursday, 11 a.m. to 2 a.m. Friday, 10 a.m. to 2 a.m. Saturday, and 10 a.m. to 12 a.m. Sunday. The restaurant includes approximately 116 interior dining seats, 50 bar seats, and 75 seats on the outdoor patio for over 240 total seats.

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting was held on Wednesday, July 14, 2010. No one attended other than the applicant.
- The Police Department has been informed of the application and has not responded any concerns.
- At the time of the memo, Staff is not aware of any opposition or concerns to this request.

RECOMMENDATION

Upon finding consistency with the General Plan, Staff recommends approval of liquor Use Permit LUP10-0028 UNCLE BEAR'S GRILL AND BAR, subject to the following conditions:

1. The Use Permit is granted for a Series 12 Restaurant license only, and any change of license shall require reapplication and new Liquor Use Permit approval.

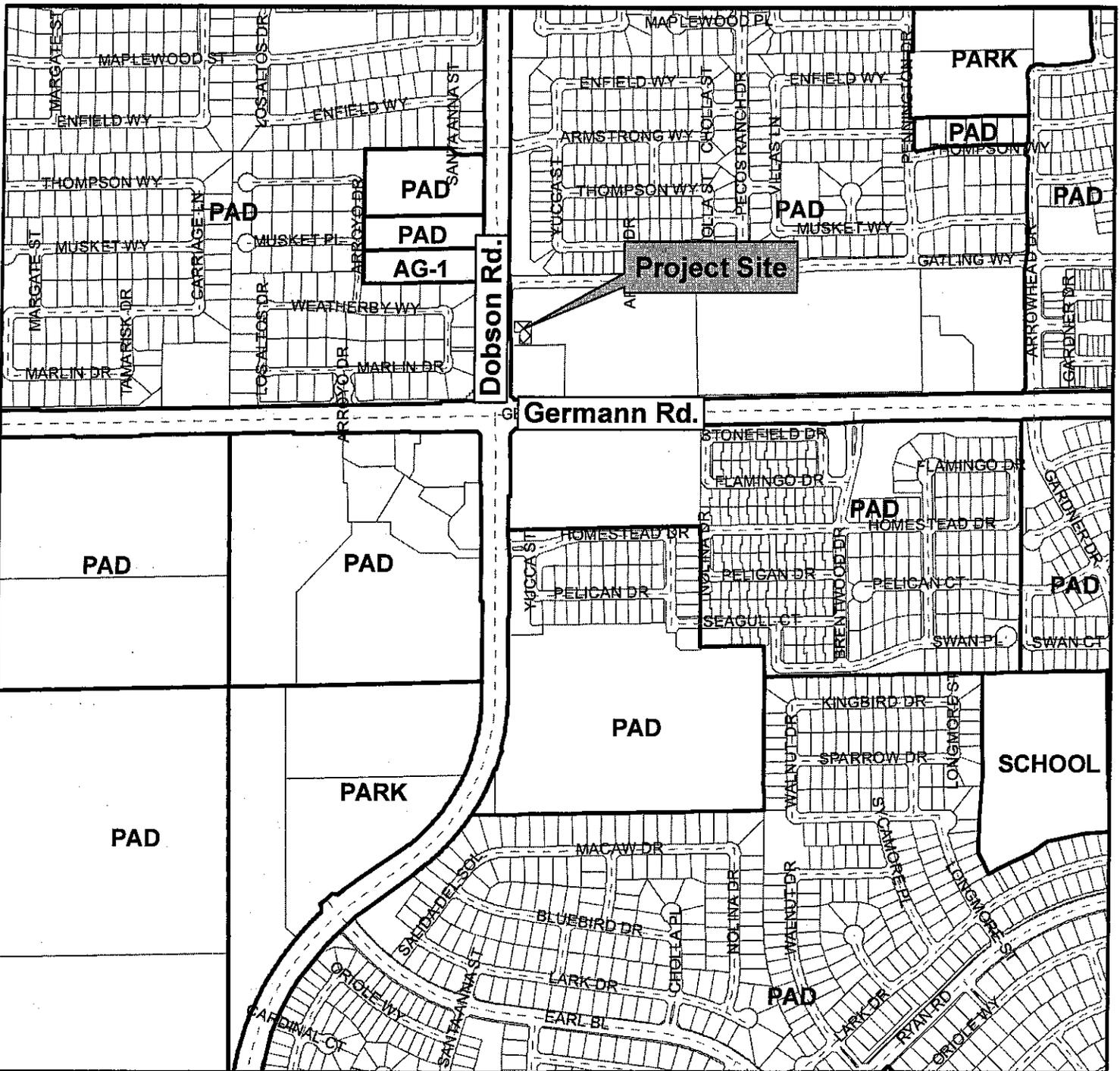
2. The site and patio areas shall be maintained in a clean and orderly manner.
3. No noise shall be emitted from outdoor speakers or acoustical musicians on the patios so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.

PROPOSED MOTION

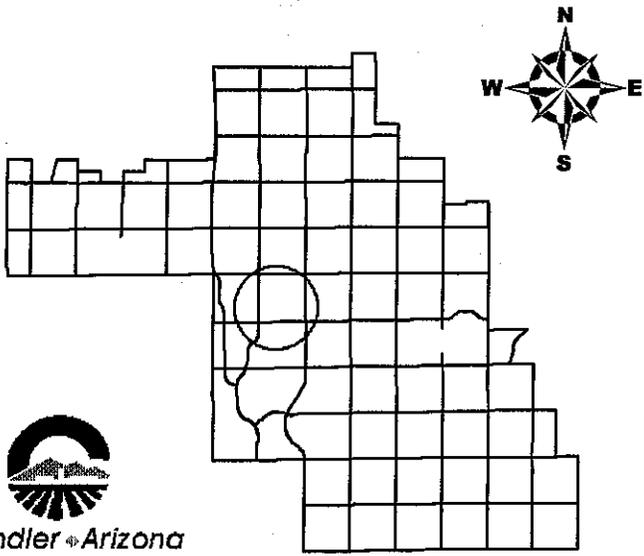
Motion to recommend approval of liquor Use Permit case LUP10-0028 UNCLE BEAR'S GRILL AND BAR, subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Floor Plan

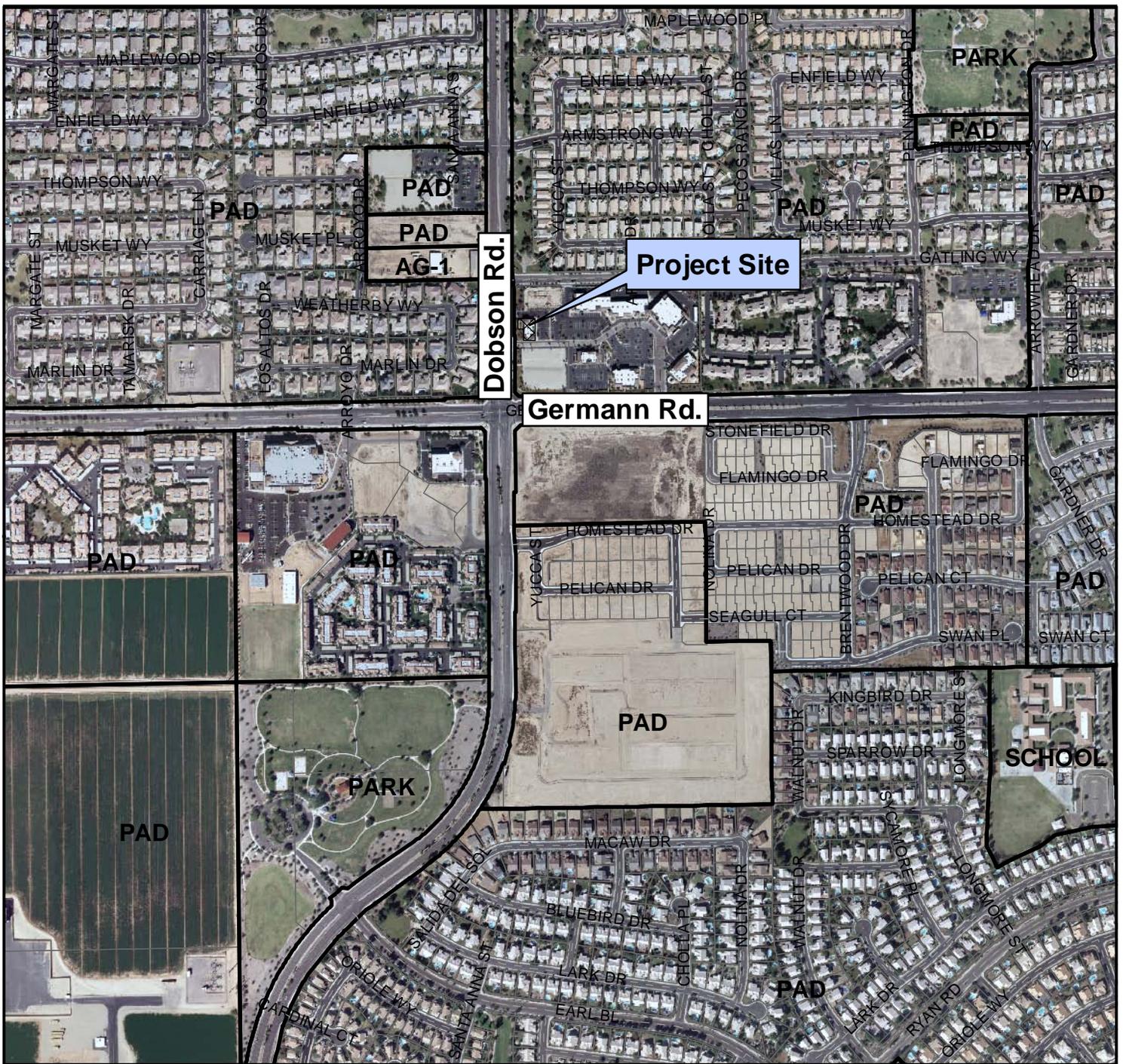


Vicinity Map

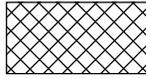
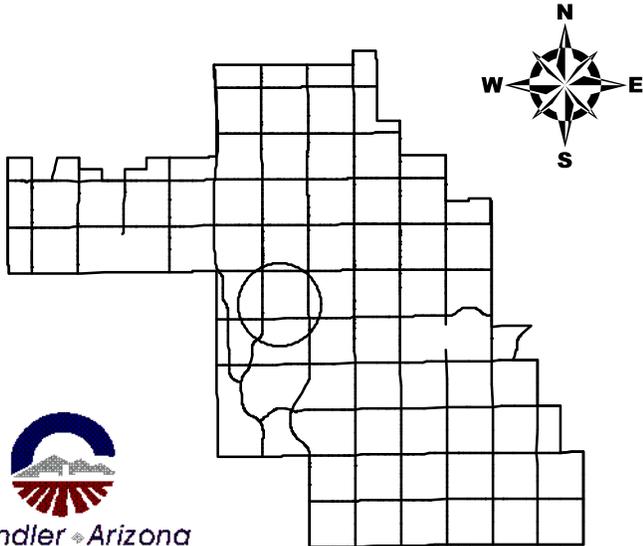


LUP10-0028

**Uncle Bear's Grill and Bar
Liquor Use Permit**



Vicinity Map



LUP10-0028

**Uncle Bear's Grill and Bar
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 Department
Current Planning Division
215 East Buffalo Street
Chandler, AZ 85225

June 10, 2010

To Whom It May Concern:

We would like to respectfully request a Liquor Use Permit for a Series 12 liquor license located at Uncle Bear's Grill and Bar 1980 West Germann Rd in Chandler. It's a casual restaurant with a menu that consists of burgers, pasta, sandwiches, salads, fajitas and appetizers.

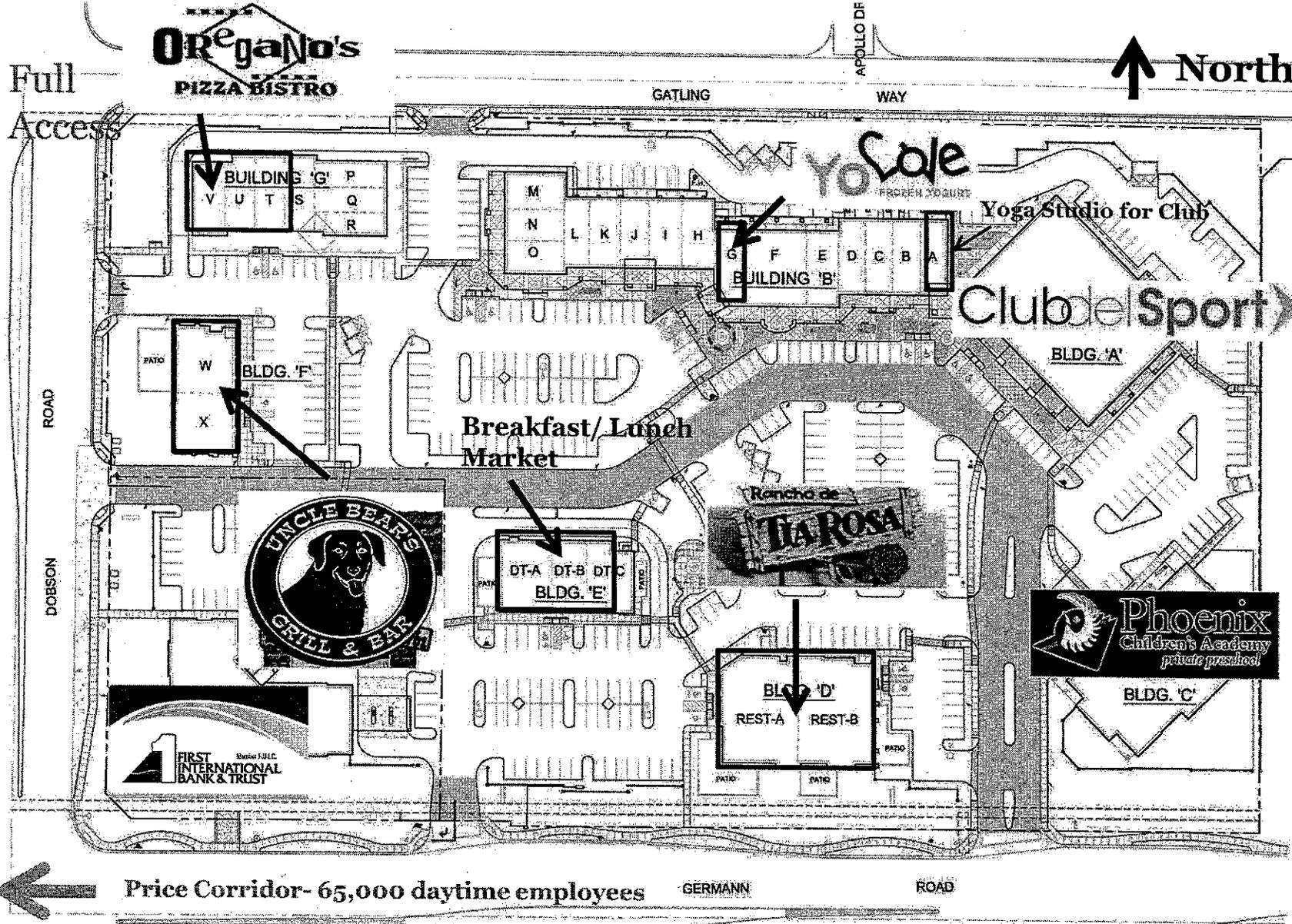
Uncle Bear's Grill and Bar is a 3,171 square foot restaurant and the patio area is 1,684 square feet.

The regular business hours will be from 11 am to 12 am Monday through Thursday, 11 am to 2 am Friday, 10 am to 2 am Saturday and 10 am to 12 am Sunday. It will employ 70 full and part time employees. We will have approximately 116 restaurant seats, 50 bar seats and 75 on the patio. We will have 8 speakers on the patio, 8 inside the restaurant area and 8 at the bar. At this point it is not fully determined but there should be 10-15 tv's at a variety of sizes throughout the restaurant.

Sincerely,

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

Amy Nations



- Building B:**
 A: Club del Sport: 1,000
 B: 1,620
 C: 1,300
 D: 1,325
 E: 1,600
 F: 2,810
 G: 1,530
 H: 1,205
 I: 1,400
 J: 1,355
 K: 1,355
 L: 1,050
 M: 1,330
 N: 1,320
 O: 1,330

Building D:
 Tia Rosas: 10,220

Building E:
 DT-A: 2,200
 Patio 1: 700
 DT-B: 2,000
 DT-C: 1,885
 Patio 2: 280

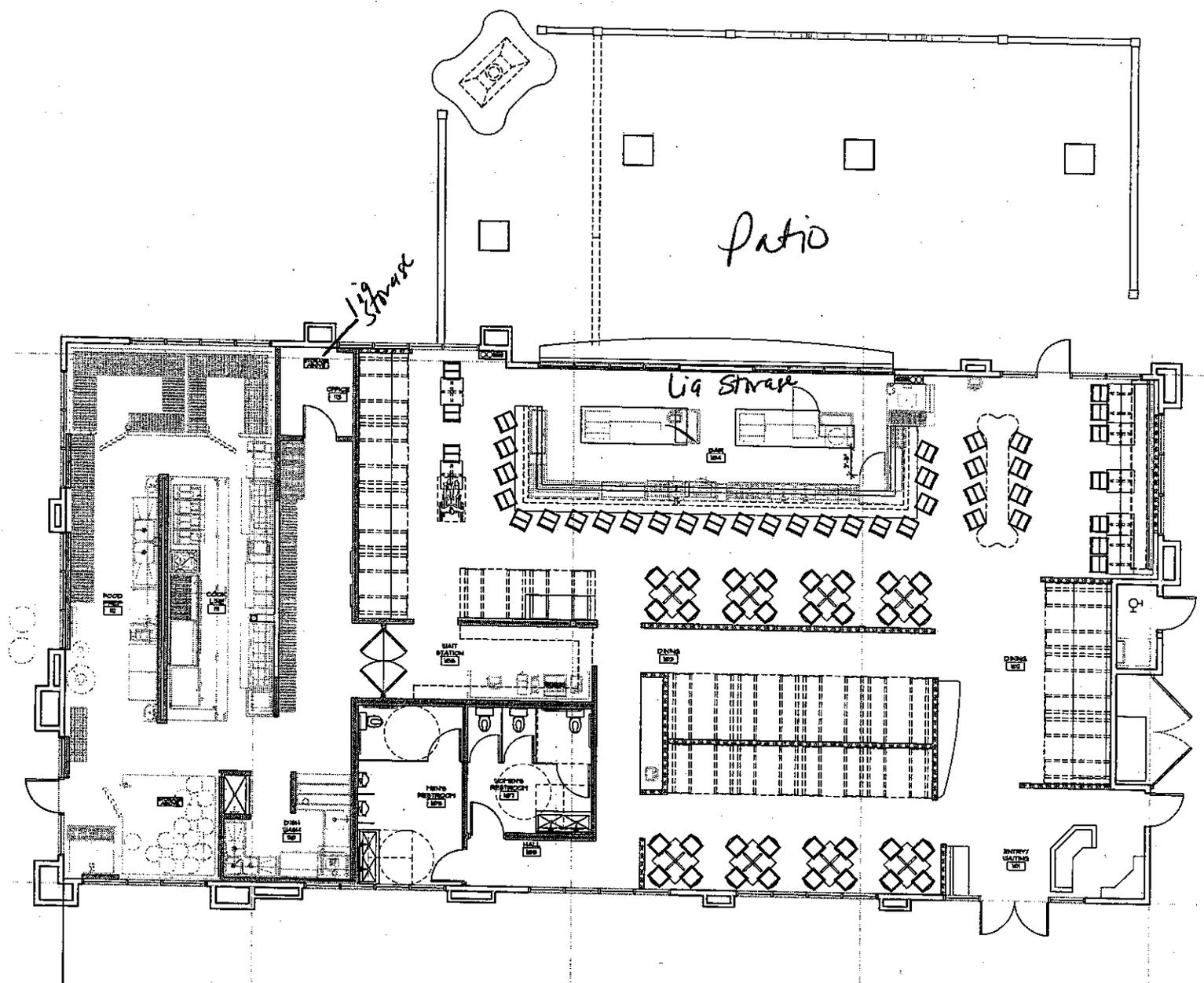
Building F:
 W: 3,200
 Patio: 1,495
 X: 1,655

Building G:
 Oreganos: 4,415
 S: 1,404
 R: 1,108
 Q: 1,165
 P: 1,165

Signalize
 Intersection

Full Access

The Shops at Pecos Ranch



Lia Storage

patio

Lia Street

MATT STATION

LIQUOR REFRIGERATOR

BATH

STAFF

4

3

2

4,855 sq ft.