



MEMORANDUM **Planning Division – PZ Memo No. 16-077**

DATE: OCTOBER 5, 2016
TO: PLANNING AND ZONING COMMISSION
THRU: JEFF KURTZ, PLANNING ADMINISTRATOR
 KEVIN MAYO, PLANNING MANAGER
FROM: LAUREN SCHUMANN, CITY PLANNER
SUBJECT: LUP16-0034 CRUST SIMPLY ITALIAN

Request: Liquor Use Permit approval for extension of premises for a patio addition and to continue to sell and serve all types of spirituous liquor for on-premise consumption as permitted under a Series 12 Restaurant License and continue live music indoors at an existing restaurant

Location: 10 N. San Marcos Place, northeast corner of San Marcos Place and Commonwealth Avenue

Applicant: David Ross; Ross Design Group, LLC

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Staff recommends approval subject to conditions.

BACKGROUND

The subject site is located within the inline retail shops of the Crowne Plaza San Marcos Golf Resort. The suite is at the resort’s southeast corner off of San Marcos Place and Commonwealth Avenue. The existing restaurant and bar is a two floor business; Crust Simply Italian on the ground floor and a speakeasy bar in the basement. The restaurant seats 74 and is approximately 4,128 square feet with outdoor dining patios along both street frontages. The basement bar is approximately 2,248 square feet and seats 71 persons. Crust Simply Italian is requesting an extension of premises for a patio addition of 497 square feet along the existing east patio. The patios have been designed to meet the CCD zoning standards including location, distance from public infrastructure, passing space, and fence height.

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Crust Simply Italian currently operates under a Series 12 Restaurant License and received Liquor Use Permit approval in March 2015, with a time condition of one year due to the live music request. This request also includes approval to continue to sell and serve all types of spirituous liquors for on-premise consumption indoors and within an outdoor patio, as permitted under a Series 12 Restaurant License. A Series 12 Restaurant License allows an establishment the on-site sale and serving of types of spirituous liquor for on-premise consumption and requires at least 40% of gross revenue from the sale of food and non-alcoholic beverages.

The request includes continuing live music/entertainment occurring in the speakeasy or indoors within the restaurant. The live music may be a small group, acoustic, non-amplified, and singing. Conditions per the prior Liquor Use Permit, regarding live entertainment and associated noise, will remain. Hours of operation intend to be from 11 a.m. until 1 a.m., Sunday through Thursday, 11 a.m. until 2 a.m. on Friday and Saturday. The restaurant will be open seven days per week.

DISCUSSION

Planning Staff supports the request, finding the restaurant with live music indoors is appropriate at this location if the music continues to be controlled so as not unreasonably disturb the surrounding residents and businesses. There have been no complaints filed with the Police Department or opposition during the neighborhood or public notification process. Planning Staff is not recommending a time condition on this Liquor Use Permit due to the success of the business's operation.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood notice letter was mailed to area property owners and City Registered Neighborhood Organization contacts in lieu of a meeting.
- As of the writing of this memo, Planning Staff is not aware of any opposition or concerns with this request.

RECOMMENDED ACTION

Planning Staff recommends Planning Commission motion to recommend approval of LUP16-0034 CRUST SIMPLY ITALIAN, subject to the following conditions:

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant License only, and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.

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6. Music shall occur indoors only.

PROPOSED MOTION

Motion Planning Commission to recommend approval of Liquor Use Permit case LUP16-0034 CRUST SIMPLY ITALIAN, subject to the conditions as recommended by Planning Staff.

Attachments

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

NARRATIVE LUP16-0034 CRUST SIMPLY ITALIAN

Located at the South/East corner of The San Marcos Resort and Hotel, Crust Restaurant is proposing to extend its outdoor dining patio along the east facing side of the restaurant. The ground floor for Crust is 4,128 S.F. and the basement lounge is 2,248 S.F.

The top floor is an east coast Italian and Pizza concept with our focus on being a value to the community, friendly service and an outstanding product. While we expect most of our alcohol sales to be concentrated around beer and wine, we offer a full bar selection for variety. We will continue to operate under a Series 12 Restaurant License as we have for the past year at this location and will continue our high standards of services and responsibility to the public. We have TV's, background music and at times we will have live entertainment indoors in an extremely scaled down way. Live music it would consist of a 1-2 piece band, acoustic in style, perhaps singing, and 1-2 non-amplified instruments. The downstairs is more focused to being an extension of Crust while offering signature cocktails and the capability of a private dining room.

The upstairs consists of 4,128 S.F. of total restaurant space with the seating of approximately 74. The down stairs consists of a total square footage of 2,810 with the seating capacity of approximately 71. We have an existing patio area which complies with all Arizona laws and is a smoke free area that is 500 S.F. and seats approximately 35 guests.

Located at the outside patio along the East side of the restaurant, Crust would like to increase the size of the existing patio by adding 497 square feet. As the hotel is doing some remodeling along the eastern side, the existing sidewalk running along north San Marcos place will align with the edge of the new patio, for a seamless walkway from the south all the way to the north. This sidewalk will be continuous aligned along N. San Marcos place. The fence rail must be a min. of 32 inches in height above the adjacent sidewalk or paved area. Planter boxes shall be allowed as long as they are within city development standards. (Approved in previous arc review submittal ARC -15-001 February 17, 2015) Wrought iron will match the fence and gates similar to the hotel's. The existing patio of 500 sq. feet will require an update to the extension of premises for Crust, by adding 497 S.F.

Outdoor music speakers complying with city of Chandler outdoor guidelines pertaining to light, music, noise levels will be complied with.

The operator of the premises will be responsible for maintaining the enclosure barrier required per subsection 35-3203.E.4 and the affected area of the sidewalk right of way, both within and outside the enclosure, in a clean and orderly manner, free of all litter and stains as may otherwise be generated from the serving area.

A class 2 encroachment permit is required for the extension of premises.