B.

NOV - 4 2015

Chandler
All-America City
2010

Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Planning Division - PZ Memo No. 15-097**

DATE: NOVEMBER 4, 2015

TO: PLANNING AND ZONING COMMISSION

THRU: JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

FROM: SUSAN FIALA, CITY PLANNER SF

SUBJECT: LUP15-0017 EL HERRADERO

Request: Liquor Use Permit approval to continue to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption in an existing restaurant and continue live entertainment indoors

Location: 474 West Ray Road, east of the northeast corner of Ray Road and Iowa Street

Applicant: Amanda Adams

RECOMMENDATION

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

BACKGROUND

El Herradero is an existing restaurant located east of the northeast corner of Ray Road and Iowa Street, within Thunderbird Plaza. Thunderbird Estates single-family subdivision is north, commercial retail uses on east and west.

The request is for Liquor Use Permit approval to continue to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and continue indoor live entertainment. Council approved the previous Liquor Use Permit on August 14, 2014, with a time condition of one year. The current request is for an extension of the Liquor Use Permit without any further time condition.

The restaurant's operational plan remains the same. Hours of operation are 9 a.m. until 8 p.m., Monday through Thursday, and from 9 a.m. until midnight, Friday through Sunday. Live entertainment, including live music and dances, occurs between the hours of 1 p.m. to 4 p.m. on the weekend, and dances with live music occurs on Friday and Saturday, from 9 p.m. until

midnight. Conditions of approval addressing potential noise concerns due to the proximity to the single-family subdivision remain. A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-premise consumption. Under a typical Series 12 license the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

Planning Staff is not recommending a time condition 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 meeting was held on October 1, 2015. One resident attended the meeting and inquired about the restaurant's operation and if there were noise complaints.
- Planning Staff received a phone call from a resident stating their opposition to the request and voiced concerns related to serving liquor by their home, liquor and live entertainment brings unwanted people into their neighborhood, and loud music. Neither Planning Staff nor the Police were contacted concerning the loud music/noise issue. The time of day and days of the week, when loud music occurred, cannot be verified since there is no record or correspondence of the incident(s).

RECOMMENDED ACTION

Planning Staff recommends Planning Commission motion to recommend approval of LUP15-0017 EL HERRADERO, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Floor Plan, and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.

2. The Liquor 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.

3. The Liquor Use Permit is non-transferable to any other location.

4. 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.

5. No noise shall be emitted from the live entertainment occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

6. The site shall be maintained in a clean and orderly manner.

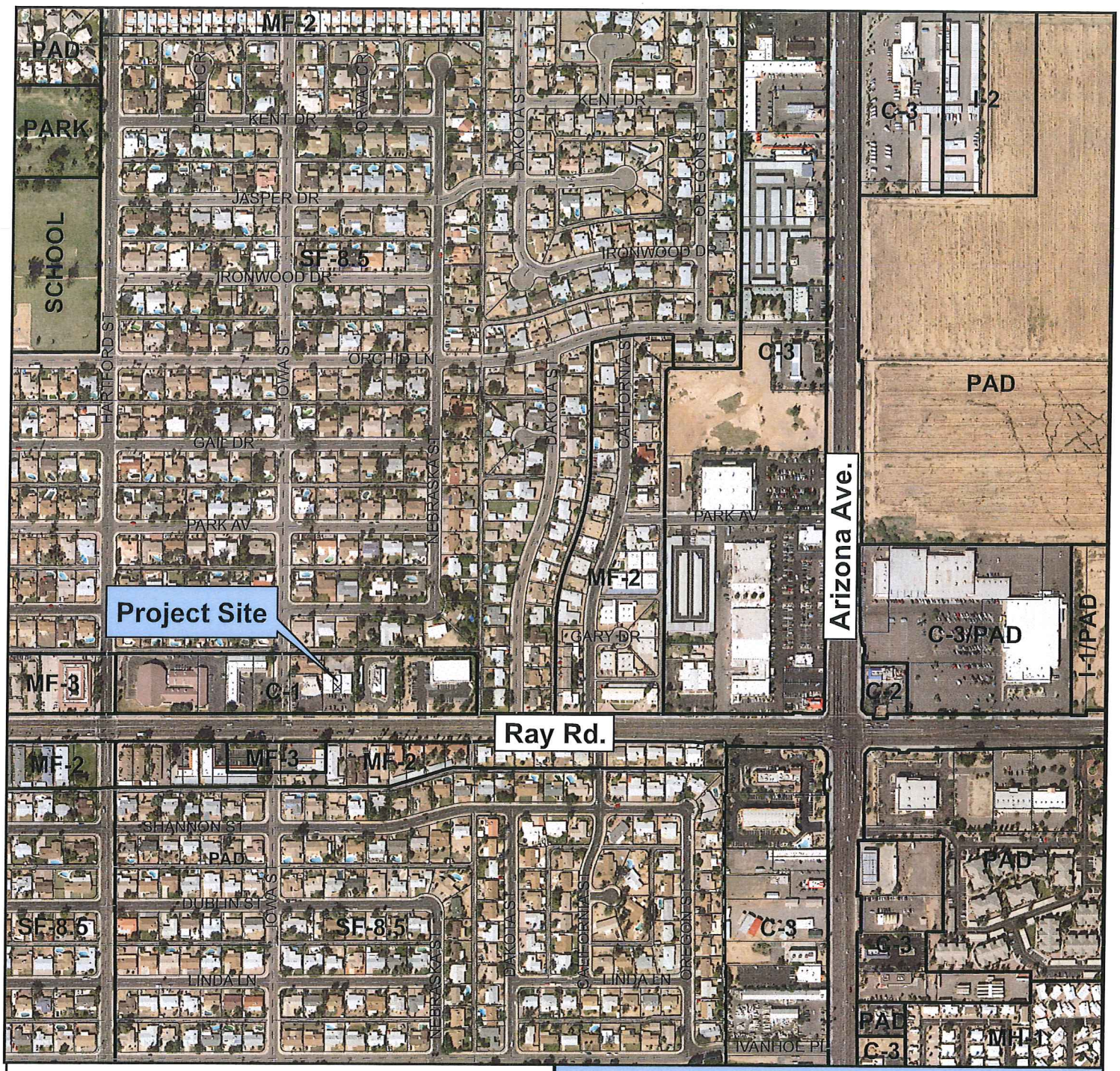
7. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

PROPOSED MOTION

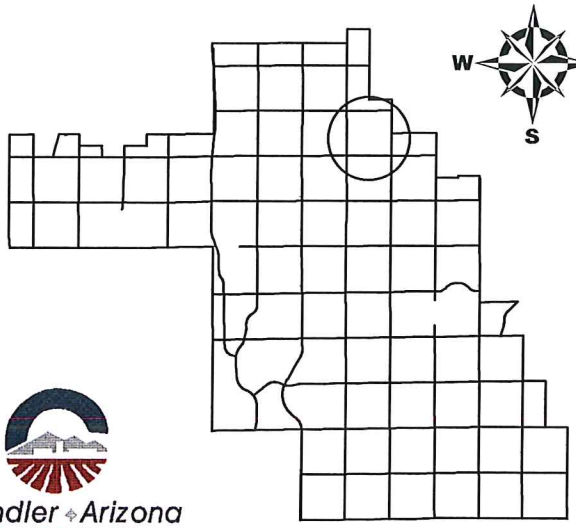
Motion Planning Commission to recommend approval of Liquor Use Permit LUP15-0017 EL HERRADERO, subject to the conditions as recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Floor Plan
3. Narrative



Vicinity Map

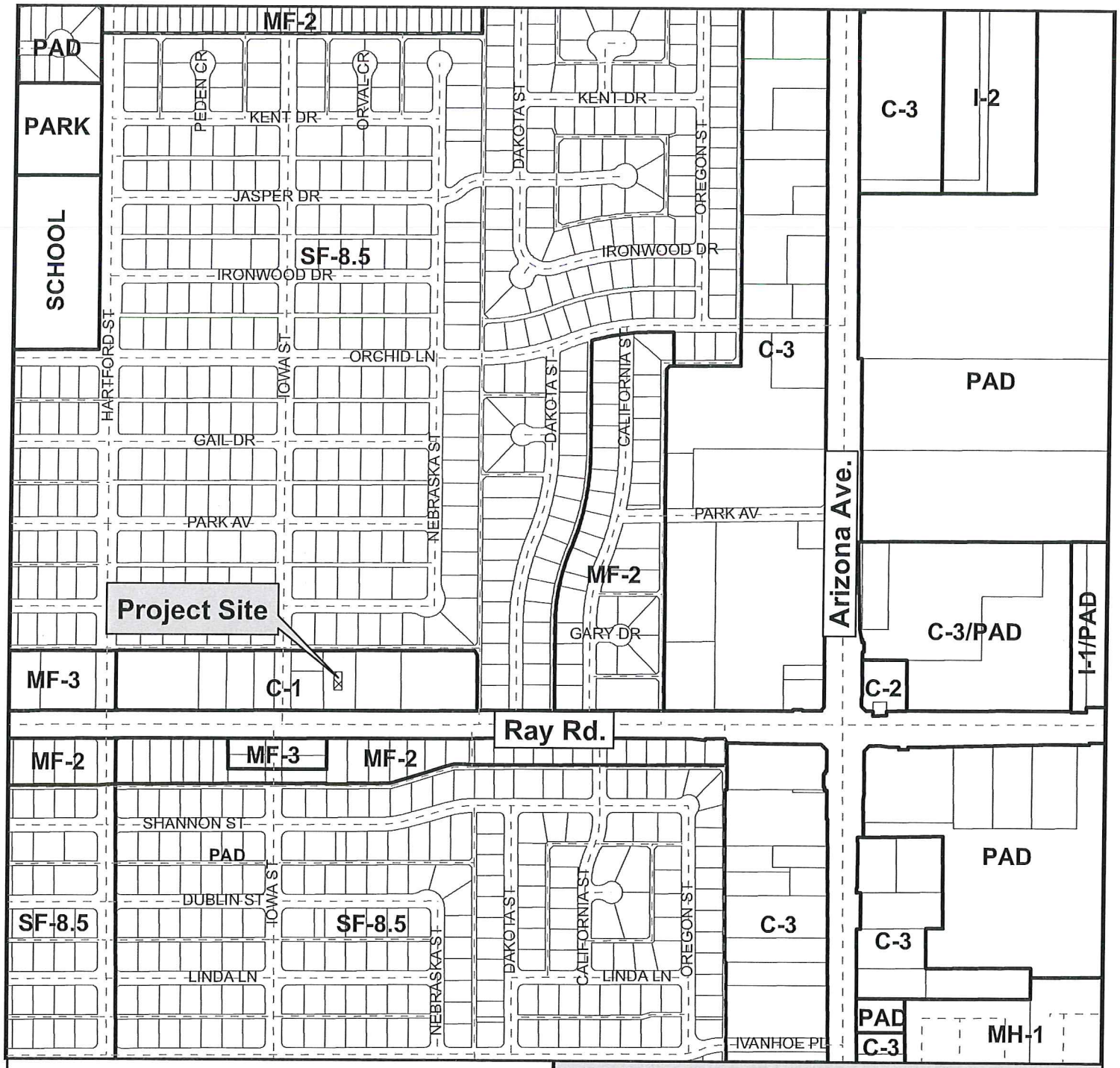


Chandler Arizona
Where Values Make The Difference

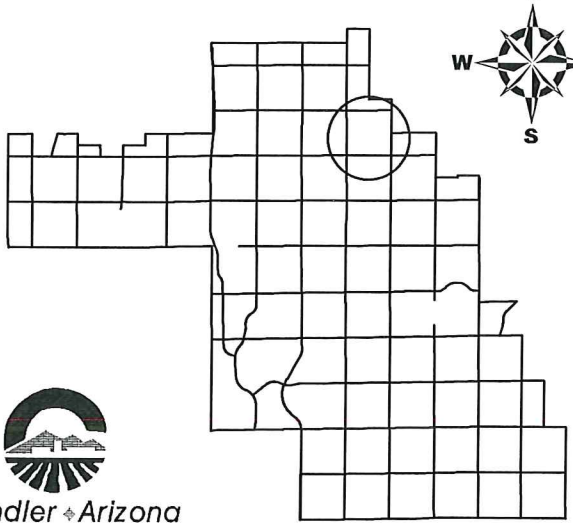
LUP15-0017

El Herradero
Liquor Use Permit

CITY OF CHANDLER 8/18/2015



Vicinity Map



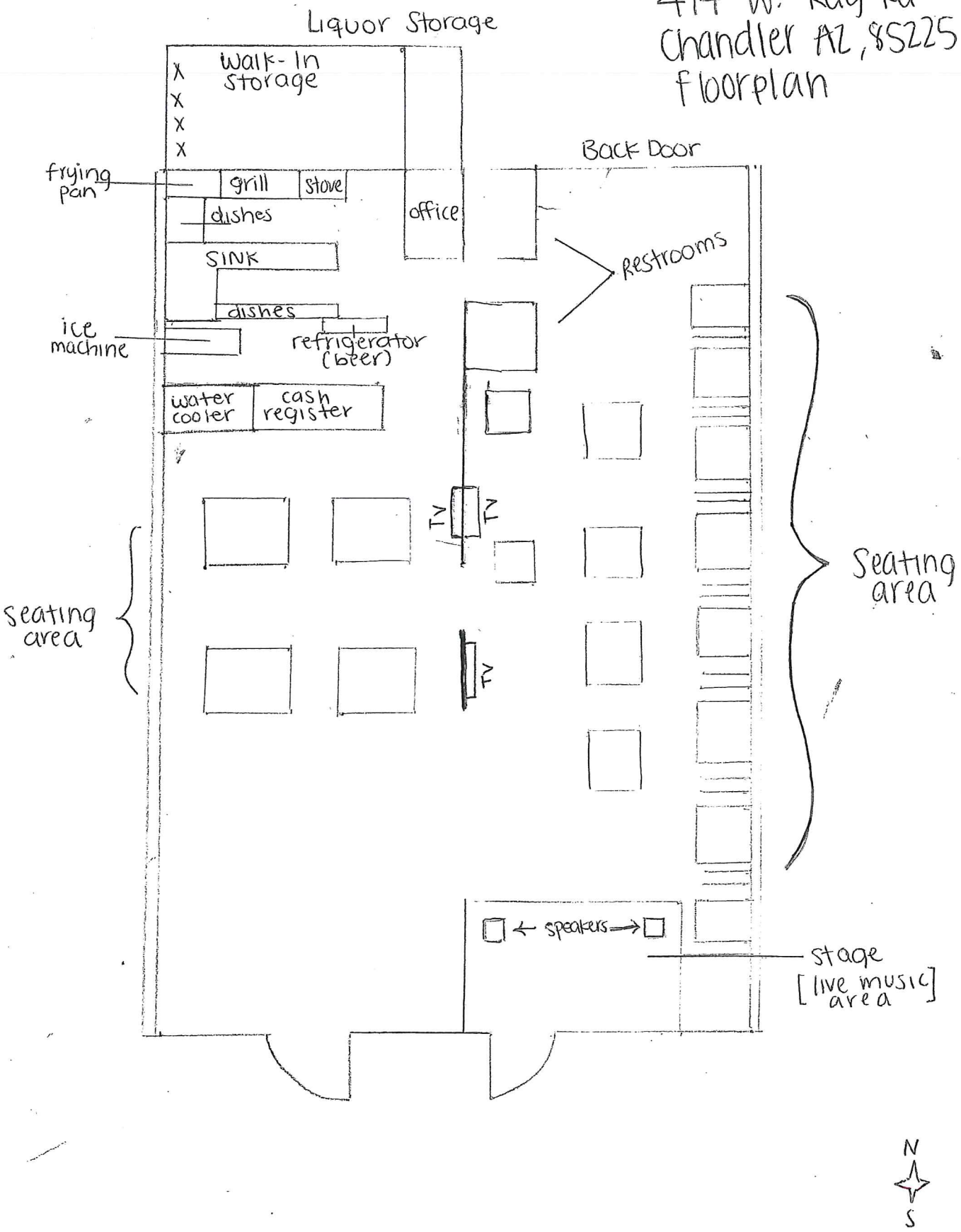
Chandler Arizona
Where Values Make The Difference

LUP15-0017

El Herradero
Liquor Use Permit

CITY OF CHANDLER 8/18/2015

El Herradero
474 W. Ray Rd
Chandler AZ, 85225
floorplan



Chandler, Az., September 9, 2015

City of Chandler

PROJECT NARRATIVE

El Herradero, LLC, is a Mexican restaurant located at 474 W. Ray Rd., Chandler, AZ., 85225. The subject size is 2,400 Square foot inline suite. West of the inline shops space is a convenience store; east of the center is a Sonic drive-thru restaurant; north of the commercial center is the Thunderbird Estates single-family residential neighborhood.

The previous restaurant was approved for a Series 12 Restaurant liquor use permit with live entertainment. The restaurant has since vacated and El Herradero has taken over the site with a new restaurant and different owners. Our operating hours are Monday through Thursday 9 am to 8 pm, and Friday through Sunday 9 am to 12 pm. The restaurant has seating for 60 or more people and is currently employing 4 people. We're requesting to continue our liquor use permit because we want to include alcoholic beverages such as beer, micheladas, and margaritas in our menu. In addition to the sale of alcohol, the restaurant proposes to continue to have occasional live music Saturday and Sunday from 1 pm to 4 pm and dances with live music Friday and Saturday nights from 9 pm to 12 am. All taking place inside. The live music area is located at the front of the building, furthest away from residential homes in the same as the previously approved liquor use permit. We will be using speakers to amplify sound but no noise shall be emitted from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent business and residents.