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MEMORANDUM

Planning Division – PZ Memo No. 16-039

DATE: JUNE 1, 2016

TO: PLANNING AND ZONING COMMISSION

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

FROM: LAUREN SCHUMANN, CITY PLANNER

SUBJECT: LUP16-0012 GOOD TIME CHARLI'S

Request: Liquor Use Permit approval to sell and serve spirituous liquor for on-premise consumption indoors and within an outdoor patio as permitted under a Series 12 Restaurant License, and request live music indoors and within an outdoor patio at a new restaurant

Location: 6045 W. Chandler Boulevard, Suite 7
Southwest corner of Chandler Boulevard and Kyrene Road

Applicant: Amy Nations; Arizona Liquor Industry Consultants

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 at the southwest corner of Chandler Boulevard and Kyrene Road within Kyrene Village, with frontage along Kyrene Road. The commercial shopping center is surrounded by commercial and industrial uses, including the Paloma Kyrene Business Park to the south, Kyrene Crossing to the east, and Chandler Business Center to the north. The nearest residential neighborhood is the Sorrento Subdivision located to the southeast of the shopping center, east of Kyrene Road. The subject site has been serving liquor since 1988, previous liquor licenses have been for Series 12 Restaurant Licenses and a Series 6 Bar License. Suite 7 was previously occupied by Beef O'Brady's and Regal Beagle. In the past under previous owners, noise disturbances had been a problem at this site for surrounding neighbors.

Good Time Charli's, a new neighborhood gastro pub restaurant, request Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License indoors and within an

outdoor patio. The request also includes approval for live music indoors and on the outdoor patio. Good Time Charli's has represented live music can occur up to four nights a week with either a classic rock, jazz or acoustic band. Live music on the patio will be limited to Friday through Sunday until 7 p.m. and only acoustic bands with a small amplifier. The patio will also have two televisions with four, eight inch speakers for sporting events. Future plans include adding a shade structure over the patio and planting trees along the boundary of the patio to help mitigate sound. The new business owners have worked with residents within the Sorrento Subdivision and want the opportunity to prove they will be good neighbors. Sound proofing material has been added to interior windows to help absorb noise from live music indoors. Music indoors may go until 2 a.m.

The 3,980 square foot restaurant seats 135 persons, 25 bar seats, and the 489 square foot outdoor patio seats 24 persons. The regular hours of operation are 10 a.m. to 2 a.m., seven days a week. The restaurant will employ three full time employees and 20 part time employees.

DISCUSSION

Planning Staff supports the request, finding the restaurant with live music is appropriate at this location if controlled so as to not unreasonably disturb the surrounding residents and businesses. The one-year timing condition allows evaluation of the compatibility of the live entertainment.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on May 4, 2016. The applicant, the three business owners, and five residents including the Sorrento HOA's President were in attendance. Residents had concerns about the new business being another Regal Beagle, and the live music on the outdoor patio. Residents were not concerned about the Liquor Use Permit or the live music indoors. The business owners were very clear they wanted to prove Good Time Charli's was a restaurant with great food and live music. Being musicians themselves, they understand how to mitigate the sound. The business owners have offered a sound test to residents at the neighborhood meeting.
- As of the writing of this memo, Planning Staff is not aware of any opposition against the request. Residents have stated they have reservations, but are comfortable with the stipulations recommended per the request. The one-year timing stipulation allows them to address any issues in a year.

RECOMMENDED ACTION

Planning Staff recommends Planning Commission motion to recommend approval of LUP16-0012 GOOD TIME CHARLI'S, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, 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 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.

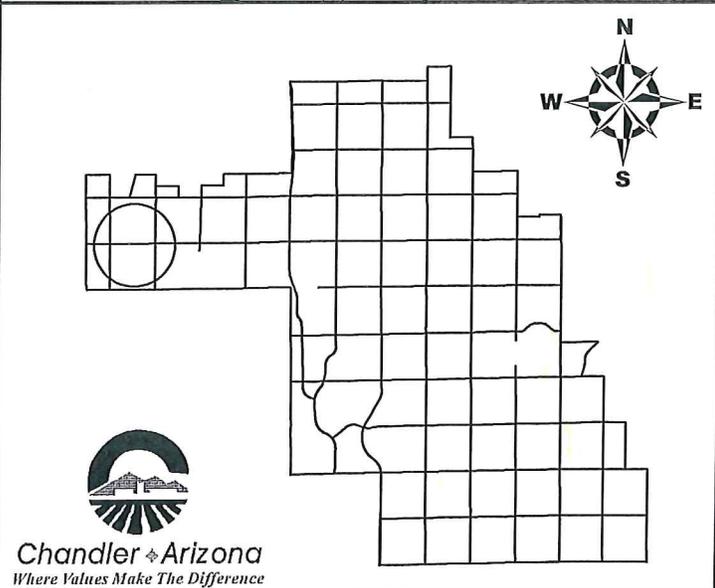
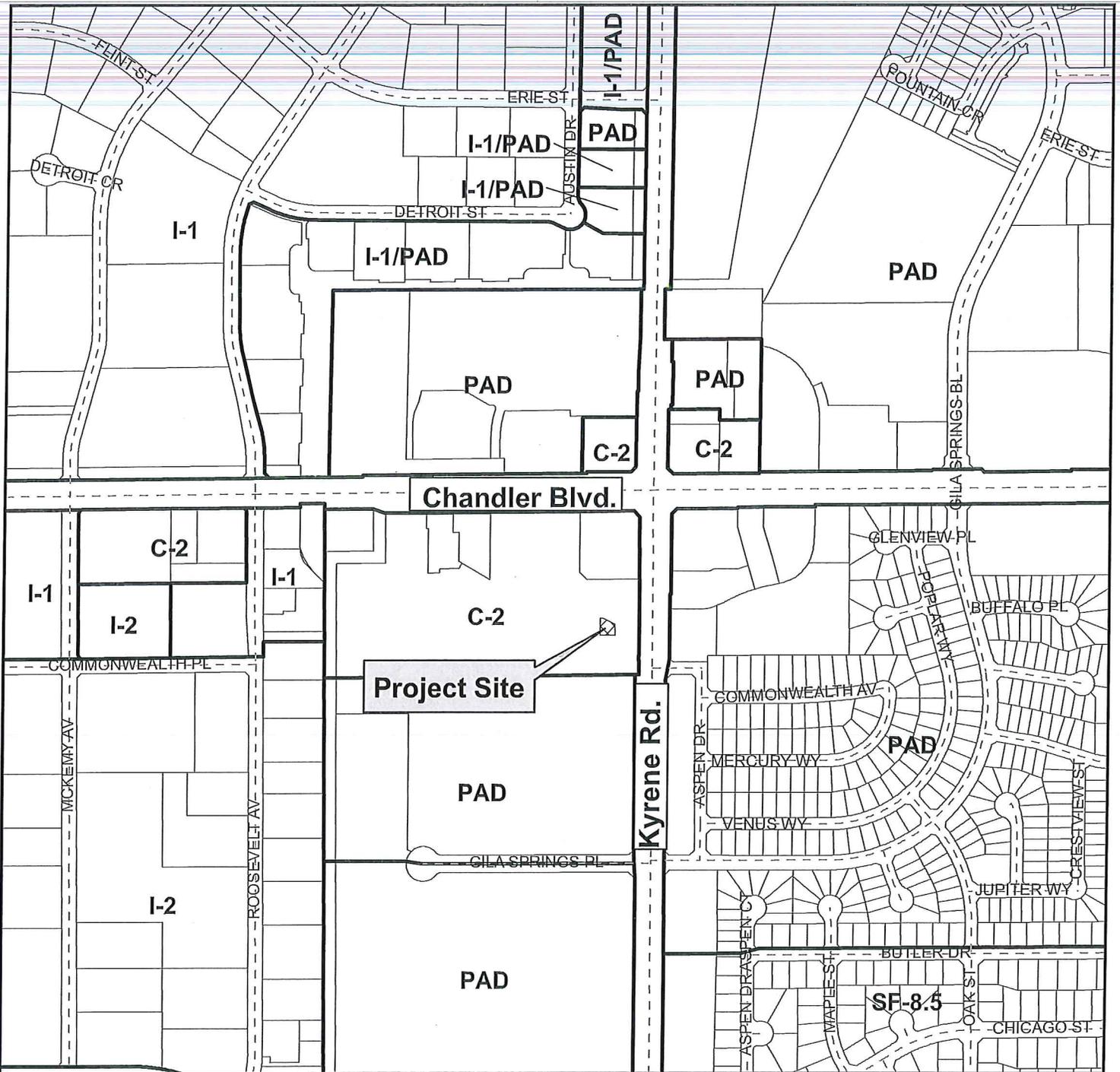
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.
5. No noise shall be emitted from outdoor speakers or acoustical musicians on the patios so that it exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
6. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. The establishment shall provide a contact phone number of a responsible person (restaurant owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.
8. Live music on the patio can occur Friday through Sunday, no later than 7 p.m, and limited to acoustic bands only.
9. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

Motion Planning Commission to recommend approval of Liquor Use Permit case LUP16-0012 GOOD TIME CHARLI'S, subject to the conditions as recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Floor Plan
4. Letter From Adjacent Resident

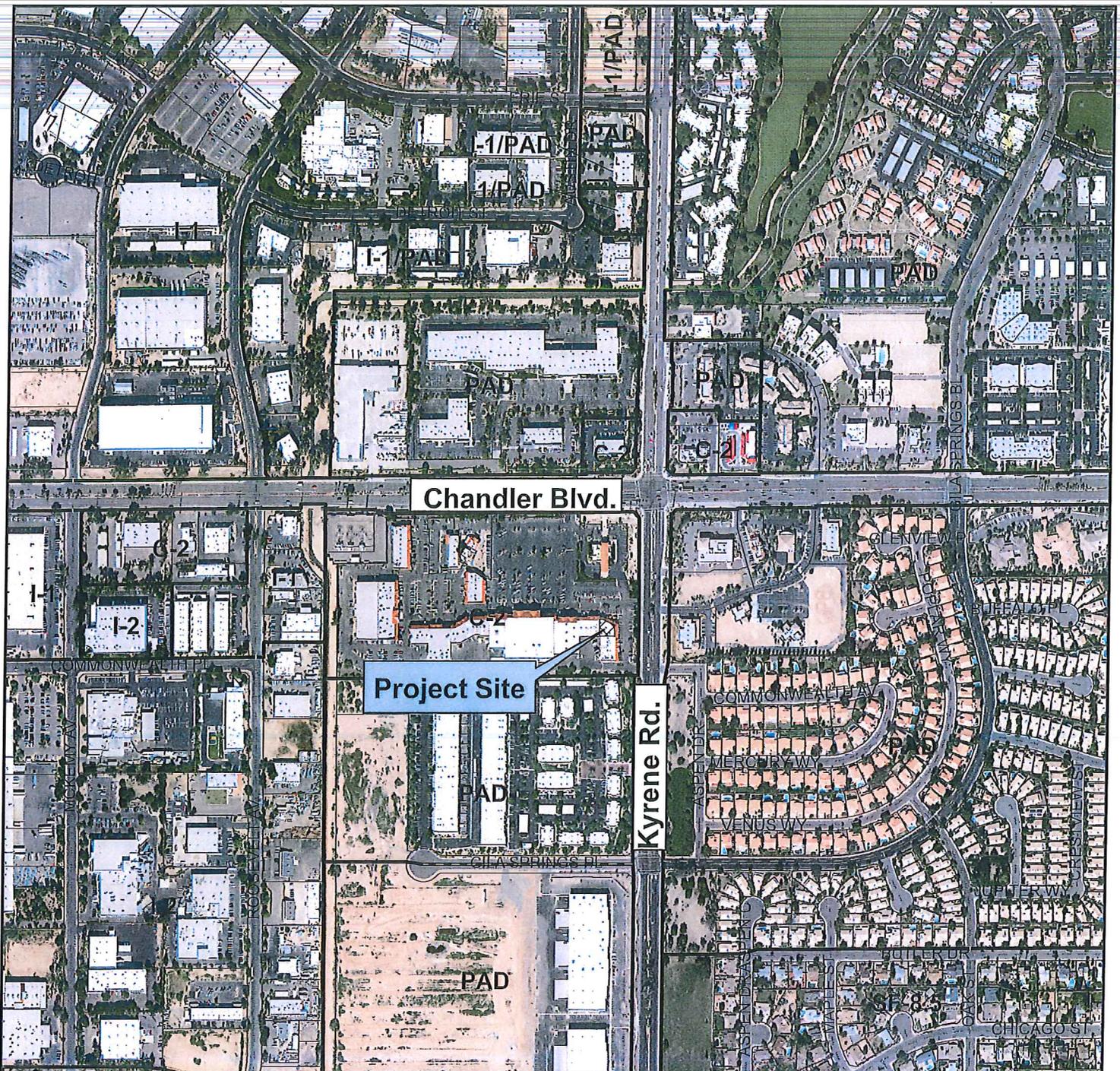


Vicinity Map



LUP16-0012

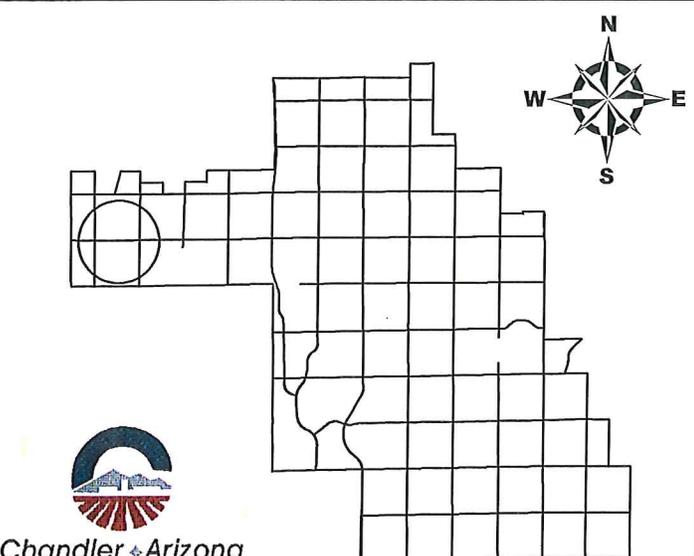
**Good Times Charli's
Liquor Use Permit**



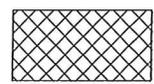
Chandler Blvd.

Project Site

Kyrene Rd.



Vicinity Map



LUP16-0012

**Good Times Charli's
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 Transportation and Development Department
Planning Division
215 East Buffalo Street
Chandler, AZ 85225

May 12, 2016

To Whom It May Concern:

We would like to respectfully request a Liquor Use Permit for a Series 12 on sale liquor for a new restaurant, Good Time Charli's located at 6045 W. Chandler Blvd, Suite #7. This is a neighborhood gastro pub and we would like to request permission for alcohol consumption indoors and outdoors. Good Time Charli's in total is a 3,980 square foot restaurant and the patio area is 489 square feet with 24 seats on the patio. The patio is fully enclosed with a 4 1/2 foot block wall. Future plans for the patio include adding a shade structure and planting ficus trees on the boundary of the patio to help mitigate sound.

The regular business hours will be from 10am to 2 am, 7 days a week. It will employ 3 full time and 20 part time employees. We will have approximately 135 restaurant seats, 25 bar seat and 24 on the patio. There will be 15 TV's throughout restaurant 2-32" TV's on the south wall of the patio and various small speakers throughout the restaurant and approximately 4 speakers up to 8 inches on the patio for sporting events or other programs.

We will provide live entertainment up to 4 nights a week with either a 3-4 person classic rock, jazz or acoustic band. The live entertainment when indoors will face north away from the neighborhood. We will limit use of the door that faces the neighborhood towards east and make this an emergency exit only. Extra sound barriers will be placed to absorb sound within the restaurant and will constantly be monitored. The live entertainment will have a designated section indoor and when there is no live entertainment this area will be used for dining. We are also requesting live acoustic music with a small amplifier to be allowed on the patio during the weekends kept at a low volume playing no later than 7 pm. We may occasionally have guests who will get up and dance but there will not be a dance floor.

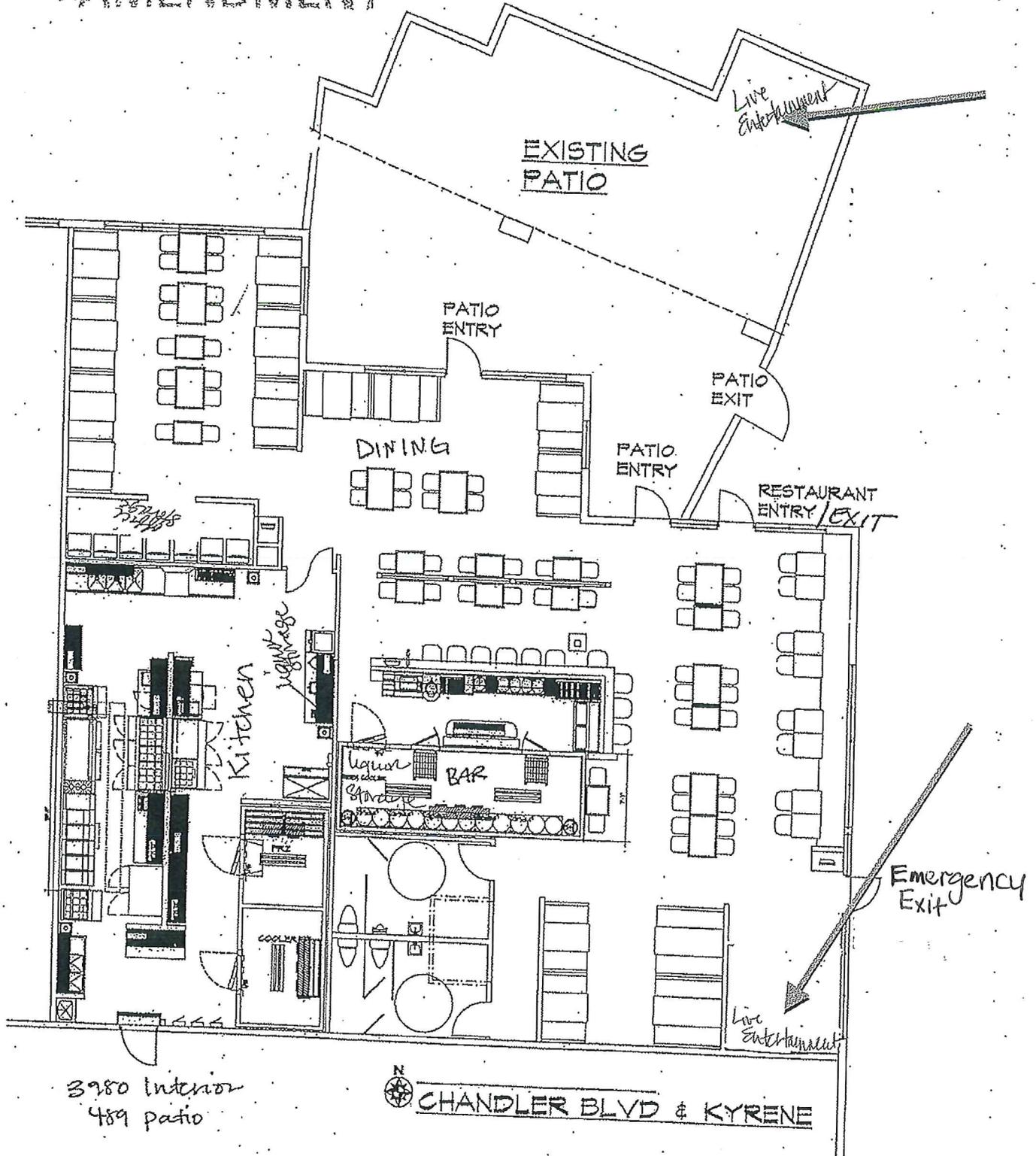
Sincerely,

Amy Nations

A handwritten signature in cursive script that reads "Amy Nations". The signature is written in black ink and is positioned to the right of the printed name.

18 APR 1 11:47. LIC. PM 3 06

AMENDMENT



3980 Interior
489 patio

N
CHANDLER BLVD & KYRENE

Rebecca A. Hall

*5930 West Commonwealth Avenue
Chandler, Arizona 85226*

RE: LUP16-0012 Good Time Charli's
6045 W Chandler Blvd Ste 7, Chandler, AZ 85226
Liquor Use Permit Application

On April 18, 2016, I was notified that there would be a neighborhood meeting for a liquor use permit application by Good Time Charli's, LUP16-0012. I live in the Sorrento home division at the address listed above. The April 18, 2016, letter states the establishment is, "requesting to have live entertainment both indoors and on the patio...We are proposing to have live entertainment 3-4 nights a week having acoustic players, jazz and classical rock...We will keep our outdoor live entertainment to be no later than 9pm and kept at a low volume facing the music towards the west away from the neighborhood."

The neighborhood meeting was held May 4, 2016, at the Sunset Library. I attended the meeting and voiced my concerns regarding any outdoor music. Prior tenants in that location have had outdoor music that was clearly audible in our backyard into late evening hours. The location of the outdoor patio on the eastern edge of the property, closest to Kyrene Boulevard, makes any outdoor music extremely prone to the sound/music being funneled into our neighborhood. It doesn't take much for sound/music to hit warm pavement, bend upwards, and be pushed by the wind into our neighborhood. I am therefore obviously concerned about any outdoor music that might be played or amplified that could disturb the peace and quiet of our neighborhood.

It is my understanding from Ms. Lauren Schumann, City Planner, that the following stipulations would be recommended to be added to the Liquor Use Permit:

1. 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 further will not disturb adjacent businesses and residential areas.
2. Music shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
3. No live entertainment shall occur after 7 p.m. on the patio.
4. The establishment shall provide a contact phone number of a responsible person (restaurant owner and/or manager) to interested neighbors to resolve noise complaints quickly and direct.
5. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
6. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.

Liquor Use Permit Application, Good Time Charli's

While it is preferable to have businesses in that location that are successful rather than have vacant spaces, that preference and the preference of the business to offer outdoor entertainment must be weighed against the disturbance of the peace and quiet of our neighborhood and the high likelihood given the location of that patio that outdoor entertainment will disturb the peace and quiet of our neighborhood.

If the Liquor Use Permit is granted then as a neighbor and resident of Chandler, I would request that the permit be granted with the stipulations stated above for one year approval. Hopefully when Good Time Charli's reapplies in one year there will have been no issues or problems and no noise complaints.

Thank you,

Rebecca A. Hall

5930 West Commonwealth Avenue
Chandler, Arizona 85226