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MEMORANDUM **Planning and Development – PZ Memo No. 09-103**

DATE: SEPTEMBER 22, 2009

TO: PLANNING AND ZONING COMMISSION

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

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

SUBJECT: LUP09-1003 HEART N SOUL BAR AND GRILL

Request: Approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors only at a new restaurant within the McRay Plaza

Location: 3855 West Ray Road, Suite 6-7 the southeast corner of Ray Road and McClintock Drive

Applicant: Cindy Rodriguez, owner

RECOMMENDATION

The application requests approval of a liquor Use Permit as permitted under a Series 12 Restaurant License for on-premise consumption indoors only. The restaurant is located within the McRay Plaza retail center. Staff, finding consistency with the General Plan and PAD zoning, recommends approval.

BACKGROUND

The restaurant is locating in an in-line shops building south of the AMF bowling facility. The new restaurant requests approval of a Series 12 Restaurant License, which allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12 license, the establishment derives at least forty (40) percent of its gross revenue from the sale of food.

The restaurant space is approximately 1800 square feet in size with a seating capacity of 80 persons. The restaurant's hours of operation are Monday-Wednesday 10 a.m.-10 p.m., Thursday-Saturday 10 a.m.-2a.m , and Sunday 10 a m.-10 p.m. There is no outdoor dining area proposed with this request. A separate Liquor Use Permit is required for outdoor dining with liquor service and consumption. The restaurant proposes live entertainment, which will occur Thursday through Saturday. Live entertainment includes jazz bands with amplified music. There will be no stage and the set up will be at the end of dining area.

Staff is recommending a couple of conditions related to potential noise disruptions arising from live music to the adjacent residential neighborhood.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting is scheduled for September 21, 2009. There were no attendees other than the applicant.
- Staff received one phone call from a homeowner behind the shopping center inquiring about the new type of restaurant and if any music was proposed. The homeowner requested there be a condition limiting noise.
- The Police Department has been informed of the application and has responded with no issues or concerns.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and PAD zoning, recommends approval of LUP09-1003 HEART N SOUL BAR AND GRILL Use Permit, subject to the following conditions:

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

2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.

3. The Use Permit is non-transferable to other restaurant locations.

4. No noise shall be emitted 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.

5. The rear door to this business shall remain closed during businesses hours and not be propped open in the evening as to disturb adjacent homeowners when there is live entertainment.

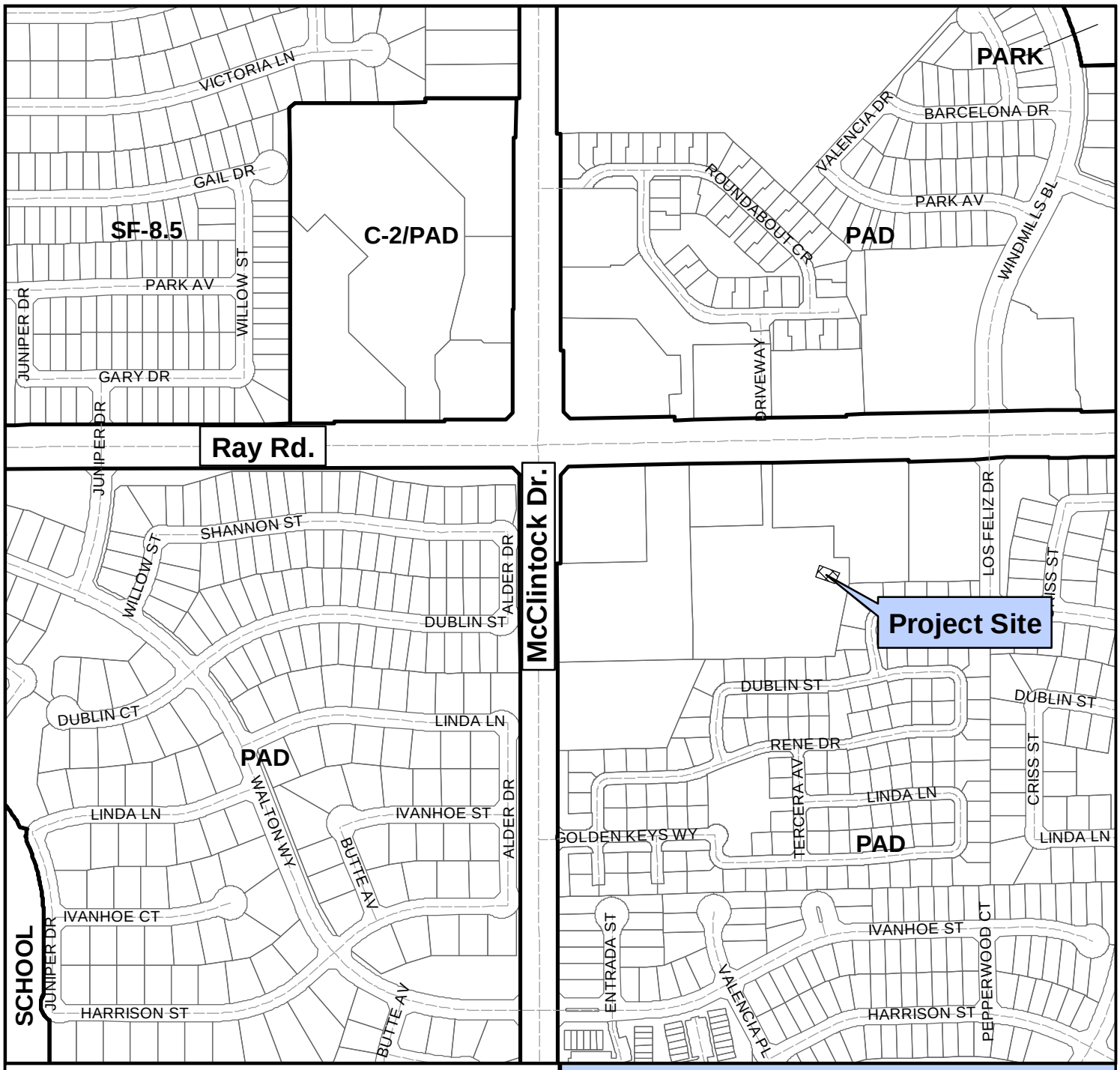
6. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

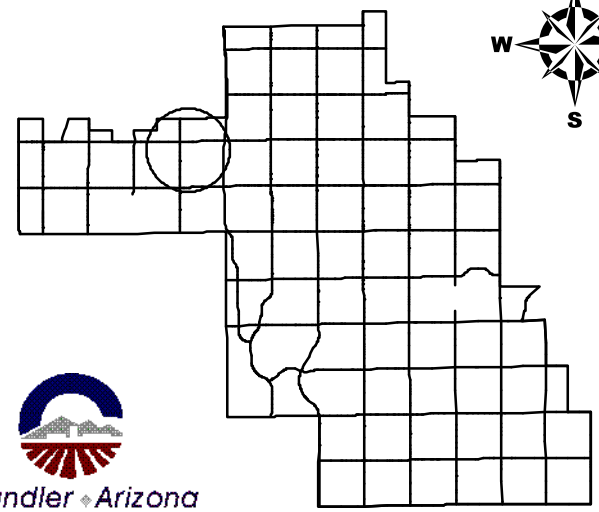
Motion to recommend approval of Use Permit LUP09-1003 HEART N SOUL BAR AND GRILL, subject to the conditions recommended by Staff.

Attachments

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



Vicinity Map



LUP09-1003

Heart N Soul Bar and Grill
Liquor Use Permit

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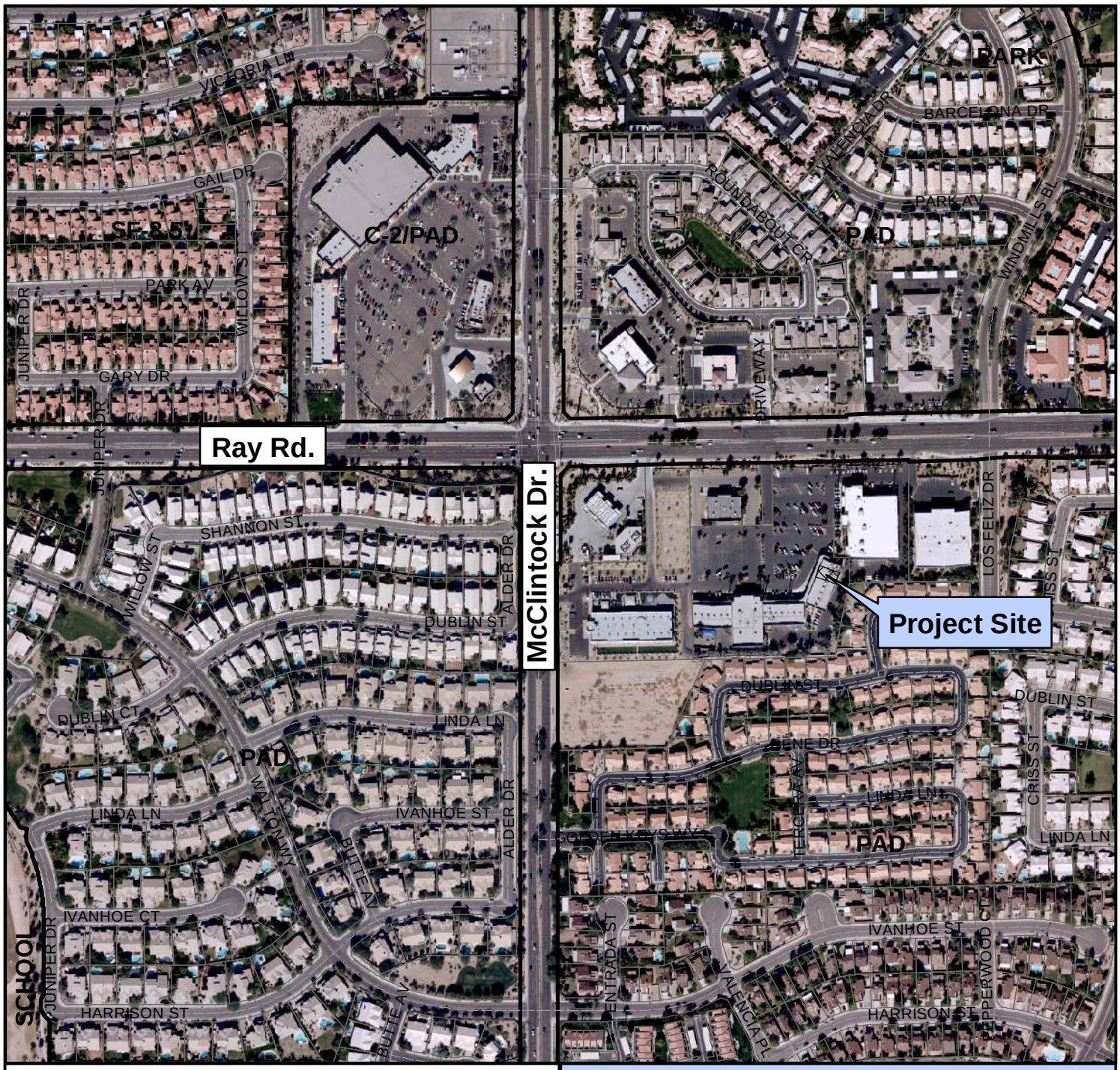
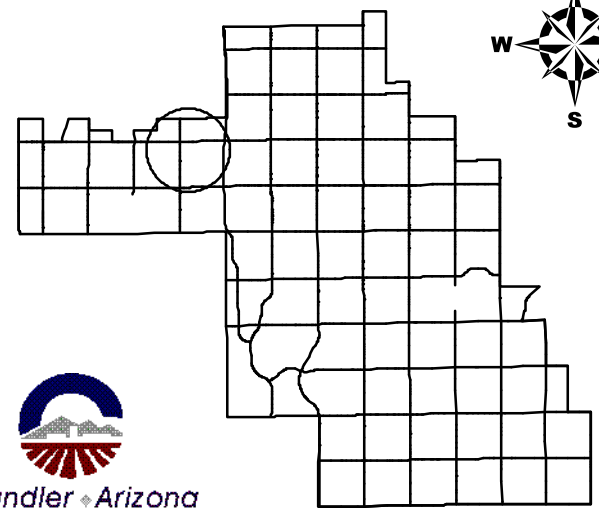
CITY OF CHANDLER 9/2/2009



Vicinity Map



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LUP09-1003

Heart N Soul Bar and Grill
Liquor Use Permit

CITY OF CHANDLER 9/2/2009

September 24, 2009

Heart-N-Soul Bar & Grill

Heart -N-Soul Bar and Grill is a fast/casual family-dining restaurant featuring great tasting Southern style, very healthy Food. We are requesting approval for a Series 12 Restaurant License Liquor Use Permit. We have designed a special menu that features great American favorites with our Southwest twist. The entire menu is made without lard or M.S.G. for our health conscious guests. Heart -N-Soul Bar and Grill will serve beer, wine, sprits, have live music, televisions and speaker music all indoors for our guests.

Heart-N-Soul Bar and Grill will be located in the McRay Plaza shopping center at 3855 W. Ray Road Ste. 6-7. Our hours of operation will be as follows:

Mon-Wed	10am-10pm
Thurs-Sat	10am-2am
Sun	12pm-10pm

Heart-N-Soul Bar and Grill will staff 20-25 full- and part-time employees. The building size is approximately 1,600 square feet and seats a maximum of 80 people. We do not have a patio.

Live music will occur Thursday through Saturday and includes jazz bands with amplified music. There will be no stage and the set up will be at the end of dining area.

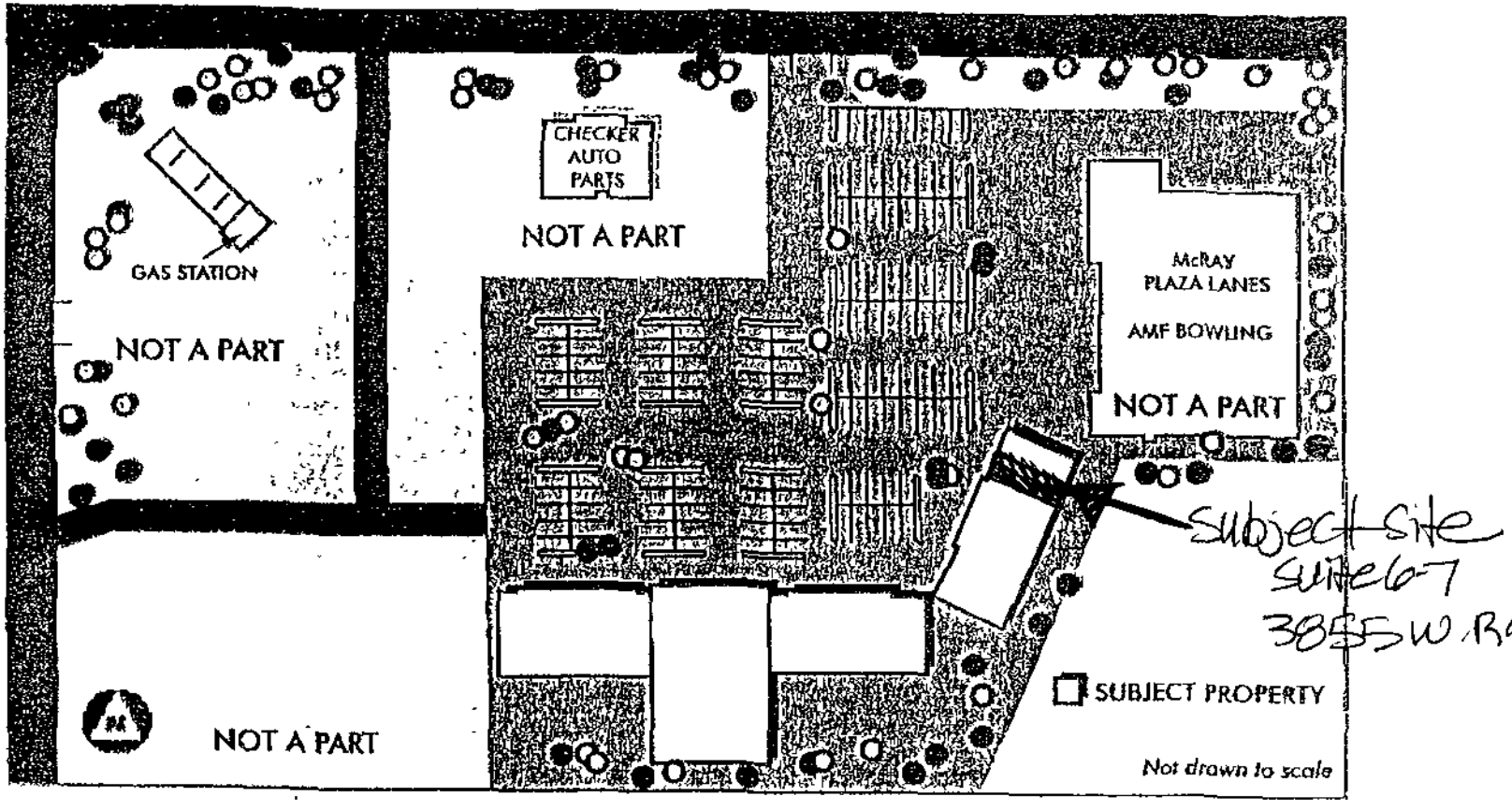
Cindy L. Rodriguez
Heart-Soul-Bar and Grill
Owner

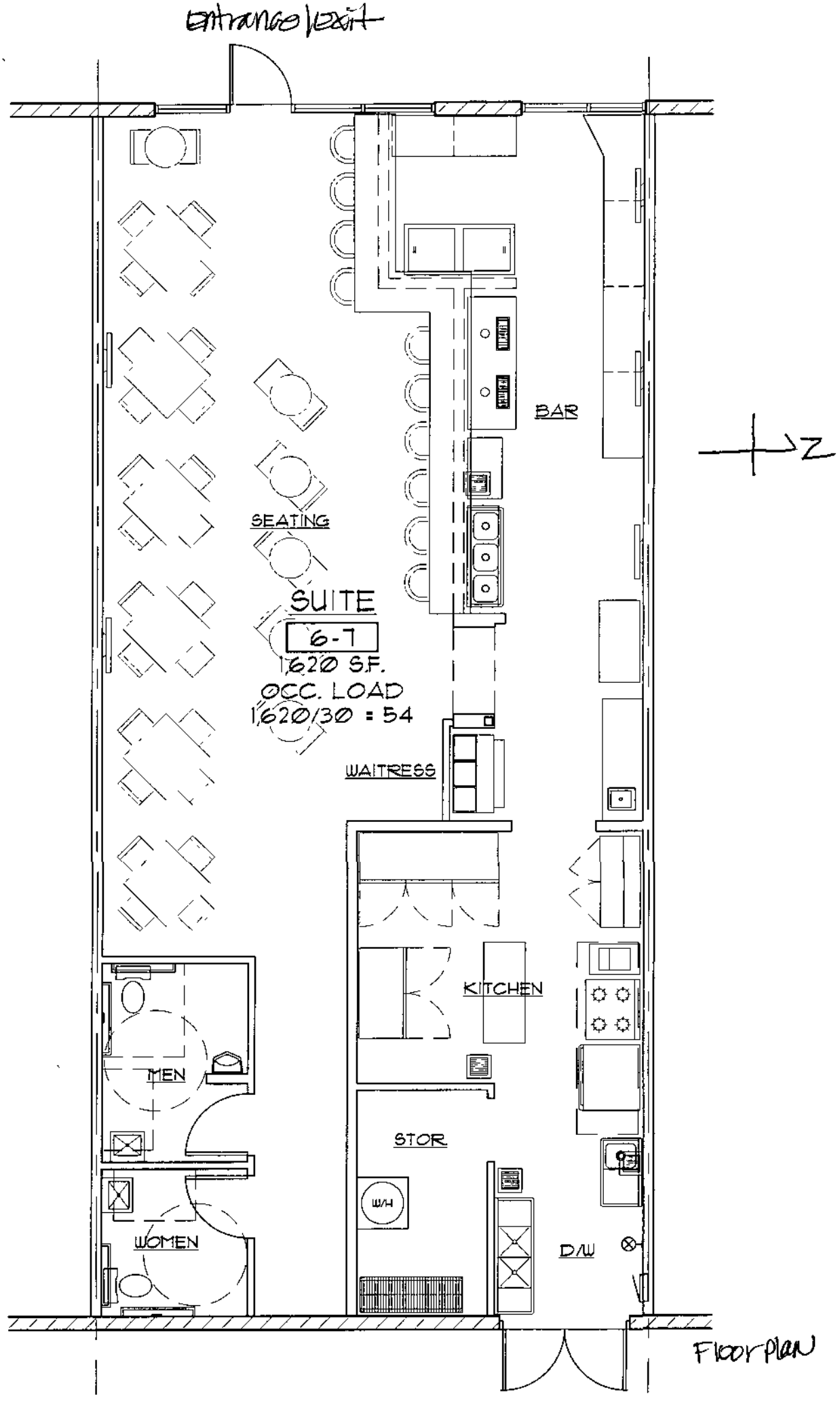
Lance Wilson
Heart-N-Soul Bar and Grill
General Manager

EXHIBIT "A"

Site Plan

SITE PLAN




entrance/exit
BAR
SEATING
SUITE
6-7
1,620 S.F.
OCC. LOAD
1,620/30 = 54
WAITRESS
KITCHEN
MEN
STOR
W/H
WOMEN
D/W
N

Floor Plan

Heart N Soul CATERING

(480) 229-6265

Lunch Entrees - $8.00

All entrees are served with two sides

- Catfish
- Blackened Tilapia/ with mango sauce and lime
- Chicken and shrimp/ with mango sauce and lime
- Smoked pulled shredded pork
- *Grilled rosemary garlic chicken*
- BBQ country style ribs
- Savory grilled steak strips
- Southern style chicken strips
- Margarita garlic shrimp
- Jerk chicken with potatoes and rice
- Curry chicken with potatoes and rice

Sides

Asparagus (seasonal), potato salad, beans, side salad, *coleslaw, macaroni and cheese, French* style green beans, corn, southwest macaroni and cheese and southwest potato salad.

Rice Bowls - $7.00

All rice bowls come with vegetables

- Steak
- Chicken
- Shrimp
- Pork

Sauces: teriyaki, curry, jerk, spicy teriyaki
Rice· white, brown, island coconut rice and beans

Salads - $7.00

- Grilled BBQ chicken salad
- Grilled chicken caesar salad
- Island sensation chicken salad with mango dressing
- Grilled jerk chicken caesar salad
- Caesar salad

Side Orders - $7.00

- Grilled chicken wings
- Baked chicken wings
- Fried chicken wings
- Southern style chicken wings
- Grilled BBQ chicken wings
- Sweet potato fries $3 00
- House salad $3.00

"Satisfy your soul with food from the heart"

* Please place orders by 10am for delivery between 11 30am and 2 00pm