



# 30

NOV 17 2011



**MEMORANDUM                      Transportation & Development – CC Memo No. 11-114**

**DATE:**                      OCTOBER 24, 2011

**TO:**                              MAYOR AND CITY COUNCIL

**THRU:**                      RICH DLUGAS, CITY MANAGER *RD*  
                                    PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
                                    R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*  
                                    JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
                                    KEVIN MAYO, PLANNING MANAGER *KM*

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

**SUBJECT:**                  LUP11-0019 NATE’S THIRD BASE

**Request:**                  Liquor Use Permit approval to sell liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio area at an existing restaurant, and request approval for live music indoors

**Location:**                1949 West Ray Road, Suite 11 within the Boardwalk at Andersen Springs at the southeast corner of Ray and Dobson Roads

**Applicant:**                Nate and Destiny Myres

**RECOMMENDATION**

The application requests Use Permit approval to allow liquor sales as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio at an existing restaurant within an existing commercial center. The request also includes approval for live music indoors. Planning Commission and Staff, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommends approval.

**BACKGROUND**

The subject property is located at the southeast corner of Ray and Dobson Roads within the Boardwalk at Andersen Springs Shopping Center. This center is zoned PAD and is surrounded by a man-made lake and condominiums to the south and east, a shopping center to the north across Ray Road, and single-family homes to the west across Dobson Road.

A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises. Under a Series 6 Bar License, the establishment does not have a requirement for percentage of food versus alcohol sales.

In 2009, Nate's Third Base Restaurant opened for business with a Series 12 Restaurant License. Recently, the business could not meet the food sales requirements under a Series 12 and the State required the business to obtain a Series 6 Bar License. This property has had other businesses operate with a Series 6 prior to Nate's Third Base's occupancy as described below. This current application requests approval of a Series 6 Bar License for a family-style American cuisine restaurant. The restaurant intends to be open Monday through Friday from approximately 10 a.m. to 2 a.m. seven days a week. The restaurant offers breakfast, lunch, and dinner menus as well as a kid's menu. In addition the restaurant would like to include live music indoors.

Since 1997, the Groovy Mundo Grill (formerly Waterfront Grill) and Boardwalk Grill restaurants have occupied the restaurant tenant space. The original Use Permit for a Series 12 Restaurant License was issued to Waterfront Grill, LLC, which then went to a Series 6 Bar License as Groovy Mundo Grill with a 1-year time limit in September of 2000. The Series 6 License was issued with the understanding that the applicant acquires a Series 6 license for its catering business and for the operation of a full service restaurant and bar. The Use Permit excluded uses such as cocktail lounges and nightclubs. In October 2001, the restaurant was sold to the second owner who chose to emphasize the restaurant's menu and food service. The new owner, keeping the restaurant's name Groovy Mundo Grill, applied for and received a Series 12 Restaurant License without expiration.

Ownership changed hands again in the years to follow with the third owner changing the restaurant's name back to the Waterfront Grill and offering a smaller bar menu, choosing later operating hours, and bringing in live entertainment. These changes altered the character of the business and the restaurant was no longer able to operate under the Series 12 License. Under a new (fourth) owner, the site received Use Permit approval for a Series 6 Bar License Use Permit for one year in May 2006. The last liquor Use Permit was approved in 2007 as a Series 6 Bar License for Waterfront Grill with a one year time limit, which expired.

The proposal for live entertainment includes a one or two person acoustical group. The group would perform two to three times a month. The music would be amplified indoors, and the indoor area would be closed-off from the outdoor patio by shutting the patio doors. The group will setup by the pool table area. The business currently does not have live music; only three arcade games, a pool table, and televisions. There is karaoke from 9 p.m. until 2 a.m. The previous Liquor Use Permit in 2009 did allow live music with conditions; however, music never commenced prior to the Use Permit expiration. The prior approval included conditions that there shall be no live entertainment outdoors including acoustic groups, bands, and the like; indoor music is limited to an acoustic group and karaoke no more than once a week for each. Any change in entertainment including pool tables, arcade games, live music, and the like shall

require re-application and new Use Permit approval; and noise shall be controlled so as to not cause a nuisance for nearby residences.

The restaurant will be adding one additional pool table indoors for a total of two pool tables. The restaurant is approximately 4,200 square foot with an outdoor patio along the lakefront of approximately 1,280 square feet. The indoor dining area has approximately 88 seats, the indoor bar area has approximately 42 seats, and the outdoor dining area has approximately 60 seats.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant's neighborhood meeting was held on October 5, 2011. Planning Staff will follow up with a report at the hearing.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- At the time of the memo, Planning Staff is not aware of any opposition or concerns with this request.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 7    Opposed: 0

Planning Commission modified Condition No. 7 removing the language regarding music and karaoke to occur no more than once a week for each. Commission did not want to set a limit on how often music and karaoke could occur. Commission also amended Condition No. 8 adding businesses to the condition; to ensure both adjacent residential and businesses would not be disturbed by music.

**RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommends approval of Liquor Use Permit LUP11-0019 NATE'S THIRD BASE, 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. The Use Permit is granted for a Series 6 Bar License only, and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

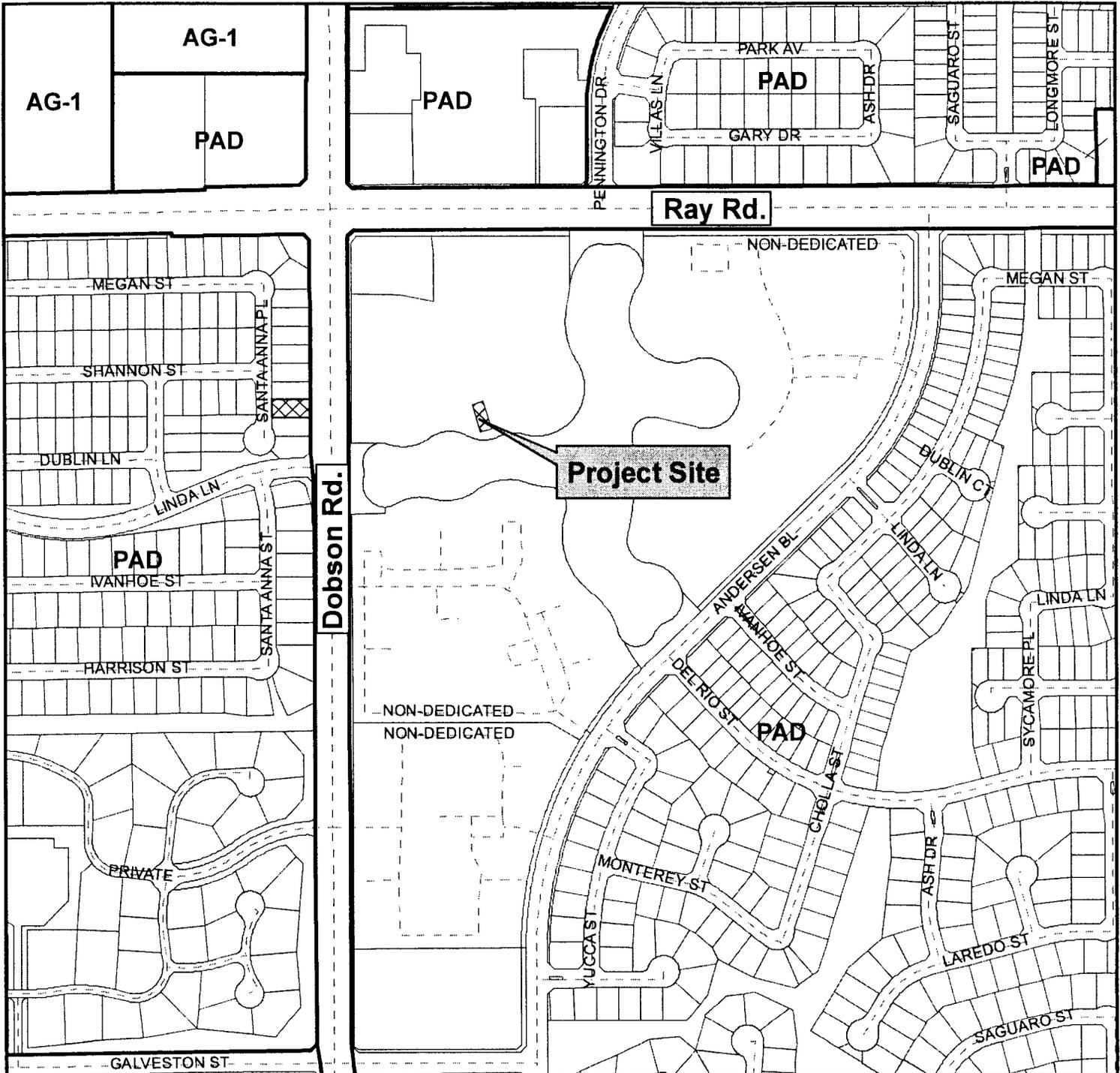
5. The patio shall be maintained in a clean and orderly manner.
6. There shall be no live entertainment outdoors including acoustic groups, bands, and the like.
7. Indoor music is limited to an acoustic group and karaoke. Any change in entertainment including pool tables, arcade games, live music, and the like shall require re-application and new Use Permit approval.
8. Noise shall be controlled so as to not cause a nuisance for nearby residences and businesses.

**PROPOSED MOTION**

Motion to recommend approval of Liquor Use Permit LUP11-0019 NATE'S THIRD BASE, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

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



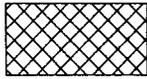
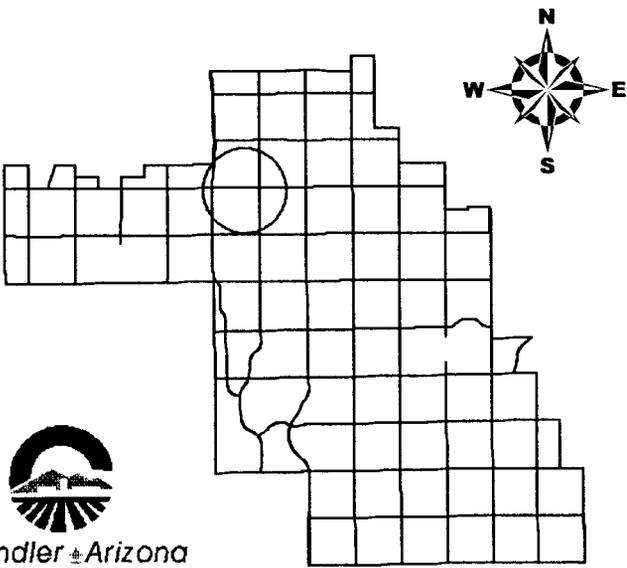
**Project Site**

**Ray Rd.**

**Dobson Rd.**

**GALVESTON ST.**

**Vicinity Map**



**LUP11-0019**

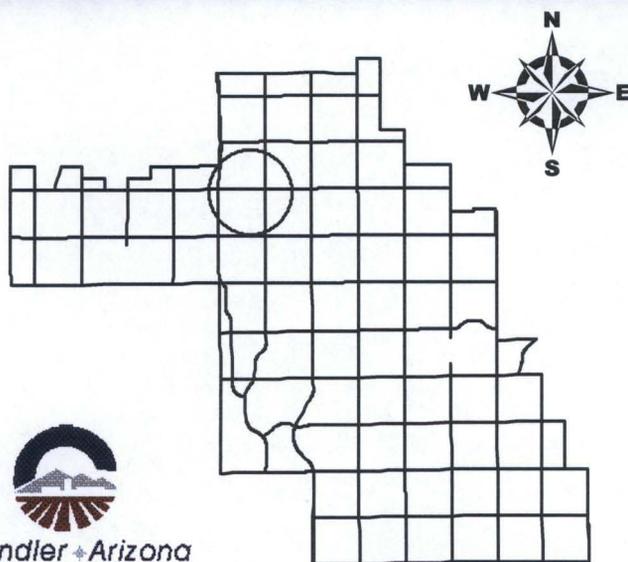
**Nate's Third Base**



**Chandler & Arizona**  
Where Values Make The Difference



## Vicinity Map



LUP11-0019

**Nate's Third Base**



August 30, 2011

City of Chandler

Planning and Development

Use Permit Narrative for Nate's Third Base

We have been open for two years in our current location. We originally had a series 12 restaurant liquor license. When the liquor board did our annual audit our food to liquor ratio was no longer within their limits for that license (they require 60-40, we were 70-30) and they informed us that we needed to purchase a series 6 bar license. We have purchased the series six bar license and intend to continue operating our restaurant in the same manner we have been. There are no structural changes. We have arcade games and one pool table. We are going to add an additional pool table next to the one we currently have. We would like to offer live music - just an acoustic one or two person show, possibly a couple times a month. They would set up by the pool tables and be indoors only. Patio doors would remain closed so we don't bother the apartments on the other side of the lake. It wouldn't be a loud show or continue on late into the evening. We are still going to offer a full menu, lunch and dinner, with breakfast on the weekends during football season. Our kitchen will remain open til 2 am and we will have the same hours (10:30am-2am, seven days a week)

If you have any questions please contact me on my cell – Destiny – 480-650-2269.

Thank You for your consideration.

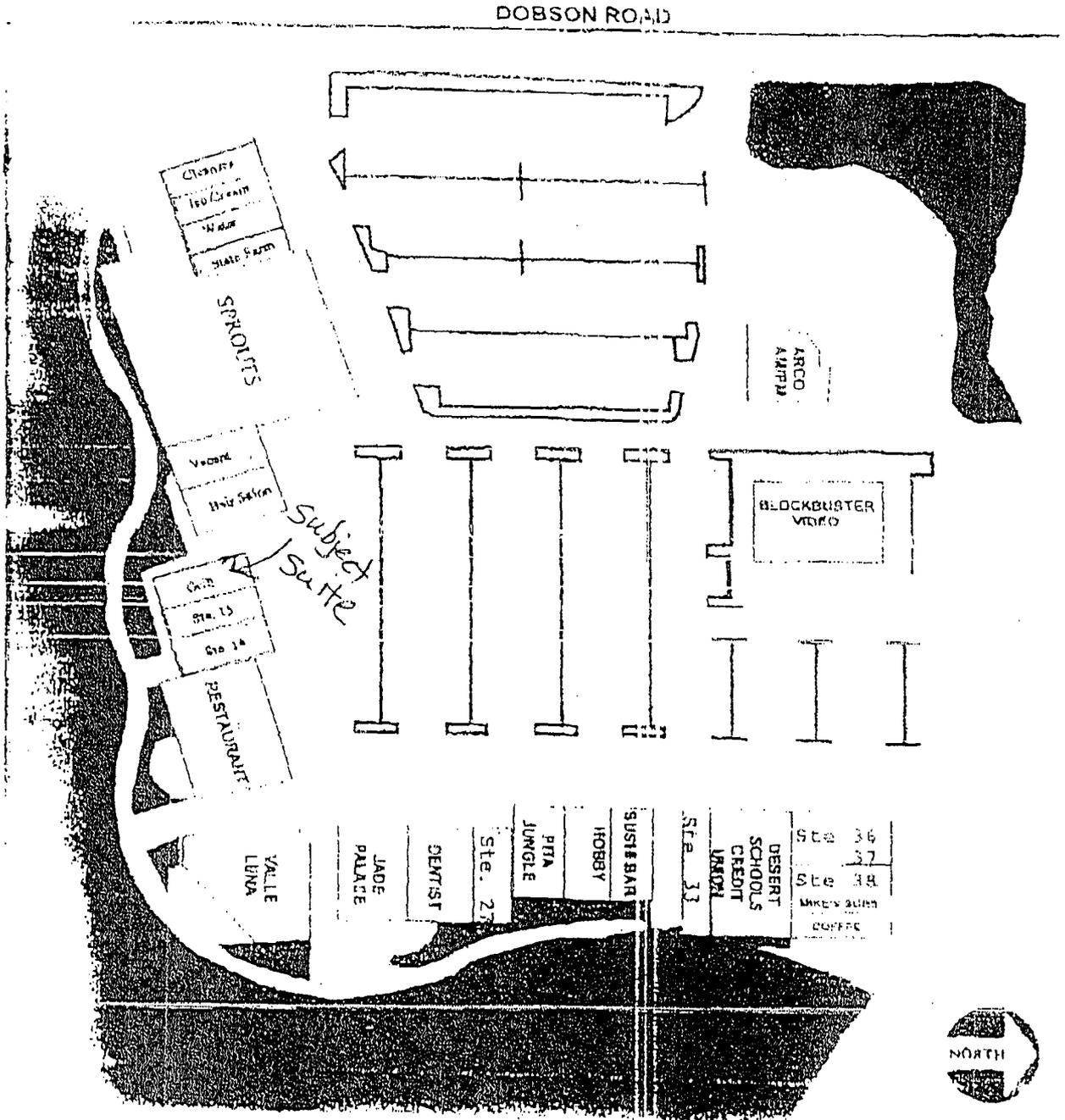
Destiny Myres

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EXHIBIT "A"



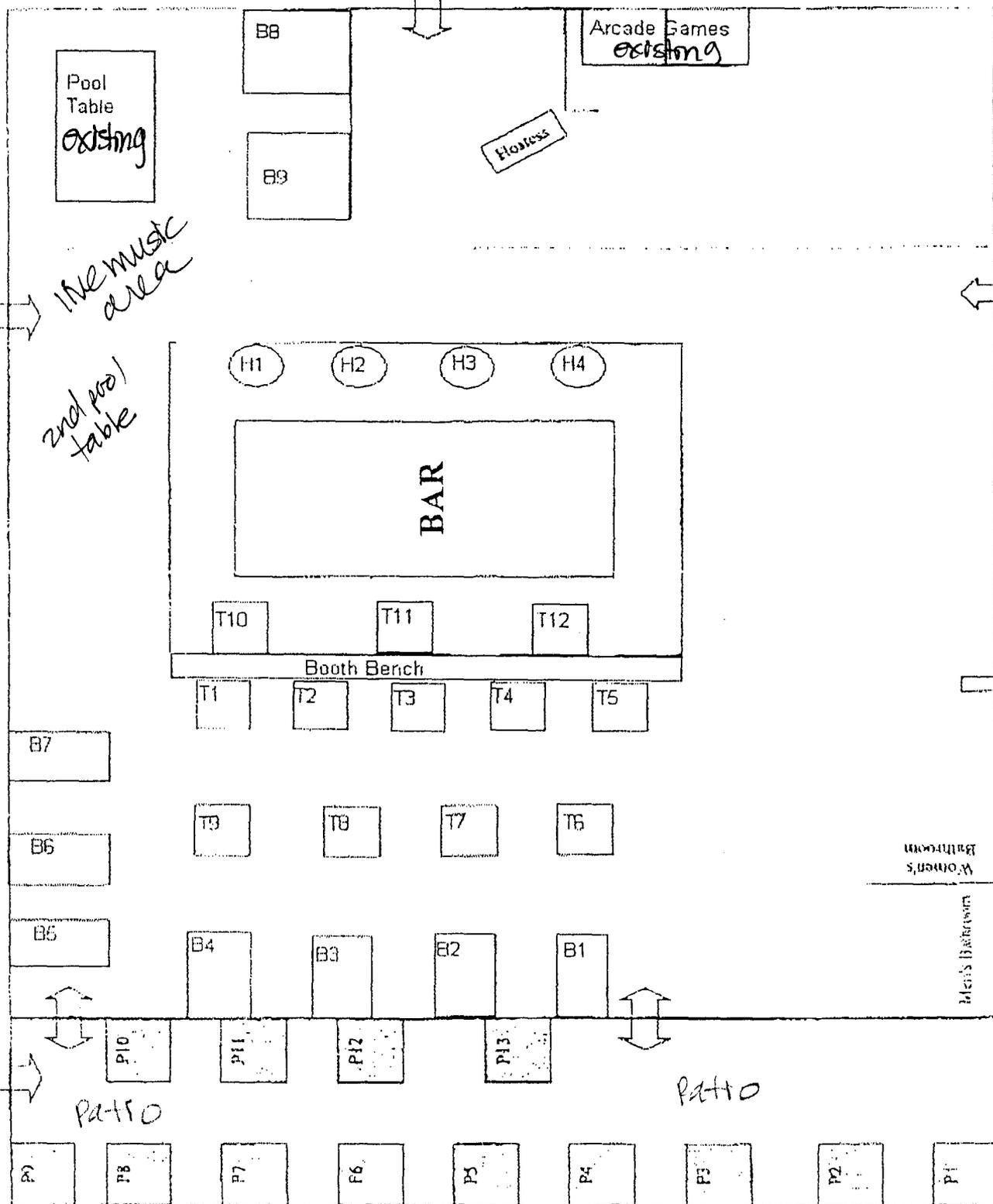
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Front Entrance



1st must area  
2nd pool table

Kitchen

Women's Bathroom  
Men's Bathroom

PATIO

PATIO

Rear  
↓  
to Lake