



**MEMORANDUM                      Transportation & Development - CC Memo No. 12-122**

**DATE:**            OCTOBER 5, 2012

**TO:**                MAYOR AND CITY COUNCIL

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

**FROM:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        LUP12-0006 MAMA'S HOUSE

**Request:**        Use Permit approval to sell liquor as permitted under a Series 6 (Bar) liquor license for on-premise consumption within an existing restaurant and outdoor patio

**Location:**      2394 N. Alma School Road;  
                          ½-mile north of the northwest corner of Alma School and Warner roads

**Applicant:**     Mike Vachon; Owner/Manager

**RECOMMENDATION**

The request is for Use Permit approval to sell liquor as permitted under a Series 6 (Bar) liquor license for on-premise consumption within an existing restaurant and outdoor patio. Planning Commission and Staff, upon finding consistency with the General Plan and Planned Area Development zoning, recommend approval with conditions.

**BACKGROUND**

The subject site is located approximately ½ mile north of the northwest corner of Alma School and Warner Roads, and occupies the old vacated Garcia's restaurant. The subject site is part of a larger commercial shopping center, and is surrounded by commercial businesses to the west and south. North, across Mesquite Street is a realty office. East, across Alma School Road is the Mastercraft East single-family subdivision.

The subject site received Use Permit approval to serve alcohol in conjunction with a Series 12 liquor license in 2009 as Kiley's Grill; however, the Use Permit only allowed the serving of alcohol within the restaurant. In 2011, the restaurant received Use Permit approval in order to sell alcohol within an enclosed outdoor patio, with a one-year timing condition. Shortly after the approval the restaurant changed its name to Mama's House. At the end of the year, in conjunction with the Use Permit requirements, the applicant submitted an application for Use Permit extension. During the Use Permit extension process the applicant was able to acquire a Series 6 (Bar) liquor license. The acquisition was due to concerns with meeting the food to alcohol ration required for the operation of the restaurant with a Series 12; Series 12 licenses require that 40% of sales is based on food sales, Series 6 licenses have no percentage requirements. The restaurant is not changing any of the operational aspects of the business, but simply changing the license type. The current request seeks Use Permit approval to sell alcohol both within the restaurant and outdoor patio as permitted with a Series 6 liquor license.

The restaurant is approximately 8,052 square feet and can accommodate up to 252 patrons. The bar area is approximately 300 square feet, the dining areas are approximately 3,193 square feet, and the kitchen preparation area is approximately 2,000 square feet. The restaurant is open Sunday through Wednesday from 7 a.m. to 12 a.m., and Thursday through Saturday from 7 a.m. to 2 a.m. The restaurant employs approximately 32 people. The patio is approximately 1,560 square feet and provides seating for roughly 75-100 patrons.

With the previous application live entertainment indoors and piped music on the patio were approved; live entertainment on the patio was prohibited. A condition addressing any potential noise concerns remains part of the recommendation of approval.

#### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on Tuesday, September 11, 2012. Two neighbors were in attendance and had general questions.
- The Police Department was notified of the request, and responded without concern.

At the time of this writing, Staff has received one telephone call from a nearby resident that was concerned with the sale of alcohol, drinking and driving, interaction with patrons and the adjacent subdivision to the west the potential for problematic behavior. Staff was unable to reach the concerned resident as the resident did not leave a means of contacting them.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

In Favor: 7      Opposed: 0

#### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of LUP12-0006 MAMA'S HOUSE, subject to the following conditions:

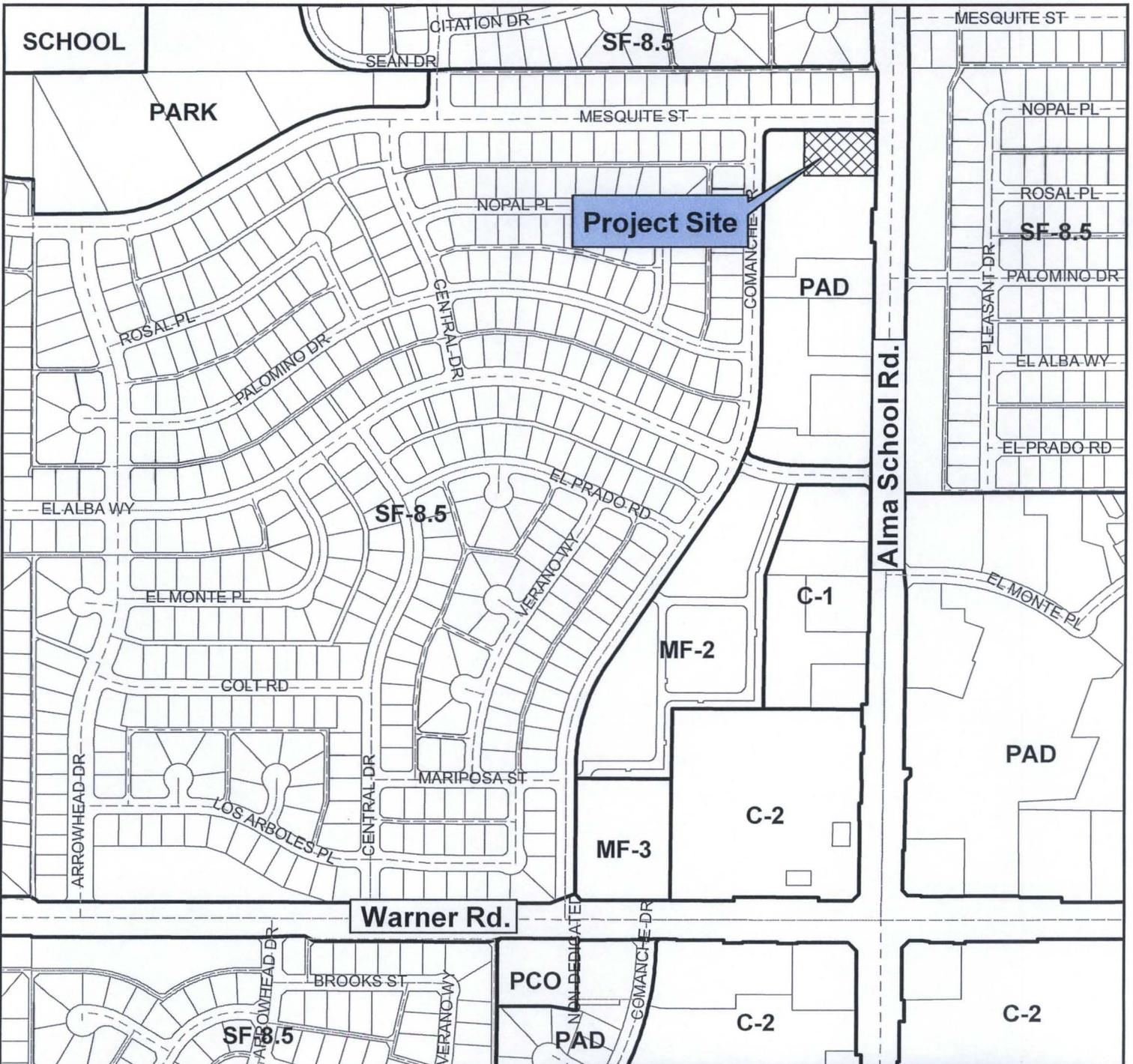
1. The Use Permit is granted for a Series 6 (Bar) license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Patio Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from outdoor speakers on the patios or 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 businesses and area residents.

**PROPOSED MOTION**

Move to approve LUP12-0006 MAMA'S HOUSE, Use Permit to sell liquor as permitted under a Series 6 liquor license within an existing restaurant and outdoor patio, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Floor Plan
3. Patio Plan



**Project Site**

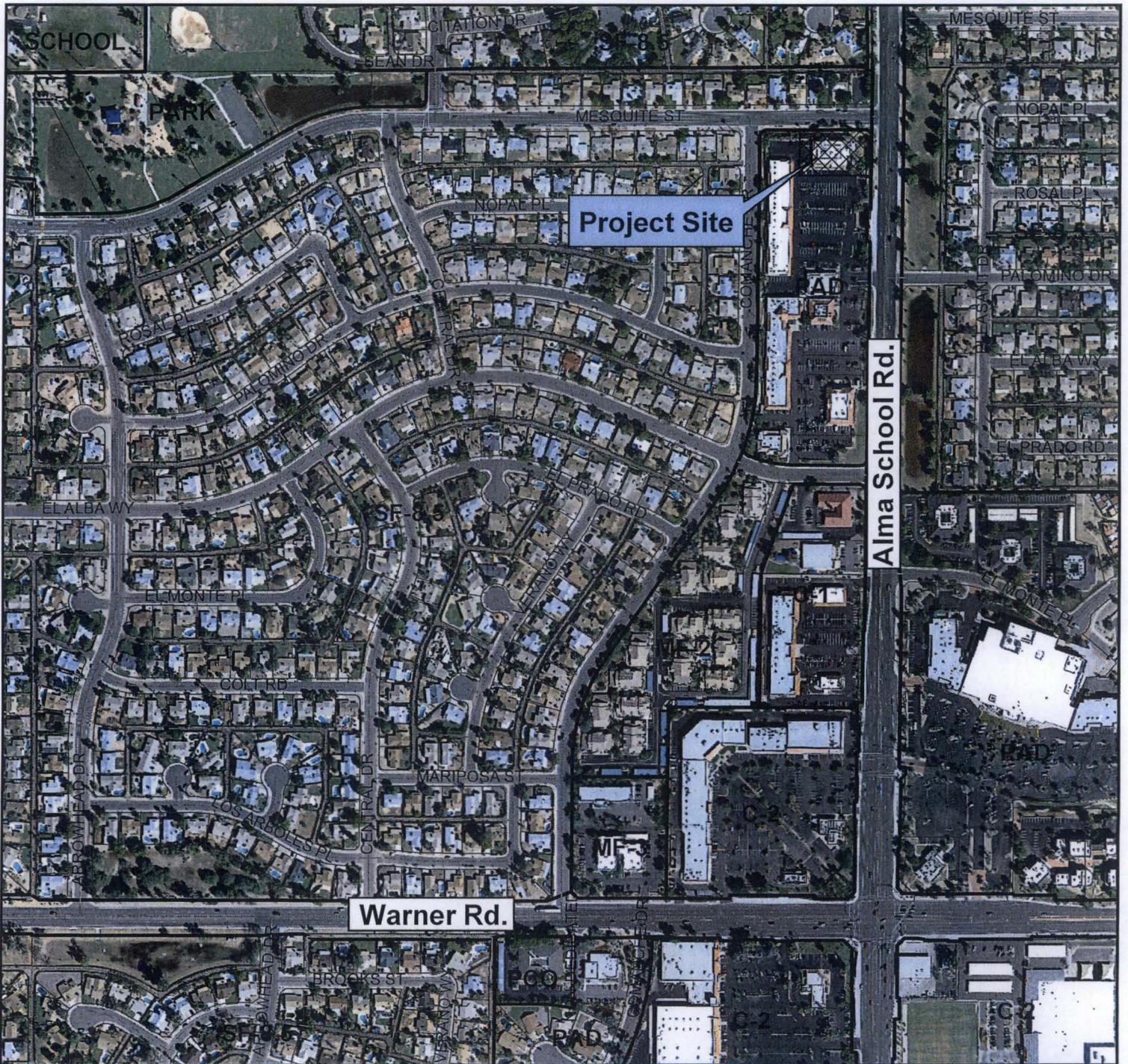
**Vicinity Map**



**LUP12-0006**

**Mama's House  
Liquor Use Permit**





**Project Site**

**Alma School Rd.**

**Warner Rd.**

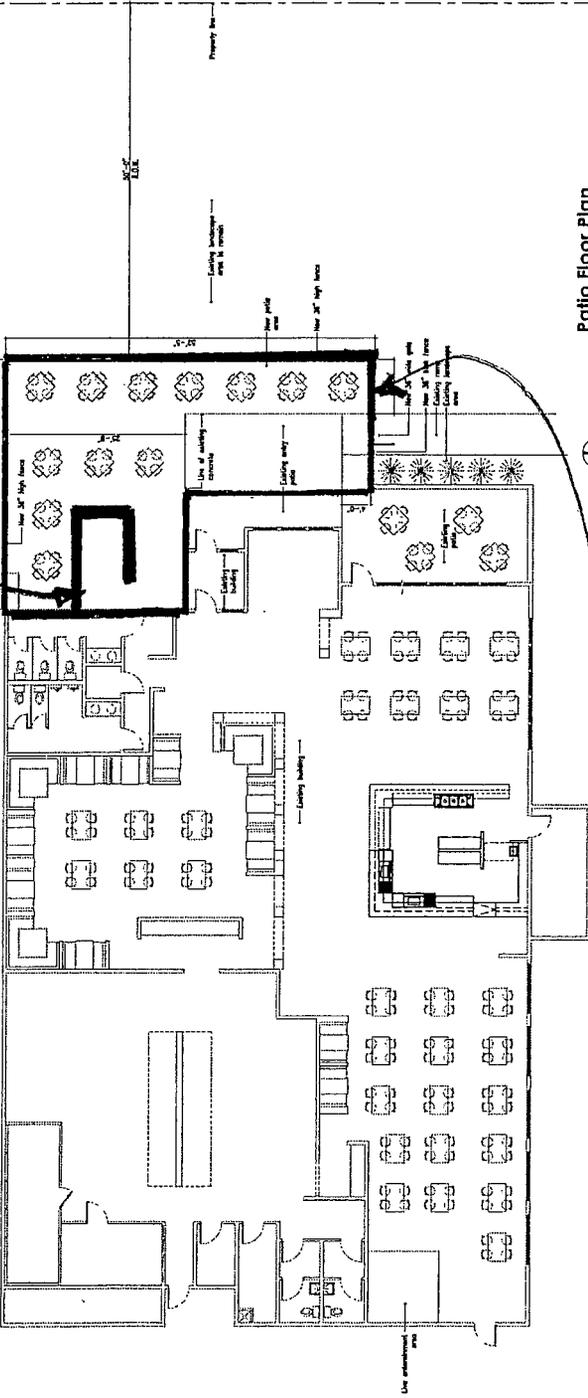
## Vicinity Map



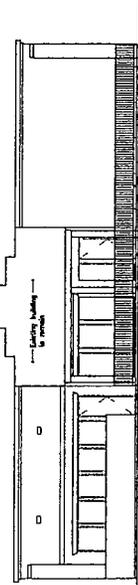
**LUP12-0006**

**Mama's House  
Liquor Use Permit**

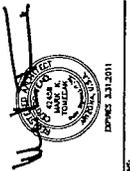
DRY BAR



Patio Floor Plan

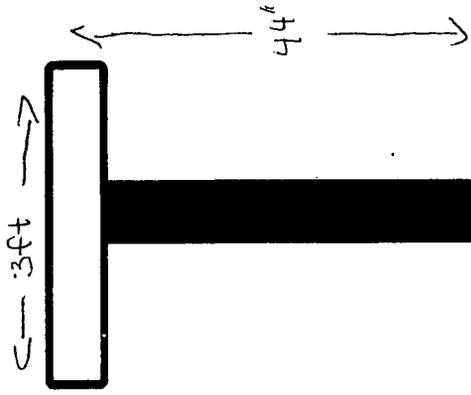


Front Patio Elevation



PROJECT: Kiley's Grill
DATE: 6.13.2008
SHEET NUMBER: 1
SHEET TITLE: Floor Plan
SHEET NUMBER: A 1.0

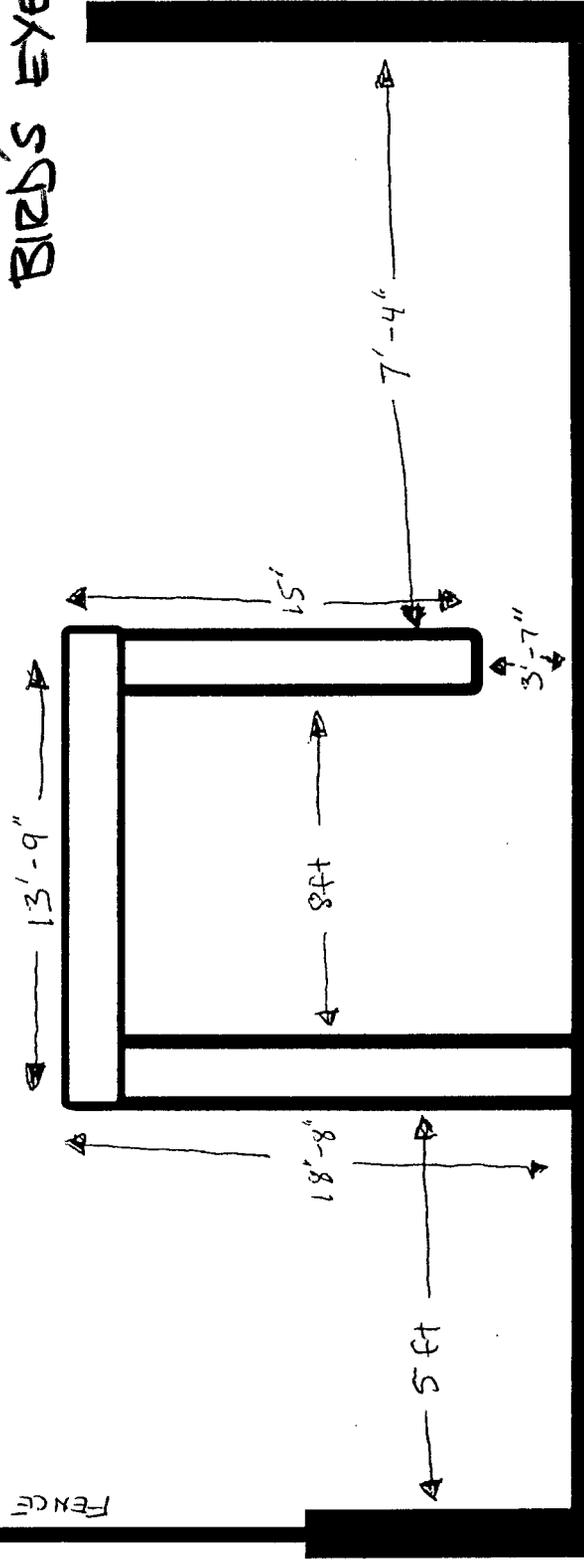
OUTDOOR PATIO AREA



SIDE VIEW

DRY BAR

BIRD'S EYE VIEW



Solid  
Concrete

FENCE