



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

# 16  
JUL 11 2013  
Chandler  
All-America City  
2010

**MEMORANDUM                      Transportation and Development – CC Memo No. 13-074**

**DATE:**            JULY 11, 2013

**TO:**                MAYOR AND COUNCIL

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

**FROM:**            SUSAN FIALA, CITY PLANNER *SFA*

**SUBJECT:**        LUP13-0005 NABERS

**Request:**            Liquor Use Permit approval to sell and serve liquor for on-premise consumption indoors and within an outdoor patio and have live music indoors at a new restaurant under a Series 6 Bar License

**Location:**            825 North 54<sup>th</sup> Street, northeast corner of Harrison and 54th streets in the Chandler Pavilions

**Applicant:**            Denise Holliday

**RECOMMENDATION**

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

**BACKGROUND**

The subject site is located at the immediate corner of Harrison and 54th streets in the Chandler Pavilions commercial shopping center. The surrounding businesses include: Polar Ice Arena, several inline restaurants/fast food, Casa Paloma shopping center, and other retailers such as Petsmart and Home Depot. To the east will be The Plaza, a 65 unit townhome project.

Nabers will be located in an existing building that was formerly occupied by Jilly’s American Grille and Ernie’s Inn. The restaurant, bar, and outdoor patio are approximately 7,575 square feet. The business will employ four full time management positions and 20 to 25 full and/or part time service positions. The business is planned to open in August 2013.

July 11, 2013

The restaurant will be open seven days a week. Business hours will be Monday through Thursday from 11 a.m. to midnight, Friday from 11 a.m. to 2 a.m., Saturday from 10 a.m. to 2 a.m., and Sunday from 10 a.m. to midnight. Restaurant seating is approximately 278 total with 225 seats indoors and 43 seats on the patio. The indoor bar seats 23 patrons and the outdoor bar seats 10 patrons.

The request includes providing live music to its entertainment venue. Live music would be scheduled a few days per week and occur indoors only. There will be no live, amplified, or acoustic music in the outdoor patio. On Thursday nights there may be acoustical or amplified single, duo or musicians playing rock, country, blues or Irish music from 7 p.m. to 10 p.m. On Friday and Saturday nights, amplified country or rock bands would play from 9 p.m. to 1 a.m. Acoustical or amplified musicians may play on Sunday afternoons, from noon until dinner or 9 p.m.

Entertainment will perform on portable commercial hotel ballroom risers which will be set on the southwest wall of the restaurant. Existing ceiling and wall-installed speakers will be used for television sound and satellite music indoors. The two outdoor patio speakers, existing above the bar will not be used to amplify any live music. Televisions will broadcast sporting events via Direct TV. Other entertainment includes Golden Tee and shuffleboard games.

Planning Staff has added two conditions to address any potential noise concerns. Planning Staff recommends a one-year time limit to allow evaluation of compatibility under the new ownership.

A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors to be consumed on the premises and in the original container for consumption on or off the premises. Under a Series 6 Bar License, the establishment does not have a requirement for percentage of food versus alcohol sales.

### **DISCUSSION**

Planning Staff supports the request, finding that the restaurant and bar with live music indoors and the outdoor patio are appropriate at this location if the live music is controlled so as to not unreasonably disturb the surrounding businesses and residents. There have been no complaints filed with the Police Department or opposition during the neighborhood notification and public notification processes.

### **PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood notification letter was sent out on May 13, 2013. There have been no issues or concerns received.
- The Police Department has been informed of the application and has no issues or concerns.
- As of this writing, Planning Staff has not received any phone calls or letters in opposition to the request. Staff received one phone call inquiring about the opening of the restaurant.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 6    Opposed: 0    Absent: 1 (Ryan)

**RECOMMENDED ACTION**

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of LUP13-0005 NABERS for one year subject to the following conditions:

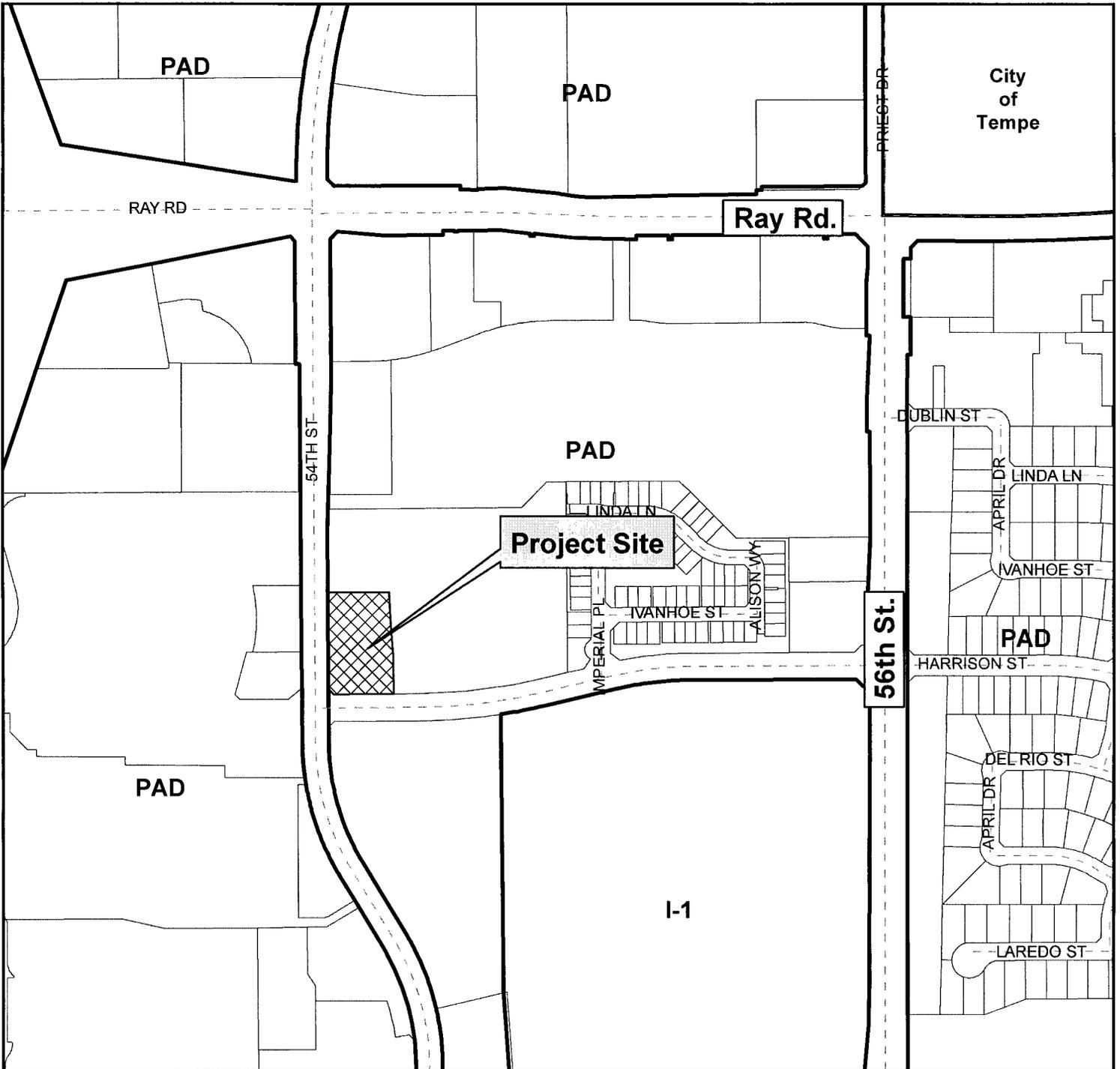
1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
5. 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.
6. 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.
7. The site shall be maintained in a clean and orderly manner.
8. The patio shall be maintained in a clean and orderly manner.

**PROPOSED MOTION**

Motion to approve Liquor Use Permit, LUP13-0005 NABERS, subject to the conditions recommended by Planning Commission and Planning Staff.

**Attachments**

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



City of Tempe

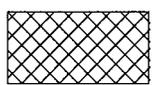
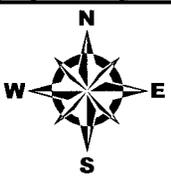
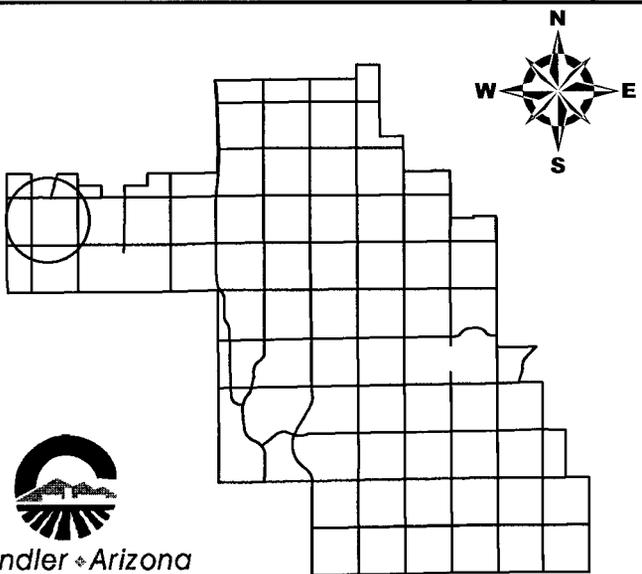
Ray Rd.

Project Site

56th St.

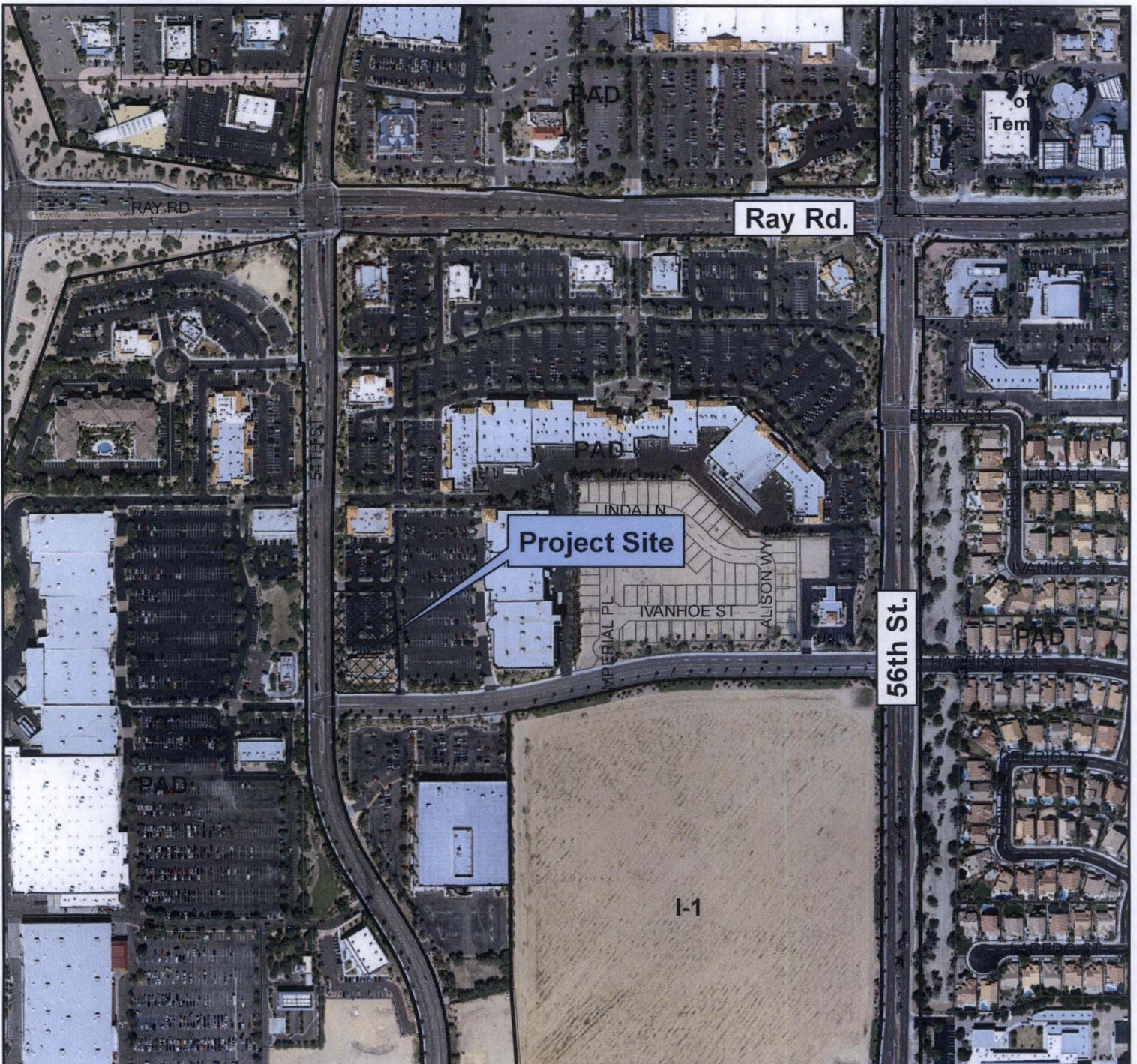
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## Vicinity Map

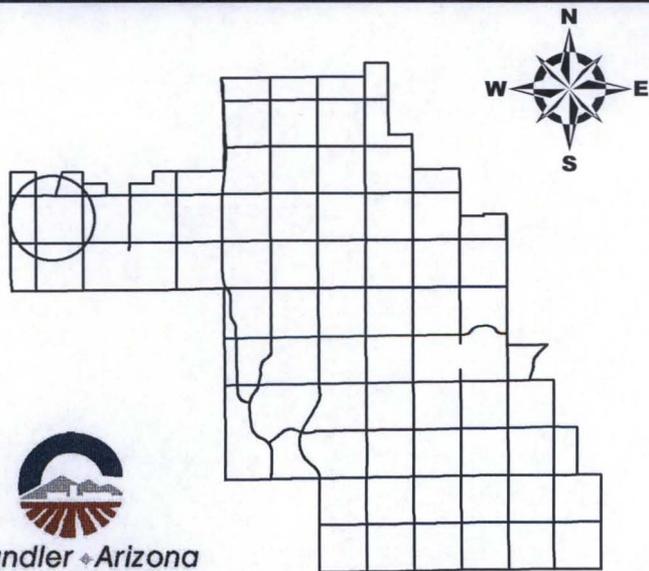


LUP13-0005

**Nabers  
Liquor Use Permit**

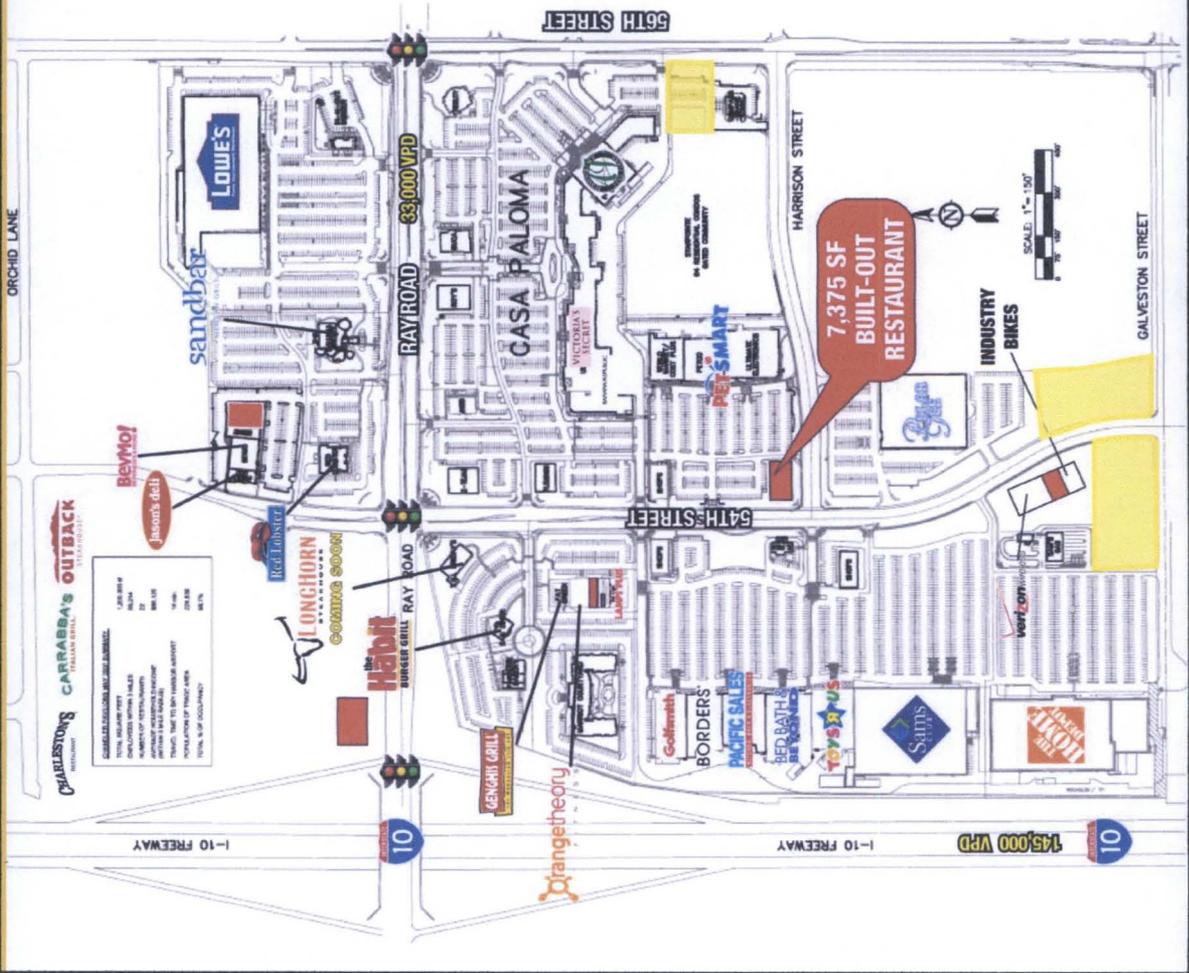
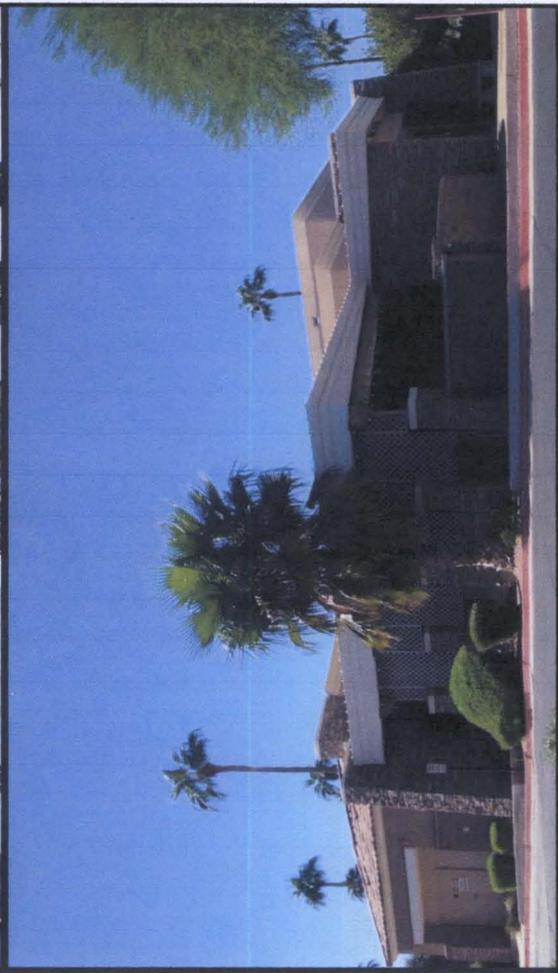


## Vicinity Map



LUP13-0005

**Nabers  
Liquor Use Permit**



**DE RITO PARTNERS, INC**

**SEATING COUNT:**

BAR: 107  
 PATIO SEATING: 43  
 INDOOR DINING SEATING  
 DINING A 44  
 DINING B 84  
 GRAND TOTAL: 278 SEATING CAPACITY

*1755 square feet*

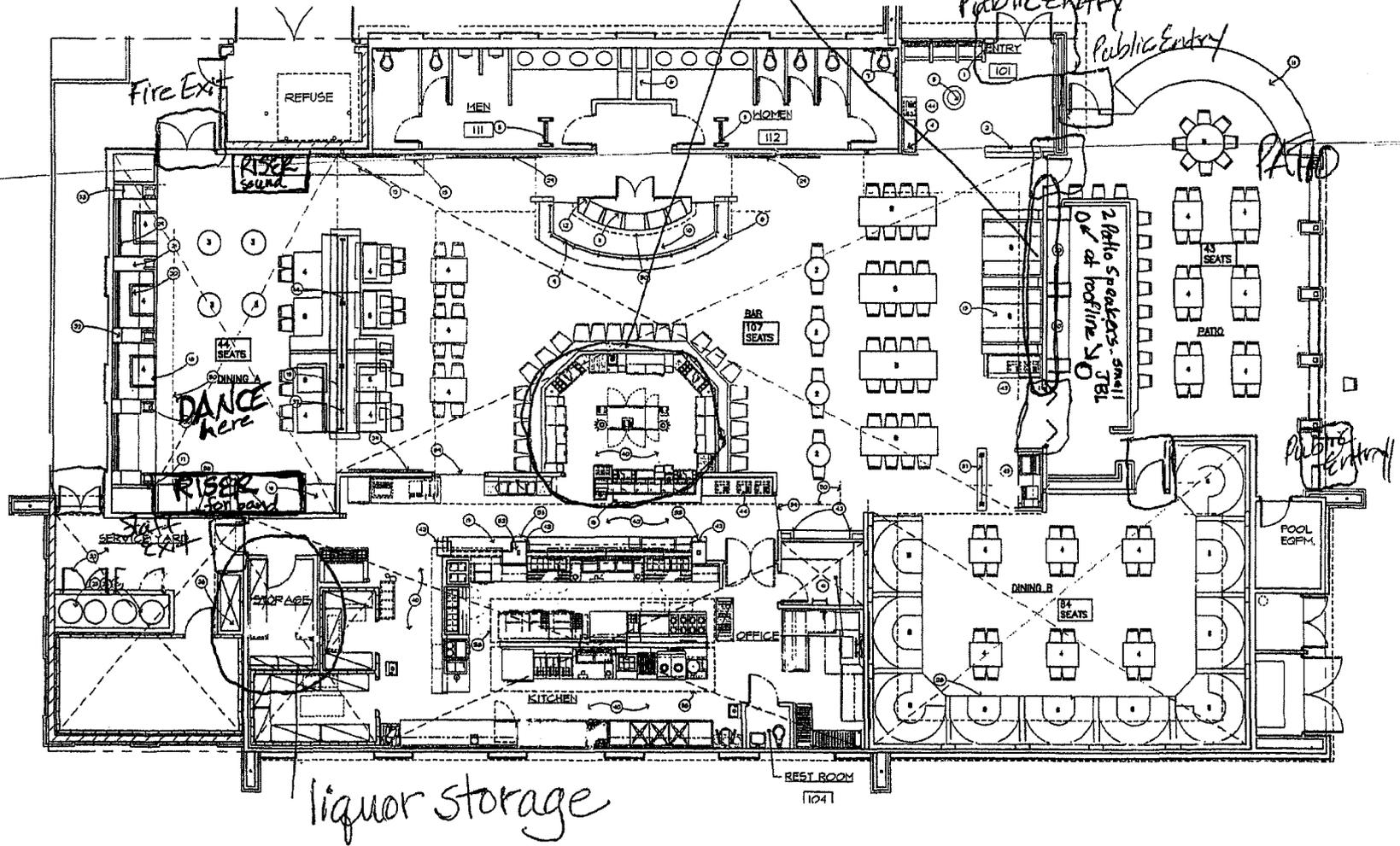
**NOTE:**

THIS AN EXISTING RESTAURANT: THE ONLY CHANGES ARE TO THE TABLES AND CHAIRS.

1. STAINLESS STEEL, ROOF AND FLOOR SEE WT. ELEVATIONS.
2. EXHAUST HOOD ABOVE.
3. VENTIL. TRANSFER.
4. RUBBER MAT FLOORING BY OTHERS.
5. ROOF LADDERS, SEE SHELL DRAWINGS.
6. BRICK VENEER ON COL.
7. WATERSHED STATION.
8. FLOOR STATION.
9. EXISTING GROUND COURSE.
10. BUILT IN TV.
11. LONG BUILT IN TABLE.
12. OUTDOOR SIGNAGE, SEE SHELL DRAWINGS FOR DETAILS.
13. PAVER SPOTLIGHT.
14. PAVER FLOOR.
15. HAVER HEATER.
16. CON. WALL, SEE SHELL DRAWING.
17. LOW WALL, FRETWORK.
18. STEP UP SEATING.
19. SHROOF.
20. LINE OF ROOF ABOVE.
21. 6" RED. COULRS.
22. HOOD PARED COLUMN, SEE WT. SHEETS.
23. HALL SCIENCE.
24. HOT BIDS.
25. LINE OF ROOF ABOVE, SEE SHELL DRAWINGS.
26. HALL HINGED TABLES, SEE WT. ELEVATIONS FOR HEIGHTS.
27. RETAIL BUILT IN.
28. WATER ACCESS BY OTHERS.
29. HOSPICE POOL.
30. HOSE DRAG.
31. PARTITION, REFER TO MECHANICAL DRAWINGS.
32. TOILET ACCESSORIES, SEE MECHANICAL ELEVATIONS FOR DETAILS, HOOKS, HENKES, AND CIL. APP'L.
33. 36" AND 42" BRASS SINK, SEE SAN-I.
34. HOSPICE COUNTER.
35. STAINLESS STEEL FURN.
36. BLACK CARPET.
37. 24 RAG.
38. BLACK PLASTIC LAMINATE.
39. BOUTH SEATER.
40. LOW WALL, SEE WT. SHEETS.
41. 42" X BEVERAGE CENTER.
42. BATH TABLE.
43. MECHANICAL SHAFT.
44. BENCH.

**KEY NOTES**

1. RETAIL BUILT IN.
2. WATER ACCESS BY OTHERS.
3. HOSPICE POOL.
4. HOSE DRAG.
5. PARTITION, REFER TO MECHANICAL DRAWINGS.
6. TOILET ACCESSORIES, SEE MECHANICAL ELEVATIONS FOR DETAILS, HOOKS, HENKES, AND CIL. APP'L.
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design ink  
 NABERS GRILLE  
 200 SOUTH 25 STREET  
 DALLAS, TEXAS 75201  
 TENANT IMPROVEMENTS  
 design ink

April 15, 2013  
Revised May 9, 2013

## **NARRATIVE STATEMENT LIQUOR USE PERMIT for NABERS**

To City of Chandler:

The proposed Liquor Use Permit application is to allow a Series 6 Bar License at 825 N. 54<sup>th</sup> Street for a new restaurant/bar named Nabers. Nabers is a family friendly restaurant bar serving comfort food. We intend to occupy an existing restaurant/bar building formerly occupied by Jilly's American Grille and Ernie's Inn. The restaurant building is located within the Chandler Pavilions commercial center south of Ray Road and east of 54<sup>th</sup> Street. The restaurant is located at the intersection of Harrison Street and 54<sup>th</sup> Street in the vicinity of Petsmart, Subway, Starbucks, and Polar Ice Arena.

Nabers is a full-service casual dining, bar, and music establishment intending to cultivate and foster a neighborhood, patriotic, family-like, inviting environment. Nabers offers delicious, fresh and affordable comfort food, spotlights craft and local beers and wines, features a variety of live music elements, provides outstanding personal and friendly service, and supports the Wounded Warriors organization and kids' organizations as part of our charitable work.

The restaurant is open 7 days a week Mon-Thurs from 11am to midnight, Fri from 11am to 2am, Sat from 10am to 2am, and Sun from 10am to midnight. The building is approximately 7,575 square feet (includes patio). Seating is approximately 278 (225 indoors, 43 patio). There is an indoor bar and outdoor bar on the patio. The u-shpaed indoor bar seats 23. The outdoor bar seats 10. There will be 4 full time management positions: GM, Chef/Kitchen Manager, Bar/Front of House Manager, and Assistant Manager with 20-25 full/part time service positions.

Music is an integral part of the restaurant/bar focusing predominately on country/western/rock 'n roll styles. Live music intends to occur a few days per week and indoors only. There will be no live or acoustic music on the outdoor patio. On Friday/Saturday nights, amplified country or rock band such as Mogollon will play from 9pm-1am. On Thursday nights there may be acoustical or amplified single, duo or musicians playing rock, country, blues or Irish music from 7pm-10pm. There may be acoustical or amplified musicians on Sunday afternoons playing from noon throughout dinner or 9pm. There may be cover charges if a national or renowned band or artist is scheduled. Entertainment will perform on portable 4' x 8' x 12" carpeted/skirted commercial hotel ballroom risers which will be set on the south/west wall of the restaurant. Dancing will occur in a 12' x 20' space in front of the band. Dance surface will be the restaurant floor; wood or parquet dance floor will not be installed. Existing ceiling/wall-installed JBL speakers will be used for TV sound and satellite music (indoors and 2 small speakers above the bar on the patio). Patio speakers will not be used to amplify any live music. Generally, live acts bring their own speakers and sound

boards; their technician will mix the sound from a portable 4' x 8' x 12" carpeted riser located on the north/west wall. Existing ceiling-installed lighting instruments will be used to light the live entertainment. Existing 10-14 HD TV screens will show sporting events via Direct TV. We may have Golden Tee and shuffleboard games; there will be no pool tables.

Nabers will have a specific security procedures plan and all team members will receive consistent, ongoing training. Nabers is installing security cameras to monitor all activity. Nabers will employ security staff on Friday and Saturday nights to verify age of every patron at the door in the evenings, monitor crowd capacity and conduct.

Nabers does not intend to be a bar. We are a restaurant providing live entertainment. A Series 6 Bar License was available and they are difficult to purchase, therefore, we are requesting to make use of the Series 6 license. While there is no food sales requirement, it is our intention to maintain a full service menu as an integral part of Nabers.

**Nabers: Music, Bar & Eats – Modern Comfort Cuisine**  
**\*\*SIGNATURE NABERS DISHES**

**APPETIZERS**

- **Pretzel Fondue:** 2 giant pretzels with warm cheese and house mustard
- **Jumbo Wings:** 6 grilled wings with dressing or spicy sauce
- **\*\*Stuffed Green Chilis:** 2 Anaheim chilies baked with chorizo, white cheese, served with remoulade
- **Cheese Plate:** 2 cheeses, salami, olives, nuts, fruit, crackers
- **Flatbread:** 4 variations: salami / chicken / veggie / tomato basil

**SALADS**

- **Chopped Garden:** offered as side or entree; add grilled chicken or steak
- **Turkey Cobb:** tomatoes, cukes, black olives, hard-boiled eggs, avocado, bacon, roast turkey
- **Spinach:** goat cheese, green apple, dried cranberry, glazed pecans

**BURGERS & SANDWICHES**

- **Angus burger/10 oz:** with lettuce & tomato on grilled bun
  - Build your own
    - Bacon
    - Avocado
    - Cheddar cheese
    - Jack cheese
    - Blue cheese
    - Swiss cheese
    - Onions
    - Mushrooms
    - Green chilis
- **\*\*Meatloaf sandwich:** Ground Angus, bacon wrapped, maple bourbon sauce, open face on corn bread
- **Chicken Breast:** marinated, grilled with signature mayo/mustard on soft egg roll
- **Turkey pastrami:** on pretzel roll
- **Grilled cheese:** sharp cheddar, smoked mozzarella, bacon

**ENTREES**

- **\*\*12 Oz. Prime Bone-in Ribeye steak:** with signature house rub
- **\*\*Beef stew:** moist & tender beef, mushrooms, pearl onions & carrots in robust red wine stock
- **Pork chop:** plump grilled chop marinated in apple cider & cloves
- **Sausage links:** 2 links (sweet or jalapeno) with caramelized onions and roasted red potatoes
- **\*\*Chicken & biscuits:** hearty chicken stew with carrots, celery & potatoes topped with 2 flakey biscuits
- **Fresh fish of the day:** grilled or blackened with house tartar sauce
- **\*\*Cajun Shrimp:** seasoned panko crusted served with creole cream dipping sauce

**SIDES**

- **\*\*Cornbread:** served with honey butter
- **Mac n' cheese:** 4 cheese with bacon
- **\*\*Sweet potato wedges:** hand cut, roasted, served with lime mayo
- **Fries:** hand cut
- **\*\*Potatoes O'Nabers:** creamy escalloped style
- **\*\*Sweet & Tangy Coleslaw:** with granny smith apples and crushed pineapple
- **Black beans & rice:** with sausage or chorizo
- **Sautéed mushrooms:** simply sautéed
- **Green beans:** with lemon & garlic
- **Brussels sprouts:** with bacon, brown sugar, herb butter and goat cheese sprinkles

**DESSERTS**

- **\*\*Chocolate blackout cake:** layered with dark chocolate filling and frosting
- **\*\*Apricot cheesecake:** double layer with apricot liquor topping
- **Apple crumble:** ala mode