#43

AUG 14 2014

Chandler

All-America City

2010

Chandler · Arizona

Where Values Make The Difference

**MEMORANDUM** **Planning Division - CC Memo No. 14-076**

**DATE:** AUGUST 14, 2014

**TO:** MAYOR AND COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER RD
MARSHA REED, ASSISTANT CITY MANAGER MR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER

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

**SUBJECT:** LUP14-0003 EL HERRADERO

Request: Liquor Use Permit approval to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption in an existing restaurant and to allow live entertainment indoors

Location: 474 West Ray Road, east of the northeast corner of Ray Road and Iowa Street

Applicant: Amanda Adams

## RECOMMENDATION

Planning Commission and Planning Staff, finding consistency with the General Plan, recommend approval subject to conditions.

## BACKGROUND

The subject restaurant is located within Thunderbird Plaza. Thunderbird Estates single-family subdivision is north. The previous restaurant, El Zacatecano, received Liquor Use Permit approval in January 2013, with a one-year time condition to evaluate their live entertainment. The new restaurant proposes to continue having live entertainment in an indoor area at the front of the building, furthest from the residential subdivision.

The suite is approximately 2,400 square feet with 60 customer seats. Four staff members are employed by the restaurant. Hours of operation are from 9 a.m. until 8 p.m., Monday through Thursday, and from 9 a.m. until midnight, Friday through Sunday. Live entertainment, including live music and dances, is proposed to continue. The hours of live music would occur from 1 p.m.

until 4 p.m. on the weekend and dances with live music would occur on Friday, from 9 p.m. until midnight.

Planning Staff has added conditions to address any potential noise concerns due to the proximity to the single-family subdivision. Planning Staff recommends a one-year time limit to allow evaluation of the compatibility of the live entertainment with the surrounding residential and business developments.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-premise consumption. Under a typical Series 12 license the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages. See attached menu.

## DISCUSSION

Planning Staff supports the request with conditions, finding that the restaurant with occasional live entertainment can be compatible if it is controlled so as to not unreasonably disturb the surrounding businesses and residents. The one-year time 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 June 16, 2014. One property owner attended and inquired about the type of Liquor License.
- Planning Staff received several phone calls in opposition to the request. Issues stated relate to the following: proximity to residences, noise generated from live music and dancing, nature of cliental, does not want business becoming a nightclub, serving of alcohol, residential property values decrease, and criminal activity increases.

## PLANNING COMMISSION VOTE REPORT

Motion to Approve.
In Favor: 4 Opposed: 1 Absent: 2 (Baron, Cunningham)

The item was moved from the consent agenda for a presentation and discussion at Planning Commission. Several residents of Thunderbird Estates stated their opposition to the request. The residents' concerns are summarized as follows: having a bar to go in their neighborhood is incompatible, the bar before had live music, loud noise, and inadequate parking, does not want a cabaret or similar use in their neighborhood, serving liquor is okay, but no live music or entertainment including dancing. The quality of life was a concern for those who work on the weekends and do not want to hear music in their home on Friday nights.

Planning Commission asked the residents if they have heard noise and loud music from the current owner. The response was there is none from the current owner. The restaurant owner indicated this is a family business, not a bar, and she wants to be a good neighbor. The dissenting Commissioner indicated the business is too close to residential to have live music and asked Planning Staff about parking. Parking is shared among the tenants of the shopping plaza. The

subject restaurant requires approximately 25 parking spaces and about 40 are available. Planning Commission recommended the additional stipulation as listed as No. 8 Condition regarding a contact name and phone number to resolve noise complaints.

**RECOMMENDED ACTION**

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of LUP14-0003 EL HERRADERO for one year, subject to the following conditions:

1. 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.

2. 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.

3. 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.

4. The Liquor Use Permit is non-transferable to any other location.

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.

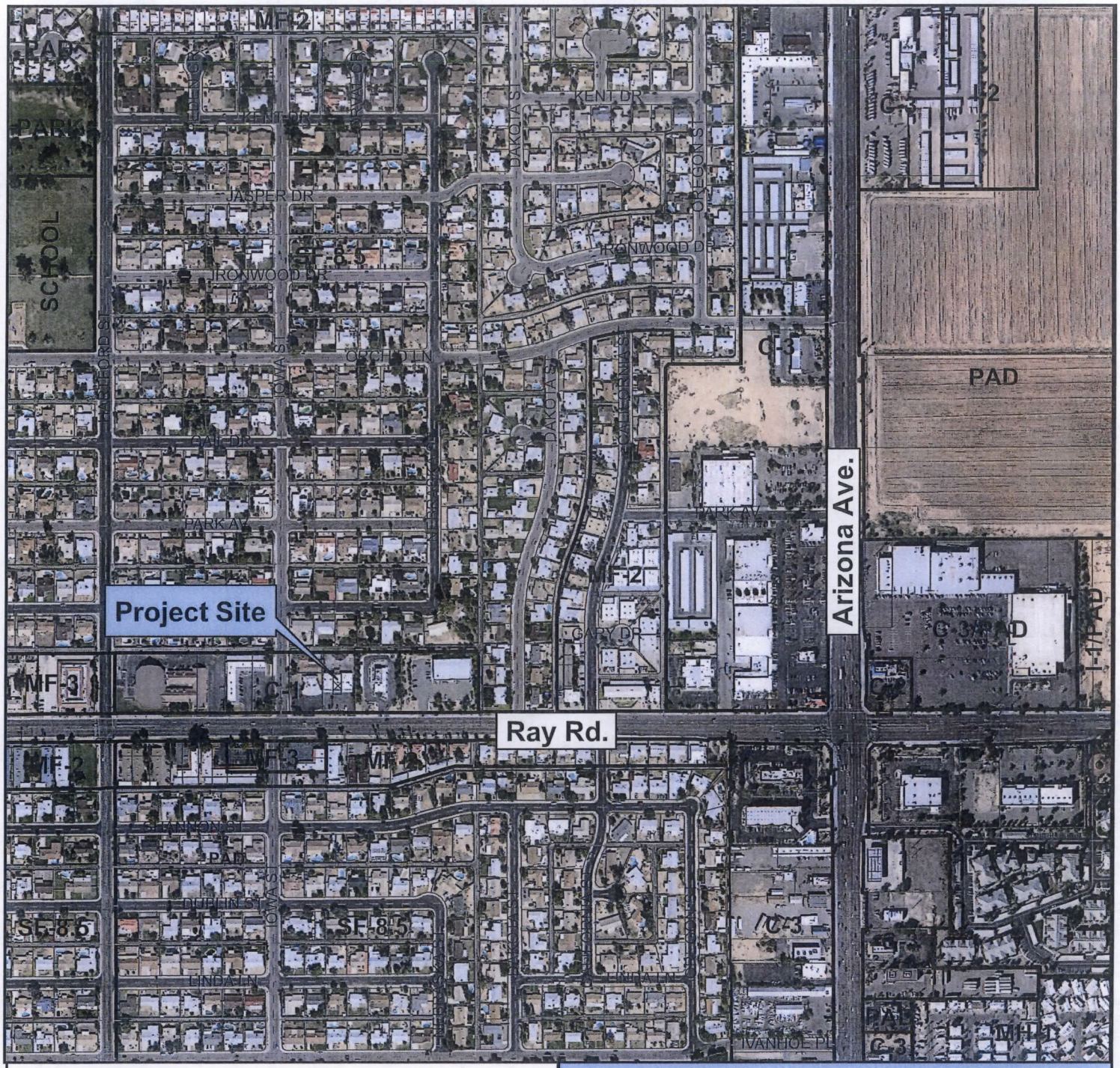
8. The establishment shall provide a contact phone number of a responsible person (owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

**PROPOSED MOTION**

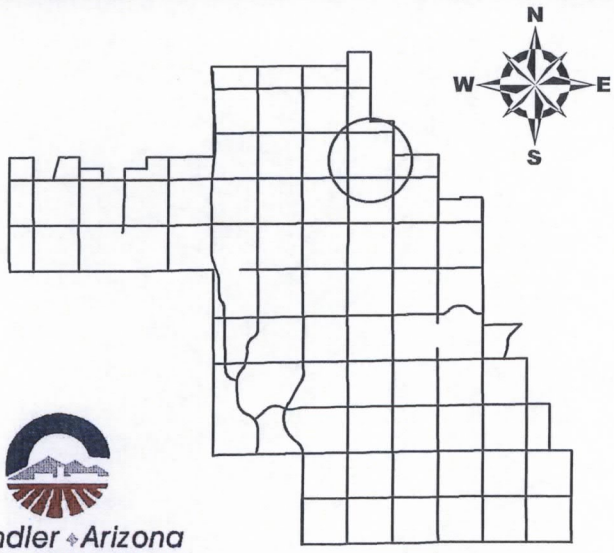
Move to approve Liquor Use Permit, LUP14-0003 EL HERRADERO, subject to the conditions recommended by Planning Commission and Planning Staff.

**Attachments**

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




# Vicinity Map

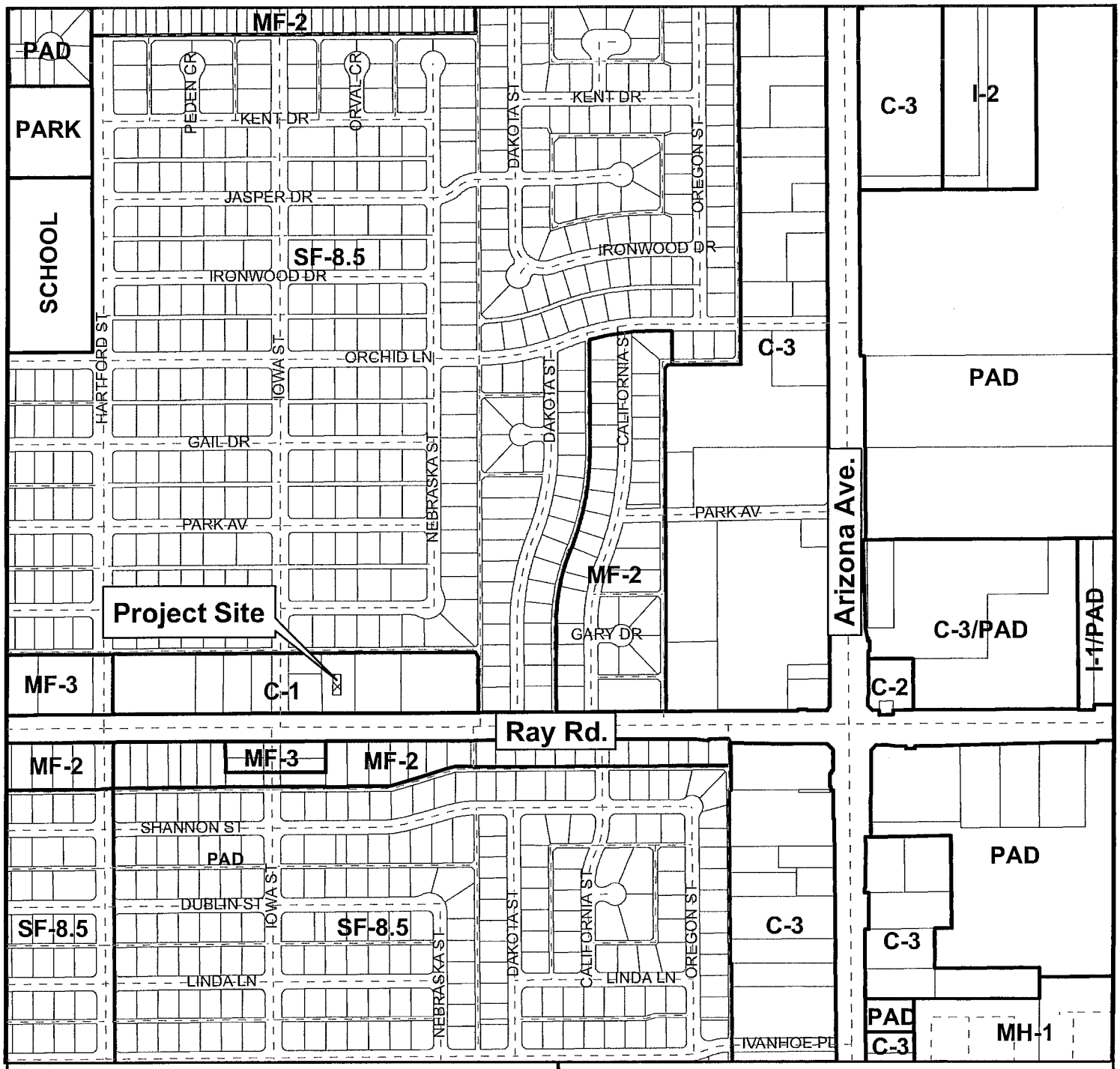



LUP14-0003

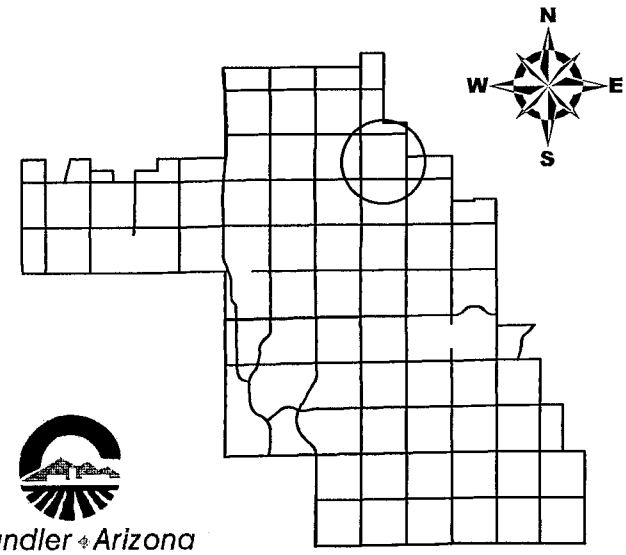
**El Herradero**
**Liquor Use Permit**

Chandler Arizona
*Where Values Make The Difference*

CITY OF CHANDLER 2/18/2014




# Vicinity Map



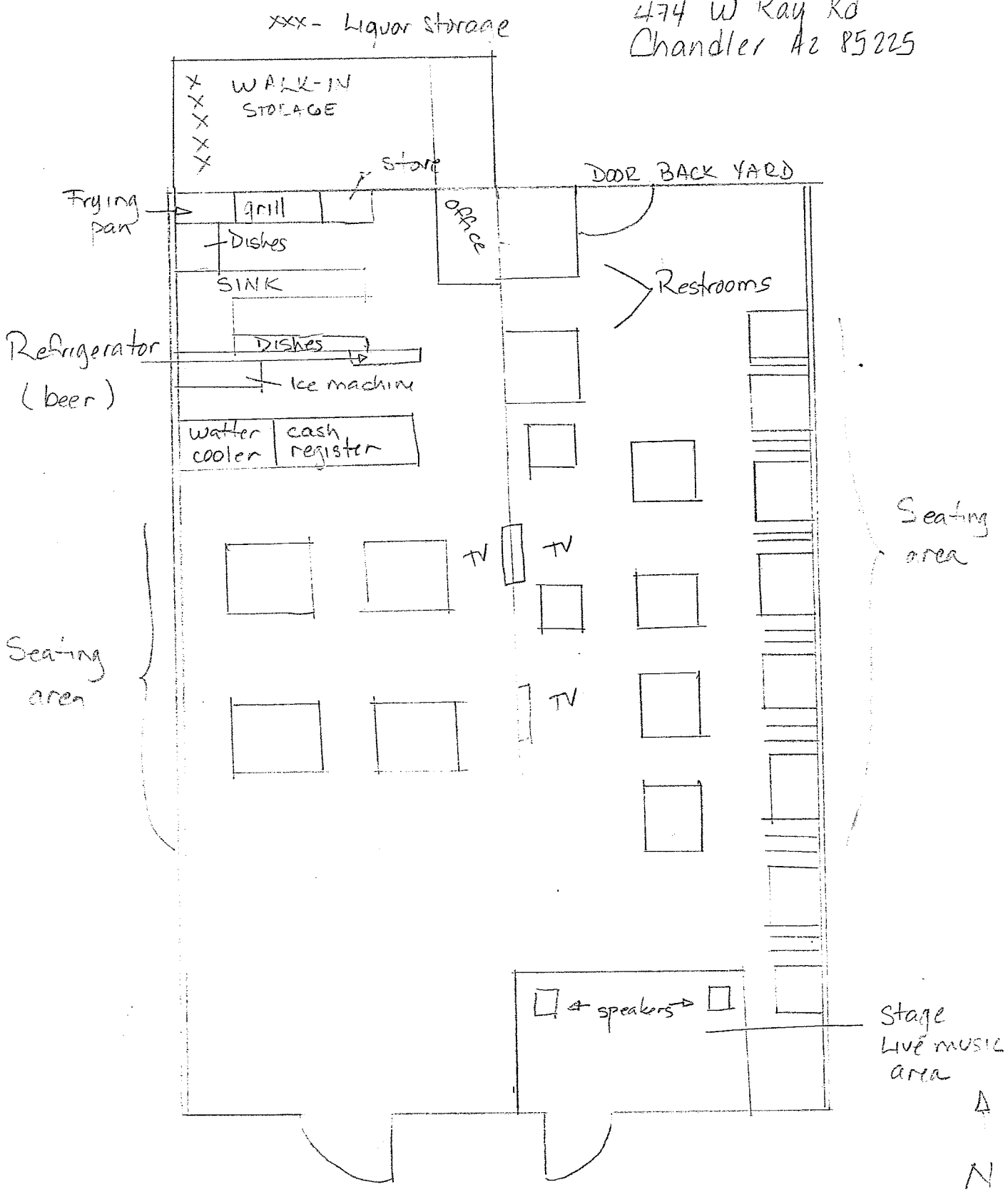

LUP14-0003

**El Herradero**
**Liquor Use Permit**

Chandler Arizona
*Where Values Make The Difference*

CITY OF CHANDLER 2/18/2014

El Herradero
474 W Ray Rd
Chandler Az 85225




Floor Plan

Chandler, Az., March 19, 2014

City of Chandler

PROJECT NARRATIVE

El Herradero, LLC, is a Mexican restaurant located at 474 W. Ray Rd., Chandler, AZ., 85225. The subject size is 2,400 Square foot inline suite. West of the inline shops space is a convenience store; east of the center is a Sonic drive-thru restaurant; north of the commercial center is the Thunderbird Estates single-family residential neighborhood.

The previous restaurant was approved for a Series 12 Restaurant liquor use permit with live entertainment. The restaurant has since vacated and El Herradero has taken over the site with a new restaurant and different owners. Our operating hours are Monday through Thursday 9 am to 8 pm, and Friday through Sunday 9 am to 12 pm. The restaurant has seating for 60 or more people and is currently employing 4 people. We're requesting a liquor use permit because we want to include alcoholic beverages such as beer, micheladas, and margaritas in our menu. In addition to the sale of alcohol, the restaurant is also proposing to continue to have occasional live music Saturday and Sunday from 1 pm to 4 pm and dances with live music Friday and Saturday nights from 9 pm to 12 am. All taking place inside. The live music area is located at the front of the building, furthest away from residential homes in the same as the previously approved liquor use permit. We will be using speakers to amplify sound but no noise shall be emitted 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 business and residents.

# TACOS

| | |
|---|---|
| Asada / *Beef* | $1.39 |
| Pastor / *Marinated Pork* | $1.39 |
| Carnitas / *Pork meat* | $1.39 |
| Cabeza / *Head* | $1.39 |
| Lengua / *Tongue* | $1.50 |
| Pollo / *Chicken* | $1.39 |
| De tripa / Bowel | $1.59 |
| De camarón empanizado / *Breaded Shrimp* | $2.99 |
| De camarón con queso / *Shrimp& cheese* | $2.99 |
| De pescado empanizado / *Breaded Fish* | $2.99 |
| De pescado con queso / *Fish &cheese* | $2.99 |
| De Marlyn | $2.99 |

# BURRITOS

Se sirve con arroz, frijoles y pico de gallo / *Served with rice, beans & pico de gallo*

| | |
|---|---|
| De asada / *Beef* | $4.99 |
| De pastor / *Marinated Pork* | $4.99 |
| Carnitas / *Pork meat* | $4.99 |
| Cabeza / *Head* | $4.99 |
| Lengua / *Tongue* | $4.99 |
| Pollo / *Chicken* | $4.99 |
| Camarón / Shrimp | $7.99 |
| Pescado / *Fish* | $7.99 |
| Solo carne / *Only Beef* | $7.99 |

# SOPES

| | |
|---|---|
| Asada / *Beef* | $2.49 |
| Pollo / *Chicken* | $2.49 |
| Deshebrada | $2.49 |

# TORTAS

| | |
|---|---|
| Asada / *Beef* | $4.99 |
| Pollo / *Chicken* | $4.99 |
| Deshebrada | $4.99 |
| Carnitas / *Pork meat* | $4.99 |

# ENSALADAS / SALADS

| | |
|---|---|
| Sencilla / *Only vegetables* | $5.99 |
| De pollo / *Chicken* | $7.99 |
| De camarón / *Shrimp* | $8.99 |
| De pescado / *Fish* | $8.99 |

# EXTRAS

| | |
|---|---|
| Papas fritas/ *French Fries* | $2.49 |
| Frijoles / *Beans* | $1.99 |
| Arroz / *Rice* | $1.99 |
| Arroz y frijoles / *Rice & Beans* | $2.99 |
| Guacamole | $3.99 |

# MENU DE NIÑOS / KIDS MENU

| | |
|---|---|
| Quesadillas con papas / *Quesadilla & french fries* | $4.99 |
| Chicken strips con papas / *Chicken strips & french fries* | $5.99 |
| Fish steaks | $5.99 |
| Papas fritas / *French Fries* | $2.99 |
| Camarones con papas / *Shrimp & french fries* | $6.49 |
| Palomitas de camarón / *Popcorn shrimp* | $6.99 |

# BEBIDAS / DRINKS

| | |
|---|---|
| Fuente de sodas / *Fountain Drinks* | $1.99 |
| Soda Mexicana / *Mexican soda* | $1.99 |
| Agua Fresca / *Flavored water* | med $1.69 grande $1.99 |

**CERVEZAS DOMESTICAS / *DOMESTIC BEER*** $2.59

Bud Light
Budweiser
Michelob Ultra
Coors Light

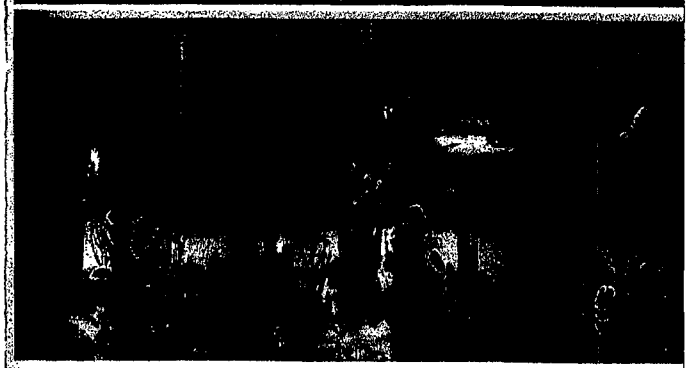
**CERVEZAS IMPORTADAS / *IMPORTED BEER*** $2.99

Corona
Victoria
Dos Equis
Pacifico
Modelo y Negra Modelo
Tecate y Tecate Light
Micheladas $4.49

**VINOS Y LICORES/ *WINES & LIQUOUR***

| | |
|---|---|
| Piña Colada | $5.49 |
| Margaritas | $5.49 |

# RESTAURANT EL HERRADERO



474 E Ray Rd. Chandler, AZ 85225

www.restaurantelherradero.com

480-857-8850

# BOTANA / APPETIZERS

*De Mariscos: Camarón, pulpo, caracol, ostiones, patas de jaiba
**Sea Food : Shrimp, Octopus, Oyster & Crab Legs* $14.99
De Camarón / *Shrimp* $12.99
De Camarón y Pulpo / *Shrimp & Octupus* $12.99
Camarón cucaracha $12.99
Camarón cocido para pelar $12.99
De Pulpo / *Octupus* $12.99
De Jaiba / *Crab Legs* $8.99
*De camarones ahogados /**Drowned Shrimp* $11.99
*De camarones Aguachile /**Aguachile Shrimp* $12.99
De toritos de camarón $9.99
*De callo de Acha $18.99
*De Ostiones / **Oyster* 1/2 dz $5.99 Dz $10.99
Mariscada: Filete a la plancha ,Filete empanizado, Camarón a la plancha, Camarón empanizado y Camarones rellenos / *Grilled, Breaded & Stuffed Fish & Shrimp* $19.99
Alitas de pollo / *Chicken wings* $8.99
Nachos con pollo o asada / *Nachos chicken or beef* $6.99

# SEA FOOD / COCKTAILS

| | mediano *medium* | grande *large* |
|---|---|---|
| De camarón / *shrimp* | $10.99 | $13.99 |
| De pulpo / *octupus* | $11.99 | $13.99 |
| *Campechana: camarón, pulpo, caracol y ostión **Campechana: Shrimp, Octopus Snail & Oyster* | $11.99 | $14.99 |
| *Campechana especial: camarón, pulpo, caracol, calamar, aguachile, ostión. **Campechana: Shrimp, octopus Snail & Oyster* | $13.99 | $16.99 |
| *Ceviche | $10.99 | $12.99 |
| *Ceviche especial Aguachile | $12.99 | $14.99 |
| *Cocktails en coco /**Cocktail in coconut* | | $2.00 extra |

*Consumir carnes, aves, mariscos, crustáceos o huevos crudos o a término medio puede incrementar el riesgo de una enfermedad alimentaria.

**Consuming raw or undercooked meats, poultry seafood, shellfish, or eggs may increase your risk of food borne illness.*

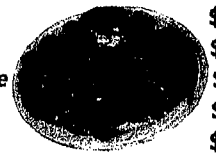
# FILETE / FISH FILLET

Empanizado / *Breaded* $11.99
Plancha / *Grilled* $11.99
Ranchero / *Ranch Style* $11.99
Al mojo de ajo / *Garlic Sauce* $11.99
A la Diabla / *Deviled* $11.99
A la Veracruzana / *Veracruz Style* $11.99
Culiche / *Culiche Style* $11.99
Empapelado / *Empapelado Style* $11.99
Al Chipotle / *Chipotle Style* $11.99

# PESCADO / FISH

Frito / *Fried* $10.99
Ranchero / *Ranch Style* $11.99
Al mojo de ajo / *Garlic Sauce* $11.99
Veracruzano / *Veracruz Style* $11.99
A la diabla / *Deviled* $11.99
Chipotle / *Chipotle Style* $ 9.99

# CAMARONES / SHRIMP



A la plancha / *Grilled* $12.99
Empanizado / *Breaded* $12.99
Al Mojo de Ajo / *Garlic Sauce* $12.99
A la Diabla / *Deviled* $12.99
A la Veracruzana / *Veracruz Style* $12.99
Al Chipotle / *Chipotle Style* $13.99
Culichi / *Culichi Style* $13.99
Camarones rellenos de jamón y queso *Shrimp stuffed with ham & cheese* $14.99
Con tocino / *Bacon* $14.99

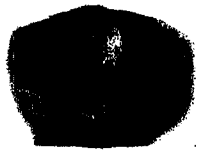
# TOSTADAS

*Ceviche de camarón / **Shrimp* $3.99
*Ceviche y pulpo / **Shrimp & octpus* $3.99
*Mixta camarón, pulpo, caracol y jaiba **Shrimp, octopus, snail & crab.* $5.99
*Ceviche y callo de acha $6.99
*Callo de acha $6.99
De Jaiba / *Crab* $4.99

# CALDOS

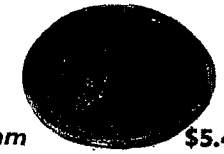
| | med | grande |
|---|---|---|
| Camarón / *Shrimp* | $8.99 | $11.99 |
| Pescado / *Fish* | $8.99 | $11.99 |
| Siete mares / *Seven Seas* | $9.99 | $13.99 |
| Camarón y pulpo / *Shrimp & Octupus* | $7.99 | $11.99 |
| Pescado y pulpo / *Fish & Octupus* | $7.99 | $10.99 |
| Camarón y pescado / *Shrimp & Fish* | $8.99 | $11.99 |

# BURRITOS DESAYUNOS / BREAKFAST BURRITOS



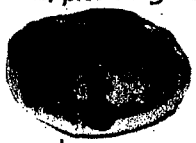
Chorizo $3.99
Salchicha / *Sausage* $3.99
Tocino / *Bacon* $3.99
Jamón / *Ham* $3.99
Machaca $3.99
Frijoles / *Beans* $3.99
Papa / *Potato* $3.99

# DESAYUNOS / BREAKFAST



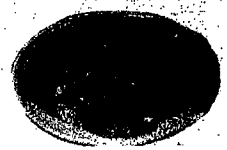
Se sirve con arroz, frijoles, pico de gallo y tortillas / *Served with rice, beans, pico de gallo & tortillas*
*Huevos con jamón / **Eggs & ham* $5.49
*Huevos con chorizo / **Eggs & chorizo* $5.49
*Huevos rancheros / **Eggs ranchero style* $5.49
*Huevos con bisteck / **Steak & eggs* $6.49

# PLATILLOS MEXICANOS / MEXICAN DISHES



Se sirve con arroz, frijoles, pico de gallo, guacamole y tortillas / *Served with rice, beans, pico de gallo, guacamole & tortillas.*
Carne asada / *Grilled Steak* $9.99
Carnitas / *Pork meat* $9.99
Pollo Asado / *Grilled Chicken* $9.99
Tampiqueña: Enchilada y carne asada $9.99
3 Enchiladas $9.99
3 Tacos dobladas / *Hard tacos* $9.99
4 Tacos enrollados / *Rolled tacos* $9.99
Bisteak ranchero / *Ranchero Style* $9.99
Fajita de res / *Beef Fajita* $9.99
Fajitas de pollo / *Chicken Fajita* $9.99
Fajita de camarón / *Shrimp Fajita* $11.99
Fajita mixta: pollo y res / *Mix Fajita: Chicken and beef* $9.99
Menudo med $3.99 grande $6.99
Barbacoa med $3.99 grande $6.99

# QUESADILLAS



Asada / *Beef* $4.49
Pollo / *Chicken* $4.49
Solo queso / *Only Cheese* $2.99
De camarón / *Shrimp* $9.99
De Marlyn $9.99