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Where Values Make The Difference



MEMORANDUM

Transportation & Development – PZ Memo No. 12-048

DATE: JUNE 11, 2012

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: LUP12-0011 SIDELINES GRILL AND TAVERN

Request: Use Permit approval to continue selling liquor for on-premise consumption only within a restaurant that includes an outdoor patio and live music (Series 12 Restaurant License)

Location: 2980 S. Alma School Road, Suite #2, west of the northwest corner of Queen Creek and Alma School Roads

Applicants: Sidelines Tavern and Grill Corporation/
Arizona Liquor Industry Consultants

RECOMMENDATION

Staff, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommends approval for three (3) years, subject to conditions.

BACKGROUND

The subject restaurant is located west of the northwest corner of Alma School and Queen Creek Roads within the Ocotillo Plaza shopping center that contains the vacant anchor stores formerly occupied by Target and Basha's. The restaurant occupies the southern end of a pad building along Queen Creek Road. The subject request is to extend the approval for alcohol service with live music on the outdoor patio.

The restaurant first received a Use Permit for alcohol service under a Series 12 Restaurant License in 2002. It received a new Use Permit in 2009 to accommodate a patio expansion. In April 2011 it received a Use Permit, limited to one (1) year, to allow the addition of live music on the outdoor patio. The 1-year time limit was intended to allow re-evaluation after a track record had been established regarding the effect of the music on surrounding neighborhoods.

The restaurant has an estimated seating of 202 persons, including 60 seats on a 1,150 square foot outdoor patio along its southeastern wall. The patio is enclosed with 36-inch tall decorative railing and includes a fireplace and six televisions. The restaurant has been in operation since 2002 (always under a Series 12 Restaurant License) and is open Sunday and Monday from 11 a.m. to 11 p.m., Tuesday through Thursday from 11 a.m. to 12 a.m., and 11 a.m. to 1 a.m. on Fridays and Saturdays.

The application requests permission to continue hosting live music as previously approved in 2011. The 2011 approval contained several conditions relating to the music, including that music “not unreasonably disturb area residences,” that music “not exceed the ambient noise level as measured at the commercial property line,” and that the restaurant provide a phone number for a responsible person in order to quickly resolve any noise complaints. Music is allowed until 10 p.m. on Thursdays and Sundays, and until 11:30 p.m. on Fridays and Saturdays; in practice, the restaurant has chosen to limit music to before 10 p.m. on those days. Music speakers are 12” in diameter and are directed toward the building.

On April 7 the restaurant held a 10-year anniversary party as administratively approved by the city through a special event permit. The special event permit allowed for amplified music and for part of the parking lot to be occupied by a tent, games, etc. The special event permit is separate approval for a one-time event that is not considered part of the Liquor Use Permit.

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.

USE PERMIT COMPLIANCE

In April 2012, Staff was contacted by a neighbor regarding alleged noncompliance with the noise-related conditions of the previous Use Permit approval. Two evenings were said to be at issue: Saturday April 7 and Friday April 20. The April 7 incident fell under the one-time special event permit and was therefore considered separate from the regular Use Permit approval. On April 20, the neighbor reportedly called to ask that the music be turned down, but it was not. Such a failure to adjust the music volume in response to a neighbor request would likely constitute a violation of the approved conditions. Staff is not aware of any other alleged noncompliance in the past year.

DISCUSSION

Staff recommends approval of the request with a time limit of three (3) years to allow for re-evaluation of conditions regarding amplified music. The restaurant has hosted live music many times over the past year with only one negative incident, which indicates that it is possible to abide by the recommended conditions and be compatible with the surrounding area. It is expected that the restaurant comply 100% of the time in the future with their Use Permit conditions. As always, noncompliance with approved Use Permit conditions could be grounds for revocation of the Use Permit and the associated permissions for live music and alcohol sales.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code. Additionally, all neighbors who provided their addresses on signed petitions (either for or against) regarding last year's Use Permit were sent notification of the subject request.
- A neighborhood meeting was held on June 5, 2012 at the Downtown Community Center. A neighbor couple attended with concerns about live music that they had previously communicated to City Councilmembers and staff in April. Essentially, the neighbors report that the live music usually does not disturb them, but that it disturbed them on two occasions in April. One of the two occasions was the restaurant's 10-year anniversary party, which received a special events permit from the City of Chandler. The other occasion involved a phone call to the restaurant that did not result in a change of music volume and the disturbance continued. The concerned neighbors are okay with the approved Use Permit conditions so long as they are actually abided by. However, the neighbors are concerned by the past noncompliance. About 10 people associated with the restaurant also attended the meeting in support.
- The Police Department has been informed of the application and has no issues or concerns.
- Staff is not aware of any opposition or concerns except those expressed by the neighbors at the neighborhood meeting. One neighbor's letter of support is among the memo attachments.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and PAD zoning, recommends approval of the Use Permit subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
5. The Use Permit is non-transferable to any other store location.
6. The patio and area adjacent to the restaurant entrance shall be maintained in a clean and orderly manner.
7. The Use Permit shall remain in effect for three (3) years from the effective 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.

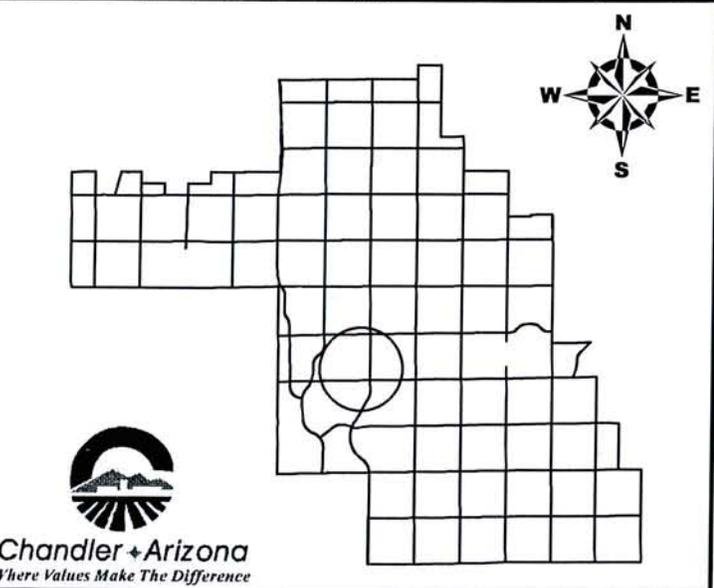
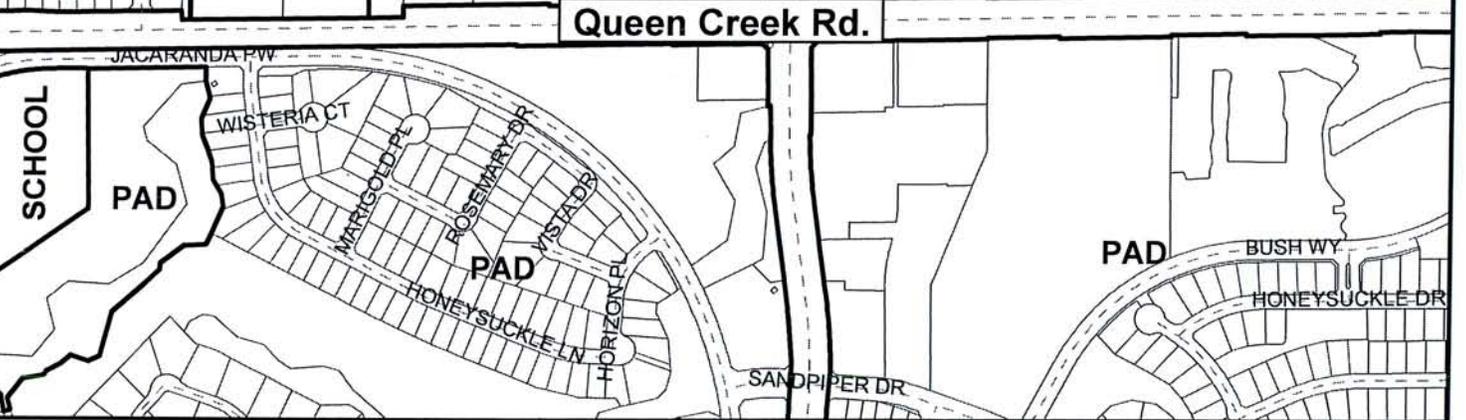
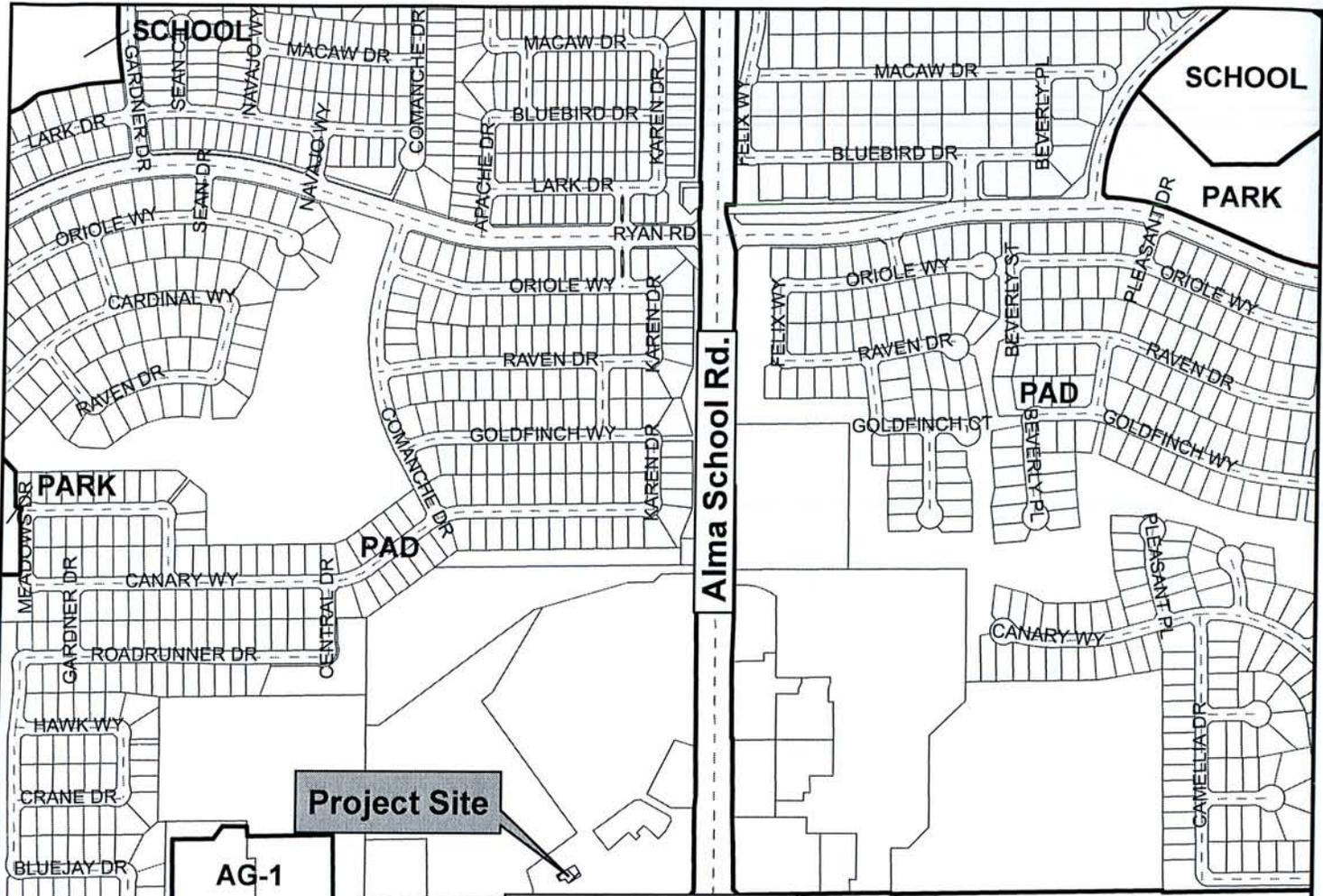
8. Outdoor music shall not utilize bass speakers or sub-woofers.
9. The maximum diameter of speakers used in conjunction with outdoor music shall be 12”.
10. Music shall not be played after 10 p.m. on Thursdays and Sundays nor after 11:30 p.m. on Fridays and Saturdays. Music shall not be played before 9 a.m. on any day.
11. Music shall be limited to Thursday through Sunday.
12. Music shall be controlled so as to not unreasonably disturb area residences and shall not exceed the ambient noise level as measured at the commercial property line.
13. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that allows music complaints to be resolved quickly and directly.

PROPOSED MOTION

Move to recommend approval of Use Permit LUP12-0011 SIDELINES GRILL AND TAVERN, subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Aerial Close-up
3. Patio Floor Plan
4. Indoor Floor Plan
5. Applicant Narrative
6. Letter of Support



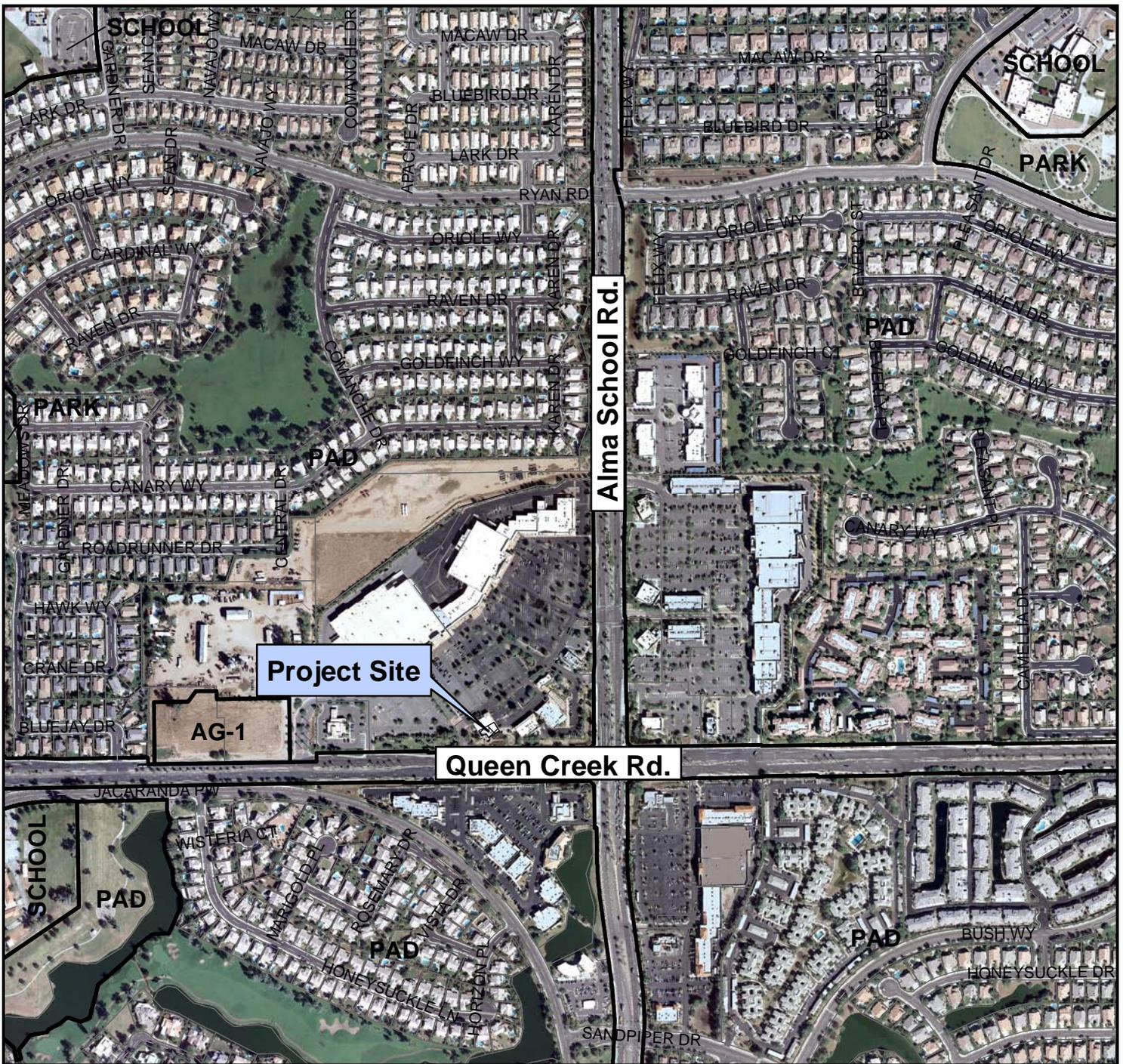
Vicinity Map



LUP11-0002

**Sidelines Grill and Tavern
Liquor Use Permit**

CITY OF CHANDLER 4/30/2012



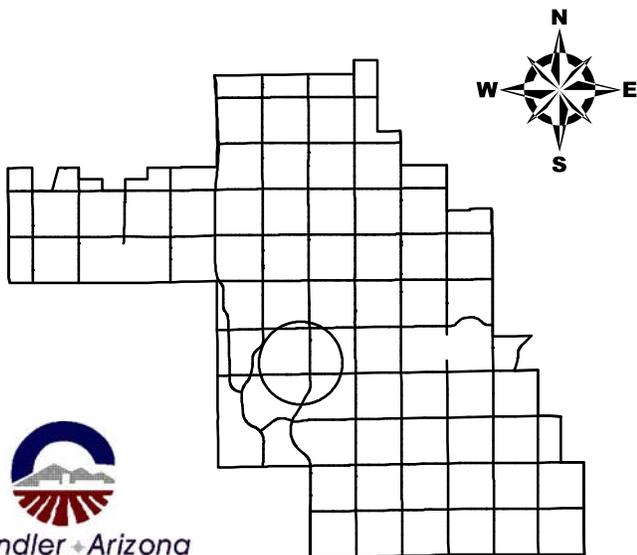
Alma School Rd.

Queen Creek Rd.

Project Site

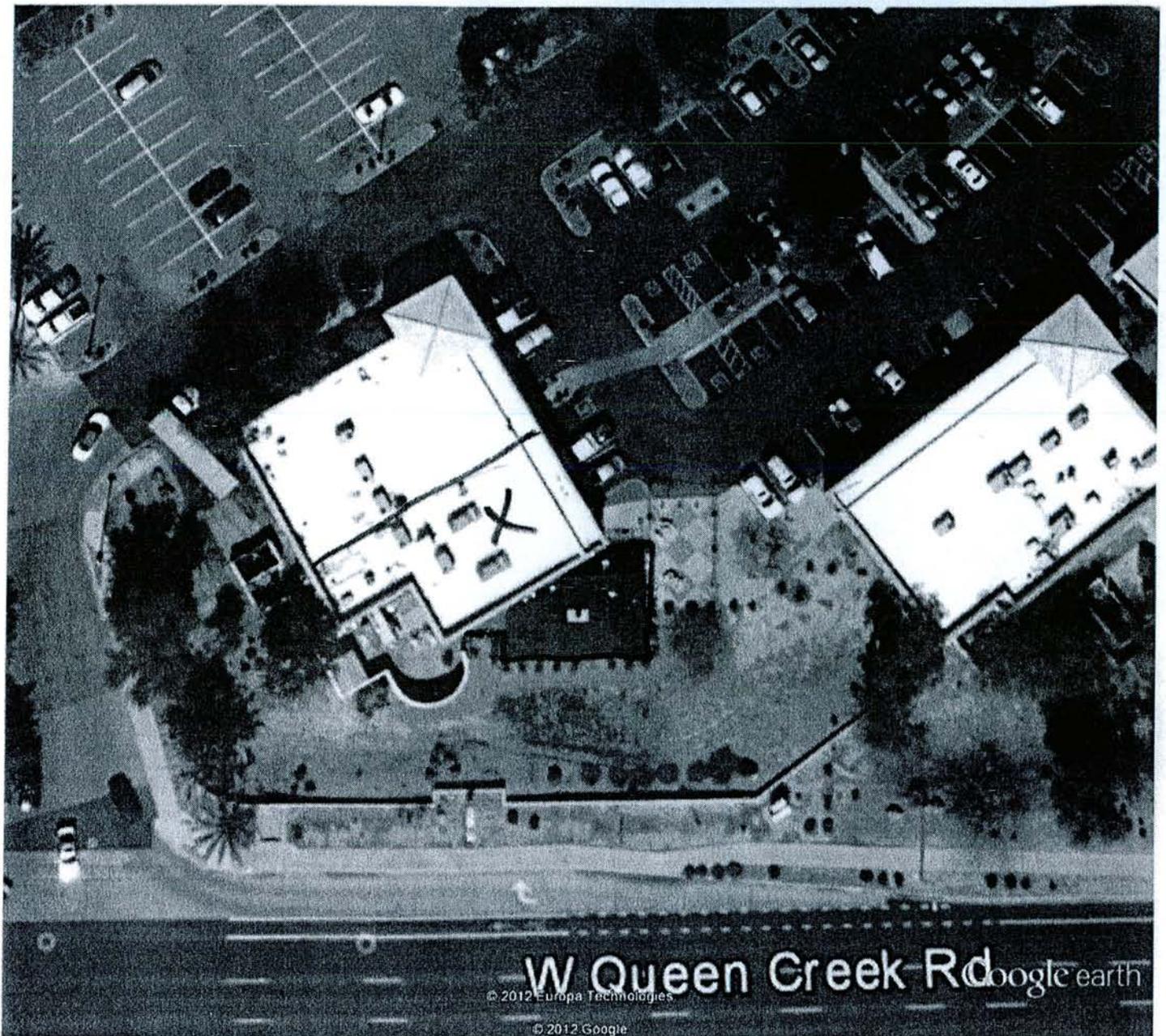
AG-1

Vicinity Map



LUP11-0002

**Sidelines Grill and Tavern
Liquor Use Permit**



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Google earth



EXISTING RESTAURANT
OCCUPANCY 97

49' FROM FURTHEST POINT OF PATIO ADDITION
EXIT
EXIT SIGN

DASHED LINES
INDICATE EXISTING
TO REMAIN

EXIT
EXIT SIGN

EXIT
EXIT SIGN

OCCUPANCY LOAD SIGN (73) POSTED

TO EXISTING OUTDOOR
CIRCUIT BREAKER AT PANEL
20 AMPRE EXISTING

EXIT
EXIT SIGN
SELF LATCHING WITH
Panic Hardware
COMPLY WITH 103.4.8 2004 BC

OUTDOOR
DINING
(OPEN RAFTER NO CEILING)

WET LISTED
SOURCE
on timer switch

WET LISTED
SOURCE
on timer switch

WPGFCI

42" HIGH WROUGHT
IRON GUARDRAIL PATTERN
SHALL BE FASHIONED IN TO
MEET APPLICABLE BUILDING
CODES

GATHERING
AREA

PORTABLE SPACE HEATERS
TO BE REQUESTED FROM SITE
PER BIDDING NOTE 3-3

15" SQUARE WMS.
COLUMNS WITH
STUCCOED FINISH PAINT
AND COLORED TO
MATCH EXISTING

LINE OF
EXISTING SLAB

RETAINER WALL HEIGHT (SEE GRADING PLAN)

RETAINER WALL HEIGHT (SEE GRADING PLAN)

42" HIGH WROUGHT
IRON GUARDRAIL PATTERN
SHALL BE FASHIONED IN TO
MEET APPLICABLE BUILDING
CODES (SEE SECTION 10113.2)

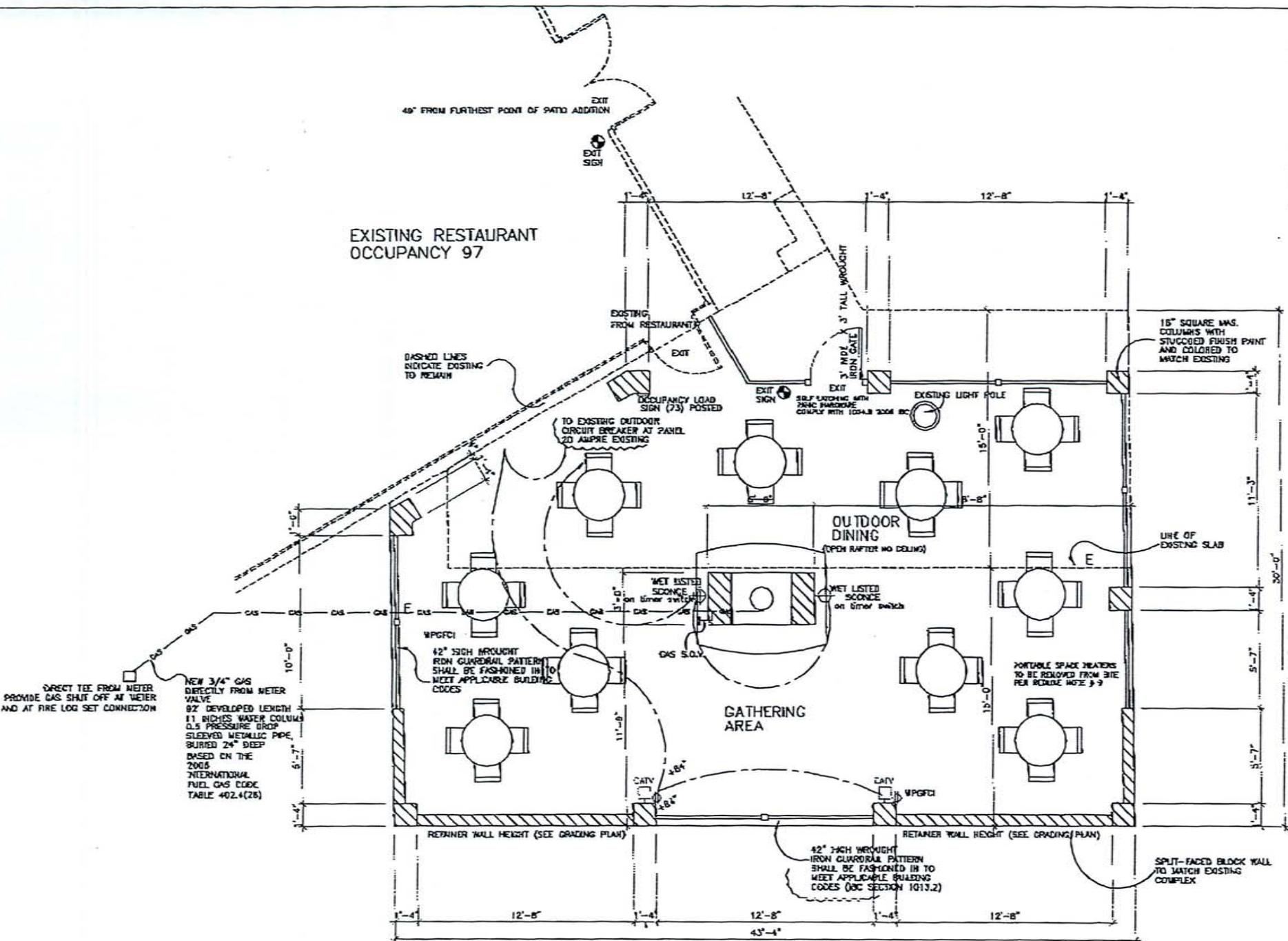
SPLIT-FACED BLOCK WALL TO MATCH EXISTING
COMPLEX

DIRECT TIE FROM METER
PROVIDE GAS SHUT OFF AT METER
AND AT FIRE LOG SET CONNECTION

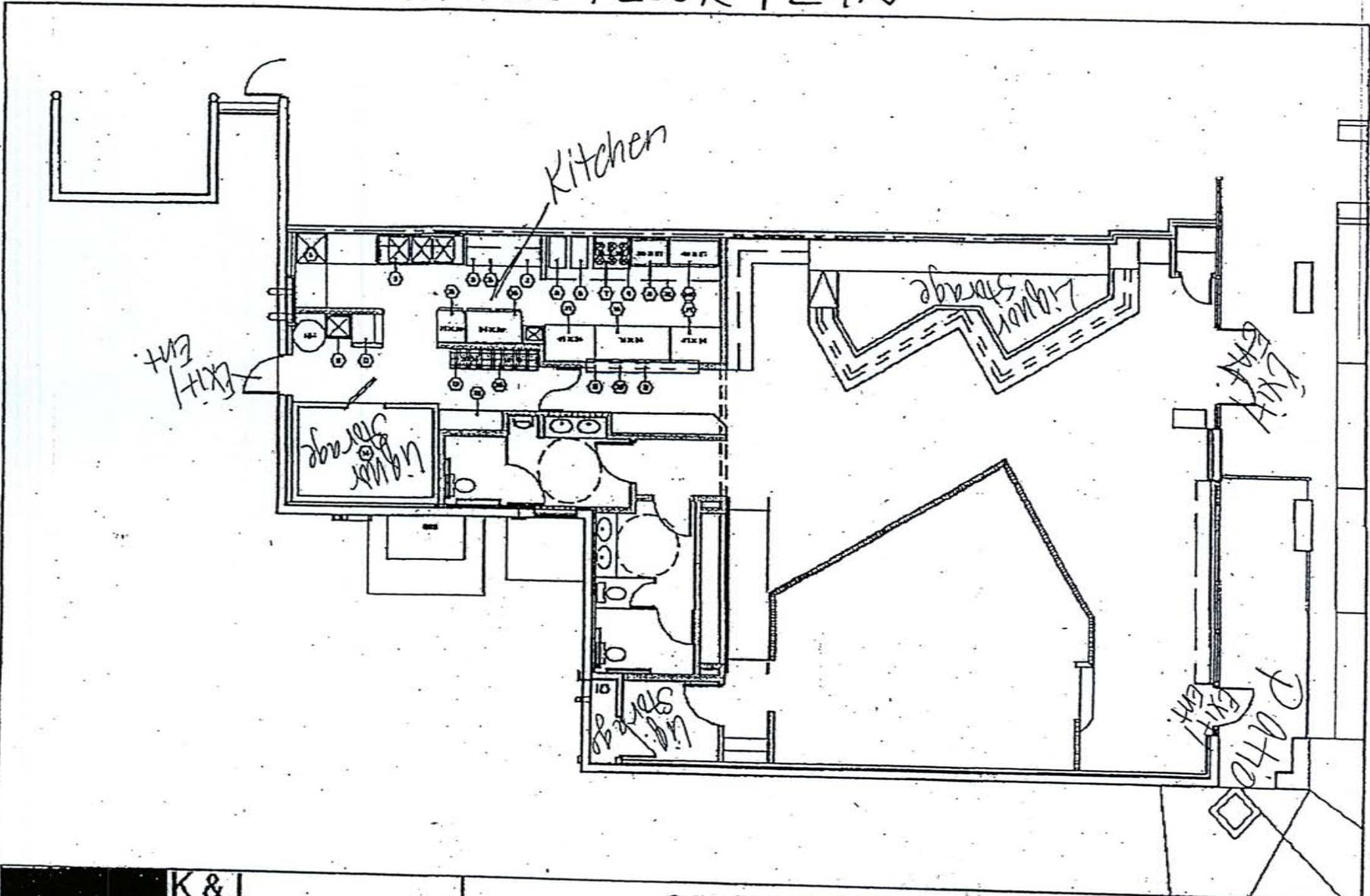
NEW 3/4" GAS
DIRECTLY FROM METER
VALVE
92' DEVELOPED LENGTH
11" HIGH WATER COLUMN
0.5 PRESSURE DROP
SLEEVED METALLIC PIPE,
BURIED 24" DEEP
BASED ON THE
2005
INTERNATIONAL
FUEL GAS CODE
TABLE 402.4(26)

EXPANDED PATIO PLAN

SCALE 1/4"=1'-0"



INDOOR FLOOR PLAN



K & I
ARCHITECTS & INTERIORS LLC.
1850 N. CENTRAL AVE. #335
PHOENIX, AZ 85004
PH: 602-252-5202
FAX: 602-252-5203

01080
DATE: 3/20/02
2,652 U.S.F.

SIDELINES TAVERN
2980 E. QUEEN CREEK RD. SUITE 2
CHANDLER, ARIZONA
SPACE PLAN



SCALE: 3/32" = 1'-0"

MAR-20-2002 (WED) 15:54 K&I ARCHITECTS & INT (FAX) 602-252-2503 P. 001/001

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

City of Chandler Planning and Development Department
Current Planning Division
215 E. Buffalo Street
Chandler, Arizona 85225

April 19, 2012

To Whom It May Concern:

Sidelines Grill & Tavern is an existing restaurant located at 2980 S. Alma School Road Suite 2 in Chandler within the Ocotillo Plaza Shopping Center. Sidelines Grill & Tavern has already qualified and holds a series 12 restaurant liquor license and has a Chandler Liquor Use Permit already in place but we would like to request permission to continue the live entertainment.

Sideline's Grill & Tavern currently holds a series 12 restaurant liquor license (12075162) and is open for business Sunday & Monday 11am until 11pm, Tuesday & Thursday 11am until 12am and Friday & Saturday 11am until 1am. Sidelines is a family friendly sports grill with a menu that consists of hamburgers, chicken, pizza, fish, salads and appetizers (menu attached). We currently employ 30 people. Our interior square footage is 2,652 and our patio is 800 and has total seating of 202 inside and out. Our parking is not assigned by the property manager; it is shared with other businesses.

Sidelines Grill and Tavern would like to continue to offer live entertainment in their business. The live entertainment would consist of a one or two man acoustic band to be located inside the restaurant. The entertainers use 2 110 watt speakers that are 12 inches and are attached to their microphone. The live music will be mostly Thursday evenings 7pm till 10pm and on weekends although we may occasionally change days and times. The following bands are what we are considering: Desert Dixie, a two man band that plays country music. Alan Dequina, a one man band that plays rock and roll oldies. Curt and Rod, a two man band that plays mostly country, top hits, Neil Diamond etc. any

Please contact me if you have any questions. Thank you for your consideration.

Sincerely,

A large, stylized handwritten signature in black ink that reads "Amy Nattons".

Amy Nattons
Arizona Liquor Industry Consultants

From: Amy Blackwell <amyblackwell1@me.com>
To: Rick Heumann <rick.heumann@chandleraz.gov>, Kevin Hartke <kevin.hartke@chandleraz.gov>, Jack Sellers <jack.sellers@chandleraz.gov>, Matt Orlando <matt.orlando@chandleraz.gov>, Jay Tibshraeny <jay.tibshraeny@chandleraz.gov>, Jeff Weninger <jeff.weninger@chandleraz.gov>, Trinity Donovan <trinity.donovan@chandleraz.gov>
Cc: Kristina Grako <kcgrako@hotmail.com>
Date: 05/21/2012 07:38 PM
Subject: Letter to Council - Re: Sidelines

May 21, 2012

Dear Gentlepersons;

Myself, my wife and two teenage daughters reside at 3040 S. Rosemary Dr. Chandler AZ 85248. We have lived in this home for almost 7 years. Our home is located SW of the intersection of Queen Creek and Alma School Rd in the Stillwater Cove community of Ocotillo. Our home borders the northern community perimeter wall and is almost directly south of the Sidelines establishment.

Approximately two months ago, a senior female asking me to sign a petition to protest the weekend patio music at Sidelines solicited me at my door. The individual did not identify herself nor did she offer any compelling basis for her objections to the outdoor entertainment. I informed her that the practice at Sidelines did not at all disturb my family nor cause any hardship to any neighbors that we knew in the local demographic. I informed her that I would not sign the petition nor support her assertion that the music from Sidelines was offensive or in any way bothersome to our residence and family.

Despite its close location and physical convenience, over the past seven years, my family has frequented Sidelines on less than six occasions. Saying that, we have no allegiance to the business or its ownership. I can testify that the weekend patio music in no way interferes with our family and outdoor enjoyment. I believe that a local option for live music is positive for the community and contributes to the health and prosperity of local businesses attempting to expand their market presence and offer viable options for the community.

It is my hope that equity and common sense prevails associated with this public issue. I find it regrettable that such a trivial matter could actually find its way to onto the purposeful City Council Agenda. Small businesses should be valued for their contribution to our local economy and be allowed to attempt to grow their public offerings to appeal to a resident clientele. I would not support any efforts to discourage the outdoor evening entertainment at Sidelines as it currently exists in its constrained format.

Respectfully,

Garry Blackwell
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Chandler, AZ 85248

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602-684-3189 mobile
fourblackwells@gmail.com