



**MEMORANDUM                      Transportation & Development – PZ Memo No. 13-045**

**DATE:**            JUNE 19, 2013

**TO:**                PLANNING AND ZONING COMMISSION

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

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

**SUBJECT:**        LUP13-0005 NABERS

Request:            Liquor Use Permit approval to sell and serve liquor for on-premise consumption 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**

Planning Staff, finding consistency with the General Plan and the Planned Area Development (PAD) zoning, recommends approval for one year, subject to conditions.

**BACKGROUND**

The subject site is located at the northeast 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 restaurant will be open seven days a week. Business hours will be Monday through Thursday from 11a.m. to midnight, Friday from 11a.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 1a.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.

**RECOMMENDED ACTION**

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

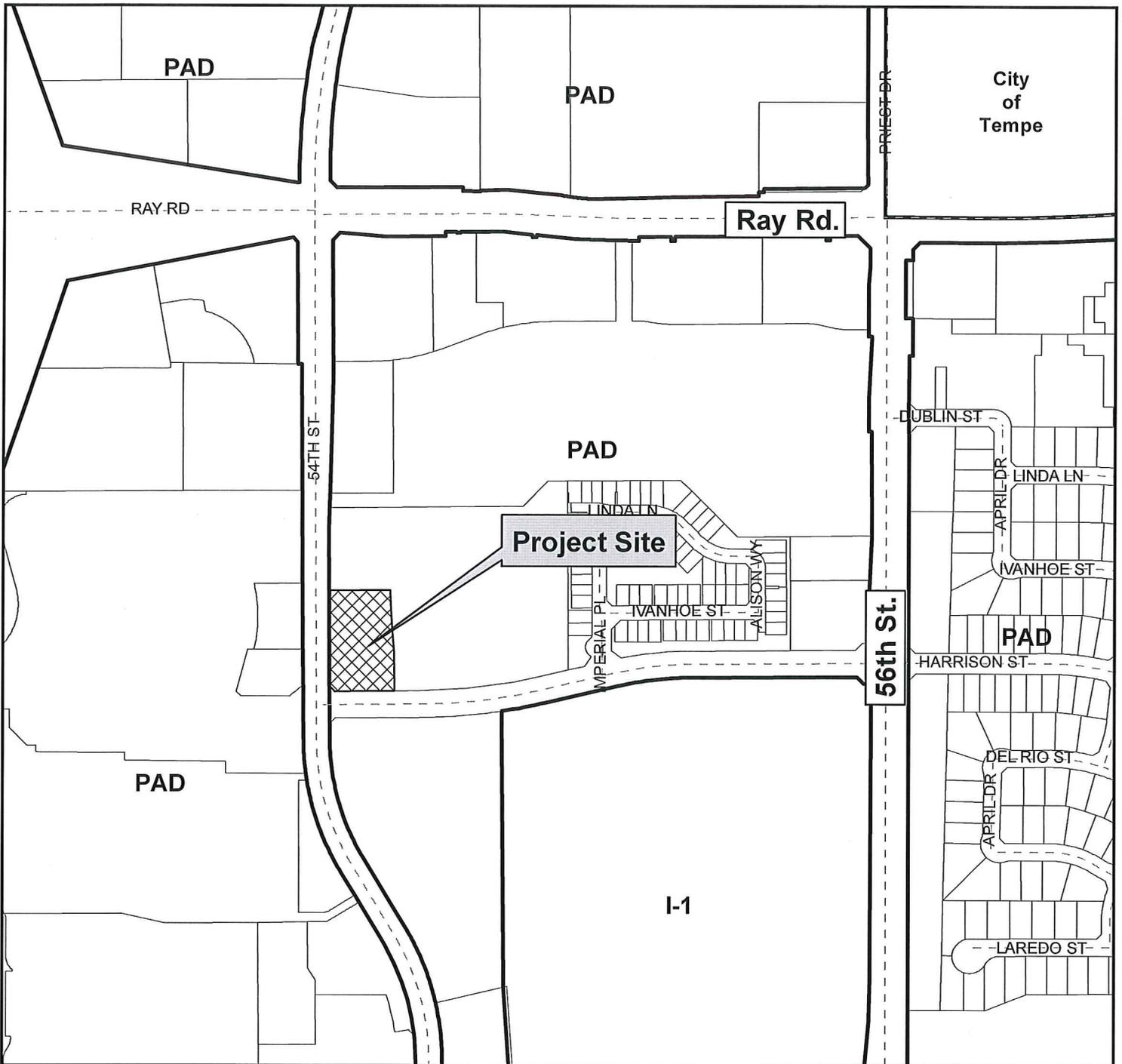
1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall 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 residences 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**

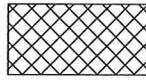
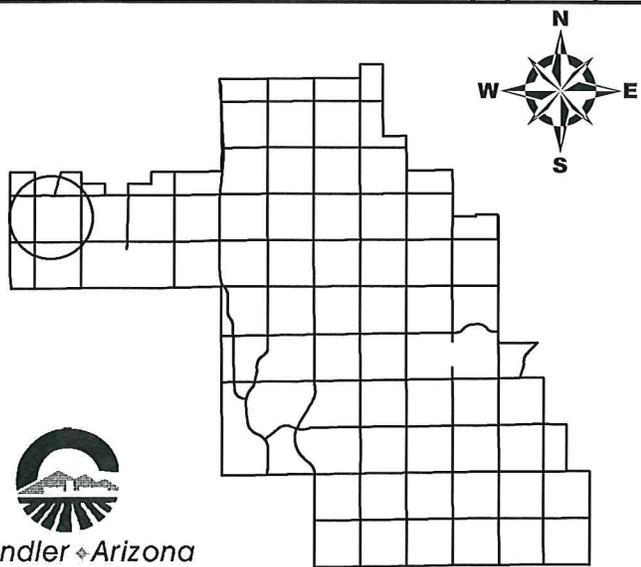
Move to recommend approval of Liquor Use Permit, LUP13-0005 NABERS, subject to the conditions recommended by Planning Staff.

**Attachments**

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

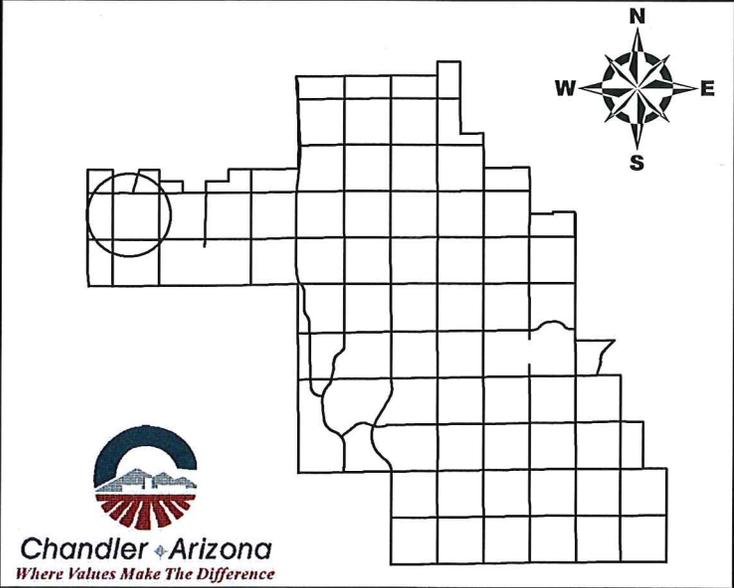
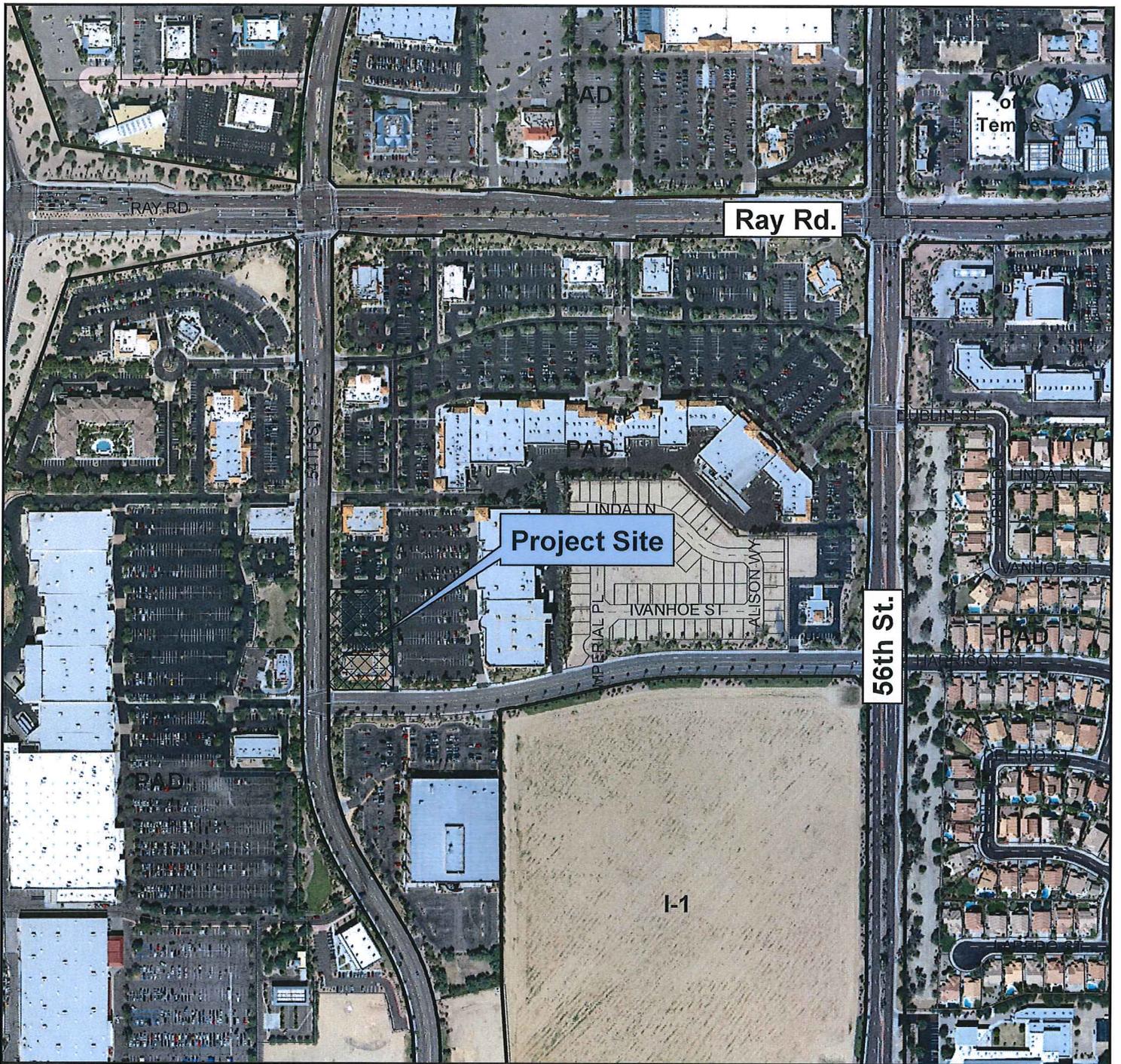


## Vicinity Map



LUP13-0005

**Nabers  
Liquor Use Permit**



## Vicinity Map



LUP13-0005

**Nabers  
Liquor Use Permit**



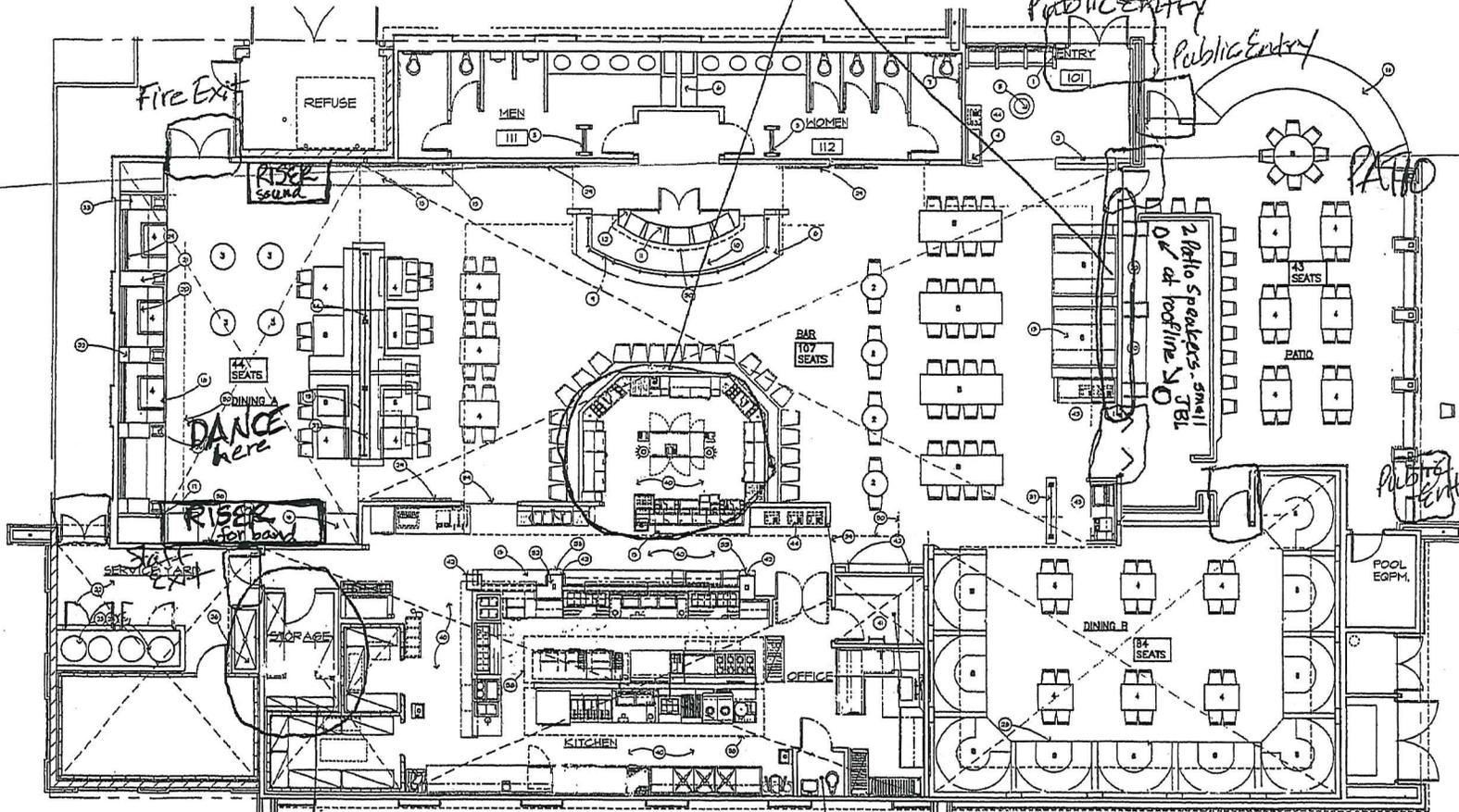


**SEATING COUNT:**  
 BAR: 107  
 PATIO SEATING: 43  
 INDOOR DINING SEATING:  
 DINING A 44  
 DINING B 84  
 GRAND TOTAL: 278 SEATING CAPACITY  
 1575 square feet

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

- 31. STAINLESS STEEL HOOD AND FIB, SEE INT. ELEVATIONS.
- 32. EXHAUST HOOD ABOVE.
- 33. VENTIL. TRANSITION.
- 34. RUGGED HART FLOORING BY OTHERS.
- 35. ROOF LADDER, SEE SHELL DRAWINGS.
- 36. BRACK RIVER ON COL.
- 37. WAREHOUSE STATION.
- 38. P.O. STATION.
- 39. EXISTING QUINN COUNTER.
- 40. DULT IN TV.
- 41. LOH DALT IN TABLE.
- 42. OUTDOOR STORAGE, SEE SHELL BUILDING FOR FINISHES.
- 43. WATER SPLITTER.
- 44. WATER FILTER.
- 45. WATER HEATER.
- 46. CASHIERS CZE SHELL BUILDING.
- 47. LOH HALL, PARTITION.
- 48. STP UP SEATING.
- 49. PARBOR.
- 50. LINE OF ROOF ABOVE.
- 51. STEEL COLUMN.
- 52. WOOD FORMED COLUMN, SEE INT. SHEETS.
- 53. HALL SCIENCE.
- 54. NOT USED.
- 55. LINE OF ROOF ABOVE, SEE SHELL DRAWINGS.
- 56. HALL FORMED TABLES BY ELEVATORS FOR HEIGHTS.
- 57. EXISTING QUINN COUNTER.
- 58. DULT IN TV.
- 59. LOH DALT IN TABLE.
- 60. OUTDOOR STORAGE, SEE SHELL BUILDING FOR FINISHES.
- 61. WATER SPLITTER.
- 62. WATER FILTER.
- 63. WATER HEATER.
- 64. CASHIERS CZE SHELL BUILDING.
- 65. LOH HALL, PARTITION.
- 66. STP UP SEATING.
- 67. PARBOR.
- 68. LINE OF ROOF ABOVE.
- 69. STEEL COLUMN.
- 70. WOOD FORMED COLUMN, SEE INT. SHEETS.
- 71. HALL SCIENCE.
- 72. NOT USED.
- 73. LINE OF ROOF ABOVE, SEE SHELL DRAWINGS.
- 74. HALL FORMED TABLES BY ELEVATORS FOR HEIGHTS.

- KEY NOTES**
- 1. RETAIL DULT IN
  - 2. WATER ACCED BY OTHERS.
  - 3. HORSING ROOM.
  - 4. ROOF DECK.
  - 5. PARTITION REFER TO INTERIOR DRAWINGS.
  - 6. TOILET ACCESSORIES, SEE RESTROOM ELEVATIONS FOR FINISHES, HEIGHTS, AND DIMENSIONS.
  - 7. 36" AND 42" SHAD DIALS, SEE 20A-2
  - 8. HOSPITALITY COUNTER.
  - 9. STAINLESS STEEL FURN.
  - 10. BLACK CARPET.
  - 11. 18" BRICK.
  - 12. BLACK PLASTIC LAMINATE.
  - 13. BOOTH SEATING.
  - 14. LOH HALL, SEE INT. SHEETS.
  - 15. 42" H. BEVERAGE COUNTER.
  - 16. BAKE TABLE.
  - 17. MECHANICAL SHAFT.
  - 18. ROOF.



DESIGN INK  
 605 N. GARDEN ST. SUITE 100  
 PHOENIX, AZ 85013  
 TEL: 602.254.1111  
 FAX: 602.254.1112  
 WWW.DESIGNINK.COM

**NABERS GRILLE**  
 605 N. GARDEN ST. SUITE 100  
 PHOENIX, AZ 85013  
 TENANT IMPROVEMENTS

design ink

Scale:  
 1/8" = 1'-0"  
 1/4" = 3'-0"  
 1/2" = 6'-0"  
 1" = 12'-0"  
 2" = 24'-0"  
 4" = 48'-0"  
 8" = 96'-0"  
 16" = 192'-0"  
 32" = 384'-0"  
 64" = 768'-0"  
 128" = 1536'-0"  
 256" = 3072'-0"  
 512" = 6144'-0"  
 1024" = 12288'-0"  
 2048" = 24576'-0"  
 4096" = 49152'-0"  
 8192" = 98304'-0"  
 16384" = 196608'-0"  
 32768" = 393216'-0"  
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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 scalloped 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