G.

JAN 07 2015

Chandler

All-America City

2010

Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Planning Division - PZ Memo No. 15-002**

DATE: JANUARY 7, 2015

TO: PLANNING AND ZONING COMMISSION

THRU: JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

FROM: SUSAN FIALA, CITY PLANNER SF

SUBJECT: LUP14-0022 NABERS MUSIC BAR & EATS

Request: Liquor Use Permit approval to continue to sell and serve liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio and continue live music indoors

Location: 825 North 54th Street, northeast corner of Harrison and 54th streets

Applicant: Denise Holliday

RECOMMENDATION

Planning Staff, finding consistency with the General Plan, recommends approval subject to conditions.

BACKGROUND

Nabers Music Bar & Eats is an existing restaurant and bar located at 825 N. 54th St., northeast corner of Harrison and 54th streets within the Chandler Pavilions commercial shopping center. Nabers Music Bar & Eats opened for business in 2013. A 65-unit condominium development is east, and other retail, restaurant, and commercial uses surround the site.

The request is for Liquor Use Permit approval to continue to sell and serve liquor as permitted under a Series 6 Bar License for on-premise consumption indoors and within an outdoor patio and continue live music indoors. The restaurant and bar received Liquor Use Permit approval in July 2013, with a time condition of one year. The current request is for an extension of the Liquor Use Permit without any further time condition.

The restaurant and bar is open seven days a week. Live music occurs three or four days a week and indoors only. There is no live, amplified, or acoustic music in the outdoor patio.

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 is appropriate at this location if the live music continues to be 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. Planning Staff is not recommending a time condition on this Liquor Use Permit due to the success of the business's operation.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on December 23, 2014. No one other than the applicant attended.
- As of this writing, Planning Staff has not received any phone calls or letters in opposition to the request.

RECOMMENDED ACTION

Planning Staff, upon finding consistency with the General Plan, recommends approval of LUP14-0022 NABERS MUSIC BAR & EATS, subject to the following conditions:

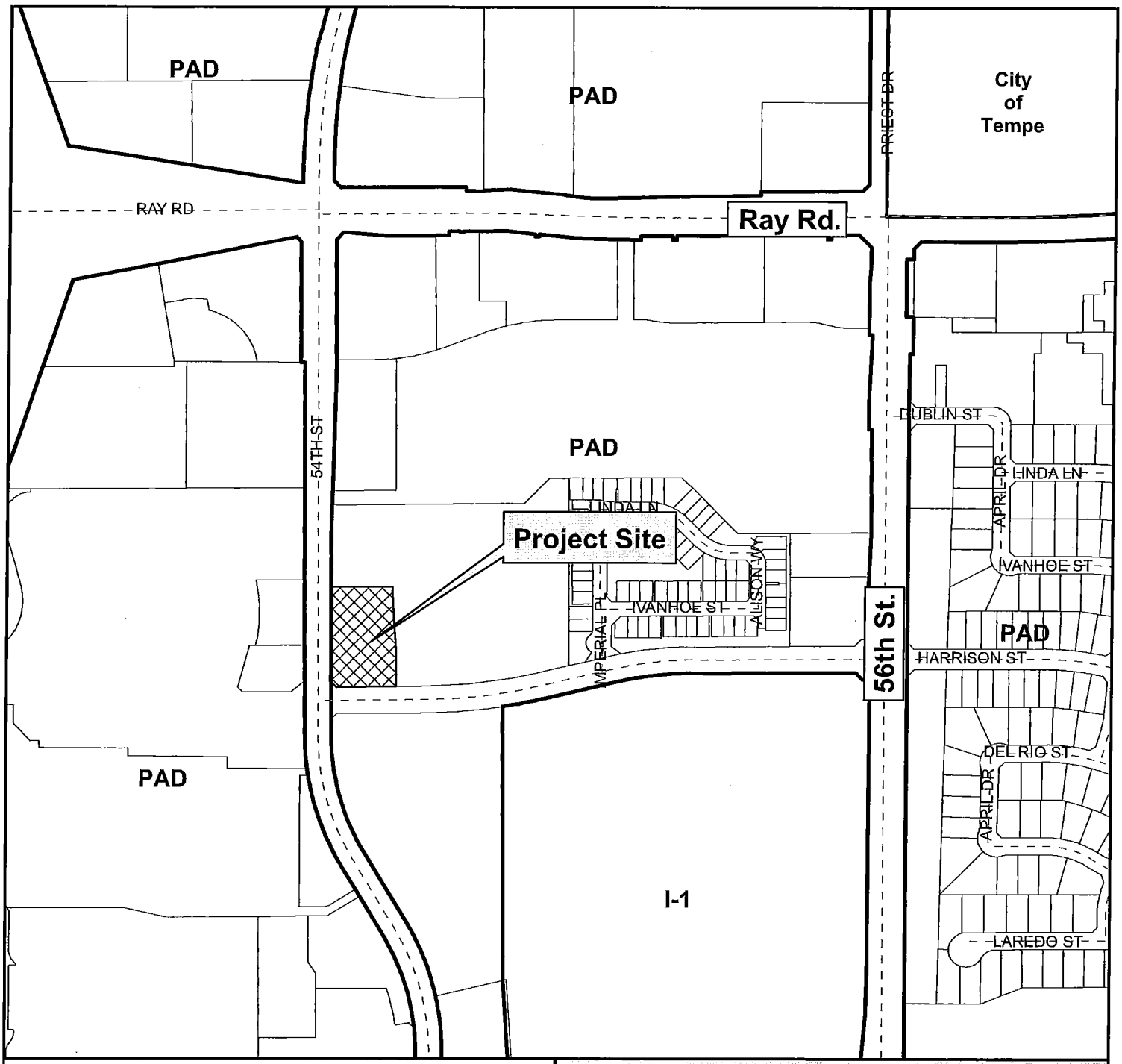
1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall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

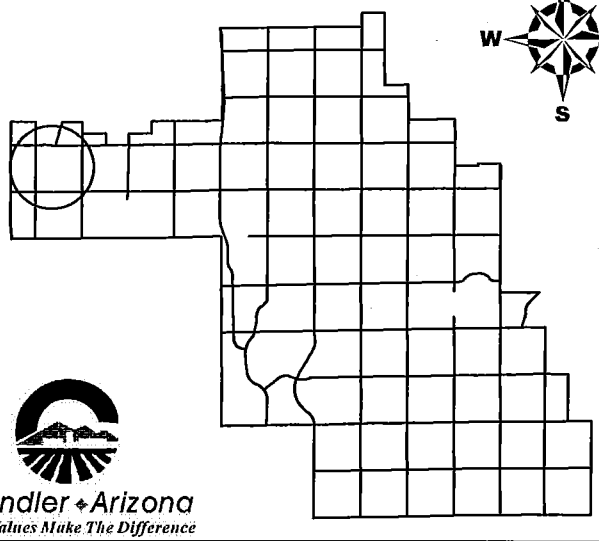
PROPOSED MOTION

Motion to recommend approval of Liquor Use Permit, LUP14-0022 NABERS MUSIC BAR & EATS, subject to the conditions recommended by Planning Staff.

Attachments

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





Chandler • Arizona
Where Values Make The Difference

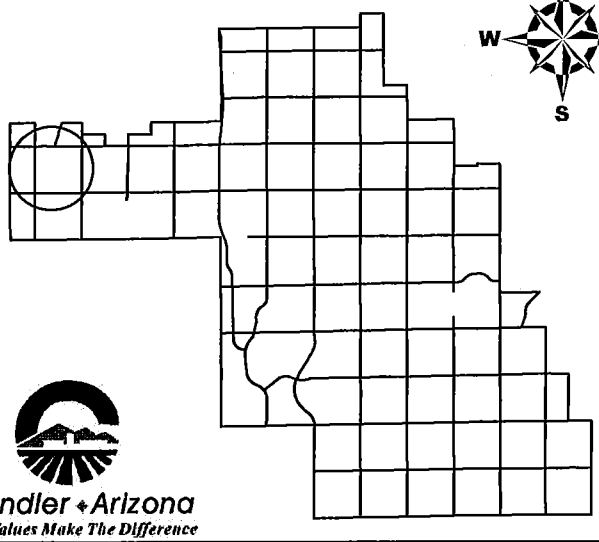
Vicinty Map

LUP14-0022

Nabers Music Bar & Eats
Liquor Use Permit

CITY OF CHANDLER 10/30/2014

Vicinty Map

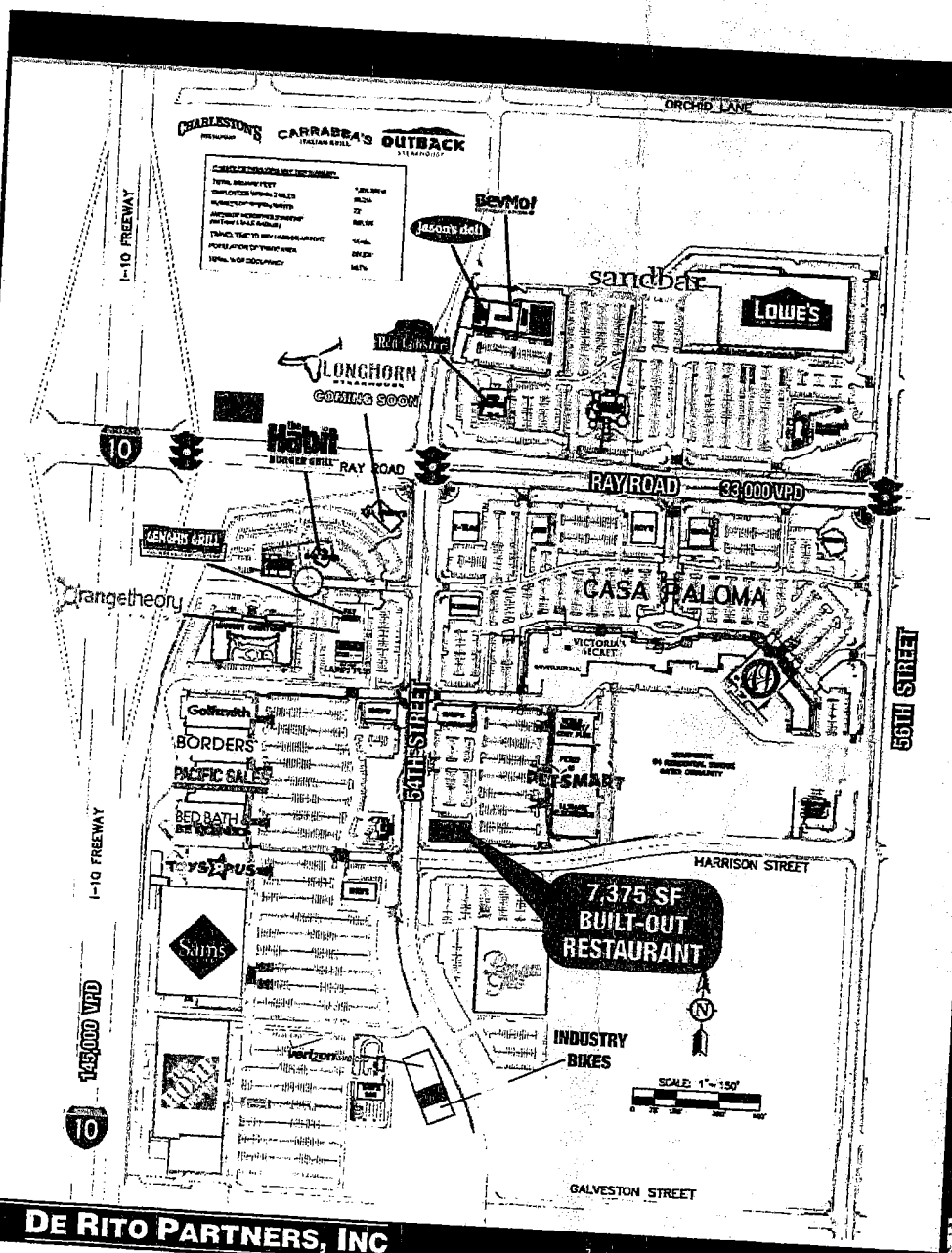


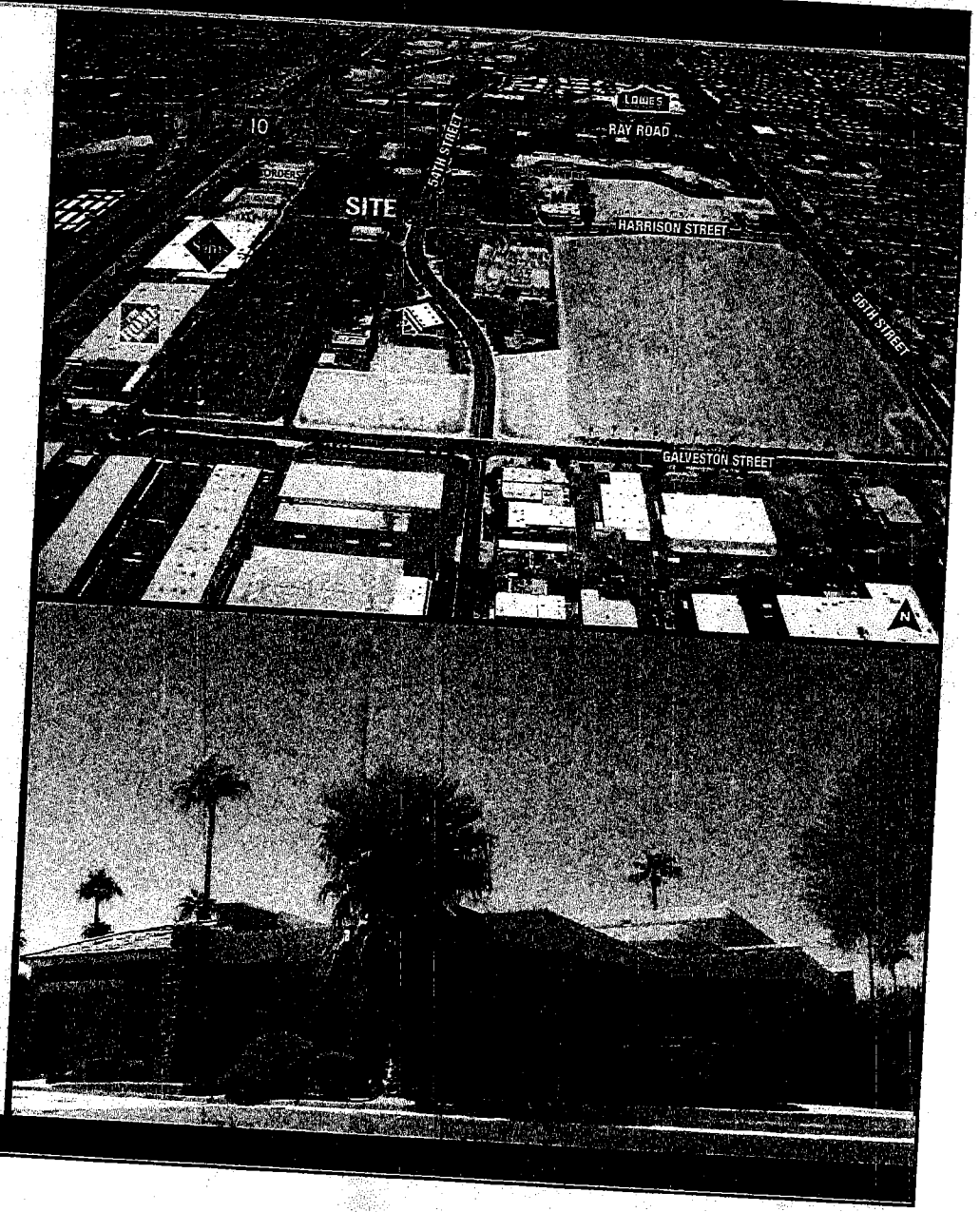
Chandler • Arizona
Where Values Make The Difference

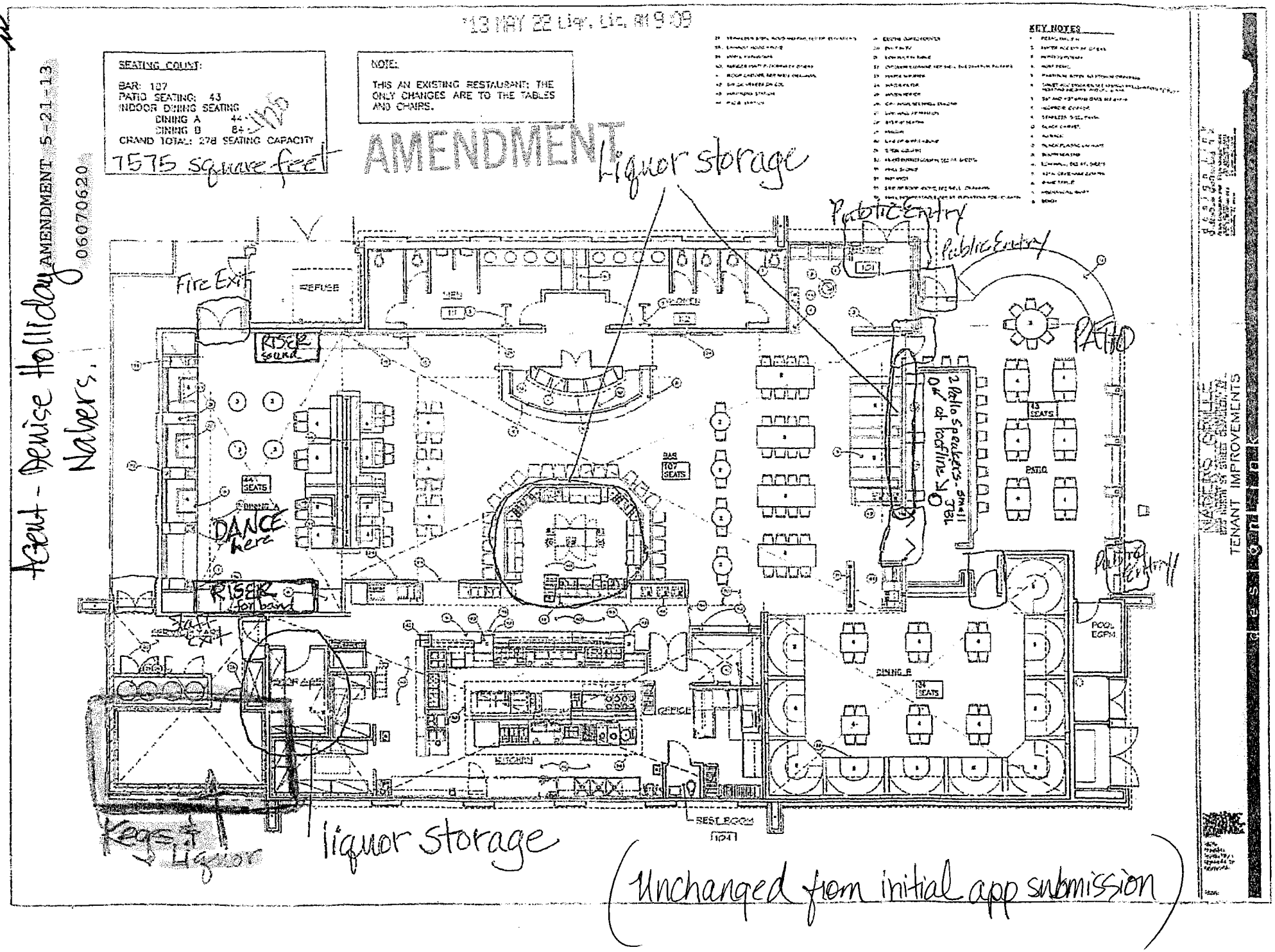
LUP14-0022

Nabers Music Bar & Eats
Liquor Use Permit

CITY OF CHANDLER 10/30/2014


ORCHID LANE
CHARLESTON'S
CARRABBA'S ITALIAN GRILL
OUTBACK STEAKHOUSE
BevMo!
Jason's Deli
sandbar
LOWE'S
Red Lobster
LONGHORN
COMING SOON
The Habit BURGER GRILL
RAY ROAD
33,000 VPD
GENGHIS GRILL
Orangetheory
CASA PALOMA
VICTORIA'S TICKET
Golfsmith
BORDERS
PACIFIC SALES
BED BATH & BEYOND
PETSMART
TOYS"R"US
HARRISON STREET
7,375 SF BUILT-OUT RESTAURANT
Sam's
INDUSTRY BIKES
verizon
SCALE: 1" = 150'
I-10 FREEWAY
145,000 VPD
64TH STREET
56TH STREET
GALVESTON STREET


10
LOWE'S
RAY ROAD
SITE
HARRISON STREET
56TH STREET
GALVESTON STREET
N



'13 MAY 22 Liqr. Lic. AM 9:09
AMENDMENT 5-21-13
06070620
Agent - Denise Holliday
Nabers.
SEATING COUNT:
BAR: 107
PATIO SEATING: 43
INDOOR DINING SEATING
DINING A 44
DINING B 84
GRAND TOTAL: 278 SEATING CAPACITY
7575 square feet
NOTE:
THIS AN EXISTING RESTAURANT; THE ONLY CHANGES ARE TO THE TABLES AND CHAIRS.
AMENDMENT
Liquor storage
Public Entry
Public Entry
PATIO
Fire Exit
REFUSE
RISER sound
DANCE here
RISER for band
Staff Exit
2 Patio Speakers - small JBL
at rooftline
43 SEATS
PATIO
BAR 107 SEATS
DINING A
DINING B
34 SEATS
POOL EQPM
OFFICE
KITCHEN
REST ROOM
104
Kegs & Liquor
liquor storage
(Unchanged from initial app submission)
KEY NOTES
NABERS GRILLE
TENANT IMPROVEMENTS
design link

October 21, 2014

NARRATIVE STATEMENT FOR REQUEST TO EXTEND EXISTING LIQUOR USE PERMIT for NABERS MUSIC BAR & EATS

To City of Chandler:

The proposed Extension for the Liquor Use Permit application is to continue to allow a Series 6 Bar License at 825 N. 54th Street for Nabers Music Bar & Eats. Nabers is a daytime family friendly restaurant catering to a mature patron which features fresh from-scratch food and live music. Nabers was recognized with 4 Stars from a Food Critic with the Arizona Republic, lauded by Arizona Foothills Magazine, enjoys many 4 & 5 star ratings on Yelp and was nominated by New Times as Best Venue for Local Acts.

Nabers occupies 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 54th Street. The restaurant is located at the intersection of Harrison Street and 54th Street in the vicinity of Petsmart, Subway, Starbucks, and Ice Den Arena.

Nabers is a full-service casual dining, bar, and music establishment which cultivates and fosters a neighborhood, patriotic, and inviting environment. Nabers offers delicious, fresh from-scratch comfort food, spotlights craft and local beers and wines, features a variety of live music elements, provides outstanding personal and friendly service, and supports Veterans' organization, kids' school sports programs & other various non-profits as part of our Nabers Helping Neighbors charitable work.

The restaurant is open 7 days a week Mon-Thurs from 11am to 10pm to midnight, Fri from 11am to 2am, Sat from 10am to 2am, amd Sun from 10am to 10pm to midnight (closing time depends on the number of patrons). 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 fenced patio. The u-shaped indoor bar seats 23. The patio bar seats 10. The patio is fenced with brick and there are 5 doors in/out to the patio. The restaurant entrance is further than 20 feet from the patio and doors and windows are kept closed between the restaurant and patio.

There are 4 full time management positions: GM, Chef, Bar & Front of House Manager, and about 25 full/part time service positions.

Music is an integral part of the concept focusing predominately on country/western/rock 'n roll styles. Live music occurs 3 or 4 days per week and indoors only. There is no live music on the outdoor patio. On Friday/Saturday nights, amplified country or rock bands such as Mogollon and Desert Dixie play inside from 9pm-1am. On Thursday nights there may be acoustical or amplified single, duo or musicians playing rock, country, blues or Irish music inside from 7pm-11pm. There may be acoustical or amplified musicians on Sunday afternoons playing inside from noon throughout dinner or 9pm. There may be cover charges if a national, renowned band or artist is scheduled. Entertainment

performs on portable 4' x 8' x 12' carpeted commercial hotel ballroom risers which will be set on the west wall of the restaurant. Dancing occurs in a 12' x 20' space in front of the band. Dance surface is the restaurant floor; wood or parquet dance floor is not installed. Existing ceiling and wall mounted JBL speakers are used for TV sound and commercially licensed satellite music (indoors and 2 small speakers above the bar on the patio). Patio speakers will not be used to amplify live music. Bands and live acts bring their own speakers and sound boards and either they their technician mixes the sound in a location on either side of the band risers. Ceiling-installed lighting instruments are used to light the live entertainment. Existing 10-14 HD TV screens show sporting events via Direct TV & PAC 12 Network. We have giant bigg bloxx & cornhole beanbag toss games. There are no pool tables or electronic games.

Nabers has a specific security plan and all team members receive consistent training. Nabers has 7 security cameras to monitor all activity. Nabers retains a licensed and bonded 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 carries appropriate insurance coverage as mandated by the building lease.

At the time when Nabers was licensing for liquor, a Series 6 Bar License was available and purchased. Nabers is not just a bar. While there is not a food sales requirement with a Series 6 License, Nabers is very proud to operate a great kitchen with a sales mix of 50%-50% food and bar.