



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

**\*51**  
FEB 22 2007

**MEMORANDUM                      Planning and Development – CC Memo No. 07-020c**

**DATE:**            FEBRUARY 14, 2007

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**    *W* W. MARK PENTZ, CITY MANAGER *RD*  
                 DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR *B*  
                 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *P*  
                 BOB WEWORSKI, PRINCIPAL PLANNER *WB*

**FROM:**        BILL DERMODY, CITY PLANNER *BD*

**SUBJECT:**    UP06-0085 IBIZA BLUE RESTAURANTE

- Request:        Liquor Use Permit for Series 7 Beer & Wine License
- Location:      1964 N. Alma School Road, Suites 1-4  
                     Southwest corner of Alma School and Warner Roads
- Applicant:     Alas de Oro, LLC, dba Ibiza Blue
- Owner:         Michael A. Pollack Investments

This case was continued from the February 8, 2007 City Council hearing in order to observe and hopefully resolve noise issues involving the subject business. Staff has been informed that the noise issues have not yet been resolved.

**RECOMMENDATION**

The request is for a Use Permit to sell liquor (wine & beer) by individual portions for on-premise consumption or in the original container for off-premise consumption (Series 7 License) within a restaurant located at 1964 N. Alma School Road. Planning Commission, finding consistency with the General Plan, recommends approval subject to conditions.

Staff recommends denial due to ongoing and unresolved noise problems, finding inconsistency with the General Plan.

**BACKGROUND**

This restaurant, which took occupancy in late 2006, is located at the southwest corner of Alma School Road and Warner Road within Pollack Warner Plaza in a space previously occupied by

several restaurants and bars. The restaurant offers a full menu of seafood and Mexican food and its kitchen will remain open during all hours of operation as customer demand warrants. Hours of operation will be 10:00 a.m. to 10:00 p.m. Tuesday through Thursday, 9:00 a.m. to 2:00 a.m. Friday through Saturday, 9:00 a.m. to 10:00 p.m. Sunday, and closed on Mondays. The restaurant's total floor area has not changed and is approximately 6,150 square feet with a seating capacity of approximately 165. There is no outdoor seating. The restaurant has a bar area, dance floor, and three pool tables, with live entertainment on Friday and Saturday nights after 9:00 p.m.

The Pollack Warner Plaza shopping center includes a variety of retail and personal service uses, as well as two banks, a fast food establishment, and a restaurant, Zorba's, that possesses a Series 12 License (Restaurant License) for liquor sales.

The Use Permit, if approved, will be used in association with a Series 7 liquor license. A Series 7 License allows the sale of wine and beer by individual portions for on-premise consumption or in the original container for off-premise consumption. Stipulations recommended by Planning Commission restrict the alcohol to on-premise consumption only.

The subject site was previously occupied by Mariscos Mi Lindo Mazatlan #2, El Diamante Dining and Dancing, Boomers Dining and Dancing, Native New Yorker, Hitts Bar & Grill, End Zone, and Casa Diego Restaurant. There has been liquor served at this location since 1982 when Casa Diego Restaurant opened. Previous liquor licenses have been for Series 12 (Restaurant License), Series 6 (Bar License), and Series 7 (Wine & Beer).

In the past, noise disturbances have been a problem at this site for neighbors to the west. To address this issue, Planning Commission has recommended stipulations limiting noise levels and access to the restaurant from the south and west of the building. Also, responding to direct contact from a concerned neighbor, the proprietor has taken a number of steps to insulate the building from sound leakage to the outside. Those steps include the installation of silicon treatments on windows, double weather stripping on all doors, and studio-style sound absorbing material along several walls, plus the use of the door farthest from the residences for evening access on Fridays and Saturdays. Planning Commission recommends a one-year time limit on the Use Permit to ensure that the noise attenuation measures are successfully employed.

Since the Planning Commission hearing on January 17, 2007, the business has received two citations from the Chandler Police Department for violation of the City Code in reference to disturbing the peace through noise emanating from the facility. The citations were issued on Saturday January 27 and Saturday February 10 in the evenings while live music was being performed inside. The citations will be heard in Chandler City Court on February 28 and March 7. These occurrences are also in violation of the existing conditions of Use Permit approval regarding noise.

The business owner has made several efforts in recent weeks to address the noise issue. Besides completing the sound insulation work noted above, the business has constructed a foyer outside its main southern entrance to better contain the sound—now patrons must pass through two sets of doors and there is less opportunity for sound to escape directly outside. Also, the business

owner has made nightly walks around the property on evenings of live entertainment to verify appropriate sound levels and she has provided her and her husband's private cell phone numbers to the complaining neighbors in order to allow direct communication in case the restaurant phone is not being answered.

### **DISCUSSION**

Staff's opinion is that this location is only appropriate for alcohol service if negative effects on the neighborhood can be prevented through active management by the business proprietors. Though it is encouraging that the proprietors have taken a number of steps to reduce the noise problem, the repeated noise complaints indicate that this type of business is not practical at this location, and that alcohol service exacerbates incompatibilities with the neighborhood.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Wednesday January 3, 2007 at the Downtown Chandler Community Center. No citizens attended.
- The Police Department has been informed of the application and has responded with no issues or concerns.

At the time of this writing, Staff has received one telephone call from a concerned neighbor. The neighbor reports that noise has been a problem on Friday and Saturday nights since November 2006, and has been in direct contact with the restaurant owner. The neighbor is satisfied with the owner's proposed response, but would like the City to ensure that the owner follows through and that the noise is truly reduced.

### **COMMISSION VOTE REPORT**

Motion to approve.

In Favor: 5    Opposed: 0    Absent: 2 (Irby and Anderson)

Two neighbors spoke in opposition to the Use Permit request, noting concerns over noise and alcohol leaving the facility. Planning Commission added Condition No. 9 to address concerns over security and Condition No. 10 to ensure that there is an open line of communication between neighbors and the business.

The Planning Commission hearing was held prior to the two recent noise violations.

### **RECOMMENDED ACTIONS**

Planning Commission, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommends approval of UP06-0085 IBIZA BLUE RESTAURANTE subject to the following conditions:

1. The Use Permit granted is for a Series 7 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 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.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also, the sale of "To Go" packaged liquor is prohibited.
5. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
6. 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 and approval of the Use Permit.
7. Decibel levels of music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Warner Plaza shopping center.
8. Customer access into the restaurant from the rear (alley side), or south (Stottler Street side) shall be prohibited.
9. Security shall be provided when there is live entertainment.
10. A system will be set up with a responsible party for the neighbors to have access to for any concerns.

AND

Staff, upon finding inconsistency with the General Plan and Community Commercial (C-2) zoning, recommends denial of UP06-0085 IBIZA BLUE RESTAURANTE.

**PROPOSED MOTIONS**

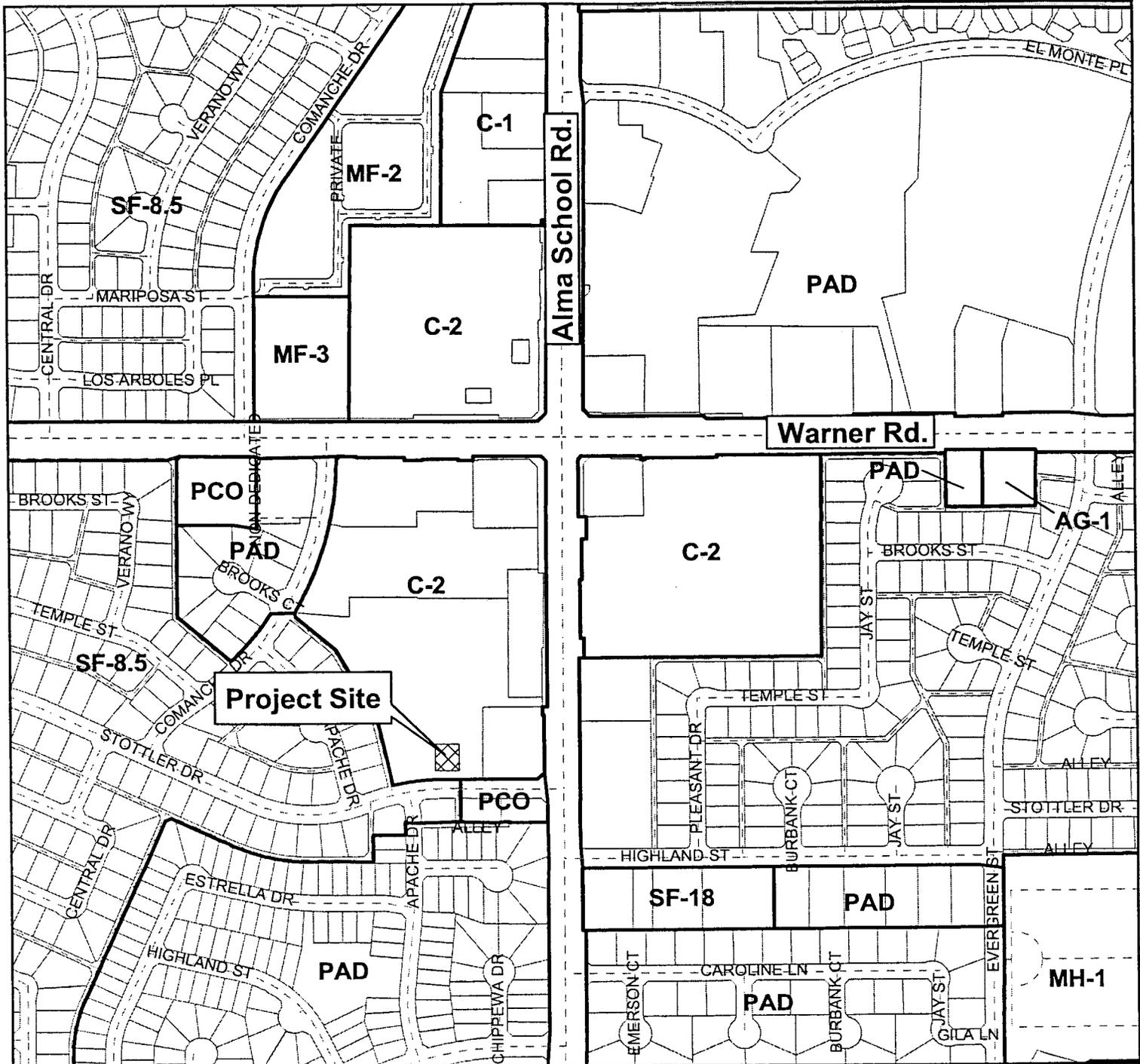
Move to approve UP06-0085 IBIZA BLUE RESTAURANTE Use Permit for liquor sales subject to the conditions recommended by Planning Commission.

OR

Move to deny UP06-0085 IBIZA BLUE RESTAURANTE Use Permit for liquor sales as recommended by Staff.

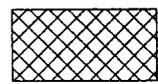
**Attachments:**

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



**Project Site**

## Vicinity Map



**UP06-0085**

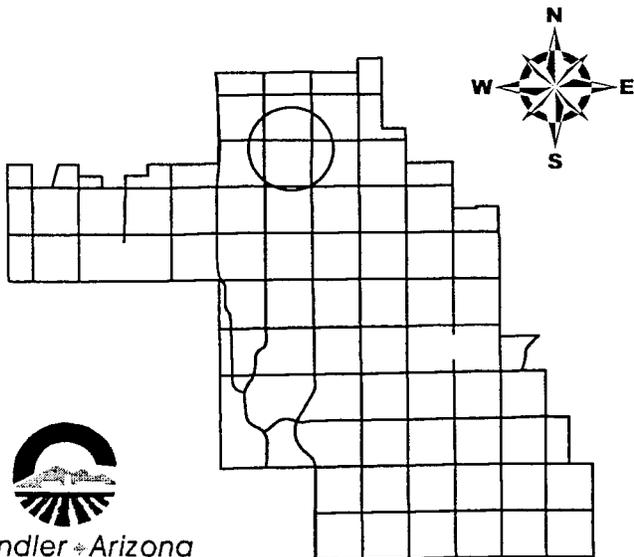
**Ibiza Blue Restaurante  
Liquor Use Permit**



**Chandler Arizona**  
Where Values Make The Difference



## Vicinity Map



UP06-0085

**Ibiza Blue Restaurante  
Liquor Use Permit**

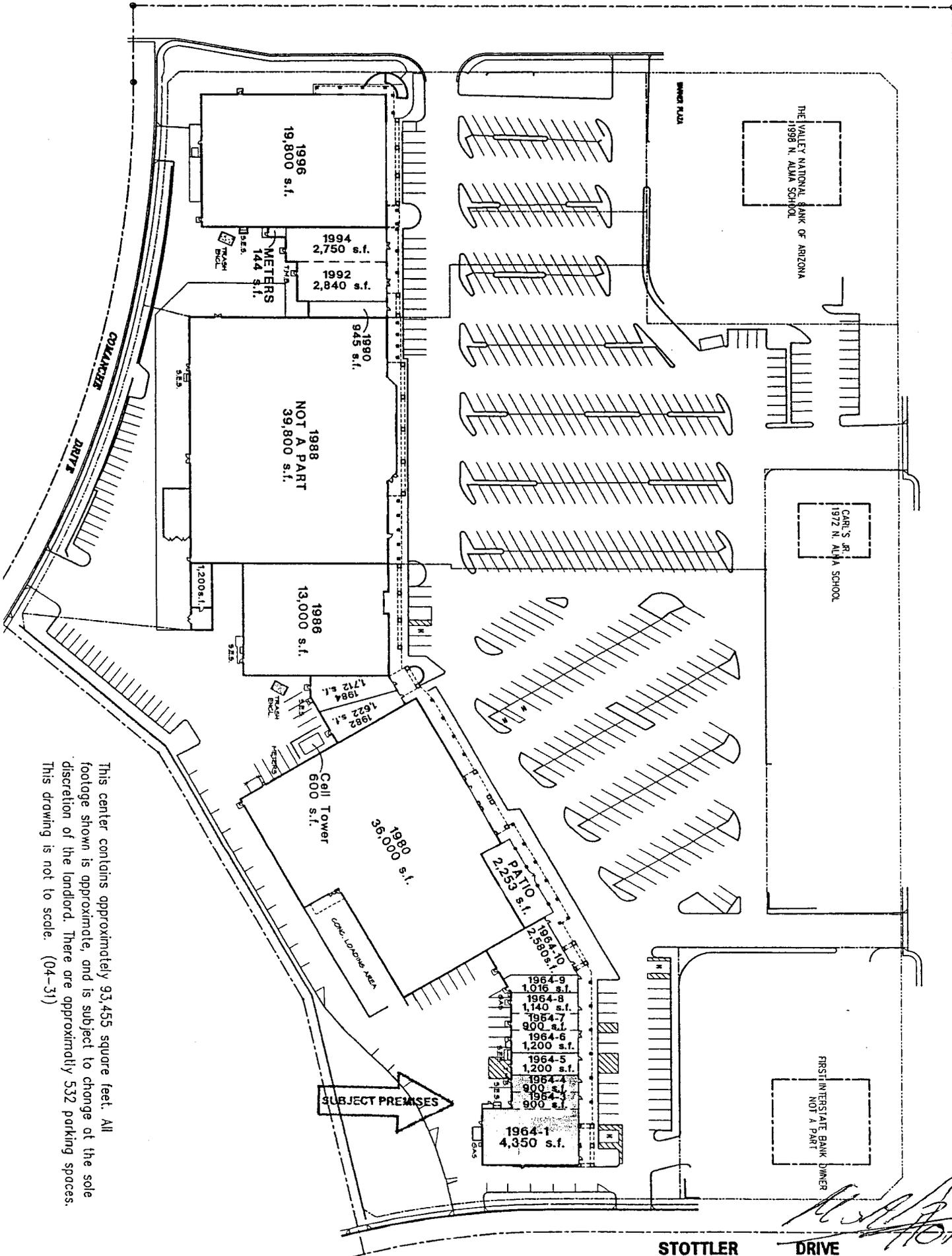


Chandler, Arizona  
Where Values Make The Difference

ALMA SCHOOL

WARNER PLAZA  
LEASING PLAN

ROAD



This center contains approximately 93,455 square feet. All footage shown is approximate, and is subject to change at the sole discretion of the landlord. There are approximately 532 parking spaces. This drawing is not to scale. (04-31)

*[Handwritten signature]*  
 [Circular stamp with illegible text]



**Alas de Oro, LLC**  
**dba-Ibiza Blue Restaurant**  
1964 N. Alma School Road, Ste. 1-4  
Chandler, AZ 85224  
480-821-1099

City of Chandler  
Bill Dermody, City Planner  
Mail Stop 105  
PO Box 4008  
Chandler, AZ 85244-4008

December 18, 2006

RE: UP06-0085 Ibiza Blue Restaurant

Dear Mr. Dermody:

As per your request dated November 30, 2006, please accept the following information regarding my pending use permit application for Ibiza Blue Restaurant.

This use permit is requested for a restaurant/bar located at 1964 N. Alma School Road, Suites 1-4. The hours of operation are Tuesday – Thursday 10:00am – 10:00pm, Friday 10:00am – 2:00am, Saturday 9:00am – 2am, and Sunday from 9:00am – 10:00pm. This use permit is applied for in conjunction with a Series 7 liquor license. The restaurant has seating capacity of approximately 100 low seating chairs, 7 high top tables with seating for 20, and approximately 18 seats located directly at the bar. The location also has a center bar, not serving alcohol, but rather an island bar in the middle of the restaurant that has seating for 20. Ibiza Blue is presently having live entertainment on Friday and Saturday nights from 9:00pm-2am. It is planned to have a Karaoke night in the future and other events, not involving live entertainment. There are three pool tables in the restaurant, located separately from the restaurant area, with high top seating tables. The restaurant provides Mexican Seafood and traditional Mexican food. Ibiza Blue is a lone restaurant with no other locations. Please see the enclosed floor plan and menu for further information.

Attached you will find a site plan identifying our location in the shopping center, and also a floor plan of the restaurant.

Thank you and please let me know if any additional information is required.

Respectfully,

  
Lori Tapia,  
Owner/Administrator

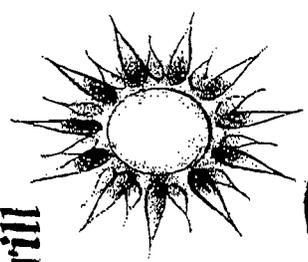
# NIÑOS/KIDS MENU

- Quesadilla/Cheese crisp 2.50
- Taco de carne asada/Carne asada taco 2.00
- Chicken nugets y papas/ nuggets & fries 3.50
- Hamburguesa y papas/Hamburger & fries 3.50

## BEBIDAS/DRINKS

- SODAS**
- Coke, Diet Coke, Fanta Orange or Strawberry 1.25 2.00
- Sprite, Mr. Pibb, Root Beer, Power Aide, Iced Tea
- Coffee 2.00
- Aguas Frescas/Fresh Natural Drinks**
- Horchata, Jamaica, Limonada 1.25 2.00

# Mexican Seafood & Grill



# Ibiza Blue

Restaurante

Horas de Cocina/Kitchen Hours  
 M-f 10:00 am – 10:00 pm  
 S-S 9:00 am – 10:00 pm

Horas de Cocina/Kitchen Hours  
 M-f 10:00 am – 10:00 pm  
 S-S 9:00 am – 10:00 pm

1964 N. Alma School Road, 1-4 Chandler, Arizona 85224  
**480-821-1099 fax 480-821-1255**

Call ahead for prompt service or for delivery  
 1.00 delivery charge, Minimum 8.00 order for delivery

1964 N. Alma School Road, 1-4 Chandler, Arizona 85224  
**480-821-1099 fax 480-821-1255**

### BOTANAS/APPETIZERS

- Guacamole 3.00 5.00
- Camarón de Coco/Cocunut Shrimp (5) 6.50
- Queso fundido/Cheese Fondue 5.50
- (.50 para agregar cualquier ingrediente - Add any of the following for .50 each)
- (champiniones, chorizo, jaiba / mushrooms, chorizo or crab meat)
- Botana de Camaron/Cooked shrimp 8.00 15.00

### TOSTADAS

- Ceviche de camarón/shrimp 3.00
- Ceviche de jaiba/crab 4.00
- Ceviche de pulpo/octopus 4.00
- Ceviche de pescado/fish 3.00

### ENSALADAS/SALADS

- Taco Salad (res o pollo/ beef or chicken) 6.50
- Ensalada Ibiza con camarón/ Ibiza Shrimp Salad 7.50
- Ensalada de casa/House Salad 4.00
- Ensalada Ranchera/ Ranchera Salad 6.00

### CALDOS/SOUPS

- Sopa del día/Soup of the day 5.00
- Caldo de Camarón/Shrimp Soup 12.50
- Ibiza Caldo (7 mares)/ Ibiza 7 Seas Soup 14.00
- Menuo (sabado y domingo/Saturday & Sunday only) 5.50

### COCTELES/COCTAILS

- Camarón/ Shrimp 8.00
- Pulpo y Camarón/ Shrimp & Octopus 8.00
- Vuelve a la vida/ Revitalizing (camarón, pulpo, callo de hacha, jaiba, ostión) (shrimp, octopus, scallops, crab and oyster) 8.00
- Ostión/ Oyster 8.00
- Campechana/ Mixed 8.00
- Pulpo/ Octopus 7.00

### CAMARONES/SHRIMP

Con arroz y frijoles/served with rice and beans

- Camarón empanizado/Breaded Shrimp 10.50
- Camarón de coco/Cocunut Shrimp Platter 12.50
- Camarón al mojo de ajo/Garlic Shrimp 10.50
- Camarón a la plancha/Grilled Shrimp 10.50
- Camarón ranchero 10.50
- Camarón a la diablo (very spicy) 10.50
- Camarón en tocino con queso/Stuffed Shrimp 12.00

### PESCADOS/FISH

- Tilapia a la plancha/ Grilled Tilapia 9.50
- Tilapia empanizado/ Breaded Tilapia 10.00
- Filete ranchero 9.50
- Filete al mojo de ajo/ Garlic fish fillet 10.00

### COMBINACIONES/COMBINATIONS

- Con arroz y frijoles/served with rice and beans
- Enchiladas (3) (res/pollo/queso) (beef/chicken/cheese) 6.50
- Chimichanga (res/pollo)xbeef/chicken 6.75
- Estilo enchilada con chile rojo agregre .50/enchilada style add .50
- Sopes (3) 7.00
- Flautas/Rolled taquitos (res/pollo)(beef/chicken) 7.00
- Combinación/Combination Platter 8.50
- enchilada de queso, tostada y chile relleno/ enchilada, tostada and a chile relleno cheese

### POLLO/CHICKEN

- Especialidad de la casa/House Specialty*
- Pierna/Leg ¼ Pechuga/Breast 4.50 6.50
- Pollo Empanizado Estilo Sonora 4.50
- Deep Fried Chicken-Sonora Style

### TACOS Y BURRITOS

- Carne Asada \* Pastor \* Pollo (chicken)\* Camarón (shrimp) 2.00
- Taco individual 4.00
- Burro 4.00
- Orden de tres tacos/Order of three tacos (3) 5.50