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APR 12 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 07-088

DATE: APRIL 5, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER 
DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR 
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER 

FROM: BILL DERMODY, CITY PLANNER 

SUBJECT: UP07-0026 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: Santa Clara Enterprises LP (Michael Pollack)

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

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 are 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 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 Greek restaurant, Zorba's, that until recently possessed 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 and Staff 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).

The current business owner received a two-month Use Permit approval in February 2007 for a Series 7 license. The unusually short time limit was applied to the approval so that an ongoing noise issue could be monitored. In the past under previous owners, noise disturbances had been a problem at this site for neighbors to the west. The noise issue had intensified under current ownership with two citations for noise disturbances being issued in early 2007.

The applicant has taken a number of steps in recent months to address the noise problems. Those steps include the installation of silicon treatments on windows, double weather stripping on all doors, a new foyer and secondary door just inside the main entrance, and studio-style sound absorbing material along several walls. Since the February approval, the applicant has also treated the three rear (western) doors with additional sound absorbing material.

There have been no citations or noise-related calls for police service to the subject suites since the February approval, as of this writing. Consistent with prior approvals at this location, Planning Commission and Staff have added stipulations limiting noise levels and access to the restaurant from the south and west of the building. Planning Commission and Staff also recommend a one-year time limit on the Use Permit to allow continued monitoring of the noise issues.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- At the time of this writing, Staff is not aware of any opposition from neighbors. Staff has contacted the neighbor who lives closest to the business and previously had issues with the noise. That neighbor now reports (as of April 5) that she is not in opposition and the noise situation has greatly improved since the February approval.

COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

Planning Commission expressed concerns with the noise issues that continued after their January public hearing regarding this business. The applicant responded that all soundproofing measures were implemented and that there has been open communication with the adjacent neighborhood.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommend approval of UP07-0026 IBIZA BLUE RESTAURANTE subject to the following conditions:

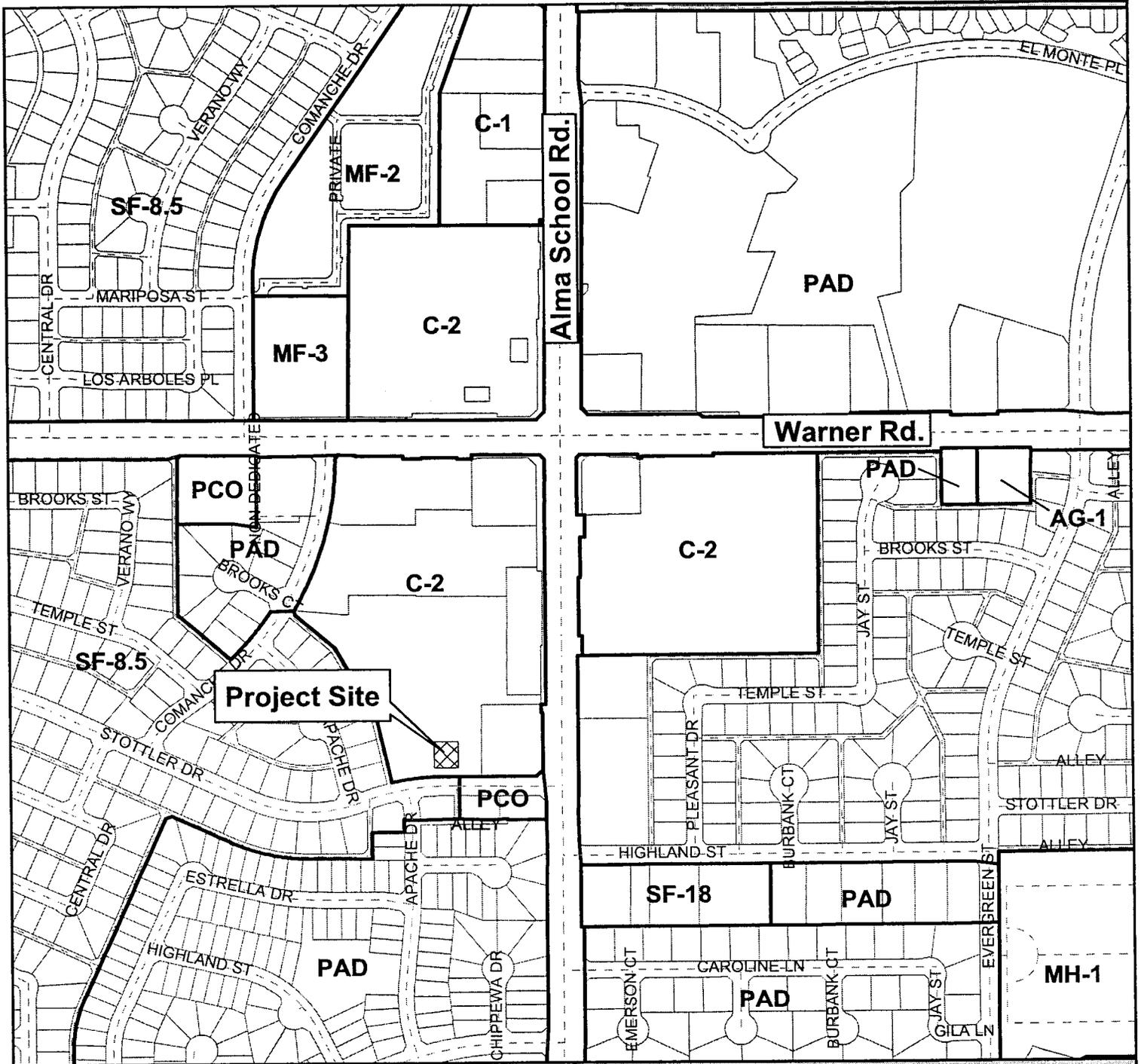
1. The Use Permit granted is for a Series 7 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration 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. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business. Such comparison shall be made at the western property line.
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.

PROPOSED MOTION

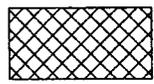
Move to approve UP07-0026 IBIZA BLUE RESTAURANTE Use Permit for liquor sales subject to the conditions recommended by Planning Commission and Staff.

Attachments:

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

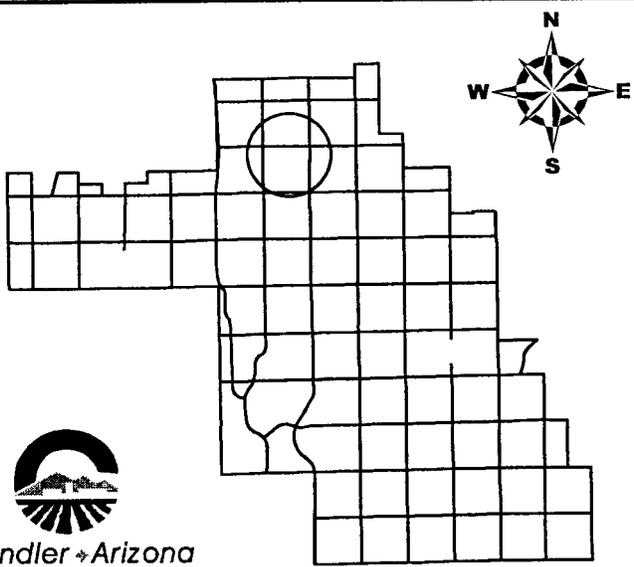


Vicinity Map



UP07-0026

Ibiza Blue Restaurante



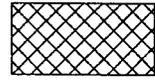
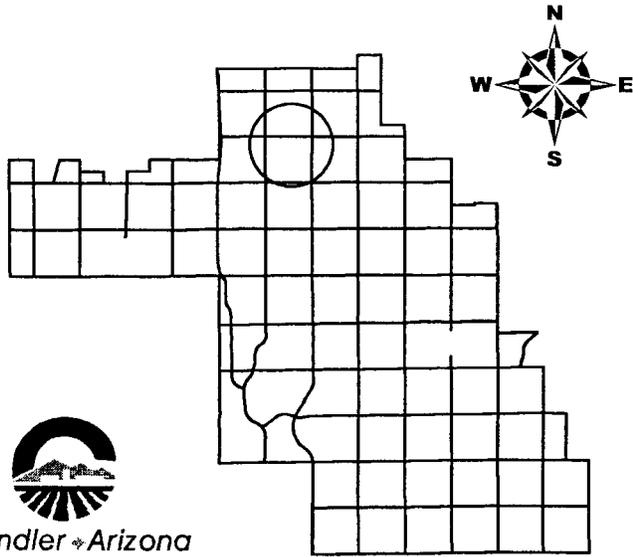


Project Site

Alma School Rd.

Warner Rd.

Vicinity Map



UP07-0026

Ibiza Blue Restaurante

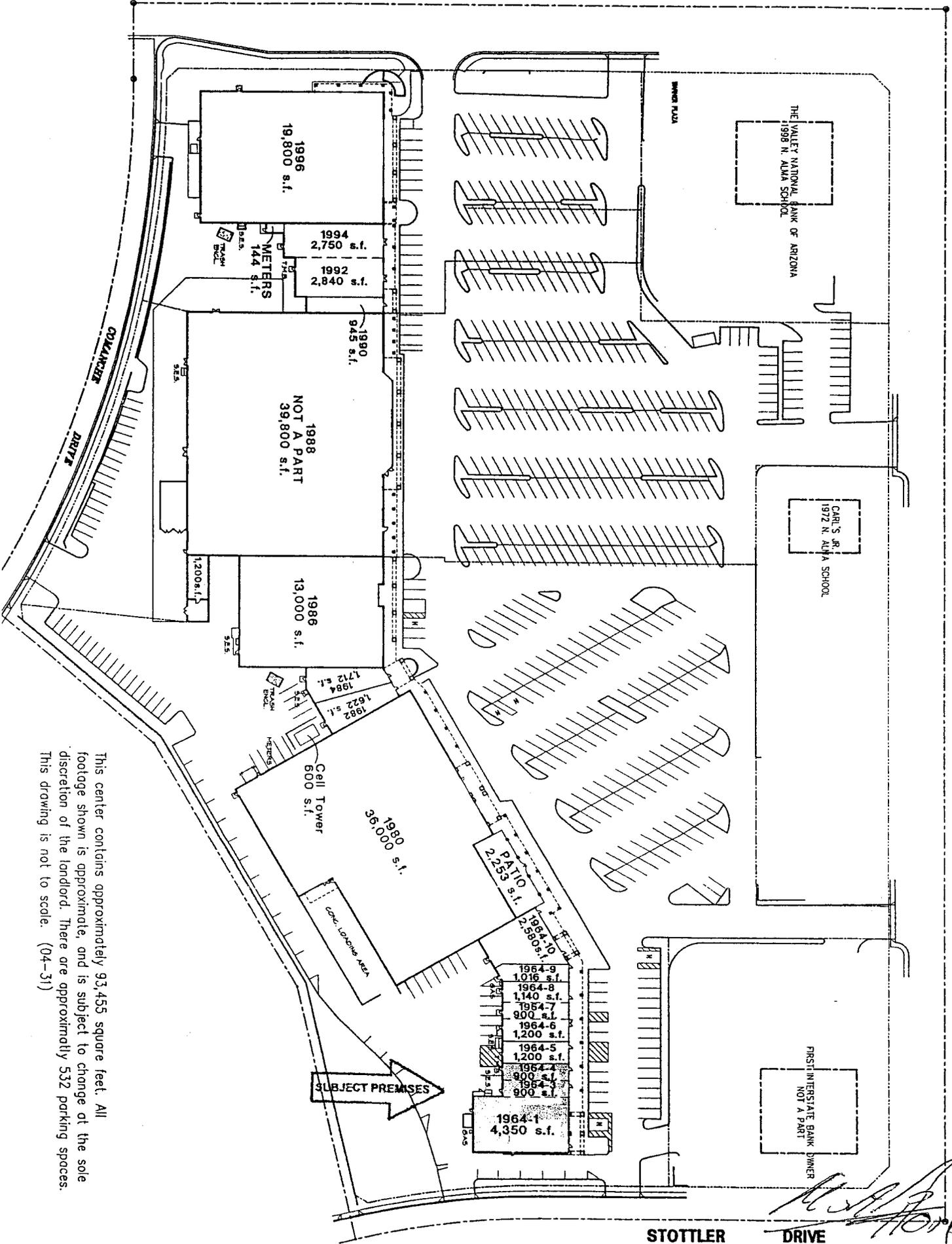


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ALMA SCHOOL

WARNER PLAZA
LEASING PLAN

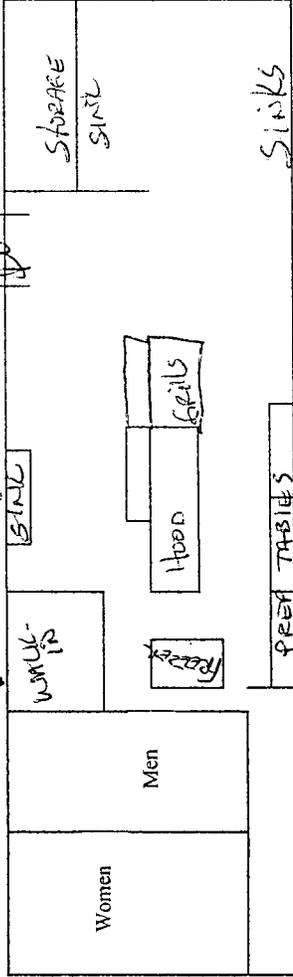
ROAD



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)

BEER STORAGE

DOOR



SINKS

HALLWAY

DOOR TO KITCHEN

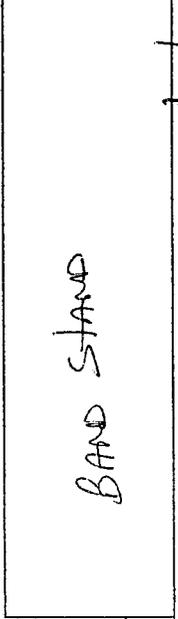
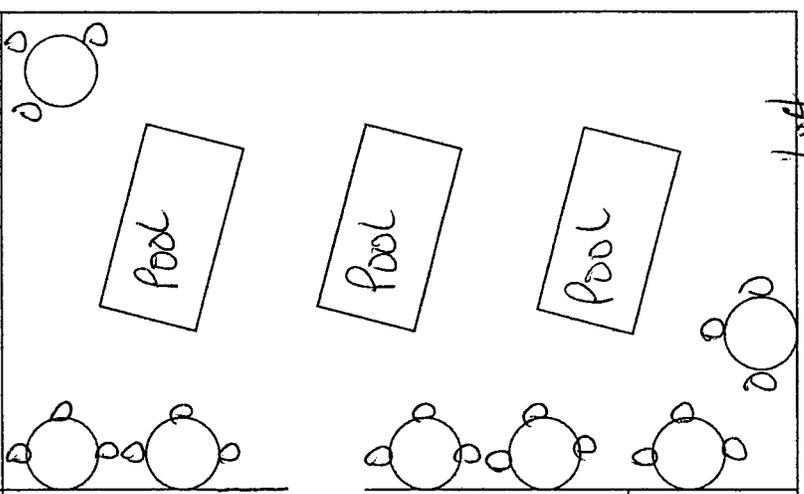
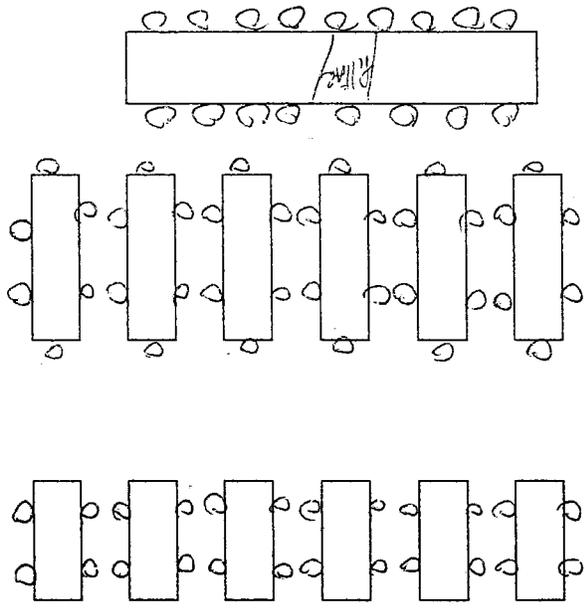
REGISTER

Foyer

Office

Cleaning area

Storage. with space



HELLER

DOOR

DOOR

Ibiza Blue Restaurante

1964 N. Alma School Rd. 1-4, Chandler, AZ 85224
480-821-1099, fax 480-821-1255

March 6, 2007

Dear Bill:

The following is in reference to the Ibiza Blue Restaurante, located at 1964 N. Alma School Road, Suite 1-4, Chandler, AZ 85224. Ibiza Blue is a restaurant and bar serving Mexican Seafood (Mariscos) and traditional Mexican food. We are open 6 days a week, presently remaining closed on Monday's until further notice. Our location provides live music Friday and Saturday nights and we have worked diligently to ensure that there is no sound protruding from our location that may disturb the neighborhood. As you are aware from the previous application, we have treated all the windows, double weatherstripped the doors and have place sound absorption material throughout the building. In addition, we have built in a foyer at the entrance of the location to provide an additional buffer for sound when patrons are entering or exiting the location. Additionally, we have treated all three doors on the back of the building with additional sound absorbing material which seems to have finally taken care of the noise issue. I have followed up with our 1 neighbor that was having issues with the sound, and they have reported that they have had no problems and they are no longer bothered with the bass which was the problem before.

Once again, thank you for your assistance and we are confident that we have taken care of the issue of noise and hope that we are able to continue to build our business. Please let me know if there are any additional requirements.

Respectfully,



Lori Tapia,
Owner

NIÑOS/KIDS MENU

- Quesadilla/*Cheese crisp* 2.50
- Taco de carne asada/*Carne asada taco* 2.00
- Chicken nuggets 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

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

Mexican Seafood & Grill



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

BOTANAS/APPELIZERS

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

TOSTADAS

Ceviche de camarón/ <i>shrimp</i>	3.00
Ceviche de jaiba/ <i>crab</i>	4.00
Ceviche de pulpo/ <i>octopus</i>	4.00
Ceviche de pescado/ <i>fish</i>	3.00

ENSALADAS/SALADS

Taco Salad (res o pollo/ <i>beef or chicken</i>)	6.50
Ensalada Ibiza con camaron/ <i>Ibiza Shrimp Salad</i>	7.50
Ensalada de casa/ <i>House Salad</i>	4.00
Ensalada Ranchera/ <i>Ranchera Salad</i>	6.00

CALDOS/SOUPS

Sopa del dia/ <i>Soup of the day</i>	5.00
Caldo de Camarón/ <i>Shrimp Soup</i>	12.50
Ibiza Caldo (7 mares)/ <i>Ibiza 7 Seas Soup</i>	14.00
Menudo (sabado y domingo/ <i>Saturday & Sunday only</i>)	5.50

COCTELES/COCTAILS

Camaron/ <i>Shrimp</i>	8.00	10.50
Pulpo y Camarón/ <i>Shrimp & Octopus</i>	8.00	10.50
Vuelve a la vida/ <i>Revitalizing</i>		14.00
<small>(camarón, pulpo, callo de hacha, jaiba, ostión)</small>		
<small>(shrimp, octopus, scallops, crab and oyster)</small>		
Ostión/ <i>Oyster</i>	8.00	10.00
Campechana/ <i>Mixed</i>	8.00	11.50
Pulpo/ <i>Octopus</i>	7.00	9.00

CAMARONES/SHRIMP

Con arroz y frijoles/served with rice and beans

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

PESCADOS/FISH

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

COMBINACIONES/COMBINATIONS

Con arroz y frijoles/served with rice and beans

Enchiladas (3) (res/pollo/queso) (<i>beef/chicken/cheese</i>)	6.50
Chimichanga (res/pollo) <i>Xbeef/chicken</i>	6.75
Estilo enchilada con chile rojo agregado .50/ <i>enchilada style add .50</i>	
Sopes (3)	7.00
Flautas/Rolled taquitos (res/pollo) (<i>beef/chicken</i>)	7.00
Combinación/ <i>Combinator Platter</i>	8.50
<small>enchilada de queso, tostada y chile relleno/ enchilada, tostada and a chile relleno</small>	

POLLO/CHICKEN

Especialidad de la casa/House Specialty

Pollo Empanizado Estilo Sonora	4.50	6.50
Pollo a la plancha/ <i>Grilled Chicken</i>		
Deep Fried Chicken-Sonora Style		

TACOS Y BURRITOS

Carne Asada * Pastor * Pollo (<i>chicken</i>) * Camaron (<i>shrimp</i>)	2.00
Taco individual	4.00
Burro	5.50
Orden de tres tacos/ <i>Order of three tacos (3)</i>	