

#33

MAR 12 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Planning and Development – CC Memo No. 09-025

DATE: FEBRUARY 20, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *WMP*
 JEFF KURTZ, ACTING PLANNING AND DEVELOPMENT DIRECTOR *JK*
 BOB WEWORSKI, PLANNING MANAGER *BW*

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: UP08-0044 DOS GRINGOS GRILLE

Requests: Approval of a liquor Use Permit to allow the sale of liquor (Series 6 Bar License) at an existing restaurant

Location: 1361 North Alma School Road, approximately one half-mile north of Ray Road on the east side of Alma School Road

Applicant: Brian Roehrich, owner

Project Info: Approximately 0.34 gross acres, freestanding restaurant pad, approximately 6,400 square foot building

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of the requested liquor Use Permit for the sale of liquor as permitted by a Series 6 Bar liquor license with conditions.

BACKGROUND

This case has previously been continued to allow time for the applicant to file a Series 6 liquor license with the State and City. The applicant has recently filed a Series 6 license with both agencies.

The application requests Use Permit approval to sell liquor as permitted under a Series 6 Bar License within an existing restaurant with outdoor dining areas. A Series 6 Bar License allows the on-site sale of beer, wine, and spirits for on-site consumption without a limitation on gross

revenue from the sale of food. A Series 6 license also permits "To Go" packaged liquor sales; however, Staff has included a condition and the applicant has agreed to prohibit "To Go" packaged liquor. Other restaurants within the development that have Use Permits for liquor include Lin Chinese/Saigon Pho restaurants (Series 12) and Iguana Mack's (Series 6).

A Use Permit for liquor as permitted under a Series 12 restaurant license was granted for a one-year period in July 2006. The business was under construction and had not opened for business during the one-year period and the Use Permit expired. In August 2007, a Use Permit for a Series 12 was re-approved with a one-year period, expiring August 2008. At this time, the applicant is not requesting re-approval of a Series 12 liquor Use Permit; instead the request is for approval for a Series 6 Bar License. The applicant has advised that the business is currently not meeting the criteria to maintain a Series 12 liquor license, therefore, requesting to change to a Series 6 liquor license.

The subject site has been a restaurant since 1985, which included Ricardo's Mexican Food, Memphis BBQ Co., Mike Pulos Spaghetti Company, Wyatt's Place, and Wild Bill's BBQ & Internet Sports. The Dos Gringos restaurant opened for business in October 2007.

Dos Gringos Grille offers Mexican cuisine in a casual, laid back atmosphere with outdoor courtyards/patios and indoor dining areas. The existing building is approximately 6,400 square feet in size. The perimeter wall screens outdoor areas from parking and driveway areas. The outdoor courtyard/patio area includes service areas and approximately 1,716 square feet of outdoor seating.

The restaurant's hours are from 11:00 a.m. to 2:00 a.m. seven days a week. The kitchen serves food from open to close. The restaurant's interior includes a bar and kitchen, a private dining room, and two seating areas. The outdoor courtyard/patio includes a kitchen, lounge area with couches, a bar, and two seating areas.

The restaurant has two entrances located on the building's south and west sides. The west entrance leads into the outdoor courtyard area for customers wanting an outdoor bar atmosphere. The south entrance goes into the interior restaurant area. Both indoor and outdoor seating areas have food and liquor service. There is no dance floor, pool tables, entertainment, games, and the like.

The original zoning conditions for the Use Permit and Preliminary Development Plan are attached to this memo. One of the conditions prohibits streamer/flag decorations and Christmas lights within the outdoor courtyard/patio areas. The restaurant has these decorations located within the outdoor courtyard/patio areas and along the walkway between Iguana Mack's and Dos Gringos Grille. The applicant requests to keep these decorations and eliminate this condition. Planning Commission and Staff recommend elimination of the condition.

There was also a condition prohibiting no outdoor or indoor live entertainment, live music, dance floor, pool tables, games, and the like. The restaurant represented there would be ambient background music via speakers and televisions, which are provided indoors and outdoors. Staff

received a call from the property owners' association representative that office tenants are hearing loud music during the workday in their offices. A resident in the area also called stating they heard live music at night. The applicant has advised there is no live music occurring and is not aware of concerns from adjacent tenants regarding the outdoor patio's ambient music being loud. Planning Commission and Staff recommend a zoning condition regarding noise and music.

DISCUSSION

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City. The proposed change from a Series 12 to a Series 6 liquor Use Permit and liquor license does not affect the representation of the function of this restaurant, which will maintain a full-service restaurant menu with liquor sales as currently exists.

Staff is recommending approval with a one-year time limit condition for the new Series 6 request. The applicant has advised they have yet to be audited and aware they will not meet the 40% gross revenue for food sales; therefore, the owner is being proactive in pursuing a Series 6 liquor Use Permit and license approval at this time.

Staff does not have concerns with the existing streamer/flag decorations and lighting within the outdoor courtyard, as it is a walled-in area, and along the northern walkway as it illuminates the pedestrian walkway from the eastern parking lot area. Staff is including a condition regarding sound levels for the outdoor ambient music and new standard conditions regarding site and patio maintenance.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 11, 2008. No one attended other than the applicant. Notices were mailed to property owners greater than the 600-foot radius area to ensure adequate notice as well as the City's Registered Neighborhood Organizations within a 1320-foot (1/4 mile) radius.
- Staff has received a few phone calls. One phone call was from a single-family residential homeowner north of Knox Road who opposes any liquor sales in the area. Staff received two phone calls from residents who reside in the Boardwalk at the Villages of Chandler condominiums along Pleasant Drive. One of the residents is the HOA Board President for the condominiums. Both homeowners expressed concerns with increased vehicle parking along Pleasant Drive, within their condominium community in reserved and guest parking spaces, and individuals hopping into their swimming pool. They feel these problems did not occur prior to Dos Gringos Grille opening for business.

The business owner/applicant and the Chandler Police Department have contacted these residents to address their concerns and look at mitigating further problems. In doing so, it

was determined the on-site parking issues are from the condominiums own residents. The community management company has provided a letter advising they are not opposed to Dos Gringos Use Permit request.

- Staff received a call from a Property Owners' Association (POA) representative for the commercial center Dos Gringos Grille is located within. Concerns were raised with loud music coming from the outdoor patio and trash that litters the property. The business owner/applicant was advised of the POA's concerns and provided contact information for the POA representative. The POA sent Staff an email with their concerns. However, the applicant and POA have since met and the POA's concerns have been addressed, see attached correspondence.

The applicant has met with the POA and advised there are not outstanding concerns from the POA.

- Staff received a call from the property owner of Lin Chinese/Saigon Pho restaurants. The property owner has concerns with parking and feels the Series 6 will create more parking problems. He's concerned with the lack of parking on Friday and Saturday evenings. He conveyed the POA and other restaurant owners have not considered his request to have his own parking spaces designated; however, the POA advised property owners must go through the Board and have their request voted on by the other property owners and that a request has not been made with the Board. Staff advised the POA and Dos Gringos Grille owner of the property owner's concerns.
- The Police Department has reviewed this request and does not have any concerns. A review of the calls for service since the business opened in October 2007 has been completed. Calls for service have lessened due to both Dos Gringos Grille and the adjacent Iguana Mack's business owners proactively working with the Police Department and making changes to their security and business operations. In comparing both establishments, the Police Department determined calls for service at both establishments have gone down significantly.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDATION

Upon finding consistency with the General Plan, Planning Commission and Staff, recommend approval of Use Permit UP08-0044 DOS GRINGOS GRILLE for liquor, subject to the following conditions:

1. Development shall be in substantial conformance with previously approved zoning conditions and the Development Booklet, entitled "Dog Gringos Grille", kept on file in the City of Chandler Planning Services Division, in File No's. PDP06-0011 and UP06-0013, except as modified by condition herein.

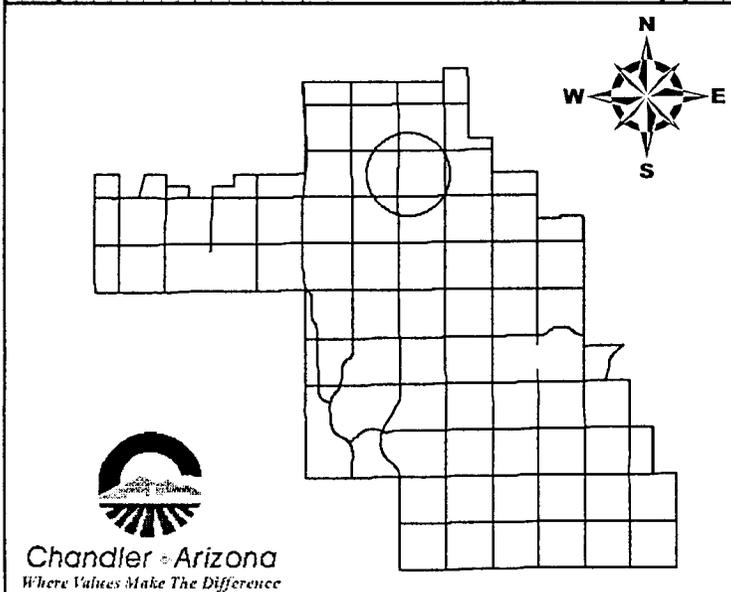
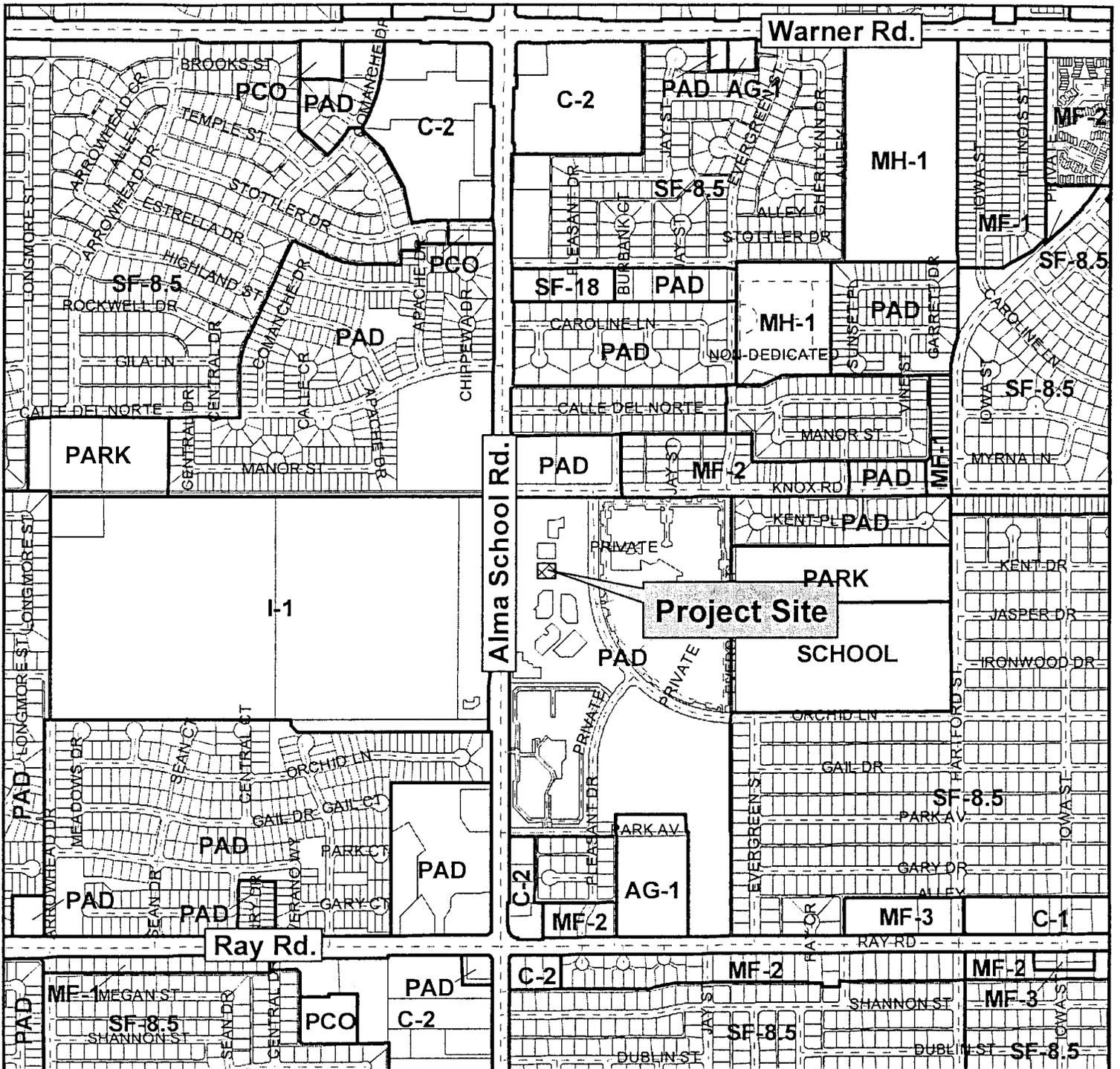
2. The Use Permit is granted for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
4. "To Go" packaged liquor sales are not permitted.
5. The site and patio areas shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from ambient speaker music on the patios so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
7. Condition No. 7 of case UP06-0013, "Streamer/flag decorations, and Christmas lights are not permitted on the outdoor courtyard/patio areas", shall be deleted.

PROPOSED MOTION

Move to approve Use Permit case UP08-0044 DOS GRINGOS GRILLE, subject to the conditions recommended by Planning Commission and Staff.

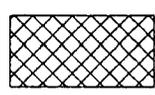
Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Floor Plan
5. Parking Plan
6. UP07-0052 conditions
7. PDP06-0011/UP06-0013 conditions
8. Photos
9. Correspondence



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Vicinity Map

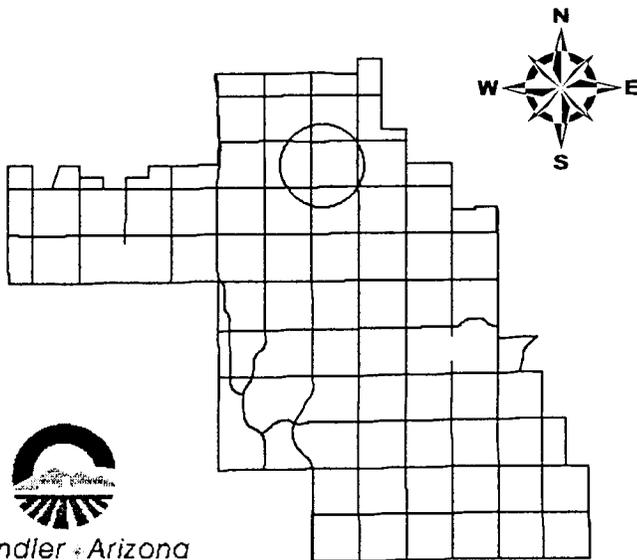


UP08-0044

Dos Gringos Grille
Liquor Use Permit



Vicinity Map



UP08-0044

**Dos Gringos Grille
Liquor Use Permit**

Monday, August 4, 2008

Dos Gringos Grille
1361 N. Alma School Road
Chandler, AZ 85225
Business Narrative

In October 2007, Dos Gringos Grill opened in Chandler at 1361 N. Alma School Road with much success. As we approach our one-year anniversary, I am required to apply for a new Use Permit with the City of Chandler. At this time, I would like your consideration and approval for a Series 6 Liquor Use Permit for this location.

While much time, effort and money has been put in to the consideration of food sales at Dos Gringos Grill, I honestly do not believe at this time we would pass an audit by the Arizona Department of Liquor License and Control. However, given the proximity of our neighboring business and the bar draw they carry, or quite possibly the economy, I simply have been unable to close the gap between the liquor to food ratio. I assure you that I do not have any intention of changing the operations of Dos Gringos Grille. We will continue to employ hostesses to seat customers, food runners to deliver dishes to tables and qualified managers to ensure the satisfaction of each patron. We will continue with our foods promotions, such as "Kids Eat Free" and "2 for \$10.00 All You Can Eat Lunch Buffet", while we continue to implement new ideas to increase food sales. Changing the license is not what I want to do, or ever intended to do, but I am left without any other option. At this time, the only change that will occur at Dos Gringos Grill is what type of license is hanging on the wall.

Thank you for your time. Should you have any questions or wish to discuss this in further detail, please do not hesitate to contact me at the phone number listed below.

Sincerely,



Brian Roehrich
480.214.2241

ALMA SCHOOL ROAD

KNOX ROAD

PLEASANT DRIVE

SIXTY FIRST PLACE ARCHITECTS, LTD.
1720 EAST IRIDON SCHOOL - SUITE L
CHANDLER, ARIZONA
PHONE (480) 947-4444 FAX (480) 947-4444

DOS GRINGOS GRILLE
1361 N. ALMA SCHOOL ROAD
CHANDLER, ARIZONA
PARKING PLAN

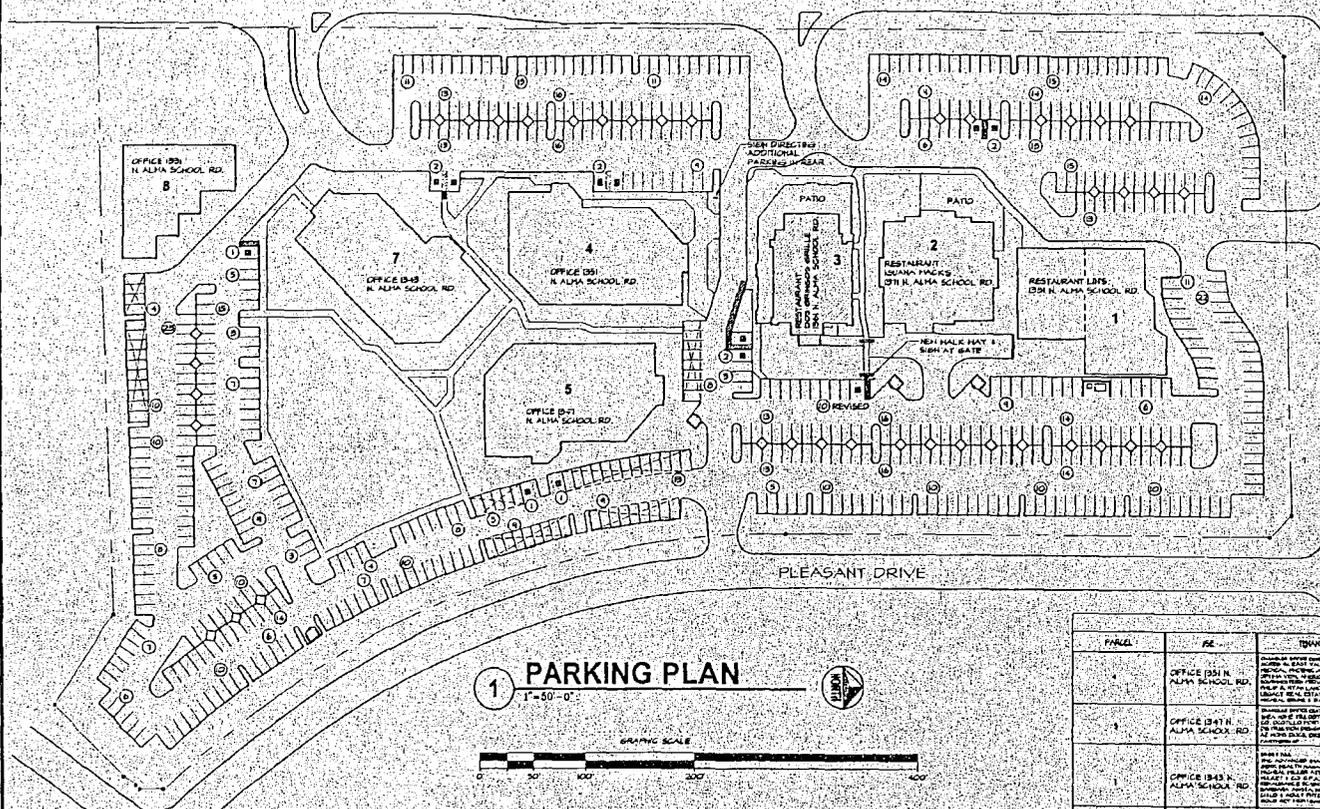


REVISIONS

DATE	DESCRIPTION



JOB NUMBER
05089
DATE
11/17/06
SHEET NO.
SP-2



1 PARKING PLAN
1"=50'-0"



SHARED PARKING SCHEDULE
(Based on regular City of Chandler Schedule & Shared Schedule)

USES	REGULAR PARKING SCHEDULE PER CITY OF CHANDLER	SHARED PARKING SCHEDULE BASED ON DAY / TIME OF USE											
		WEEKDAY SCHEDULE (MON - FRI)				WEEKEND SCHEDULE (SAT - SUN)							
	ALL DAY (NIGHT)	7 AM to 7 PM	7 PM to Midnight	Midnight to 7 AM	7 AM to 9 PM	9 PM to Midnight	Midnight to 7 AM	7 AM to 9 PM	9 PM to Midnight				
Office Use	344 SPACES	5%	17	100%	344	5%	17	5%	17	80%	206	10%	34
RESTAURANT	303 SPACES	50%	151	70%	212	100%	303	45%	137	70%	212	100%	303
TOTAL REQUIRED	707 SPACES		188		656		339		180		418		317

Maximum Parking Demand: 696 spaces during weekdays
Available Parking: 656 spaces
Maximum required parking: 707 spaces

PARKING TABULATION

FIELD	USE	SPACES	AREA	PERCENT RATIO	HOURS OF OPERATION	AREA BREAKDOWN	RATIO	PARKING REQUIRED
7	OFFICE 1301 N. ALMA SCHOOL RD.	304	304 SF	14.3%	8AM-5PM DAILY CLOSED WEEKENDS	100% OFFICE USE	1/200	102.35 SPACES
8	OFFICE 1341 N. ALMA SCHOOL RD.	203	203 SF	14.3%	8AM-5PM DAILY CLOSED WEEKENDS	100% OFFICE USE	1/200	101.5 SPACES
1	OFFICE 1343 N. ALMA SCHOOL RD.	20	20 SF	14.3%	8AM-5PM DAILY CLOSED WEEKENDS	100% OFFICE USE	1/200	10.15 SPACES
8	OFFICE 1303 N. ALMA SCHOOL RD.	377	377 SF	14.3%	8AM-5PM DAILY CLOSED WEEKENDS	100% OFFICE USE	1/200	23.85 SPACES
2	RESTAURANT 1301 N. ALMA SCHOOL RD.	300	300 SF	0%	11AM-11PM DAILY SATURDAY 12AM-11PM SUNDAY 12AM-11PM	50% PUBLIC DINING 50% BAR	1/200	52 SPACES
2	RESTAURANT 1301 N. ALMA SCHOOL RD.	300	300 SF	0%	11AM-11PM DAILY	100% BAR	1/200	10 SPACES
2	RESTAURANT 1301 N. ALMA SCHOOL RD.	100	100 SF	0%	11AM-11PM DAILY	100% BAR	1/200	5 SPACES
2	RESTAURANT 1301 N. ALMA SCHOOL RD.	100	100 SF	0%	11AM-11PM DAILY	100% BAR	1/200	5 SPACES
2	RESTAURANT 1301 N. ALMA SCHOOL RD.	100	100 SF	0%	11AM-11PM DAILY	100% BAR	1/200	5 SPACES

- NOTES:
1. PEAK PARKING DEMAND FOR RESTAURANTS BETWEEN 5PM-11PM: 343 SPACES
PEAK PARKING DEMAND FOR OFFICES BETWEEN 8AM-5PM: 514 SPACES
 2. CURRENTLY UNUTILIZED PARKING AREA AT REAR OF LOT (60 SPACES) SHOULD BE PROVIDED WITH SURGE GATE AND SIDEWALK LEADING TO FRONT OF RESTAURANTS TO PROMOTE PATRON PARKING IN REAR LOT.
 3. EXISTING SIGN AT CORNER OF OFFICE LOT SHOULD BE EXPANDED TO DIRECT DOS GRINGOS GRILLE PATRONS TO PARK IN REAR LOT.

city approval seal



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NOTICE OF PLANNING AND ZONING COMMISSION ACTION CITY OF CHANDLER, ARIZONA

APPLICANT:

Mr. Brian Roehrich
Dos Gringos Grille
3102 N. Scottsdale Road
Scottsdale, Arizona 85251

CASE: UP07-0052 DOS GRINGOS GRILLE

MEETING DATE: AUGUST 15, 2007

APPROVAL: <input checked="" type="checkbox"/>	REZONING: <input type="checkbox"/>
DENIAL: <input type="checkbox"/>	VARIANCE: <input type="checkbox"/>
CONTINUED: <input type="checkbox"/>	USE PERMIT: <input checked="" type="checkbox"/>
WITHDRAWAL <input type="checkbox"/>	Time Extension to allow sale of liquor (Series 12 Restaurant License)
	SUBDIVISION: <input type="checkbox"/>
	AREA PLAN: <input type="checkbox"/>
PRELIMINARY DEVELOPMENT PLAN <input type="checkbox"/>	PRELIMINARY PLAT <input type="checkbox"/>

SUBJECT TO THE FOLLOWING:

1. Development shall be in substantial conformance with previously approved zoning conditions and the Development Booklet, entitled "Dog Gringos Grille", kept on file in the City of Chandler Planning Services Division, in File No's. PDP06-0011 and UP06-0013, except as modified by condition herein.
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.

UP07-0052 DOS GRINGOS GRILLE



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APPLICANT:

BRIAN ROEHRICH
DOS GRINGOS ALMA INC.
3102 N. SCOTTSDALE RD.
SCOTTSDALE, AZ 85251

**NOTICE OF
COUNCIL ACTION
CITY OF CHANDLER,
ARIZONA**

CASE: PDP06-0011/UP06-0013 DOS GRINGOS GRILLE

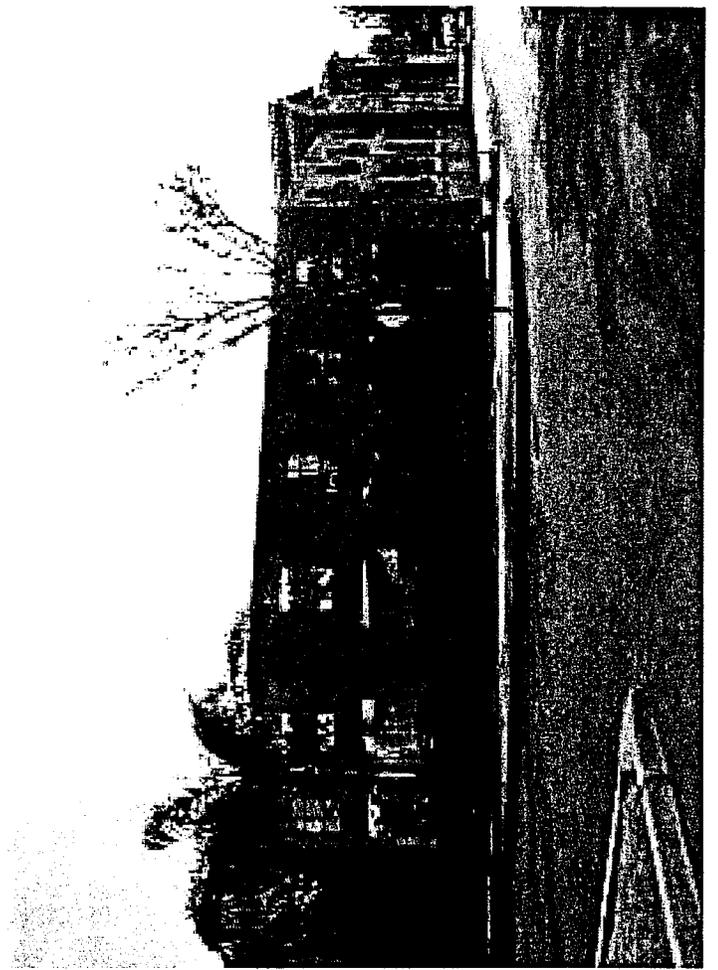
MEETING DATE: THURSDAY, JULY 27, 2006

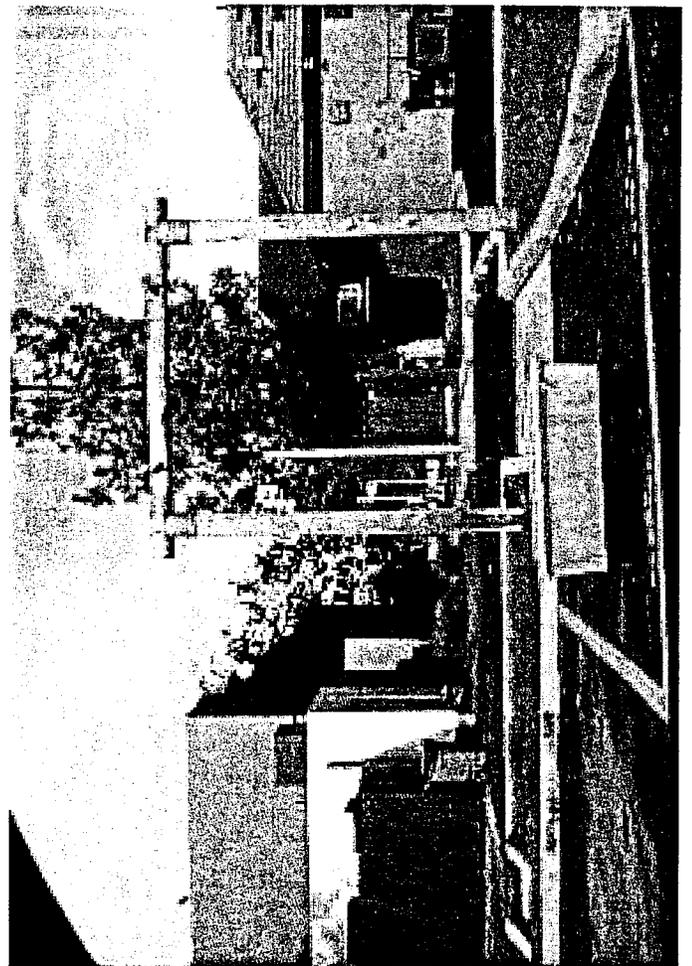
APPROVAL:	<input checked="" type="checkbox"/>	REZONING:	<input type="checkbox"/>
DENIAL:	<input type="checkbox"/>	VARIANCE:	<input type="checkbox"/>
WITHDRAWAL:	<input type="checkbox"/>	USE PERMIT:	<input checked="" type="checkbox"/>
CONTINUED:	<input type="checkbox"/>	LIQUOR, SERIES 12	
		SUBDIVISION:	<input type="checkbox"/>
PRELIMINARY DEVELOPMENT PLAN		<input checked="" type="checkbox"/>	PRELIMINARY PLAT
			<input type="checkbox"/>

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Dos Gringos Grille", kept on file in the City of Chandler Planning Services Division, in File No. PDP06-0011 and UP06-0013, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. Expansion, modification, or relocation beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
4. 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.

5. The Use Permit is granted for a Series 12 license only, and any change of license shall require re-application and new Use Permit approval.
6. The Use Permit is non-transferable to other restaurant locations.
7. Streamer/flag decorations, and Christmas lights are not permitted on the outdoor courtyard/patio areas.
8. 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.
9. There shall be no outdoor or indoor live entertainment, live music, dance floor, pool tables, games, and the like.
10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
11. Provide additional pedestrian seating areas and landscaping along the south side walkway area.







Brian Roehrich
<dosgringosaz@aol.com>
09/24/2008 04:36 PM

To jodie.novak@chandleraz.gov,
Richard.Speer@chandleraz.gov
cc
bcc
Subject Fwd: Parking issue

All,

In response to the recent parking complaint, myself and the owner/management of Iguana Macks have been attempting to settle any issues that may be before us with our neighboring property. At this time it seems that the complaint of parking or any other issues may have been misjudged. I spoke with Tracy Schofield community manager of neighbor Boardwalk, please see attached comments.

Brian Roehrich
Dos Gringos Family of Restaurants & Bars
Owner
ph: 480.214.2241
fax: 480.970.6886
dosgringosaz@aol.com

Dos Gringos Scottsdale | Dos Gringos Trailer Park Tempe | Dos Gringos Mexigrill Mesa, South Tempe & Chandler
www.dosgringosaz.com

Cherry Lounge & Pit
www.thecherryloungeaz.com

-----Original Message-----

From: Tracy Schofield
To: dosgringosaz@aol.com
Sent: Wed, 24 Sep 2008 4:16 pm
Subject: Chandler Restaurant

Brian -

Thank you for taking the time to call me and discuss the parking issues between the Boardwalk community and Dos Gringos. The Board of Directors discussed this issue and your application for a new liquor license and it was determined that there is no way to determine who owns the

cars parked in the Boardwalk community - visitor parking or otherwise. The Board of Directors feel that parking is a non-issue and wish Dos Gringos continued success.

If anything does arise in the future I will contact you directly, and you can do the same.

Best wishes,

Tracy Schofield

Community Manager

(480) 967-7182 ext. 104

Metro Property Services

150 E. Alamo Dr. #3

Chandler, AZ 85225

Fax (480) 921-9031

www.metropropertyservicesaz.com

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"dona comin"
<donac@dcjutland.phxcoxma
il.com>

10/02/2008 09:42 AM

To <Jodie.Novak@chandleraz.gov>

cc

bcc

Subject update per a meeting held 10-1-08 in Chandler

Jodie,

Brian Roehrich, Bobby Tuli (owner of the 1343 building) Mike Chandler (manager of Dos Gringos at this complex) and I had a meeting October 1, 2008 @ 10:00AM.

We discussed: trash removal, liquor license, music volume and parking.

Brian agreed his restaurant was at fault regarding the parking lot trash and area around my buildings. We also discussed the music volume early in the day specifically Monday thru Friday. Brian and Mike Chandler both agreed they would stay on top of the problems moving forward. I am fine with the direction this is going.

Per Brian's comments; if he goes with a #6 license he will not be changing anything with his restaurant. Everything will continue as it has been. Bobby Tuli and I are ok with this.

At this time we do not have any further complaints or comments.

We appreciate your input and comments regarding the possible liquor license change.

Regards,

Dona Comin

Jutland 4141 Investments, Ltd.

dba Chandler Office Center

480-385-8254 or 480-544-5759 (cell)

480-963-0515 (work)

480-963-0583 (fax)

Jutland 4141 Investments, Ltd.
DBA Chandler Office Center

1347 N. Alma School Rd., Suite #210
Chandler, Arizona 85224
(480) 963-0515 FAX# (480) 963-0583

September 26, 2008

Dos Gringos
Attn: Brian Roehrich
1984 E. 5th Street #104
Tempe, Arizona 85281

RE: Neighborhood letter
City of Chandler Letter

Dear Brian,

ColRich (Jutland 4141 Investments, Ltd.) received your letter dated August 26, 2008 regarding a neighborhood meeting scheduled for September 11, 2008. No one was available to attend that meeting however we would like to address our concerns.

Our understanding is a #12 liquor license requires a percentage of food per a percentage of liquor. A #6 liquor license has no restrictions of food to liquor. The liquor license application change does have a negative impact for our tenants and the area surrounding our buildings. The restaurant location is among high end office and single family homes, the area is not a retail or urban destination. The intent of the #12 license is to prohibit the wrong type of business from spoiling the quiet feel of Chandler, thus giving quality of life for the tenants and families in the adjacent and surrounding area. We feel very strongly that the #6 license will increase our capital expenses as well as increase tenant complaints.

Incurring costs in the past year include:

- Install an iron gate 12-2007 in the amount of \$440.00 to keep people from urinating on the north side of the 1351 building
- Replace 4 bollard walkway lights in the amount of \$1,600 that were destroyed in front of the 1351 building in 1-2008
- A \$25.00 daily charge to have bar patron trash removed.

Medical office tenants complain that parking in the late afternoon is very difficult to find, and their reserved covered parking spaces are occupied frequently by bar patrons. Our vested interest as building owners will be diminished by the conversion from restaurant to bar.

Regards,

Dona Comin
Jutland 4141 Investments, Ltd.
dba Chandler Office Center

Bobby Tuli
The Par Pal Family Limited Partnership