

SEP 24 2009



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MEMORANDUM Planning & Development - CC Memo No. 09-116

DATE: SEPTEMBER 4, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER ^{RP}
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER 
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR 
 KEVIN MAYO, ACTING PLANNING MANAGER ^{KM}

FROM: ERIK SWANSON, CITY PLANNER 

SUBJECT: UP09-0019 IGUANA MACK'S

Request: Use Permit extension approval for a Series 6 (Bar) liquor license for on-premise consumption only within an existing restaurant and outdoor patio

Location: 1371 N. Alma School Road,
 Southeast corner of Alma School and Knox Roads

Applicant: Amy Nations, ALIC

RECOMMENDATION

The request is for Use Permit extension approval for a Series 6 (Bar) liquor license for on-premise consumption only within an existing restaurant and outdoor patio. Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval with conditions.

BACKGROUND

The subject site has a long zoning history going back to the mid 1980's. The current establishment has been at the subject site since 2004, and operated under a Series 12 restaurant license for two years. In 2006, the owner requested and received a Series 6 Use Permit for one year. In 2007, an extension was requested for an additional three years, however there were some concerns regarding the number of calls for service to the Police Department, and the restaurant received a two-year extension. The current extension is for an indefinite time period.

Since the last approval the owner has taken a number of steps to address the security and operational concerns, in an effort to reduce the amount of calls for service that was the concern with the previous approval. As part of the owner's measures to address the concerns, the owner has security personnel check identifications at the front entrance as well as periodically walk the site to check identifications, a security log book is maintained to manage occurrences, photos are taken of banned customers that are prevented from the premises, and regular staff meetings are held to fine tune policies and procedures. Furthermore, weekend discount drinks have been eliminated and the full menu is served until midnight. Lastly, approximately eight taxicab parking stalls are provided close to the entrance to discourage drinking and driving. Sixteen security cameras are also located throughout the site.

The restaurant is open seven days a week from 11 a.m. to 2 a.m. Monday through Friday, and 9 a.m. to 2 a.m. Saturday and Sunday, and has 60 full-time employees. All of the employees are required to successfully complete State certified liquor law training. The restaurant is approximately 8,890 square feet and accommodates 294 patrons. The outdoor patio is approximately 1,800 square feet and accommodates 126 patrons. Entertainment is provided on Wednesday, Friday and Saturday nights, 12 speakers are provided on the outdoor patio and 28 throughout the restaurant.

DISCUSSION

Usually, Staff recommends Use Permit approval for Series 6 liquor licenses on a 1yr., 3 yr., 5yr., indefinite time, timeframe. Generally, the recommended timing conditions are based upon operational and compatibility concerns. In the past, there have been some concerns with the number of calls for service to the Police Department at this location and the bar directly south of this site, Dos Gringos. However, both bars have managed to work together along with the Police Department to reduce the number of calls for service. Due to the cooperation of both parties, the last Use Permit to be approved by Council for Dos Gringos was approved on an indefinite time frame. Due to the previous Council approval for Dos Gringos, and the current security measures in place at Iguana Mack's, Staff is comfortable with recommending approval of the Use Permit on an indefinite basis. However, if in the future there are concerns with the operations of either facility and non-compliance with the Zoning Code and approved zoning conditions, the Zoning Administrator has the authority to revoke the Use Permits.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- Notices were mailed to all property owners within a six hundred foot radius and all Registered Neighborhood Organizations (RNOs) within ¼ mile.
- A description of the Use Permit request was advertised in the newspaper.
- An orange 11" X 17" placard public hearing sign was posted on the property.
- A neighborhood meeting was held on Wednesday, July 1, 2009. No neighbors were in attendance.
- The Police Department was notified of the request and has no concerns with the extension request.

At the time of this writing, Staff has received no telephone calls or letters opposed to this application.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of UP09-0019 IGUANA MACK'S, subject to the following conditions:

1. Expansion, modification, or relocation beyond the approved exhibits for interior and exterior areas (Floor Plan, Site Plan, and Narrative) shall void the Use Permit and require re-application and approval of a new Use Permit.
2. The Use Permit is granted for a Series 6 license only and any change of licenses shall require re-application and approval of a new Use Permit.
3. The Use Permit is non-transferable to other store locations.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses beyond outdoor speakers and live music shall require reapplication of the Use Permit.
5. The Use Permit is approved for the current business owner only. In the event the business is sold with the Series 6 License, the business shall require reapplication and new Use Permit approval.
6. The site and outdoor patio shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to approve UP09-0019 IGUANA MACK'S, subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Floor Plan



Vicinity Map



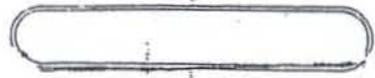
UP09-0019

**Iguana Mack's
Liquor Use Permit**



IGUANA MACK'S FLOOR PLAN

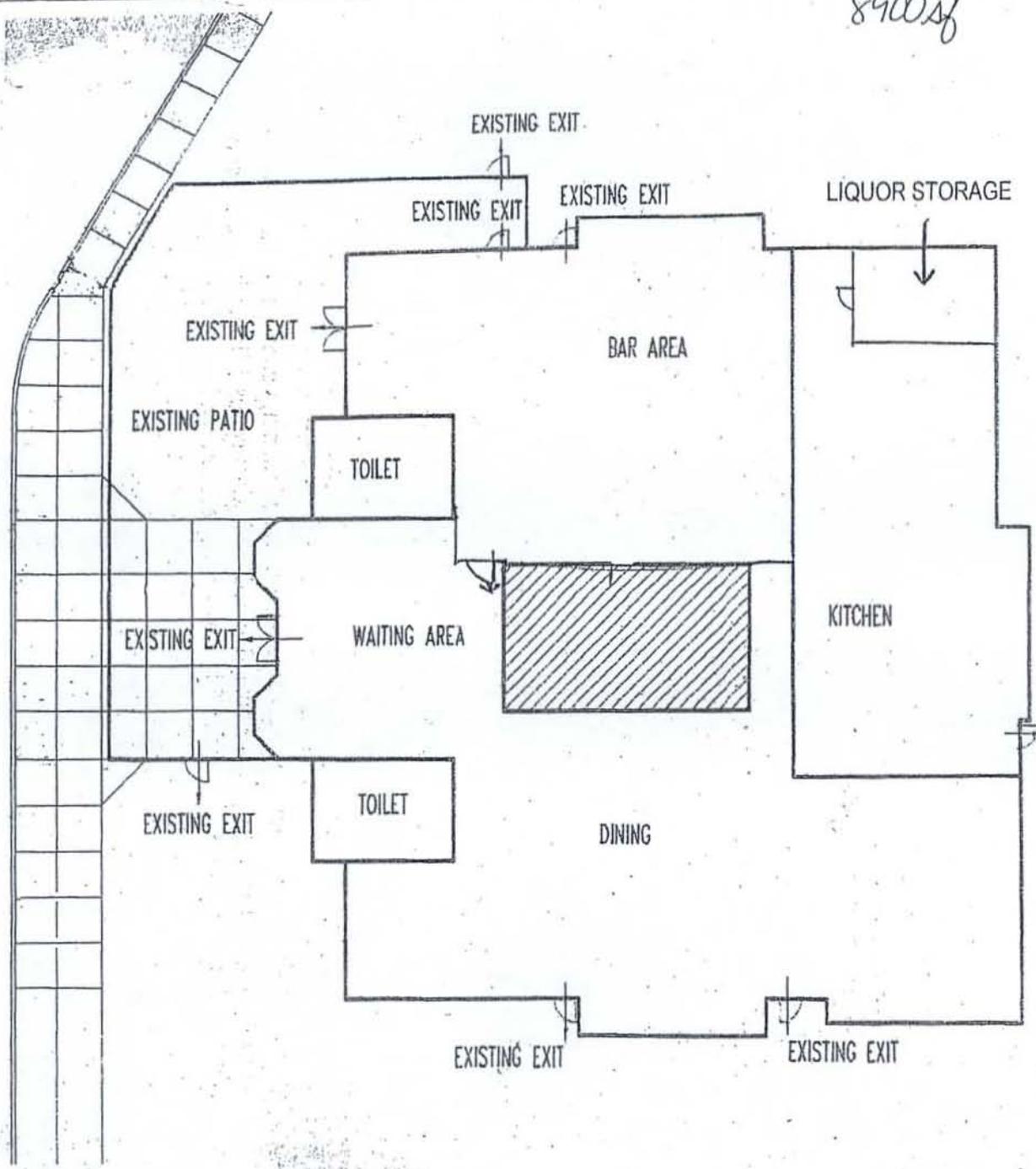
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EXISTING PARKING

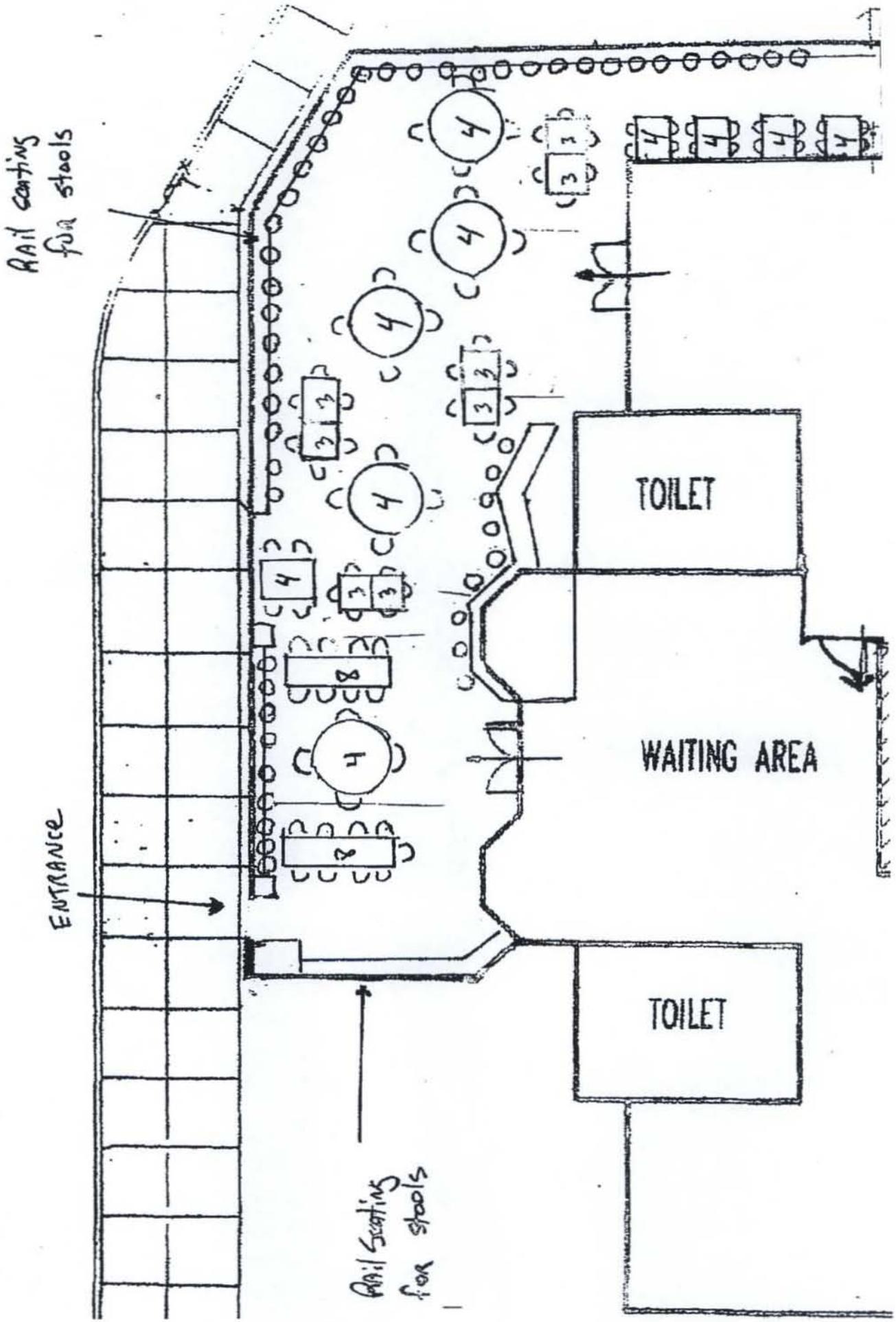


SITE PLAN



Iguana Mack's PATIO Floor Plan

4/07



PATIO BAR FLOOR PLAN