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MEMORANDUM

Transportation & Development – PZ Memo No. 11-017a

DATE: APRIL 11, 2011

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER *KA*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: LUP11-0001 REGAL BEAGLE

Request: Extension of Use Permit approval to sell and serve all spirituous liquor within a restaurant and bar (Series 6 Liquor License)

Location: 6045 W. Chandler Blvd., Suite #7
Southwest corner of Kyrene Rd. and Chandler Blvd.

Applicant: Gregory James Stanfield

The item was continued from the March 16, 2011 Planning Commission hearing to allow for a proper neighborhood meeting to be held.

RECOMMENDATION

The request is for Use Permit approval to sell and serve all spirituous liquor within a restaurant and bar and outdoor patio (Series 6 Liquor License). Staff, finding consistency with the General Plan, recommends approval for three (3) years subject to conditions.

BACKGROUND

The subject property is located at the southwest corner of Kyrene Road and Chandler Boulevard within the Kyrene Village Center formerly anchored by Basha's. The center is surrounded on all sides by mostly commercial and industrial uses, including the Paloma Kyrene office/industrial park to the south. The nearest residential neighborhood is south of the southeast corner of the main intersection. The business is a restaurant/sports bar with an outdoor patio on its north side.

The request is to continue operating under the existing Use Permit provisions, which allow amplified music both indoors and on the outdoor patio in accordance with several conditions. The existing Use Permit conditions include limiting the music until 10 p.m., having music only two days per week, maintaining a liaison program that allows neighbors to call the bar with any noise issues, and prohibiting unreasonable disturbance of the residential properties.

The facility served alcohol under a Series 12 Restaurant License until 2006 when they received Use Permit approval for one year to serve under a Series 6 Bar License. The license change was prompted by a State audit that found food sales to be short of Series 12 requirements (at least 40% of sales must be in food and non-alcoholic beverages). A three-year extension was granted in June 2007. Per condition, a transfer of ownership in mid-2007 required a new Use Permit, which was approved for one (1) year in October 2007. An extension of the Use Permit was approved in December 2008 that was limited to one (1) year in order to closely monitor a noise issue that was recurring in the first half of 2008. The recurring noise issue involved music on the outdoor patio that was amplified in violation of the Use Permit conditions. The Use Permit was renewed and amended in January 2010 with a one (1) year time limit to allow amplified outdoor music under certain conditions. No changes are requested from the 2010 approval.

The establishment, which has a full menu of American food, provides seating for 125-145 persons, including space for 25 persons at the indoor bar, 40-60 in the main seating area, and 60 on the patio (which has a second bar). Hours of operation are 10 or 10:30 a.m. to 2 a.m. daily.

The subject property, previously occupied by Hitts and Howie's Pub & Eatery, originally received Use Permit approval to sell alcohol under a Series 12 license in 1988, and received amended Use Permit approval in 1992 in order to add a patio. It has been the "Regal Beagle" since 2004. Other liquor Use Permits in the center include Series 10 (Beer & Wine Store) approval for the currently vacant Basha's, Series 6 (Bar License) approval for Kyrene Lanes bowling alley, Series 12 (Restaurant License) approval for Heart Attack Grill, and Series 12 (Restaurant License) approval for India Gate restaurant. Also, CVS Pharmacy, across the street on the southeast corner of the arterial intersection, has a Series 10 (Beer & Wine Store) license.

A Series 6 liquor license allows sales of all types of alcohol both for on-site consumption in individual portions and for off-site consumption. A recommended condition that would limit alcohol sales at this location to those for on-site consumption only.

DISCUSSION

Staff recommends a three-year time limit to allow continued evaluation of neighborhood compatibility, especially with regard to music. Three (3) years is appropriate, rather than one (1) year, because of the "good behavior" and demonstrated compatibility over the past year. The use has proven to be compatible when the conditions are abided by. The only condition that Staff recommends a change to from the 2010 approval is elimination of the requirement that any change in ownership needs a new Use Permit – compatibility relies on conformance to the noise related conditions, regardless of who owns the business. Any change of ownership already

requires liquor license approval that is routed through the Planning Division for analysis against the Use Permit conditions, thereby allowing for education of any new owner.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was initially held on March 7, 2011 at the Sunset Branch Chandler Library, though only Staff and two neighbors attended. A second neighborhood meeting was held at the same location on April 4, 2011 that the applicant did attend, as did two neighbors. The neighbors asked if any changes would be made to the music (none have been requested) and reported that there have been no noise issues for them since last June.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- At the time of this writing, Staff is not aware of any opposition.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and Community Commercial (C-2) zoning, recommends approval of LUP11-0001 REGAL BEAGLE 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. No alcohol shall be carried outside of the building into the parking lot or off-premises. Sales of "to-go" liquor shall be prohibited.
4. 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.
5. 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.
6. The Use Permit shall remain in effect for three (3) years 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.
7. The applicant shall provide security on the weekends, if necessary.
8. The applicant shall maintain a liaison program with the adjacent neighborhood that allows neighbors to directly contact a representative of the establishment with their concerns.
9. The applicant shall work to mitigate litter issues resulting from the use.

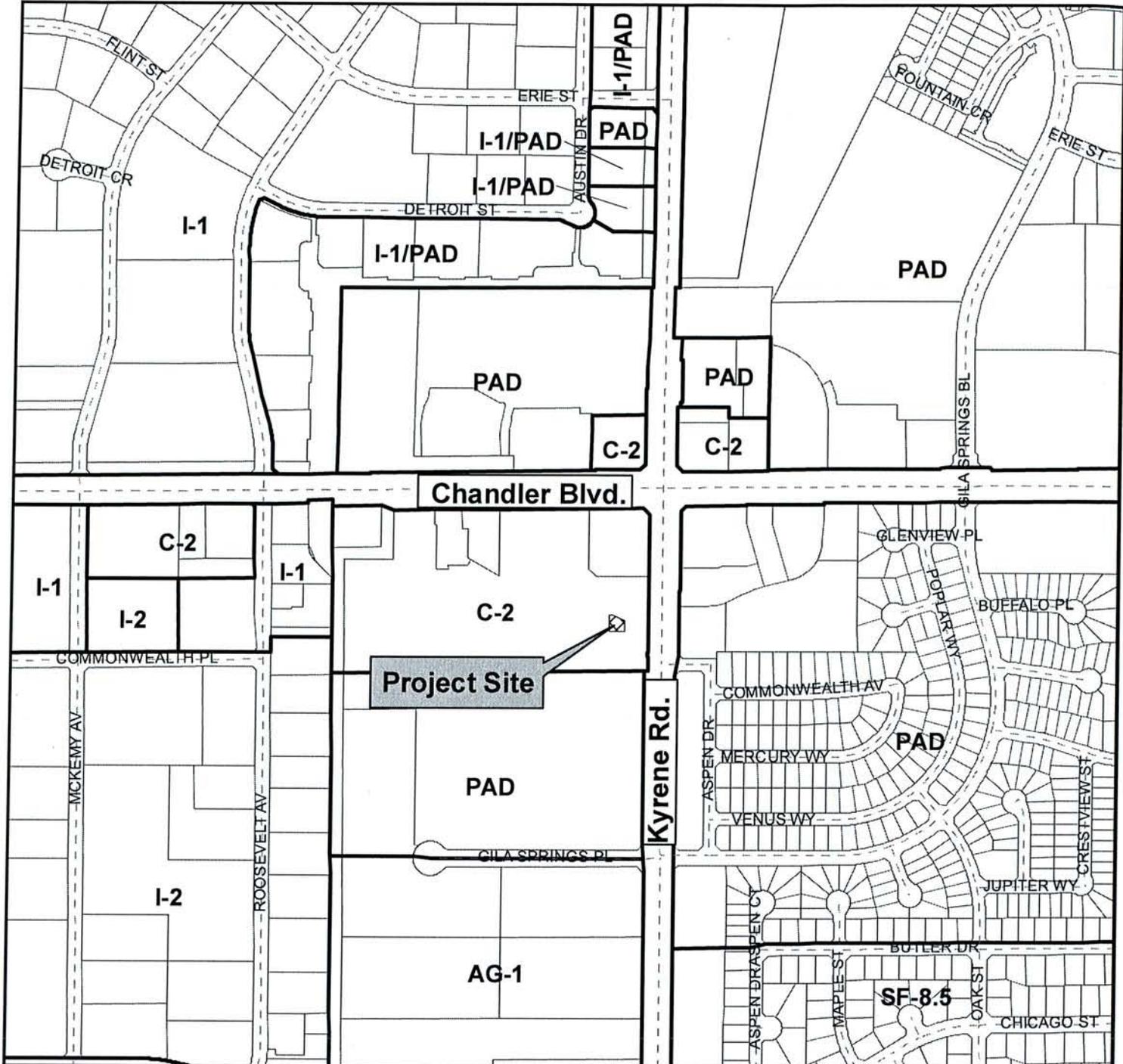
10. The patio and surrounding area shall be maintained in a clean and orderly manner.
11. Outdoor music shall not utilize bass speakers or sub-woofers. All speakers shall be raised off the ground.
12. The maximum diameter of speakers used in conjunction with outdoor music shall be 14”.
13. Neither indoor nor outdoor music shall unreasonably disturb area residential properties.
14. Outdoor music shall be limited to two nights per week from 6 p.m. to 10 p.m.

PROPOSED MOTION

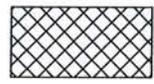
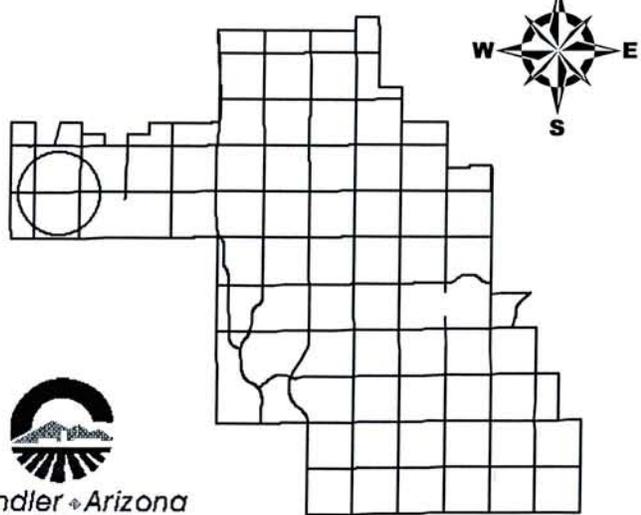
Move to recommend approval of LUP11-0001 REGAL BEAGLE Use Permit for liquor sales subject to the conditions recommended by Staff.

Attachments

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



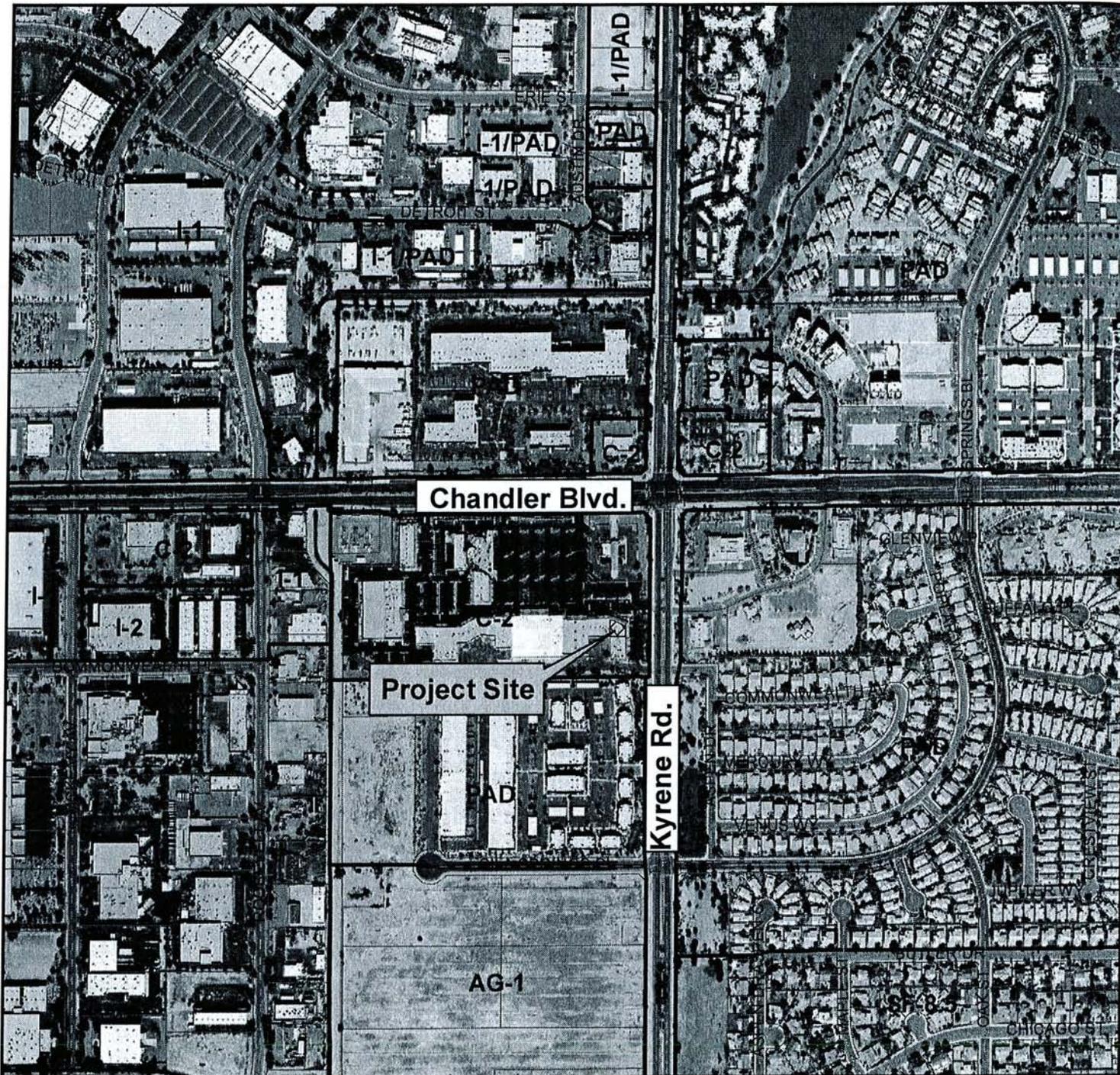
Vicinity Map



LUP11-0001

**Regal Beagle
Liquor Use Permit**





Chandler Blvd.

Kyrene Rd.

Project Site

Vicinity Map

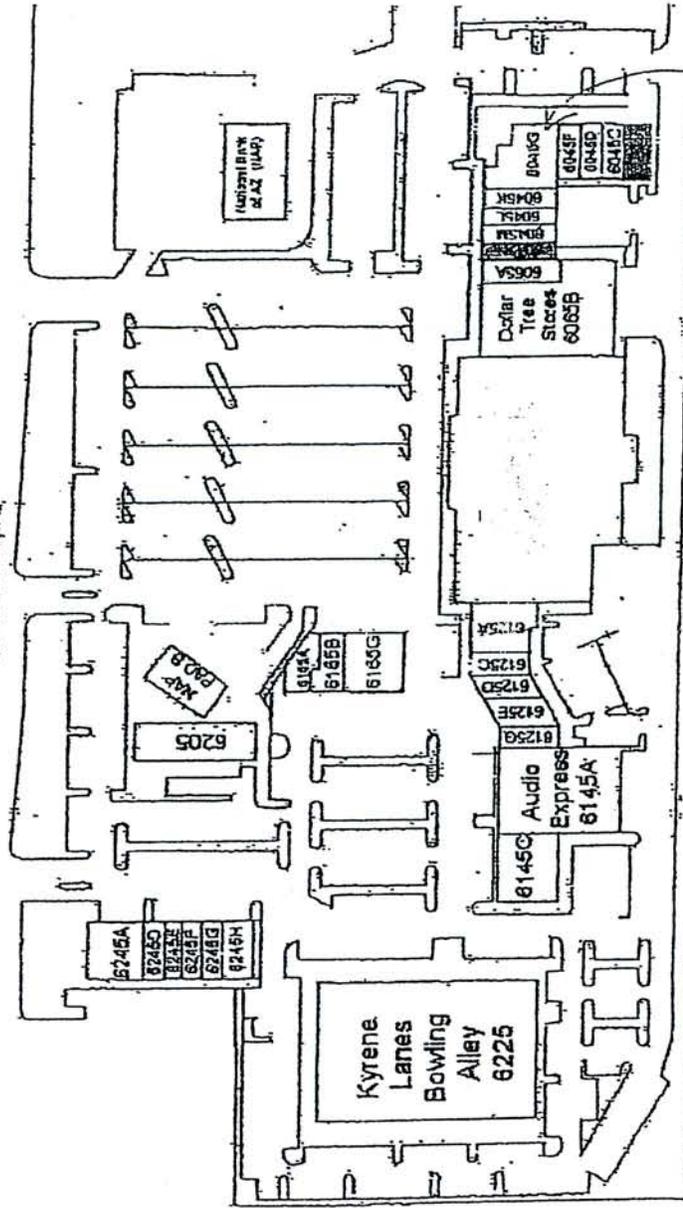


LUP11-0001

**Regal Beagle
Liquor Use Permit**

Kyrene Village
6045 - 6245 W. Chandler Blv.
Chandler, AZ 85226 - 3440

Chandler Boulevard



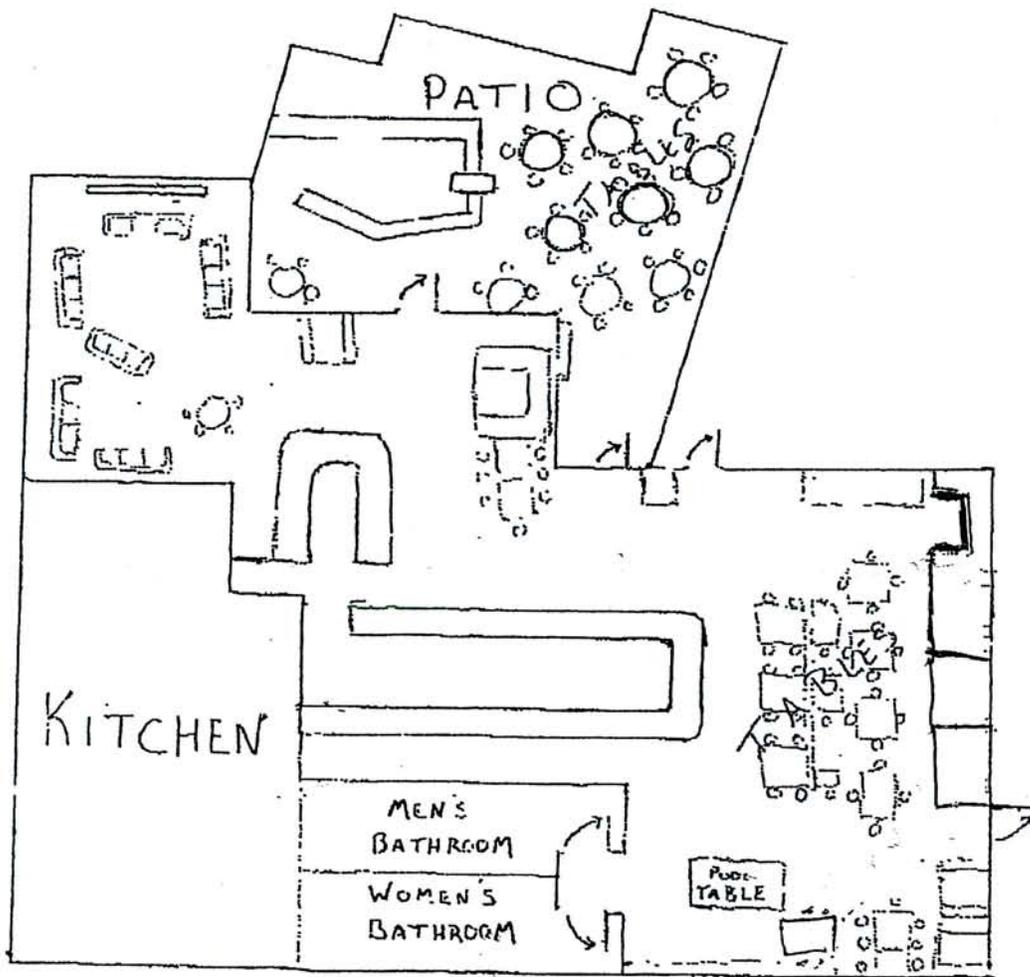
N
Regal
Boogie

LUPII-0001

REGAL BEAGLE FLOORPLAN

Interior: 3930 sq.ft.

Exterior: 1200 sq.ft. patio



LUPII-0001

January 17, 2011

Bill Dermody,

This letter is regarding a request for an extension on the existing Series 6 liquor license on behalf of the Regal Beagle Sports Lounge located at 6045 West Chandler Blvd, Suite #A-7, Chandler, AZ. Our business operations have not have changed from the previous year. The Regal Beagle employs 12 people and is open for business 7days a week, 365 days a year. Our hours of operation are still:

Monday – Friday: 10:30am – 2:00am

Saturday & Sunday: 10:00am – 2:00am

Karaoke: Wednesday, Friday, & Saturday 9:00pm – 2:00am

Music on the Patio: Occasionally Wednesday & Friday 6:00pm – 10:00pm

Thank you for your consideration with my request for an extension on my liquor license.

Sincerely,