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F.

DEC 16 2009

MEMORANDUM **Planning and Development – PZ Memo No. 09-143**

DATE: DECEMBER 8, 2009

TO: PLANNING AND ZONING COMMISSION

THRU: PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *[Signature]*
KEVIN MAYO, ACTING PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: LUP09-1013 TRES SOMBREROS TACOS Y MARISCOS

Request: Use Permit approval to sell and serve beer and wine (Series 7
Liquor License) within an expanded establishment

Location: 777 N. Arizona Avenue, Suites #3-6

Applicant: Gilberto Avena Partida

RECOMMENDATION

The request is for Use Permit approval to sell and serve beer and wine (Series 7 Liquor License) within an expanded establishment. Staff, finding consistency with the General Plan, recommends approval for one (1) year subject to conditions.

BACKGROUND

The subject establishment is located within the De Leon Plaza commercial development at 777 N. Arizona Avenue. Other businesses in the center include tax preparation, western wear clothing, and cell phone sales. Just south of the subject suite is a vacant suite formerly occupied by a small market with a Series 10 Beer & Wine liquor license (for off-site consumption). The subject business is in the middle of the plaza and backs to the residential alley to the east, beyond which is a single-family neighborhood. Commercial uses line Arizona Avenue to the north and south of the subject site.

The restaurant currently occupies four suites and serves alcohol in three of them under a Series 12 Restaurant License. The applicant would like to expand service to the recently acquired suite and change the type of license for the entire establishment to a Series 7 Beer & Wine License.

The applicant will also add regular evening music and dancing in the new suite. Hours of operation are Sunday through Thursday 9 a.m. to 11 p.m. and Friday and Saturday 9 a.m. to 2 a.m. The facility has served alcohol under a Series 12 Restaurant License since receiving approval in 1994.

The front entrance and rear emergency exit will continue to be located in the restaurant portion of the business. The suite that houses the proposed entertainment has no rear door and only an emergency exit out the front. During the day, the new suite functions as dining area.

Staff recommends a one-year time limit to allow evaluation of neighborhood compatibility, especially with regard to music.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on December 7, 2009 at the subject site. No citizens attended.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- One neighbor to the east, who is not against the use per se, is concerned about loud noise emanating from the site.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommends approval of LUP09-1013 TRES SOMBREROS TACOS Y MARISCOS subject to the following conditions:

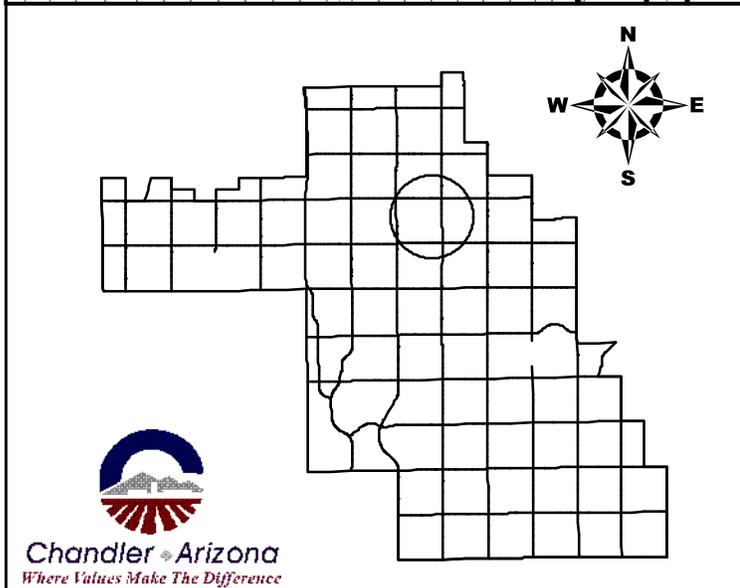
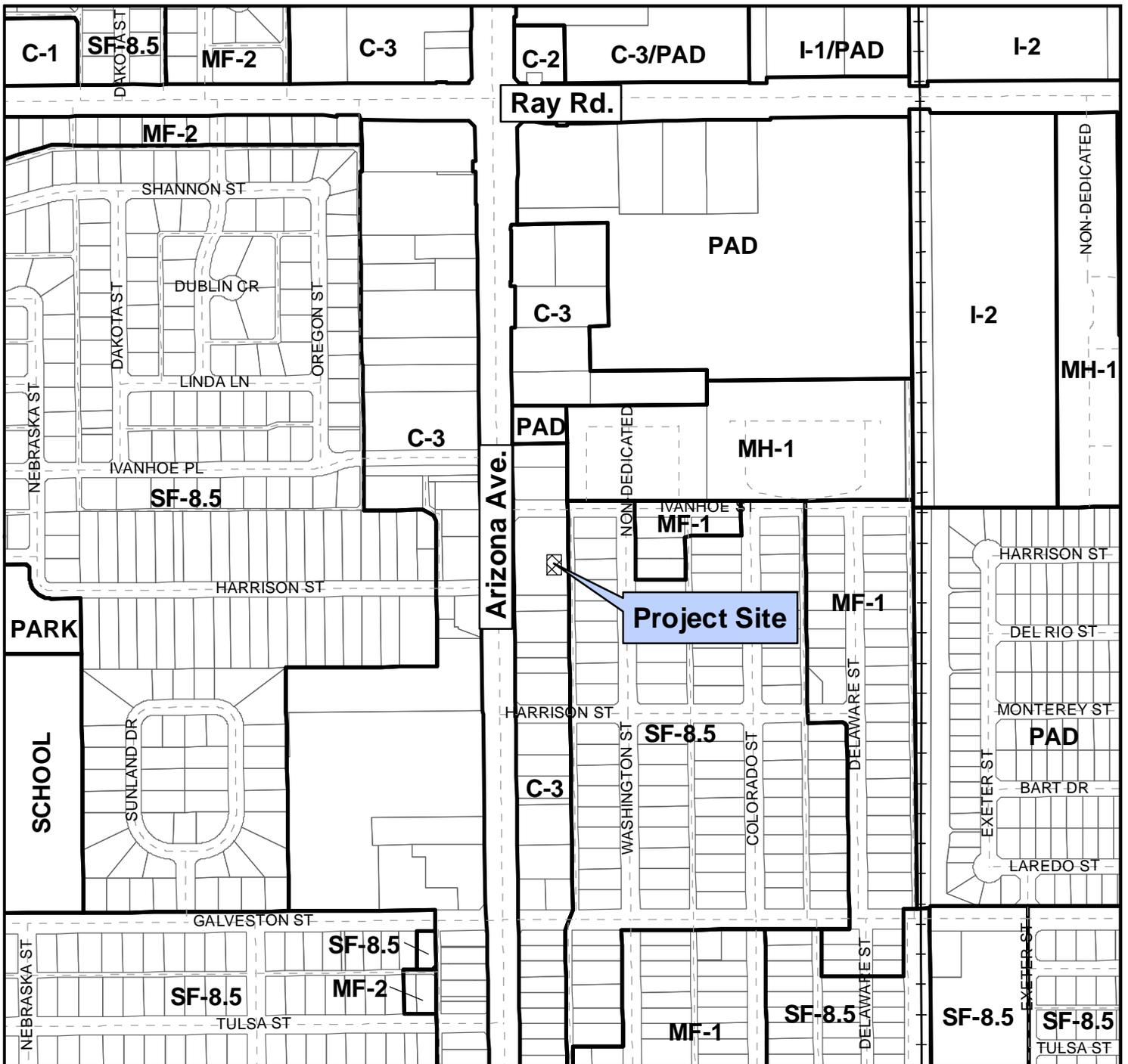
1. The Use Permit granted is for a Series 7 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
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 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.
6. Music shall be controlled so as to not disturb area residences.
7. The entrances and surrounding areas shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to recommend approval of LUP09-1013 TRES SOMBREROS TACOS Y MARISCOS
Use Permit for liquor sales subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Aerial Closeup
3. Floor Plan
4. Applicant Narrative



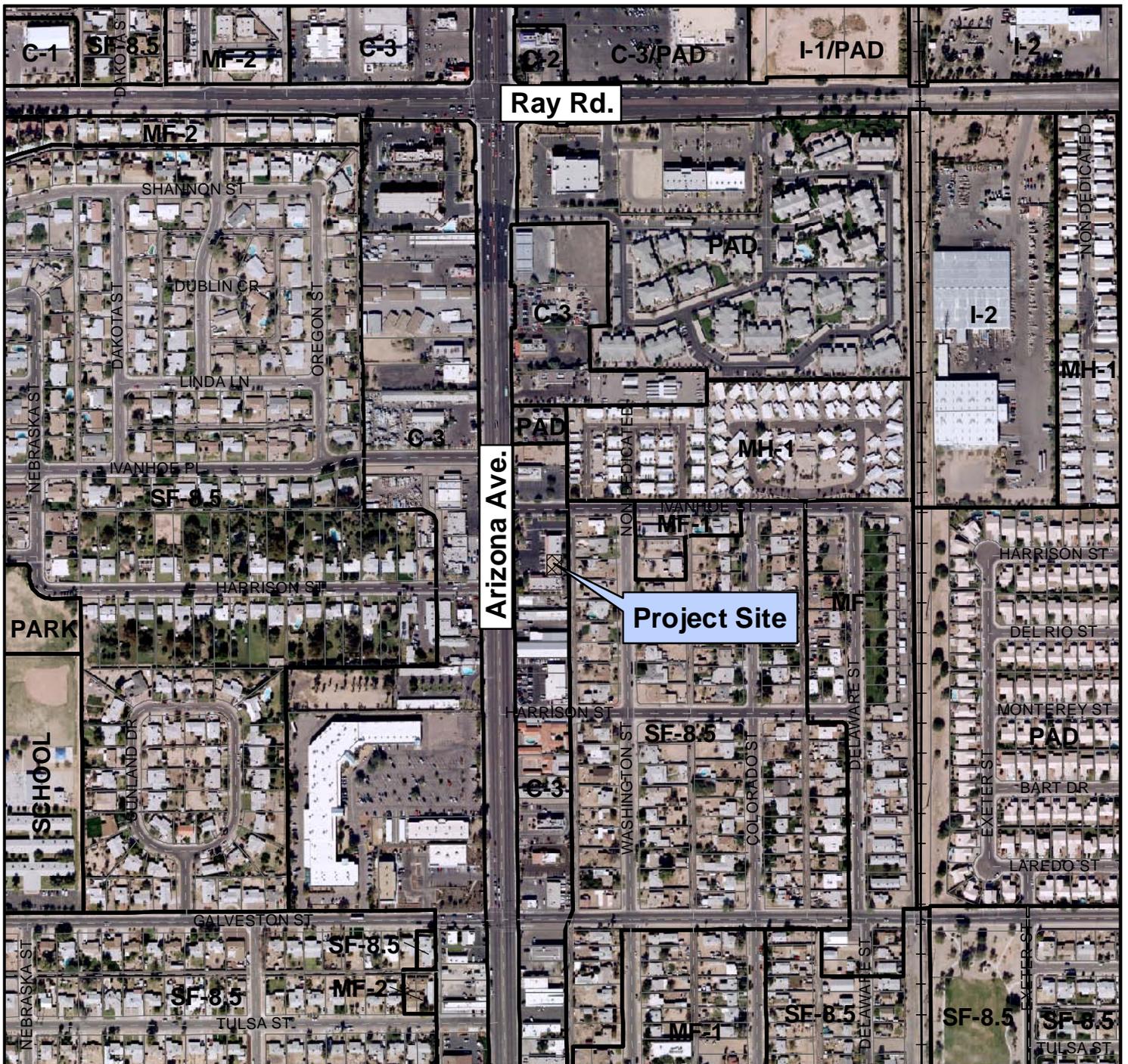
Vicinity Map



LUP09-1013

**Tacos Y Mariscos Tres Sombreros
Liquor Use Permit**



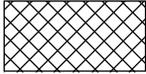
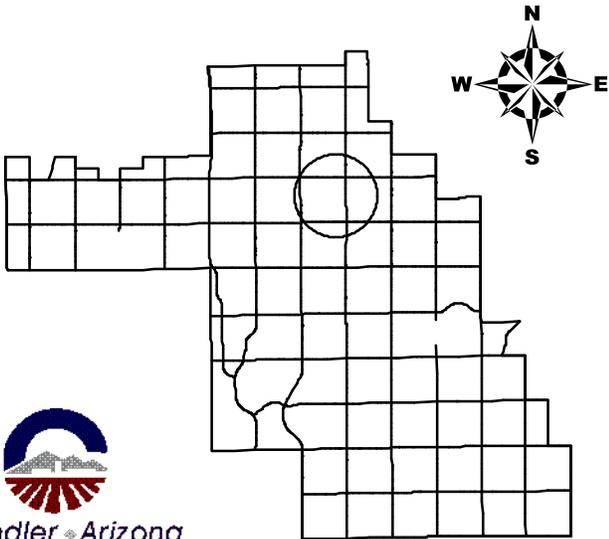


Ray Rd.

Arizona Ave.

Project Site

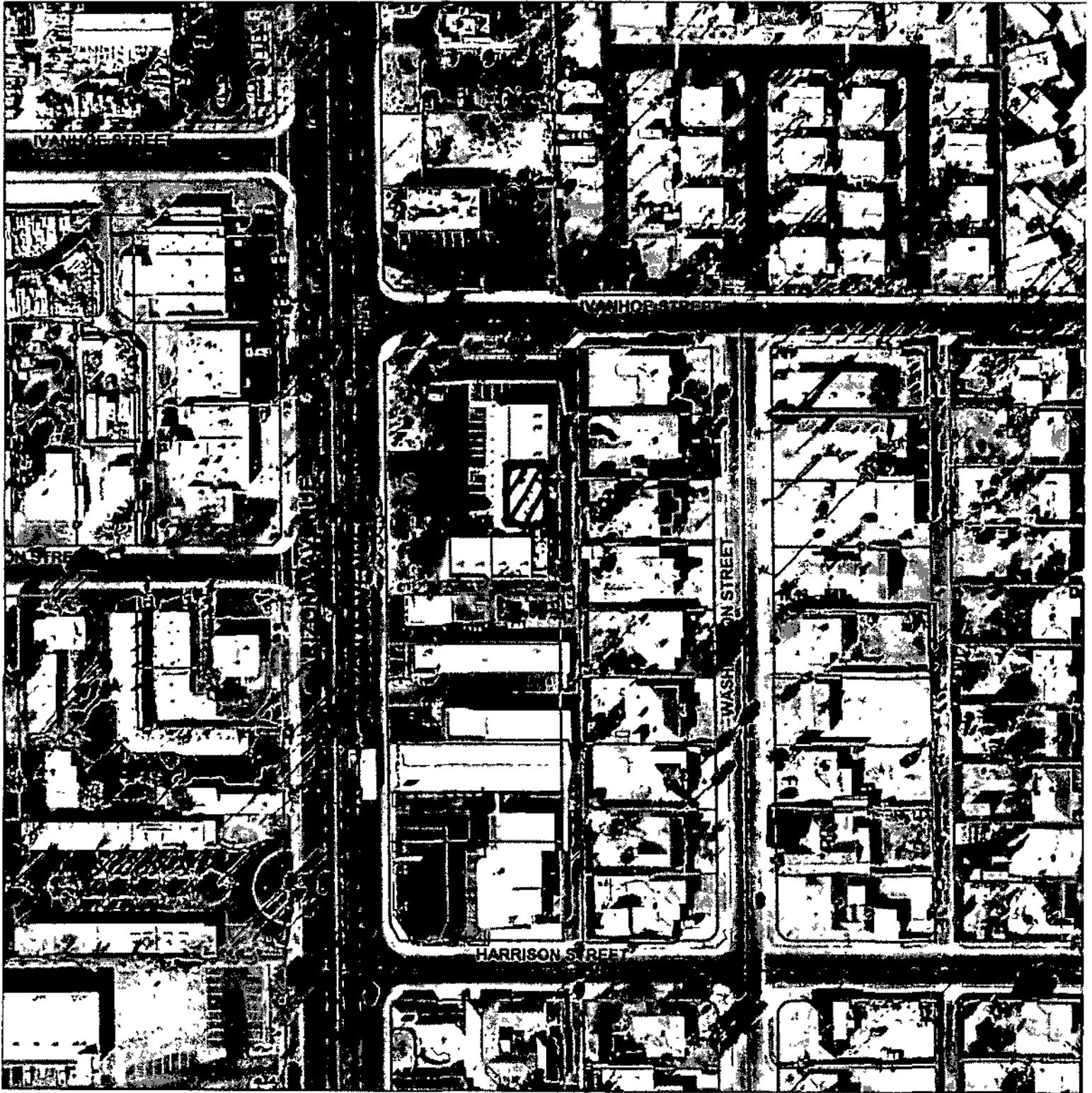
Vicinity Map



LUP09-1013

**Tacos Y Mariscos Tres Sombreros
Liquor Use Permit**

County Parcels

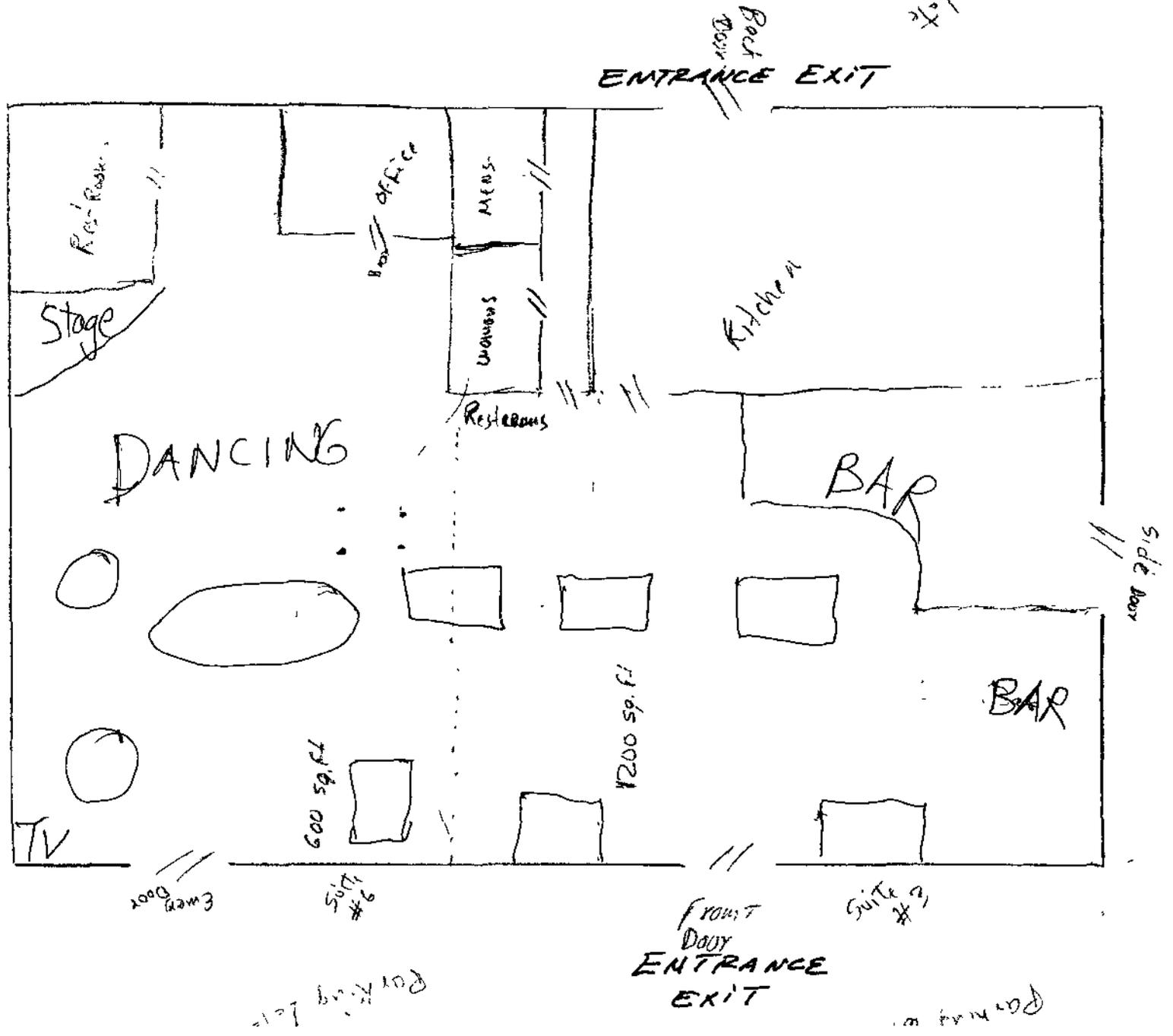


 = SUBJECT SUITES

Tacos y maizicos
Tres Sombreros
777 N. ARIZONA AVE.
Chandler AZ 85225
SOUTH # 6 + 3
PARKING lot

Parking lot

Tacos y Maizicos



October 20, 2009

To City of Chandler Arizona,

Dear Sir/ Madam:

This letter is a request to change our existing Liquor License #12 to a #7 Liquor License.
This establishment, Tacos y Mariscos 3 Sombreros located at 777 N. Arizona Ave. Suite # 3 & 6 Chandler Az. 85225 has been operating with a #12 license for more then ten years.
In addition to the liquor license change, I would like to request for live entertainment & patron dancing.
Our hours of operation are Sunday-Thursday 9a.m. - 11 p.m. Friday-Saturday 9 a.m.- 2 a.m.
We have five employees, and 3 existing TV's.
If you have any futher question please contact me at 602-820-5275

Sincerely,



Gilberto Avena Partida