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APR 14 2011  
Chandler  
All-America City  
2010

**MEMORANDUM**                      **Transportation & Development - CC Memo No. 11-013b**

**DATE:**            MARCH 17, 2011  
**TO:**                MAYOR AND CITY COUNCIL  
**THRU:**            RICH DLUGAS, ACTING CITY MANAGER <sup>RD</sup>  
                          PATRICK MCDERMOTT, ASSISTANT CITY MANAGER <sup>PM</sup>  
                          R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR <sup>RJZ</sup>  
                          JEFF KURTZ, PLANNING ADMINISTRATOR <sup>JK</sup>  
                          KEVIN MAYO, PLANNING MANAGER <sup>KM</sup>

**FROM:**            ERIK SWANSON, CITY PLANNER <sup>ES</sup>

**SUBJECT:**        LUP10-0041 LA PARRILLA GARDEN RESTAURANT

**Request:**        Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) liquor license for on-premise consumption only  
**Location:**       474 W. Ray Road,  
                          East of the northeast corner of Ray Road and Iowa Street  
**Applicant:**       Irene Ramos, Owner

The request was withdrawn from the March 10, 2011 City Council hearing for the purpose of re-advertising the request. The request was re-advertised and has been heard by the Planning Commission.

**RECOMMENDATION**

The request is for Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing and expanding restaurant. Planning Commission and Staff, upon finding consistency with the General Plan and Neighborhood Commercial (C-1) zoning, recommend approval with conditions.

**BACKGROUND**

The subject site is located east of the northeast corner of Ray Road and Iowa Street, approximately 1/3 of a mile west of Arizona Avenue. The restaurant currently occupies a single suite; however, the restaurant is currently expanding into the adjacent suite. The subject site is part of a larger 7,400 square foot inline shops space that includes a small grocery mart to the

east, and hair salon to the west. West of the inline shops space is a convenience store; east of the center is a Sonic drive-thru. North of the commercial center is the Thunderbird Estates single-family residential neighborhood.

The restaurant is roughly 1,200 square feet; the proposed expansion is an additional 1,200 square feet. The restaurant does not currently serve alcohol and requests the ability to sell alcohol in both the existing and expanded areas. The existing portion includes eight tables and seating for 32 patrons. The expansion area will include an additional seven tables and bar area with seating for eight patrons.

The business is proposing to be open Sunday through Wednesday from 9 a.m. to 11 p.m. and Thursday through Saturday from 9 a.m. to 2 a.m., assuming approval of the liquor Use Permit. In addition to the sale of alcohol, the restaurant is also proposing to have live music with all events taking place indoors. The live music area is located at the front of the expanded suite, furthest away from residential homes (see attached floor plan). Historically, Staff has added a timing condition when live music/entertainment is requested to monitor potential concerns; Staff added condition no. 2 addressing the time condition.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-site consumption only. The establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

### **DISCUSSION**

A number of questions were raised during the Planning Commission Study Session including: whether or not there was an existing Use Permit for liquor sales; locations of liquor sales areas in the vicinity; and notification of the surrounding area. Staff has verified that there was a previous liquor Use Permit approved for the subject site (not including the proposed expansion area); however, in 2001 the liquor license was withdrawn from the State, and as such, is null and void.

In the general vicinity of the subject site there is a small convenience store directly west of the inline shops space in which the subject suite is a portion of. The store operates with a Series 10 liquor license, allowing for the sale of beer and wine. The closest Use Permits beyond the convenience store are located at the major intersections of Arizona Avenue and Ray Road and Alma School and Ray Roads. The liquor licenses include Series 12 (Restaurant), Series 10 (Beer and Wine), Series 9 (Liquor Store), and Series 6 (Bar) licenses.

There is a church approximately 450 feet west of the subject site with three additional churches located ½ mile from the subject site. Northwest, 1,200 feet from the site, is an elementary school. There are two schools and a church approximately 1,700 feet south of the site. Due to the liquor license being a Series 12 the State does not require a separation between the subject site and religious establishments.

### **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 neighborhood meeting was held on Tuesday, January 18, 2011. No neighbors were in attendance.

At the time of this writing, Staff has received three telephone calls from residents relating to this application. The first resident had no concerns with the request. The second and third residents had general concerns with alcohol in the area, general upkeep of the surrounding area, and concerns with the potential increase in crime due to alcohol being allowed in the area. As a follow-up to the caller's concerns relating to general upkeep of the area, an inspector visited the area to check for code violations; no violations were found. One neighbor attended the Planning Commission meeting and was opposed to the request; however, the resident did not speak at the hearing, nor did he turn in a comment card.

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

In Favor: 5    Opposed: 1 (Cunningham)    Absent: 1 (Baron)

The dissenting Commissioner expressed concerns that this request, due to its location being adjacent to residential homes, had the potential to increase and encourage drinking and driving based on its proximity to the neighborhood and the ability to have alcohol with a meal and or at the bar area.

### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of LUP10-0041 LA PARRILLA GARDEN RESTAURANT, subject to the following conditions:

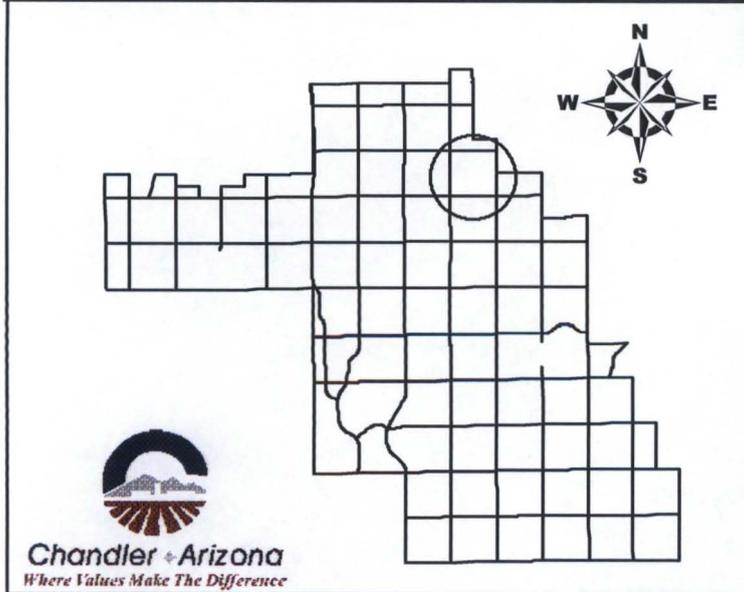
1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan and Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

**PROPOSED MOTION**

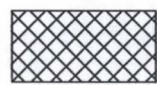
Move to approve LUP10-0041 LA PARRILLA GARDEN RESTAURANT, Use Permit to sell liquor as permitted under a Series 12 liquor license for on-premise consumption only; subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

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



**Vicinity Map**



**LUP10-0041**

**La Parrilla Garden Restaurant  
Liquor Use Permit**





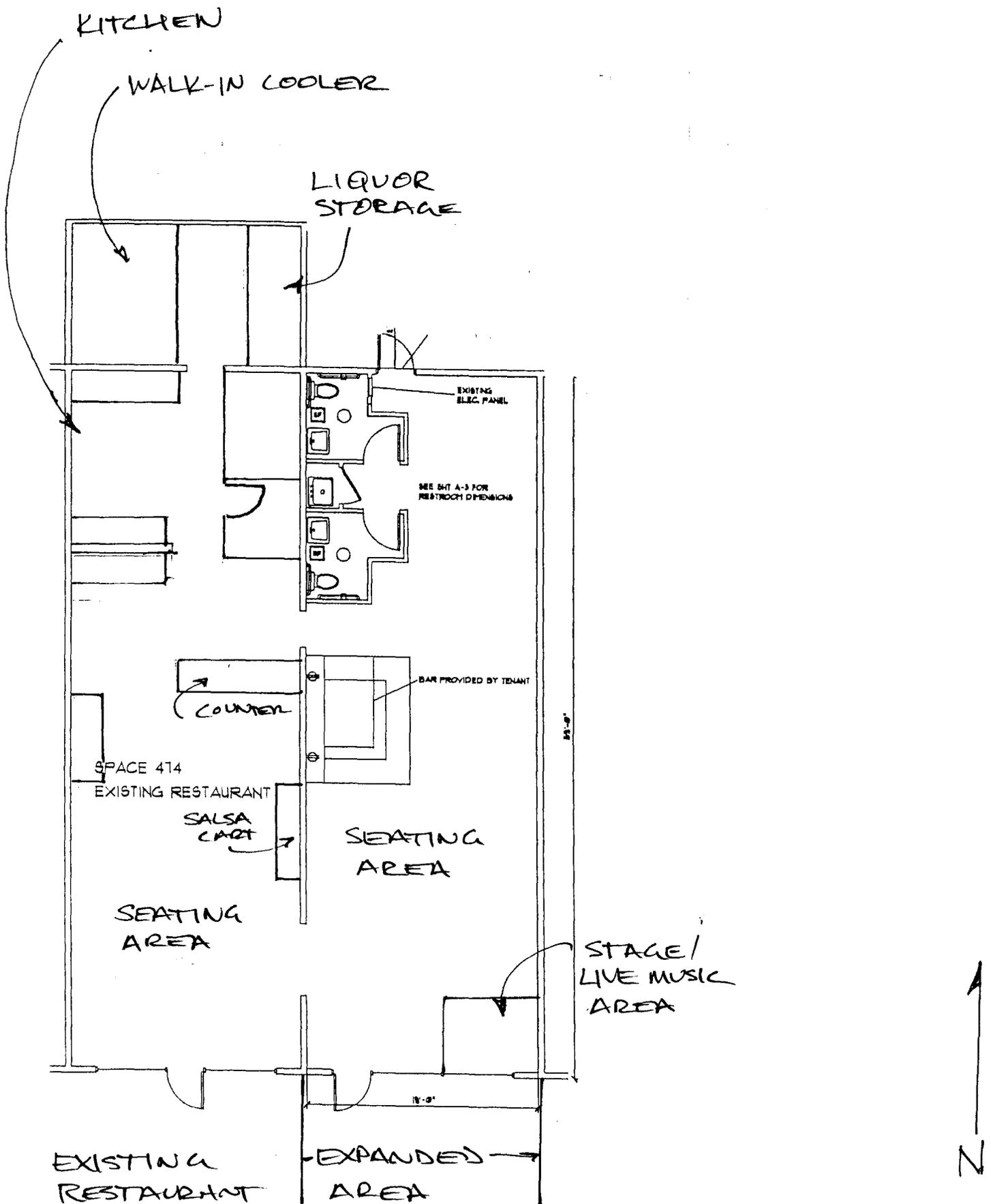
## Vicinity Map



LUP10-0041

**La Parrilla Garden Restaurant  
Liquor Use Permit**





FLOOR PLAN