



Chandler · Arizona
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#30
MAY 28 2015



MEMORANDUM

Planning Division – CC Memo No. 15-072

DATE: MAY 28, 2015

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: LAUREN SCHUMANN, CITY PLANNER *LS*

SUBJECT: LUP15-0005 ESPO'S MEXICIAN FOOD

Request: Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within a patio including occasional live music indoors and within the patio at an existing restaurant

Location: 3867 West Chandler Boulevard, southeast corner of Chandler Boulevard and Calle Entrada

Applicant: Leon C. Espinoza, Business Owner

RECOMMENDATION

Planning Commission and Planning Staff, upon finding the Liquor Use Permit request to be consistent with the General Plan, recommend approval subject to conditions.

BACKGROUND

Espo's Mexican Restaurant is an existing restaurant located at 3867 W. Chandler Blvd., southeast corner of Chandler Blvd. and Calle Entrada. The restaurant fronts Chandler Blvd. with Espinoza's Market, which is currently closed, adjacent to the east. Single-family homes are adjacent south of the property.

The request is for Liquor Use Permit approval to sell and serve liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within the patio including occasional live music indoors and within the patio. The restaurant received Liquor Use Permit approval in 1998; however, the floor plan had expanded to include a new patio requiring a new Liquor Use Permit.

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The restaurant is open from 10 a.m. until 9 p.m. Monday through Saturday and 11 a.m. until 7 p.m. on Sundays. The restaurant is approximately 2,200 square feet with an 800 square foot patio. A three foot fence surrounds the patio adjacent to Chandler Blvd. Restaurant seating will be 78 total with 50 seats indoors and 28 seats on the outdoor patio.

The request includes providing occasion live music for special events or holidays occurring within the outdoor patio. Due to the proximity to the single-family, Planning Staff has added conditions to address any potential noise concerns. Planning Staff recommends a one-year time limit to allow evaluation of compatibility of the live music with the surrounding residential and business developments.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-premise consumption. Under a typical Series 12 license the establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcohol beverages.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on May 6, 2015. One resident attended and stated their support for the live music.
- As of the writing of this memo, Planning Staff has not received any phone calls or letters in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 5 Opposed: 0 Absent: 2 (Cunningham, Foley)

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of LUP15-0005 ESPO'S MEXICIAN FOOD for one year, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store location.
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 re-application and approval of a Liquor Use Permit.
5. The patio shall be maintained in a clean and orderly manner.

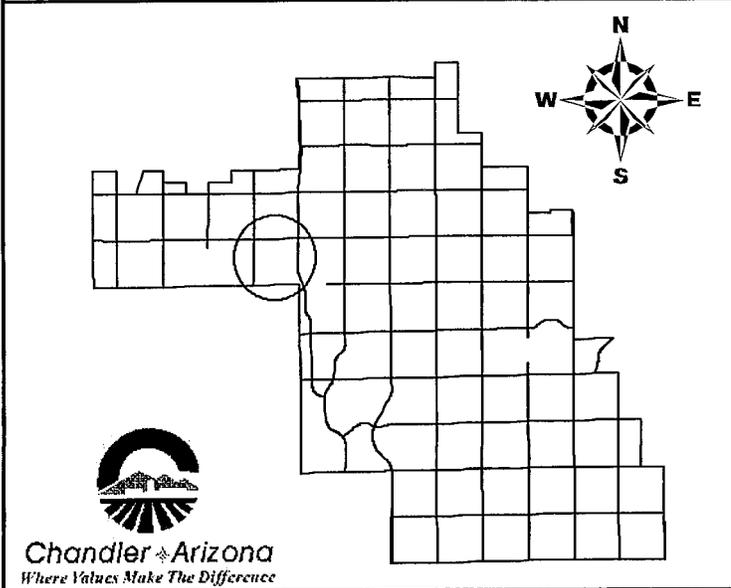
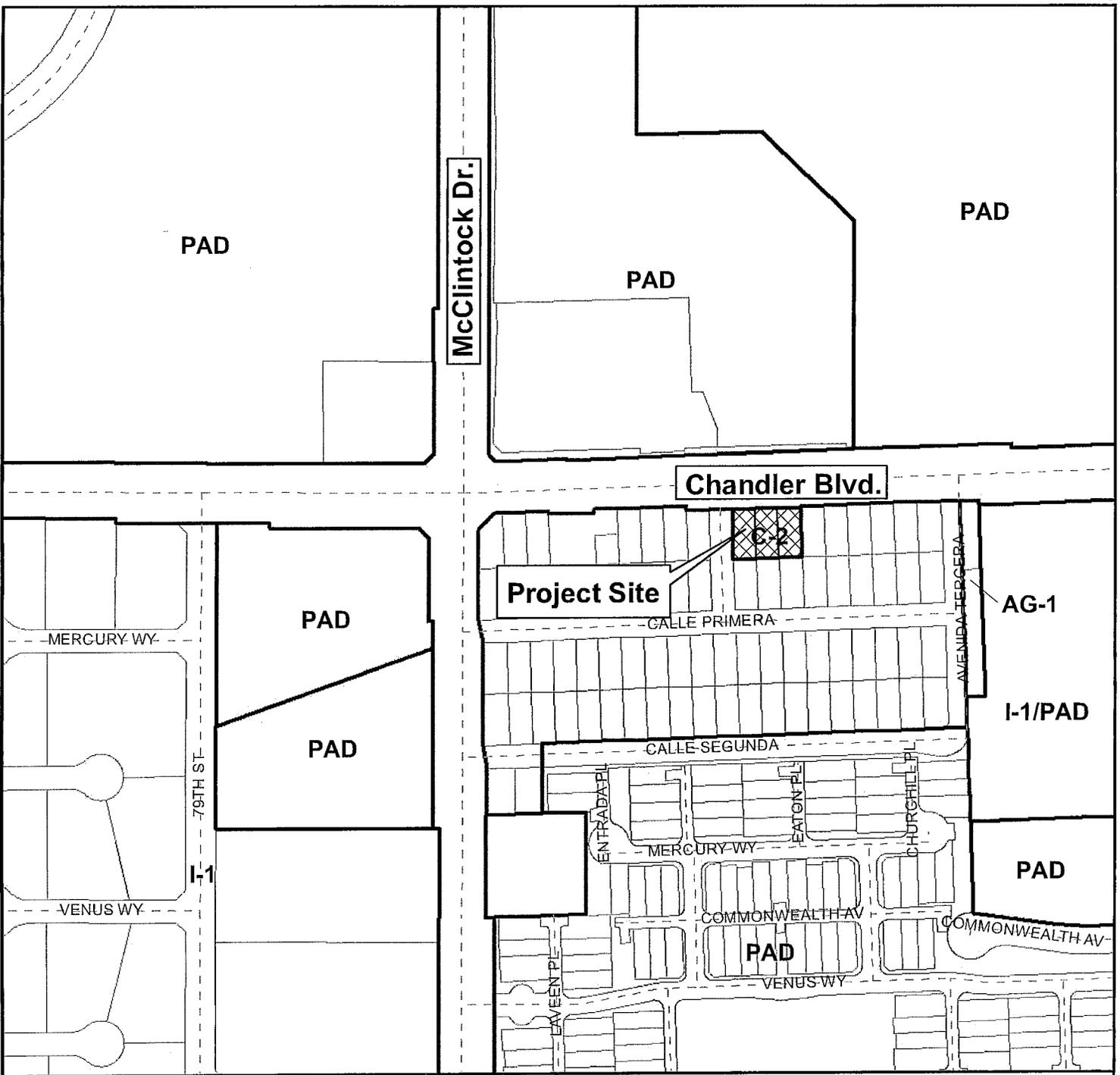
6. Live entertainment shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise level as measured at the commercial property line.
7. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

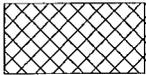
Move to approve Liquor Use Permit case LUP15-0005 ESPO'S MEXICIAN FOOD, subject to the conditions as recommended by Planning Commission and Planning Staff.

Attachments

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



Vicinity Map



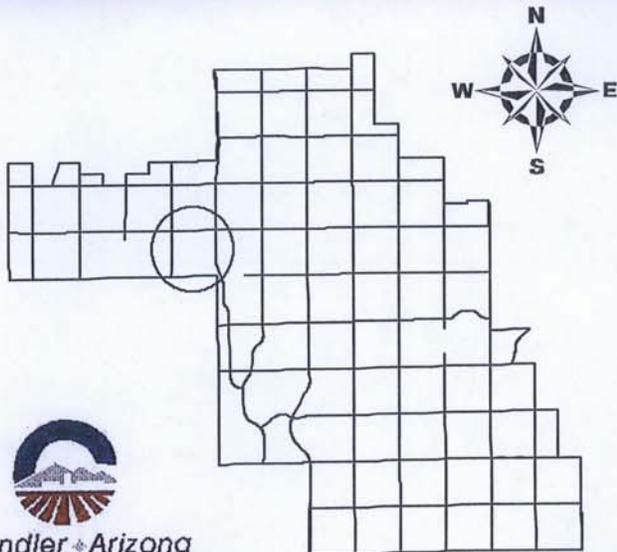
LUP15-0005

**Espo's Mexican Food
Liquor Use Permit**

CITY OF CHANDLER 3/6/2015



Vicinity Map



LUP15-0005

**Espo's Mexican Food
Liquor Use Permit**

Narrative

Espo's Mexican Food is requesting a Liquor Use Permit to be able to apply for a class 12 restaurant liquor license. We are a 50 year old business located in Chandler AZ. We currently sell food and nonalcoholic beverages, and would like the ability to sell beer, wine and spirits in our restaurant. The sale and consumption of alcoholic beverages will be done in the main dining room and on the patio.

The restaurant is approximately 2200 sqft, and seats 50. This includes patio seating. The patio is about 800 sqft. The lot size is a little over two acres, which includes the restaurant, patio and east and west parking lots. There is also a store on the property, but it is not currently in use. The restaurant currently does not have a bar, but may add one in the future. All alcoholic beverages will be purchased at the register, and drinks will be made and stored in the kitchen area. Because of our limited space we may start with just the sale of beer and wine then grow into making mix drinks.

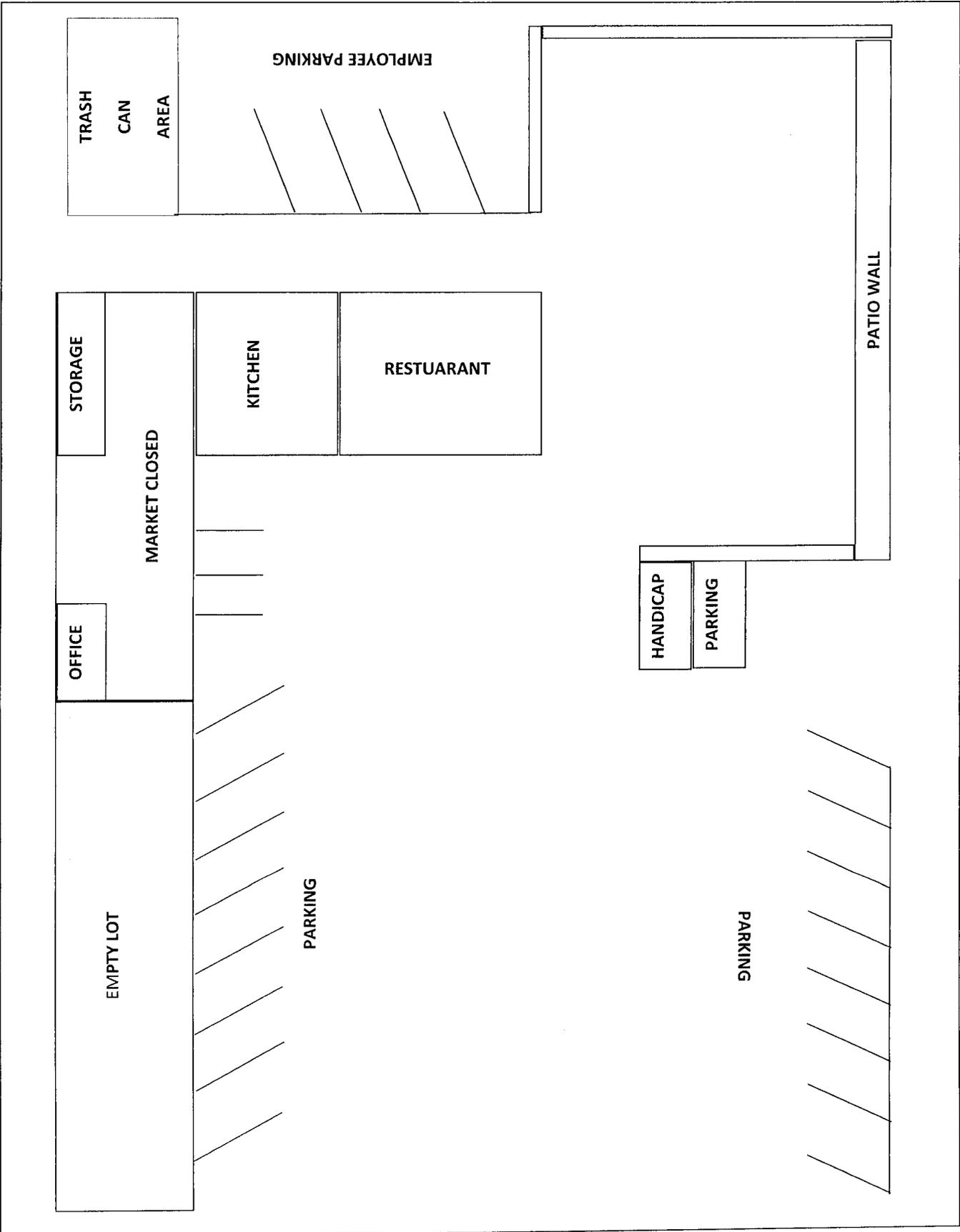
All drinking on the patio will be monitored during our hours of operations. The patio will be enclosed, and have all the proper signage stating "no alcoholic beverages beyond this point". We will also have posted any other warning signs as needed pursuant to the Tittle 4 requirements. The patio is currently accessible from the main entrance to the restaurant and from the east and west side of the parking lots.

Espo's Mexican food will have live music and entertainment throughout the year. Especially during special events and holidays. Pursuant to Tittle 4 regulations, we will only serve alcohol during appropriate hours as defined by the Arizona statute (10am-2am). We share a strong and long lasting relationship with the surrounding community and do not anticipate any problems during the hearing process.

The restaurant and patio are both smoke free in compliance with the Smoke Free Arizona law. The restaurant and patio also have appropriate signage defining the smoke free zones. For those customers who choose to smoke, we will provide refuse receptacles at an appropriate distance from the smoke free zone.

We have received permission from the Owner of the property to pursue the licensing process and have attached all necessary documentation.

CALE ENTRADA



TRASH
CAN
AREA

EMPLOYEE PARKING

STORAGE

MARKET CLOSED

KITCHEN

RESTUARANT

OFFICE

EMPTY LOT

PARKING

HANDICAP

PARKING

PARKING

PATIO WALL

CHANDLER BLVD

3813 W CHANDLER BLVD

