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OCT 13 2016
Chandler
All-America City
2010

MEMORANDUM

Planning Division – CC Memo No. 16-112

DATE: OCTOBER 13, 2015
TO: MAYOR AND COUNCIL
THRU: MARSHA REED, CITY MANAGER *MMR*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*
FROM: LAUREN SCHUMANN, CITY PLANNER *LS*
SUBJECT: LUP16-0020 ESPO'S MEXICIAN FOOD

Request: Liquor Use Permit approval to continue to sell and serve all types of spirituous liquor for on-premise consumption indoors and within an outdoor patio at an existing restaurant as permitted under a Series 12 Restaurant License. The request also includes continuing occasional live music indoors and within the outdoor patio

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

Applicant: Leon C. Espinoza, Business Owner

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit subject to conditions.

BACKGROUND

Espo's Mexican Restaurant is an existing restaurant located at the southeast corner of Chandler Boulevard and Calle Entrada. The restaurant fronts Chandler Boulevard with Espinoza's Market, which is currently closed, adjacent to the east. The Pueblo Alto single-family homes border to the south and west of Calle Entrada.

Espo's Mexican Restaurant has been serving authentic Mexican cuisine for decades at this location. The restaurant is a 2,200 square foot building, which seats 50 persons and includes a 800 square foot outdoor patio adjacent to Chandler Boulevard, which seats 28 persons. A three foot fence surrounds the patio adjacent to Chandler Blvd. 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 request

includes providing occasional live music for special events or holidays occurring indoors and within the outdoor patio.

The restaurant currently operates under a Series 12 Restaurant License and received Liquor Use Permit approval in May 2015, with a time condition of one year. The request is for Liquor Use Permit approval to continue to sell and serve all types of spirituous liquors for on-premise consumption indoors and within an outdoor patio, as permitted under a Series 12 Restaurant License, and continuing live entertainment indoors and within an outdoor patio, without any further time condition. Conditions per the prior Liquor Use Permit, regarding live entertainment and associated noise, will remain.

This request is for a Liquor Use Permit approval to sell and serve all types of spirituous liquor for on-premise consumption indoors and within an outdoor patio as permitted under a Series 12 Restaurant License. A Series 12 Restaurant License allows an establishment the on-site sale and serving of types of spirituous liquor for on-premise consumption and requires at least 40% of gross revenue from the sale of food and non-alcoholic beverages.

DISCUSSION

Planning Staff supports the request, finding the restaurant with live music indoors and within an outdoor patio is appropriate at this location if the music continues to be controlled so as not unreasonably disturb the surrounding residents and businesses. There have been no complaints filed with the Police Department or opposition during the neighborhood or public notification process. Planning Staff is not recommending a time condition on this Liquor Use Permit due to the success of the business's operation.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 27, 2016. No one attended other than the applicant.
- As of the writing of this memo, Planning Staff is not aware of any opposition or concerns with the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 6 Opposed: 0 Absent: 1 (Wastchak)

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP16-0020 ESPO'S MEXICAN FOOD, 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.

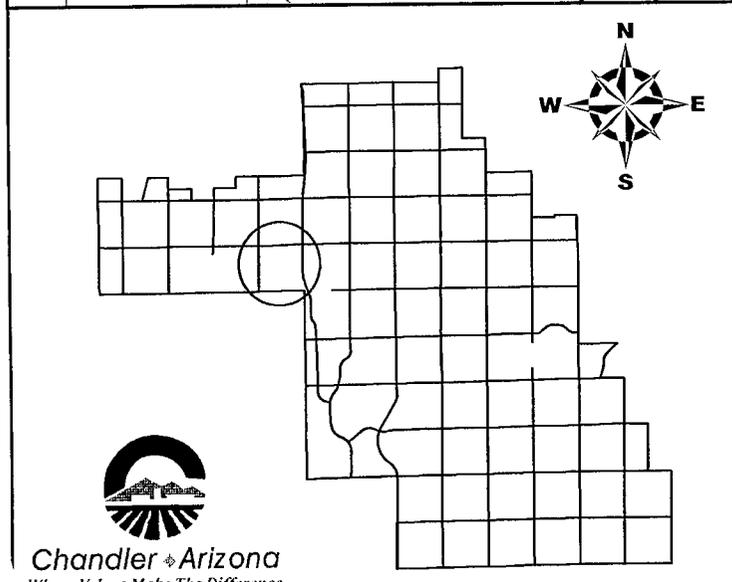
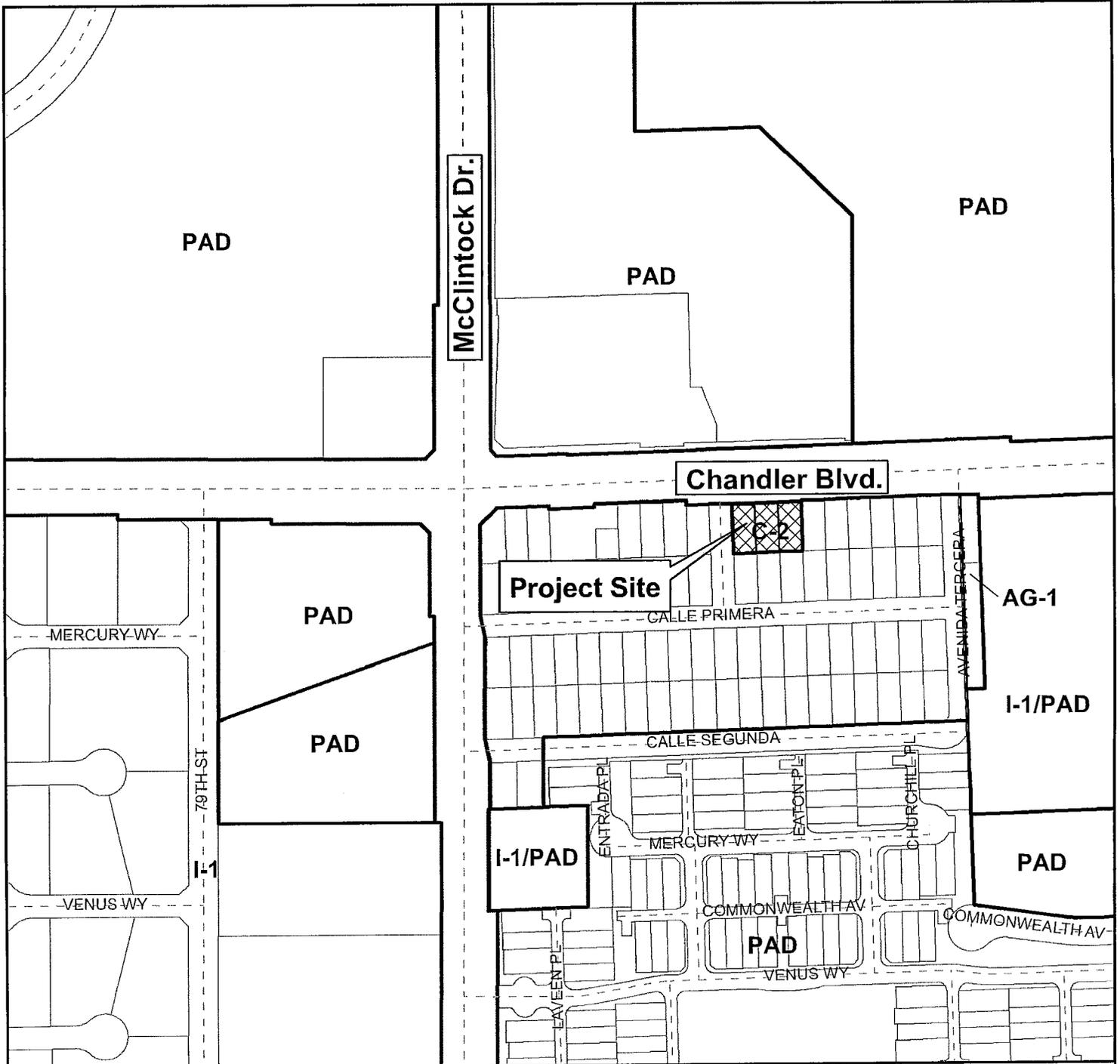
2. The Liquor Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store location.
4. Any substantial change in the floor plan to include such items as, but not 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 site 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.

PROPOSED MOTION

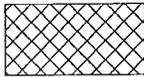
Move City Council approve Liquor Use Permit case LUP16-0020 ESPO'S MEXICAN FOOD, subject to the conditions as recommended by Planning Commission and Planning Staff.

Attachments

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



Vicinity Map

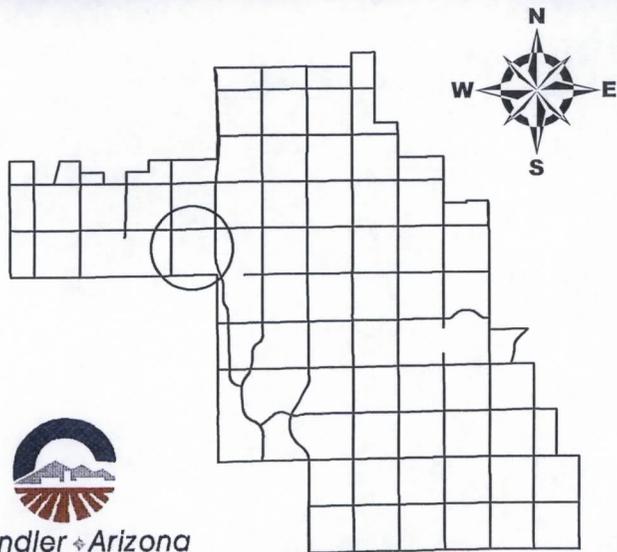


LUP16-0020

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



Vicinity Map



LUP16-0020

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

Narrative

Espo's Mexican Food is requesting a Liquor Use Permit timing extension for series 12 Restaurant liquor license. We are a 50 year old business located in Chandler AZ. We sell food, nonalcoholic beverages, and would like to continue with 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.

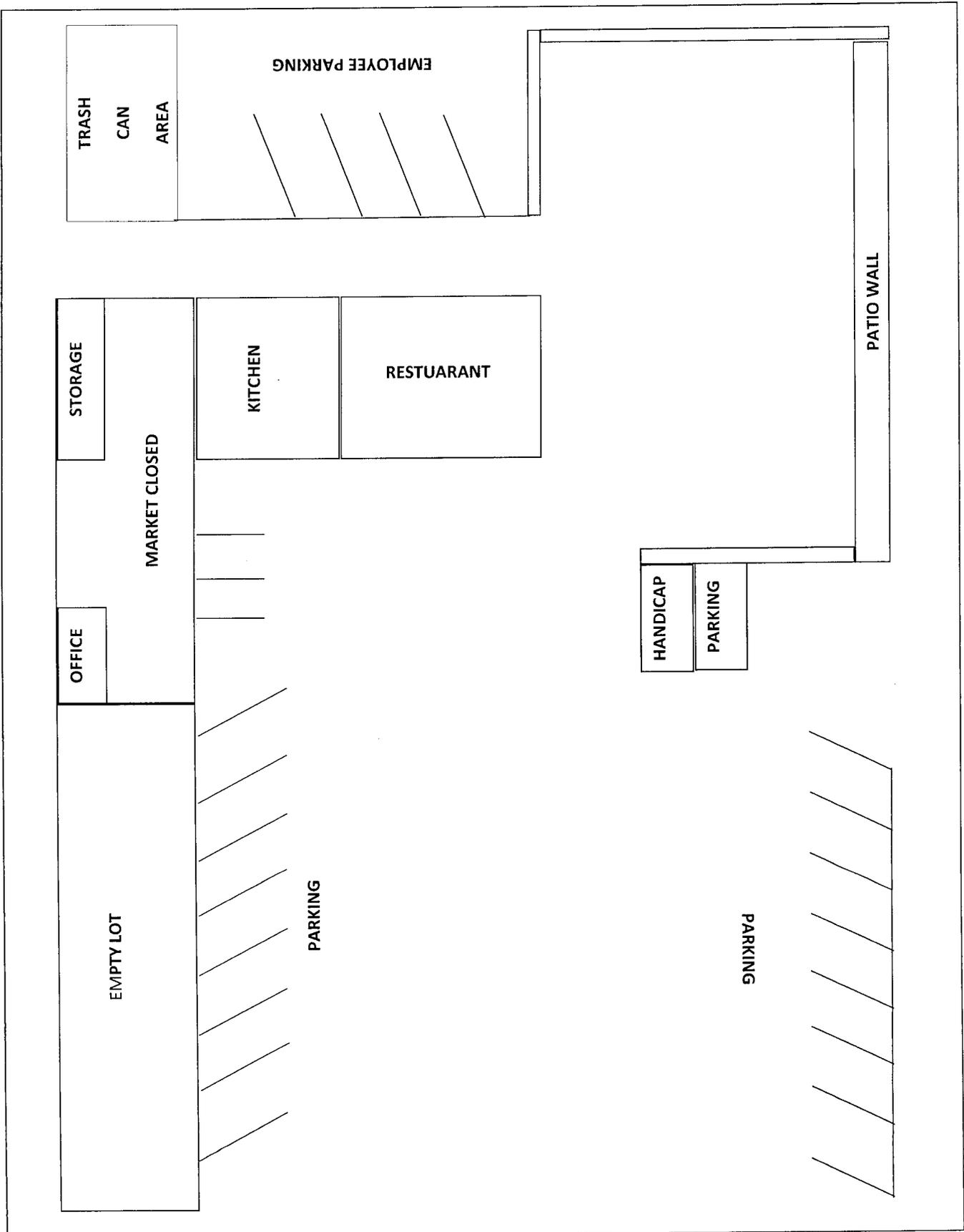
The restaurant is approximately 2200 square feet, and seats 50. This includes patio seating. The patio is about 800 square feet. The lot size is a little over two acres, which includes the restaurant, patio and east and west parking lots. There is also a store on the property, but it is not currently 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.

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 Title 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, both indoors and within the outdoor patio. Especially during special events and holidays. Pursuant to Title 4 regulations, we will only serve alcohol during appropriate hours as defined by the Arizona statute (10am-2am). Espo's typical hours of operation are Monday – Saturday 10AM – 9PM, Sunday 11AM – 8PM. We share a strong and long lasting relationship with the surrounding community.

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.

CALLE ENTRADA



TRASH
CAN
AREA

EMPLOYEE PARKING

STORAGE

MARKET CLOSED

KITCHEN

RESTUARANT

OFFICE

EMPTY LOT

PARKING

PATIO WALL

HANDICAP

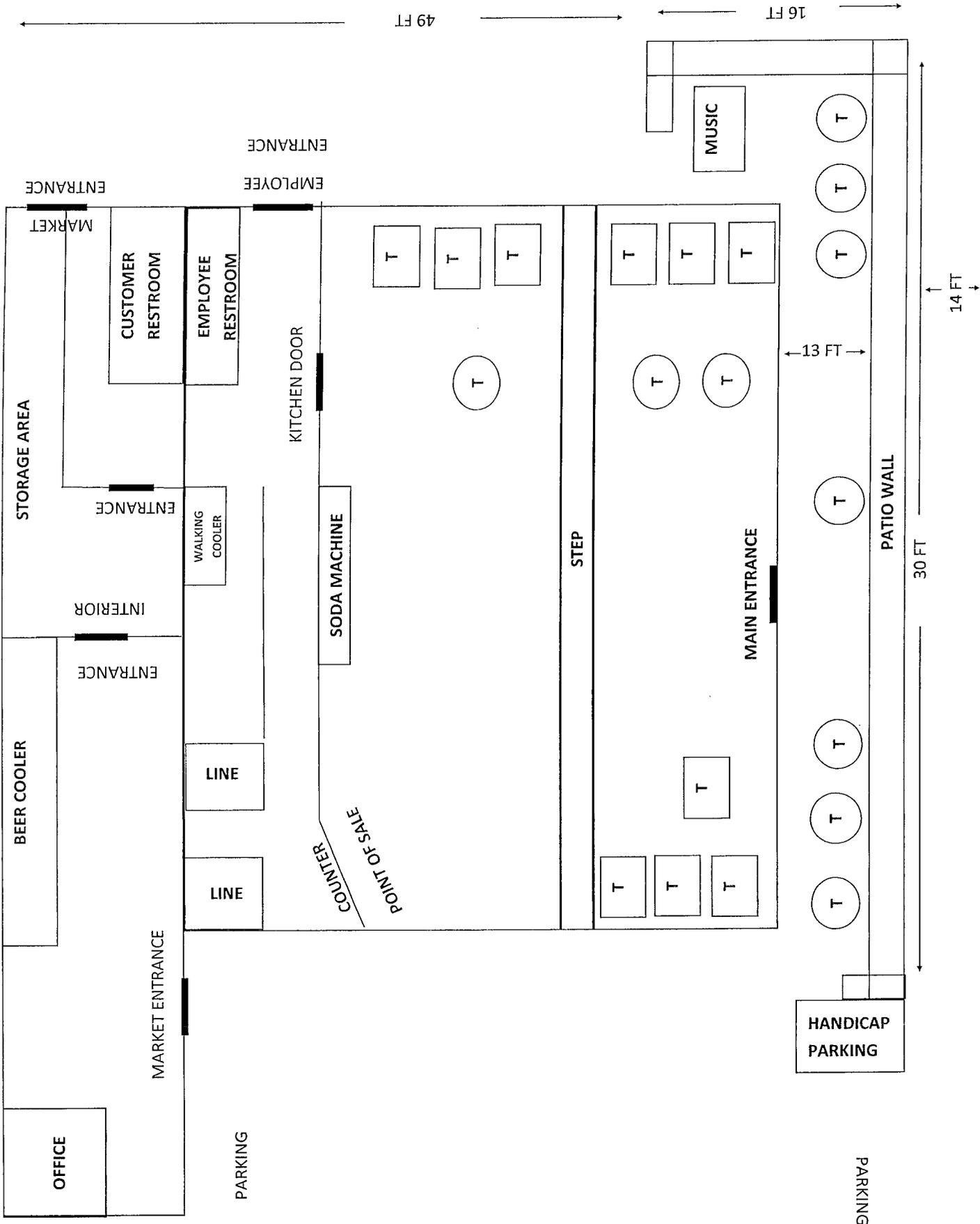
PARKING

PARKING

CHANDLER BLVD

3813 W CHANDLER BLVD

Espo's Site Plan



Espo's Floor Plan.