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**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**Planning and Development – CC Memo No. 07-089**

**DATE:** APRIL 19, 2007

**TO:** MAYOR AND CITY COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER *WMP*  
*hr* DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR *DKB*  
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *JK*  
BOB WEWORSKI, PLANNING MANAGER *BW*

**FROM:** BILL DERMODY, CITY PLANNER *BD*

**SUBJECT:** UP07-0007 EL RANCHO MARKET

**Request:** Use Permit approval to conduct outdoor grilling adjacent to an existing grocery store

**Location:** 1076 North Arizona Avenue  
Northwest corner of Ray Road and Arizona Avenue

**Applicant:** El Rancho Market (Phillip Vigil)

**RECOMMENDATION**

The request is for a Use Permit to conduct outdoor grilling adjacent to an existing grocery store on a regular basis. Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

**BACKGROUND**

The subject site is adjacent to the El Rancho Market grocery store located within the Pollack North Park Plaza at the northwest corner of Ray Road and Arizona Avenue. The application requests that outdoor grilling be permitted three days per week: Friday, Saturday, and Sunday. Outdoor grilling has been conducted occasionally at this location under Special Event permits, but the proposed expansion in the grilling frequency now requires Use Permit approval by City Council.

The proposed grilling takes place within two fenced-off parking spaces south of the main grocery store entrance, occupying approximately 400 square feet. The fences are portable metal fences that are removed when grilling does not occur, thereby leaving the spaces to function for parking. The grilling follows all state and local regulations, including provisions for distance

from the building and presence of fire extinguishers and a hand-washing sink. Within the fenced grilling area there is also a temporary canopy provided above a preparation table for the workers' benefit. The grilling area does not encroach upon the sidewalk under the colonnade. All food sales occur inside the grocery store—grilled items are not sold nor picked up outdoors.

The shopping center, including all pads, requires approximately 389 parking spaces by code while 281 are provided. On days when the grilling occurs, the parking provision is reduced to 279. No tenant vacancies currently exist in the center.

### **DISCUSSION**

Planning Commission and Staff find the proposed outdoor grilling use to be appropriate at this location. The grilling use's occasional presence through special events in the past has proven its benefit to the center without significant detriment, and an expansion of the grilling frequency will further benefit the center while not significantly exacerbating negative effects. Planning Commission and Staff assessed the use's effect on parking and site function, finding the grill location to be ideally situated—sandwiched between two landscape islands, displacing only two parking stalls, and not in the way of pedestrian flow. Additionally, the center appears to have a high level of pedestrian walk-in traffic, thus alleviating parking problems; Staff has not found the lot to be full in repeated visits during peak hours, despite the center being well short of today's code parking requirements. The addition of a small (400 square foot) use will not significantly add to any parking problems that arise. Planning Commission and Staff recommend a one (1) year time limit in order to allow continued monitoring of the parking situation.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Monday April 9, 2007 at the Downtown Chandler Community Center. Two neighbors who live a few hundred feet to the north attended to express concerns with noise during a special event last year. Upon finding that the Use Permit is not related to that special event, the neighbors are not in opposition. The business owner and neighbor agreed to communicate by telephone for any future noise issues.

At the time of this writing, Staff is not aware of any opposition regarding this proposal.

### **COMMISSION VOTE REPORT**

Motion to approve.

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

Planning Commission added Condition No. 4 to ensure that food transactions occur indoors rather than near the grilling area. This was already the applicant's intention and so they are in agreement with the condition.

### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval of UP07-0007 EL RANCHO MARKET subject to the following conditions:

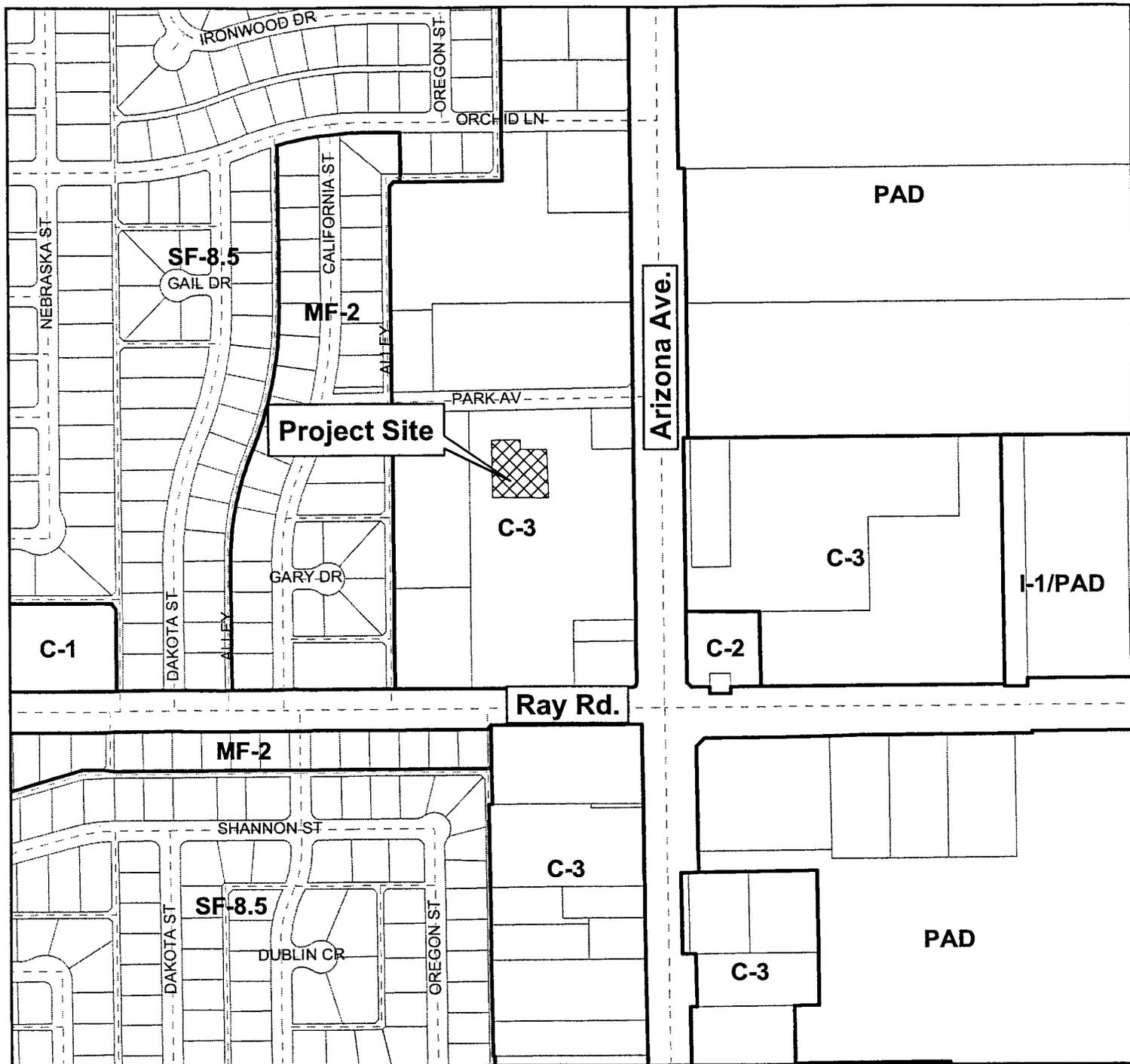
1. Substantial conformance with approved exhibits (Site Plan, Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. 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 re-application to and approval by the City of Chandler.
4. Food may not be paid for nor picked up outdoors. All transactions must occur inside the store.

**PROPOSED MOTION**

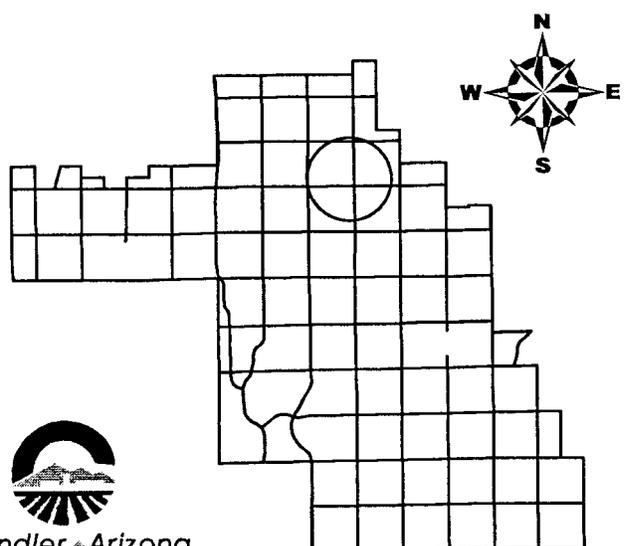
Move to approve UP07-0007 EL RANCHO MARKET Use Permit for outdoor grilling subject to the conditions recommended by Planning Commission and Staff.

**Attachments:**

1. Vicinity Map
2. Site Plan
3. Floor Plans (2)
4. Staff Photos
5. Photo of Grilling Setup (at a different location)
6. Applicant Narrative



**Vicinity Map**



UP07-0007

El Rancho Market





NORTH

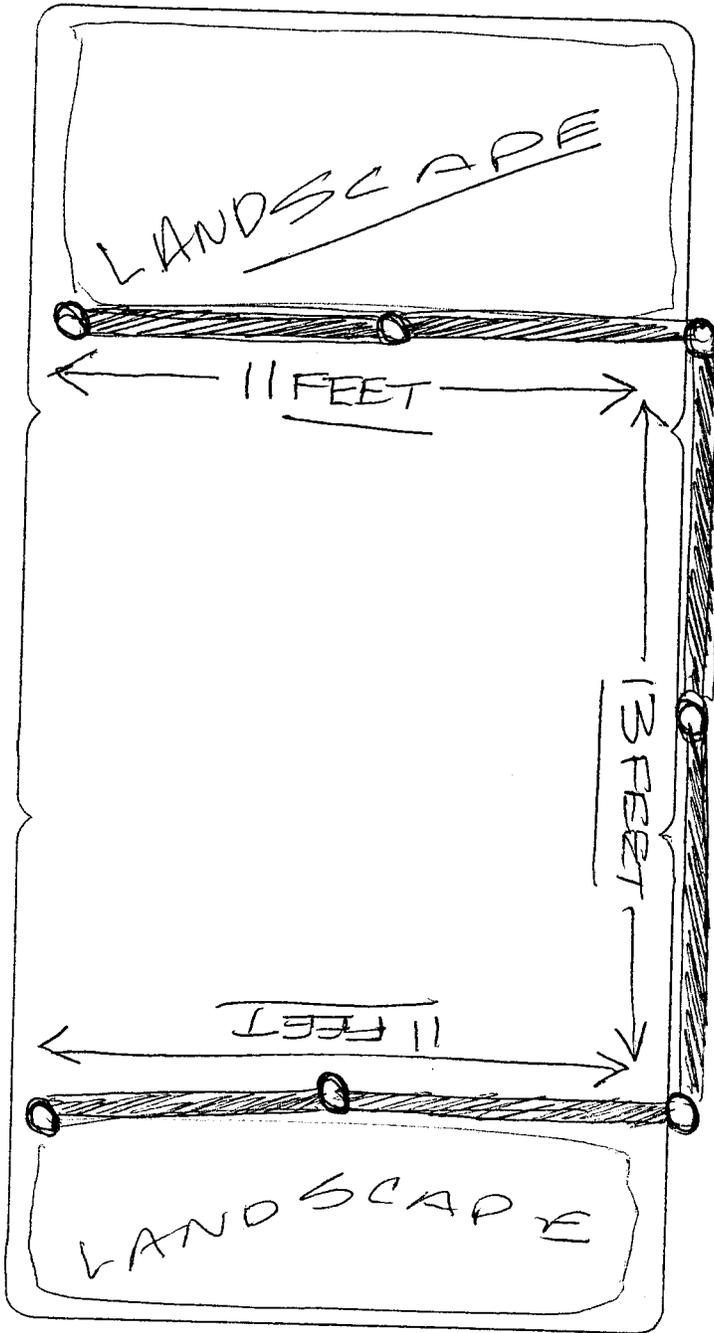


EXHIBIT 3

EAST

INSTALL 1/2" PORTABLE BRACKETS  
 13 FEET  
 BRACKETS  
 HELIX 14 FEET

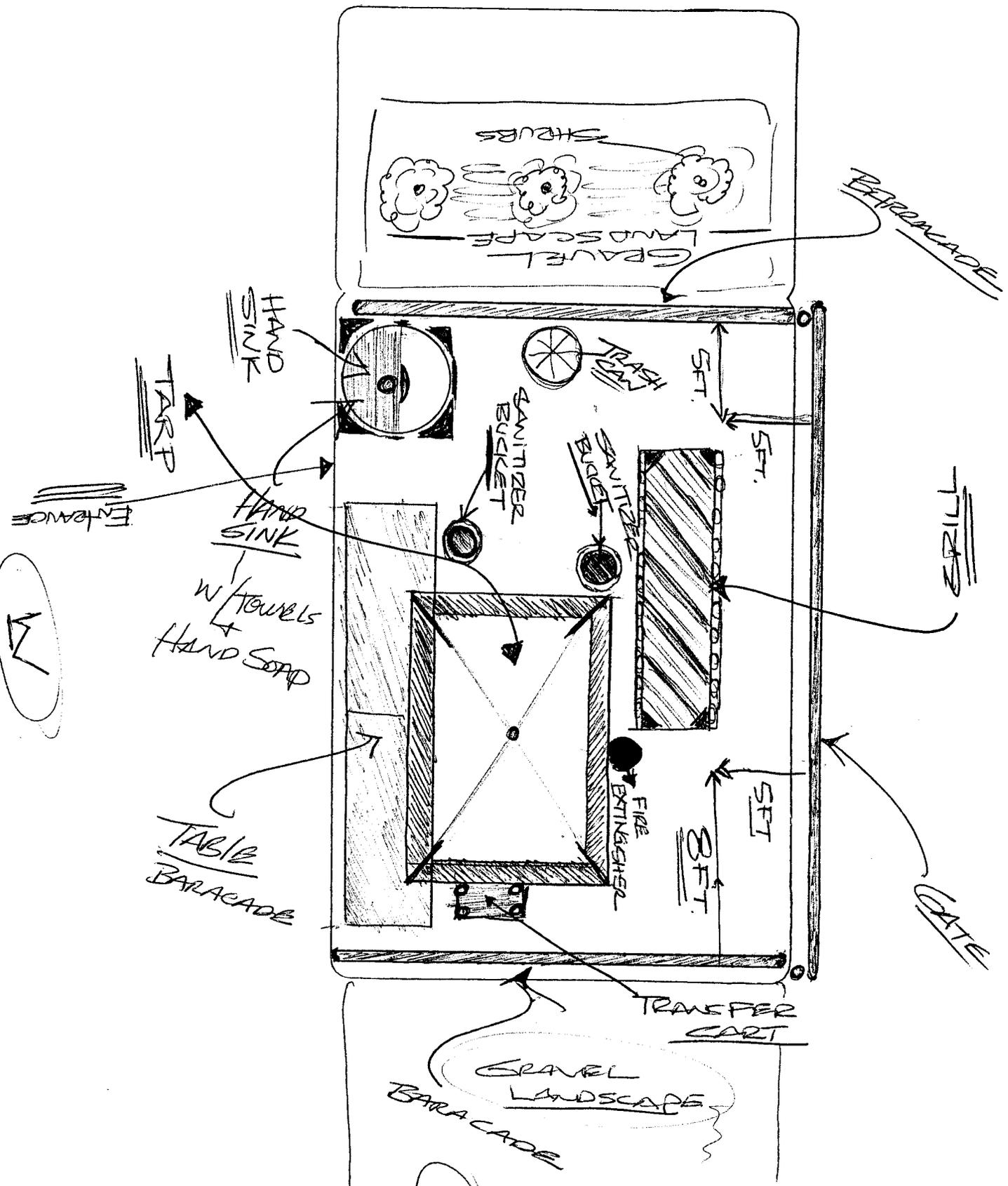
SOUTH

FENCE MATERIAL

6 POST

WEST

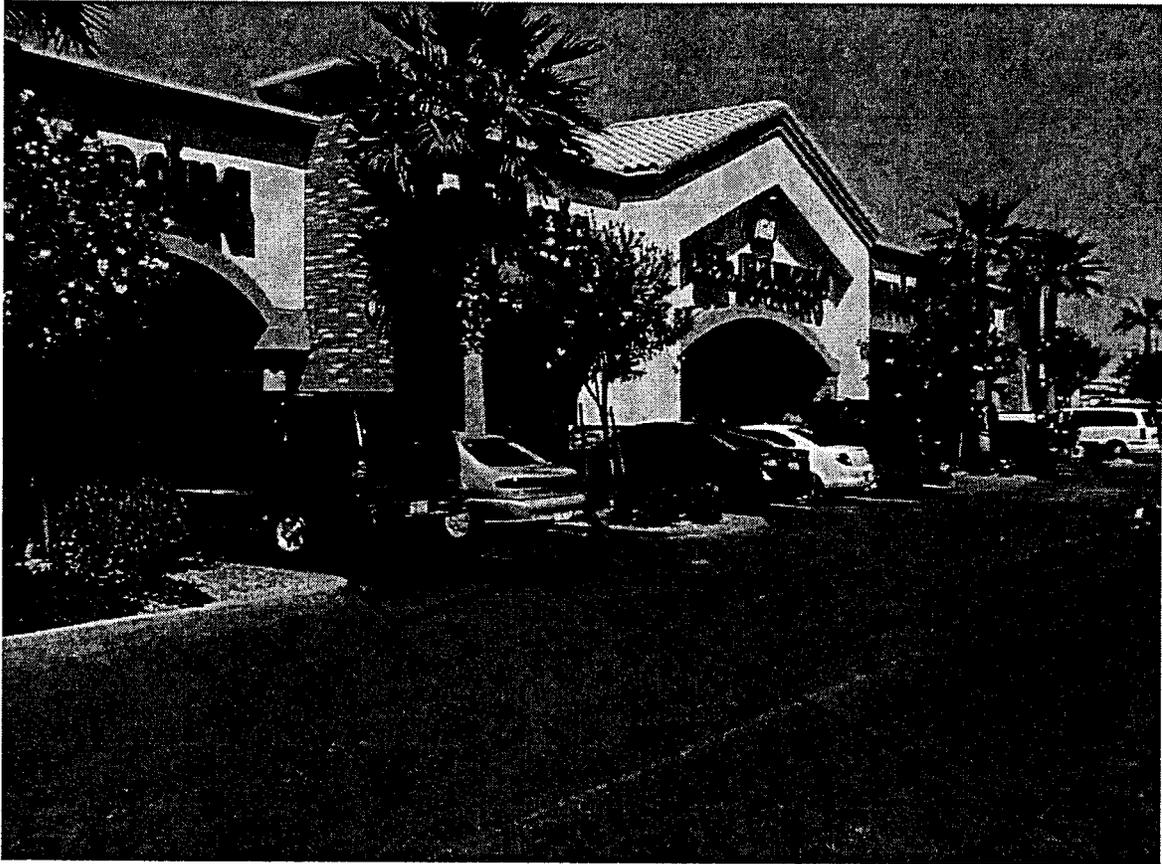
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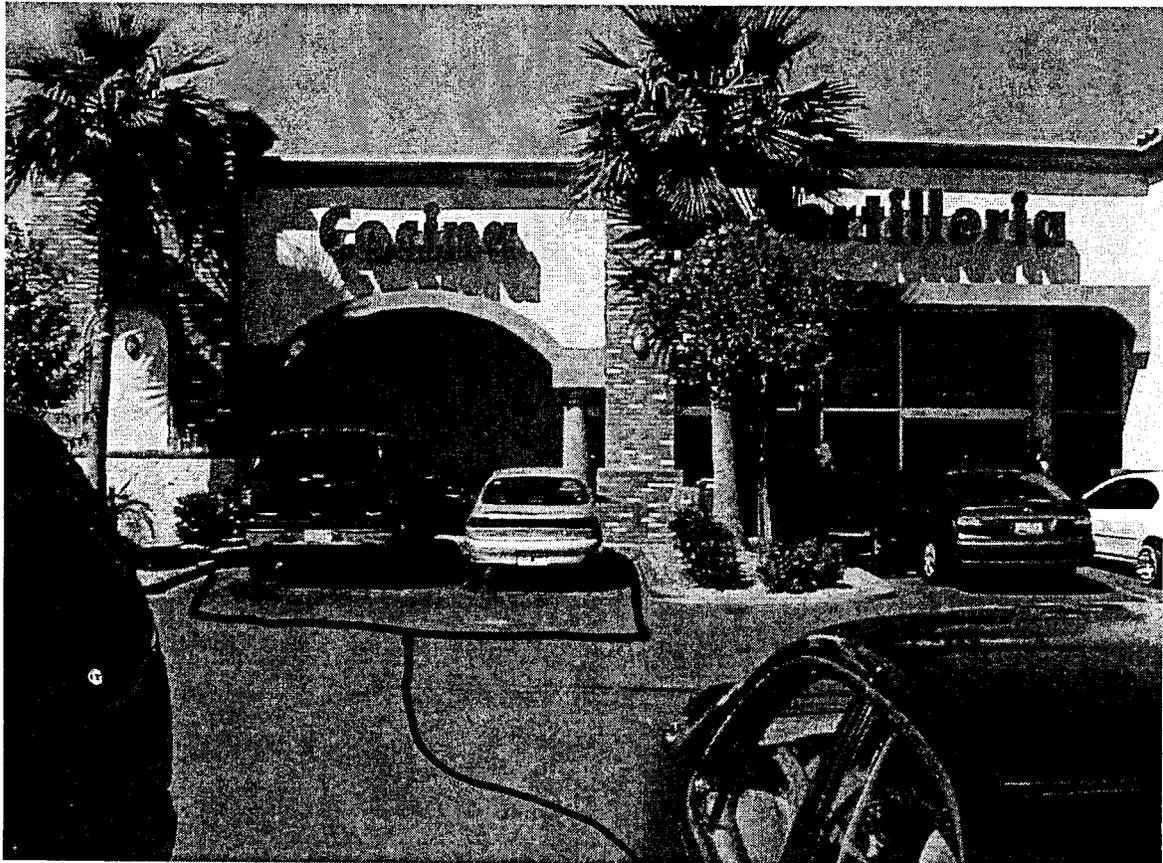
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El Rancho Market facade. Note the two parking spaces that will be used for grilling



Closeup of parking spaces to be used for grilling

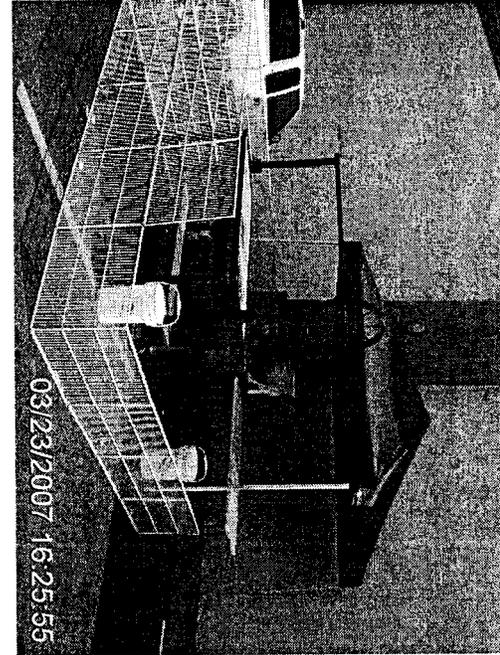
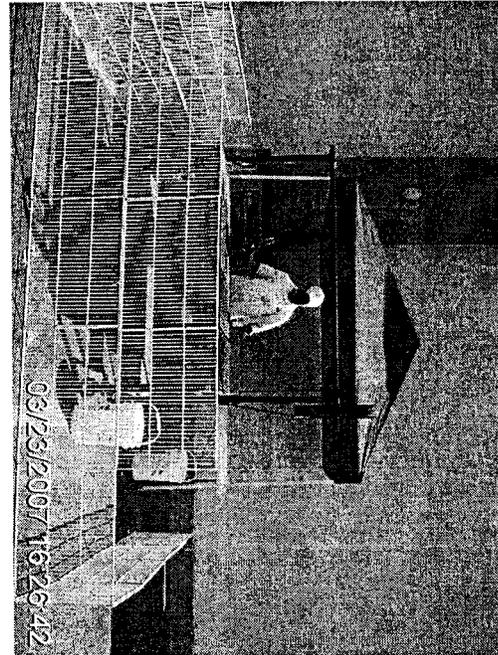
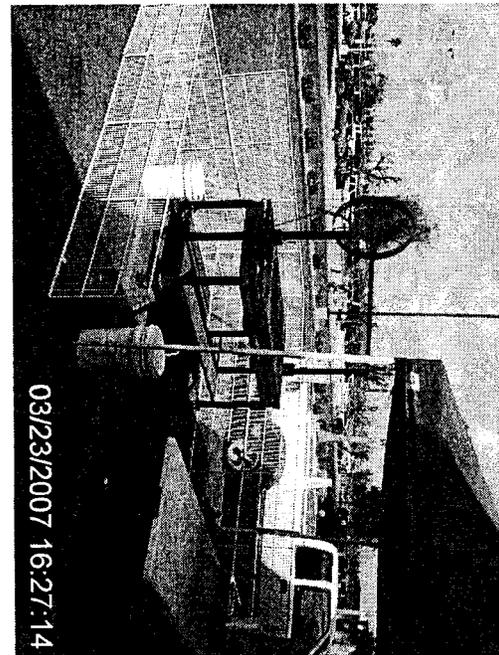
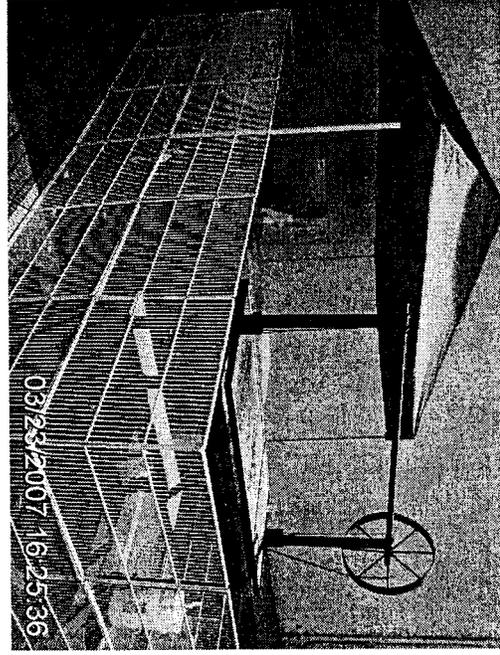
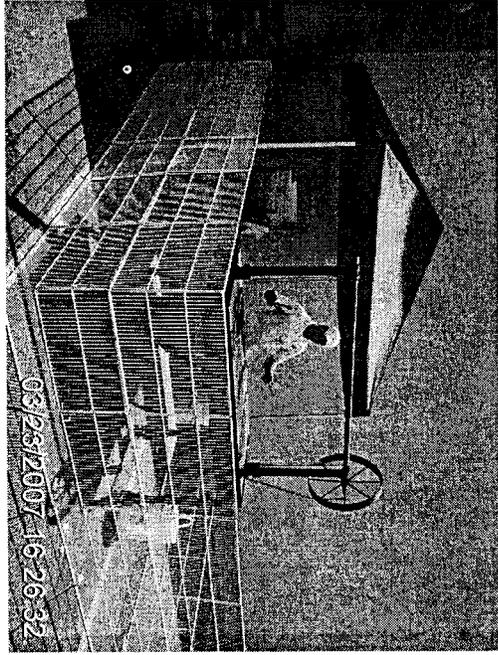
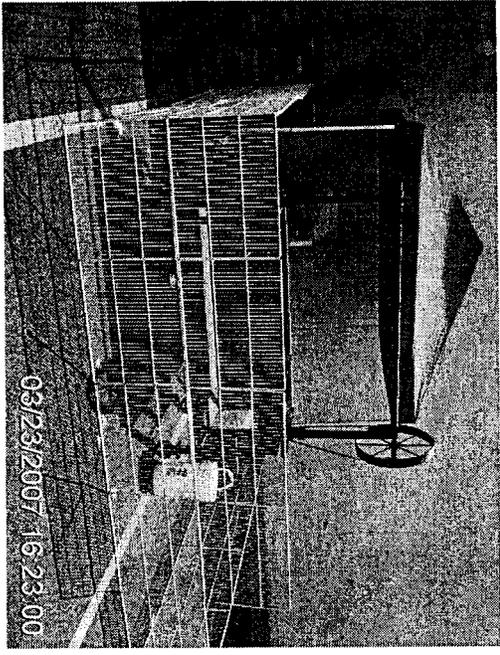
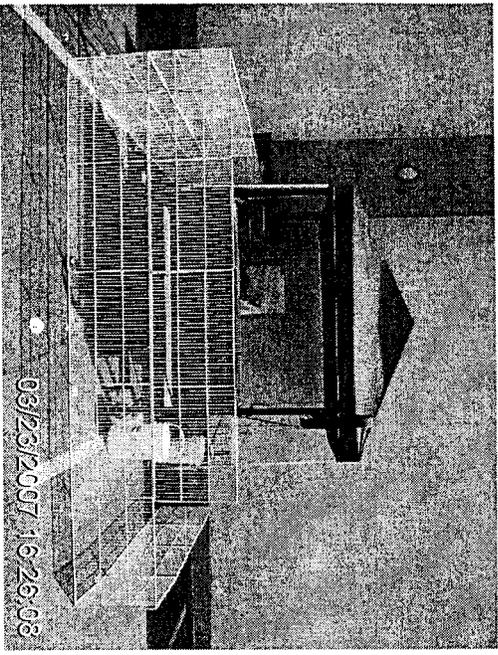
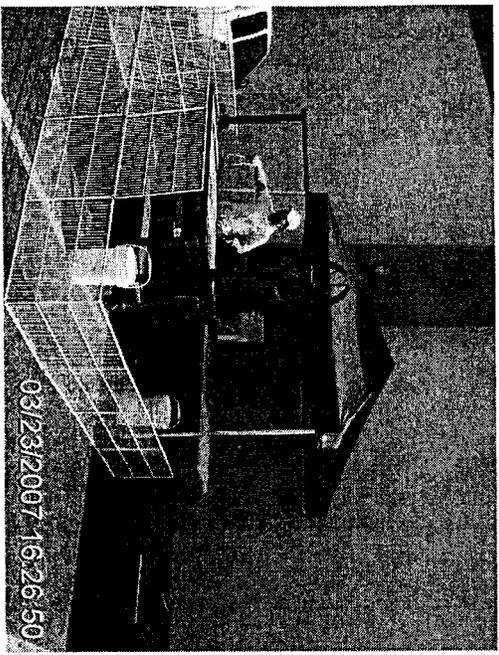


EXHIBIT #6

El Rancho Market of Chandler Inc.  
1076 North Arizona Avenue  
Chandler, Arizona 85225

T 480-792-1414  
F 480-792-1415

March 10, 2007

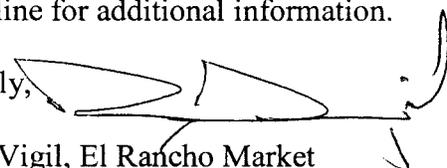
To: City of Chandler  
Planning & Development Department  
Attention: Bill Dermody, City Planner  
Planning Commission and City Council

We have the opportunity to better serve our customers needs and develop our business at the same time; through diversity in the ever changing retail food market. We have seen through the marketplace over several years a fresh approach to simple store front outdoor grilling. We have experimented successfully until we have found through organization, planning, awareness, and education that our business and customers would win. The boost in sales revenue generated by this business would greatly help our local economics, help our tax revenue and create jobs to our eating drinking area. We have seen spikes in our business by as much as 30 percent more when we cook in front of our existing business. The repeat business, the attraction to our Plaza, the increased sales for all tenants, the attraction for all Plaza tenants is bonus to the draw that the grilling adds. We have requests daily as to when will be grilling again. We spoke to the city of Chandler and were told that the City of Chandler was neither for nor against this action as long as we have a plan and Maricopa county health permit. (Permit # SG53340). Therefore through fair business trade, also too increase revenue, tax dollars, employment and fair competition we look forward to building and being a part of a better Chandler.

- A gated Controlled cooking environment – 1- Grill, -1- small canopy, -1- certified hand washing station, -1- fire extinguisher.
- All equipment approved and by specification through Health Dept. Criteria
- All employee trained and health Certifications in place
- City of Chandler Fire dept. Approved
- Maricopa Health Approved
- UN abstraction to parking and traffic control.

The Market offers a Great Array of Flavors and specialties for all to enjoy. This – your approval could only enhance and improve our business and the Plazas Future. Please see our outline for additional information.

Sincerely,



Phillip Vigil, El Rancho Market