

#37

NOV - 8 2007



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

**MEMORANDUM                      Planning and Development – CC Memo No. 07-267**

**DATE:**            OCTOBER 19, 2007

**TO:**                MAYOR AND CITY COUNCIL

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

**FROM:**            BILL DERMODY, CITY PLANNER

**SUBJECT:**        UP07-0089 FOOD CITY OUTDOOR GRILLING

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

**Location:**        Northeast corner of Ray Road and Arizona Avenue

**Applicant:**        Burch & Cracchiolo, P.A.

**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 Food City grocery store located at the northeast corner of Ray Road and Arizona Avenue. The application requests that outdoor grilling be permitted four days per week: Friday, Saturday, Sunday, and Monday. 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 a temporarily fenced-off area south of the main grocery store entrance and north of the patio, occupying approximately 150 square feet. The fences are portable heavy plastic fences that are removed when grilling does not occur, thereby leaving the

spaces to function for pedestrian use. The grilling follows all state and local regulations. The grilling area leaves a more than 5'-wide pedestrian pathway between the fence and the curb and it does not encroach upon the existing vending machines. All food sales occur inside the grocery store or in the patio area—grilled items are not sold nor picked up at the grill.

### **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. The addition of a small (150 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 and pedestrian circulation.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on October 4, 2007 at the Downtown Chandler Community Center. No citizens attended.
- At the time of this writing, Staff is not aware of any opposition regarding this proposal.

### **PLANNING COMMISSION VOTE REPORT**

Motion to approve.

In Favor: 6    Opposed: 0

Planning Commission added Condition No. 4 to avoid any potential litter issues.

### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial/Planned Area Development (C-3/PAD) zoning, recommend approval of UP07-0007 FOOD CITY OUTDOOR GRILLING 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. The outdoor grilling area shall be maintained in a clean and orderly manner.

CC MEMO 07-267

October 19, 2007

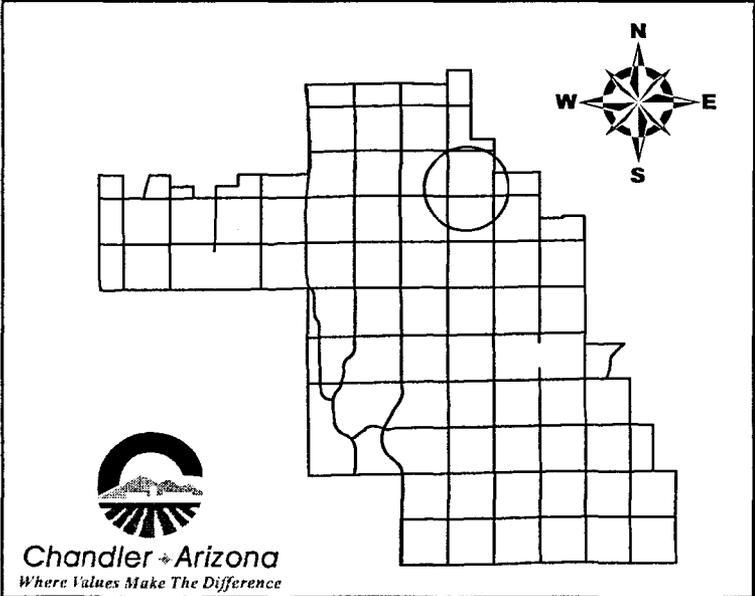
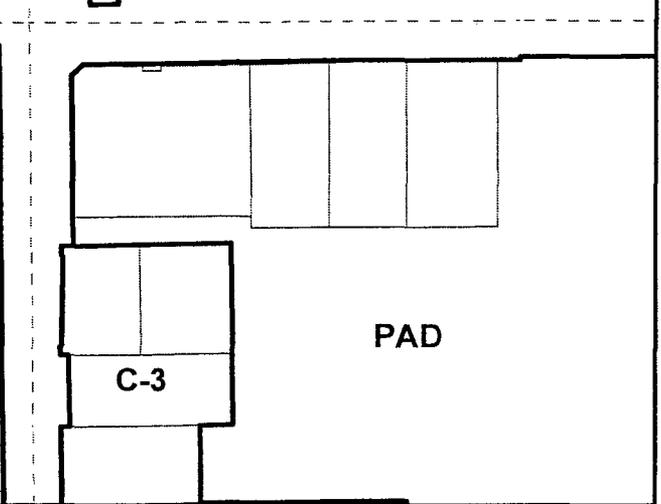
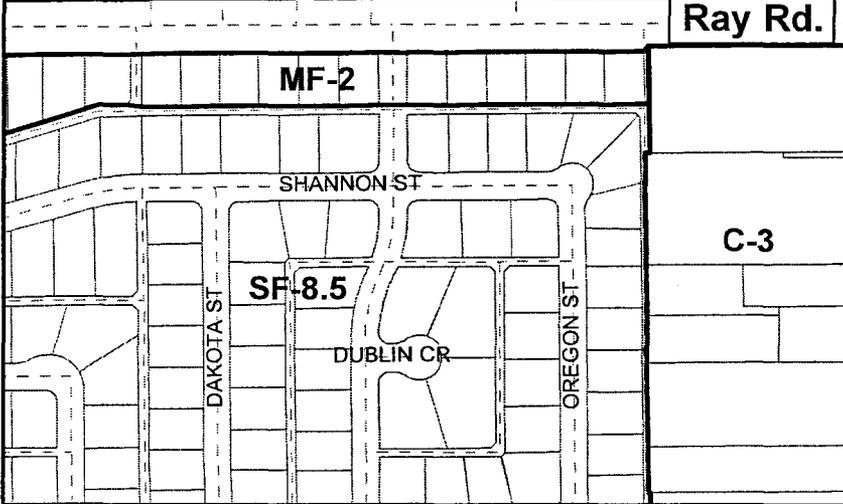
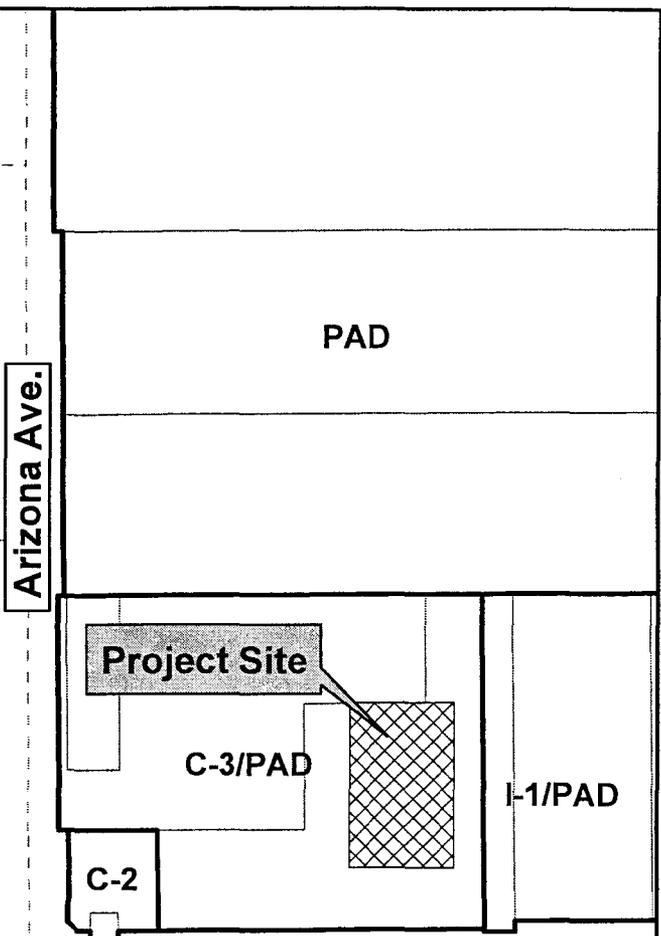
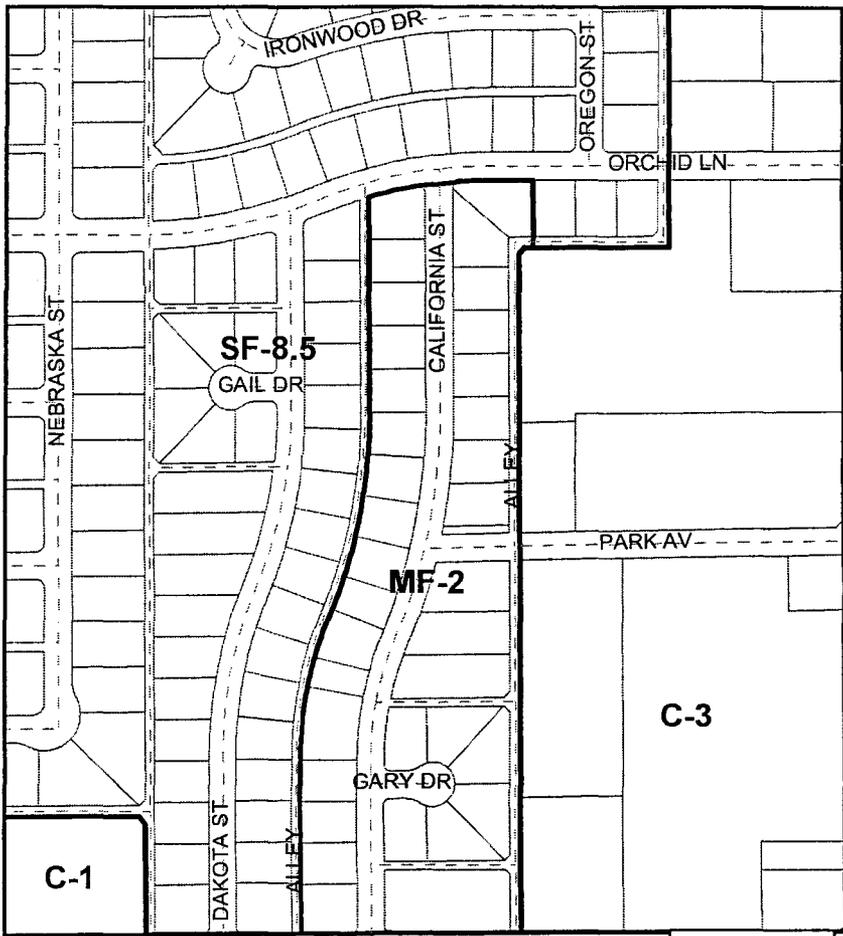
Page 3 of 3

**PROPOSED MOTION**

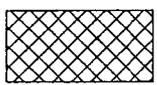
Move to approve UP07-0007 FOOD CITY OUTDOOR GRILLING Use Permit for outdoor grilling subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Map
2. Site Plan
3. Applicant Narrative
4. Photos



**Vicinity Map**



UP07-0089

Food City #26



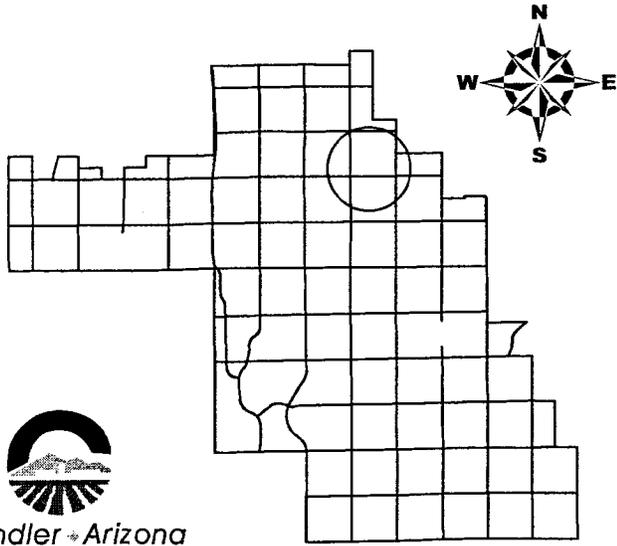
Chandler Arizona  
Where Values Make The Difference



Ray Rd.

Arizona Ave.

## Vicinity Map

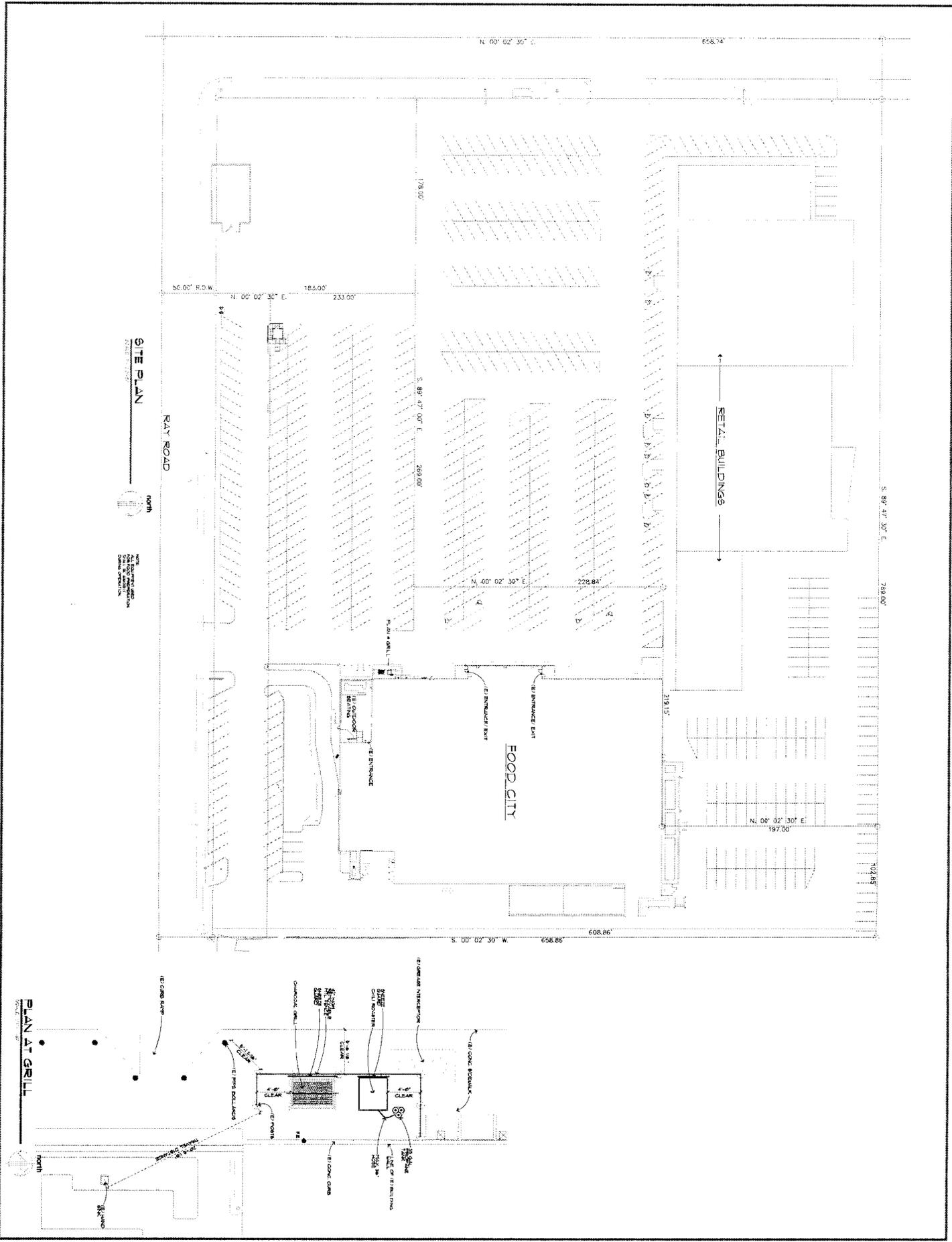


UP07-0089

Food City #26



Chandler Arizona  
Where Values Make The Difference



**SITE PLAN**

NOT TO SCALE  
 FOR INFORMATION ONLY  
 CONSULT THE ENGINEER FOR ALL DIMENSIONS AND SPECIFICATIONS

**SP-1**

NO. NUMBER: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SHEET NUMBER: \_\_\_\_\_

REVISIONS:

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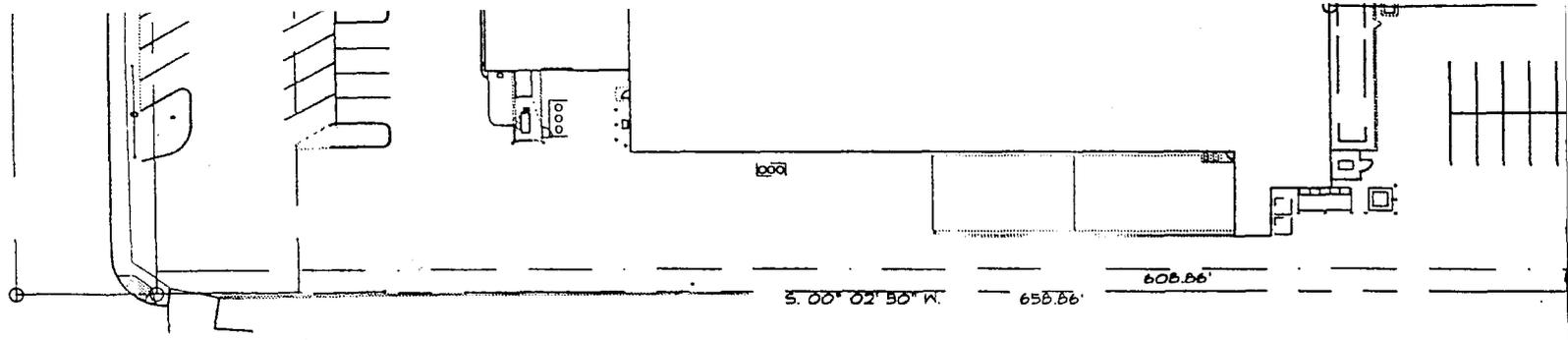
**FOOD CITY** by *Bashas'*

**GRILL SITE STORE #26**  
 1005 NORTH ARIZONA AVENUE  
 CHANDLER, ARIZONA

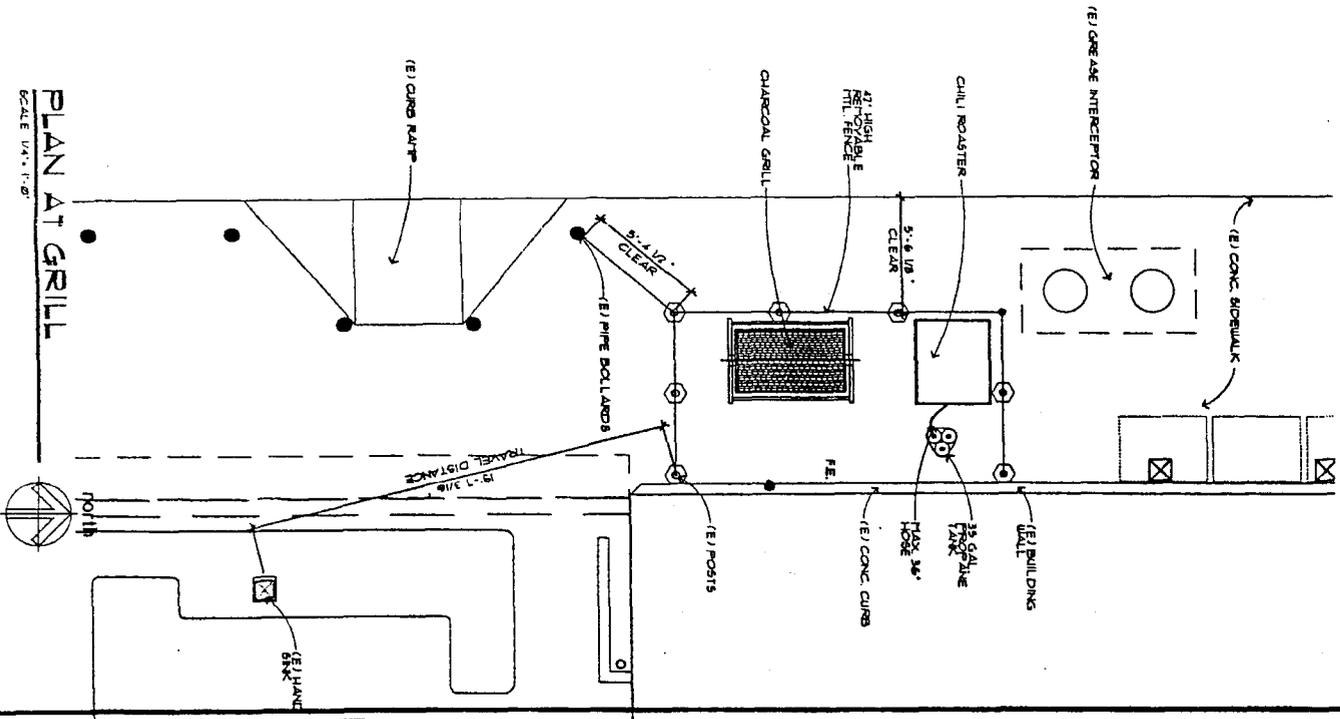
for: **BASHAS' MARKETS, INC.**  
 22402 SOUTH BASHA ROAD CHANDLER, ARIZONA

**the BOSLEY Group, Inc.**

The Bosley Group, Inc.  
 20624 N. Cave Creek Road  
 Suite 142  
 Phoenix, AZ 85024  
 (602) 795-6718  
 (602) 795-6908 fax  
 www.bosleygrp.com



**PLAN AT GRILL**  
SCALE 1/4" = 1'-0"



JOB NUMBER:  
07012  
DATE:  
5.15.07  
SHEET NUMBER:  
**SP-1**

| REVISIONS: |
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**FOOD CITY** by *Bashas'*  
GRILL SITE STORE #26  
1005 NORTH ARIZONA AVENUE  
CHANDLER, ARIZONA  
for: **BASHAS' MARKETS, INC.**  
22402 SOUTH BASHA ROAD CHANDLER, ARIZONA



**NOTICE OF ALTERNATE BILLING (OR PAYMENT) CYCLE**  
THIS CONTRACT SHALL ALLOW THE OWNER TO REQUIRE THE SUBMISSION OF BILLINGS OR ESTIMATES AT BILLING CYCLES OTHER THAN THIRTY DAYS. THIS CONTRACT SHALL ALLOW THE OWNER TO MAKE PAYMENT ON SOME ALTERNATIVE SCHEDULE FOR CERTIFICATION AND APPROVAL OF BILLINGS AND ESTIMATES. A WRITTEN DESCRIPTION OF SUCH ALTERNATE BILLING AND PAYMENT CYCLE IS AVAILABLE FROM THE PROJECT ARCHITECT AT: BASHAS' MARKETS, INC., 22402 SOUTH BASHA ROAD CHANDLER, ARIZONA 85224. PHONE: (480) 838-3311 AND THE OWNER OR THE PROJECT ARCHITECT SHALL PROVIDE THIS WRITTEN DESCRIPTION ON REQUEST.

the **BOSLEY** Group, Inc.  
architect

GRILL PLAN

## **FOOD CITY STORE NO. 26 – USE PERMIT**

### **I. INTRODUCTION**

Bashas' Inc./Food City Supermarkets operate a Food City Store at 1005 N. Arizona Avenue, the northeast corner of Arizona Avenue and Ray Road (the "Site" or "Store No. 26"). Bashas' is requesting a Use Permit to conduct outdoor grilling activities at the Site. The outdoor grilling activities are consistent with the General Plan, will be safe for Chandler Citizens, aesthetically pleasing, and an enjoyable experience for Food City patrons.

### **II. SITE, SURROUNDING AREA, AND ZONING**

An Aerial Photograph is provided at Exhibit 1.

The Site designated on the General Plan Land Use Map as a Commercial Node and is zoned C-3. The immediate corner of the Site is a fast food restaurant and is zoned C-2; west of the Site is undeveloped and is zoned I-1/PAD. The northwest corner of the Arizona Avenue and Ray Road intersection (the "Intersection") is zoned C-3. The southwest corner of the Intersection is zoned C-3. The southeast corner of the Intersection is zoned PAD and C-3.

### **III. PROPOSED USE PERMIT**

As previously stated, the Use Permit is for Bashas'/Food City to conduct outdoor grilling activities at Store No. 26. Attached as Exhibit 2 is the Site Plan of the proposed outdoor grilling location for Store No. 26. The outdoor grilling will consist primarily of grilling chickens and roasting chilies. The chickens and chilies will be grilled outside by Food City employees with valid food safety permits. After the chicken and chilies have been grilled, they will be weighed and packaged. Customers will be able to purchase the chickens or chilies either inside the store or in the outside, under roof dining area.

The grill used to cook chickens is three feet deep by six feet wide by 40 inches high with an overall height of 90 inches at the top of the wagon wheel. Attached as Exhibit 3 is an example of the grill used to cook the chickens. The chilies will be roasted in a chili roaster fueled by a 100 lb. propane tank. The overall dimensions for the chili roaster are approximately 52 inches tall by 36 inches wide by 50 inches long. Attached as Exhibit 4 is an example of the type of chili roaster used in roasting chilies.

The outdoor grilling operations will occur on a seasonal basis and weather permitting. It is anticipated that when conducted, the chili roasting will occur Friday and Monday between 2:00 p.m. and 7:00 p.m., and Saturday and Sunday from 10:00 a.m. to 4:00 p.m. The chicken grilling will normally occur Friday through Monday between 11:30 a.m. to 7:00 p.m. The setup and breakdown respectively will occur approximately one-half hour before and after the cooking operations are conducted.

On the days the operations will occur, Food City employees will set up the fencing in the locations identified on the Site Plan, bring out the equipment, and secure it. Upon securing the equipment, the coals for the grill will be started and the propane tanks will be hooked up to the chili roaster. The fencing used in the outdoor grilling operations will be a minimum of four feet high. The fencing material will be a heavy plastic, weather resistant-type material with a picket fence appearance. Attached as Exhibit 5 is a copy of the proposed fencing. The fencing is substantial enough that it will not break or get knocked over easily. Additionally, there will be

no chain link fence, cattle-pen metal cages, plain wood boards, etc. The fencing used will be both attractive and safe to Food City patrons and passers-by. The grilling and roasting equipment will be immobile during operation and properly barricaded from pedestrian traffic by the fencing. When the equipment is not in use it will be stored inside the building in one of the back storage rooms.

While the chicken grilling and chili roasting does emit some smoke and odor, the impact on neighboring properties in the area will be minimal. The smoke emitted from these operations is comparable to that of a backyard barbeque. An attendant Food City employee will be present to prevent the chilies/chickens from burning and thus emitting significant amounts of smoke. The proposed location will not hinder pedestrian or vehicular circulation on the Site or interfere with off-street parking or loading.

It's been Bashas' experience that conducting outdoor grilling activities in the manner described above is well received by its patrons and the community in general. The outdoor grilling will not be detrimental to persons residing or working in the area. Additionally the outdoor grilling will conform to the conditions and requirements of the City's Zoning Ordinance.

#### **IV. CONCLUSION**

Bashas'/Food City outdoor grilling operations are a comparatively small endeavor that is well received by the citizens of Chandler. We look forward to making this a safe and enjoyable experience for both Bashas' and the community of Chandler. We request your approval.

**Bashas' Inc.**

