

#56  
JUN 26 2008



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

**MEMORANDUM**                      **Planning and Development – CC Memo No. 08-115**

**DATE:**            JUNE 19, 2007

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER  
                 DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR  
                 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR  
                 KEVIN MAYO, ACTING PLANNING MANAGER

**FROM:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

**SUBJECT:**        UP08-0021 VILLALPANDO'S MEXICAN RESTAURANT

**Request:**            Use Permit approval to allow music and dancing within an existing restaurant in conjunction with a Series 12 Restaurant Liquor License

**Location:**            7450 West Chandler Blvd. – West of the northwest corner of 54<sup>th</sup> Street and Chandler Boulevard

**Applicant:**            Mario Villalpando, restaurant owner

**Owner:**              National Retail Properties, Inc., Mark Opferman, Senior Property Manager

**RECOMMENDATION**

The application requests Use Permit approval to allow music and dancing within an existing restaurant in conjunction with a Series 12 Restaurant Liquor License located in west Chandler. Planning Commission and Staff, finding consistency with the General Plan and PAD zoning, recommend approval.

**BACKGROUND**

The application request is for Use Permit approval to allow music and dancing in conjunction with an existing Series 12 Restaurant liquor license. A liquor Use Permit was approved for a Series 12 license in February 2007. A Series 12 is considered a “restaurant license,” which allows the on-site sale of beer, wine, and spirits for on-site consumption. Under a Series 12

license, the establishment derives at least forty (40) percent of its gross revenue from the sale of food.

The restaurant is located within the Chandler Technology Center industrial business park. In 1989, the building was constructed for a Sizzler restaurant. The building was then occupied by another restaurant named Damon's A Place for Ribs. JMX Clubhouse Grill, a planned tenant a few years ago, installed a building-mounted business sign but did not open for business. The proposed restaurant is located by a Denny's restaurant, Homewood Suites by Hilton, Hampton Inn hotel, and an industrial/office building.

The building is approximately 5,700 square feet in size. The restaurant's interior includes a separate bar area and a dining area. The dining area seats approximately 160 persons. The bar area seats approximately 8 persons. The total seating capacity is approximately 168 seats.

The initial Use Permit represented there is no live entertainment, outdoor dining areas/patios, game rooms, pool tables, dance floor, stage, and the like, and a zoning condition was approved to prohibit these uses. This application requests indoor dancing and music. A DJ provides music and tables will be moved aside to allow for a dance floor area. The dance floor will have a railing around it to cordon-off the dance floor from the main dining area.

Dancing and music occurs after dinner hours starting at 10 p.m. until 2 a.m. The restaurant's hours of operation are Sunday 12 p.m. to 9 p.m., Monday through Thursday 11 a.m. to 10 p.m., Friday 11 a.m. to 10:30 p.m., and Saturday 12 p.m. to 10:30 p.m. Dinner service is not available during music and dance hours. The restaurant might serve appetizers.

The restaurant will hire security staff for identification checks at the front door, which is the main entrance, and have security indoors. All patrons must enter through the main front entrance; there is no rear entrance access as the kitchen is located at the building's rear.

The site's landscaping and parking area are maintained. New landscaping and irrigation lines were installed following the last liquor Use Permit approval. There have been no complaints or concerns with the restaurant. The restaurant is located in a commercial and industrial area of west Chandler. There are no residences in the area. Hotels are located nearby the restaurant as well as other restaurants, gas station convenience stores, offices, and industrial businesses.

Staff is of the opinion the addition of music and dancing in conjunction with an existing Series 12 Restaurant License for liquor sales and service is compatible with the area. This area is developed with commercial and industrial businesses including hotels as part of a larger employment center. It is not unusual to have restaurant and entertainment uses within an employment area. Staff recommends conditions to monitor and control the music and dancing use.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- The request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- A neighborhood meeting was held on May 27, 2008. No area property owners attended.
- As of the date of this memo, Staff is not aware of any opposition of concerns with this request.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 7    Opposed: 0

Commission added condition number 8 regarding site maintenance.

**RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommend approval of UP08-0021 VILLALPANDO'S MEXICAN RESTAURANT Use Permit, subject to the following conditions:

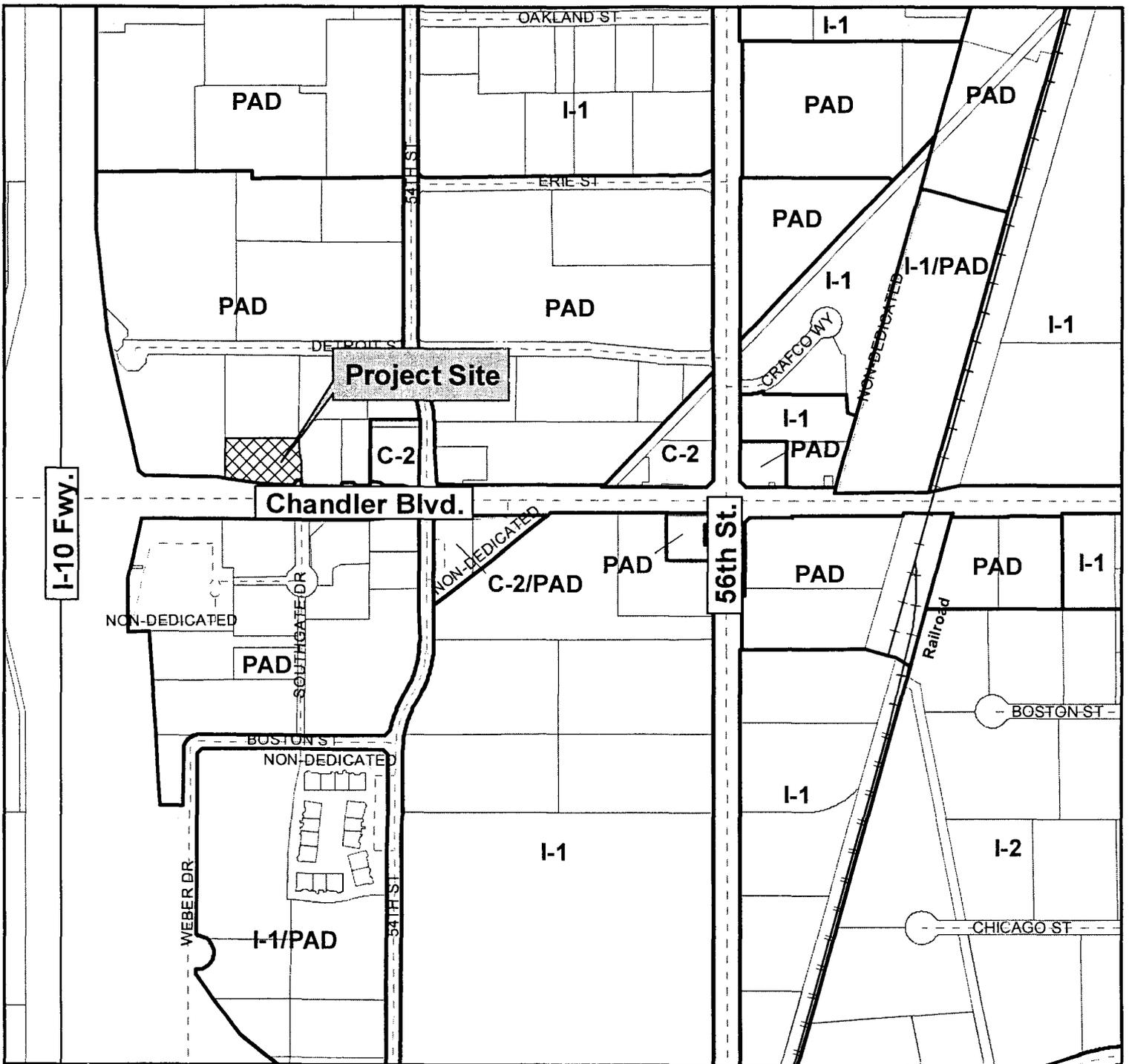
1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises.
5. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses.
6. Customer access into the restaurant other than from the main front entrance (east side) shall be prohibited.
7. Security staff shall be provided as represented.
8. The site shall be maintained in a clean and orderly manner.

**PROPOSED MOTION**

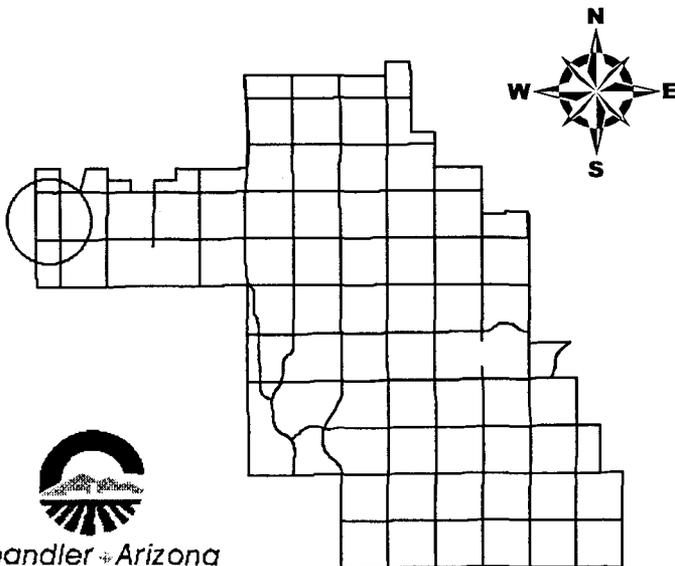
Move to approve Use Permit UP08-0021 VILLALPANDO'S MEXICAN RESTAURANT, subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Narrative
3. Floor Plan
4. Landlord Approval Letter

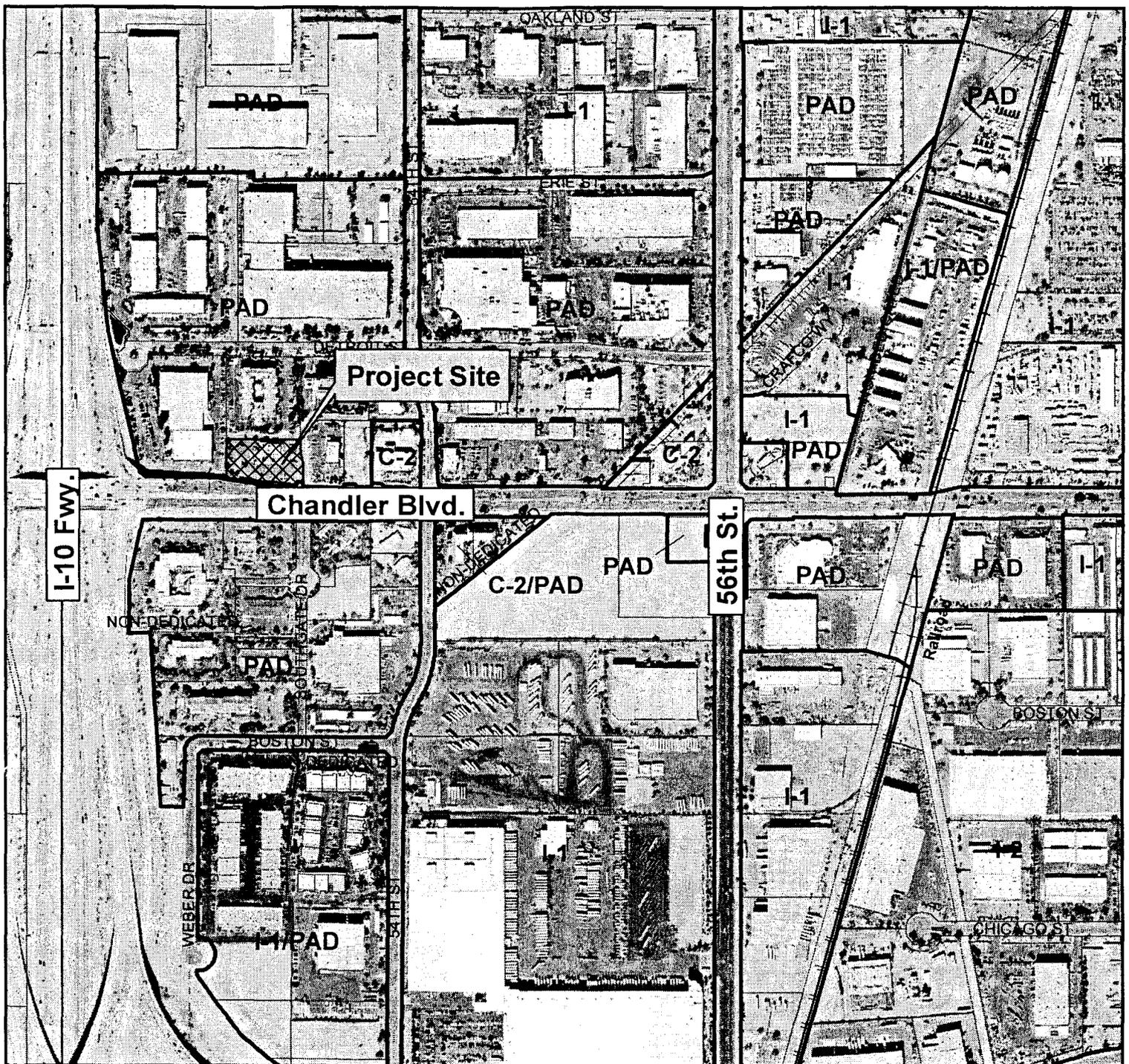


## Vicinity Map

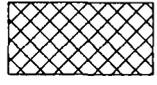
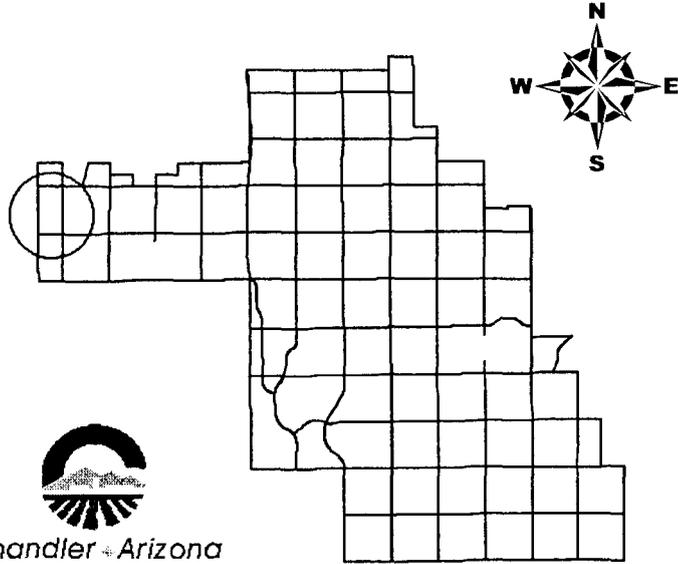


UP08-0021

**Villalpando's Mexican Restaurant  
Liquor Use Permit**



## Vicinity Map



UP08-0021

**Villalpando's Mexican Restaurant  
Liquor Use Permit**

February 18, 2008

Mario Villalpando  
Villalpando's Mexican Restaurant  
480-705-9014

City of Chandler

To whom it may concern:

Villalpando's Mexican Restaurant is located at 7450 W. Chandler Blvd., Chandler AZ, 85226. We are currently opened 7 days a week, Monday thru Thursdays 11 a.m. to 10 p.m. Fridays and Saturdays 11 a.m. to 11 p.m. and Sundays 11 a.m. to 9 p.m. We serve Mexican food, enclosed is a copy of our menu. Currently have a liquor license.

We are requesting a Liquor use permit for DJ Music and Dancing on weekends, Friday and Saturday nights. We will admit persons 21 and over. Beer/wine and mixed drinks will be served on a no smoking environment. Security guards will be on premises during entertainment hours 10 pm. - 2 a.m.

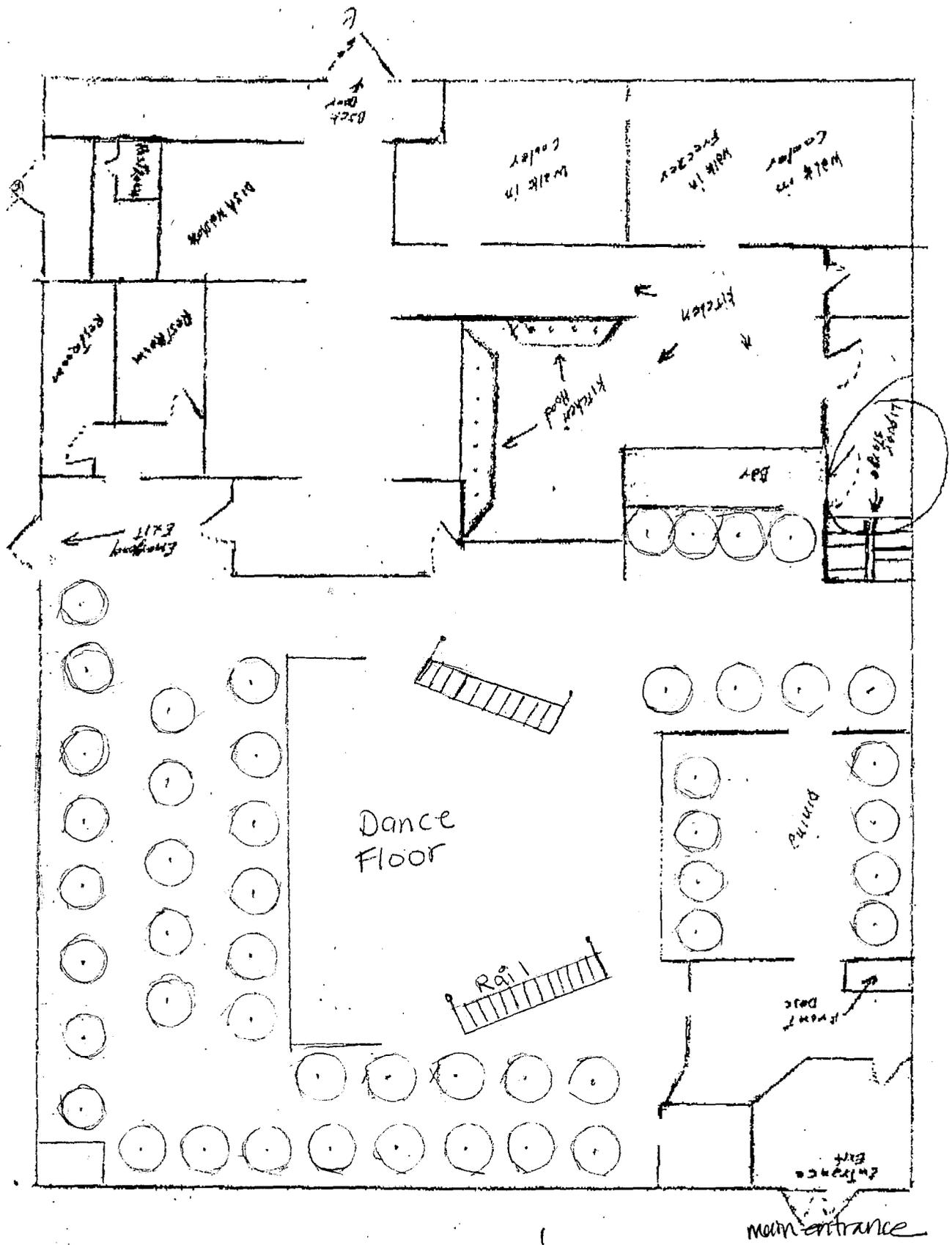
Square footage: 5,703

Total # of seating: ~~300~~ 228

Number of employees: 8

Surroundings: I-10, Hotels, Retail Commercial

Contact Name: Mario Villalpando  
480-705-9014



5100





NATIONAL RETAIL  
PROPERTIES  
NYSE: NNN

**\*EXHIBIT A**

3/18/08

*Villalpando's Mexican Restaurant*

7450 West Chandler Blvd.  
Chandler, AZ 85225  
Attn: Mario Villalpando  
480-705-9014

Re: Weekend Dancing request, Pueblo Viejo Restaurant (a/k/a Villalpando's) Chandler, AZ

*Landlord approval contingent upon the following:*

*Landlord consent contingent upon any and all costs, liabilities, fees etc. associated with the request will be at the sole expense of the tenant, and must conform to the lease agreement, matters of title, all codes, ordinances, proper permitting, common area management approval if applicable, and any existing REA agreements if applicable.*

Should you have any questions please feel free to contact me at 407-650-3643 or e-mail at [mark.opferman@nnnreit.com](mailto:mark.opferman@nnnreit.com). Thank you.

Mark J. Opferman  
Senior Property Manager  
National Retail Properties, Inc.