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OCT 30 2008



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MEMORANDUM

Planning and Development – CC Memo No. 08-196

DATE: OCTOBER 13, 2008

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP08-0038 TORTAS EL GUERO

Request: Use Permit approval to conduct outdoor cooking adjacent to an existing restaurant

Location: 611 North Arizona Avenue, approximately 100 feet north of Galveston Street

Applicants: Gustavo & Marjorie Lom

RECOMMENDATION

The request is for a Use Permit to conduct outdoor cooking adjacent to an existing restaurant. Planning Commission and Staff recommend approval for one year subject to conditions.

BACKGROUND

The subject site is adjacent to the Tortas El Guero restaurant at 611 N. Arizona Avenue. The site is located on the east side of Arizona Avenue on one of a strip of developed retail parcels zoned Regional Commercial (C-3), including the KFC restaurant to the north and Moreno's Sonoran Hot Dogs to the south.

The application requests that outdoor cooking be permitted daily from approximately 4 p.m. to 10 p.m. The proposed cooking takes place in front of the restaurant on a new patio that runs north-south between the existing sidewalk and a retention basin. The new patio does not require any changes to the retention basin itself. There will be no associated outdoor dining. All items will be paid for indoors and picked up outdoors. The applicants have worked with Maricopa County to ensure that all food safety regulations will be followed.

Staff photographs show the area where the cooking equipment will be located. Photographs provided by the applicants show the cooking equipment arranged in the parking lot, as previously proposed. Though the applicants' photographs show dining, it is not part of the request.

The site provides 19 parking spaces compared to a code requirement of approximately 23 spaces. The cooking area would add approximately one space to the parking requirement.

DISCUSSION

Planning Commission and Staff find the proposed outdoor cooking use to be appropriate at this location. Though the site is short of the Zoning Code's parking requirement, the proposed outdoor cooking does not add significantly to the demand and will have a negligible effect on the parking situation. The proposed location does not impede pedestrian circulation. The use adds to the vitality of the streetscape without negatively impacting the site's function or that of its neighbors.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 2, 2008 at the Downtown Chandler Community Center. No citizens attended.
- One neighbor called to express opposition to the request and stating opposition to any outdoor cooking on Arizona Avenue because it will cause people to congregate outdoors. A second neighbor wrote a letter of opposition, citing air pollution and sanitary concerns.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval of UP08-0038 TORTAS EL GUERO subject to the following conditions:

1. Substantial conformance with approved exhibits except as modified by condition herein.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. 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.

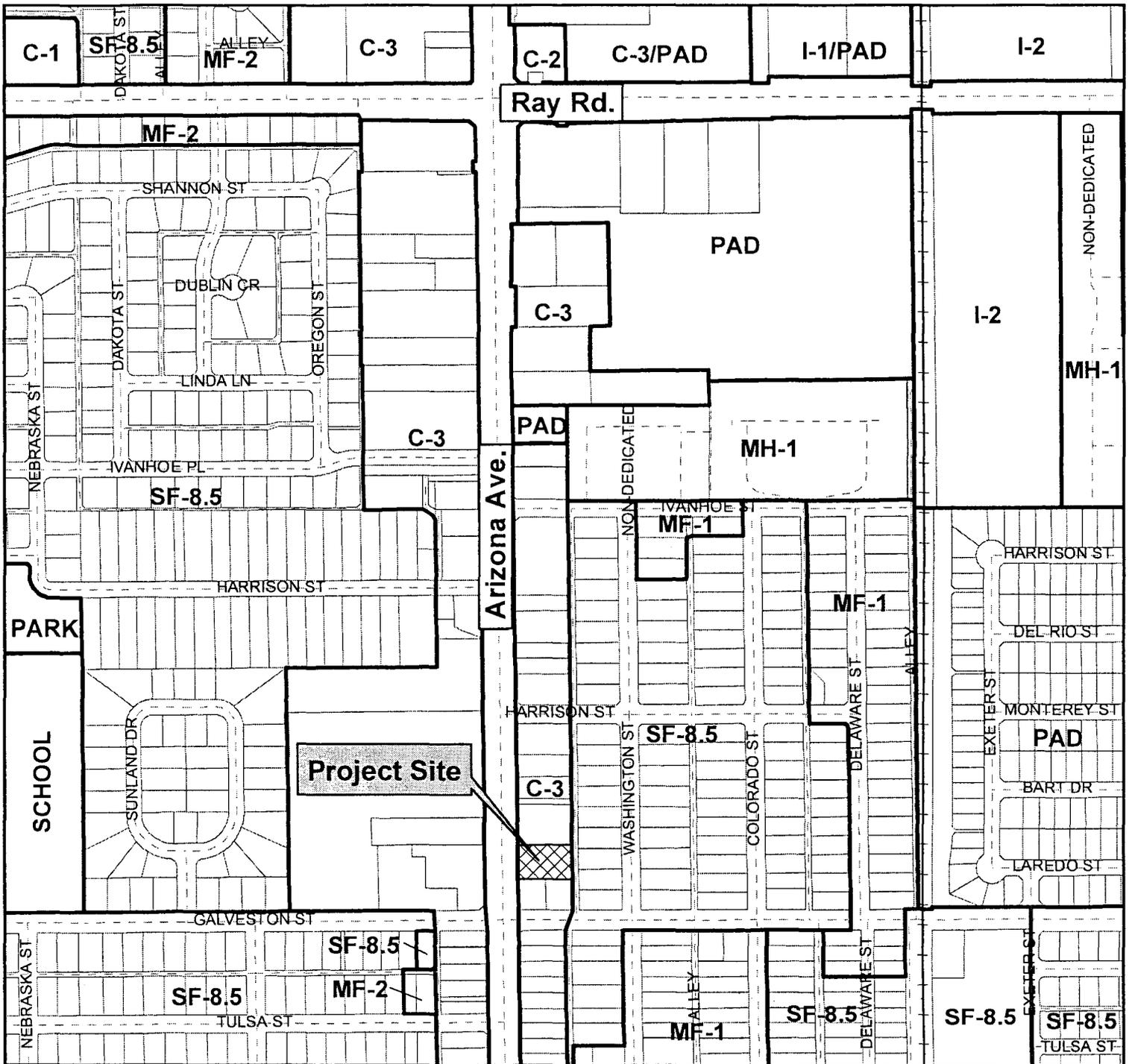
5. The outdoor cooking area shall be maintained in a clean and orderly manner.
6. Any landscaping removed to accommodate the use must be replaced.

PROPOSED MOTION

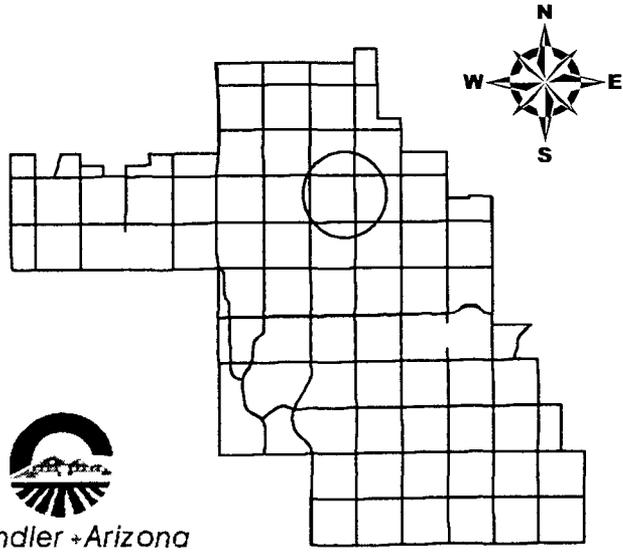
Move to approve UP08-0038 TORTAS EL GUERO Use Permit for outdoor cooking as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Aerial Photo Closeup
3. Site Plan
4. Staff Photos of Cooking Area
5. Applicant Photos of Cooking Equipment
6. Letter of Opposition

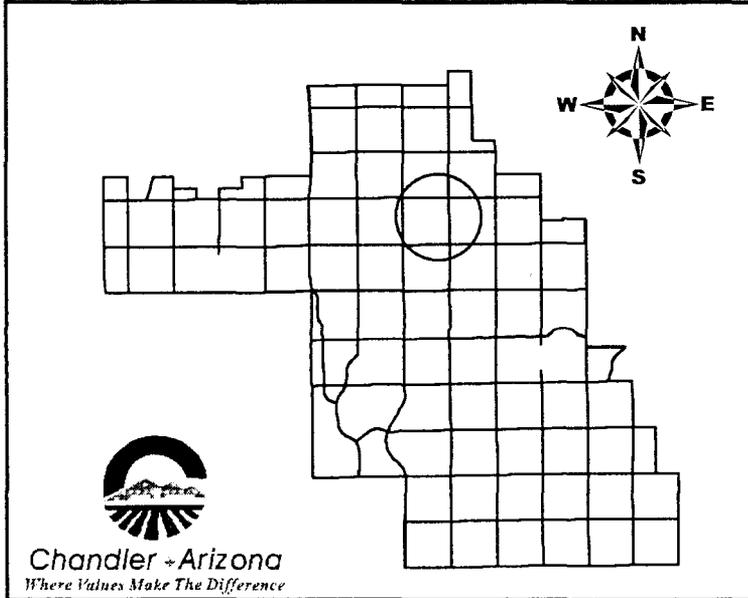


Vicinity Map



UP08-0038

Tortas el Guero



Vicinity Map



UP08-0038

Tortas el Guero

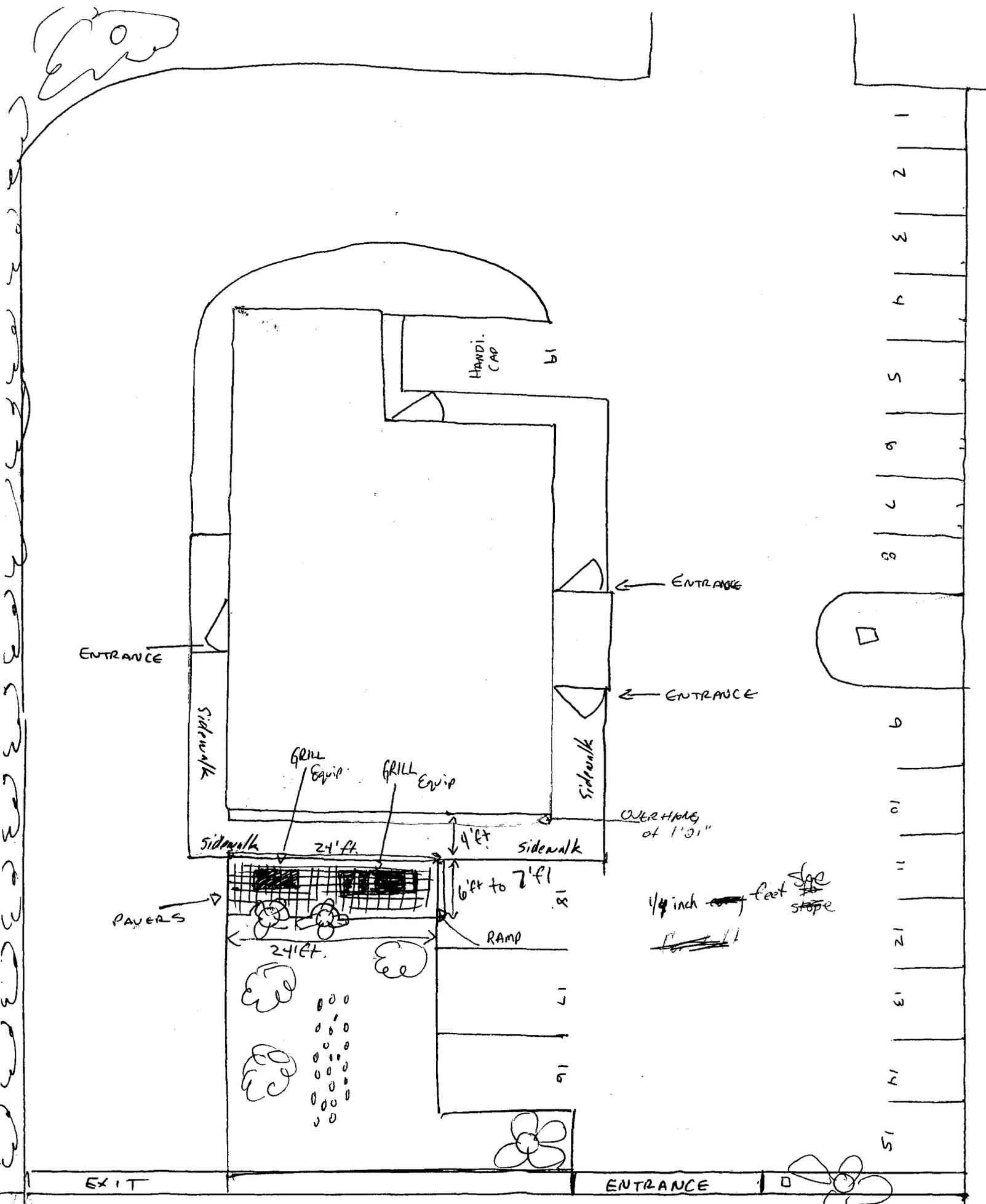


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County Parcels

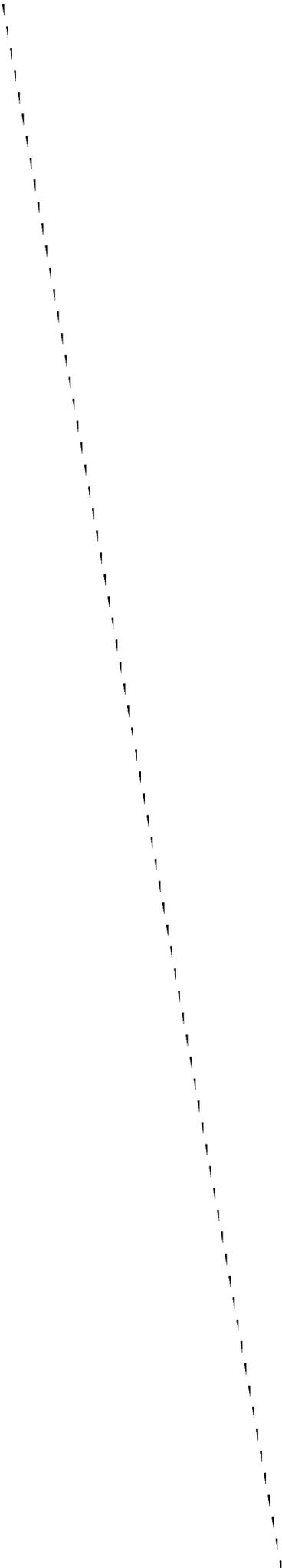
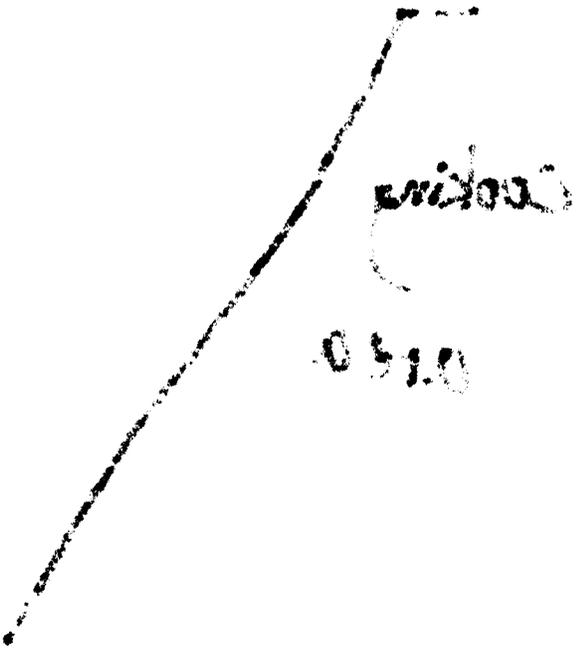


□ = cooking area



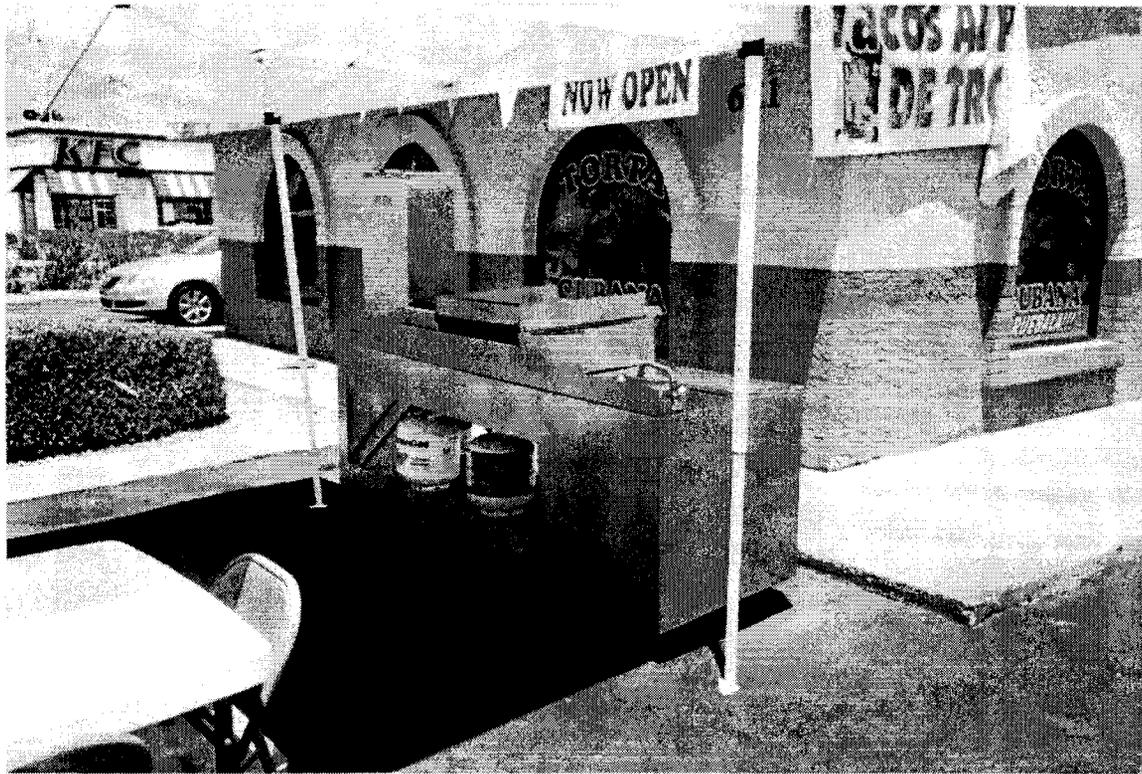
TORTAS EL GÜERO
 6011 N ARIZONA AVE
 CHANDLER, AZ 85225













Dear Bill,

I am totally against out door cooking. I can't breathe outside and don't do it at home.

Cooking outside should be for holidays only in any public place.

Please do not pass this. It looks unsanitary and make Chowdler look bad.

Let's clean up our city not tear it down.

I SAY NO.

THANKS