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MEMORANDUM

Planning and Development – CC Memo No. 08-220

DATE: DECEMBER 5, 2008

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP08-0052 MORENO'S MEXICAN GRILL

Request: Use Permit approval to allow a food cart adjacent to an existing restaurant

Location: 601 North Arizona Avenue (northeast corner of Galveston Street and Arizona Avenue)

Applicant: Arizona Planning Solutions, Michelle Dahlke

RECOMMENDATION

The request is for a Use Permit to allow a food cart adjacent to an existing restaurant. Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval for one year subject to conditions.

BACKGROUND

The subject site is adjacent to the Moreno's Mexican Grill restaurant at 601 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 Tortas El Guero restaurant to the north that received approval for outdoor cooking in October 2008.

The application requests that a food cart be set up outside daily from approximately 7 p.m. to 11 p.m., with occasional service during earlier hours. The proposed food cart will be located on a small brick patio just northwest of the building along Arizona Avenue. The cart will not involve cooking, but will only have pre-cooked food (hot dogs and tacos) for assembly. There will be no associated outdoor dining. All items will be paid for indoors and picked up outdoors. The applicants will work with Maricopa County to ensure that all food safety regulations are followed.

The restaurant conducted the use (with outdoor dining also) for several months in 2008 prior to applying for a Use Permit, having mistakenly believed that a mobile food cart permit issued by Maricopa County allowed the use at this location. The City of Chandler requires a Use Permit for food cart operations that operate at a fixed location rather than moving readily from street to street as does a vendor operating under a peddler's license.

The site provides 11 parking spaces compared to a code requirement of approximately 13 spaces. The food cart area would add approximately one space to the parking requirement. The application suggests two additional parking spaces adjacent to the building, though these will not in fact be added due to a speed bump in the lot across this area.

DISCUSSION

Planning Commission and Staff find the proposed outdoor food cart use to be appropriate at this location. Though the site is short of the Zoning Code's parking requirement, the proposed food cart 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 November 24, 2008 at the subject site. No citizens attended.
- Three neighbors have contacted Staff with opinions about the request. One neighbor is in favor of the request and anything that helps the business succeed. The other two neighbors are opposed to the request; One neighbor is opposed because the operation was conducted illegally for several months and she believes this disregard for the law should not be rewarded, while the other neighbor believes the food smell will negatively impact the adjacent neighborhood.

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 UP08-0052 MORENO'S MEXICAN GRILL subject to the following conditions:

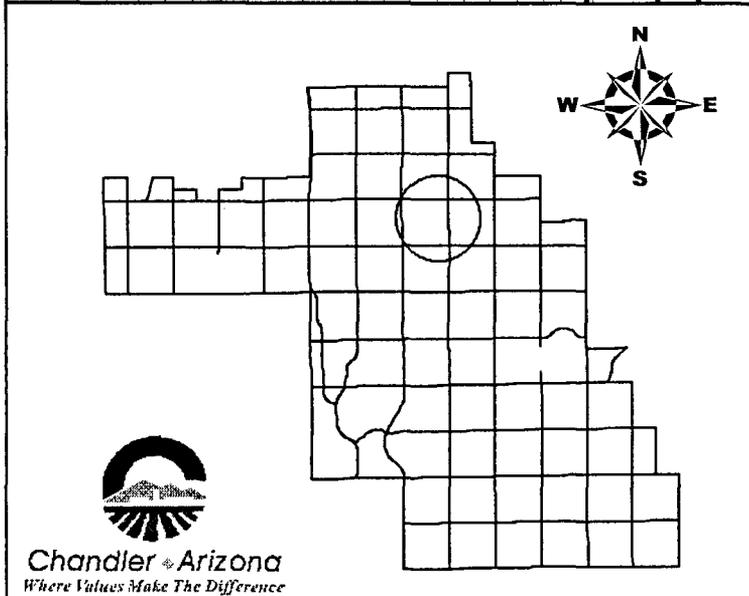
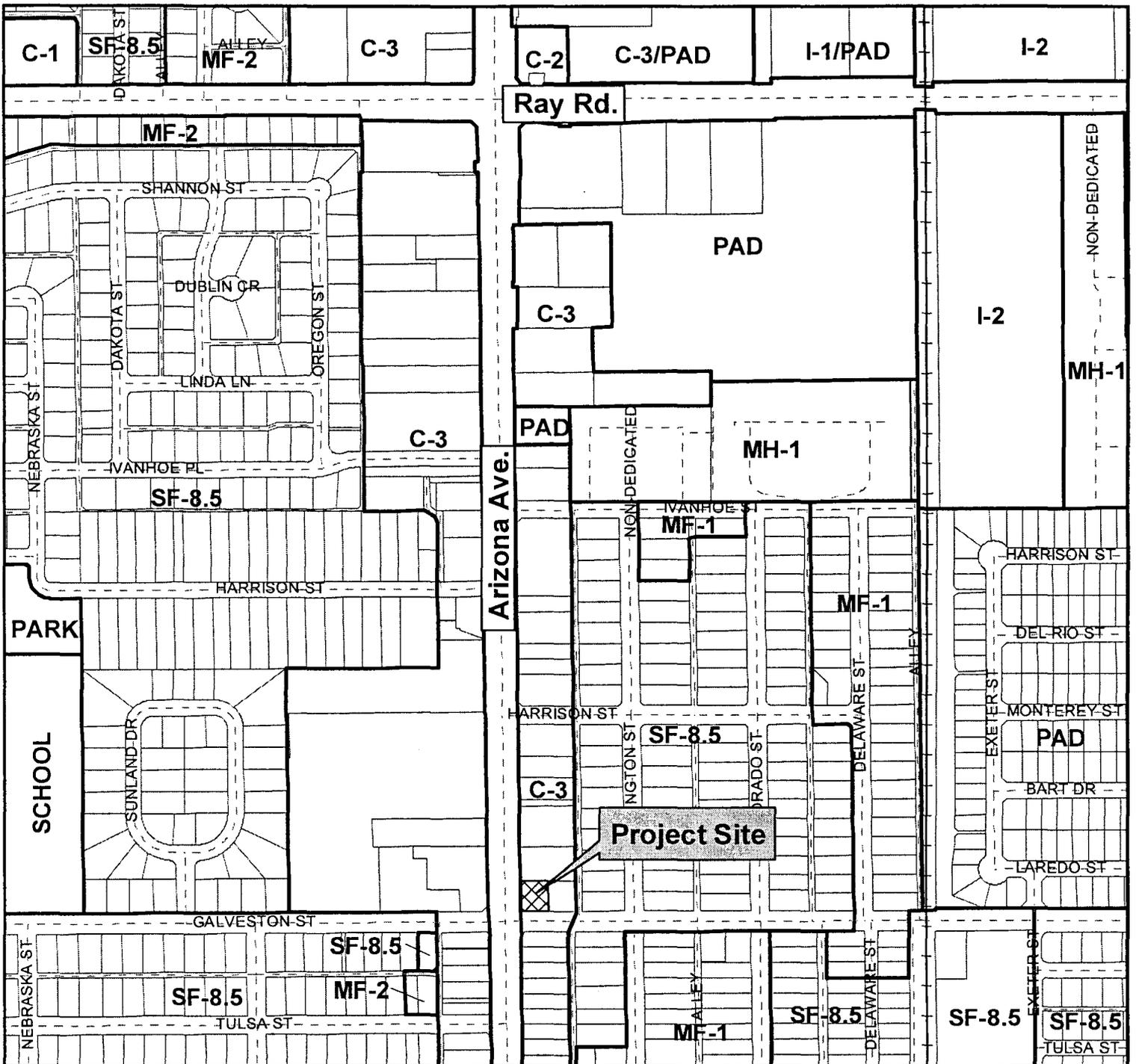
1. Substantial conformance with approved exhibits except as modified by condition herein.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. The Use Permit 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 food cart area shall be maintained in a clean and orderly manner.
6. Neither the food cart operation nor customer queuing shall encroach onto the sidewalk.
7. Parking of business vehicles across multiple spaces is prohibited.

PROPOSED MOTION

Move to approve UP08-0052 MORENO'S MEXICAN GRILL Use Permit for a food cart adjacent to a restaurant as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Aerial Photo Closeup
3. Site Plan
4. Applicant Narrative
5. Applicant Photos of Food Cart & Proposed Location



Vicinity Map



UP08-0052

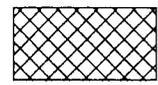
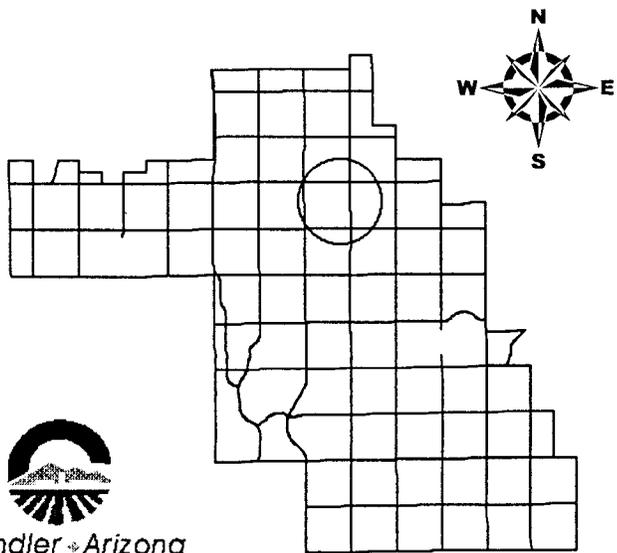
Moreno's Mexican Grill

CITY OF CHANDLER 10/27/2008



Project Site

Vicinity Map



UP08-0052

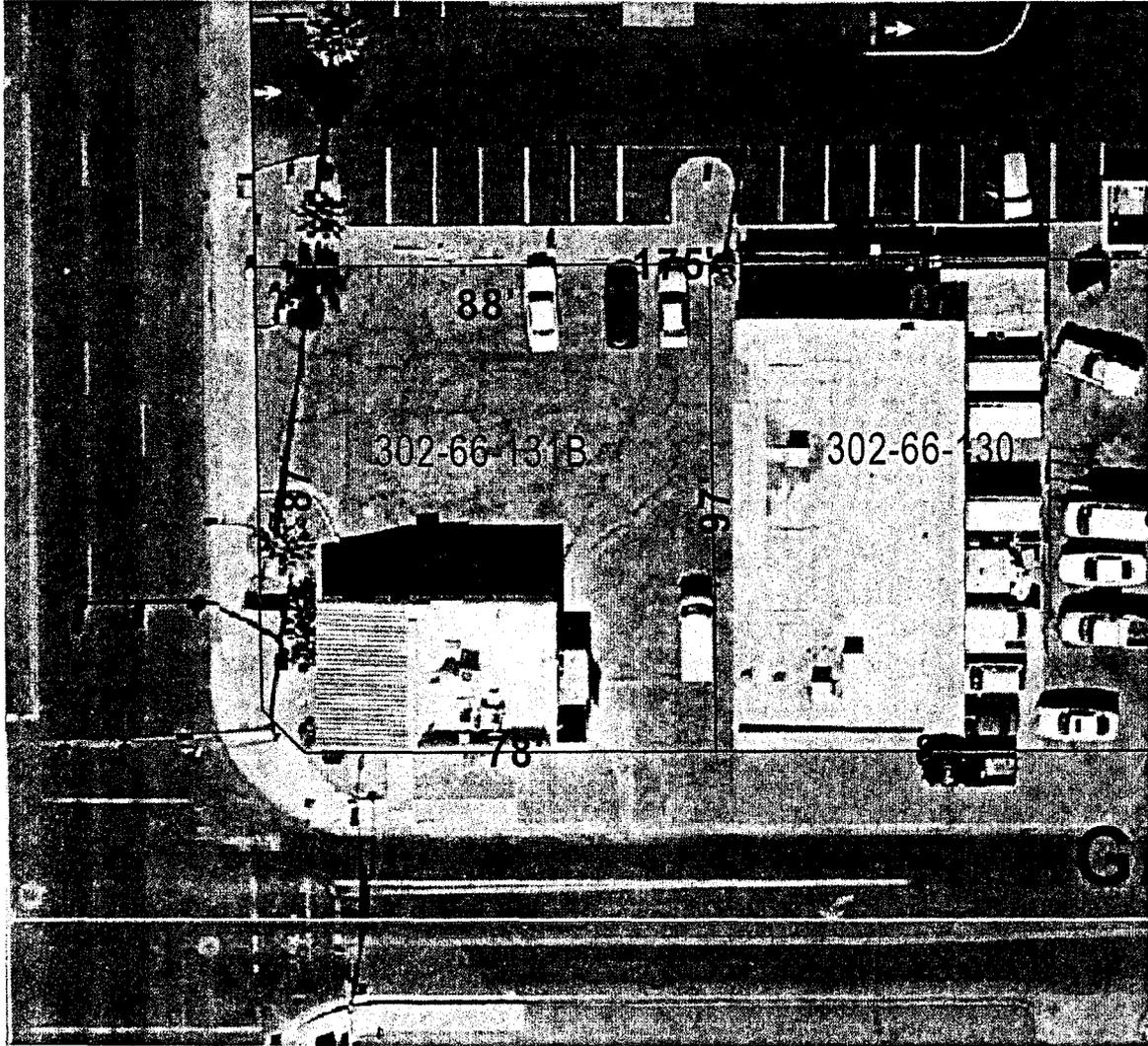
Moreno's Mexican Grill



Chandler, Arizona
Where Values Make The Difference

Moreno's Mexican Grill

Request for a Use Permit
to Allow Outdoor Cooking
at 601 N. Arizona Avenue
Use Permit Case # UP08-0052



Prepared for:

Moreno's Mexican Grill
601 N. Arizona Avenue
Chandler, AZ 85224

Prepared by:

Arizona Planning Solutions
12 N. Center Street, Suite 105
Mesa, AZ 85201
(480) 659-6558
Contact: Michelle Dahlke

October 14, 2008
Revised November 6, 2008

Introduction

This is a request for a Use Permit to allow Moreno's Mexican Grill to have an outdoor cooking cart on an approximate 130 square foot area located northwest of the restaurant entrance. Specifically, Moreno's would like the opportunity to sell hot dogs and tacos using portable cooking equipment in this area. The proposed outdoor location currently consists of an uncovered patio space surfaced with red brick pavers. At present, the subject property consists of a 1,441 square foot restaurant, 856 square feet of which is allotted to food preparation, 153 square feet for enclosed outdoor storage and 432 square feet for the public serving area.

Outdoor cooking areas are very popular among customers of Moreno's Mexican Grill and have grown to be a trend at many other similar establishments throughout the Phoenix metropolitan area. This use does not tend to be disruptive to adjacent properties, particularly when no ancillary outdoor seating is proposed, and it provides a solid stream of additional income for restaurant owners.

Parking

There are presently 11 designated parking spaces on the site, one of which is reserved as a handicap-accessible space. As a result of the addition of 130 square feet of food preparation area, the applicant would like to propose the addition of two parking spaces on the north side of the restaurant which will exceed the additional one parking space required per the City's Unified Development Manual.

Hours of Operation/Days Per Week

Moreno's Mexican Grill is currently open from 9:00 a.m. to 11:00 p.m. daily; however, the outdoor food preparation would typically occur in the evenings after 7 p.m. The owner would like the ability to operate the outdoor food preparation area during regular operating hours of the existing business for flexibility.

Number of Employees

There would be only one employee managing the outdoor food preparation cart and this person would be one already employed by the restaurant. For example, on any given day, an employee would be given the duty of being responsible for indoor food preparation, servicing indoor customers or working at the outdoor facility.

Landscaping

Landscaping is already in place on the site and no new landscaping is proposed with this Use Permit request. The proposed outdoor food preparation area is landscaped on its northern and western side by existing trees and shrubs, providing a subtle screening from the street.

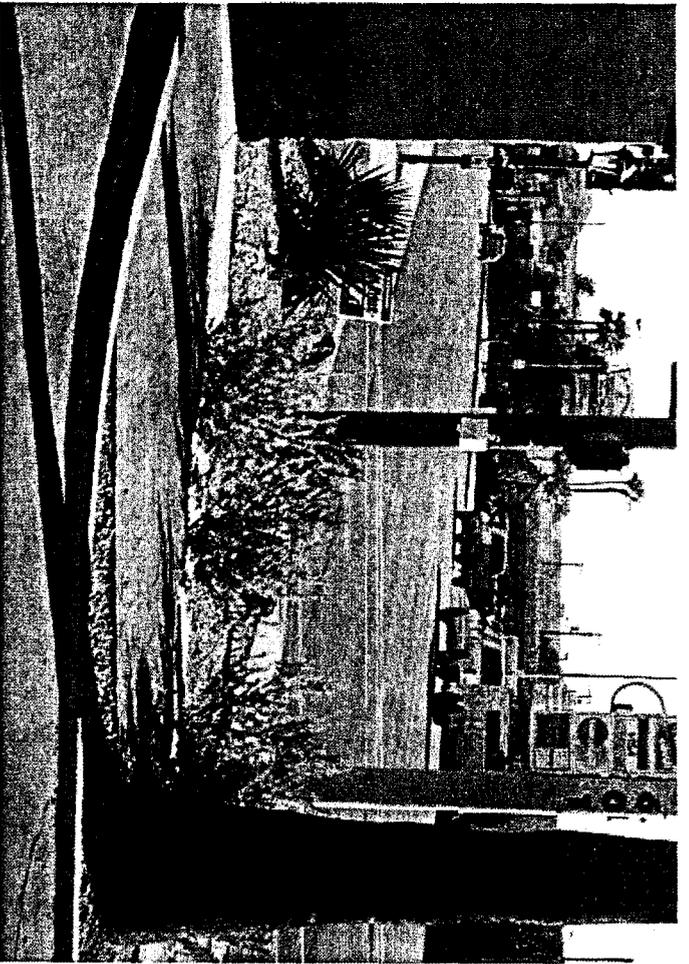
Entertainment

There is no outdoor entertainment proposed with this Use Permit request such as live music.

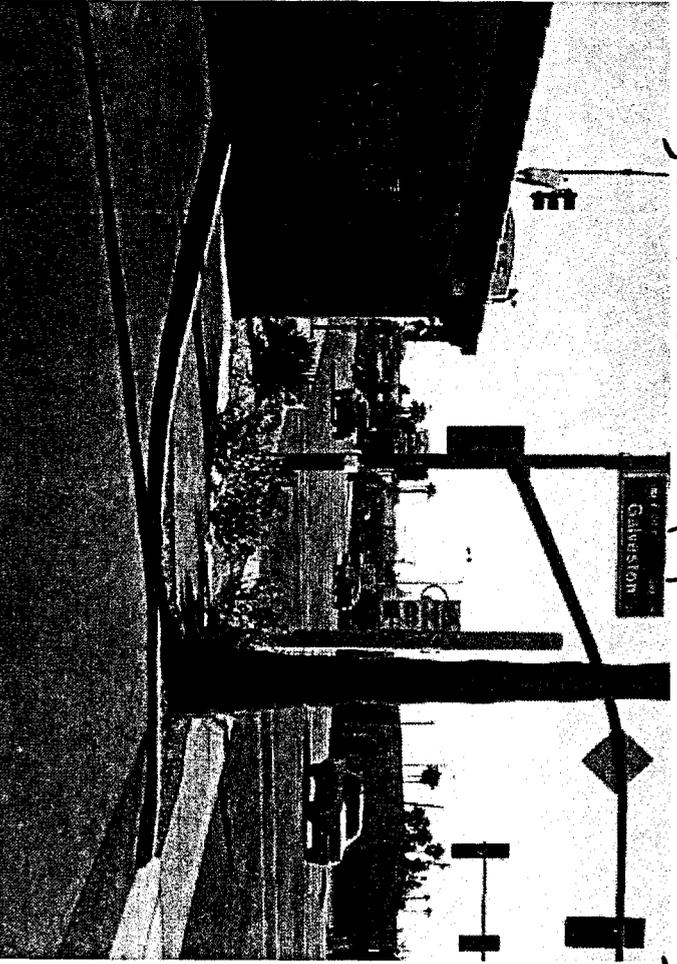
Impact on Subject and Adjacent Properties

It is not anticipated that the proposed outdoor food preparation area will negatively impact the current operations, traffic flow, parking or pedestrian traffic of the subject property nor that of adjacent properties. For instance, the proposed area is located on an existing brick-covered outdoor space that does not impede vehicular or pedestrian traffic, nor the entrance of the restaurant. Additionally, there is a distance of approximately 107' from the proposed outdoor food preparation area to the southwestern corner of the existing restaurant to the north of the subject property. Furthermore, these two properties do not share parking and there are no pedestrian crossing areas connecting these two sites. Moreover, the subject property is located on an intersection corner and due to the location of the existing restaurant; the outdoor food preparation area is not visible from the south at all. Nor is it visible from the property to the east since the building belonging to the catering company essentially sits on its western property line with no visibility to the subject property. Additionally, property located to the west is separated from the proposed outdoor area from Arizona Avenue. To reiterate, due to the location and the fact that no outdoor seating is proposed, the proposed outdoor use will have little to no impact on adjacent properties.





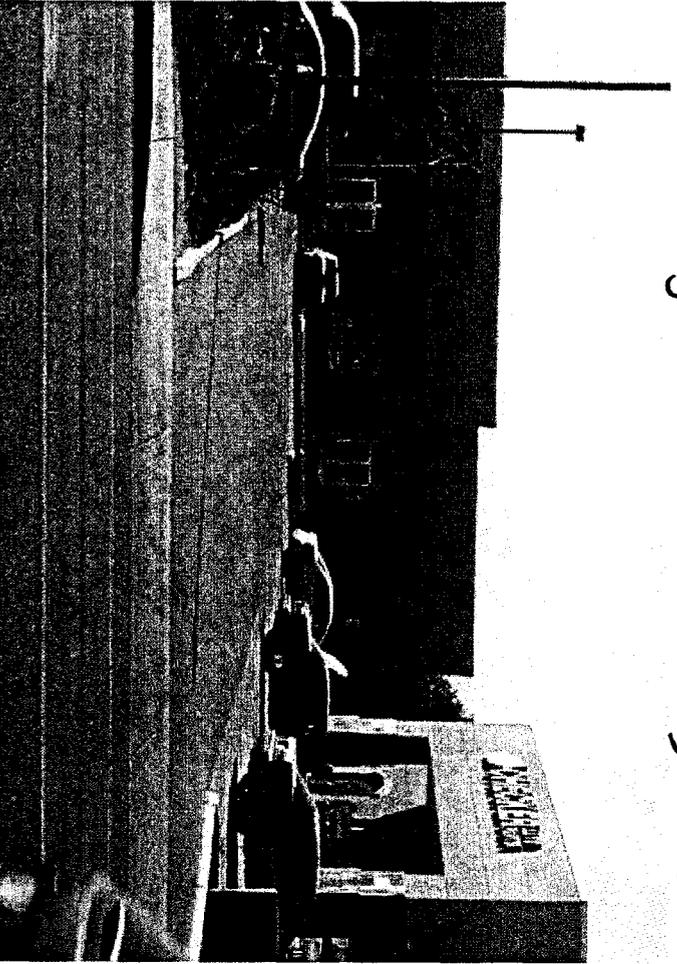
Looking south at area of proposed outdoor cooking



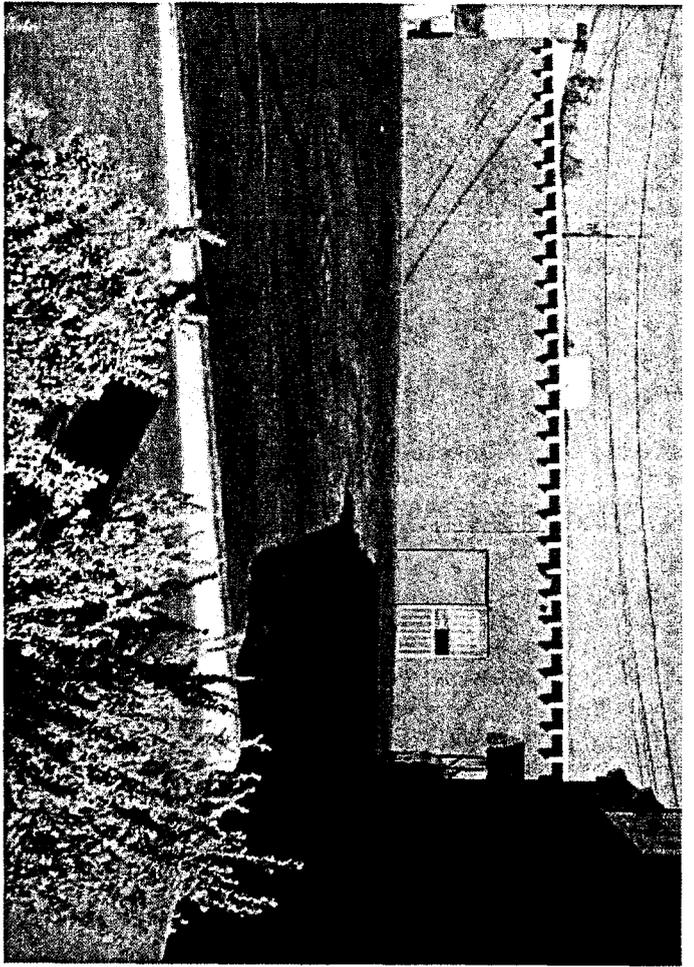
Another view of outdoor cooking area



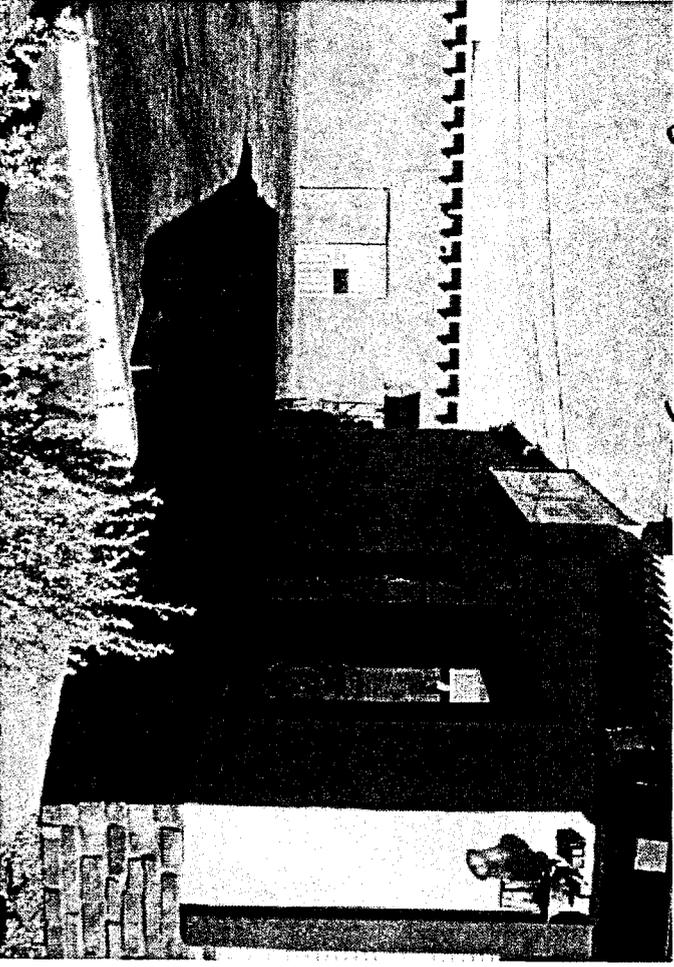
Another angle of outside cooking area



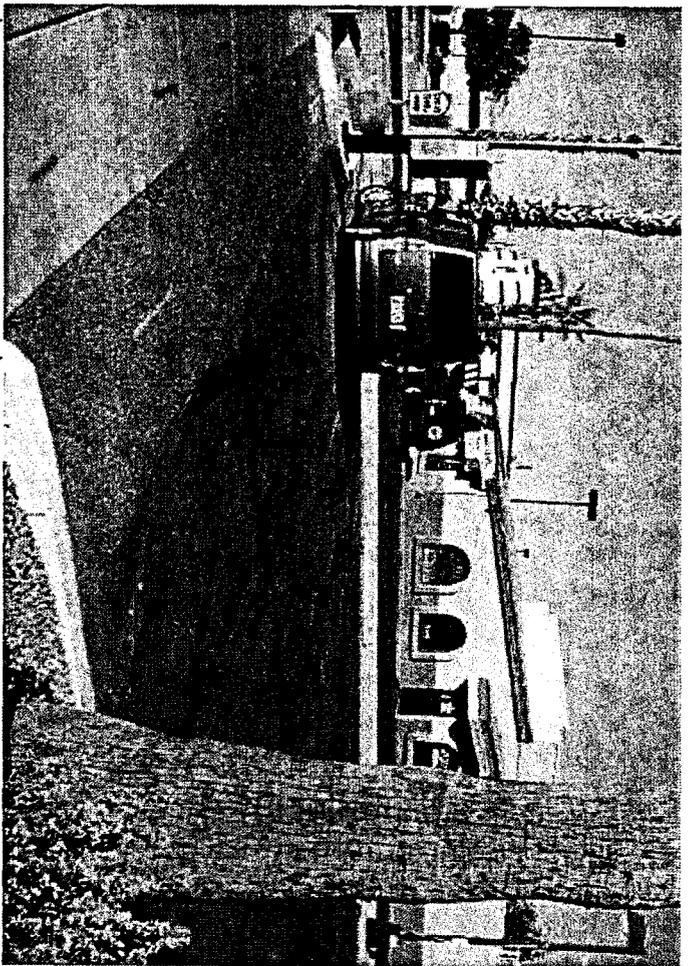
Looking west from Moreno's at potential overflow parking area



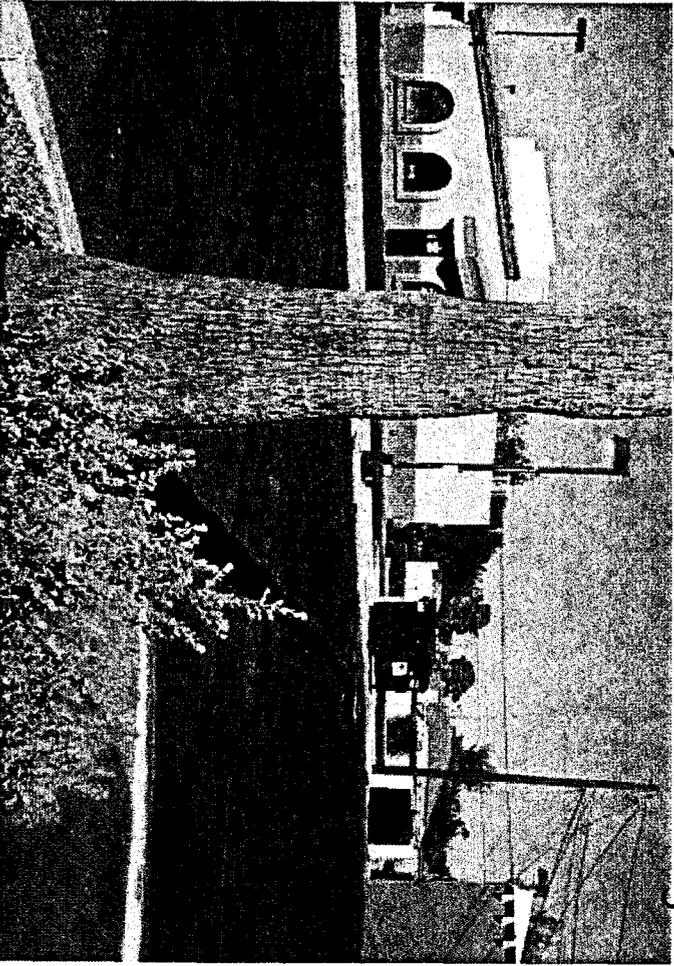
Looking across parking area toward the east



Looking at restaurant entrance from wooded cooking area (outdoor)



Looking north, adjacent to outdoor cooking area



Looking northeast from proposed outdoor cooking area