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Chandler · Arizona
Where Values Make The Difference

MEMORANDUM Planning and Development – CC Memo No. 08-221

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: UP08-0057 FOOD CITY OUTDOOR GRILLING

Request: Use Permit approval to continue conducting 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 continue conducting outdoor grilling adjacent to an existing grocery store. 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 site received approval for outdoor grilling in November 2007 for one (1) year after several months as an occasional use under special events permits. The application requests that outdoor grilling continue to be permitted in a similar manner four days per week: Friday, Saturday, Sunday, and Monday.

The proposed grilling takes place within a temporarily fenced-off area north of the main grocery store entrance, a change from the existing Use Permit that specifies the grilling occur south of the entrance near the outdoor patio. The new location continues to allow sufficient pedestrian circulation by leaving a 5'-6" pathway and not encroaching into the main entrance area, while

reducing any smoke in the patio dining area south of the grocery store. The grilling follows all state and local regulations. 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 has proven to be a benefit to the center without significant detriment to pedestrian circulation, parking supply, or neighboring businesses.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on November 20, 2008 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: 7 Opposed: 0

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 UP08-0057 FOOD CITY OUTDOOR GRILLING subject to the following conditions:

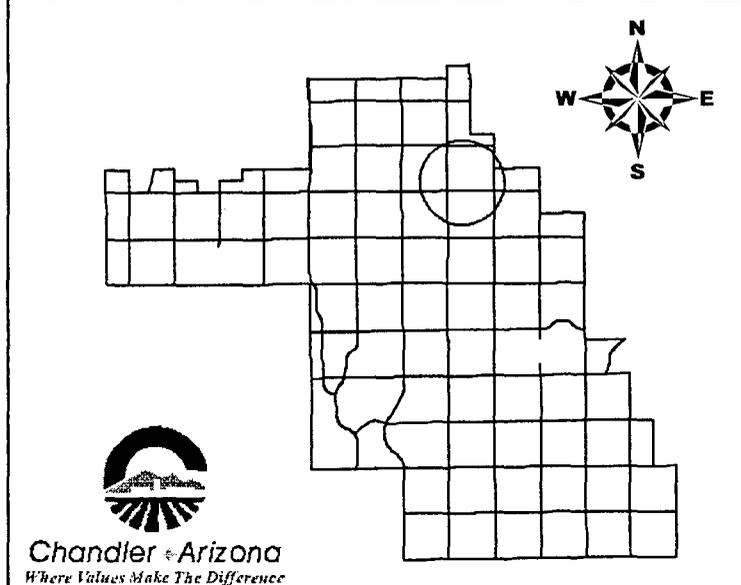
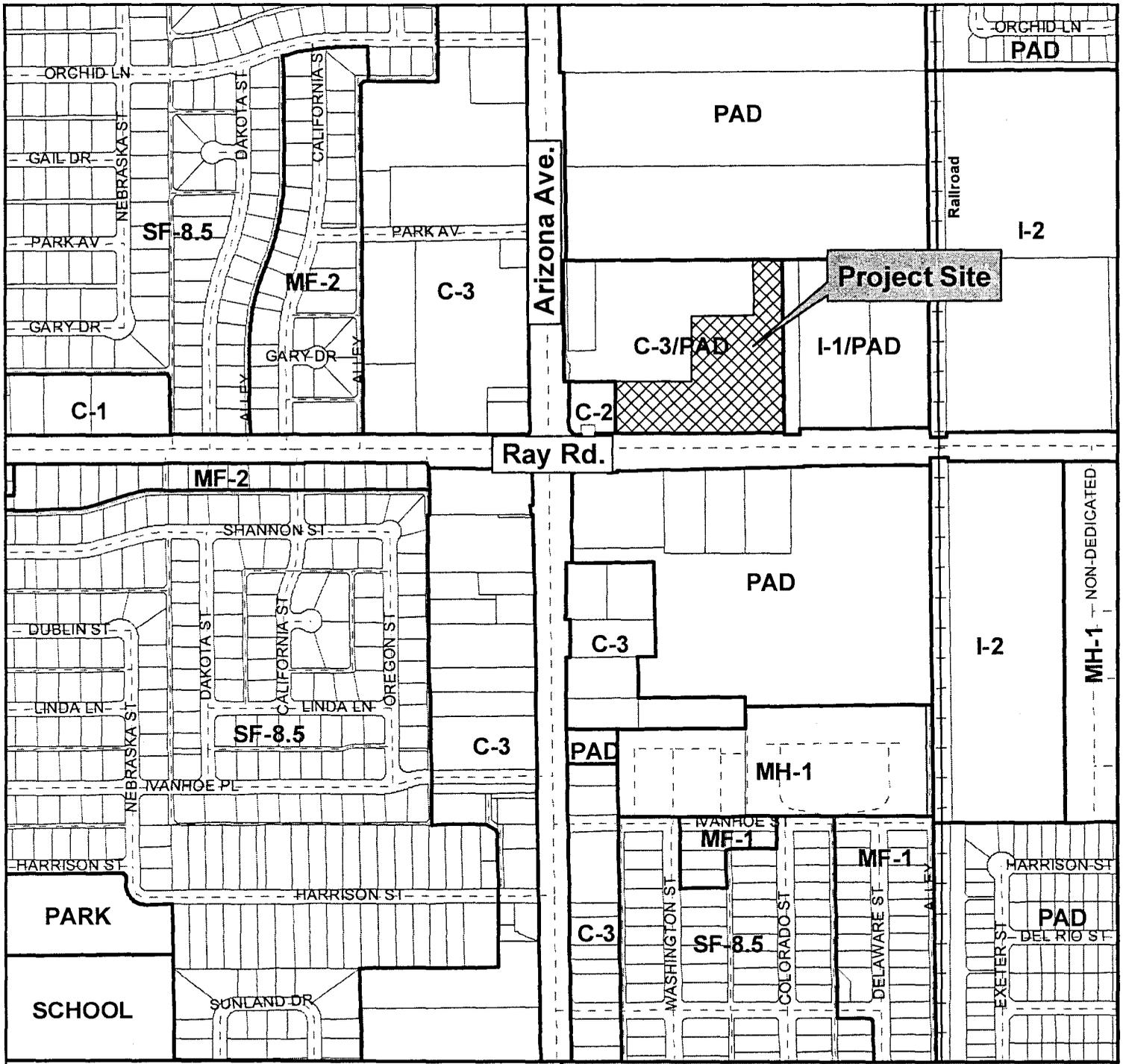
1. Substantial conformance with approved exhibits (Site Plan, Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. The outdoor grilling area shall be maintained in a clean and orderly manner.

PROPOSED MOTION

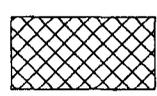
Move to approve UP08-0057 FOOD CITY OUTDOOR GRILLING Use Permit for outdoor grilling subject to the conditions recommended by Planning Commission and Staff.

Attachments

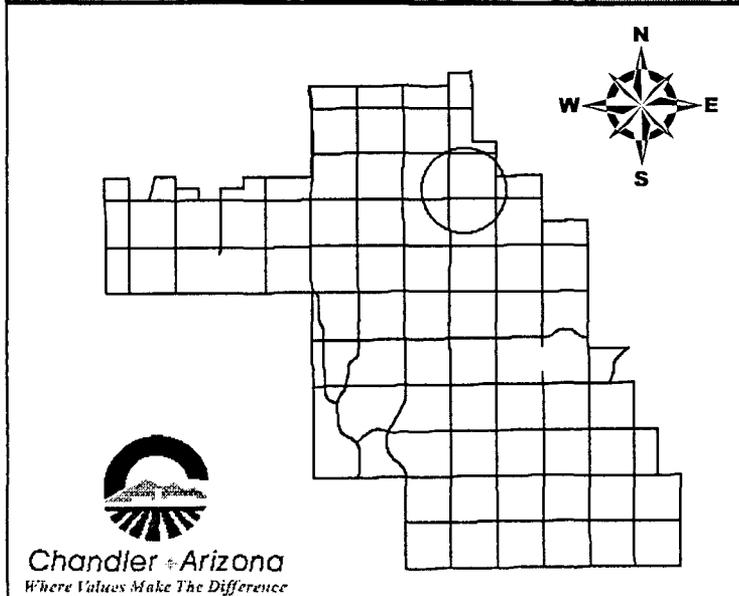
1. Vicinity Map
2. Site Plan
3. Applicant Narrative
4. Photos



Vicinity Map



UP08-0057
Food City #26



Vicinity Map



UP08-0057

Food City #26

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 continue conducting outdoor grilling activities at the Site. The City of Chandler's City Council approved a 1-year use permit for the same use on November 8, 2007. 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. Bashas' is unaware of any complaints concerning their outdoor grilling activities.

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, this request is for a Use Permit 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 of roasting chilies. The chilies will be grilled outside by Food City employees with valid food safety permits. After the chilies have been grilled, they will be weighed and packaged. Customers will be able to purchase the chilies inside the store or in the outside, under roof dining area.

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 3 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 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 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 4 is a copy of the proposed fencing. There will be no chain link fence, cattle-pen metal cages, plain wood boards, etc. The fencing is substantial enough that it will not break or get knocked over easily. The fencing used will be both attractive and safe to Food City patrons and passers-by. The 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 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 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 continuing to make this a safe and enjoyable experience for both Bashas' and the community of Chandler. We request your approval.

Bashas' Inc.

