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Where Values Make The Difference

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APR 21 2010

MEMORANDUM **Planning and Development – PZ Memo No. 10-042**

DATE: APRIL 8, 2010

TO: PLANNING AND ZONING COMMISSION

THRU: PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: JASON CRAMPTON, CITY PLANNER *JC*

SUBJECT: ZUP10-0002 MORENO'S MEXICAN GRILL

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

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

Applicant: Jose Angel Moreno, Moreno's Mexican Grill

RECOMMENDATION

The request is for a Use Permit to continue using a food cart adjacent to an existing restaurant. Staff recommends approval subject to conditions.

BACKGROUND

The subject site is adjacent to the Moreno's Mexican Grill restaurant at 601 N. Arizona Avenue. The site received approval for outdoor grilling in November 2008 for one (1) year. The application requests that outdoor grilling continue to be permitted in a similar manner.

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 vacant Tortas El Guero building to the north that received approval for outdoor cooking in October 2008.

The proposed food cart is set up outside daily from approximately 6 p.m. to 11 p.m., with occasional service during earlier hours. The 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 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 applicants have worked with and will continue to work with Maricopa County to ensure that all food safety regulations are followed.

The site provides 12 parking spaces compared to a code requirement of approximately 13 spaces. The food cart area adds approximately one space to the parking requirement.

DISCUSSION

Staff finds 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 has had a negligible effect on the parking situation. Over the past year, the food cart use has proven to benefit the restaurant without significant detriment to pedestrian circulation, parking supply, or neighboring homes or businesses. Additionally, the food cart adds vitality to 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 March 29, 2010 at the subject site. No citizens attended.
- One neighbor has contacted Staff with opinions about the request. This neighbor expressed *concern about potential negative health effects associated with outdoor food preparation/ service such as wind and dust contaminating the food.*

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommends approval of ZUP10-0002 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 food cart area shall be maintained in a clean and orderly manner.

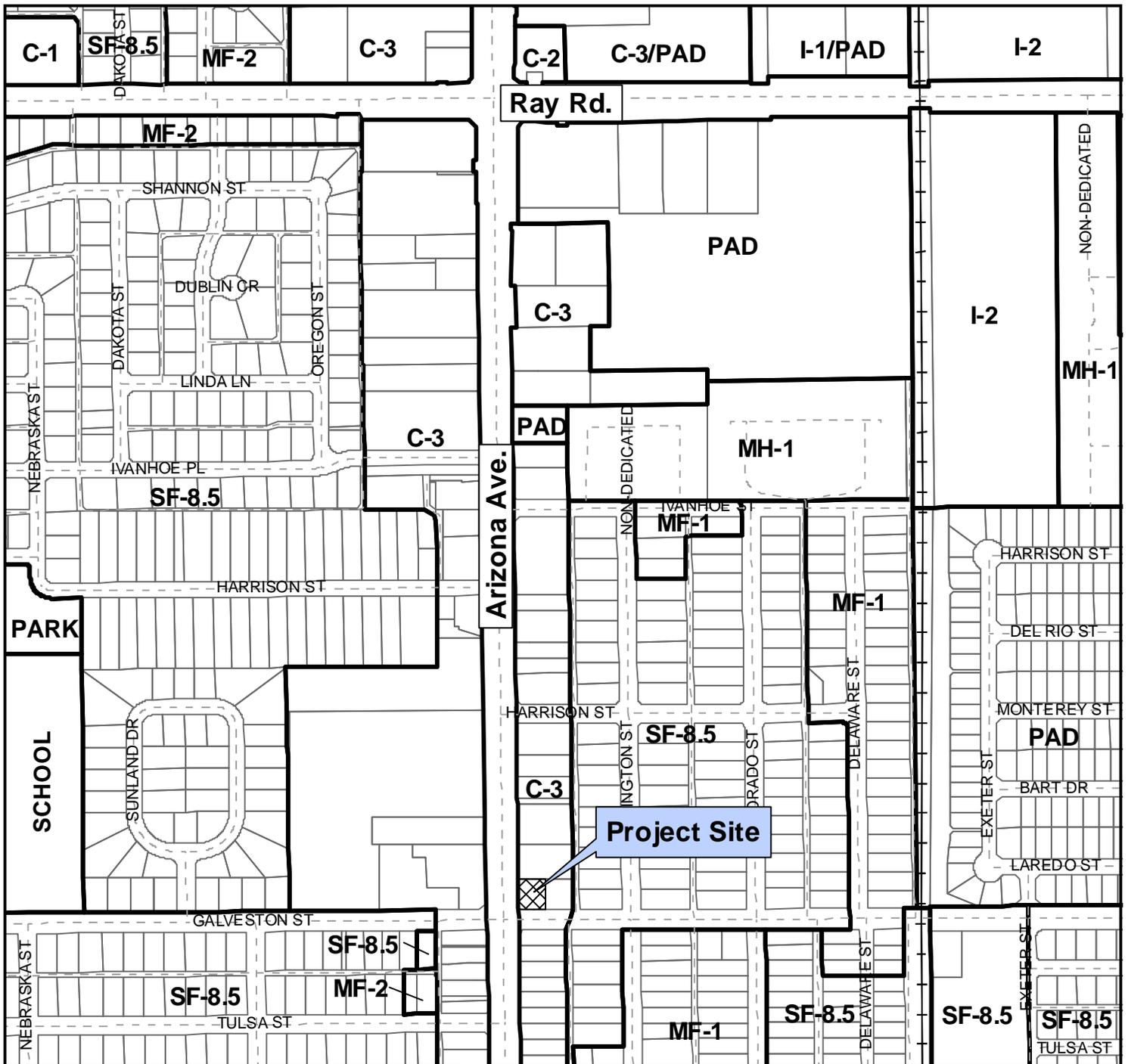
5. Neither the food cart operation nor customer queuing shall encroach onto the sidewalk.
6. Parking of business vehicles across multiple spaces is prohibited.

PROPOSED MOTION

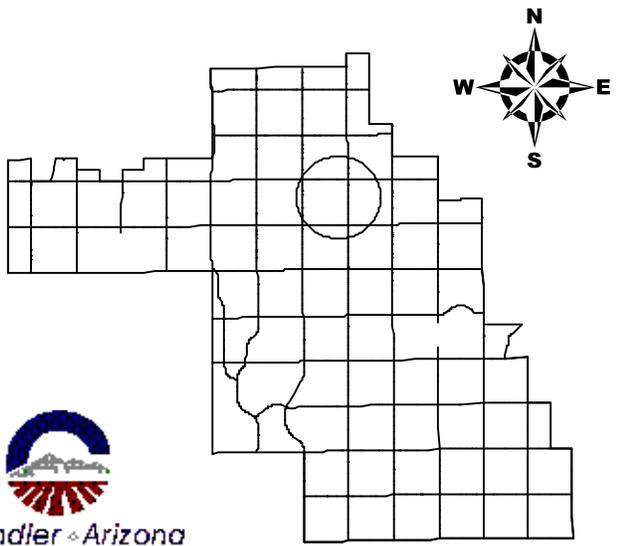
Move to recommend approval of ZUP10-0002 MORENO'S MEXICAN GRILL Use Permit for a food cart adjacent to a restaurant subject to the conditions recommended by Staff.

Attachments

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



Vicinity Map



ZUP10-0002

Moreno's Mexican Grill

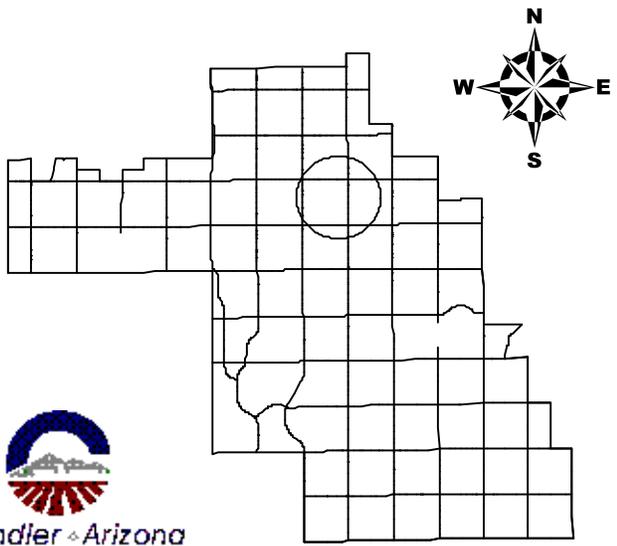


Ray Rd.

Arizona Ave.

Project Site

Vicinity Map

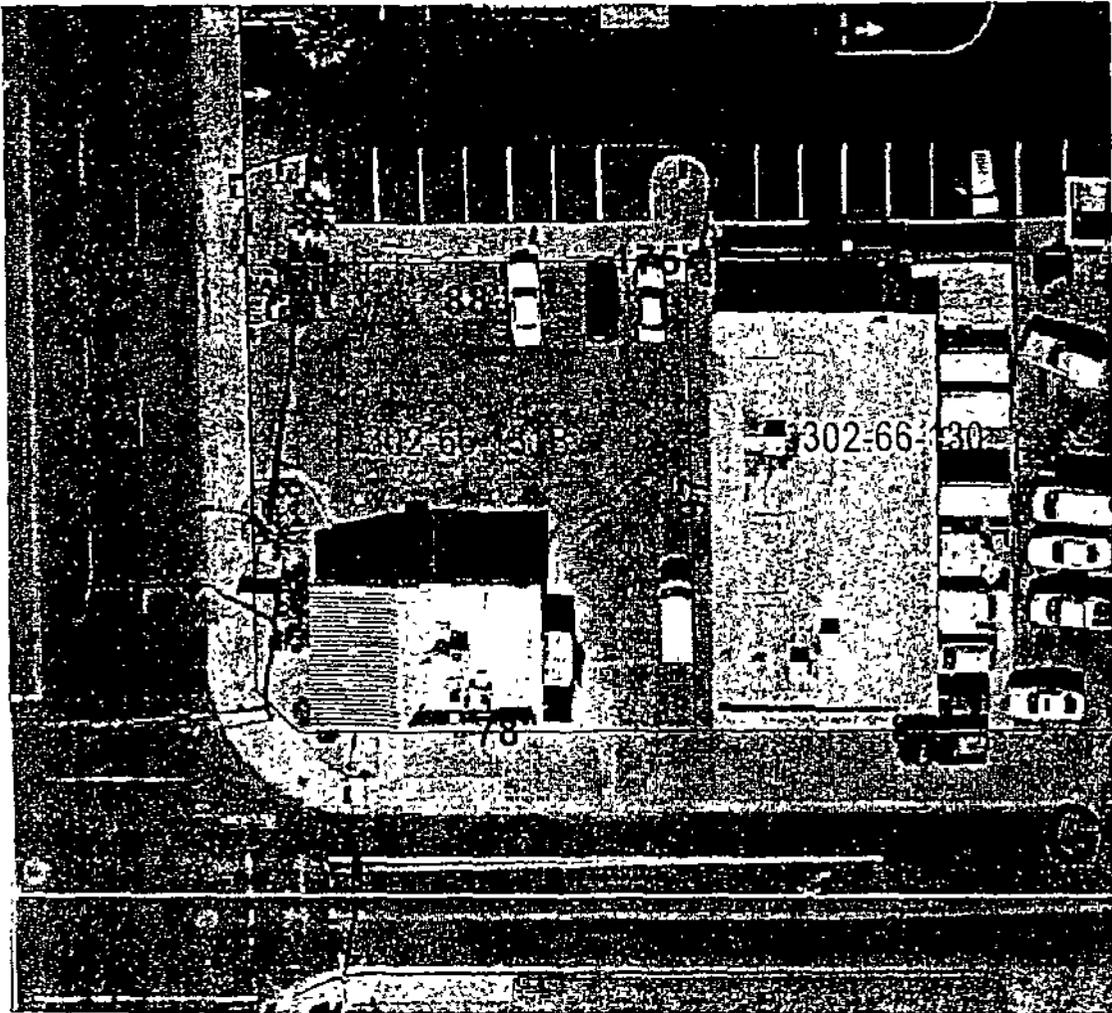


ZUP10-0002

Moreno's Mexican Grill

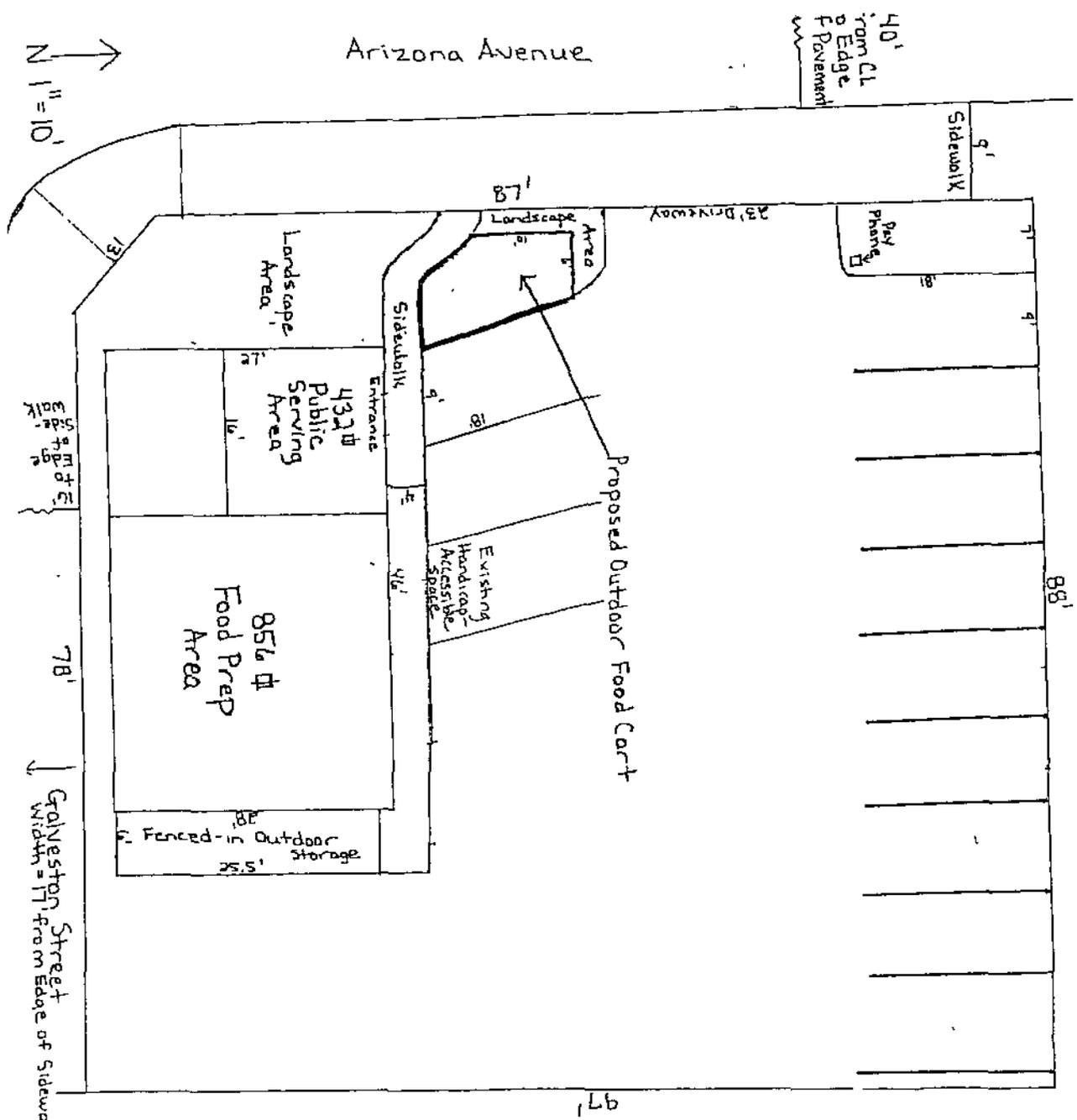
Moreno's Mexican Grill

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



**Request for Use Permit
To Allow for Outdoor Cooking**

Prepared for:
Moreno's Mexican Grill
801 N. Arizona Avenue
Chandler, AZ 85224

Site Summary

- Net Acreage: 0.19
- Gross Building Area: 1,441 square feet
- Proposed Outdoor Dining Area: 130 square feet ±
- Lot Coverage: 17%
- Parking Required: 1 space per 50 square feet of public serving area and 1 space per 200 square feet of food preparation area = 12 1/3 spaces
- Parking Proposed: 13 spaces

Introduction

This request is to renew a permit for Moreno's Mexican Grill to have outdoor cooking cart on an approximate 130 square foot area located northwest of the restaurant entrance. Specifically, to sell hot dogs and tacos using portable cooking equipment in this area. The outdoor location consists of an uncovered patio space surfaced with red brick pavers. The 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 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 13 parking spaces on the site , one of which is reserved as handicap-accessible spaces. There was no need for additional parking in the last year, however we have made arrangements with adjacent businesses to allow us to use their parking areas if necessary.

Hours of Operation/Days per week

Moreno's Mexican Grill is currently open from 9:00 am - 11:00pm daily; however, the outdoor food preparation typically occurs in the evenings after 6 pm. Yet, we would like the ability to operate the outdoor food preparation area during regular operating hours of business for flexibility.

Number of Employees

There is only one employee managing the outdoor food preparation cart and this person is already part of our staff.

Landscaping

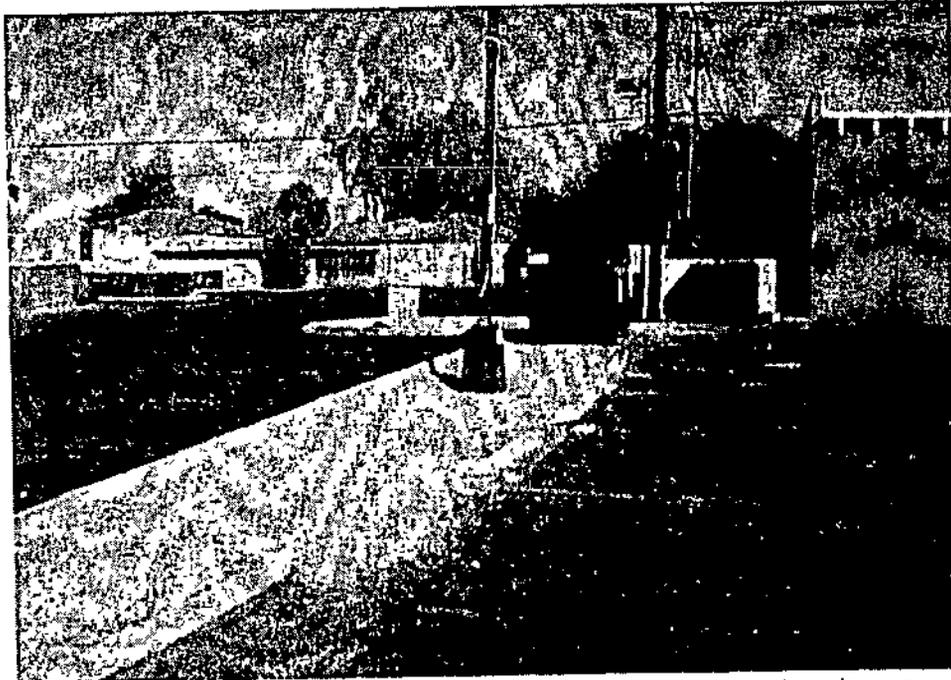
Landscaping will remain the same, no changes are proposed. The proposed outdoor food preparation area is landscaped on its northern and western side by existing trees and shrubs, providing a subtle screening from the street.

Entertainment

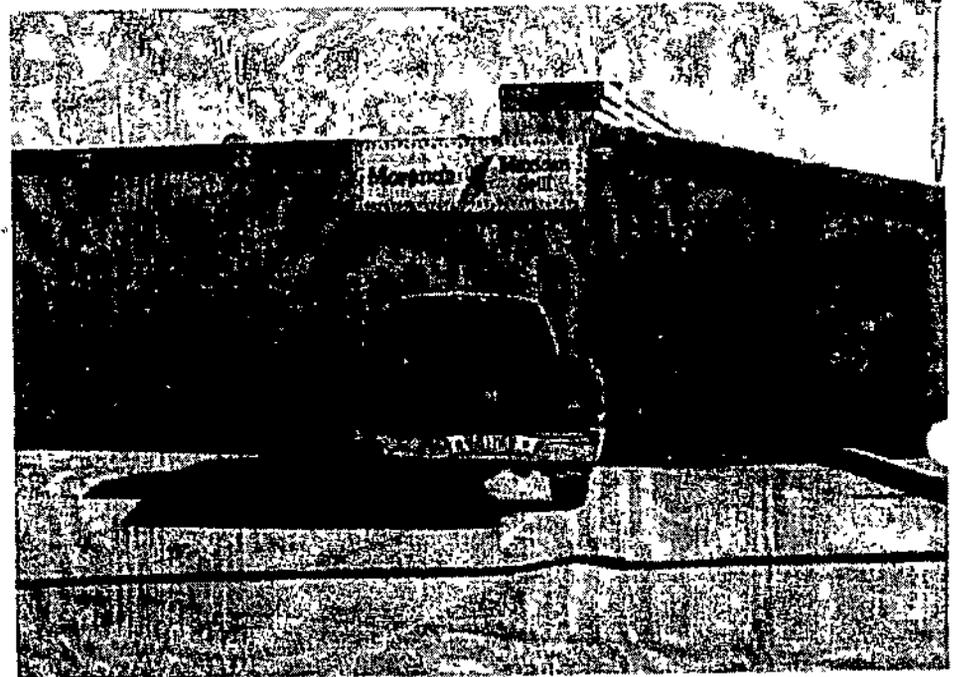
There is no outdoor entertainment proposed with this Use Permit.

Impact on Subject and Adjacent Properties

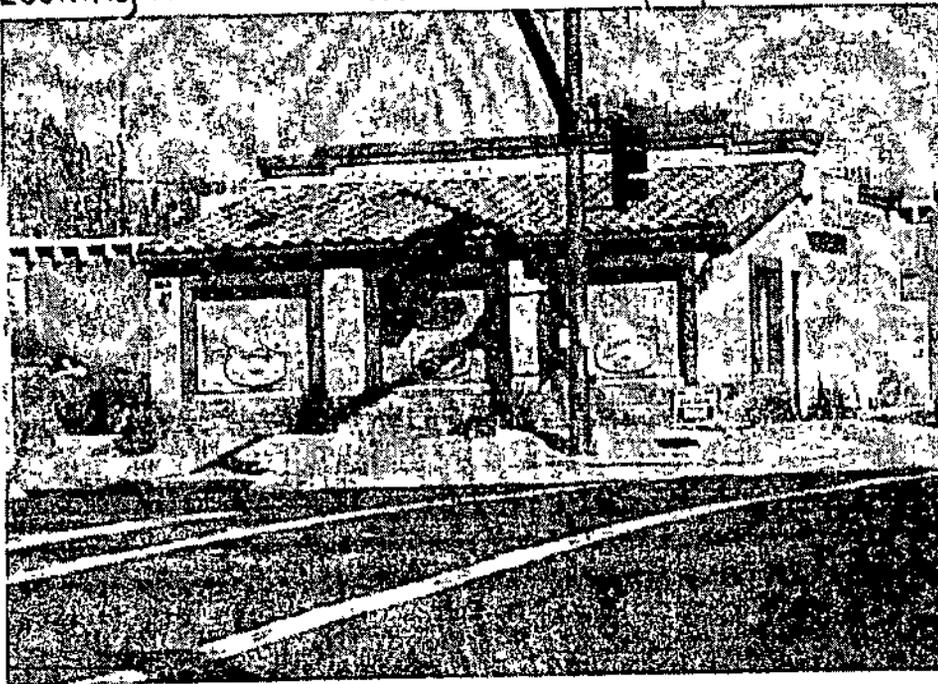
Fortunately there was no negative impact over the last year, to residents or adjacent properties. Traffic was not affected and no complaints were ever received.



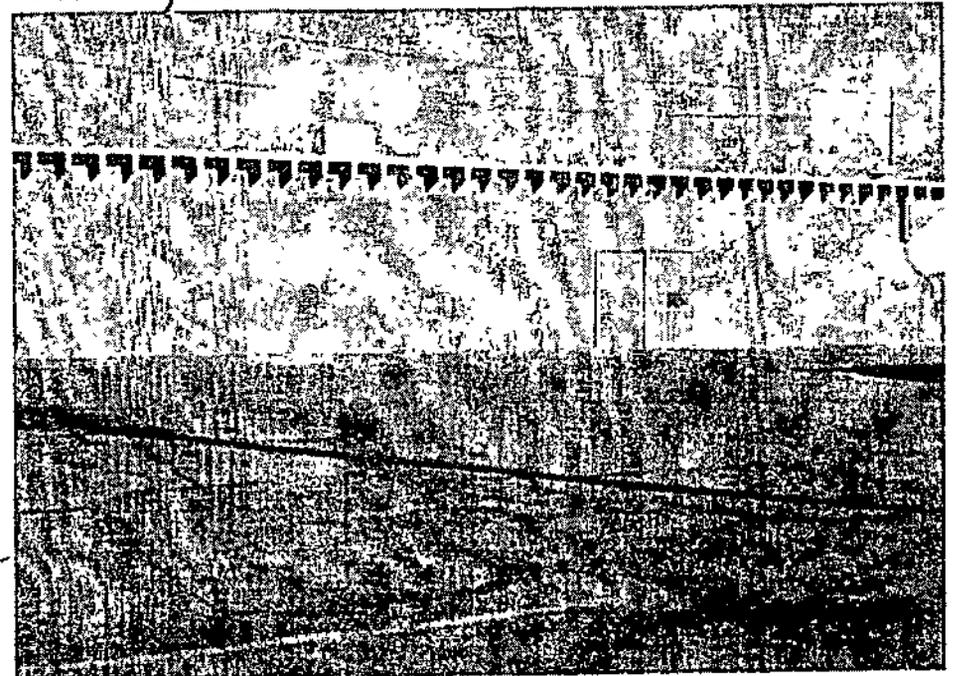
Looking northeast from northern property line



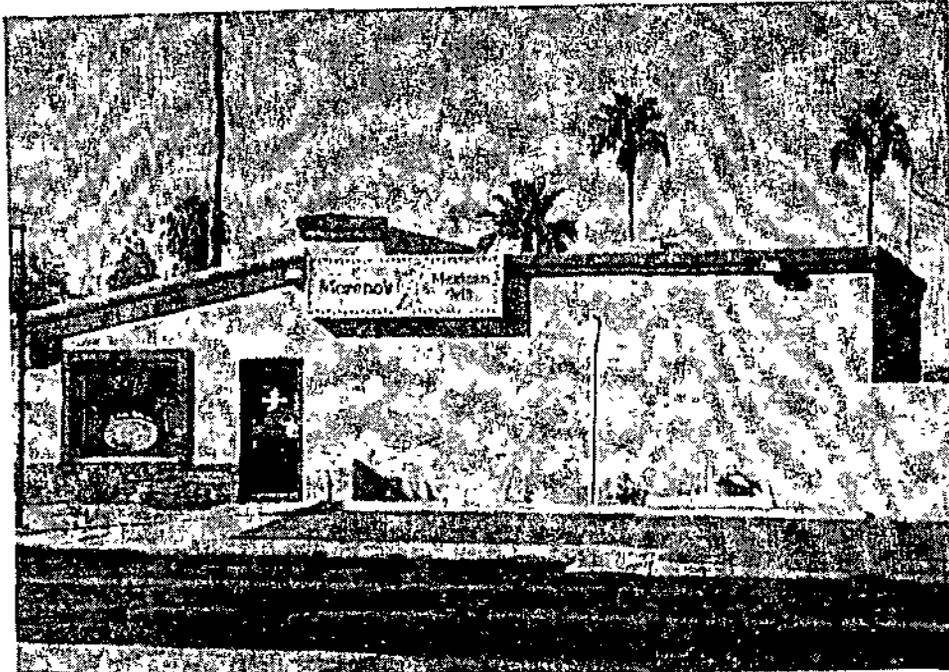
Looking south at Moreno's



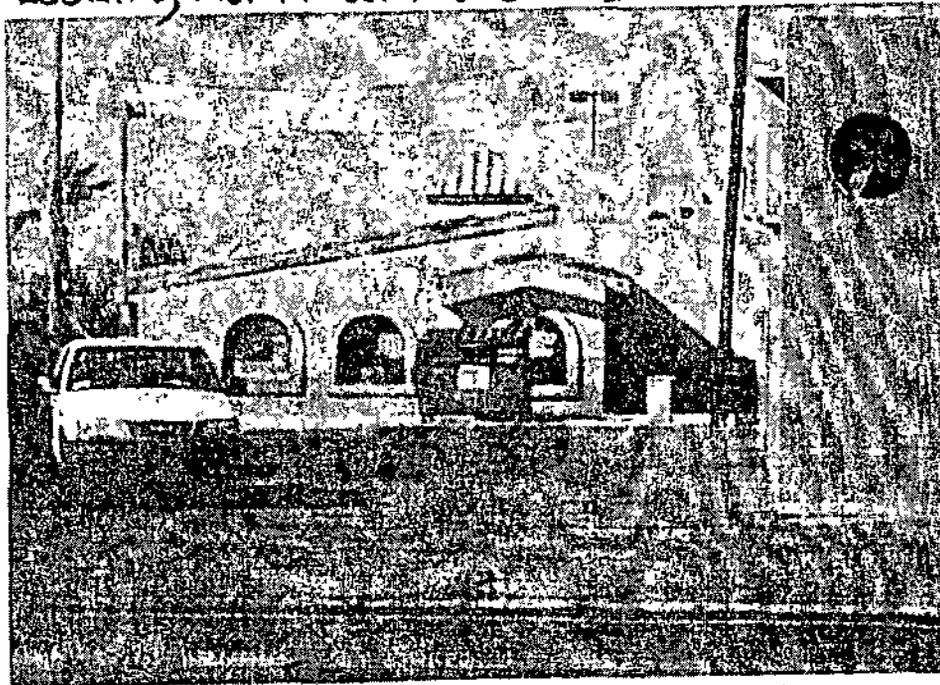
Looking east at Moreno's from Arz. Avenue
and Cienfuegos Street intersection.



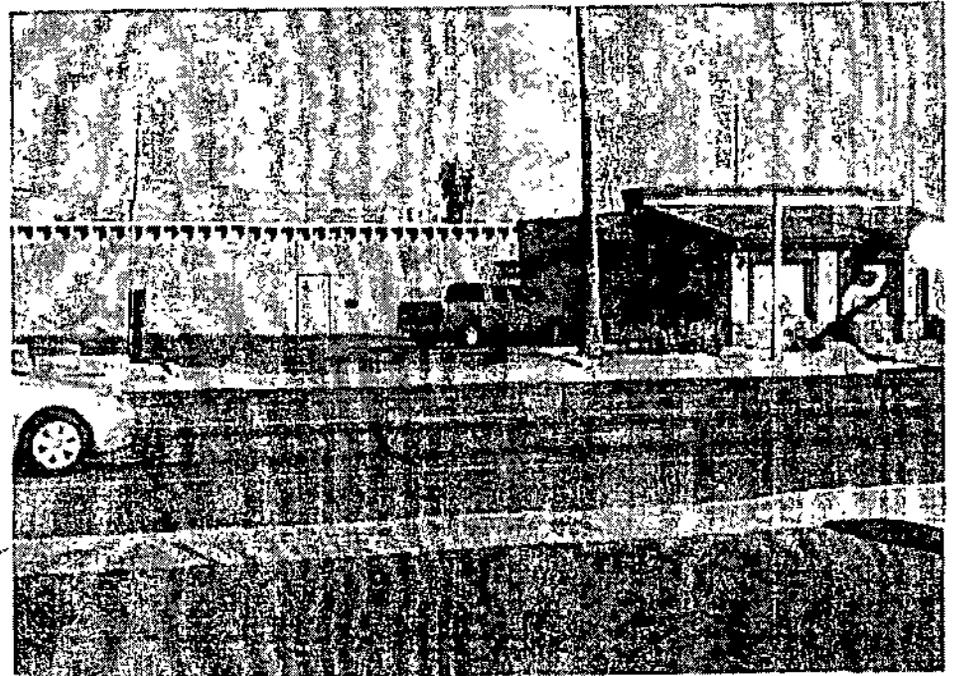
Looking east across parking area



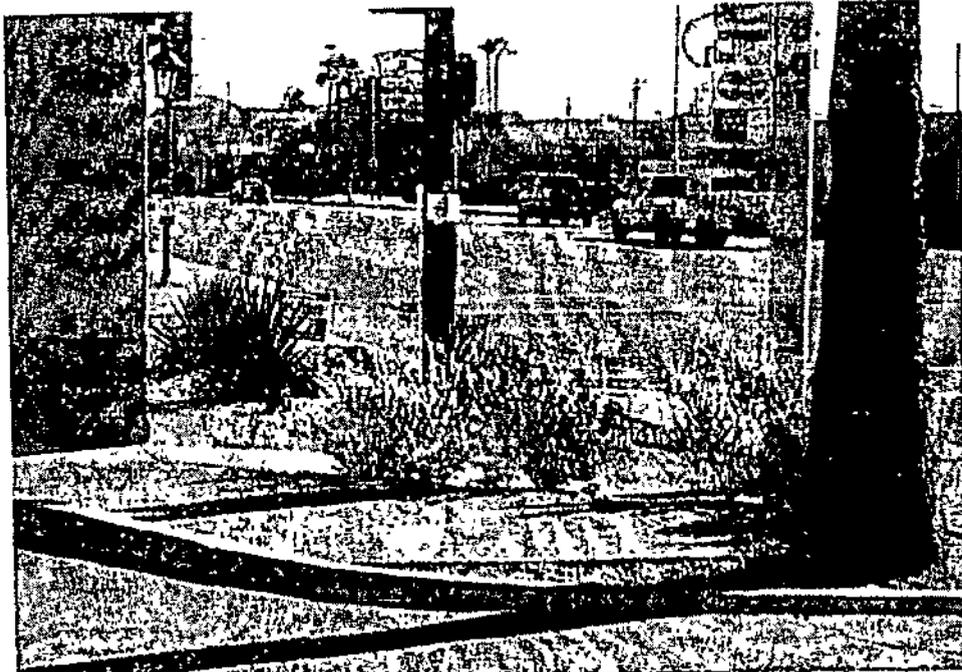
Looking north at Moreno's



Looking north at rear parking and access



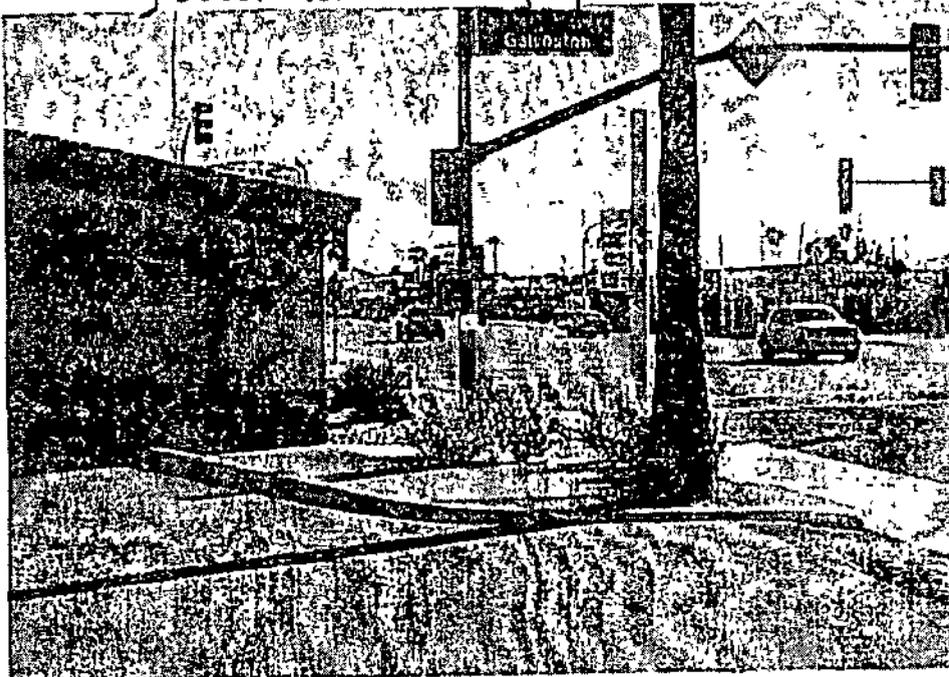
Another view of subject property from



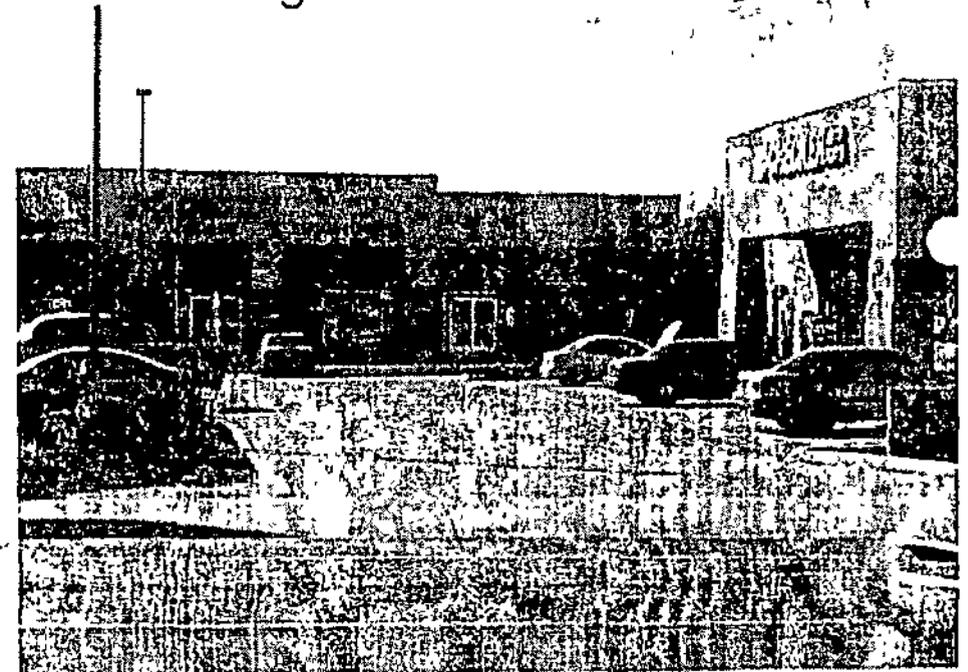
Looking south at area of proposed outdoor cooking



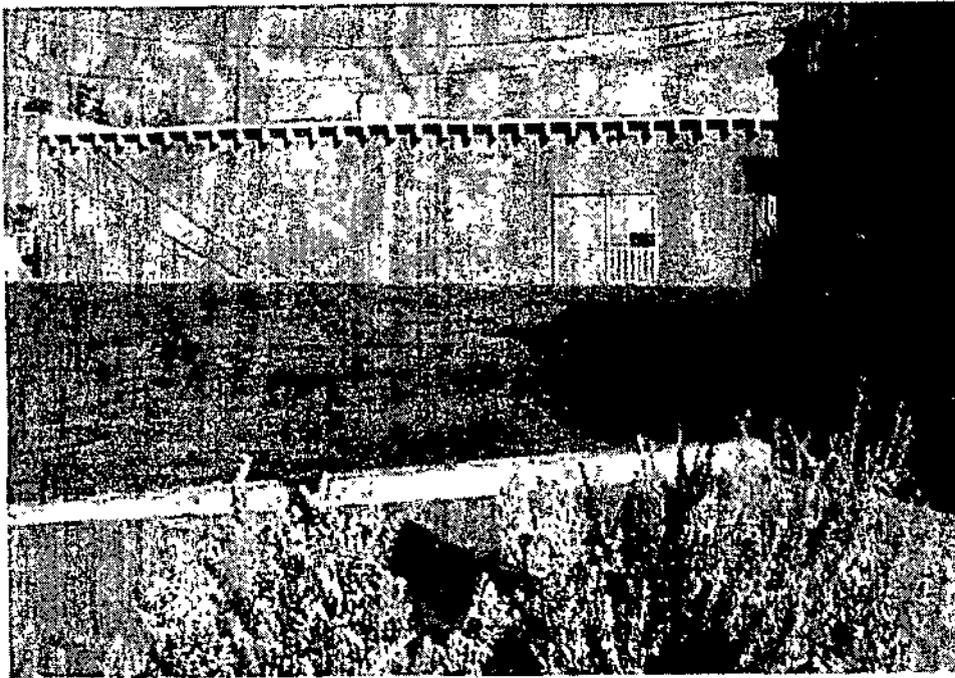
Another angle of outside cooking area



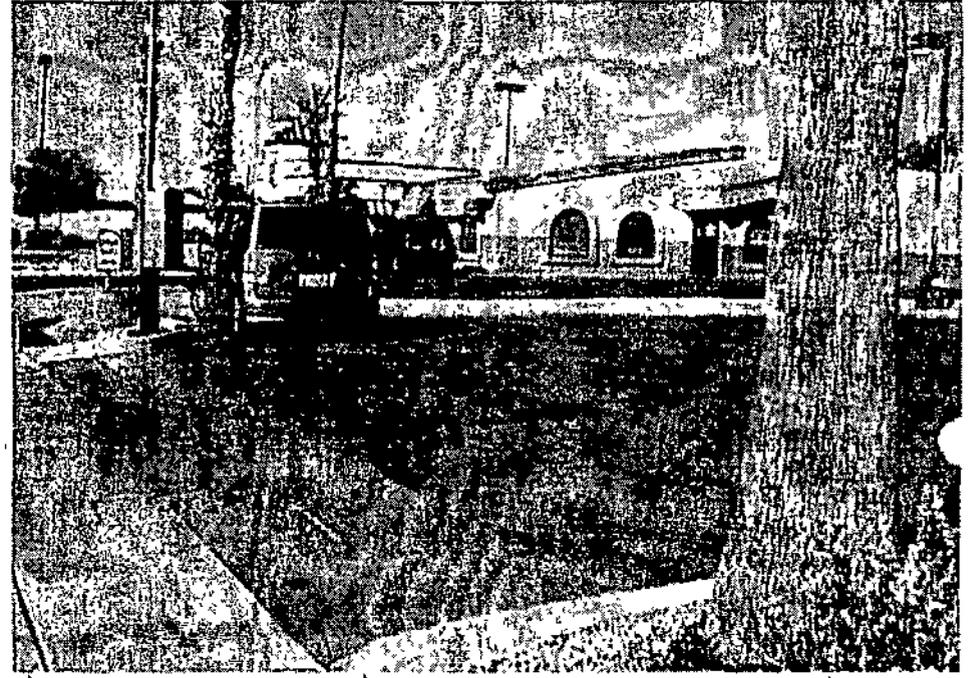
Another view of outdoor cooking area



Looking west from Moreno's at potential
smoking area



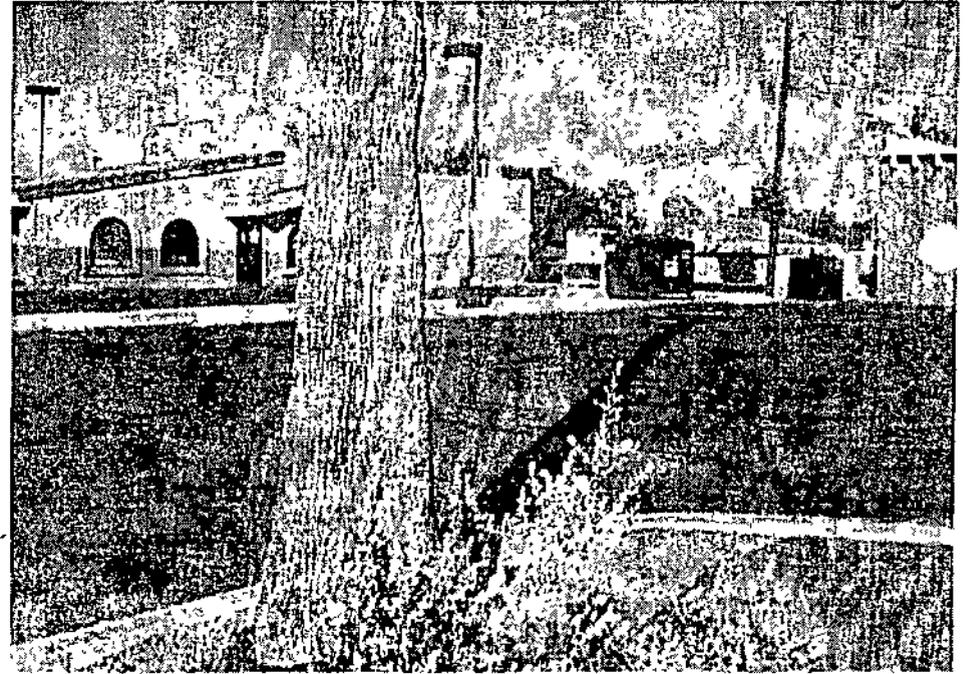
Looking across parking area toward the east



Looking north, adjacent to outdoor cooking area



Looking at restaurant entrance from



Looking northeast from proposed outdoor