



Chandler · Arizona
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MAR 16 2011



MEMORANDUM Transportation & Development - PZ Memo No. 11-011b

DATE: MARCH 10, 2011

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
 JEFF KURTZ, PLANNING ADMINISTRATOR
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: ERIK SWANSON, CITY PLANNER *ES*

SUBJECT: LUP10-0041 LA PARRILLA GARDEN RESTAURANT

Request: Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) liquor license for on-premise consumption only

Location: 474 W. Ray Road,
 East of the northeast corner of Ray Road and Iowa Street

Applicant: Irene Ramos, Owner

The request was withdrawn from the February 16, 2011 Planning Commission hearing for the purpose of re-advertising the request due to a misunderstanding with the request.

RECOMMENDATION

The request is for Use Permit approval to sell liquor as permitted under a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing and expanding restaurant. Staff, upon finding consistency with the General Plan and Neighborhood Commercial (C-1) zoning, recommends approval with conditions.

BACKGROUND

The subject site is located east of the northeast corner of Ray Road and Iowa Street, approximately 1/3 of a mile west of Arizona Avenue. The restaurant currently occupies a single suite; however, the restaurant is currently expanding into the adjacent suite. The subject site is part of a larger 7,400 square foot inline shops space that includes a small grocery mart to the east, and hair salon to the west. West of the inline shops space is a convenience store; east of the center is a Sonic drive-thru. North of the commercial center is the Thunderbird Estates single-family residential neighborhood.

The restaurant is roughly 1,200 square feet; the proposed expansion is an additional 1,200. The restaurant does not currently serve alcohol and requests the ability to sell alcohol in both the existing and expanded areas. The existing portion includes eight tables and seating for 32 patrons. The expansion area will include an additional seven tables and bar area with seating for eight patrons.

The business is proposing to be open Sunday through Wednesday from 9 a.m. to 11 p.m. and Thursday through Saturday from 9 a.m. to 2 a.m., assuming approval of the liquor Use Permit. In addition to the sale of alcohol, the restaurant is also proposing to have live music with all events taking place indoors. The live music area is located at the front of the expanded suite, furthest away from residential homes (see attached floor plan). Historically, Staff has added a timing condition when live music/entertainment is requested to monitor potential concerns; Staff added condition no. 2 addressing the time condition.

A Series 12 Restaurant License allows the on-site sale of beer, wine, and spirits for on-site consumption only. The establishment must derive at least 40 percent of its gross revenue from the sale of food and non-alcoholic beverages.

DISCUSSION

A number of questions were raised during the Planning Commission Study Session including: whether or not there was an existing Use Permit for liquor sales; locations of liquor sales areas in the vicinity; and, notification of the surrounding area. Staff has verified that there was a previous liquor Use Permit approved for the subject site (not including the proposed expansion area); however, in 2001 the liquor license was withdrawn from the State, and as such, is null and void.

In the general vicinity of the subject site there is a small convenience store directly west of the inline shops space in which the subject suite is a portion of. The store operates with a Series 10 liquor license, allowing for the sale of beer and wine. The closest Use Permits beyond the convenience store are located at the major intersections of Arizona Avenue and Ray Road and Alma School and Ray Roads. The liquor licenses include Series 12 (Restaurant), Series 10 (Beer and Wine), Series 9 (Liquor Store), and Series 6 (Bar) licenses.

There is a church approximately 450 feet west of the subject site with three additional churches located ½ mile from the subject site. Northwest, 1,200 feet from the site, is an elementary school. There are two schools and a church approximately 1,700 feet south of the site. Due to the liquor license being a Series 12 the State does not require a separation between the subject site and religious establishments.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- Notices were mailed to all property owners within a six hundred foot radius and all Registered Neighborhood Organizations (RNOs) within ¼ mile.
- A neighborhood meeting was held on Tuesday, January 18, 2011. No neighbors were in attendance.

At the time of this writing, Staff has received two telephone calls from residents relating to this application. The first resident had no concerns with the request. The second resident had general concerns with alcohol in the area, and general upkeep of the surrounding area. As a follow-up to the second caller's concerns, an inspector visited the area to check for code violations; no violations were found. As a follow-up to the 2/16 Planning Commission meeting, Staff informed the concerned resident that the hearing date has been moved to the 3/16 Planning Commission meeting.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of LUP10-0041 LA PARRILLA GARDEN RESTAURANT, subject to the following conditions:

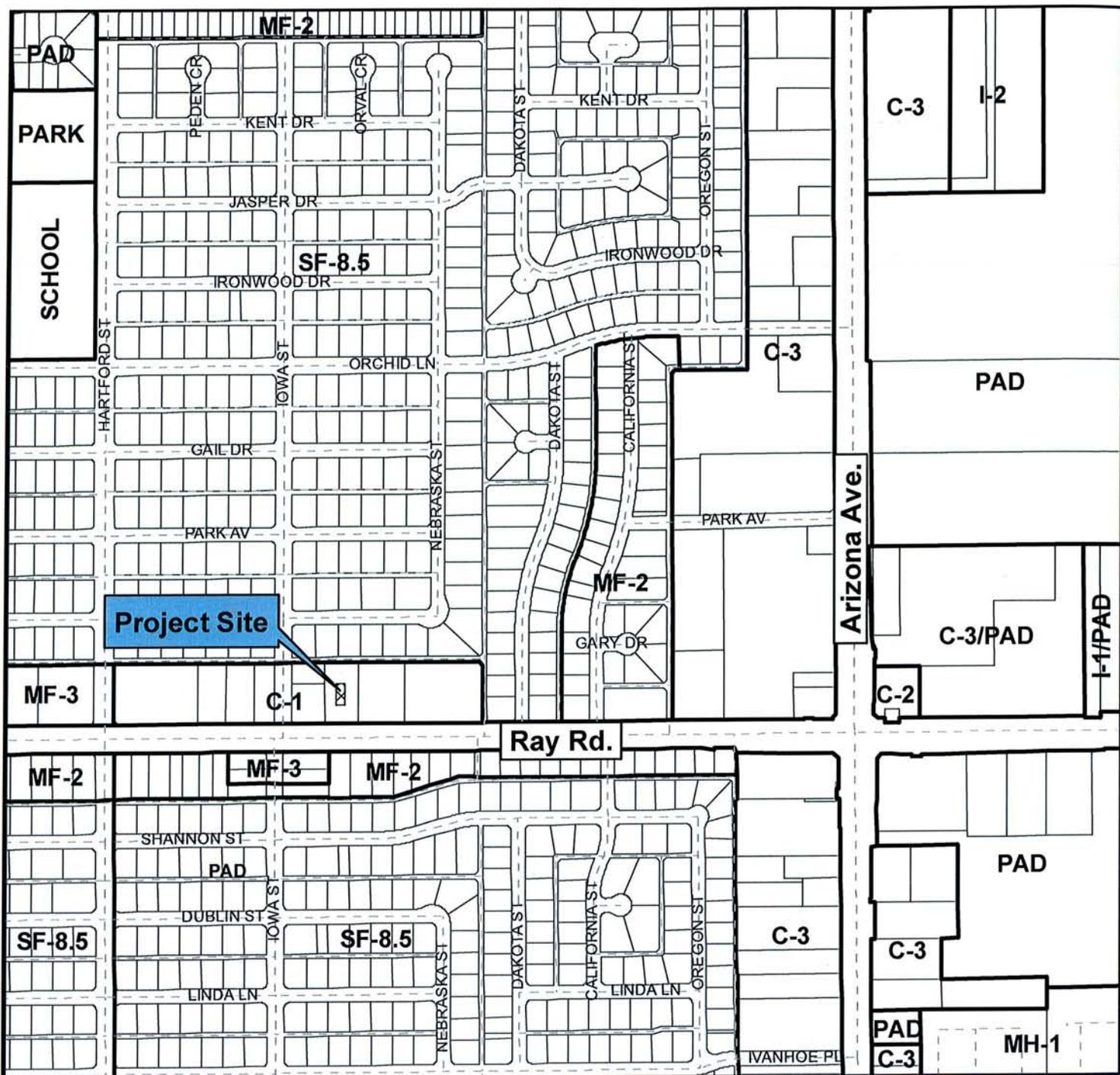
1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan and Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

PROPOSED MOTION

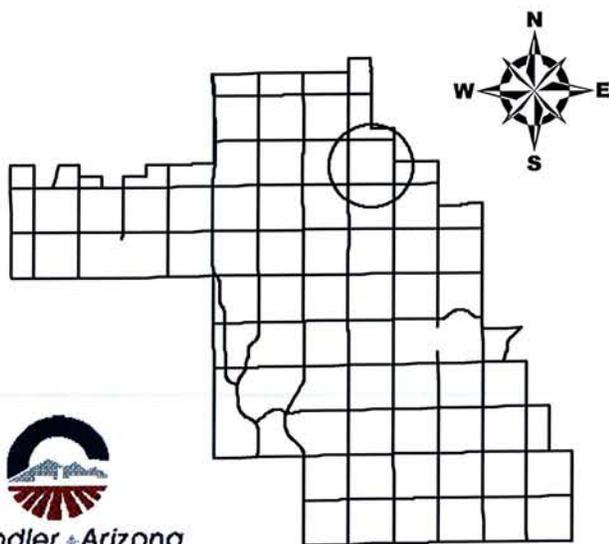
Motion to recommend approval of LUP10-0041 LA PARRILLA GARDEN RESTAURANT, Use Permit to sell liquor as permitted under a Series 12 liquor license for on-premise consumption only; subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan



Vicinity Map

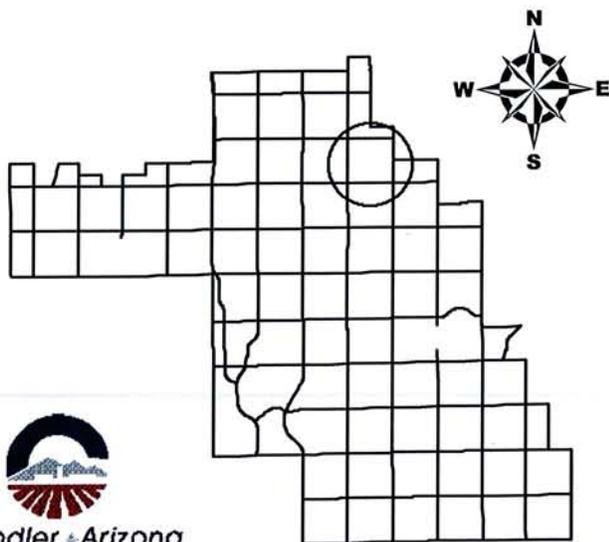


LUP10-0041

**La Parrilla Garden Restaurant
Liquor Use Permit**

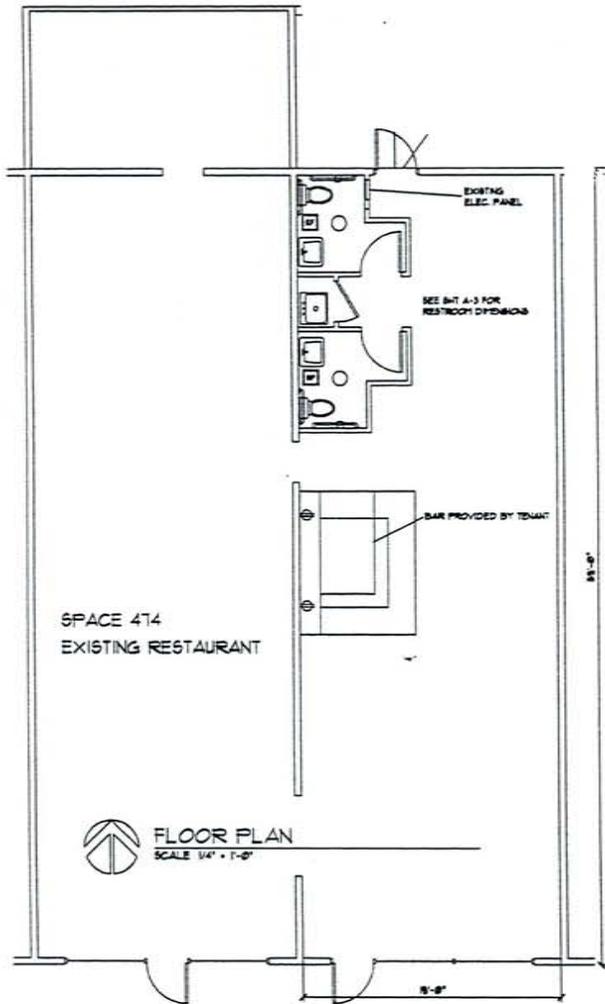


Vicinity Map



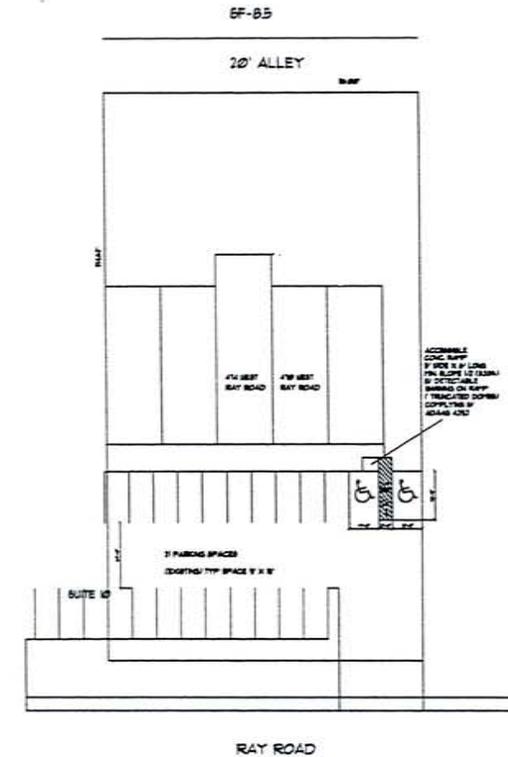
LUP10-0041

**La Parrilla Garden Restaurant
Liquor Use Permit**



CODES

2006 INTERNATIONAL BUILDING CODE
 2006 INTERNATIONAL RESIDENTIAL CODE
 2006 INTERNATIONAL MECHANICAL CODE
 2006 INTERNATIONAL FIRE CODE
 2009 NATIONAL ELECTRIC CODE
 2006 INTERNATIONAL PLUMBING CODE
 2006 INTERNATIONAL FUEL GAS CODE
 2006 INTERNATIONAL ENERGY CONSERVATION CODE
 AMERICANS WITH DISABILITIES ACT
 ADAAG



PROJECT INFORMATION

APN# 302 44 039 C

PROJECT ADDRESS

CARNITAS MICHIOACAN
 470 WEST RAY ROAD
 CHANDLER, AZ

OWNER

JOHN RASTEGAR
 10913 LE CONTE AVE.
 LOS ANGELES, CA 90024

ARCHITECT

JAMES B. PHILLIPS
 3612 NORTH 8TH AVENUE
 PHOENIX, ARIZONA 85006
 (602) 434 7310

ZONING

C-1

OCCUPANCY

A-2

CONSTRUCTION TYPE

VB

ALLOWABLE AREA

6000 SF

AREA PROVIDED

(1) SF (EXISTING)
 (2) SF ADDITIONAL PROPOSED

OCCUPANT LOAD (OF PROPOSED ADDITION)

1/3 = 14

PLUMBING FIXTURE CALCULATION (BC TABLE 7302)

MALE WC # 1/50 = 1
 FEMALE WC # 1/75 = 1
 MALE LAV. # 1/200 = 1
 FEMALE LAV. # 1/200 = 1
 SERVICE SINK

PROJECT DESCRIPTION

THE TENANT IN THE SPACE AT 474 WEST RAY ROAD (OPERATOR OF THE RESTAURANT 'CARNITAS MICHIOACAN') PROPOSES TO ADD THE SPACE AT 470 WEST RAY ROAD TO THE AREA OF HIS RESTAURANT, AND AN EXTERIOR PATIO.

SHEET INDEX

A-1 SITE PLAN
 A-2 FLOOR PLAN
 A-3 RESTROOM PLAN

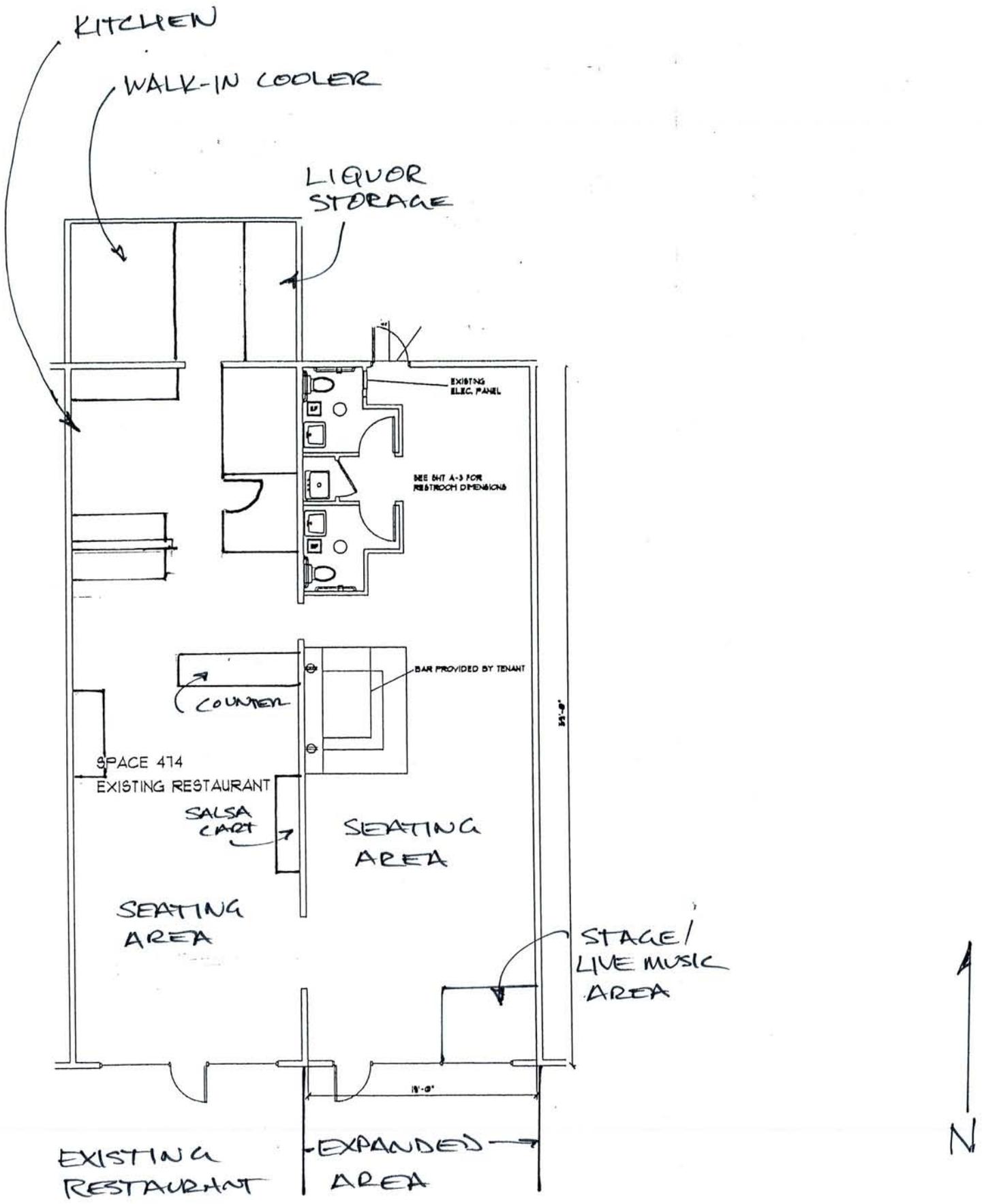


JAMES B. PHILLIPS, ARCHITECT
 3812 NORTH 8TH AVENUE
 PHOENIX, ARIZONA 85006
 TEL: 602.434.7310

La Parrilla Garden
CARNITAS MICHIOACAN
CHANDLER
RESTAURANT

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A-1



FLOOR PLAN