

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/26/2022
Agenda Item: 4**

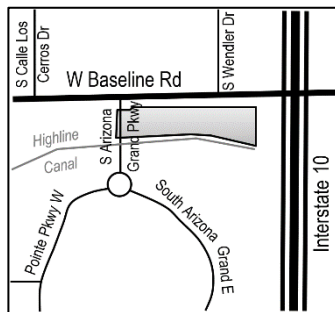
ACTION: Request two (2) Use Permits to allow a bar and entertainment (indoor and outdoor) for AUNT CHILADA'S, located at 2019 West Baseline Road. The applicant is Lewkowicz Law Office, PLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: AUNT CHILADA'S (PL210336) is a Mexican restaurant located on the south side of West Baseline Road between South Arizona Grand Parkway and Interstate 10 in the CSS, Commercial Shopping and Services District. The owner, Arizona Grand Resort, LLC, has reorganized the business and now operates the restaurant in conjunction with the resort, including its use as space for private events. The owner would like to add the restaurant to the resort's series 6 licensed premises to provide a seamless guest experience while reducing operating costs. The license change will not impact the business operations. In addition, the owner would like to ability to allow indoor and outdoor entertainment consisting of but not limited to live bands, DJs, dancing, and karaoke. Entertainment will primarily take place in the courtyard area. The request includes the following:

- ZUP210089 Use Permit to allow a bar (series 6).
- ZUP220037 Use Permit to allow entertainment (indoor and outdoor).



Property Owner	Arizona Grand Resort, LLC
Applicant	Andrea D. Lewkowicz, Lewkowicz Law Office, PLC
Zoning District	CSS
Site Area	218,936 s.f. or 5.02 ac
Building Area	7,686 s.f.
Patio Area	1,624 s.f.
Lot Coverage	4% (50% max. allowed)
Building Height	18'-0" (35' max. allowed)
Building Setbacks	64' front, 282' west street side, 599' east street side, 0' rear (0', 0', 0', 10' min. required)
Vehicle Parking	79 spaces (79 min. required per Adaptive Reuse Program)
Bicycle Parking	0 spaces (10 min. required)
Hours of Operation	11 a.m. to 9 p.m., Wed. through Sun., plus private events
Building Code Occupancy	A-3

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Jeff Tamulevich, Community Development Director
 Legal review by: N/A
 Prepared by: Lee Jimenez, Senior Planner
 Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The business is located between West Baseline Road, the Highline Canal, Interstate 10, and South Arizona Grand Parkway.

PUBLIC INPUT

Staff has not received any public comment to date.

POLICE INPUT

The proposed uses shall require a security plan.

USE PERMIT

The proposed uses require use permits to allow a bar and entertainment in the CSS zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed uses are not expected to significantly increase vehicular or pedestrian traffic. The business will operate just as it has since the late 1980s, only under a different operator and liquor license. Entertainment uses typically do not increase traffic when accessory to restaurant and bar uses.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed uses are not expected to generate emissions that would otherwise exceed ambient conditions and cause a nuisance to the surrounding area. Furthermore, the site is surrounded by commercial uses which insulates it from nearby residential uses.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; the proposed uses are not in conflict with the goals, objectives and/or policies adopted by the City.
4. *Compatibility with existing surrounding structures and uses*; modifications are not proposed to the building or site, and the proposed uses are compatible with nearby resort, office, retail, and restaurant uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the resort managers and staff will ensure there is sufficient security to adequately control patrons. A security plan will be required prior to the uses commencing.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permits. These requests meet the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permits are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process, if any building permits or clearances are required.
2. Entertainment shall only occur between the hours of eight o'clock in the morning (8:00 a.m.) to two o'clock in the morning (2:00 a.m.), daily.
3. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6330 before August 25, 2022.

4. Provide a minimum of ten (10) bicycle parking spaces on-site per City of Tempe bicycle rack detail T-578 standard or equivalent design prior to the Use Permit becoming effective. Bicycle racks shall be installed near the main building entrances, subject to approval by Community Development. Once installation is complete, schedule a Final Planning Inspection by calling the City Inspections Line IVR at (480) 350-8072 and using the planning project tracking number assigned to this project, PL210336.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

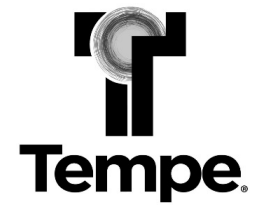
- The Use Permit is valid for AUNT CHILADA'S and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

October 28, 1987	Board of Adjustment approved a use permit to allow a bar for AUNT CHILADA'S, located at 2019 West Baseline Road in the C-2, General Commercial District. (A-87-10.12)
May 8, 2007	Development Review Commission approved a Development Plan Review (including site plan, building elevations, and landscape plan) for BASELINE RETAIL, located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District. (PL060581)
November 18, 2008	Development Review Commission approved a Development Plan Review (including site plan, building elevations, and landscape plan) for BASELINE RETAIL, located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District. (PL080308)

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)
[Section 6-308, Use Permit](#)
[Section 6-313, Security Plan](#)

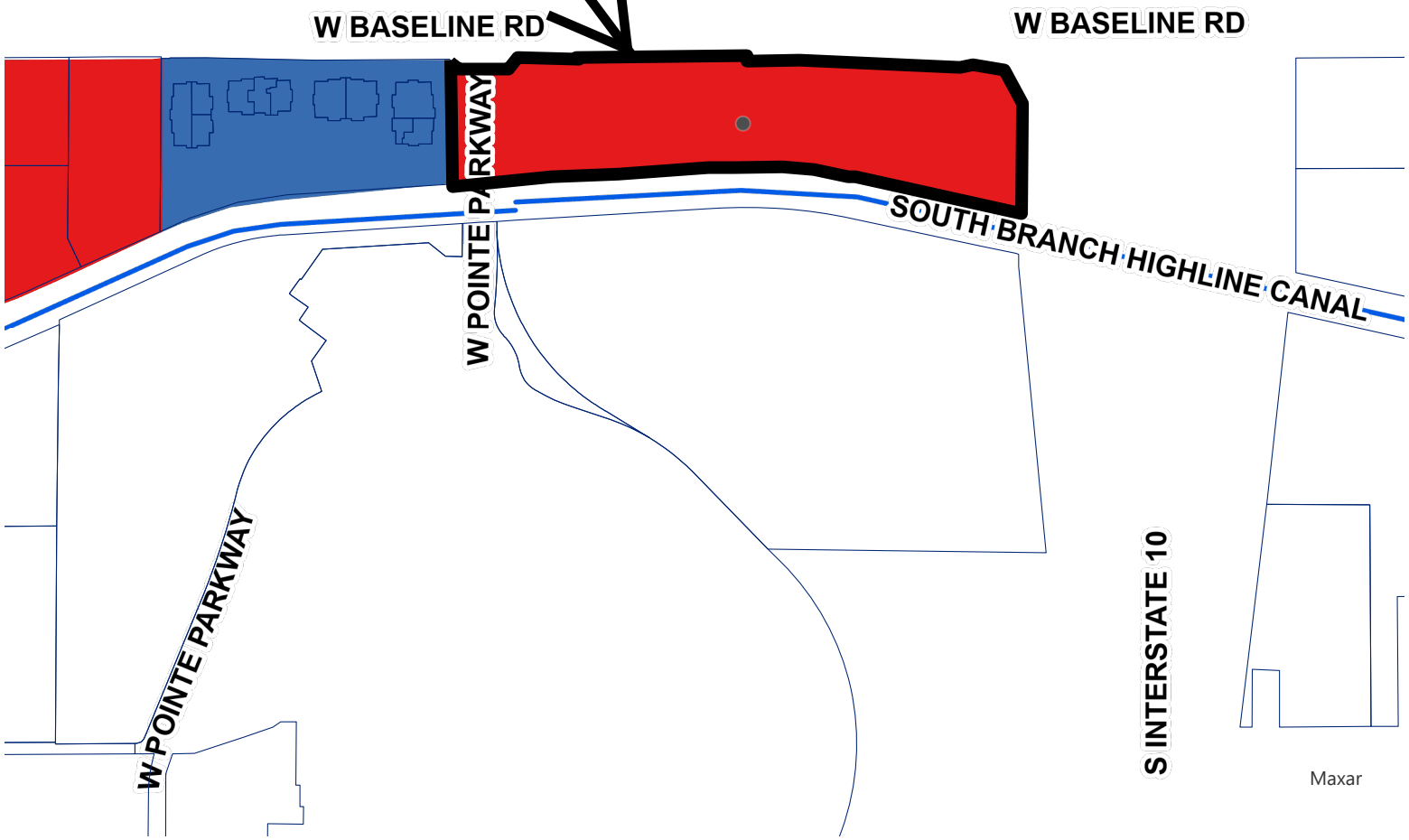
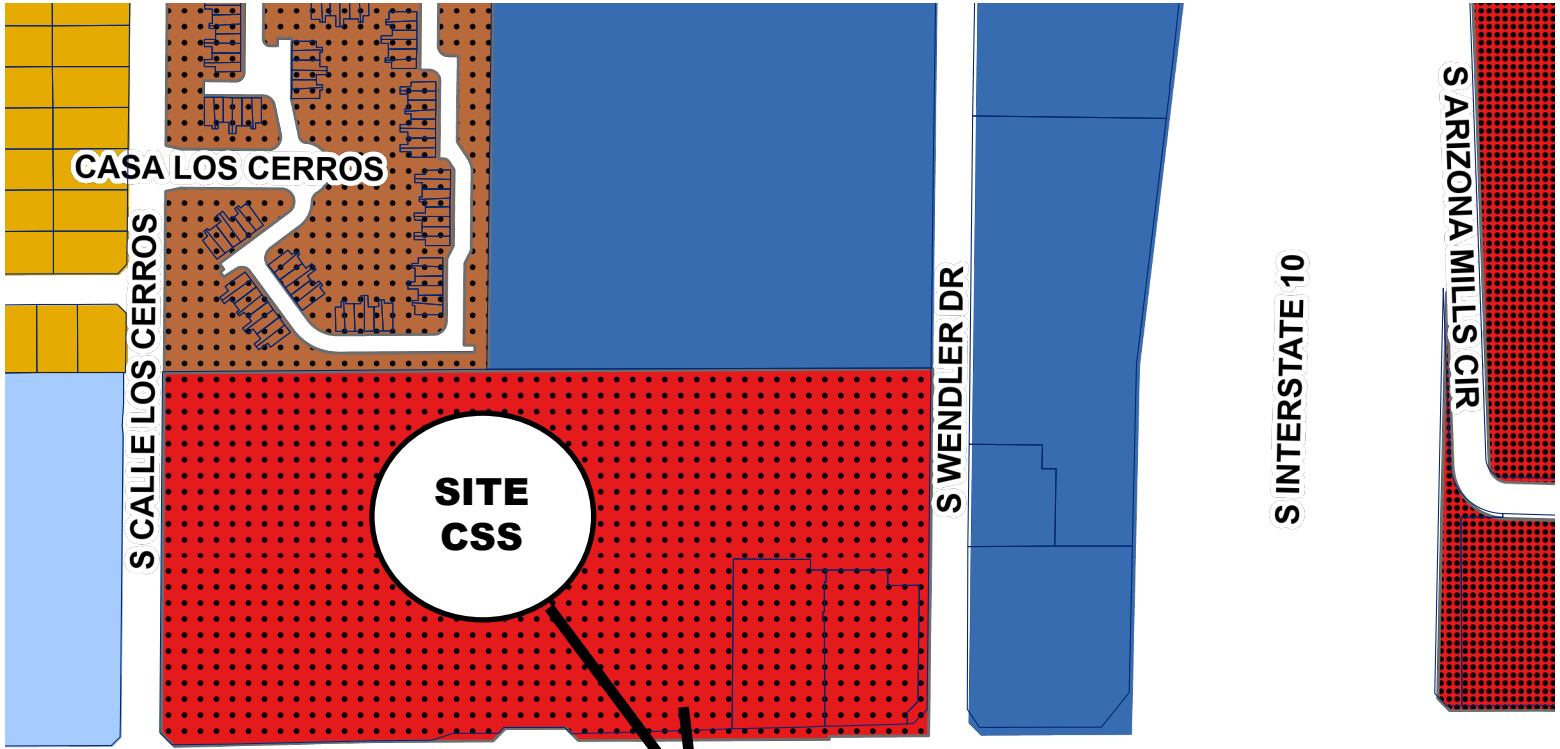


DEVELOPMENT PROJECT FILE

for
AUNT CHILADA'S
(PL210336)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
- 6-8. Floor Plan
- 9-17. Site Context Photos

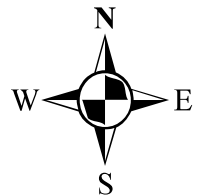


- Light Industrial District (LID)
- General Industrial District (GID)
- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Single-Family Residential (R1-6)
- Multi-Family Residential Restricted (R-3R)

- Override 1
- Twelve Point**
- CenterlineSubType**
- ADOT
- Canal
- Monument

- Private
- Railroad
- Street
- <all other values>
- Zoning District**
- Light Industrial District (LID)
- General Industrial District (GID)

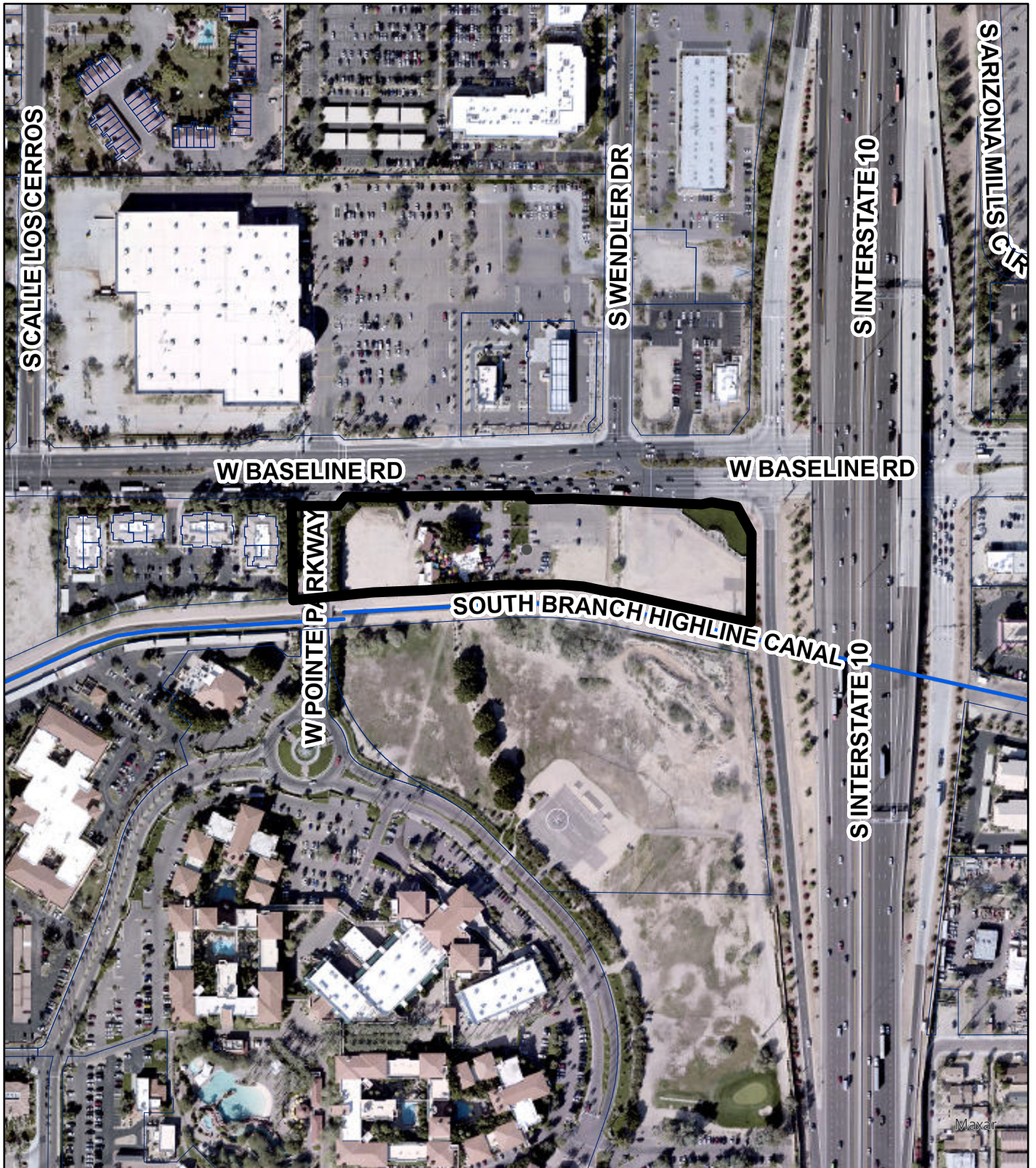
ATTACHMENT 1



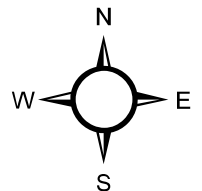
Maxar



Aunt Chilada's



Aerial Map



July 7, 2022

City of Tempe
Community Development Department
31 East 5th Street
Tempe, AZ 85281

Re: Aunt Chilada's | 2021 E. Baseline Rd.
Use permit | Series 6 liquor license + live entertainment

Arizona Grand Resort, LLC ("Owner") owns Maricopa County parcel no. 301-10-177 *aka* 2021 E. Baseline Rd. in Tempe, where it has operated Aunt Chilada's Restaurant ("the restaurant") since 2006. The five-acre parcel is bounded by I-10 to the east, Baseline Road to the north, Arizona Grand Parkway to the west, and the Highland Canal to the south. The 1,000-foot southern border of the parcel running along the canal is immediately north of several contiguous parcels totaling approximately 160 acres – which are also owned by Owner – and on which Owner has operated the Arizona Grand Resort and golf course since 2006. The Resort's address is 8000 S. Arizona Grand Parkway in Phoenix. Access between the restaurant and the Resort is via Arizona Grand Parkway/Baseline and a pedestrian bridge over the canal.

The restaurant, which is currently licensed with a series 12 restaurant liquor license, has provided a unique dining experience to generations of valley residents and visitors in a surprisingly charming oasis in a now very busy part of the city. The restaurant was closed from April 2020 until May 2022. Owner has reorganized the business and now operates the restaurant in conjunction with the Resort, including its use as an event space for private events such as corporate outings and family gatherings and celebrations. The restaurant is open Wednesday – Sunday from 11 am – 9 pm and is available for private events throughout the week. Regular operations require 16-22 employees at a time and private events require 7-13 employees. The restaurant plays recorded music at ambient levels. Private events may include entertainment such as live music, DJs, dancing, and karaoke; all outdoor activities will take place in the restaurant's enclosed courtyard

To provide a seamless experience to guests and reduce operating expenses, Owner would like to add the restaurant to the Resort's series 6 licensed premises. The business operations will not change as a result of the change in licenses. Owner understands and will continue to report all revenue and resulting taxes generated by the restaurant to its Arizona Department of Revenue account linked to the city of Tempe.


revenue and resulting taxes generated by the restaurant to its Arizona Department of Revenue account linked to the city of Tempe.

The restaurant and courtyard consist of approximately 18,000 square feet, which is less than 10% of the five-acre parcel. The nearest residentially-zoned property is approximately 1,350 feet away. Changing the liquor license from a series 12 to a series 6 and allowing live entertainment at the restaurant will not adversely affect surrounding neighbors or property owners:

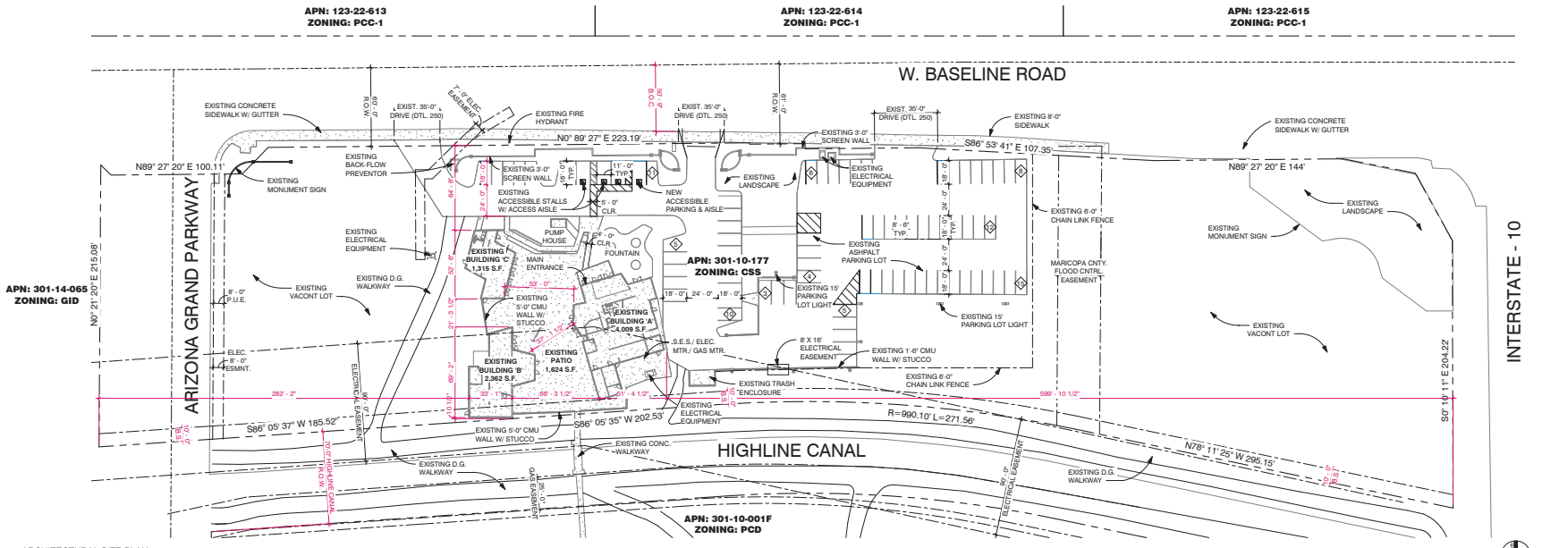
1. Owner has resumed operations as it had before the pandemic; there will not be a significant increase in vehicular or pedestrian traffic from pre-pandemic operations.
2. All food and beverages will be prepared in the restaurant's on-site kitchen, which does not emit odor, dust, gas, noise, vibration, smoke, heat or glare; the volume of live entertainment will not exceed ambient conditions.
3. The Resort's team of professional managers and staff will continue to operate the restaurant at the highest standards. The change in liquor license and addition of live entertainment will not contribute to the deterioration or downgrading of property values in the area.
4. The restaurant structure will not change; it will remain compatible with existing structures and uses in the surrounding area.
5. The Resort's team of professional managers and staff will ensure there is sufficient security to maintain control of guests' behavior inside and outside the premises.

For the reasons stated above, Owner respectfully requests a conditional use permit to operate the restaurant with a series 6 liquor license and to allow indoor and outdoor entertainment.

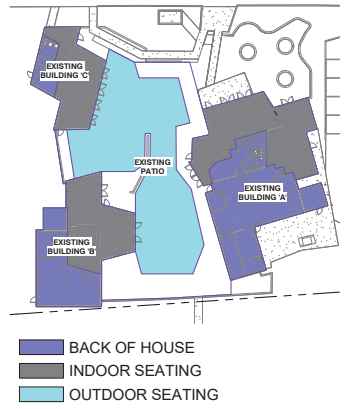
Sincerely,


Andrea D. Lewkowitz

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1 ARCHITECTURAL SITE PLAN
 1" = 40'-0"



2 ENLARGED USE AREA PLAN
 1" = 30'-0"

- BACK OF HOUSE
- INDOOR SEATING
- OUTDOOR SEATING

SITE PLAN GENERAL NOTES

A. THIS SITE PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A SURVEY AND IS BASED ON INFORMATION PROVIDED BY THE CLIENT OR OBTAINED THROUGH READILY AVAILABLE PUBLIC DOCUMENTS. THE EXISTING SITE INFORMATION PORTRAYED HERE SHALL BE CONSIDERED CONCEPTUAL. CONTRACTOR SHALL VERIFY SITE CONDITIONS AS NECESSARY TO ASSURE CONFORMANCE WITH THE INTENT OF THESE DRAWINGS.

EXISTING PARKING FACILITIES

THIS SPACE IS SERVED BY EXISTING PARKING FACILITIES. THE PROPOSED USE PERMIT DOES NOT CONSTITUTE A CHANGE OF OCCUPANCY OR INTENSIFIED USE OF THE SPACE.

PARKING CALCULATIONS

EXISTING BUILDING AREA:	
BUILDING A	4,009 S.F.
INDOOR DINING	1,778 S.F.
BACK OF HOUSE	2,231 S.F.
TOTAL	4,009 S.F.
BUILDING B	2,362 S.F.
INDOOR DINING	1,265 S.F.
BACK OF HOUSE	1,097 S.F.
TOTAL	2,362 S.F.
BUILDING C	1,416 S.F.
INDOOR DINING	1,019 S.F.
BACK OF HOUSE	296 S.F.
TOTAL	1,315 S.F.
TOTAL BUILDING AREA	7,686 S.F.
EXISTING PATIO AREA:	4,204 S.F.
REQUIRED PARKING:	
INDOOR DINING:	4,062 S.F. / 75 = 54
OUTDOOR DINING:	4,002 S.F. / 106 = 38 (200 S.F. WAIVED)
TOTAL	79
PROVIDED PARKING:	79 (4 ACCESSIBLE)

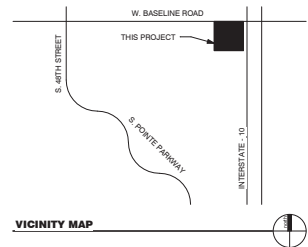
ADAPTIVE REUSE

EXISTING BUILDING AREA:	
BUILDING A	4,009 S.F.
INDOOR DINING	1,778 S.F.
BACK OF HOUSE	2,231 S.F.
TOTAL	4,009 S.F.
BUILDING B	2,362 S.F.
INDOOR DINING	1,265 S.F.
BACK OF HOUSE	1,097 S.F.
TOTAL	2,362 S.F.
BUILDING C	1,416 S.F.
INDOOR DINING	1,019 S.F.
BACK OF HOUSE	296 S.F.
TOTAL	1,315 S.F.
TOTAL BUILDING AREA	7,686 S.F.
TOTAL INDOOR DINING:	4,062 S.F.
*TOTAL BACK OF HOUSE:	3,624 S.F.
EXISTING PATIO AREA:	4,204 S.F.
*AREA EXEMPT FROM PARKING	

PROJECT DATA

BUILDING AND SITE BASICS:	
PROJECT ADDRESS:	2019 W. BASELINE ROAD TEMPE, ARIZONA 85283
ASSESSORS PARCEL #:	301-10-177
LOT AREA:	218,936 S.F. / 5.02 ACRES
ZONING:	CSS
MAXIMUM BUILDING HEIGHT:	35'-0"
EXISTING BUILDING HEIGHT:	19'-0"
MAXIMUM LOT COVERAGE:	50%
EXISTING LOT COVERAGE:	4%
REQUIRED SETBACKS:	
FRONT	0'-0"
SIDES	0'-0"
REAR	10'-0"

BUILDING CODE INFORMATION:	
BUILDING OCCUPANCY(S):	A-3 - NO CHANGE IN OCCUPANCY
CONSTRUCTION TYPE(S):	III A
STORIES:	1
EXISTING BUILDING AREA:	BUILDING A: 4,009 S.F. BUILDING B: 2,362 S.F. BUILDING C: 1,315 S.F. 7,686 S.F.
EXISTING PATIO AREA:	1,624 S.F.
FIRE SPRINKLERS PROVIDED:	YES
FIRE ALARM PROVIDED:	YES



VICINITY MAP

PROJECT TEAM

OWNER:	ARCHITECT:
ARIZONA GRAND RESORTS, LLC 3101 N. CENTRAL AVENUE, SUITE 1300 PHOENIX, ARIZONA 85012	SYNECTIC DESIGN, INC. 1111 W. UNIVERSITY DRIVE, SUITE 104 TEMPE, ARIZONA 85281
CONTACT: STAN GRAY T: 602.285.1300	CONTACT: DAVE HAMBLEN T: 480.948.9766 E: dhamblen@syndez.us

PROJECT NARRATIVE

ARIZONA GRAND RESORTS, LLC TO INCORPORATE AN EXISTING RESTAURANT UNDER ARIZONA GRAND RESORT, LLC SERIES # LIQUOR LICENSE. THE PROPERTY IS NOW PART OF THE ARIZONA GRAND RESORT PREMISES. NO NEW CONSTRUCTION, SITE IMPROVEMENTS, OR EXTERIOR BUILDING WORK TO BE PERFORMED. THERE IS NO CHANGE TO EXISTING BUILDING USE OR OCCUPANCY.

GOVERNING CODES

2018 INTERNATIONAL BUILDING CODE	2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL EXISTING BUILDING CODE	2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL FIRE CODE	2017 NATIONAL ELECTRICAL CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE	2018 INTERNATIONAL FIRE CODE

ADDITIONAL CODES, AMENDMENTS AND ORDINANCES AS ADOPTED BY THE CITY OF TEMPE.

**Aunt Chilidas
CUP Submittal**

2019 W. Baseline Road
Tempe, Arizona 85283



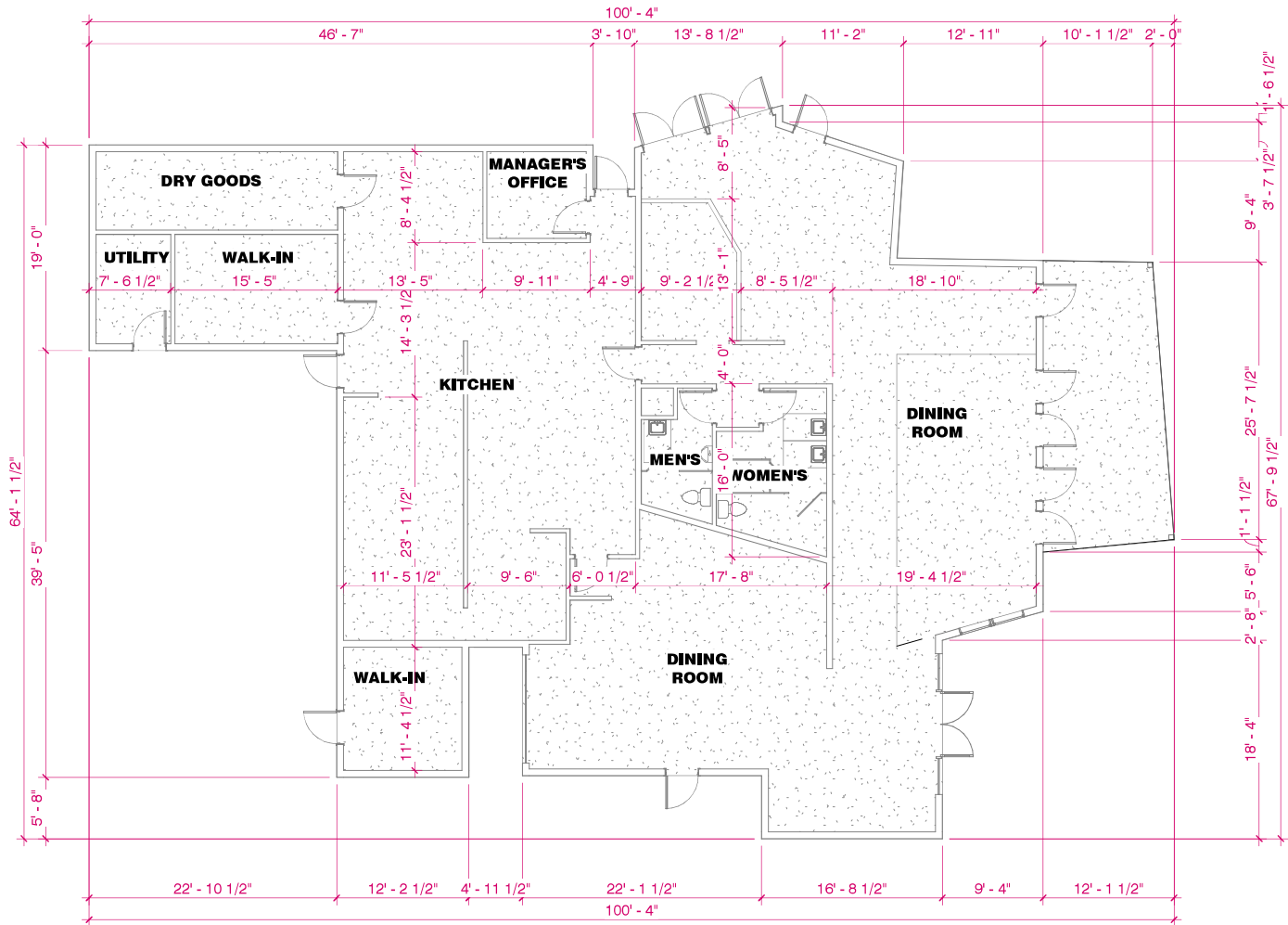
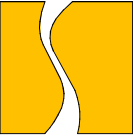
REVISIONS	

Phase: CUP
 Drawn By: MM
 Reviewed By: LDB
 SDI Project No: 4250
 Date: 2022-06-27

Sheet
A1.1
 ARCHITECTURAL FLOOR PLAN

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1 BUILDING 'A' FLOOR PLAN
3/32" = 1'-0"



Phase: CUP Reviewd By: LDB Drawn By: MM Date: 2021-11-18

Project #: 4250

Aunt Chilas

Address:
2019 W Baseline Rd
Tempe, Arizona 85283

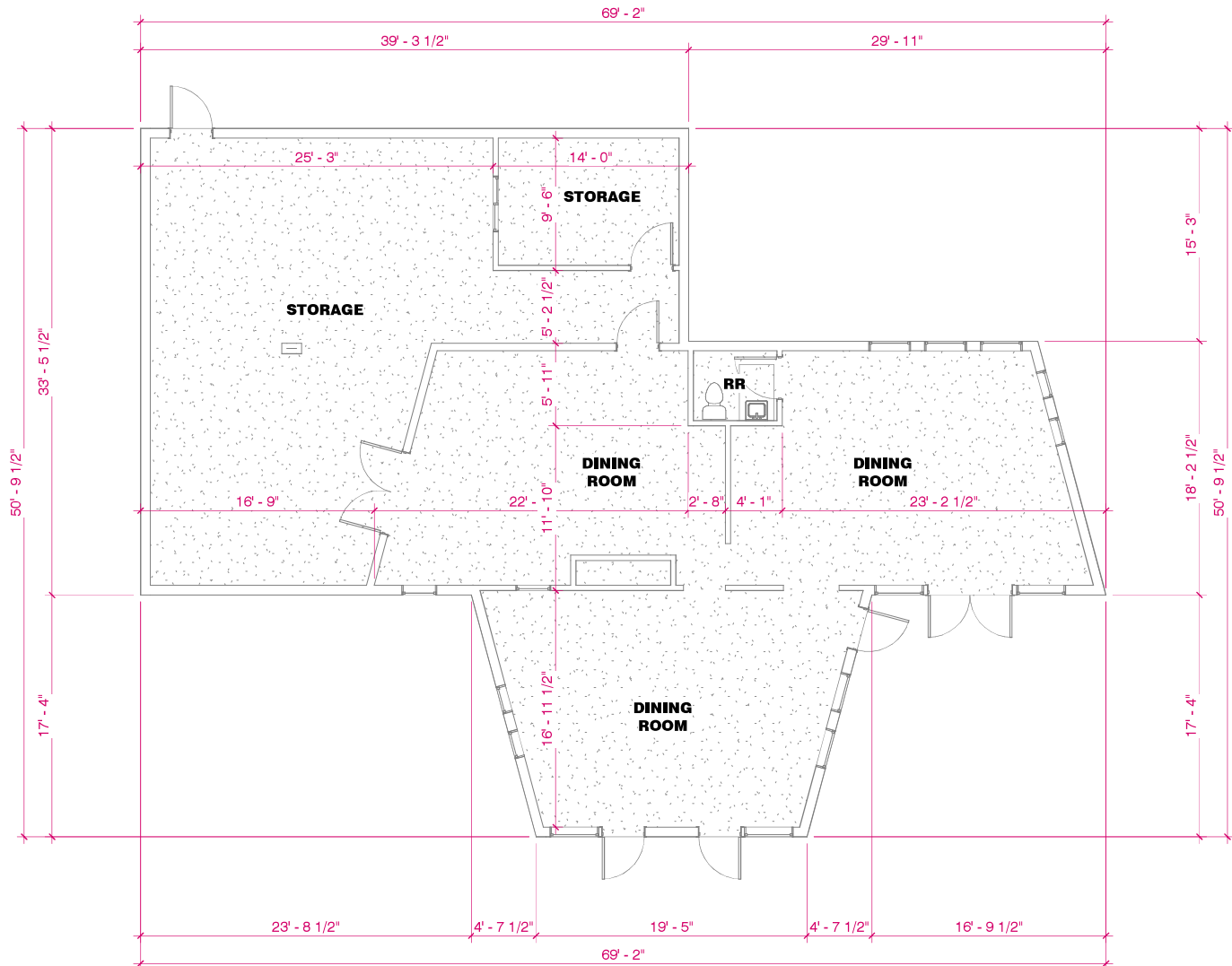
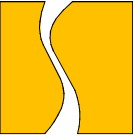
BUILDING 'A' FLOOR

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① BUILDING 'B' FLOOR PLAN
1/8" = 1'-0"



Phase: CUP Reviewd By: LDB Drawn By: MM Date: 2021-11-18

Aunt Chiladas

Address:
2019 W Baseline Rd
Tempe, Arizona 85283

Project #: 4250

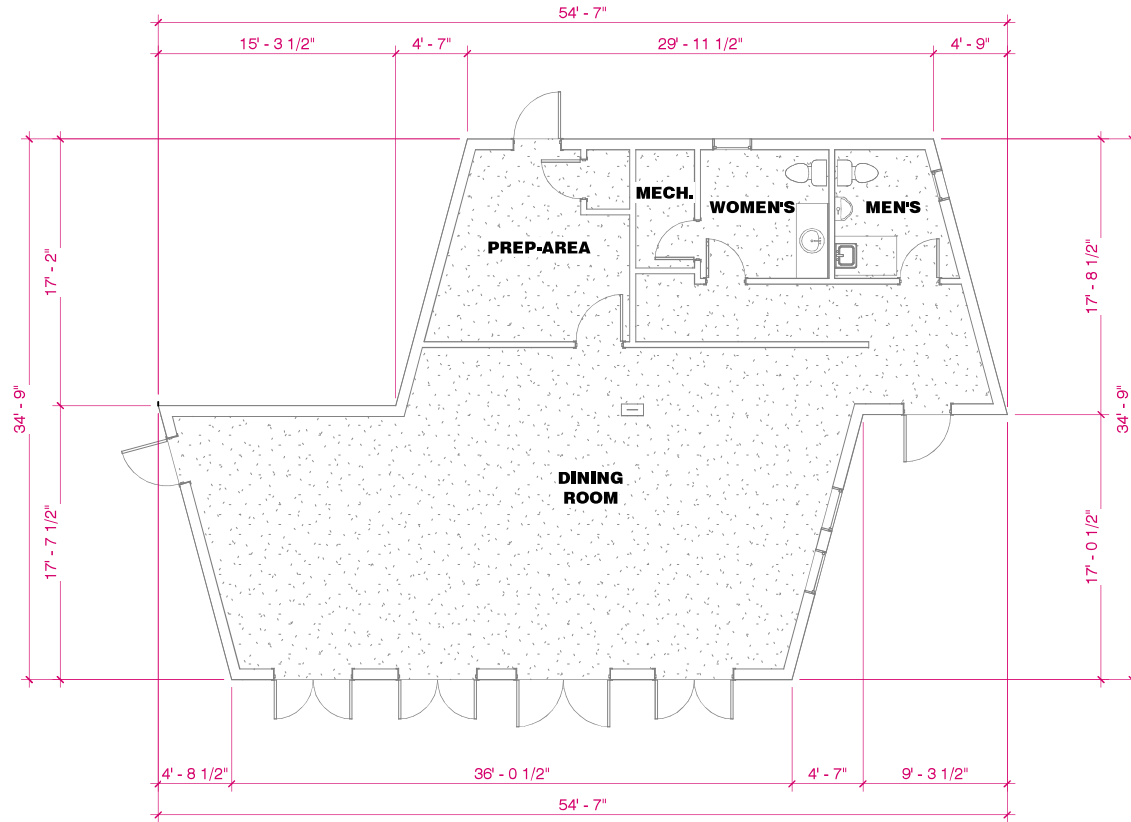
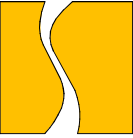
BUILDING 'B' FLOOR

A2.2

11/19/2021 11:43:05 AM

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① BUILDING 'C' FLOOR PLAN
1/8" = 1'-0"



Phase: CUP Reviewd By: LDB Drawn By: MM Date: 2021-11-18

Aunt Chiladas

Address:
2019 W Baseline Rd
Tempe, Arizona 85283

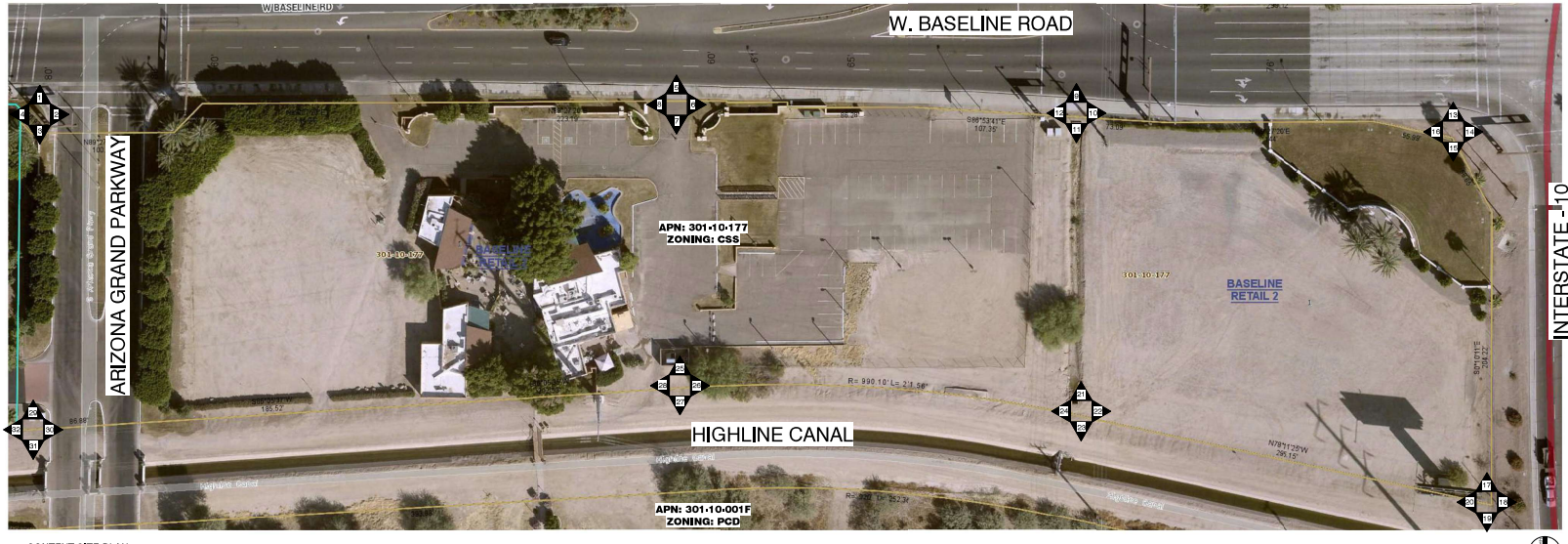
Project #: 4250

BUILDING 'C' FLOOR

A2.3

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1 CONTEXT SITE PLAN
1" = 40'-0"



NO.	REVISIONS

Phase: CUP
 Drawn By: MM
 Reviewed By: LD6
 SCD Project No: 4250
 Date: 2021-11-18



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