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FEB 10 2011



**MEMORANDUM                      Transportation & Development – CC Memo No. 11-009**

**DATE:**                      JANUARY 24, 2011

**TO:**                              MAYOR AND CITY COUNCIL

**THRU:**                      RICH DLUGAS, ACTING CITY MANAGER <sup>RD</sup>  
                                    PATRICK MCDERMOTT, ASSISTANT CITY MANAGER <sup>PM</sup>  
                                    R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR <sup>RJZ</sup>  
                                    JEFF KURTZ, PLANNING ADMINISTRATOR <sup>JK</sup>  
                                    KEVIN MAYO, PLANNING MANAGER <sup>KM</sup>

**FROM:**                      BILL DERMODY, SENIOR CITY PLANNER <sup>BD</sup>

**SUBJECT:**                      LUP10-0019 LA FAMILIA NEW MARKET

**Request:**                      Extension of Use Permit approval to sell beer & wine for off-premise consumption only at a convenience store (Series 10 Liquor License)

**Location:**                      545 N. Arizona Avenue, approximately 300 feet south of Galveston Street

**Applicant:**                      P. D. LLC, Ghazala Mushtaq

**Zoning:**                        Regional Commercial (C-3)

**RECOMMENDATION**  
Planning Commission and Staff, finding consistency with the General Plan, recommend approval for an additional five (5) years.

**BACKGROUND**  
The request is for renewal of a three-year Use Permit granted in March 2007 to sell alcohol at a neighborhood convenience store in conjunction with a Series 10 Wine & Beer Store License. The business is located along Arizona Avenue on property zoned C-3 (Regional Commercial District). Alcohol has been sold at this location under a Series 10 License since December 2004, first under the business name “Breaktimers” and later as “La Familia”.

The store is intended to serve the surrounding neighborhood and sells typical convenience store items such as drinks, snack food, cigarettes, and phone cards, in addition to beer and wine.

Alcohol is stored in the cooler. The business is open from 8 a.m. to 10 p.m. Sunday through Thursday and 8 a.m. to 11 p.m. on Friday and Saturday. The store had previously been open only until 10 p.m. every day of the week under the previous Use Permit approvals.

There is ample parking on the property's north side to handle demand generated by the use. The store's only street access is from Arizona Avenue. The adjacent single family neighborhood to the east is separated by an alley.

Though there have been no issues reported over the past three (3) years, Planning Commission and Staff recommend a time limit of five (5) years rather than an indefinite Use Permit due to the market's close proximity to the residential neighborhood behind it and to monitor its continued compatibility.

#### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The Police Department has been informed of the application and has not responded with any issues or concerns.
- A neighborhood meeting was held December 6, 2010 at the Downtown Community Center. No citizens attended.
- As of this writing, Staff is not aware of any opposition to the request.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

In Favor: 6      Opposed: 0

#### **RECOMMENDED ACTION**

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of LUP10-0019 LA FAMILIA NEW MARKET subject to the following conditions:

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. The Use Permit shall remain in effect for five (5) years 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.
6. The site shall be maintained in a clean and orderly manner.

CC MEMO 11-009

January 24, 2011

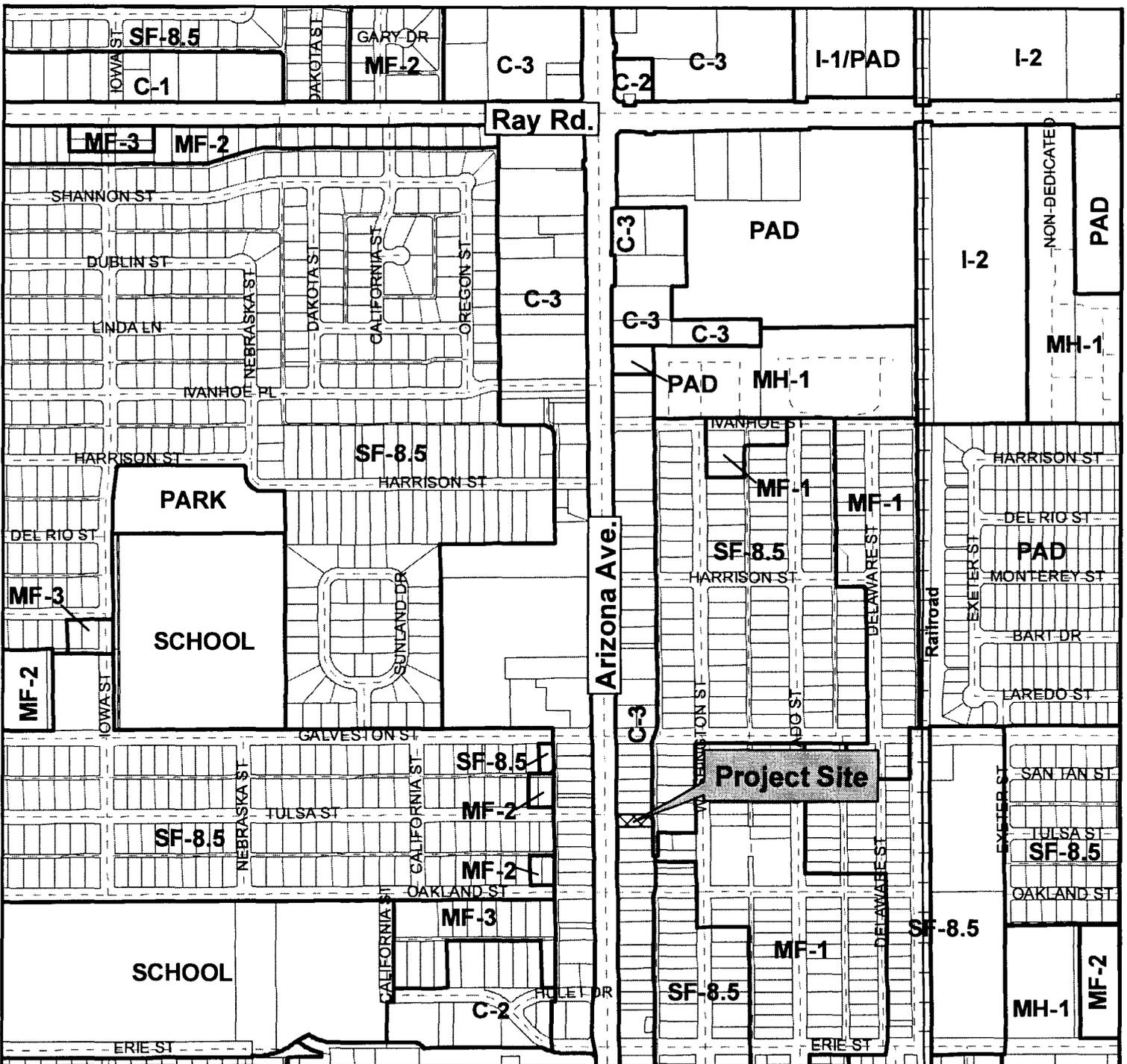
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**PROPOSED MOTION**

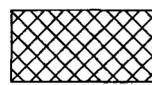
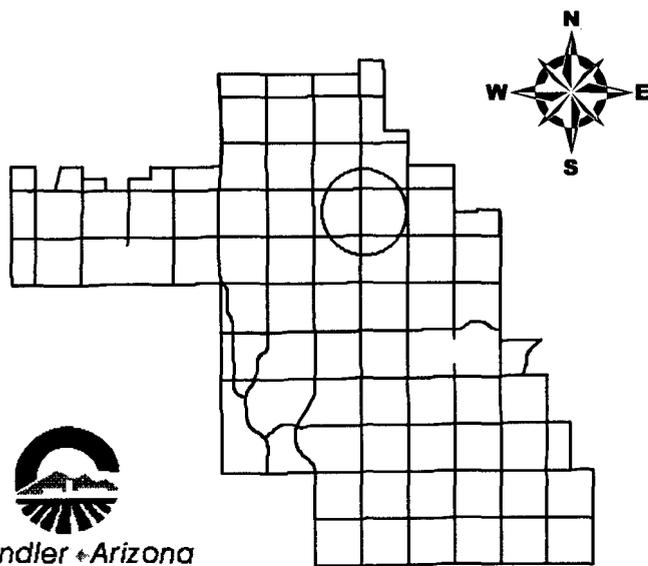
Move to approve LUP10-0019 LA FAMILIA NEW MARKET Use Permit for liquor sales subject to the conditions recommended by Planning Commission and Staff.

**Attachments**

1. Vicinity Maps
2. Narrative
3. Floor Plan



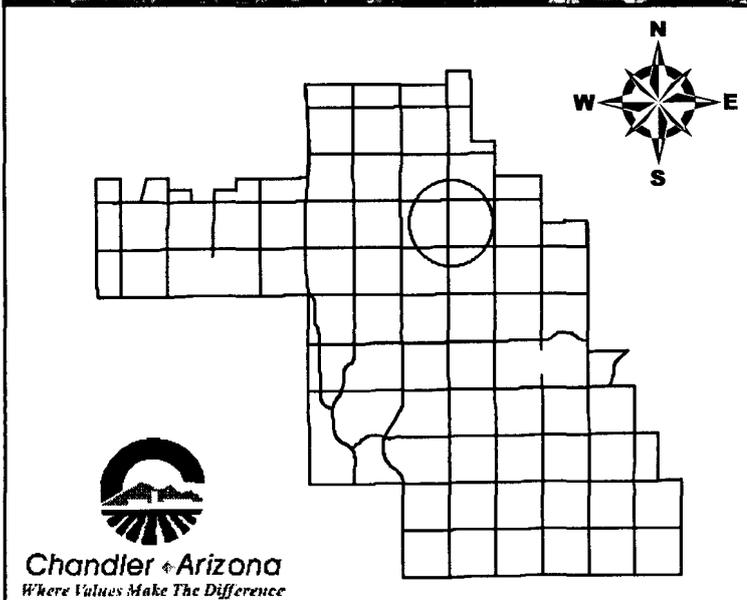
## Vicinity Map



LUP10-0019

**La Familia New Market  
Liquor Use Permit**





# Vicinity Map



LUP10-0019

**La Familia New Market  
Liquor Use Permit**



Att: Bill Dermody  
city planner,

DATE 4-6-10

LA Familia New Market  
545 N. Arizona Ave.  
Chandler, AZ 85225  
480-8214766

La familia New Market is seeking a use permit to sell and operate in the store.

We will be selling phone cards, House Supplies, Sodas, Juices and many other drinks. There also will be foods, and other food products. Also we will sell Beer, and Wines. The store will be called.

LA FAMILIA NEW MARKET

The Location

545 N. Arizona Ave.  
Chandler, AZ 85225

Business Hours will be.

Monday - thru 8:00 am To 10:00 pm daily

Friday - Sat 8:00 am To 11:00 pm

Sunday 8:00 am To 10:00 pm.

GHAZALA MUSTHAQ  
1150 W GIBSON PL  
Chandler AZ 85224  
602-620 3635

