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APR 25 2013



MEMORANDUM Management Services Department - Council Memo No. MR13-092

DATE: APRIL 25, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *AD*
DAWN LANG, MANAGEMENT SERVICES DIRECTOR *DL*
MATTHEW DUNBAR, REVENUE AND TAX MANAGER *MD*

FROM: BONNIE BODDY, CUSTOMER SERVICE SUPERVISOR *BB*

SUBJECT: REQUEST TO ADD SAMPLING PRIVILEGES FOR A SERIES 10 BEER AND WINE STORE LIQUOR LICENSE FOR JEFFREY HOWARD ROFF, AGENT, MRS. GOOCH'S NATURAL FOOD MARKETS INC., DBA WHOLE FOODS MARKETS

RECOMMENDATION

Staff recommends Council forward a recommendation for approval to add sampling privileges to the existing State Liquor License No. 10076146s, and further, that approval be given to add sampling privileges to the City of Chandler Series 10, Beer and Wine Store Liquor License No. 112239 L10, for Jeffrey Howard Roff, Agent, Mrs. Gooch's Natural Food Markets Inc., dba Whole Foods Markets, located at 2955 W. Ray Road.

BACKGROUND

Mrs. Gooch's Natural Food Markets Inc., dba Whole Foods Markets has been in business at this location since April 12, 2007, at which time Council approved a Series 7, Beer and Wine Bar Liquor License. On March 3, 2011 the State of Arizona Department of Liquor Licenses and Control approved a Series 10, Beer and Wine Store Liquor License under Section 20, Laws 2010, Chapter 85, section 4-C amend. The applicant has submitted an application to add sampling privileges to their Series 10 State Liquor License No. 10076146s. The Arizona State Legislature amended A.R.S. Section 4-206.01(J) effective July 29, 2010, allowing an applicant or licensee of a Liquor Store License or a Beer and Wine Store License to apply for sampling privileges.

DISCUSSION

The following application to add sampling privileges to the existing liquor license was posted for hearing on April 25, 2013:

Series 10, Beer and Wine Store Liquor License, for Jeffrey Howard Roff, Agent, Mrs. Gooch's Natural Food Markets Inc., dba Whole Foods Markets, located at 2955 W. Ray Road.

All licenses, permits, and fees have been paid, and the applicant is in compliance with the City's Tax Code. With a Series 10, Beer and Wine Store Liquor License, the business may sell beer and wine only for off-premise consumption.

PROPOSED MOTION

Move for recommendation to the State Department of Liquor Licenses and Control for approval to add sampling privileges to the existing State Liquor License No. 10076146s, for Mrs. Gooch's Natural Food Markets Inc., dba Whole Foods Markets, located at 2955 W. Ray Road, and approval to add sampling privileges to the City of Chandler Liquor License.

Attachments: A – Geographical Map
B – Site Layout

OTHER RELEVANT STATUTES NOT IN TITLE 4

Session Law

Section 20, Laws 2010, Chapter 85, section 4 is amended to read:

Sec. 4. Existing Licenses 4-261

A. To resolve potential conflicting legal claims between this state and holders of bar liquor licenses that exceed the sale limitation of section 4-206.01, subsection F, Arizona Revised Statutes, as amended by this act, the holder of a bar liquor license issued and actively used primarily for off-sale purposes may surrender the bar liquor license to the department of liquor licenses and control before January 1, 2012, in exchange for a liquor store license at not additional cost or charge. After January 1, 2012, usual renewal fees for the replacement license shall apply. The replacement liquor store license shall be issued without any further application by the licensee, without any further approval by the Department and shall immediately be put to use by the licensee at the location where the surrendered bar liquor license was previously used. The licensee shall thereafter have all rights and privileges associated with the liquor store license, notwithstanding any other provisions of Title IV, Arizona Revised Statutes. The department of liquor licenses and control shall render void and extinguish any bar liquor license surrendered pursuant to this subsection.

B. For any license issued pursuant to subsection A of this section, notwithstanding the requirements prescribed in Section 4-206.01, subsection J, Arizona Revised Statutes, as amended by this act, the original licensee shall have all rights specified in section 4-206.01, subsection J, Arizona Revised Statutes, as amended by this act, without any further application by the licensee and without any further approval by the department of liquor licenses and control. The department of liquor licenses and control shall identify on the license and in the records of the department that the new license has the sampling privileges specified in section 4-206.01, subsection J, Arizona Revised Statutes, as amended by this act. The sampling rights prescribed in this subsection are nontransferable and apply automatically only to the benefit of the licensee that is issued a replacement liquor store license after the surrender of a bar liquor license pursuant to subsection A of this section.

C. To resolve potential conflicting legal claims between this state and holders of beer and wine bar liquor licenses that do not meet the requirements of section 4-206.01, subsection F, Arizona Revised Statutes, as amended by this act, the holder of a beer and wine bar license that is issued and actively used primarily for off-sale purposes may apply to the department of liquor licenses and control for a beer and wine store license, which shall be issued at no additional cost or charge if the application is filed prior to January 1, 2012. After January 1, 2012, usual renewal fees apply. A beer and wine store license that is issued pursuant to this subsection shall immediately be put to use by the licensee at the location where the beer and wine bar license is being used. The beer and wine bar and beer and wine store licenses shall be held by the same licensee. The licensee shall thereafter have rights and privileges associated with the beer and wine bar and beer and wine store license. Notwithstanding the requirements prescribed in section 4-206.01, Arizona revised statutes, as amended by this act, the licensee of a beer and wine store license issued pursuant to this subsection shall have all rights specified in section 4-206.01, subsection J, Arizona revised statutes, as amended by this act, without any further application by the licensee and without any further approval by the department of liquor license and control. The department of liquor license and control shall identify on the license and in the records of the department that the new license has the sampling privileges specified in section 4-206.01, subsection J, Arizona revised statutes, as amended by this act. The sampling rights prescribed in this section are nontransferable and apply automatically only for the benefit of the licensee that has issued a supplemental beer and wine store license pursuant to this section.

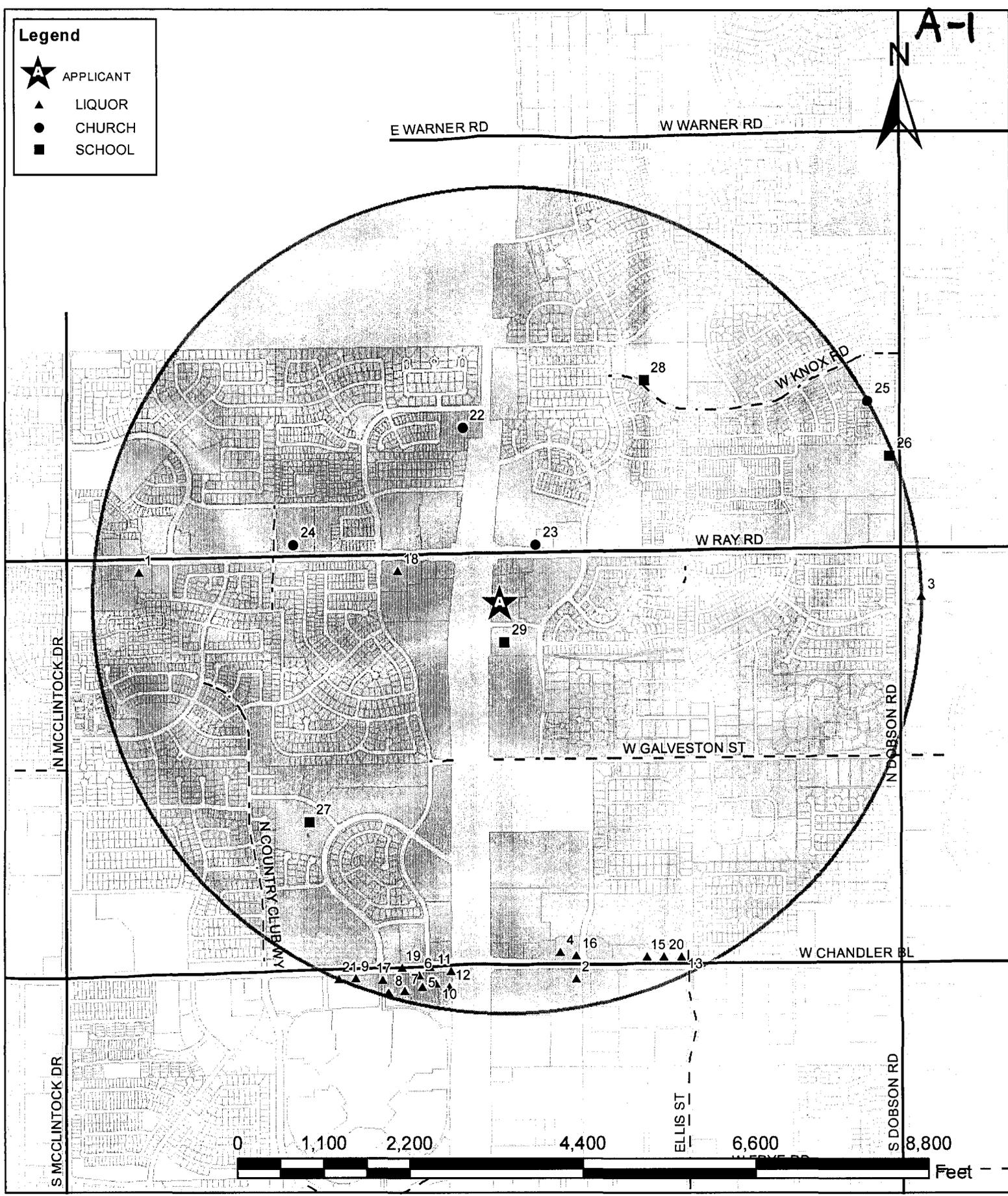
D. A city, town or county may not collect any fee associated with the issuance of any supplemental licenses and sampling privileges issued pursuant to this section and may not collect any fee associated with the original placement license.

Sec. 21. Department of liquor licenses and control; new fees 4-261

Monies received from new fees that may be collected by the Arizona department of liquor licenses and control are appropriated to the department. Fees assessed pursuant to this act shall be fairly and equally assessed to all parties for services rendered and must be assessed in a nondiscriminatory manner.

Legend

-  APPLICANT
-  LIQUOR
-  CHURCH
-  SCHOOL



Source: City of Chandler GIS; Tax and License Division (Tax Mantra)



Liquor License Map- 295 W. Ray Road

This map shows the locations of all churches, schools and spirituous liquor outlets within a one (1) mile radius of the proposed location.

Please refer to attached list for additional information

- A WHOLE FOODS MARKET
- 1 FAIR LANES MCRAY PLAZA #428
- 2 FULL CIRCLE AUTO WASH
- 3 SPROUTS FARMERS MARKET #1
- 4 MIMI'S CAFE
- 5 CHEESECAKE FACTORY
- 6 KONA GRILL
- 7 BJ'S RESTAURANT & BREWERY
- 8 CALIFORNIA PIZZA KITCHEN
- 9 PF CHANG'S CHINA BISTRO
- 10 THE KEG STEAKHOUSE & BAR
- 11 CHILI'S GRILL & BAR #879
- 12 BENIHANA
- 13 JUAN JAIMES TACOS AND TEQUILA
- 14 MAJERLE'S SPORTS GRILL
- 15 NYPD PIZZA
- 16 BLACK ANGUS STEAKHOUSE
- 17 BUFFALO WILD WINGS GRILL & BAR
- 18 LUCKY LOU'S AMERICAN GRILL
- 9 OLD SPAGHETTI FACTORY
- 20 OUTBACK STEAKHOUSE 0322
- 21 MY BIG FAT GREEK RESTAURANT
- 22 FREE EVANGELICAL CHURCH
- 23 CROSSROADS CHURCH OF THE NAZAR
- 24 ST ANDREWS CHURCH
- 25 CHANDLER CALVARY EVANGELICAL LUTHERN CHURCH
- 26 SETON CATHOLIC HIGH SCHOOL
- 27 KYRENE DEL SURENO ELEMENTARY SCHOOL
- 28 GOODMAN ELEMENTARY SCHOOL CTA
- 29 PARAGON SCIENCE ACADEMY

