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SEP 12 2013



MEMORANDUM **Transportation and Development – CC Memo No. 13-096**

DATE: SEPTEMBER 12, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: SUSAN FIALA, CITY PLANNER *SF*

SUBJECT: LUP13-0011 99 CENT ONLY STORE

Request: Use Permit approval to sell beer and wine for off-premise consumption only under a Series 10 Beer & Wine Store License

Location: 1996 North Alma School Road, southwest corner of Warner and Alma School roads

Applicant: Arizona Liquor Industry Consultants, Amy Nations

RECOMMENDATION

Upon finding the request to be consistent with the General Plan and the Community Commercial (C-2) zoning, Planning Commission and Planning Staff recommend approval subject to conditions.

BACKGROUND

The subject business is located at 1996 N. Alma School Rd., southwest corner of Warner and Alma School roads in the Warner Plaza. The 99 Cent Only Store has been in operation since approximately 2002. Warner Plaza businesses include: Big Lots, Chase Bank, and Carl's Jr. and others. The intersection's other corners are commercial shopping centers that include a Fry's, Wal-Mart, Ace Hardware, and other businesses. The southeast corner is developed with a Shell gas station and the Chandler Preparatory Academy.

The request is for Liquor Use Permit approval to sell beer and wine as permitted under a Series 10 Beer and Wine Store License, no other spirituous liquors, only in the original unbroken package to be taken away from the premises of the retailer and consumed off premises. The applicant states the liquor will be sold at room temperature and off the shelf; not in refrigerated coolers. The business is open from 8 a.m. until 10 p.m., seven days a week. 99 Cent Only Store

employs approximately 28 full-time and part-time staff. The store contains around 19,291 square feet of floor area.

DISCUSSION

Planning Staff supports the request, finding that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

Planning Staff recommends approval with no time limit to maintain consistency with other Series 10 Liquor Use Permits approved for other similar type retailers with no time limit condition given the establishments had no outstanding concerns, opposition, or violations.

There have been concerns raised during the public notification process concerning the selling of liquor at a 99 Cent Only Store and the location of liquor consumption following the purchase.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 31, 2013. No one attended other than the applicant.
- The Police Department has been informed of the application and has no issues or concerns.
- As of this writing, Planning Staff has received a phone call from a neighbor who has concerns about liquor sold at a 99 Cent Only Store in terms of how the selling will be monitored and where the liquor will be consumed.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan and zoning, recommend approval of LUP13-0011 99 CENT ONLY STORE, 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. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require a new Liquor Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

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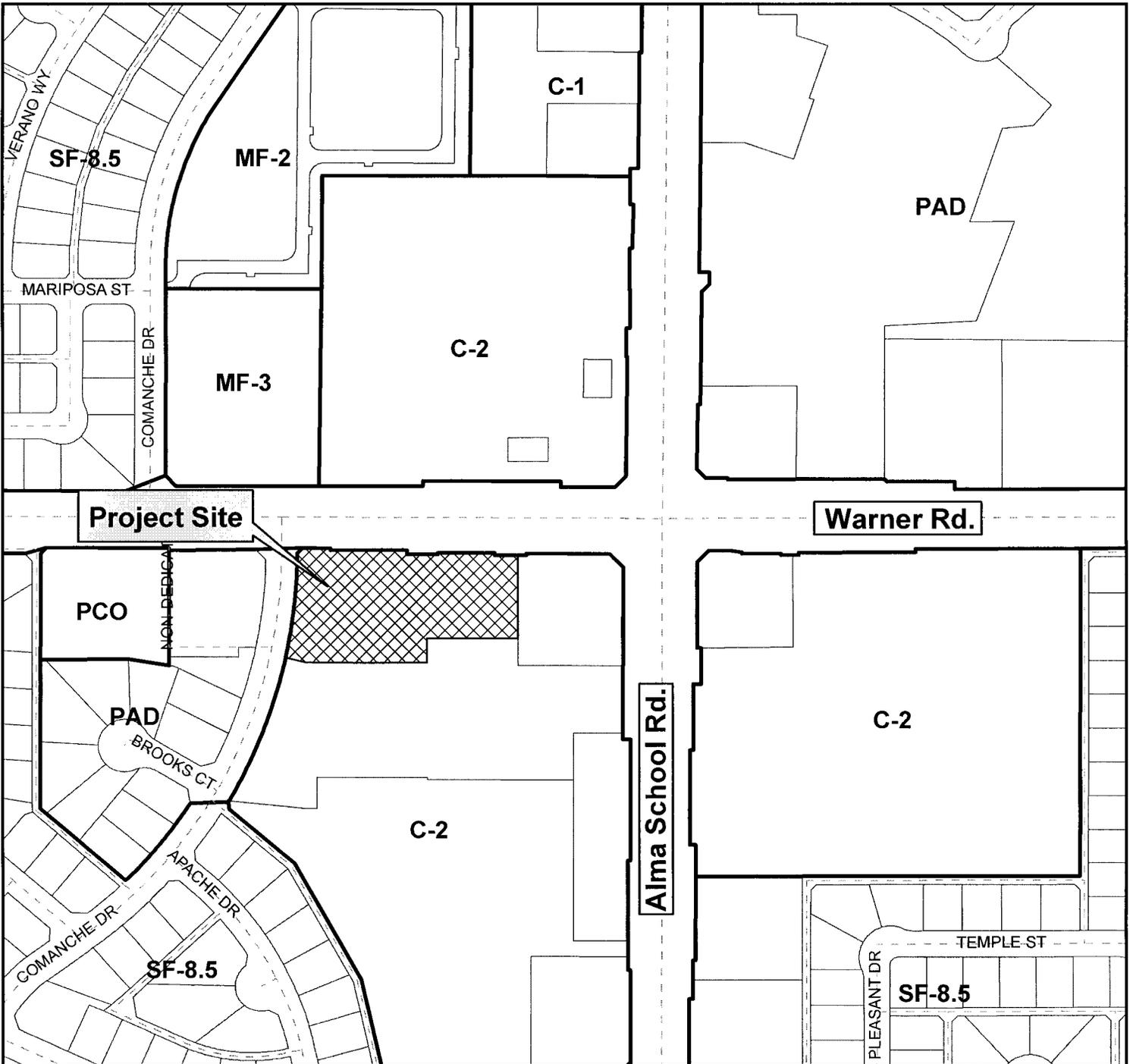
September 12, 2013

PROPOSED MOTION

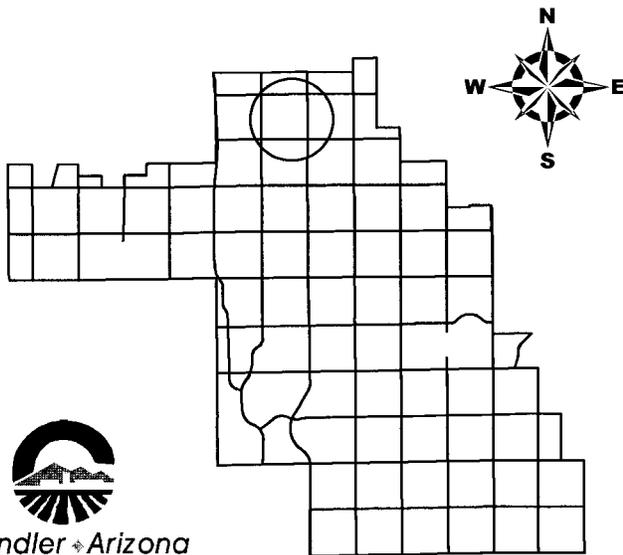
Motion to approve Liquor Use Permit, LUP13-0011 99 CENT ONLY STORE, subject to the conditions recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan
4. Narrative
5. Photographs



Vicinity Map

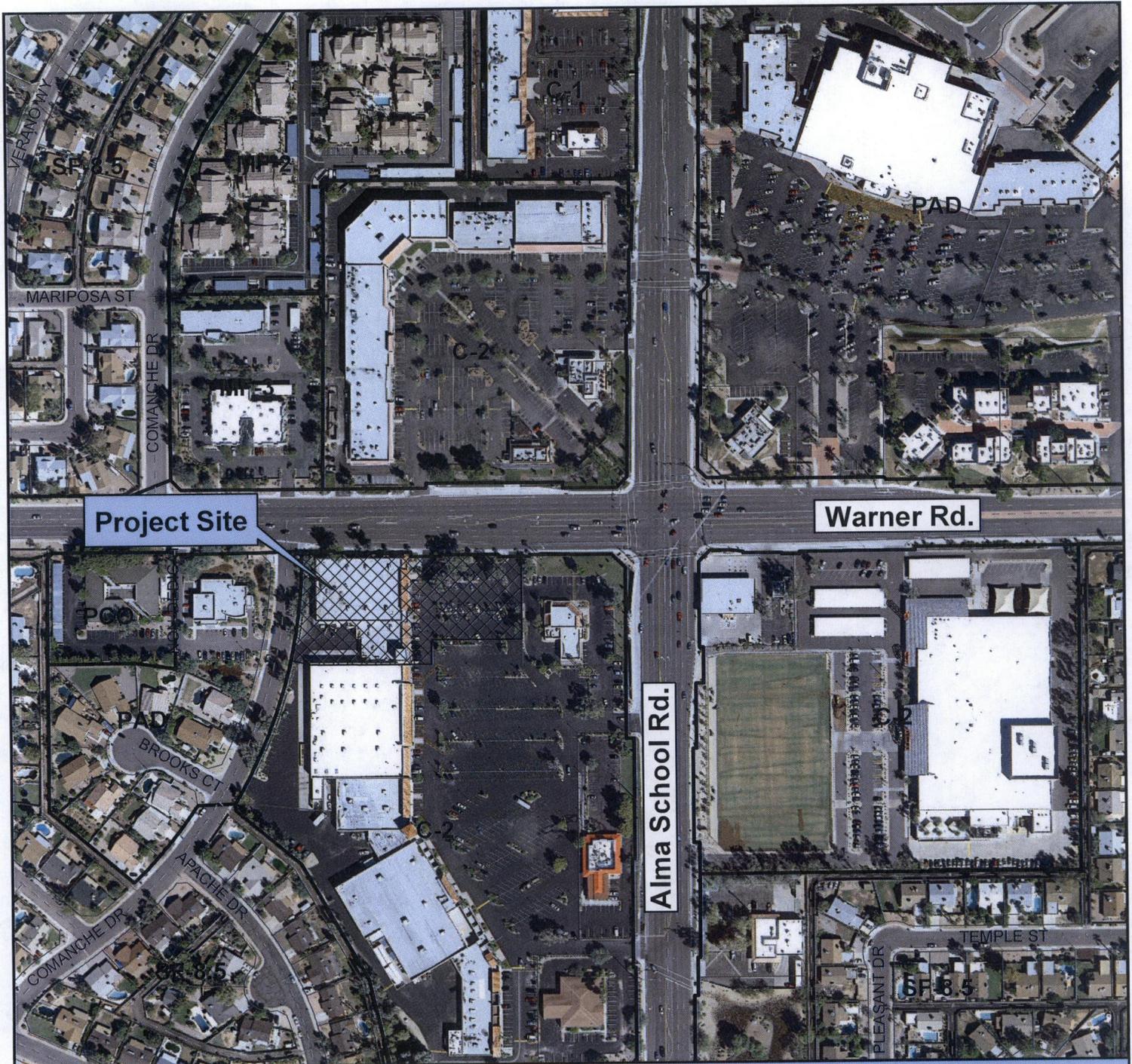


ZUP13-0011

99 Cent Only Store#167



Chandler Arizona
Where Values Make The Difference



Project Site

Warner Rd.

Alma School Rd.

Vicinity Map



ZUP13-0011

99 Cent Only Store#167

WARNER

ROAD

ALMA SCHOOL

WARNER PLAZA LEASING PLAN

ROAD

STOTTLER

DRIVE

994

1996
19,800 s.f.

1994
2,750 s.f.
1992
2,840 s.f.

1990
945 s.f.

1988
NOT A PART
39,800 s.f.

1986
13,000 s.f.

1984
1,712 s.f.
1982
1,622 s.f.

Cell Tower
600 s.f.

1980
36,000 s.f.

PATIO
2,225 s.f.

1964-10
2,500 s.f.

1964-9
1,018 s.f.
1964-8
1,140 s.f.
1964-7
800 s.f.
1964-6
1,200 s.f.

1964-5
1,200 s.f.
1964-4
800 s.f.
1964-3
800 s.f.

1964-1
4,350 s.f.

THE VALLEY NATIONAL BANK OF ARIZONA
1956 N. ALMA SCHOOL

CAR'S R.
1972 N. ALMA SCHOOL

FIRST INVESTMENT BANK BANNER
NOT A PART

QUINCY DRIVE

This center contains approximately 93,455 square feet. All
footage shown is approximate, and is subject to change at the sole
discretion of the landlord. There are approximately 532 parking spaces.



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P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

City of Chandler Transportation and Development Department
Planning Division
215 East Buffalo Street
Chandler, AZ 85225

March 7, 2013

To Whom It May Concern:

We would like to respectfully request a Liquor Use Permit for a Series 10 off sale liquor license located at 99 Cents Only Store #167 1996 N Alma School Rd, Chandler. It's a general merchandise store.

99 Cents Only Store #167 is a 19,291 square foot store.

The regular business hours will be from 8am to 10 pm, 7 days a week. It will employ 28 full and part time employees. The plans are to sell beer & wine at room temperature right from the shelf, which will discourage immediate consumption. Our establishment's commitment to the neighborhood will have a well-lit parking lot, graffiti free, maintained on a daily basis. We pride ourselves in keeping a clean and safe environment for our patrons.

Sincerely,

A handwritten signature in cursive script that reads "Amy Nations".

Amy Nations



99 Cent Only Store



Warner Plaza Tenants



Chandler Preparatory Academy, Alma School Road frontage



Looking east, from parking lot of Warner Plaza to Chase Bank and Shell Gas Station