



**Chandler · Arizona**  
*Where Values Make The Difference*

#27  
JAN 28 2016



**MEMORANDUM**

**Planning Division – CC Memo No. 15-160**

**DATE:** JANUARY 28, 2016

**TO:** MAYOR AND COUNCIL

**THRU:** MARSHA REED, ACTING CITY MANAGER *MR*  
JEFF KURTZ, PLANNING ADMINISTRATOR *J*  
KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:** SUSAN FIALA, CITY PLANNER *SF*

**SUBJECT:** LUP15-0021 PAYLESS MARKET

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

**Location:** 405 South Arizona Avenue, south of the southeast corner of Arizona Avenue and Frye Road

**Applicant:** Hallak Enterprise, LLC

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit subject to conditions.

**BACKGROUND**

Payless Market is an existing convenience store located at 398 South Arizona Avenue and proposes to relocate to a building located at 405 South Arizona Avenue, south of the southeast corner of Arizona Avenue and Frye Road. The new location is in an existing building that has remained vacant since the previous tenant, a 99 Cent Plus discount store, closed several years ago. The commercial retail strip of businesses include: Wash Works Laundry Center, Principal Tax Services, Cricket Wireless, a smoke shop, and D&L Chandler Glassworks. Single-family homes and vacant parcels, zoned Multiple Family Residential District (MF-2), are to the east, across the alley.

The request is for Liquor Use Permit approval to sell beer and wine for off-premise consumption only under a Series 10 Beer and Wine Store license.

January 28, 2016

Tenant improvements to the approximately 2,000 square foot building are proposed. When improvements are completed, the owner will move to the renovated building and relinquish their existing Series 10 Beer and Wine Store license. Hours of operation are from 8 a.m. until 9 p.m., Sunday through Thursday, and from 8 a.m. until 10 p.m. on Friday and Saturday. Shared parking for the small commercial strip is available along the Arizona Avenue frontage.

Planning Staff finds that the sale of beer and wine 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 condition to maintain consistency with similar type retailers approved for a Liquor Use Permit under a Series 10 Beer and Wine Store license.

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

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on December 7, 2015. The property owners of D&L Chandler Glassworks, located at 411 South Arizona Avenue, Suite 1, attended. The concerns voiced related to day laborers, parking, and property maintenance.
- As of the writing of this memo, Planning Staff is not aware of any opposition to the request.

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

Motion to Approve.

In Favor: 5    Opposed: 0    Absent: 2 (Cunningham, Pridemore)

#### **RECOMMENDED ACTION**

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP15-0021 PAYLESS MARKET, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 10 Beer and Wine Store license, and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

#### **PROPOSED MOTION**

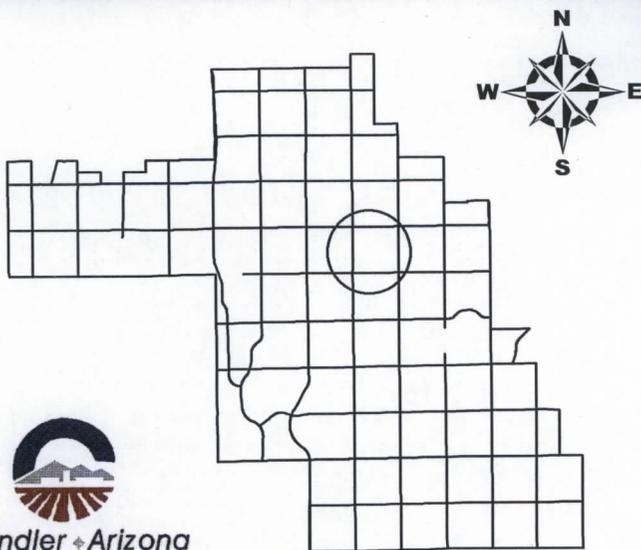
Move City Council approve Liquor Use Permit case LUP15-0021 PAYLESS MARKET, subject to the conditions as recommended by Planning Commission and Planning Staff.

#### **Attachments**

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



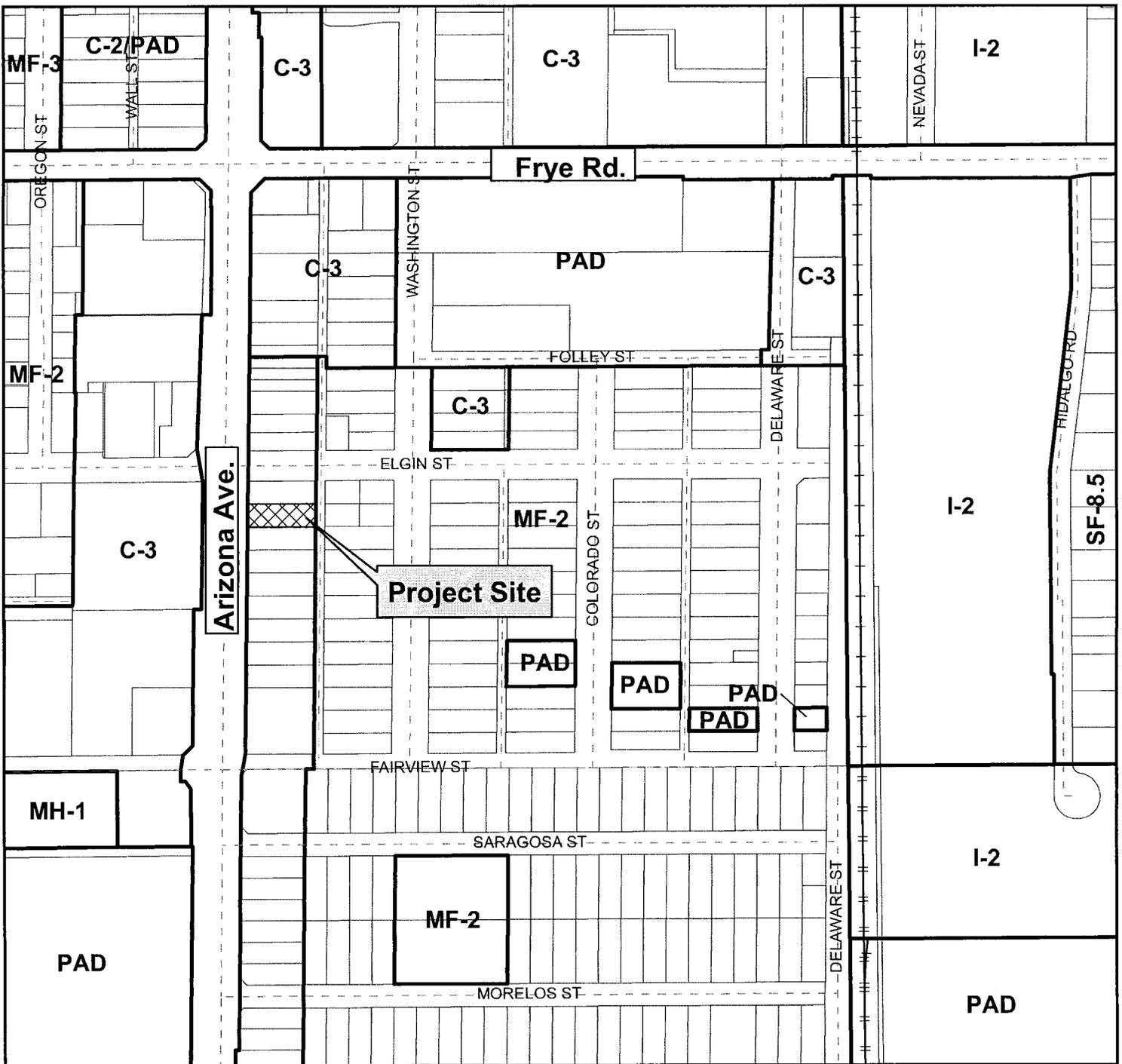
## Vicinity Map



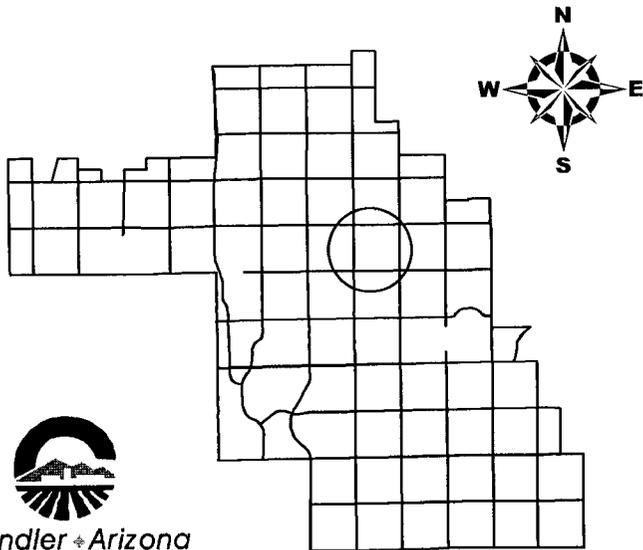
LUP15-0021

**Payless Market  
Liquor Use Permit**

CITY OF CHANDLER 10/28/2015

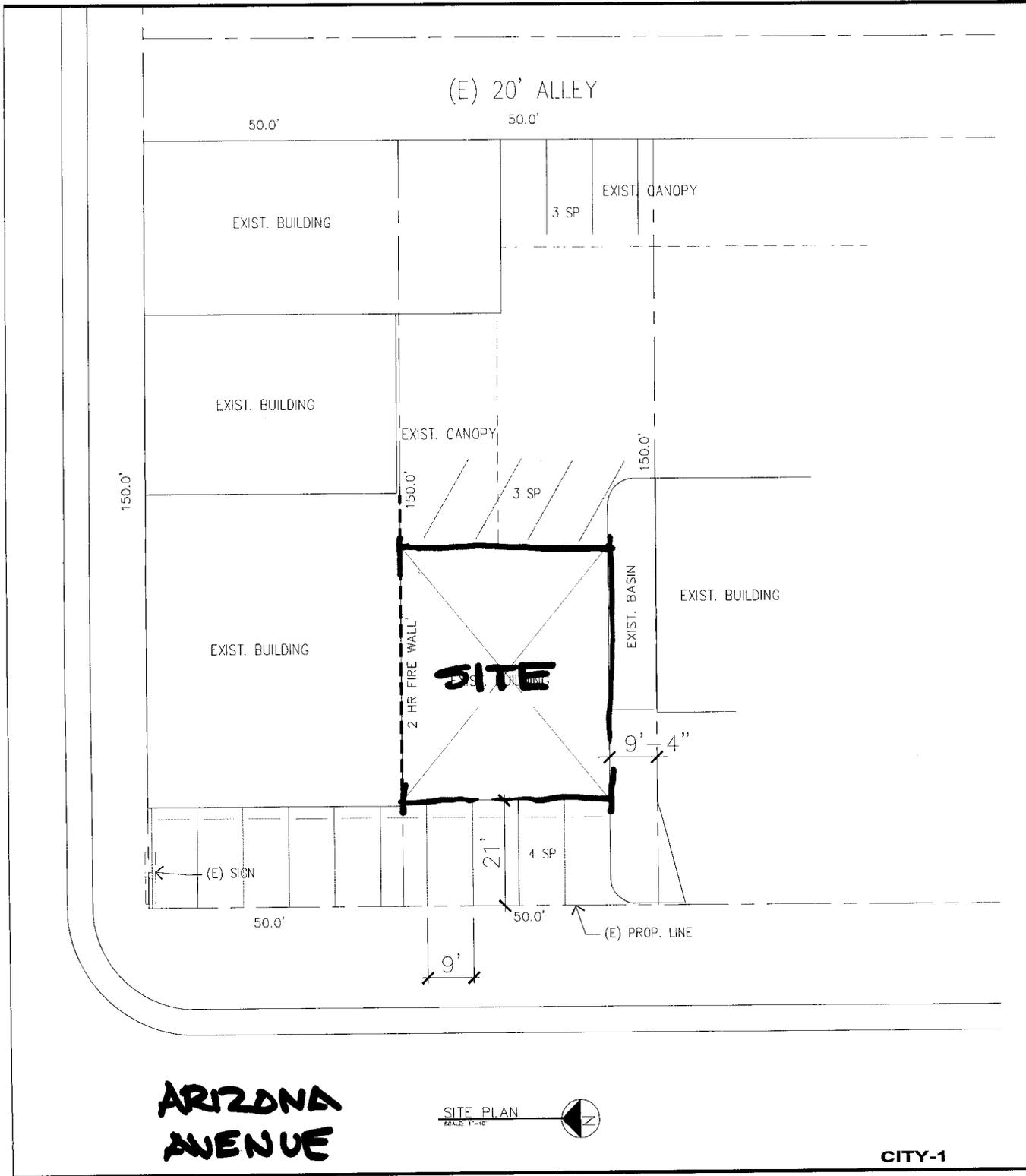


## Vicinity Map



LUP15-0021

**Payless Market  
Liquor Use Permit**



**ARIZONA AVENUE**

SITE PLAN  
SCALE: 1"=10'

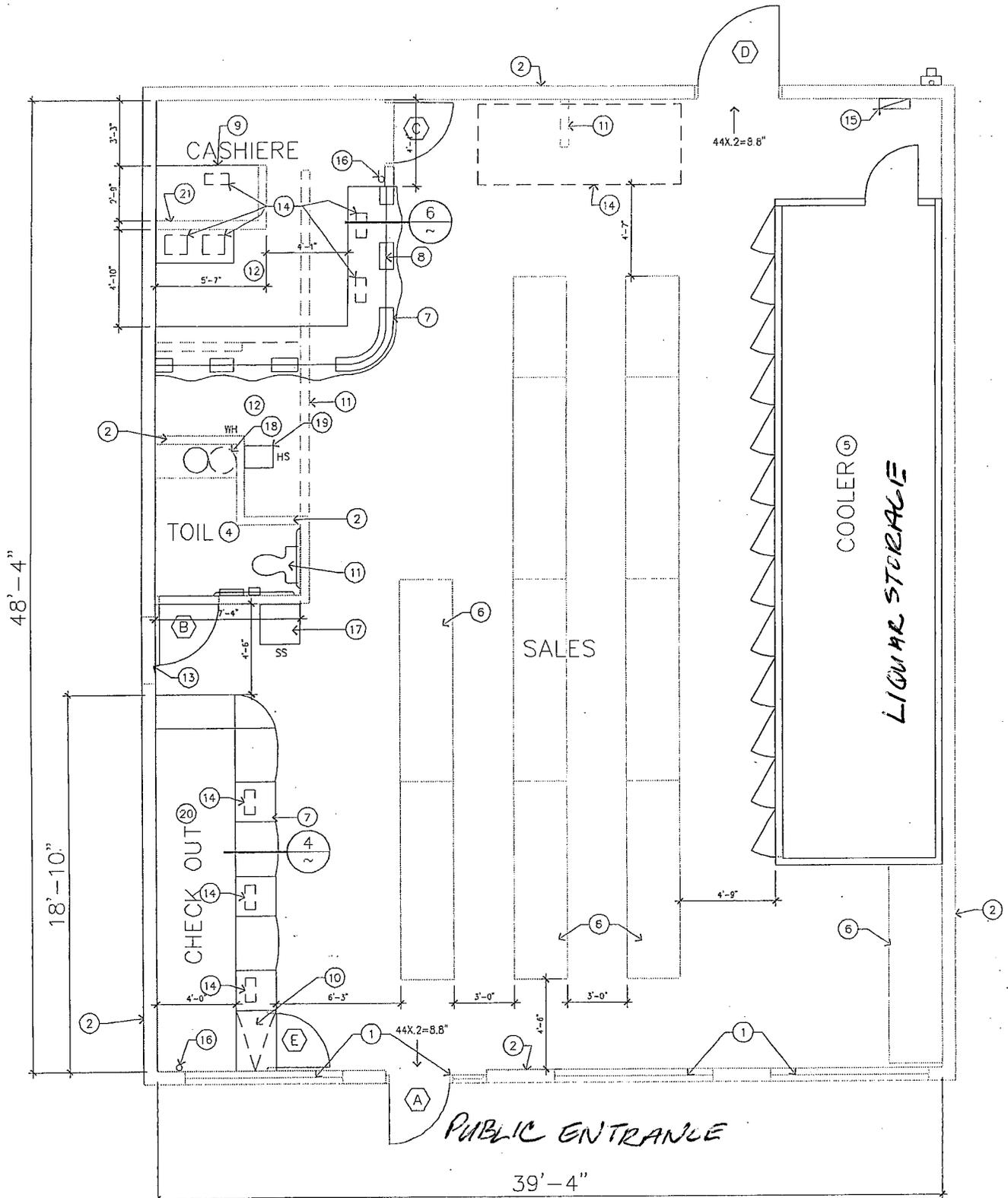


CITY-1

JOB NUMBER 14-36		CONTRACT DATE 10-9-15		DRAWN BY MM		APPROVED CD	
<p><b>Sonoran Design Service</b>          2211 East Highland, Suite 170          Phoenix, AZ 85016          Chris Doran, Pres. 602-405-8951</p>							
<p>TENENT REMODEL          FOR  <b>MINI MARKET</b>          405 S ARIZONA AVENUE          CHANDLER, ARIZONA</p>							
<p>PROJECT</p> 							
<p>SHEET  <b>A1</b></p>							

**PAYLESS MARKET**

# PAYLESS MARKET



FLOOR PLAN  
 1/4" = 1'-0"



## **PAYLESS MARKET**

**405 S ARIZONA AVENUE CHANDLER AZ 85225**

### **PROJECT NARRATIVE**

For its Project Narrative, in accordance with the requirements of the City of Chandler Liquor Use Permit Application, Hallak Enterprises, LLC dba Payless Market states as follows:

Payless Market is submitting this Liquor Use Permit application to allow for beer and wine alcohol package sales with a series 10 Beer and Wine Store for the business located at 405 S Arizona Avenue Chandler AZ 85225 (between Frye and Pecos on the East side of Arizona Avenue). Therefore this application is a request for approval of a Liquor Use Permit allowing off-sale package beer and wine sales from the establishment at the listed location.

The building for Payless Market is approximately 2,000 sq ft. and will have a fire sprinkler system installed to adhere to Chandler Fire Department and Chandler City code. The days of operation of the new Payless Market will be 7 days a week, Sunday through Thursday 8:00 am until 9:00 pm, Friday and Saturday 8:00 am until 10 pm.

The new market will be a convenience store similar to a grocery store on a smaller scale to include sale of canned grocery food, breakfast items, soda, water and other miscellaneous beverages including beer and wine product, toiletries, tobacco products and other necessities and will include check cashing and money transfers for the convenience of its customers.

Trash pick-up will be scheduled on a daily basis surrounding the property. The trash receptacles are located on the east side of the building. There is an alley to the east of the building separating the building from residential property to the east. Therefore, trash will be disposed of between the hours 12:00 (noon) until 7:00 pm so as not to disturb the tranquility of the neighboring residents.

The applicant and current owner of Payless Market located at 398 S. Arizona Avenue Chandler AZ 85225 will surrender the existing series 10 Beer and Wine license at 398 S. Arizona Avenue Chandler AZ upon successfully obtaining a Liquor Use Permit and a new series 10 liquor license for 405 S. Arizona Avenue Chandler AZ 85225. The owner is relocating due to economic issues at the existing building.

It should be noted that the owner of Payless Market located at 398 S. Arizona Avenue Chandler AZ has owned and operated the market since September 2007. The owner has worked alongside with Chandler Police Department to remove individuals who are loitering, trespassing, committing theft, and criminal damage. The owner/applicant will make the same arrangements with Chandler Police Department on the new proposed property upon successfully obtaining the appropriate permits and licenses.

The building at 405 S. Arizona Avenue Chandler AZ 85225 has been vacant for an extensive time and vacant properties have been known to reduce the value of surrounding properties, increase vandalism, loitering and blight in general. Therefore occupying this property may assist in eliminating these issues at 405 S. Arizona Avenue Chandler AZ 85225. If additional landscape is required by the City of Chandler the applicant will comply with the requests.

I respectfully ask that a Liquor Use Permit be granted for 405 S. Arizona Avenue Chandler AZ 85225 as the use will not disrupt the existing balance of daytime and nighttime uses and will not affect vehicular or pedestrian traffic in the adjacent parking lots as there is adequate parking and entrances/exits to the business and properties. Furthermore, the sale of beer and wine from this new site will not negatively impact residents and/or businesses within the surrounding area and it will not add an additional beer and wine store to the area as the existing liquor series 10 license at 398 S Arizona Avenue Chandler AZ will be surrendered upon approval of all permits and licenses for 405 S. Arizona Avenue Chandler, Arizona 85225.

Sincerely,

Theresa J. Morse  
Representative for the applicant  
(480) 353-8035