

MAY 26 2016 #21



MEMORANDUM

Planning Division – CC Memo No. 16-049

DATE: MAY 26, 2016

TO: MAYOR AND COUNCIL

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

FROM: LAUREN SCHUMANN, CITY PLANNER *LS*

SUBJECT: LUP16-0011 FRY'S MARKETPLACE

Request: Liquor Use Permit approval to sell and serve liquor as permitted under a Series 9 Liquor Store License and Series 7 Beer and Wine Bar License within a new grocery store

Location: 2929 E. Ocotillo Road  
Southwest corner of Ocotillo and Gilbert roads

Applicant: Lauren Merrett; Mereco Inc.

**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**

The subject site is located at the southwest corner of Ocotillo and Gilbert roads within the new Artesian Marketplace commercial development and will be the main anchor. Artesian Marketplace is border on the west by Norman Way and Fonte Al Sol, a single-family residential subdivision. South of the property are the Intel Brine Ponds, which are part of a groundwater recharging facility. To the east is Gilbert Road with the Plant commercial development beyond. Ocotillo Road is located north of Artesian Marketplace.

The request is for a Liquor Use Permit approval to sell beer, wine, and liquor for off-premise consumption as permitted under a Series 9 Liquor Store License, in addition to approval to sell and serve beer and wine to dine-in patrons as permitted under a Series 7 Beer and Wine Bar License.

May 26, 2016

Fry's Food Stores have operated in the Valley since 1960, and currently have 119 stores in Arizona. The newest addition to Chandler will be a Fry's Marketplace, which are larger and feature household goods, a coffee shop, and dine-in options. The approximately 123,000 square foot grocery has represented the store's hours of operation are 5 a.m. to 12 a.m. daily, and will sell spirituous liquors seven days a week, during the hours allowed by state law. Fry's Marketplace will offer a dine-in area that serves fresh prepared food, beer, and wine. The dine-in area will be fenced off from the grocery store and patrons are not allowed to leave the dine-in area with alcohol.

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on April 28, 2016. No one but the applicant attended; however, Staff received one phone call from a Fonte Al Sol resident requesting information.
- As of the writing of this memo, Planning Staff is not aware of any opposition or concerns with this request.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 5    Opposed: 0    Absent: 2 (Baron, Wastchak)

**RECOMMENDED ACTION**

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend City Council approve the Liquor Use Permit, LUP16-0011 FRY'S MARKETPLACE, subject to the following conditions:

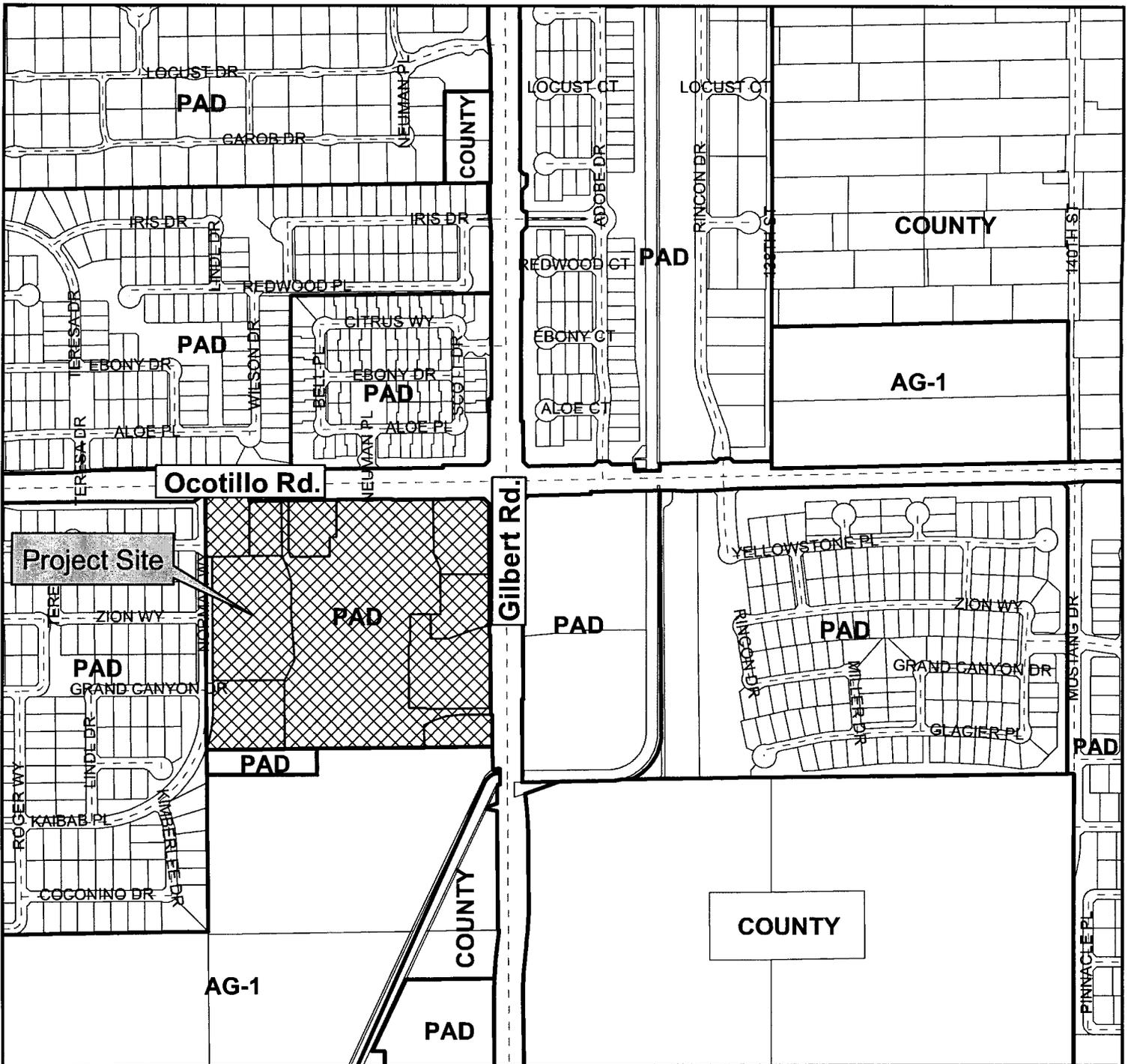
1. The Liquor Use Permit is granted for a Series 9 Liquor Store License and Series 7 Beer and Wine Bar License only, and any change of license shall require reapplication and new Liquor Use Permit approval.
2. The Liquor Use Permit is non-transferable to other store locations.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

**PROPOSED MOTION**

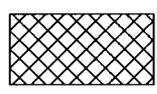
Move City Council approve Liquor Use Permit case LUP16-0011 FRY'S MARKETPLACE, subject to the conditions as recommended by Planning Commission and Planning Staff.

**Attachments**

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

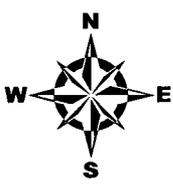
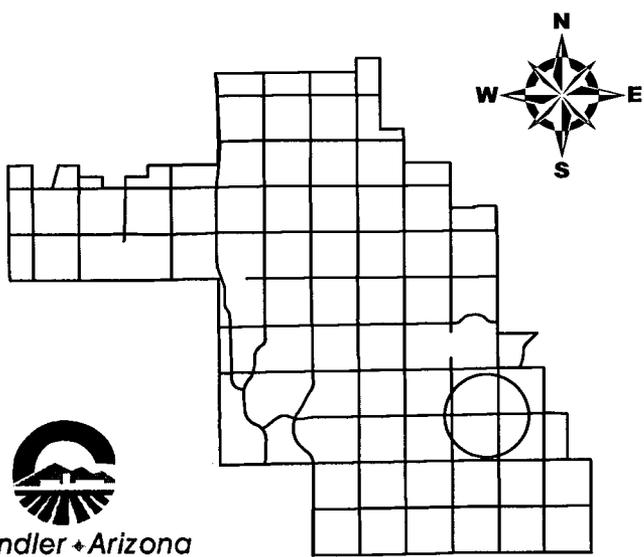


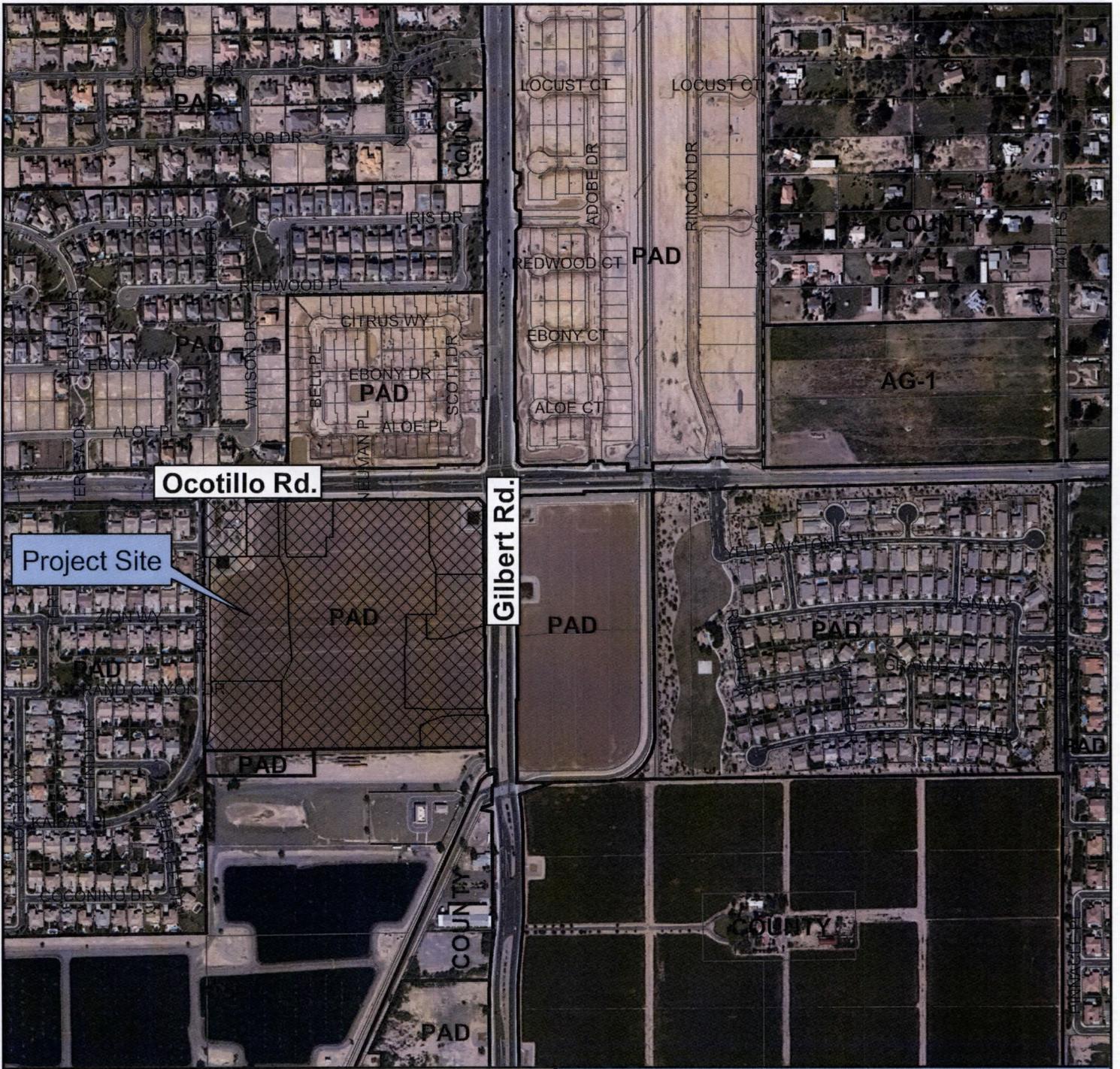
**Vicinity Map**



**LUP16-00011**

**Fry's Marketplace  
Liquor Use Permit**





Ocotillo Rd.

Gilbert Rd.

Project Site

Vicinity Map



LUP16-00011

Fry's Marketplace  
Liquor Use Permit



## Fry's Marketplace Narrative

Please accept this application for a Series 9 Liquor License and a Series 7 Beer and Wine License use permit on behalf of Fry's Food and Drug Store. The purpose of these licenses is to provide on sale and off sale alcohol sales for the grocery store. The 123,000 square foot store will be located within Artesian Marketplace at 2929 E. Ocotillo Road. Fry's Marketplace represents hours operation are 5 a.m. to 12 a.m., seven days a week, however, liquor products will only be sold during permitted hours allowed by state law.

Regarding the Series 07 on-sale license:

Fry's Marketplace also proposes to serve beer and wine in the dine-in areas. This area is identified by #3 on the floor plan. This is the only designated on-sale consumption area on this footprint. The area is clearly defined by fencing/ signs indicating open alcohol is not to leave this area.

Regarding storage sales etc.:

As is standard in the grocery industry, there is a specified storage area for alcohol identified by the #2 on the floor plan, however, for loading, unloading and staging the entire back room must be identified as potential liquor storage. This is also indicated by the #2 on the floor plan.

Similar to the storage issue the sales area has a specific designation however, as is standard in the grocery industry the entire sales floor must be identified as potential sales. This is to accommodate end-caps, special items, sales, or promotions.

Thank you for your consideration.



Lauren Merrett

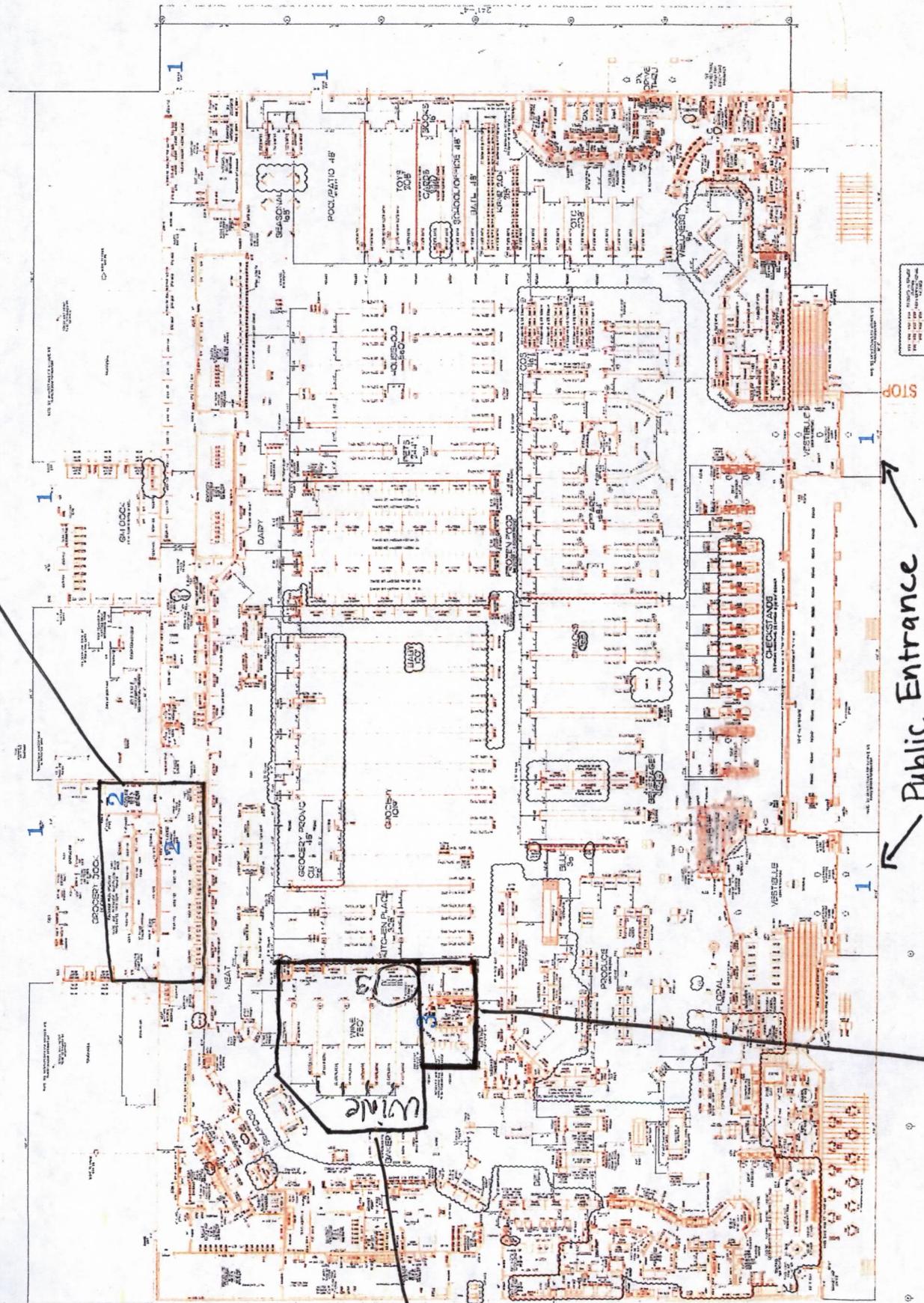
Mereco Inc.

Agent for Fry's Food and Drug Stores



Liquor Storage Area

FRY681F1



Public Entrance

1. Entrances/Exits
2. Liquor Storage = entire back room
3. Sales area = entire sales floor

Dine-in Area