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All-America City
2010

MEMORANDUM **Transportation & Development – PZ Memo No. 11-077**

DATE: AUGUST 10, 2011

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

FROM: BILL DERMODY, SENIOR CITY PLANNER BD

SUBJECT: LUP11-0013 EZ SMOKE SHOP

Request:	Use Permit approval to sell beer & wine for off-premise consumption only at a convenience store (Series 10 Liquor License)
Location:	777 N. Arizona Avenue, Suite 8 Southeast corner of Arizona Avenue and Ivanhoe Street
Applicant:	Burch & Cracchiolo
Owner:	Brokalakis Investments, LLC
Zoning:	Regional Commercial District (C-3)

RECOMMENDATION

Staff, finding consistency with the General Plan, recommends approval with a time limit of one (1) year.

BACKGROUND

The request is for Use Permit approval to sell alcohol for off-premise consumption from a smoking-oriented convenience store in conjunction with a Series 10 Wine & Beer Store License. The suite is located within the 1-acre DeLeon Plaza shopping center at the southeast corner of Arizona Avenue and Ivanhoe Street. The 600-square foot subject business will be open from 9 a.m. to 9 p.m. A former bar in the suite to the south is currently vacant. A former convenience store south of that is also currently vacant. A variety of retail tenants occupy the other suites. Commercial uses line both sides of Arizona Avenue in this area, including several involving

alcohol sales. There is a single-family neighborhood east of the subject site, separated by an alley.

Staff recommends approval of the request with a time limit of one (1) year to allow continued evaluation of compatibility with the nearby neighborhood. Staff also recommends the standard condition regarding maintaining the site in a "clean and orderly manner" to ensure that no littering occurs near the store.

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 August 9, 2011 at the Downtown Community Center. No citizens attended.
- One neighbor to the east called in opposition, believing that there are already more than enough places nearby to purchase alcohol.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of LUP11-0013 EZ SMOKE SHOP 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 and Narrative shall void the Use Permit and require new Use Permit application and approval.

4. The area adjacent to the store shall be maintained in a clean and orderly manner.

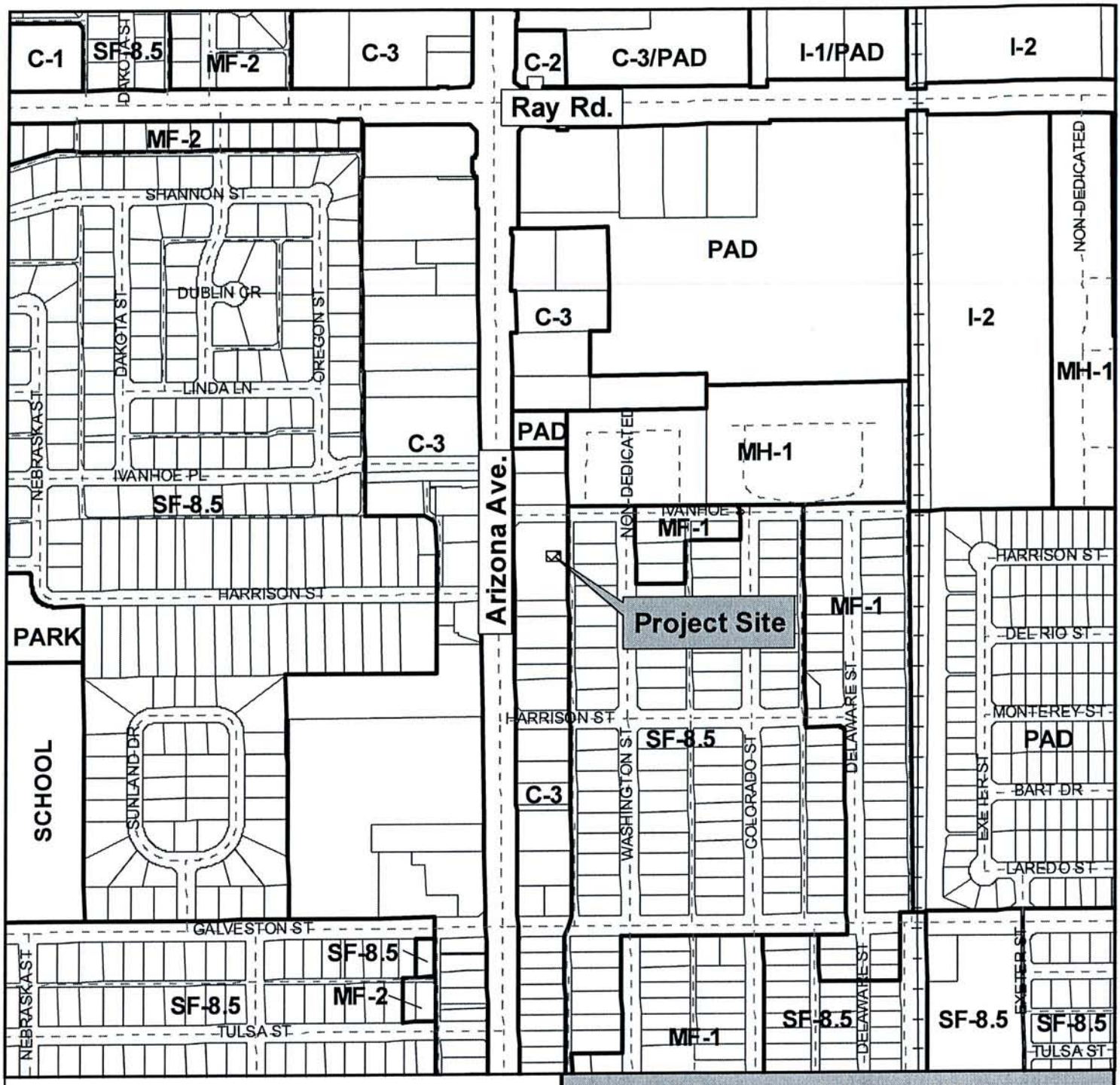
5. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

PROPOSED MOTION

Move to recommend approval of LUP11-0013 EZ SMOKE SHOP Use Permit for liquor sales subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Aerial Close-up
4. Floor Plan
5. Applicant Photos



Vicinity Map

LUP11-0013

EZ Smoke Shop
Liquor Use Permit

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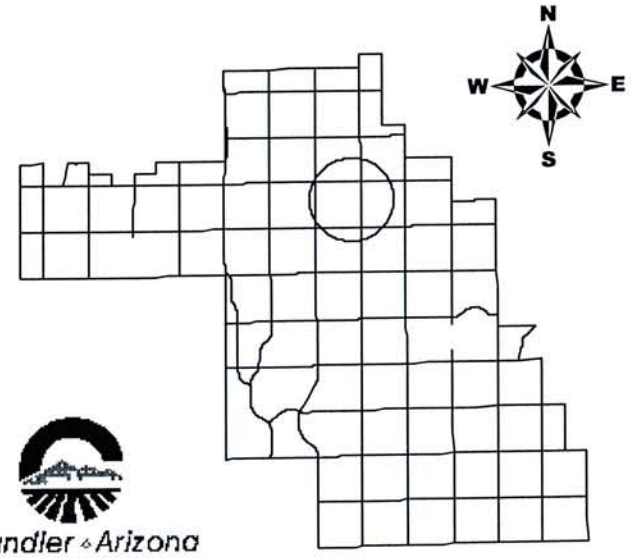
CITY OF CHANDLER 7/18/20011

Vicinity Map



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LUP11-0013

EZ Smoke Shop
Liquor Use Permit

CITY OF CHANDLER 7/18/20011

777 N. Arizona Avenue, Suite 8
Liquor Use Permit (Series #10)
Case No. LUP11-0013

EZ Smoke Shop, LLC, the owner of the EZ Smoke Shop at 777 N Arizona Avenue, Suite 8 in Chandler, submits this Use Permit application to allow beer and wine sales at its store within DeLeon Plaza Shopping Center The shopping center is zoned C-3 (the City's most intense Commercial Zoning District) which allows the sale of tobacco (as of right) and alcohol subject to a Use Permit. Simultaneous with this Liquor Use Permit request, the owner of EZ Smoke Shop is simultaneously processing an application with the Arizona Department of Liquor for a Series 10 (beer/wine) liquor license. The City Council is scheduled to Review and Comment on the liquor license application on July 28, 2011

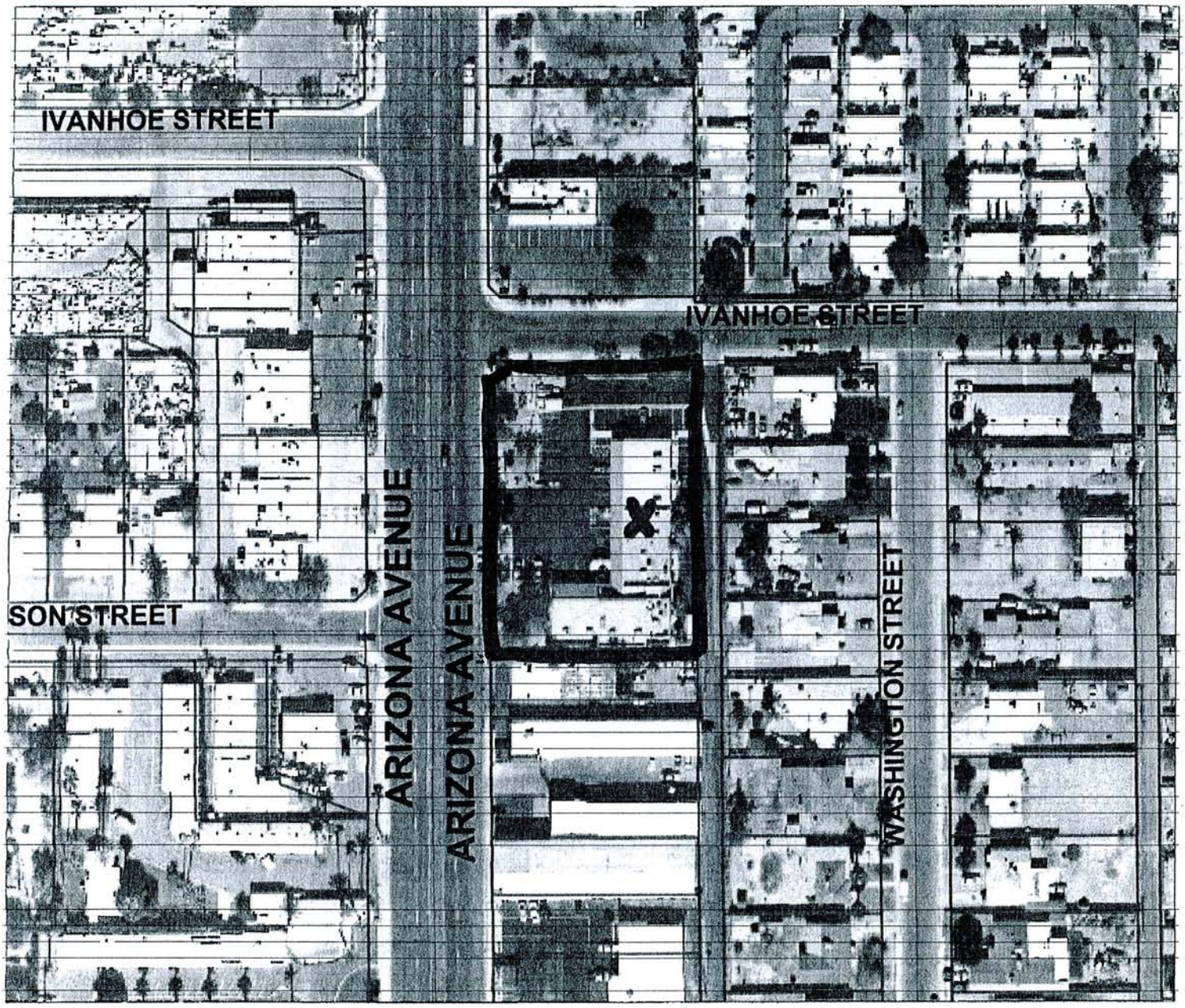
A Series 10 liquor license allows for the sale of beer and wine only, for consumption off-site of the licensed premises. It is considered a "package" beer/wine sales liquor license. This property at the southeast corner of Arizona Avenue and Ivanhoe Street has long been designated for commercial use. See aerial, zoning map, and photos attached. Note that the public access to the store faces Arizona Avenue. The storefront is separated from neighboring properties to the east by the shopping center building, parking, an alley and fences/walls.

The store is approximately 600 square feet. In the store, customers can shop for a variety of convenience items such as tobacco, candy, chips, soft drinks, ice cream, beer and wine. A floor plan identifying the interior is attached. With generous lighting both inside and out, the store will be a convenience for residents of the area as well as people otherwise doing business along Arizona Avenue.

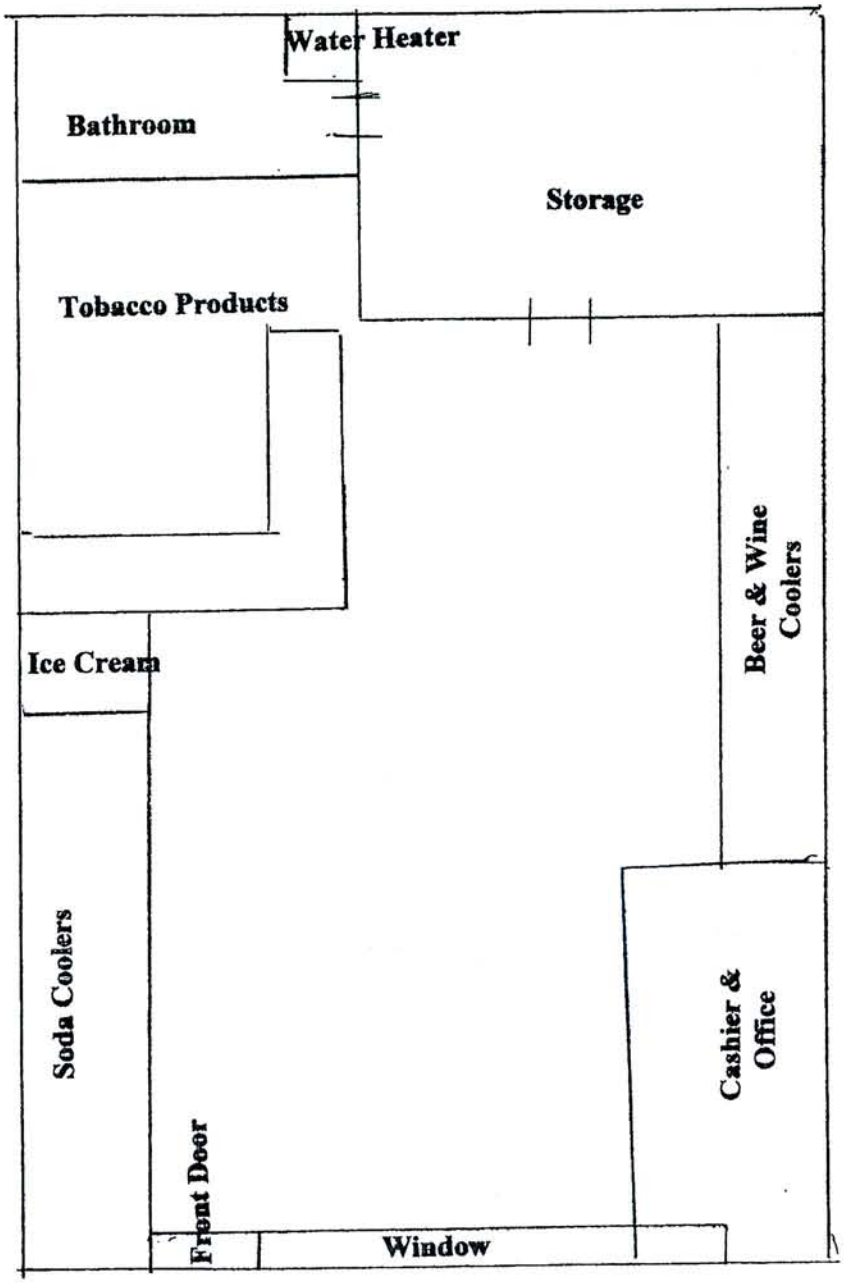
The store is expected to be open seven days a week from the hours of 9:00 a.m. to 9:00 p.m. The store is a family run business that will employ mother and son. Store employees attended classes and were given training before being allowed to sell beer and wine and their training will be updated throughout their employment. The training certificates are attached. EZ Smoke Shop's policies and procedures require that ***all*** purchasers of liquor provide proof of legal age before being allowed to complete a beer or wine purchase. All sales of beer and wine will be in sealed packages for consumption off-site. The addition of the sale of beer and wine sales to the other convenience items will not be a detriment to the peace in the area or impose a drain on police resources.

The proposed Liquor Use Permit is in conformance with the City's General Plan, C-3 zoning, and policies for this property Beer and wine sales will complement the other items offered in the store and will be compatible with other activities in the corridor The offering of beer and wine sales will allow this store to provide the traditional array of convenience items to their customers and to compete successfully at this location. It will have no negative impacts on the surrounding area.

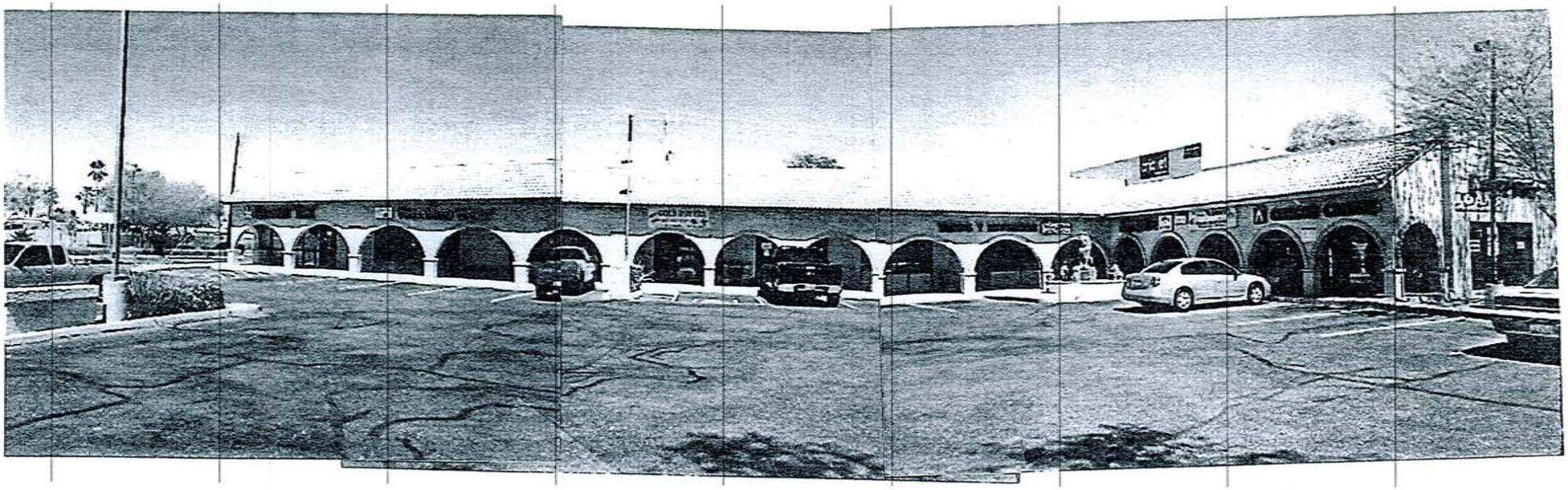
County Parcels



EZ Smoke Shop
777 N. Arizona Avenue, Suite 8
Chandler, Arizona 85225

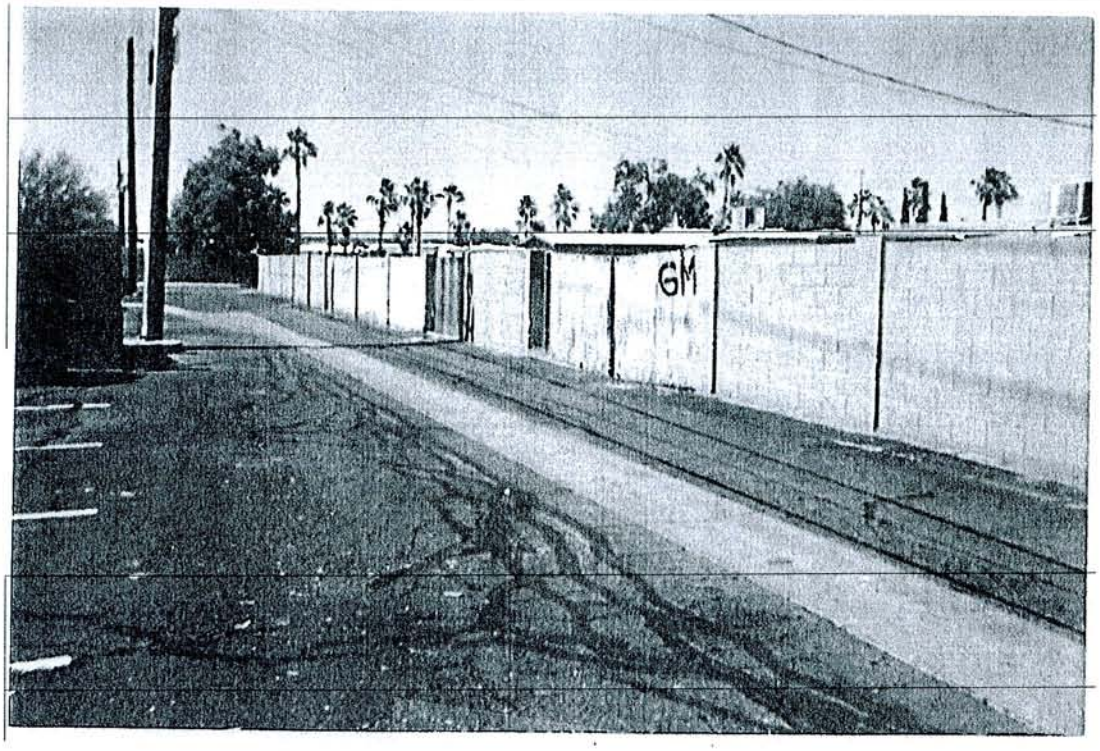


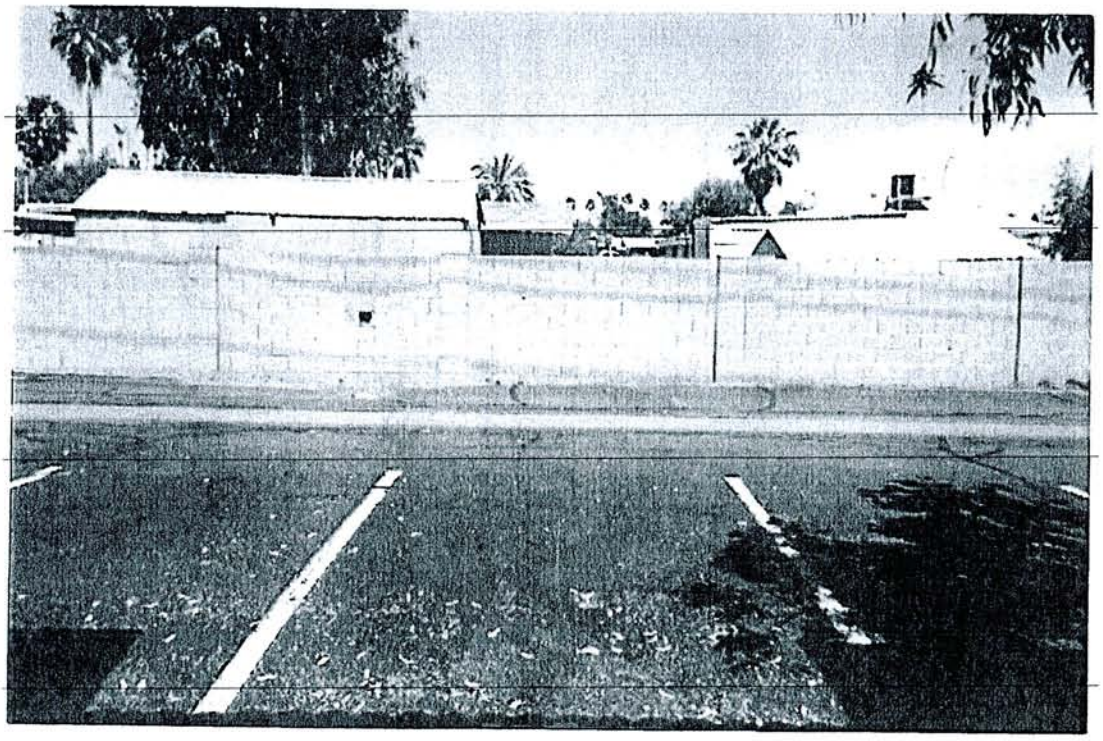
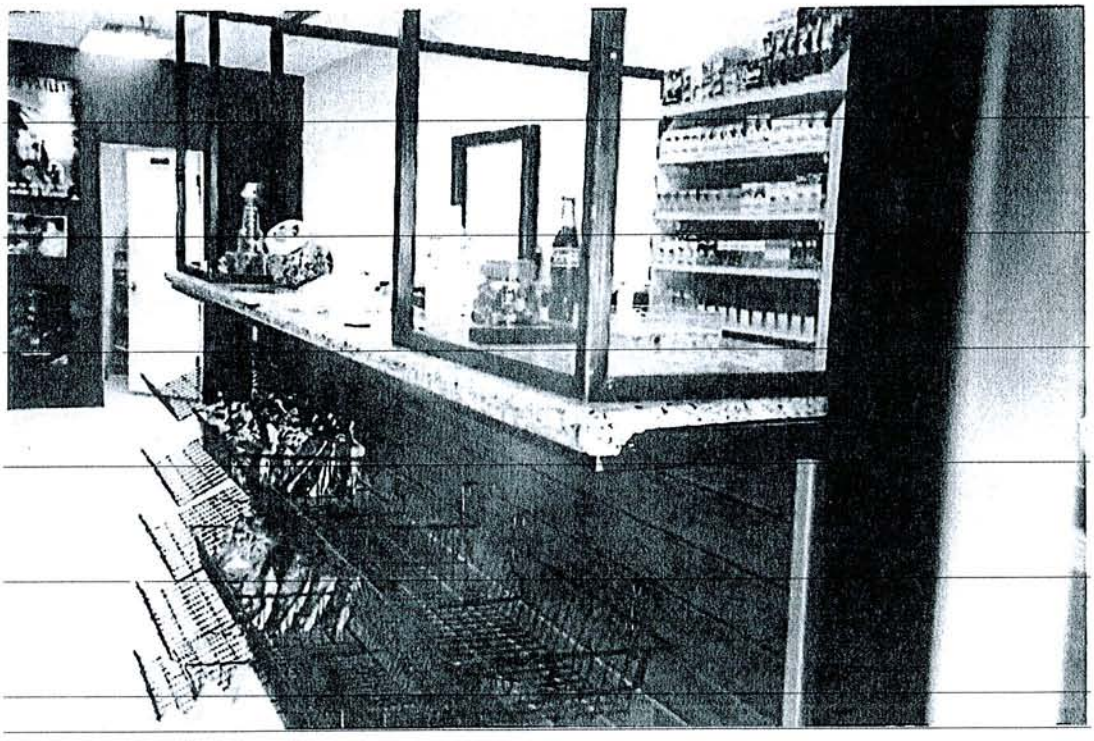
DeLeon Plaza Shopping Center
777 N. Arizona Avenue



West Side of
Arizona Avenue

Alley and Residential
to the East





EZ Smoke Shop
Interior