



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



**MEMORANDUM                      Transportation & Development – PZ Memo No. 12-122**

**DATE:**            DECEMBER 3, 2012

**TO:**                PLANNING AND ZONING COMMISSION

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

**FROM:**           JESSICA SARKISSIAN, AICP, CITY PLANNER *J*

**SUBJECT:**       LUP12-0032 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 and zoning, recommends approval with conditions.

**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 seven days a week from 9 a.m. to 11 p.m. 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.

Last year a liquor use permit was approved for this same site and business under LUP11-0013, with a one (1) year time constraint for continued Staff evaluation. After correspondence with the police department and hearing no objections, Staff recommends approval of the request with the removal of the time constraint. Staff also recommends maintaining the standard condition regarding maintaining the site in a “clean and orderly manner” to ensure that no littering occurs near the store.

### **DISCUSSION**

Staff supports the request for the Series 10 Beer and Wine Store License Use Permit, finding that a liquor store is appropriate at this location, and that the use has operated for the past year without incident.

### **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 responded that they do not have any objections with this proposal.
- A neighborhood meeting was held on November 27, 2012 at the Downtown Community Center. No citizens attended.
- Staff has received no opposition at the time of writing this memo.

### **RECOMMENDED ACTION**

Staff, upon finding consistency with the General Plan and zoning, recommends approval of LUP12-0032 EZ SMOKE SHOP subject to the following conditions:

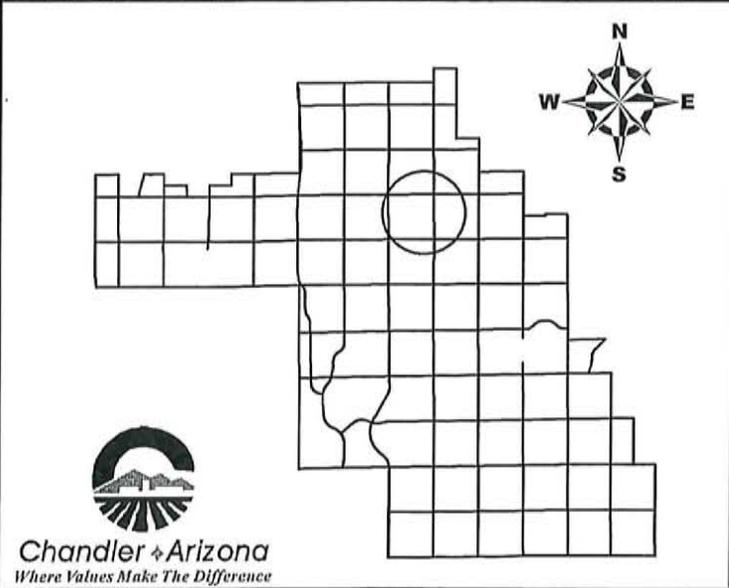
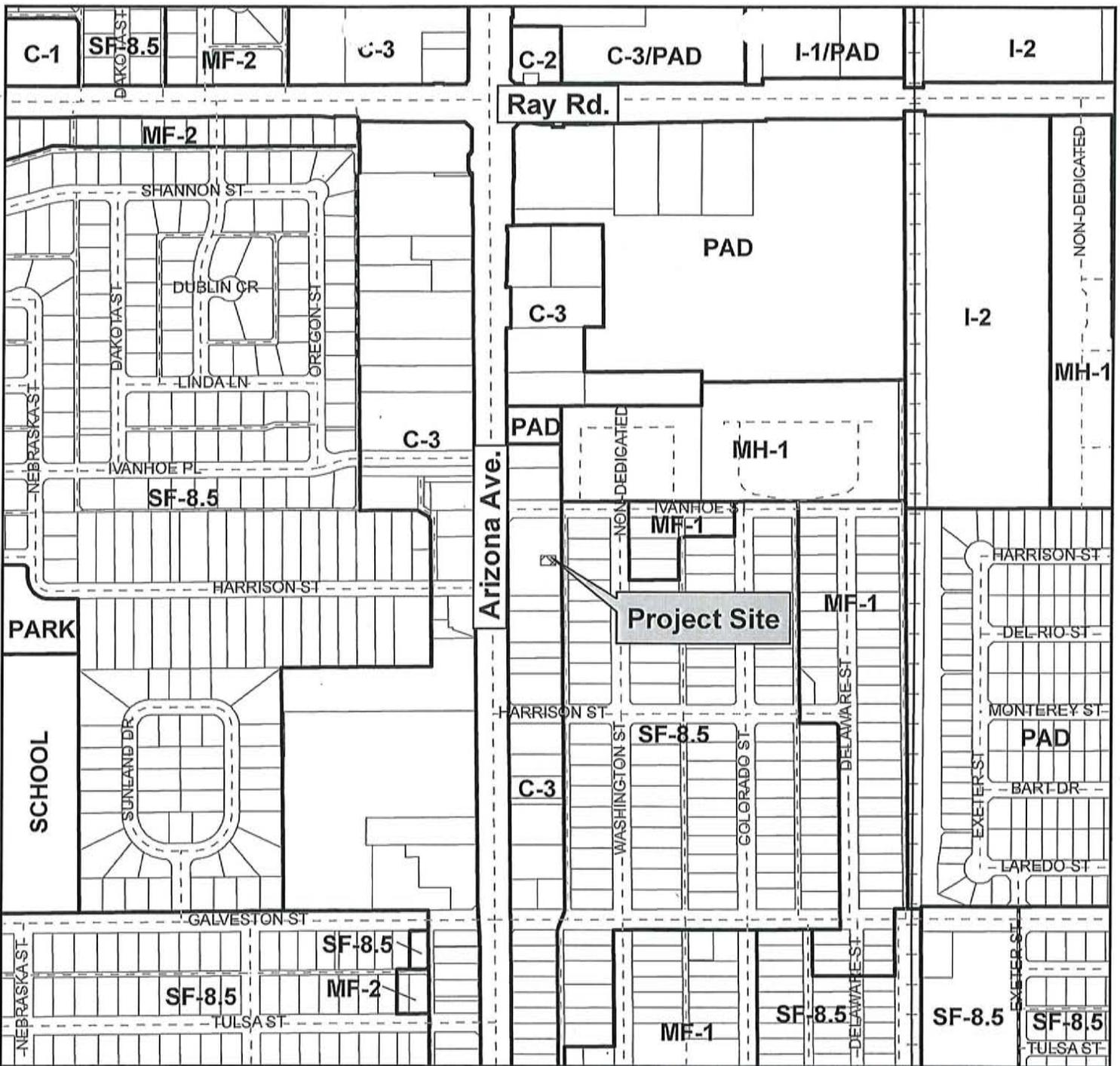
1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
4. The area adjacent to the store shall be maintained in a clean and orderly manner.

### **PROPOSED MOTION**

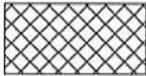
Move to recommend approval of LUP12-0032 EZ SMOKE SHOP Use Permit for liquor sales subject to the conditions recommended by Staff.

### **Attachments**

1. Vicinity Maps
2. Narrative
3. Aerial
4. Floor Plan
5. Photos



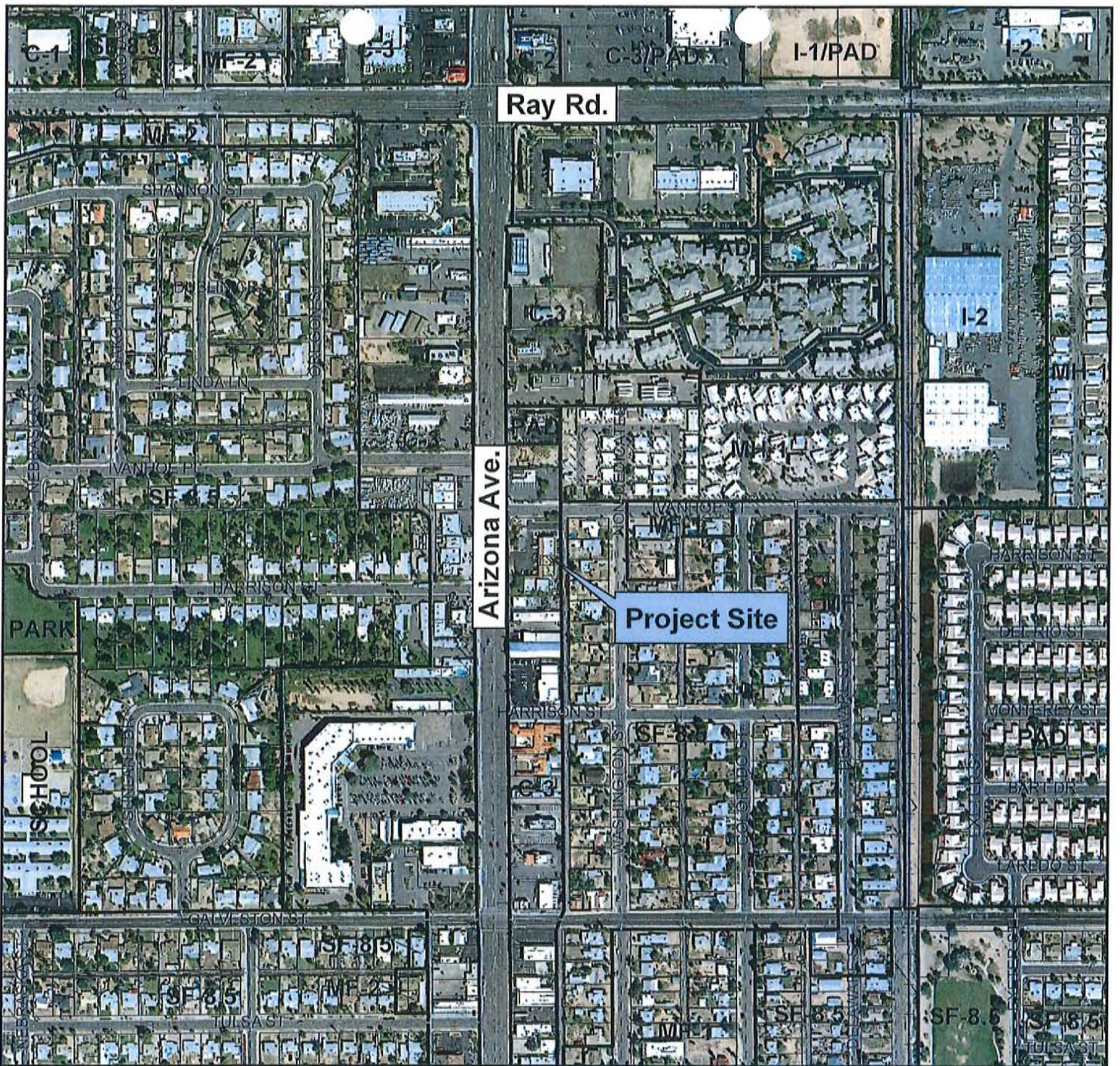
## Vicinity Map



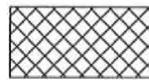
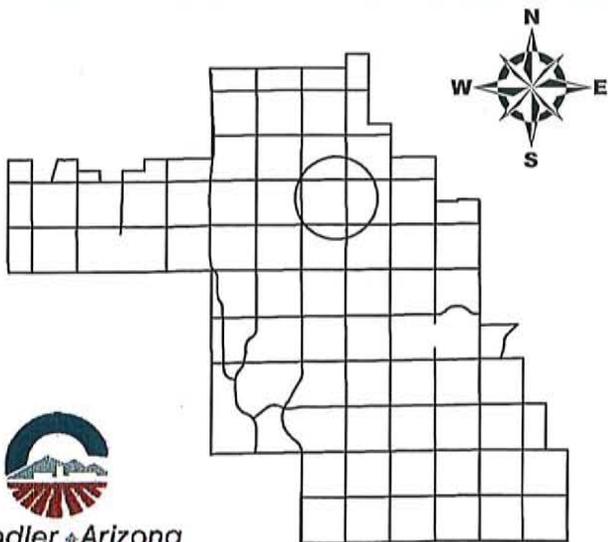
**LUP12-0032**

**EZ Smoke Shop  
Liquor Use Permit**

CITY OF CHANDLER 11/2/20012



## Vicinity Map



LUP12-0032

**EZ Smoke Shop  
Liquor Use Permit**

**EZ Smoke Shop – 777 N. Arizona Avenue, Suite 8**

**Liquor Use Permit Extension**

10/26/12

The purpose of this application is to request an extension of the approved, existing Series 10 Liquor Use Permit for EZ Smoke Shop, located at 777 N. Arizona Avenue, Suite 8. EZ Smoke Shop, LLC, the owner of the EZ Smoke Shop in Chandler, submits this Liquor Use Permit Extension application to continue to allow beer and wine sales (Series 10) at its store within the DeLeon Plaza Shopping Center. (See Exhibit 1, Aerial Photograph).

On September 8, 2011, the Chandler City Council approved the Liquor Use Permit for Case No. LUP11-0013 (See Exhibit 2, Notice of Council Action), subject to the following stipulation:

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 reapplication to and approval by the City of Chandler.

The store has been operating successfully for the past year with no incidents or violations. The store is in the right location for this type of use. 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. We request that there no longer be a time extension stipulation included with the approval of this Extension.

A Series 10 liquor license allows for the sale of beer and wine only, for off-site consumption of the licensed premises. It is considered a "package" beer/wine sales liquor license. The property at the southeast corner of Arizona Avenue and Ivanhoe Street, where the store is located, has long been designated for commercial use. The public access to the store faces Arizona Avenue. (See Exhibit 3, Site Photograph.) The storefront is separated from neighboring properties to the east by the shopping center building, parking, an alley and fences/walls. (See Exhibit 4, Rear Photograph.)

The store is approximately 600 square feet. (See Exhibit 5, Floor Plan.) In the store, customers shop for a variety of convenience items such as tobacco, candy, chips, soft drinks, ice cream, beer and wine. (See Exhibit 6, Interior Photographs.) With generous lighting both inside and out, the store has been a convenience for residents of the area as well as people otherwise doing business along Arizona Avenue.

The store is open seven days a week between the hours of 9:00 a.m. to 11:00 p.m. The store is a family run business that employs mother and son. Store employees attended classes and were given training before being allowed to sell beer and wine.

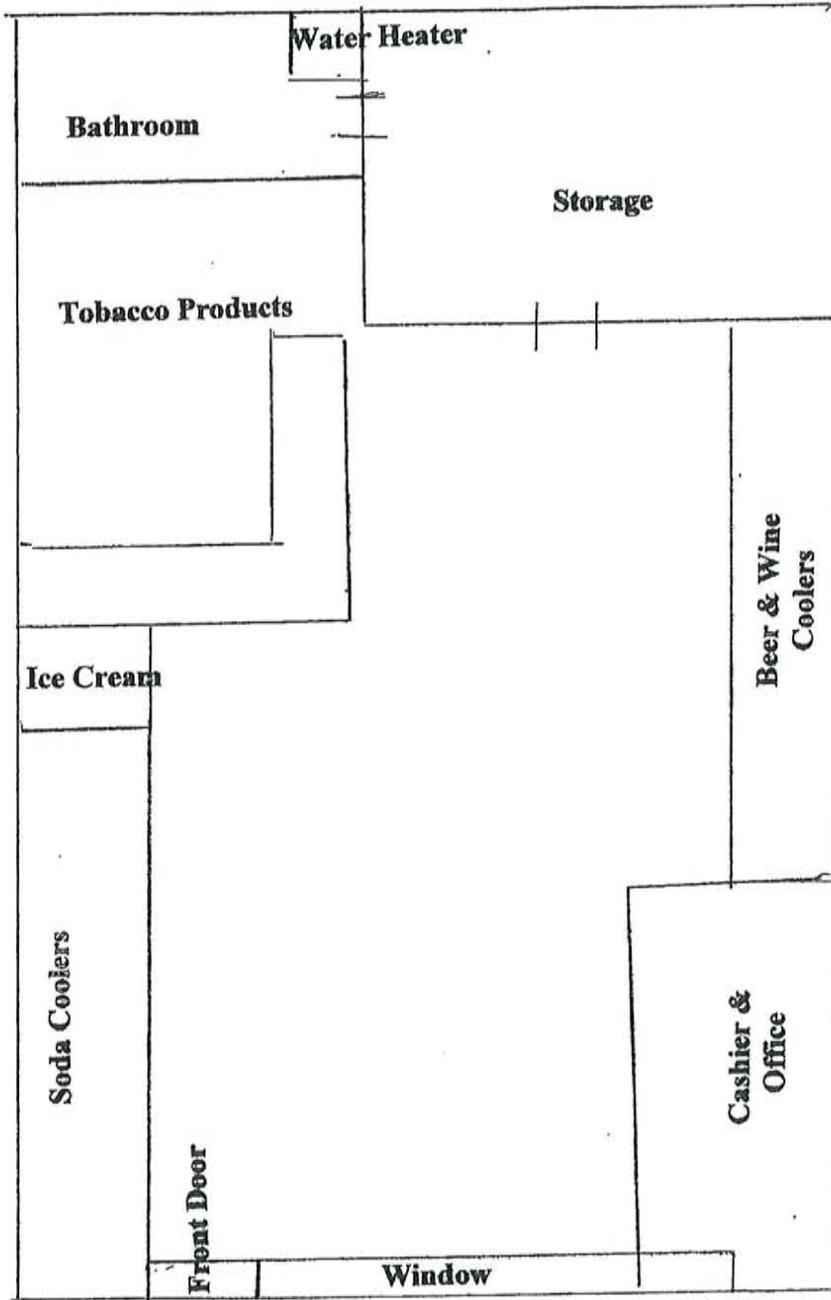
The Liquor Use Permit is in conformance with the City's General Plan, C-3 zoning, and policies for this property. Extension of the Liquor Use Permit will allow this store to continue to provide the traditional array of convenience items to their customers and to compete successfully at this location. It will have no negative impacts on the surrounding area.

LUP12-0032  
AERIAL MAP





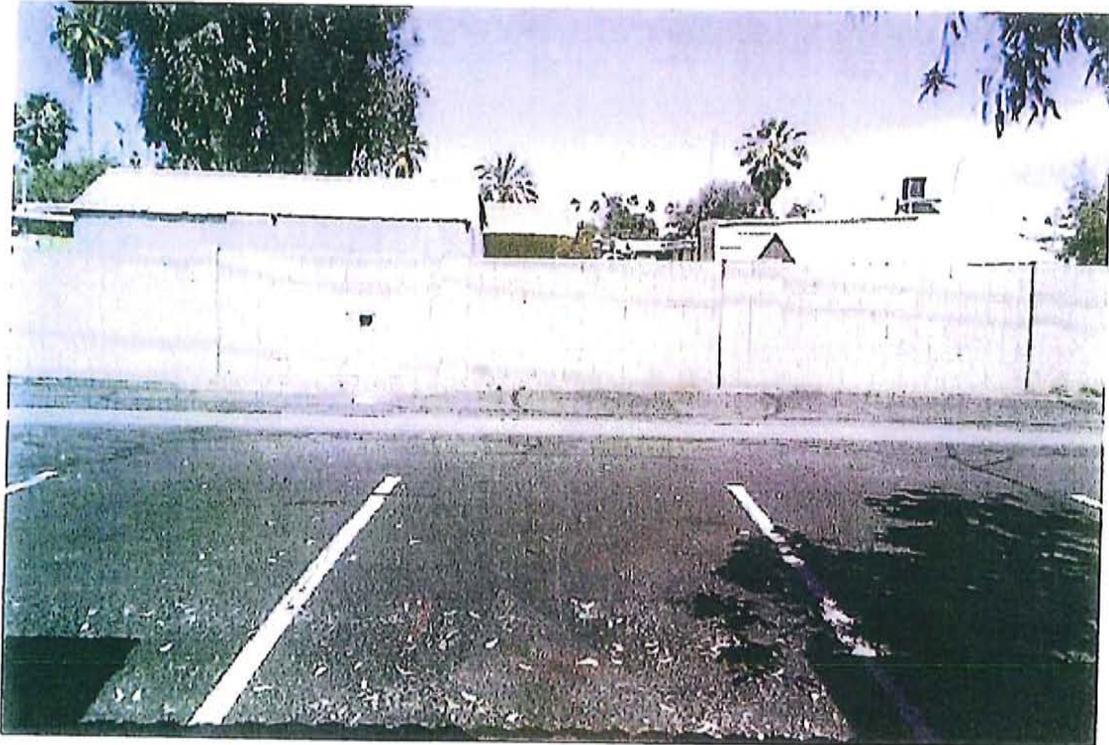
EZ Smoke Shop.  
777 N. Arizona Avenue, Suite 8  
Chandler, Arizona 85225



**DeLeon Plaza Shopping Center  
777 N. Arizona Avenue**



**Alley and Residential  
to the East**



**EZ Smoke Shop  
Interior**

