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MEMORANDUM Transportation & Development - PZ Memo No. 12-084

DATE: SEPTEMBER 14, 2012

TO: PLANNING AND ZONING COMMISSION

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

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER *DDT*

SUBJECT: LUP12-0019 WAL-MART NEIGHBORHOOD MARKET

Request: Use Permit approval for a Series 9 (all spirituous liquor) liquor license for off-premise consumption

Location: Northwest corner of Chandler Boulevard and Cooper Road

Applicant: Sean Lake, Pew & Lake, PLC

RECOMMENDATION

Finding consistency with the General Plan and Planned Area Development (PAD) zoning, Staff recommends approval subject to conditions.

BACKGROUND

The Use Permit request is for an approximately 42,000 square-foot Wal-Mart Neighborhood Market that will be constructed at the northwest corner of Chandler Boulevard and Cooper Road. The northwest corner (approximately 15 acres) was zoned PAD for commercial uses in 1987 and received Preliminary Development Plan (PDP) approval for a retail and office development in 2006. In 2011, Basis Chandler, a public charter school, was constructed on the western most 5-acres of the corner. The Wal-Mart Neighborhood Market is anticipated to begin construction in 2013.

The store received Use Permit approval to sell beer and wine only (Series 10 Liquor License) in 2008. The current request is for a Series 9 Liquor License which would allow the retailer to sell all types of spirituous liquor only in the original unbroken package to be taken away from the premises and consumed off the premises. When constructed, the store will be located just over

300-feet from the Basis Chandler school, thus complying with separation requirements from a school as required by state statutes.

As stated in the attached narrative, Wal-Mart is currently evaluating the market demand and the hours of operation for the store could potentially be open 24-hours a day, seven days a week. The Late Hour Business Compatibility Policy was established after the PAD zoning and therefore does not apply to the subject property. Further, the sale of liquor is exempted from the Late Hour Business Compatibility Policy as the City cannot adopt regulations in conflict with state provisions pertaining to hours of liquor sales.

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 with no issues or concerns.
- Notices were mailed to all property owners within a six hundred foot radius and all Registered Neighborhood Organizations (RNOs) within ¼ mile.
- A neighborhood meeting was held on August 30th, 2012. No neighbors were in attendance.
- Staff received 1 telephone call from a resident in the adjacent neighborhood who expressed concerns about the proximity to the school and potential increase in traffic.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and PAD zoning, recommends approval of LUP12-0019 WAL-MART NEIGHBORHOOD MARKET subject to the following conditions:

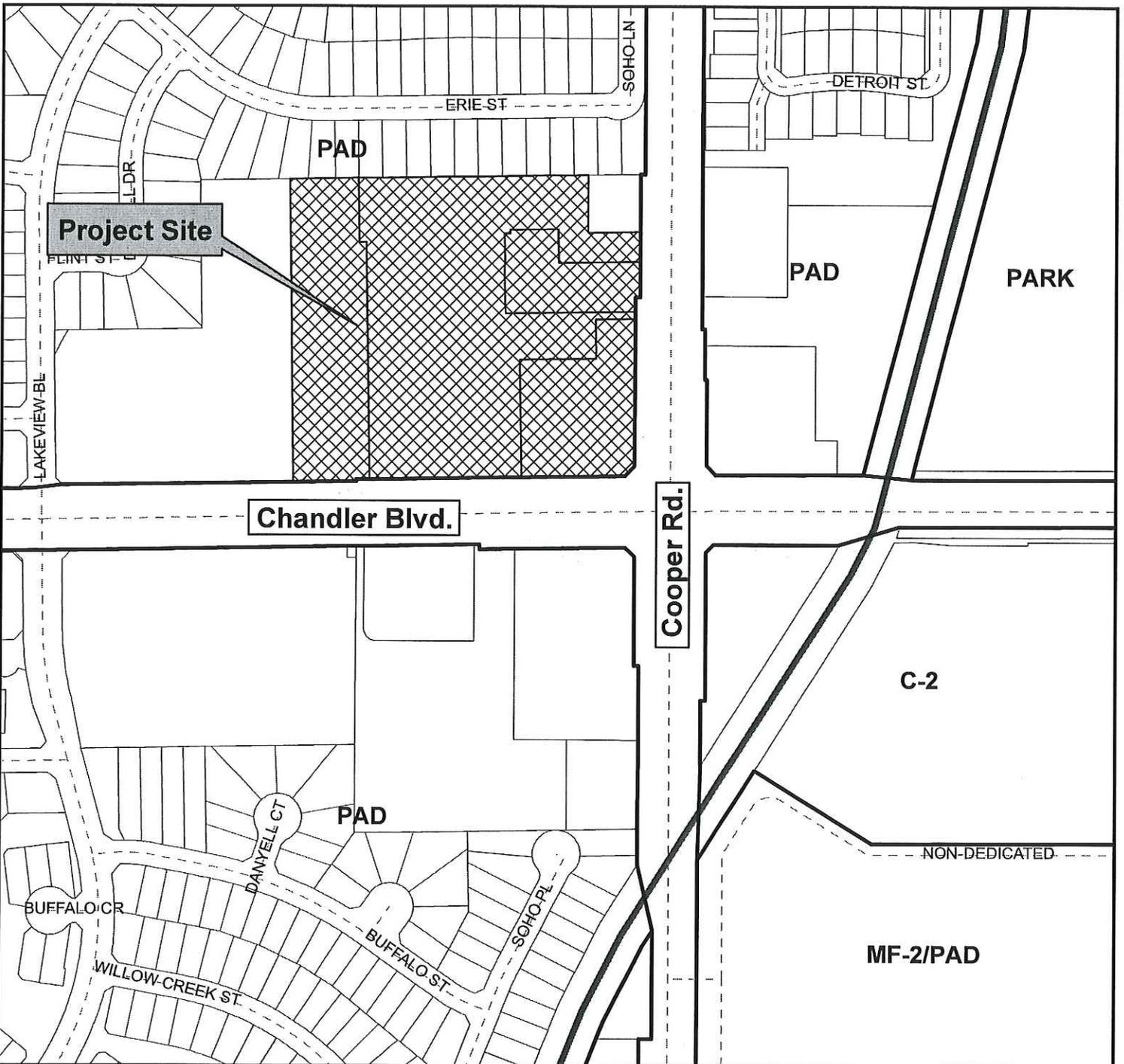
1. The Use Permit is for a Series 9 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.

PROPOSED MOTION

Motion to recommend approval of LUP12-0019 WAL-MART NEIGHBORHOOD MARKET, Use Permit for liquor sales subject to the conditions recommended by Staff.

Attachments

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

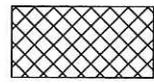
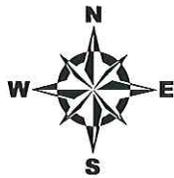


Project Site

Chandler Blvd.

Cooper Rd.

Vicinity Map



LUP12-0019

**Walmart Neighborhood Market
Liquor Use Permit**

**Walmart Neighborhood Market
Liquor Use Permit Project Narrative
Northwest Corner of Chandler Blvd. and Cooper Rd.
July 13, 2012**

REQUEST

Pew and Lake, PLC ("Applicant") on behalf of Wal-Mart Stores, Inc. respectfully requests a Liquor Use Permit to allow the sale of beer, wine and liquor at the proposed Walmart Neighborhood Market located at the northwest corner of Chandler Blvd. and Cooper Road in Chandler, more specifically identified as APN 302-84-937.

According to Article XXI, Section 35-2100 of the City of Chandler Zoning Ordinance, a Use Permit is required for liquor, wine and beer sales in all commercial and industrial zoning districts. The approval of this Use Permit will allow the Walmart Neighborhood Market to operate a Series 9 liquor license, which allows the sale of beer, wine and liquor. The subject property is currently zoned for commercial uses and all site plans, landscape plans and elevations have already been approved by the City of Chandler.

OPERATIONS AND LOCATION OF LIQUOR SALES

Wal-Mart is currently evaluating the market demand and the hours of operation for the proposed Neighborhood Market, with the potential of being open 24hrs a day, seven days a week. The liquor sales and display area is generally located in the northwestern portion of the store towards the rear of the building. The floor plan submitted with this request indicates the location of the liquor display and storage area.

Like typical grocery stores, the liquor products are chosen by the customers from their storage and display location and brought to the front of the store where the checkout isles and cash registers are located. The liquor itself is not located near the checkout isles or cash registers. This storage and display location is typical of most Walmart Neighborhood Market stores throughout the state.

The sale of beer, wine and liquor at this location should have no negative impacts on the surrounding area. Additionally, the Walmart Neighborhood Market offers similar sales at all of its other locations in the state, so not offering alcohol sales at this location would be unusual and inconvenient for its customers. Lastly, the Walmart Neighborhood Market will offer the sale of beer, wine and liquor during the permitted hours of liquor sales as set forth by the ARS Title 4, Article 4-244 pertaining to unlawful acts of liquor sales.

LATE HOUR BUSINESS COMPATABILITY POLICY APPLICABILITY

The City of Chandler Late Hour Business Compatibility Policy does not apply to this proposed Neighborhood Market because the commercial zoning was established prior to the establishment of the Late Hour Business Compatibility Policy. Thus, the proposed Walmart Neighborhood Market is not subject to the provisions of the City of Chandler Late Hour Business Compatibility Policy. We respectfully request a review and recommendation for approval of wine and beer sales at the subject Walmart Neighborhood Market and look forward to receiving feedback from staff throughout this process.

