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MEMORANDUM

Planning and Development – CC Memo No. 07-048

DATE: FEBRUARY 22, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PRINCIPAL PLANNER

FROM: BILL DERMODY, CITY PLANNER

SUBJECT: UP06-0075 LA FAMILIA MARKET INC.

Request: Extension of Series 10 Liquor Use Permit approval for the sale of beer and wine at a retail store for off-premise consumption

Location: 545 N. Arizona Avenue

Applicant: La Familia Market Inc.

Owner: Tibshraeny Family Trust

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

BACKGROUND

The request is for renewal of a one-year Use Permit originally granted in November 2006 to sell alcohol at a convenience store in conjunction with a Series 10 Wine & Beer Store License. The business is located along Arizona Avenue on property zoned C-3 (Regional Commercial District). The store's previous proprietors, Breaktimers, a convenience store more geared toward tobacco products, received Use Permit approval in December 2004 for a Series 10 License at this location for one year. Alcohol was not sold at this location prior to 2004.

The retail store is intended to serve the surrounding neighborhood and sells typical convenience store items such as drinks, snack food, cigarettes, and phone cards, in addition to beer and wine. The business employs two people, with one to two employees on-site at a given time. Alcohol is stored in the cooler. The business is open from 8:00 a.m. to 10:00 p.m. every day.

There is ample parking on the property's north side to handle demand generated by the use. The store's only street access is from Arizona Avenue. The adjacent single family neighborhood to the east is separated by an alley.

Planning Commission's and Staff's opinion is that this use is compatible with the surrounding land uses. The Police Department reports no issues or concerns with the application. They received thirteen calls for service from the subject location in the past year, comparable both in type and quantity to previous years.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Tuesday February 13, 2007 at the Chandler Community Center. No citizens attended.
- The Police Department has been informed of the application and has responded with no issues or concerns.

At the time of this writing, Staff has received one letter from a citizen opposed to this request. The citizen is against more places to buy wine and beer, opining that people should spend their money on more productive things like food and education.

COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 0 Absent: 1 (Cason)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval of UP06-0075 LA FAMILIA MARKET INC. 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 shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. The Use Permit shall remain in effect for three (3) years 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 approve UP06-0075 LA FAMILIA MARKET INC. Use Permit for liquor sales subject to the conditions recommended by Planning Commission and Staff.

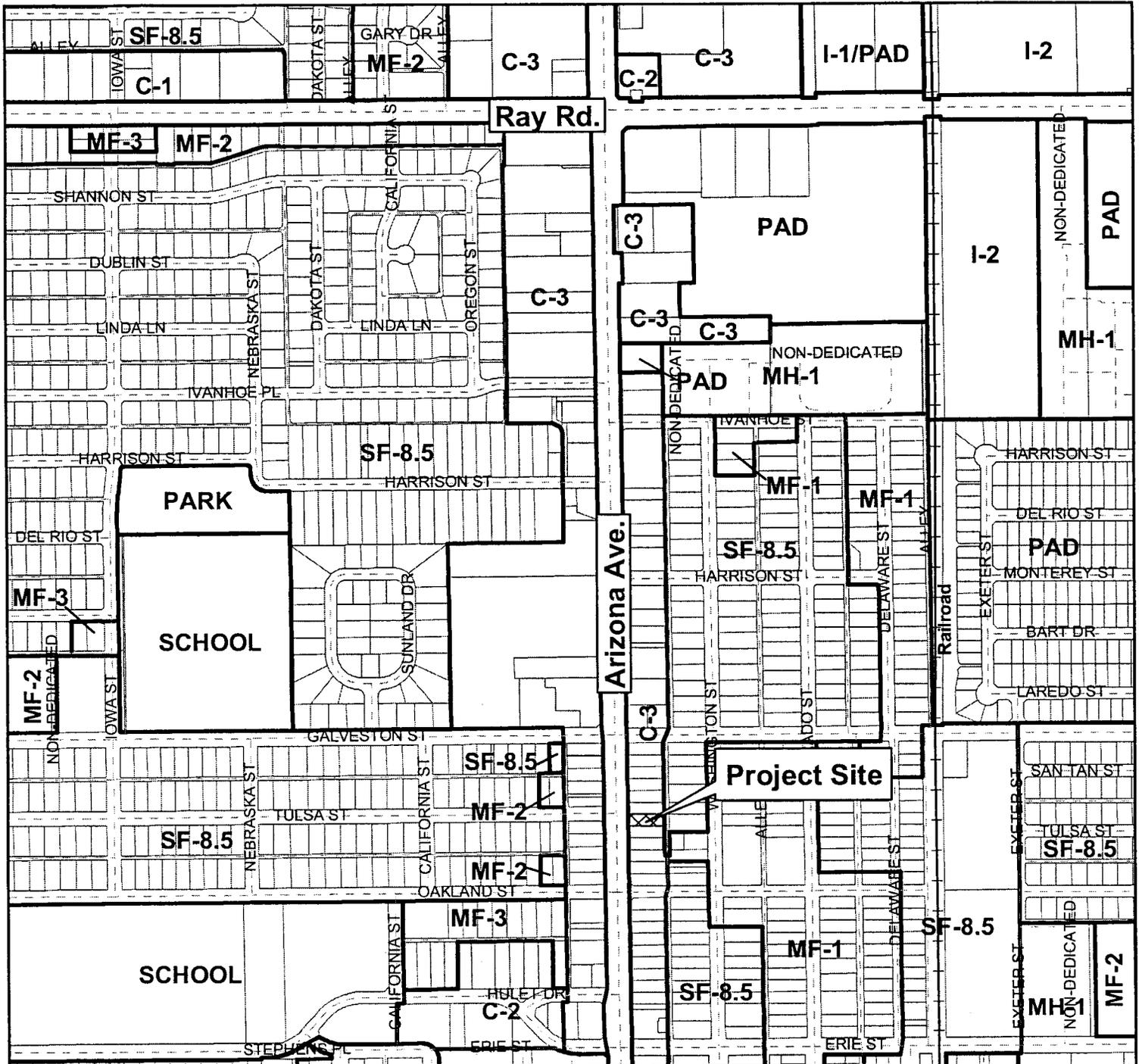
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February 22, 2007

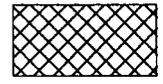
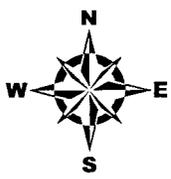
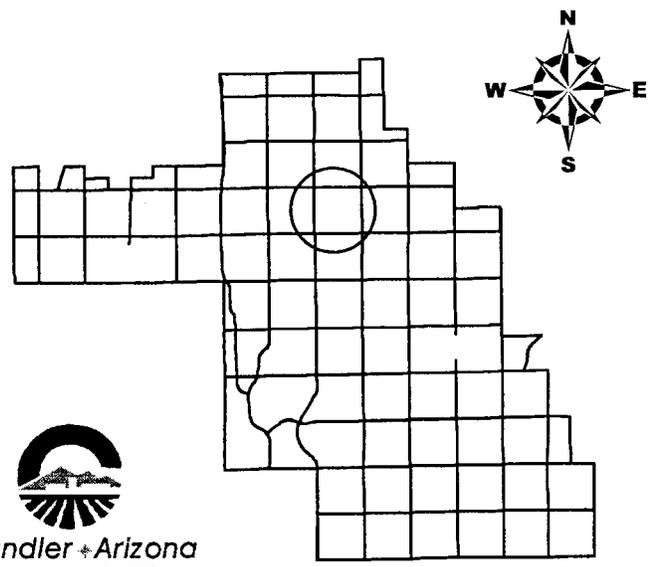
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Attachments:

1. Vicinity Map
2. Floor Plan
3. Applicant Narrative



Vicinity Map

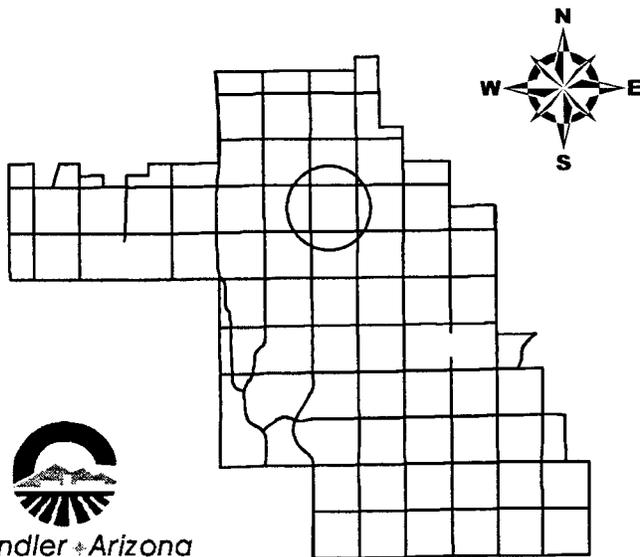


UP06-0075

La Familia Market Inc.



Vicinity Map



UP06-0075

La Familia Market Inc.

CITY OF CHANDLER 11/3/2006



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Att: Bill Dermody
City Planner

10-31-06

La Familia Market Inc.
545 N. ARIZONA AVE.
CHANDLER, AZ, 85225
480-855-7732

La Familia Market is seeking a
USE Permit to sell and operate in the
store, we will be selling Phone Cards,
house supplies, sodas, juice's and ~~many~~^{many}
other drinks. There also will be food,
canned foods, and other food products,
also ~~we~~ we will sell Beer, and wines.
The store will be called
La Familia Market, the location
545 N. ARIZONA AVE,
CHANDLER, AZ, 85225
Business Hours will be
8:00 am to 10:00 pm Daily.

Jasmine Shaha
602-265-8808
602-309-9989

