

#38
APR 12 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 07-069

DATE: MARCH 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, PLANNING MANAGER

FROM: ERIK SWANSON, CITY PLANNER

SUBJECT: UP07-0002 WHOLE FOODS MARKET

Request: Use Permit approval for a Series 7 liquor license

Location: 2955 W-Ray Road
SEC Ray and Price Roads

Applicant: Andrea Lewkowitz, Lewkowitz Law Office, P.L.C.

RECOMMENDATION

The request is for a Use Permit to allow for the sale of beer and wine, as well as serving of beer and wine by individual portions for on-premise consumption to store patrons on a scheduled basis. Planning Commission and Staff, finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommend approval subject to conditions.

BACKGROUND

The subject site is located at the southeast corner of Ray Road and the 101-Price Road off-ramp. The subject site is part of a larger approximate 17-acre site that includes a variety of commercial uses. The subject site is located on the southern portion of the site. North, across Ray Road is Crossroads Church of the Nazarene. East of the site is the Raintree Ranch single-family residential neighborhood. Directly south, behind the approved center is a University of Phoenix.

Whole Foods Market is a specialty grocer that specializes in natural and organic foods. Whole Foods operates approximately 194 stores in the United States and the United Kingdom. This will be the third store for Arizona, and the first for the City of Chandler. Whole Foods will be the

main anchor within the Raintree Ranch commercial center, which is currently under construction. The subject building is approximately 60,000 sq. ft. in size. Approximately 3,000 sq. ft. will be dedicated to beer and wine storage and sales. The sampling area is approximately 400 sq. ft., and will consist of a couple of raised tables for patrons, a stand-up bar area approximately 10' long, a behind the bar storage area, sink area, and a register.

As part of Whole Foods operations they like to have the opportunity to allow for seasonal and promotional tastings of beer and wine. The Series 7 liquor license allows for the sampling of beer and wine as well as sales of beer and wine only. It is not anticipated that there would be more than four tastings per month, and the sampling times would be approximately four hours long. Samples will not exceed one ounce each. Alcoholic purchases shall not be consumed on-premises.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- Notices were mailed to all property owners within a six hundred foot radius and all Registered Neighborhood Organizations (RNOs) within ¼ mile.
- A description of the Use Permit request was advertised in the newspaper.
- An orange 11" X 17" placard public hearing sign was posted on the property.
- The Police Department has been informed of the application and has responded with no issues or concerns.
- A neighborhood meeting was held on Monday March 12, 2007 at the Downtown Community Center. No neighbors were in attendance.

PLANNING COMMISSION VOTE REPORT

Motion to Approve: In Favor: 3 Opposed: 0 Abstain: 1 (Flanders) Absent: 3 (Gulsvig, Anderson, Creedon)

Planning Commission had general questions regarding where the beer and wine tastings would take place, and wanted to ensure that the tastings did not take place at various locations within the store. Staff explained that the tastings would take place in a designated area. Chairman Flander abstained due to conflict of interest.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 7 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 (Site Plan, 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 store location.

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PROPOSED MOTION

Move to approve UP07-0002 WHOLE FOODS MARKET, subject to the conditions recommended by Planning Commission and Staff.

Attachments:

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



KURT D. REED ASSOCIATES, INC.
 1100 N. CENTRAL AVE.
 SUITE 200
 SCOTTSDALE, AZ 85250
 PHONE: (480) 233-1144
 FAX: (480) 233-1852
 CONTACT: TIM FRAMES

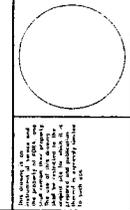
NOTES:
 1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE APPLICABLE AGENCIES.
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OWNER / DEVELOPER:
 WEINGARTEN REALTY INVESTORS
 3101 N. CENTRAL AVE.
 SUITE 200
 SCOTTSDALE, AZ 85015
 PHONE: (480) 233-1144
 FAX: (480) 233-1852
 CONTACT: TIM FRAMES

ARCHITECT:
 ASRT D. REED ASSOCIATES
 1100 N. CENTRAL AVE.
 SUITE 200
 SCOTTSDALE, AZ 85250
 PHONE: (480) 233-1144
 FAX: (480) 233-1852
 CONTACT: FRANCIS IVNER

REGISTERED PROFESSIONAL ENGINEER
 SILIO GABRIEL POPONSI
 1100 N. CENTRAL AVE.
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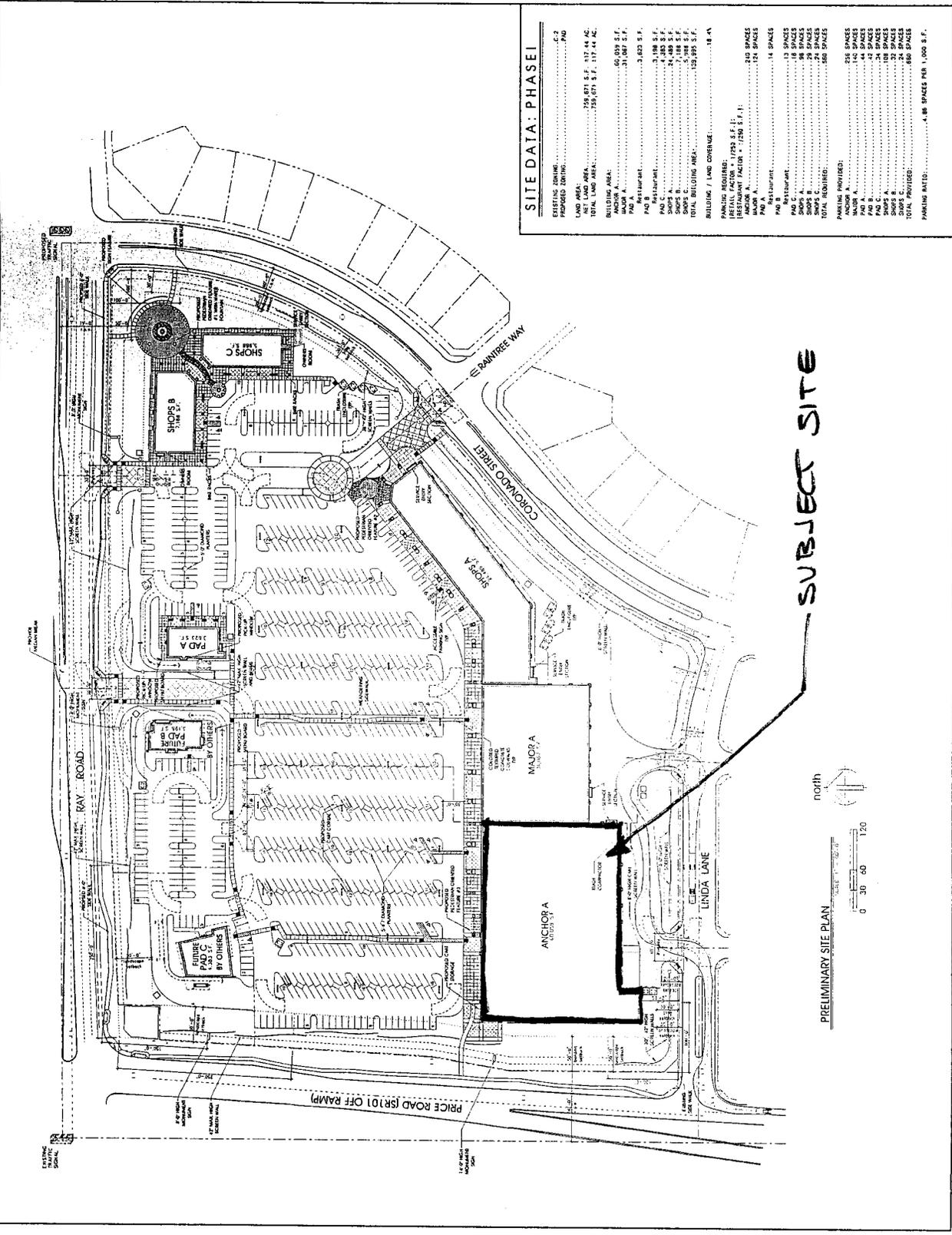


RAINTREE RANCH CENTER
 S.E.C. RAY ROAD (RD 101)
 PRICE ROAD (RD 101)
 CHANDLER, ARIZONA

WEINGARTEN REALTY INVESTORS
 PRELIMINARY
 SHEET NO. 1
 DATE: 03/20/2024

MSP
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 03/20/2024

2/28/2024 Administrative Approved to meet conditions - JMK



SITE DATA: PHASE I

EXISTING ZONING	.....	E-2
PROPOSED ZONING	.....	PAD
LAND AREA	.....	258,871 S.F. / 5.87 AC.
TOTAL LAND AREA	.....	758,674 S.F. / 17.44 AC.
BUILDING AREA	.....	1,015,725 S.F.
ANCHOR A	.....	1,015,725 S.F.
PAD A	.....	31,287 S.F.
PAD B	.....	3,423 S.F.
RESTAURANT	.....	3,198 S.F.
SHOPS A	.....	14,489 S.F.
SHOPS B	.....	7,188 S.F.
SHOPS C	.....	129,895 S.F.
TOTAL BUILDING AREA	.....	1,015,725 S.F.
BUILDING / LAND COEFFICIENT	.....	18.4%
PARKING FACTOR	.....	1.720 S.F./1
RESTAURANT FACTOR	.....	1.250 S.F./1
MAJOR A	.....	124 SPACES
PAD A	.....	14 SPACES
PAD B	.....	18 SPACES
RESTAURANT	.....	98 SPACES
SHOPS A	.....	24 SPACES
SHOPS B	.....	24 SPACES
SHOPS C	.....	560 SPACES
TOTAL REQUIRED	.....	748 SPACES
TOTAL PROVIDED	.....	748 SPACES
MAJOR A	.....	124 SPACES
PAD A	.....	14 SPACES
PAD B	.....	18 SPACES
RESTAURANT	.....	98 SPACES
SHOPS A	.....	24 SPACES
SHOPS B	.....	24 SPACES
SHOPS C	.....	560 SPACES
TOTAL PROVIDED	.....	748 SPACES
PARKING RATIO	.....	4.88 SPACES PER 1,000 S.F.

SUBJECT SITE



PRELIMINARY SITE PLAN

PROJECT NAME:
WHOLE FOODS MARKET
CHANDLER, ARIZONA

DATE: 03/31/2006
SCALE: NONE

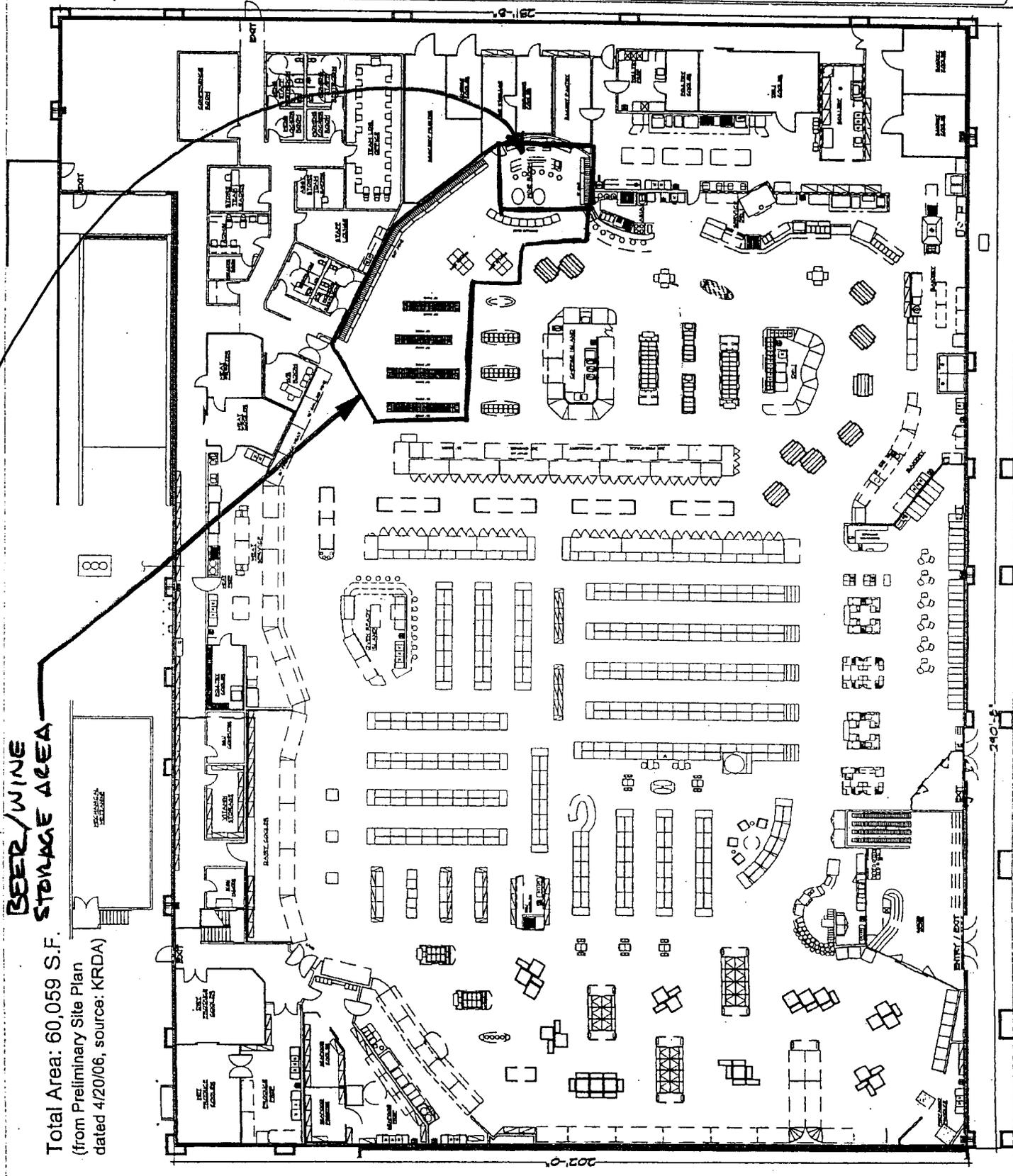
Whole Foods Market
SoPac Regional Construction
15315 Magnolia Blvd, Suite 320
Sherman Oaks, CA 91403

SIMPLIFIED FLOOR PLAN

SAMPLING
AREA

BEER/WINE
STORAGE AREA

Total Area: 60,059 S.F.
(from Preliminary Site Plan
dated 4/20/06, source: KRDA)



202-0

LEWKOWITZ
LAW OFFICE PLC

3101 North Central Avenue
Suite 200
Phoenix, Arizona 85012

Andrea D. Lewkowitz
H.J. Lewkowitz

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andrea@lewkowitzlaw.com

February 26, 2007

Mr. Erik Swanson, City Planner
erik.swanson@chandleraz.gov

Re: Whole Foods Market Use Permit

Dear Mr. Swanson:

In connection with its application for a liquor Use Permit, Whole Foods Market submits the following information:

Whole Foods Market is a leading retailer of natural and organic foods. Each store carries a full-line of grocery items, including fresh produce, meat and dairy products, baked goods, prepared foods, gardening and floral items; gift baskets and specialty items. In addition, Whole Foods Market would like to offer beer and wine for sale to its customers in Chandler. For that reason, Whole Foods Market applied for a series 7 beer and wine license. The store has a total of 60,059 square feet, with approximately 5% of the space dedicated to beer and wine storage and sales. (Copies of the store's general floor plan and an enlarged section showing the wine & beer department are attached.) The store's normal hours of operation are 7:00 a.m. – 10:00 p.m., but depending on customer needs and other conditions, may be extended to as early as 6:00 a.m. and as late as 2:00 a.m.

As an additional service to its customers, Whole Foods would like to offer tastings of seasonal and promotional beer and wine products. It is not anticipated that there will be more than four tastings per month. Each event would last up to 4 hours and samples would not exceed 1 ounce each.

Please advise if you need any other information or documents for the liquor Use Permit application. We appreciate your help – thank you!

Sincerely,

Andrea D. Lewkowitz