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MEMORANDUM

Planning and Development – CC Memo No. 08-223

DATE: DECEMBER 18, 2008

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
for JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP08-0058 CARNICERIA EL HERRADERO

Request: Use Permit approval to sell beer & wine within a neighborhood grocery store for off-premise consumption only (Series 10 Liquor License)

Location: 1368 N. Arizona Avenue, 200 feet south of Knox Road

Applicant: Amanda Adams

RECOMMENDATION

The request is for Use Permit approval to sell beer & wine only as permitted under a Series 10 Beer & Wine Store License within a neighborhood grocery store for off-premise consumption only. Planning Commission and Staff, finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval subject to conditions.

BACKGROUND

The subject business is a neighborhood grocery store that occupies three suites within the North Chandler Mall on Arizona Avenue, 200 feet south of Knox Road. The small retail shopping center is bordered to the north by Rigatony's restaurant and an animal clinic, to the west by a single-family neighborhood, to the south by Long Wong's restaurant and a car wash, and further south by a storage facility. The shopping center has a restaurant (Don Chuy's) with a Series 12 Restaurant License located in the suite closest to Arizona Avenue. Rigatony's also possesses a Series 12 Restaurant License.

The store is open 8 a.m. to 8 p.m. daily. There are a couple of picnic tables inside the store for consumption of meat or deli items, but no alcohol will be served for on-site consumption—all alcohol is to be consumed off-site per the license regulations.

In 1995, a different grocery store at the same location was denied a request to sell alcohol under a Series 10 license due to the presence of a church in the shopping center. The church has since vacated the shopping center and the landlord does not intend to allow churches in this center in the future.

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 December 1, 2008 at the Downtown Community Center. No citizens attended.
- Two area property owners oppose the request. The owner of a 12-unit apartment complex on Orchid Lane, located 770' south of the store, is opposed to the subject request and any more alcohol sales in the area. The owner of the animal clinic on Knox Road is opposed due to the possible increase in litter (broken bottles) and loitering, which reportedly used to be a greater problem in the area. The second property owner wrote a letter detailing the opposition that is among the memo attachments.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 4 Opposed: 0 Absent: 3 (Kelley, McClendon, Veitch)

Planning Commission added Condition No. 5 in order to address potential litter on the site.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, recommend approval of UP08-0058 CARNICERIA EL HERRADERO subject to the following conditions:

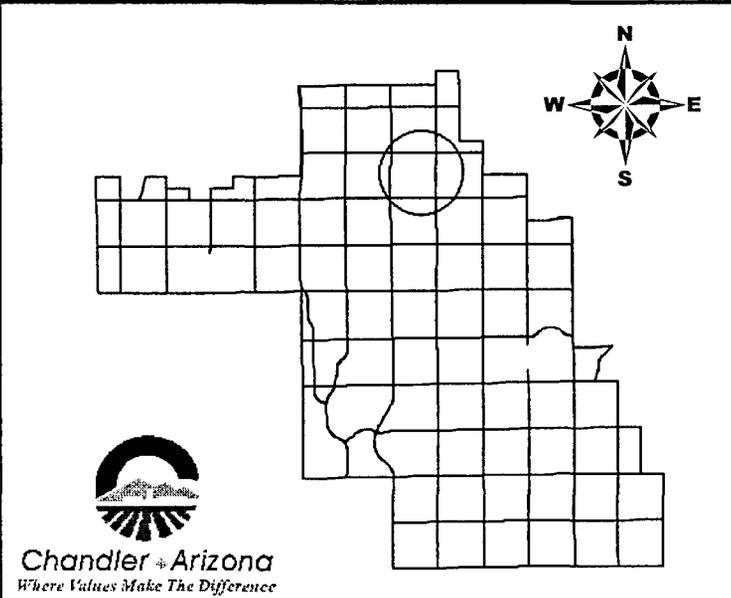
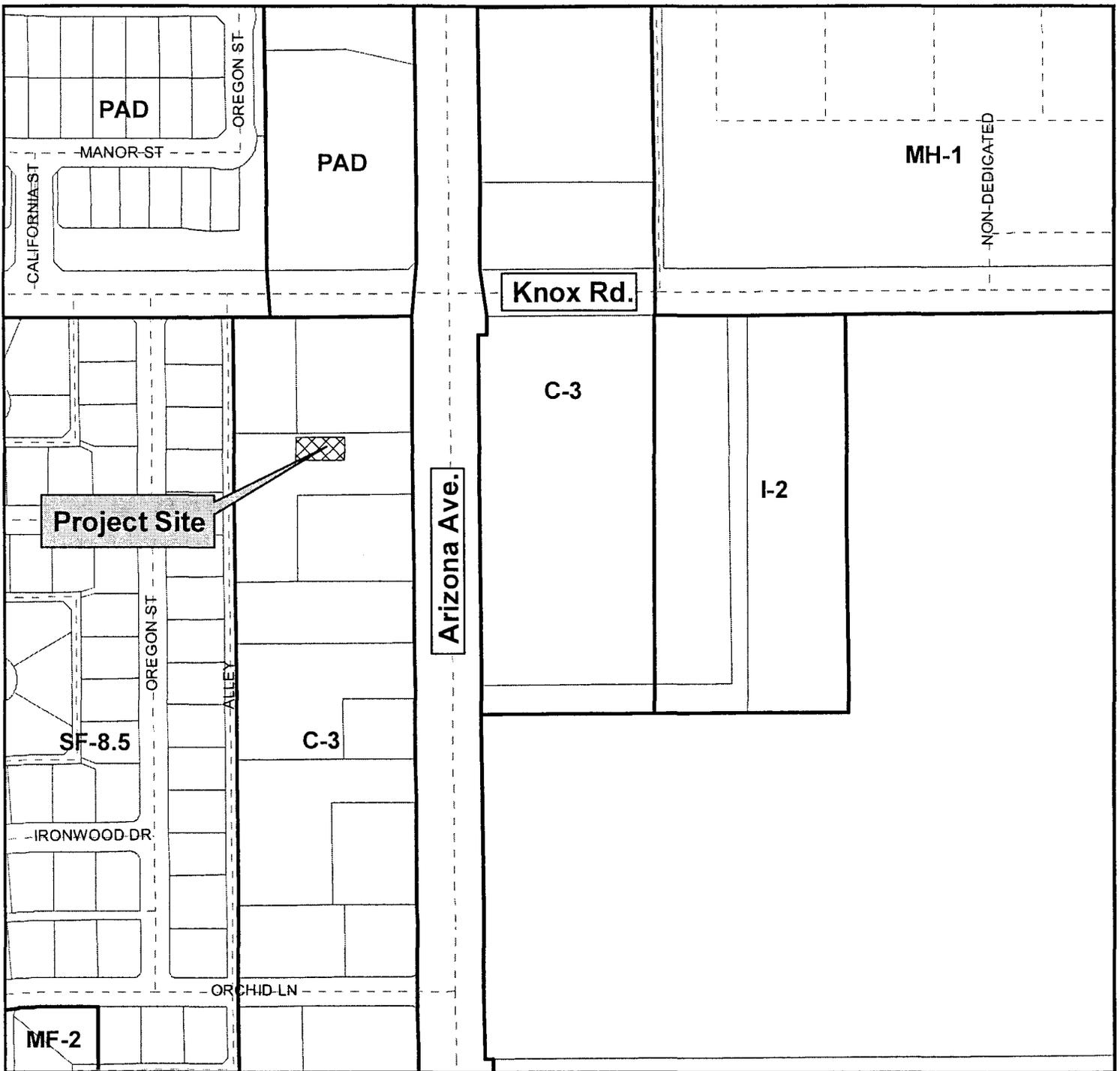
1. Substantial conformance with approved exhibits (Floor Plan, Narrative) except as modified by condition herein.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. 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.
5. The area adjacent to the store shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to approve UP08-0058 CARNICERIA EL HERRADERO Use Permit for alcohol sales subject to the conditions recommended by Planning Commission and Staff.

Attachments

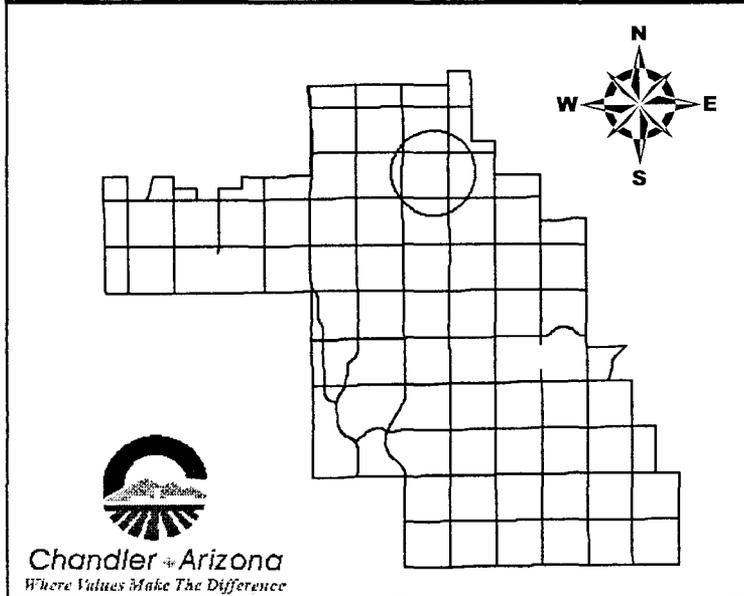
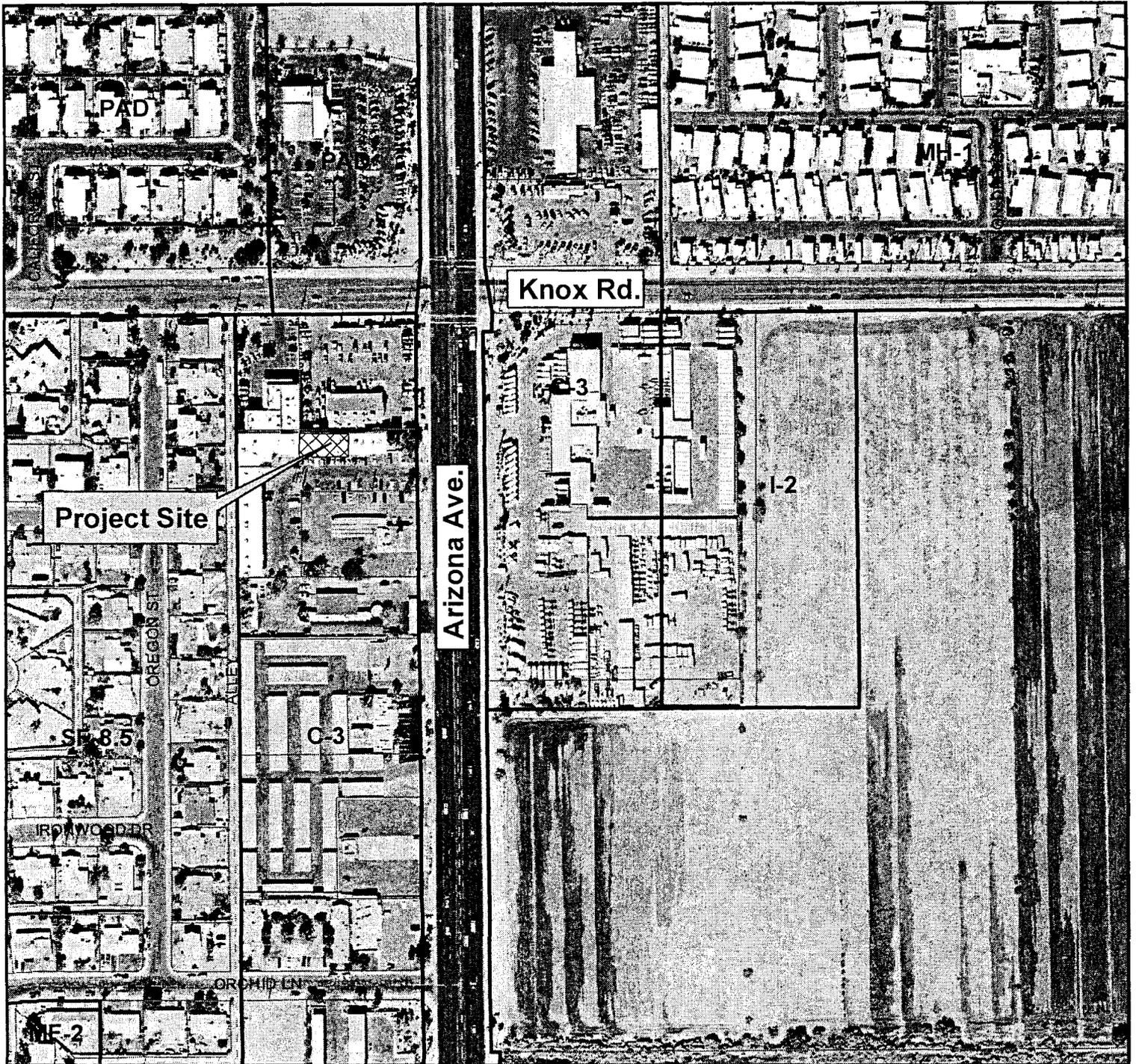
1. Vicinity Maps
2. Narrative
3. Floor Plan
4. Letter of Opposition



Vicinity Map

 UP08-0058

**Carniceria El Herradero
Liquor Use Permit**



Vicinity Map


UP08-0058

**Carniceria El Herradero
 Liquor Use Permit**

Chandler, Az., November 3, 2008.

Planning and Development Department
Current Planning Division
215 E. Buffalo St., Chandler, Az., 85225

I, Amanda D. Adams, is the owner of the Grocery Store Carniceria El Herradero, LLC, located at 1368 N. Arizona Ave., Suite 104, the name of the shopping Center is Chandler Mall, on Chandler, Az., 85225. I completed an application for a liquor license with the State of Arizona, app # 10075692. Our hours of operation are 8:00 AM to 8:00 PM Monday thru Sunday. I have 3 employees which are full time. We do not have music, pool tables, television, speakers, dancing, outdoor dining areas or a patio. We do have a few tables set up for quick food such as tacos and burritos, but I my application is to sale Beer only (to go). No alcohol will be served on the premises.

Thank you,

A handwritten signature in cursive script, appearing to read "Amanda D. Adams", written over a horizontal line.

Amanda D. Adams

SECTION 14 Restaurant, or Hotel-Motel Applicants:

1. Is there a valid restaurant or hotel-motel liquor license at the proposed location? YES NO If yes, give licensee's name: _____ and license # _____
Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.
3. All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.
4. Do you understand that 40% of your gross revenue must be from food sales? YES NO

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

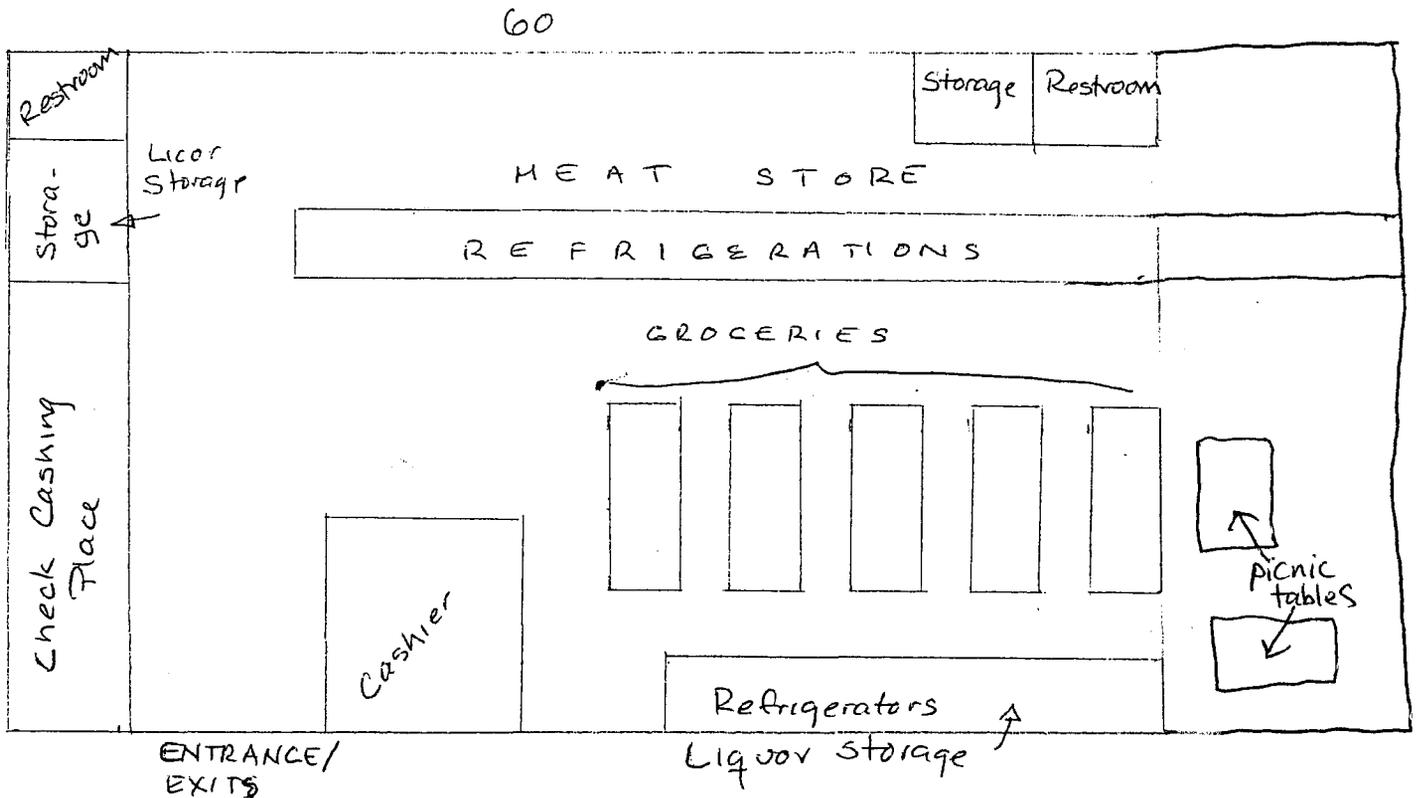
1. Check ALL boxes that apply to your licensed premises:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas |
| <input type="checkbox"/> Drive-in windows | <input type="checkbox"/> Patio enclosures |
| <input type="checkbox"/> Service windows | <input type="checkbox"/> Under construction: estimated completion date _____ |

2. Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.
3. The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

2.925 Sq Ft.



YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

**ARIZONA AVE. ANIMAL CLINIC
7 West Knox Road
Chandler, Arizona 85225**

***Attention to Mr. Bill Dermody, Senior City Planner and Jeff
Kurtz, Planning & Development Director:***

December 12, 2008

Dear Mr. Dermody and Mr. Kurtz,

This letter is written in reference to UP08-0058 Carniceria El Herradero use permit application concerning the sale of liquor (Beer and Wine).

I have worked in this neighborhood for twenty eight years and have spent more of my life during that time in this neighborhood than I have in my own home. I consider this community my own.

The most destructive drug problem I have witnessed has been that of alcohol. The alley that runs adjacent to the businesses of this area will tell you the sad story of this quiet family neighborhood. Although in the past I have had to remove individuals shooting up drugs from our parking lot and roust people smoking dope in the alley adjacent to our hospital, the most pervasive blight is that of alcohol bottles of all types strewn throughout the area. The majority of the debris we clean off of our lot and from our adjacent alley is alcohol containers discarded there from those frequenting the alley and passers by.

I am far from a prude folks and over the years the City of Chandler and the Chandler Police officials deserve credit for improving the condition of our

neighborhood from past conditions and we are grateful for that. But over the 28 years I have worked in this community I have seen what happens from past applications such as the above. Having yet another source of readily available carry out alcohol right next to our neighborhood can only hurt our families and children that live here, no matter what innocent guise it is cloaked.

If you wish to preserve what is good about Chandler please take a hard, honest look at what you allow into the neighborhoods of our city. I would like to go on record strongly opposed to the above referenced permit to sell alcohol in our neighborhood.

Please do the right thing for Chandler, our neighborhood, and the families and children that live here and deny this permit.

Sincerely,

A handwritten signature in black ink that reads "Dr. John Gardetto". The signature is written in a cursive, flowing style with a large, prominent "D" at the beginning and a long, sweeping tail that extends to the right.

Dr. John Gardetto