

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

cc: 18R
Amend No. _____

Date Prepared: May 20, 2008

Council Meeting Date: June 03, 2008

TO: Terry Ellis, City Manager
FROM: Susan K. Thorpe, Deputy City Manager *SKT*
THROUGH: Mary Jo Kief, City Clerk
PREPARED BY: Vicki Rios, Revenue Manager *VR*
SUBJECT: Proposed Recommendations by the City to the Arizona State Liquor Board

RECOMMENDATION: That following a public hearing, the Mayor and Council recommend approval to the State Liquor Board for:

1. A Location and Person Transfer for an Off-Sale All Liquor (series 09) for CVS/Pharmacy #00069, located at 8332 W. Thunderbird Road, Jason B. Morris, Applicant, LL#10001522.
2. A Location and Person Transfer for an Off-Sale All Liquor (series 09) for CVS/Pharmacy #5794, located at 9069 W. Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#33023.
3. A Location and Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz Grill, located at 8378 W. Thunderbird Road Suite B101-B104, Randy D. Nations, Applicant, LL#10011704.
4. A New Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at 9093 W. Union Hills Drive, Randy D. Nations, Applicant, LL#10012155.

SUMMARY:

Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval applications to sell alcoholic beverages in the City. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of this license and whether the public convenience is served. In the event that the City Council recommends an application for denial, a 2/3 vote of the State Liquor Board will be required to approve the application and issue a license.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# _____ LIC. # 10001522
Action Date: 33023
10011704
10012155
REV. 07/05

In making its recommendation, the Council may consider the following factors set forth in the Arizona Administrative Code:

- 1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.*
- 2. The number and series of licenses in close proximity.*
- 3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.*
- 4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.*
- 5. Residential and commercial population density in close proximity.*
- 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.*
- 7. Effect on vehicular traffic in close proximity.*
- 8. The compatibility of the proposed business with other activity in close proximity.*
- 9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.*
- 10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.*
- 11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.*
- 12. Proximity to licensed childcare facilities as defined by A.R.S. § 36-881.*

Licenses are issued by designated series. The licenses before the Council on this item consist of the following:

Series 09—permits the sale of all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

Series 06—permits a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

Series 10—permits the retail sale of beer and wine for consumption off premises.

All required public hearing notices were posted at each proposed license location and the applications were reviewed according to the City's Liquor License Policy. All Comments, if any were received in the Revenue and Collections Division and transmitted with the applications. No comments have been received from the public on any of the applications. Each applicant has been notified of the date and time of the City Council meeting and the City's request that they be present and available to answer any questions that may arise.

Therefore, the staff is recommending the following actions pertaining to each license:

1. A Location and Person Transfer for an Off-Sale All Liquor (series 09) for CVS/Pharmacy #00069, located at 8332 W. Thunderbird Road, Jason B. Morris, Applicant, LL#10001522. Recommend Approval
2. A Location and Person Transfer for an Off-Sale All Liquor (series 09) for CVS/Pharmacy #5794, located at 9069 W. Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#33023. Recommend Approval
3. A Location and Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz Grill, located at 8378 W. Thunderbird Road Suite B101-B104, Randy D. Nations, Applicant, LL#10011704. Recommend Approval
4. A New Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at 9093 W. Union Hills Drive, Randy D. Nations, Applicant, LL#10012155. Recommend Approval

ATTACHMENT:

1. Applications for Liquor Licenses

LIQUOR LICENSE APPLICATIONS
PERTAINING TO THIS
ARE ON FILE IN THE
OFFICE OF THE CITY CLERK