

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

cc: 30R  
Amend No. \_\_\_\_\_

Date Prepared: August 04, 2009

Council Meeting Date: August 25, 2009

TO: Carl Swenson, City Manager

FROM: Susan K. Thorpe, Deputy City Manager *SUT*

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 new Wine and Beer Liquor License (Series 10) for Circle K Store #9176, located at 6735 W. Peoria Avenue, Kim K. Kwiatkowski, Applicant, LL#10015098.
2. A new Wine and Beer Liquor License (Series 10) for Circle K Store #9155, located at 8720 W. Bell Road, Kim K. Kwiatkowski, Applicant, LL#10015097.
3. A new Restaurant Liquor License (Series 12) for 3 Tomatoes & A Mozzarella, located at 8258 W. Thunderbird Rd Suite 206, Andrea D. Lewkowitz, Applicant, LL#10015381.

**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.

*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.*

**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. # 10015098  
 Action Date: 10015097  
 10015381

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.*

The State recently updated their liquor license application with two significant changes:

1. The applicant is no longer required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant (Series 12) liquor license applications.
2. The State no longer requires a geographical map or list of licenses located in the vicinity for any license series.

The applicant must still provide the distance between the applicant's business and the nearest church or school for a In-State Producer (Series 01), Out-of-State Producer (Series 02), Domestic Microbrewery (Series 03), Wholesaler (Series 04), Bar (Series 06), Beer and Wine Bar (Series 07), Conveyance (Series 08), Liquor Store (Series 09), Beer and Wine Store (Series 10), Domestic Farm Winery (Series 13) and a Club (Series 14).

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

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

Series 12—permits the sale of alcohol in restaurants for consumption on premises with a requirement that at least 40% of all sales consist of food.

All required public hearing notices were posted at the proposed license locations 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 these applications. The applicants have 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 these licenses:

1. A new Wine and Beer Liquor License (Series 10) for Circle K Store #9176, located at 6735 W. Peoria Avenue, Kim K. Kwiatkowski, Applicant, LL#10015098. Recommend Approval
2. A new Wine and Beer Liquor License (Series 10) for Circle K Store #9155, located at 8720 W. Bell Road, Kim K. Kwiatkowski, Applicant, LL#10015097. Recommend Approval
3. A new Restaurant Liquor License (Series 12) for 3 Tomatoes & A Mozzarella, located at 8258 W. Thunderbird Rd Suite 206, Andrea D. Lewkowitz, Applicant, LL#10015381. Recommend Approval

**ATTACHMENT:**

1. Applications for Liquor Licenses

**LIQUOR LICENSE  
APPLICATIONS  
ARE ON FILE IN THE  
OFFICE OF THE CITY CLERK**