



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-359-23

CASE TYPE: Use Permit  
DATE FILED: 8/31/2023

COUNCIL DISTRICT: 3  
CASE STATUS: Pending

EXISTING ZONING: C-2  
FILING STAFF: CThompson

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,380.00	\$0.00	08/31/2023		Original Filing Fee

### HEARING DATES

ZA: 10/05/2023 9:00 AM LOCATION: Meeting will be held virtually.

### BOA:

PROPERTY LOCATION: 1524 West Hatcher Road

LEGAL DESCRIPTION: see attached

### CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Musa Sweis (Owner)	26707 N 19th Drive Phoenix AZ 85085	(623) 337-2025		larrysweis@yahoo.com
Arif Samnani (Applicant, Representative)	8160 N Via Bueno Scottsdale AZ 85258	(914) 471-3012		arifsamnani@yahoo.com arifsamnani@yahoo.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: \_\_\_\_\_

DATE: 8-31-23

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

### REQUEST

- Use permit to allow package liquor sales (Liquor & Tobacco) as a primary use when located within 300 feet of a residential zoning district. Use permit required.

ZONING ORD. SECTIONS

### GEOGRAPHIC INFORMATION

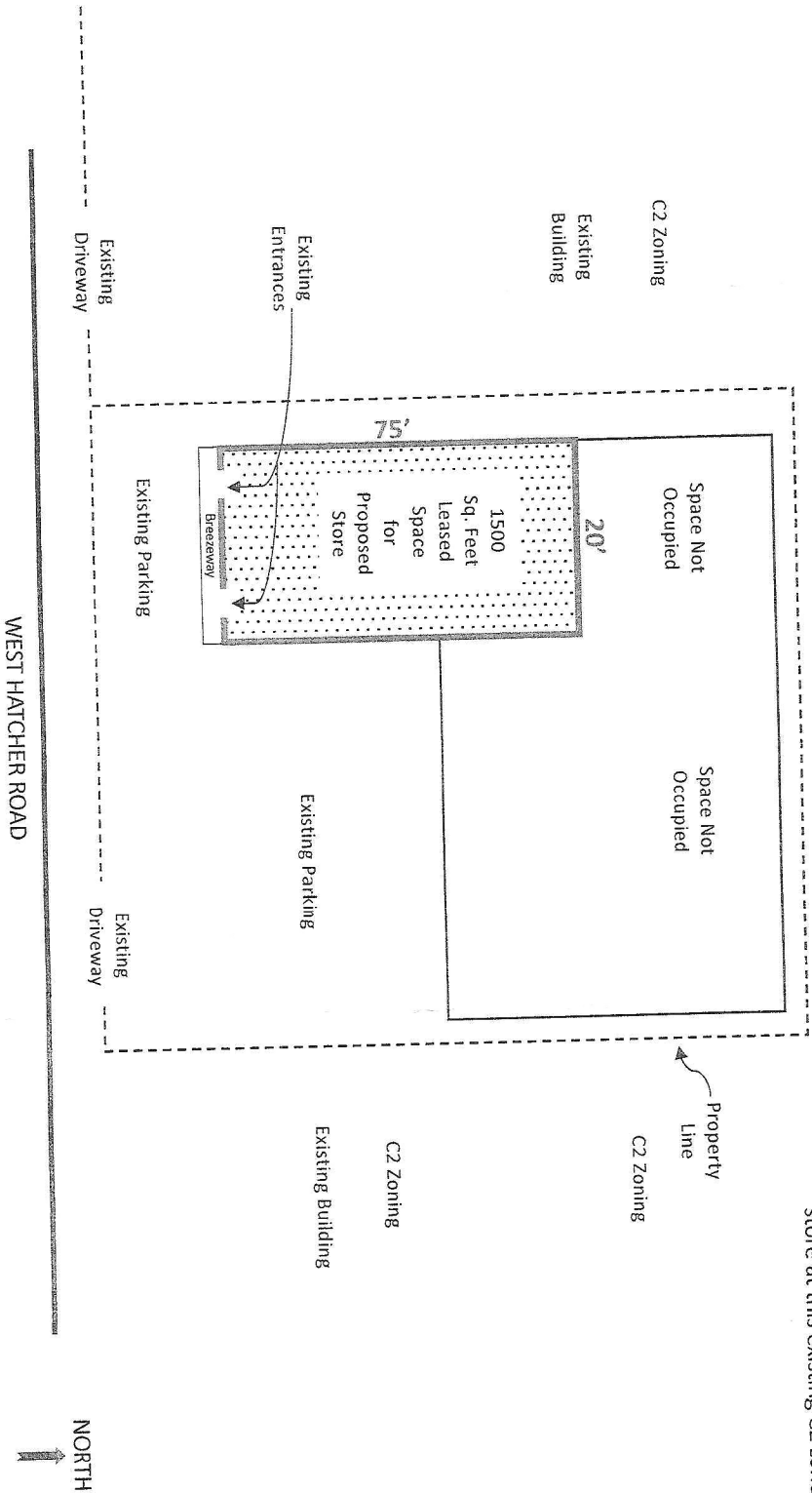
APN: 158-23-007A  
Qtr Section(Map Index): 27-25(J7)

C2 Zoning

C2 Zoning

Parcel No. 158-23-007A  
Parcel Owner: Musa Sweis  
1524 W. Hatcher Road  
Phoenix, AZ 85021

Proposal to operate a liquor/tobacco store at this existing C2 zone site



## A WRITTEN NARRATIVE IN SUPPORT OF THIS APPLICATION

### Proposal:

To operate a liquor and tobacco store primarily for the sale of packaged spirituous liquor and tobacco to meet the need of people who live and work in the surrounding areas. A Series 9 Liquor License by Arizona Department of Liquor License and Control will be used.

### Zoning Ordinance:

Per Ordinance Section 622.D.102.a

- a. Package liquor sales as a primary use or as an accessory use to a convenience market shall require a use permit in accordance with the standards and procedures of Section 307 if the lot or parcel on which the use is conducted is less than three hundred (300) feet from a residential district, including undeveloped or residentially developed R-5 property. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods but shall not address issues which are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area. Package liquor sales as an accessory use to other uses shall not require a use permit.

### Why the Use Permit is requested:

There are a variety of factors that substantiate the request of issuance of the use permit.

- a. The public need for a convenient access to a "liquor store" would be served. The proposed store will meet consumers' need for a convenient access to a "liquor store". Although there are a few stores in the area that sell beer and wine and also some that sell smoke and tobacco oriented products, a specific "liquor store" is not easily accessible to the population in that specific area.
- b. The proposed site has not been utilized for over five years. An empty store front in a community is an unappealing site and has a negative impact on the community. With your approval, establishment of a retail business at this site will meet the community's need for convenient access to a liquor store while improving the look and feel of the area.
- c. I believe that having a liquor store in this area simply adds to the diversity of commerce and builds a sense of community in that neighborhood. The proposed location is heavily surrounded by commercial / industrial business such as, auto body repair and auto mechanic shops, bicycle repair shop, roofing and landscaping company offices, building supply and materials warehouse, carpet and tile, pool and fencing business and hydraulics companies.
- d. There are no schools or places of worship in the immediate vicinity of the proposed location.
- e. I am a business entrepreneur with experience in selling liquor and tobacco merchandise in Arizona. This store will represent an investment on my part. A successful store would certainly help the local economy including providing employment to a few.

### The Proposal meets established Tests:

There will not be any adverse impact on adjacent property or properties in the area. The adjoining properties are of commercial nature on ALL sides.

I assure you that the proposed plan meets the following five tests:

## VIRTUAL MEETING LETTER

September 19, 2023

Dear Property Owner or Neighborhood Association President:

The purpose of this letter is to inform you that we have recently filed a Zoning Adjustment application (ZA-359-23) for a site located at 1524 W Hatcher Road, Phoenix, AZ 85021

Our request is for operating a liquor and tobacco store at the above location primarily for the sale of packaged spirituous liquor and tobacco to meet the need of people who live and work in the surrounding areas. Use permit required (Section 622.D.102.a)

The hearing is as follows:

Zoning Adjustment Hearing

Meeting will be held virtually.

To participate, see the instructions on the agenda available on the Public Meeting Notices website: <https://www.phoenix.gov/cityclerk/publicmeetings/notices>

Meeting Date/Time: October 5, 2023, at 9:00 AM

You may attend the hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your opinions known on this case by writing to the Planning and Development Department at 200 West Washington, 2<sup>nd</sup> Floor, Phoenix, Arizona, 85003 and referencing the case number. You can also send an email to [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me at 914-471-3012 or [arifsamnani@yahoo.com](mailto:arifsamnani@yahoo.com) or you may reach the City of Phoenix's Planning and Development Department at 602-262-7131, Option 6 or [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email to expedite a response.

Sincerely,

Arif Samnani

Attachments:

Copy of the signed application; a sketch/site plan; a written Narrative