

# CITY OF FLAGSTAFF STAFF SUMMARY REPORT



**To:** The Honorable Mayor and City Council  
**From:** Laura Matthews, Deputy City Clerk, 213-4828  
**Date:** May 21, 2008  
**Meeting Date:** June 3, 2008

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**Title:** Consideration of Liquor License Application: Clare Abel, "Wal-Mart Supercenter #4252", to be located between Huntington Drive and Highway 40, Series 09, New License.

**Recommended Action:**

Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

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**ACTION SUMMARY:**

The Council's action will depend on testimony received at the public hearing, to be conducted under the attached Liquor License Application Hearing Procedures.

**DISCUSSION:**

**Background/History:**

- An application for a new Series 09 liquor license was received from Clare Abel on behalf of Wal-Mart Supercenter #4252, whose location will be between Highway 40 and Huntington Dr. (Map is attached.)
- A background investigation performed by Sgt. Walter Miller of the Flagstaff Police Department resulted in a recommendation for approval.
- A background investigation was performed by Travis Hough Jr., Code Compliance Officer, who stated the property is located in the Urban Commercial District which allows liquor sales. As of yet, the business has not submitted plans for review.
- Sales tax and licensing information was reviewed by Steve Shafer, Tax, Licensing & Revenue Administrator, who stated that the proposed business has not yet been built so a City sales tax license has not been issued for that location. Based on the tax reporting history of Wal-Mart, Inc., no problems are anticipated.

**Key Considerations:**

- Because the application is for a new license, consideration may be given to the location and to the applicant's personal qualifications.
- A Series 09 license allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.
- The deadline for issuing a recommendation on this application is July 1, 2008.

**Community Benefits and Considerations:**

- This business will contribute to the tax base of the community.
- We are not aware of any other relevant considerations.

**Community Involvement:**

- The application was properly posted on May 12, 2008.
- No written protests have been received to date.

**Financial Implications:**

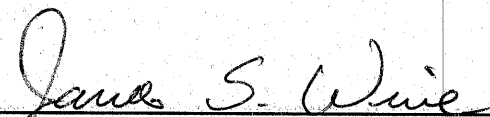
- There is no budgetary impact to the City of Flagstaff.

**Options and Alternatives:**

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Attachments/Exhibits:**

- City of Flagstaff Liquor License Application Hearing Procedures.
- Arizona Dept. of Liquor Licenses and Control description of series.
- Map of the vicinity containing geographical data.
- Copy of the investigative memo from the Flagstaff Police Department.
- Copy of the investigative memo from the Community Investment Division.
- Copy of the memo from the Sales Tax Division.

  
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**Department Head** (Acknowledgment that all reviews have been completed and required approvals initialed below.)

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____
_____		_____	_____		_____



# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## License Types: Series 09 Liquor Store License (All spirituous liquors)

Transferable (From person to person and/or location to location within the same county only)

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

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### PURPOSE:

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

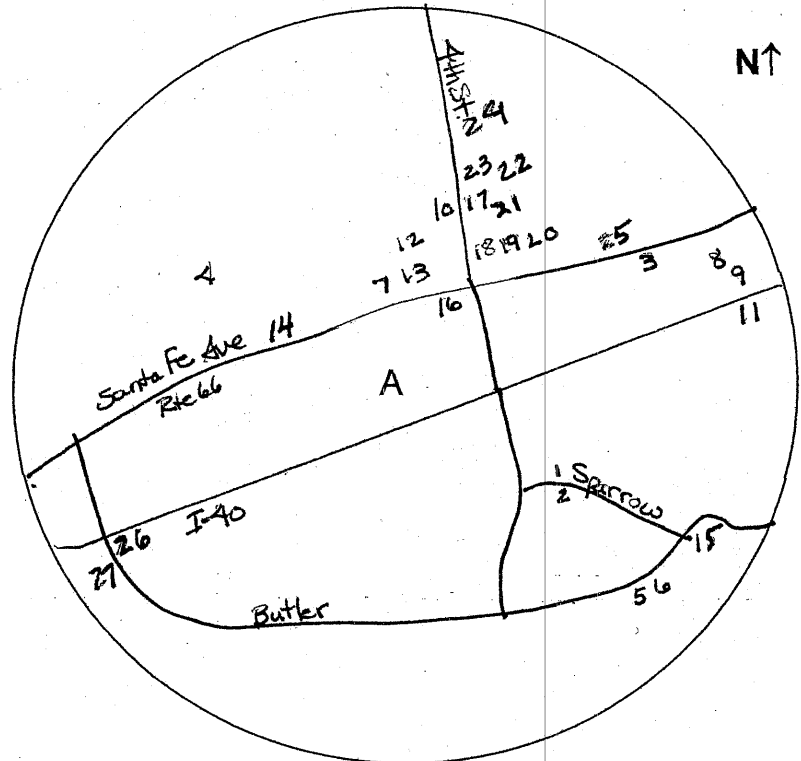
A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

**SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE NEXT PAGE.**

List below the exact names of all churches, schools, and spirituous liquor outlets within a one mile radius of your proposed location. Ref. A.R.S. 4-201 (B)

1. Flagstaff Community Schools
2. Northland Prep. Academy
3. Ponderosa High School
4. Peak School
5. Sinagua High School
6. Knoles School
7. Harvest Christian Fellowship
8. Peaks Community Church
9. Christ's Church of Flagstaff
10. Grce Christian Center
11. Flagstaff Church of Nazarene
12. Mountaintop Assembly of God
13. Amistad Familiar Church of God
14. Flagstaff Evangelical Free
15. Canyon Chapel



A = Your business name and identify cross streets.

ATTACH ADDITIONAL SHEET(S) IF NECESSARY

**SECTION 17 Signature Block:**

I, Clare Hollie Abel, declare that: 1) I am the APPLICANT (Owner, Agent, Partner, Stockholder (Print name of APPLICANT/AGENT listed in Section 4 Question 1) (10% or more), Member, Officer (10% or more ownership), or Club Member making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that to the best of my knowledge and belief, none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X Clare Hollie Abel  
(Signature)

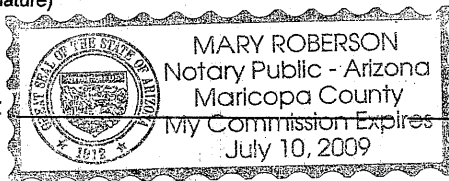
State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

2 day of April, 2008  
Day Month Year

Mary Roberson  
(Signature of NOTARY PUBLIC)

My commission expires on:



Wal-Mart Supercenter #4252  
Flagstaff, Coconino County, Arizona

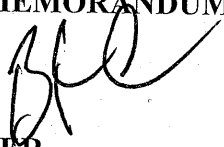
Geographic Data  
Cont.

16.	Heena Mini Mart	Series 9
17.	Hallum Stores	Series 9
18.	Gypsy's Hideaway	Series 12
19.	Hunan Restaurant	Series 12
20.	Pine Grove Liquor	Series 9
21.	Fratelli Pizza	Series 12
22.	Redwood Sports Bar	Series 6
23.	Twin Pines Gaser	Series 10
24.	Salsa Brava	Series 12
25.	Alvin's	Series 12
26.	Interstate Mobil Mart	Series 9
27.	Little America	Series 10 and 11

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MEMORANDUM

08-077-01



**TO** CHIEF BRENT COOPER  
**FROM** SGT. W. MILLER  
**DATE** 4/16/08  
**REF** LIQUOR LICENSE APPLICATION FOR WAL-MART SUPER CENTER  
#4252

On may19, 2008 I initiated an investigation into an application for a new series nine liquor license filed by Clare Abel on behalf of Wal-Mart Supercenter #4252. The proposed location for Wal-Mart will be in between Huntington and Lucky Ln.

Wal-Mart recently won the 2008 lottery license and has yet to name a manager for the new store. Clare indicated to me that a new manager should be selected one construction begins and at that time Wal-Mart will make the necessary amendments to document the on site manager.

Based on this investigation I can find no reason to oppose this application.



## Planning and Development Memorandum

**May 21, 2008**

**TO:** Laura Matthews, Deputy City Clerk

**THROUGH:** Roger E. Eastman AICP, Zoning Administrator *[Signature]*  
21 May 08

**FROM:** Travis H Hough Jr., Code Compliance Officer II

**RE:** Application for Liquor License #09035000  
2601 E Huntington Dr., Flagstaff, Arizona 86004  
Assessor's Parcel Number 107-11-004A  
"Wal-Mart Supercenter #4252"

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This application is a request for a Series 09 Liquor License for a business named "Wal-Mart Supercenter #4252."

The property is located in the Urban Commercial District which allows liquor sales.

This business has not submitted plans for review. The property is a vacant lot.



# Memo

To: Laura Matthews, Deputy City Clerk

From: Steve Shafer, Tax, Licensing & Revenue Administrator

Date: May 13, 2008

Re: Liquor License Application for Wal-Mart Supercenter #4252



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This is an unusual liquor license application. Wal-Mart Stores, Inc. has a sales tax license with the city and is in good standing. The proposed business location has not yet been built so a city sales tax license has not been issued for that location. Based on the tax reporting history of Wal-Mart, Inc., I do not anticipate a problem with them obtaining a sales tax license for this location when the business is opened. Therefore, I have no reason to hold this liquor license application.

Memos/liquor licenses/walmart 2