

PLANNING COMMISSION REPORT



Meeting Date: May 11, 2016
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Gwin Wine & Beer 3-UP-2016

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for a Conditional Use Permit for a bar in a 1,280 +/- square feet suite located at 7342 E. Shea Boulevard, Suite 109, with Central Business (C-2) zoning.

Key Items for Consideration

- Conditional Use Permit (CUP) Criteria
- No impacts anticipated by proposed use
- No neighborhood opposition received

OWNER

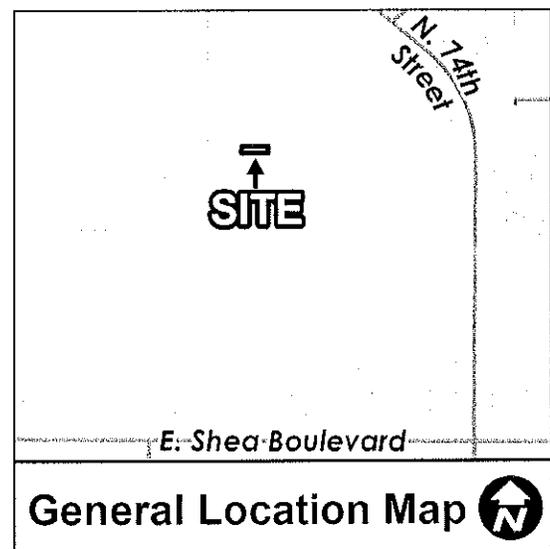
East Village @ Shea LLC
480-398-2543

APPLICANT CONTACT

Alex Manuel
Gwin Wine & Beer
530-277-4534

LOCATION

7342 E. Shea Boulevard, Suite 109



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Commercial. Uses in this category provide a variety of goods and services to the people who live in, work in, or visit Scottsdale and have been designated throughout the community at an appropriate scale and location.

Zoning

The site is zoned Central Business (C-2). The C-2 zoning district is intended to permit uses for recurring shopping and service needs for multiple neighborhoods.

Context

The subject property is located within the larger shopping center located at the northwest corner of E. Shea Boulevard and N. 74th Street and is surrounded by a mix of uses including retail, restaurant, entertainment and service uses in the Central Business (C-2) zoning district. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Existing retail and entertainment uses in the Central Business (C-2) zoning district.
- South: Existing retail, restaurant and service uses in the Central Business (C-2) zoning district.
- East: Existing retail, restaurant and service uses in the Central Business (C-2) zoning district.
- West: Existing retail, restaurant and service uses in the Central Business (C-2) zoning district.

Other Related Policies, References:

Zoning Ordinance

93-ZN-1984 – rezoning to current Central Business (C-2) zoning district

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for a Conditional Use Permit for a bar in a 1,280 +/- square feet suite within the Village at Shea shopping center located at 7342 E. Shea Boulevard with Central Business (C-2) zoning. The bar CUP would allow the business owner to open a beer and wine bar at the location.

Development Information

- Existing Use: Vacant suite
- Proposed Use: Beer and wine bar
- Buildings/Description: Existing suite in shopping center
- Parcel Size: 11.9 +/- acres (net)

- Parking Required: 5 spaces (bar use) / 711 spaces (entire shopping center)
- Parking Provided: 939 spaces (entire shopping center)
- Floor Area: 1,280 +/- square feet

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The proposed bar use is intending to operate within an existing suite at the Village of Shea shopping center and will not be utilizing a patio. All activities will occur within the suite. There are no impacts anticipated due to noise, smoke, odor, dust, vibration or illumination.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The proposed use is part of a much larger and heavily-utilized commercial shopping center with a wide variety of uses including retail, restaurant, entertainment and service uses. The shopping center has a mix of daytime and nighttime activities and uses. The proposed use is not anticipated to impact or adversely alter the volume or character of traffic in the surrounding area.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **As noted above, the proposed use would be located within the much larger Village of Shea shopping center, which has a variety of retail, restaurant, entertainment and service uses. The proposed use is reasonably compatible with those types of uses.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.

Section 1.403.C.: Bars, cocktail lounges and/or after-hours establishments

 1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **The proposed use will operate out of a relatively small suite within a larger, mixed-use shopping center that currently has a mix of daytime and nighttime uses. The proposed use is not anticipated to disrupt that existing balance of uses.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **This use is proposed to be open primarily during evening hours, except on weekends, for which it will open for the afternoon. No daytime-oriented activities**

will be disrupted.

3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 - **The site is not located within the Downtown area.**
4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - **The proposed use is located greater than 400 feet from the nearest residential district and more than 500 feet from the nearest residence. All activities of the proposed use are to occur indoors.**
 - b. The use shall provide methods of buffering residential uses.
 - **All activities of the proposed use are to occur indoors within the tenant suite. In addition, an existing commercial building and a large parking area are located between the nearest residences and the proposed use, creating a large buffer area of over 500 feet.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security, Maintenance and Operations Plan, including a Public Safety Plan, has been reviewed and approved by the Scottsdale Police Department and is on file. Conditions of the plan(s) will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant shall create a written exterior refuse control plan for approval by the City.
 - **A refuse control plan is included as part of the Security, Maintenance and Operations Plan. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **As noted above, the proposed use is intending to operate entirely within a suite in the existing shopping center. The applicant is not proposing any additional exterior lighting and no noise beyond that of normal operation is anticipated from the proposed use.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Parking for the establishment is being provided by the large collection of parking in the shopping center as a whole. The shopping center has over 930 parking spaces**

available for the uses within the center. Traffic generated by the proposed use will be consistent to the traffic volumes generated by the shopping center.

9. After hours establishments must maintain a valid after hours establishment license.

- **No after-hours activities are proposed as part of this request.**

Public Safety

The nearest fire station is located at 7455 E. Shea Boulevard, approximately 1,200 feet from the site. A Security, Maintenance and Operations Plan, including a Refuse Control Plan, and a Public Safety Plan have been reviewed and approved by the Scottsdale Police Department and are on file. The proposed use is not anticipated to negatively affect existing public safety services in the area.

Liquor License Review

An application for location and person transfer of a Series 7 (beer and wine bar) liquor license (23-LL-2016) was approved by the City Council at the April 19, 2016 hearing.

Community Involvement

The applicant held an open house on March 30, 2016 from 5:00 PM to 6:30 PM and property owners within 750 feet of the site have been notified by mail. Additionally, the site has been posted with required signage. The applicant has submitted copies of correspondence mailed to all property owners within the required notification area. As of the date of this report, staff has not received any citizen comments regarding the request.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval, per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP

Senior Planner

480-312-7713

E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY



Brad Carr, AICP, LEED-AP, Report Author

4.21.2016

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/25/2016

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

4/26/16

Date

ATTACHMENTS

1. Stipulations
Exhibit A to Attachment 1: Floor Plan
2. Applicant's Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. Zoning Map
5. Citizen Involvement
6. City Notification Map

Conditional Use Permit – Bar

Stipulations

Gwin Wine & Beer

Case Number: 3-UP-2016

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Cornerstone Design with the city staff date of 3/31/2016, attached as Exhibit A to Attachment #1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
3. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to:

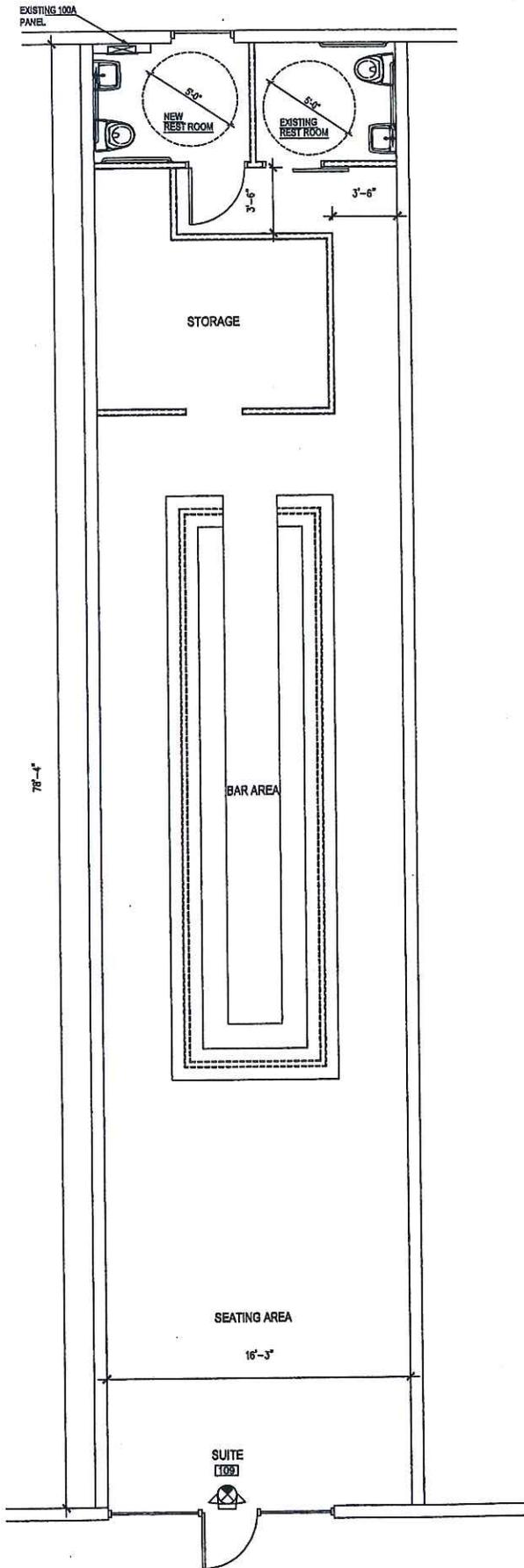
	Open to Customers	Close to Customers
Sunday	11:00 am	2:00 am
Monday	11:00 am	2:00 am
Tuesday	11:00 am	2:00 am
Wednesday	11:00 am	2:00 am
Thursday	11:00 am	2:00 am
Friday	11:00 am	2:00 am
Saturday	11:00 am	2:00 am

4. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan/Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan/Public Safety Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan/Public Safety Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.
6. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours.

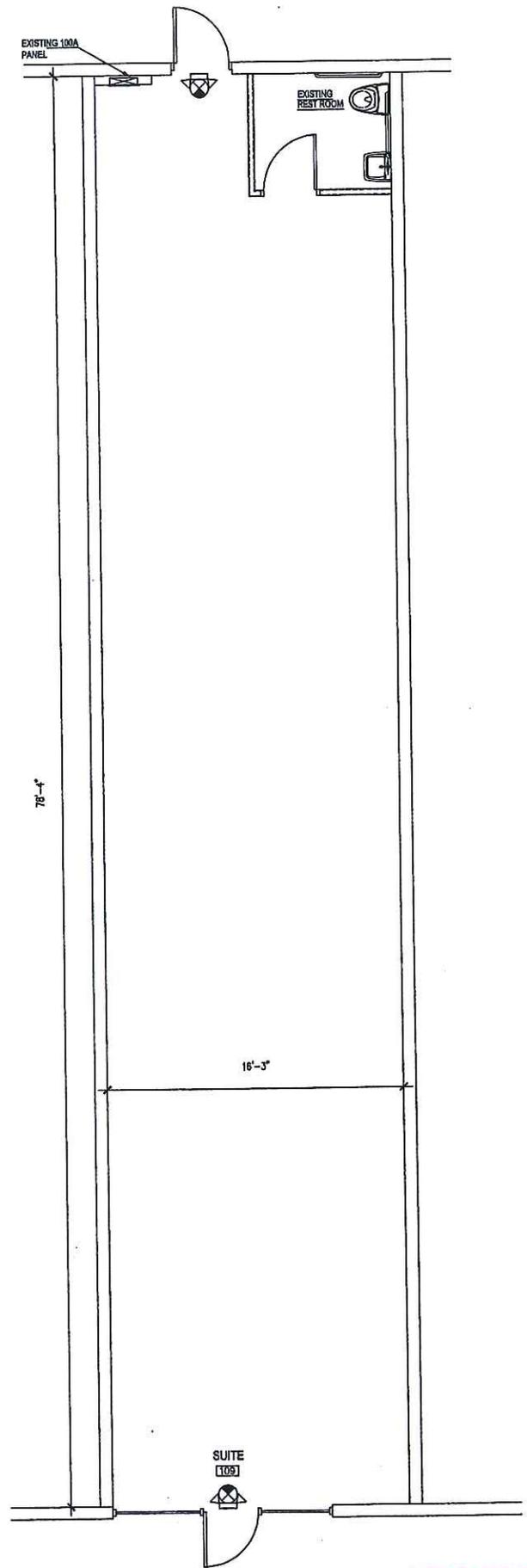
ADMINISTRATIVE/PROCESS

7. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator, or designee, the owner shall submit a letter to the Zoning Administrator, or designee, demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
8. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



○ PROPOSED FLOOR PLAN

Exhibit A to
Attachment #1



○ EXISTING FLOOR PLAN

3-UP-2016
03/31/16

**Use Permit Project Narrative
Gwin Wine and Beer ("Gwin" or "We")**

Request

We are seeking to open our business at 7342 East Shea Blvd., Ste., 109, Scottsdale, Arizona 85260 (East Village at Shea Complex). The location is on the west side of the complex, neighboring the Harkin's theater. We are requesting a Conditional Use Permit for a Beer and Wine Bar (Series 7 liquor license) to be used at the proposed location. Gwin will be a wine and beer lounge with primarily bar top space (approximately 20-25 bar-top seats) and a small seating area (approximately 10 seats). Gwin will offer a fun, inviting and relaxing environment for young to middle aged professionals. This will be unique to the area as the neighboring businesses are primarily large restaurants. Our wine and beer selection will be complemented with select food pairings, all of which will require limited to no on-site preparation, but rather will be sourced from local, well known restaurants and other food producers (i.e. meats, cheeses, olives, jams, etc.). The space is approximately 1280 square foot area. All food, wine and beer consumption will be contained within the space (i.e. no outdoor/patio seating) and will be compliant with State liquor licensing requirements.

Bar Use Criteria (Section 1.401)

A. The granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare, with specific consideration for the following:

- a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination

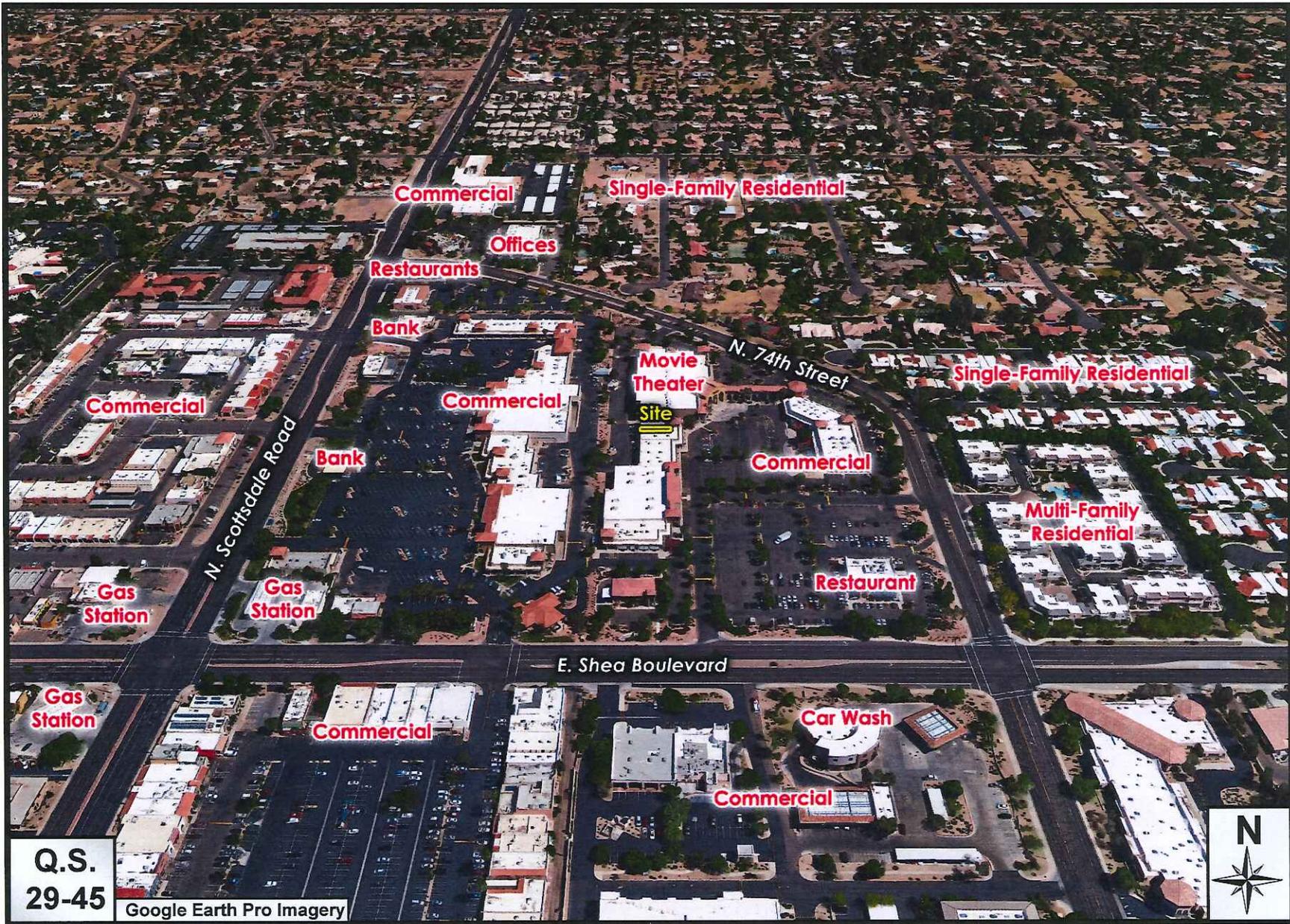
Operations will be confined to the space we are proposing and therefore will not create additional nuisance arising from noise, smoke, odor, dust, vibration or illumination. There are no planned amplified noise or other related generators of the nuisance for the proposed operations.

- b. Impact on surrounding areas resulting from an unusual volume or character of traffic

Given the size of our proposed use, sufficient existing capacity of the shopping center for which we are requesting operations, there is no expected impact on the volume or character of traffic. We plan to complement existing business in the area rather than change the current characteristics of the area.

**3-UP-2016
03/31/16**

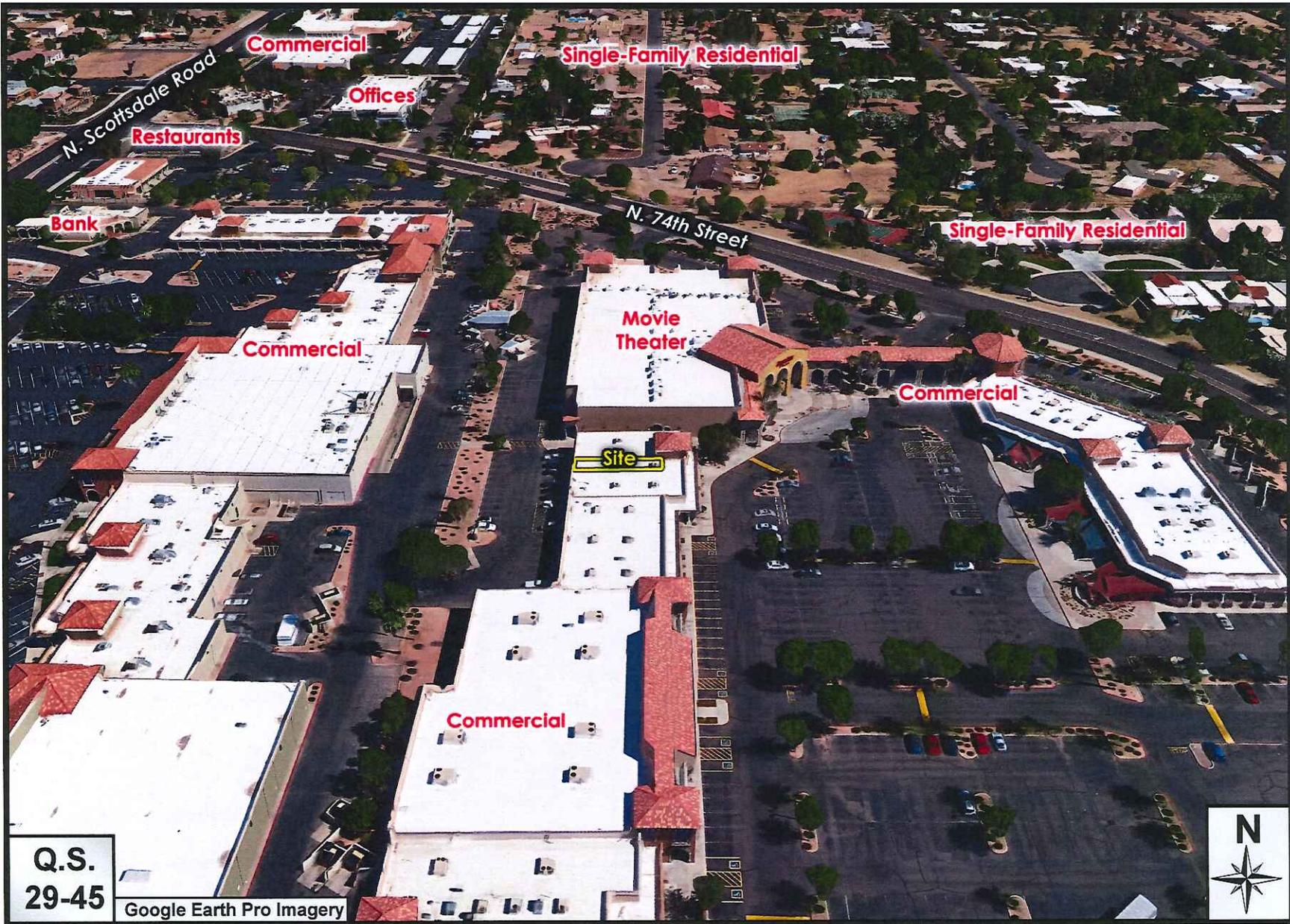
ATTACHMENT #2



Gwin Wine & Beer

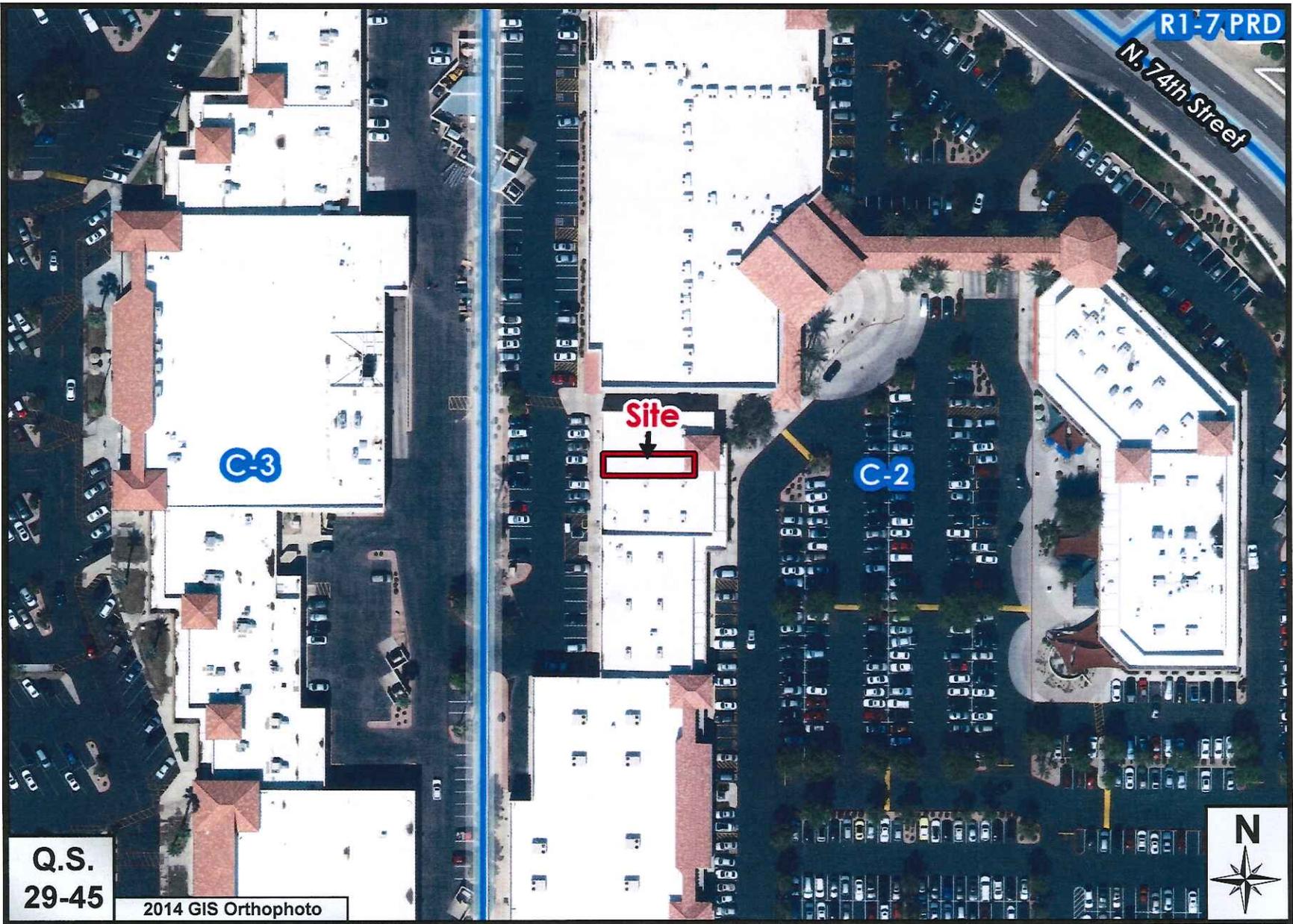
3-UP-2016

ATTACHMENT #3A



Gwin Wine & Beer

3-UP-2016



Q.S.
29-45

2014 GIS Orthophoto

Gwin Wine & Beer

3-UP-2016

Neighborhood Notification Report
Gwin Wine and Beer

March 30, 2016

Brad Carr
Planner
City of Scottsdale

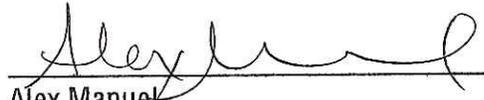
Re: Gwin Wine and Beer
190-PA-2016

This Report is to of our Neighborhood Notification efforts in regards to the above referenced project.

All property owners and HOA's (if any) within 750' radius of the site, as well as other interested parties have been notified via standard US mail. Furthermore, a "open house" was held on March 30, 2016 from 5:00PM to 6:30PM at 7342 East Shea Blvd., Ste. 109, Scottsdale Arizona 85260.

No comments or inquiries have been received to date.

Sincerely,



Alex Manuel
Applicant/Agent for Gwin Wine and Beer

Attachments: Copy of letter and Site Plan used to contact neighbors, HOA's and Interested Parties.
Map showing notified neighbors within 750' of property and list of contacted parties.

ATTACHMENT #5

3-UP-2016
03/31/16

Gwin Wine and Beer

Dear Neighbors,

We are seeking to open our business at 7342 E. Shea Blvd Ste. 109, Scottsdale, Arizona 85260 (East Village at Shea Complex). The location is on the west side of the complex, neighboring the Harkin's theater. We are requesting a Conditional Use Permit for a Beer and Wine Bar (Series 7 liquor license) to be used at the proposed location. Gwin will be a wine and beer lounge with primarily bar top space (approximately 20-25 bar-top seats) and a small seating area (approximately 10 seats). Gwin will offer a fun, inviting and relaxing environment for young to middle aged professionals. This will be unique to the area as the neighboring businesses are primarily large restaurants. Our wine and beer selection will be complemented with select food pairings, all of which will require limited to no on-site preparation, but rather will be sourced from local, well known restaurants and other food producers (i.e. meats, cheeses, olives, jams, etc.). The space is approximately 1280 square foot area. All food, wine and beer consumption will be contained within the space (i.e. no outdoor/patio seating) and will be compliant with State liquor licensing requirements.

The use or addition of the concept proposed within the request for a conditional use permit at East Village at Shea will not disrupt the existing balance of day and nighttime uses but rather we believe it will greatly complement/enhance the existing restaurants and entertainment establishments in the area.

Operations will be confined to the space we are proposing and not impede on pedestrian activities (i.e. no patio/outdoor activities are planned). We will comply with all City and property management ordinances and operate in a manner consistent with those existing business in the area.

We will be holding an open house at the business to answer any questions you may have. The open house will be held March 30, 2016, from 5:00 PM to 6:30 PM.

Any questions or concerns regarding this project may be directed to any of the individuals listed below.

Contact Information

Alex Manuel (Owner)

alex@chacewaterwine.com

(530) 277-4534

Kevin Fulkerson (Applicant/Agent)

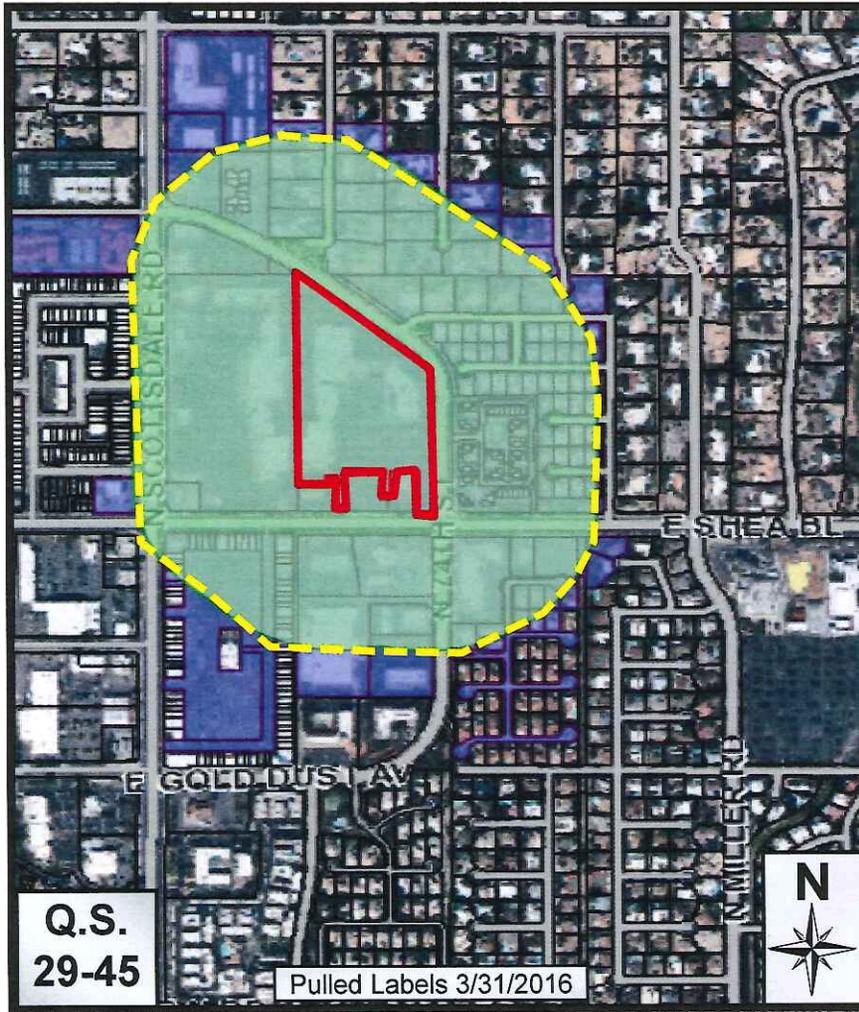
rto52@msn.com

(602) 695-5324

3-UP-2016
03/31/16

City Notifications – Mailing List Selection Map

ATTACHMENT #6



Map Legend:



Site Boundary



Properties within 750-feet

Postcards 241

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

Gwin Wine & Beer

3-UP-2016