

CITY COUNCIL REPORT



MEETING DATE: May 15, 2006

ITEM No. 11 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Tanners - 1-UP-2006

REQUEST

Request:

1. To approve a conditional use permit for a bar in an existing 4,000 +/- square foot building located at 6990 E. Shea Blvd. Ste. 101 with Central Business District (C-2) zoning.
2. To adopt Resolution No. 6893 affirming the above conditional use permit.

Key Items for Consideration:

- The proposed bar is located in an existing commercial center along Shea Boulevard.
- The nearest residential use is over 600 feet to the north.
- There is no known opposition.
- Planning Commission recommended approval, 6-0.

Related Policies, References:

- The area was annexed by the City 1963.
- Case 5-ZN-83 rezoned the 40+/- acre Agua Caliente property, south of this site in 1983.
- Case 29-DR-1988 gave development approval for the Agua Caliente Shopping Center.

OWNER

Geekee Holdings LLC
602-418-0007

APPLICANT CONTACT

James Ladman
Geekee Holdings LLC
602-418-0007

LOCATION

6990 E. Shea Blvd. at the northwest corner of the Shea Boulevard and N. 70th Street

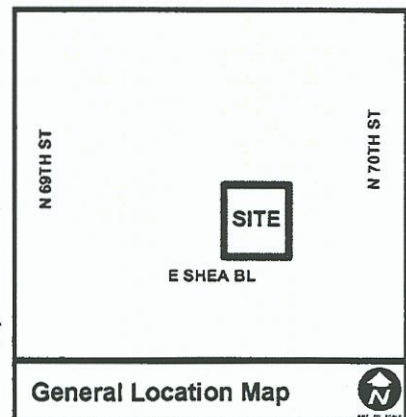
BACKGROUND

Zoning.

The site is zoned C-2 (Central Business District). The C-2 zoning district allows for general business activities, including bar uses with approval of a Conditional Use Permit.

Context.

This subdivision is located in the Agua Caliente Shopping Center at the northwest corner of the Shea Boulevard and N. 70th Street.



Adjacent Uses

- North Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- South Shea Boulevard, with C-2, C-O and R1-35 Residential District zoning, note the R1-35 area is the YMCA, 425 feet southwest of the site
- East Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- West Agua Caliente Professional Center (Dental Center) with C-2 District zoning

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The applicant is requesting approval of a Conditional Use Permit to establish a Series 6 bar use in an existing building within the Agua Caliente Shopping Center. The bar will offer small entrées and feature one or two "unmic'd" jazz performers catering to the "twenty-eight and up" business crowd.

Development information.

- Existing Use Unoccupied building
- Buildings/Description Formerly Sozzle Grille (Series 12)
- Parcel Size 2.5 acres more or less
- Building Height Allowed 36 feet
- Existing Building Height 28 feet
- Floor Area 4,000 square feet (gross), 1,800 square feet (kitchen and office), 2,200 square feet (bar and dining) plus 2,000 square feet patio area

IMPACT ANALYSIS**Traffic.**

The proposed restaurant and bar would operate in the evening, with the primary trip generation occurring in the evening hours when other businesses in the center are closed. As there was previously a restaurant/bar operating in this building, no increase in overall traffic or in peak trips generated is expected. Existing access to the Agua Caliente Shopping Center is from Shea Boulevard to the south, 70th Street to the east and 69th Street to the west. There are no known traffic impacts with the existing shopping center or from the proposed bar use.

Parking.

- 58 spaces are required for the bar use, and 110 spaces are provided within the shopping center. There are no parking impacts anticipated at the existing commercial center.
- 120 additional spaces are available through a shared parking agreement with the Agua Caliente Professional Center adjoining the site to the west (See Parking and Traffic Study, Attachment #11)

Water/Sewer.

Water and Sewer infrastructure is in place to adequately serve the site. No upgrades or additions are necessary.

Police/Fire.

There are no reported public service concerns with this use. The bar conditional use permit criteria require submission of a Security and Maintenance plan, which has been reviewed and approved by the Police Department. (See Attachment #8)

Policy Implications.

The applicant indicates that the establishment will meet the criteria for a bar, small proportion of revenue from food sales, checking for ID at the door, possibly charging a cover charge for admittance; therefore, a bar use permit is being sought. New bars are required to obtain a conditional use permit. This policy provides an opportunity to evaluate potential impacts of a new bar on adjacent uses and to require measures to mitigate negative impacts.

Surrounding properties are commercial uses, with no single-family residential use located within the area. Parking for this use is available within the Agua Caliente Shopping Center with additional parking located toward the west. The time of operation is in the evenings, generally not conflicting with the operation of adjoining retail, office and medical office uses in the center. Due to the type of establishment proposed and anticipated clientele ("twenty-eight plus, business crowd") loitering and littering are not anticipated.

Use Permit Criteria.

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 the 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.
 - **No additional lighting is proposed. This site was previously occupied as a licensed restaurant and most of the facilities within the building currently exist. No smoke, odor, dust or vibration is anticipated from this use.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Access to the primary parking area for the shopping center is from Shea Boulevard, 69th and 70th Streets and does not modify existing traffic patterns to the area. The bar use could generate additional traffic volume into the shopping center, primarily in the evening hours when many of the other retail, office and medical office tenants in the center are closed.**

Sufficient parking is available with parking areas located to the north of the building, within the Agua Caliente Shopping Center.

- 3 There are no other factors associated with this project that will be materially detrimental to the public
 - **Adequate parking is available onsite for this use. An outside patio along the east side of the building is located about 50 feet from Shea Boulevard with other commercial uses located toward the south. The impact of this use is not anticipated to be detrimental to surrounding uses.**
- B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas
 - **The bar request is reasonably compatible with the surrounding retail and offices uses within this shopping center.**
- C. The additional conditions for Bars, cocktail lounges, and/or after hours establishments specified in Section 1 403 C 1 have been applied and satisfied as noted as follows
 - 1 The use shall not disrupt existing balance of daytime and nighttime uses
 - **Most uses within the subject Shopping Center are retail, shops and offices and oriented toward daytime and early evening use. The bar use is intended for later evening use and will not adversely impact other uses.**
 - 2 The use shall not disrupt pedestrian-oriented daytime activities
 - **Pedestrian circulation ways exist at the Shopping Center and will not be impacted by the bar use. An outdoor patio for the bar is situated in a specifically designated, fenced area that will not impact sidewalk use.**
 - 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 outside of the Downtown and Downtown Overlay 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
 - b The use shall provide methods of buffering residential uses
 - **The use will not be located within 500 feet of any existing or proposed residential project.**
 - 5 An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business
 - **A Security and Maintenance Plan has been submitted and**

approved by the Police Department.

- 6 The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
 - **Provisions of refuse control are included with the Security and Maintenance Plan and have been stipulated with this case.**
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated
 - **No new lighting is associated with this case, and noise levels have been stipulated to not exceed the ambient noise levels of the area.**
- 8 The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area
 - **The shopping center meets all of its parking demands.**
- 9 After hours establishments must maintain a valid after hours establishment license
 - **No request for after hours has been made for the site.**

Community Involvement.

The applicant has notified property owners within 750 feet of the site, posted the site with an information sign, and held an open house to discuss this proposal. Comments from those attending the open house were supportive of the proposal. Staff has received no comments from the public regarding this application.

Community Impact.

This request is for a new bar located in a stand-alone building formerly used as a licensed restaurant at the Agua Caliente Shopping Center. The applicant has submitted and obtained approval of a Security and Maintenance Plan that will establish maintenance and security operations for the use. This bar operation is located immediately adjacent to Shea Boulevard and is intended to be open in the evenings and will not adversely impact the shopping center or surrounding uses.

Liquor License.

The liquor license is tentatively scheduled to be heard by City Council on May 15, 2006.

Staff recommended approval based on the findings and subject to the attached stipulations.

OTHER BOARDS AND COMMISSIONS

Planning Commission.

The Planning Commission heard this case on April 19, 2006, during the expedited agenda. The Planning Commission recommended for approval, 6-0.

RECOMMENDATION

Approval subject to the attached stipulations.

Scottsdale City Council Report

Case No. 1-UP-2006

**RESPONSIBLE
DEPT(S)**


Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

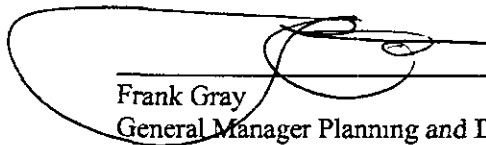
Tim Curtis, AICP
Principle Planner
480-312-4210
E-mail tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail rgrant@ScottsdaleAZ.gov

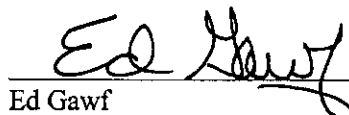
APPROVED BY


Randy Grant
Chief Planning Officer

5/3/06
Date


Frank Gray
General Manager Planning and Development Services

5.3 CF
Date


Ed Gawf
Assistant City Manager

5/3/06
Date

ATTACHMENTS

- 1 Applicant's Narrative
- 2 Context Aerial
- 2A Aerial Close-Up
- 3 Land Use Map
- 4 Zoning Map
5. Resolution No 6893
Exhibit 1 Aerial Map
Exhibit 2 Stipulations
6. Citizen Involvement
7. City Notification Map
- 8 Security and Maintenance Plan
- 9 April 19, 2006 Planning Commission Minutes
- 10 Site Plan
- 11 Floor Plan

Tanner's Project Narrative

Tanner's is a jazz club/lounge which serves food. Tanner's will utilize the existing facility (previously Pasta Penne and Sozzle Grill) and utilize the existing parking.

Tanner's will not open for business until 4pm for a light happy hour on the patio to five days per week and will close at bar time. Tanner's will serve food with a #6 license (already purchased). With the exception of NYPD Pizza and Ajo Al's Mexican Food, all the existing business close by 8 00pm except a massage place of business.

Tanner's will be open less hours than the previous business Sozzle Grill.

Tanner's shall not disrupt any daytime and nighttime business within the center.

Tanner's is not located within the downtown overlay district.

Tanner's should have no adverse impact on any residential uses.

Tanner's will have an internal active management and security plan to comply with the city's plan and ensure every client's well-being and safety.

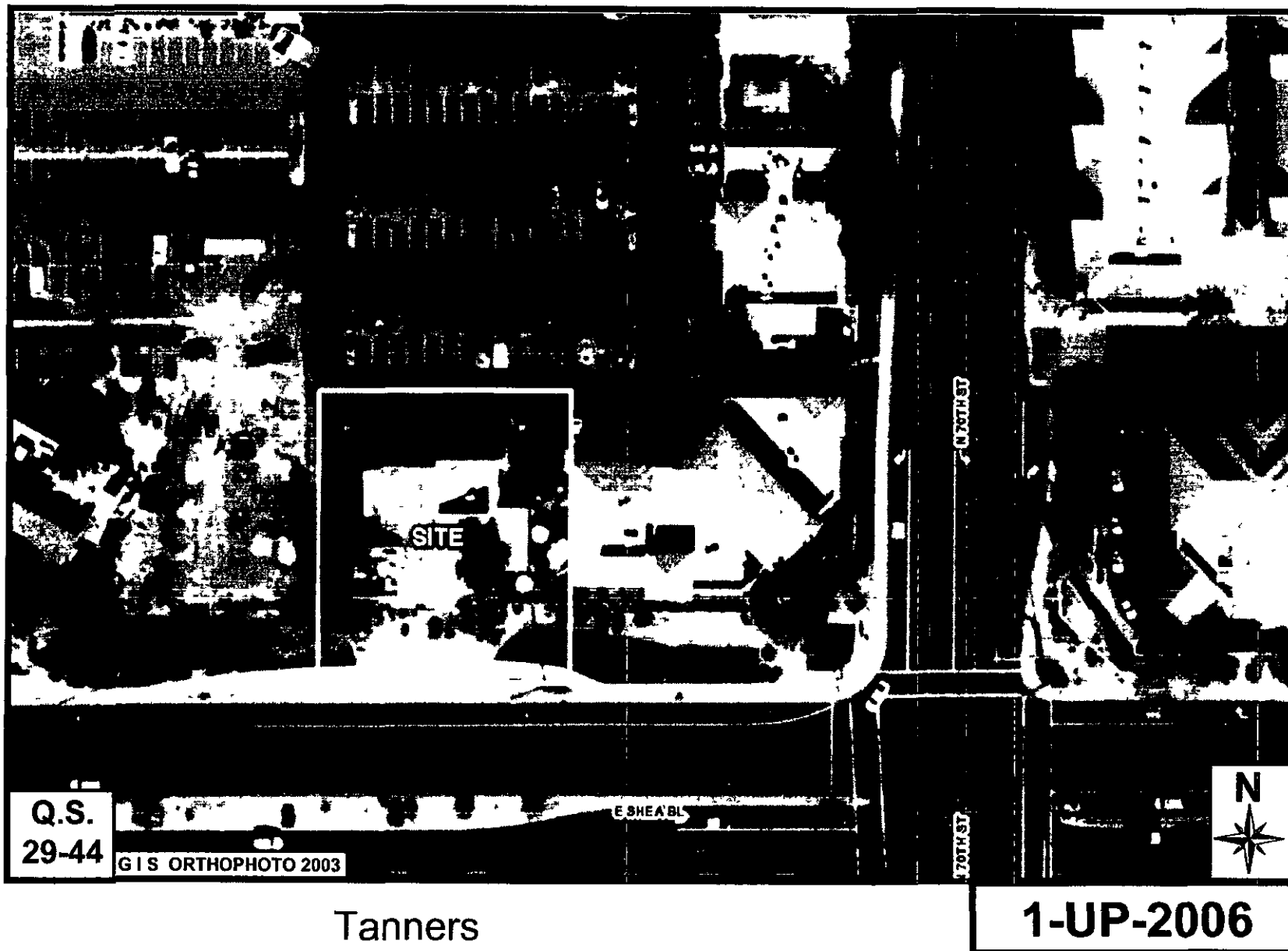
Tanner's will not have after hours and has no plans for special events at this time.

Tanners

ATTACHMENT #2

1-UP-2006



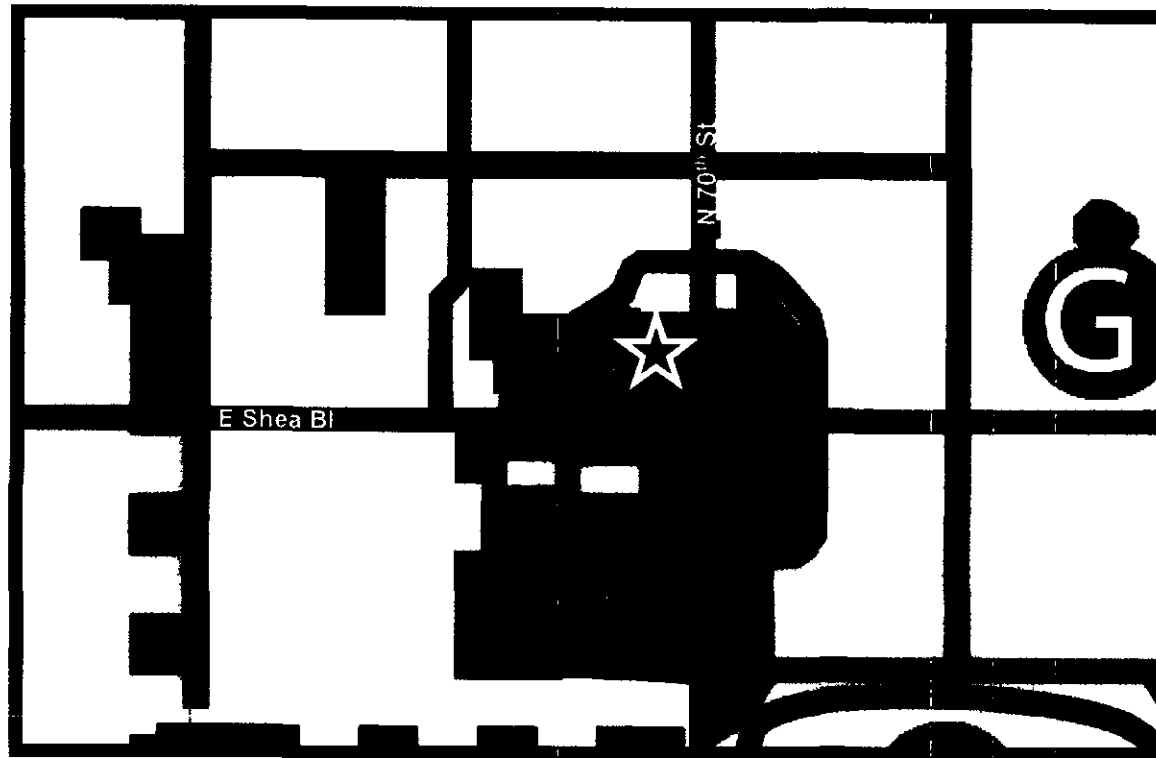


Tanners

1-UP-2006

ATTACHMENT #2A

General Plan

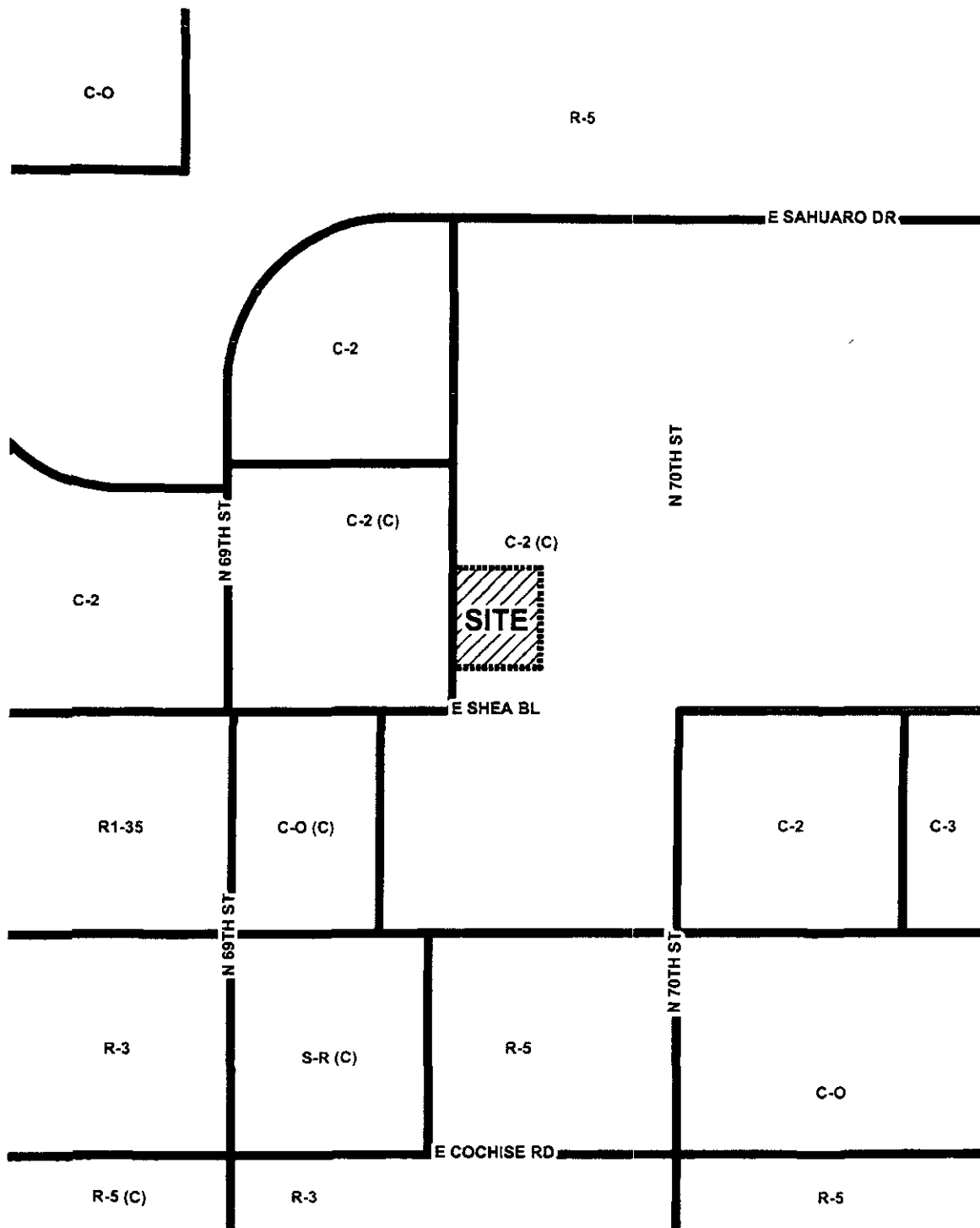


- | | |
|---|--------------------------------------|
| Rural Neighborhoods | Commercial |
| Suburban Neighborhoods | Office |
| Urban Neighborhoods | Employment |
| Mixed-Use Neighborhoods | Natural Open Space |
| Resorts/Tourism | Developed Open Space (Parks) |
| Shea Corridor | Developed Open Space (Golf Courses) |
| Mayo Support District | Cultural/Institutional or Public Use |
| Regional Use District | |
| McDowell Sonoran Preserve (as of 8/2003) | |
| Recommended Study Boundary of the McDowell Sonoran Preserve | |
| City Boundary | Location not yet determined |



1-UP-2006
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



1-UP-2006

ATTACHMENT #4



RESOLUTION NO 6893

A RESOLUTION OF THE CITY OF SCOTTSDALE,
ARIZONA, TO ADOPT A CONDITIONAL USE
PERMIT FOR A BAR LOCATED AT 6990 E SHEA
BOULEVARD, SUITE 101

WHEREAS, the Planning Commission has held a public hearing on April 19, 2006, and

WHEREAS, the City Council is holding a public hearing on May 15, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, as follows:

Section 1 That the City Council finds.

a) That the granting of this conditional use permit for case 1-UP-2006 (Tanners), subject to the stipulations set forth on Exhibit 2, will not be materially detrimental to the public health, safety or welfare based on the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic,

b) That the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) That the additional conditions for bars, set forth on attached Exhibit 3, incorporated by this reference, have been met.

Section 2 That the above conditional use permit is described in Case No 1-UP-2006, the property is shown on Exhibit 1, attached hereto and

incorporated by this reference, and the conditional use permit approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated by this reference

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 15 day of May 2006.

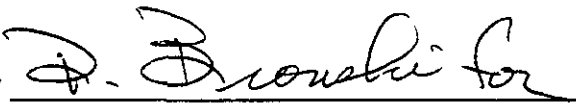
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By _____
Carolyn Jagger
City Clerk

By _____
Mary Manross
Mayor

APPROVED AS TO FORM

By 
Deborah Robberson
City Attorney



Q.S.
29-44

G.I.S. ORTHOPHOTO 2003

Tanners

1-UP-2006

Exhibit 1

STIPULATIONS FOR CASE 1-UP-2006

PLANNING/ DEVELOPMENT

1 OPERATIONS All operations on site shall comply with the following

- a **BAR USE ONLY** This use permit is approved for a 'bar' use **only**, and no live entertainment is approved as part of this request. Any live entertainment requires an application for a live entertainment Use Permit, including hearings before the Planning Commission and City Council.
- b **REMOVAL OF STAGE** The applicant shall remove the existing stage on the patio prior to the opening of business.
- c **NOISE** No noise generated from this use, including the outdoor patio and any speakers or other amplification equipment, shall exceed noise levels of ambient noise consistent to the use and character of the area during the corresponding hours of operation, as determined by City staff. Amplified music shall be limited to the times that state law allows liquor sales at this bar.
- d **PUBLIC SECURITY AND MAINTENANCE PLAN** The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following. If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
- e **REFUSE AND LITTER CONTROL** The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and any other applicable departments to city staff satisfaction. A copy of the approved Plan shall be kept on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
- f **SECURITY MONITORING** Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the use at least once an hour that the bar is open and for at least 30 minutes after the bar closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
- g **NOTIFICATION** Within ten (10) days of receiving any complaints regarding the bar's affect on the adjacent uses and properties, the bar operator shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the bar operator to address those complaints.

2 ADMINISTRATION

- a **EXPIRATION DATE** This Use Permit shall expire one (1) year after City Council approval, unless (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date.

EXHIBIT 3

Scottsdale Revised Code Section 1 403[C.1]

[C 1] Bars, cocktail lounges, and/or after hours establishments

- 1 The use shall not disrupt existing balance of daytime and nighttime uses
- 2 The use shall not disrupt pedestrian-oriented daytime activities
- 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
- 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
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- 5 An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business
- 6 The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department
- 7 The applicant shall demonstrate how noise and light generated by the use shall be mitigated
- 8 The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area
- 9 After hours establishments must maintain a valid after hours establishment license

April 10, 2006

Mr. Tim Curtis
Scottsdale Planning Coordinator

Dear Tim,

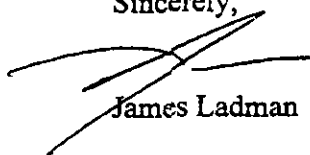
Tanner's had its open house on Wednesday, April 5, 2006 between 5 and 7 pm. Tanner's had four groups of neighbors and a partner show up for the event.

We had a financial planner, a dentist, and two women from the PGA Golf shop, our partner and the marketing director from the YMCA. All of the comments were that of excitement and of good luck. We primarily discussed wines and music. The consensus was that they wanted a nice place to go and that we would generate some life within the center.

The marketing director from the YMCA expressed his interest to cross-market with their renovated facility.

Every neighbor we have spoken prior to or since has expressed goodwill and has wished us success.

Sincerely,



James Ladman

Date Wednesday, April 05, 2006
Time 5 00 pm to 7 00 pm

Place Tanners
6990 E Shea Blvd
Suite 101
Scottsdale, AZ 85254

CONTACTS

Jamie Ladman
4360 N Scottsdale Rd
Scottsdale, AZ 85251
480-994-1888

Jerry Lewkowicz Attorney
3101 N Central Ave Suite 200
Phoenix, AZ 85012
602-200-7222

Tim Curtis
 City of Scottsdale
 7447 E Indian School Rd. Ste 205
 Scottsdale, AZ 85251
 480-312-6500

[illegible]

COMMENT SHEET

Date

Wednesday, April 05, 2006

Time

5 00 pm to 7 00 pm

Place Tanners
6990 E. Shea Blvd
Suite 101
Scottsdale, AZ 85254

CONTACTS

Jamie Ladman
4360 N Scottsdale Rd
Scottsdale, AZ 85251
480-994-1888

Jerry Lewkowitz Attorney
3101 N Central Ave Suite 200
Phoenix, AZ 85012
602-200-7222

Tim Curtis
City of Scottsdale
7447 E Indian School Rd Ste 205
Scottsdale, AZ 85251
480-312-6500

NAME AND ADDRESS	COMMENTS

March 25, 2006

Dear Neighbor

Hello, my name is James Ladman. My associates and I are planning to put in Tanner's Jazz Club (or name to be announced) at 6990 East Shea #101 (the old Sozzle Grill). The ownership/management has extensive high-end restaurant/bar experience here in Scottsdale

Tanner's plans on being a high-end jazz/pop lounge featuring both food and libations. Tanner's will keep the premises clean and will patrol the parking lot at all times along with free valet parking. Tanner's will be open five days per week (4 - 5 pm till late evenings)

Tanner's is applying for a bar use permit with the city of Scottsdale with liquor license # 06070240 (76LL2005 city liquor app) and city Bar Use Permit case # 1-UP2006 .

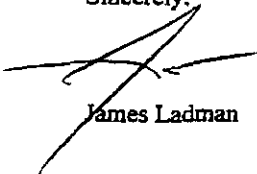
Tanner's is zoned C-2.

Tanner's will have an open-house for any neighbors on Wednesday, April 5, 2006 at the property between 5 and 7pm.

If you have any questions or concerns please contact me @ (602) 418-0007, or Jerry Lewkowitz @ (602) 200-7222 or Tim Curtis @ (480) 650-3000 at the City of Scottsdale

We look forward to meeting any who wish to attend.

Sincerely,



James Ladman



AGEEBRIGGS INVESTMENT ENTERPRISES LLC
6920 E SHEA UNIT 201
SCOTTSDALE, AZ 85254 USA
Parcel: 175-41-030

AGUA CALIENTE LOT OWNERS ASSOCIATION
5725 N SCOTTSDALE RD STE C100
SCOTTSDALE, AZ 85250 USA
Parcel: 175-41-025

SHEA70 LLC
8233 N VIA PASEO DEL NORTE STE A300
SCOTTSDALE, AZ 85258 USA
Parcel: 175-50-020-A

AGEEBRIGGS INVESTMENT ENTERPRISES LLC
6920 E SHEA UNIT 201
SCOTTSDALE, AZ 85254 USA
Parcel: 175-41-027

SCANTLAND JOHN RICHARD TR
3331 ROWENA AVE
LOS ANGELES, CA 90027 USA
Parcel: 175-49-008

AGUA CALIENTE INVESTMENTS II LLC/ETAL
P O BOX 1928
FLAGSTAFF, AZ 86002 USA
Parcel: 175-41-019

SHEA CORPORATE CENTER LLC
6945 E SHAUARO DR UNIT B1
SCOTTSDALE, AZ 85254 USA
Parcel: 175-41-017-A

GLAESER BERND/LORRAINE
9605 N 43RD PL
PHOENIX, AZ 85016 USA
Parcel: 175-41-020-B

SCOTTSDALE PROMENADE INVESTORS LLC
7000 E SHEA BLVD STE I201
SCOTTSDALE, AZ 85254 USA
Parcel: 175-42-136-P

A&L MATOS LLC ETAL
3448 E COOLIDGE ST
PHOENIX, AZ 85018 USA
Parcel: 175-41-018

HITCHING POST ENT INC
1520 CLINE RD
SEDONA, AZ 86336 USA
Parcel: 175-41-014

AGUA CALIENTE LOT OWNERS ASSN
5725 N SCOTTSDALE RD STE C100
SCOTTSDALE, AZ 85250 USA
Parcel: 175-41-022-A

SHEA CORPORATE CENTER LLC
6945 E SHAUARO DR UNIT B1
SCOTTSDALE, AZ 85254 USA
Parcel: 175-41-017-B

SHURGARD STORAGE CENTERS INC

PO BOX 900933-9633
SEATTLE, WA 98109 USA
Parcel: 175-41-013

SCOTTSDALE CITY OF
7447 E INDIAN SCHOOL RD STE 205
SCOTTSDALE, AZ 85251 USA
Parcel: 175-50-021-A

CAMDEN USA INC
2901 N CENTRAL AVE NO 1200
PHOENIX, AZ 85012 USA
Parcel: 175-41-023

BANK OF AMERICA ARIZONA
PO BOX 2818
ALPHARETTA, GA 30023 USA
Parcel: 175-50-020-B

SCOTTSDALE PROMENADE INVESTORS LLC
7000 E SHEA BLVD STE 1201
SCOTTSDALE, AZ 85254 USA
Parcel: 175-42-136-N

YOUNG MENS CHRISTIAN ASSN
350 N 1ST AVE
PHOENIX, AZ 85003 USA
Parcel: 175-50-014

SCOTTSDALE PROMENADE INVESTORS LLC
7000 E SHEA BLVD STE 1201
SCOTTSDALE, AZ 85254 USA
Parcel: 175-42-136-H

SOUTHWEST SECTION OF PGA
10685 N 69TH ST
SCOTTSDALE, AZ 852546130 USA
Parcel: 175-41-017-C

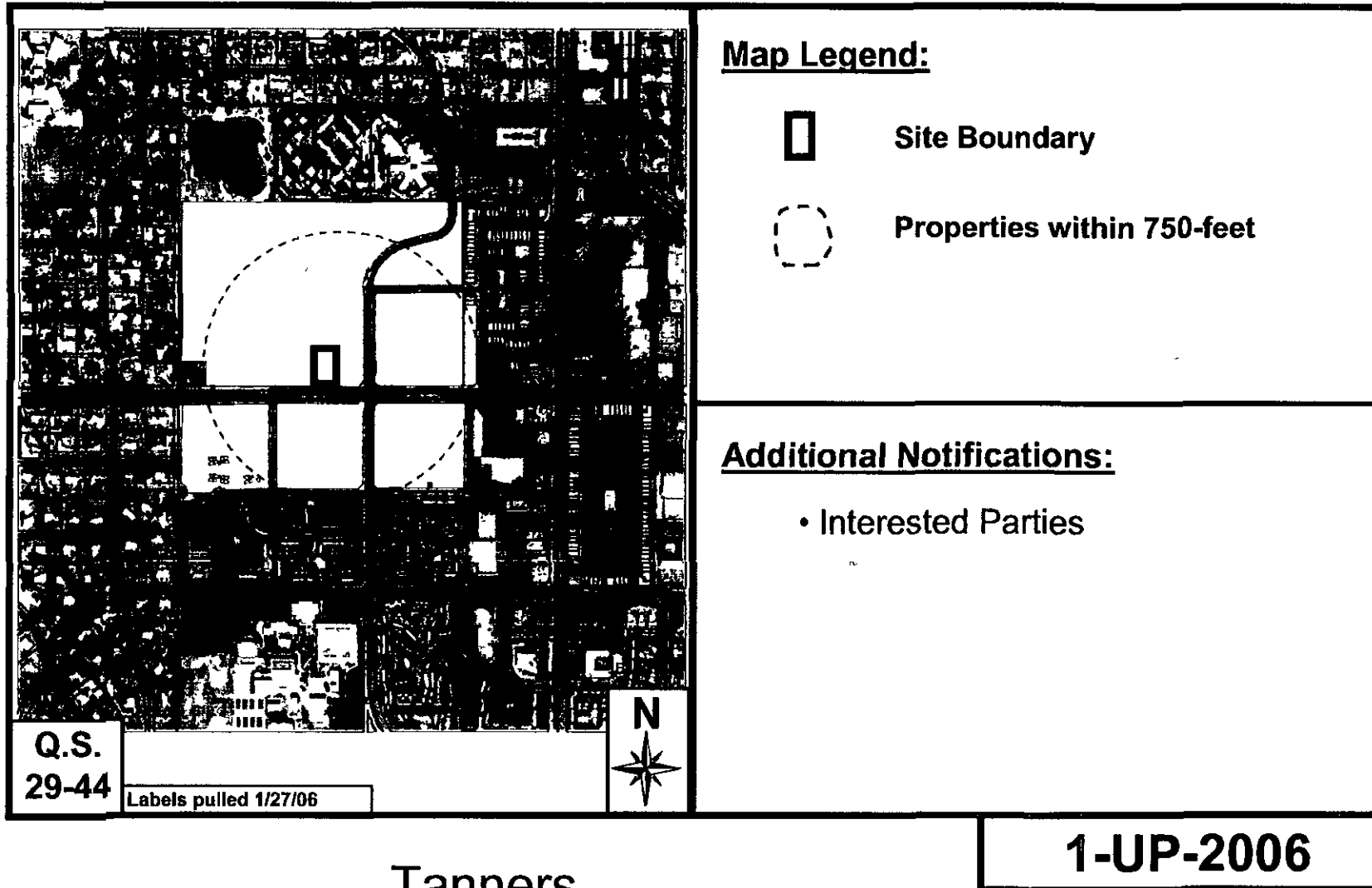
BRE/ESA P PORTFOLIO LLC
100 DUNBAR STREET
SPARTANBURG, SC 29306 USA
Parcel: 175-41-024

ERP OPERATING LIMITED PARTNERSHIP
PO BOX 87407
CHICAGO, IL 606800407 USA
Parcel: 175-42-136-E

FOLEY PROPERTIES LLC
6920 E SHEA BLVD STE 101
SCOTTSDALE, AZ 85254 USA
Parcel: 175-41-026

WINKLER ROBERT A/DEANNA C TR
2161 W MADERO AVE
MESA, AZ 85202 USA
Parcel: 175-49-001

City Notifications – Mailing List Selection Map



ATTACHMENT #7

SECURITY AND MAINTENANCE PLAN

For Bars and Live Entertainment Use Permits

Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000

FAX 480.312.2030

Establishment: TANNERS

Address: 6990 East Shea

Business Phone: (602) 418-0007 or new #

Business FAX: (480) 556-1239

Maximum Occupancy: 145 existing indoor

Effective Date of the Plan: _____

Date of Plan Review: _____

Use Permit Issue Date: _____

Liquor License Number: 06090240

Contact Person (1): JAMES LADMAN

Home Phone: (480) 556-1239

Contact Person (2): KRISTIN LADMAN

Home Phone: (602) 300-3447

I. Purpose of the Plan

This plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes

This Security Plan's purpose is to comply with the Security Plan conditions and/or requirements set forth in a Use Permit, and to address the concerns of the zoning ordinance regarding

Any significant increase in vehicular or pedestrian traffic

Adequate control of disruptive behavior both inside and outside the premises

Compatibility with surrounding structures and uses.

Deterioration of the neighborhood or to the downgrading of property values.

To assist in providing an environment that may enhance safeguarding of property and public welfare, as well as reduce the necessity for calls for service from law enforcement agencies.

II. Plan of Operation: Program Plan and Hours

1. Permittee: TANNER'S
Type of Organization: ☐ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☒ LLC
☐ Partnership ☐ Other
2. Managing Agents Name: JAMES CADMAN
Title: MANAGING MEMBER
Address: 17212 N SCOTTSDALE RD #2349
SCOTTSDALE, AZ 85255
Phone Numbers: (602) - 418-0007
Fax or Other Numbers: (480) - 556-1239
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: N/A
4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone:
Surreal Lively (602) 410-5055 cell
3900 E. Camelback #408
Phoenix, AZ 85018 (602) 954-7220 office

5 Hours of Operation:

	<u>Peak/Non-Peak Night</u>	<u>Open to Customers</u>	<u>Liquor Sale Begin</u>	<u>Liquor Sale Ends</u>	<u>Closed to Customers</u>
Monday	CLOSED				
Tuesday	CLOSED				
Wednesday	Non-PEAK	4:00 pm	4 pm	2 AM	2:00 am
Thursday	PEAK	4:00 pm	4 pm	2 AM	2:00 AM
Friday	PEAK	4:00 pm	4 pm	2 AM	2:00 AM
Saturday	PEAK	4:00 pm	4 pm	2 AM	2:00 AM
Sunday	Non-PEAK	5:00 pm	5 pm	2 AM	2:00 AM

6. Promotional Events (Ladies Night, Teen Nights, etc) (attach or describe): NONE

7. Program Format/Entertainment/Advertising (attach or describe): i.e The Pink Elephant intends to cater to persons 35 to 55 years old, utilize oldies music, and provide sports events/programming.

SEE DESCRIPTION

a. Live entertainment and live music shall terminate no later than 12:55 p.m. nor before 8:00 a.m., as approved in the Use Permit

b. Music and amplified sound shall terminate at closing and is subject to City noise and other ordinances.

8. Special Events.

a. Notice must be given by Permittee to City of Scottsdale Planning and Development at the address above at least twenty (20) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events

b. Additional security or revisions to this Plan may be required by the Scottsdale Special Events Committee (program formats varying from the regular format described above)

c. Permittee must be separately licensed to conduct After Hours, Teen Nights, Outdoor Event/Special Events, Special Liquor License Events, Extensions of Premises, and separately approved Security Plans (or amendments to this Plan) See Scottsdale City Code for requirements.

9. Cooperation/Complaints/Concerns

- ✓ a. Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Employee Name. TERRY LEWKOWITZ (602) 200-7222

Names of Effected Businesses Within 300 (three hundred) feet of Permittee (use a continuation page, if necessary):

1) SEE ATTACHMENT

2)

3)

4)

5)

- ✓ b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, officers, City of Scottsdale Code Enforcement staff and neighbors in addressing and investigating complaints and concerns.

- ✓ c. Permittee's managing agent(s) shall meet with Scottsdale Police Department when requested by the Scottsdale Police Bike Unit Sergeant or his representative, or District Commander.

- ✓ d. Site/Building Information

1) A diagram of the exterior and interior of the establishment is appended.

SEE ATTACHMENT

Outline of Security and Maintenance Plan

1. Dress Code for Civilian Security Personnel
2. Security Officer Responsibilities
3. Management Responsibilities
4. Uniformed Sworn Officer Responsibilities
5. Guest Parking Plan
6. Refuse Plan
7. Safety Plan
8. Dates of After-Hours Operation
9. Enforcement of Security Plan by the City of Scottsdale

Security and Maintenance Plan

SEE ATTACH

1. Dress Codes

Security personnel must be readily identifiable to police, patrons, and other (NAME OF BUSINESS) security members. Dress code for Civilian Security Personnel, Manager, and Assistant Manager.

- a. ☒ Shirt: Black shirt with word "Security" on back in two-inch white letters centered approximately four-inches below top edge of neck, and (NAME OF BUSINESS) on front in smaller white font.
- b. ☒ Jacket: During the cold nights, a black jacket with the word "Security" on back in two-inch white letters centered approximately four-inches below top edge of neck, and (NAME OF BUSINESS) "Security" on front in smaller white font.
- c. ☒ Radio: Used as a means of maintaining constant communication inside and outside the building. All management and security employees must carry radios.

2. Security Officer Responsibilities:

Security officer responsibilities must be clearly delineated. There will be a minimum of ___ uniformed (wearing the above-described uniform) security officers working on peak nights whose responsibilities will be as follows:

- a. ☒ ___ officer will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety. Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas. During After Hours, if applicable, the security officer will assist sworn officers in removing all guests in a safe manner, then assisting the uniformed sworn officers (when utilized) in (NAME OF BUSINESS) and nearby areas until 0500 hours or until all guests have left the area.
- b. ☒ ___ officers will be responsible for checking identifications at the front door. All identifications must meet the minimum criteria for Arizona Revised Statutes Title 4 to allow access to the interior of the Liquor

Establishment, including during the time period of After-Hours, if applicable. Additional duties will be as follows; access control, counting of patrons, prevention of intoxicated persons from entering (NAME OF BUSINESS) _____. At 0115 hours, these security officers will assist (NAME OF BUSINESS) _____ staff in removing all guests in a safe manner, then assisting the uniformed sworn officers (when applicable) in patrolling the exterior of (NAME OF BUSINESS) _____ and nearby areas until 0200 hours or until all guests have left the area.

- c. _____ officer will be responsible for conducting roaming patrol of the exterior of (NAME OF BUSINESS) _____ in an effort to prevent criminal behavior and maintain the peace. During After Hours, if applicable, at 0400 hours, this security officer will assist (NAME OF BUSINESS) _____ in removing all guests in a safe manner, then assisting the uniformed sworn officer in patrolling the exterior of (NAME OF BUSINESS) _____ and nearby areas until 0500 hours or until all guests have left the area.
- d. Report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management/ownership remains ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting of the act of violence.

3. Management Responsibilities

Managers, assistant managers, and person(s)-in-charge responsibilities will be clearly delineated.

- a. There will be a minimum of _____ managers available during peak nights.
- b. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
- c. A manager shall be identified as the "Security Manager" and be responsible for insuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
- d. The senior manager on duty will ensure that all employees, security staff, and off-duty law enforcement officers shall be trained and knowledgeable about the contents of this Plan.
- e. A security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

4. Uniformed Sworn Officer Responsibilities:

Off-duty law enforcement officer responsibilities must be clearly delineated. There will be a minimum of _____ uniformed sworn officers assigned to the following responsibilities.

- a. Maintain radio communication with (NAME OF BUSINESS) _____ security officers, staff and management.
- b. Conduct traffic control as needed
- c. Assist civilian security officers in removal of disorderly and/or intoxicated guests
- d. Maintain the peace outside of the liquor establishment until 0200 hours or until all patrons have left the area, whichever occurs last.
- e. From 0100 until 0200 hours, patrol the exterior portions of (NAME OF BUSINESS) _____ to maintain the peace, as well as prevent criminal acts. All acts of violence must be reported to the Department of Liquor Licenses and Control, even when a victim is not available.
- f. If a valet is utilized, maintain the peace in the area of the valet.
- g. Assist Security Officers with maintaining order in the entrance line.
- h. Customers will be discouraged from committing criminal offenses in the area after closing. Enforcement action will be taken as necessary.
- i. Report all acts of violence to management personnel and contact Scottsdale Police Department for assistance as required, above.

5. Guest Parking Plan

In order to reduce criminal activity that negatively affects the nearby businesses, a well-illuminated guest-parking site has been established. Patron parking areas will be well controlled for the safety of patrons, their property, and that of nearby businesses.

- a. (NAME OF BUSINESS) _____ will maintain a minimum of ___ parking spaces.
- b. (NAME OF BUSINESS) _____ may utilize a valet system, but application to the City of Scottsdale will conform to all existing valet rules
- c. A Parking Study and diagram is appended. The Parking Study and diagram will include a description of the parking area, the specific location, and number of spaces utilized for patrons and employees.
- d. (NAME OF BUSINESS) _____ will insure that parking areas utilized by patrons and employees will be supervised by the Permittee to ensure that the parking areas are not used as a gathering place, for consumption of spirituous liquor, for violations of state or city law, acts of violence, or disorderly conduct. The Permittee will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time

6. Refuse Plan

Citizen surveys and police calls for service both indicate that businesses in the downtown area have complained about liquor establishments' lack of responsibility in this area.

- a. Refuse containers will be emptied within twenty-four hours of a special event.
- b. (NAME OF BUSINESS) _____ management will be responsible for cleaning and refuse pick-up for any refuse found within three hundred feet of the business, patron parking lot(s), and employee parking lot(s). All bottles, trash, and refuse found on streets, sidewalks, private

property, and empty lots within the above-designated areas will be placed in (NAME OF BUSINESS) _____ refuse container.

7. Safety Plan

(NAME OF BUSINESS) _____ has established this safety plan which incorporates and addresses the issue of duration of security officer responsibilities, reporting acts of violence to Department of Liquor License and Controls, assistance in police investigations, incidents of criminal trespass, and disorderly patrons

- a. Duration of Security Responsibilities, Responsibility for providing security to patrons, employees and the public will extend to the established parking areas as identified in the parking plan from at least one hour before opening to at least one hour after the end of business on Thursday, Friday, or Saturday nights (Sunday mornings) or on any other day when conducting special events.
- b. Reporting Acts of Violence. All acts of violence inside and outside of (NAME OF BUSINESS) _____ including the parking areas designated in the Guest Parking Plan (and valet services parking areas, if utilized) shall be reported to an on duty manager and/or owner immediately. Scottsdale Police Department will be called immediately and an Arizona Department of Liquor Licenses and Control (DLLC) Licensee's Report of Act of Violence form will be completed. This report will be completed and forwarded to the DLLC regardless of the action taken by the police department
- c. Assistance to Police Investigations; It is mandatory that any employee, including owners, managers, assistant managers, and staff will reasonably cooperate with any police investigation, and the subsequent prosecution regarding arrests made on or relating to the premises resulting from a need to maintain the peace or public order, or resulting from a request by our establishment to investigate any potential criminal act.
- d. Incidents of Criminal Trespass, During investigation and complaints of Criminal Trespass where the establishment is a victim, (NAME OF BUSINESS) _____ manager will act as an arresting citizen if uniformed sworn officers are not available.
- e. Disorderly patrons; Disorderly patrons will be safely escorted from the establishment by security officers and/or uniformed sworn officers. Disorderly patrons will be turned over to uniformed sworn officers for disposition, when employed.
- f. Persons Under 21 Years of Age; Permittee agrees that a person under twenty-one years of age will not be allowed on the premises where liquor is sold, dispensed or consumed unless:
 - 1) The person is accompanied by a spouse, parent or legal guardian who is at least twenty-one (21) years of age or is an on-duty employee of the Permittee, OR
 - 2) The primary purpose of the premises is serving food, OR

- 3) The primary purpose of the premises is a patron participatory recreation activity limited to the minor's participation in any of the following sport activities, bowling, golf, football, or basketball
- g Management; Permittee agrees to provide the following minimum number of Managers ____, Assistant Managers ____, when the Permittee is open for business. On duty managers are responsible for supervision of all employees, security personnel, off-duty sworn law enforcement officers, agents, and shall identify all employees, personnel, and agents on the premises when requested by City of Scottsdale employees.

NA **8. Special Events**

✓ All special events or promotional events (i.e. Ladies Night, Teen Night, etc.) must be identified in writing for the upcoming year within ten days of approval of this permit. A copy of these dates faxed to the Scottsdale Police Bike Unit with a specific list of the dates that special events will be conducted. This notification is not an authorization, but a notice of intent. Permittee understands that the notification of special events related to this permit are necessary for the following reasons:

- a. Preparation: Special and promotional events often tax police resources more than liquor establishments during regular hours. Prior notice will allow police to prepare for the events.
- b. Inspections: Police inspections can be performed of the special events, the establishment, and at any time when there are any occupants of the liquor establishment.
- c. Operation of special events or promotional events on dates not identified by (NAME OF BUSINESS) _____ list of dates for the upcoming year will result of immediate closure of the liquor establishment's special event, as well as place (NAME OF BUSINESS) _____ in noncompliance.

9. Enforcement of Security Plan by City of Scottsdale

- ✓* a. The Permittee agrees that successful execution and enforcement of this Plan are a requirement and condition of Scottsdale's Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.
- ✓* b. Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees.
- ✓* c. Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402. Conditional use permits which have been approved by the City Council shall be subject the following procedures and criteria regarding any violation, amendment, or revocation.
 - 1) Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this

ordinance and shall be subject to the requirements of Section 1.1300.

- 2) Amendment. Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.

- d Revocation of the Plan. The Zoning Administrator may recommend to the Board of Adjustment and the board may effect revocation of a conditional use permit pursuant to Section 1.807 of the Scottsdale Zoning Code for acts including but not limited to:

- 1) A violation of the Plan.
- 2) Violation of the conditions of the Use Permit.
- 3) Violation of Scottsdale ordinances or law
- 4) Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
- 5) Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations
- 6) Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from Scottsdale.
- 7) Misrepresentations or material misstatements of the Permittee, its agents or employees.

- e. Dissemination of the Security Plan

- 1) A copy of this Security Plan must be provided to each security officer and off-duty sworn law enforcement officer employed by the establishment, manager, and assistant manager.
- 2) A reading log will be maintained, and will be signed by each of the above persons (8.d.1) when they have read and understand this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.

- 3) A current copy of the plan will be maintained on the premises at all times.
- 4) A current copy of this plan must be made available upon request of any code enforcement officer or police officer
- 5) Failure to conform to this plan will be considered a violation of the plan
- f Termination of the Plan.
This Plan may terminate on the date that the Permittee's Use Permit terminates, or two (2) years from the Security Plan's effective date, whichever occurs first, unless otherwise provided herein.
- g. Meetings.
Management of Permittee shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, identification verification, and general security issues when deemed necessary by the District Commander or his representative

Enclosures:

1. Names of Effected Businesses
2. Parking Plan - Including Patron and Employee Parking, both on- and off-site
3. Diagram - Including Exterior and Interior Areas

APPLICANT:



Name: JAMES LADMAN
Title: MANAGING MEMBER
Address: 6990 E. SHEA BLVD.
City & State: SCOTTSDALE, AZ 85254
Telephone: (602) 418-0002
Date Signed: 1-23-05

17212 N. Scottsdale Rd #2349
Scottsdale, AZ 85255

APPROVED:

Scottsdale Police Department
3700 North 75th Street
Scottsdale, AZ 85251
480 312.5000

Police Bike Unit FAX 480.312.2030

Business' w/in 300 ft.

NY Bagels 'n Bialys

O Yes

Sweet Sunshine Nails

Galaxy Sea Cruises

At Home Fitness

Kidstop

Office complex

Body Body Fitness

Futon Store

Music Masters

PV ANIMAL CLINIC

CRUISE HOLIDAYS

Extended Day Deluxe

NYPD PIZZA

AJO AJS MEXICAN FOOD

Allocins Spas Salon

East Coast Fitness Studio

Sensation Skin

Weight Watchers

Strictly Chiropractic

Herb Box

Green Day Spa

Hidden Closet

Holistic Animal Center of AZ

East Coast Fitness

Abby Lane Hair & Nail Salon

Allstate

N. Scotts. Ct. for Oral & Maxillofacial Surge-

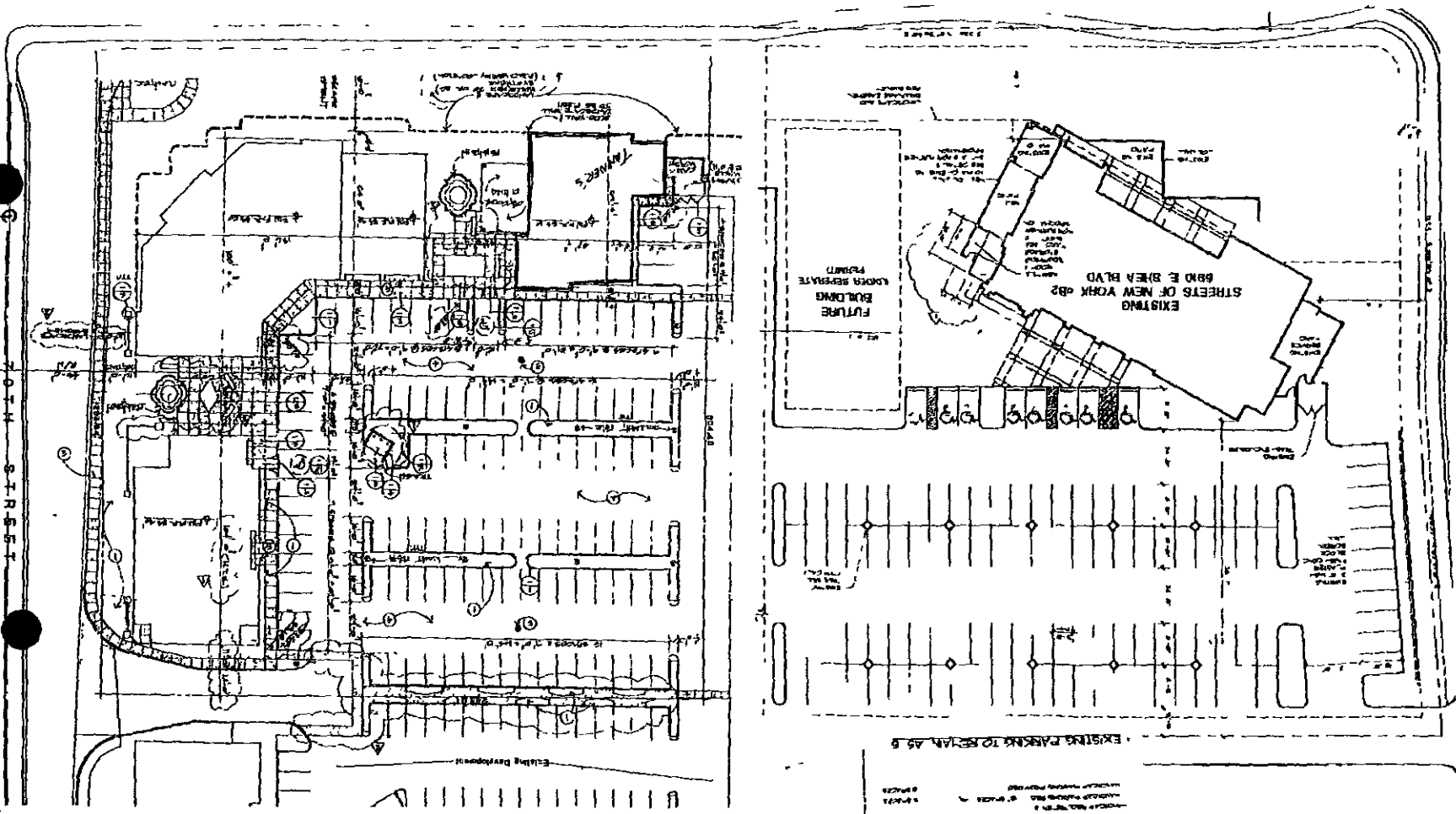
Saguaro Dental Care

Dr. Steve Purcell - Dentist

Streets of New York Brewery

Southwest section PGA Golf

Bank of America



NORTH STREET

SHEA BLVD.

TANNER'S BAR & GRILL

REPORT

1-UP-2008

EXISTING BUILDING
FUTURE BUILDING
PARKING
TANNER'S BAR & GRILL
1-UP-2008
REPORT

ENTRANCE

N

Security and Maintenance Plan - Tanner's

1. Dress code

All Security personnel will readily identifiable for any patrons and/or law enforcement officials. They will be wearing white or black button down shirts with visible name tags, one inch letters reading "security" and all have earpieces for communication with each other and management. During the winter time, they will be wearing black sport coats with visible tags and one inch letters reading "security"

2. Security Responsibilities

At this time, we don't plan on using off-duty law enforcement officers for security unless by some unique chance we have a special event.

There will be no after hours

Tanner's will comply with all Arizona statutes including any acts of violence will be reported promptly and security and management will keep a detailed log

Security will patrol the surrounding areas for trash/debris and keep an eye on everything

Security will be trained to defuse any situation and be particular to not allow inebriated customers into the establishment.

Cabs and town cars will be readily available

3. Management Responsibilities

There will always be two managers on premises during business hours, each with radios

There will be a General Manager and an assistant at least 30 minutes after closing

There will be a Security Manager

There will always be security to walk each employee to their car after closing and will remain to leave with the last person (Manager).

All Management and staff will be trained by Randy Nations (Liquor Training) prior to employment.

4. Uniformed Sworn Officer Responsibilities

As stated earlier, we don't plan to use off-duty law enforcement for security, but if we did they would follow every guideline set forth on page 7 of City of Scottsdale Security and Maintenance Plan

5. Guest Parking Plan

Ownership plans to offer free valet parking to any patrons from a reputable valet service. Tanner's has been allocated 74 spaces directly in front of the business and has reciprocal parking of over 100 more spaces after 6 pm.

The Parking diagram is being forwarded to the city at this time (obtaining copy from landlord).

The Management, Security and Valet Service will police the parking lot.

6. Refuse Plan

Tanner's has two large trash containers. Tanner's will use Waste Management Systems for pick-up as needed (once or twice a week)

All garbage (except cardboard) will be put into trash bags and then emptied into the trash containers

All debris within 300 will be picked up nightly and Tanner's will have a cleaning crew (after every shift) cleaning the parking lot again.

The exterior of the premises will have periodical deep cleanings

7. Safety Plan

Tanner's will abide by all the stipulations set forth in section 7 and will have an internal detailed security plan with monthly meetings with the staff or as needed.

8. Special Events

At this time, Tanner's does not intend to have any special events. However, if we need to, Tanner's will obtain the necessary permits.

9. Enforcement of Security Plan by City of Scottsdale

Ownership and Management of Tanner's agree to the stipulations set forth in section 9 and will work with the city to maintain positive future relationships.

Refuse, Trash and Debris Plan

The ownership and management of Tanner's plan to constantly patrol the parking lot with security, management, and the valet service attendants with a walk-through after every day's business

Tanner's will also have a cleaning crew after each day of operation who will clean any debris or trash caused by our patrons in/on or around the premises. We will keep our neighbors happy

All trash and debris (except cardboard) will be put in trash bags and then put into the trash containers. All trash cans inside the premises will have plastic trash bags

The trash containers are well hidden from public view

Tanner's will use Waste Management Systems for trash pickup either once or twice weekly depending on business.

"A clean premises is a happy premises!"

**SCOTTSDALE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION CONTROL SHEET**

Application Type: SECURITY PLAN

Series 06 Bar (All spirituous liquor)

Date Received: 01/31/06

Council Date:

Date Due:

Event Date(s):

1) Other
Establishment/Special Event: **Tanner's**

Control Number. 401645

2) **Det. Mike Fritz**
Comments: There are no current civil or
criminal actions pending against the applicant.
Information in details section

Recommendation. **Approval**
Signature *M. Fritz*
Date 02/07/06

3) **Cmdr. Burl Haenel, District 2**
Comments

Recommendation. **Approval**
Signature. *B. Haenel*
Date 02/07/06

4) **Deputy Chief John Cocca**
Comments:

Recommendation: **Approval**
Signature: *J. Cocca #374*
Date 02/07/06

R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

- 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

REVIEW SHEET

Application type: **Security Plan**
Name of Business **Tanner's**
Applicant Name: **James Ladman**
Address: **6990 E. Shea Blvd.**
License Number: **06090240**

DETAILS

This is an application for a Security & Maintenance Plan for Tanner's. This is a new series 6 location. It was formerly known as, Sozzle Grill, which has been closed for several months. The applicants liquor license has not gone to council as of 2/7/06. In November of 05 this portion of the process had a recommendation of approval. The applicant has also applied for his new bar use permit. The applicant has submitted there security & maintenance plan. After review of the application, the applicant has met the requirements for this application. There is no derogatory information at this time that would prohibit the applicant from obtaining this approval.

CONCERNS

None at this time.

Recommendation: **APPROVAL**

Reviewed By: **Det. Mike Fritz**

MS BROKAW Hi My name is Dawn Brokaw and I live in the cactus corridor We had some concerns because some of these assembly uses that don't require use permits, there's a real problem with Code enforcement, with traffic, with lights And to give you an example so that you understand what our concern about this is, about a year and a half ago we had one of these uses come through DR Board And Tom Silverman was on DR Board and he asked that the lighting issue be handled by staff And so staff, you know, went back and they met with the Applicant The neighborhood was there, we met with the Applicant and we all came to an agreement on the lighting issues And it was signed, and here's the signed document and it's notarized and approved by the City However, these stipulations were not met by the assembly usage And so when we called Code Enforcement, Code Enforcement informed us that they had no way to enforce this, because it really was not a stipulation, it was just an agreement And since there is no way if there's no use permit to make stipulations, there is no way to enforce any agreements, whether they're between neighbors or even between the City and the Applicant itself. So it's a code enforcement problem and there's no control So whether you've got a teen center, or a recreational center, a church, or whatever, they basically don't have – the City has very little control over what happens and it's very difficult to enforce any problems. So if there's a use permit in effect then you can stipulate, but a DR Board can't stipulate So that's why we're concerned about having stipulations, more than anything else, that are enforceable

CHAIRMAN STEINBERG Thank you very much Susan Wheeler?

MS WHEELER Good evening For the record my name is Susan Wheeler and I live in the cactus corridor and Dawn said everything I needed to say So all I want to add is, if you put a group together we would certainly like to be included in the dialogue Thank you

CHAIRMAN STEINBERG. Thank you, very much Anyone want to make a motion?

COMMISSIONER BARNETT MOVED TO INITIATE 247-PA-2006, TO INITIATE A TEXT AMENDMENT TO THE SCOTTSDALE ZONING ORDINANCE TO RESTRICT NON-RESIDENTIAL USES IN LARGE LOT, SINGLE FAMILY RESIDENTIAL DISTRICTS. SECONDED BY COMMISSIONER HEITEL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

- | | | |
|---|-----------|--|
| 5 | 1-UP-2006 | <u>Tanners</u> |
| 6 | 6-AB-2006 | <u>Scottsdale Foothills Condominiums</u> |
| 7 | 7-AB-2006 | <u>Dusenberry Residence</u> |
| 8 | 3-GP-2006 | <u>Transportation General Plan Amendment</u> |

CHAIRMAN STEINBERG One brief housekeeping note On the regular agenda, item 8 has been moved to the expedited So if there's anyone here – I don't think there's anyone here to speak on that But if there is, we'd like to hear from you before we make a motion on the expedited

We have one card for one of the expedited items, and that's item 6, Leon Spiro Mr Spiro, would you like to speak right now?

MR SPARROW I wonder if we can have a staff presentation of this, this is pretty important

CHAIRMAN STEINBERG You bet Would Frank, or Randy, or somebody like to make a presentation for the Planning Commission?

MR SYMER Commissioner, Chairman, members of the Commission, Dan Symer, Planning Development Services This case is Scottsdale Foothills Condominiums, 6-AB-2006. It's located on the north - southeast corner of 92nd Street and Rain Tree

Currently the site is chiefly for multi-family It's right here, it ends there It is an existing development It was approved by the Development Review Board in 1987 and was rezoned to R-5 from R-143, R-135 to that in 1984 When the development was processed, the stipulations for the case did not require the Applicant to abandon the GLO easements You get a little bit closer, the site is surrounded on all sides by and through the middle with the GLO easements

Currently staff has obtained, the City has obtained, all right-of-way dedications and necessary easements for the development The regional trail system in the area - as you can see, there are no trails or planned trails in the area

I'd be happy to take any questions, if you like

CHAIRMAN STEINBERG Thank you very much Commissioners, any questions? No? Okay, Commissioner Heitel

VICE-CHAIRMAN HEITEL Yes Just a clarification from staff On these GLO abandonments, the action we're taking as Planning Commission, is a recommendation to approve or disapprove solely Scottsdale's interest in those easements, and that's the only action we're taking, is that correct?

MS BRONSKI Chairman, Commissioner Heitel, that's correct

CHAIRMAN STEINBERG And it's the City's right to do so I just want to confirm that Once a circulation plan, transportation plan has been established, then the GLO easements which were basically set up to grant access, are no longer necessary generally

MR SYMER Yes, that's correct

CHAIRMAN STEINBERG Thank you Mr Spiro, you've got three minutes, sir.

MR SPIRO That was one hell of a presentation, I want you to know, nobody here could hear it, or know what was going on

Leon Spiro, North Scottsdale This is exactly -- Commissioners, this is exactly what we've been waiting for, something of this magnitude to come before the Commission and the Council And just hopefully -- I see Mr -- is that Mr Burnbaum? No I'm fooled.

I have some questions Rather than talk about GLOs, you've heard me many, many times I guess I would just like to go to the Planning Commission report, authored by somebody, it's not signed or anything like that One doesn't know who in the world made this up

So I'm reading under "background" "When the development was approved the City did not require the abandonment of the GLO easements " Please explain that As I understand, at that time that this was approved or whatever, that there was Ordinance 1386 which only call for no abandonment, it called for an exchange -- if you want to call it abandonment -- an exchange in easement for an easement

And I could also ask you What is a GLO easement? I just spoke before the Trades and Registration Commission, or whatever they call it, and most of the people there didn't know what it was, and we were talking about a surveyor leaving the GLO easement off a plat survey. And this is exactly -- probably what happened here, it -- or overlooked

The City Staff discovered that GLO easements were not abandoned and required the applicant to apply for an abandonment of the easement before the condominium plat can be approved

Let's see, the City has viewed these plat and roadway and utility easements as assured access, at least until a local circulation plan is established What's -- up in my area, you've abandoned all of the easements and nobody seems to have complained about it yet, because the neighborhood hasn't been completely developed yet

CHAIRMAN STEINBERG Mr Spiro, could you wrap it up, it's been three minutes Thank you, sir.

MR. SPIRO Boy, and what a kangaroo court I thought when Mr Gulino left that it might be better

Well, I want to ask you When you approve this abandonment request, what are you actually abandoning? Tell everybody here what you're abandoning Are you abandoning that easement in total, or are you like, Mrs Bronski has said quite a few times, when we abandon, the easement is gone And that's the big question, is it gone, or is there a private property right that still exists and only the Federal Government can abandon that easement in total?

CHAIRMAN STEINBERG Thank you Thank you, Mr Spiro We have two more cards, Tom Kimling, who's speaking on the same case, number 6 on the agenda No, you're not speaking

Okay. We have Susan Wheeler, who did not check off whether she wanted to speak or not on behalf of John Aleo Are you desiring to speak?

MS WHEELER Yes I'm just reading his letter into the record

CHAIRMAN STEINBERG Okay Thanks.

MS WHEELER From John Aleo

"Since the City issued building permits for the original developer to erect permanent structures onto GLO patent roadway easements, does the City plan on taking responsibility for any legal actions filed against this developer that may potentially come about during its conversion to condos? Or do you think that the City won't be included in the list of the liable

This is another example of why the City Council should have taken Mike Foster's attorney advice on July 3rd, 2001, to take a hands-off approach to GLO patent easements. The abandonment of the City's interest is not going to solve this developer's problem. And per the OFHEO, mortgage fraud may be created on the financing of any of these potential condos. You better do your research before you decide anything, even though the damage has already been done by issuing those building permits

Do not allow the GLO patent roadway easements to be taken off any plots of survey submitted to the City for any reason. Abandoning the City's interest does not eliminate the GLO patent roadway easement. They remain in perpetuity, on record with the BOM

If you decide to abandon the City's interest in any GLO patent easement, the resolution should contain a disclaimer acknowledging other interest, and that no permanent structure should be erected onto same

In Mohave County they are trying to reverse some of their abandonments of GLO patent easements that they have done up there before it's too late, according to the County surveyor. Mr. Lane, County Surveyor, understands the law and its ramifications

John S. Aleo "

CHAIRMAN STEINBERG Thank you very much

Okay. We have closed the public testimony on the expedited agenda. Commissioner Schwartz

COMMISSIONER SCHWARTZ: I MAKE A MOTION THAT WE APPROVE CASE 1-UP-2006, BECAUSE IT MEETS THE SPECIAL USE PERMIT REQUIREMENTS, AND APPROVE 6-AB-2006, 7-AB-2006 AND 3-GP-2006. SECONDED BY COMMISSIONER STEINKE, THE MOTION CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).

CHAIRMAN STEINBERG We've got one more

MR. SCHWARTZ Oh, I'm sorry, 3-GP-2006

CHAIRMAN STEINBERG Thank you, very much

CHAIRMAN STEINBERG Seconded by Commissioner Steinke, all in favor. Any opposed

[illegible]

1-UP-2006

SECRET
SECRET



ATTACHMENT #10



ATTACHMENT #11

1-UP-2006

SCALE 3/16" = 1'-0"



ACCESS AIDE

CONTRACTOR