

32 Loco Patron Conditional Use Permit Requests

- 1 Approve a conditional use permit for a bar in an existing building on a 10,735± square foot parcel located at 4228 N Scottsdale Road with Central Business District, Downtown Overlay Zoning
 - 2 The Applicant is also requesting the ability to lease 14 parking stalls through the in-lieu parking program Lease of in-lieu parking requires City Council approval
 - 3 Adopt Resolution No 6966 affirming the conditional use permit and findings that the conditional use permit criteria have been met
 - 4 Adopt Resolution No 6969 authorizing the participation in the in-lieu parking program
- Location** 4228 N Scottsdale Road
Related Policies, References 8-UP-2006, General Plan, Downtown Plan
Staff Contact(s) Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov, Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Randy Grant and the applicant provided presentations outlined as follows

- Criteria to be met for Conditional Use Permit (CUP)
- Forty-two parking stalls required, twenty-eight parking stalls provided, fourteen to be purchased through the in-lieu program at about \$140,000
- Series 6 licenses in Downtown
- Specific CUP Analysis
- Applicant is unable to meet the food requirement for a restaurant, but will stipulate to 30% food sales in the summer, and 40% during the peak season
- Applicant will stipulate to return to Council each year for the next five years with a status report The standard requirement is every two years

Mayor Manross opened public testimony

Michael Troyan 10607 N Hayden Rd, 85260, spoke in support of Loco Patron and urged the Council to grant the conditional use permit

Mayor Manross closed public testimony Eleven additional comment cards were received from citizens in support of Item 32, but not wishing to speak

Council discussion

- Councilman Ecton requested an additional stipulation that the use permit would expire with a majority change of ownership The City Attorney recommended a Development Agreement be created for that purpose, as it would be more enforceable
- Concern was expressed about the loss of property value if the conditional use permit was not transferable
- Councilman McCullagh raised concerns regarding parking, noting that Loco Patron has only eight on-site spaces He questioned why Loco Patron was given twenty parking credits, and indicated that he did not support allowing the applicant additional in-lieu parking spaces to meet the parking requirement for a series 6 license
- The applicant received confirmation that neither an application process nor fees will be required for the yearly review

MOTION #1 AND VOTE – ITEM 32

COUNCILMAN ECTON MOVED TO APPROVE ITEM 32, 8-UP-2006, WITH AN ADDITIONAL STIPULATION FOR A DEVELOPMENT AGREEMENT STATING THAT THE USE PERMIT WILL EXPIRE WITH A MAJORITY CHANGE OF OWNERSHIP COUNCILMEMBER DRAKE SECONDED THE MOTION

After further discussion regarding the Development Agreement, it was determined the ownership issue was covered under Section 2L of the Administrative Section of Resolution No 6966, Attachment 5

THE MOTION WITH THE DEVELOPMENT AGREEMENT STIPULATION FAILED 3-4, WITH MAYOR MANROSS, VICE MAYOR LANE AND COUNCILMEMBERS DRAKE AND MCCULLAGH DISSENTING

MOTION #2 AND VOTE – ITEM 32

VICE MAYOR LANE MOVED TO APPROVE ITEM 32, 8-UP-2006, WITH THE ORIGINAL SEVEN CONDITIONS OF APPROVAL COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1 WITH COUNCILMAN MCCULLAGH DISSENTING

33 Loco Patron (Bar) Liquor License

Request Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing location

Location 4228 N Scottsdale Road

Reference 75-LL-2006

Staff Contact(s) Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov, Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

MOTION AND VOTE – ITEM 33

VICE MAYOR LANE MOVED FOR APPROVAL OF ITEM 33, 75-LL-2006 COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1 WITH COUNCILMAN MCCULLAGH DISSENTING

MAYOR AND COUNCIL Items 34 and 35

- 34** Requests from Councilmember Drake for discussion of and scheduling of work study sessions, including public comment, to discuss a) Village Planning and Village Planning Committees for Scottsdale, and b) Discussion of Downtown Master Plan and staff presentation on the upcoming Downtown Master Plan Update

Councilmember Drake discussed the need to lay groundwork and develop a set of plans for the growth and development of various parts of the City She requested that public work study sessions, which would provide opportunity for public input, be scheduled to discuss village planning and the Downtown Master Plan Staff would provide information on scope, cost and structure

Council members expressed support for a Work Study Session