



PLANNING COMMISSION REPORT

MEETING DATE: July 12, 2006

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Loco Patron - 8-UP-2006

REQUEST

Request to 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. 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.

Key Items for Consideration:

- Proposed Stipulations on the use permit
- Potential impacts on the daytime uses in the area
- Character of the neighborhood
- Parking Requirements

Related Policies, References:

General Plan, Downtown Plan

OWNER

Simonson Buildings Inc.
480-995-6794

APPLICANT CONTACT

Court Rich
Rose Law Group
480-505-3937

LOCATION

4228 N Scottsdale Rd.

BACKGROUND

Zoning.

The site is zoned General Commercial / Downtown Overlay (C-2/DO). The C-2/DO zoning district allows for these types of bar uses subject to Conditional Use Permit approval by the City Council, after a recommendation from the Planning Commission.

Context.

This property is located west of Scottsdale Road, north of E. 3rd Avenue.

Adjacent Uses:

- North A mix of commercial retail uses in the General Commercial/ Downtown Overlay (C-2/DO) zone.
- South A mix of restaurant and commercial retail uses in the General Commercial/ Downtown Overlay (C-2/DO) zone.
- East A mix of commercial retail uses in the General Commercial/ Downtown Overlay (C-2/DO) zone.
- West City owned parking structure in the General Commercial/



Downtown Overlay (C-2/DO) zone

Operation/Background

Prior to Loco Patron opening the current establishment, a bar called "Voodoo Lounge" operated in the space. In October, 2003, the City Council recommended approval of a series 12 state liquor license to open a new restaurant at the site, called Loco Patron. This occurred just before the requirement for bars to obtain a conditional use permit was put into effect by the City Council. At that time, staff had several discussions with the applicant about the nature of the bar use permit, the criteria which must be met, and whether or not the business would qualify as a restaurant or a bar. The applicant, at that time, indicated that the business had every intent of being a restaurant and would not be a bar, and proceeded with the Series 12 liquor license application.

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

In October, 2005, the applicant met with City Staff and indicated that they were not selling at least 40% of their gross revenues in food sales, and intended to operate as a bar (and obtain a Series 6 bar license from the State). This proposed change in use, from restaurant to bar, necessitated the need for a conditional use permit. Under the provisions of the zoning ordinance (Section 3.100), there are six threshold criteria which define an establishment as a bar. If an establishment exhibits any one of these six criteria, the establishment is a bar. These criteria are as follows:

- 1 Bar service area is in excess of 15% of the Gross Floor Area
- 2 Kitchen is less than 15% of the Gross Floor Area
- 3 Age verification is requested for admittance
- 4 A cover charge is required for admittance
- 5 Less than 40% of gross revenues are derived from the sale of prepared food
- 6 The business remains open and liquor sales continue but the full kitchen closes before 9 PM

Under these criteria, Loco Patron is defined as a bar by the City's Zoning Ordinance, as they currently exhibit criteria #5.

Development information.

- Existing Use Restaurant
- Proposed Use Bar
- Buildings/Description Existing structure, no changes proposed
- Parcel Size 12, 155 Square Feet
- Floor Area 3199 Square Feet interior + 624 Square Feet patio
- Parking Requirement 42 parking stalls for the entire building
- Parking Provided 28 stalls (through provisions of the Downtown Overlay Ordinance). See analysis below. The applicant is proposing

to lease the remaining 14 parking stalls through the City's in-lieu parking program

Applicant's Proposed Conditions of Approval.

The applicant has proposed a set of conditions of approval. They are

- 1 Loco Patron will derive a minimum of 30% of its annual income from food sales, and will maintain 40% during the months of November, December, January, February and March
- 2 Loco Patron will keep the kitchen open and serve a full menu of food until 1 AM, 7 days a week
- 3 Loco Patron will operate with the same number of dining tables in use during the daytime as at night
- 4 Loco Patron will not modify its current floor plan. The bar area will not exceed 15% of the gross floor area. The kitchen will not be less than 15% of gross floor area
- 5 Loco Patron will add more landscaping between the patio and the curbface
- 6 Loco Patron will provide a morning cleanup crew on weekend mornings to pick up trash outside the establishment & the surrounding area

Staff analysis of these proposed conditions can be found below in the analysis section of this report

IMPACT ANALYSIS

Traffic

This building has been in existence for many years and many different uses have occupied the structure. Street traffic in the area is predominantly generated by through traffic along Scottsdale Road. The traffic which does stop in the area is characterized as being retail, restaurant, and gallery patrons during the day and entertainment users during the evening. The peak traffic flow for a bar use occurs in the evening, when the surrounding retail establishments are closed, which is also typical of a restaurant use.

The City's transportation division has reviewed this application, and there will not be any noticeable impact in terms of traffic as result of this request.

Parking

A total of 42 parking spaces are required, 28 are provided. The on-site parking lot provides 8 parking stalls, one of which is ADA compliant. However, in the Downtown Overlay Ordinance, the key idea regarding parking is that establishments in existence legally only have to provide the required parking for the change in use from their existing use to their proposed use. As Loco Patron is a legal nonconforming use, the applicant is only required to provide the net difference between what their existing restaurant use requires (28 stalls) and what the proposed bar use requires (42 stalls), this difference being 14 stalls. The applicant has proposed to lease these stalls through the in-lieu parking program.

Participation in the In-Lieu Parking Program

Purchase or lease of any in-lieu parking spaces requires City Council authorization and approval.

Findings of In-Lieu Parking

The in-lieu parking provisions in the zoning ordinance, require the City Council to consider the following in determining whether or not to allow the purchase of in-lieu parking stalls

- 1 Property size and configuration,
- 2 The amount of available parking to the area, or
- 3 The future ability to provide parking to the area

The property is near an available parking source (the Third Avenue Parking Garage), which was funded with in-lieu monies

Water/Sewer.

No new water or sewer impacts will result due to this application

Police.

Adoption of and adherence to the proposed Security and Maintenance plan will promote safety for the patrons and surrounding environment. The information below represents the Police Department data over the past 9 months (September 2005 to May 2006) (Data for a 12 month period is not available due to a computer changeover in September 2005)

During this time period, there were 26 calls for service associated with the address of Loco Patron. Nine of these calls for service were classified as having violence potential. There was one departmental report involving potential violence, which resulted from a verbal altercation after a vehicle accident in the parking lot. There were no liquor violations during this timeframe. There is no indication from the call history or nature of the reported crimes that indicate a pattern of violence at Loco Patron.

Code Enforcement

During the period of May 2005 to May 2006, there were 6 complaints made against the subject property. They are

- 06/28/05 debris at rear of building, case closed, compliance
- 07/28/05 debris at rear of building, case closed, compliance
- 12/05/05 garbage issues behind building, case closed, compliance
- 03/20/06 ADA parking lot issues, case closed, compliance
- 04/01/06 Illegal banner outside building, case closed immediate voluntary compliance
- 05/02/06 night liquor inspection, no violations

All of the above issues were resolved by communication with the business operators without the need to issue a Notice of Violation or Citation.

Policy Implications.

In 2003, the city began requiring conditional use permits for bars in the City of Scottsdale. The concern stemmed from 1) a desire to have greater control over local land use issues than was possible at that time under State statute with regard to bars, 2) the impact (total number) of bars in the Downtown, and relative proximity of those establishments to each other, and 3) the management of, and negative effects created by, bar establishments.

The City has approved three Conditional Use Permits in the Downtown area since the requirement for a use permit was established in the Zoning Ordinance; at E4 (Goldwater north of 3rd Ave.), Drinx (Wells Fargo and Stetson Avenues) and Jamaican Blue (Scottsdale Rd. & 1st). A fourth, NEXT, was denied by the City Council on June 20, 2006, and one other existing restaurant (Blue Agave) has just recently applied for a bar use permit and will most likely be heard at a Planning Commission hearing in August 2006.

The use permit process requires public hearings before both the Planning Commission and City Council. This public hearing process requires applicants to submit and be stipulated to a Security and Maintenance Plan and appropriate conditions of approval which help protect the public health, safety, and welfare.

At the time of the adoption of the ordinance requiring use permits for bars, the subject establishment was operating with a State Series 12 liquor license. They obtained that liquor license just prior to the requirement for bars to obtain a use permit. Under the provisions of the City's zoning ordinance, the operational characteristics associated with a series 12 state liquor license are generally associated with a restaurant. Recently, the applicant approached the City and wished to secure a use permit, acknowledging that the establishment was not meeting the minimum food sales criteria outlined in both the City's zoning ordinance and State regulations.

Series 6 Licenses in the Downtown

There has been discussion in the past at many public meetings about the proliferation of State Series 6 liquor licenses in the Downtown area. This discussion is germane to the proposed Use Permit being applied for in this application. Staff researched the Downtown area as a whole, and the immediately surrounding area for the proposed business. The following are the results:

- In the Downtown area, for the period from April 24, 2003, to June 22, 2006, there was a net decrease in State Series 6 licenses from 34 total to 30 (net decrease = 4).
- In the area bounded by Indian School Road, Goldwater Blvd., the Canal Bank, and Scottsdale Road (During the same time period), there was a net decrease in State Series 6 licenses from 10 total to 8 (net decrease = 2).

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 (Ordinance provisions listed with staff analysis in **bold font** following):

- 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

Staff Analysis

The establishment has been in operation for over a year. Additionally, the applicant will be stipulated to the Draft Security and Maintenance Plan (provided as Attachment #6 to this report).

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

Staff Analysis:

The applicant is proposing to be open during the daytime, opening daily at 11 AM and closing at 2 AM. These are the same hours which the business currently operates.

- 3 There are no other factors associated with this project that will be materially detrimental to the public

Staff Analysis.

This use is contemplated in the zoning district, subject to a conditional use permit. This process was instituted so that the appropriate City Commission (s) and City Council could review the discretionary application and look at the proposed floor plan.

- B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas

Staff Analysis

This establishment appears to be substantially similar to other bar/restaurant operations in the Downtown area. Additionally, the establishment is open during the daytime and serves a full menu of food.

- C The additional conditions specified in Section 1403, as applicable, have been satisfied

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

- 1 The use shall not disrupt existing balance of daytime and nighttime uses

Staff Analysis.

The applicant is proposing to continue to be open during the daytime, opening daily at 11 AM. This is consistent with the general direction the City has taken with regard to bar uses in the Downtown; i.e., encouraging those uses which would not only create a nighttime atmosphere, but which would help invigorate daytime activity.

- 2 The use shall not disrupt pedestrian-oriented daytime activities

Staff Analysis.

The existing structure will remain in place. No changes will be made. Being open during the daytime, having a pedestrian oriented patio, and serving a whole menu of food during these hours will maintain the restaurant characteristics of this 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.

Staff Analysis:

The business serves a full menu of food, opening at 11:00 AM, typical for a restaurant / daytime use.

All required parking (that which is required as a result of the intensification from restaurant to bar) would be provided through the lease of in-lieu parking stalls (If approved by the City Council), which would be approved or denied at the time of the City Council hearing.

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.

Staff Analysis:

There are very few residential units within 500 feet of this use. This use, as proposed to be conditioned, will not negatively impact those residences; based upon the buffer created by the parking lot, the City parking structure, and Scottsdale Road operating as noise buffers to any residential housing.

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.

Staff Analysis:

A draft Security and Maintenance Plan has been submitted and approved by the Police Department and is proposed as a stipulation of the case. It is attached as Attachment #6. This plan will be implemented and enforced by the City's Code Enforcement Division.

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.

Staff Analysis:

A draft Security and Maintenance Plan has been submitted and is proposed as a stipulation of the case. This plan includes the proposed handling of refuse. The refuse plan will be implemented and enforced by the City's Code Enforcement Division.

7. The applicant shall demonstrate how noise and light generated by the use

shall be mitigated.

Staff Analysis:

The application is for a change of use in a pre-existing structure. The issue of noise is addressed in the applicant's Security and Maintenance Plan, which has been approved by the City's Police Department. There is no proposed change to the exterior lighting of the structure.

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

Staff Analysis:

The applicant proposes to meet the "bar use" parking requirement by purchasing 14 stalls through the in-lieu parking program. This lease agreement requires City Council approval. There will not be any additional traffic demand as a result of this proposal.

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

Staff Analysis:

The applicant is not requesting an after hours establishment permit.

Liquor License Review.

The applicant has applied for a Series 6 liquor license and the request is currently pending before the State approval body. The City of Scottsdale will make a recommendation on this request, which will be forwarded to the State liquor board. This will occur at the same City Council hearing where the use permit is discussed.

Policy Considerations.

Several members of the public have commented in the past that there is what is perceived to be a "better to ask forgiveness than permission" regarding these types of applications. Staff has explained that every situation is unique, and discretionary, if an applicant requires a conditional use permit. Further, staff can not "assume" that an applicant will behave in a certain manner or will fail to meet the operational characteristics they suggest they will meet. Staff is, however, very clear that failure to meet these operational characteristics is frowned upon and will be aggressively enforced "if" an applicant does not meet the requirements they agree to meet when opening as a restaurant.

In this situation, staff was very clear with the applicant at the time of their permit regarding the rules and requirements for which they were agreeing. The applicant wished very much to open as a restaurant, and did so. In roughly 1 year after opening, the applicant has indicated that they can not make 40% food sales and have requested this use permit.

Applicant's proposed conditions of approval.

The applicant has proposed several conditions of approval for this use permit, as listed above. These are:

1. Loco Patron will derive a minimum of 30% of its annual income from food sales, and will derive 40% of its revenue from food sales during the months of November, December, January, February and March.
2. Loco Patron will keep the kitchen open and serve a full menu of food until 1 AM, 7 days a week.
3. Loco Patron will operate with the same number of dining tables in use during the daytime as at night.
4. Loco Patron will not modify its current floor plan.
5. Loco Patron will add more landscaping between the patio and the curbface.
6. Loco Patron will provide a morning cleanup crew on Friday, Saturday and Sunday mornings to pick up trash outside the establishment & the surrounding area.

The goal of these stipulations is to maintain, to the greatest extent possible, an establishment that exhibits "restaurant characteristics". Of the six criteria that distinguish bars from restaurants, the applicant will be a restaurant on five of these criteria. On the sixth (% of food sales), the applicant commits to meet restaurant food sales requirements of 40% for 5 months out of the year. During the "off-season" there are fewer tourists and daytime diners and food sales drop below the 40% minimum.

The primary concern regarding proposed condition number 1 is a management and administration concern. The applicant has suggested that they will hire an independent accounting firm each year to conduct an audit, the City must still be in a position to review anything which is submitted for compliance. On a case by case basis with potentially fluctuating minimum food sales requirements on each use permit, this may become cumbersome and difficult to manage. The applicant has agreed to a 2-year review period during which the city will monitor the estimates of the establishment and may bring the conditional use permit back for review at that time.

Community Involvement.

The applicant held an open house meeting on December 22, 2005 from 10:00 AM to 11:00 AM and mailed out notices to property owners within 750 feet of the proposed establishment. There have been several letters written in support of the project, and some in opposition (contained as Attachment #7 to this staff report). Generally, those in opposition cite a concern about the changing character of Downtown, and express concern/frustration over operators suggesting that they are going to be restaurants and then turning into bars at a later date. Those in support generally signed either a petition of support or a form letter. The Chamber of Commerce sent an email to the City Council members on March 6, 2006 which indicated support for the application. All are attached for the Commission's review.

**STAFF
RECOMMENDATION****RESPONSIBLE
DEPT(S)****Recommended Approach:**

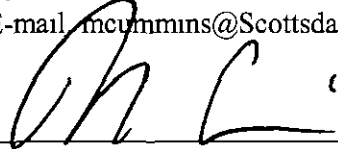
Staff recommends approval subject to the attached stipulations.

Planning and Development Services Department
Current Planning Services

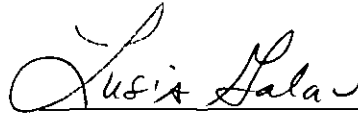
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APPROVED BY



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ATTACHMENTS

- 1 Applicant's Narrative
- 2 Context Aerial
- 2A Aerial Close-Up
- 3 Land Use Map
- 4 Zoning Map
- 5 Stipulations
- 6 Proposed Security and Maintenance Plan
- 7 Citizen Involvement
- 8 City Notification Map
- 9 Site Plan

Loco Patron Restaurant
4228 N Scottsdale Road
Bar Use Permit

Project Narrative –Second Submittal

Loco Patron Mexican Grill respectfully requests that the City approve this Application for a Conditional Use Permit. After one year of successful operation Loco Patron Mexican Grill realized it just narrowly missed the food service sales requirements set forth under State law for its class of liquor license. Loco Patron sold just over 35% food for the year narrowly missing the 40% requirement for its class of license. Loco Patron Mexican Grill is intent on operating as a restaurant but now requires a new Series 6 Liquor License (a "Series 6") and this Use Permit to continue to operate. Through this Use Permit Application Loco Patron Mexican Grill is simply attempting to continue its tradition of serving quality food in a location that is ideally suited for its use.

Loco Patron Mexican Grill is voluntarily submitting this Application to the City

Initially, we would like to make it clear that Loco Patron has been proactive on this issue and is coming to the City on its own and is not being forced to apply by the State or doing this as a reaction to any investigation. After one year of operation the owners of Loco Patron Mexican Grill determined that they were narrowly going to miss the food sales requirements of their Series 12 Liquor License and unlike other similar applications the City has seen, Loco Patron took it upon itself to solve this problem rather than choosing to operate improperly. While the owners of Loco Patron remain dedicated to the restaurant business, and continue to find innovative ways to increase the food ratio, they do not want to run afoul of the Series 12 License requirements and State Law. Given this concern, the owners of Loco Patron wish to continue their business under a Series 6. The owners felt it was important to make this application as soon as they realized they would not reach the 40% requirement.

Loco Patron Mexican Grill is a Restaurant

Loco Patron Mexican Grill is a classic Mexican style restaurant in the mold of Macayo's or Los Olivos. The owners are hopeful that this is going to be the first of many such restaurants throughout the Valley. The interior of the restaurant has a dedicated dining area that is distinctly set apart by a dividing wall visible upon entry and features a large open exhibition kitchen. The exhibition kitchen is prominently featured and open for public viewing. The kitchen staff prepares all their ingredients daily including the restaurant's signature salsa. More than 58% of Loco Patron's payroll goes toward kitchen staff something a "bar" would never do. Loco Patron has a full time professional head chef on staff and they are constantly striving to upgrade the quality of their food. Loco Patron operates with a full menu at all hours and its kitchen just received a perfect

score on its latest health inspection. A copy of a menu is attached as Exhibit "A" and a copy of the latest perfect health inspection is attached as Exhibit "B"

Loco Patron is run and operated as a restaurant. In order to continue being a productive business, it is essential that Loco Patron Mexican Grill be granted this Conditional Use Permit. Despite its earnest efforts to meet the 40% food service requirement necessary to hold a Series 12 license, Loco Patron's annual average food ratio for its first year is at approximately 35.4%. During the six month period from December through May, Loco Patron meets its required ratio, selling over 40% food for that half a year. It is only during the summer months that Loco Patron's overall sales go down and that it does not meet its food sales requirements. All in all, even with the six month down swing Loco Patron Mexican Grill just narrowly misses its required ratio coming in at just over 35% food sales. Clearly this operation is and will remain a successful restaurant. However, the summer months curb lunch time food traffic as well as all business considerably, lowering the yearly ratio to its current level.

Loco Patron's Executive Chef has won awards for his cooking and has studied and trained at some of the Valley's finest restaurants including Vincent's, Rancho Pinot Grill, and Christopher's Bistro. Executive Chef Oliver Lubenec's Resume is attached as Exhibit "C". Chef Oliver can also be heard as a regular guest on AM 1310 talking about his cooking. Clearly, this is a serious kitchen that would not be typical of a bar type use.

Proposed stipulations will assure City that Loco Patron Mexican Grill will operate as a restaurant

In order to assure the City that Loco Patron Mexican Grill is deeply dedicated to continuing its restaurant business, the owners are willing to agree and stipulate to the following as conditions of the Use Permit:

- 1) Loco Patron will derive at least 30% of its annual income from the sale of food and will have an independent accountant provide the person designated by the City to receive such, with a certified statement, on an annual basis, indicating whether this requirement has been met,
- 2) Loco Patron will keep its kitchen open and serve its full menu until at least 1:00 a.m., seven days a week,
- 3) Loco Patron will operate with the same number of dining tables in use at the establishment for dining as are in place at the time of issuance of this Use Permit,
- 4) Loco Patron will not modify its current floor plan, and
- 5) Loco Patron will provide additional landscaping between its patio and Scottsdale Road designed to further obstruct the view of the patio from Scottsdale Road
- 6) Loco Patron will provide a morning cleanup crew on weekend mornings to pick up trash outside the establishment and in the surrounding area.

Loco Patron Mexican Grill is the type of business that should be encouraged in the City of Scottsdale. The owners of Loco Patron have expended approximately a half million dollars to create and maintain a quality establishment that is enjoyed by its patrons and respected by its neighbors. Loco Patron is not asking to change the product it provides or place any type of additional strain on community resources. Loco Patron is simply trying to continue its restaurant business under a license that is more conducive to its continued operation. These proposed stipulations will ensure that Loco Patron Mexican Grill continues to operate as a restaurant.

Loco Patron Mexican Grill has dramatically improved aesthetics of building

Prior to Loco Patron purchasing it, the building which now houses the restaurant was a dilapidated nightclub with a history of noise and safety violations. The owners of Loco Patron changed this dynamic completely, pouring nearly a half million dollars into a total renovation of the property. What was once a blight on Scottsdale's landscape has become an aesthetically pleasing establishment that is a valued part of the neighborhood and a tremendously welcoming tourist stop. You can see the dramatic transformation in the pictures attached as Exhibit "D" and can imagine the impact this has had on its neighbors in the community.

Loco Patron Mexican Grill has the support of the Scottsdale Chamber of Commerce and many others in the community

The Scottsdale Chamber of Commerce has written a memorandum urging that the City support this Application. This memo from Rick Kidder to the City Council is attached as Exhibit "E". Further, those in the surrounding community support this application as evidenced by the 40 signatures in support from surrounding business owners attached to this application along with many supportive letters from the community. See the signed petition attached as Exhibit "F" and letters of support attached as Exhibit "G".

Loco Patron Mexican Grill cannot avoid the need for this permit

Loco Patron takes this application very seriously, and before heading down this path it investigated the possibility of taking steps to continue to operate with a Series 12 license. As you can see by the letter attached hereto as Exhibit "H", a professional in the restaurant business was consulted and concluded that the only long term guarantee for Loco Patron to operate as a restaurant was for it to hold a Series 6 liquor license. The Owners are simply unwilling to take the chance that their substantial investment could be undone because an attempt to push up food sales turns out to be unsuccessful, leaving them just shy of the 40% requirement. The acquisition of a Series 6 subject to the proposed stipulations absolutely guarantees to the owners that they can stay in business while guaranteeing to the City that Loco Patron will always be a restaurant.

Loco Patron Mexican Grill is a positive member of the Community

Loco Patron prides itself on being a positive influence on the community in which it operates. You may have seen the Loco Patron cleaning crew out patrolling the area between Scottsdale Road and Craftsman Court from 3rd Ave to 5th Ave. This group, in bright yellow shirts, happily works to keep Downtown Scottsdale beautiful on a daily basis. You can see pictures of the cleaning crew in action in Exhibit "I".

Loco Patron supports a number of Scottsdale based charities and activities

Loco Patron Mexican Grill is a proud sponsor of the Scottsdale Gallery Association's Thursday Night Art Walks. This is especially meaningful and important as Loco Patron strives to be a good neighbor and support all businesses within its immediate neighborhood. Further, Loco Patron Mexican Grill is happy to be fundraising partners with both the McDowell Sonoran Conservancy and Scottsdale Training & Rehabilitation Services (formerly Scottsdale Foundation for the Handicapped). Loco Patron currently is busy planning fundraising activities to support these important charities. Loco Patron also supports Arizona's only pre-professional ballet company through donations to Ballet Etudes Guild and regularly sponsors a youth football team.

Nightlife and entertainment options are important to Scottsdale's future

Loco Patron Mexican Grill is an important part of one of Scottsdale's key tourist industries, nightlife, a resting spot for gallery goers and entertainment. Loco Patron has recently been featured on the front page of Nightlife Magazine and has established itself as a great place to have lunch and dinner as well as a fun and safe place to stay after you eat. A copy of this article is attached as Exhibit "J". Nightlife and entertainment are an integral part of what makes Scottsdale recognizable across the Country. In fact, even the New York Times recently wrote an in depth article in its travel section detailing the excitement of Scottsdale nightlife. As you can see from the New York Times article attached as Exhibit "K", professionals from around the Country look to Scottsdale as a fun place to vacation precisely because of places like Loco Patron.

Loco Patron Mexican Grill is compatible with its location in the community

Loco Patron Mexican Grill's Application is appropriate in that it maintains the regular balance of Series 6 licenses in the areas. Despite many rumors to the contrary, the City of Scottsdale's own records reflect that the number of Series 6 licenses in operation to the west of Scottsdale Road in the Downtown area have actually decreased over the last 4 years. As you can see in the attached City records (Exhibit "L"), there are currently 13 bars or restaurants operating with a Series 6 liquor license to the west of Scottsdale Road including Loco Patron Mexican Grill. By comparison, in 2003 there were actually 15 Series 6 licenses in operation in the same area. Furthermore, the total number of Series 6 licenses in the entire Downtown area has not changed since 2003 with a total of 31 still in place including Loco Patron. Those that argue that bars have

proliferated in the Downtown in recent years are misinformed in light of the City's own records

Not only is Loco Patron appropriately located from a historical point of view but it is also in the right location when its physical characteristics are reviewed. Loco Patron is located immediately adjacent to Scottsdale Road. This type of establishment makes perfect sense in this location. It is not located back in among the galleries and other retail uses. Rather, Loco Patron Mexican Grill is located right along a major arterial road adjacent to a new huge parking structure making access easy. There can be no doubt that a restaurant of this type is compatible with location along this stretch of a major arterial as similar establishments are all along this portion of Scottsdale Road including, among others, Oreganos, Ra, Bandera, Pink Pony, Big fat Greek Restaurant, Bucca di Beppo, Stingray, Salty Senorita, Bungalow, Ibiza, Patsy Grimaldi's Pizzeria, Italian Grotto, Bravo Bistro, Scottsdale Kebab, Billet Bar, and the Breakfast Club. Just like Loco Patron Mexican Grill, many of these 16 or so establishments incorporate some form of patio visible from Scottsdale Road and serve both food and alcohol, many until late in the evening. Clearly, Loco Patron is in an appropriate location to operate with a Series 6 license.

Further, as explained more closely in paragraph 1 below, the substantial increase in office, retail and residences that is quickly coming to the Downtown area will only increase the need for establishments such as Loco Patron. The more people in the Downtown area for work or for play means a higher demand for quality restaurant establishments and Loco Patron Mexican Grill expects its business to increase along with the rest of the Downtown. Loco Patron provides a place for employees of local businesses to have lunch and for shoppers to stop and eat which in turn encourages them to spend more time in Downtown and spend more money.

Loco Patron Mexican Grill meets or exceeds all of the City's Use Permit Criteria

Loco Patron will also meet or exceed all of the use permit criteria set forth in Scottsdale Zoning Code section 1 403, D 1-9, as follows

1 The use will not disrupt the balance of daytime and nighttime uses in the area as Loco Patron will continue to operate in the same manner it had previously, with such use being consistent with and supportive of other establishments in the same area. Loco Patron will be open during the day and will support daytime uses in this area by bringing people Downtown and keeping them there longer enhancing the neighboring retail uses.

The Downtown area, with its growing commercial, residential and office uses is in desperate need of additional sit down lunch options for residents and employees, a need that Loco Patron helps the City meet. It is well known that office, residential, and commercial uses create the need for surrounding restaurants to provide lunches and dinner when appropriate to employees, customers and residents. The Waterfront project alone will be bringing hundreds of employees to the Downtown area along with thousands of residents and shoppers every day.

Currently, Loco Patron does a significant amount of lunch business serving between 66 and 70 lunches (between 11 00 a m and 3 00 p m) on an average day in season. The demand for Loco Patron is already there and will only continue to grow. In its first year Loco Patron did approximately a half million dollars in food sales alone.

The building that Loco Patron occupies has been used as a restaurant or bar continuously for many years. The previous tenant at this location was a nightclub that only operated during the evening hours and did not serve food. Loco Patron stepped in and totally transformed the building and the business at this location. Loco Patron now serves lunch (food all day until close actually) to serve the many visitors and businesses in the Downtown Scottsdale area.

Restaurants such as Loco Patron serve the customers of the many galleries and shops in the area and help to support the daytime activities in the area. Customers of the various Downtown shops can stay longer in the Downtown area and spend more money if they have restaurants to visit in the middle of their day. Loco Patron's records already indicate that it serves around 70 lunches per day in season. That is 70 people who may have otherwise left the Downtown area or not even come to the area without Loco Patron on any given day.

In the nighttime after dinner Loco Patron becomes part of what has become a nationally recognized entertainment destination. The entertainment and nightlife industry in Scottsdale has become a focus of CVB marketing and has received exposure in national publications including the New York Times. Locally, the Business Journal, the Tribune and the Arizona Republic have all carried articles and/or editorialized regarding the positive impact of nighttime uses and entertainment on the present and future of Downtown Scottsdale. Without establishments such as Loco Patron making large investments in the Downtown and creating a buzz at all hours of the day, the City may not have as quickly recognized its goals of bringing fresh new residences, businesses, offices and destination hotels to the Downtown area. The Downtown needs to be balanced to be sustained and Loco Patron is part of that balance.

2 Pedestrian related daytime activities will be unaffected as Loco Patron will continue to operate in the same manner as it has previously. Loco Patron will continue to serve lunch daily, which is a benefit rather than a hindrance to any pedestrian activity. As outlined above, local restaurants encourage people to visit the Downtown area and give customers of local businesses a reason to extend their stay. Rather than leaving the area to go get food, restaurants such as Loco Patron provide a reason for visitors Downtown to stay Downtown.

Loco Patron is located along a major arterial and pedestrian traffic is generally less prevalent in this area than it is back amongst the shops and galleries to the west. Loco Patron serves to bring a number of pedestrians to this area which will help the surrounding establishments get additional exposure.

3 Daytime retail will not be displaced, as Loco Patron is not located among a concentration of retail establishments. Loco Patron's location has traditionally been operated as a restaurant or bar so its presence does not serve to displace any

existing or past retail uses Loco Patron is located along Scottsdale Road, directly adjacent to the City's new parking garage and is not set back in the galleries and other daytime retail in the same area In addition, adequate parking will be provided through a combination of on site, credits, and leases

4 The use is not within 500 feet of a residential use

5 Security will not be an issue at Loco Patron, and it has not been in the past Transition to a Series 6 license will actually increase security, as Loco Patron will be allowed to post a doorman to check ID's, further deterring underage drinking and promoting a safer environment for patrons The Series 6 license will also require that all persons under 21 be accompanied by an adult and will require a security and maintenance plan to be adopted to govern the operation of the restaurant In initial meeting with Lieutenant Tom Henny from the Scottsdale Police department we have been informed that there are no existing security issues at Loco Patron

6 Loco Patron currently has an established refuse control plan which will not be affected by the granting of a use permit Loco Patron does not anticipate an increase in the amount of refuse generated, as the use of the property will not actually change

7 No external lighting, other than the security and electric signage previously approved under separate permits, is proposed at this time The interior space is fully enclosed and prevents voices on the radio, if any, from emanating into the public area Any noise emanating from the property will be at a decibel level prescribed by the City at the property line

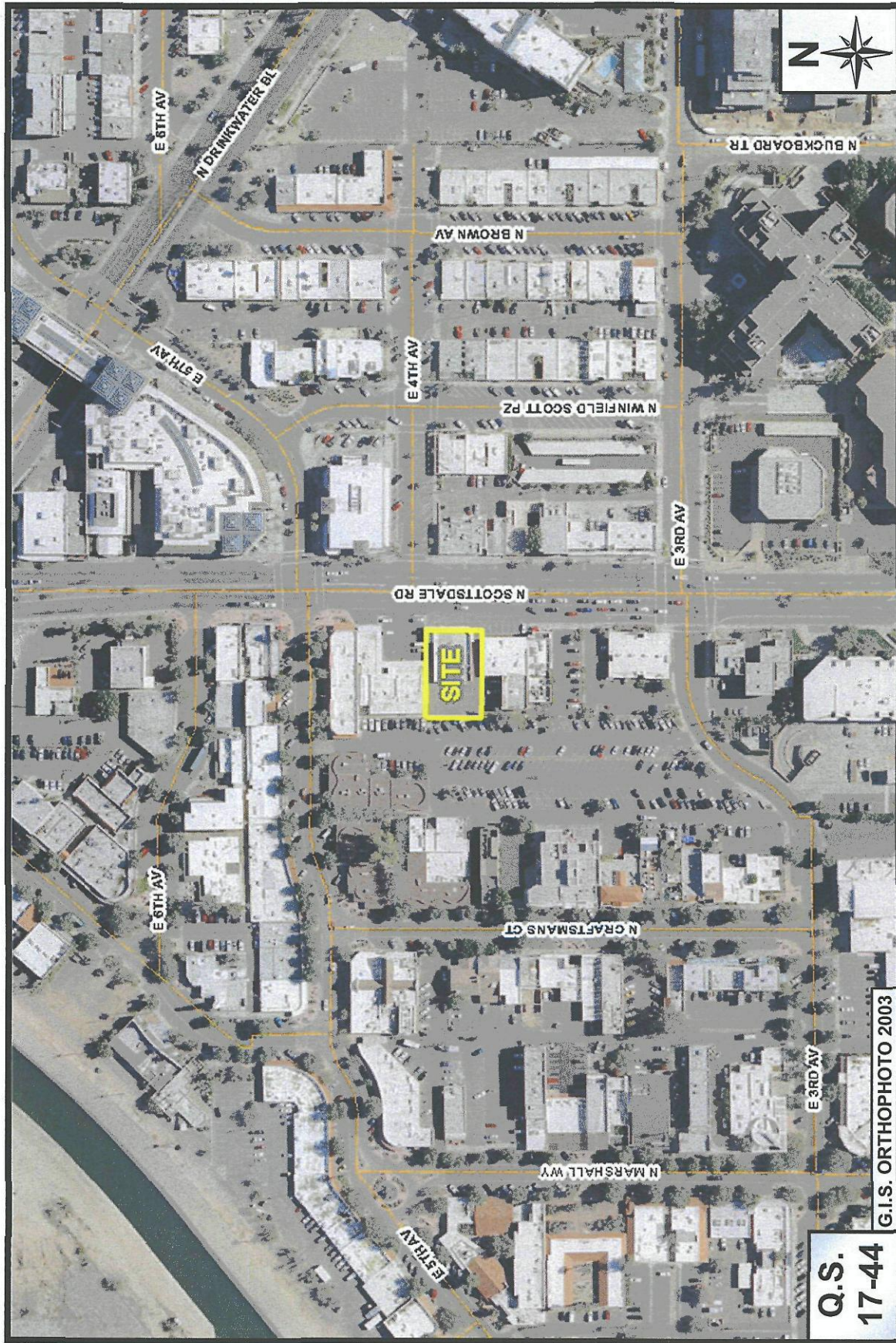
8 There currently is sufficient parking to serve the patrons of the restaurant Parking will be provided through a combination of on site, City Credits and parking leases The use will not exceed the capacity for traffic in the area, as Loco Patron is located along Scottsdale Road, not along a small neighborhood street and immediately adjacent to the new City-owned parking garage

9 No after hours operations are proposed

Conclusion

Loco Patron Mexican Grill respectfully requests that the City of Scottsdale grant it a Conditional Use Permit to allow the restaurant to operate with a Series 6 liquor license subject to the multiple stipulations proposed in this Application The owners of Loco Patron Mexican Grill have dedicated themselves to the community in which they operate They support a number of Scottsdale based charities and local events sponsored by the Gallery Association They have spent approximately a half million dollars to beautify the City through the extensive renovation of a prominent building along Scottsdale Road This Application has the support of the Scottsdale Chamber of Commerce and neighboring business owners (see attached) Additionally, the restaurant

is appropriately located and fits with the surrounding businesses in the area. The Applicants have also been proactive in dealing with their need for this Use Permit and, unlike many others, made this Application without being forced to do so by the City or the State. Furthermore, the Applicants have proposed a number of meaningful and easily enforced stipulations that will ensure to the City that Loco Patron Mexican Grill intends to continue to operate as a restaurant in the future.



8-UP-2006

ATTACHMENT #2

Loco Patron

G.I.S. ORTHOPHOTO 2003

**Q.S.
17-44**

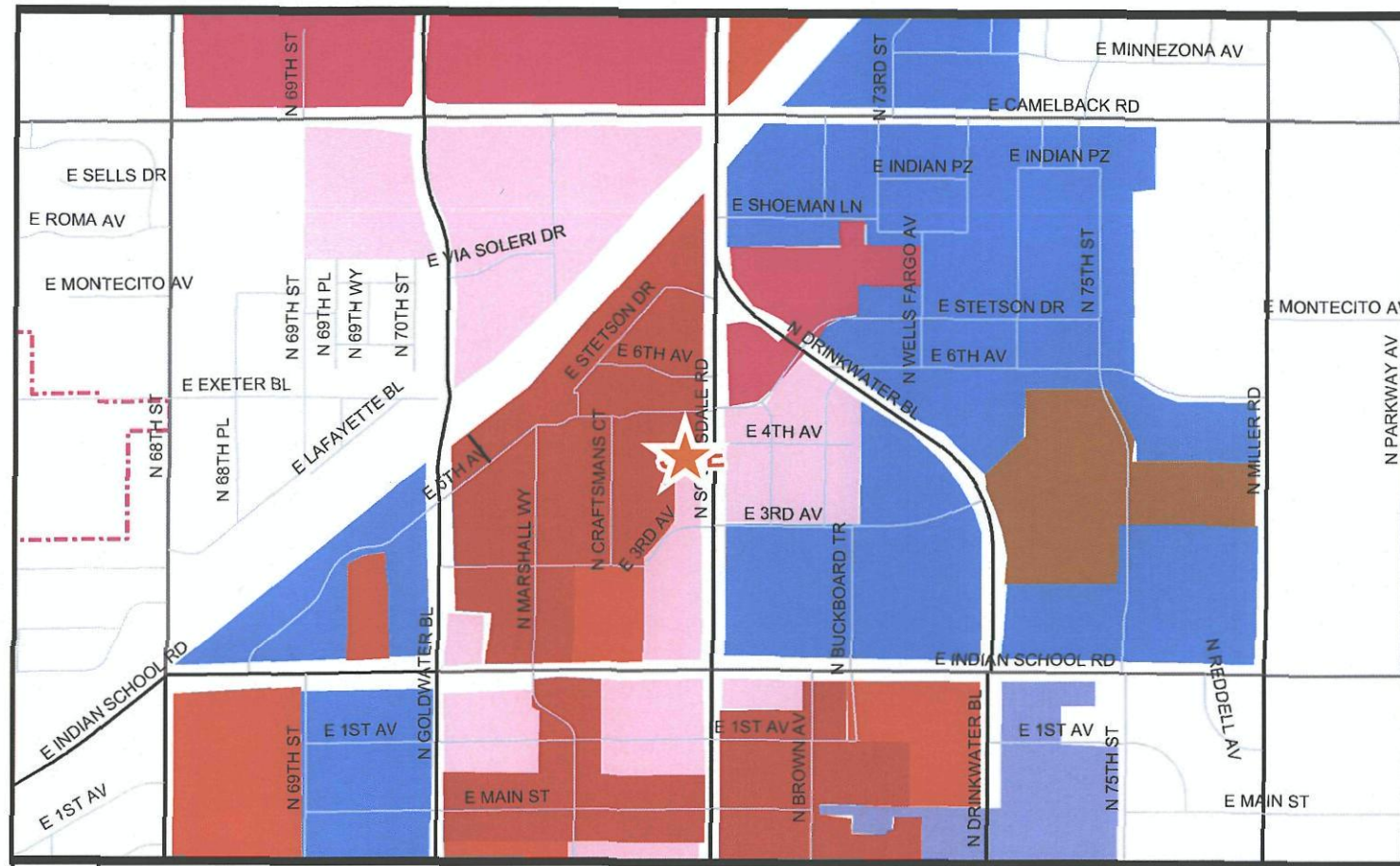


Loco Patron










8-UP-2006

ATTACHMENT #2A

General Plan



Legend

- | | | | |
|---|---------------------------|---|-------------------------------------|
|  | Civic Center (CC-2) |  | Regional Commercial Office (RCO-2) |
|  | Medical (M-2) |  | Residential/Hotel (RH-2) |
|  | Office Commercial (OC-2) |  | Residential Highway Density (RHD-2) |
|  | Office Residential (OR-2) |  | Retail Specialty (RS-1) |
| | |  | 8-UP-2006 |



8-UP-2006

ATTACHMENT #3



8-UP-2006

ATTACHMENT #4



STIPULATIONS FOR CASE 8-UP-2006

PLANNING/ DEVELOPMENT

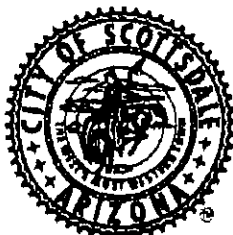
1 OPERATIONS All operations shall comply with the following conditions

- a The Use Permit is valid only for the floor plan dated 3/30/06 and approved with this submittal. Any changes to the floor plan shall require an amendment to this Use Permit or a new Conditional Use Permit. Changes to the floor plan includes any proposal to remove any tables or chairs from their proposed configuration.
- b The hours of operation for this establishment shall be 11 00 A M to 2 00 A M , seven days a week.
- c The applicant shall maintain a minimum of 40% food sales from November 1 to April 1. Each year, on or about June 1, the applicant shall submit to the City of Scottsdale a report prepared by an independent auditor which indicates that the subject establishment has met this condition. This audit shall be prepared by a firm which has been chosen by the City of Scottsdale, and all fees incurred preparing the report shall be paid by the applicant.
- d The kitchen shall remain open and a full menu of food shall be served from 11 00 AM to 1 00 AM, seven days a week.
- e Conditional Use Permit approval is for a "bar" use only and does not include Live Entertainment. If at any time in the future Live Entertainment is proposed, a separate Use Permit shall be required.
- f Any noise generated from this use, including the outdoor patio area and any speakers used for amplified music, shall not exceed the ambient noise levels consistent with the existing character of the area, as determined by City Staff.
- g Amplified music shall be limited to the hours of operation that State law allows liquor sales to occur.
- h The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, a copy of which shall be kept on site at all times. Each year, prior to the anniversary date of this approval, the bar operator(s) / merchant(s) shall provide an update to the Public Security and Maintenance Plan to the Police Department and the Planning and Development Services Department for review and approval. 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 plan, which shall be subject to approval by the Police Department and The Planning and Development Services Department.
- i The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the Scottsdale Planning and Development Services Department, or other applicable departments, and shall keep a copy on site at all times. The bar operator(s) / merchant(s) shall properly dispose of litter and debris daily, to the satisfaction of City staff.
- j No cover charge shall be required for admission to the bar, unless required as a condition of approval for a separate "Special Event Permit".
- k Age verification shall not be required for admission to the bar, unless required as a condition of approval for a separate "Special Event Permit," or as required by state law.

- I The applicant will add more landscape between the patio and Scottsdale Road, to the satisfaction of the General Manager or designee
- 2 ADMINISTRATIVE/PROCESS The bar operator(s) / merchant(s) shall comply with the following
 - J This Use Permit shall be reviewed at the end of two years by the Zoning Administrator for compliance with these stipulations
 - k This Use Permit shall become void if the "bar" use is abandoned for a period of one (1) year or more after beginning operations. If the use is abandoned, a new Use Permit shall be required to operate a "bar" use at the subject property
 - I Any change in operator / business owner at the subject location shall require an administrative review by the Zoning Administrator for continued compliance with these stipulations and the approved Public Security and Maintenance Plan. Any deviation from the conditions of approval, or change to the floor plan, may be grounds for revocation of the Use Permit
- 3 PARKING
 - m The bar operator(s) / owner(s) shall obtain a minimum of fourteen (14) parking spaces via the City's In Lieu Parking Program, subject to the approval of City Council

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



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

480.312 5000

FAX 480.312.7701

City of Scottsdale Planning, 7447 E Indian School, Scottsdale AZ 85251

480-312-7000

FAX 480-312-7088

Assigned Planner:

MAC CUMMINS

Police Contact:

Lt. Tom Henry

Establishment:

Loco Patron Mexican Grill

Address:

4228 N Scottsdale Rd

Business Phone:

(480) 874-0033

Business FAX:

(480) 874-9977

Maximum Occupancy:

143

Effective Date of the Plan:

Date of Plan Review:

Use Permit Issue Date

Liquor License Number

Contact Person (1):

Ryan Vertuca

Home Phone:

~~(480) 812-8865~~ (602) 791-3063

Contact Person (2):

Joshua Levine

Home Phone:

(480) 812-8865

Security and Maintenance Plan

I Purpose

- 1 Loco Patron will be providing security needs for its patrons and the passing citizens and visitors through its management team and their staff of representatives. During their regular hours on Sunday through Wednesday Loco Patron will have 2 doormen at all times. During their peak hours from Thursday to Saturday there will be between 2-5 doormen. The building has 1 entrance and 2 exits. Additionally there will be between 10 and 18 employees walking the floor to help pick up trash and maintain a safe and clean environment. Loco Patron also has hired a clean-up crew that works between the hours of 8 00 AM and 9 00 AM Sunday thru Wednesday and Thursday thru Saturday from 9 00 AM to 11 00 AM patrolling and cleaning the area between 5th Street and 3rd Street from Scottsdale Road to Craftsman Court helping to ensure that the area is safe and clean.

II Plan of Operation Program Plan and Hours

- 1 Permittee Loco Patron Mexican Grill-LoCo Patron, LLC
- 2 Managing Agents Josh Levine
Ryan Vertuca
Jeremy Jazwiski
4228 N Scottsdale Road
Scottsdale, Arizona 85251
Phone # (602) 363-6507
- 3 Business Owner(s) same as above
- 4 Property Owner Simonson Building Inc
6925 E 5th Ave Suite #0
Scottsdale, AZ 85251
- 5 Hours of Operations Seven days a week 11 00 a m to 2 00 a m
- 6 Promotional Events Happy Hour Happy Hour with food and drink specials from 3 00 p m to 7 00 p m seven days a week
- 7 Description of Operations/Services

Services Provided	Mexican Grill restaurant serving food and drinks
Targeted Audience	ages 25-45
Estimated Nightly Attendance	50-150
Menu	Mexican food
Designated Driver Program	Free soft drinks to all designated drivers
- 8 Program Format, Entertainment
 - a) Format/Entertainment Loco Patron is a Mexican style cantina/grill. Entertainment is only supplied in the form of good food and a fun, clean atmosphere. Music is played from speakers within the establishment at moderate levels. There is no live entertainment element at the restaurant.
 - b) All music and amplified sound terminates at closing.

c) Advertising Loco Patron relies heavily on word of mouth and only intermittently engages in various forms of print advertising Loco Patron does participate in a weekly food series on local radio station KXMA where its executive chef discusses food with the host and audience

9 Special Events It is understood by Loco Patron that any "Special Event" that varies from the regular format and audiences described or provided above organized or planned by Permittee shall require a separate license and the notification to Scottsdale at least twenty (20) days prior to conducting Special Events on the premises

10 Cooperation/Complaints/Concerns

- a) It is understood that Loco Patron will maintain communications with establishments located on and adjacent to the premises, and with residents and other business who may be affected by patrons or by operations of the Permittee Josh Levine has been designated to receive and respond to any complaints from residents or neighboring businesses
- b) It is understood that Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale police, officers and neighbors in addressing and investigating complaints and concerns
- c) It is understood that Permittee's managing agent(s) shall meet with Scottsdale Police Department when requested by C P T E D Officer or District Commander on matters related to this Plan

III. General Safety Requirements

1. Duration of Security Responsibilities

Loco Patron will provide security to patrons, employees and the public extending from the facility to the parking areas identified in the parking plan from one hour before opening to one hour after the end of business on any day of business operation Loco Patron is committed to keeping the parking areas free from loitering, other criminal activity and to prevent cruising through parking areas

2. Required Inspection of Facilities

Loco Patron will adhere to the inspection of the interior and exterior of the premises by a certified Crime Prevention Through Environmental Design (CPTED) Specialist from the Scottsdale Police Department Any changes required by the CPTED Inspector will be instituted within 45 days of notice to Club Management

3 Reporting Acts of Violence and Disorderly Conduct

a) Incidents to be Reported Immediately

Management or employees will immediately notify the Scottsdale Police Department of any disturbances, acts of violence, acts of intimidation (as defined in A R S 13-1202) or incidents involving patrons in or on the Property or parking lots using illegal drugs

b) Written Reports

All acts of violence as defined in the preceding paragraph occurring inside or outside the premises (including the parking areas) will be reported in writing to the Scottsdale Police

Department no later than seventy-two (72) hours from occurrence

c) Log of Reportable Incidents

Loco Patron will establish and maintain an accurate log of all reportable incidents. The log shall be available to the Community Development Director for inspection upon demand.

4.

Disorderly Patrons

Disorderly Patrons will be properly controlled and immediately escorted from the establishment using the minimum amount of force necessary. Employees of Loco Patron will take one of the following steps to maintain the safety of other employees, patrons, and the person ejected:

- a) The disorderly patron will be escorted to his/her vehicle to leave only if he/she shows no apparent signs or symptoms of impairment by alcohol or drugs.
- b) The disorderly patron will be placed in a taxicab or the control of a responsible third party to insure that he/she leaves the area.
- c) The disorderly patron will be turned over to the custody of and care of on-duty Scottsdale Police Officers for disposition.

5

Employees Access to Police and Fire Services

Neither Loco Patron, management, nor other controlling persons shall prohibit employees or subcontracted labor from communicating a request for assistance to the police or fire departments during incidents where the employees or subcontracted labor reasonably perceive a threat to public safety.

6.

Cooperation during Police Investigations and Prosecution

Loco Patron, managers, employees and subcontracted employees will reasonably cooperate with police investigations and subsequent prosecutions 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 the establishment's employees to investigate any potential criminal act. In cases where an arresting officer acts on information received from an employee of Loco Patron, all involved employees will provide, to the Scottsdale Police Department, written statements detailing their observations and involvement.

7.

Incidents of Criminal Trespass

During Investigation and complaints of Criminal Trespass where the establishment is the victim, at least one employee of the establishment will act as arresting citizen with supporting documentation from the property owner authorizing such an action and authority by the arresting citizen/employee.

8

Occupancy Levels

- a) Loco Patron will closely monitor occupancy levels with a clear understanding that fire department personnel will complete random checks
- b) Patrons waiting for admission into Loco Patron will be required to remain in an orderly, designated line with access to restroom facilities or will be required to leave the area

9.

On-site Security

- a) Employees of Loco Patron (with the exception of off-duty, sworn police officers) shall not be armed with a deadly weapon while on or off the premises during hours of employment by Loco Patron
- b) The owners and managers of Loco Patron have a clear understanding that the Scottsdale Police Department will not provide off-duty officers for employment at the establishment

IV. Patron Parking, Ingress and Egress, Vehicular and Pedestrian Traffic Control

1 Parking

a) Parking Study Attached

b) Parking utilized by Patrons

- 1 Eight on site on west side of building
- 2 Fifteen located to the north of property at 4238-56 N Scottsdale Road
- 3 Public parking garage located immediately to the west of Loco Patron

c) Parking utilized by Employees

Employees are encouraged to utilize either the on-site parking lot or the large public parking structure to the west of the property

- d) Any parking used by patrons or employees of Loco Patron and any parking area of Loco Patron shall be supervised by Loco Patron to ensure that the parking areas are used by persons entering and exiting from their vehicles and 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**

2. Patron Ingress/Egress

- a Entrances to the premises will be continually monitored by Loco Patron for compliance with the maximum occupancy requirements for the premises
- b Patron identification shall be required and verified by Loco Patron prior to entry to ensure minors are not permitted on the premises, when the primary use is spirituous liquor in violation of state law Acceptable forms of identification and log verifying receipt of such identification shall conform to requirements of state law
- c Patrons awaiting entry shall not be permitted disrupt the orderly flow of pedestrian or other traffic, block entrance to neighboring establishments or premises, or occupy greater width than two (2) persons abreast Loco Patron shall request patrons violating this paragraph to leave and shall not allow admittance to such patrons

- d Parking areas will be monitored by Loco Patron from one hour before opening to one hour after closing
- e All patrons must have exited the premises and parking areas used by patrons within thirty (30) minutes after the designated closing time

V. Staffing and Operations

1 Offenses and Police Calls For Service

Loco Patron agrees that it, its agents or employees will not commit or knowingly allow violations of Arizona State Law or Scottsdale City Ordinances to occur on the premises utilized by patrons of Loco Patron

Loco Patron will also inform patrons, through appropriate signage or other means, that acts and conduct prohibited by the following laws and ordinances are not allowed or tolerated by Loco Patron on any premises or parking areas utilized by patrons of Loco Patron, and that violators will be considered as trespassers by Loco Patron, subject to criminal prosecution for trespass in addition to any offense charged

- a) A R S 4-101 et seq through 4-261, as amended, Arizona Liquor Laws
- b) A R S 13-101 et seq Arizona Criminal Code and A R S 28-101 et seq Arizona Motor Vehicle Code
- c) Scottsdale City Code § 19-11 1a, Curfew This law sets a curfew for juveniles under the age of sixteen at 10 00 p m , and for juveniles age sixteen and seventeen at midnight To comply with this law, Loco Patron agrees it will not allow juveniles to remain at any location on its premises ½ hour prior to the curfew established in the code

2 Deadly Weapons

Loco Patron shall notify patrons that carrying of deadly weapons on the premises and in the parking areas of Loco Patron is prohibited and request that weapons be removed as provided by A R S 13-3102

3. Persons Under Twenty-one Years of Age

Persons under twenty-one years of age will not be permitted on the premises

4 Management

Loco Patron agrees to provide a minimum number of managers (general and assistant) as indicated in the addendum hereto on the premises during hours when Loco Patron is open for business On duty managers are responsible for supervision of all employees, security personnel and agents, and shall identify all employees, personnel and agents on the premises when requested by Scottsdale

5 Security Personnel and Employees

- a) Loco Patron agrees to provide a minimum number of security personnel as indicated in the addendum hereto on the premises during hours when Loco Patron is open for business or as otherwise indicated in the addendum hereto. Security personnel shall primarily perform security functions and not serve as manager or in another capacity.
- b) All employees managing or serving patrons, security personnel and agents of Loco Patron shall be trained and knowledgeable about the contents of the plan.
- c) Any personnel serving in the security capacity on the premises (whether as employee or contractor) 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 regulations issued pursuant thereto.

6. Security Apparel and Equipment

Security Personnel shall display on their outer most clothing readily identifiable, and in contrasting colors, the words "Security" or "Security Personnel". Security shall be designated on the front of the clothing at least two inches high, and on the back of the clothing at least four inches high. Security uniforms shall not resemble Scottsdale law enforcement uniforms. Security uniforms shall be provided prior to use.

- a) All exterior security personnel shall have reflectorized vests with "SECURITY" displayed on both the front and the back if the outer garment does not display "SECURITY".
- b) On-duty employees and agents shall wear clothing that readily identifies them as employees of Loco Patron.
- c) Two-way radios will be provided by Loco Patron to all managers and exterior security personnel.

VI. Conditions of the Plan

1. Compliance with the Plan

Loco Patron recognizes that successful execution and enforcement of this plan may be 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.

2. Termination of the Plan

This Plan may terminate on the date that Loco Patron's Use Permit terminates, or two years from the Security Plan's effective date, whichever date occurs first, unless otherwise provided herein.

3. Violation, Amendment and Revocation

As defined in Scottsdale City Zoning Code § 1 402 Conditional Use Permits which have been approved by the City Council shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation

- a) 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 § 1 1300
- b) 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 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 direction to determine if a proposed change warrants as amendment An Amendment must be approved as provided in § 1 400 et seq for the approval of conditional use permits

4. 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 § 1 807 of the Scottsdale Zoning Code for acts including but not limited to

- a) A violation of the Plan
- b) Violation of the conditions of the Use Permit
- c) Violation of Scottsdale ordinances or law
- d) Repeated acts of violence or disorderly conduct as reflected by police calls for service of offenses occurring on premises utilized by patrons of Loco Patron
- e) Failure of Loco Patron to take reasonable steps to protect the safety of person(s) entering, leaving or remaining on the premises when Loco Patron knew or should have known of the danger to such person, or Loco Patron 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 Loco Patron when Loco Patron knew or reasonably should have known of such acts of violence or altercations
- f) Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from Scottsdale
- g) Misrepresentations or material misstatements of Loco Patron, its agents or employees

5 Assignment or Transfer

This Plan is not assignable or transferable to Loco Patron's successors or assigns. The Plan is automatically terminated upon sale or transfer of any interest in Loco Patron.

6 Security Plan Changes

Any Change in personnel identified in this Plan shall be reported to the Scottsdale Police Department within fourteen calendar days after the change. Any change in the plan of operation or program shall be reported to Scottsdale Police Department at least fourteen calendar days prior to the change taking place and is subject to approval by the District Commander and/or C P T E D Office.

7. Meeting Requirements

Management of Loco Patron shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, identification and general security issues when deemed necessary by the District Commander and/or the C P T E D Coordinator.

- a) A letter shall be forwarded by the manager, Loco Patron or its designee to the District Commander pertaining to the meeting date, topics of training, names of employees attending and the name of the presenter/officer(s).

8 Copies

A copy of this Security Plan will be kept on the premises at all times and shall be made available upon request.

APPLICANT

Name
Title
Address

Phone

Date _____

APPROVED

Scottsdale Police Department

9065 E Via Linda

Scottsdale, AZ 85258

(480) 391-5000

(480) 483-7438 – FAX

Date _____

Neighborhood Involvement Report
Loco Patron Bar Use Permit Application

Case # 718-PA-2005

Neighborhood Involvement Report
Loco Patron Case Number 718-PA-2005

A. Copy of Marked Neighborhood Involvement Packet

See Attached

B. Project Notification Efforts

Contacted Parties

Prior to submitting our application we have contacted the required parties within a 750' radius of the project property. Properties within this area were notified by a letter on December 8th of project information and application as well as the Open House which will also be held prior to submittal of our application. The required letter for interested residents is the most appropriate notification techniques for this type of a request. The list of those contacted and the letter that was sent to them are attached.

In addition to these efforts we mounted a walking campaign beginning in September which, in addition to garnering invaluable feedback from local area business owners, produced 40 signatures from surrounding businesses who are not opposed to Loco Patron's application. A map of the area covered in that walking campaign is included in this report and copies of the signed petitions are attached. According to the City, there are no registered HOA's within the 750' radius to notify.

Correspondence

In response to the letter mailed notifying those within 750' of the application, we received two phone calls. The first was received on December 9th 2005 from Elliot Glasser who owns a significant amount of property in the area surrounding Loco Patron. Mr. Glasser was calling to voice his support for the application and had written a letter showing that support. A copy of that letter is attached. We spoke again with Mr. Glasser on December 27th 2005 as he wanted to confirm that we had received the letter and to offer his support again.

The second call was from the owner of the Udinotti gallery on Marshal Way (she declined to give her name). She wanted to inform us of her concerns that there would be an increase in trash in the area and to let us know that she is generally opposed to bars under any circumstances. We informed her of the details of our request and of the measures that Loco Patron is, and will be, taking to keep, not only its own premises clean, but the larger area as well by employing a clean up crew who will cover an area from Marshall Way in the west, Scottsdale Road in the east, 5th Street in the north, to 3rd Street in the South. We also informed her of the proposed stipulations that are intended to keep the restaurant focus of Loco Patron.

C. Verification of "Project Under Review" Site Posting

Affidavit of Sign Posting

See Attached

Photos of Sign Posting

See Attached

Affidavit of Mailings

See Attached

D. Open House Meeting

Date, Time, and Location of Open House

The open house meeting was held on December 22, 2005 on site at Loco Patron, 4228 N Scottsdale Rd at 10 00 am

Dates and Times of Follow-up with Interested Parties

There was only one neighbor in attendance, Mr George who owns a hat store just north of Loco Patron on Scottsdale Rd , and his comments were noted in the meeting minutes attached with this report We plan on following up with Mr George to keep him posted on the progress of the steps being taken to address his comments and concerns as well as to receive a letter of support

Sign-in and Comment Sheets from Open House

See Attached

Minutes of Open House

See Attached

Methods by which Issues Raised at Open House will be Addressed

As was stated above the only attendee at the open house meeting was a Mr Hampton George He came by to inform us of his support of the application and to inform us of some minor damage that was done to his property recently To address this issue Loco Patron offered to heighten the existing monitoring and security of that parking lot as well as install motion sensor lights and post a sign informing those using the parking lot that they will be held responsible for their activities in the parking lot These steps more than satisfied Mr George, who again reassured us of his support



COURT S RICH
7272 E Indian School Road Suite 360
Scottsdale, AZ 85251
Phone 480 505 3937 Fax 480 505 3925
crich@roselawgroup.com
www.roselawgroup.com

December 06, 2005

Dear Neighbor,

This letter is to inform you that your Loco Patron located at 4228 Scottsdale Road is preparing to make an Application requesting a Bar Use Permit from the City of Scottsdale. The Bar Use Permit allows Loco Patron to utilize a Series 6 Liquor License, and Loco Patron is proposing a number of stipulations to the Use Permit to make sure that it continues to operate as a restaurant. After one year of operation Loco Patron has determined that it is going to narrowly miss the State requirement for a Series 12 liquor license because it has sold approximately 35% food rather than the required 40% State imposed minimum. Upon learning of this possible shortfall Loco Patron immediately took it upon itself to begin the process of acquiring the proper license instead of operating in violation.

In order to ensure that Loco Patron continues to operate as a restaurant it is proposing that the City require it to sell a minimum of 30% food, keep the same floor plan and the same number of tables and chairs, operate its kitchen with a full menu until just before close everyday, and even hire an independent accountant to verify to the City that it sells the proper amount of food each year. Loco Patron is intent on operating as a restaurant and through these stipulations it will be guaranteeing to the City and to its neighbors that it will not be operating as bar, selling little to no food, and only selling alcohol. As part of the Use Permit process, Loco Patron will be holding a neighborhood meeting at the restaurant (4228 N Scottsdale Road) on December 22, 2005, from 10:00a.m. to 11:00a.m. and we invite you to attend to find out more and to see the restaurant yourself.

Loco Patron is committed to being a good neighbor and appreciates your support. In fact, you may have noticed the members of the Loco Patron "Cleaning Crew" picking up the neighborhood in the mornings during the week and weekends. As we realize this is the holiday season and it may not be convenient for you to attend our scheduled meeting, please feel free to contact me and we can schedule a more convenient time to talk or meet directly at 480-505-3937.

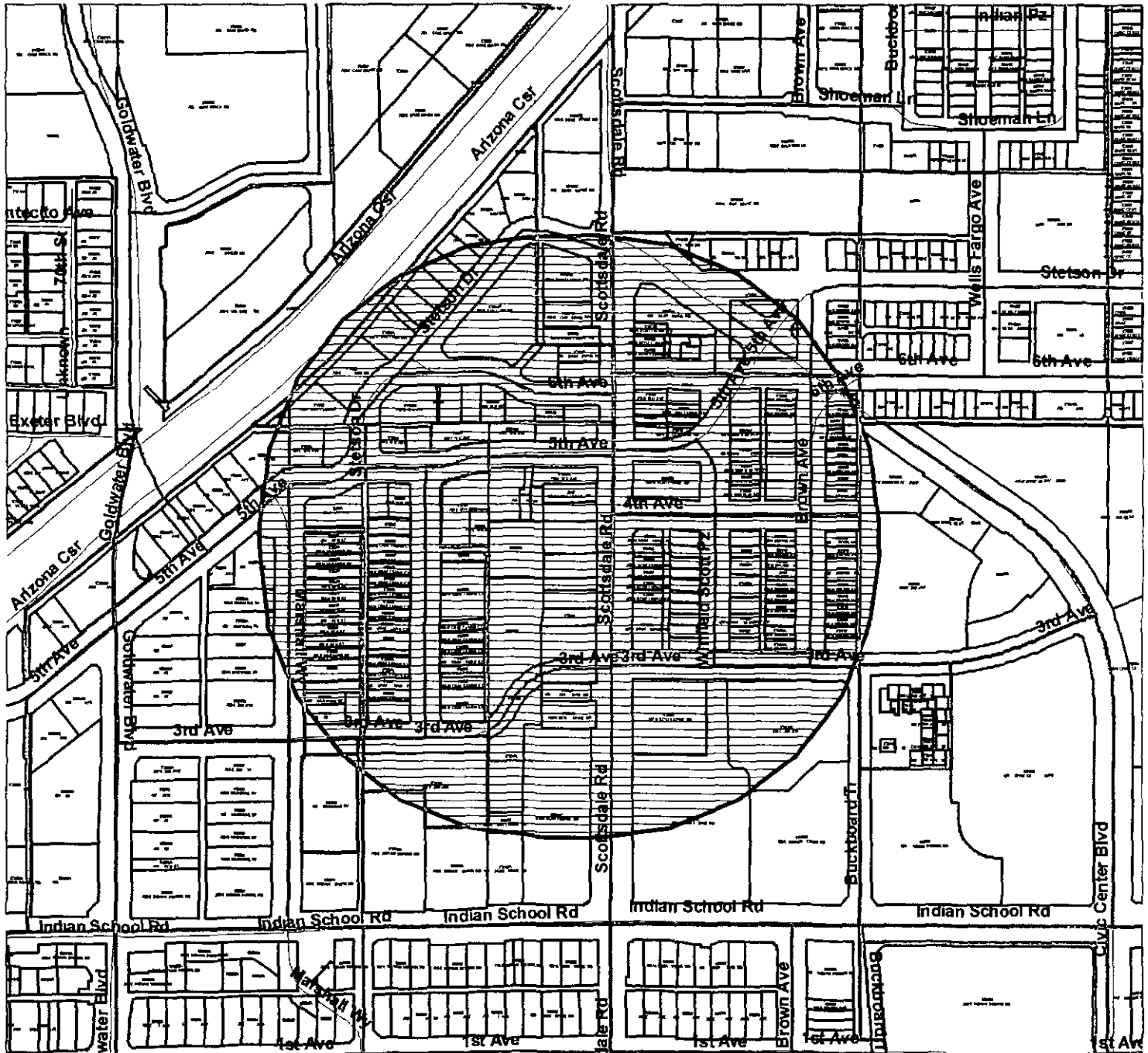
Sincerely,

A handwritten signature in black ink, appearing to be "C. Rich", written over a horizontal line.

Court S. Rich

8-UP-2006
3-30-06

Map of 750' Notification Area



750' List

SCOTTSDALE ACQUISITION LLC
1 BROADWAY
NEW YORK, NY 10038 USA

MASTRO PROPERTIES LLC
16441 N 90TH ST
SCOTTSDALE, AZ 85260 USA

FARM GOLD LLC
BOX 329
LEOTI, KS 67861 USA

STETSON CANAL LLC
7127 E 6TH AVE
SCOTTSDALE, AZ 85251 USA

AGNESE UDINOTTI LIVING TRUST THE
4215 N MARSHALL WAY
SCOTTSDALE, AZ 85251 USA

FANATEL PROPERTIES INC
7473 E TUCKEY LN
SCOTTSDALE, AZ 85250 USA

GK INVESTMENTS LLC/SCOTTSDALE REALTY
INVESTOR
7154 E STETSON DR
SCOTTSDALE, AZ 85251 USA

KOLL BREN FUND VLP
4343 VON KARMAN AVE
NEWPORT BEACH, CA 92660 USA

VALLEY OF THE SUN ENTERTAINMENT
LLC
1345 S LEWIS ST
ANAHEIM, CA 92805 USA

PRANTCO LLC
130 W NORTHERN AVE
PHOENIX, AZ 85021 USA

TAMASCO FLORINE J TR
4400 N SCOTTSDALE RD NO 9277
SCOTTSDALE, AZ 85251 USA

SUNBRELLA PROPERTIES LTD
6925 E 5TH AVE
#0
SCOTTSDALE, AZ 85251 USA

GDO LIMITED PARTNERSHIP
3075 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251 USA

SES PROPERTIES LP
4221 WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 85251 USA

SCHADE DEWEY D TR
7240 N BROOKVIEW WY
SCOTTSDALE, AZ 85253 USA

SCOTTSDALE CANAL PROJECT L L C
7127 E 6TH AVE
SCOTTSDALE, AZ 85251 USA

SCOTTSDALE BOARD OF REALTORS INC
4221 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251 USA

MARLIS COMPANY WEST
24 DRIFTWOOD ST
MARINA DEL REY, CA 90292 USA

DOUBLE A INVESTMENTS LLC/FIVE COUSINS
LLC
15300 N 90TH ST STE 300
SCOTTSDALE, AZ 852602775 USA

HEALTHCARE COMPARE CORP
4141 SCOTTSDALE BLVD
3220
SCOTTSDALE, AZ 85251 USA

SCOTTSDALE CITY OF
7447 E INDIAN SCHOOL RD NO 100
SCOTTSDALE, AZ 85251 USA

BROOKS BUILDING INC
6511 S WILSON ST
TEMPE, AZ 85283 USA

ONG HELEN G & LAURENCE S TR
5403 W BUTLER DR
GLENDALE, AZ 85302 USA

JLB INVESTMENTS LIMITED
PARTNERSHIP
33 W LINGER LN
PHOENIX, AZ 85021 USA

REAM BARRYT V/HEIDI H/R G
HOUGHAM/ANN
4434 N WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 852510000 USA

FIRST CHURCH OF CHRIST SCIENTIST
SCOTTSD
6437 E INDIAN SCHOOL RD
SCOTTSDALE, AZ 852510000 USA

GLASSER ELLIOT J
PO BOX P
SCOTTSDALE, AZ 85252 USA

ZIVNEY GROUP LIMITED
4251 N MARSHALL WY
SCOTTSDALE, AZ 85251 USA

PETERSON JOHN R/DIANE O TR/RAPP JOHN
R
4211 WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 85251 USA

FIELD ROBERT C/LILLIAN I/MICHAEL J
7756 E THIRD ST
SCOTTSDALE, AZ 85251 USA

750' List

MARSHALL WAY DESIGN LLC
4727 N MARSHALL WAY
SCOTTSDALE, AZ 85251 USA

4167 N MARSHALL WAY LLC
4167 N MARSHALL WY
SCOTTSDALE, AZ 85251 USA

AMIREH ENTERPRISES INC
PO BOX 57
SEAL ROCK, OR 97376 USA

URBAN GRAPHITE HOLDINGS LLC
7151 E 6TH AVE
SCOTTSDALE, AZ 85251 USA

SCOTTSDALE CANAL PROJECT L L C
7127 E 6TH AVE
SCOTTSDALE, AZ 85251 USA

TRI-ZONE PROPERTIES LLC
11515 N 91ST ST 109
SCOTTSDALE, AZ 85260 USA

DOS GRINGOS INC
4213 S CRAFTSMAN CT
SCOTTSDALE, AZ 85251 USA

KIMSEY PROPERTIES LTD PARTNERSHIP
P O BOX 812
SCOTTSDALE, AZ 85252 USA

VELASCO FRANCISCO JAVIER TR/RAQUEL
TR
5950 N 78TH ST UNIT 105
SCOTTSDALE, AZ 85250 USA

THAKUS MENS WEAR INC
4320 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251 USA

SES PROPERTIES LP
4221 WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 85251 USA

SGNG INVESTMENTS LLC
4211 N MARSHALL WAY
SCOTTSDALE, AZ 85251 USA

NUSSBAUM IRVING & IRIS
17051 N 94TH PL
SCOTTSDALE, AZ 852600000 USA

FRENKEL THOMAS C/JANE L
4332 N WELLS FARGO AVE STE 200
SCOTTSDALE, AZ 85251 USA

DOGBEACH CAPITAL LLC/ETAL
4333 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251 USA

PENTZ HANS/KARIN V TR
8449 W ROSEMONTE DR
PEORIA, AZ 85382 USA

SCHUSTER RONALD J/MASSEY SHARON R
4215 N WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 85251 USA

MARLIS COMPANY WEST
24 DRIFTWOOD ST
MARINA DEL REY, CA 90292 USA

AFP/SCOTTSDALE LLC
PO BOX 3075
SAN LEANDRO, CA 94578 USA

JLB INVESTMENTS LTD PARTNERSHIP
33 W LINGER LN
PHOENIX, AZ 85021 USA

DOUBLE A INVESTMENTS LLC/FIVE
COUSINS LLC
15300 N 90TH ST STE 300
SCOTTSDALE, AZ 852602775 USA

REAM BARRYT V/HEIDI H/R G
HOUGHAM/ANN
4434 N WINFIELD SCOTT PLAZA
SCOTTSDALE, AZ 852510000 USA

FANATEL PROPERTIES INC
7473 E TUCKEY LN
SCOTTSDALE, AZ 85250 USA

GRULLER ROLF/KRISTINA K
1942 E DAWN DRIVE
TEMPE, AZ 85284 USA

PRANTCO LLC
130 W NORTHERN AVE
PHOENIX, AZ 85021 USA

SMJ PROPERTIES LLC
4242 S CRAFTSMAN CT
SCOTTSDALE, AZ 85251 USA

LCHLN INC
1510 W LOOP SOUTH
HOUSTON, TX 77027 USA

ROCKMOUNT ONE INVESTMENTS LLC
5133 N 34TH PL
PHOENIX, AZ 85018 USA

DOS GRINGOS INC
4213 S CRAFTSMAN CT
SCOTTSDALE, AZ 85251 USA

SINGER DAVID/CORA S CHATEAUNEUF
4124 E CAMELBACK RD
PHOENIX, AZ 85018 USA

750' List

LARD BENTLEY TERRACE TR
4161 N MARSHALL WAY
SCOTTSDALE, AZ 85251 USA

LILKEN
7330 N PIMA RD
SCOTTSDALE, AZ 85258 USA

AFP/SCOTTSDALE LLC
PO BOX 3075
SAN LEANDRO, CA 94578 USA

GOLDMAN MORRIS B & SHEILA G BOLTON
444 W CAMELBACK RD
PHOENIX, AZ 85013 USA

MARVIN PHILIP L/JOAN C
PO BOX 2055
EUGENE, OR 97402 USA

4243 BROWN AVENUE LLC
7329 E 6TH AVE
SCOTTSDALE, AZ 85251 USA

MARRIOTT SUITES LTD PARTNERSHIP
10400 FERNWOOD RD
BETHESDA, MD 208170000 USA

CONSERVATORY OF DESIGN L L C THE
5225 E DESERT VISTA RD
PARADISE VALLEY, AZ 85253 USA

APPRECIATION & INCOME PROPERTIES
INC
P O BOX P
SCOTTSDALE, AZ 85252 USA

CRANE CARTER M
7140 N CLEARWATER PKWY
PARADISE VALLEY, AZ 85253 USA

BDL SCOTTSDALE LLC
2735 E CAMELBACK RD
PHOENIX, AZ 85016 USA

ASHWORTH MITCHELL & BRAZELTON P L
L C
4225 N BROWN
SCOTTSDALE, AZ 852510000 USA

SIMONSON BUILDINGS INC
6925 E 5TH AVE #0
SCOTTSDALE, AZ 85251 USA

MICHAELS MICHAEL M TR
6003 E CHENEY DR
SCOTTSDALE, AZ 85253 USA

BALDWIN INVESTMENTS L L C
8143 E GARY RD
SCOTTSDALE, AZ 852606534 USA

SABRETOOTH INVESTMENTS INC
4201 N MARSHALL WY
SCOTTSDALE, AZ 85251 USA

CUMMINGS JEFFREY S
PO BOX 45483
PHOENIX, AZ 850645483 USA

AHLBERG CHARLES TR/REICHARDT
JAMES R
2041 E CAIRO DR
TEMPE, AZ 85282 USA

POTTERY PARADISE INC
4338 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251 USA

SWISS GERMAN PROPERTIES LLC
9031 N CROWN RIDGE
FOUNTAIN HILLS, AZ 852686411 USA

BANK OF SCOTTSDALE THE
P O BOX 1510
SCOTTSDALE, AZ 85252 USA

BLJ'S PROPERTIES LTD PARTNERSHIP
2244 W MCDOWELL RD
PHOENIX, AZ 85009 USA

CARTWRIGHT ANN TR
4255 N BROWN AVE
SCOTTSDALE, AZ 85251 USA

CHRISTENSEN GERALD N/MARY K
TR/ETAL
5631 E WALTANN LN
SCOTTSDALE, AZ 85254 USA

COKY INVESTMENTS LLC
4220 N BROWN AVE
SCOTTSDALE AZ 85251 USA

D K C VENTURES LLC
4251 N BROWN AVE #8
SCOTTSDALE, AZ 85251 USA

EDEN ROCK REALTY LLC
P O BOX 9787
SCOTTSDALE, AZ 85252 USA

FAT GUYS GYM LLC
6828 E CAMELBACK RD
SCOTTSDALE, AZ 85251 USA

FLOYD INVESTMENTS LIMITED
PARTNERSHIP
6939 E 5TH AVE
SCOTTSDALE, AZ 85251 USA

FORBES III FAMILY LIMITED LIABILITY
LIMITED P
8518 N TIMBERLANE DR
SCOTTSDALE, AZ 85258 USA

750' List

OKIN BUILDING LLC
33 N BROWN AVE
SCOTTSDALE, AZ 85251 USA

GORDON DAVID G
4432 E CAMELBACK RD #120
PHOENIX, AZ 85018 USA

GREGORY DEAN TR
4225 N SCOTTSDALE RD
SCOTTSDALE AZ 85251 USA

GSC HOLDINGS LLC
4400 N SCOTTSDALE RD STE 354
SCOTTSDALE, AZ 85251 USA

HENDERSON NEWTON H III/SHANNON C
4232 N BROWN AVE
SCOTTSDALE, AZ 85251 USA

JE SOUTHWEST GROUP REAL ESTATE LLC
3007 N 73RD ST STE C
SCOTTSDALE, AZ 852517203 USA

KCAJ LLC
4045 S NONCHALANT CIR
COLORADO SPRINGS, CO 80917 USA

KING WILLIAM MICHAEL
7150 E CAMELBACK RD STE 444
SCOTTSDALE, AZ 85251 USA

MAX PROPERTIES LLC
4327 N SCOTTSDALE RD
SCOTTSDALE, AZ 852520000 USA

MGC INVESTMENTS LLC
4841 N SCOTTSDALE RD STE 101
SCOTTSDALE, AZ 85251 USA

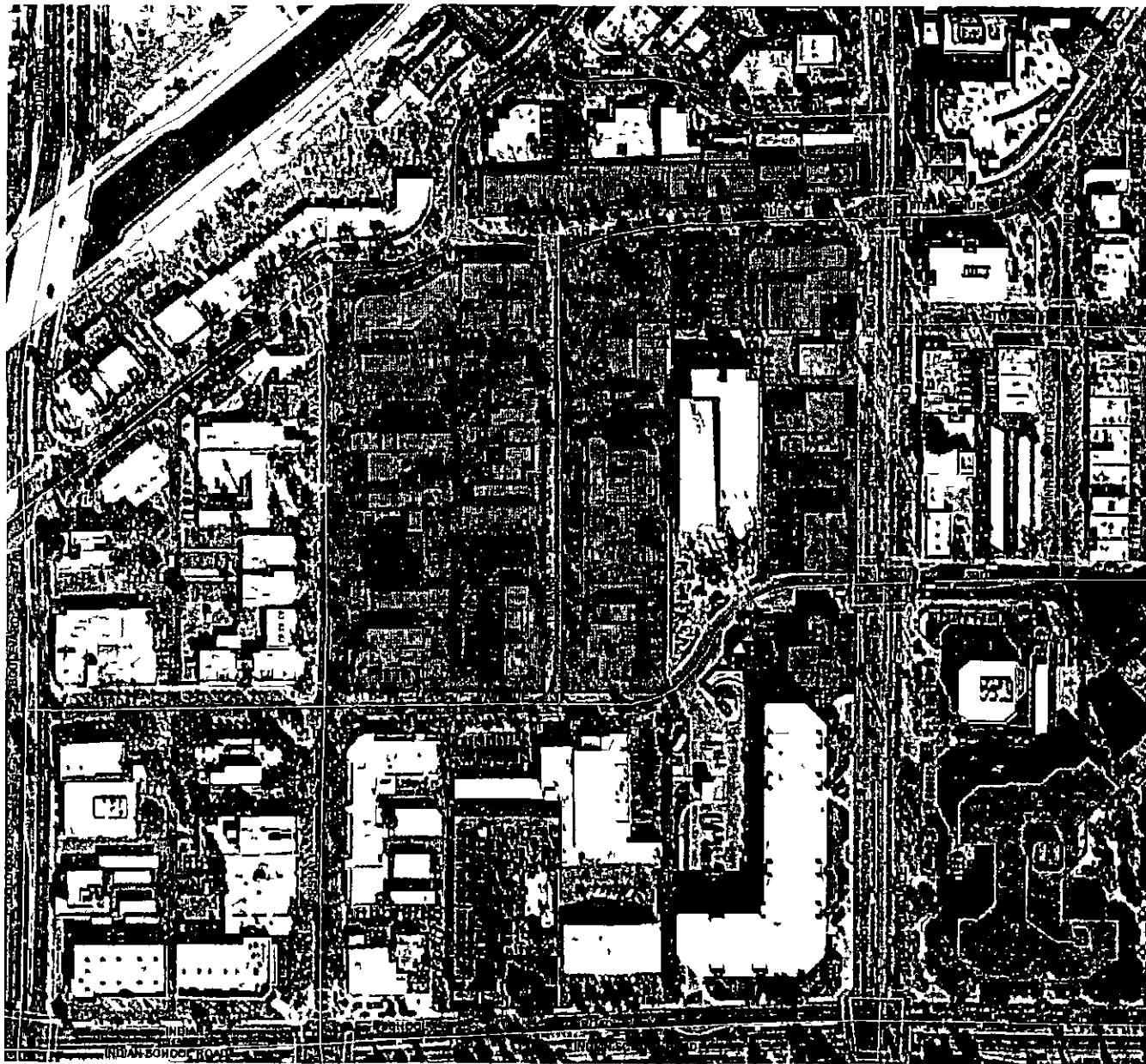
SCOTTSDALE DOWNTOWN INVESTMENTS
LLC
12658 N 82ND ST
SCOTTSDALE AZ 85260 USA

STANHOPE LLC
200 W MONROE ST FL 8
CHICAGO, IL 60606 USA

VINGER STETSON HOLDING COMPANY INC
8706 VIA TAX NORTE
TTSDALE, AZ 85251 USA

WEISS HARRY M & IRENE TR
49 BILTMORE ESTATES
PHOENIX, AZ 85016 USA



WILDCHILD INVESTMENTS
15550 N FRANK LLOYD WRIGHT BLVD NO
1020
SCOTTSDALE, AZ 85260 USA



40 Total signatures from surrounding businesses

15 from 5th Ave alone

22 Businesses closed or the owner
was unavailable at time of walking

-  Area Covered in Walking Efforts
-  Loco Patron

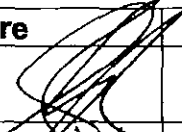
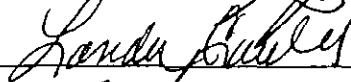
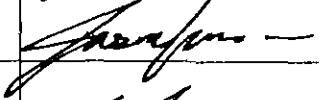
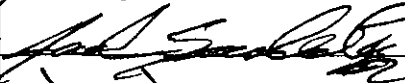
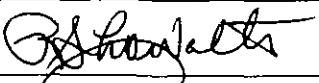


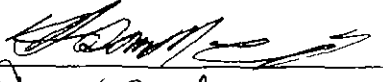

Loco Patron
Neighborhood Meeting Sign In Sheet
Thursday, December 22, 2005 10:00 AM

[illegible]

WE SUPPORT LOCO PATRON!

We, the undersigned, do not oppose the Bar Use Permit application for LOCO PATRON located at 4228 N. Scottsdale Road in Scottsdale.

We urge the City of Scottsdale to grant Loco Patron all of the necessary permits.

	Print Name	Signature	Address	Email / Phone
1	SUE GOLDSTONE		EURO STYLE	4222 N Scottsdale Rd
2	Linda Guile		AlphaGraphics	480 994 1514
3	Jason Kunkle		452 Fairmont Phoenix	Batten@comic-geek.com
4	Jim Fruchthandler		4166 N. Scottsdale	480-949-1205
5	Jim Jakobek	JIM JAKOBEC	4166 N Scottsdale	480-946-6543
6	René Showalter		4160 N. Craftsman Ct #103	480-946-5680
7	Charbel Bawlos		7111 E 5th Ave. Ste B2C.	480-970 4191
8	Sel Fruchthandler		7122 E 5 Ave	480-994-0333
9	Dana C. Kuehl	Dana C. Kuehl	7124 E. 5th Ave	480-941-8758
10	Husam Arikat		7132 E. 5th Ave	480-663-8444
11	Samantha Nelson	Sam Nelson	7136 E. 5th Ave.	480.423.9700
12	SuperStition		7158 E 5th Ave	480 428 0777

PLEASE SEND OR FAX COMPLETED FORMS ASAP TO ROSE LAW GROUP- 7272 E. INDIAN SCHOOL RD, #360
SCOTTSDALE, AZ 85251 PHONE: 480-505-3938 - FAX: 480-505-3925

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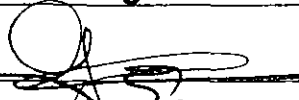


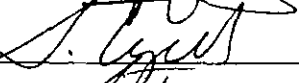
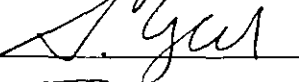
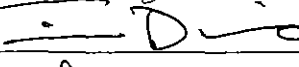
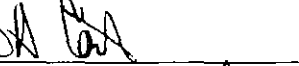
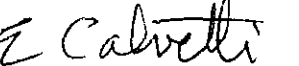
	Print Name	Signature	Address	Email / Phone	
1	Ryan Field	<i>Ryan Field</i>	4218 N Scottsdale Rd.	480-949-8900	MY BIG FAT
2	KRIS GRULLER	<i>Kris Gruller</i>	4161 N. CRAFTSMAN COURT	480-945-4261	FRAMERS
3	LESLIE BUROS	<i>Leslie Buros</i>	4169 N. CRAFTSMAN COURT	480-970-6611	CRAFTSMAN COURT CERAMICS
4	Caroly Hummer	<i>Caroly Hummer</i>	4225 Craftsman Court	480-425-8999	THE LAST BUG
5	Joanne Doran	<i>Joanne Doran</i>	7121 Fifth Ave.	480-949-8851	BACK TO THE BACK
6	John Freeman	<i>John Freeman</i>	7111 E 5 th Ave #D	480-947-0486	ROSEMARY EXHIBITS
7	Fran Johnson	<i>Fran Johnson</i>	7116 E 5 th Ave	480-947-3981	CRIS
8	Shirley DeChiaro	<i>SHIRLEY DeCHIARO</i>	7116 E. 5 th Ave.	480-994-1344	
9	John Bonger	<i>John Bonger</i>	9120 E. 5 th Ave	480-481-0775	
10	Sue ARVAND	<i>Sue Arvand</i>	7126 E FIFTH AVE	480-773-3179	
11	Natly Gale	<i>Natly Gale</i>	7146 E 5 th AVE	480-946-1802	
12	Tinney Khosho	<i>Tinney Khosho</i>	7150 E 5 th Ave	480-429-8200	

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	Print Name	Signature	Address	Email / Phone
1	Maring Solakian		4147 N Goldwater #209 Scottsdale 85251	480-990-0558
2	Don Edwards		7121 E 5th Ave #23	Don@Watchlink.com
3	PAMELA TIFFANY		7121 E 5th Ave #24	480-945-9113
4	SAMM TYLER		7121 E 5th Ave #29	480-949-8180
5	SAMM TYLER		7121 E 5th Ave #21	480-946-8875
6	TIM DICE		7121 E 5th Ave ste 344	480-941-6908
7	DA CARTER		7085 E 5th Ave	480-946-4646
8	Elliott Calvetti		7077 E 5th Ave	480-947-9934
9				
10				
11				
12				

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SCOTTSDALE, AZ 85251 PHONE. 480-505-3938 - FAX. 480-505-3925

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	Print Name	Signature	Address	Email / Phone
1	Tyler LeGish	Tyler LeGish	17858 5th Ave	202 488-1858
2	Mary Burgess	Mary Burgess	7121 E. 5th Ave Sds	486-946-8875
3	Joey Von SLIKR	Joey Von SLIKR	7121 E. 5th Ave	480-990-3136
4	Connie Cagley	Connie Cagley	7081 E. 5th Ave	480-970-6157
5	CHRISTINE ZIVNEY	Christine Zivney	4251 N. Marshall Way	480-941-0933
6	Susan Rose	Susan Rose	4223 N. Marshall Way	480-423-0506
7	Cathy Bua	Cathy Bua	4200 N. Marshall Way	945-9205
8				
9				
10				
11				
12				

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SCOTTSDALE, AZ 85251 PHONE. 480-505-3938 - FAX. 480-505-3925

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We urge the City of Scottsdale to grant Loco Patron all of the necessary permits.

	Print Name	Signature	Address	Email / Phone
1	Brian Rockwell		4209 N. Craftsman Ct.	rosgringos@aol.com
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

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SCOTTSDALE, AZ 85251 PHONE 480-505-3938 - FAX. 480-505-3925

**Neighborhood Meeting Minutes
Loco Patron Bar Use Permit Application
December 22, 2005 at Loco Patron
4228 N. Scottsdale Rd**

- 10 00 Meeting began In attendance to answer questions and provide information were Court Rich, Attorney with Rose Law Group, Nick Labadie, Planner with Rose Law Group, Josh Lavine, Owner of Loco Patron, Oliver Lubenec, Chef at Loco Patron, and Bill Burns, General Manager of Loco Patron

There were several large exhibit boards on display listing the details of the request and the proposed stipulations that would help to ensure a restaurant emphasis is maintained as well as a board showing a map of the area that the Loco Patron Clean Up Crew patrols daily

Hampton George, owner of American Sky Hats Boots and Accessories located just north of Loco Patron, was the only neighbor in attendance and he came in to give his support of the application and say that he is in favor of Loco Patron getting approval He explained that he has had a positive working relationship with Loco Patron At the mention of a late night disturbance that resulted in minor damage to a door of his business Loco Patron quickly offered to heighten security of the lot that is between the two businesses by having Loco Patron security personnel increase the current level of parking lot surveillance and monitoring Loco Patron also offered to install a motion sensor light to better illuminate the parking lot In addition to this, Loco Patron offered to post a sign on their building facing the lot informing customers that they will be held responsible for their activities in the lot and that they are on camera Hampton George was more than satisfied with the offer of these extra measures and was appreciative of the concern and effort on the part of Loco Patron to solve even this fairly small issue

- 11 00 At this time no other neighbors had showed up and as was stated in the neighborhood notification letter the meeting was adjourned at 11 00 am

Letters of Support for Loco Patron

Jason Chandler	Philly Steak Company	7158 E 5 th Ave Suite B
Maxine Davis	The Antiquarian Shop	4246 N Scottsdale Rd
Hampton George	American Sky	4260 N Scottsdale Rd
Myra Lancot	DoubleTree Paradise Valley Resort	5401 N Scottsdale Rd
Phil Snyder	AmeriSuites	7300 E Third Avenue
Kenneth Heiser	DoubleTree Paradise Valley Resort	5401 N Scottsdale Rd
Sue Goldstone	Euro-Style Interiors	4222 N Scottsdale Rd
Dan Gregory	Village Locksmith	4225 N Scottsdale Rd
Cal Nussbaum	Nussbaum's Flooring Broker	4222 N Scottsdale Rd
Elliott Glasser	Developer / Landowner	7117 E Third Avenue
Rick Kidder	President & CEO – Scottsdale Area Chamber of Commerce	



Affidavit of Posting

Required Signed, Notarized originals.
Recommended E-mail copy to your project coordinator

☒ Project Under Consideration Sign (White)

☐ Public Hearing Notice Sign (Red)

Case Number 718 - PA - 2005
Project Name LOCO PATRON Bldg Use Permit Application
Location 4228 N Scottsdale Rd
Site Posting Date 12/12/2005
Applicant Name _____
Sign Company Name America's Instant Signs
Phone Number 602-404-0009

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above

B. Swanson
Applicant Signature

12/12/2005
Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal

Acknowledged before me this the 12th day of December 20 05



OFFICIAL SEAL
JENNIFER H. EWERT
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires 12/31/2008

[Signature]
Notary Public

My commission expires _____

City of Scottsdale -- Current Planning Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone 480-312-7000 • Fax 480-312-7088

EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

NEIGHBORHOOD OPEN HOUSE MEETING

Date December 22 2005
Time 10 00 am
Location 4228 N Scottsdale Rd

Site Address 4228 N Scottsdale Road, 85251

Project Overview

- Description of Request Bar Use Permit
- Description of Project and Proposed Use Requesting Bar use permit to continue current operation as is
- Site Acreage 28 acres
- Site Zoning C 2

Applicant Contact

Court Rich
480-505 3937
crich@roselawgroup.com

City Staff Contact

Mac Cummins
480 312 7059
mcummins@scottsdaleaz.gov

Pre-Application # 718-PA 2005

Case File Available at City of Scottsdale 480-312-7000

Project Information is available at
www.scottsdaleaz.gov/projects/ProjectsInProcess

Posting Date 12/12/05

12/12/05

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Pre Application # 718 PA-2005

Case File Available at City of Scottsdale 480-312-7000

Project Information is available at
www.scottsdaleaz.gov/projects/ProjectsInProcess

Posting Date 12/12/05

12/12/05

From Rick Kidder [rkidder@scottsdalechamber.com]
Sent Monday, March 06, 2006 3:22 PM
To citycouncil@scottsdaleaz.us
Subject Loco Patron

Dear Mayor Manross and Members of the Council

One of our overriding goals at the Scottsdale Area Chamber of Commerce is to foster the development of quality business in the City of Scottsdale. Loco Patron Mexican Grill is one such business that has become a valuable addition to both the Downtown area and the City as a whole. The Chamber would like to see Loco Patron continue its operation in Downtown Scottsdale, and for that reason, fully support its Use Permit Application and urges the Council to do the same. It is my understanding that the owners of Loco Patron have already agreed to additional stipulations which I hope will allay any fears you might have that their desire is to become a nightclub.

The retention of quality businesses like Loco Patron benefits the City in that it both increases revenue streams and attracts residents and visitors alike to the Scottsdale area. The case of Loco Patron is especially appealing, given the amount of time and money that its owners have invested in the Downtown Scottsdale area. The owners of Loco Patron took a previously run-down building, and turned it into a great restaurant that people enjoy and that looks good in the neighborhood. Loco Patron is dedicated to the restaurant business, and has always been willing to keep its kitchen open late to provide dining options to visitors of the Downtown area. Loco Patron is part of what makes Scottsdale a nationally known destination for visitors of all ages, as chronicled recently in the New York Times.

Loco Patron is clearly dedicated to the growth and prosperity of Downtown Scottsdale, and has shown this dedication through significant investment of both time and money. Their location, well away from the new residential development, lends itself to supporting such a request as well. I would strongly urge you to approve Loco Patron's Use Permit Application. Loco Patron is a member in good standing of the Scottsdale Chamber and a positive contributor to the community.

Sincerely,

Rick

Rick Kidder
President & CEO
Scottsdale Area Chamber of Commerce
480-949-2175

Committed to your Success!

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

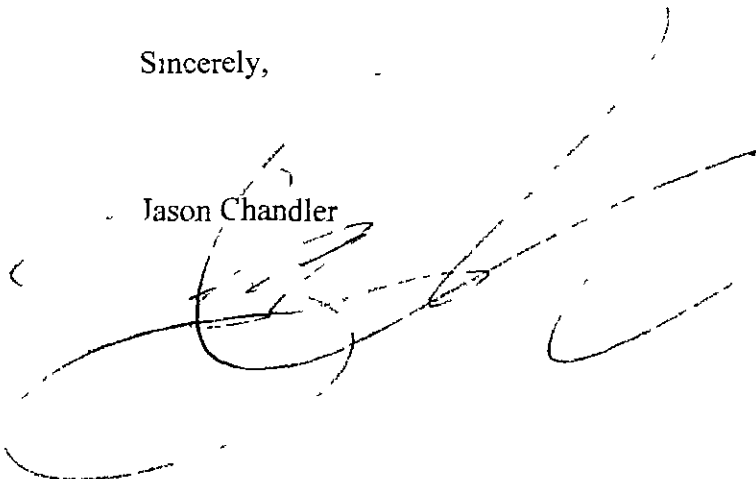
I urge your support for the Use Permit Application for Loco Patron Mexican Grill. As a long time business owner in this area, I can truly say that Loco Patron has been an asset to both retailers in the area and the City of Scottsdale. Although Philly Steak Company and Loco Patron are technically competitors in the food service industry, I can still recognize the importance of a quality establishment like Loco Patron to the surrounding area. The owners of Loco Patron transformed the building from a run-down, sometimes dangerous establishment, to the great place it is today. This transformation is good for local business, and is a testament to the dedication of the owners of Loco Patron to the community.

It is my understanding that Loco Patron is not seeking to change its operation in any way, and will continue to function as a restaurant in the same manner as before. This is reassuring to those of us who enjoy Loco Patron and the stability it brings to the area. Given this stability, and the obvious benefit to the community, it is hard to see why the City would not grant Loco Patron a use permit.

I fully support Loco Patron's Use Permit Application, and urge the City to do the same.

Sincerely,

Jason Chandler



VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

Re Use Permit Application for Loco Patron Mexican Grill

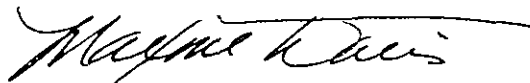
Dear Mayor Manross and Members of the Council

I am writing this to urge your support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I have been impressed with the work that the owners of Loco Patron have done to create a restaurant that appeals to both visitors and city residents. Our neighborhood contains a diverse group of businesses, making co-existence difficult at times. However, the owners of Loco Patron have made every effort to blend into the neighborhood and create an establishment that we all respect.

There was no such respect for the previous occupants of the Loco Patron building, as it contributed to problems in the neighborhood and a lot of headaches for those of us attempting to run quality businesses in the area. Loco Patron has changed this dynamic by adding something to the neighborhood rather than detracting from it. It appears as if Loco Patron is simply seeking to continue its good work in the neighborhood via this use permit, and I do not see any reason why it shouldn't be given that opportunity.

I would urge the City Council to approve Loco Patron's use permit, and keep a business in the community that actually cares about its neighbors.

Sincerely,

A handwritten signature in black ink, appearing to read "Maxine Davis", with a long horizontal flourish extending to the right.

Maxine Davis

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

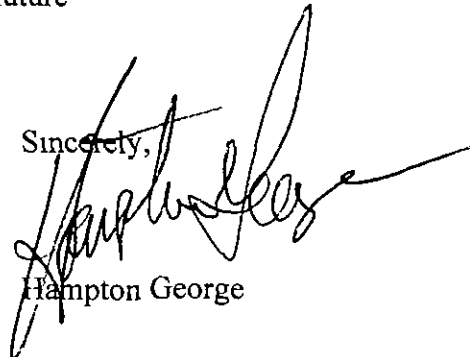
Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Loco Patron Mexican Grill. I am certain that I am not in the minority when I say that the owners of Loco Patron have really impressed in the way that they have built up their business. As a business owner, I certainly respect the risk and the money involved in turning a previously dilapidated structure into a quality business. It is obvious that the owners of Loco Patron have spent a great deal of effort in creating their business, and ensuring that it fits well with the surrounding community. This type of effort is something that should be encouraged throughout the City, as it would make this an even better place to live and work than it is today. As the operator of a business immediately adjacent to Loco Patron, I can attest that the owners and operators have always been responsive to any requests that we have made concerning the operation of their business.

The owners of Loco Patron have chosen to invest a great deal of money to make our neighborhood a place where everyone can enjoy. I fully support Loco Patron's efforts in the community, and feel that they should be granted a use permit so that they can continue to be a viable business in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Hampton George", written over the word "Sincerely,".

Hampton George

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

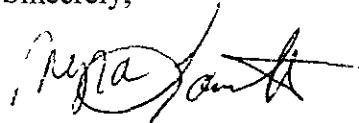
Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. As Senior Concierge at the Double Tree Paradise Valley Resort, I am charged with the responsibility of ensuring that guests of the hotel are directed to quality establishments that will create a positive impression of both the City and the hotel. In the past, our staff would not recommend the establishments in the building now housing Loco Patron because they were potentially dangerous, and did not fit the criteria of establishments that we would normally recommend.

The significant amount of money invested by its owners has made Loco Patron a place that we now recommend to our guests. We are confident that when we send our guests to this part of Scottsdale, and Loco Patron in particular, they will return satisfied, and will retain a good impression of the City. A significant amount of the credit for this change in policy goes to the owners of Loco Patron. I certainly feel that Loco Patron is a substantial improvement over previous establishments in this area, and would like to see it continue serving our guests and residents of the City. Our guests give us great feedback about the food at Loco Patron as well. For these reasons, I am in full support of Loco Patron's Use Permit Application, and would encourage the City to approve it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myra Lancot', with a stylized flourish at the end.

Myra Lancot

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

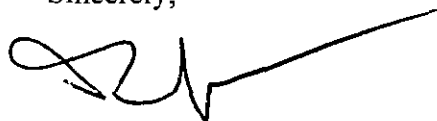
Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I support this use permit application because Loco Patron is a great neighbor that has been a welcome addition to the community. We have always prided ourselves on the quality of our surrounding neighborhood and the amenities that we are able to provide for our guests. An exception to this pride had been the previous tenants in the Loco Patron building. These tenants were really a black mark on an otherwise excellent neighborhood. Loco Patron has come in and totally revitalized this building, and provided another great place for our guests to enjoy. I have had the opportunity to look over the stipulations that Loco Patron is including in its application, and am pleasantly surprised that it is agreeing to maintain its current level of food service. These stipulations will ensure that Loco Patron remains the type of establishment that is good for our guests and keeps them coming back to Scottsdale every year.

Loco Patron has become a part of what makes our neighborhood a destination for both visitors and residents alike, and should be allowed to continue its current operation. For these reasons, I support Loco Patron's Use Permit Application and would encourage the City Council to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Snyder', with a long horizontal stroke extending to the right.

Phil Snyder, MBA

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

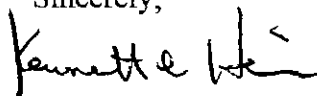
Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I support this use permit application because Loco Patron is a great neighbor that has been a welcome addition to the community. We have always prided ourselves on the quality of our surrounding neighborhood and the amenities that we are able to provide for our guests. An exception to this pride had been the previous tenants in the Loco Patron building. These tenants were really a black mark on an otherwise excellent neighborhood. Loco Patron has come in and totally revitalized this building, and provided another great place for our guests to enjoy. I have had the opportunity to look over the stipulations that Loco Patron is including in its application, and am pleasantly surprised that it is agreeing to maintain its current level of food service. These stipulations will ensure that Loco Patron remains the type of establishment that is good for our guests and keeps them coming back to Scottsdale every year.

Loco Patron has become a part of what makes our neighborhood a destination for both visitors and residents alike, and should be allowed to continue its current operation. For these reasons, I support Loco Patron's Use Permit Application and would encourage the City Council to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth E. Wicks". The signature is fluid and cursive, with a small mark above the final "s".

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

Re Use Permit Application for Loco Patron Mexican Grill

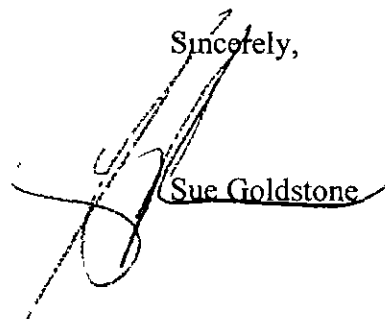
Dear Mayor Manross and Members of the Council

I wanted to express my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I believe that Loco Patron has been good for our business and good for the community, and would strongly encourage the City to approve its Use Permit Application. Businesses such as mine cater to a clientele that expect great things when they come to this part of Scottsdale. They expect quality in both our business and the surrounding neighborhood. It is clear that the owners of Loco Patron understand these expectations, and have invested a lot of time and money into meeting or exceeding them.

The time and money invested by the owners of Loco Patron has transformed the building from an annoyance to a great part of the neighborhood. It is a place where our customers and the customers of other retail establishments in the area can go for good food without ever leaving the neighborhood. The business that the owners of Loco Patron are running is an example of the great things that can be done in this area. This type of effort deserves the City's support.

I'm sure that I speak for other businesses in the area when I say that we enjoy having Loco Patron as a neighbor, and fully endorse its application for a use permit.

Sincerely,



Sue Goldstone

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I formed my business in Downtown Scottsdale because I wanted to be a part of a great community of retailers and restaurateurs that were as dedicated as I to providing a safe and appealing place for both residents and visitors alike. Given this idea, I was pleased to see Loco Patron take over the space in which it now sits. The previous use of the building was an example of how not to do business in Downtown Scottsdale, and was really a drain on the neighborhood.

Loco Patron has come in and really changed the whole dynamic of that particular area. Loco Patron is a nice, safe and well designed restaurant that blends incredibly well with the surrounding community. It is refreshing to see that the owners wish to continue the operation that has made them such a welcome addition, and does not seek any sort of drastic change that could throw off the balance that has been achieved in the neighborhood. The owners of Loco Patron are clearly dedicated to the City's vision of what Downtown should be, and are not afraid to put themselves on the line and invest substantially to make the neighborhood a better place.

Loco Patron is a great establishment, and should be given a chance to thrive in the neighborhood of which it has become a part. I am fully in favor of Loco Patron's use permit application, and urge the City Council to grant their approval.

Sincerely,



Dean Gregory

VIA FACSIMILE AND US MAIL

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

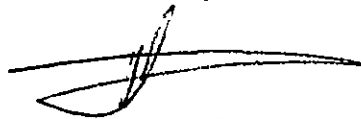
Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this to inform you of my support for Use Permit Application No 718-PA-2005 for Loco Patron Mexican Grill. I have been a business owner in this area for many years, and have rarely seen a transformation as complete as the one accomplished by the owners of Loco Patron. I am no longer concerned that my customers will be forced to look at an eyesore like the previous occupants of the Loco Patron building had created. Through what I am sure was a significant financial investment and a great deal of hard work, the owners have made their restaurant an asset to those of us who conduct their businesses in this area.

I understand that Loco Patron has agreed to provide the city with certain assurances that they will continue to operate as a restaurant, and will not transform into the type of establishment that has caused us trouble in the past. It is my feeling that when an opportunity comes to keep a good business in the community, you act on it. I am certainly in favor of keeping Loco Patron in the community, and request that the City Council approve its use permit application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cal Nussbaum', with a long horizontal stroke extending to the right.

Cal Nussbaum

Mayor Manross
City Council Members
City of Scottsdale
7447 E Indian School Road
Scottsdale, Arizona 85251

Re Use Permit Application for Loco Patron Mexican Grill

Dear Mayor Manross and Members of the Council

I am writing this letter to inform you of my support for Loco Patron Mexican Grill's Use Permit Application No 718-PA-2005. I own a significant amount of property in the area surrounding Loco Patron and in fact, at one time even owned the land on which the restaurant now sits. As someone with a vested interest in the future of Scottsdale, I urge you to support Loco Patron Mexican Grill's application for a use permit.

As you know, the owners of Loco Patron Mexican Grill have put a lot of time, energy, and capital into improving what was very recently an eyesore along Scottsdale Road. Loco Patron is now a nice looking building and something the City of Scottsdale can be proud of.

I understand that Loco Patron is taking steps to ensure to the City that it intends to continue to operate as a restaurant, even if it gets the bar use permit that it seeks. With this in mind, I see no reason why the City should not support this use permit and thereby encourage and reward those that take business risks and make investments in the future of downtown Scottsdale.

I respectfully urge you to vote in favor of this application.

Sincerely,


Elliott Glasser

12/21/05

McClay, Doris

From Cummins, Mac
Sent Thursday, July 06, 2006 5 09 PM
To McClay, Doris
Subject FW: Downtown Restaurants

For Case Folder and File

Mac

-----Original Message-----

From: Gawf, Ed
Sent Thursday, July 06, 2006 3 38 PM
To: Grant, Randy, Cummins, Mac
Subject: FW: Downtown Restaurants

-----Original Message-----

From: Waddell, Scott (Phoenix) [mailto:scottwaddell@cox.net]
Sent: Thursday, July 06, 2006 12 05 PM
To: Manross, Mary
Cc. Drake, Betty, Lane, Jim, Ecton, Wayne, Littlefield, Robert, tnellsen@scottsdaleaz.gov, McCullagh, Ron, Gawf, Ed
Subject: Downtown Restaurants

Dear Mary,

I've attached a link to an article from today's Arizona Republic which details the Mexican themed restaurant Loco Patron and its future in downtown Scottsdale. Councilman Ecton was quoted in the article as saying that Loco Patron seems to be more of a bar than a restaurant.

Restaurant or not, I have been frequenting Loco Patron for lunch and dinner since it opened a couple years ago. I don't do any business with Loco Patron and I have no affiliation with it other than as a customer. I became acquainted with Josh Levine, the founder and one of the partners in Loco Patron as he began to develop the restaurant, and I witnessed the incredible amount of hands on work that he and others put in to it, leading to the remarkable transformation of what was once an eye sore, to an attractive and comfortable stand alone structure.

Loco Patron has an extensive menu with many items made from scratch, which is why I and many other regular customers continue to give them my patronage. When you sit down you are greeted with chips and freshly made salsa. If by chance you haven't yet eaten there, I suggest you and the council members pop in for lunch sometime - I'm sure you will come away as satisfied as I do.

<http://www.azcentral.com/community/scottsdale/articles/0706sr-bars0706Z8.html>

Sincerely,

Scott T. Waddell
Waddell Executive Search
6633 E Greenway Pkwy
Suite 1019
Scottsdale, AZ 85254
480-659-1774
scottwaddell@cox.net
"Serving the Food Industry for over 10 years"

07/06/2006

McClay, Doris

From Cummins, Mac
Sent. Friday, July 07, 2006 9 03 AM
To McClay, Dons
Subject FW Loco Patron Non-Issue

For Case Folder & File

Mac

-----Original Message-----

From: K. Mathewson [mailto:krista_mathewson@hotmail.com]
Sent: Thursday, July 06, 2006 7 15 PM
To: Manross, Mary; Drake, Betty, Lane, Jim; Ecton, Wayne; Littlefield, Robert, Nelssen, Tony, mccullagh@scottsdaleaz.gov, Dolan, Jan, Gawf, Ed; Cummins, Mac
Subject: Loco Patron Non-Issue

Dear Scottsdale City Council Members & Planners,

I am writing to you today to express my opinion of one of my favorite restaurants in Scottsdale, Loco Patron. I'm a 35-year old Marketing Manager who works in Scottsdale, and Loco Patron is a restaurant that I frequent often during both lunch and dinner time. They have delicious food and a wonderful, relaxed atmosphere that allows me to dine with co-workers and family, hold business meetings and even interview job candidates. I especially enjoyed recently taking my 7-year old niece and 4-year old nephew visiting from Boston in for dinner just last month for their first taste of real mexican food. I am able to do all of these things because Loco Patron is first and foremost a friendly, clean and established restaurant.

As you can imagine it was with much surprise and disappointment that I learned of the permit issue they are facing and the possible injustice that may be served to a well-established small business that reflects only positively on the downtown area. Loco Patron is a RESTAURANT and they have been proactive, honest and forthwith about their situation. As publicly elected officials I feel it is your duty to support small businesses as such - not make it more difficult for them. Your time is better spent on preventing biker bars and strip clubs from polluting this great city, not upstanding hard-working entrepreneurs trying to run a small business. I trust you'll do the right thing.

Sincerely,

Krista Levine

07/07/2006

Sepulveda, Killeen

From Dan Abrams [Dan@abramsrealtyinc.com]
Sent Tuesday, December 13, 2005 2:56 PM
To KSEPULVEDA@SCOTTSDALEAZ.GOV
Subject loco patron 4228 n scottsdale rd

Hi,

We manage the small strip center at 4238-60 North Scottsdale Road - directly north of Loco Patron. Recently we entered into a month to month rental of our client's parking lot with Loco Patron. Felt it was better to try and work with them in an effort to have them try and control their customers' vehicles and reduce damage/vandalism to our property. Since they moved in, their customers have abused our client's property by parking and ignoring our tow away signs, getting into fights - one of their customers was pushed through a large plate glass window at #4260, another time they smashed the front glass door of a store - no attempt to enter, beer bottles (some broken) all over, urine and semi-solid waste residue dumped, our "restricted parking" signs torn down and sign posts bent. None of this occurred before they opened their doors. Thanks to the City's wisdom, you eliminated their front parking and gave them outdoor and expanded seating. So it is easy to toss their bottles/cups, etc., onto our client's property. (Did the City give this approval so the City could collect more sales tax?) Otherwise, what was the justification? Now L C wants a # 6 license to primarily operate a bar??? How much worse will it get? Even though they state they will have 'security' in our lot each night and clean up the lot each morning, how can our tenants be assured that if they get their #6 license L C will continue to provide these nightly services? Should your and the police department's personnel recommend approving this license, please stipulate that THEY MUST HAVE SECURITY IN OUR LOT EACH NIGHT FROM 6:00 PM TO 3:00 AM, AND CLEAN UP THE MESS, DAILY BEFORE 8:00 AM. IF NOT, THEIR LICENSE SHOULD BE REVOKED.

Padian, Connie

From Hill-Enriquez, MarJan
Sent Friday, December 30, 2005 2:34 PM
To Padian, Connie
Subject FW: Loco Patron- Response to Merrill email

-----Original Message-----

From: Court Rich [mailto:CRich@roselawgroup.com]
Sent: Wednesday, December 28, 2005 9:23 PM
To: CityCouncil@scottsdaleaz.gov, jdolan@scottsdaleaz.gov, egawf@scottsdaleaz.gov, RKeagy@Scottsdaleaz.Gov, fgray@scottsdaleaz.gov, Rgrant@scottsdaleaz.gov, arodbell@scottsdaleaz.gov
Cc: Nancyanncantor@aol.com, fixscottsdale@hotmail.com, dap0804@aol.com, caryeley@gmail.com, Jordan Rose, nlabadie@roselawgroup.com
Subject: Loco Patron- Response to Merrill email

If Mr. Merrill's concern is for the operation of bars with series 6 liquor licenses then he will be happy to know that Loco Patron Mexican Grill is proposing to continue to operate as a restaurant. If Mr. Merrill fully understood the proposal that Loco Patron Mexican Grill is making to the City then we are sure he would support this application for use permit. The owners of Loco Patron Mexican Grill are taking unprecedented steps to assure the City and its neighbors that it will continue to operate as a restaurant even if it secures a series six liquor license. In fact, I must admit we are surprised that Mr. Merrill is not supporting this application as it will forbid Loco Patron from ever operating as a bar. We have incorporated comments from neighboring businesses and from community leaders in formulating a series of stipulations that will put serious and meaningful limitations on Loco Patron's operations. Loco Patron Mexican Grill is proposing a series of stipulations that will require it to continue to serve a full menu while open, keep the same restaurant oriented floor plan that it now has, and sell a minimum of 30% food annually. These stipulations were developed and proposed precisely because Loco Patron wants to be a restaurant and to continue to operate as a restaurant.

The owners and operators of Loco Patron Mexican Grill are intent on operating as a restaurant. In fact, Loco Patron Mexican Grill has an executive chef on staff and is extremely dedicated to its food service. Loco Patron is a clean, well run restaurant that has received accolades in the newspaper for its food and its chef is regularly featured on a local radio cooking program. Loco Patron Mexican Grill spends approximately 60% of its payroll on kitchen staff alone. After its first year in business Loco Patron Mexican Grill did the math and realized that it was narrowly missing its food sales requirement for a series 12 liquor license (it sold about 35% food when it was required to sell 40% food). In season the restaurant was easily making the number selling 50% food or more but out of season—as is the case for many Scottsdale businesses—business slowed down and they fell short of the number. They hired a successful restaurant consultant to look into the possibility of continuing to operate with a 12 license and raising the food sales number through promotional activity. The consultant concluded that given their business model and location there was no guarantee that this could be accomplished. Rather than continue to operate and potentially violate the law, Loco Patron Mexican Grill decided that it would purchase a series 6 liquor license and go through the process of gaining approval. During this time the owners developed the stipulations outlined above to prove to the City and its neighbors that it wants to be a restaurant. The stipulations proposed will absolutely forbid Loco Patron Mexican Grill from acting like a bar.


As for Loco Patron's impact on redevelopment along Scottsdale Road we find no merit to Mr. Merrill's claims. The owners of Loco Patron have taken a very visible eyesore along Scottsdale Road and poured nearly a half a million dollars into it to make it visually appealing and a positive influence on the neighborhood. The owners of Loco Patron have been operating a cleaning crew that has been walking and picking up debris and trash not only on its property but along all the area from 3rd to 5th Avenues and from Scottsdale Road to Craftsman Court—perhaps you have seen them in the mornings picking up debris in their bright yellow tee shirts. With all due respect to Mr. Merrill, his moment in time snapshots do not provide us any ability to determine the circumstances surrounding the two beer bottles placed on a dumpster in one photo or the boxes outside the door in another. Perhaps the boxes were stacked prior to being taken to the dumpster and who knows how long the two beer bottles had been there or how they got there. The facts we know are that Loco Patron Mexican Grill is

taking unprecedented steps to be a good neighbor and to clean up the neighborhood. If Mr. Merrill believes that scouring the neighborhood to pick up others' trash on a daily basis and putting nearly a half a million dollars into transforming an eyesore along the main road are bad for Scottsdale then that is his problem. Those that actually take the time to understand Loco Patron's proposal will realize they are going above and beyond to commit themselves to acting as a restaurant and that they are an asset to the community.

Please feel free to contact me with any questions you may have.

-Court Rich

Court S. Rich

 Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture.

7272 E Indian School Rd Suite 360

Scottsdale, Arizona 85251

Direct 480 505 3937

Fax 480 505 3925

Mobile 602 741 3794

The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 480 505 3937 or by fax 480 505 3925 and delete or destroy any copy of this message. Thank you.

3/31/2006

Sepulveda, Killeen

From Padian, Connie

Sent Tuesday, January 03, 2006 5 30 PM

To Sepulveda, Killeen

-----Original Message-----

From: F8713@aol.com [mailto:F8713@aol.com]

Sent: Wednesday, December 28, 2005 2 00 PM

To: CityCouncil@scottsdaleaz.gov, jdolan@scottsdaleaz.gov, egawf@scottsdaleaz.gov, RKeagy@Scottsdaleaz.gov, fgray@scottsdaleaz.gov, Rgrant@scottsdaleaz.gov, arodbell@scottsdaleaz.gov

Cc: Nancyanncantor@aol.com, fixscottsdale@hotmail.com, Dap0804@aol.com, caryeley@gmail.com, JRose@roselawgroup.com

Subject: No more flipping from 12's to 6's ----- Loco Patron

Dear City Leaders

Here we are again in the issues that this council and STAFF must correct in order to move forward with a quality Downtown Revitalization effort

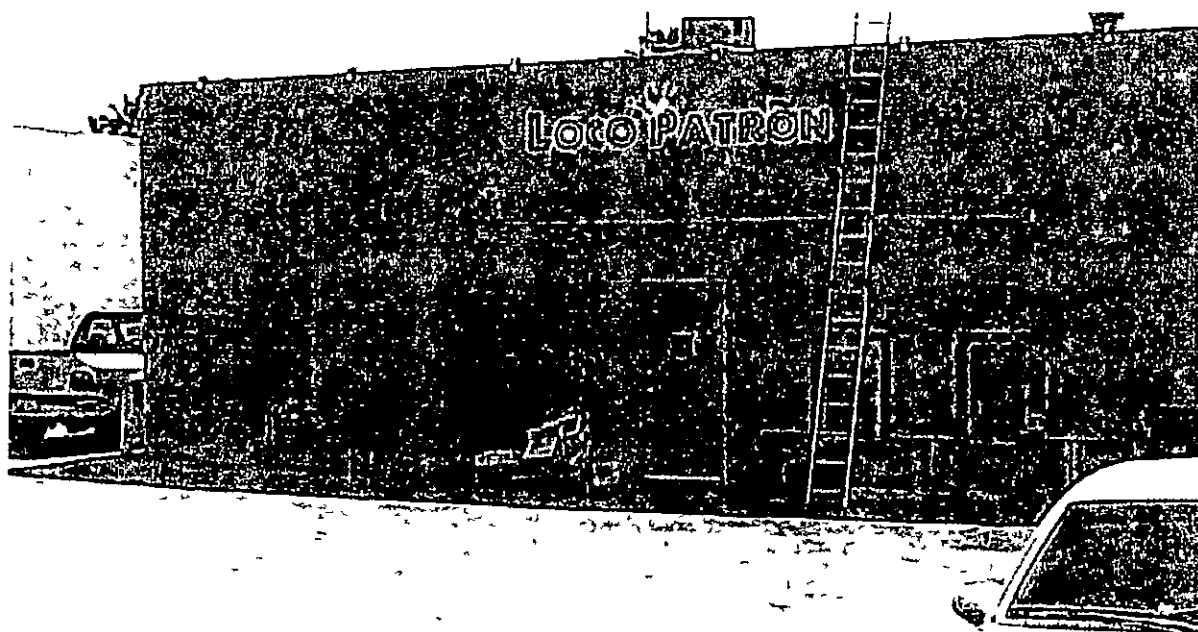
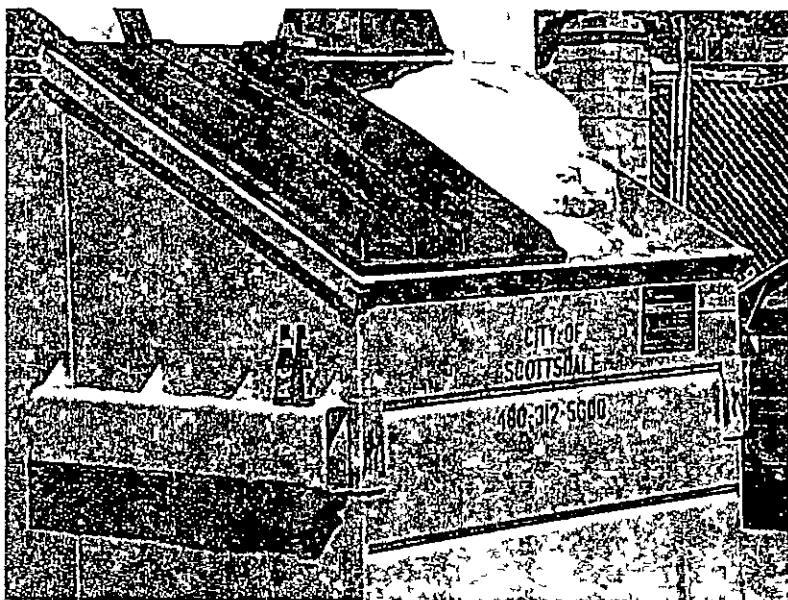
It came to our attention at the beginning of December of a letter being circulated to downtown merchants from the representatives of a downtown bar called Loco Patron. In a matter of minutes of receiving this letter numerous merchants were either calling me or e-mailing me with yet again their concerns of allowing another series 12 attempting to convert to a series 6 liquor license and I have attached the letter for you to read. Also in the letter are just a couple of pictures from the 2005 trips to downtown that you have all seen at council meetings and is not all of them. Raun Keagy from Code Enforcement has no choice but to inform the city council of the multiple times they have received NOV's from them regarding trash and debris not only all over their premises, but also the beer bottles and debris photographed on their neighbors properties and I remind the council this location faces Scottsdale Road and we have all seen this problem for some time.

I have read this letter and I have to say I find it so full of holes and so easily shot down in credibility it is not even funny but I am not going there as of yet. Instead we will await the "staff recommendation" that will have to come out in public record before the planning meeting before we start a public protest yet again.

This letter is being sent to inform the Staff and the Council as well as Mr. Court Rich, the editor of the letter, that we will indeed again enlist letters from the Merchants Associations, past Council Members, and well known community leaders from all sections of the city as well as residents of this city who are asking the city to come to grips with this problem and the effects it is going to have on the rebirth of Downtown.

As for staff, we would like to know why it is that NEXT has been able to continue operating under a series 6 license for this amount of time with no conditional use permit or do they still hold the 12? We are requesting that the city move forward with this issue of their Conditional Use Permit in the early months of the New Year and force the issue to be addressed. Stalling the issue is not going to make the matter go away and we are still monitoring the issue.

Regards,
Michael Merrill
Citizens for Responsible Redevelopment



McClay, Doris

From udinotti gallery [udinottigallery@qwest net]
Sent Thursday, April 13, 2006 7 29 PM
To. McClay, Dons
Subject: case No 8-UP-2006

Isn't there any other business developments in Scottsdale? Please, enough
I wonder whether the zealousness of the Scottsdale City Government to allow one bar after another to be
established in the downtown area has given the signal that Scottsdale is to become the State's Bar Haven HOW
DO BARS DESCRIBE SCOTTSDALE'S MOTTO "ART AND CULTURE"?
Please do not allow any more bars to be established If the existing businesses are to be taken into consideration,
my vote is NO
Sincerely,
Agnese Udinotti
the Udinotti Gallery

04/14/2006

McClay, Doris

From Cummins, Mac
Sent Monday, April 17, 2006 8 27 AM
To Gray, Frank, Grant, Randy, Galav, Lusia
Cc Padian, Connie, McClay, Doris
Subject FW: Total denial of Loco Patron Request for Bar License is only option

FYI

This is primarily about Loco Patron. We'll get a copy into the file.

Thanks

Mac

-----Original Message-----

From: F8713@aol.com [mailto:F8713@aol.com]
Sent: Friday, April 14, 2006 7 29 PM
To: City Council, Dolan, Jan, Rkiddler@scottsdalechamber.com
Cc: JRose@roselawgroup.com, Cummins, Mac, casey.newton@scottsdalerepublic.com, laurie.roberts@scottsdalerepublic.com, mike.ryan@pnj.com
Subject: Total denial of Loco Patron Request for Bar License is only option

Well here is a shocker!

Loco Patron, a Downtown Restaurant (supposed) is asking the city for a series 6 Bar License after a year in business in the Downtown area

I am not going into how many points I could make about the reason the city has no choice but to deny this application because I know who represents them in this issue and that information will only be discussed during their appearances before the Planning Commissioners and the Council if they get that far

This is the same location you may remember hearing about in the Tribune regarding the Death of a Mesa man, a wrongful death lawsuit, underage drinking, suspects skipping the country back to the Middle East to avoid prosecution, and has been noted very heavily on the news channels about the two recent court events

This is the same location in which many of you have seen pictures we have provided you and also had posted on a web site for everyone to see

If you start reading the submittal you can easily see what is going on in this issue as I have sat and chatted with friends of the people representing Loco Patron and may still be doing that

I was surprised to find out that some of our planning commissioners were unaware of the costs between licenses of a Series 12 license and a series 6 License and would hope they ask the staff of this city (the same ones who missed putting all those letters in the planning commissioners packets regarding 28-UP2004) the question

If they did they would be informed about a series 12 license costing around \$2800.00 and a series 6

04/17/2006

costing over \$100,000 00

Maybe some should start asking staff (yep , the same ones who told me I was "preaching to the choir" about the issue, but I had to convince the commissioners and the council) about a pattern that has emerged in the last few years of "restaurants" conveniently and quietly turning into bars in Downtown after they fail to meet the food sales portion of the law

It is funny to see how this trend plays out constantly in downtown and after a year as a restaurant that can't sell food, can now afford that much higher priced license they really seek

What about all those older restaurants in downtown that have had a series 12 for years and can cook food people want to eat?

What are the hours of operation here and how they play into the type of business with a daytime use?

Are they open around noon to feed lunch crowds which may have lifted their sales?

What could they have been selling to cover that costs and who have they been selling it to?

Do you think the new residents moving into downtown who are in a whole new economic and social class of people are going to go to dinner at a place that has nothing but Patron bottles lined up from mid wall to ceiling?

What is the clientele at this establishment and how will it interact with the changes happening in Downtown?

Maybe some should ask about the problems we have had with community policing in Southern Sections of the city because they were always backing up calls in downtown and how we feel about this problem we have had to deal with and is still not fixed?

Is the Downtown Patrol fully staffed now and operational to be ready for the 4 to 7000 new residents getting ready to move in there?

The issue of this request is going to have to answer a whole lot of questions regarding issues of quality over quantity issues and how this trend is really affecting not just Downtown, but the city as a whole

To the huge BCC list I would say don't send letters to anyone yet, as we will be sending out another letter with a new process for contacting the commissioners since the STAFF never gave them our other letters we sent regarding NEXT and their change from a 12 (restaurant) to a 6 (Bar)

And Mr Osterman, if by some wild chance you happen to get back your seat, remember the issue of an ethics code now and the issue of how much money these folks donated to your re-election effort before you decide if you should even be sitting on the dais for that vote

Michael Merrill

Cummins, Mac

From Court Rich [CRich@roselawgroup.com]
Sent Wednesday, April 19, 2006 4 16 PM
To City Council, Dolan, Jan, Rick Kidder
Cc Cummins, Mac, casey newton@scottsdalerepublic.com,
lauri roberts@scottsdalerepublic.com, mike ryan@pni.com, Little, John C
Subject RE Total denial of Loco Patron Request for Bar License is only option

Loco Patron Mexican Grill is a perfect example of a private business helping to revitalize Downtown Scottsdale through a substantial investment in the community. The owners of Loco Patron Mexican Grill took a rundown and dilapidated building, invested over a half million dollars into it, and turned it into a new and attractive building and a thriving business. It is unfortunate -and to be honest a bit bewildering- that someone would now urge that the City attempt to shut down a business that has invested so much to make Downtown a better place. Rather than being subject to selective attacks, Loco Patron Mexican Grill should be applauded for its commitment to the betterment of Downtown Scottsdale and the entire community.

Despite some misguided claims to the contrary, Loco Patron Mexican Grill is far from being a bar. Loco Patron is quite clearly a restaurant with a separated dining room and a prominent open exhibition kitchen. Loco Patron Mexican Grill is operated as a restaurant, with more than half of its payroll going to its kitchen staff and its full time classically trained executive chef. No bar would operate in that way. The size of the kitchen as well as the dining area and bar area are all consistent with other standard Mexican restaurants such as Los Olivos and Macayos. It is also important to note that, unlike a typical "bar" and even some fine restaurants, Loco Patron operates with an extremely clean kitchen and received a perfect score on its last health inspection. But don't just take our word for it. Go by the restaurant yourself during lunch.

I think you'll agree that Loco Patron and its \$500,000 investment in our downtown is far better than what existed before and what still resides next door - a building with a giant pink "Psychic" sign.

Furthermore, isn't this the type of animation of Scottsdale Road and downtown so many of Scottsdale have been clamoring for over the years? No condemnation for big businesses, we have often heard. Let the little guy do it. Well, the little guy is now doing it. And we should be celebrating success rather than deploying misguided commentary on technicalities involving restaurants and bars.

Close this restaurant and bar down as some want to do and say hello again to the rug shops and junior varsity businesses that once occupied this site and will again if next door is any indication.

This small business is an example of what even the New York Times recently acknowledged as an entertainment/restaurant/nightlife renaissance taking place in Scottsdale. Places like Loco Patron are driving and assisting tourism because there are now more and better things to do in downtown.

Loco Patron is not asking to become a "bar" or to change its current business in any way. Loco Patron Mexican Grill is asking to continue to operate as a restaurant but requires a different liquor license and a City Use Permit to allow it to stay and operate as the market dictated after its first year of business. Loco Patron Mexican Grill has gone so far as to propose a number of extremely onerous restrictions as stipulations to its Use Permit that will require it to continue to operate as a restaurant. For example, Loco Patron Mexican Grill is

proposing stipulations that will require it to derive at least 30% of its income from food sales, keep its current floor plan in place including dining room tables and chairs, and serve its full menu of food from 11 00am until 1 00am every day. If Loco Patron violates any one of these provisions then the City can revoke this Use Permit. To make it even easier for the City to enforce these provisions Loco Patron will be paying an independent accountant to verify and certify its food sales numbers each year and to have those numbers hand delivered to the City on an annual basis.

Loco Patron has committed itself to the wellbeing of the Downtown area not only through its substantial investment but through its actions. In fact, as one of the stipulations of the Use Permit, Loco Patron is proposing to require itself to continue its already successful "cleaning crew" project. You may have seen the Loco Patron cleaning crew in the early morning in their bright yellow shirts walking and picking up the area from 3rd to 5th Avenue between Scottsdale Road and Craftsman Court. As part of the Use Permit Loco Patron would be committing to keeping this project alive.

Loco Patron's community involvement does not end with its commitment to keeping the surrounding neighborhood clean. Loco Patron Mexican Grill is also a proud sponsor of the Scottsdale Gallery Association's Thursday Night Art Walks. Loco Patron is also a fundraising partner with the McDowell Sonoran Conservancy and Scottsdale Training & Rehabilitation Services (formerly Scottsdale Foundation for the Handicapped). Many in the community see this establishment as a positive in the neighborhood as evidenced by the 40 signatures in support from neighboring store owners and operators that we have collected.

This business is absolutely the type of establishment that should be encouraged in Downtown Scottsdale. If Scottsdale wants the type of business that believes in the future of Downtown, works hard to keep the surrounding community clean and looking good, supports the galleries and other business uses, invests heavily in the future of Downtown, supports local charities, participates in and supports community and civic events, and serves good food in a clean and safe environment then Loco Patron's application for a use permit should be supported.

It is a local, Scottsdale small business success story and unlike the giant national chains that so often dominate the restaurant landscape.

Scottsdale's own statistics disprove the theory that bars are flourishing or taking over Downtown Scottsdale as some critics contend. In fact, on April 4, 2003 City records reflect that there were 31 bars operating with a series 6 liquor license Downtown. There were the exact same number of bars Downtown in January 2006 (31) even if you include Loco Patron.

Our review of the City's records shows that since January, 2003, the City Council has heard 285 matters involving all types of liquor licenses, bar use permits, and extension of premises applications and has only denied two of those over that time (one of the two was subsequently approved at a later date). 36 of these approvals involved the series 6 liquor license and the only one not approved was proposed in a residential neighborhood. 50 of these actions were approved for businesses in the Downtown area (17 of them involved the series 6 licenses that Loco Patron is requesting) without a single denial. During this time the City has twice even approved liquor license transfers for strip clubs. Further, our research indicates that since the introduction of the new Bar Use Permit requirement, the City Council has approved eleven of these without a single denial. It makes absolutely no sense to deny the application of such a positive influence in the community at this time.

Critics have wondered if the new residents Downtown will want to eat at Loco Patron when they move there, however, rather than allowing those

new residents to answer this question, these critics think they should decide for them Very un-American

Court S Rich

Rose Law Group pc

7272 E Indian School Rd, Suite 360

Scottsdale, Arizona 85251

Direct 480 505 3937

Fax 480 505 3925

Mobile 602 741 3794

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-----Original Message-----

From F8713@aol.com

Sent 4/14/06 7:29:10 PM

To "CityCouncil@scottsdaleaz.gov" <CityCouncil@scottsdaleaz.gov>,

"jdolan@scottsdaleaz.gov" <jdolan@scottsdaleaz.gov>,

"Rkidd@scottsdalechamber.com" <Rkidd@scottsdalechamber.com>

Cc "Jordan Rose" <Jordan Rose>, "mcummins@ScottsdaleAZ.gov"

<mcummins@ScottsdaleAZ.gov>, "casey newton@scottsdalerepublic.com"

<casey newton@scottsdalerepublic.com>,"

"laurie roberts@scottsdalerepublic.com"

<laurie roberts@scottsdalerepublic.com>,"mike ryan@pni.com"

<mike ryan@pni.com>

Subject: Total denial of Loco Patron Request for Bar License is only option

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Michael Merrill

McClay, Doris

From: Cummins, Mac
Sent: Friday, July 07, 2006 4:55 PM
To: McClay, Doris
Subject: FW: Two Birds, One letter. Loco Patron and Salty Series 6 requests.

-----Original Message-----

From: F8713@aol.com [mailto:F8713@aol.com]
Sent: Friday, July 07, 2006 4:20 PM
To: City Council; Rodbell, Alan
Cc: Dolan, Jan; Gawf, Ed; Grant, Randy; Cummins, Mac; nancyanncantor@cox.net; potteryparadise@qwest.net; Keagy, Raun
Subject: Two Birds, One letter. Loco Patron and Salty Series 6 requests.

Mayor, Council, and related Staff;

Again we would like to make our position clear on the issues of Downtown Bars.

"We do not have a vendetta against quality establishments and we do not intend on trying to stop the "Vibrancy of Downtown", we are not against a 24/7 Downtown. We remain committed to common sense planning and a safe and fun downtown for all."

With that said we would like to offer our support to both requests for a change to series 6 licenses and CUP's.

Salty Seniorita by no way should be considered a detriment to the Downtown area and holds some very good qualities for downtown.

- *Good street side dining along Scottsdale Road that makes you want to say, "Hey that looks like fun, lets go there soon."*
- *A good mix of residents that favors all age groups.*
- *Concerned and responsible Owners who care about their reputation as an eatery and a business neighbor.*
- *Stipulations in their CUP that keeps the business running as a restaurant and not a full blown bar.*

We feel very comfortable with Salty Seniorita remaining in our Downtown for a long time to come, and find them a benefit to the city not a detriment.

Loco Patron

While we still have concerns about Loco Patron we feel that after speaking with their representatives and their willingness to include a stipulation we asked for that there is no real reason that this business should not have the chance to continue operations in the Downtown area under a Conditional Use Permit.

We were happy to hear that they were willing to add a stipulation in their CUP that for the next 5 years they will be required to come before the council for their annual review instead of the zoning administrator for a full review under a open public meeting, and that they cannot ask for the reviews to be canceled until after 5 years.

This to me shows a considerable amount of respect for the wishes of the business community and

residential concerns and garners merit on their part.

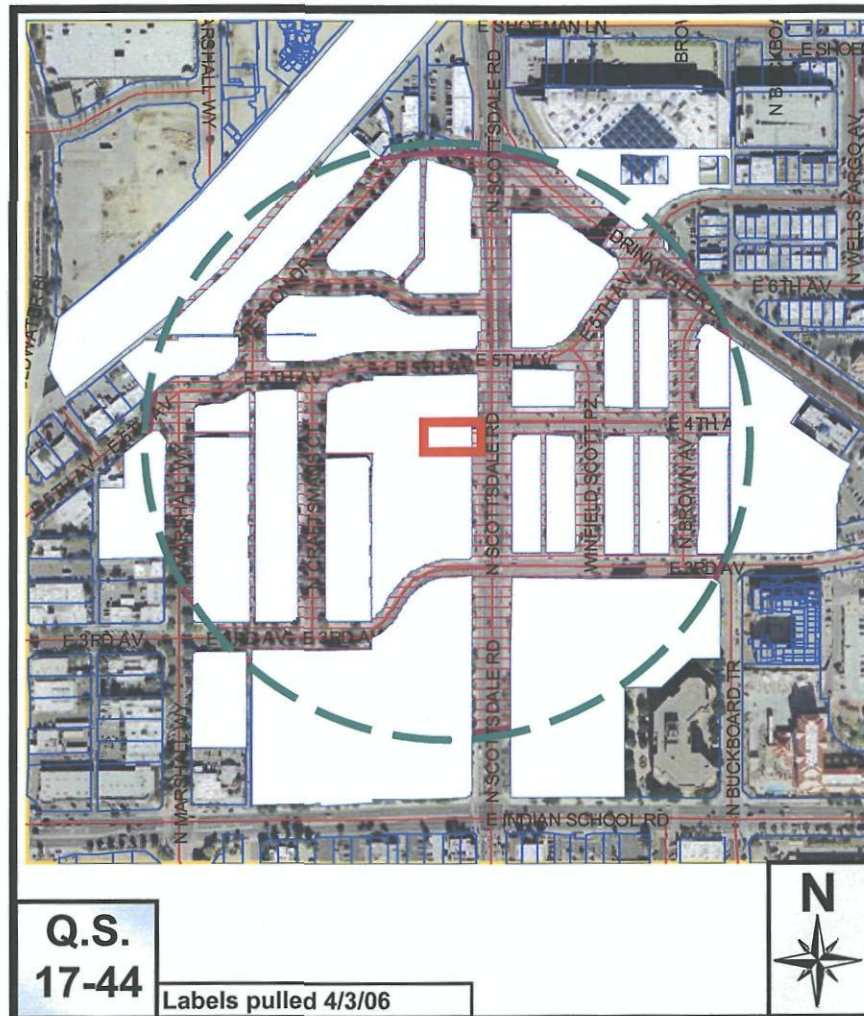
We still write this letter even though Tom Henny from the Downtown precinct has yet to return a response to our request for a meeting to look at the calls for service and to ask about the Police departments opinion on issues of if they are a problem location in the Downtown.

We feel that with a little help and under the Conditional Use Permit they to can become another quality street side dining experience in Downtown with a responsible management team running it.

With that said we would like to offer our support to both establishments and ask that the city do the same.

*Regards,
Michael Merrill
Chairman, Citizens for Responsible Redevelopment*

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- Scottsdale Coalition
- Coalition of Pinnacle Peak (C.O.P.P.)

Loco Patron

8-UP-2006

ATTACHMENT #8

LOCO PATRON

GENERAL NOTES

- ALL DESIGN, DRAWINGS AND DETAILS REPRESENT COMPLETE WORK IN PLACE. ARCHITECT SHALL HAVE NO CONTROL OR CHANGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, FOR THE ACTS OR OMISSIONS BY THE CONTRACTOR, SUBCONTRACTOR, OR ANY OTHER PERSON PERFORMING ANY OTHER PORTION OF THE WORK OR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN CONFORMANCE WITH THE CONTRACT DOCUMENTS, OR INSTRUCTIONS OF THE OWNER.
- VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION IN FIELD. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO FACE OF STUD.
- WHEN A MATERIAL SYSTEM IS NOTED, ALL PARTS AND MATERIALS REQUIRED TO COMPLETE THE SYSTEM SHALL BE FURNISHED AND INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
- CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS IN FIELD AND NOTIFY ARCHITECT IF DISCREPANCY OCCURS PRIOR TO COMMENCEMENT OF RELATED WORK.
- WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES. CONTRACTOR TO INSTALL OWNER SUPPLIED EQUIPMENT IN ACCORDANCE TO MANUFACTURER'S INSTRUCTIONS, AT INDICATED LOCATIONS. VERIFY SERVICE REQUIREMENTS OF EACH PIECE OF EQUIPMENT BEFORE INSTALLATION.
- UNLESS OTHERWISE NOTED, ELECTRICAL CONDUITS, ETC. SHALL BE CONCEALED, AND FRAMING SHALL BE OF ADEQUATE SIZE TO ACCOMMODATE THIS WITHOUT VARIATIONS IN THE WALL PLANE.
- COORDINATE WITH ALL TRADES THE NEED FOR SLEEVES, BLOCK OUTS, STRUCTURAL SUPPORTS, OR OTHER PRESET ACCESSORIES.
- IT IS THE INTENT OF THESE DRAWINGS TO DEFINE A COMPLETE AND FINISHED JOB. ANY DISCREPANCY OR OMISSION WHICH WOULD NORMALLY BE RETURNED TO COMPLETE THE WORK OR IS REQUIRED BY ORDINANCE SHALL BE PROVIDED AND FINISHED AS IF SPECIFICALLY NOTED AT NO ADDITIONAL COST.
- NO ATTEMPT HAS BEEN MADE IN THESE PLANS TO DEFINE OR SEPARATE AREAS OF RESPONSIBILITY BETWEEN GENERAL CONTRACTOR, TENANT, OR OWNER. IT IS THE RESPONSIBILITY OF THESE PARTIES TO COORDINATE THEIR RESPECTIVE PORTIONS OF THE WORK WITH THE OTHER, TO AVOID DUPLICATIONS, SCHEDULING PROBLEMS, AND OMISSIONS. PROVIDE ADEQUATE CONCEALED BLOCKING AND ANCHORING FOR CEILING AND WALL MOUNTED EQUIPMENT, ACCESSORIES, CABINETS, AND COUNTERTOPS.
- BIDDERS TO VISIT JOB SITE AND FORM THEIR OWN CONCLUSIONS AS TO THE NATURE OF THE WORK.
- ALL WORK TO BE PERFORMED TO CODE BY LICENSED CONTRACTORS PERFORMING WORK IN THEIR SPECIFIC TRADES ONLY.
- ANY ALTERATIONS TO THESE PLANS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO ANY CHANGES BEING PERFORMED.
- ALL BUILDING PERMITS ARE TO BE PAID FOR BY CONTRACTOR.

CITY OF SCOTTSDALE REQUIRED NOTES

ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND AMENDMENTS PER THEIR ADOPTIVE ORDINANCES.

2003 INTERNATIONAL BUILDING CODE (IBC) § 309.6
2003 INTERNATIONAL MECHANICAL CODE (IMC) § 150.6
1994 UNIFORM PLUMBING CODE (UPC) § 2705.1 (AMPO EDITION)
1998 NATIONAL ELECTRICAL CODE (NEC) § 310.15
2003 INTERNATIONAL FIRE CODE (IFC) § 3507

ALL PRODUCTS LISTED BY ICBO/IBR NUMBERS SHALL BE INSTALLED PER THE REPORT AND MANUFACTURER'S WRITTEN INSTRUCTIONS. PRODUCT SUBSTITUTIONS FOR PRODUCTS LISTED SHALL ALSO HAVE ICBO APPROVED EVALUATION REPORT, OR BE APPROVED AND LISTED BY OTHER NATIONALLY RECOGNIZED TESTING AGENCY.

ALL EXITS TO BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, OR ANY SPECIAL KNOWLEDGE. MANUALLY OPERATED DOOR OR SURFACE MOUNTED FLUSH BOLTS AND SURFACE BOLTS ARE PROHIBITED.

ALL GLASS IN HAZARDOUS AREAS AND 18" OFF THE FLOOR, OR WITHIN 24" FROM THE DOOR JAMB OF THE ACTIVE LEAF OF A DOOR, OR ANY OTHER WAY SUBJECT TO HUMAN IMPACT SHALL BE TEMPERED GLASS.

MAINTAIN A MINIMUM OF 44" CLEAR UNOBSTRUCTED EMERGENCY EXIT ISLE TOWARDS DESIGNATED EXITS. MARK DESIGNATED EXITS WITH AN "X" ON YOUR FLOOR PLAN.

FLAME SPREAD RATING FOR INTERIOR FINISHES NOT TO EXCEED AS FOLLOWS:
VERTICAL SHEDS AND ENCLOSURES 0-25
LOBBIES/CORRIDORS 25-75
ALL OTHER AREAS 200

ANY PATIO UMBRELLAS TO BE SOLID COLOR WITH NO ADVERTISEMENTS

ALL SIGNS REQUIRE SEPARATE PERMITS AND APPROVALS

NO EXTERIOR VENDING OR DISPLAY SHALL BE ALLOWED

ALL EXTERIOR MECHANICAL UTILITY AND COMMUNICATION EQUIPMENT SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST UNIT BY PARAPET OR SCREEN WALL THAT MATCHES THE ARCHITECTURAL COLOR AND ARCHITECTURAL FINISH OF THE BUILDING. GROUND MOUNTED MECHANICAL UTILITY, AND COMMUNICATION EQUIPMENT SHALL BE SCREENED BY A SCREEN WALL THAT MATCHES THE ARCHITECTURAL COLOR AND ARCHITECTURAL FINISH OF THE BUILDING, WHICH IS A MINIMUM OF 1'-0" HIGHER THAN THE HIGHEST POINT OF TALLEST UNIT.

FIRE SPRINKLERS

THERE ARE CURRENTLY NO SPRINKLERS IN THIS BUILDING.
A SPRINKLER PLAN SUBMITTAL TO THE CITY OF SCOTTSDALE IS REQUIRED.

SITE PLAN PLANNING NOTES

SITE DISTANCE TRIANGLES SHALL BE SHOWN ON FINAL PLANS FOR DRIVEWAYS FROM COMMERCIAL SITES AND ANY INTERSECTIONS AREA WITHIN THE SAFETY TRIANGLE IS TO BE CLEAR OF LANDSCAPINGS, SIGNS OR OTHER VISIBLE OBSTRUCTIONS WITH A HEIGHT OF 7' UNLESS WITHIN THE SAFETY TRIANGLE SHALL HAVE A CANOPY THAT REARMS AT 7' IN HEIGHT UPON INSTALLATION.
ALL HEIGHTS ARE MEASURED FROM NEAREST STREET LINE ELEVATION.

ALL RIGHTS OF WAY ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER.

ALL SIGNS REQUIRE SEPARATE PERMITS AND APPROVALS

FLAGPOLES IF PROVIDED SHALL BE ONE PIECE CONICAL TAPERED.

ALL EQUIPMENT, UTILITIES, OR OTHER APPURTENANCES, ATTACHED TO THE BUILDING SHALL BE AN INTEGRAL PART OF THE BUILDING DESIGN IN TERMS OF FORM COLOR AND TEXTURE.

NO EXTERIOR VISIBLE LADDERS SHALL BE ALLOWED

NO CHAIN LINK FENCING SHALL BE ALLOWED

NO TURF AREAS SHALL BE PROVIDED.

LEGAL DESCRIPTION

THE NORTH 85' OF THE SOUTH 150' OF THE NORTH 414 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THAT PART LYING WEST OF THE EASTERLY 183.00' THEREOF.

PROJECT DATA

ADDRESS 4228 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA
170-50-124C
PROJECT DESCRIPTION A NEW RESTAURANT IN AN EXISTING BUILDING WITH OUTDOOR DINING
AREA BUILDING = 3150 GROSS SQFTG
= 800 S.F. KITCHEN
= 380 S.F. BAR
= 624 S.F. OUTDOOR DINING

OCCUPANCY TYPE 1-2
OCCUPANT LOAD: KITCHEN AND UTILITY 868/200 = 5
RESTROOMS 330/200 = 2
DINING/BAR 1435/15 = 100
TWO EXIST. REQUIRED FROM DINING
OUTDOOR PATIO 624/15 = 42
TWO EXIST. REQUIRED FROM PATIO

CONSTRUCTION TYPE TYPE - SPRINKLED
CODES 2003 IBC, 2003 IMC, 1994 UPC, 2003 IF, 1998 NEC
2-2 WITH DOWNTOWN OVERLAY

BUILDING HEIGHT 18'-0"
PARKING REQUIRED 17/20 S.F. GROSS FLOOR AREA = 27 SPACES
1/200 OUTSIDE DINING (less than 500 sq ft) = 1 SPACE
FOR A TOTAL OF 28 SPACES REQUIRED
8 SPACES PROVIDED INCLUDING 1 HC SPACE
EXISTING PARKING CREDIT WITH SITE OF 2.83 SPACES
DOWNTOWN ORDINANCE PARKING CREDIT OF 23 SPACES
12,155 S.F. (28 ACRES)
4079/12155 = 33.6%

LOT AREA BUILDING COVERAGE 33-84-82
PREVIOUS VARIANCE 33-84-82
OR CASE NUMBER 68-08-2003

PROJECT DIRECTORY

OWNER
LOCO PATRON
4228 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85251
480-812-8285
JOHN LEYBKE

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602-254-3040 FAX
ROBERT BEGGES

CIVIL ENGINEER
OSIA INC.
340 EAST WILLETIA STREET
PHOENIX, ARIZONA 85004
602-271-9911
602-271-9985 FAX
DAVID HYDORCHUK

MECHANICAL ENGINEER
HESLER AND ASSOCIATES
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SUN CITY, ARIZONA 85351
480-897-6003
LARRY HODGINS

ELECTRICAL ENGINEERING
RP ENGINEERING, INC.
4115 NORTH 15TH AVE.
PHOENIX, ARIZONA 85018
602-265-1558
602-265-1805 FAX
JOHN PANOPPO

SHEET INDEX

A-0.0 COVER SHEET, SITE PLAN, DETAILS

C-1 CIVIL SITE PLAN

L-1 LANDSCAPE PLAN

L-2 LANDSCAPE ORIENTATION PLAN

L-3 LANDSCAPE DETAILS

A-0.1 BROAD FLOOR PLAN

A-1.0 FLOOR PLAN

A-1.1 SCHEDULES AND DETAILS

A-2.0 REFLECTED CEILING PLAN

A-2.1 EXTERIOR ELEVATIONS

A-3.0 ENLARGED PLANS AND INTERIOR ELEVATIONS

A-4.0 INTERIOR ELEVATIONS

M-1.0 MECHANICAL PLAN

M-2.0 MECHANICAL DETAILS

M-3.0 MECHANICAL DETAILS

P-1.0 PLUMBING PLAN

P-2.0 PLUMBING SCHEMATICS

P-3.0 PLUMBING DETAILS

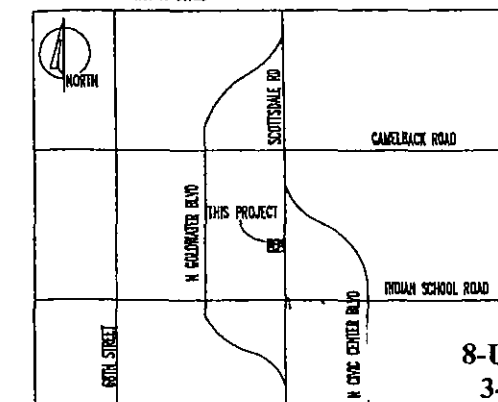
E-1.0 ELECTRICAL POWER PLAN

E-2.0 ELECTRICAL LIGHTING PLAN

E-3.0 ELECTRICAL SCHEDULES

PH-1 PHOTOGRAPHIC PLAN

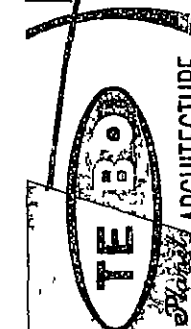
VICINITY MAP NOT TO SCALE



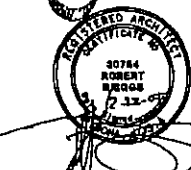
48 EAST MONTEREY WAY
PHOENIX, ARIZONA 85013
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LOCO PATRON
4228 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85251



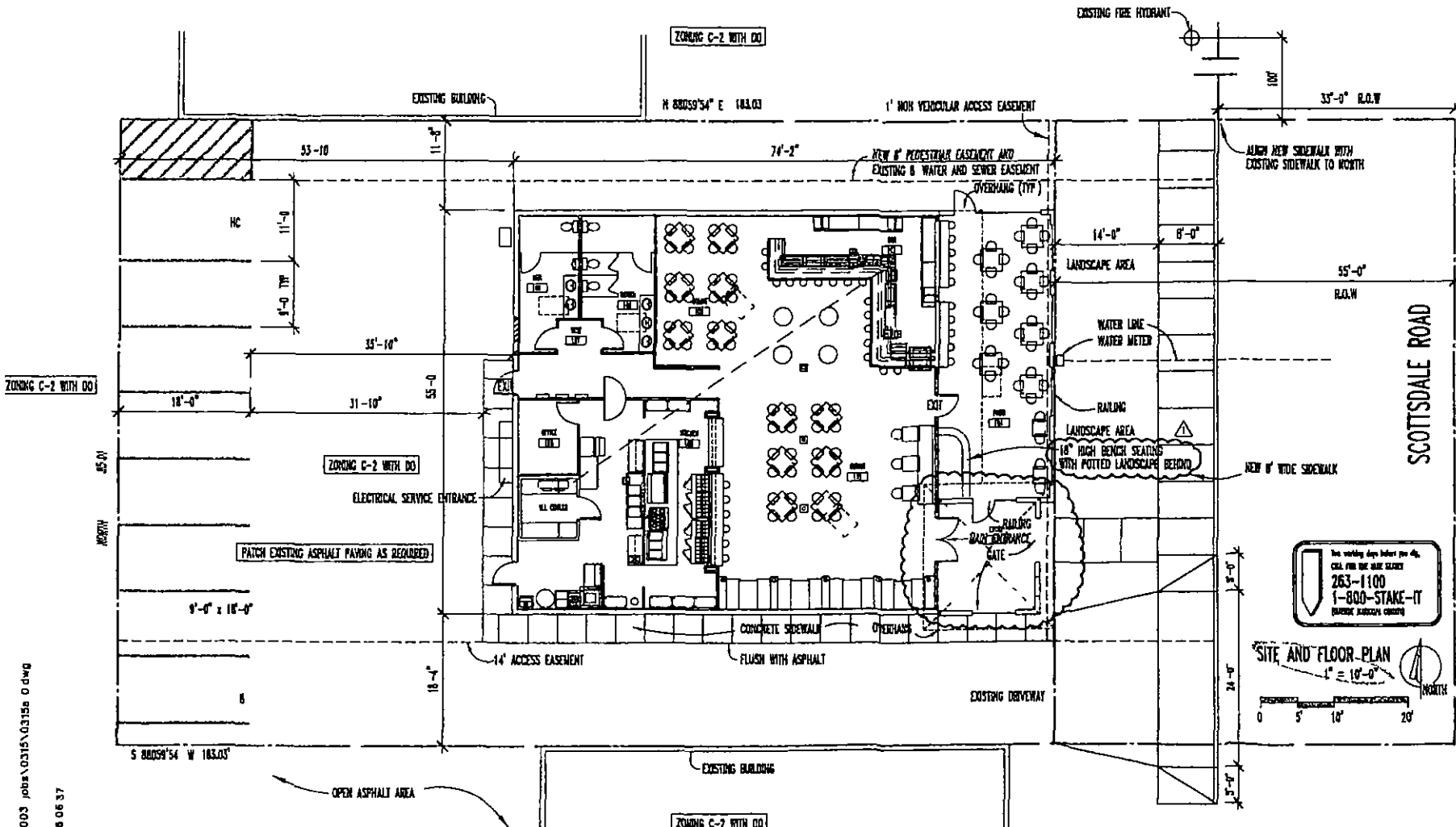
2-26-04 CITY COMMENTS



JOB NUMBER 03
DATE 1-20-06
CONTENTS SITE PLAN
COVER SHEET

8-UP-2006
3-30-06

ATTACHMENT #9



08/12/2003 jobs\0315\0315a 0.dwg
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