



October 4, 2006

Court Rich  
Rose Law Group  
7272 E Indian School Rd Ste 360  
Scottsdale, AZ 85251

Re 718-PA-2005-0  
8-UP-2006  
Loco Patron

Dear Court Rich,

This is to advise you that the case referenced above was approved at the August 29, 2006 City Council meeting. Enclosed is a copy of the approved resolution for the case referenced above. Please distribute all necessary copies to any persons involved with this project and remove the white early notification sign and the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-7059.

Sincerely,

A handwritten signature in black ink, appearing to read "Mac Cummins".

Mac Cummins, AICP  
Principal Planner

Enclosure

RESOLUTION NO 6966

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO ADOPT A CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 4228 N SCOTTSDALE ROAD

WHEREAS, the Planning Commission has held a public hearing on July 12, 2006, and

WHEREAS, the City Council, has held a public hearing on August 29, 2006,

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows

Section 1 That the City Council finds

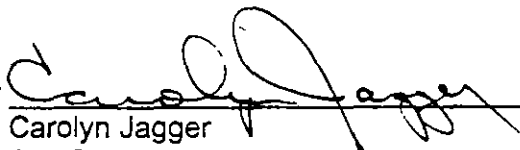
- a) That the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic,
- b) That the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas, and
- c) That the additional conditions for bars, set forth on Exhibit 3, have been met


Section 2 That the above conditional use permit is described in Case No 8-UP-2006, and the property is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County,  
Arizona this 29 day of August 2006


ATTEST

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By   
Carolyn Jagger  
City Clerk

By   
Mary Manross  
Mayor

APPROVED AS TO FORM

By   
Deborah Robberson  
City Attorney



Loco Patron

8-UP-2006

Exhibit 1



**STIPULATIONS FOR CASE 8-UP-2006**  
(Planning Commission Changes in **BOLD CAPS**)

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~~ **January 1 TO MAY 31**. 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 applicant shall maintain a minimum 30% food sales from May 31 to January 1 (added by City Council)**
- e 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
- f 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
- g 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
- h Amplified music shall be limited to the hours of operation that State law allows liquor sales to occur
- i 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
- j 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

- k No cover charge shall be required for admission to the bar, unless required as a condition of approval for a separate "Special Event Permit"
  - l 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
  - m The applicant will add more landscape between the patio and Scottsdale Road, to the satisfaction of the General Manager or designee
  - n **The applicant will provide a morning clean-up on weekend mornings to pick up trash outside the establishment and the surrounding area (added by City Council)**
- 2 ADMINISTRATIVE/PROCESS The bar operator(s) / merchant(s) shall comply with the following
- o **This use permit shall be reviewed by City Council annually for five years, with the first review starting in September, 2007 (added by City Council)**
  - p 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
  - q 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
- r 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

### EXHIBIT 3

#### Scottsdale Revised Code Section 1 403[C 1]

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

- 1 The use shall not disrupt existing balance of daytime and nighttime uses
- 2 The use shall not disrupt pedestrian-oriented daytime activities
- 3 If the site is located within the downtown overlay district then
  - a The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street
  - b The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street
- 4 If the use is located within five hundred (500) feet of a residential use or district then
  - a The use shall not adversely impact residential uses
  - b The use shall provide methods of buffering residential uses
- 5 An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business
- 6 The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department
- 7 The applicant shall demonstrate how noise and light generated by the use shall be mitigated
- 8 The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area
- 9 After hours establishments must maintain a valid after hours establishment license

RESOLUTION NO 6969

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ALLOWING FOR PARTICIPATION IN THE IN-LIEU PARKING PROGRAM AT THE PROPERTY LOCATED AT 4228 N SCOTTSDALE ROAD

WHEREAS, the City Council, has held a public hearing on August 29, 2006,

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows

Section 1 That the City Council finds

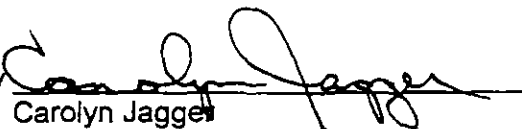
- 1 The property size and configuration, and its proximity to available on street and/or offsite parking facilities will adequately address any excess parking demand created by the proposed intensification of land use at this address
- 2 The amount of available offsite parking in the area will be sufficient to absorb any additional parking demand created by the proposed intensification
- 3 The monies collected by this application will be used to help fund additional parking facilities in the immediate area at a future date

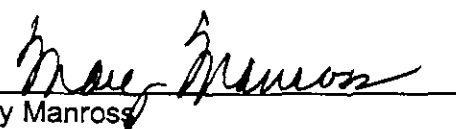
Section 2 That the above in-lieu parking spaces as described in Case No 8-UP-2006, is for the property shown on Exhibit 1

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 29<sup>th</sup> day of August, 2006

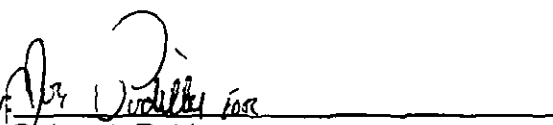
ATTEST

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By   
Carolyn Jagger  
City Clerk

By   
Mary Manross  
Mayor

APPROVED AS TO FORM

By   
Deborah Robberson  
City Attorney



Loco Patron

8-UP-2006

Exhibit 1

**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

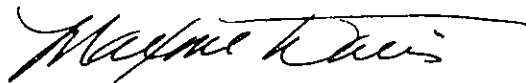
Dear Mayor Manross and Members of the Council

I 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 cursive script, appearing to read "Maxine Davis".

Maxine Davis

**VIA FACSIMILE AND US MAIL**

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

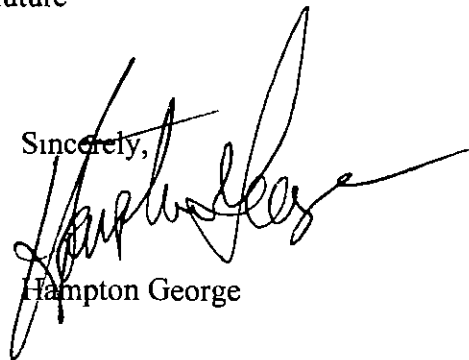
Re Use Permit Application for Loco Patron Mexican Grill

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 long horizontal line extending to the right.

Myra Lancot

**VIA FACSIMILE AND US MAIL**

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

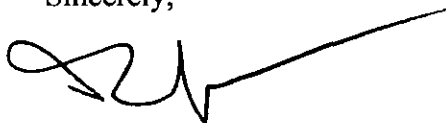
Re Use Permit Application for Loco Patron Mexican Grill

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

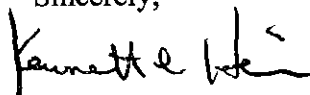
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Loco Patron has become a part of what makes our neighborhood a destination for both visitors and residents alike, and should be allowed to continue its current operation. For these reasons, I support Loco Patron's Use Permit Application and would encourage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

Sincerely,



**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

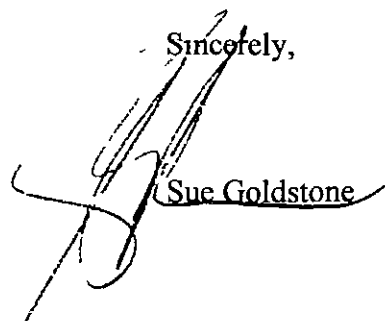
Dear Mayor Manross and Members of the Council

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

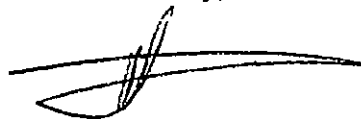
Re Use Permit Application for Loco Patron Mexican Grill

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 be 'Cal Nussbaum', written over a horizontal line.

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 Glasco

12/27/05

**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!*



**McClay, Doris**

**From:** Jordan Rose [JRose@roselawgroup.com]  
**Sent:** Friday, July 07, 2006 4:25 PM  
**To:** F8713@aol.com  
**Subject:** RE: Two Birds, One letter. Loco Patron and Salty Series 6 requests.

Thank you Mike – a lot!

**Jordan Rose**

**ROSE**  
**LAW GROUP**  
 pc

6613 N. Scottsdale Road, Suite 200  
 Scottsdale, Arizona 85250  
 Direct: 480.505.3939  
 Fax: 480.505.3925  
 Mobile: 602.369.4692

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**From:** F8713@aol.com [mailto:F8713@aol.com]  
**Sent:** Friday, July 07, 2006 4:20 PM  
**To:** CityCouncil@scottsdaleaz.gov; arodbell@scottsdaleaz.gov  
**Cc:** jdolan@scottsdaleaz.gov; egawf@scottsdaleaz.gov; Rgrant@scottsdaleaz.gov;  
 mcummins@ScottsdaleAZ.gov; nancyanncantor@cox.net; potteryparadise@qwest.net;  
 RKeagy@Scottsdaleaz.Gov  
**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*

07/11/2006

*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 Senorita 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***



**McClay, Doris**

**From:** Court Rich [CRich@roselawgroup.com]  
**Sent:** Tuesday, July 11, 2006 9:25 AM  
**To:** David James Barnett; Heitel, James; Hess, Eric; koneill@scottsdaleaz.gov; jschwartz@scottsdaleaz.gov; ssteinke@scottsdaleaz.gov; McClay, Doris  
**Cc:** Manross, Mary; Littlefield, Robert; McCullagh, Ron; Drake, Betty; Lane, Jim; Nelssen, Tony; Ecton, Wayne; Gawf, Ed; Cummins, Mac; Little, John C.; Grant, Randy; Gray, Frank; Jordan Rose; Jennifer Evert  
**Subject:** Loco Patron Mexican Grill -Planning and Zoning Commission Hearing  
**Attachments:** RE: Two Birds, One letter. Loco Patron and Salty Series 6 requests.; Re: Two Birds, One letter. Loco Patron and Salty Series 6 requests.; alphagraphics support letter.pdf; 07-08-06 Tribune Editorial.pdf; 06-24-06 Tribune Article.pdf

Chairman Steinberg and Members of the Planning Commission-

I wanted to give you a brief update on the overwhelming amount of support that Loco Patron Mexican Grill has been receiving for its Use Permit Application that you will be hearing tomorrow. We now have a written letter in support from the Scottsdale Area Chamber of Commerce (attached to our Application) and a letter of support from nearly every one of our closest neighbors including among others; 1) Alphagraphics –located south of property- (letter attached to this email); 2) Nussbaum's Flooring Broker –located in building immediately south of property- (letter attached to Application); 3) Euro Style Interiors –located in building immediately south of property- (letter attached to Application); 4) The Antiquarian Shop –located in building immediately north of property- (attached to our Application); 5) American Sky –in building immediately north of property- (attached to Application); 6) Philly Steak Company – north of property- (attached to our Application); and 7) Village Locksmith directly across the street from property- (attached to Application). This means that every business we have contacted between 3<sup>rd</sup> Avenue and 5<sup>th</sup> Avenue along our side of Scottsdale Road has written a letter of support for Loco Patron. I believe there are only two who have not written such letters and there are no complaints from those that operate nearby and actually know Loco Patron. We also have collected signatures in support from forty different businesses located in the immediate vicinity of Loco Patron (petition attached to Application).

We are very pleased to also have the written support of south Scottsdale resident and neighborhood activist Michael Merrill (attached to this email); and Nancy Cantor and the Scottsdale Coalition (also attached to this email).

Further, both major Valley newspapers have editorialized directly in favor of approving Loco Patron (see the Tribune's last two Editorials on the subject attached above) and have published a number of letters from citizens in support of this application.

We will be presenting you with a series of stipulations at tomorrow's hearing that will guarantee to you that Loco Patron Mexican Grill will continue to look and operate as a restaurant guaranteeing that it will even meet the 40% restaurant food sales requirement in season for the first five months of each year. We appreciate your support of this small business and if you have any questions about this at all please do not hesitate to contact me on my cell phone at any time at 602-741-3794.

-Court Rich

**Court S. Rich**

ROSE  
 LAW GROUP  
 pc

07/11/2006

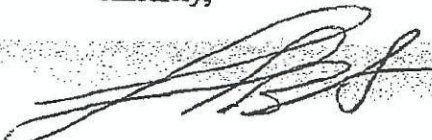
6613 N. Scottsdale Road, Suite 200  
Scottsdale, Arizona 85250  
Direct: 480.505.3937  
Fax: 480.505.3925  
Mobile: 602.741.3794

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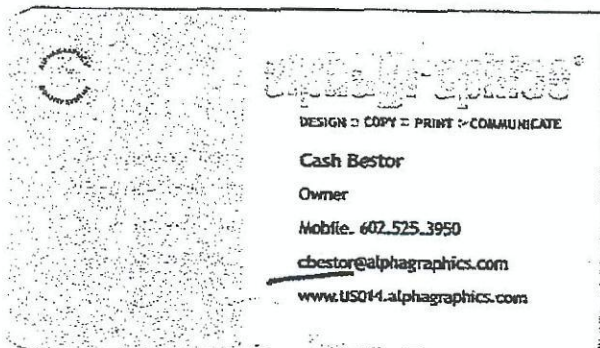
To whom it may concern,

My name is Cash Bestor and I am the Owner of The Alphagraphics at 4200 North Scottsdale rd, and I am writing this letter to you today to urge you to support Loco Patron for their application for use permit. Loco Patron is a great neighbor and a wonderful restaurant. The owners of Loco Patron took a vacant, dilapidated, eyesore of a building and made a great looking well run restaurant of it. Every morning I see the Loco Patron cleaning crew walking my parking lot making sure that everything is clean. I find Loco Patron to be a positive addition to the neighborhood and wish them continued success for many years to come.

Sincerely,



Owner





ow, labeled **OUR VIEW**,  
e publisher. All other  
2 page are those of the

## help Song

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# Keep downtown worth liking

**D**owntown Scottsdale has considerably changed during the past few years from having a dismal outlook to an exciting renaissance.

Three things are responsible: A better economy and rising real estate values combining to create, at long last, the Scottsdale Waterfront and a condominium boom; emerging high-end boutique hotels, restaurants, bars and nightclubs appealing to the demographics of condo dwellers; and, before either of the above, the city abandoning its

### OUR VIEW

redevelopment-by-condemnation strategy that for years prevented downtown property owners from improving or selling their land.

The city got out of the real estate business, and the now-unimpeded private sector moved in — and how. For the first time in many years, Scottsdale is getting national attention for what's happening south of Chaparral Road.

Now, the urge to micromanage the future of downtown is once again itching at the City Council, which so far hasn't fought the urge to scratch.

On the heels of the rejection of a permit for one popular Scottsdale restaurant-and-bar, another, Salty Señorita, comes before the council Tuesday.

Much more than those regarding homes, zoning decisions about businesses should reflect market trends, not central planning. Demand for a business frequently exists in places un contemplated by government.

Such demand — and there's more to come as the condo dwellers whom these establishments are angling to attract move in — is landing in some of those places.

On Tuesday, the City Council can either pay homage to the form of a grand design for downtown that no longer fits, or pay heed to the substance of a flourishing area that visitors like very much — and want to keep liking.

One number for verification. Letters and call-in comments may be edited for clarity and length.  
AZ 85210; or 6991 E. Camelback Road, Suite A-110, Scottsdale AZ 85251.  
in Scottsdale: (480) 970-2360 **CALL:** Bob Satnan at (480) 898-6406.

Why do we have this thrust upon us when the development north of us was given the opportunity to refuse sewers because of the expense? Most of us don't have that kind of money.

If sewers are so necessary where we have had no problems, why isn't the city paying for them? How do they expect us to remove systems and bring in fill where homes and landscaping have been established?



# Editorials

Opinions expressed in the editorials below, labeled **OUR VIEW**, are those of the editorial board and the publisher. All other opinions on this page and on the Opinion 2 page are those of the authors or artists.

## Bad for business

Council misguided in its treatment of downtown food-and-drink establishments

**T**he City Council's preoccupation with micromanaging downtown Scottsdale continued this week, with a local bar owner ending up in a political no man's land. Council members considered their version of the city's reputation to trump the reanimation of the area, which has largely occurred via the marketplace.

### OUR VIEW

Despite no opposition at Tuesday's council meeting, the nod from city staff and a unanimous recommendation for approval from the city Planning Commission, the council rejected a special-use permit for Next Lounge & Nightclub, 7111 E. Fifth Ave. Council members want Next to be open during the day and they are concerned the club doesn't sell quite enough food to qualify for a city permit to operate as a restaurant and bar.

Oddly enough, earlier that day, a bill was sent to Gov. Janet Napolitano that would lower a restaurant-and-bar's minimum food-sales requirement from 40 percent to 30 percent of total income. House Bill 2621 allows only up to 15 establishments per year during the next two years to apply for the lower food-sales rules, its primary sponsor, state Rep. Michele Reagan, R-Scottsdale, told us Friday.

If the governor signs it, the council ought to reconsider its decision on Next, and any other establishment similarly situated, to give it the chance to apply. Meanwhile, the

council's overgeneralized belief that downtown somehow has "too many bars" or "not enough daytime uses" ought to be tempered by realities.

They include the high quality of these establishments, their willingness to get along with neighboring businesses and their contribution to a vibrant area that is enhancing, not detracting from, Scottsdale's national reputation and luring big-spending residents and visitors.

Next remains open pending some resolution of the situation, but other establishments seeking restaurant-and-bar permits are warming up in the city's permit bullpen: Salty Señorita, Blue Agave and Loco Patron.

Loco Patron, 4228 N. Scottsdale Road, will go before the Planning Commission on July 12, its attorney, Court Rich, told us Friday. Rich said his clients, as well as owners of other downtown eating-and-drinking places, have made substantial investments in an area that has in part flourished due to their presence. Loco Patron's food sales have been averaging 37 percent, he said.

"This is crazy. This is a great local small business success story that has animated Scottsdale Road. Now, Scottsdale is thinking of boarding it up," Rich said. "Loco Patron should not be next."

Or, Next.

## Letters

Please be brief and type or print name, address, city and state.  
**MAIL:** Tribune Letters to the Editor, 120 W. First Ave., Mesa, AZ 85201  
**EMAIL:** forum@aztrib.com **FAX:** (480) 898-6362

## McClay, Dons

---

From Cummins, Mac  
Sent: Monday, July 10, 2006 8 07 AM  
To: McClay, Dons  
Subject: FW: Two Birds, One letter Loco Patron and Salty Series 6 requests

The emails keep coming For case file

Mac

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

From nancy cantor [mailto:nancyanncantor@cox.net]  
Sent: Friday, July 07, 2006 8 44 PM  
To: F8713@aol.com, City Council; Rodbell, Alan  
Cc: Cummins, Mac, potteryparadise@qwest.net; Grant, Randy, Gawf, Ed, Keagy, Raun, Dolan, Jan  
Subject: Re: Two Birds, One letter Loco Patron and Salty Series 6 requests

The Scottsdale Coalition concurs with the comments made by Michael Merrill regarding Loco Patron and the Salty Senorita

The stipulations discussed seem reasonable and underline the fact that none of us wishes to pursue a vendetta toward any business that conducts themselves with the good of the community in focus

Nancy Cantor  
Co-Chair Scottsdale Coalition

----- F8713@aol.com wrote  
> 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 Senorita 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, let's 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 Senorita remaining in our  
> Downtown for a long time to come, and find them a benefit to the city not a detriment  
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> 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  
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> they cannot ask for the reviews to be canceled until after 5 years.  
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> This to me shows a considerable amount of respect for the wishes of  
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> We still write this letter even though Tom Henny from the Downtown  
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> establishments and ask that the city do the same  
>  
> Regards,  
> Michael Merrill  
> Chairman, Citizens for Responsible Redevelopment



City of Scottsdale

7447 East Indian School Road  
Scottsdale, AZ 85251

March 20, 2006

Joshua Levine  
4228 N. Scottsdale Rd.  
Scottsdale, AZ 85251

Dear Mr. Levine,

The City of Scottsdale has received the series 6 (bar) liquor license application for Loco Patron, located at 4228 N. Scottsdale Rd. The City of Scottsdale requires all new locations applying for a series 6 (bar) liquor license to obtain a Bar Use Permit, which will be heard by the City Council with the liquor license, as we indicated in our January 18, 2006 letter.

As you have not submitted for a Bar Use Permit, the establishment does not meet city ordinance requirements. Sufficient time has been given to meet this requirement; therefore, the city is proceeding with the Series 6 request and has scheduled the item for the April 25, 2006 City Council hearing. Staff will be recommending the Council forward a recommendation of denial of the liquor license application, as all city requirements have not been satisfied.

If you have any questions concerning the liquor license application please contact me at (480) 312-2664.

If you have any questions concerning the Bar Use Permit, please contact Mac Cummins at (480) 312-7059.

Sincerely,

A handwritten signature in cursive script, reading "Connie Padian".

Connie Padian  
Customer Service & Administration Chief Officer  
City of Scottsdale

cc: Court Rich (Certified Letter)  
Mac Cummins

718-PA-2005  
10-12-05



8-UP-2006  
3-30-06

**McClay, Doris**

---

**From** nancy cantor [nancyanncantor@cox.net]  
**Sent** Friday, July 07, 2006 8:44 PM  
**To** F8713@aol.com, City Council, Rodbell, Alan  
**Cc** Cummins, Mac, potteryparadise@qwest.net, Grant, Randy, Gawf, Ed, Keagy, Raun, Dolan, Jan  
**Subject** Re: Two Birds, One letter Loco Patron and Salty Series 6 requests

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Nancy Cantor  
 Co-Chair Scottsdale Coalition

----- F8713@aol.com wrote

- > Mayor, Council, and related Staff,
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07/11/2006

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- > 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

**McClay, Doris**

---

**From:** Cummins, Mac  
**Sent:** Thursday, June 22, 2006 3:27 PM  
**To:** McClay, Doris  
**Subject:** FW: In Lieu Parking Request

For case folder.

Thanks.

Mac

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

**From:** Court Rich [mailto:CRich@roselawgroup.com]  
**Sent:** Thursday, June 22, 2006 2:13 PM  
**To:** Cummins, Mac  
**Subject:** In Lieu Parking Request

Mac,

Please accept this email as Loco Patron Mexican Grill's formal request to participate in the Downtown Scottsdale in lieu parking program. Loco Patron requests permission to lease 14 spaces from the in lieu program to meet its parking requirements.

Let me know if you need any additional information. Thanks Mac!

-Court

**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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**From:** Cummins, Mac [mailto:mcummins@scottsdaleaz.gov]  
**Sent:** Thursday, June 22, 2006 1:31 PM  
**To:** Court Rich  
**Subject:** Loco history

Court,

06/22/2006

What was the historical use at the site?? I remember you telling me there was a bar there, but was there an interim use? Or how about before the bar came in??

Mac



City of Scottsdale

7447 East Indian School Road  
Scottsdale, AZ 85251

December 7, 2005

Connie Wagner  
800 W. Washington 5th Floor  
Phoenix, AZ 85007-2934

**SUBJECT: Series 6 Application #06070247**

Dear Ms. Wagner,

The City of Scottsdale has received a series 6 liquor license application for Loco Patron, 4228 N. Scottsdale Rd. Scottsdale, AZ. This case has been put on hold as the applicant is required to obtain a Bar Use Permit from the City of Scottsdale and the liquor license and use permit cases must be heard concurrently.

The applicant has submitted the preliminary application for the Bar Use Permit, which will place both cases on the City Council Agenda sometime in February 2006. This will result in the liquor license application going over the State's 60-day processing limit.

Please contact me at (480) 312-2664 with any questions or concerns.

Sincerely,

Connie Padian  
Customer Services & Administration  
City of Scottsdale

ks

cc. Joshua Levine  
cc. Mac Cummins





**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 3<sup>rd</sup> to 5<sup>th</sup> 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

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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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 there 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

04/13/2006



**McClay, Doris**

---

**From:** udinotti gallery [udinottigallery@qwest.net]

**Sent:** Thursday, April 13, 2006 7:29 PM

**To:** McClay, Doris

**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@pni.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***

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

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**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@scottsdalepublic.com,  
lauri roberts@scottsdalepublic.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.

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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.

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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

## 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.

## McClay, Doris

---

**From:** Cummins, Mac  
**Sent:** Tuesday, April 11, 2006 9:16 AM  
**To:** McClay, Doris  
**Subject:** FW: Loco Patron- Quick Question

Doris,

Can you double check that whatever we normally put up on the website for other applications is what we put up for this one; ie that we're not treating this any differently than any other application in terms of what goes up on the website??

Thanks.

Mac

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

**From:** Court Rich [mailto:CRich@roselawgroup.com]  
**Sent:** Tuesday, April 11, 2006 9:14 AM  
**To:** Cummins, Mac  
**Subject:** Loco Patron- Quick Question

Mac-

I just went on line to review the case status and noticed that none of the exhibits to our narrative were posted along with it for the public to view on the internet. I was just wondering if it is possible to get the entire narrative along with exhibits posted on there. If that is all someone is going to see then I would at least like them to be able to see the entire narrative before forming their opinion. I am sure you understand. Let me know what your thoughts are on that...not trying to make your life difficult or anything. Thanks Mac!

**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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04/27/2006

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lauri roberts@scottsdalerepublic.com, mike ryan@pni.com, Little, John C  
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-----Original Message-----

From F8713@aol.com

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

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"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

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 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

**McClay, Doris**

---

**From:** Cummins, Mac  
**Sent:** Friday, July 07, 2006 9:03 AM  
**To:** McClay, Doris  
**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 forewith 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

**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](mailto:scottwaddell@cox.net)  
**"Serving the Food Industry for over 10 years"**

07/06/2006



April 26, 2006

Court Rich  
Rose Law Group  
7272 E Indian School Rd Ste 360  
Scottsdale, AZ 85251

RE 8-UP-2006 Loco  
Patron

Dear Mr Rich,

The Planning and Development Services Division has completed the review of the above referenced submittal dated March 30, 2006. The following **1<sup>st</sup> Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

**Ordinance Related Issues**

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing.

**Zoning**

1. The submitted parking analysis has been accurately conducted, and correctly identifies that the subject site will be fourteen (14) parking stalls deficient as a result of the intensification from a restaurant use to a bar use. However, the conclusion that the subject establishment can lease that parking from the adjacent property to the north is potentially incorrect. In order to be able to lease parking from another property, that property must first exceed its own parking requirement, thereby having "excess" parking to lease to your business. In this situation, the parking lot to the northwest of the subject site is actually located on City of Scottsdale property, and the minimal number of stalls in the parking lot facing Scottsdale Road may not meet the current parking requirements for the structure located on the site. As such, this parcel might not have any capacity to lease parking to Loco Patron. It is incumbent upon your team to provide parking demand/supply data (including use mix and square footages) for the parcel located to the north.

**Applicant's response** Loco Patron Mexican Grill is working on entering into two separate parking lease agreements to provide for the additional 14 spaces. One such agreement is being finalized with the property immediately to the north of the establishment and will be for the hours of 6:00 p.m. through 3:00 a.m. while the businesses usually using the parking are closed. In fact, those businesses post closing times of 5:30 p.m. in their windows so all parking will be available for Loco Patron during those hours. There is actually an existing lease for those spaces in place but the lease is being modified to fit with leases previously approved for use by other similar establishments in

8-UP-2006

5-11-06

**the Downtown area We are currently negotiating a similar lease with the owners of the Venue of Scottsdale to utilize a portion of the large lot to the east of their building between 11 00 a m and 6 00 p m while the Venue is closed We will provide the City with final executed agreements once completed**

- 2 Given the above analysis, the project must identify how it will meet its additional parking demand (as a result of this application) of 14 additional stalls The options, as outlined in the zoning ordinance, are
  - a Purchase the stalls through the in lieu program
  - b Lease the stalls through the in lieu program (must have 4 5 stalls/1000 square feet of floor area)
  - c Seek a parking variance from the Board of Adjustment
  - d Lease the stalls from another property owner within 600 feet (not across a major arterial) This property owner must have excess parking to lease to Loco Patron, and the lease must be a minimum of 5 years **Applicant's response. See above description**

#### **Policy Related Issues**

The following policy related issues have been identified in the first review of the project While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible

#### **Use Characteristics**

- 3 At the time this establishment opened, the staff informed the proprietor that a bar use would not be supported through the use permit process, and questioned whether or not the use would in fact become a bar use at this location over time The applicant, at that time, assured the City that no such application would be forthcoming, and that they only desired to be a restaurant, and would purchase the appropriate state liquor license (Series 12)

**Applicant's response. The Applicant has always been committed to operating a restaurant and still has that commitment as evidenced by its good faith proposal of a number of burdensome stipulations aimed at requiring it to continue to operate as a restaurant The Applicant would never propose such stipulations if it intended to operate as a bar After one year of business the Applicant just narrowly missed the food service requirements under Arizona law and is left with no choice but to make this Application It is not at all unusual for restaurants to hold Series 6 liquor licenses and continue to operate primarily as restaurants In fact, there are at least two such examples in Downtown Scottsdale alone as the Pink Pony and Don and Charlie's American Rib and Chop House both operate as restaurants but hold Series 6 liquor licenses**

- 4 The staff can not be supportive of this application for multiple reasons, one of which is for the above referenced concern The City cannot be supportive of a "do first and ask questions later" approach to bar and/or restaurant land use decisions The applicant, at the time they opened, were made very clear on the issues surrounding bar and restaurant uses within the Downtown area, and the desire of the City of Scottsdale to not open new bars within the Downtown, particularly any new establishments west of Scottsdale Road

**Applicant's response The Applicant is very much aware of the City Staff's concerns and that is why it is proposing to severely limit itself to guarantee to all that it will continue to operate as a restaurant The number of "bar" uses in Downtown Scottsdale has remained steady since at least April 2003 when there were 31 such establishments according to the City's own**



calculations As of January of this year there are still 31 of these establishments even if you include Loco Patron in that calculation Furthermore, the tenant that preceded Loco Patron in the same building previously operated as a "bar"

The Applicant was not anxious to take this step and spend nearly \$100,000 on the Series 6 Liquor License but simply had no other choice If it cannot get this Use Permit then Loco Patron cannot continue to operate despite the significant investment (the owners invested approximately a half million dollars into revitalizing the site) it made in Downtown Scottsdale

Applicant Proposed Stipulations of Approval

- 5 Loco Patron will derive at least 30% of its annual sales from food

**Staff Response**

Staff has serious concerns about the viability of this, even if stipulated The enforcement and auditing of this provision, for one business, is inappropriate The City has established a threshold criteria, which matches the state requirements, for the difference between a restaurant and a bar To attempt to modify this requirement would create essentially a 3rd category of establishment through a use permit process, and staff cannot be supportive of such a request

**Applicant's response** This stipulation does not require the creation of any "third category of establishment" any more than any other condition on any other Conditional Use Permit or approval for any purpose establishes an additional category The City (like all municipalities) routinely attaches conditions to Use Permits without fear of creating some alternative category of use This analysis was not applied on a recent bar use permit case when Drinx received a use permit without the typical stipulation that it return for an annual review. No one would argue that there is now a "third category" of bars for those who have been excused from the annual review requirement

Certainly, a landowner could propose to rezone his property to C-2, for example, and include a stipulation that guaranteed the land would not have a pawnshop or a liquor store even though those uses are allowed in that district By the reasoning suggested above, such a stipulation would need to be opposed by the City on the grounds that it created some new zoning category

Further, City recently approved a Bar Use Permit for an establishment called E4, an establishment that operates with a Series 12 (restaurant) Liquor License Under the interpretation suggested above this would have created a new category of "bar" as E4 is a "bar" with a Series 12 license

The point is that stipulations and conditions are used all the time without this concern Their very nature is that they generally apply to only one or a few projects The Applicant offers this condition as assurance to the City that the Applicant is going to continue to operate as a restaurant; a goal that the City appears to agree with

Additionally, the Applicant's actual proposed stipulation differs significantly from the one restated above The stipulation reads, "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*" The certification by an independent accountant will require a licensed accountant to swear and certify that the records he is

providing are accurate to the best of his ability The requirement to have the Applicant pay the cost to prepare, and to deliver, this information annually to the person of the City's choosing means that this may be the easiest condition to enforce and monitor in the entire City All the City will need to do is open an envelope once a year to see if this condition has been met

- 6 Loco Patron will keep the kitchen open and serve full menu 7 days a week till 1 AM

**Staff Response**

This is appropriate If the City Council were to approve the use permit, this condition would be acceptable to staff **Applicant's response Agree**

- 7 Loco Patron will keep the same number of tables for dining at the time of the approval of the Use Permit

**Staff Response**

This is appropriate If the City Council were to approve the use permit, this condition would be acceptable to staff **Applicant's response Agree**

- 8 Loco Patron will not modify its floor plan

**Staff Response**

This is appropriate If the City Council were to approve the use permit, this condition would be acceptable to staff **Applicant's response Agree**

- 9 Loco Patron will provide additional landscaping between the patio and Scottsdale Road

**Staff Response**

This is appropriate If the City Council were to approve the use permit, this condition would be acceptable to staff The addition of additional landscape will clearly help soften the appearance of Scottsdale Road to both pedestrians and vehicles **Applicant's response Agree**

- 10 Loco Patron will provide a morning cleanup crew on weekend mornings

**Staff Response**

This is appropriate If the City Council were to approve the use permit, this condition would be acceptable to staff **Applicant's response Agree**

**Proposed Findings**

- 11 Several of the proposed findings for the proposal addressed in your narrative are unsupportable by staff at this time While you have correctly identified that the mix of daytime and night time uses is critical to having a thriving downtown, the issue of whether or not the proposed use, at this location, is ultimately appropriate the key question While your logic seems intuitive, the application will need to be supplemented with a detailed description of the various uses within walking distance of the proposed bar use, and how the new "bar" use will be a compliment to those existing uses, and will not detract from the overall balance For example, what percentage of overall business does Loco Patron do during the lunch hours which helps support the surrounding daytime uses? How many other bars are in

the vicinity which are not open during the daytime? How many retail establishments, etc?

**Applicant's response. See revised Narrative**

Please resubmit the revised narrative, parking analysis, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right)

Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential D R B Hearing date
7	No later than 4/28/2006	5/12/2006	6/28/2006
8	No later than 5/12/2006	5/26/2006	7/12/2006
9	No later than 5/26/2006	6/9/2006	8/23/2006

**PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.**

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the 1st **Review Comments** are valid for a period of 45 days from the date on this letter. Failure to resubmit within the 45 days will require the project to begin a new track.

If you have any questions, or need further assistance please contact me at 480-312-7059 or at [mcummins@ScottsdaleAZ.gov](mailto:mcummins@ScottsdaleAZ.gov)

Sincerely,

A handwritten signature in black ink, appearing to be 'Mac Cummins'.

Mac Cummins, AICP  
Principal Planner

cc      SIMONSON BUILDINGS INC  
         LOCO PATRON LLC  
         Ed Gawf, Assistant City Manager  
         Frank Gray, General Manager, Planning & Development  
         John Little, Executive Director, Downtown Group  
         Randy Grant, Chief Planning Officer  
         Connie Padian, Customer Services Officer  
         Lusia Galav, Director of Current Planning

**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

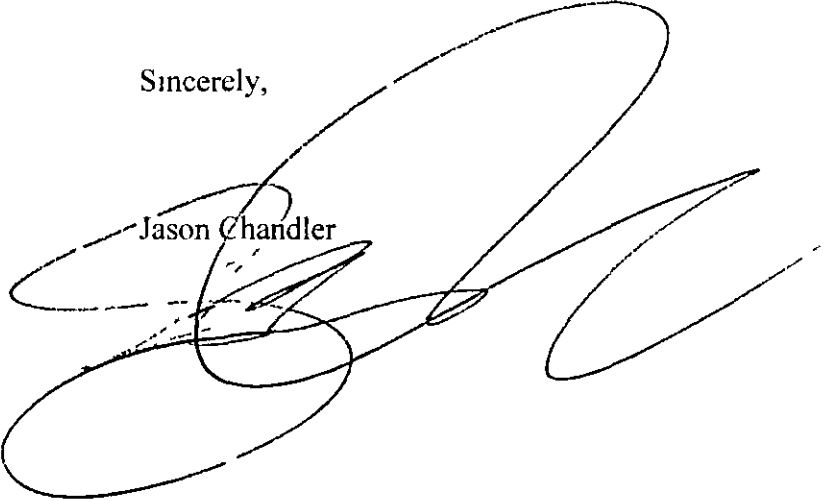
I urge your support for the Use Permit Application for Loco Patron Mexican Grill. As a long time business owner in this area, I can truly say that Loco Patron has been an asset to both retailers in the area and the City of Scottsdale. Although Philly Steak Company and Loco Patron are technically competitors 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

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over the printed name "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

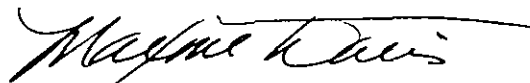
Dear Mayor Manross and Members of the Council

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 cursive script, 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

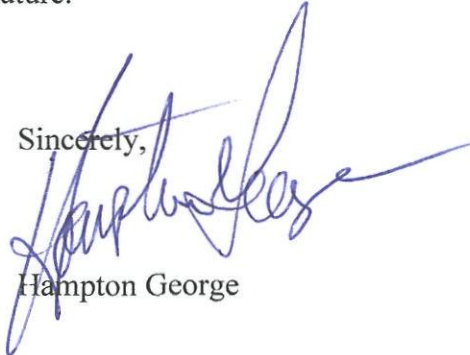
Re: Use Permit Application for Loco Patron Mexican Grill

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 I 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 blue 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

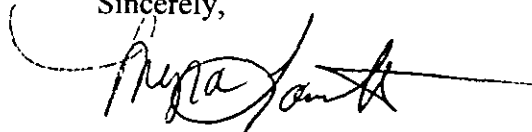
Re Use Permit Application for Loco Patron Mexican Grill

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 long horizontal flourish extending to the right.

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 blue 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

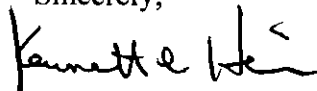
Re Use Permit Application for Loco Patron Mexican Grill

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,



**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 dark ink, consisting of a series of loops and 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 Glasco

12/27/05

ROSE  
LAW GROUP  
pc

COURT S. RICH  
7272 E. Indian School Road Suite 360  
Scottsdale, AZ 85251  
Phone 480.505.3937 Fax 480.505.3925  
crich@roslawgroup.com  
www.roslawgroup.com

December 7, 2005

Dear Neighbor,

This letter is to inform you that 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, or 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

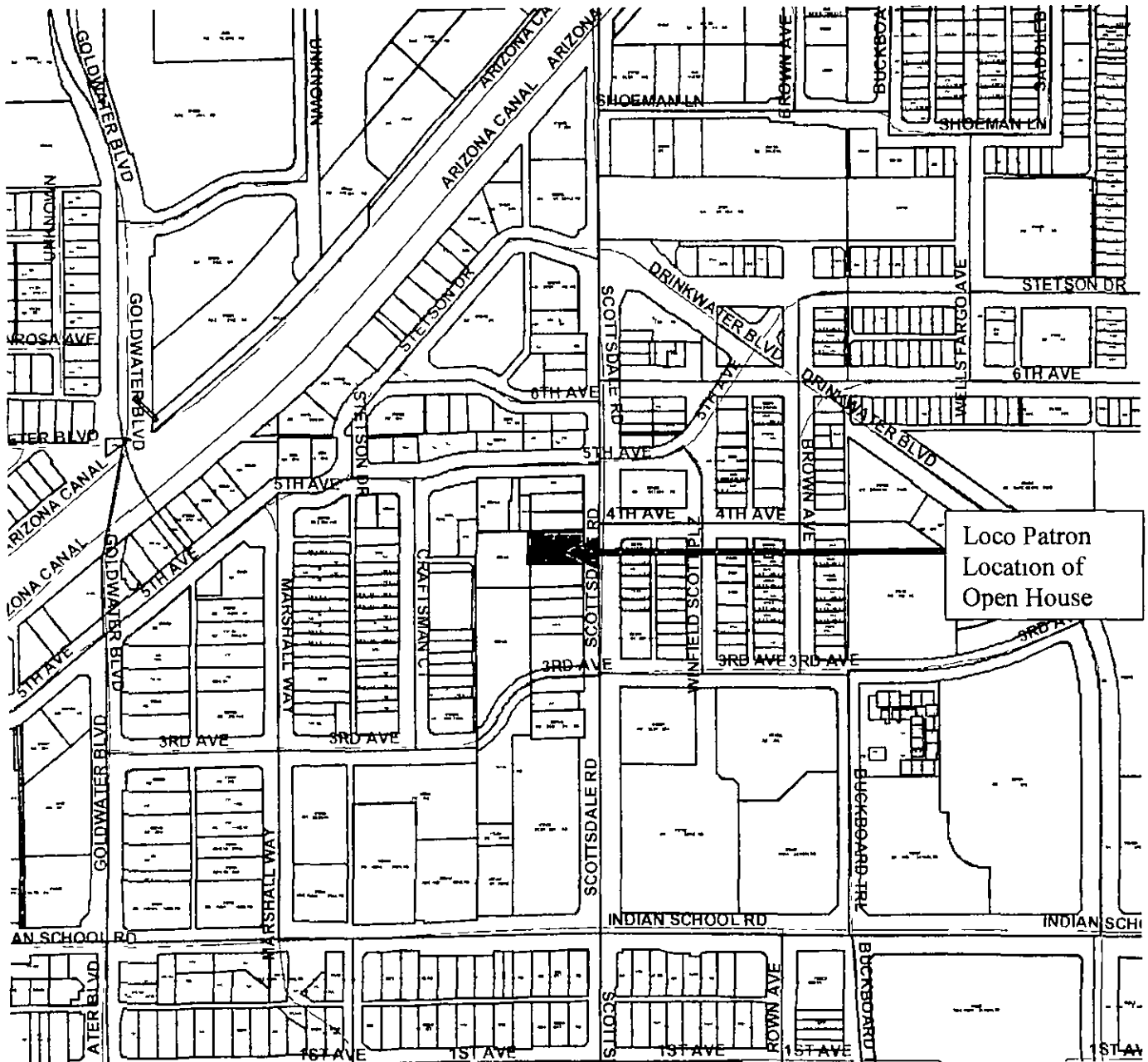
Sincerely,



Court S. Rich

# Location Map

4228 Scottsdale Rd  
Scottsdale, AZ 85251

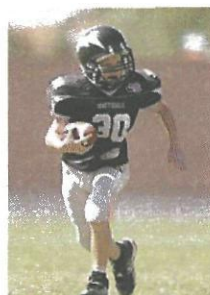
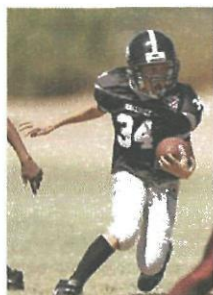




# LOCO PATRÓN

## Community Outreach & Involvement, Charity Efforts, and Media Attention

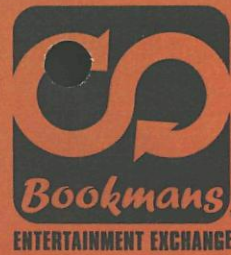
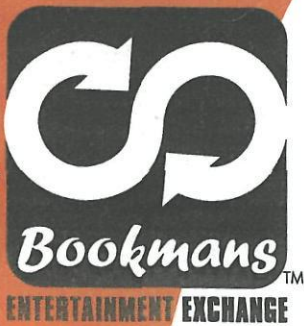
In 2005 Loco Patron sponsored a Scottsdale Pop Warner youth football team, the Scottsdale Marlins, and hopes to continue this to further a good relationship with the community. Scottsdale Youth Football has been providing safe, fun, valuable, recreation for Scottsdale's youth since 1963.



Loco Patron also has also contributed to the art community in the valley by generously donating to the Ballet Etudes (<http://www.aztecfreenet.org/ballet/home.htm>). Ballet Etudes is designed to realistically duplicate the experiences of a professional ballet company for serious young dancers. Under the guidance of its professional staff, Ballet Etudes is dedicated to providing the highest quality in dance education and optimum performing opportunities for its members.



Loco Patron also sponsored a local fundraiser teaming up with local residents to raise money to aid in recovery from the Hurricane Katrina disaster. Loco Patron matched funds raised, dollar for dollar to assist with emergency relief. Loco Patron's renowned chef, Oliver Lubenec, also gets involved in the community by teaching cooking classes at Bookman's Bookstores. Lubenec offers these classes free of charge to the public. You can also catch Chef Lubenec regularly on AM 1310 discussing his cooking. Being an active, positive, member of the community and valley as a whole is very important to Loco Patron, who is constantly striving to be known for more than just its great food, inviting atmosphere, and friendly people.



**Sarah McGovern**  
**STORE MANAGER**

**480-835-0500**  
[sarahm@bookmans.com](mailto:sarahm@bookmans.com)  
1056 S. Country Club Dr.  
Mesa, Arizona 85210  
[www.bookmans.com](http://www.bookmans.com)

December 29<sup>th</sup>, 2005

To: Court Rich

From: Sarah McGovern  
Bookmans Used Books, Music, and Software  
1056 S Country Club Drive  
Mesa, AZ 85210

Dear Mr. Rich,

I am writing this letter on behalf of Oliver Lubenec, a partner and chef at Loco Patron in Scottsdale. For the past four years, Oliver has worked with us on several projects ranging from cooking demonstrations to free giveaways. He regularly offers free demonstrations and lessons at my store and has even volunteered his time to cook large staff meals for my overworked employees during the holiday season. I receive hundreds of charitable donation requests a year and know that I can call him for any that might be food related, and he is always interested in getting out and helping any way that he can. Thank you very much for your consideration.

Sincerely,

Sarah McGovern  
Store manager/Mesa location

1056 S. Country Club Dr.  
Mesa, AZ 85210  
480-835-0505  
Fax: 480-835-0026  
[mesa@bookmans.com](mailto:mesa@bookmans.com)  
[www.bookmans.com](http://www.bookmans.com)

**TUCSON • PHOENIX • FLAGSTAFF**





4725 N. Scottsdale Road • Suite 234 • Scottsdale, AZ 85251

Phone: (480) 423-1310 • Fax: (480) 423-3867

[www.kxam.com](http://www.kxam.com)

December 27, 2005

RE: LOCO PATRON & THE CULINARY CONFESSIONS RADIO SHOW

Loco Patron was an advertising participant of the "Culinary Confessions with Kim and Don" Show, from February 2005 thru July 2005. During the time Loco Patron was involved with the Culinary Confessions show, they distinguished themselves as a restaurant of fine dining quality at very reasonable prices. We gave away numerous gift certificates to listeners, which generated many calls to report that Chef Oliver's menu of authentic Mexican cuisine was one of the best kept secrets on the Old Town Scottsdale restaurant scene.

We broadcasted live from Loco Patron twice with the Culinary Confessions show and twice with the Jeffry O'Brien afternoon drive time show. Probably the most successful remote broadcast was on May 5, 2005, when we broadcast both shows in one day. It was one of the best Cinco de Mayo celebrations for both Loco Patron and Independent 1310 KXAM.

We appreciate having had the opportunity to work with both Chef Oliver and Bill Burns, GM at Loco Patron. If we can be of any service in the future please let me know.

Thanks for your support,

A handwritten signature in black ink that reads "Richard Castro".

Richard Castro  
Account Executive  
480-423-1310, ext. #210  
[richard@kxam.com](mailto:richard@kxam.com)



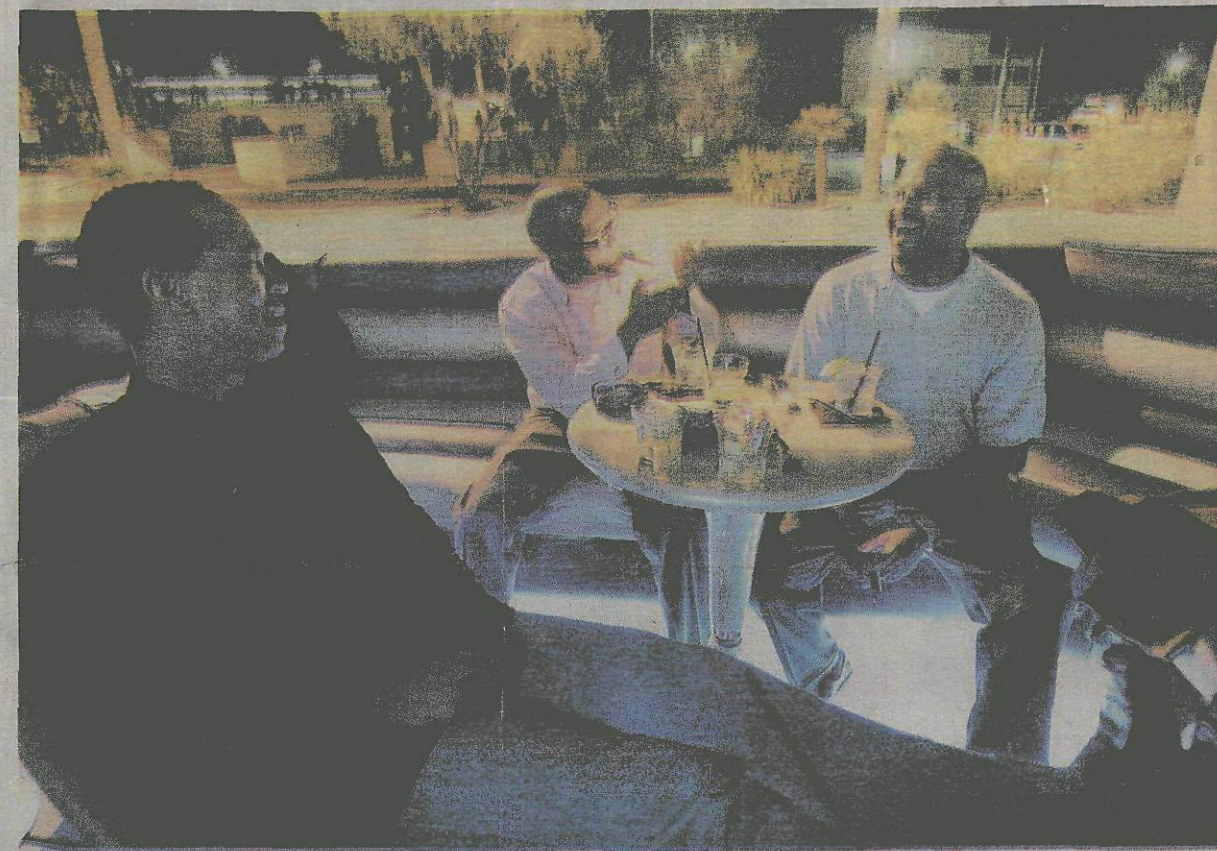
With Real Estate, Auto  
And Classified Advertising

# Escapes

N F1

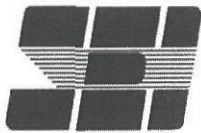
FRIDAY, SEPTEMBER 23, 2005

The New York Times



8-UP-2006  
3-30-06





**Schwimmer Enterprises, Inc.**  
Business & Restaurant Management Consultant

October 24, 2005

**Business analysis on Loco Patron – Mexican Restaurant & Cantina – Scottsdale Arizona**

**About the Project:**

Josh Levine, the Principal and General Manager of Loco Patron requested assistance and advice from John Schwimmer, President of Schwimmer Enterprises Restaurant Consultants. The scope of the project included analyzing the current status of the business, particularly related to the proportion of sales for food and beverage. Mr. Levine is seeking to either keeping his #12 Liquor License, which requires a food/beverage mix ratio of 40/60, or getting approval from the City of Scottsdale for use of a #6 Liquor License at the restaurant's location at 4228 N. Scottsdale Road.

**About the Consultant**

John Schwimmer, a Scottsdale resident for 30 years and a career Restaurant Executive for 35 years, has operated Schwimmer Enterprises Restaurant Consulting, since 1982. Mr. Schwimmer is the preferred consultant recommended by The Arizona Restaurant and Hospitality Association. Mr. Schwimmer has extensive restaurant business background and has been a key person in the management of several Scottsdale restaurants, including Bobby McGee's, Big 4 and RA Sushi Bar. Mr. Schwimmer has advised over 80 clients over the years, to achieve their strategic and tactical goals. Mr. Schwimmer's Resume' and information brochure is available on request.

**The restaurant's current sales ratio status**

The current annual average food ratio is 35% of total sales, which misses the 40% target required to hold a #12 Liquor License. The business is seasonal, as most of Scottsdale's retail establishments are.

During season, which typically is November – April in Scottsdale, Loco Patron has a food/beverage ratio of approximately 50/50. This is due to higher foot traffic on Scottsdale Road, many visitors to our City and a subsequent increase, particularly, in Lunch traffic.

In the off-season, May – October, Loco Patron and most other restaurants in the market, experience a drop in business traffic, which will particularly hit the lunch and general food side of the business the hardest. The evening lounge business is not effected to near the degree the food side is in summer. During this slower period of the year, Loco Patron has a change in their food/beverage mix to approximately 30/70.

**Is Loco Patron a Restaurant or a Bar, predominately?**

Loco Patron, in this Consultant's opinion, is primarily a dining/food operation, from the perspective of space allocation, interior design and merchandising. The following points support these assumptions for Loco Patron's operation:

- 1 The total space of Loco Patron is 4000 square feet under roof. The space is allocated at 1200 square feet in the kitchen (30%), 1800 square feet for dining only (45%), and 1000 square feet for bar/dining multi-use (25%). The space is obviously designed as a restaurant first.
- 2 Upon entering the Loco Patron building, the dominant features of the operation are the display kitchen and main dining room. The bar is small and separated by a short wall from the dining area. Loco Patron has a similar bar space ratio to other Mexican Food operators in the market, such as Ajo Al's, Los Olivos, Garcias, Manuels and MaCayos. It is obvious that the owners and designers for Loco Patron intended to develop a food establishment, not a bar environment. The success of the bar is due to the quality of the overall atmosphere and operation, and not conscious decisions to promote Loco Patron as a bar, by the management.
- 3 Another primary indicator of the food service intent is the Staff Payroll. The kitchen payroll of Loco Patron is 58% of the total payroll dollars. This is not unusual for a restaurant, but would not be tolerated in a predominant bar operation. This again reinforces management's intent and focus on the food operation of the business.
- 4 The kitchen is open from 11 AM until 1 AM, a total of 14 hours a day. This is expensive. Management has decided to maintain food standards and a quality kitchen staff, to support the food program.
- 5 The operation is clean, sanitary, well organized and has a teamwork atmosphere, which describes the essence of a good restaurant operation, not a bar.

**Can management focus time and money to successfully promote more food business?**

It is my opinion, that Loco Patron's management is conducting the business operation to effectively and reasonably promote the food use of the building. Extreme measures could be taken to increase food sales in the short-term, but the side effects of these extreme measures are not a long-term solution. Heavy discounting, expensive ad campaigns and selling techniques that tarnish the image of the establishment, will not improve the business and will definitely damage its ability to be profitable and thus an on-going concern.

Loco Patron is an established business and the concept is set in the mind of the consumer. Manipulating the sales to achieve an artificial ratio, will not serve the business or its customers.

**Consultant's conclusions and recommendations:**

It is my view that for the financial health and longevity of Loco Patron, it is essential that the #6 License Special Use Permit be issued by the City of Scottsdale. Loco Patron is a well-managed business and a good business for the downtown area. It would serve no purpose for Loco Patron's management to lose the ability to serve alcohol, due to not achieving the sales ratio required for a #12 Liquor License, particularly when a #6 is available to solve the Liquor Board's requirements.

It is my experience that Loco Patron cannot survive as a restaurant without a Liquor License.

---

John Schwimmer – President

---

Date

**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

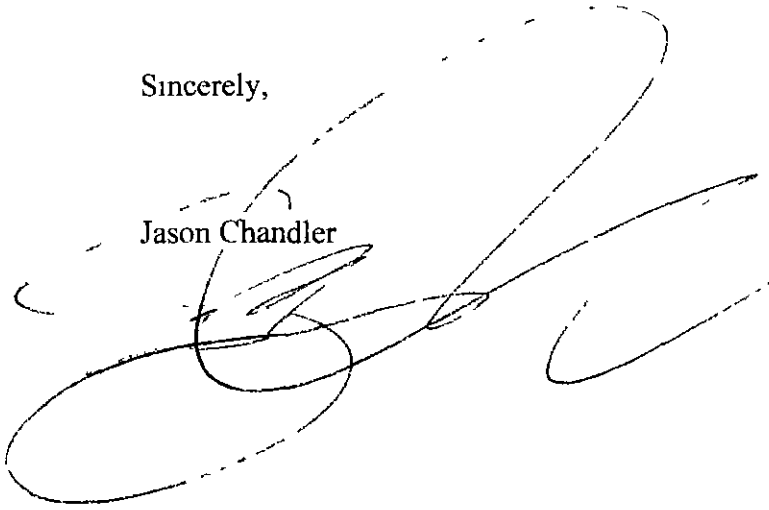
I urge your support for the Use Permit Application for Loco Patron Mexican Grill. As a long time business owner in this area, I can truly say that Loco Patron has been an asset to both retailers in the area and the City of Scottsdale. Although Philly Steak Company and Loco Patron are technically competitors 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



# OLIVER LUBENEC

## OBJECTIVE

---

Own and operate one or several restaurants

## EDUCATION

---

1988 - 1990      Scottsdale Community College      Scottsdale, AZ  
*Culinary Arts Program*

- 3.8 GPA
- Gold medal received in AZ Culinary Olympics
- Completed ten week seminar on Time Management

2000 – Present      South Mountain Community College      Phoenix, AZ  
*Cisco Certified Network Associate (CCNA)*

- 4.0 GPA

*Microsoft Certified Systems Engineer (MCSE)*      Phoenix, AZ

- 4.0 GPA

Summer 2000      Gateway Community College      Phoenix, AZ  
*A+ Certification (A+)*

*Network Plus Certification (Net+)*

- 4.0 GPA

## SUMMARY OF QUALIFICATIONS

---

- Self motivated
- Works well with others and individually
- Delegate authority
- Flexible to new ideas and concepts
- Solution and task orientated
- Well organized
- Attentive to detail
- Manage resources – lead people



## WORK EXPERIENCE

Jan 2004 – Present	Loco Patron	Scottsdale, AZ
<i>Executive Chef</i>		
Jan 2003 – Dec 2003	Silverleaf Golf Club	Scottsdale, AZ
<i>Sous Chef</i>		
April 1999 – Dec 2002	self employed	Paradise Valley, AZ
<i>Personal Chef</i>		
March 1998 - Dec 1998	Rancho Pinot Grill	Scottsdale, AZ
<i>Pastries, Garde Manger, Daily prep</i>		
April 1997 – Feb 1998	Arizona Catering	Mesa, AZ
<i>Executive Chef</i>		
April 1994 – April 1997	Catering and cooking classes	Phoenix, AZ
<i>Operated and owned catering business</i>		
May 1993 – April 1994*	Jetz and Stixx nightclubs	Scottsdale, AZ
<i>Executive Chef</i>		
Jan 1993 – May 1993	Atlasta Catering	Phoenix, AZ
<i>Crew leader</i>		
April 1992 – Dec 1992	Mes Amis Bistro	Scottsdale, AZ
<i>Executive Chef</i>		
Aug 1991 – June 1992*	Arizona Club	Scottsdale, AZ
<i>Garde Manger Chef</i>		
Sept 1990 – Sept 1991*	Christopher's Bistro	Phoenix, AZ
<i>Line, pastry, pantry,</i>		
*concurrently worked at Arizona Club and Christopher's		
Sept 1990 – Dec 1990*	Vincent's on Camelback	Phoenix, AZ
<i>Line and pantry</i>		
*concurrently worked at Christopher's and Vincent's		
Sept 1989 – Sept 1990	Hyatt Regency at Gainey Ranch	Scottsdale, AZ
<i>Line, pantry, broiler, garde manger, banquets</i>		



# LOCO PATRÓN

8-UP-2006  
3-30-06

## STARTERS

<b>Guacamolé and Chips</b> .....	<b>\$5.00</b>
Freshly made with our famous homemade spicy guacamolé.	
<b>Smashed Potatoes</b> .....	<b>\$3.50</b>
Red new potatoes with a golden crunchy outside, soft creamy inside and served with Chipotle Ranch dipping sauce.	
<b>Tortilla Soup</b> .....	<b>\$5.50</b>
Our signature soup is made entirely from scratch – grilled chicken, tomato, onion, garlic, garnished with avocado, tortilla strips, green onions and queso seco.	
<b>Quesadilla</b> .....	<b>\$6.00</b>
A 14" hand stretched tortilla filled with cheddar and jack cheeses, green chiles, served with pico de gallo, guacamolé and sour cream. Add grilled chicken, beef or pork for only a dollar more. \$7.00.	
<b>Tostada</b> .....	<b>\$3.50</b>
Crispy corn tortilla, refried beans, shredded lettuce, queso seco, pico de gallo, avocado cream. Add grilled chicken, beef or pork for only a dollar more. \$4.50.	
<b>Nachos LOCO</b> .....	<b>\$7.50</b>
Two layers of homemade tortilla chips, marinated grilled chicken, beef or pork with frijoles, cheddar and jack cheeses topped with green onions, pico de gallo, with avocado cream and sides of guacamolé and sour cream.	
<b>Chicken Wings Caliente</b> .....	<b>\$8.00</b>
A dozen of our juicy hot wings, celery & carrot sticks, chipotle ranch dressing... want to really heat things up?... try our Habañero Wings!	
<b>Marinated Chicken Tenders</b> .....	<b>\$6.00</b>
Grilled chicken tenders served on a bed of lettuce accompanied by ranch dressing and a tomatillo chipotle salsa.	
<b>Warm Jalapeño Artichoke Dip</b> .....	<b>\$6.50</b>
Creamy queso dip mixed with fresh jalapeño and artichokes, served with carrot sticks and homemade tortilla chips.	

## Salads

<b>Marinated Grilled Chicken Salad</b> .....	<b>\$8.00</b>
Marinated grilled chicken nestled atop romaine and iceberg lettuce, tomato, carrot, radish, green onion, cucumber, queso seco and a roasted poblano vinaigrette.	
<b>Grilled Steak Salad</b> .....	<b>\$9.00</b>
Grilled and marinated steak, crisp romaine, marinated onions, oven dried tomatoes, capers, radishes, queso seco, and a tangy chipotle dressing.	
<b>Tomato Queso</b> .....	<b>\$7.50</b>
Sliced Roma tomatoes, mexican queso fresco, avocado, spring lettuce mix, tossed in a cilantro green chile vinaigrette.	

## ENTREES

<b>Carne Asada</b> .....	<b>\$12.00</b>
Spicy grilled marinated steak with corn or flour tortillas, pico de gallo, guacamolé, sour cream, cheddar cheese, frijoles, spanish rice, shredded lettuce, marinated onions, radish and peas.	
<b>Sizzling Fajitas</b> .....	<b>\$12.00</b>
Marinated beef or chicken, onions, peppers, corn or flour tortillas, pico de gallo, guacamolé, cheddar cheese, sour cream, shredded lettuce, frijoles and spanish rice.	
<b>Burrito Grande</b> .....	<b>\$8.50</b>
14" flour tortilla, frijoles, grilled beef, chicken or pork, spanish rice, pico de gallo, sour cream, guacamolé, cheddar cheese and cilantro vinaigrette.	
<b>LOCO Tacos (2)</b> .....	<b>\$8.00</b>
Shredded pork, chicken or beef with corn or flour tortillas, shredded lettuce, pico de gallo, cheddar cheese, avocado cream, salsa, frijoles and spanish rice.	
<b>Enchiladas (2)</b> .....	<b>\$9.00</b>
Choose chicken, cheese, beef or pork, flour or corn tortillas, red or spicy green enchilada sauce, cheddar cheese, frijoles, spanish rice, shredded lettuce, marinated onions, radish and peas.	
<b>Crunchy Fish Tacos (2) and Chips</b> .....	<b>\$12.00</b>
Corona beer battered cod with corn or flour tortillas, shredded cabbage, marinated onions, pico de gallo, avocado cream, chile sauce and queso seco accompanied with crunchy golden smashed potatoes.	
<b>Mahi Mahi Fish Tacos (2)</b> .....	<b>\$12.00</b>
Mahi Mahi in a tequila lime cilantro marinade with corn or flour tortillas, shredded cabbage, marinated onions, pico de gallo, roasted chipotle salsa, avocado cream, chile sauce and queso seco. Served with frijoles and spanish rice.	

Soft Drinks, Bottle Water, Tea, Juice and Milk ..... \$2.00

**THE "KING" CHOCOLATE EXPLOSION**

**Homemade Chocolate Brownie, Vanilla Ice Cream, and Chocolate and Caramel Sauces ... \$6.00**

— 18% Gratuity Added for Parties of 6 or More. —



# LOCO PATRÓN

## LUNCH MENU

### Loco Patron Lunch Specials \$7

1. One Taco (Chicken, Beef, Pork or Mahi Mahi), One Bean Tostada.
2. One Burrito, One Cheese Enchilada.
3. One Enchilada (Chicken, Cheese, Beef or Pork), One Bean Tostada.
4. Two Tacos (Chicken, Beef or Pork).

**Tortilla Soup** ..... \$5.50  
Grilled chicken, tomato, onion, garlic, garnished with avocado tortilla strips, green onions and queso seco.

**Grilled Steak Salad** ..... \$9.00  
Grilled and marinated steak, crisp romaine, marinated onions, oven dried tomatoes, capers, radishes, queso seco, tangy chipotle dressing.

**Marinated Grilled Chicken Salad** ..... \$8.00  
Marinated grilled chicken nestled atop romaine and iceberg lettuce, tomato, carrot, radish, green onion, cucumber, queso seco and a roasted poblano vinaigrette.

**Tomato Queso** ..... \$7.50  
Sliced Roma tomatoes, mexican queso fresco, avocado, spring lettuce mix, tossed in a cilantro green chile vinaigrette.

**Sizzling Fajitas** ..... \$8.00  
Marinated beef or chicken, onions, peppers, corn or flour tortillas, pico de gallo, guacamolé, sour cream, shredded lettuce, cheddar cheese, frijoles and spanish rice.

**Mahi Mahi Tacos** ..... \$9.00  
Mahi Mahi in a tequila lime cilantro marinade with corn or flour tortillas, shredded cabbage, marinated onions, pico de gallo, roasted chipotle salsa, avocado cream, chile sauce and queso seco. Served with frijoles and spanish rice.

**Crispy Fish Tacos** ..... \$9.00  
Corona beer battered cod, shredded cabbage, marinated onions, pico de gallo, avocado cream, chile sauce, queso seco, flour or corn tortillas, frijoles and spanish rice.

**Soft Drinks, Bottled Water, Tea, Juice & Milk . . . . \$2.00**

— 18% Gratuity Added for Parties of 6 or More. —



# LOCO PATRÓN

"Eat, Drink & Be Loco!"

Loco Patron, prominently located on Scottsdale Road is easy to see and easy to remember with such a "crazy" name. Literally translated, it means "Crazy Boss", but fortunately, none of the owners are actually crazy. In fact, we think they're pretty smart. This rustic, cantina-style restaurant may look more like a haven for Corona and Margaritas from the street, but the food menu inside is the real reason the eatery is drawing crowds. The Mexican cuisine here is incredible and will astound you with every bite. If you are one of those people who loves to tell a friend about a place that they will thank you for later, then here is your next recommendation. Here's why:

Chef and part owner Oliver Lubenec and his kitchen staff are exactly why the food tastes so good at Loco Patron. His 20 years of extensive experience in fine dining having graced such landmarks as The Hyatt Gainey Ranch, Christopher's, Troon, Vincent's and Rancho Pinot. His culinary talents helped launch Cowboy Ciao where he created the "mushroom panfry" which was voted one of the best dishes in the valley. "I've been very fortunate to have worked with some of the Valley's top chefs and have now been given a wonderful opportunity to create some exciting Mexican fare," said the unassuming Chef.

You can literally taste the unmistakable difference in the food at Loco Patron. Unlike what passes for traditional Mexican fare in this town, Loco Patron's taste is truly authentic. Good food speaks for itself so you simply have to try it to fully understand (and appreciate) the quality of their authentic and addictive cuisine.

#### Quality Staff...Quality Product

Part of his success stems from his philosophy. "To create a quality product, one must first create a quality culture in the restaurant. We must respect every individual and their abilities in order to instill in them a true passion for the product we create from scratch every day," he said with passion. This has allowed him to create a team of finely tuned kitchen workers that strive for excellence on a daily basis. "I'm really proud of this crew," said Lubenec, who believes in leading by example. There is no egomania here, no "chef-gone-celebrity" and

no fancy smocks with his name on it. It's no secret why the food is so good. The recipes are great...sure. But what matters at the Loco Patron is that every member of the staff is "crazy-loco" passionate about the food. They really care. They want you to say "Wow!" when you try it, but be forewarned most of the food has a surprising kick. There's a habanero salsa that will challenge the bravest of patrons. Dull and bland have no place here. This is a truly refreshing attitude in a town of thousands of restaurants and an abundance of Mexican fare.

"We have a 98% scratch kitchen here and we stock our kitchen with only the freshest produce and meats," said Lubenec. Loco makes their own pico de gallo, guacamole, enchilada sauces, salsa, tortilla soup as well as all the salad dressings and dips each day. The beans and rice are made fresh 2 times daily and the chips are made three times a day! Only the finest produce, the best cuts of meat, and the most authentic cheeses from Mexico make it past inspection at the Loco Patron.

#### Loco Daily Specials and Nightly Fun

Owners Ryan Vertuca, Jeremy Jazwinski and Oliver Lubenec want you to have fun when you visit the Loco Patron as well. That's why there is a fully stocked bar with dozens of premium tequilas, all the Mexican imported beers, a whole lineup of custom-made Margaritas, and just about any other kind of liquid libation your heart desires. Make sure to order one of the signature Margaritas that your Loco bartender is famous for!

#### Margarita Mondays

\$1 Mahi Mahi Tacos  
\$3 16 oz Margaritas  
\$9 Loco Grande Margs (for 2)

#### Taco Tuesdays

\$1 Chicken, Beef or Pork Tacos  
\$2.00 Mexican Beers!

#### Wednesdays

Industry Night \$3 well, wine and domestic drafts

#### Daily Happy Hour Deals

(3pm - 7pm, 7 Days a week!)  
\$2 Mexican Beers  
\$5 Margaritas

#### Reverse Happy Hour

(Thursdays thru Sundays 11pm-2am)  
\$2 Mexican Beers  
\$5 Margaritas  
(Look for live Mariachis in January)



*"I can honestly say that this is the highest quality and most authentic Mexican food money can buy, without going to Mexico."  
Richard Castro, Customer*

## Future Plans...

Although the food is good enough to base a national chain concept on it, the Loco boys are content to continue producing a quality product in Scottsdale, with a good chance of opening up elsewhere in the future. "We are enjoying our successes and the personal attention we can give to our customers. We aren't looking to grow too fast," said co owner and award winning bartender Jeremy Jazwinski...That would be Loco.



## Our Favorite Loco Dishes

With the most expensive item on the menu ringing in at only \$14 and fast lunch specials starting at only \$7, Loco Patron is easily one of the most reasonable restaurants in Scottsdale. But the food is off-the-hook excellent! Here are some items you don't want to miss...

### Starters:

**Smashed Potatoes** – Red new potatoes with a golden crunchy outside, soft creamy inside and served with Chipotle Ranch. Unique! Savory! Addictive!

**Tortilla Soup** – The house specialty and the recipe will NOT be disclosed. Made entirely from scratch – grilled chicken, tomato, onion, garlic, garnished with avocado, tortilla strips, green onions and queso seco. Fantastic!

**Warm Jalapeno Artichoke Dip** – Creamy queso dip mixed with fresh jalapeno and artichokes, served with carrot sticks and homemade tortilla chips. Awesome!

### Salads:

**Grilled Steak Salad** – Grilled and marinated steak, crisp romaine, marinated onions, oven dried tomatoes, capers, radishes, queso seco and tangy chipotle dressing. Prepare yourself for some serious kick.

### Entrees:

**Carne Asada** – Spicy grilled marinated steak with corn or flour tortillas, pico de gallo, guacamole, sour cream, cheddar cheese, frijoles, Spanish rice, shredded lettuce, radish and peas. This steak will melt in your mouth.

**Sizzling Fajitas** – Marinated tenderloin beef or chicken, onions, peppers, corn or flour tortillas, pico de gallo, guacamole, cheddar cheese, sour cream, frijoles and Spanish rice. Loco's best seller.

**Enchiladas (2)** – Made with chicken, cheese, beef or pork, homemade spicy red or green enchilada sauce, frijoles, Spanish rice, radish, marinated onions, queso seco, shredded lettuce and pico de gallo. A MUST TRY!

**Crunchy Fish Tacos (2) and Chips** - Corona beer-battered cod with corn or flour tortillas, shredded cabbage, marinated onions, pico de gallo, avocado cream and chile sauce, queso seco and accompanied with crunchy golden smashed potatoes. You might think you're back in Mexico.

**Mahi Mahi Fish Tacos (2)** – Mahi Mahi in a tequila-lime-cilantro marinade, with corn or flour tortillas, shredded cabbage, marinate onions, pico de gallo, roasted chipotle salsa, avocado cream, chile sauce, and queso seco, frijoles and Spanish rice. Loco's signature dish...and healthy too!

## When You Go Loco:

Loco Patron  
4228 N. Scottsdale Road, Scottsdale  
Tel: (480) 874-0033  
Web: [www.locopatron.com](http://www.locopatron.com)  
Hours: 11am - 2am, 7 Days  
Kitchen Hours:  
Lunch Served: 11am-3pm daily

Sun-Wed Kitchen stays open til midnight  
Thurs-Sat Kitchen stays open til 1am  
Happy Hour: 3pm - 7pm, 7 Days  
11pm - 2am, Sun-Thurs  
\$2 Mexican Beers, \$5 Margaritas  
Food specials daily  
Cuisine: Authentic Mexican & People

Pleasing Bar Dishes  
Reservations: Not necessary  
To Go Orders: Yes  
Delivery: No  
Patio: Yes, Heated & Misted. Voted  
#1 Patio Bar in Scottsdale by GET OUT Magazine

December 8th thru 14th, 2005

NightLife Magazine

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# Where's the Party? Scottsdale!

By MICHELLE HIGGINS

## ADVENTURER

### Where Hikers Run Out Of Trail

By SARAH TUFF

**M**OST of the time, the Katahdin Stream Campground in Baxter State Park in Maine is a simple cluster of tent sites and picnic tables. But for hundreds of north-bound through hikers around this time of year, the little plot of land becomes a somewhat more meaningful place: the final staging area in their 2,175-mile journeys on the Appalachian Trail.

The hikers are on their way to the trail's northern terminus: the nearby summit of Mount Katahdin, whose long, bare ridgeline gives it the look of a slumbering elephant on the green plains of Maine. It is the turnstile between the wilderness life, defined by blisters, backpacks and the alter ego of a trail name, and the outside world, where there are hot showers and ice cream but also traffic jams, television and locked doors.

On a late summer evening at the campground, Bill Josler (trail name, Croc Walkers) and Donna Moot (Britannica) had just come down from the 5,267-foot peak. For them, it was the end of a four-month trek on the Appalachian Trail. Now they were in the midst of an impromptu party touched off by the arrival of Ms. Moot's daughters, Melissa, 15, and Erin, 12, and best friend, Laura Davis, 46, and Mr. Josler's son, Bill, 40. They turned the day-use



Herb Swanson for The New York Times

**AT LAST** Masafumi Saito hiked the entire Appalachian Trail to Mount Katahdin in Maine.

parking lot into a festive scene with wine, sparkling grape juice, cookies and potato chips.

"I feel fantastic," said Ms. Moot, 49, brushing turkey-on-pumpkin crumbs from her orange T-shirt. "I've wanted to do this since I was 18."

"I would never do it again," said Mr. Josler, 63, of White River Junction, Vt. His eyes blazed as brightly as the painted white stripes that mark the way on the trail. "There are two words I don't figure should be associated with the Appalachian Trail: dry and easy."

Mr. Josler and Ms. Moot are two of the more than three million people who hike at least a section of the trail each year. But as finishing north-bounders, or nobos, they are in a select group. According to the Appalachian Trail Conservancy,

1,392 people set out from Springer Mountain in Georgia in 2005 with the intent to hike the entire corridor, which generally takes about six months.

But not everyone finishes. Because of health or family troubles, lack of money or just the tremendous tedium of walking all day, that number is whittled to a few hundred pilgrims, themselves whittled to wiry, weather-beaten figures who must arrive at Katahdin by Oct. 15, when Baxter State Park closes to campers. A smaller portion are sobos, who tackle the trail from Maine to Georgia.

In fact, since the Appalachian Trail opened in 1937, only about 8,500 people have walked the full route.

When this year's last through hikers, those who

Continued on Page 5

**W**HEN Steve G. Bernath, 32, an engineer from San Jose, Calif., visited a friend in Scottsdale two years ago, he expected a sleepy community full of "golf fanatics and blue-haired women," he said. But a weekend of clubbing quickly changed his mind. "I was in awe actually as far as the night life," he said.

And he was back last weekend with 14 pals for a friend's bachelor party. "It's hip," he said, beer in hand, surrounded by a gaggle of women in the pool at the year-old James Hotel. "It's happening. There's definitely a stepped-up night life."

Hip? Happening? Scottsdale? Long associated with golf, grand dame resorts and retirees, this suburb of Phoenix is fast on its way to becoming a hipster hot spot. Nightclubs, chic hotels, trendy bars and restaurants that cater to a young, fashion-conscious crowd have been popping up.

Party central is the James, a joint project of the New York restaurateur Stephen Hanson and Danny Errico, founder of the fashionable Equinox Fitness Clubs. Its J Bar, where Bond movies are projected on the wall, draws a steady flow of pretty people.

But it just got some competition. In July, the nightclub e4 opened nearby. It features rooms and a patio designed around the four elements — earth, air, fire and water. On a recent Friday night, a throng of 20- and 30-somethings pulsated to house music next to a 20-foot waterfall inside e4's Liquid Room, while others smoked, sipped cocktails and watched flat-screen TV's outdoors on the Air Patio.

A few blocks away, men with painstakingly tousled hair and tan women in spaghetti-strapped tops crowded into the bar at Stingray Sushi, a restaurant that hit the scene in December. Cocktails there have names like Godzilla and Lychee Circus, and a fish tank housing — yes — stingrays is built into the floor at the entrance.

And at Sanctuary on Camelback Mountain, a resort and spa north of town, the only seating available at its restaurant, elements — yet another trendy lower-case e name — was at the Community Table. In the middle of the restaurant, it seats 14 and can't be reserved, intended as it is for diners who want to socialize over orange miso chicken or pecan dusted tilapia.

In all, there are roughly 50 nightclubs, up from about 30

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# Where's the Party? Scottsdale!

Continued From First Escapes Page

just a few years ago, and more than 600 restaurants, compared to 400 in 1994, according to the Scottsdale Convention & Visitors Bureau. Scottsdale has even started a New Year's Eve block party. Last year's attracted an estimated 8,000-plus partyers, the visitors bureau said. Not bad for a town better known for early-bird specials.

"I think it's one of the best cities on the West Coast to go out partying," said Hugo Gamboa, 37, a nightclub and restaurant owner from San Francisco in town with Mr. Bernath for the bachelor party. "It's a mix between Las Vegas and L.A. You get that flavor."

It wasn't always that way. Just five years ago, chain restaurants and Southwestern gift shops and galleries dominated downtown and there was little in the way of housing. Then the city came up with a new revitalization plan to spur investment in the area. Soon, new bars, restaurants and boutique hotels were opening — none more notable than the James, where each minimalist-chic room contains a flat-screen TV, martini set and intimacy kit.

The James's blue and pink facade stands out in garish contrast to the brown and burnt-sienna hues of Scottsdale's adobe-style downtown. The hotel rooms are situated around its two pools — the Relaxation pool, set in a lush garden, and the Play pool, which with its bar has become so popular it warrants a doorman.

Just inside the entranceway of the Play pool on a recent afternoon, music blasted,

*It's still not quite South Beach. No one's rollerblading through downtown in a bikini.*

mist sprayed from a slatted overhang and men in surfer swimsuits and sunglasses congregated around a pool table, looking as if they were straight out of "Entourage." Couples lounged on wide white outdoor beds while singles floated and frolicked in the water. From the bar, patrons could watch guests pump iron at the glass-enclosed gym across the way or gaze at bikini-clad sunbathers.

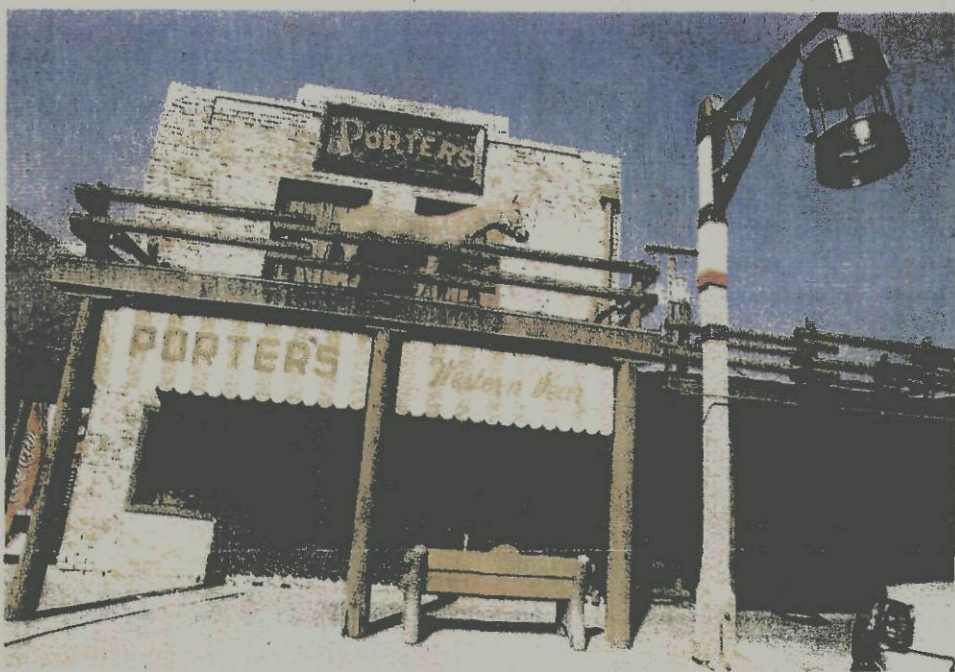
**T**HE night life here is really cool," said Ilana Fisher, 25, a recent college graduate from Lansing, Mich., as she lounged poolside in a purple bikini in the dry Arizona heat. After visiting Scottsdale for the first time last October, Ms. Fisher decided to move to the area. In Michigan, she said, "there was a lack of anything social other than the movies."

New projects under way are designed to court young people like Ms. Fisher soon. Construction is nearing completion on the first parts of the new Waterfront develop-



**NIGHT** The Fire Room at the club e4 is one of four spaces designed around the four elements: earth, air, fire and water.

Photographs by Sandy Huffaker for The New York Times



**DAY** A Western clothing store shows that the old Scottsdale has not disappeared.

ment — an 11-acre site along the northern banks of the Arizona Canal in downtown that will offer a mix of residential, retail and office space.

The retro-chic Hotel Valley Ho, built in 1956, and once a playground for celebrities like Clark Gable, Humphrey Bogart and Natalie Wood, is getting a \$70 million facelift. It is slated to reopen in December, with 194 rooms and a Trader Vic's restaurant. Not to be left out, Starwood Hotels & Resorts is planning to open a W Hotel in 2007.

Many young residents welcome the change. "It used to be this dumpy looking kind of town," said Nikki Faigus, 34, a home-

maker from Scottsdale sitting at a table of a dozen women in designer jeans and flashy tops. "Now it's more fashionable." The group was celebrating two birthdays with sushi and Asahi beer in the ultrasuede-covered booths at Stingray Sushi.

"I think it's finally come into its own," added her friend Alicia Livingston, 36, an investment banker visiting from New York. "I think it's finally found its identity — fashionable but still down to earth."

After dining on sushi and teriyaki chicken, the group headed over to e4 a little before 11 o'clock. There, a 100-person line was already starting to snake around the corner.



The New York Times

No problem — the women talked their way into the V.I.P. entrance.

Not everyone in conservative Scottsdale is entirely happy about the budding nightlife scene. The Love Bug, a three-year-old erotic boutique, sits among a mix of bars and interior design shops on Craftsman Court, a street that also includes the downtown Visitors Center. Earlier this year, the shop's owner, Wendy Cashback, hung T-shirts splashed with obscenities in the window. Not long afterward, the Scottsdale police received complaints from residents and issued a formal request to take them down. Ms. Cashback moved the offending garments inside, but noted that they were the best-selling items in the store, which stays open late on weekends to attract customers from nearby bars and clubs.

And this is still hardly the Meatpacking District or South Beach. By day, no one's rollerblading through town in a bikini. Outside of downtown, golf resorts and senior living communities remain the norm. Indeed, the new clubs and restaurants are spread

ADVENTURER

Area of detail

IF YOU GO

## Sunny Days, Party Nights

**D**OWNTOWN Scottsdale is roughly 20 minutes from the Phoenix airport. Most downtown hotspots are within walking distance of each other, as the entire district is only about two miles long and a mile wide. Still, nearly everyone drives, making parking an issue at peak hours.

Stay at the James Hotel (7353 East Indian School Road, 480-308-1100) for prime people watching and V.I.P. access to its hot J Bar. Flashing a hotel room key will get you and a guest past any doorman. Current rates range from \$229 for a standard room to \$429 for a suite. In high season (January to April) those same rooms go for \$279 to \$509.

For something more secluded but still chic, head north to the Sanctuary on Camelback Mountain (5700 East McDonald Drive, Paradise Valley; 480-948-2100) and check into one of its newly remodeled casitas with 42-inch flat-screen TV's and steel-blue sofas. Rates are \$400 to \$550.

Both hotels offer trendy restaurants. There's also Stingray Sushi (4302 North Scottsdale Road, 480-941-4460), which offers both raw and cooked dishes and fancy cocktails.

For dancing, the newest nightclub is e4 (4282 North Drinkwater Boulevard, 480-970-3325). Expect a line as early as 10:30 p.m. on weekends. BS West, which draws a gay crowd, is at the north end of Craftsman Court. Other clubs like Axis/Radius, Suede and Myst, all within blocks of one another south of Camelback Road and east of Scottsdale Road, also draw a young, energetic crowd.

out in pockets — a cluster of nightclubs at the northern end of downtown, a row of bars on Craftsman Court near the Fifth Avenue shopping district, and the James in Old Town. Throughout downtown, restaurant chains and Southwestern-themed shops hawking cowboy boots, turquoise jewelry and jackalopes still dominate.

After dark, on Main Street, old-timers wearing wrangler shirts and cowboy hats dance to country tunes at the Rusty Spur Saloon — a kitschy Western bar that used to be a bank. The bank vault serves as a liquor cabinet and beer cooler. And though there are no fish tanks, waterfalls or drinks with fanciful names, some hipsters prefer it to the trendy spots popping up around town.

"There are not a lot of dive bars in Scottsdale," said Jason Miller, a 27-year-old financial adviser. "This is the coolest bar in town because it's real."

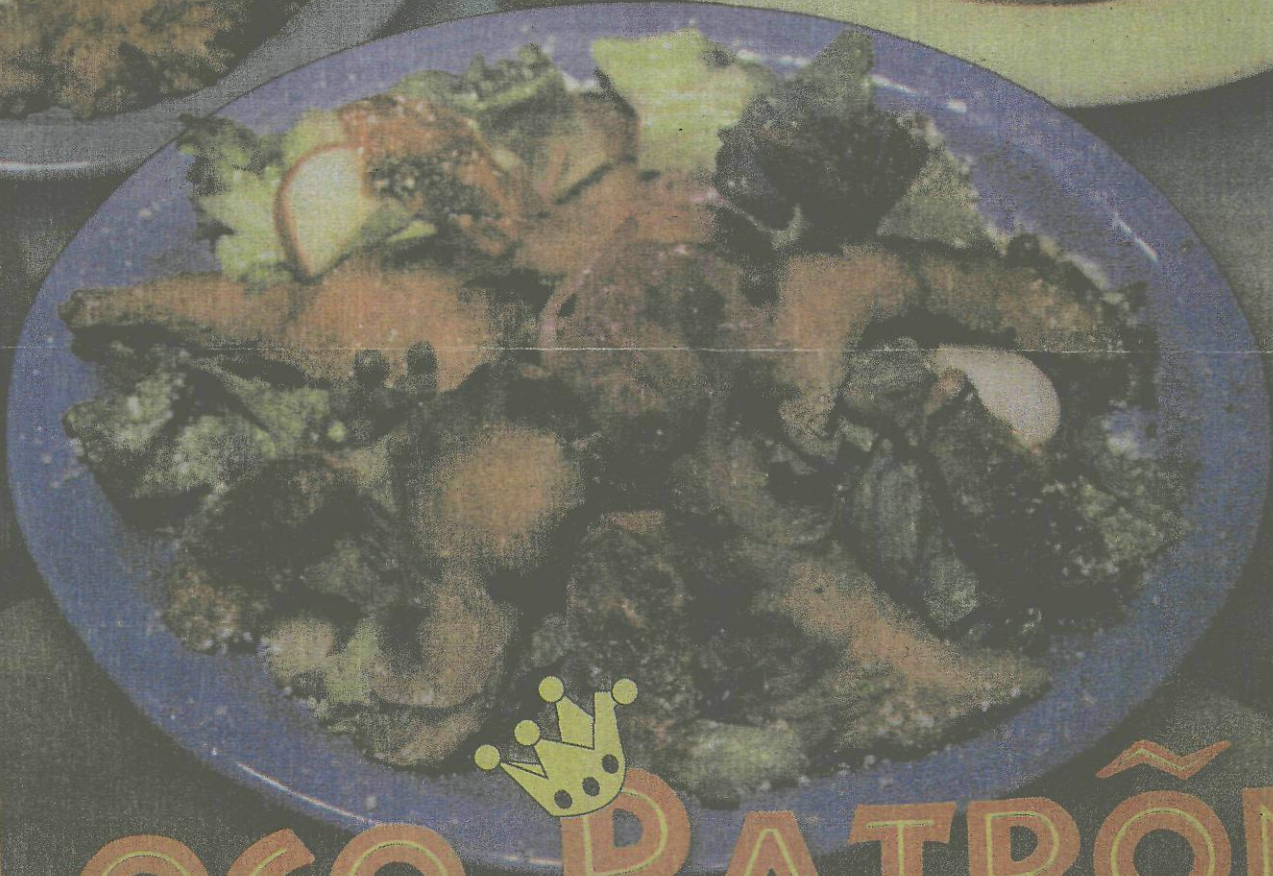


# NightLife!

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LOCO  PATRÓN