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# PLANNING COMMISSION REPORT

MEETING DATE: September 27, 2006

ITEM NO. \_\_\_\_\_

GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Tanners Live Entertainment - 23-UP-2006**

## REQUEST

Request to approve a conditional use permit for live entertainment in an existing 4000 +/- square feet building located at 6990 E. Shea Blvd. with Central Business District (C-2) zoning.

### Key Items for Consideration:

- The proposed live entertainment is located in an existing bar and in a commercial center along E. Shea Boulevard.
- The nearest residential use is over 600 feet to the north.
- There is no known opposition to this proposed use.

### Related References:

- In May of 2006, the City Council approved a Conditional Use Permit for a bar at this location (Case 1-UP-2006).
- In 1998, the Development Review Board approved the Agua Caliente Shopping Center (Case 29-DR-1988).

## OWNER/APPLICANT CONTACT

James Ladman  
602-418-0007

## LOCATION

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



## BACKGROUND

### Zoning.

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

### Context.

This subdivision is located in the Agua Caliente Shopping Center at the northwest corner of the Shea Boulevard and N. 70<sup>th</sup> Street. Surrounding properties are commercial uses, with no single-family residential use located within the area.

### Adjacent Uses and Zoning:

- North Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- South Shea Boulevard, with C-2, C-O and R1-35 Residential District zoning, (note: the R1-35 area is the YMCA, 425

- East                      feet southwest of the site)  
Agua Caliente Shopping Center with C-2 (Central Business District) zoning
- West                     Agua Caliente Professional Center (Dental Center) with C-2 District zoning

**APPLICANT'S PROPOSAL**

**Goal/Purpose of Request.**

The applicant is requesting approval of a Conditional Use Permit to provide live entertainment in an existing building within the Agua Caliente Shopping Center. The bar will offer small entrées and feature one or two jazz performers, larger bands, and lounge singers catering to the "twenty-eight and up" business crowd.

**Development Information.**

- Existing Use:                      Former restaurant currently being remodeled into a bar
- Buildings/Description:              1 building in a multi-tenant shopping center
- Parcel Size:                        2 acres
- Building Height Allowed:            36 feet
- Existing Building Height:            28 feet
- Floor Area:                        4,000 square feet (1,800 square feet for kitchen and office, and 2,200 square feet for bar and dining), plus 2,040 square feet patio area.

**IMPACT ANALYSIS**

**Traffic.**

The proposed live entertainment is ancillary to the bar use and would operate in the evening, with the primary trip generation occurring off-peak in the evening hours when other businesses in the commercial center are closed. The live entertainment use is expected to only slightly increase the overall traffic or peak trips generated to the bar. The existing shopping center, parking, and surrounding street network can accommodate any slight increase in traffic. Existing access to the Agua Caliente Shopping Center is from E. Shea Boulevard to the south, N. 70<sup>th</sup> Street to the east and N. 69<sup>th</sup> Street to the west. There are no known traffic impacts with the existing shopping center or from the proposed live entertainment use.

**Parking.**

- 58 spaces are required for the bar/live entertainment use, and 110 spaces are provided within the shopping center. There are no parking impacts anticipated at the existing commercial center.
- 120 additional spaces are available through a shared parking agreement with the Agua Caliente Professional Center adjoining the site to the west.

**Police/Fire.**

Police facilities are located within four miles of this property and a fire station

is located within a mile. There are no reported public service concerns with this use. The bar and live entertainment conditional use permit criteria require submission of a Security and Maintenance plan, which has been reviewed and approved by the Police Department. (See Attachment #7)

#### Use Permit Criteria

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

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **No additional lighting is proposed, and no smoke, odor, dust or vibration is anticipated from this use.**
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **Access to the primary parking area for the shopping center is from E. Shea Boulevard, N. 69<sup>th</sup> and N. 70<sup>th</sup> Streets, and the proposed use will not modify existing traffic patterns in the area. The expected slight increase in traffic generated by the live entertainment use will primarily occur in the evening hours when many of the other retail, office and medical office tenants in the center are closed. Sufficient parking is available with parking areas located to the north of the building, and within the Agua Caliente Shopping Center to the west.**
  3. There are no other factors associated with this project that will be materially detrimental to the public.
    - **An outside patio along the east side of the building is located about 50 feet from E. Shea Boulevard with other commercial uses located toward the south.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - **The live entertainment request in conjunction with a bar is reasonably compatible with the surrounding retail and offices uses within this shopping center.**
- C. The additional conditions for Live Entertainment specified in Section 1403 have been satisfied.
  1. The site plan shall demonstrate that:
    - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
    - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
      - **The site is buffered by a larger parking lot and other commercial buildings to the north, and by Shea**



**Boulevard and commercial development to the south, east, and west. The closest residential housing is located over 600 feet to the north. All patron entrances are well lit and clearly visible to patrons from the parking lot.**

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
  - **The floor plan indicates that all live entertainment activities will be located within the structure. Live entertainment and any external speakers will not exceed noise levels of ambient noise consistent with the use and character of the area.**
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
  - **A Security and Maintenance Plan has been submitted and approved.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
  - **The existing lighting for the commercial center meets the provisions of this ordinance.**
5. The applicant shall provide 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, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
  - **Provisions of refuse control are included with the Security and Maintenance Plan and have been stipulated with this case**
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
  - **The draft floor plan has been provided for review as Attachment #9.**
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
  - **The entrance to the subject establishment is from the interior of the commercial center.**
8. If the Zoning Administrator determines that a study is necessary the

applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department

- **The Zoning Administrator has determined that the project meets the parking provisions of the zoning ordinance**

- 9 The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area
  - **Given the size and location of the proposed use, no additional information was required**

- 10 The following operational standards must be met by the use throughout its operation
  - a All external doors shall be closed but not locked during business hours
  - b No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district
  - c The applicant/operator shall comply with all plans approved as provided herein
    - **All of these issues have been satisfied, and the nearest residential use is 600 feet away.**

**Community Involvement**

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

**Community Impact**

This live entertainment use is located immediately adjacent to Shea Boulevard and is intended to be open in the evenings and will not adversely impact the shopping center or surrounding uses. Loitering and littering are not anticipated due to the relatively small size and location of the venue. The approved Security and Maintenance Plan establishes maintenance and security operations for the use.

**STAFF  
RECOMMENDATION**

**Recommended Approach**

Staff finds that the Conditional Use Permit criteria have been satisfied and recommends approval subject to the attached stipulations.


**RESPONSIBLE  
DEPT(S)**

**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

Tim Curtis, AICP  
Principal Planner  
480-312-4210  
E-mail: [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)

**APPROVED BY**



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Tim Curtis, AICP  
Report Author



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Lusia Galav, AICP  
Current Planning Director

**ATTACHMENTS**

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

## STIPULATIONS FOR CASE 23-UP-2006

### PLANNING/ DEVELOPMENT

- 1 OPERATIONS All operations on site shall comply with the following
  - a FLOOR PLAN The Use Permit is restricted to the floor plan prepared by Peter Owens Designs and dated 1/22/06 Any significant changes to this floor plan, as determined by the General Manager of the Department of Development Services or designee, shall require an amendment to the Use Permit, or an entirely new Use Permit During all valid hours of operation, the business operation shall not remove any tables or chairs, and shall keep substantially similar seating areas to those depicted on the site plan prepared by Peter Owens Designs and dated 1/22/06
  - b NOISE No noise generated from this use, including the outdoor patio and any speakers or other amplification equipment, shall exceed noise levels of ambient noise consistent to the use and character of the area during the corresponding hours of operation, as determined by the General Manager of the Department of Development Services or designee Amplified music shall be limited to the times that state law allows liquor sales at this bar
  - c PUBLIC SECURITY AND MAINTENANCE PLAN  
The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site Each year, prior to the anniversary of this use permit approval, the bar operator(s) / merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department
  - d REFUSE AND LITTER CONTROL 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, and any other applicable departments, and keep a copy on site The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of General Manager of the Department of Development Services or designee
  - e SECURITY MONITORING Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the use at least once an hour that the bar is open and for at least 30 minutes after the bar closes Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance
  - f NOTIFICATION Within ten (10) days of receiving any complaints regarding the affect of live entertainment on the adjacent uses and properties, the business operator shall notify the Zoning Administrator of the nature of the complaint Notification shall also include actions taken or planned by the business operator to address those complaints

2 ADMINISTRATION

- a EXPIRATION DATE This Use Permit shall expire one (1) year after City Council approval, unless (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date
- b OPERATOR CHANGE Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security and Maintenance Plan. Any deviation from any conditions of approval or change in floor plan may be grounds for revocation of the Conditional Use Permit. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs



August 15, 2006

City of Scottsdale  
Planning and Development Services Department  
7447 East Indian School Road, Suite 105  
Scottsdale, Arizona 85251  
Attention: Tim Curtis  
Case #593-PA-2005-2

Dear Tim:

Tanner's (DBA Minx), located at 6990 East Shea Blvd. Ste. 101, is submitting an application for a live-music permit.

Its ownership, Geekee Holdings, LLC, feels it needs a live-music permit to attract various musical acts for competitive purposes to fit its genre. The previous establishment at the location had live-music.

Tanner's has already been approved for its bar-use permit (case # 1-UP-2006) and its class-six liquor license (#06070240) from both the city and the state both on consent without any objections. The registered agent is Jerry Lewkowitz.

The parking should be no different from the originally submitted plans for the bar-use permit (see planning commission report attached). Parking is ample (58 spaces required, 110+ available).

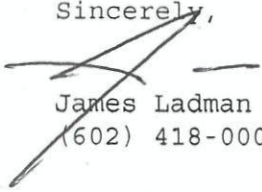
Detective Mike Fritz has been contacted regarding this permit. The approved security plan will remain in tact.

The neighbors have unanimously given their support for our project with musicians and musical acts.

Please see attachments for permit information.

Thank you for your consideration.

Sincerely,



James Ladman  
(602) 418-0007

ATTACHMENT #2

23-UP-2006  
8-15-06

## Live Entertainment Use Narrative (23-UP-2006)

Tanner's (dba, Minx) plans to utilize the same approved floor plan, lighting plan, security plan and refuse plan, within the same scope of the project (see original project narrative) in conjunction with its Bar-Use Permit (1-UP-2006) and Liquor License (76-LL-2005) approved on May 15, 2006 by its city council. Tanner's will be a jazz-oriented club. Tanner's would like to add a Live-Entertainment Use Permit to expand its ability to attract larger bands and lounge singers if needed. The property previously had amplified live music with multiple temporary Live Entertainment Use Permits when it was Sozzle Grill.

Although there are no business neighbors open during its business hours, except Ajo Al's, Tanner's has taken every precaution to keep the sound clean and contained. Tanner's sound designers are the Professional Services Group, (480) 443-0400 attention Dana Judd. Their clients include the US Bankruptcy Building (Phx), The Joffe Group, First National Bank, Bungalow Bar and Grill to name a few.

9/21/2006





Tanner's Live Entertainment

23-UP-2006

ATTACHMENT #3

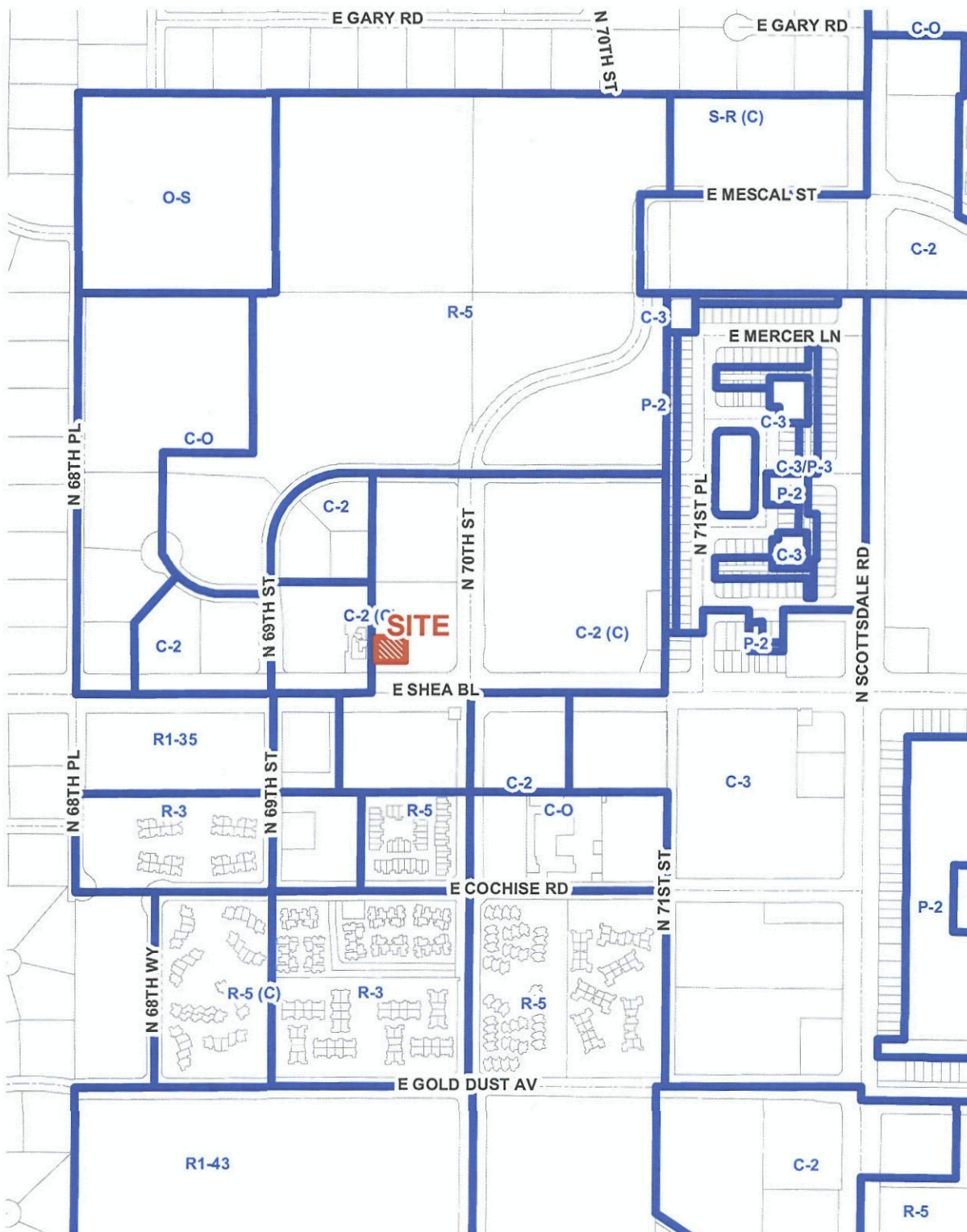




Tanner's Live Entertainment

23-UP-2006

ATTACHMENT #3A



23-UP-2006

ATTACHMENT #4





April 10, 2006

Mr. Tim Curtis  
Scottsdale Planning Coordinator

Dear Tim,

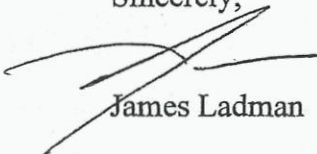
Tanner's had its open house on Wednesday, April 5, 2006 between 5 and 7 pm. Tanner's had four groups of neighbors and a partner show up for the event.

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

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

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

Sincerely,



James Ladman



March 25, 2006

Dear Neighbor

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

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

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

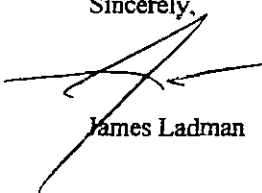
Tanner's is zoned C-2.

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

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

We look forward to meeting any who wish to attend.

Sincerely,



James Ladman

## City Notifications – Mailing List Selection Map



### Map Legend:



## Site Boundary



### Properties within 750-feet

### **Additional Notifications:**

- Interested Parties

# Tanners

**23-UP-2006**

**ATTACHMENT #6**

**SECURITY AND MAINTENANCE PLAN**

For Bars and Live Entertainment Use Permits

Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

480.312.5000

FAX 480.312.2030

Establishment: TANNER'S

Address: 6990 East Shea

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

Business FAX: (480) 556-1239

Maximum Occupancy: 145 existing indoor

Effective Date of the Plan: \_\_\_\_\_

Date of Plan Review: \_\_\_\_\_

Use Permit Issue Date: \_\_\_\_\_

Liquor License Number: 06090240

Contact Person (1): JAMES LADMAN

Home Phone: (480) 556-1239

Contact Person (2): KRISTIN LADMAN

Home Phone: (602) 300-3447

ATTACHMENT #7

1-UP-2006  
1-23-06



## I. Purpose of the Plan

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

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

Any significant increase in vehicular or pedestrian traffic

Adequate control of disruptive behavior both inside and outside the premises

Compatibility with surrounding structures and uses

Deterioration of the neighborhood or to the downgrading of property values

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

## II. Plan of Operation: Program Plan and Hours

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

## 5 Hours of Operation

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

6 Promotional Events' (Ladies Night, Teen Nights, etc) (attach or describe) *NONE*

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

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

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

## 8 Special Events

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

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

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

9 Cooperation/Complaints/Concerns

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

Employee Name TERRY LEWKOWITZ (602) 200-7222

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

1) SEE ATTACHMENT

2)

3)

4)

5)

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

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

- ✓ d Site/Building Information

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

SEE ATTACHMENT

## Outline of Security and Maintenance Plan

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

## Security and Maintenance Plan

SEE ATTACH

### 1. Dress Codes

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

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

### 2 Security Officer Responsibilities

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

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

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

c \_\_\_\_\_ officer will be responsible for conducting roaming patrol of the exterior of (NAME OF BUSINESS) \_\_\_\_\_ in an effort to prevent criminal behavior and maintain the peace. During After Hours, if applicable, at 0400 hours, this security officer will assist (NAME OF BUSINESS) \_\_\_\_\_ in removing all guests in a safe manner, then assisting the uniformed sworn officer in patrolling the exterior of (NAME OF BUSINESS) \_\_\_\_\_ and nearby areas until 0500 hours or until all guests have left the area.

d Report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management/ownership remains ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting of the act of violence.

### 3 Management Responsibilities

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

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

### 4. Uniformed Sworn Officer Responsibilities:

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



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

#### 5. Guest Parking Plan

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

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

#### 6 Refuse Plan

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

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

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

## 7 Safety Plan

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

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

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

## 8. Special Events

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

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

## 9. Enforcement of Security Plan by City of Scottsdale

- a The Permittee agrees that successful execution and enforcement of this Plan are a requirement and condition of Scottsdale's Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.
- b Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees.
- c Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec 1402. Conditional use permits which have been approved by the City Council shall be subject the following procedures and criteria regarding any violation, amendment, or revocation:
  - 1) Violation: The violation of any condition imposed by the conditional use permit shall constitute a violation of this

ordinance and shall be subject to the requirements of Section 1 1300

*222*) Amendment Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1 400 et seq for the approval of conditional use permits

*/* d Revocation of the Plan The Zoning Administrator may recommend to the Board of Adjustment and the board may effect revocation of a conditional use permit pursuant to Section 1 807 of the Scottsdale Zoning Code for acts including but not limited to

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

*/* e Dissemination of the Security Plan

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

3) A current copy of the plan will be maintained on the premises at all times

4) A current copy of this plan must be made available upon request of any code enforcement officer or police officer

5) Failure to conform to this plan will be considered a violation of the plan

f Termination of the Plan

This Plan may terminate on the date that the Permittee's Use Permit terminates, or two (2) years from the Security Plan's effective date, whichever occurs first, unless otherwise provided herein

g Meetings

Management of Permittee shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, identification verification, and general security issues when deemed necessary by the District Commander or his representative

#### Enclosures

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

#### APPLICANT



Name  
Title  
Address  
City & State  
Telephone  
Date Signed

JAMES LADMAN  
MANAGING MEMBER  
6990 E. E STREET BLVD  
SCOTTSDALE, AZ 85254  
(602) 418-0002  
1-23-05

OF

17212 N Scottsdale Rd #2349  
Scottsdale, AZ 85255

#### APPROVED

Scottsdale Police Department  
3700 North 75th Street  
Scottsdale, AZ 85251  
480 312 5000

Police Bike Unit FAX 480 312 2030



## Business' w/in 300 ft

NY Bagels 'n Bialys

O Yes

Sweet Sunshine Nails

Galaxy Sea Cruises

At Home Fitness

Kidstop

office complex

Busy Body Fitness

Futon Store

Music Masters

PV ANIMAL CLINIC

CRUISE HOLIDAYS

Extended Day Deluxe

NYPD PIZZA

AJO AL'S MEXICAN FOOD

Alibonias Spa & Salon

East Coast Fitness Studio

Sensation Skin

Weight Watchers

Strickley Chiropractic

Herb Box

Green Day Spa

Hidden Closet

Holistic Animal Center of AZ

East Coast Fitness

Abby Lane Hair & Nail Salon

Allstate

N. Scotts Ct. for Oral & Maxillofacial  
Surgeon

Sagrera Dental Care

Dr. Steve Purcell - Dentist

Streets of New York Brewery

Southwest section PGA Golf

Bank of America

TANNER'S BAR USE

PERMIT

1-UP-2008

1. BUILDING VOLUME FOOTAGE  
 SQUARE FOOTAGE DEVOTED TO KITCHEN  
 TOTAL BUILDING FLOOR AREA  
 FLOOR AREA FOR STAIRS TO 1" AS  
 TOTAL EXPOSURE FLOOR AREA  
 FLOOR AREA PERCENTAGE OF TOTAL BUILDING FOOTAGE

8,750 SQ. FT.  
 1,000 SQ. FT.  
 1,000 SQ. FT.  
 1,000 SQ. FT.  
 1,000 SQ. FT.

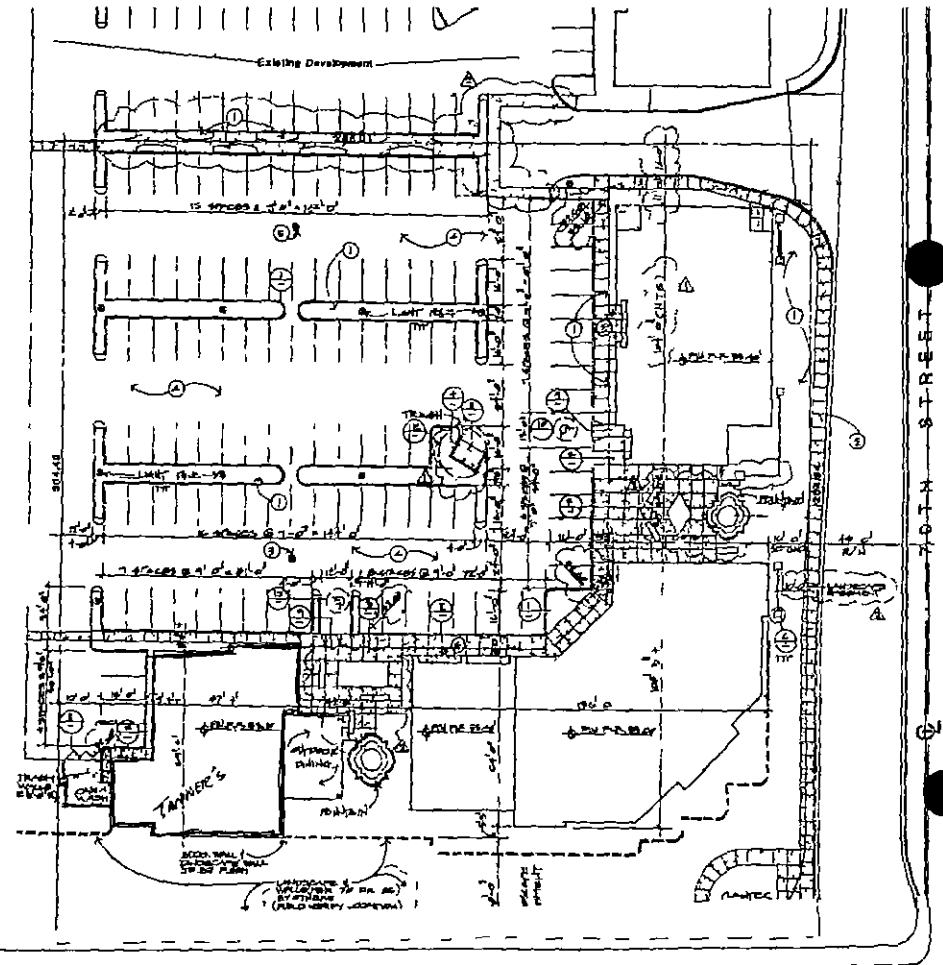
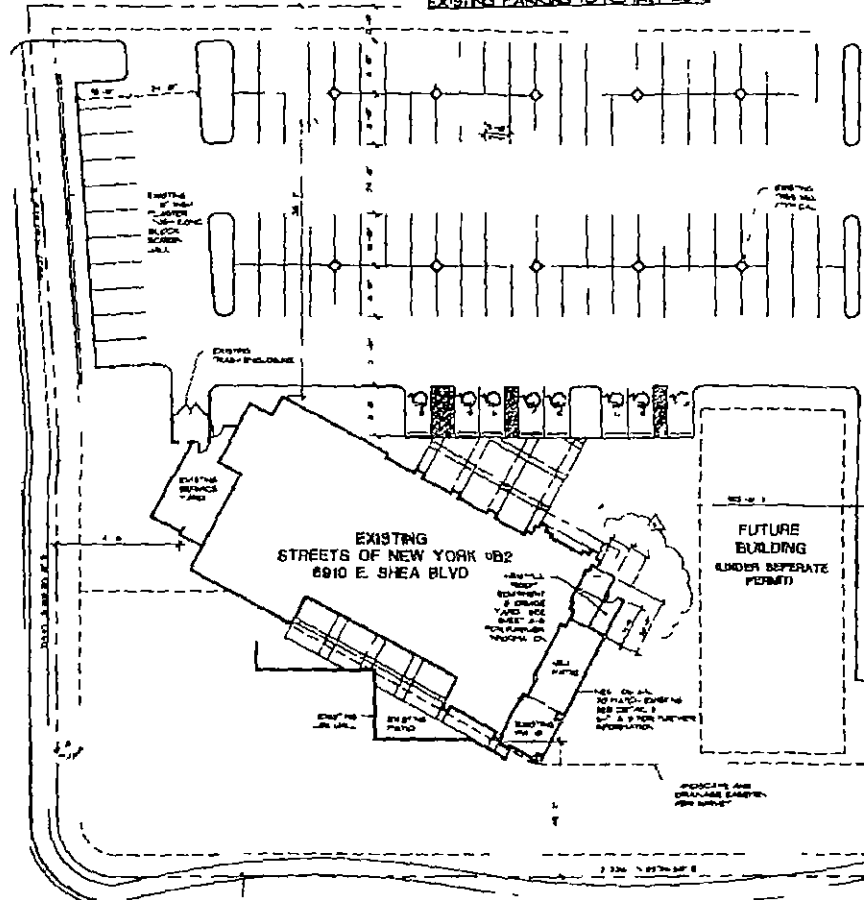
PARKING REQUIREMENTS  
 REQUIRED PARKING SPACES  
 ON-THEIR AREA SPACES  
 TOTAL PARKING PROVIDED  
 TOTAL PARKING PROVIDED

8 SPACES  
 8 SPACES  
 8 SPACES  
 8 SPACES

UNRECOVERED REQUIREMENTS  
 UNRECOVERED PARKING SPACES  
 UNRECOVERED PARKING PROVIDED

8 SPACES  
 8 SPACES  
 8 SPACES

EXISTING PARKING TO REMAIN AS IS



SHEA BLVD

## Security and Maintenance Plan - Tanner's

### **1 Dress code**

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

### **2. Security Responsibilities**

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

There will be no after hours.

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

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

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

Cabs and town cars will be readily available.

### **3 Management Responsibilities**

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

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

There will be a Security Manager.

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

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

### **4 Uniformed Sworn Officer Responsibilities**

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

### **5 Guest Parking Plan**

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

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

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

### **6. Refuse Plan**

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

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

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

The exterior of the premises will have periodical deep cleanings.

### **7 Safety Plan**

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

#### **8 Special Events**

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

#### **9 Enforcement of Security Plan by City of Scottsdale**

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

### Refuse, Trash and Debris Plan

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

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

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

The trash containers are well-hidden from public view

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

"A clean premises is a happy premises!"



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

**Application Type: SECURITY PLAN**

**Series 06 Bar (All spirituous liquor)**

**Date Received 01/31/06  
Date Due**

**Council Date  
Event Date(s):**

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

Control Number 401645

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

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

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

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

4) **Deputy Chief John Cocca**  
Comments

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

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

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

- 1 Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in own or lease property in close proximity
- 2 The number and series of licenses in close proximity
- 3 Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies
- 4 The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static
- 5 Residential and commercial population density in close proximity
- 6 Evidence concerning the nature of the proposed business, its potential market, and its likely customers
- 7 Effect on vehicular traffic in close proximity
- 8 The compatibility of the proposed business with other activity in close proximity
- 9 The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license
- 10 The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board
- 11 Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity

## **REVIEW SHEET**

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

### **DETAILS**

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

### **CONCERNS**

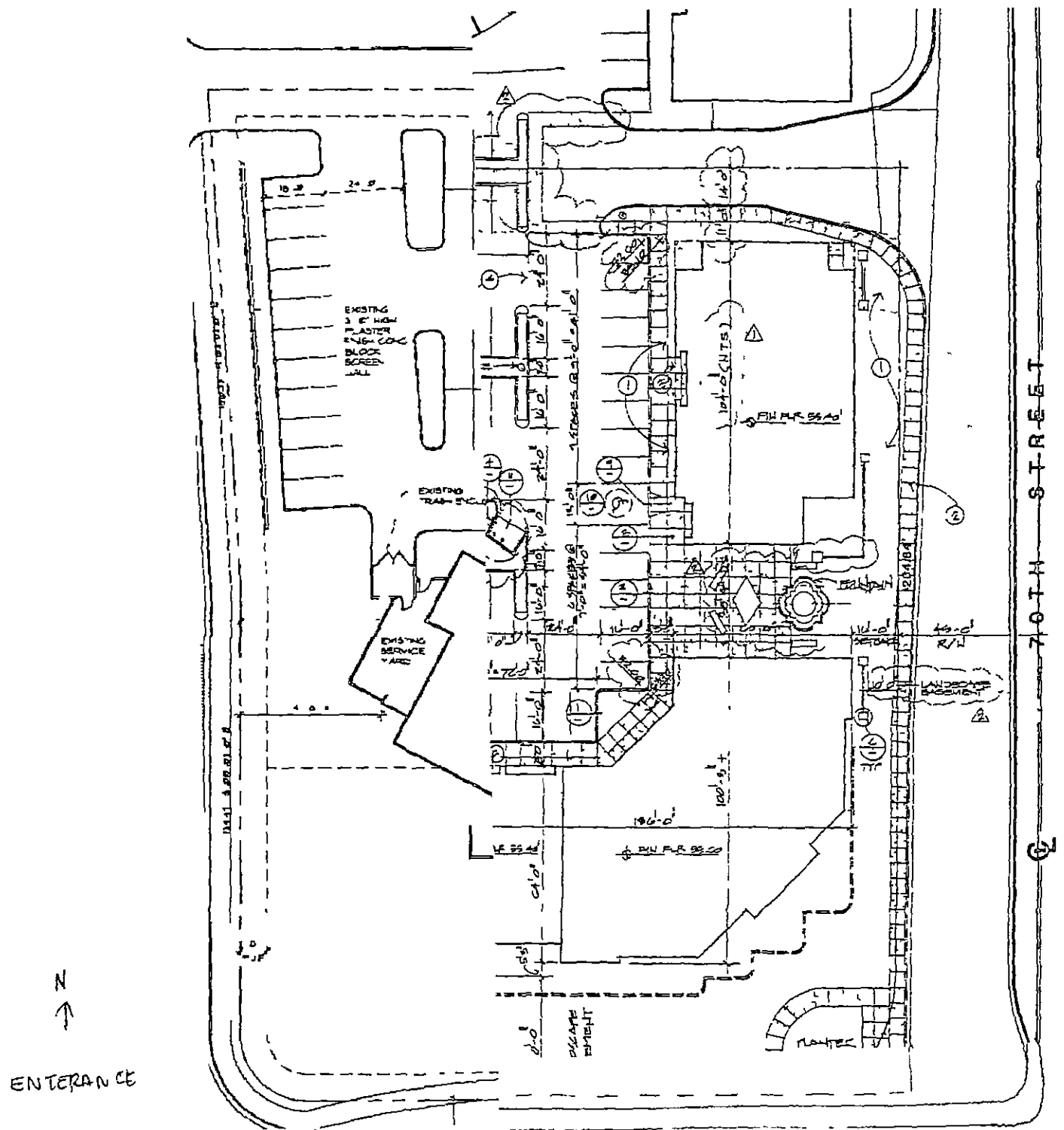
None at this time

Recommendation   **APPROVAL**

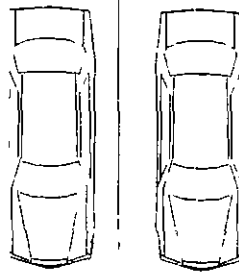
Reviewed By   **Det Mike Fritz**

1-UP-2006

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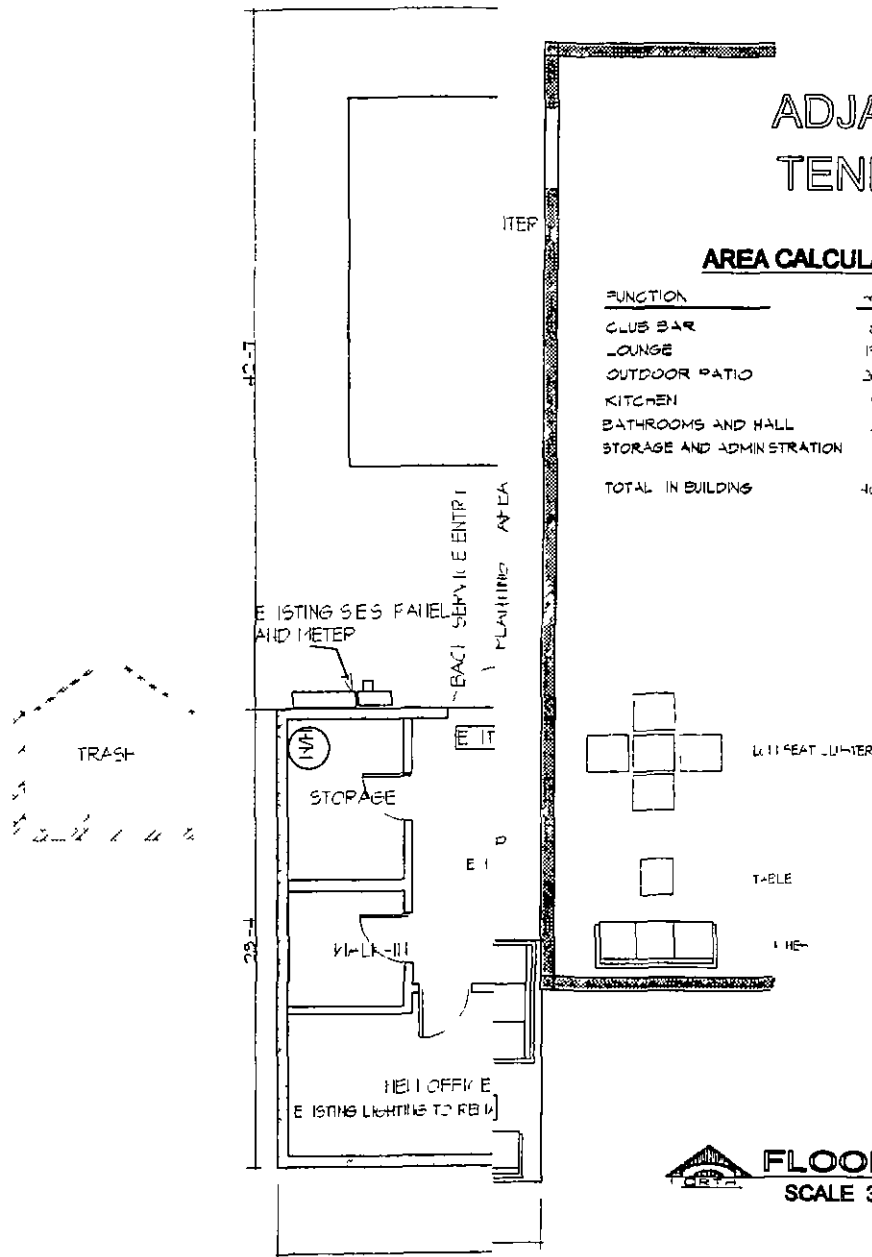
THIS AREA IS TO BE REMODELED  
AND HANDICAPPED ACCESSIBLE RESTROOMS  
SHALL BE BUILT



## ADJACENT TENNANT

### AREA CALCULATIONS

FUNCTION	SQ. FEET
CLUB BAR	242 SF
LOUNGE	137 SF
OUTDOOR PATIO	2040 SF
KITCHEN	412 SF
BATHROOMS AND HALL	24 SF
STORAGE AND ADMINISTRATION	762 SF
TOTAL IN BUILDING	4046 SF



**FLOOR PLAN**  
SCALE 3/16" = 1'-0"

1-UP-2006

4-7-06

S H D

CONTRACTOR

ARCHITECTURE ENGINEERING

Peter Owens Designs

PH (480) 432-1444 FAX (480) 334-1403  
4571 E PLEASANT RUN SCOTTSDALE ARIZONA 85250

TANNER S

LADMAN & ASSOCIATES  
SHEA BOULEVARD  
SCOTTSDALE ARIZONA

SCALE

1-2-06

DATE

DRAWN

CHK BY

JOB NO

REVISIONS

A-1

FLOOR PLAN

ATTACHMENT #10



TANNER'S BAR USE

PERMIT

1-UP-2006

# PARKING CALCULATIONS

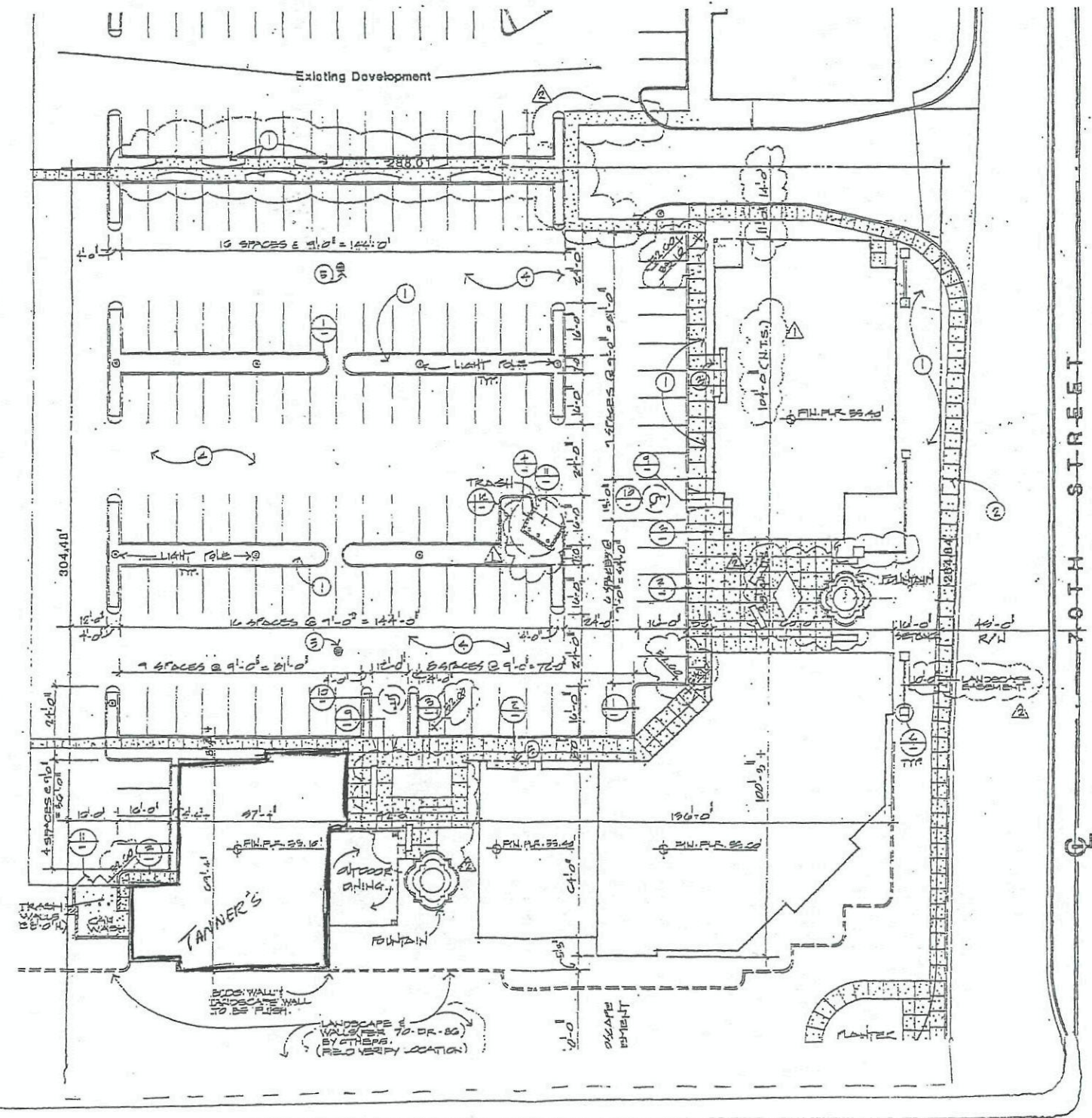
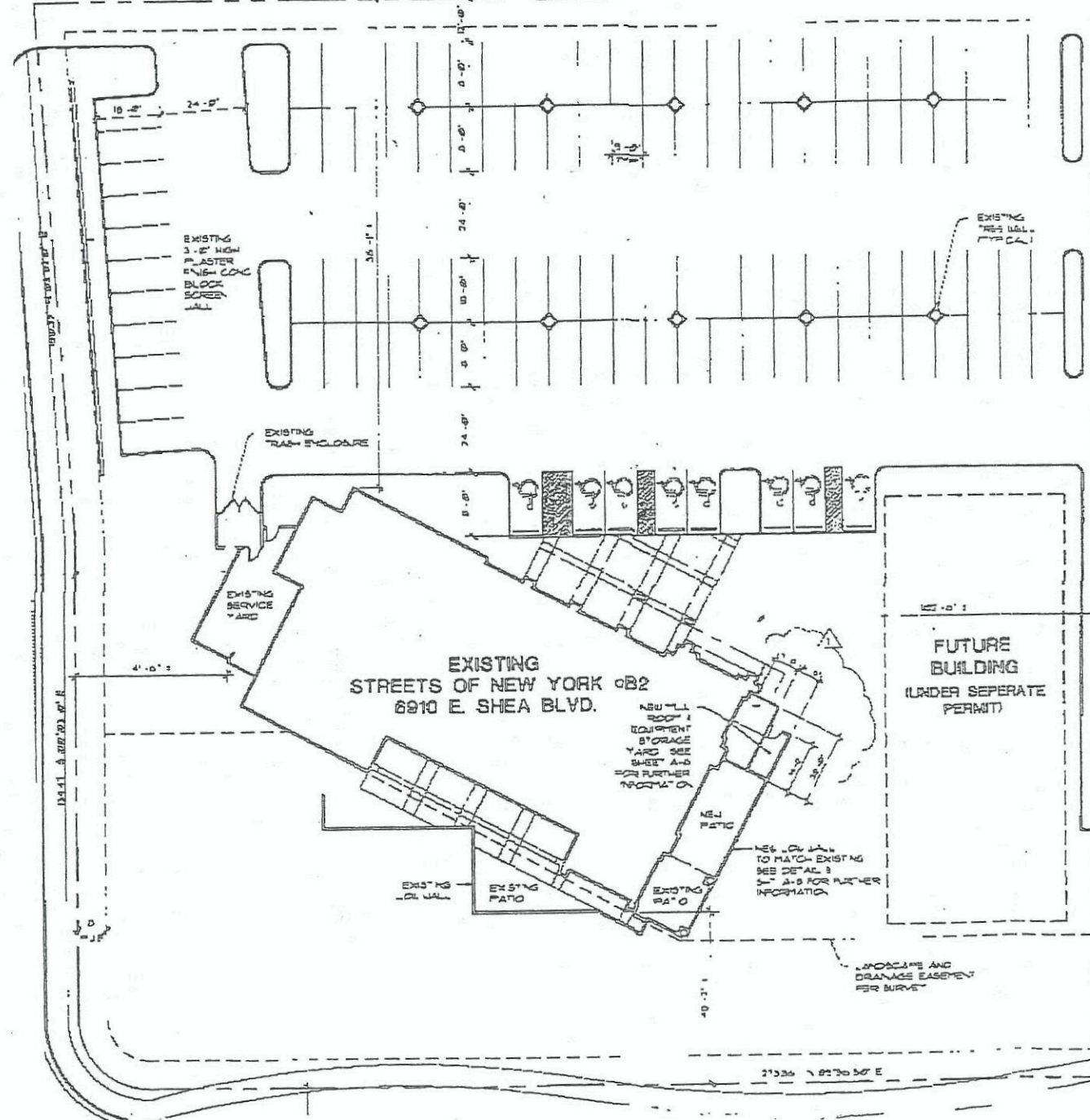
TOTAL BUILDING SQUARE FOOTAGE	8,735 SQ. FT.
SQUARE FOOTAGE DEVOTED TO KITCHEN	3,688 SQ. FT.
TOTAL FLOOR AREA	3,945 SQ. FT.
FLOOR AREA FOR STORAGE TO LETS - 50	1,255 SQ. FT.
TOTAL OUTDOOR FLOOR AREA	234 SQ. FT.
KITCHEN PERCENTAGE OF TOTAL SQUARE FOOTAGE	41.7%

FLOOR AREA WAS TO BE CALCULATED AT 100% RESTAURANT DUE TO HIGH PERCENTAGE OF KITCHEN AREA

PARKING REQUIREMENTS	8 SPACES
RESTAURANT AREA - SPACE / 25 SQ. FT.	15 SPACES
OUTDOOR AREA - SPACE / 100 SQ. FT.	12 SPACES
TOTAL PARKING REQUIRED	23 SPACES
TOTAL PARKING PROVIDED	21 SPACES

MINIMUM REQUIRED	5 SPACES
HANDICAP PARKING REQ. - 8' SPACES - 4%	0 SPACES
HANDICAP PARKING PROVIDED	0 SPACES

EXISTING PARKING TO REMAIN 'AS IS'





This architectural floor plan illustrates the layout of a restaurant, divided into several functional zones. On the left side, there is a kitchen area equipped with a sink, stove, and storage, along with a storage room and a men's office. The central area features a large lounge with multiple tables and chairs, a bar, and a musicians' area. The right side of the plan shows an outdoor patio with a covered area, a pond, and a planter area. The plan also includes various entry points, exits, and planters throughout the space.

## AREA CALCULATIONS

FUNCTION	SQUARE FEET
CLUB BAR	84.0 SF
LOUNGE	155.0 SF
OUTDOOR PATIO	204.0 SF
KITCHEN	50.0 SF
BATHROOMS AND HALL	156.0 SF
STORAGE AND ADMINISTRATION	76.0 SF
TOTAL IN BUILDING	444.0 SF

## OUTDOOR PATIO

**FLOOR PLAN**  
**SCALE: 3/16" = 1'-0"**

1-22-06

# THE ABOVE

**ATTACHMENT #9**

## FLOOR PLAN

CONTRACTOR

ARCHITECTURE ENGINEERING/

Peter Owens Designs

TANNER'S  
for  
LADMAN & ASSOCIATES

SCALE.	1-2000
DATE	

REVISIONS

A