

CITY COUNCIL REPORT



Meeting Date: August 31, 2010
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

Clancy's
 15-UP-2010

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8410 approving a Conditional Use Permit to serve alcoholic beverages as an accessory use at an existing 2,904 +/- square foot restaurant located at 7551 E. Camelback Road, Suite 107 with Planned Neighborhood Center (PNC) zoning.

OWNER

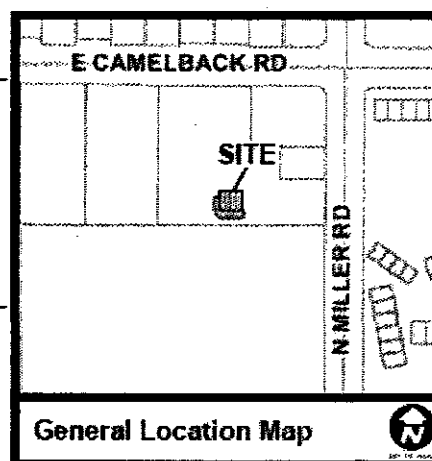
Camel Investments LLC
 480-946-6551

APPLICANT CONTACT

Scott Osteen
 Scott Osteen Projects LLC
 602-377-2973

LOCATION

7551 E. Camelback Rd. 107



BACKGROUND

Zoning

The site is zoned Planned Neighborhood Center (PNC), which provides a setting for land uses that provide convenience shopping and services for surrounding residential neighborhoods. The district allows a variety of retail, service and office uses, including restaurants. Alcohol sales in a restaurant are permitted as an accessory use subject to a Conditional Use Permit.

Context

The subject establishment occupies a pair of suites in a multi-tenant building that is part of a neighborhood shopping center, located at the southwest corner of N. Miller Road and E. Camelback Road. There is a

Action Taken _____

diverse mix of uses in the center from retail and personal services to restaurants, including three (3) major tenants: Sunflower Market, Petsmart and T J Maxx. Also in the vicinity are a convenience store and a full-service automotive repair facility/tire store. There are three (3) points of access into and out of the center off N. Miller Road, one (1) off E. 6th Avenue and one (1) off E. Camelback Road.

Adjacent Uses and Zoning

- North Personal Service, zoned Planned Neighborhood Center (PNC) District
- South Shared parking for shopping center, zoned Planned Neighborhood Center (PNC) District
- East Retail, zoned Planned Neighborhood Center (PNC) District
- West Shared parking for shopping center, zoned Planned Neighborhood Center (PNC) District

Key Items for Consideration

- This establishment has been recognized as a restaurant for several years, and is located in an existing neighborhood commercial center that is home to a variety of commercial uses.
- No significant impacts to existing traffic, police, fire and emergency services are anticipated.
- As of the date of this report, staff has received no correspondence related to this request.
- Planning Commission recommended approval with a unanimous vote of 6-0.

Related Policies, References:

32-EX-2010: An associated request for an Extension of Premises to allow for a patio expansion

34-LL-2009: Approval of a Series 12 Liquor License for a restaurant

27-ZN-1975: Approval of request to rezone from Highway Commercial (C-3) District to Planned Neighborhood Center (PNC) District

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant requests approval of a Conditional Use Permit to serve alcohol as an accessory use at an existing restaurant, located in a shopping center with Planned Neighborhood Center (PNC) zoning. The existing restaurant is currently operating under an existing Series 12 liquor license, and received approval for an Extension of Premises on July 6th, 2010 (case 32-EX-2010) to allow for an expansion of the patio area.

Development Information

- Existing Use: Restaurant
- Proposed Use: Restaurant w/ alcohol sales
- Floor Area: 2,904 square feet with 1,104 square feet of patio area
- Parking Required: 12 spaces for this tenant, 644 spaces for the entire center
- Parking Provided: 707 spaces

IMPACT ANALYSIS

Conditional Use Permit

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 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.
 - The addition of alcohol sales to an existing restaurant is not anticipated to cause damage or nuisance as a result of noise, smoke, odor, dust, vibration or lighting. There is an existing patio along the west side of the establishment that will be expanded so that it wraps around the corner of the building and continues along the south side of the building; however the establishment is located internal to the project, as opposed to along the perimeter, so there is significant buffering between the establishment and the residential communities in the area.
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - The addition of alcohol sales to an existing restaurant use is not anticipated to increase vehicular traffic or disrupt existing traffic patterns for the center or surrounding neighborhoods. The intensity of the existing restaurant use will not increase with the addition of alcohol sales; as such, no additional parking is required. There are a total of five (5) driveways providing access to the shopping center, including one (1) that provides access to and from E. Camelback Road, which is classified as a Minor Arterial by the City's Transportation Master Plan.
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - A specific zoning criterion in the PNC zoning district requires that the area devoted primarily to the consumption of alcoholic beverages shall not exceed twenty-five (25) percent of the gross floor area. Per the floor plan provided by the applicant, the bar service area for this establishment is 140 square feet, which is approximately five (5) percent of the gross floor area.
 - A specific zoning criterion in the PNC zoning district require the sale of alcoholic beverages to be restricted to consumption on the premises. No package liquor shall be sold. This establishment proposes to provide alcohol sales only for consumption inside the restaurant or within the designated patio area.
 - There are no other factors associated with this use will be materially detrimental to the public.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- The use mix in this center includes four (4) restaurants in addition to the subject establishment, as well as three (3) major retail tenants. Additionally, there is another restaurant, a convenience store, and an automotive repair facility in the vicinity that are

not part of this center. The characteristics of the proposed use are reasonably compatible with the types of uses permitted in the surrounding area.

C. The additional conditions in Section 1.403, as applicable, have been satisfied.

- There are no additional conditions identified for the proposed use in Section 1.403 of the Zoning Ordinance.

Community Involvement

Property owners within 750 feet of the establishment have been notified and the required Liquor License application information has been posted. As of the date of this report, staff has received no correspondence related to this request.

Community Impact

Restaurants that serve alcohol are fairly common in neighborhood centers. This establishment is located internal to the project and is buffered from the residential to the east and north of the site by other tenants and buildings. The nearest residence is approximately 250 feet away, on the east side of N. Miller Road.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on July 14, 2010, and found that the Conditional Use Permit criteria had been met and recommended approval, subject to the attached stipulations, with a unanimous vote of 6-0.

Recommendation to Planning Commission

Staff recommended approval to the Planning Commission, subject to the attached stipulations and has determined that the Conditional Use Permit findings have been met.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8410 approving a Conditional Use Permit to serve alcoholic beverages as an accessory use at an existing 2,904 +/- square foot restaurant located at 7551 E. Camelback Road, Suite 107 with Planned Neighborhood Center (PNC) zoning.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACTS (S)

Greg Bloemberg

Planner

480-312-4306

E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY



Greg Bloembergen, Report Author

8-3-10

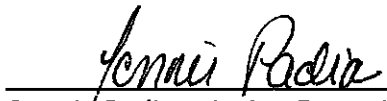
Date



Tim Curtis, AICP, Acting Current Planning Director
480-312-4210, TCurtis@ScottsdaleAZ.gov

8/13/2010

Date



Connie Padian, Acting Executive Director
Planning, Neighborhood and Transportation
480-312-2890, DRichert@ScottsdaleAZ.gov

8/16/10

Date

ATTACHMENTS

1. Resolution No. 8410
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2 Floor Plan/Site Plan
 - Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. Zoning Map
5. City Notification Map
6. July 14, 2010 Planning Commission Minutes

RESOLUTION NO. 8410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGE SALES AT A RESTAURANT LOCATED AT 7551 EAST CAMELBACK ROAD, SUITE 107 WITH PLANNED NEIGHBORHOOD CENTER (PNC) ZONING.

WHEREAS, restaurants in a neighborhood shopping center zoned PNC require a conditional use permit for the sale of alcoholic beverages; and

WHEREAS, the Planning Commission held a public hearing on July 14, 2010; and

WHEREAS, the City Council held a public hearing on August 31, 2010.

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

Section 1. that the granting of this conditional use permit for the sale of alcoholic beverages will not be materially detrimental to the public health, safety or welfare based on, but not limited to, 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;

Section 2. that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that additional conditions set forth in Exhibit 3, attached and incorporated herein, have been met;

Section 3. that the conditional use permit approval is conditioned on compliance with the stipulations in Case No. 15-UP-2010 as shown on Exhibit 2, attached and incorporated herein;

Section 4. that a description of the conditional use permit is set forth in Case No. 15-UP-2010. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Maricopa County, Arizona this 31ST day of August, 2010.

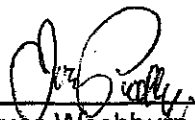
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W.J. "Jim" Lane,
Mayor

APPROVED AS TO FORM:

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Sr. Assistant City Attorney

ATTACHMENT #1



Clancy's

Exhibit 1
Resolution No. 8410
Page 1 of 1

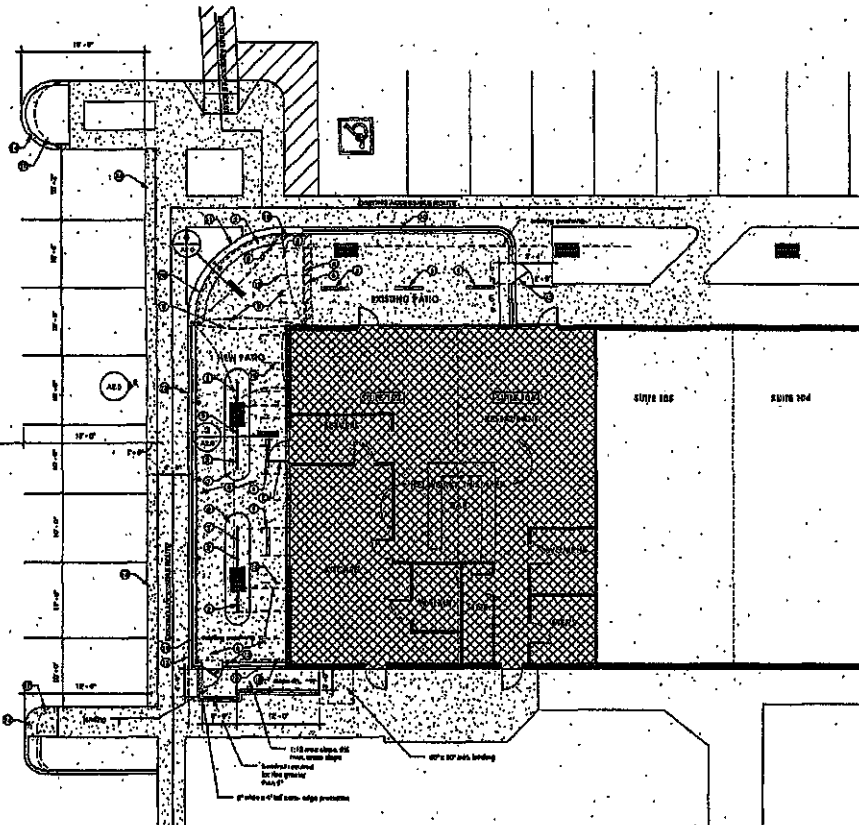
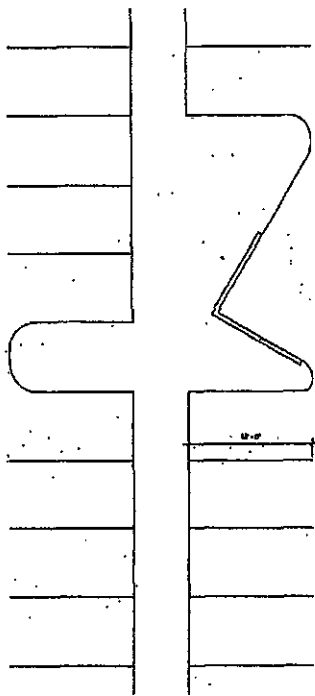
15-UP-2010

**Stipulations for the Conditional Use Permit
for Alcohol Sales as an accessory use to a Restaurant
Clancy's
Case Number: 15-UP-2010**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

SITE DESIGN

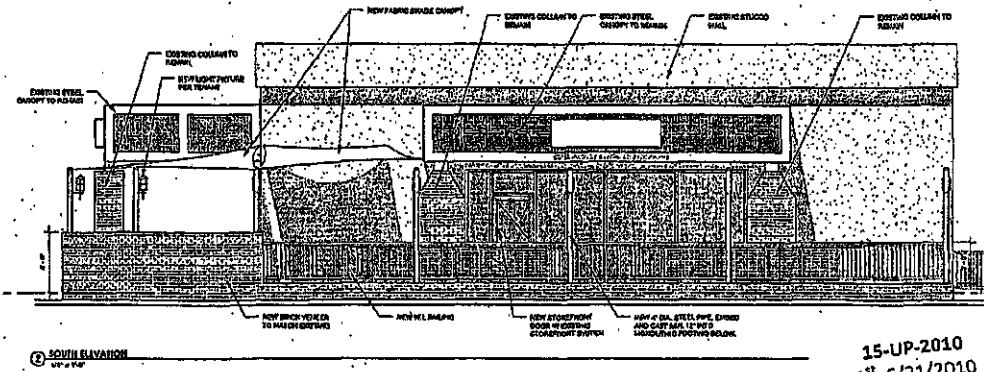
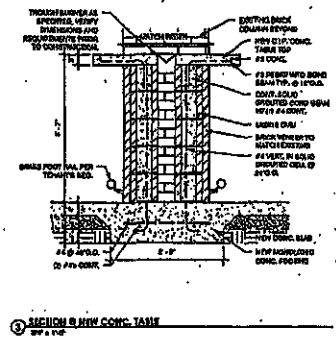
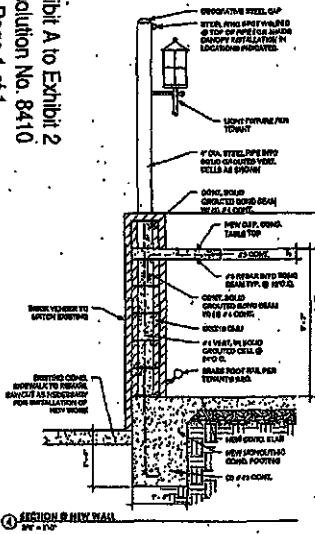
1. CONFORMANCE TO CONCEPTUAL FLOOR PLAN/SITE PLAN. Operations shall conform to the conceptual floor plan/site plan submitted by Scott Osteen Projects, LLC, with the city staff date of 6/21/10, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan/site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.



- FLOOR PLAN KEYNOTES**
1. ALL NEW WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

- GENERAL NOTES**
1. INSTALL ALL PERMITS FOR ANY WORK NOTED HEREON.
 2. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED WORK.
 3. FIELD MEASUREMENTS AND VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING AND PROPOSED WORK.
 4. CLASS WORKS SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 5. CONTRACTOR TO VERIFY AND MAINTAIN ALL ACCESS AND EGRESS PER THE CODES.
 6. ALL NEW STEEL ELEMENTS TO BE PAINTED TO MATCH EXISTING STEEL.

Exhibit A to Exhibit 2
Resolution No. 8410
Page 1 of 1



15-UP-2010
1st: 6/21/2010

SCOTT OSTEEN PROJECTS, LLC
ARCHITECTURAL AND DESIGN SERVICES
11111 111TH AVE, SUITE 11111, BAYTOWN, TX 77602
PH: 281-291-1111 FAX: 281-291-1111

Glancy's
ARCHITECTS
11111 111TH AVE, SUITE 11111, BAYTOWN, TX 77602
PH: 281-291-1111 FAX: 281-291-1111

Project:
Drawing:
Scale:
Date:
11/11/2010

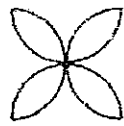
A2.0
FLOOR PLAN
ELEVATION DETAILS

Exhibit 3
Scottsdale Revised Code Section Sec. 5.2403. Use regulations.

B. *Uses subject to conditional use permit.*

10. Restaurant excluding drive-in types. Sales of alcoholic beverages as accessory uses to restaurant use upon compliance with the following conditions and section 1.400:

- a. The area being devoted primarily to the consumption of alcoholic beverages shall not exceed twenty-five (25) percent of the total floor area.
- b. Sale of alcoholic beverages shall be only for consumption on the premises. No package liquor shall be sold.



SCOTT OSTEEN PROJECTS, LLC

ARCHITECTURAL AND DESIGN INNOVATIONS
4415 S. DODD ROAD, PHOENIX, ARIZONA 85034
602.998.1111

16JUN2010

PROJECT NARRATIVE

Clancy's
4432 N. Miller Rd. #107
Scottsdale Arizona 85251

Pre Application Number 351-PA-10 Conditional Use Permit Application

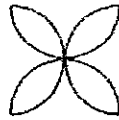
This project represents a request to build a small patio addition adjacent to an existing patio at Clancy's restaurant/ bar in Scottsdale. The intent of this project is to add additional outdoor space for Clancy's customers in order to enhance their business, while also increasing their current status as an asset to the existing shopping center and surrounding neighborhood. Every effort has been made to design this patio so that it blends in with the existing architectural character of the shopping center; new finishes are specified to match existing, while the new fixtures have been selected to enhance Clancy's aesthetic appeal. Existing traffic patterns, including accessible routes and parking arrangements, have been respected and will remain. Clancy's has been a favorite among its customers for some time now, and this location has existed as a bar/ restaurant since the shopping center was constructed, ca. 1978.

Per the City of Scottsdale's Zoning Ordinance, section 1.401;

- The granting of this conditional use permit will not be materially detrimental to the public health, safety or welfare. The existing use of this property has remained the same since about 1978, and Clancy's does not allow damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination. Clancy's does not create an impact on the surrounding areas resulting from an unusual volume or character of traffic. Clancy's is a small neighborhood gathering place, and will remain as such.
- The characteristics of this proposed use are compatible with the types of uses in the surrounding areas. Clancy's exists in a neighborhood shopping center, noted for its wide range of businesses that are all a great asset to the surrounding area. There are several additional bars and restaurants in the immediate area as well, and Clancy's fits in quite well with the existing surrounding businesses.

Per the City of Scottsdale's Zoning Ordinance, section 1.403C.1;

- This use is existing and does not cause any change to the existing balance of daytime and nighttime uses.
- This use does not disrupt pedestrian- oriented daytime activities. Existing traffic patterns have been respected as part of this design.
- This use is located within the Downtown Overlay District and does not encourage displacement of daytime retail uses.
- The required parking for this business is located directly adjacent to this business.
- An active management and security plan is currently in place and provided by the property owner.



SCOTT OSTEEN PROJECTS, LLC

ARCHITECTURAL AND DESIGN INNOVATIONS

4444 S. GARDEN ROAD, PHOENIX, ARIZONA 85018

PH: 602.998.0000 FAX: 602.998.0001

- The exterior refuse control plan does not change as part of this request. Garbage dumpsters are existing on this property in screened enclosures.
- Noise and light are mitigated as part of this use with extremely dark tinted windows and by the fact that this business faces the interior of the shopping center, away from any residential areas. Noise and light as part of this use are minor, and kept at a reasonable level.
- Parking calculations have been provided as part of this submittal; this use meets all requirements.
- This is not an after- hours establishment.

If there are any questions or additional information required as part of this submittal, please do not hesitate to contact me.

Thank You,

Scott Osteen
Owner, Scott Osteen Projects LLC

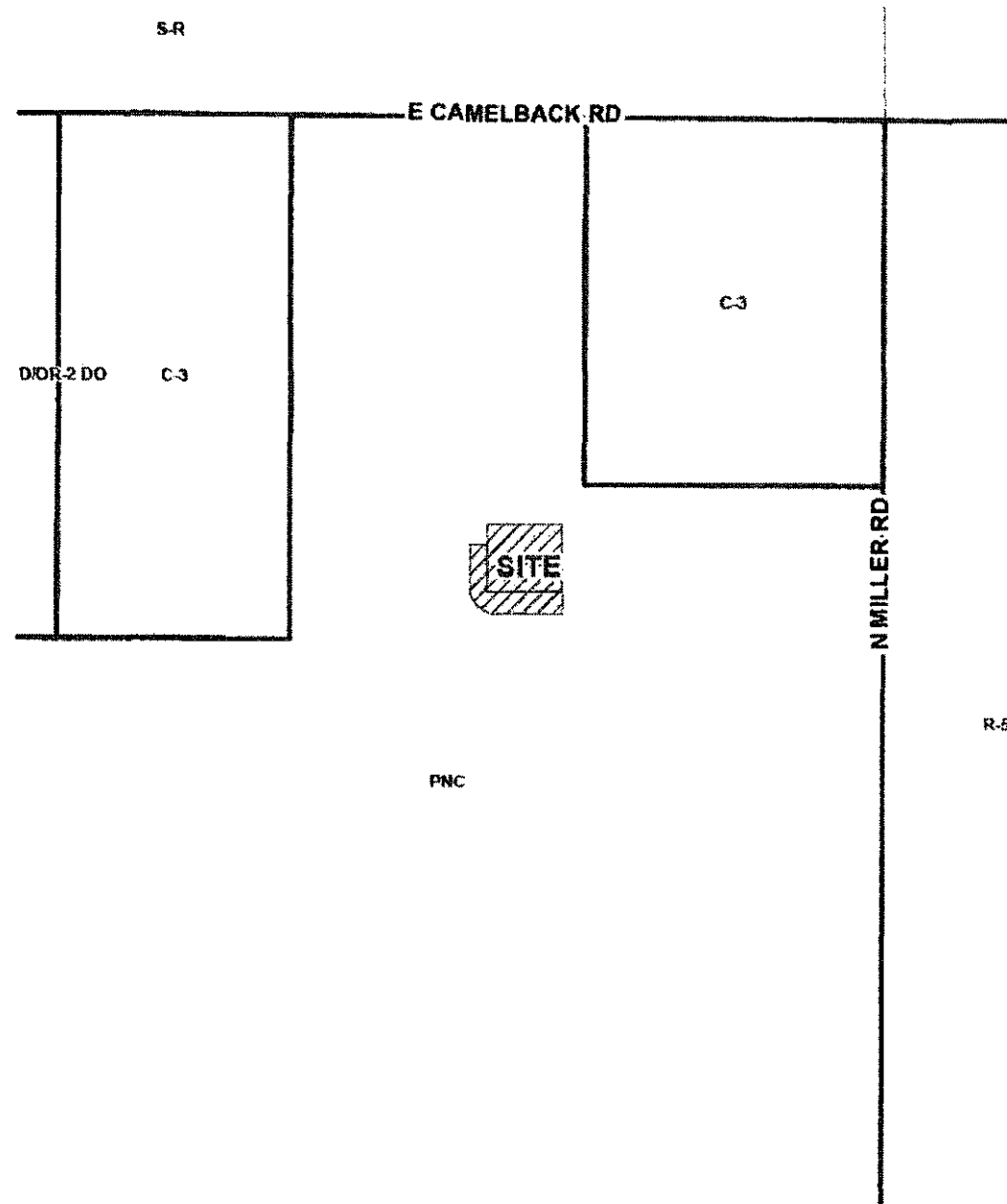


Clancy's

15-UP-2010

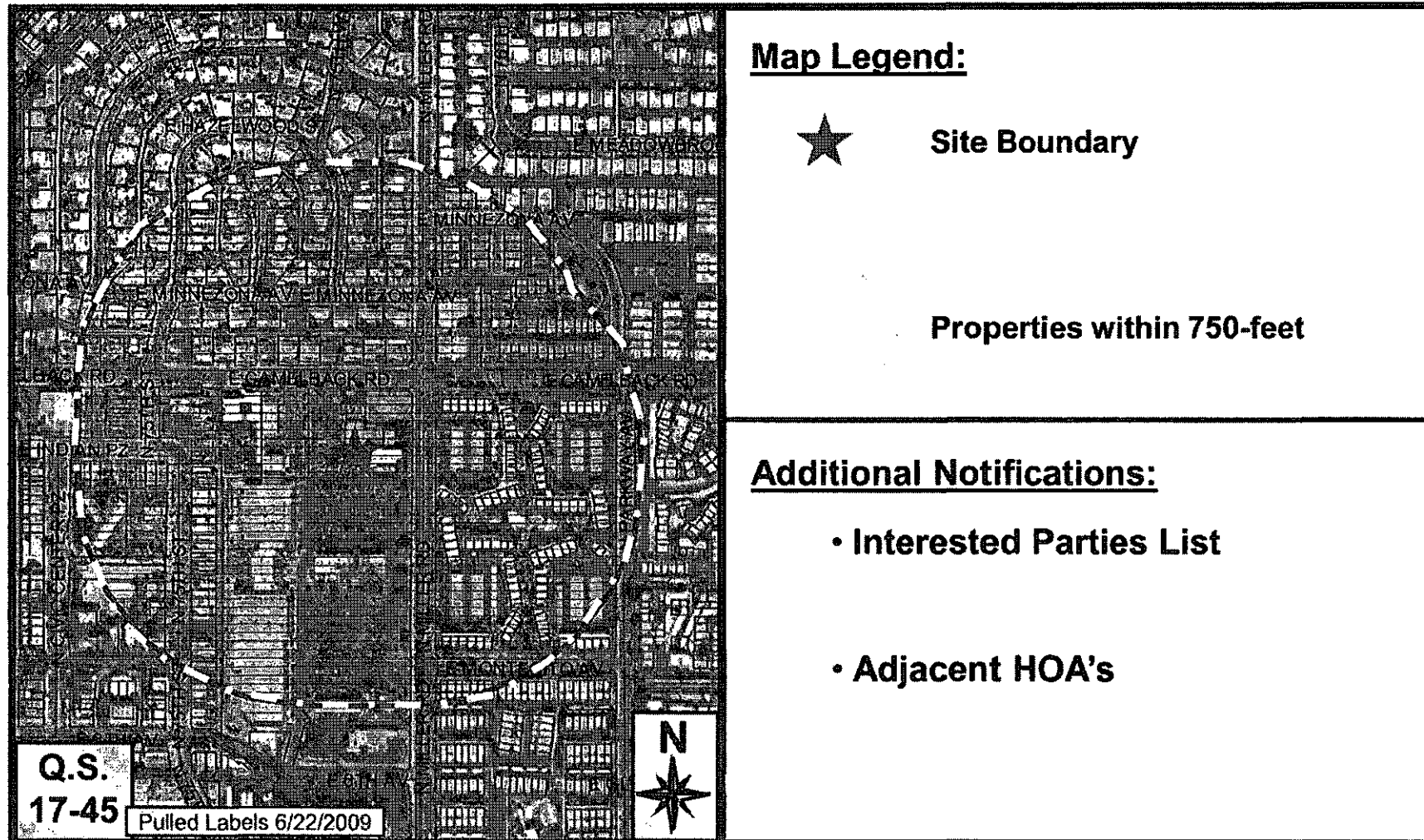
ATTACHMENT #3

Zoning Map



15-UP-2010
ATTACHMENT #4

City Notifications – Mailing List Selection Map



Clancy's

15-UP-2010

ATTACHMENT #5



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, JULY 14, 2010

DRAFT SUMMARIZED MEETING MINUTES*

PRESENT: Michael D'Andrea, Chair
Ed Grant, Vice Chair
Michael Schmitt, Commissioner
Jay Petkunas, Commissioner
Erik Filsinger, Commissioner
Jason Ottman, Commissioner

ABSENT: James Mullin, Commissioner

STAFF: Tim Curtis
Sherry Scott
Bryan Cluff
Greg Bloemberg
Doris McClay
Brandon Lebovitz

CALL TO ORDER

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:07 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. June 23, 2010 Regular meeting Minutes including Study Session.

COMMISSIONER FILSINGER MOVED TO APPROVE THE JUNE 23, 2010 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION. SECONDED BY COMMISSIONER PETKUNAS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

2. 9-UP-2010 Big Eye Sushi

COMMISSIONER SCHMITT MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CONDITIONAL USE PERMIT 9-UP-2010, BIG EYE SUSHI, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

3. 15-UP-2010 Clancy's

COMMISSIONER SCHMITT MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE 15-UP-2010, CLANCY'S, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

4. 5-AB-2010 St. Bernard of Clairvaux Catholic Church

COMMISSIONER SCHMITT MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE 5-AB-2010, ST. BERNARD OF CLAIRVAUX CATHOLIC CHURCH. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:10 p.m.