

# PLANNING COMMISSION REPORT



Meeting Date: July 14, 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 recommend approval of the 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.

### 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

## OWNER

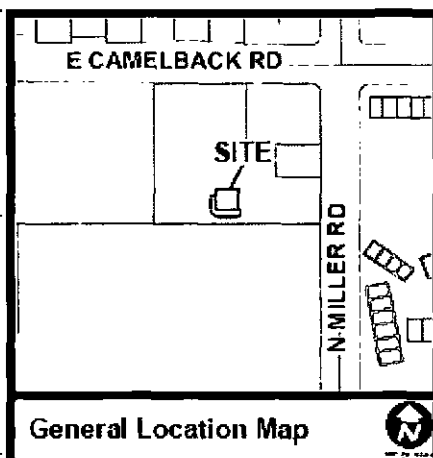
Camel Investments LLC  
480-946-6551

## APPLICANT CONTACT

SCOTT OSTEEN  
SCOTT OSTEEN PROJECTS LLC  
602-377-2973

## LOCATION

7551 E Camelback Rd 107



Action Taken \_\_\_\_\_

**BACKGROUND**

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**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 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. 6<sup>th</sup> 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.

**APPLICANTS PROPOSAL**

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**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 Required:** 12 spaces for this tenant, 644 spaces for the entire center
- **Parking Provided:** 707 spaces

## **IMPACT ANALYSIS**

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### **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.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach:**

Staff recommends the Planning Commission make a recommendation for approval to the City Council, subject to the attached stipulations, finding that the Conditional Use Permit criteria have been met.

**RESPONSIBLE DEPARTMENT(S)**

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**Planning, Neighborhood and Transportation**  
Current Planning Services


**STAFF CONTACTS (S)**

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Greg Bloemberg  
Planner  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**

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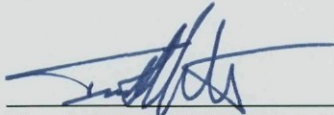
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Greg Bloemberg, Report Author

6-28-10

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Date



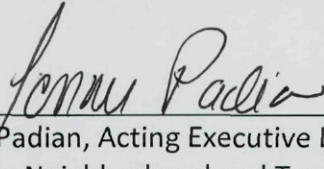
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Tim Curtis, AICP, Acting Current Planning Director  
480-312-4210, TCurtis@ScottsdaleAZ.gov

6/29/2010

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Date



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

6/30/10

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Date

**ATTACHMENTS**

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1. Stipulations  
Exhibit A to Attachment 1 (Floor Plan/Site Plan)
2. Applicant's Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. Zoning Map
5. City Notification Map

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

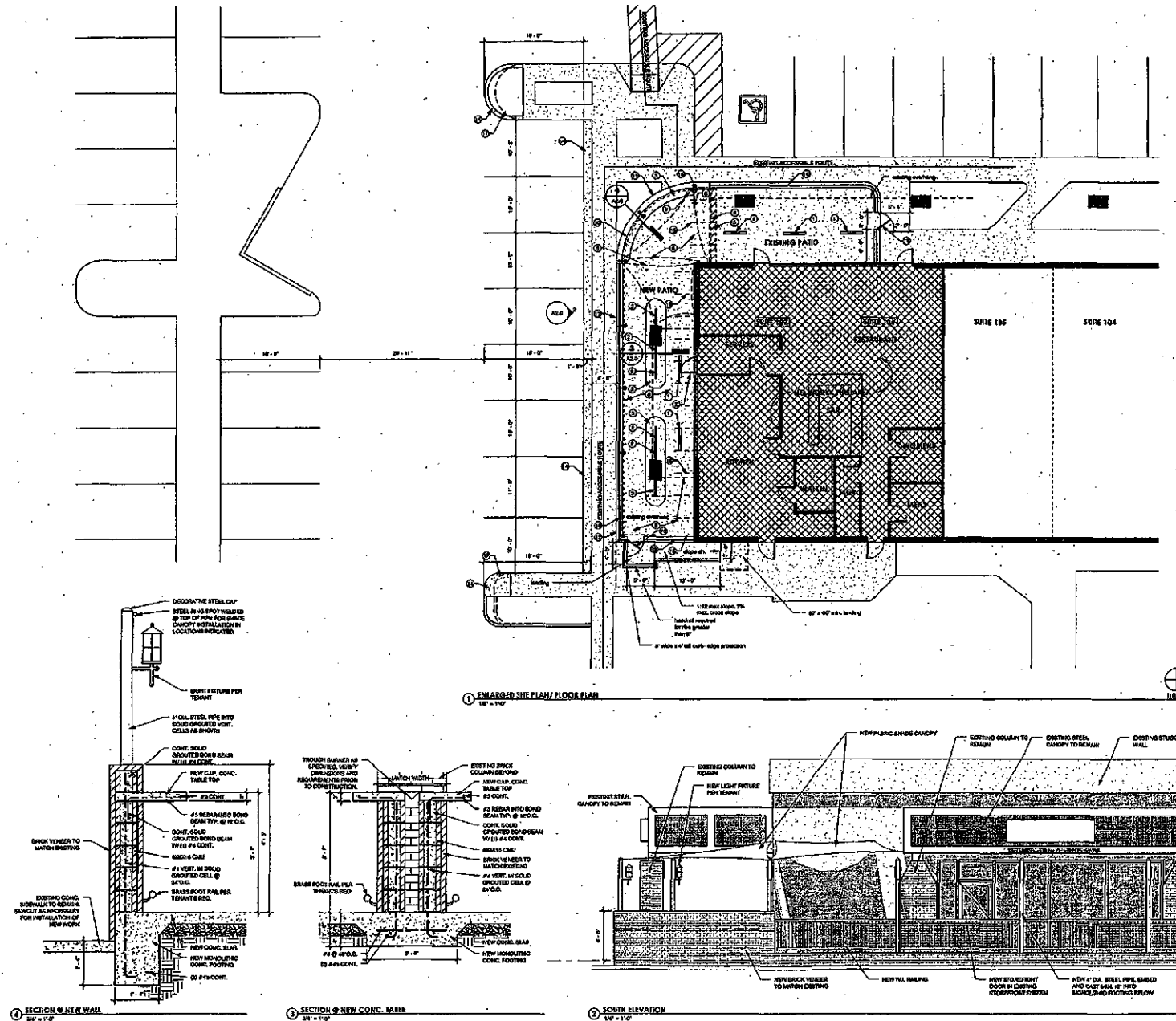
These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

**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 Attachment 1. 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.

# EXHIBIT A to ATTACHMENT #1: SITE PLAN / FLOOR PLAN

This drawing was prepared by the Project of Scott Oster Projects, LLC, a limited liability company, and is not to be used for any other project without the written consent of Scott Oster Projects, LLC. The drawings are the property of Scott Oster Projects, LLC, and shall remain the property of Scott Oster Projects, LLC. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage or retrieval system, without the prior written permission of Scott Oster Projects, LLC.



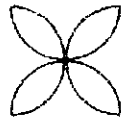
- ### FLOOR PLAN KEYNOTES
- MR. HEATER HAD NO CLING MOUNTED NATURAL GAS SPACE HEATER INSTALLED PER MANUFACTURER'S INSTRUCTIONS AND SHALL BE REMOVED. SEE DETAIL.
  - NYC NATURAL GAS TROUGH BURNER MODEL 1000 SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS AND SHALL BE INSTALLED INTO CONCRETE TROUGH. SEE DETAIL.
  - CURTAIN PLACE CONCRETE TABLE TOP IN LOCATIONS SHOWN. SEE DETAIL.
  - DASHED LINE INDICATES SEPARATION BETWEEN NEW & EXISTING PATIO.
  - EXISTING CURTAIN WALL TO BE REMOVED. PATCH AND REPAIR ALL SURFACES AS NECESSARY TO BLIND NEW AND EXISTING SURFACES.
  - PAVED SPACE CANOPY ABOVE, 8' x 12' HEAD CLEARANCE AT ALL LOCATIONS.
  - NEW 8' x 12' STOREFRONT DOOR TO MATCH EXISTING. MATCH EXISTING STOREFRONT SYSTEM AS NECESSARY FOR INSTALLATION. PATCH AND REPAIR AS NECESSARY.
  - NEW 4" CONCRETE SLAB OVER 4" A.C. TO MATCH EXISTING. SEAL ALL EXISTING CONCRETE THIS AREA & PREPARE FOR NEW WORK AS NECESSARY.
  - NEW LIGHT FIXTURE MOUNTED TO POLE. SELECTED BY TENANT. SEE DETAIL FOR LIGHTING FIXTURE TYPE.
  - EXISTING W.L. RAILING ATOP CURTAIN TO REMAIN. PATCH AND REPAIR AS NECESSARY.
  - NEW CURTAIN WALL VENEER @ ALL EXPOSED FACES TO MATCH EXISTING ADJACENT.
  - NEW CURTAIN WALL VENEER @ ALL EXPOSED FACES TO MATCH EXISTING ADJACENT. @ PERIMETER OF NEW PATIO, 10' LONG, 4" A.C. W.L. RAILING ABOVE TO MATCH EXISTING.
  - NEW 10' x 12' VENEER @ ALL TO MATCH HEIGHT OF ADJACENT W.L. RAILING. W.L. GATE BY AUTOMATIC DOOR.
  - NEW CONCRETE TO MATCH LEVEL OF ADJACENT SIDEWALK.
  - 8' x 12' CONCRETE DOOR TO EXIST. CONCRETE FOOTING AND STEEL BRACE SURFACE SET EXPOSED. EXISTING 4" A.C. CONCRETE @ 10' LONG, 4" A.C. MAX FROM EXIST.
  - NEW CONCRETE CONCRETE CONCRETE FOOTING @ 4" A.C. CONCRETE. SEE DETAIL FOR FOOTING DIMENSIONS.
  - REMOVE AND REPAIR EXISTING CONCRETE AS INDICATED.

- ### GENERAL FLOOR PLAN NOTES
- INSTALL ALL FEATURES PERMANENT. WITHIN INSTRUCTIONS.
  - CONTRACTOR TO VERIFY ARCHITECTURAL DIMENSIONS. REPAIR OR REPLACE ANY DISCREPANCIES FOUND WITHIN THESE DIMENSIONS.
  - FIELD MEASUREMENTS AND VERIFY SIZES AND CLEARANCES PRIOR TO FABRICATING & INSTALLING ALL NEW WORK.
  - GLASS IN DOORS, WITHIN 8" OF DOORS AND WITHIN 8" OF FLOORS SHALL BE TEMPERED GLASS PER 1004 IBC.
  - CONTRACTOR TO VERIFY AND MAINTAIN ALL ACCESSIBLE ROUTES PER 2004 ADA.
  - ALL NEW STEEL ELEMENTS TO BE PAINTED TO MATCH EXISTING STEEL ELEMENTS.

**SCOTT OSTER PROJECTS, LLC**  
ARCHITECTURAL AND DESIGN INNOVATIONS  
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Fax: 404.525.1001  
www.scottoster.com

**Clancy's**  
15-UP-2010  
1st: 6/21/2010

**A2.0**  
FLOOR PLAN, ELEVATION, DETAILS



## SCOTT OSTEEN PROJECTS, LLC

ARCHITECTURAL AND DESIGN INNOVATIONS  
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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.

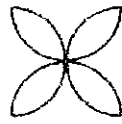
Per the City of Scottsdale's Zoning Ordinance, section 1.401;

- 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  
4144 EAST CORONADO ROAD, PHOENIX ARIZONA 85008  
602 577 0973 FAX 602 466 2441 URL: [www.scottosteenprojects.com](http://www.scottosteenprojects.com)

- 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





Clancy's

15-UP-2010

ATTACHMENT #3A

# Zoning Map



**15-UP-2010**  
ATTACHMENT #4



## City Notifications – Mailing List Selection Map



### Map Legend:



Site Boundary



Properties within 750-feet

### Additional Notifications:

- *Interested Parties List*
- *Adjacent HOA's*

**Clancy's**

**15-UP-2010**

ATTACHMENT #5