

CITY COUNCIL REPORT



Meeting Date: January 11, 2022
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Churchill's Fine Cigars 14-UP-2021

Request to consider the following:

Adopt resolution No. 12343 approving a Conditional Use Permit for a bar use within an approximately +/- 2,000 sq. ft. retail store at Crossroads East with Planned Regional Center, Planned Community District, Planned Shared Development Overlay (PRC PCD PSD) zoning located at 18529 North Scottsdale Road, Suite 127A.

Goal/Purpose of Request

The applicant's request is for an accessory bar use at a new cigar retail store in the Crossroads East mixed-use development.

Key Items for Consideration

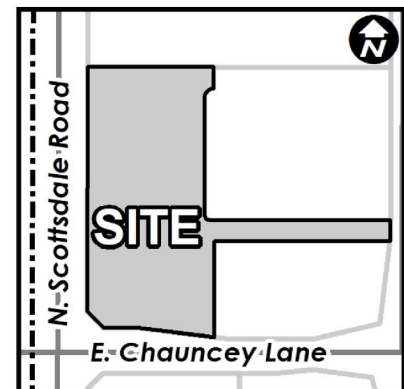
- Conditional Use Permit Criteria
- No public comment received
- Adequate parking in center
- Mixed use development setting
- Planning Commission heard this case on December 15, 2021 and recommended approval with a 6-0 vote.

OWNER

Bcb Group Investments, LLC
 (480) 947-8800

APPLICANT CONTACT

Bart Gerber
 Churchills Fine Cigars
 (602) 369-4256



LOCATION

18529 N Scottsdale Rd Ste 127A

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods, Regional Use. This category includes areas with strong access to multiple modes of transportation and major regional access and services and have a focus on human scale development. These areas could accommodate higher density housing combined with complementary office or retail uses or mixed-use structures.

Character Area Plan

The subject property is located within the Greater Airpark Character Area boundary, and according to the Greater Airpark Character Area Plan (GACAP) Future Land Use Map, the subject site is designated as Airpark Mixed-Use Residential, AMU-R. The GACAP states this land use designation is appropriate for a wide range of uses, including retail, service, tourist accommodations, and office; while providing development that is pedestrian-oriented, with access to various modes of transportation.

Zoning

This site is zoned Planned Community District, Planned Regional Center, Planned Shared Development (PCD PRC PSD) and is part of the Crossroads East Master Development Plan. The PRC zoning district allows for retail stores by right, but bars require a Conditional Use Permit.

Context

The subject property is located at the northeast corner of the North Scottsdale Road and East Chauncey Lane intersection and is home to two multi-tenant commercial buildings, the north building is approximately 15,000 square feet and one-story, and the south building is approximately 19,000 square feet and two-stories with a drive-through. To the east of the subject site is an apartment complex and hotel building that are a part of the mixed-use development plan. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Auto dealership, zoned PCD
- South: Chauncey Marketplace, mixed use development, zoned PCD PRC PSD
- East: Vacant, Arizona State Land, zoned PCD
- West: City of Phoenix

APPLICANTS PROPOSAL

Development Information

The development proposal includes adding a bar use to a new cigar retail space, called Churchill's Fine Cigars, located in the northern multi-tenant commercial building on the subject parcel. The store includes an enclosed outdoor patio on the west side.

- Existing Use: Cigar retail store
- Proposed Use: Cigar retail store with accessory bar use
- Buildings/Description: One-story multi-tenant commercial building
- Parcel Size: 5.43 net acres (west parcel)
- Gross floor area: 1,980 square feet
- Patio area: 740 square feet
- Parking Required: 108 (entire commercial center)
- Parking Provided: 128 (entire commercial center)

CONDITIONAL USE PERMIT ANALYSIS

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.
 - **Noise will comply with standard City policy and code. There are no anticipated impacts arising from smoke, odor, dust, vibration or illumination. The bar area is located within the cigar retail store.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The site can be accessed from North Scottdale Road, a major arterial, and East Chauncey Lane, a minor collector. The proposed use is not anticipated to change the existing traffic characteristics of these streets and the traffic generated by Crossroads East development.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The proposed bar use is compatible with the uses already existing in the center, which includes various other restaurants, retail, office, and apartments.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.

1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **The proposed bar is not anticipated to disrupt existing balance of daytime and nighttime uses. It is the applicant's intent to operating this establishment during the day and night, between 10 a.m. and 12 a.m., which supports both daytime and nighttime uses.**
2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **Daytime pedestrian-oriented activities are not anticipated to be disrupted as a result of approving this request for a Conditional Use Permit for a Bar. The applicant will not be utilizing the adjacent sidewalk for its activities.**
3. If the site is located within the downtown overlay district, then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 - **This property is not located in the Downtown Overlay.**
4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - **A multi-family apartment building is located east of the commercial buildings within the Crossroads East development. The retail store's enclosed outdoor patio area is located on the west side of the commercial building, further away from the residential use.**
 - **Noise will be strictly monitored and there is no request for live entertainment. The proposed Conditional Use Permit for a Bar is accessory to the retail establishment and is not anticipated to adversely affect the nearby residential uses.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Department and the Scottsdale Police Department.**
6. The applicant shall create a written exterior refuse control plan for approval by the City.
 - **The bar use will comply with the exterior refuse control plan for Crossroads East development that has been approved by the Engineering department.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **Exterior lighting is existing and compatible with the area. Noise will be mitigated through property management of activities and sound dampening material.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **The commercial portion of Crossroads East is required to have 108 parking spaces. The center provides 128 parking spaces which is sufficient.**
 - **The proposed bar use is accessory to the retail establishment and is not anticipated to adversely affect parking and shall not exceed capacity for traffic in the area.**
9. After hours establishments must maintain a valid after-hours establishment license.
 - **No afterhours activities are proposed as part of this application.**

Police Dept.

The nearest fire station is located at 14970 N. 78th Way, approximately 2 miles southeast of the proposed use. The subject property is within Police Patrol District 4, and the nearest police station is located at 20363 N. Pima Road, approximately 2.5 miles northeast of the site. A Security, Operations, and Maintenance Plan has been approved and signed by the Scottsdale Police Department and is on file with the Current Planning Division. No significant impacts to existing service levels are anticipated.

Liquor License

The Arizona liquor license application for a Series 6 (Bar) has been being processed for this location (Case 75-LL-2021). Due to the more expedient 60-day liquor licensing processing period, the city's liquor license recommendation to the State occurred prior to the Conditional Use Permit decision.

Community Involvement

Property owners within 750 feet of the establishment have been notified and the site has been posted with the required signage. The applicant held a virtual open house meeting on September 24, 2021. At the time of writing this report, staff has not received any comments on the case.

OTHER BOARDS AND COMMISSIONS

Planning Commission:

Planning Commission heard this case on December 15, 2021 and recommended approval with a 6-0 vote.

Staff's Recommendation to Planning Commission:

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval of the Conditional Use Permit per the attached stipulations.

RECOMMENDATION

Recommended Approach:

Adopt resolution No. 12343 approving a Conditional Use Permit for a bar use within an approximately +/- 2,000 sq. ft. retail store at Crossroads East with Planned Regional Center, Planned Community District, Planned Shared Development Overlay (PRC PCD PSD) zoning located at 18529 North Scottsdale Road, Suite 127A.

RESPONSIBLE DEPARTMENTS

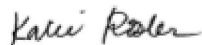
Current Planning Services and Police Department

STAFF CONTACTS

Katie Posler
Senior Planner
480-312-2703
E-mail: kposler@scottsdaleaz.gov

Daniel Safsten
Police Officer
480-312-3474
E-mail: dsafsten@scottsdaleaz.gov

APPROVED BY



Katie Posler, Senior Planner, Report Author

12/17/21

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

12/17/2021

Date



Randy Grant, Executive Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

12/21/2021

Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 12343
 - Exhibit 1:Aerial Close-Up
 - Exhibit 2:Stipulations
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit 3: Additional Conditions
3. Applicant's Narrative
4. Site plan
5. Security, Operations, and Maintenance Plan
6. Zoning Map
7. City Notification Map
8. December 15, 2021 Planning Commission Meeting Draft Minutes



Context Aerial

14-UP-2021

ATTACHMENT #1

RESOLUTION NO. 12343

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR USE WITHIN AN APPROXIMATELY +/-2,000 SQ. FT. RETAIL STORE (CHURCHILL'S FINE CIGARS) FOR A PROPERTY WITH PLANNED REGIONAL CENTER, PLANNED COMMUNITY DISTRICT, PLANNED SHARED DEVELOPMENT OVERLAY (PRC PCD PSD) ZONING, LOCATED AT 18529 NORTH SCOTTSDALE ROAD SUITE 127A.

WHEREAS, the Planning Commission held a public hearing on December 15, 2021; and

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

Section 1. That the City Council finds:

a) that the granting of this conditional use permit per stipulations set forth on **Exhibit 2** will not be materially detrimental to the public health, safety or welfare based on, 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;

b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) that compliance with the additional conditions for bars, set forth on **Exhibit 3**, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 14-UP-2021. 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 **Exhibit 2** and **Exhibit 3**. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 20_____.


ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney



Close-up Aerial

Resolution No.12343
Exhibit 1
Page 1 of 1

14-UP-2021

Conditional Use Permit – Bar

Stipulations

Churchill's Fine Cigars

Case Number: 14-UP-2021

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Withey Morris and with the city staff date of 11/29/21, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
3. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to:

	Open to Customers	Close to Customers
Sunday	11:00 am	11:00 pm
Monday	10:00 am	11:00 pm
Tuesday	10:00 am	11:00 pm
Wednesday	10:00 am	11:00 pm
Thursday	10:00 am	11:00 pm
Friday	10:00 am	12:00 am
Saturday	10:00 am	12:00 am

4. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Division. Where the provisions of a Public Safety Plan (PSP) conflict with the SMOP,

the provisions that establish the higher standard for protection of public health and safety shall prevail.

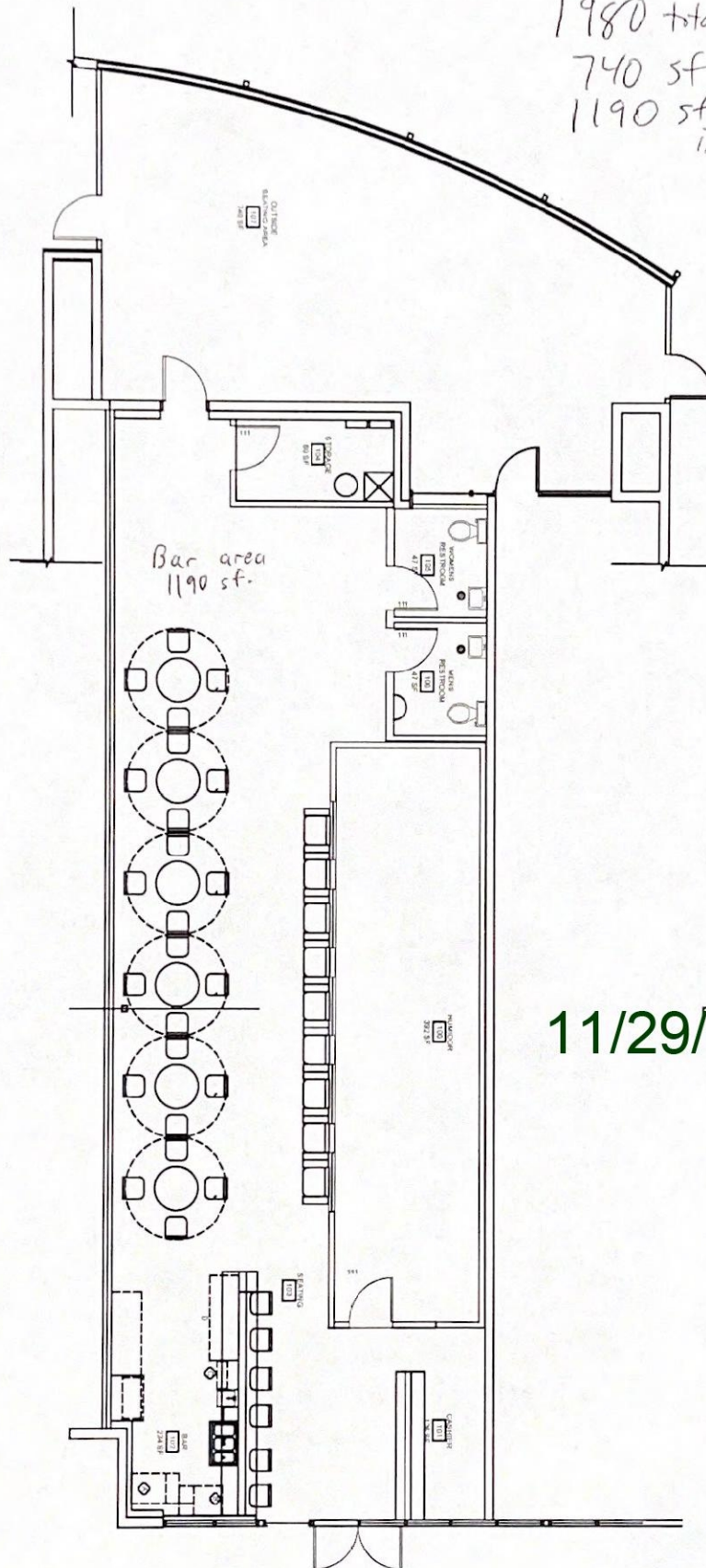
5. OUTDOOR SPEAKERS. All outdoor patio speakers shall be directed down and away from the residential building.

ADMINISTRATIVE/PROCESS

6. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
7. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

Floor Plan

1980 total inside sf
740 sf outside
1190 sf bar area
inside



North ↑

11/29/21

Exhibit 3
Scottsdale Revised Code Section 1.403 (C.)

C. Bars, cocktail lounges, and/or after-hours establishments.

1. The use shall not disrupt existing balance of daytime and nighttime uses.
2. The use shall not disrupt pedestrian-oriented daytime activities.
3. If the site is located within the Downtown Overlay District D-O then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
6. The property owner shall create a written exterior refuse control plan for approval by the City.
7. The property owner shall demonstrate how noise and light generated by the use shall be mitigated.
8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.
9. After hours establishments must maintain a valid after-hours establishment license.

Conditional Use Permit Application Narrative

To operate a cocktail lounge (utilizing a Series 6 Liquor License) along with a retail cigar store. This will be a high-end operation, the same as the existing Churchill's Fine Cigars located at 5041 N. 44th St. in Phoenix which has been in continuous operation for over 26 years, with the cocktail lounge component operating within it for the last 7 years.

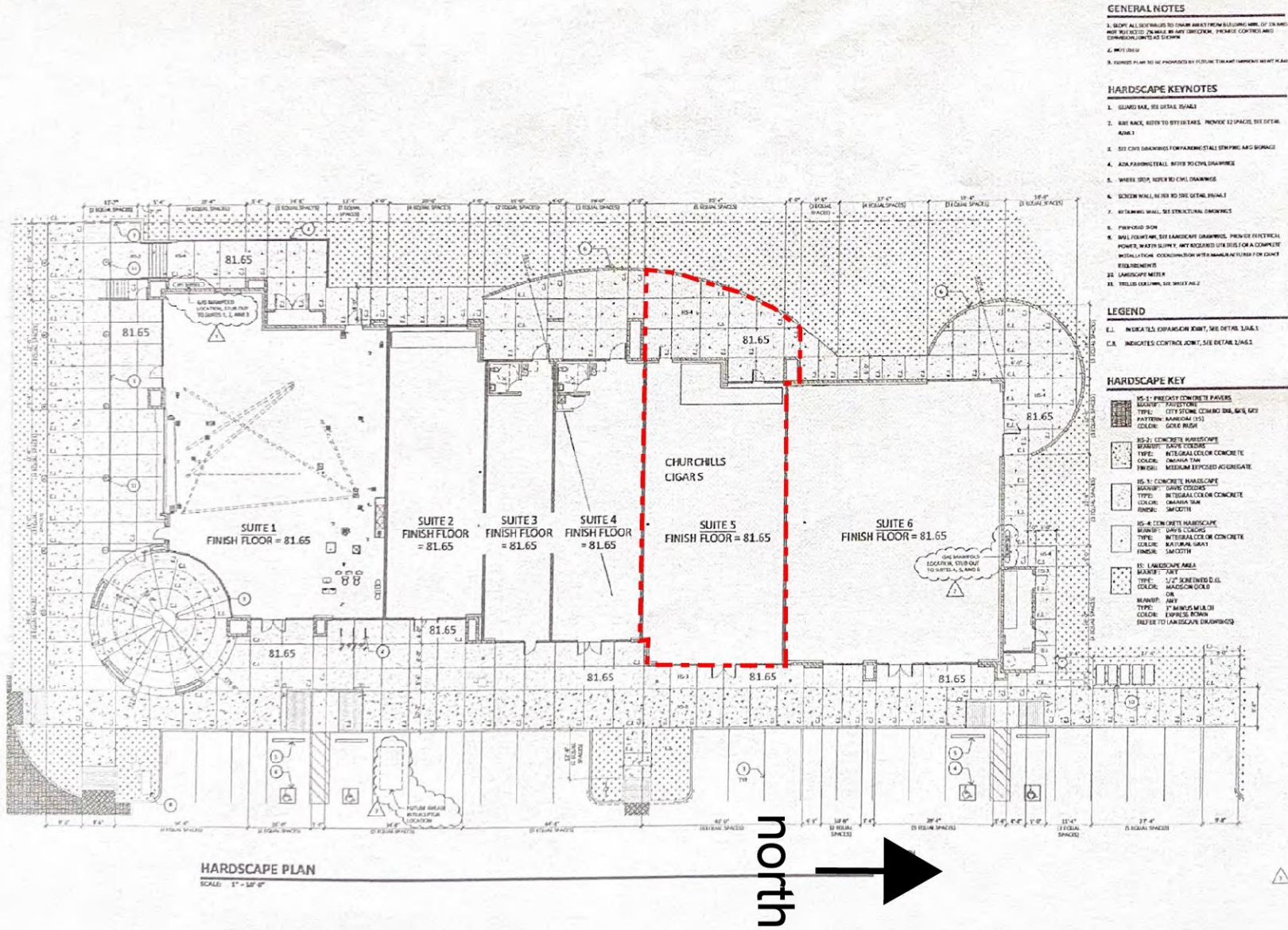
The main focus of the business is the retail sale and consumption of fine cigars with the cocktail lounge as an added amenity. It's a very quiet operation with no dancing, games, entertainment or live music. It's only about guests enjoying both a fine cigar and a premium cocktail in an upscale environment.

Addressing zoning ordinance section 1.403©:

1. The only nighttime use currently on the property is Cold Beer and Cheeseburgers; Churchill's operations will not disrupt the existing balance of daytime and nighttime uses.
2. Churchill's operations do not extend into any pedestrian areas and thus will not disrupt any pedestrian-oriented daytime activities.
3. The site is not located within the Downtown Overlay District D-O.
4. The only residential use within 500 feet is one apartment complex. This use will not adversely impact residential uses. There will be no music or loud activities of any kind associated with the use so no buffering is necessary.
5. An active management and security plan has been filed with the City of Scottsdale Police Department and is awaiting approval.
6. Refuse control for the property is handled by the property management company, Diversified Partners.
7. There will be no noise or light generated by this use so no mitigation will be necessary.
8. The use conforms to the parking requirements of Article IX and does not exceed capacity for traffic in the area.
9. There will be no after hours for this use.

Site Plan

ATTACHMENT #4



IRKAA
A. S. C. I. C. I. S. I. N. C.
7213 EAST YUWATA ROAD, P.O. BOX 6, RENO, NV 89501
TEL 415-7903

[illegible]

**CROSSROADS EAST
NORTH PAD
18529 NORTH SCOTTDALE ROAD
SCOTTSDALE, ARIZONA**

drawings for: **BLK**
 elevation for: **BL, CD**
 checked for: **MAJ**

A0.1

PROJECT #: 13065LD4

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



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

480.312.5000 FAX 480.312.7701

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

480-312-7000 FAX 480-312-7088

Assigned Planner:

Kathryn Posler

Police Detective:

Establishment:

Churchill's Fine Cigars

Address:

18529 N. Scottsdale Rd Ste-127A Scottsdale AZ 85255

Business Phone:

Business FAX:

Maximum Occupancy:

70

Effective Date of the Plan:

Date of Plan Review:

Use Permit Issue Date:

Liquor License Number:

Contact Person (1):

Bart Gerber

Home Phone:

602-369-4256

Contact Person (2):

Alex Harding

Home Phone:

480-626-3149

Operations and Hours

1. Permittee: Churchill's North Scottsdale

Type of Organization: ☐ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☒ LLC
☐ Partnership ☐ Other

2. Managing Agents Name: Bart Gerber

Title: Managing Member

Address: 5841 N. 44th St. Phoenix AZ 85018

Phone Numbers: 602-364-4256

Fax or Other Numbers:

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:

4. Property Owner or Property Manager (if different from Managing Agent)

Name, Address, Phone: Kelly Gantner
7500 E. McDonald Scottsdale AZ 85250 484-947-8200

5. Hours of Operation: Sunday - Thursday 10 a.m. - 11:00 p.m. Friday - Saturday 10:00 a.m. -
Midnight

	<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		<u>Yes</u>	<u>10:00 a.m.</u>	<u>11:00 p.m.</u>	
Tuesday		<u>Yes</u>	<u>10:00 a.m.</u>	<u>11:00 p.m.</u>	
Wednesday		<u>Yes</u>	<u>10:00 a.m.</u>	<u>11:00 p.m.</u>	
Thursday		<u>Yes</u>	<u>10:00 a.m.</u>	<u>11:00 p.m.</u>	
Friday		<u>Yes</u>	<u>10:00 a.m.</u>	<u>Midnight</u>	
Saturday		<u>Yes</u>	<u>10:00 a.m.</u>	<u>Midnight</u>	
Sunday		<u>Yes</u>	<u>11:00 a.m.</u>	<u>11:00 p.m.</u>	

6. Promotional Events: (Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do not include special events) N/A

7. Program Format/Entertainment/Advertising: (Complete for Live Entertainment Use Permit Only. Attach addendum that describes

entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code – Appendix B, Zoning Ordinance for definitions.

8. Special Events:

Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) 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.

9. Cooperation/Complaints/Concerns:

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:

Bart *541 N. 4th St*
Name: *Gerber* Address: *Phoenix AZ 85015* Phone: *602-369-4256*

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

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.

On peak nights, there will be a minimum of 0 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. ___ Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. ___ Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. ___ Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will 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 and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of 1 manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring 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.
4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

☐ I plan to hire _____ officer(s) during peak nights from (name of agency) _____

☒ I do not plan to hire off-duty law enforcement.

Parking

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- 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 1.1400 et seq.
- 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.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 1. A violation of the Plan.
 2. Violation of the conditions of the Use Permit.
 3. Violation of Scottsdale ordinances or law.
 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 the City.
 7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan

This plan shall terminate when the applicant's Use Permit terminates.

Enclosures

☐ Addendums attached

☒ No enclosures


APPLICANT/MANAGEMENT:

Name: Bart Gerber

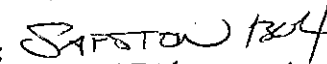
Address: 5041 W. 44th St. Phoenix AZ 85018

Phone: 602-369-4256

Date: 9-22-21

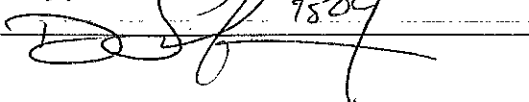
Signature: 

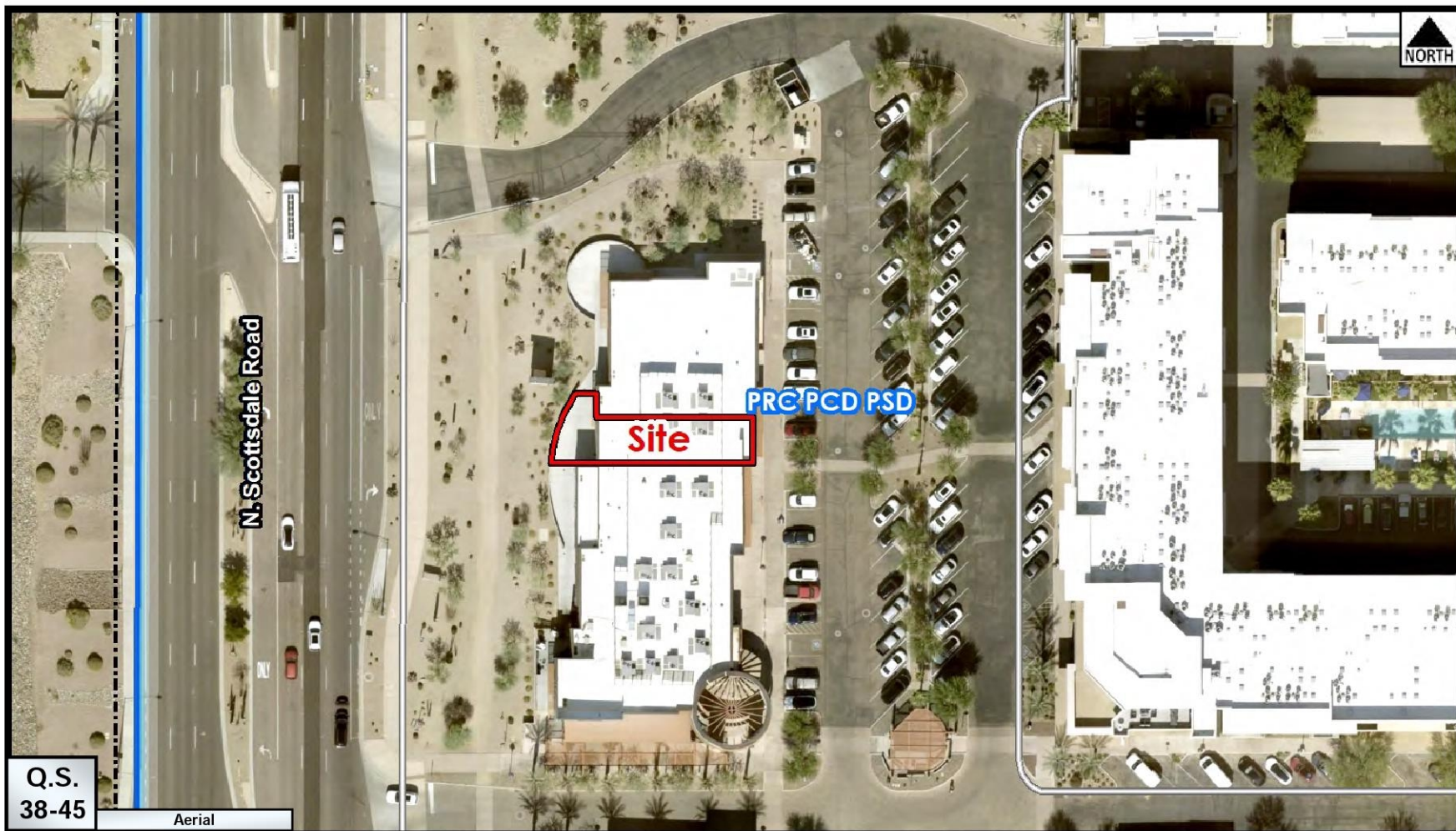
APPROVED BY:

Detective: 

Phone: 312-7474

Date: Nov 1, 2021

Signature: 

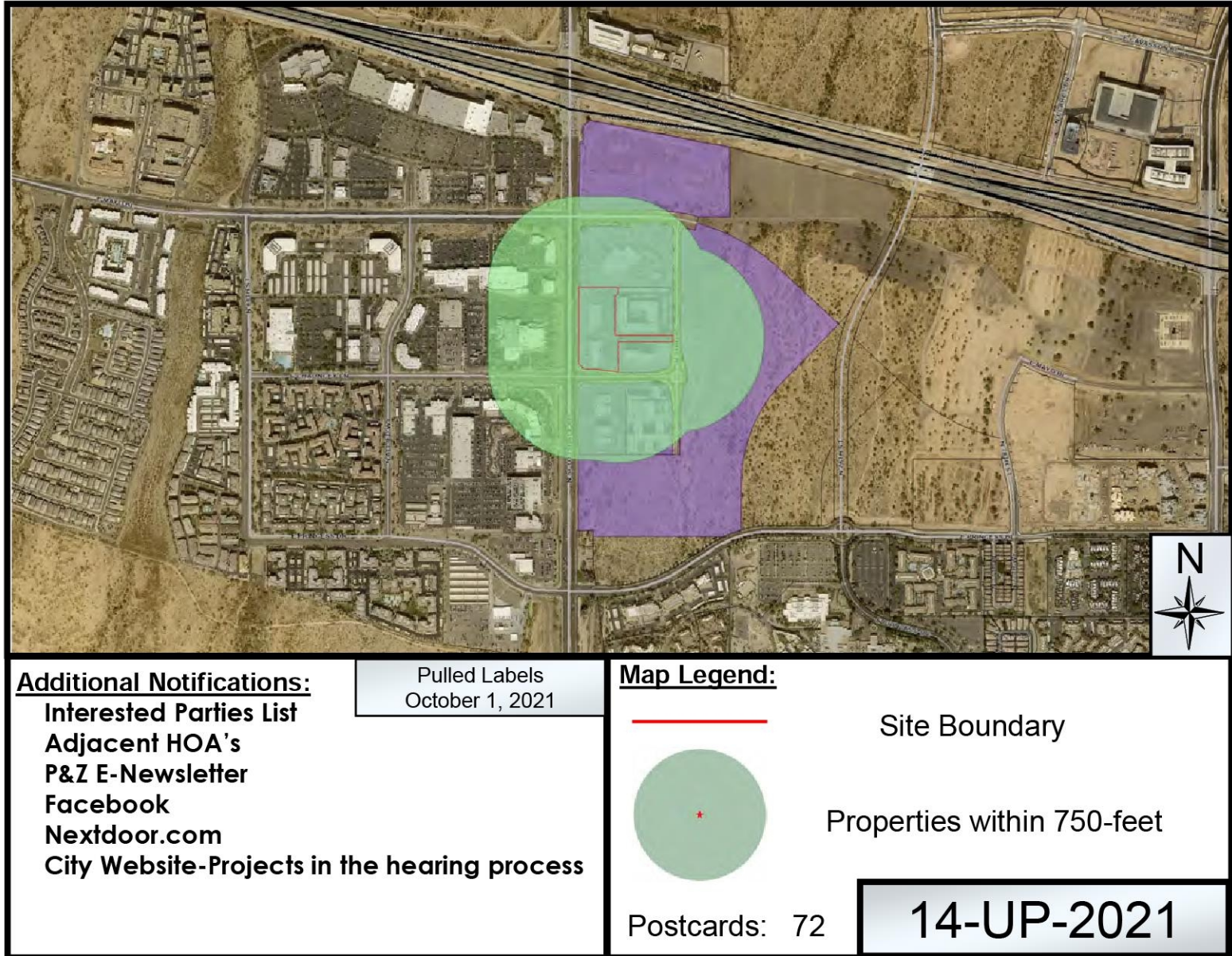


Zoning Aerial

14-UP-2021

City Notifications – Mailing List Selection Map

Churchills Fine Cigars





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

WEDNESDAY, DECEMBER 15, 2021

*** DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Renee Higgs, Chair
Joe Young, Vice Chair
Barney Gonzales, Commissioner
George Ertel, Commissioner
Christian Serena, Commissioner
Barry Graham, Commissioner

ABSENT: William Scarbrough, Commissioner

STAFF: Tim Curtis
Eric Anderson
Katie Posler
Brad Carr
Greg Bloemberg
Adam Yaron
Bronte Ibsen
Lorraine Castro
Nicole Garcia
Mercedes McPherson
Ryan Garofalo

CALL TO ORDER

Chair Higgs called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

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

ATTACHMENT #8

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

ATTACHMENT #8

MINUTES REVIEW AND APPROVAL

1. Approval of November 17, 2021 [Regular Meeting Minutes](#)

Vice Chair Young moved to approve the November 17, 2021 regular meeting minutes. Seconded by Commissioner Ertel, the motion carried unanimously with a vote of six (6) to zero (0) with Commissioner Scarbrough being absent.

The motion carried with a vote of six (6) to zero (0); by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Ertel, Commissioner Serena, and Commissioner Graham with Commissioner Scarbrough being absent from hearing.

CONSENT AGENDA

2. Approval of the [Planning Commission 2022 Calendar](#).
3. [14-UP-2021 \(Churchill's Fine Cigars\)](#)

Request by owner for a Conditional Use Permit for a bar use within an approximately +/- 2,000 sq. ft. retail store (Churchill's Fine Cigars) at Crossroads East with Planned Regional Center, Planned Community District, Planned Shared Development Overlay (PRC PCD PSD) zoning located at 18529 North Scottsdale Road Suite 127A. Staff contact person is Katie Posler, 480-312-2703.

Applicant contact person is Bart Gerber, (602) 369-4256.

4. [3-AB-2021 \(Abandonment of GLO and ROW\)](#)

Request by owner to abandon the GLO roadway easement and Right of Way along the east property line (N. 106th Street alignment) and portions of the GLO roadway easement along the south property line (E. Paradise Drive alignment) for a parcel located at 10595 E. Cactus Road with Single-family Residential zoning (R1-43). Staff contact person is Katie Posler, 480-312-2703.

Applicant contact person is Scott Lewandowski, (480) 440-1010.

Items No. 2, 3&4; Motion to approve the Planning Commission Calendar for 2022 and recommended City Council approve cases 14-UP-2021 and 3-AB-2021 by a vote of 6-0 per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met and after determining that the Abandonment is consistent and conforms with the adopted General Plan. Motion by Commissioner Serena, 2nd by Commissioner Graham.

The motion carried with a vote of six (6) to zero (0); by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Ertel, Commissioner Serena, and Commissioner Graham, with Commissioner Scarbrough being absent from hearing.

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REGULAR AGENDA

5. [8-UP-2012#3 \(MedMen Enterprises - Scottsdale\)](#)

Request by owner for renewal of a Conditional Use Permit (8-UP-2012#2) for an existing marijuana dispensary, including amendments to the stipulations to extend the hours of operation, eliminate the 5-year timing stipulation, and change the floor plan on a +/- 0.24-acre property with Commercial Office, Planned Community District (C-O P-C) zoning, located at 8729 E. Manzanita Drive.

Staff contact person is Greg Bloemberg, 480-312-4306.

Applicant contact person is Carolyn Oberholtzer, 602-888-7860.

Item No. 5; Recommended City Council approve case 8-UP-2012#3 by a vote of 5-1 per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met. Motion by Commissioner Serena, 2nd by Commissioner Ertel.

The motion carried with a vote of five (5) to one (1); by Chair Higgs, Vice Chair Young, Commissioner Ertel, Commissioner Serena, Commissioner Graham, with Commissioner Scarbrough being absent from hearing and Commissioner Gonzales dissenting.

Non-ACTION ITEM

6. [Old Town Character Area Plan and Zoning Ordinance Update \(5-GP-2021, 1-TA-2021, 1-II-2010#3\)](#)

Request: Presentation and discussion regarding public outreach efforts associated with the Old Town Scottsdale Character Area Plan and downtown zoning ordinance update process.

Staff Contact(s): Adam Yaron, Principal Planner 480-312-2761 and Brad Carr, Planning and Development Area Manager 480-312-7713

Request to speak cards: Bob Pejman on Item No. 6 and French Thompson Item No. 6.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:41 p.m.