

Old Town Tavern

7330 E. Main Street, Scottsdale, Arizona 85251

Case Numbers

5-UP-2025 – Bar Conditional Use Permit

6-UP-2025 – Live Entertainment Conditional Use Permit

Zoning

Central Business Downtown Overlay (C-2 DO)

Date

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2nd Submittal



Applicant

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Application Narrative

The purpose of this application is to move the physical facility and Class 6 liquor license of the Old Town Tavern from 7320 E. Main next door to 7330 E. Main. Old Town Tavern and its predecessors, Brackens and J Chews Lounge, have been serving alcohol and having live entertainment at 7320 E. Main since 1985. Old Town Tavern has operated under the current name since 2012. The reason for the move is that the current lease is ending and the current facility is small, in disrepair and constitutes a hazard to patrons using the facility and/or the city easements currently contiguous to or leased by Old Town Tavern as patio areas. The new facility allows the Old Town Tavern to modernize and expand its inside airconditioned patron capacity while maintaining its location at the Scottsdale Mall and its local character.

ZO Section 4.103.C – Bar Conditional Use Permit Criteria

Old Town Tavern is requesting a Conditional Use Permit to operate a bar in Old Town Scottsdale, specifically along the Scottsdale Mall. As detailed below, Old Town Tavern satisfies the requirements set forth in the Zoning Ordinance (ZO) and respectfully requests approval of the Bar Conditional Use Permit.

1. The use shall not disrupt existing balance of daytime and nighttime uses.

With respect to the Zoning Ordinance requirements under Section 4.103 for a Bar Conditional Use Permit, the new facility will not disrupt the existing balance of daytime and nighttime activities because the use remains the same for the area.

2. The use shall not disrupt pedestrian-oriented daytime activities.

Pedestrians will still be able to fully use the mall. There is no displacement of retail uses.

- 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.*

Regarding parking, Old Town Tavern bought several parking spaces twelve years ago and has been in compliance with all parking requirements for twelve years. There is a City of Scottsdale parking lot with approximately 100 spaces immediately adjacent to the facility, as there has been since 1975. Traffic in the area is expected to remain the same and the parking requirements for the bar patrons will not change. There has never been a shortage of parking except during the Parada del Sol Parade, when the pickups, trailers and horses take over the parking lot.

- 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.*

There is one residential use within 500 feet, the Bishoff residence (3925 N. Brown Ave). The Bishoffs have welcomed the Old Town Tavern and its musical entertainment for the last twelve years, and, it is believed, even longer when the bar was known as Brackens and J. Chews.

5. *An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.*

An active security plan has been in place and will continue. The update to the security plan for the new Old Town Tavern is currently under review by Detective Christian Bailey with the Scottsdale Police Department as of August 11, 2025, and once Detective Bailey signs off on the updated security plan, it will be provided to Current Planning and the assigned coordinator/planner.

6. *The property owner shall create a written exterior refuse control plan for approval by the City.*

Refuse is maintained in two (2) dumpsters provided and serviced by the City. The existing enclosed dumpsters are located in the parking lot directly north of the subject property and just south of the 1st Avenue entry into the parking lot.

7. *The property owner shall demonstrate how noise and light generated by the use shall be mitigated.*

All noise will be contained within the building except ambient noise from any limited patio service. There will not be any outdoor speakers installed in the outdoor patio area. All noise will be contained within the exterior walls of the building and the doorway entrances into the bar will remain closed and not be propped open. All exterior lighting (both existing and proposed) will be shielded and directed downwards, and comply with Zoning Ordinance Section 7.600 – Outdoor Lighting.

8. *The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.*

Regarding parking, Old Town Tavern bought several parking spaces twelve years ago and has been in compliance with all parking requirements for twelve years. There is a City of Scottsdale parking lot with approximately 100 spaces immediately adjacent to the facility, as there has been since 1975. Traffic in the area is expected to remain the same and the parking requirements for the bar patrons will not change. There has never been a shortage of parking except during the Parada del Sol Parade, when the pickups, trailers and horses take over the parking lot. The bar use will not generate an exorbitant amount of vehicular traffic in the area – most pedestrians will arrive on foot from points surrounding the Scottsdale Mall and beyond – and park at the various and plentiful number of city-owned and city-maintained parking spaces, parking lots, and parking garages.

9. *After hours establishments must maintain a valid after hours establishment license.*

Old Town Tavern does not and will not qualify as an after-hours establishment. The bar will be open from 10:00AM to 12:00AM, from Monday through Thursday, and 10:00AM to 1:00AM, from Friday through Sunday (these are the published business hours).

ZO Section 4.103.K – Live Entertainment Conditional Use Permit Criteria

Old Town Tavern is requesting a Conditional Use Permit to provide live entertainment at a bar in Old Town Scottsdale, specifically along the Scottsdale Mall. As detailed below, Old Town Tavern satisfies the requirements set forth in the Zoning Ordinance (ZO) and respectfully requests approval of the Live Entertainment Conditional Use Permit.

- 1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.*

We have provided the city with an updated written Security and Maintenance Plan. The update to the security plan for the new Old Town Tavern is currently under review by Detective Christian Bailey with the Scottsdale Police Department as of August 11, 2025, and once Detective Bailey signs off on the updated security plan, it will be provided to Current Planning and the assigned coordinator/planner.

- 2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.*

All sound resulting from live indoor entertainment will be contained within the building. The south side of the building is a thick tempered glass façade. There are no windows that can be opened on the Scottsdale Mall on the south side of the building. There are two large self-closing glass entrance doors. We are not contemplating outside speakers at this time although speakers were used at the prior Old Town Tavern location for decades and the doors and windows of the original J Chews and Old Town Tavern were open so that sound emitted from the premises.

- 3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII. of the Zoning Ordinance and the Security and Maintenance Plan requirements.*

The lighting for the building will remain substantially the same as it currently is, and all exterior lighting (both existing and proposed) will be shielded and directed downwards, and comply with Zoning Ordinance Section 7.600 – Outdoor Lighting.

- 4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.*

The floor plan submitted to the city (as part of the overall construction plan set) indicates the primary use areas and the position of the stage at the back of the floor area (all indoors).

5. *If the establishment is not in the Old Town Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.*

This criterion does not apply to the subject property – the subject property is located in Old Town.

6. *If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.*

The applicant does not believe a parking study is necessary for the reasons set forth above and in the next section, Parking Requirements (see below). However, the applicant and business owner will work with the City of Scottsdale and the Current Planning Department to resolve any issues pertaining to parking.

7. *The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.*

The business owner will provide any additional information required by the Zoning Administrator, if practicable and reasonable, to evaluate the impacts of the proposed live entertainment use upon the surrounding area.

8. *All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.*

All noise will be contained within the exterior walls of the building and the doorway entrances into the bar will remain closed and not be propped open. The only time the doors will be open is when patrons are entering and leaving the bar.

9. *No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use, which is located within five hundred (500) feet of a residential district shown on Table 4.100.A.*

There will not be any outdoor speakers installed in the outdoor patio area.

10. *The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.*

The owner and operator will fully comply with any and all plans approved as part of the Live Entertainment Conditional Use Permit.

11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.

The lighting for the building will remain substantially the same as it currently is, and all exterior lighting (both existing and proposed) will be shielded and directed downwards, and comply with Zoning Ordinance Section 7.600 – Outdoor Lighting.

12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

The business will comply with all code conditions for sound and lighting and will comply with the City's Noise Ordinance.

Parking Requirements

The interior floor area is broken up into two separate areas to be occupied by two separate LLC entities, Miccio LLC, which will run the bar and food operations, and SKM LLC which will manage the real estate lease, finance, storage and executive management.

The interior floor area for Miccio LLC is a total of 1991 square feet as calculated from the plans. The exterior patio area is 802 square feet as calculated from the plans. The parking under the ordinance is 24.9 spaces for the interior and 4 spaces for the patio, for a total of 29 parking spaces.

We have found the 15 parking places that were leased by Saba Rental LLC in the parking lots in the surrounding area when they purchased their plot from the city in 1975. This was an agreement that was recorded by the parties and ran with the land. These parking places apply to the lease and to all subsequent lessees. Two parking spaces will be supplemented and furnished by provided bicycle racks. That leaves 13 parking spaces that must be accounted for under the current ordinance if it does, in fact, apply.

Old Town Tavern maintains that the parking for the building is grandfathered by the parking regulations and agreement between the Saba Brothers and the city that the parties negotiated in 1975. It was contemplated by the parties that the most parking that would ever be required for the building was 15 spaces, the amount required under the zoning code at that time. No provision of the agreement allowed the city to add to the number of spaces that would be required for tenants of the Saba's or modify the agreement in any way. Old Town Tavern, as a lessor of the building, is entitled to rely on the agreement of the parties in determining its' parking requirements. We maintain that the maximum number of parking spaces that the city can require is 15 and that is accomplished and fulfilled by the 1975 parking agreement. Based on the foregoing we do not believe that Old Town Tavern is required to lease any more parking places from the city.