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City of Scottsdale
Planning Services Motor Vehicle Division

VIA ELECTRONIC UPLOAD

RE: Amended In Lieu Parking
Amended Entertainment Permit Application
Amended Bar Use Application
5-UP-2025, 6-UP-2025,
Old Town Tavern
Back Door Restaurant
5S118 (Key Code)

Mr. Curtis,

Applicant hereby submits his Amended Applications for the premises located at 7330 E. Main. This amended application addresses the live entertainment requests for Back Door and the Old Town Tavern, the bar application for Old Town Tavern and the parking issues for both.

This amended application includes both the Old Town Tavern and the Back Door restaurant located at 7330 E. Main. As the parties have discussed, the Back Door Restaurant will continue to operate as a restaurant under the Class 12 restaurant liquor license on the west side of the building. The Old Town will operate as a bar with a Class 6 bar liquor license on the east side of the building.

Both establishments will have live entertainment however, the live entertainment in the Back Door Restaurant will be limited primarily to afternoons while the full menu food service is provided. The stage is less than 15% of the gross floor area as is required under Zoning Code 9.103B. Nighttime live entertainment will be offered at the Old Town Tavern.

LIVE ENTERTAINMENT PERMITS

The Old Town Tavern offered live entertainment for the Scottsdale community for approximately 18 years at its former location next door to 7330 East Main. It moved to the Back Door after the expiration of its lease in October 2025. It offers popular music from the 1970s to the present primarily played on acoustic guitars to an older crowd.

The owner intends to continue to offer the same live entertainment as in the past. There have been no issues with the noise levels in the neighborhood, and the new building actually cuts down on any sound emanating from the venue as opposed to the more open building format at the former location.

Live entertainment will be offered at Back Door in the afternoons when the full food service is offered. It has small stage that meets the requirements of zoning code section 9.103B. Historically the entertainers have played from 3 PM through 6 PM depending on the day of the week. Live entertainment will continue at the Old Town Tavern at night from 8-11 PM.

IN LIEU/SCOTTSDALE MALL PARKING REQUIREMENTS FOR THE SABA BUILDING

The original application was premised on the entire building being under a Class 6 bar license as the Old Town Tavern. Council members voiced objections to the 58 parking spaces required under the zoning code for the original plan. The net parking that was required, as presented to the Council, was 41 spaces which also drew objections from council members. The council continued its consideration of the application for the applicant and the city to work out the parking issues. There is no disagreement about the entertainment permit or the bar permit for Old Town Tavern under the current plan. The Back Door Restaurant will continue to operate as is.

Since then the parties have discussed the various plans for the proposed licensing for the two businesses in the Saba Building. The parties have settled on the plan of having two separate businesses as is set forth herein.

The calculation of the parking requirements under the current zoning ordinance is not in dispute. The required parking pursuant to the zoning code is as set forth below.

However, the parties have not resolved whether the parking venue for the increase in parking for the building is at the Scottsdale Mall parking lot pursuant to the 1975 parking leases the city required for all of the commercial buildings in the Scottsdale Mall or under the in lieu parking program. In effect, the Scottsdale Mall is a special parking district with its own garage paid for, in large part, by the Scottsdale Mall merchants, in this case the Saba Brothers, pursuant to the 22.5 year parking lease payment provisions in the parking leases.

The secondary consideration is the cost of the parking to be imposed on the Old Town Tavern. The in lieu program has parking fees set by the council at \$150 per space per month. There is currently no charge for any of the Scottsdale Mall businesses who have parking in the Scottsdale Mall lot pursuant to the 1975 parking leases. However, under the Scottsdale Mall leases the merchants are responsible for a pro rata share of the Scottsdale Mall parking lot maintenance costs. Those costs have not been imposed by the city on the merchants in years. Those parking leases are still in effect, and the terms specify that they will remain so as long as the Scottsdale Mall parking garage and the original buildings exist. Another consideration for the city is the fact that only about one half of the Scottsdale

Mall parking spaces are currently allocated to the Mall merchants who are the primary beneficiaries under the leases. There is plenty of available parking at the Mall to satisfy this application.

The applicant is not opposed to obtaining his required parking under the in lieu parking program however, that appears to be in contravention of the parking lease agreement. At this point, whatever path the city requires in order to resolve the issue in order to move forward with permits is acceptable.

Our parking requirements are as follows:

TOTAL BUILDING AREA (BASED ON ATTACHED SITE PLANS)

INTERIOR 4315 SF

PATIO AREA 802 SF

WEST SIDE: BACKDOOR RESTAURANT

AREA 1813 SF

PATIO 202 SF

EAST SIDE: OLD TOWN TAVERN PLUS OFFICES AND STORAGE

AREA 2540 SF

PATIO 600 SF

**PARKING ORDINANCE REQUIREMENTS IN THE DOWNTOWN DISTRICT
(Code Section 9.103B Old Town Parking Requirements)**

Restaurant with Live Entertainment: 1 space per 300 SF
Patio: 1 space per 350 SF gross floor area-first 350 SF

Bar: 1 space per 80 sf gross floor area
Patio: 1 space per 200 SF gross floor area-first 200 SF

PARKING CALCULATIONS

Since the current amended application cuts down the square footage of the Old Town Tavern, it necessarily lessens the required parking. Our parking calculation is as follows:

Back Door Restaurant: 1813 SF Plus 202 SF Patio

GFA: $1813 \div 300 = 6.04$ (7 parking spaces)
PATIO: $202 - 350 = (-152)$ (0 parking spaces)

Total spaces = 6

Old Town Tavern: 2540 SF Plus 600 SF Patio

GFA: $2450 \div 80 \text{ sf} = 30.62$ (31 parking spaces);

PATIO: $600 - 200 = 400 \div 200 = 2$ (2 parking spaces);

Total parking spaces required: 40

Parking Space Requirement Adjustments:

-22: Saba Brothers spaces per the recorded parking lease agreement with the City

-2: Bike rack

New Parking Required

Backdoor: 7 parking spaces

Old Town Tavern: 33 Parking spaces

Adjustments : 24 parking spaces

$40 - 24 = 16$ parking spaces

TOTAL PARKING = 16 parking spaces

Sincerely,

/s/Cameron A. Morgan

Cameron A. Morgan
Attorney for Paul Mitchell

cc. Paul Mitchell