

CITY COUNCIL REPORT



Meeting Date: April 14, 2015
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Scottsdale Fashion Square Mall - V95 9-UP-2013#2

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10059 approving an amendment to an existing Conditional Use Permit for a Bar use for a +/- 535 square foot establishment located at 7014 E. Camelback Rd. Unit J-34 with Downtown Regional Commercial Office, Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

Key Items for Consideration

- Conditional Use Permit Criteria
- Planning Commission heard this case on February 25, 2015 and recommended approval with a unanimous vote of 7-0.

OWNER

V95 Wine Lounge, LLC
480-423-1455

APPLICANT CONTACT

Jared Repinski
602-327-2077

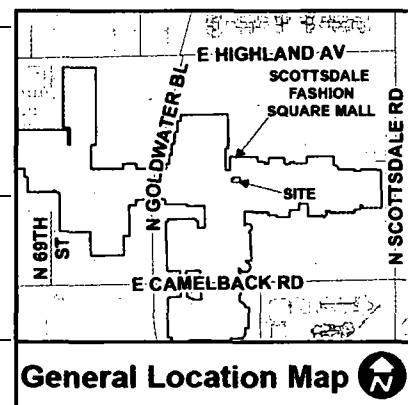
LOCATION

7014 East Camelback Road, Unit J-34

BACKGROUND

General Plan

The Land Use Element of the General Plan designates the site as Mixed-Use Neighborhoods. This category includes higher density residential, office and retail uses. Mixed-Use Neighborhoods are also characterized by being located in areas that have multiple modes of transportation available.



Character Area Plan

The Downtown Future Land Use map of the Downtown Plan designates the site as Downtown Regional Type 2 within the Conceptual Downtown Regional Urban Neighborhood. This land use is characterized to primarily consist of regional/community serving commercial uses, as well as larger scale housing developments that are commonly centered around or near major regional retail developments.

Zoning

The site is currently zoned Downtown Regional Commercial Office, Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2/PBD/DO), which allows large-scale development that include commercial uses, residential, and mixed-use developments.

Context

The subject property is located at 7014 East Camelback Road, Unit J-34 within the interior of Scottsdale Fashion Square Mall. Within the vicinity of the proposed Bar location are office, residential and retail uses. Please refer to context graphics attached.

Other Related Policies, References:

9-UP-2013 Approval of a Conditional Use Permit for a Bar
4-EX-2015 Liquor License revision

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for a modification to the Conditional Use Permit for a Bar located at 7014 East Camelback Road, Unit J-34. V95 is proposing to rearrange the existing five hundred thirty five (535) foot wine lounge near the food court within Scottsdale Fashion Square Mall.

Development Information

- Existing Use: Commercial uses
- Proposed Use: Bar
- Buildings/Description: Existing two story retail mall
- Parcel Size: 998,797.12 square feet
- Parking Required: 4962 spaces
- Parking Provided: 6995 spaces and 350 In-lieu parking credits
- Floor Area: ± 535 square feet

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.
 - **There are no anticipated impacts arising from noise, smoke, odor, dust, vibration or illumination. All operation of the Bar use will occur within Fashion Square Mall, near the existing food court. No live entertainment is proposed within the establishment. The nearest residential use is north of East Highland Avenue, which is approximately eight hundred twenty (820) feet from the unit of proposed bar use.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The existing bar unit is proposed to be reconfigured in the same general location in Scottsdale Fashion Square Mall, which fronts on to: North Scottsdale Road and North Goldwater Boulevard, which are Major Arterial streets; East Camelback Road, which is Minor Arterial street; and East Highland Avenue, which is a commercial street. The proposed use is not anticipated to change the existing traffic characteristics of these streets and the traffic generated by Scottsdale Fashion Square Mall.**
- 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 surrounding uses, including office, retail, personal care services, restaurants that do not serve alcohol, and restaurants that do serve alcohol operating in Scottsdale Fashion Square Mall.**
- 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 reconfiguration of bar is not anticipated to disrupt the existing balance of daytime and nighttime uses in the Scottsdale Fashion Square Mall. Prior to V95, the proposed location is floor area that was previously unprogrammed. With modifications to the interior of Scottsdale Fashion Square Mall, the proposed location was turned into functionally usable floor area.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **The proposed reconfiguration of bar is not anticipated to disrupt the pedestrian-oriented daytime activities that occur within and on the exterior of Scottsdale Fashion Square Mall. The proposed location is floor area is adjacent to the mall's food court, which will provide an additional option for the mall's interior pedestrians.**

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.
 - **The unit that is proposed to be a bar use is floor area adjacent to the mall's food court that was previously unprogramed. No retail uses will be displaced as a result of this application.**
 - 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.
 - **Scottsdale Fashion Square Mall provides 6,995 parking spaces throughout the approximate forty-seven (47) acres complex. The nearest parking to the unit that is proposed to be a bar use is approximately one hundred seventy-five (175) feet to the north.**
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.
 - **The proposed use is not located within five hundred (500) feet of a residential use or residential district. The nearest residential use is north of East Highland Avenue, which is approximately eight hundred twenty (820) feet from the unit that is proposed to be a bar use.**
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.
 - **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 Division and the Scottsdale Police Department.**
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **All operations of the proposed use will occur within the Scottsdale Fashion Square Mall, and no additional mall lighting is anticipated. Any noise concerns within the**

mall are anticipated to be handled by the Scottsdale Fashion Square Mall's security personal.

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Scottsdale Fashion Square Mall is required 4,962 parking spaces, and provides 6,995 spaces.**
 - **The proposed use is not anticipated to change the existing traffic characteristics of these streets and the traffic generated by Scottsdale Fashion Square Mall's.**
9. After hours establishments must maintain a valid after hours establishment license.
 - **No afterhours activities are proposed as part of this application.**

Community Involvement

The applicant has notified all property owners and home owner associations within 750 feet of the site. A summary of the Citizen Involvement is included as Attachment #6. The city also notified all property owners within 750 feet of the site. Staff has not received any comments regarding this request.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on February 25, 2015 and recommended approval with a unanimous vote of 7-0.

Recommended Approach

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 per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10059 approving an amendment to an existing Conditional Use Permit for a Bar use for a +/- 535 square foot establishment located at 7014 E. Camelback Rd. Unit J-34 with Downtown Regional Commercial Office, Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

RESPONSIBLE DEPARTMENT(S)

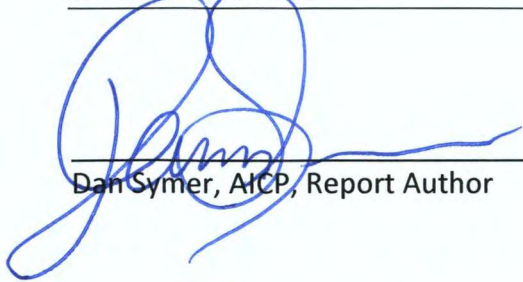
Planning and Development Services

Current Planning Services

STAFF CONTACT(S)

Dan Symer, AICP
Senior Planner
480-312-4218
E-mail: dsymer@ScottsdaleAZ.gov

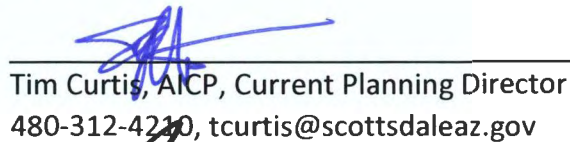
APPROVED BY



Dan Symer, AICP, Report Author

3-19-2015

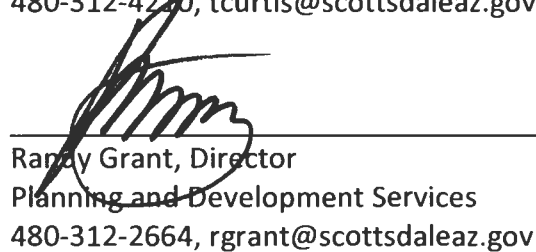
Date



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

3/23/2015

Date



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

3/23/15

Date

ATTACHMENTS

1. Resolution No. 10059
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. Zoning Map
5. Enlarged Floor Plan
6. Citizen Involvement
7. Security, Maintenance Plan
8. City Notification Map
9. February 25, 2015 Planning Commission Minutes

RESOLUTION NO. 10059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 7014 E. CAMELBACK RD. UNIT J-34 WITH DOWNTOWN REGIONAL COMMERCIAL OFFICE, TYPE 2, PLANNED BLOCK DEVELOPMENT OVERLAY, DOWNTOWN OVERLAY (D/RCO-2 PBD DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on February 25, 2015; and

WHEREAS, the City Council, held a public hearing on April 14, 2015.

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. 9-UP-2013#2. 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 Council of the City of Scottsdale, Maricopa County, Arizona this 14th day of April, 2015.


ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

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

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney



Scottsdale Fashion Square Mall - V95

Exhibit 1
Resolution No. 10059

9-UP-2013#2

Conditional Use Permit – Bar
Stipulations
Scottsdale Fashion Square Mall - V95
Case Number: 9-UP-2013#2

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

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 9-UP-2013#2, supersede all of the stipulations of case 9-UP-2013.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Jared Repinski and with the city staff date of 01/16/2015, 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.
3. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
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, Neighborhoods, and Transportation 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, Neighborhoods, and Transportation 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, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions that establish the higher standard of protection to the public health and safety shall apply.
5. **NOISE.** In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.

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.

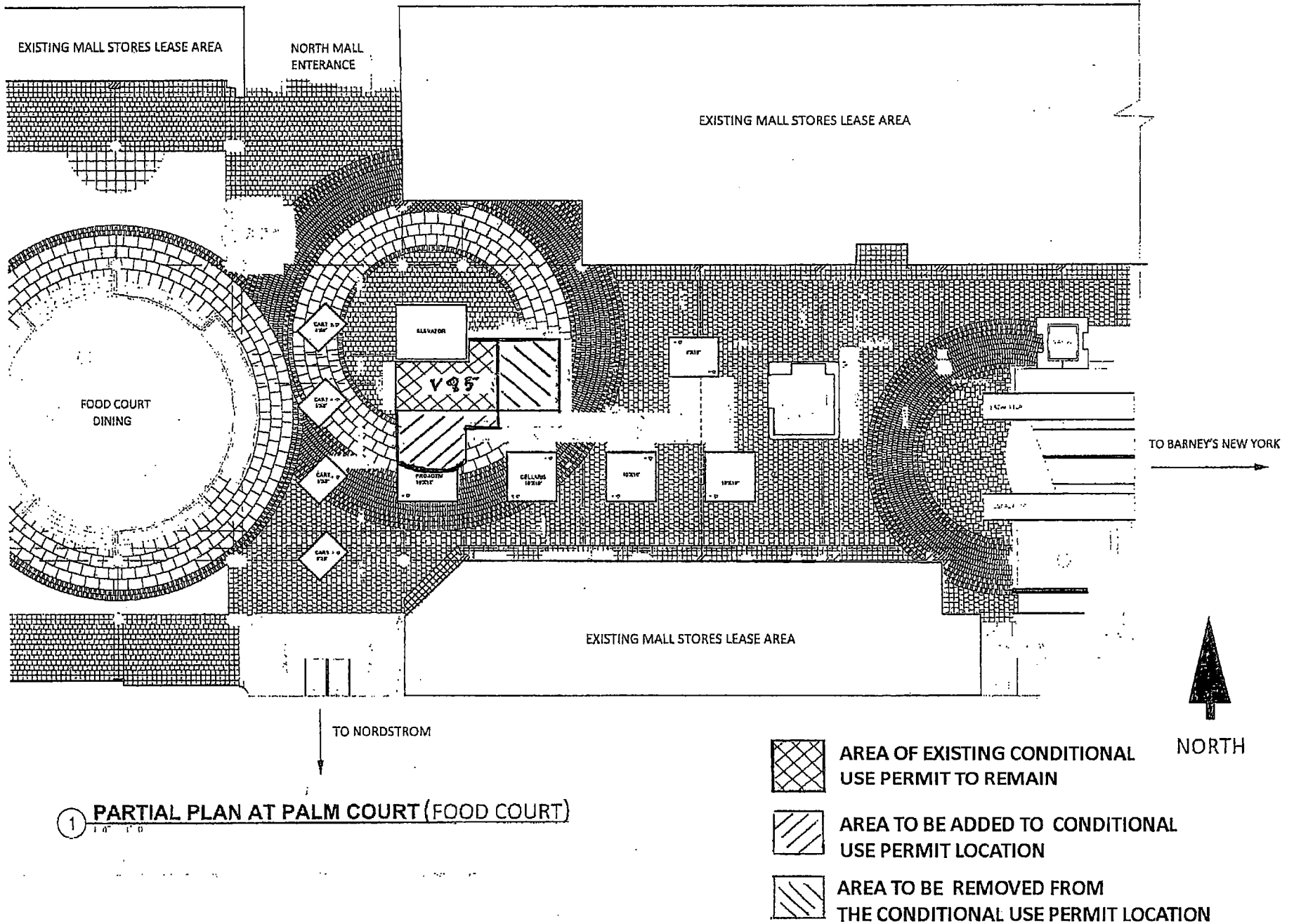


Exhibit 3
Scottsdale Revised Code Section 1.403 (C.)

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 applicant shall create a written exterior refuse control plan for approval by the City.
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
9. After hours establishments must maintain a valid after hours establishment license.

V 95

Use Permit Project Narrative

REQUEST

V 95 Wine Lounge is located at 7014 E. Camelback Rd. Unit J 34 Scottsdale, AZ. 85251 - Fashion Square Mall (FSM) more specifically a island Kiosk on the first floor of FSM adjacent to the food court. We (V 95) would like to request a Permanent Extension (revision) of Premise to our state liquor license #07070573. This extension/revision would include an additional 200 sq. ft. in front of the current bar creating a cozier wine lounge experience. This request will also include the removal of the current lounge area to the east of the bar area (this area is also approximately 200 square feet). The premise will be defined and enclosed as to comply with current State liquor licensing requirements through the use of very sturdy, permanent, decorative paneling and through the use of a 16' 6" continuous booth for seating (See Diagram). The square footage for the licensed premise including both the removal of the current lounge area and the proposed permanent extension and will total 535 sq. ft. which is the same as the original licensed premise.

BAR USE CRITERIA

Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

The addition of the proposed 200 sq. ft and removal of the currently approved lounge area will not cause any damage or a nuisance arising from noise, smoke, odor, dust, vibration or illumination.

Impact on surrounding areas resulting from an unusual volume or character of traffic.

A temporary extension was explored and no negative impact on pedestrian traffic was encountered.

The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

V 95 Wine Lounge is compatible with other types of uses in the mall.

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

The use or addition of the proposed 200 sq. ft and removal of the currently approved lounge area within the request for a liquor use permit at FSM in this capacity should not only not disrupt the existing balance of day and nighttime uses but it is our hope to enhance them.

The use shall not disrupt pedestrian orientated daytime activities.

Although there is considerable pedestrian orientated activities no disruption is anticipated do to the care and consideration on behalf of the representatives of FSM as to how much space could be used for this extension.

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.**

V95, which will be located inside FSM, will be within the downtown overlay district. The area of the mall that that will be used for this permanent extension / new use permit is reconfigured space previously unoccupied by retail use. In addition, the area is not adjacent to 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.
Parking for V95 is within the allocated 600 feet of the property.

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.**

This project is not located within five hundred (500) feet of a residential use or district.

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

A Security, Maintenance Plan has been attached as part of the application and will be used and enforced as part of standard operation.

The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

V 95 Wine Lounge is located inside FSM therefore we do not anticipate any exterior refuse issues from our customers. Also, we will be using the dumpsters located outside the Mall which are provided and maintained by the Mall.

The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

All lighting will come from the Mall - either natural (skylights) or artificial (electrical) therefore no additional lighting will be necessary on behalf of V 95. Any noise level rising significantly above the normal chatter experienced at the food court will be dealt with swiftly by Mall Security.

The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

Fashion Square Mall provides approximately 6,995 public parking spaces in various lots surrounding the Mall.

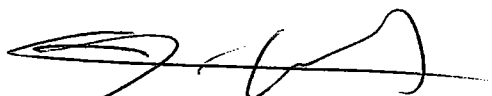
After hours establishments must maintain a valid after hours establishment license.

No after hours uses are proposed.

CONCLUSION

V 95 respectfully requests that the City of Scottsdale approves this Conditional Use Permit.

Thank you,



Jared Michael Repinski
Applicant / Agent for V95 Wine Lounge



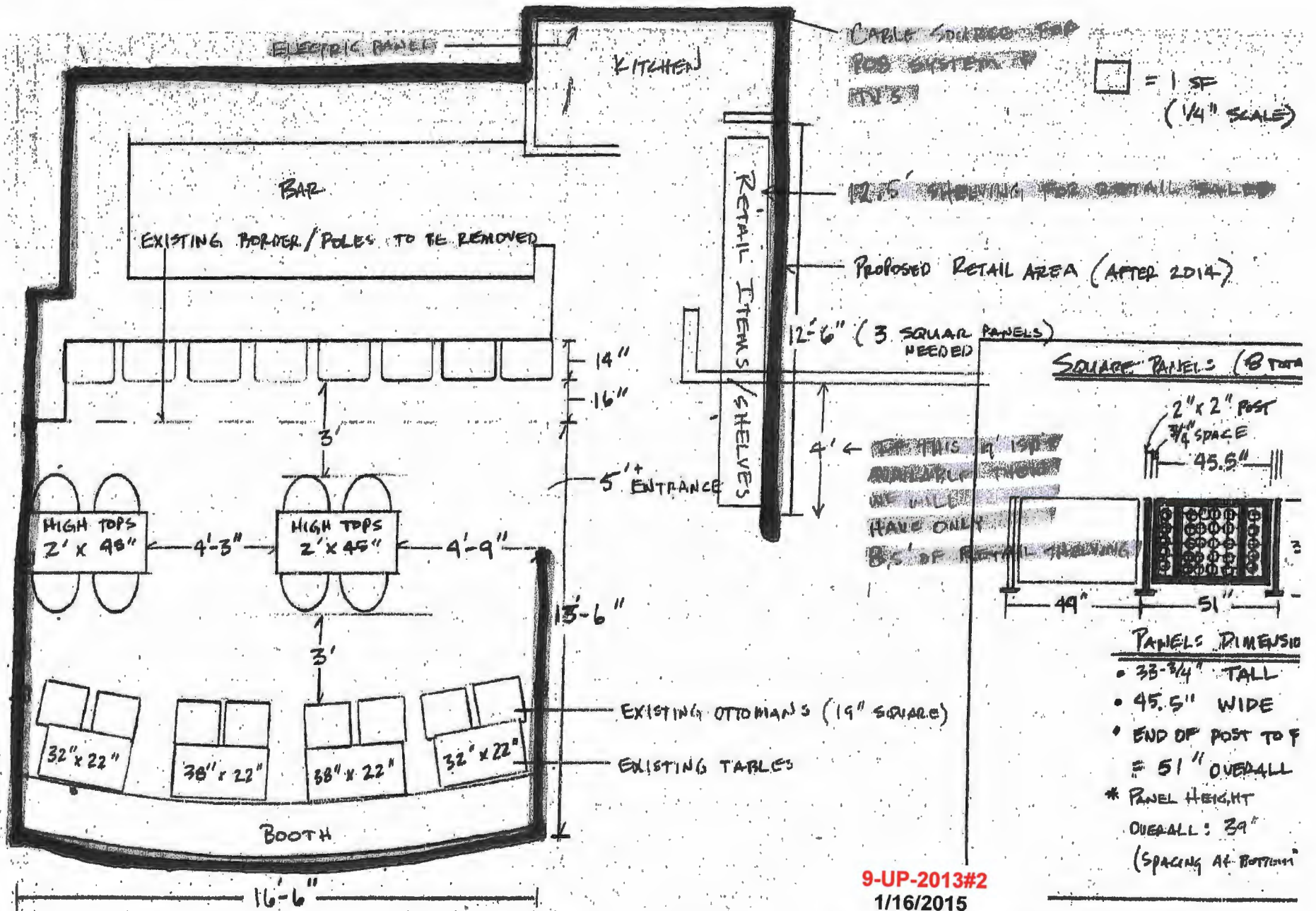
Scottsdale Fashion Square Mall - V95

9-UP-2013#2



9-UP-2013#2

ATTACHMENT #4



PROPOSED FLOOR PLAN

- ADD 200 SF
- REMOVE LOUNGE AREA
- LEAVE KITCHEN'S AREA (A MUST FOR ELEC. CAB)
- ADD RETAIL AREA

V 95

Neighborhood Notification Report

January 16, 2013

Dan Symer
Senior Planner
City of Scottsdale

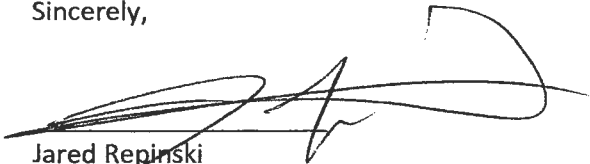
RE: V 95
1157 PA 2014

This report is to notify you of our Neighborhood Notification efforts in regards to the above referenced project.

All property owners and HOA's within 750' radius of the site, as well as other interested parties have been notified via standard US mail on January 15, 2015.

No comments or inquiries have been received to date.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Repinski', with a large, stylized flourish extending to the right.

Jared Repinski
Applicant/Agent for V 95

Attachments: Copy of letter and Site Plan used to contact neighbors, HOA's and Interested Parties
Map showing notified neighbors within 750' of property, List of contacted parties.

ATTACHMENT #6

9-UP-2013#2
1/16/2015

V 95

Request for Conditional Use Permit

V 95 Wine Lounge is located at 7014 E. Camelback Rd. Unit J 34 Scottsdale, AZ. 85251 - Fashion Square Mall (FSM) more specifically a island Kiosk on the first floor of FSM adjacent to the food court. We (V 95) would like to request a Permanent Extension (revision) of Premise to our state liquor license #07070573. This extension/revision would include an additional 200 sq. ft. in front of the current bar creating a cozier wine lounge experience. This request will also include the removal of the current lounge area to the east of the bar area (this area is also approximately 200 square feet). The premise will be defined and enclosed as to comply with current State liquor licensing requirements through the use of very sturdy, permanent, but decorative paneling and through the use of a 16' 6" continuous booth for seating . The square footage for the licensed premise including both the removal of the current lounge area and the proposed permanent extension and will total 535 sq. ft. which is the same as the original licensed premise.

Any questions or concerns regarding this project may be directed to any of the individuals listed below.

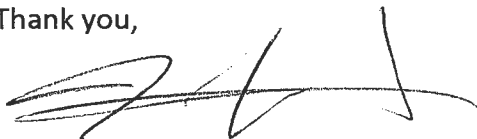
CONTACT INFORMATION

Craig & Tricia Hills (Owners)
95 W. Boston St. Chandler, AZ. 85225
(602) 725-5334 - (818) 632-4428

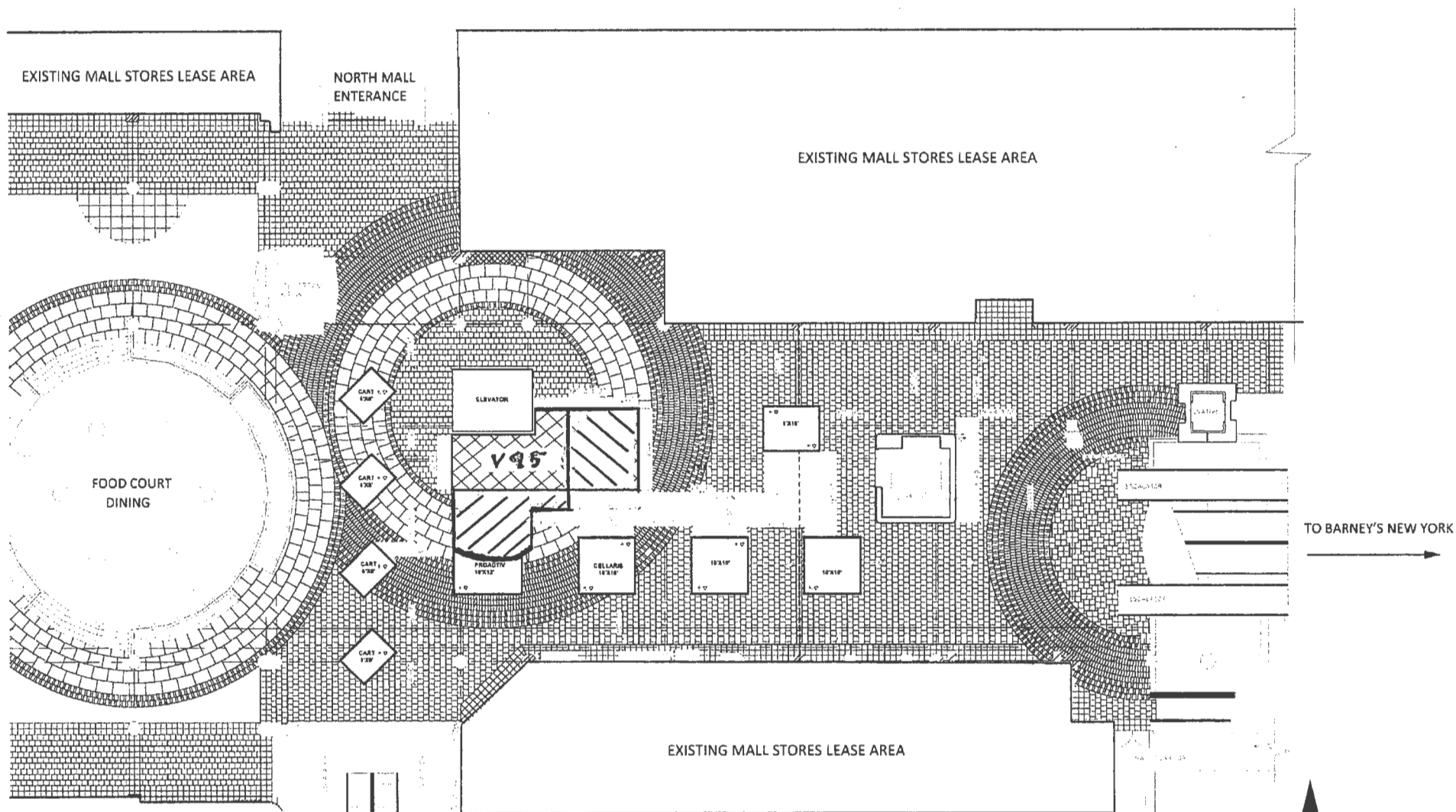
Jared Repinski (Applicant/Agent)
P.O. Box 6252 Chandler, AZ. 85246
1 - (888) 723-7078

Daniel Symer (City of Scottsdale - Senior Planner)
7447 E. Indian School Rd. Ste 105 Scottsdale, AZ. 85251
(480) 312-4218




Thank you,



Jared Michael Repinski
Applicant for V95



1 PARTIAL PLAN AT PALM COURT (FOOD COURT)

-  AREA OF CURRENT PREMISE
-  PERMANENT EXTENSION REQUEST
-  AREA TO BE REMOVED



9-UP-2013#2
1/16/2015

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:

DAN SYMER

Police Detective:

JOHN MILLER

Establishment:

V 95 WINE LOUNGE

Address:

7014 E CAMERBACK RD UNIT J34 SCOTTSDALE AZ 85251

Business Phone:

480 945-5495

Business FAX:

Maximum Occupancy:

40

Effective Date of the Plan:

12/11/14

Date of Plan Review:

12/11/14

Use Permit Issue Date:

Liquor License Number:

07070573

Contact Person (1):

JARED REPINSKI

Home Phone:

(602) 327-2077

Contact Person (2):

GRAIG HILLS

Home Phone:

602 725-5334

ATTACHMENT #7

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

SEE NARRATIVE

Operations and Hours

1. Permittee: V 95 Wine Lounge LLC
 Type of Organization: ☐ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☒ LLC
☐ Partnership ☐ Other
2. Managing Agents Name: CRAIG & TRICIA HILLS FAMILY TRUST
 Title: CRAIG & TRICIA HILLS (TRUSTEES)
 Address: 140 E. RIO SALADO PKWY # 804
TEMPE AZ 85281
 Phone Numbers: (602) 725-5334
 Fax or Other Numbers: 100% owner
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: SAME AS ABOVE
4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone: MACEZICH ARIZONA PARTNERS LLC
7019 E. CAMELBACK RD SCOTTSDALE AZ 85251
MICHAEL ANDERSON (480) 953-6592
5. Hours of Operation:

| | Peak/Non-Peak Night | Open to Customers | Liquor Sale Begin | Liquor Sale Ends | Closed to Customers |
|-----------|---------------------|-------------------|-------------------|------------------|---------------------|
| Monday | NP | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Tuesday | NP | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Wednesday | NP | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Thursday | NP | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Friday | PAK | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Saturday | PAK | 9 AM | 10 AM | 9 PM | 9:30 PM |
| Sunday | NP | 10 AM | 11 AM | 6 PM | 6:30 PM |

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)
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:

Name: CRAIG HELG Address: 140 E RIO SALADO Hwy # 204 TEMPE AZ 85284 Phone: 602 725-5334

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. 0 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 0 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. 0 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: JARED REPENSKI

Address: P.O. Box 6252

Phone: (602) 327-2077

Date: 12-9-2014

Signature: 

APPROVED BY:

Detective: J. Miller

Phone: 480-312-8333

Date: 12/11/14

Signature: 

V 95
Use Permit Project Narrative

REQUEST

V 95 Wine Lounge is located at 7014 E. Camelback Rd. Unit J 34 Scottsdale, AZ. 85251 - Fashion Square Mall (FSM) more specifically a island Kiosk on the first floor of FSM adjacent to the food court. We (V 95) would like to request a Permanent Extension of Premise to our state liquor license #07070573. This extension would create additional space needed for few more tables allowing more shoppers to relax with a glass of wine and people watch. This request will permanently add 200 square feet through the use of very sturdy but decorative stanchion-like barriers as to comply with State liquor licensing requirements - the square footage for the licensed premise including the proposed permanent extension will total 725 sq. ft.

BAR USE CRITERIA

Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

The addition of 200 sq. ft will not cause any damage or a nuisance arising from noise, smoke, odor, dust, vibration or illumination.

Impact on surrounding areas resulting from an unusual volume or character of traffic.

A temporary extension was explored and no negative impact on pedestrian traffic was encountered.

The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

V 95 Wine Lounge is compatible with other types of uses in the mall.

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

The use or addition of 200 sq. ft. within the request for a liquor use permit at FSM in this capacity should not only not disrupt the existing balance of day and nighttime uses but it is our hope to enhance them.

The use shall not disrupt pedestrian orientated daytime activities.

Although there is considerable pedestrian orientated activities no disruption is anticipated do to the care and consideration on behalf of the representatives of FSM as to how much space could be used for this extension.

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.**

V95, which will be located inside FSM, will be within the downtown overlay district. The area of the mall that that will be used for this permanent extension / new use permit is reconfigured space previously unoccupied by retail use. In addition, the area is not adjacent to 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.**

Parking for V95 is within the allocated 600 feet of the property.

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.**

This project is not located within five hundred (500) feet of a residential use or district.

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

A Security, Maintenance Plan has been attached as part of the application and will be used and enforced as part of standard operation.

The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

V 95 Wine Lounge is located inside FSM therefore we do not anticipate any exterior refuse issues from our customers. Also, we will be using the dumpsters located outside the Mall which are provided and maintained by the Mall.

The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

All lighting will come from the Mall - either natural (skylights) or artificial (electrical) therefore no additional lighting will be necessary on behalf of V 95. Any noise level rising significantly above the normal chatter experienced at the food court will be dealt with swiftly by Mall Security.

The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

Fashion Square Mall provides approximately 6,995 public parking spaces in various lots surrounding the Mall.

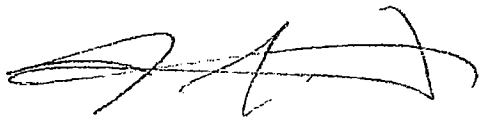
After hours establishments must maintain a valid after hours establishment license.

No after hours uses are proposed.

CONCLUSION

V 95 respectfully requests that the City of Scottsdale approves this Conditional Use Permit.

Thank you,



Jared Michael Repinski
Applicant / Agent for V95 Wine Lounge

Symer, Daniel

From: Miller, John - 579
Sent: Thursday, December 11, 2014 7:06 PM
To: Symer, Daniel
Cc: 'AATF (aatf.azlaws@gmail.com)'
Subject: RE: SMO Plan for V 95 Wine Lounge
Attachments: V95; SMO Plan; Approved 121114;.pdf.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dan;
Attached is the approved SMO Plan for V95 Wine Lounge. Please call or email me with questions. Regards...John

From: AATF [<mailto:aatf.azlaws@gmail.com>]
Sent: Tuesday, December 09, 2014 10:35 AM
To: Miller, John - 579
Subject: SMO Plan for V 95 Wine Lounge

Good Morning John,

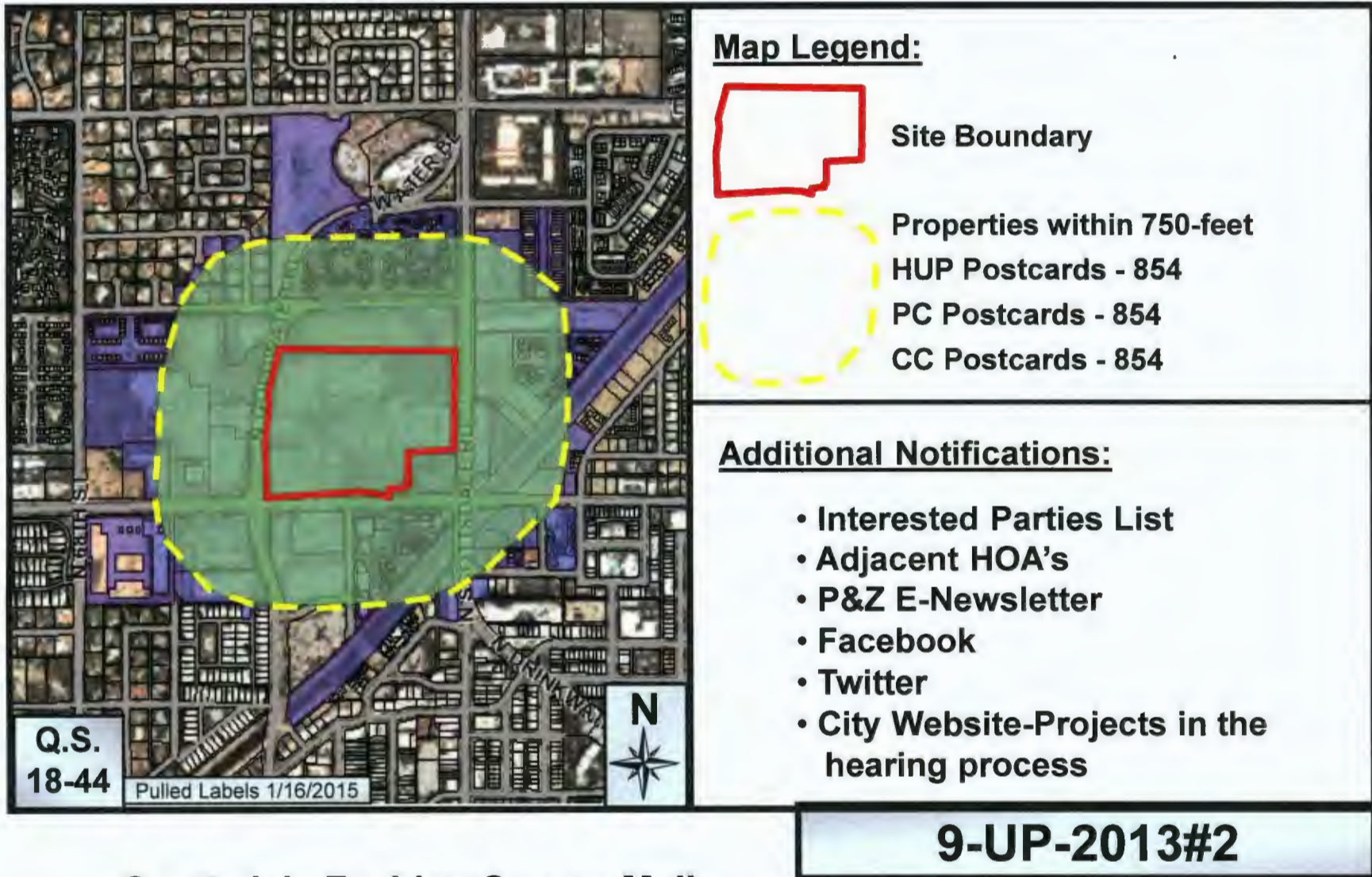
V 95 Wine Lounge is looking to do a Permanent Extension of Premise as to incorporate the 200 sq. ft. that was part of the previous temporary extensions. I met with Dan Symer yesterday for a Pre-App meeting and within the many things that need to be completed he also instructed me to get the ball rolling with SMO as well. Attached to this email is a completed (I hope) SMO Plan with the Bar Criteria Narrative for your review.

Best Regards,

Jared Repinski
Arizona Alcohol Traffic & Firearms
1 - (888) 723-7078

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately **notify** the sender by reply e-mail or phone and **delete** this message and its attachments, if any.

City Notifications – Mailing List Selection Map



**Scottsdale Fashion Square Mall -
V95**

ATTACHMENT #8



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

WEDNESDAY, FEBRUARY 25, 2015

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Ed Grant, Chair
Michael Edwards, Vice Chair
Matt Cody, Commissioner
David Brantner, Commissioner
Ali Fakh, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner

STAFF: Tim Curtis
Joe Padilla
Dan Symer
Jesus Murillo
Kroy Ekblaw

CALL TO ORDER

Chair Grant 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 as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of January 28, 2015 Regular Meeting Minutes including the Study Session.

COMMISSIONER BRANTNER MOVED TO APPROVE THE JANUARY 28, 2015 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER FAKIH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED

2. 1-AB-2014 68th Street & Gloria Lane Abandonment
3. 9-UP-2013#2 Scottsdale Fashion Square Mall – V95

RECOMMENDED CITY COUNCIL APPROVE CASES 1-AB-2014 AND 9-UP-2013#2, MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS; BASED UPON THE FINDING THAT THE ABANDONMENT IS CONSISTENT WITH AND CONFORMS WITH THE ADOPTED GENERAL PLAN AND THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECONDED BY COMMISSIONER KUSH. THE MOTION WAS APPROVED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

NON-ACTION

4. 19-ZN-2014 State Trust Land – North Scottsdale
5. 20-ZN-2014 Scottsdale McDowell Sonoran Preserve

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:00 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp