

CITY COUNCIL REPORT



Meeting Date: April 20, 2021
General Plan Element: *Land Use*
General Plan Goal: *Support a diversity of businesses.*

ACTION

Liquor License Request for 24-LL-2021 Rusty Spur Saloon (143235). To consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (Bar) State liquor license for an existing location and new owner.

OWNER

POV Foods RS01 LLC

APPLICANT CONTACT

REXFORD JASON MOFFET

LOCATION

7245 E. Main Street

BACKGROUND

This request is for a Series 6 (bar) liquor license for an existing location with new owner. This has been a licensed location most recently operating with liquor since 1958, as a bar.

APPLICANT'S PROPOSAL

The applicant is seeking a favorable recommendation on a Series 6 liquor license. This allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

The applicant has indicated that this establishment will serve liquor between the hours of 10 AM and 2 AM; however, due to State liquor license processing requirements, they are not required to notify the City or the State if they change their hours of operation.

IMPACT ANALYSIS

Reliability and Location

A.R.S. Section 4-203.A and R19-1-702 Granting a License for a New Owner for a Certain Location.

The capability, qualifications and reliability of the applicant has been shown.

Zoning

This site is zoned C-2 DO HP & C-2 DO (Central Business District, Downtown Overlay, Historic Property). The C-2 DO HP & C-2 DO district allows bars as a conditional use, and the bar was established prior to the conditional use permit requirement.

Public Safety

Police Department: Recommendation No Opposition

Major life safety issues: None noted

Public Notice and Proximity

A.R.S. Section 4-201.B. Petitions from Persons in Close Proximity.

The applicant has maintained the required posting notice for the State mandated 20-day period. No petitions or protests were received during the 20 (twenty) day posting period.

COUNCIL OPTIONS & STAFF RECOMMENDATION

Council Options

The City Council has the option of recommending approval, disapproval or no recommendation to the Arizona Department of Liquor Licenses and Control.

Staff Recommendation

The City of Scottsdale staff has conducted a review and advises that the license request meets the criteria imposed for determining the capability, qualifications and reliability of the applicant.

Next Steps

The City Council's recommendation of approval, disapproval or no recommendation will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 105 days of original application.

RESPONSIBLE DEPARTMENT(S)

City Council Report | Rusty Spur Saloon (143235)

Bronte Ibsen, Planning Specialist, bibsen@ScottsdaleAZ.gov
Planning and Development Services

Thomas Myers, Lieutenant, tmyers@scottsdaleaz.gov
Police Special Investigations

APPROVED BY



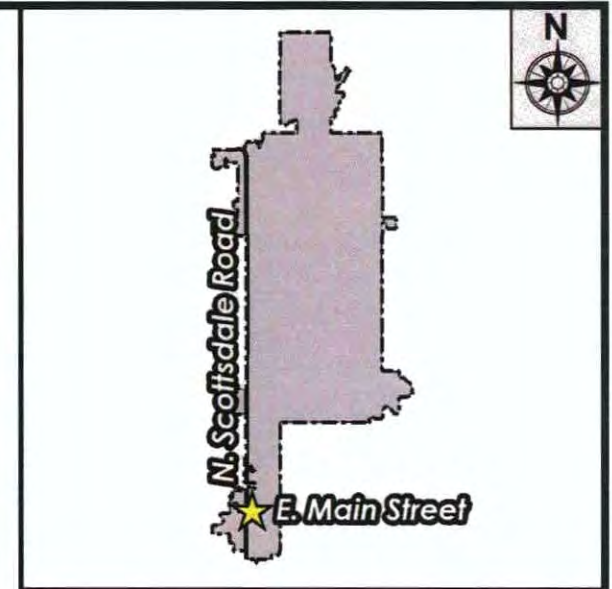
Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/5/2021

Date

ATTACHMENTS

1. Map
2. City of Scottsdale Applicant Questionnaire
3. State Application (Front Page)
4. Floor Plan



Q.S.
16-45

G.I.S. Orthophoto 2018

24-LL-2021

Rusty Spur Saloon (143235)

Liquor License Questionnaire (Existing Location)

Restaurants & Bars (Series 11, 12, 6, 3, 7, 13)



Please complete all questions and return within 3 business days.

Name of Business: POV Foods RS01 LLC dba Rusty Spur Saloon

Business Address: 7245 E Main Street

Total Gross Square Footage of Establishment (Minus the Patio): 1,455

Is this business under construction or being remodeled? Yes No

Does this business have an existing patio? Yes No Dimensions of patio _____

Does this business have a proposed patio? Yes No Dimensions of patio _____

Was liquor sold at this location prior to this application? Yes No

If yes, what type of license? Series 6

Is this business currently open? Yes No

If yes, is this business operating with an Interim license? Yes No

If no, what is the proposed opening date? _____

For Restaurants, Bars and Restaurants/Bars:

Will the bar service area be less than 15% of the gross floor area? Yes No*

Gross square footage of bar service area: 500
(Includes the floor area under indoor and outdoor bars and the floor area behind the bars used for storage, prep and serving of food or drinks. NOT kitchen/backroom storage)

Will the kitchen be less than 15% of the gross floor area? Yes* No

Gross square footage of kitchen: 350

Will the full kitchen close before 9:00 p. m.? Yes* No

Will less than 40% of gross revenues be derived from the sale of prepared food? Yes* No

During what hours will the establishment offer liquor sales? 10a m 2am

For admittance:

Will age verification be required/requested at any time during business operations? Yes* No

For admittance:

Is a cover charge required at any time during business operations? Yes* No

*May require a Conditional Use Permit

Please check one of the following that best describes the primary business operation:

packaged retail restaurant bar personal service education service

manufacturing hotel / tourist accommodation residential facility sports / theater

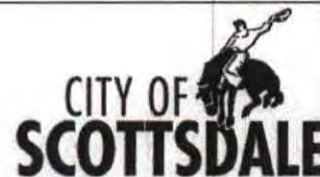
Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

Liquor License Questionnaire

(Existing Location)

Restaurants & Bars (Series 11, 12, 6, 3, 7, 13)



Please complete all questions and return within 3 business days.

Will this business feature any of the following:

- | | | | | | |
|----------------------|--|--|---------------------------|-------------------------------|--|
| Patron Dancing? | <input checked="" type="checkbox"/> Yes* | <input type="checkbox"/> No | Karaoke? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Live Bands? | <input checked="" type="checkbox"/> Yes* | <input type="checkbox"/> No | DJ? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Amplified music? | <input checked="" type="checkbox"/> Yes* | <input type="checkbox"/> No | Games? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| Adult Entertainment? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | Four or more pool tables? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No |
| After hours? | <input type="checkbox"/> Yes* | <input checked="" type="checkbox"/> No | | | |

*May require a Conditional Use Permit

Applicant Narrative:

ARS 4-201-G: Except for a person to person transfer of a transferable license for use at the same location and as otherwise provided in section 4-203, subsection A, in all proceedings before the governing body of a city or town, the board of supervisors of a county or the board, the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license.

1. I have the capability, qualifications and reliability to hold a liquor license because:

The owners of POV Foods have over 50 years of combined restaurant/liquor experience including 4 other open locations currently serving alcohol. We observe all liquor laws and have completed all required training including Title 4 Basic and Management.

2. Please describe your business:

Rusty Spur Saloon is a small bar with 70 years history in Old Town Scottsdale. The 1,455 square foot bar serves locals and visitors with a country inspired atmosphere of hospitality and entertainment.

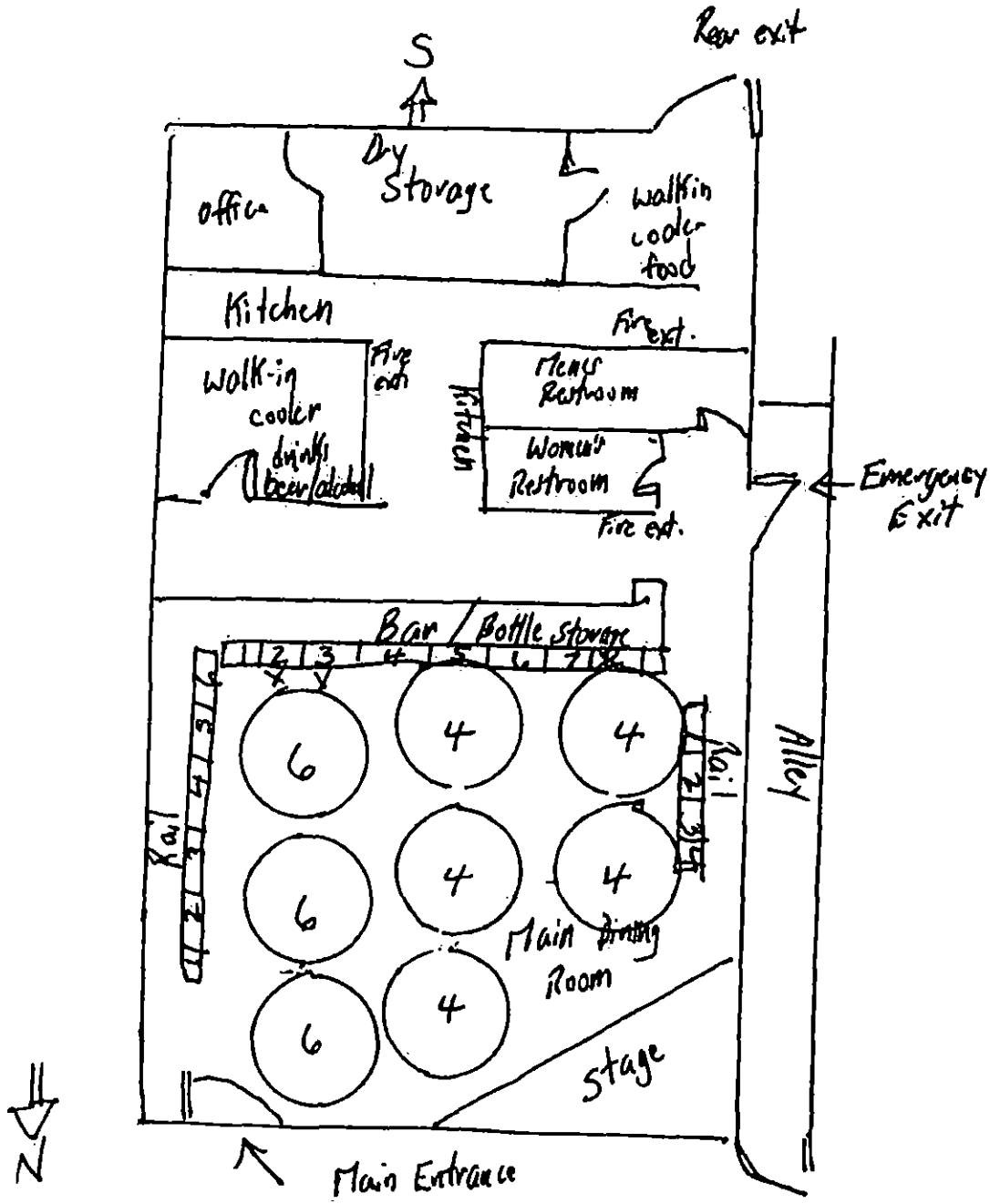
The City's forwarding of a recommendation to the AZ Department of Liquor Licenses and Control does not waive and is not a substitute for the Licensee's obligation to comply with all state, local and federal laws, policies and regulations applicable to the license. The Recommendation is not a permit or regulatory approval to hold any events or construct or demolish any improvements. Zoning processes, building permit processes, and similar regulatory requirements may apply to Licensee's contemplated Improvements and are completely separate from the Recommendation. Licensee shall be responsible to, separate and apart from this Recommendation, directly obtain all necessary permits and approvals from any and all governmental or other entities including the City's having standing or jurisdiction over the subject areas. For more information regarding zoning processes, building permit processes, and similar regulatory requirements and approvals please call 480-312-2611.

Print Name: Rexford Moffett Signature: *R. Moffett* Date: 3/26/2021

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

Back parking lot



Square footage = 1,455