

RESOLUTION NO 6893

A RESOLUTION OF THE CITY OF SCOTTSDALE,
ARIZONA, TO ADOPT A CONDITIONAL USE
PERMIT FOR A BAR LOCATED AT 6990 E SHEA
BOULEVARD, SUITE 101

WHEREAS, the Planning Commission has held a public hearing on April 19, 2006, and

WHEREAS, the City Council is holding a public hearing on May 15, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, as follows

Section 1 That the City Council finds

a) That the granting of this conditional use permit for case 1-UP-2006 (Tanners), subject to the stipulations set forth on Exhibit 2, will not be materially detrimental to the public health, safety or welfare based on 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 the additional conditions for bars, set forth on attached Exhibit 3, incorporated by this reference, have been met

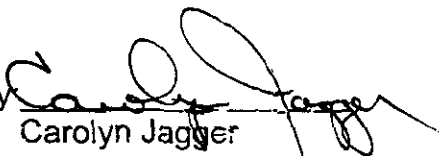
Section 2 That the above conditional use permit is described in Case No 1-UP-2006, the property is shown on Exhibit 1, attached hereto and

incorporated by this reference, and the conditional use permit approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated by this reference

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 15 day of May 2006

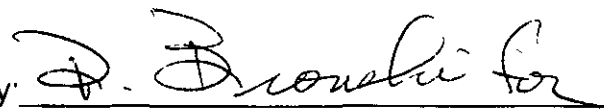
ATTEST

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By 
Carolyn Jagger
City Clerk

By 
Mary Manross
Mayor

APPROVED AS TO FORM

By 
Deborah Robberson
City Attorney

STIPULATIONS FOR CASE 1-UP-2006

PLANNING/ DEVELOPMENT

- 1 OPERATIONS All operations on site shall comply with the following
 - a BAR USE ONLY This use permit is approved for a "bar" use **only**, and no live entertainment is approved as part of this request Any live entertainment requires an application for a live entertainment Use Permit, including hearings before the Planning Commission and City Council
 - b REMOVAL OF STAGE The applicant shall remove the existing stage on the patio prior to the opening of business
 - c NOISE No noise generated from this use, including the outdoor patio and any speakers or other amplification equipment, shall exceed noise levels of ambient noise consistent to the use and character of the area during the corresponding hours of operation, as determined by City staff Amplified music shall be limited to the times that state law allows liquor sales at this bar
 - d PUBLIC SECURITY AND MAINTENANCE PLAN The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site Each year, prior to the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department
 - e REFUSE AND LITTER CONTROL The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and any other applicable departments to city staff satisfaction A copy of the approved Plan shall be kept on site The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff
 - f SECURITY MONITORING Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the use at least once an hour that the bar is open and for at least 30 minutes after the bar closes Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance
 - g NOTIFICATION Within ten (10) days of receiving any complaints regarding the bar's affect on the adjacent uses and properties, the bar operator shall notify the Zoning Administrator of the nature of the complaint Notification shall also include actions taken or planned by the bar operator to address those complaints
- 2 ADMINISTRATION
 - a EXPIRATION DATE This Use Permit shall expire one (1) year after City Council approval, unless (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date

EXHIBIT 3

Scottsdale Revised Code Section 1 403[C 1]

[C 1] 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 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 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
- 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