

RESOLUTION NO 6966

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO ADOPT A CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 4228 N SCOTTSDALE ROAD

WHEREAS, the Planning Commission has held a public hearing on July 12, 2006, and

WHEREAS, the City Council, has held a public hearing on August 29, 2006,

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

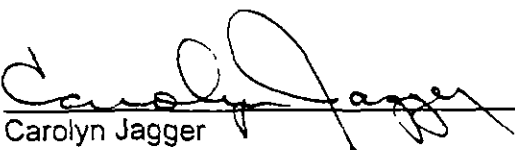
- a) That the granting of this conditional use permit per stipulations set forth on *Exhibit 2 will not be materially detrimental to the public health, safety or welfare* based on the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding 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 Exhibit 3, have been met

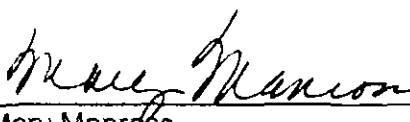
Section 2 That the above conditional use permit is described in Case No 8-UP-2006, and the property is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County,
Arizona this 29 day of August 2006

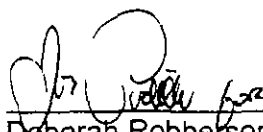
ATTEST

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



Loco Patron

8-UP-2006

Exhibit 1

STIPULATIONS FOR CASE 8-UP-2006
(Planning Commission Changes in **BOLD CAPS**)

PLANNING/ DEVELOPMENT

- 1 OPERATIONS All operations shall comply with the following conditions
 - a The Use Permit is valid only for the floor plan dated 3/30/06 and approved with this submittal. Any changes to the floor plan shall require an amendment to this Use Permit or a new Conditional Use Permit. Changes to the floor plan includes any proposal to remove any tables or chairs from their proposed configuration.
 - b The hours of operation for this establishment shall be 11 00 A M to 2 00 A M , seven days a week.
 - c The applicant shall maintain a minimum of 40% food sales from ~~November 1 to April 1~~ **January 1 TO MAY 31**. Each year, on or about June 1, the applicant shall submit to the City of Scottsdale a report prepared by an independent auditor which indicates that the subject establishment has met this condition. This audit shall be prepared by a firm which has been chosen by the City of Scottsdale, and all fees incurred preparing the report shall be paid by the applicant.
 - d **The applicant shall maintain a minimum 30% food sales from May 31 to January 1 (added by City Council)**
 - e The kitchen shall remain open and a full menu of food shall be served from 11 00 AM to 1 00 AM, seven days a week.
 - f Conditional Use Permit approval is for a "bar" use only and *does not* include Live Entertainment. If at any time in the future Live Entertainment is proposed, a separate Use Permit shall be required.
 - g Any noise generated from this use, including the outdoor patio area and any speakers used for amplified music, shall not exceed the ambient noise levels consistent with the existing character of the area, as determined by City Staff.
 - h Amplified music shall be limited to the hours of operation that State law allows liquor sales to occur.
 - i The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, a copy of which shall be kept on site at all times. Each year, prior to the anniversary date of this approval, the bar operator(s) / merchant(s) shall provide an update to the Public Security and Maintenance Plan to the Police Department and the Planning and Development Services Department for review and approval. 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 plan, which shall be subject to approval by the Police Department and The Planning and Development Services Department.
 - j The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the Scottsdale Planning and Development Services Department, or other applicable departments, and shall keep a copy on site at all times. The bar operator(s) / merchant(s) shall properly dispose of litter and debris daily, to the satisfaction of City staff.

- k No cover charge shall be required for admission to the bar, unless required as a condition of approval for a separate "Special Event Permit"
 - l Age verification shall not be required for admission to the bar, unless required as a condition of approval for a separate "Special Event Permit," or as required by state law
 - m The applicant will add more landscape between the patio and Scottsdale Road, to the satisfaction of the General Manager or designee
 - n **The applicant will provide a morning clean-up on weekend mornings to pick up trash outside the establishment and the surrounding area (added by City Council)**
- 2 ADMINISTRATIVE/PROCESS The bar operator(s) / merchant(s) shall comply with the following
- o **This use permit shall be reviewed by City Council annually for five years, with the first review starting in September, 2007 (added by City Council)**
 - p This Use Permit shall become void if the "bar" use is abandoned for a period of one (1) year or more after beginning operations. If the use is abandoned, a new Use Permit shall be required to operate a "bar" use at the subject property.
 - q Any change in operator / business owner at the subject location shall require an administrative review by the Zoning Administrator for continued compliance with these stipulations and the approved Public Security and Maintenance Plan. Any deviation from the conditions of approval, or change to the floor plan may be grounds for revocation of the Use Permit
- 3 PARKING
- r The bar operator(s) / owner(s) shall obtain a minimum of fourteen (14) parking spaces via the City's In Lieu Parking Program, subject to the approval of City Council

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

RESOLUTION NO 6969

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ALLOWING FOR PARTICIPATION IN THE IN-LIEU PARKING PROGRAM AT THE PROPERTY LOCATED AT 4228 N SCOTTSDALE ROAD

WHEREAS, the City Council, has held a public hearing on August 29, 2006,

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


- 1 The property size and configuration, and its proximity to available on street and/or offsite parking facilities will adequately address any excess parking demand created by the proposed intensification of land use at this address
- 2 The amount of available offsite parking in the area will be sufficient to absorb any additional parking demand created by the proposed intensification
- 3 The monies collected by this application will be used to help fund additional parking facilities in the immediate area at a future date

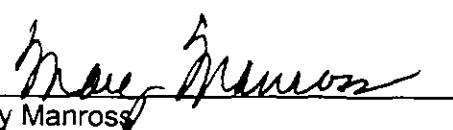
Section 2 That the above in-lieu parking spaces as described in Case No 8-UP-2006, is for the property shown on Exhibit 1

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 29th day of August, 2006

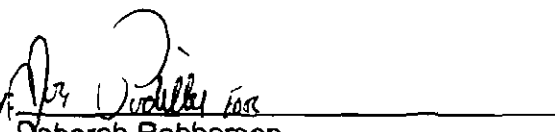
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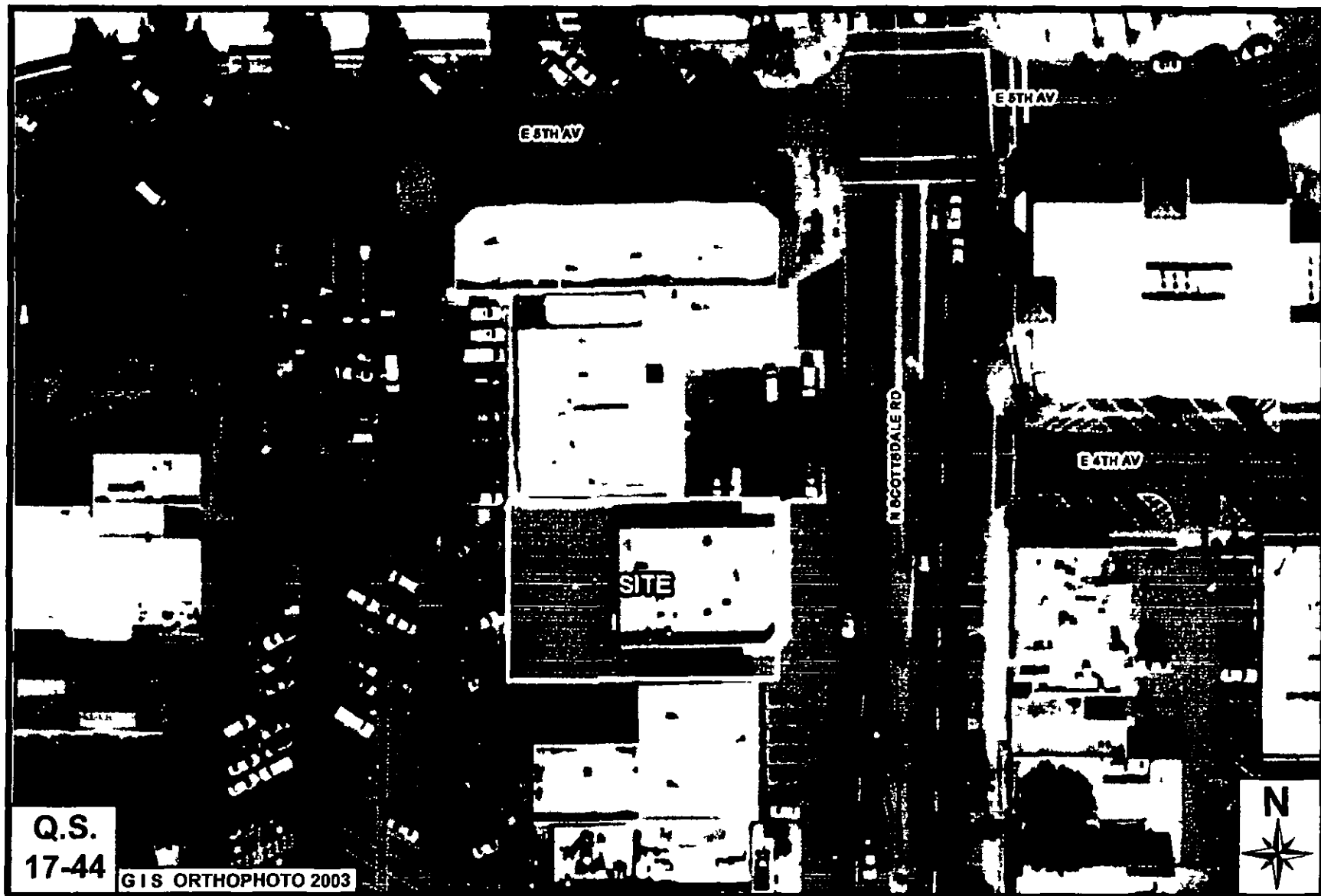
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Exhibit 1