

RESOLUTION NO 7062

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO ADOPT A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT LOCATED AT 6990 E SHEA BOULEVARD

WHEREAS, the Planning Commission has held a public hearing on September 27, 2006, and

WHEREAS, the City Council, has held a public hearing on November 21, 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

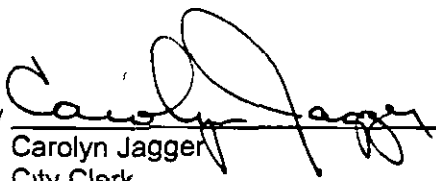
- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding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


Section 2 That the above conditional use permit is described in Case No 23-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 21 day of November 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



Tanner's Live Entertainment

23-UP-2006

Exhibit 1

## STIPULATIONS FOR CASE 23-UP-2006

### PLANNING/ DEVELOPMENT

- 1 OPERATIONS All operations on site shall comply with the following
  - a FLOOR PLAN The Use Permit is restricted to the floor plan prepared by Peter Owens Designs and dated 1/22/06 Any significant changes to this floor plan, as determined by the General Manager of the Department of Development Services or designee, shall require an amendment to the Use Permit, or an entirely new Use Permit During all valid hours of operation, the business operation shall not remove any tables or chairs, and shall keep substantially similar seating areas to those depicted on the site plan prepared by Peter Owens Designs and dated 1/22/06
  - b 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 the General Manager of the Department of Development Services or designee Amplified music shall be limited to the times that state law allows liquor sales at this bar
  - c 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
  - d REFUSE AND LITTER CONTROL 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, and any other applicable departments, and keep a copy on site The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of General Manager of the Department of Development Services or designee
  - e 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
  - f NOTIFICATION Within ten (10) days of receiving any complaints regarding the affect of live entertainment on the adjacent uses and properties, the business operator shall notify the Zoning Administrator of the nature of the complaint Notification shall also include actions taken or planned by the business 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
- b OPERATOR CHANGE Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security and Maintenance Plan. Any deviation from any conditions of approval or change in floor plan may be grounds for revocation of the Conditional Use Permit. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs

Exhibit 3  
Scottsdale Revised Code Section 1 403(J)

J *Live entertainment*

- 1 The site plan shall demonstrate that
  - a Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts
  - b All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street
- 2 The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted
- 3 The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department
- 4 The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7 600 of the zoning ordinance and with the public safety plan guidelines
- 5 The applicant shall provide 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, prior to the issuance of a business license The review will be conducted as provided in Section 1 305
- 6 The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances
- 7 If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city
- 8 If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department
- 9 The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area
- 10 The following operational standards must be met by the use throughout its operation
  - a All external doors shall be closed but not locked during business hours

- b No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district
- c The applicant/operator shall comply with all plans approved as provided herein