

RESOLUTION NO. 8154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 15037 N. SCOTTSDALE ROAD, SUITE 100, WITH PLANNED REGIONAL CENTER (PRC) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 9, 2009; and

WHEREAS, the City Council, held a public hearing on January 12, 2010;

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 a bar, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 15-UP-2008#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 12th day of January, 2010.

ATTEST:

By: 

Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

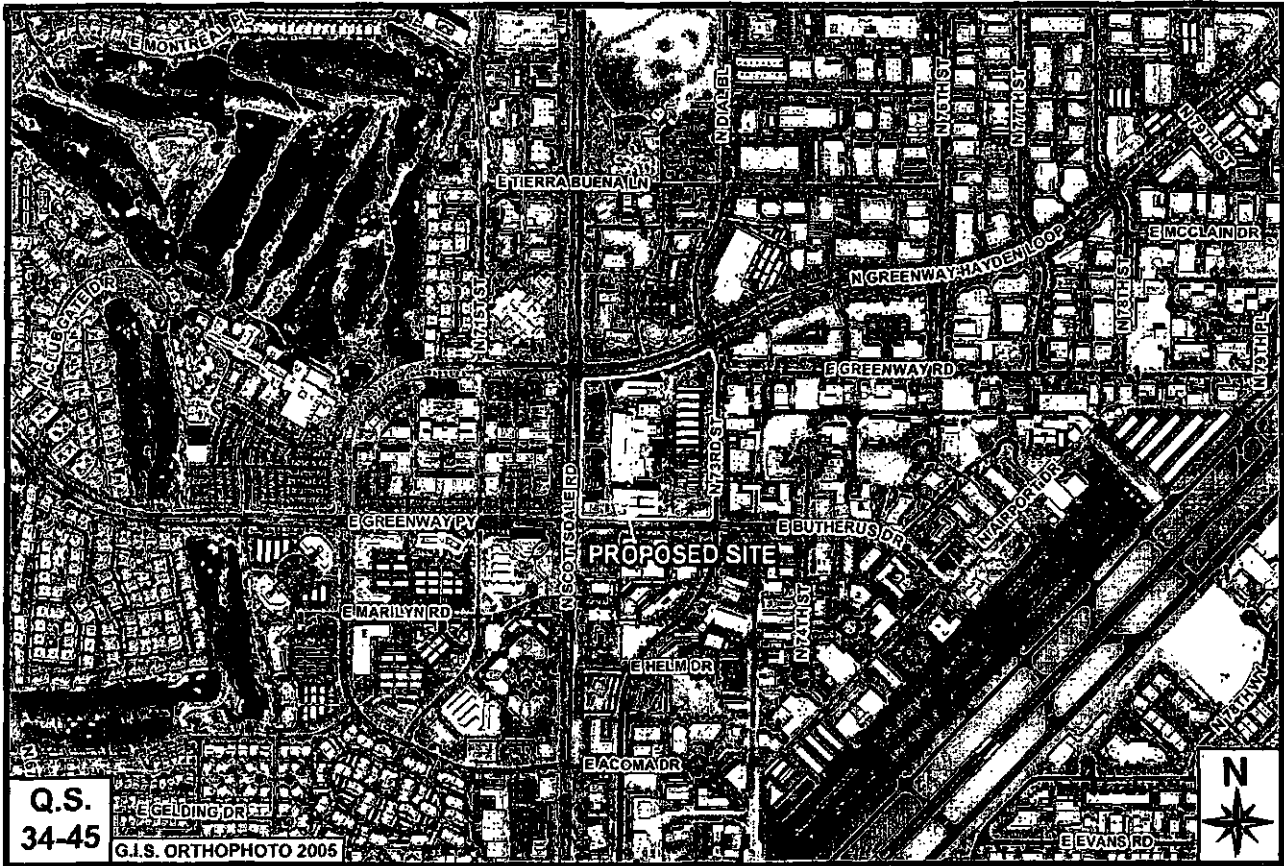
By: 

W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

Bruce Washburn, by Sherry R. Scott,
Deputy City Attorney



Primebar Resolution No. 8154
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15-UP-2008#2 & 16-UP-2008#2

Exhibit 1

Stipulations for the Conditional Use Permit

For a Bar and Live Entertainment

Prime Bar

Case Number: 15-UP-2008#2 and 16-UP-2008#2.

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan, floor plan, and development program by Aria Group Architects, Inc. dated 10/23/2009 and attached as Exhibit A to Exhibit 2 and Exhibit B to Exhibit 2. If there is a conflict between this document and the above-referenced site plan, the Zoning Administrator shall determine which document takes precedence. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **PATIO:**
 - a. The west patio improvements shall be constructed as shown on the above referenced site plan and shall provide at least six feet five inches clear for pedestrian circulation on the sidewalk adjacent to the patio.
 - b. The two exit gates shown on the patio enclosure shall be located so that they do not swing into the main corridor of the adjacent sidewalk.
3. **PUBLIC SECURITY AND MAINTENANCE PLAN.** The owner/operator(s) shall maintain and conform to a Public Security, Maintenance and Operations Plan dated 6/4/2008, by city staff 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 Conditional Use Permit approval, the owner/operator(s) shall provide an update of the Public Security, Maintenance and Operations Plan to the Police Department and the Planning, Neighborhood and Transportation 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, Maintenance and Operations Plan, those changes shall be documented in a revised Public Security, Maintenance and Operations Plan, which shall be subject to approval by the Police Department and the Planning, Neighborhood and Transportation Department.
4. **HOURS OF OPERATION.** The hours of operation for this establishment shall be Monday through Saturday from 4:00 p.m. to 2:00 a.m.
 - a. With the exception of the doors on the west patio, all external doors shall be closed but not locked during business hours.
5. **NOISE.** 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 Executive Director of the Planning, Neighborhood and Transportation Department or designee. Amplified music shall be limited to the times that state law allows liquor sales at this establishment. No external outdoor speakers shall be permitted.

6. **LIGHTING.** All exterior lighting shall be in conformance with the Master Lighting Plan as approved by the Development Review Board with case 10-DR-2007#2. No additional exterior lighting is permitted.
7. **REFUSE AND LITTER CONTROL.** The owner/operator(s) shall maintain and conform to a refuse and litter control plan set forth in the Public Security, Maintenance and Operations Plan dated 6/4/2008, by city staff approved by the City of Scottsdale's Planning, Neighborhood and Transportation Department and any other applicable departments to city staff satisfaction. A copy of the approved plan shall be kept on site. The owner/operator(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
8. **SECURITY MONITORING.** Security personnel identified in the Public Security, Maintenance and Operations Plan shall monitor the parking areas within 500 feet of the use at least once an hour when 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.
9. **NOTIFICATION.** Within ten (10) days of receiving any complaints regarding the establishment's effect on the adjacent uses and properties, the owner/operator(s) shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the owner/operator(s) to address those complaints.
10. **ADMINISTRATION:**
 - a. **EXPIRATION DATE.** These Conditional Use Permits 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. **OPERATION 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 (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. 8155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT LOCATED AT 15037 N. SCOTTSDALE ROAD SUITE 100, WITH PLANNED REGIONAL CENTER (PRC) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 9, 2009 and

WHEREAS, the City Council held a public hearing on January 12, 2010.

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;

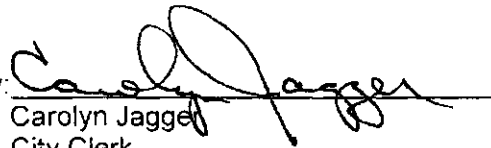
b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) that compliance with the additional conditions for live entertainment, set forth on Exhibit 3, is required.


Section 2. That a description of the Conditional Use Permit is set forth in Case No. 16-UP-2008#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 12th day of January 2010.

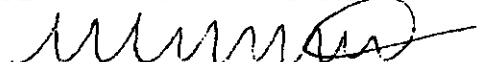
ATTEST:

By: 
Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: 
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

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



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Primebar Resolution No. 8155
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15-UP-2008#2 & 16-UP-2008#2

Exhibit 1

Stipulations for the Conditional Use Permit

For a Bar and Live Entertainment

Prime Bar

Case Number: 15-UP-2008#2 and 16-UP-2008#2

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

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2. **PATIO:**
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4. **HOURS OF OPERATION.** The hours of operation for this establishment shall be Monday through Saturday from 4:00 p.m. to 2:00 a.m.
 - a. With the exception of the doors on the west patio, all external doors shall be closed but not locked during business hours.
5. **NOISE.** 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 Executive Director of the Planning, Neighborhood and Transportation Department or designee. Amplified music shall be limited to the times that state law allows liquor sales at this establishment. No external outdoor speakers shall be permitted.

6. **LIGHTING.** All exterior lighting shall be in conformance with the Master Lighting Plan as approved by the Development Review Board with case 10-DR-2007#2. No additional exterior lighting is permitted.
7. **REFUSE AND LITTER CONTROL.** The owner/operator(s) shall maintain and conform to a refuse and litter control plan set forth in the Public Security, Maintenance and Operations Plan dated 6/4/2008, by city staff approved by the City of Scottsdale's Planning, Neighborhood and Transportation Department and any other applicable departments to city staff satisfaction. A copy of the approved plan shall be kept on site. The owner/operator(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
8. **SECURITY MONITORING.** Security personnel identified in the Public Security, Maintenance and Operations Plan shall monitor the parking areas within 500 feet of the use at least once an hour when 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.
9. **NOTIFICATION.** Within ten (10) days of receiving any complaints regarding the establishment's effect on the adjacent uses and properties, the owner/operator(s) shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the owner/operator(s) to address those complaints.
10. **ADMINISTRATION:**
 - a. **EXPIRATION DATE.** These Conditional Use Permits 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. **OPERATION 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.