

**Marked Agendas
Approved Minutes
Approved Reports**

Resolution No. 9291

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<https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>

City Council Hearing 1/22/2013

Planning Commission 12/12/2012

21-UP-2012

Approved Minutes can be found at:
<https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>

City Council Hearing 1/22/2013
Planning Commission 12/12/2012
21-UP-2012

CITY COUNCIL REPORT



Meeting Date: January 22, 2013
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

Derby Public House
 21-UP-2012 & 22-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9291 approving a Conditional Use Permit for a bar use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.
2. Find that the Conditional Use Permit criteria have been made and adopt Resolution No. 9292 approving a Conditional Use Permit for a live entertainment use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

OWNER

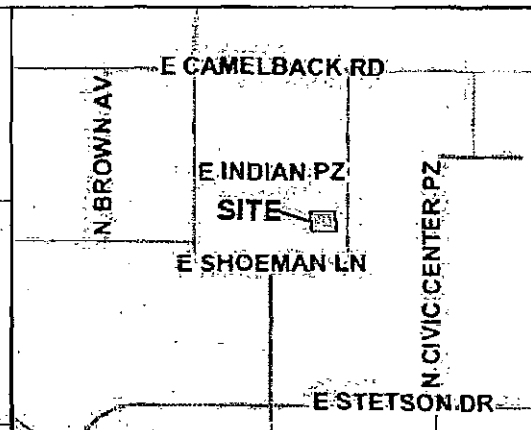
Equity Partners Group, LLC
 480-748-8888

APPLICANT CONTACT

Brett Sherin
 Shercon Construction
 602-679-9563

LOCATION

4420 N. Saddlebag Trail, Suite 100



General Location Map

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed Use Neighborhoods, which are located in areas with strong access to multiple modes of transportation and major regional

access and services, and have a focus on human scale development. The Downtown is a designated Growth Area that also relies on these factors.

Character Area Plan

The Downtown Land Use map designates the site as Downtown Multiple Use Type 2. The Downtown Character Area Plan policies pertaining to Downtown Multiple Use encourage new development, redevelopment and infill that strengthen the mix of uses and activities through the development of mutually supportive land uses within the Downtown Multiple Use urban neighborhoods. The Downtown Plan identifies the area bounded generally by Camelback and Indian School, Scottsdale to Miller as the Drinkwater Neighborhood.

Zoning

The site is zoned Central Business District, with Parking District provisions, within the Downtown Overlay (C-2/P-3/DO), which allows uses that are associated with the central business district and shopping facilities which are not ordinarily compatible with residential development. The overlay district allows new opportunities for the development and/or expansion of properties that do not have Downtown (D) zoning. Bars and Live Entertainment are allowed with City Council approval of a Conditional Use Permit (CUP).

Context

The subject property is generally bounded by Indian Plaza on the north, Saddleback Trail on the east, Shoeman Lane on the south, and Buckboard trail on the west. The property is located within an active entertainment district, with the W Hotel to the west, Axis/Radius nightclub to the north, and a mix of restaurants, bars, offices, retail and personal services to the east and south. The subject suite for these Use Permits will front Saddlebag Trail. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North Bars in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- South Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- East Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- West W Hotel, zoned Downtown District, Office Residential, Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO).

Key Items for Consideration

- Live Entertainment will be conducted inside the building.
- Nearest residential district is approximately 600 feet from the proposed establishment.
- Sufficient parking is provided for the proposed uses (bar and live entertainment).

- Applicant's Series 6 Liquor License for a bar will be scheduled for consideration by City Council once an application is received.
- Planning Commission heard this case on December 12, 2012 and recommended approval with a unanimous vote of 7-0.

Other Related Policies, References:

18-ZN-2011: City Council approved rezoning two strips of land of 21,000 +/- square feet from Automobile Parking, Downtown Overlay (P-2/DO) to Central Business district, Downtown Overlay (C-2/DO) to facilitate redevelopment (bars, restaurants, live entertainment) of a larger 1.4 +/- acre commercial site.

83-DR-2011: Development Review Board approved site plan, elevations and landscape plan for three new buildings on the 1.4 +/- acre commercial site.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for approval of a Conditional Use Permit for a bar, as well as a Conditional Use Permit for live entertainment, for Derby Public House, a new establishment to be located at a new building currently under construction at 4220 N. Saddlebag Trail, Suite 100. The 4,242 square foot establishment will include 3,792 square feet of interior space and a 450 square foot outdoor patio area. The restaurant/bar will operate weekdays from 11:00 a.m. to 2:00 a.m., and weekends commencing at 10:00 a.m., with live entertainment occurring within the building Fridays and Saturdays from 10:00 p.m. to 2:00 a.m. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.

Development Information

- Existing Uses: Vacant
- Proposed Use: Bar with live entertainment
- Buildings/Description: Single-story building under construction to house bar with live entertainment
- Parcel Size: 49,500 sq. ft. (1.14 acres)
- Total Building Size: 22,444 sq. ft. enclosed; 43,314 sq. ft. including outdoor patios
- Tenant Space Size: 3,792 sq. ft. enclosed; 4,242sq. ft. including outdoor patio
- Parking Required: 48.65 spaces for Derby Public House; 383 for entire building if all tenant spaces utilized as bar with live entertainment
- Parking Provided: 393.33 for entire building (combination of P-3 credits and historical Downtown Overlay credits)
- Gross Floor Area: 3,792 square feet interior space
- Gross Patio Area: 450 square feet outdoor patio area

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - The nearest residential district is approximately 600 feet away, on the north side of Camelback Road. The subject site is located in a commercial area, with several bars and nightclubs in close proximity. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building. No smoke, dust or vibration is anticipated from this use. Noise will not exceed ambient noise levels consistent with the area.
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - The building is located on N. Saddlebag Trail, south of Camelback Road, and the surrounding streets have sufficient capacity to accommodate traffic from the proposed use. Traffic patterns in this area are established and have remained constant for some time due in large part to the concentration of bars in the area. The business will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The volume and character of traffic generated by this use will be primarily in the evening, similar to those generated by other bars in the area.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - The proposed bar and live entertainment uses are compatible with surrounding non-residential uses, including office, retail and personal service uses, and are consistent with the characteristics of the other bars operating in this area of Downtown.
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.
Bars, cocktail lounges, and/or after hours establishments (21-UP-2012).
 1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - The establishment will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The establishment will be open for lunch every day, contributing to daytime activity in the area. There will be no disruption to the balance of daytime and nighttime uses in the area.
 2. The use shall not disrupt pedestrian-oriented daytime activities.

- The establishment will be open for lunch, and will operate a patio adjacent to the public sidewalk, thereby encouraging a pedestrian environment in the area.
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.
 - The site was previously occupied by an office use. No retail will be displaced as a result of this application.
 - 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.
 - The required parking is provided via a combination P-3 credits and historical Downtown Overlay credits. No additional off-site parking is required.
 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.
 - The nearest residential district is approximately 600 feet away, on the north side of Camelback Road. The subject site is located in a commercial area, with several bars and nightclubs in close proximity. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building. No smoke, dust or vibration is anticipated from this use. Noise will not exceed ambient noise levels consistent with the area.
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.
 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.
 - Requirements for handling and control of refuse are included in the Security, Maintenance and Operations Plan, which requires the applicant to pick up any litter or debris within a 300-foot radius of the establishment. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.
 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - All proposed external lighting on the building and in the patio area is compatible with the lighting in the area. All speakers for live entertainment will be located on

the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Derby Public Houses' proposed bar with live entertainment requires 48.65 parking spaces, and another 332.75 spaces are required for the building's other three tenant spaces if they operate as bars with live entertainment, for a total of 381.4 spaces to serve the entire building. A total of 393.33 spaces are provided via existing parking credits.**
9. After hours establishments must maintain a valid after hours establishment license.
 - **No after hours activities are proposed as part of this application.**

Live entertainment (22-UP-2012).

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
 - **The proposed Security, Maintenance and Operations Plan has been reviewed and approved by the Police Department.**
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted as part of the Conditional Use permit approval to broadcast the live entertainment.
 - **The floor plan identifies that all live entertainment activities will occur within the building. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.**
3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.
 - **The lighting plan has been approved by the Development Review Board.**
4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.
 - **The proposed floor plan identifies the live entertainment area for performances are located within the building.**
5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards..
 - **The pedestrian entrance to the establishment is provided on N. Saddlebag Trail, a local collector. The Transportation Master Plan classifies this portion of N. Saddlebag Trail as a Local Collector, with on-street parking provided on both sides of the street. Vehicular traffic on this stretch of N. Saddlebag Trail is light during daytime hours,**

limited primarily to local traffic associated with the small office and service uses in the area. Traffic will likely increase during evening hours when the subject establishment opens for business; however, most of the surrounding businesses in the area will be closed by this time and will not be adversely affected by the additional traffic generated by this use. Traffic patterns in this area are established and have remained constant for some time due in large part to the concentration of bars in the area. The business will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The volume and character of traffic generated by this use will be primarily in the evening, similar to those generated by other bars in the area.

6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.
 - A parking study was not required as part of this application. The applicant is able to meet the parking requirement for both the bar and live entertainment via existing parking credits.
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
 - The application materials submitted contained sufficient information for staff to evaluate the impacts of the proposed uses upon the area.
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.
 - All building openings shall be closed, but not locked, during live entertainment performances.
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within 500 feet of a residential district shown on Table 4.100.A
 - The nearest residential district is approximately 600 feet north of the subject premises. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
 - The Conditional Use Permit has been stipulated to the specific floor plan proposed for the building.
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
 - All patron entrances will be well lit and clearly visible to patrons from the public street. The lighting plans have been approved by the Development Review Board.
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

Water/Sewer

The new building is being constructed to ensure water and sewer infrastructure at this location is sufficient to handle the demands of this use.

Public Safety

The nearest fire station is located at 7522 E. Indian School Road, approximately 2,200 feet (0.40mile) from the subject establishment. A Security, Maintenance and Operations Plan, including the refuse control plan, has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Department. No significant impacts to existing service levels are anticipated.

Liquor License Review

Applicant's Series 6 Liquor License for a bar will be scheduled for consideration by City Council once an application is received.

Community Involvement

Property owners within a 750-foot radius of the subject site have been notified of the applicant's proposal, and the property has been posted with the required signage. As of the date of this report, staff has received no comments or concerns from the public regarding the applicant's proposal.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard these cases on December 12, 2012, and found that the Conditional Use Permit criteria have been met and recommended approval by a vote of 7-0.

Staff Recommendation to Planning Commission

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and recommend City Council approve a Conditional Use Permit for a bar use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and recommend City Council approve a Conditional Use Permit for a live entertainment use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9291 approving a Conditional Use Permit for a bar use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

2. Find that the Conditional Use Permit criteria have been made and adopt Resolution No. 9292 approving a Conditional Use Permit for a live entertainment use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

RESPONSIBLE DEPARTMENT(S)

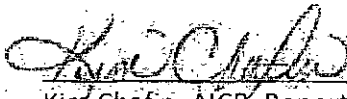
Planning, Neighborhood and Transportation

Current Planning Services


STAFF CONTACT

Kim Chafin, AICP, LEED-AP
Senior Planner
480-312-7734
E-mail: kchafin@ScottsdaleAZ.gov


APPROVED BY


Kim Chafin, AICP, Report Author

1-7-13
Date


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

1/2/2013
Date


Kroy Ekblaw, Interim Administrator
Planning, Neighborhood and Transportation
480-312-7064, kekblaw@scottsdaleaz.gov

1/3/2013
Date

ATTACHMENTS

1. Resolution No. 9291
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations for 21-UP-2012 Bar Use Permit
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit B to Exhibit 2: Site Plan
 - Exhibit 3. Additional Criteria
2. Resolution No. 9292
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations for 22-UP-2012 Live Entertainment Use Permit
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit B to Exhibit 2: Site Plan
 - Exhibit 3. Additional Criteria
3. Applicant's Narrative
4. Aerial Close-Up
5. General Plan Map
6. Zoning Map
7. Citizen Involvement
8. City Notification Map
9. December 12, 2012 Planning Commission Minutes

RESOLUTION NO. 9291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR FOR A NEW 4,309 +/- SQUARE-FOOT ESTABLISHMENT LOCATED AT 4420 N. SADDLEBAG TRAIL, SUITE 100, WITH CENTRAL BUSINESS DISTRICT, PARKING DISTRICT, DOWNTOWN OVERLAY (C-2/P-3 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 12, 2012; and

WHEREAS, the City Council, held a public hearing on January 22, 2013.

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 bars, set forth on Exhibit 3, is required.

Section 2 That a description of the conditional use permit is set forth in Case No. 21-UP-2012. 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 22nd day of January, 2013.

ATTEST:

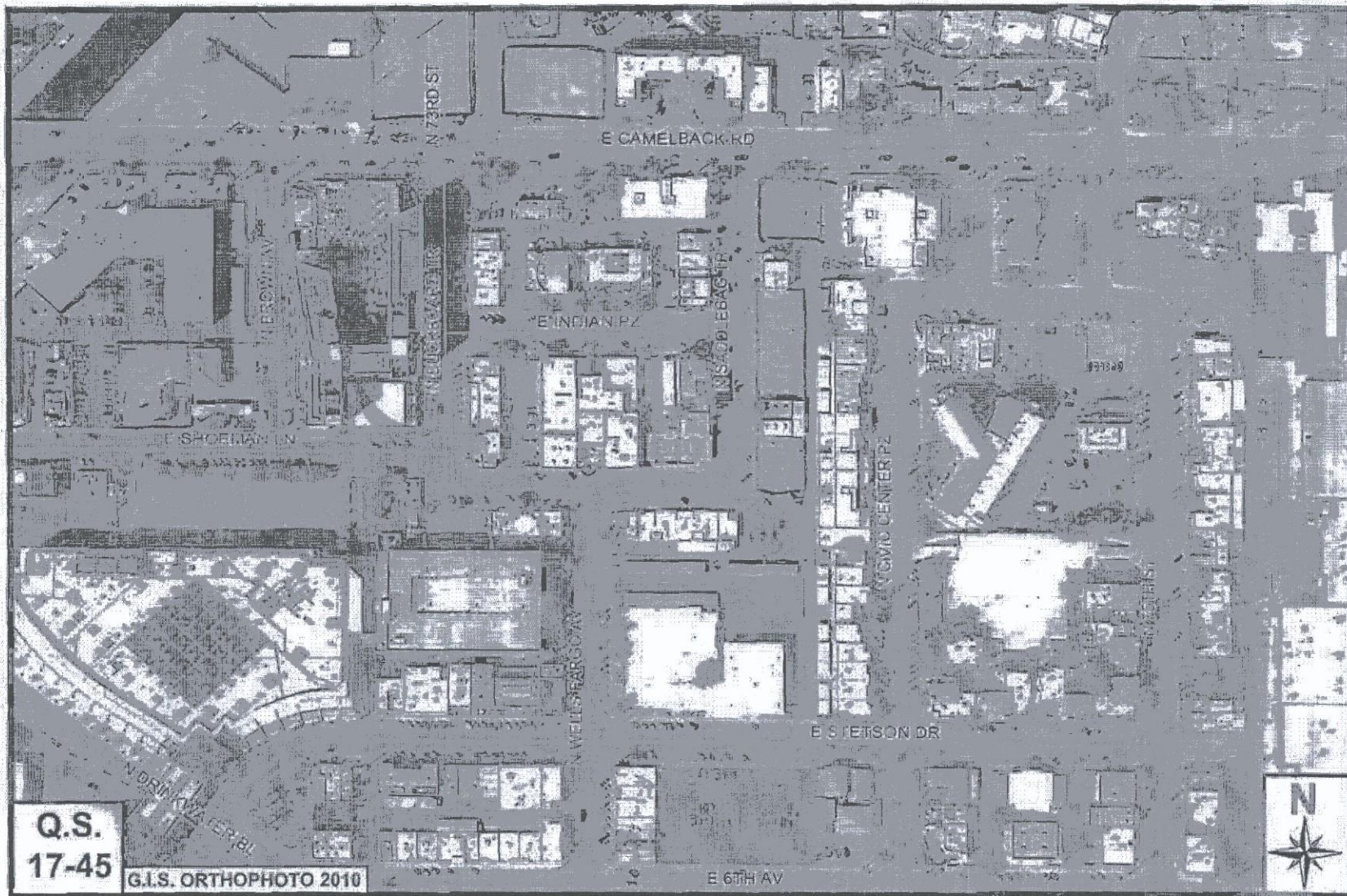
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

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



Q.S.
17-45

G.I.S. ORTHOPHOTO 2010

Derby Public House

Exhibit 1
Resolution No. 9291

21-UP-2012

Conditional Use Permit - Bar

Stipulations

Derby Public House

Case Number: 21-UP-2012

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Dietz Design and with the city staff date of 10/02/2012, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by AV3 Design Studio and with the city staff date of 10/02/2012, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to:

	Open to Customers No Later Than	Close to Customers
Sunday	10:00 a.m.	2:00 a.m.
Monday	11:00 a.m.	2:00 a.m.
Tuesday	11:00 a.m.	2:00 a.m.
Wednesday	11:00 a.m.	2:00 a.m.
Thursday	11:00 a.m.	2:00 a.m.
Friday	11:00 a.m.	2:00 a.m.
Saturday	10:00 a.m.	2:00 a.m.

4. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning,

Exhibit 2

Resolution No. 9291

Page 1 of 2

Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), 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 Zoning Administrator, or designee.
6. EXTERNAL SPEAKERS. External speakers are not permitted.

ADMINISTRATIVE/PROCESS

7. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
8. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

1. The architect shall be responsible for the design and construction of the building, including the structural, mechanical, electrical, and plumbing systems. The architect shall also be responsible for the coordination of the building with the existing site conditions and the surrounding environment.

2. The architect shall provide a complete set of construction documents, including architectural drawings, specifications, and a contract document. The architect shall also be responsible for the construction administration, including the preparation of the program of requirements, the selection of the contractor, and the supervision of the construction.

3. The architect shall be responsible for the design of the building to meet the functional requirements of the client. The architect shall also be responsible for the design of the building to be aesthetically pleasing and to be in harmony with the surrounding environment.

4. The architect shall be responsible for the design of the building to be energy efficient and to meet the requirements of the applicable codes and regulations. The architect shall also be responsible for the design of the building to be accessible to all people.

5. The architect shall be responsible for the design of the building to be durable and to have a long life span. The architect shall also be responsible for the design of the building to be easy to maintain and to have a low life cycle cost.

6. The architect shall be responsible for the design of the building to be safe and to provide a secure environment for the occupants. The architect shall also be responsible for the design of the building to be resilient and to be able to withstand natural disasters.

7. The architect shall be responsible for the design of the building to be flexible and to be able to adapt to changing requirements. The architect shall also be responsible for the design of the building to be adaptable to future technological advances.

8. The architect shall be responsible for the design of the building to be sustainable and to have a low environmental impact. The architect shall also be responsible for the design of the building to be green and to have a positive impact on the environment.

9. The architect shall be responsible for the design of the building to be healthy and to provide a good indoor environment for the occupants. The architect shall also be responsible for the design of the building to be comfortable and to have a high level of occupant satisfaction.

10. The architect shall be responsible for the design of the building to be secure and to have a high level of security. The architect shall also be responsible for the design of the building to be resilient and to be able to withstand natural disasters.



WALL TYPES

Symbol 1	1/2\"	Concrete masonry wall
Symbol 2	1/2\"	Concrete masonry wall with insulation
Symbol 3	1/2\"	Concrete masonry wall with insulation and exterior finish
Symbol 4	1/2\"	Concrete masonry wall with insulation and exterior finish and window
Symbol 5	1/2\"	Concrete masonry wall with insulation and exterior finish and window and door
Symbol 6	1/2\"	Concrete masonry wall with insulation and exterior finish and window and door and window
Symbol 7	1/2\"	Concrete masonry wall with insulation and exterior finish and window and door and window and door
Symbol 8	1/2\"	Concrete masonry wall with insulation and exterior finish and window and door and window and door and window and door

REFLECTED CEILING LEGEND

Symbol 1	Acoustic tile
Symbol 2	Acoustic tile with grid
Symbol 3	Acoustic tile with grid and recessed lighting
Symbol 4	Acoustic tile with grid and recessed lighting and door
Symbol 5	Acoustic tile with grid and recessed lighting and door and window
Symbol 6	Acoustic tile with grid and recessed lighting and door and window and door
Symbol 7	Acoustic tile with grid and recessed lighting and door and window and door and window
Symbol 8	Acoustic tile with grid and recessed lighting and door and window and door and window and door

Architect: Dorte Design, Inc.
Derby Public House
 414 West 13th Street, Suite 200
 Milwaukee, WI 53233
 Phone: 414.224.1111
 Website: www.dortedesign.com

FLOOR PLAN

21-UP-2012
 1st 10/02/12

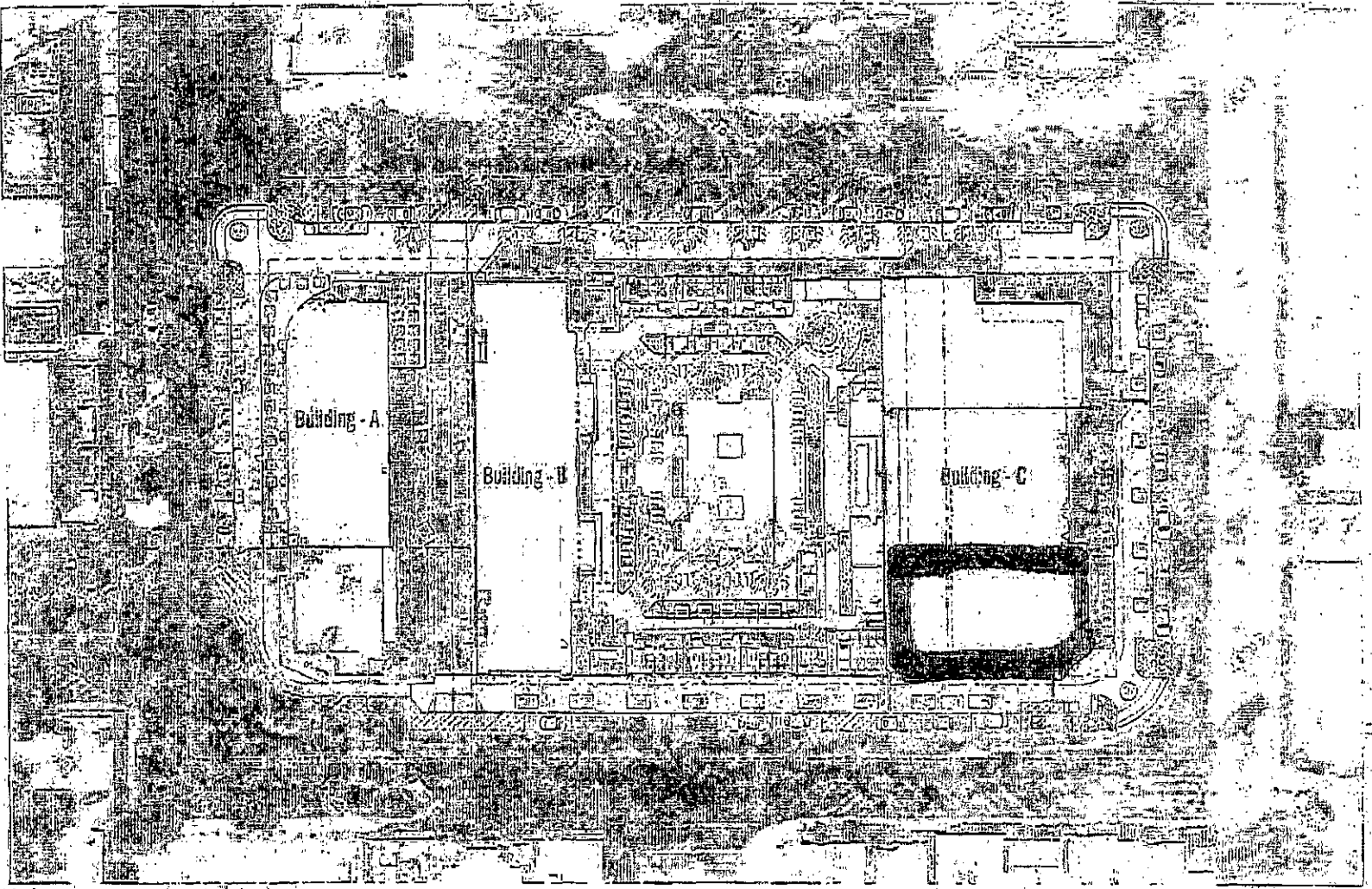
22-UP-2012
 1st 10/02/12

PREPARED BY ARCHITECT DORTE DESIGN, INC.



A2.0

Exhibit A to Exhibit 2
 Resolution No. 9291
 Page 1 of 1



SITE PLAN

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

Exhibit 3
Scottsdale Revised Code Section 1.403 (C.)

- C. *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 D-O 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 create a written exterior refuse control plan for approval by the City.
 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. 9292

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT FOR A NEW 4,309 +/- SQUARE-FOOT ESTABLISHMENT LOCATED AT 4420 N. SADDLEBAG TRAIL, SUITE 100, WITH CENTRAL BUSINESS DISTRICT, PARKING DISTRICT, DOWNTOWN OVERLAY (C-2/P-3 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 12, 2012; and

WHEREAS, the City Council, held a public hearing on January 22, 2013.

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. 22-UP-2012. 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 22nd day of January, 2013.

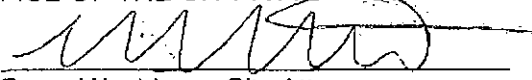
ATTEST:

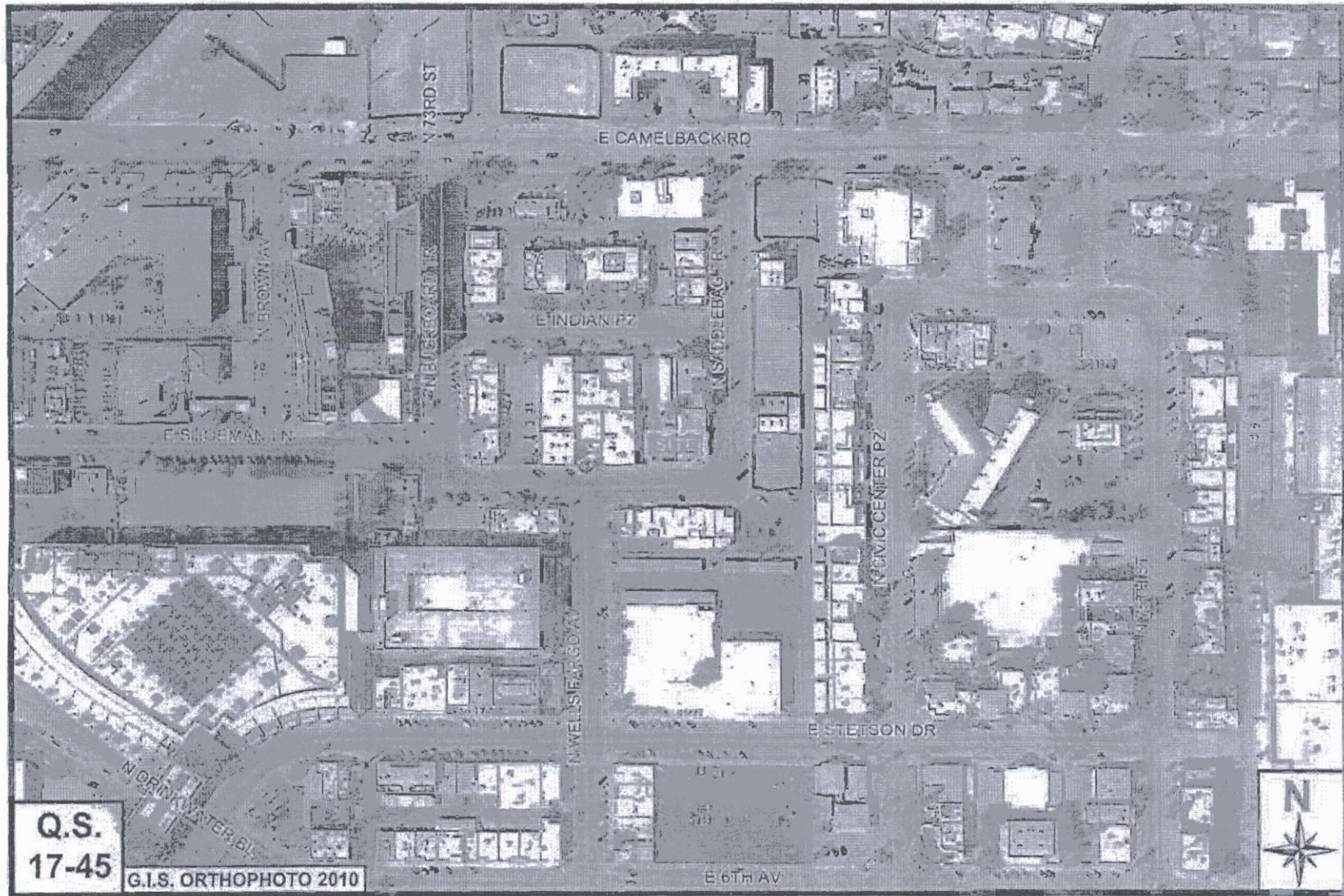
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

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



Derby Public House

Exhibit 1
Resolution No. 9292

22-UP-2012

Conditional Use Permit - Live Entertainment

Stipulations:

Derby Public House for

Case Number: 22-UP-2012

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Dietz Design and with the city staff date of 10/02/2012, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by AV3 Design Studio and with the city staff date of 10/02/2012, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. HOURS OF LIVE ENTERTAINMENT. The hours of the live entertainment for this establishment shall be limited to:

	Start	To	End
Sunday	No live entertainment	To	No live entertainment
Monday	No live entertainment	To	No live entertainment
Tuesday	No live entertainment	To	No live entertainment
Wednesday	No live entertainment	To	No live entertainment
Thursday	No live entertainment	To	No live entertainment
Friday	10:00 p.m.	To	2:00 a.m.
Saturday	10:00 p.m.	To	2:00 a.m.

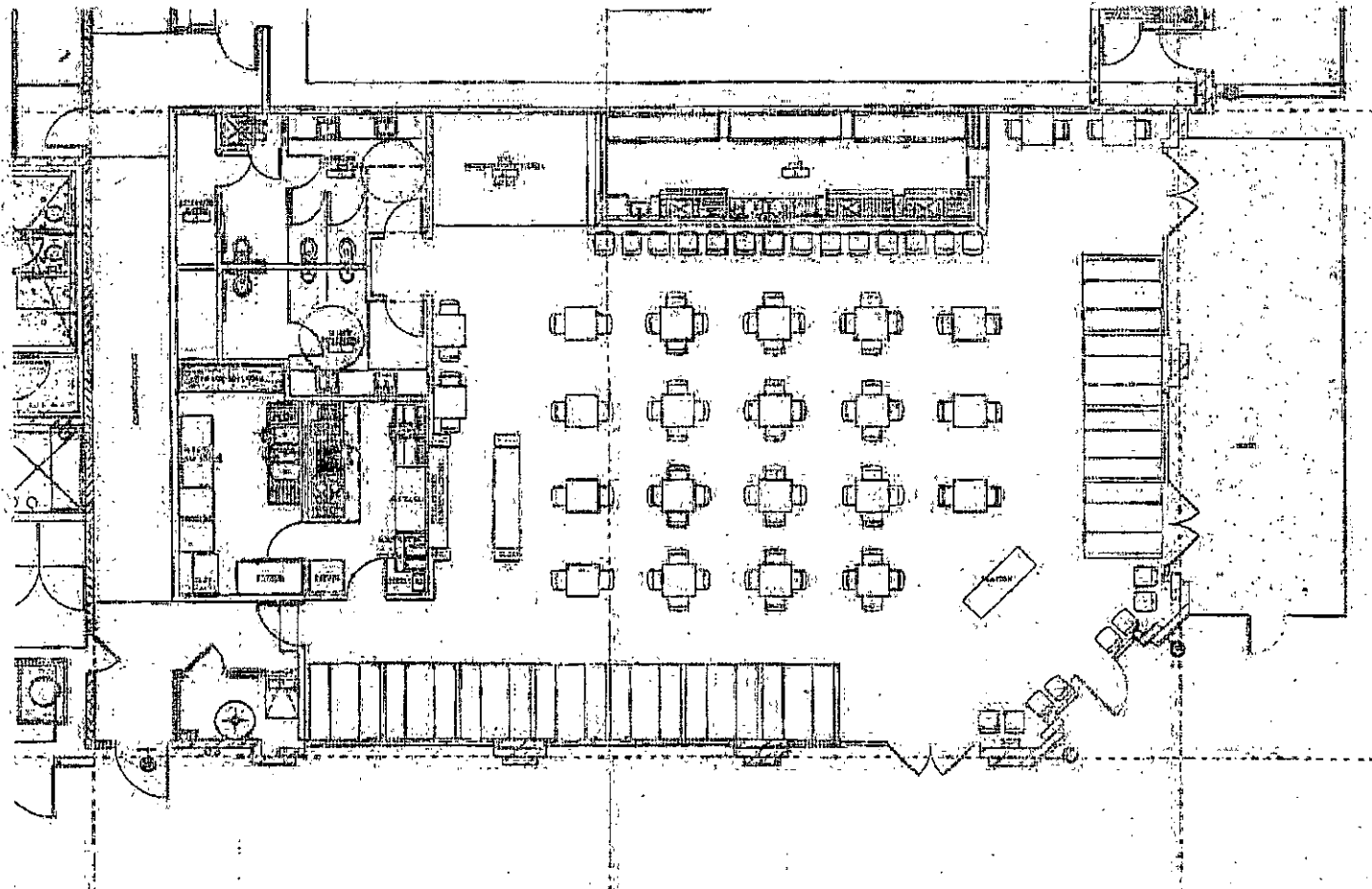
4. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The live entertainment shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security,

Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), 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 Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment.
6. EXTERNAL SPEAKERS. External speakers are not permitted.
7. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours during hours when live entertainment is provided.

ADMINISTRATIVE PROCESS

8. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
9. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



FLOOR PLAN

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

Exhibit A to Exhibit 2
Resolution No. 9292
Page 1 of 1

1. The applicant is required to provide a detailed floor plan of the proposed structure, showing all dimensions, materials, and construction details. The plan must be submitted in both digital and physical format.

2. The applicant must provide a detailed site plan showing the location of the proposed structure on the property, including setbacks, easements, and other relevant features.

3. The applicant must provide a detailed description of the proposed structure, including its purpose, use, and any special features or amenities.

4. The applicant must provide a detailed description of the proposed structure's exterior appearance, including materials, colors, and architectural details.

5. The applicant must provide a detailed description of the proposed structure's interior appearance, including materials, colors, and architectural details.

6. The applicant must provide a detailed description of the proposed structure's foundation and structural system, including all necessary calculations and drawings.

7. The applicant must provide a detailed description of the proposed structure's plumbing, electrical, and mechanical systems, including all necessary calculations and drawings.

8. The applicant must provide a detailed description of the proposed structure's fire safety system, including all necessary calculations and drawings.

9. The applicant must provide a detailed description of the proposed structure's energy efficiency system, including all necessary calculations and drawings.

10. The applicant must provide a detailed description of the proposed structure's accessibility system, including all necessary calculations and drawings.

WALL TYPES

◆	1/2" GYPSUM BOARD ON STUDS
◆	1/2" GYPSUM BOARD ON STUDS WITH INSULATION
◆	1/2" GYPSUM BOARD ON STUDS WITH INSULATION AND EXTERIOR FINISH
◆	1/2" GYPSUM BOARD ON STUDS WITH INSULATION AND EXTERIOR FINISH AND STAINLESS STEEL CLADDING
◆	1/2" GYPSUM BOARD ON STUDS WITH INSULATION AND EXTERIOR FINISH AND STAINLESS STEEL CLADDING AND GLASS CURTAIN WALL

REFLECTED DIM INCL LEGEND

☒	CONCRETE FLOOR
☒	CONCRETE WALL
☒	CONCRETE CEILING
○	MECHANICAL EQUIPMENT, Etc.

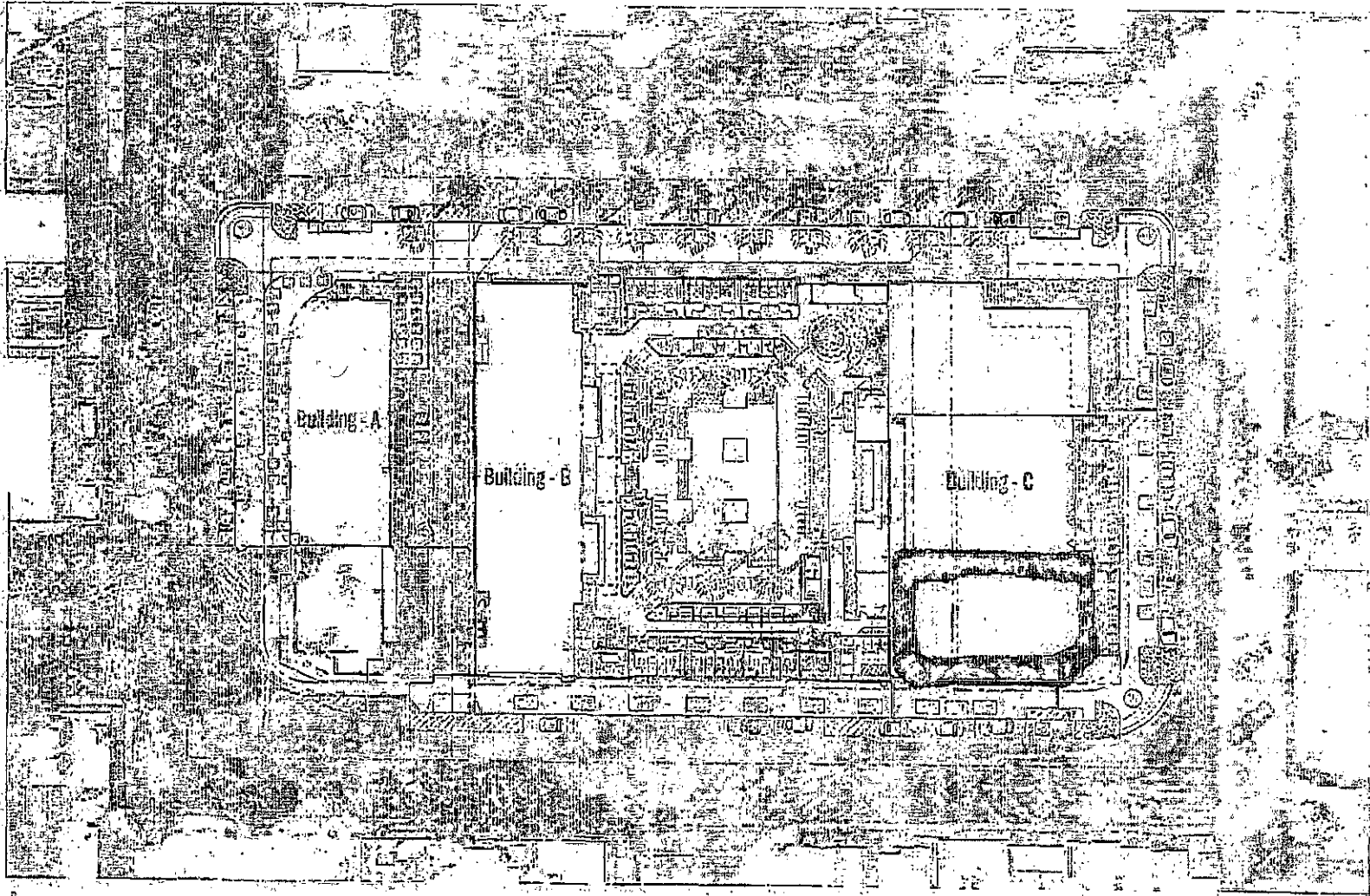
PRE-APPROVAL #166-PA-2012



AT-Town Improvement Part
Derby Public House
433 N. Sycamore Unit, #c 103
Cincinnati, OH 45219



A2.0
Printed on 10/02/12



SEE PLAN

Exhibit B to Exhibit 2
Resolution No. 9292
Page 1 of 1

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

ADDITIONAL CRITERIA FOR LIVE ENTERTAINMENT

K. Live entertainment.

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted as part of the Conditional Use permit approval to broadcast the live entertainment.
3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.
4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.
5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within 500 feet of a residential district shown on Table 4.100 A.
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

**Derby Public House Social Room
Project Narrative
Bar Use Criteria
Live Entertainment Use Criteria
Application Number 166-PA-2012**

Project Narrative

This document shall service as an application for both Bar and Live Entertainment Conditional Use Permits with the City of Scottsdale for the to-be-built Derby Public House Social Room Restaurant and Bar located at 4420 N Saddlebag Trail, Suite 100 Derby Public House Social Room will be a live entertainment dining/bar concept in the heart of Scottsdale's entertainment district in Old Town Scottsdale with an interior space of 3,859 square feet and exterior patio of 450 square feet.

3,790

Derby Public House Social Room gets its inspiration from the lounge style pubs of Chicago. The menu will reflect a high end pub style concept attracting business and tourist traffic for lunch and happy hour specials. The dining nightlife and entertainment will consist of great food, music and gaming bringing a community of people of all ages together in a warm friendly environment.

Derby Public House Social Room will offer DJ entertainment on Friday and Saturday nights from 10:00 pm to 2:00 am. This music will consist of low decibel house lounge music.

The managing partners of Derby Public House Social Room, proprietors in Scottsdale's "Wild Knight", are making a significant investment in the location with the intention of benefiting the local community, without disrupting of the peace in the area

Use Permit Criteria

Derby Public House Social Room will meet or exceed all of the use permit criteria set forth in Scottsdale's Zoning Code section 1.403, Section © 1-9 for bars as follows.

1. The use will not disrupt the balance of daytime and nighttime uses.

Derby Public House Social Room will be consistent with and supportive of other establishments in the same area. The Entertainment District does not typically see daytime retail or other operations encouraging daytime foot traffic. Derby Public House Social Room hopes to encourage some daytime foot traffic to the area and will open daily from 11:00 am to 2:00 am Monday thru Friday and 10:00 am to 2:00 am Saturday and Sunday.

ATTACHMENT #3

2. The use will not disrupt pedestrian-oriented daytime uses.

Currently there is little, if any, daytime pedestrian uses in the immediate area. Most of the buildings located on Saddlebag Trail are either vacant, house small scale offices that do not generate significant pedestrian traffic or have nighttime-only use.

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.**

Derby Public House Social Room will be located in the Downtown Overlay District. Daytime retail will not be displaced, as Derby Public House Social Room is located in the Entertainment District, which is predominantly entertainment and office uses, with limited retail use. Additionally, daytime uses may actually be encouraged because of the variety of day and evening dining that Derby Public House Social Room is helping to provide.

- 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.**

All required parking for Derby Public House Social Room is within the allocated 600 feet of the property and is not 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 of district then:

- a. **The use shall not adversely impact residential uses.**
b. **The use shall provide methods of buffering residential uses.**

Derby Public House Social Room is not located within 500 feet of residential use.

5. An active management and security plan shall be created, approved, implemented, maintained and enforced for the business.

A management and security plan have been attached as part of this application and will be implemented and enforced as part of standard operation.

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.

A written refuse and control plan has been submitted as part of this application. A permanent dumpster will be onsite. It will be picked up twice weekly and additional pickups can be done as needed. In addition there will be a cleanup crew that does nightly property pickups before and after hours of operation.

7. **The applicant shall demonstrate how noise and light generated by the use shall be mitigated.**

All exterior lighting shall be approved by the City of Scottsdale via permit process. No outward projecting speakers will be installed in the property. The use is away from all residential uses and should have no impact on surrounding uses during its hours of operation.

8. **The applicant shall demonstrate the use shall meet required parking and shall not exceed capacity for traffic in the area.**

This application provides required and provided parking for proposed use. The parking requirement is detailed within the site plan data. The building provides enough parking for both a Bar Use and Live Entertainment Permit.

9. **After hours establishments must maintain a valid after hour's establishment license.**

No after-hours operations uses are proposed

This application also complies with the use permit criteria set forth in Scottsdale's Zoning Code, Section 1 403 (K) 1-10 for live entertainment as follows:

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.**

There is no access from Derby Public House Social Room to residential districts. The nearest residential district is located more than 500 feet away.

- b. **All patron entrances will be well lit and clearly visible to patrons from the parking lot or public street.**

The entrance to the building will be from Saddlebag Trail, which is a well-lit public street. The entrance will be clearly marked and easily identifiable

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.**

Care is being taken in designing the floor plan to mitigate sound generated within the building. Derby Public House Social Room will comply with the noise standards set by and enforced by the City of Scottsdale.

3. **The applicant has provided and obtained City approval of a written public safety plan.**
A security and maintenance plan has been submitted with this application. The owners of Derby Public House Social Room also operate Wild Knight across the street from this location and are familiar with all security requirements.
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 guidelines.**
The building is in an urban setting and has only one exterior building face. Fronting onto Saddlebag Trail, there will be no need for exterior lighting. Patio lighting is being proposed and will be approved by the Development Review Board
5. **The applicant shall provide and obtain City approval of a written exterior refuse control plan.**
Approval of a refuse plan will be obtained
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.**
The proposed floor plan is provided with this application
7. **If access to the establishment is from a street other than once classified by the Transportation Master Plan as minor collector or greater, or if the establishment is located within the Downtown Area and access to the establishment is located on a street classified by the Transportation Master Plan as a local street or greater, the applicant shall provide a traffic analysis which complies with City's transportation guidelines. The traffic analysis shall demonstrate the level of service on all streets accessed by the use shall meet the City's standards.**
The city has not requested additional traffic analysis.
8. **If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the City's written guidelines.**
No additional study has been required
9. **The applicant has provided any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.**
No additional information has been required by the Zoning Administrator.

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.

External doors will 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.

Derby Public House Social Room is not located within 500 feet of a residential district.

c. The applicant/operator shall comply with all plans approved as provided herein.

The owners of Derby Public House Social Room have demonstrated that they will comply with approved plans.

Conclusion

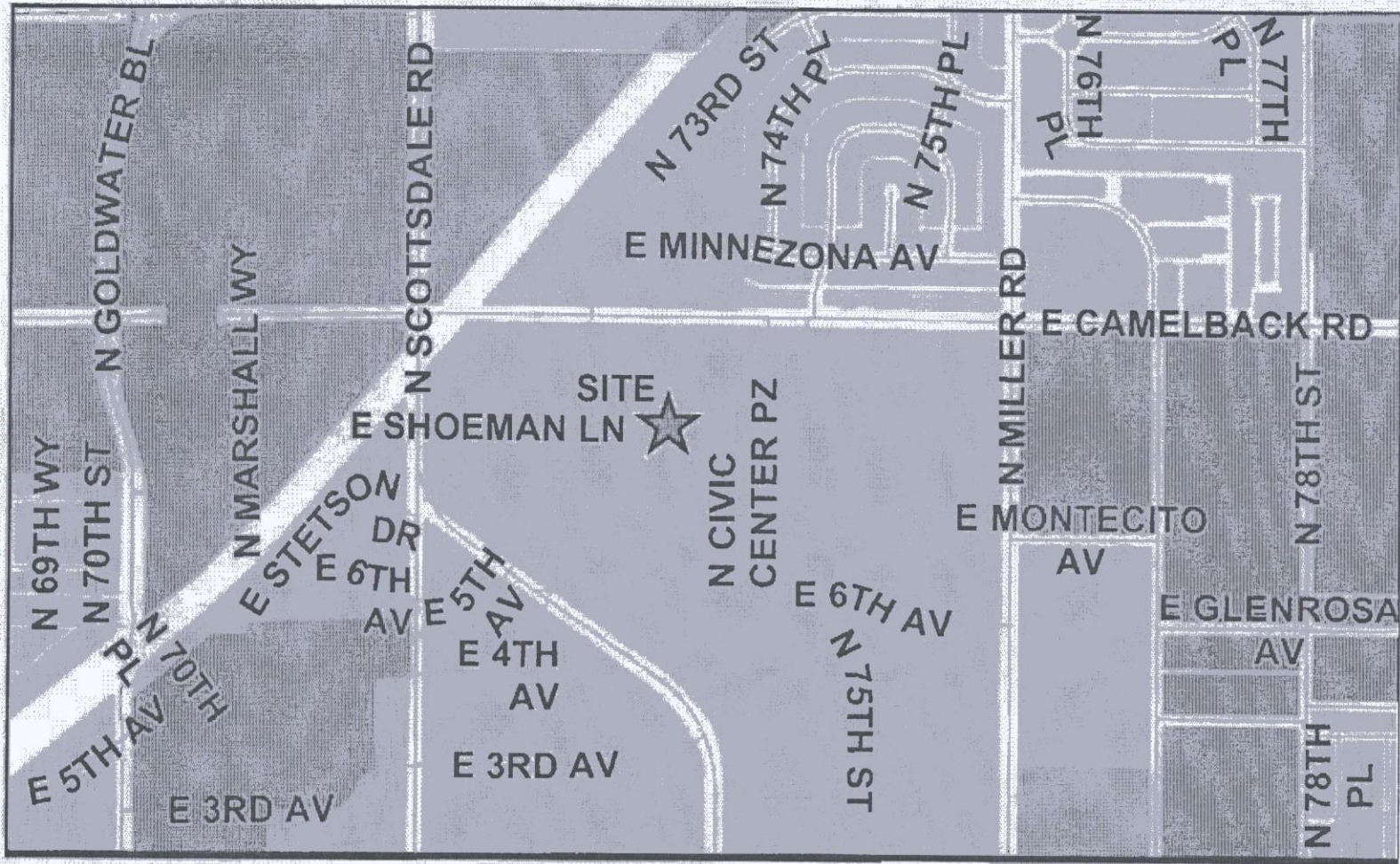
Derby Public House Social Room respectfully requests that the City of Scottsdale grant it a Conditional Use Permits to allow it to operate as a bar with live entertainment. The owners of Derby Public House Social Room are making a significant investment in the location and will significantly benefit the City's Entertainment District. Derby Public House Social Room looks forward to a bright future in Downtown Scottsdale.



Derby Public House

21-UP-2012 & 22-UP-2012

ATTACHMENT #4



Land Use Designations

- Downtown Civic Center - Type 2
- Civic Center or Medical - Type 2
- Downtown Core - Type 1
- Downtown Medical - Type 2
- Downtown Multiple Use - Type 2
- Downtown Regional Multiple Use - Type 2

21-UP-2012 & 22-UP-2012

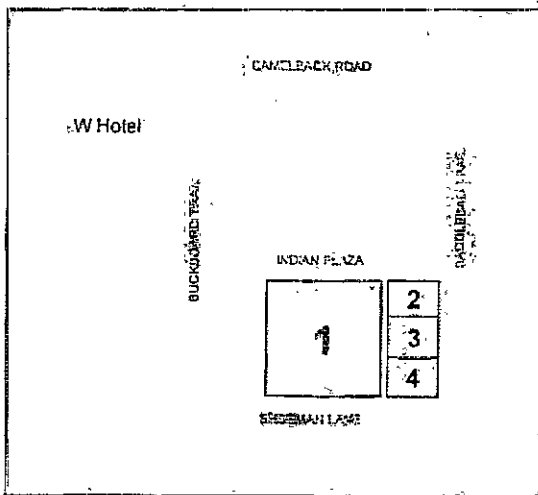
ATTACHMENT #5



NEIGHBORHOOD OPEN HOUSE NOTIFICATION

You are invited to a neighborhood open house on May 29, 2012 from 5:30 to 7:00 pm at the W Hotel meeting room to review the applications for conditional use permits being requested for properties within the Scottsdale Retail Plaza project, bounded generally by Indian Plaza, Saddlebag Trail, Shoeman Lane, and Buckboard Trail. Recently the City Council approved the abandonment of an alley and rezoning necessary to make the Scottsdale Retail Plaza possible, and the upcoming open house is intended to solicit neighborhood input on four applications for bar and live entertainment venues within the Scottsdale Retail Plaza.

The locations and individual applications are described below:



-
- 1 Beach Club 9-UP-2012 and 10-UP-2012
Conditional Use Permit for a Bar with Live Entertainment
 - 2 Munchbar 11-UP-2012
Conditional Use Permit for a Bar
 - 3 Whiskey Row 12-UP-2012 and 13-UP-2012
Conditional Use Permit for a Bar with Live Entertainment
 - ④ Derby Public House 166-PA-2012
Conditional Use Permit for a Bar
-

Historically, the property proposed for the Beach Club has been home to Myst and Suede, both bars. Myst was also approved for live entertainment. CUP's are now required for all new bars, and separate CUP's are required for bars that are proposing to have live entertainment. If you are not able to attend the open house, please feel free to contact the applicant or city staff processing the applications for more information.

WHEN: MAY 29, 2012 from 5:30 TO 7:00 PM.

WHERE: W HOTEL MEETING ROOM

For more information contact: Applicant contact: Randy Grant 480-748-8888
City staff contact: Kim Chafin 480-312-7734

ATTACHMENT #7

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

NEIGHBORHOOD OPEN HOUSE SUMMARY

The neighborhood open house for the Conditional Use Permits for all four establishments (Beach Club, Munchbar, Whiskey Row, and Derby House) was held on May 29, 2012 at the W Hotel. Of the 8 people attending, 6 expressed support for the project and 2 expressed concern about existing conditions within the commercial area - particularly trash and one instance of vandalism. The concerns were expressed about one particular business, and that business has been notified and is in contact with the concerned property owner. Four comment cards were submitted, all in favor of the project.

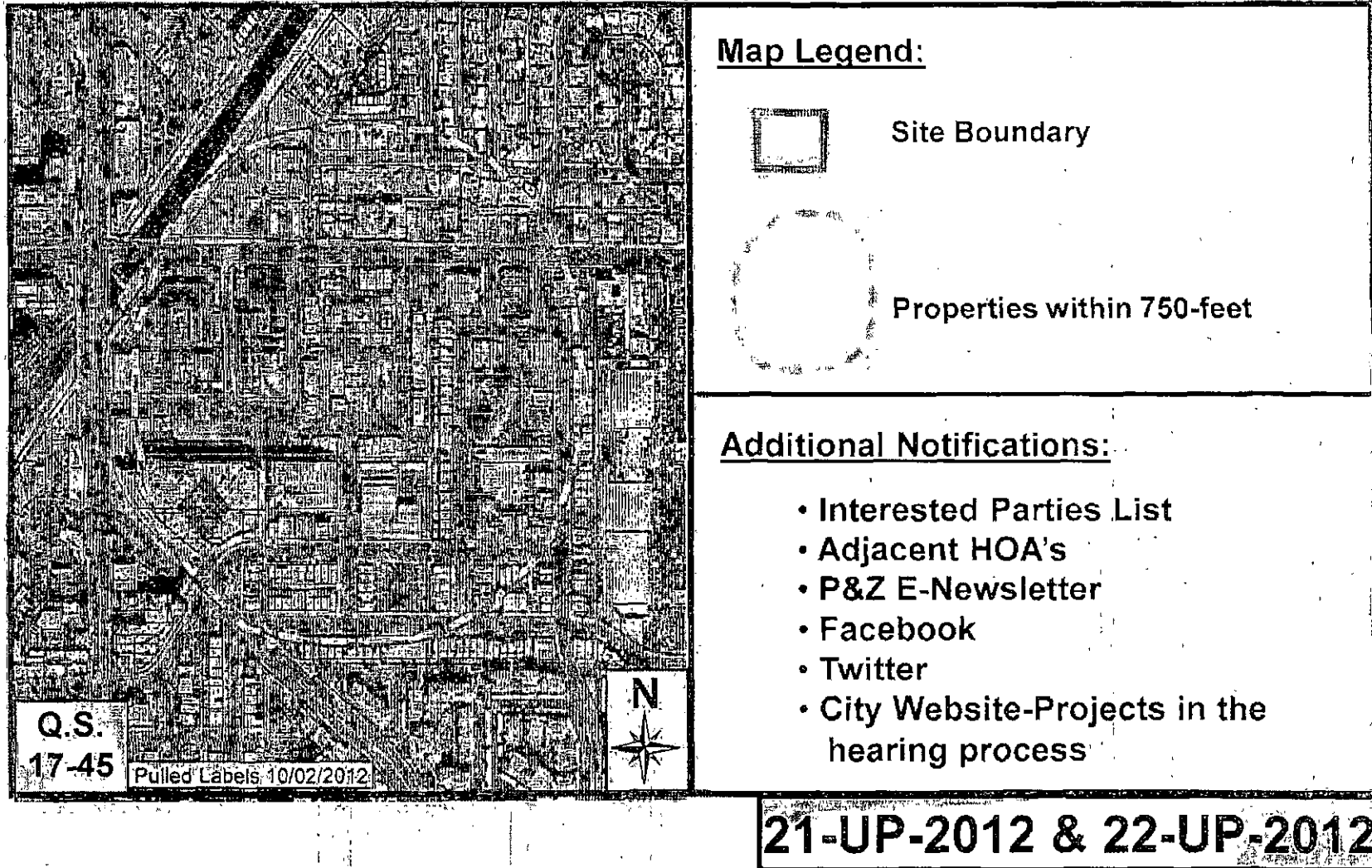
Attendees:

Flip Weber
Jeffrey Cohn
Kathy Cohn
Jon Wright
Mike Troyan
Ryan Hibbert
Anca Maras
Jennifer Jones

Other comments received from neighbors to date have been positive. Terry Brodtkin, owner of the Swiss Embassy building, has expressed frustration about the demolition work being done on the property, and about some service interruptions that have resulted from utility line disturbances. No other comments have been received from the public to date.

Our outreach efforts will continue and business owners within the area will be contacted with information about the project.

City Notifications – Mailing List Selection Map



Derby Public House

ATTACHMENT #8



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, DECEMBER 12, 2012

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Michael D'Andrea, Chairman
Ed Grant, Vice-Chair
Erik Filsinger, Commissioner
David Brantner, Commissioner
Matt Cody, Commissioner
Jay Petkunas, Commissioner
Michael Edwards, Commissioner

STAFF: Tim Curtis
Joe Padilla
Kim Chaffin
Greg Bloemberg
Jeff Barnes
Lorraine Castro

CALL TO ORDER

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:02 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

- 1 Approval of November 14, 2012 Regular meeting Minutes including Study Session.

COMMISSIONER CODY MOVED TO APPROVE THE NOVEMBER 14, 2012 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY VICE-CHAIR GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

- 2 27-UP-2006#2 (T-Mobile Scottsdale Ranch)
- 3 24-UP-2012 (Hollywood Live)
4. 21-UP-2012 (Derby Public House)
5. 22-UP-2012 (Derby Public House)
6. 5-AB-2012 (Brusally Ranch)
- 7 13-AB-2010#2 (Notre Dame Preparatory High School)

COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASES 27-UP-2006#2, 24-UP-2012, 21-UP-2012, 22-UP-2012, 5-AB-2012 AND 13-AB-2010#2 PER THE STAFF RECOMMENDED STIPULATIONS, AFTER FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

8. (Approval of 2013 Calendar)

COMMISSIONER PETKUNAS MOVED TO APPROVE THE 2013 CALENDAR, SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at www.scottsdaleaz.gov/boards/PC.asp

REGULAR AGENDA

9. 8-ZN-2012 (Las Aguas)

COMMISSONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR THE APPROVAL OF CASE 8-ZN-2012 INCLUDING THE DEVELOPMENT PLAN, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PLANNED UNIT DEVELOPMENT FINDINGS HAVE BEEN MET, AND AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN. SECONDED BY VICE-CHAIR GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

Robert LaRoche, Mark Penna, Roy Sosa, Sonya Edmond, Cecile Rosales and Kelly Vaughn provided comments.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:17 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

PLANNING COMMISSION REPORT



Meeting Date: December 12, 2012
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Derby Public House 21-UP-2012 & 22-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and recommend that the City Council approve a Conditional Use Permit for a bar use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.
2. Find that the Conditional Use Permit criteria have been made and recommend that the City Council approve a Conditional Use Permit for a live entertainment use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

OWNER

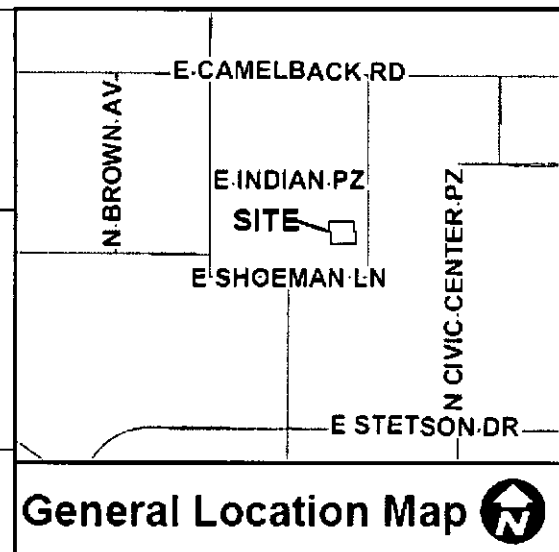
Equity Partners Group, LLC
480-748-8888

APPLICANT CONTACT

Brett Sherin
Shercon Construction
602-679-9563

LOCATION

4420 N. Saddlebag Trail, Suite 100



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed Use Neighborhoods, which are located in areas with strong access to multiple modes of transportation and major regional access and services, and have a focus on human scale development. The Downtown is a designated Growth Area that also relies on these factors.

Character Area Plan

The Downtown Land Use map designates the site as Downtown Multiple Use Type 2. The Downtown Character Area Plan policies pertaining to Downtown Multiple Use encourage new development, redevelopment and infill that strengthen the mix of uses and activities through the development of mutually supportive land uses within the Downtown Multiple Use urban neighborhoods. The Downtown Plan identifies the area bounded generally by Camelback and Indian School, Scottsdale to Miller as the Drinkwater Neighborhood.

Zoning

The site is zoned Central Business District, with Parking District provisions, within the Downtown Overlay (C-2/P-3/DO), which allows uses that are associated with the central business district and shopping facilities which are not ordinarily compatible with residential development. The overlay district allows new opportunities for the development and/or expansion of properties that do not have Downtown (D) zoning. Bars and Live Entertainment are allowed with City Council approval of a Conditional Use Permit (CUP).

Context

The subject property is generally bounded by Indian Plaza on the north, Saddleback Trail on the east, Shoeman Lane on the south, and Buckboard trail on the west. The property is located within an active entertainment district, with the W Hotel to the west, Axis/Radius nightclub to the north, and a mix of restaurants, bars, offices, retail and personal services to the east and south. The subject suite for these Use Permits will front Saddlebag Trail. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North Bars in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- South Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- East Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- West W Hotel, zoned Downtown District, Office Residential, Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO).

Key Items for Consideration

- Live Entertainment will be conducted inside the building.
- Nearest residential district is approximately 600 feet from the proposed establishment.
- Sufficient parking is provided for the proposed uses (bar and live entertainment).
- Applicant's Series 6 Liquor License for a bar will be scheduled for consideration by City Council once an application is received.

Other Related Policies, References:

18-ZN-2011: City Council approved rezoning two strips of land of 21,000 +/- square feet from Automobile Parking, Downtown Overlay (P-2/DO) to Central Business district, Downtown Overlay (C-2/DO) to facilitate redevelopment (bars, restaurants, live entertainment) of a larger 1.4 +/- acre commercial site.

83-DR-2011: Development Review Board approved site plan, elevations and landscape plan for three new buildings on the 1.4 +/- acre commercial site.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for approval of a Conditional Use Permit for a bar, as well as a Conditional Use Permit for live entertainment, for Derby Public House, a new establishment to be located at a new building currently under construction at 4220 N. Saddlebag Trail, Suite 100. The 4,242 square foot establishment will include 3,792 square feet of interior space and a 450 square foot outdoor patio area. The restaurant/bar will operate weekdays from 11:00 a.m. to 2:00 a.m., and weekends commencing at 10:00 a.m., with live entertainment occurring within the building Fridays and Saturdays from 10:00 p.m. to 2:00 a.m. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.

Development Information

- Existing Uses: Vacant
- Proposed Use: Bar with live entertainment
- Buildings/Description: Single-story building under construction to house bar with live entertainment
- Parcel Size: 49,500 sq. ft. (1.14 acres)
- Total Building Size: 22,444 sq. ft. enclosed; 43,314 sq. ft. including outdoor patios
- Tenant Space Size: 3,792 sq. ft. enclosed; 4,242sq. ft. including outdoor patio
- Parking Required: 48.65 spaces for Derby Public House; 383 for entire building if all tenant spaces utilized as bar with live entertainment
- Parking Provided: 393.33 for entire building (combination of P-3 credits and historical

- Gross Floor Area: 3,792 square feet interior space
- Gross Patio Area: 450 square feet outdoor patio area

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The nearest residential district is approximately 600 feet away, on the north side of Camelback Road. The subject site is located in a commercial area, with several bars and nightclubs in close proximity. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building. No smoke, dust or vibration is anticipated from this use. Noise will not exceed ambient noise levels consistent with the area.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The building is located on N. Saddlebag Trail, south of Camelback Road, and the surrounding streets have sufficient capacity to accommodate traffic from the proposed use. Traffic patterns in this area are established and have remained constant for some time due in large part to the concentration of bars in the area. The business will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The volume and character of traffic generated by this use will be primarily in the evening, similar to those generated by other bars in the area.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The proposed bar and live entertainment uses are compatible with surrounding non-residential uses, including office, retail and personal service uses, and are consistent with the characteristics of the other bars operating in this area of Downtown.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.

Bars, cocktail lounges, and/or after hours establishments (21-UP-2012).

 1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **The establishment will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The**

establishment will be open for lunch every day, contributing to daytime activity in the area. There will be no disruption to the balance of daytime and nighttime uses in the area.

2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **The establishment will be open for lunch, and will operate a patio adjacent to the public sidewalk, thereby encouraging a pedestrian environment in the area.**
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.
 - **The site was previously occupied by an office use. No retail will be displaced as a result of this application.**
 - 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.
 - **The required parking is provided via a combination P-3 credits and historical Downtown Overlay credits. No additional off-site parking is required.**
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.
 - **The nearest residential district is approximately 600 feet away, on the north side of Camelback Road. The subject site is located in a commercial area, with several bars and nightclubs in close proximity. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building. No smoke, dust or vibration is anticipated from this use. Noise will not exceed ambient noise levels consistent with the area.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Division. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
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.
 - **Requirements for handling and control of refuse are included in the Security, Maintenance and Operations Plan, which requires the applicant to pick up any litter or debris within a 300-foot radius of the establishment. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **All proposed external lighting on the building and in the patio area is compatible with the lighting in the area. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Derby Public Houses' proposed bar with live entertainment requires 48.65 parking spaces, and another 332.75 spaces are required for the building's other three tenant spaces if they operate as bars with live entertainment, for a total of 381.4 spaces to serve the entire building. A total of 393.33 spaces are provided via existing parking credits.**
9. After hours establishments must maintain a valid after hours establishment license.
 - **No after hours activities are proposed as part of this application.**

Live entertainment (22-UP-2012).

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.
 - **Buffering by existing buildings and landscaping have been provided in a manner which physically separates and restricts access from the establishment and residential districts.**
 - **All patron entrances will be well lit and clearly visible to patrons from the public street.**
 - **The site is surrounded by other commercial buildings on all sides. The nearest residential development is located on E. Minnesota Avenue, north of Camelback Road, approximately 600 feet away from the subject premises, and the residences are buffered by existing commercial buildings.**
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.
 - **The floor plan identifies that all live entertainment activities will occur within the building. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.**
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 Department.
 - **The proposed Security, Maintenance and Operations Plan has been reviewed and**

approved by the Police 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.
 - **The lighting plan has been approved by the Development Review Board.**
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.
 - **Provisions for refuse control are included in the proposed Security, Maintenance and Operations, which has been reviewed and approved by the Police Department.**
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.
 - **The proposed floor plan identifies the area for the live entertainment area for performances are located within the building.**
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.
 - **The pedestrian entrance to the establishment is provided on N. Saddlebag Trail, a local collector. The Transportation Master Plan classifies this portion of N. Saddlebag Trail as a Local Collector, with on-street parking provided on both sides of the street. Vehicular traffic on this stretch of N. Saddlebag Trail is light during daytime hours, limited primarily to local traffic associated with the small office and service uses in the area. Traffic will likely increase during evening hours when the subject establishment opens for business; however, most of the surrounding businesses in the area will be closed by this time and will not be adversely affected by the additional traffic generated by this use. Traffic patterns in this area are established and have remained constant for some time due in large part to the concentration of bars in the area. The business will not offer live entertainment during the daytime hours during the week when the nearby offices and service businesses are open. The volume and character of traffic generated by this use will be primarily in the evening, similar to those generated by other bars in the area.**
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.
 - **A parking study was not required as part of this application. The applicant is able to meet the parking requirement for both the bar and live entertainment via existing parking credits.**

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.
 - **The application materials submitted contained sufficient information for staff to evaluate the impacts of the proposed uses 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.
 - **Pursuant to Zoning Ordinance Section 1.403.J.10.a., all external doors shall be closed, but not locked, during business hours.**
 - **The nearest residential uses are approximately 600 feet north of the subject premises. All speakers for live entertainment will be located on the interior of the building and will be placed by a professional sound company to specifically dampen amplified sound outside the building.**
 - **The Conditional Use Permit has been stipulated to the specific floor plan for the building.**

Water/Sewer

The new building is being constructed to ensure water and sewer infrastructure at this location is sufficient to handle the demands of this use.

Public Safety

The nearest fire station is located at 7522 E. Indian School Road, approximately 2,200 feet (0.40mile) from the subject establishment. A Security, Maintenance and Operations Plan, including the refuse control plan, has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Department. No significant impacts to existing service levels are anticipated.

Liquor License Review

Applicant's Series 6 Liquor License for a bar will be scheduled for consideration by City Council once an application is received.

Community Involvement

Property owners within a 750-foot radius of the subject site have been notified of the applicant's proposal, and the property has been posted with the required signage. As of the date of this report, staff has received no comments or concerns from the public regarding the applicant's proposal.

OPTIONS & STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and recommend City Council approve a Conditional Use Permit for a bar use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central

Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and recommend City Council approve a Conditional Use Permit for a live entertainment use in a new 4,242 square foot establishment, located at 4420 N. Saddlebag Trail, Suite 100, with Central Business District, Parking District, Downtown Overlay (C-2/P-3/DO) zoning.

Proposed Next Steps:

City Council review January 8, 2012.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

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Senior Planner
480-312-7734
E-mail: kchafin@ScottsdaleAZ.gov

APPROVED BY



Kim Chafin, AICP, Report Author

12-4-12

Date



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

12/5/2012

Date



Kroy Ekblaw, Interim Administrator
Planning, Neighborhood and Transportation
480-312-7064, kekblaw@scottsdaleaz.gov

12/5/12

Date

ATTACHMENTS

1. Stipulations for 21-UP-2012 Bar Use Permit
Exhibit A to Attachment 1. Floor Plan
Exhibit B to Attachment 1: Site Plan
2. Stipulations for 22-UP-2012 Live Entertainment Use Permit
Exhibit A to Attachment 2: Floor Plan
Exhibit B to Attachment 2: Site Plan
3. Applicant's Narrative
4. Aerial
- 4A. Aerial Close-Up
5. General Plan Map
6. Zoning Map
7. Citizen Involvement
8. City Notification Map

Conditional Use Permit – Bar

Stipulations

Derby Public House

Case Number: 21-UP-2012

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Dietz Design and with the city staff date of 10/02/2012, attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by AV3 Design Studio and with the city staff date of 10/02/2012, attached as Exhibit B to Attachment 1. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. HOURS OF BAR OPERATIONS. The hours of the bar operations for this establishment shall be limited to:

	Open to Customers No Later Than	Close to Customers
Sunday	10:00 a.m.	2:00 a.m.
Monday	11:00 a.m.	2:00 a.m.
Tuesday	11:00 a.m.	2:00 a.m.
Wednesday	11:00 a.m.	2:00 a.m.
Thursday	11:00 a.m.	2:00 a.m.
Friday	11:00 a.m.	2:00 a.m.
Saturday	10:00 a.m.	2:00 a.m.

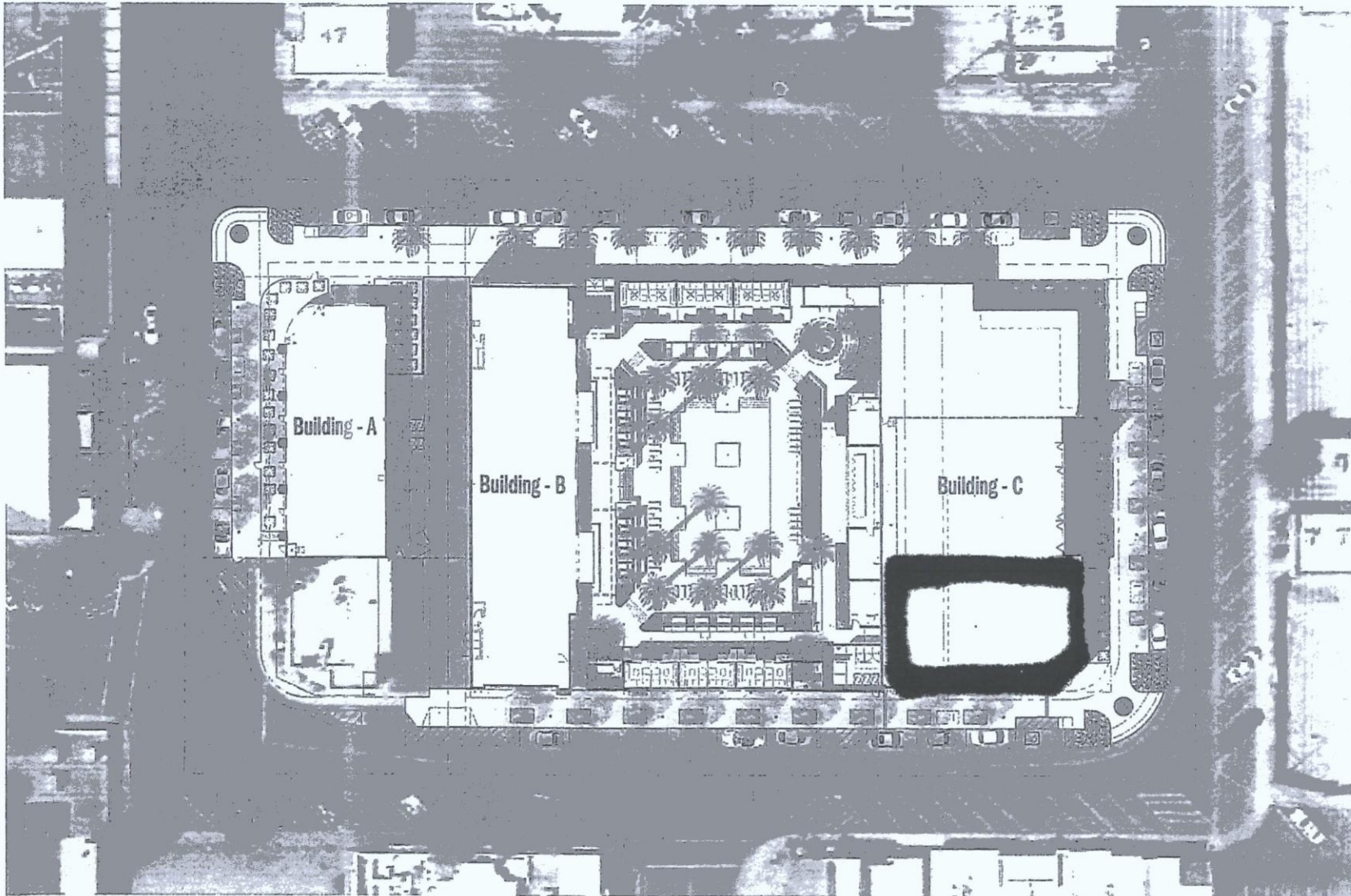
4. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the bar, or any

promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), 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 Zoning Administrator, or designee.
6. EXTERNAL SPEAKERS. External speakers are not permitted.

ADMINISTRATIVE/PROCESS

7. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
8. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



Concept Site Plan
project # 100C
2012 . 02 . 1

AV3
design studio

EXHIBIT B to ATTACHMENT 1: SITE PLAN

SITE PLAN

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

Conditional Use Permit – Live Entertainment

Stipulations:

Derby Public House for

Case Number: 22-UP-2012

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Dietz Design and with the city staff date of 10/02/2012, attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by AV3 Design Studio and with the city staff date of 10/02/2012, attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. HOURS OF LIVE ENTERTAINMENT. The hours of the live entertainment for this establishment shall be limited to:

	Start	To	End
Sunday	No live entertainment	To	No live entertainment
Monday	No live entertainment	To	No live entertainment
Tuesday	No live entertainment	To	No live entertainment
Wednesday	No live entertainment	To	No live entertainment
Thursday	No live entertainment	To	No live entertainment
Friday	10:00 p.m.	To	2:00 a.m.
Saturday	10:00 p.m.	To	2:00 a.m.

4. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The live entertainment shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security,

Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), 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 Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment.
6. EXTERNAL SPEAKERS. External speakers are not permitted.
7. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours during hours when live entertainment is provided.

ADMINISTRATIVE PROCESS

8. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
9. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

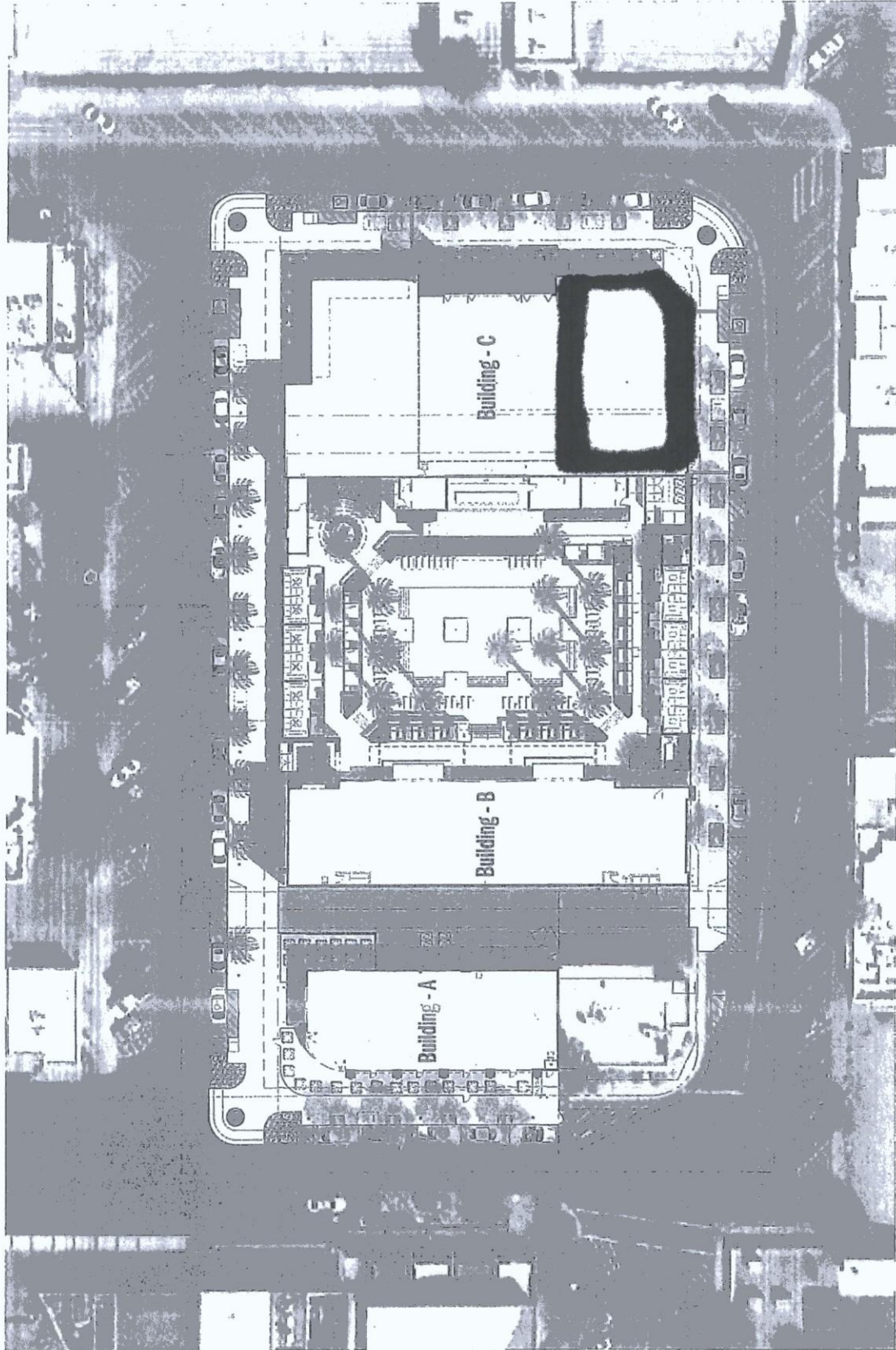


EXHIBIT B to ATTACHMENT 2: SITE PLAN

SITE PLAN
AV3 design studio

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

**Derby Public House Social Room
Project Narrative
Bar Use Criteria
Live Entertainment Use Criteria
Application Number 166-PA-2012**

Project Narrative

This document shall service as an application for both Bar and Live Entertainment Conditional Use Permits with the City of Scottsdale for the to-be-built Derby Public House Social Room Restaurant and Bar located at 4420 N. Saddlebag Trail, Suite 100. Derby Public House Social Room will be a live entertainment dining/bar concept in the heart of Scottsdale's entertainment district in Old Town Scottsdale with an interior space of 3,859 square feet and exterior patio of 450 square feet.

3,792

Derby Public House Social Room gets its inspiration from the lounge style pubs of Chicago. The menu will reflect a high end pub style concept attracting business and tourist traffic for lunch and happy hour specials. The dining nightlife and entertainment will consist of great food, music and gaming bringing a community of people of all ages together in a warm friendly environment.

Derby Public House Social Room will offer DJ entertainment on Friday and Saturday nights from 10:00 pm to 2:00 am. This music will consist of low decibel house lounge music.

The managing partners of Derby Public House Social Room, proprietors in Scottsdale's "Wild Knight", are making a significant investment in the location with the intention of benefiting the local community, without disrupting of the peace in the area.

Use Permit Criteria

Derby Public House Social Room will meet or exceed all of the use permit criteria set forth in Scottsdale's Zoning Code section 1.403, Section © 1-9for bars as follows:

1. The use will not disrupt the balance of daytime and nighttime uses.

Derby Public House Social Room will be consistent with and supportive of other establishments in the same area. The Entertainment District does not typically see daytime retail or other operations encouraging daytime foot traffic. Derby Public House Social Room hopes to encourage some daytime foot traffic to the area and will open daily from 11:00 am to 2:00 am Monday thru Friday and 10:00 am to 2:00 am Saturday and Sunday.

ATTACHMENT #3

2. The use will not disrupt pedestrian-oriented daytime uses.

Currently there is little, if any, daytime pedestrian uses in the immediate area. Most of the buildings located on Saddlebag Trail are either vacant, house small scale offices that do not generate significant pedestrian traffic or have nighttime-only use.

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.

Derby Public House Social Room will be located in the Downtown Overlay District. Daytime retail will not be displaced, as Derby Public House Social Room is located in the Entertainment District, which is predominantly entertainment and office uses, with limited retail use. Additionally, daytime uses may actually be encouraged because of the variety of day and evening dining that Derby Public House Social Room is helping to provide.

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.

All required parking for Derby Public House Social Room is within the allocated 600 feet of the property and is not 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 of district then:

a. The use shall not adversely impact residential uses.

b. The use shall provide methods of buffering residential uses.

Derby Public House Social Room is not located within 500 feet of residential use.

5. An active management and security plan shall be created, approved, implemented, maintained and enforced for the business.

A management and security plan have been attached as part of this application and will be implemented and enforced as part of standard operation.

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.

A written refuse and control plan has been submitted as part of this application. A permanent dumpster will be onsite. It will be picked up twice weekly and additional pickups can be done as needed. In addition there will be a cleanup crew that does nightly property pickups before and after hours of operation.

- 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.**

All exterior lighting shall be approved by the City of Scottsdale via permit process. No outward projecting speakers will be installed in the property. The use is away from all residential uses and should have no impact on surrounding uses during its hours of operation.

- 8. The applicant shall demonstrate the use shall meet required parking and shall not exceed capacity for traffic in the area.**

This application provides required and provided parking for proposed use. The parking requirement is detailed within the site plan data. The building provides enough parking for both a Bar Use and Live Entertainment Permit.

- 9. After hours establishments must maintain a valid after hour's establishment license.**

No after-hours operations uses are proposed.

This application also complies with the use permit criteria set forth in Scottsdale's Zoning Code, Section 1.403 (K) 1-10 for live entertainment as follows:

- 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.**

There is no access from Derby Public House Social Room to residential districts. The nearest residential district is located more than 500 feet away.

- b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or public street.**

The entrance to the building will be from Saddlebag Trail, which is a well-lit public street. The entrance will be clearly marked and easily identifiable.

- 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.**

Care is being taken in designing the floor plan to mitigate sound generated within the building. Derby Public House Social Room will comply with the noise standards set by and enforced by the City of Scottsdale.

- 3. The applicant has provided and obtained City approval of a written public safety plan.**
A security and maintenance plan has been submitted with this application. The owners of Derby Public House Social Room also operate Wild Knight across the street from this location and are familiar with all security requirements.
- 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 guidelines.**
The building is in an urban setting and has only one exterior building face. Fronting onto Saddlebag Trail, there will be no need for exterior lighting. Patio lighting is being proposed and will be approved by the Development Review Board.
- 5. The applicant shall provide and obtain City approval of a written exterior refuse control plan.**
Approval of a refuse plan will be obtained.
- 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.**
The proposed floor plan is provided with this application.
- 7. If access to the establishment is from a street other than once classified by the Transportation Master Plan as minor collector or greater, or if the establishment is located within the Downtown Area and access to the establishment is located on a street classified by the Transportation Master Plan as a local street or greater, the applicant shall provide a traffic analysis which complies with City's transportation guidelines. The traffic analysis shall demonstrate the level of service on all streets accessed by the use shall meet the City's standards.**
The city has not requested additional traffic analysis.
- 8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the City's written guidelines.**
No additional study has been required.
- 9. The applicant has provided any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.**
No additional information has been required by the Zoning Administrator.

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.**

External doors will 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.**

Derby Public House Social Room is not located within 500 feet of a residential district.

- c. The applicant/operator shall comply with all plans approved as provided herein.**

The owners of Derby Public House Social Room have demonstrated that they will comply with approved plans.

Conclusion

Derby Public House Social Room respectfully requests that the City of Scottsdale grant it a Conditional Use Permits to allow it to operate as a bar with live entertainment. The owners of Derby Public House Social Room are making a significant investment in the location and will significantly benefit the City's Entertainment District. Derby Public House Social Room looks forward to a bright future in Downtown Scottsdale.



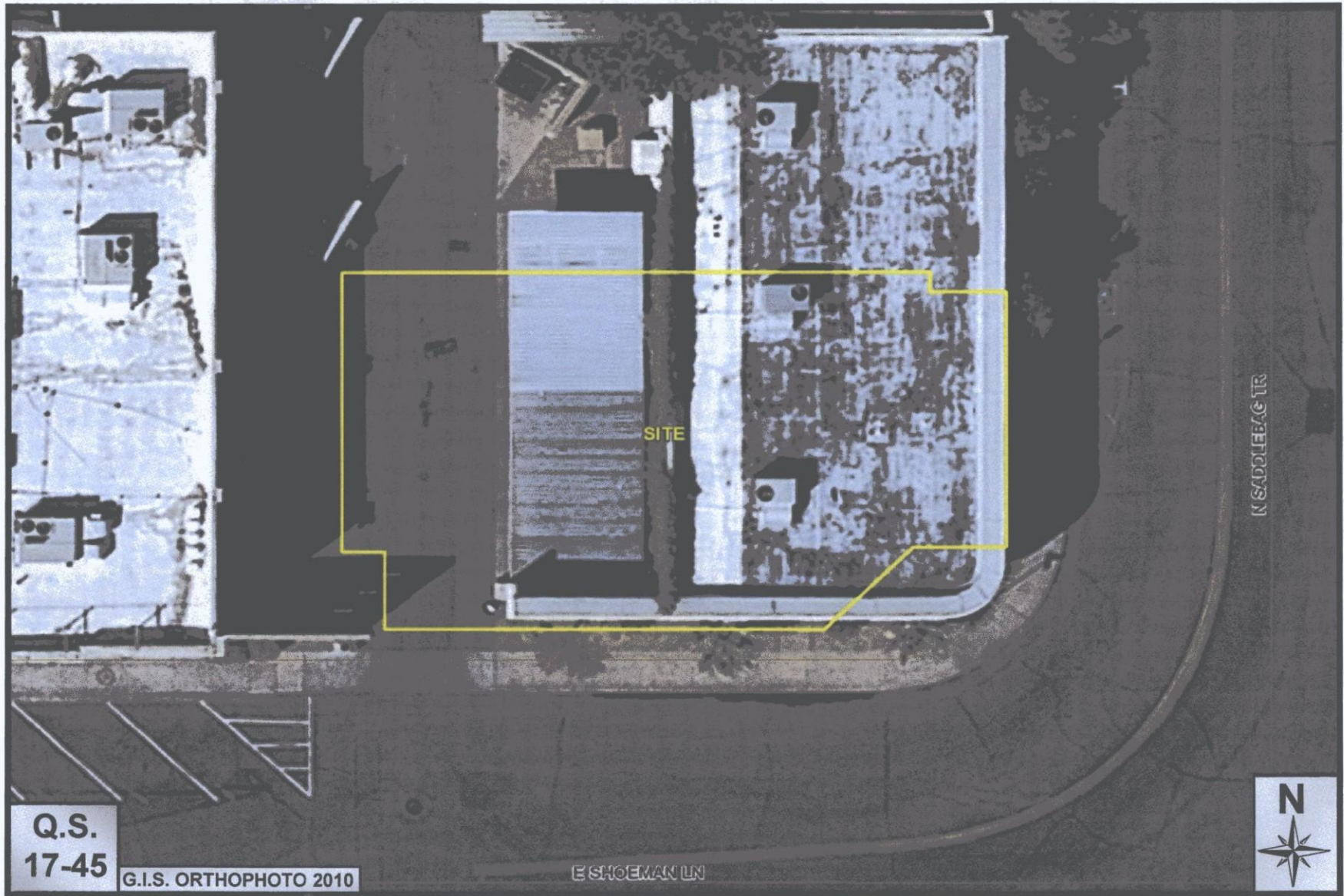
Q.S.
17-45

G.I.S. ORTHOPHOTO 2010

Derby Public House

21-UP-2012 & 22-UP-2012

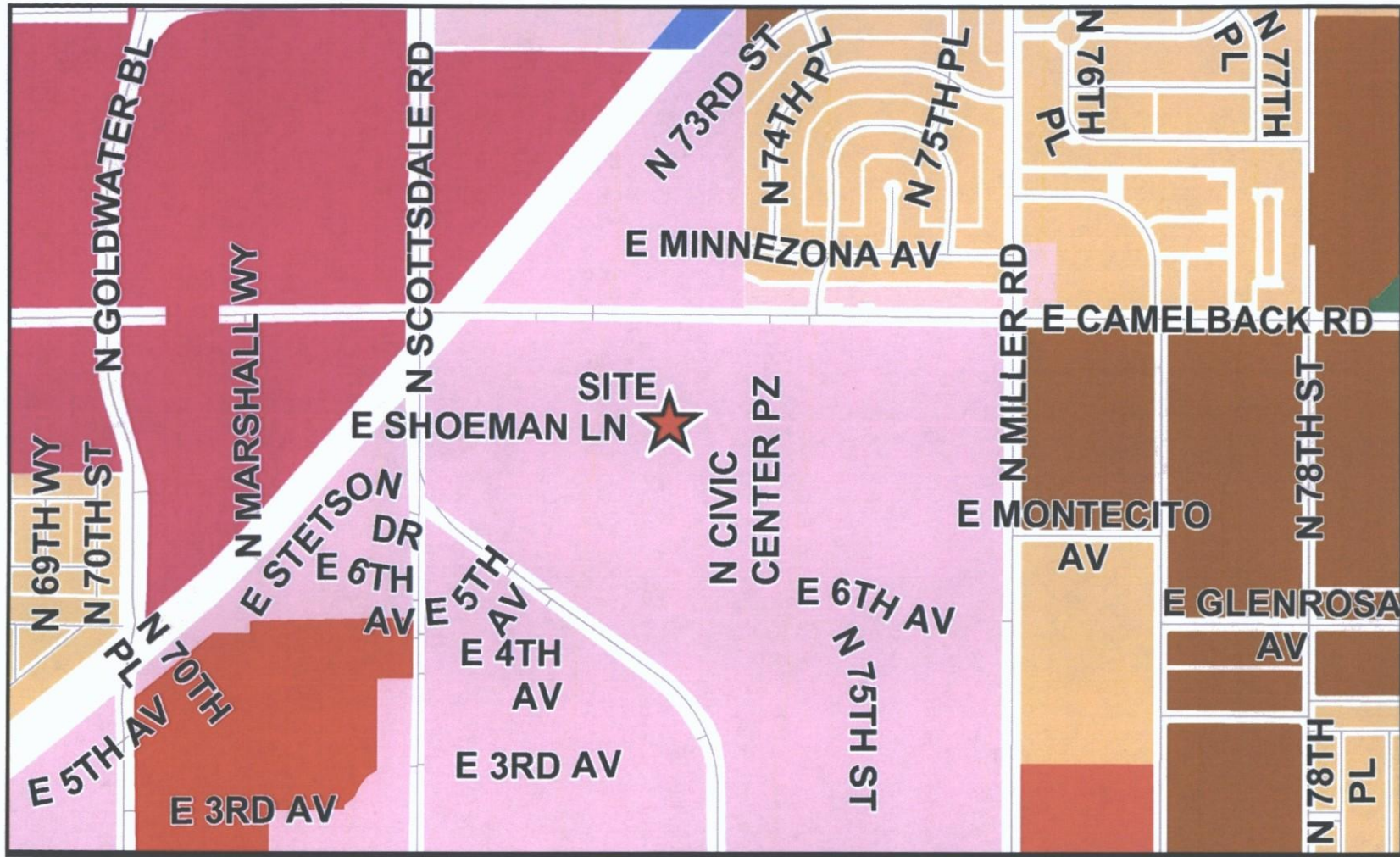
ATTACHMENT #4



Derby Public House

21-UP-2012 & 22-UP-2012

ATTACHMENT #4A



Land Use Designations

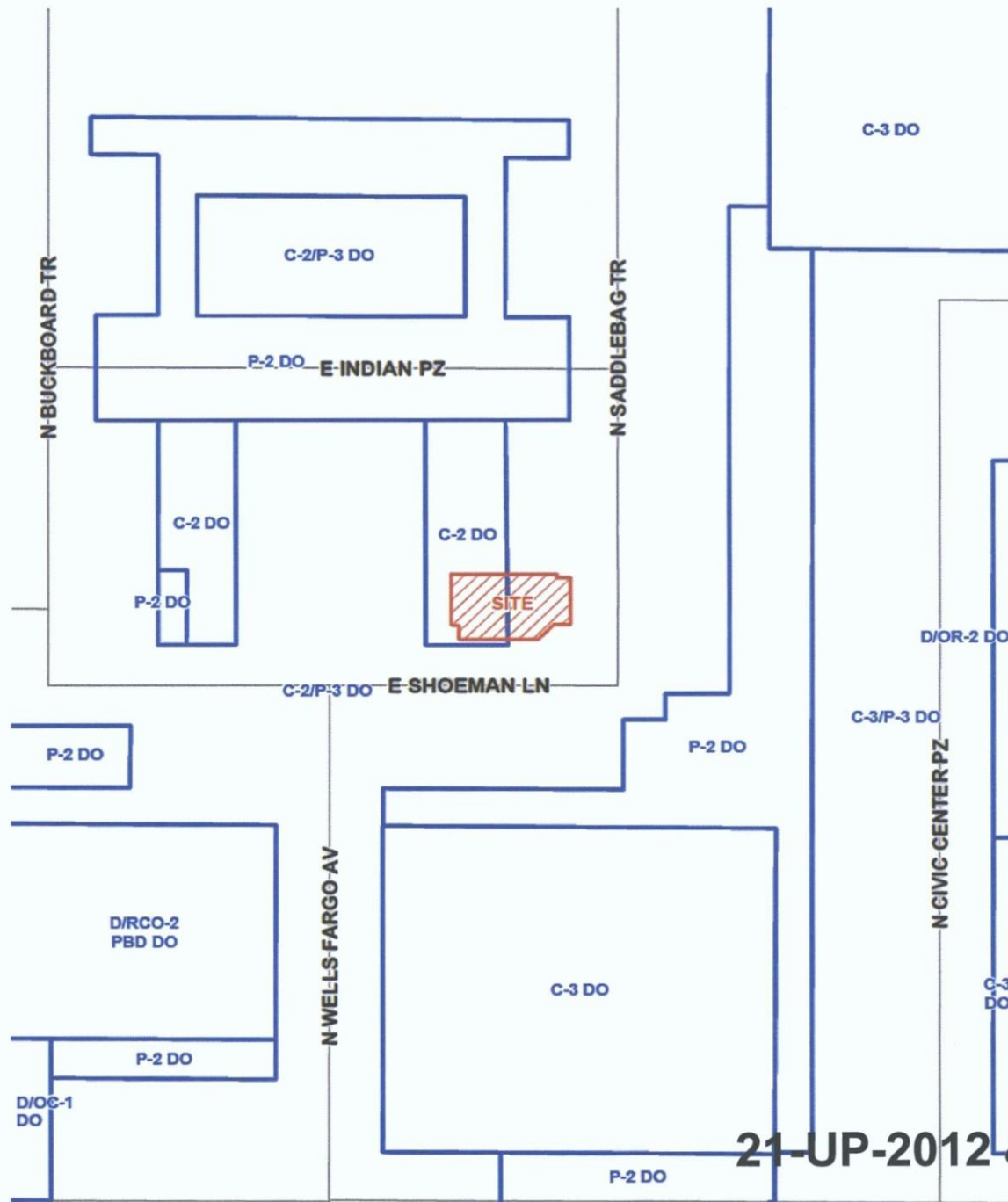
- Downtown Civic Center - Type 2
- Downtown Medical - Type 2
- Downtown Multiple Use - Type 2
- Downtown Core - Type 1
- Downtown Regional Multiple Use - Type 2

21-UP-2012 & 22-UP-2012

ATTACHMENT #5



Zoning Map

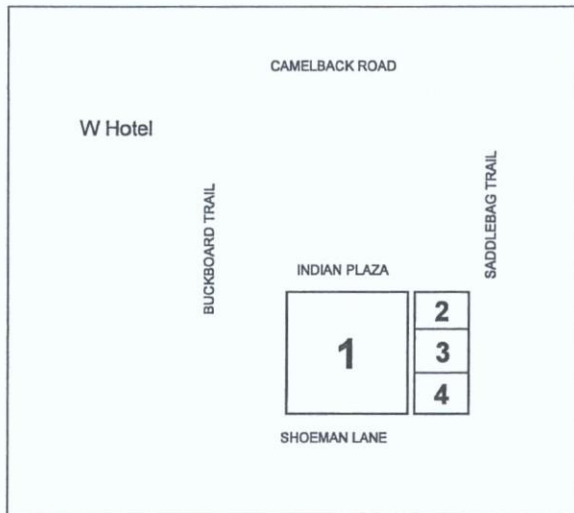


21-UP-2012 & 22-UP-2012
ATTACHMENT #6

NEIGHBORHOOD OPEN HOUSE NOTIFICATION

You are invited to a neighborhood open house on May 29, 2012 from 5:30 to 7:00 pm at the W Hotel meeting room to review the applications for conditional use permits being requested for properties within the Scottsdale Retail Plaza project, bounded generally by Indian Plaza, Saddlebag Trail, Shoeman Lane, and Buckboard Trail. Recently the City Council approved the abandonment of an alley and rezoning necessary to make the Scottsdale Retail Plaza possible, and the upcoming open house is intended to solicit neighborhood input on four applications for bar and live entertainment venues within the Scottsdale Retail Plaza.

The locations and individual applications are described below:



-
- 1 **Beach Club** 9-UP-2012 and 10-UP-2012
Conditional Use Permit for a Bar with Live Entertainment
 - 2 **Munchbar** 11-UP-2012
Conditional Use Permit for a Bar
 - 3 **Whiskey Row** 12-UP-2012 and 13-UP-2012
Conditional Use Permit for a Bar with Live Entertainment
 - ④ **Derby Public House** 166-PA-2012
Conditional Use Permit for a Bar
-

Historically, the property proposed for the Beach Club has been home to Myst and Suede, both bars. Myst was also approved for live entertainment. CUP's are now required for all new bars, and separate CUP's are required for bars that are proposing to have live entertainment. If you are not able to attend the open house, please feel free to contact the applicant or city staff processing the applications for more information.

WHEN: MAY 29, 2012 from 5:30 TO 7:00 PM.

WHERE: W HOTEL MEETING ROOM

For more information contact: Applicant contact: Randy Grant 480-748-8888
City staff contact: Kim Chafin 480-312-7734

ATTACHMENT #7

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

NEIGHBORHOOD OPEN HOUSE SUMMARY

The neighborhood open house for the Conditional Use Permits for all four establishments (Beach Club, Munchbar, Whiskey Row, and Derby House) was held on May 29, 2012 at the W Hotel. Of the 8 people attending, 6 expressed support for the project and 2 expressed concern about existing conditions within the commercial area – particularly trash and one instance of vandalism. The concerns were expressed about one particular business, and that business has been notified and is in contact with the concerned property owner. Four comment cards were submitted, all in favor of the project.

Attendees:

Flip Weber

Jeffrey Cohn

Kathy Cohn

Jon Wright

Mike Troyan

Ryan Hibbert

Anca Maras

Jennifer Jones

Other comments received from neighbors to date have been positive. Terry Brodtkin, owner of the Swiss Embassy building, has expressed frustration about the demolition work being done on the property, and about some service interruptions that have resulted from utility line disturbances. No other comments have been received from the public to date.

Our outreach efforts will continue and business owners within the area will be contacted with information about the project.

21-UP-2012
1st: 10/02/12

22-UP-2012
1st: 10/02/12

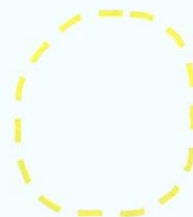
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

21-UP-2012 & 22-UP-2012

Derby Public House

ATTACHMENT #8