

**Marked Agendas
Approved Minutes
Approved Reports**

CITY COUNCIL REPORT



Meeting Date: April 28, 2015
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Rockbar Inc.
 2-UP-2001#3

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 10078 approving an amendment to an existing Conditional Use Permit for Live Entertainment located at 4245 North Craftsman Court with Downtown / Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning.

Key Items for Consideration

- Conditional Use Permit for Live Entertainment approved for this property in 2014
- Amendment is to allow north service windows to remain open during Live Entertainment
- Complaints have been received, but no code violations have been identified
- Planning Commission heard this case on March 25, 2015 and recommended approval with a unanimous vote of 6-0, and added a specific noise stipulation.

OWNER

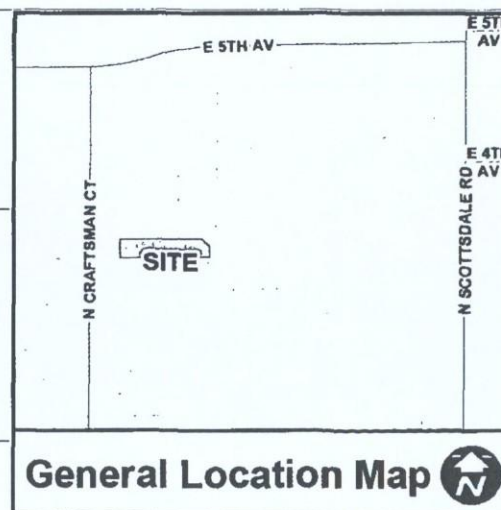
JE Southwest Group Real Estate, LLC
 602-679-7676

APPLICANT CONTACT

Alex Mundy
 Rockbar, Inc.
 602-478-3136

LOCATION

4245 North Craftsman Court



BACKGROUND

In September, 2001 the City Council approved a Conditional Use Permit for Live Entertainment. As part of the conditions of approval, the City Council required that all doors and windows where to remain closed during live entertainment activities. In October, 2013 the applicant submitted an application (2-UP-2001#2) that included a request to modify the conditions of approval to allow the windows in the north building elevation to be open during live entertainment activities. With the approval of the application, 2-UP-2001#2 the City Council incorporated a condition to allow the windows in the north building elevation to remain open during live entertainment for a period of one year. The intent of this condition was to allow the City Council to review the effects of the allowing the windows in the north building elevation to remain open during live entertainment activities after a one year trial period. The condition to allow the windows to be open during live entertainment activities expired on February 15, 2015.

Character Area Plan

The Downtown Future Land Use map of the Downtown Plan designates the site as Downtown Core – Type 1 (Attachment #4A.) within the Arizona Canal Conceptual Urban Neighborhood. This land use is characterized as the lowest intensity of development in the Downtown that retains small lot development patterns, active ground level, specialty retail, and tourist attractive land uses (DP LU 2.3).

Zoning

The site is currently zoned Downtown / Downtown Core – Type 1 Downtown Overlay (D/DC-1 DO). This sub-district designation allows full range retail and service uses, office, cultural institutions, municipal, restaurant and residential uses.

Context

The subject property is located south of the southwest corner of East 5th Avenue and North Craftsman Court. The site is generally surrounded by bars, bars with live entertainment, offices, parking, restaurants, retail, and a retail use with a residence on the west side of North Craftsman Court. Please refer to context graphics attached.

Other Related Policies, References:

- | | |
|-------------|--|
| 2-ZN-2001 | City Council approval of a Zoning District Map Amendment from Central Business (C-2) to Downtown/Retail Specialty Type – 1 (D/RS-1) |
| 2-ZN-2001#2 | City Council approval of a Zoning District Map Amendment from Downtown/Retail Specialty Type – 1 (D/RS-1) to Downtown / Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning to amend stipulations pertaining to live entertainment. |
| 2-UP-2001 | City Council approval of a Conditional Use Permit for Live Entertainment |
| 2-UP-2001#2 | City Council approval of a Conditional Use Permit for Live Entertainment to amend stipulations to allow the north service windows to be open during Live Entertainment |

2004-010-COS Outdoor Dining License

APPLICANTS PROPOSAL

The applicant's request is to amend the stipulations of an existing Conditional Use Permit for Live Entertainment to allow the service windows on the north side of the building to be open during live entertainment performances for a property located at 4245 North Craftsman Court called Rockbar.

Development Information

- Existing Use: Existing bar with live entertainment
- Proposed Use: Bar with live entertainment
- Parcel Size: \pm 2,896 square feet
- Parking Required: 39 spaces
- Parking Provided: 44 spaces
- Floor Area: 2,537 square feet

IMPACT ANALYSIS

Land Use

Even though the proposed uses are not specifically stated in the General Plan's Mixed-Use Neighborhoods description, the existing bar and live entertainment land uses are consistent with the intent of this designation. Also, included in the General Plan's Mixed-Use Neighborhoods description is that these areas have access to multiple modes of transportation (e.g. pedestrian, bicycle, transit, vehicular, etc.). In addition to typical vehicular and pedestrian access, the site is served by a Downtown Trolley.

The land use designation is intended to encourage specialty retail and regional tourist attractions that strengthen the Downtown's mix of uses and activities through the development of mutually supportive land uses. In addition, this designation encourages the retention of the small lot development pattern and active ground level land uses. As further discussed in the Community Input section of this report, as stipulated in conditions of the Conditional Use Permit, the proposed modifications to the Conditional Use Permit application are not anticipated to have an impact on the adjacent properties.

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.
 - **All live entertainment will occur indoors within the existing bar. The proposed modification to the stipulations is to allow the service windows in the north building elevation to remain open during live entertainment performances. All other doors and windows are stipulated to remain closed during the live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The establishment currently has a live entertainment Conditional Use Permit. The proposed modifications to the stipulations are to allow the service windows in the north building elevation to remain open during live entertainment performances are not anticipated to impact existing traffic 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 site is surrounded by a mix of various bars, bars with live entertainment, offices, parking, restaurants, retail, and retail with residential uses. The proposed live entertainment use is an accessory use to the existing bar, and is reasonably compatible with the existing uses in the surrounding area.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.K., including:
1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
 - **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning 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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
 - **Consistent with the stipulations from the previous Conditional Use Permit, all doors and windows are to remain closed, except for the service windows in the north building elevation. The applicant is requesting to allow the service windows in the north building elevation to remain open during the hours live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks occurring before 6:00 p.m.**
 - **No exterior speakers downstairs or on the ground floor patio will be provided. The**

previous approval of the Conditional Use Permit allowed for small speakers on the second floor patio to be provided for ambient sound during live entertainment. No modifications are proposed. A stipulation pertaining to sound mitigation that is provided on the west building wall is being maintained from the previous approvals to ensure the mitigation remains. The sound mitigation for the west building wall was previously approved to address the stipulations of the existing Conditional Use Permit in.

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 existing exterior lighting plan was submitted and approved, and is on file with the Planning and Development Services Department.**
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 applicant has provided a floor plan that clearly identifies the area of the establishment where the stage is to be located.**
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 establishment is in the Downtown 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.
 - **The Zoning Administrator has determined that a parking study is not required. The property provides parking through existing parking improvement district credits, in-lieu parking credits, and remote parking agreements. In addition, the property is directly adjacent to the 3rd/5th Avenue parking garage that contains 409 parking spaces.**
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
 - **No additional information was requested by the Zoning Administrator.**
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
 - **Consistent with the stipulations from the previous Conditional Use Permit, all doors and windows will be closed, except for the service windows in the north building elevation that are being requested to remain open during live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks**

occurring before 6:00 p.m.

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 five hundred (500) feet of a residential district shown on Table 4.100.A.
 - **The property is not within five hundred (500) feet of a residential district, although there is a retail building with a residence located across the street. Small speakers on the second floor patio are provided for ambient sound during live entertainment.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
 - **The stipulations for this Conditional Use Permit include substantial conformance to the site/floor plan provided by the applicant as part of this application.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
 - **The establishment has previously received approval of construction documents from the City that demonstrated conformance to the Building Code and the exterior lighting plans approved by the Development Review Board. No modifications to the building are proposed with this application.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
 - **The applicant understands the proposed live entertainment use is subject to the provisions of the City's Noise Ordinance.**

Public Safety and Code Enforcement

The nearest fire station is located at 7522 East Indian School Road, approximately one-half mile from the site. No significant impacts to existing service levels are anticipated. The Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department. Over that past year, Rockbar has not had any code or Conditional Use Permit violations.

Liquor License Review

The establishment is currently operating under an existing Series 6 (Bar) liquor license, approved under case 90-LL-2011.

Community Involvement

Surrounding property owners within 750 feet have been notified by the city and the property has been posted. The applicant has notified the property owners within 750 feet, and has held an open house meeting on February 3, 2014. Several people attended the meeting in support and opposition to allowing the service window in the north building elevation to remain open during live entertainment. Staff has received a several letters and emails regarding this application. Three of the emails were pertaining general information and clarification questions. The letters and email was in opposition, are included as Attachment 5A. Most of the letters in opposition are from business on North Marshall Way, some on North Craftsman Court and East 5th Avenue, and others

are from individuals and associations that are active in the area. Several letters of support have been submitted, Attachment 5B. Most are from businesses on North Craftsman Court.

Community Impact

According to the comments provided on the open house meeting sign in sheet, all individuals that are opposed to the application to allow the service window in the north building elevation to remain open during live entertainment are associated with daytime business in the complex to the north, across the street to the west, or are property owners within approximate 150 feet to the southwest. Most of the daytime business establishments end business operation at, or before 6:00 p.m. The property/daytime business owner directly to the south has submitted a letter in support. The applicant has indicated in the Neighborhood Notification Report (Attachment #5) that the live entertainment activities rarely occur before 7:00 p.m. Therefore, evening and nighttime oriented business would be the most effected by allowing the service window in the north building elevation to remain open during live entertainment. Four of the five late evening and nighttime oriented business on North Craftsman Court have submitted letter of support (Attachment 5B). To address the daytime oriented business concerns, the applicant has agreed to a stipulation that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m.

OTHER BOARDS AND COMMISSIONS

Planning Commission

Planning Commission heard this case on March 25, 2015 and recommended approval with a unanimous vote of 6-0 with the following added condition:

- NOISE. Noise generated during live entertainment, including any speakers or other amplification equipment, shall not exceed 68 decibels at a distance of one hundred fifty (150) feet measured horizontally in any direction from the property line of property identified in case 2-UP-2001#3.

Staff's Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 10078 approving an amendment to an existing Conditional Use Permit for Live Entertainment located at 4245 North Craftsman Court with Downtown / Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning.

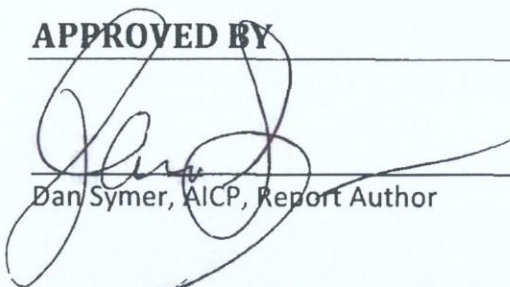
RESPONSIBLE DEPARTMENT

Planning and Development Services
Current Planning Services

STAFF CONTACT

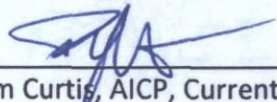
Dan Symer, AICP
Senior Planner
480-312-4218
E-mail: dsymer@ScottsdaleAZ.gov

APPROVED BY



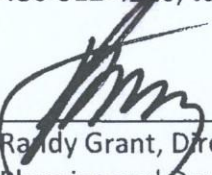
Dan Symer, AICP, Report Author

4-6-2015
Date



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

4/13/2015
Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

4/13/15
Date

ATTACHMENTS

1. Resolution No. 10078
 - Exhibit 1. Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2: Site/Floor Plan
 - Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. General Plan
- 4A. Downtown Plan
5. Neighborhood Notification Report
- 5A. Letters in Opposition

- 5B. Letters in Support
- 6. Security, Maintenance Plan
- 7. City Notification Map
- 8. March 25, 2015 Planning Commission Minutes

Open House Sign-in Sheet/signature information

Event: Public Input open house at Roc Bar 4245 North Craftsman Court

Tuesday, Feb 3, 2015 5 to 7 pm

Re: request to change 1 year CUP to permanent for live entertainment and service windows open

In the interest of accurate reporting regarding the public input signatures gathered at the Roc Bar open house, COGS (The Coalition of Greater Scottsdale) has the following additional information on the signees separated into 3 categories: Merchants/residents in immediate area, bar patrons and employees.

Area merchants and property owners:

Alexis Sebastian	Celebrity Encore	opposed
Florine Tamasco	4234 and 4228 N Craftsman Court	opposed
Fredrika Ranucci	4234 and 4228 N Craftsman Court	opposed
Steve Johnson	4224 N Craftsman Court (merchant & resident)	opposed
Carol Brinkman	Celebrity Encore	opposed
Iris Abdo	Back to the Rack	opposed

BAR PATRONS who signed

Vincent & Kristine Marquardt	4337 N 70 th St	For
David Anthony	7721 W. Palo Verde, Glendale AZ	For
Brittany Miller	9600 N 96 th Street #179	For
Amanda Loy	4539 E. Glenrosa Phoenix	For
Gail Lichtenstein	5042 N Granite Reef Rd	For
Kelly Hale	7037 E Loma Land Drive	For
Matt Simon	Tempe	For
Drew Santos	E. Persimmons in Mesa AZ	For
Jayson Johnson	Scottsdale	For
Neil J. Beringer	7508 E Moreland	For
Sami Bush	W. Angel Fire Phoenix	For
John Steken	2402 E Mercer Lane Phoenix	For
Chris Bizup	Scottsdale	For

Shawn Johnson 1014 E Spence Ave # 201 Tempe	For
Justin Stewart Tempe	For
Andrew Berkenkamp Phoenix -camera operator	For
Todd L Williams Scottsdale	For
Robert C Berg 7020 E Chaparral Rd	For
Evan Berg 7020 E Chaparral Rd	For
Jami Hyatt 2323 E. Apache Blvd #1110 Tempe	For
Joel Tagle (unknown address)	For
Jake Dean 6030 E Crocus Drive	For
Angel Diaz Phoenix	For
Tony Tello 7508 E Moreland	For
Alex Porter Phoenix	For

EMPLOYEES OF ROCK BAR who signed

Nima Parvin 14545 N. Frank Lloyd Wright # 2063	For
Cassie Ulloa Peoria AZ	For
David Azari 5971 E Thomas Rd	For
Lindsey Meyer (no information)	For
Jerry Barno 2938 N 61 st Place	For

FACT SHEET REGARDING THE ROCK BAR

28 April 2015 City Council Agenda Item

1. **RockBar is operating without the required Amended CUP** that permits their "service windows" to be open during Live Entertainment. Council approval expired 16 February 2015. Live performances were scheduled almost nightly in February and March. The April website advertises 15 events of which 8 have Special Event Committee approval. This is not just a weekend experience by the area merchants and business owners.
2. **The term "service windows" lacks a specific definition and size control.** At RockBar the two windows in 2015 measure approximately 9 ft. X 3 ft. each for a total of approximately 54 square feet of gaping openings in the northern wall. (see picture). The 2-UP 2001 #3 stipulations re-dated 2/9/2015 #8 describes them as "two small windows" Have they been remodeled to a wider opening, if so when ?
3. **Because of the oversized openings, sound is not contained inside the building.**
4. **No other liquor sales businesses currently operating on Craftsman Court conduct Live Entertainment performances.**
5. **Retail and service businesses are the majority land uses on Craftsman Court.**
6. **One resident lives immediately across the street above his retail business and has for years.**
7. **The applicant's report to the Planning Commissioners erroneously states that [the outdoor sound] "...is not anticipated to have an impact on adjacent properties"**. This is contrary to the area merchants' and resident's repeated 2013, 2014 and 2015 complaints to the RockBar managing partner, COS code enforcement and the downtown police.
8. **The Noise Ordinance fails to protect downtown merchants from live performance sounds that impact outside that building.** No violations have ever been issued. Music is not to begin prior to 8 pm according to the Special Events Committee member, Mr. Moriarty. The Planning Commissioners' stipulation copied that time. They also included a maximum of 68 db at 150 ft and beyond from the RockBar property line.

Prepared by COGS Chair, Sonnie Kirtley

Board@cogsaz.net

Cellular: 602 717 3886

RESOLUTION NO. 10078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE STIPULATIONS OF AN EXISTING CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT PERTAINING TO EXTERNAL WINDOWS, FOR AN EXISTING BAR LOCATED AT 4245 N. CRAFTSMAN COURT WITH DOWNTOWN / DOWNTOWN CORE - TYPE 1 DOWNTOWN OVERLAY (D/DC-1 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on March 25, 2015; and

WHEREAS, the City Council, held a public hearing on April 28, 2015.

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. 2-UP-2001#3. 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 28th day of April, 2015.

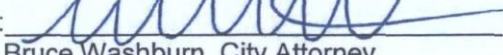
ATTEST:

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



Rockbar Inc.

Exhibit 1
Resolution No. 10078

2-UP-2001#3

Conditional Use Permit – Live Entertainment

Stipulations:

Rockbar Inc. for

Case Number: 2-UP-2001#3

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

Bold and italic font are modifications made by the Planning Commission.

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 2-UP-2001#3, supersede all of the stipulations of case 2-UP-2001#2.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL SITE PLAN FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual site/floor plan submitted by Rockbar, Inc. and with the city staff date of 2/09/2015, 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.
3. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to:

	Allowed Start of the Live Entertainment	To	Required End of the Live Entertainment
Sunday	10:00 a.m.	To	2:00 a.m.
Monday	3:00 p.m.	To	2:00 a.m.
Tuesday	3:00 p.m.	To	2:00 a.m.
Wednesday	3:00 p.m.	To	2:00 a.m.
Thursday	3:00 p.m.	To	2:00 a.m.
Friday	3:00 p.m.	To	2:00 a.m.
Saturday	10:00 a.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. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions that establish the higher standard of protection to the public health and safety shall apply.

5. SOUND MITIGATION. Sound mitigation shall be provided on the inside of the west building wall behind the live entertainment area indicated on the conceptual site/floor plan, subject to the approval of the Development Review Board.
6. 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.
7. **MAXIMUM NOISE DECIBELS.** *Noise generated during live entertainment, including any speakers or other amplification equipment, shall not exceed 68 decibels at a distance of one hundred fifty (150) feet measured horizontally in any direction from the property line of property identified in case 2-UP-2001#3.*
8. EXTERNAL SPEAKERS. External speakers shall be limited to the second floor patio and directed inward. No other external speakers are permitted.
9. EXTERNAL DOORS AND WINDOW. The service windows on the ground floor in the north building elevation shall remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m. All other external doors and windows shall be closed but not locked during live entertainment.

PARKING

10. PARKING ASSURANCE AGREEMENT. Thirty (30) days before the expiration of the assurance agreement, the owner shall submit a new assurance agreement to the Zoning Administrator, subject to city review and approval. If the owner is unable to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator or designee, it may be grounds for a revocation the Conditional Use Permit.

ADMINISTRATIVE PROCESS

11. 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.
12. 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.

SCALE: 3/16"=1'-0"



SCALE: 3/16"=1'-0"

EXIT DATA	
OCCUPANCY	A-2
OCCUPANT LOAD	BUILDING: 204 OUTDOOR PLAZA: 21
NAVL PATH OF TRAVEL TO EXIT HAS ALLOTTED:	2500'
NAVL PATH OF TRAVEL HAS ALLOTTED (TYPICAL):	141'
EXIT METHOD	75'
DOOR 101 (MAIN ENTRANCE/EXIT)	49'
SCORE OF EXITING OCCUPANCY = 164	
NEEDED:	$164 \times 25 = 4100'$
ACTUAL PROVIDED:	384'
DOOR 102 (REAR DOOR)	
SCORE OF EXITING OCCUPANCY = 164	
NEEDED:	$164 \times 25 = 4100'$
ACTUAL PROVIDED:	384'
DOOR 201	
SCORE OF EXITING OCCUPANCY = 64	
NEEDED:	$64 \times 25 = 1600'$
ACTUAL PROVIDED:	384'
DOOR 202 (REAR UPSTAIRS GATE)	
SCORE OF EXITING OCCUPANCY = 64	
NEEDED:	$64 \times 25 = 1600'$
ACTUAL PROVIDED:	384'

ROCK BAR INC.
4245 N. CRAFTSMAN COURT
SCOTTSDALE, ARIZONA

SCOTTSDALE, ARIZONA



DATE	REVISED
SIXTY FIRST PLACE ARCHI TECTS	CITY OF BOSTON CCCCC
JOB NUMBER 11024	
DATE 8/5/11	
SHEET NO. A-1.0	

2-UP-2001#3
2/9/2015

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, except as permitted by the Conditional Use Permit. 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.

**ROCKBAR INC.
4245 N. CRAFTSMAN COURT
SCOTTSDALE, AZ 85251**

CONDITIONAL USE PERMIT NARRATIVE

This application is to permanently amend the current Live Entertainment Conditional Live Use Permit for Rockbar Inc. Rockbar is an existing bar/live music venue, located at 4245 N. Craftsman Court, and has been operating at Rockbar since November 17, 2011. Rockbar Inc. obtained and transferred the previous Live Entertainment Use Permit in the purchase of the business(Acme Bar & Grill) in June. 2011. This permit had been in place since 2001.

Rockbar Inc. is seeking to leave open the two service windows on the North side of Rockbar, during live music. These window, that face the alley to the north and have access to our patio, are used to serve patrons sitting outside looking in during live entertainment and in general.

Conditional Use Permit Criteria for Live Entertainment

1.401 Conditional Use Permit Criteria

- A. That the granting of such a 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.**
 - 2. Impact on surrounding areas resulting from an unusual volume or character or traffic.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.**

This property has been used as a bar/restaurant for nearly 20 years, and for 13 years with service windows allowed to be open during live entertainment.

- C. **The additional conditions specified in Section 1.403, as applicable, have been satisfied.**

1.403.K. Live Entertainment.

1. **The applicant has provided and obtained City approval of a written Security and Maintenance Plan.** Security and Maintenance Plan has been submitted and approved, along with the new PPS 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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.** Sound curtain on stage, along with all interior speakers and inward towards establishment and not towards street maintains forcing sound inside towards building. No exterior speakers downstairs, and small upstairs speakers, approved for ambien sound during 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.** An existing exterior lighting plan was submitted and approved upon purchasing the business in 2011.
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.** Floor plans included in application, with service windows labeled to be kept open during live 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 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.** Establishment is in the Downtown area.

6. **If the zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City requirements.** Parking Study was done when business was purchased and approved.
7. **The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.** No additional information has been requested by the Zoning Administrator at this time.
8. **All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.** All doors and applicable windows will remain closed during live performances, except seeking to remain to keep two small service windows on north side of bar, facing the alley, open to serve customers during live entertainment.
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 five hundred(500) feet of a residential district shown on Table 4.100.A.** There is not a residential district located within 500 feet of the property.
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 te Building Code and the exterior lighting plans approved by the Development Review Board.** All Patrons Entrances are illuminated, clearly marked and controlled by staff.
12. **Noise generated from the live entertainment shall conform to the City's Noise Ordinance.** All noise from live entertainment will conform to the City of Scottsdale's Noise Ordinance.

To Whom It May Concern:

With the letter Rockbar Inc. ("**Rockbar**") is requesting that the City Council approve issuance of a Live Entertainment Conditional Use Permit specifically allowing its service windows located on the north side of its premises to remain open during Live Entertainment.

Rockbar first purchased the business at 4245 N. Craftsman Court, Scottsdale, on June 3, 2011, and opened for business on November 17, 2011. Rockbar's establishment continues the same type of business operation that has been at 4245 N. Craftsman Court since 1996. In fact, the service windows at issue, on the north side of the premises, were used by the prior business owner since 2001, and Rockbar continues to operate under the same service window privileges that the prior owner had, which allows Rockbar to keep the two service windows on the north side of the premises open for the patrons sitting on the north patio during Live Entertainment and music.

In February 2014, the City Council granted Rockbar a Conditional Use Permit allowing the two service windows in question, to remain open during Live Entertainment; however, the City Council granted the Permit for a temporary one-year period, with the intent that the Council would re-evaluate and reissue a permanent Permit (i.e., without any requirement to reapply in the future) if the open service windows did not prove to be overly burdensome on the surrounding area during the temporary one-year period. During our year long trial period, Rockbar Inc. has received no noise violations from these windows being open. Considering that it is now one year later, Rockbar is now requesting that the City Council vote to approve the issuance of a permanent Conditional Use Permit for Rockbar.

As has always been the case, Rockbar agrees that it will keep the doors facing Craftsman Court (including the large garage door) closed during its Live Entertainment events. Rockbar merely requests that the Council allow the service windows located on the north side of the premises to remain open during its Live Entertainment events.

Rockbar hopes that the Council will approve this request, and would like it to strongly consider the following:

- During the three (3) + years that Rockbar has operated, it has never received a violation, citation, fine or similar for misuse of its Live Entertainment Conditional Use Permit, nor has Rockbar ever been cited for any noise violations.
- Nearly 99% of the time that Live Entertainment performs at Rockbar, the acts begin their performances well after the surrounding business have closed for the evening. In fact, acts generally do not begin to perform until 7:00 p.m. or later; however, in full disclosure, from time-to-time Rockbar will sponsor a charitable event and the related Live Entertainment may begin earlier, but those events are held on the very rare occasion and even then the acts do not begin much earlier than 7:00 p.m.

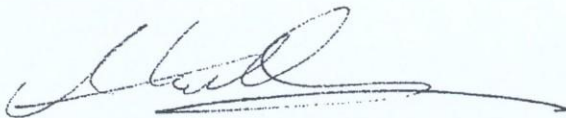
- Rockbar operates in a commercial district, not in district zoned residential, and is more than 600 ft. away from any residential zoned areas.

Rockbar has always done its best to be respectful of its neighbors, and has done many things to involve itself in and to promote the City of Scottsdale, including for instance participating in The Taste of Scottsdale and producing and promoting Scottsdale's Ultimate Block Party each of the past four years.

Rockbar hopes that the Council will reinvest in Rockbar, and allow it to continue to operate as it has been since it opened, by approving the requested Live Entertainment Conditional Use Permit.

Thank you in advance for your cooperation.

Sincerely,

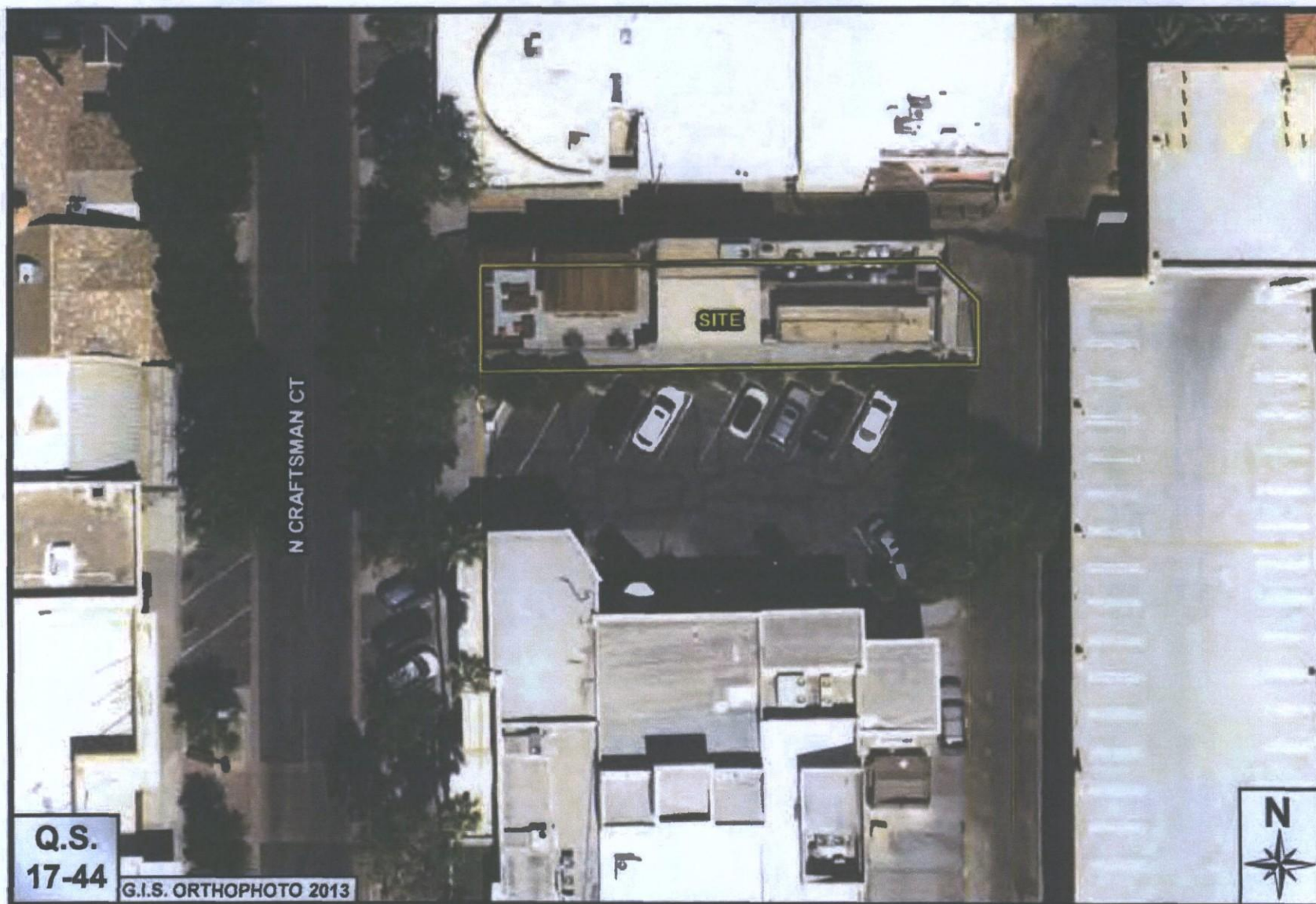
A handwritten signature in black ink, appearing to read 'Alex Mundy', with a long horizontal flourish extending to the right.

Alex Mundy

Owner

Rockbar Inc.

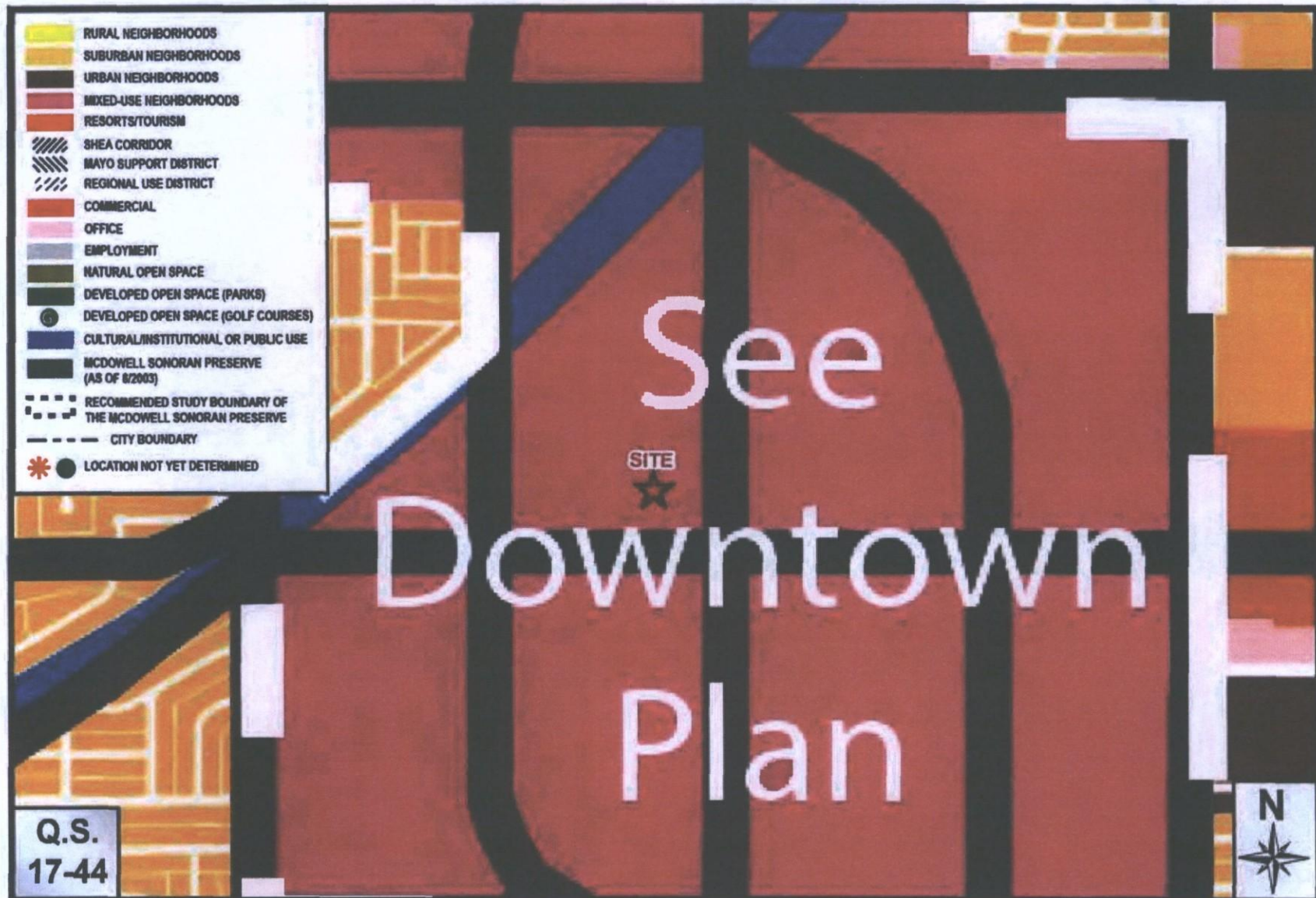
2-UP-2001#3
2/9/2015



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #3



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #4



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #4A

ROCKBAR INC. NEIGHBORHOOD NOTIFICATION REPORT

All neighbors and interested parties were contacted through mail regarding a neighborhood Open-House, that was held on Tuesday, February 3rd at 5:00pm. The White board for notification of this meeting was posted on the West wall of Rockbar Inc. on January 14th.

Attached are the mailing lists of neighbors within 750 feet, as well as interested parties, which all were mailed letters. Also included are the sign in sheets from that neighborhood meeting.

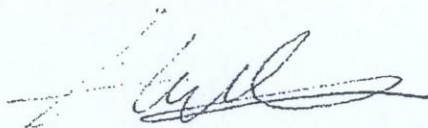
Some neighbors with concerns showed up, as well as many supporters of Rockbar Inc., and for our service windows to remain "open" during live music.

We spoke with a few of the neighbors who had concerns, and were "opposed" to our permanent amendment of our Live Entertainment Use Permit. Others just came in, signed and left with no questions. We answered their questions and tried address concerns; however, we found that those who were opposing, really didn't seem to understand what is indeed in question.

Most of those opposing were discussing doors and our garage window being open during day hours when ambient music sound or tv sound might come out of those doors/windows, and some of their personal dislike of the music or atmosphere. This doesn't address our Conditional Use Permit at hand. However, under our normal operations, we rarely, if ever, have had live music during these hours; typically always beginning live music at 7pm or later. It seemed as though most didn't understand that the only issue at hand is just keeping the north service windows open during live music, as they have always been allowed to be since 2001. All doors and other windows will continue to remain closed during live entertainment.

Many supporters came as well to express their support of keeping the windows open to the patio for service during live entertainment. The supporters, including many of the Rockbar Inc. staff as well, talked about their love and the feel of Rockbar Inc., with the patio atmosphere

with a live music element, which was and is our key element for
business at Rockbar Inc.

A handwritten signature in black ink, appearing to read 'Alex Mundy', with a stylized flourish at the end.

Alex Mundy
Owner
Rockbar Inc.

Letters of Opposition

ATTACHMENT 5A

Symer, Daniel

From: sandy [mailto:sandra@hbc.com]
Sent: Thursday, February 12, 2015 8:36 PM
To: Symer, Daniel
Subject: Rock Bar

Hello Mr. Symer,

As a concerned citizen, I would like to know the status of the one year amended CUP which was approved during 1/14/14 council meeting with a 4/3 vote in favor of leaving the service windows open. Those service windows are both 3 foot by 9 foot so they are not a small opening but, in fact, function as the opening to the full bar with bar stools for all patrons to drink and smoke on the leased alley way patio. By the way, that patio becomes larger as needed as the rails enclosing the patio are a temporary structure. It's my understanding that the temporary amended CUP ends on 2/15/15. So my question to you is, **do the service windows and doors now have to remain closed during live music performances after 2/15/15?**

I can testify to the abuse of this bar. Last spring I went to the Citizens Public House to have dinner before going to art walk. My friend and I sat on their patio only to be exposed the fumes from a 40 foot roadie bus with trailer attached which left it's diesel engine running for about an hour while the band unloaded. They not only blocked in the cars that were parked on the street but prevented me from parking nearby. We asked to go inside the restaurant because of the fumes. Once inside the CPH the band started to warm up. It was about 5:30 pm. The floor shook from the vibrations of the speakers. The CPH is at least a football field from the Rock Bar. The music was extremely loud. I then asked that the restaurant manager to close their sliding doors. I've heard the music playing on the weekends during the day while on 5th Avenue which I have found disturbing and RUDE. Even when the Roc Bar doesn't have a live band, they turn all their TV's up so loud you can hear them up and down Craftsman Court. They are BAD neighbors.

On 2/3/15, I went to the Open House. I signed in as opposed to having the windows open during live entertainment along with out 10 other people. At 5:15 I left and went to the city council meeting. At 6:45, I returned to the Rock Bar on 2/3/15. Alex Mundy was no where to be found and neither were the sign in sheets. I asked the bartender what happened. He said he had another sheet I could sign. I wrote on the sheet that it was then 6:50 pm and the sheets were gone. Another concerned citizen Patty Badenoch was with me. She had received the letter announcing the Open House and signed in. I understand that Mr. Mundy turned in 5 sheets to the city and one was filled in after I was there at 6:50. There were no addresses or contact information with all of those signatures.. many of those signatures were from Mundy's face book friend list and his bartenders and employees. Is that legal to allow Mundy to go to his people to sign after the open house? Why bother to have an open house if there is no way to confirm the time and who these people are?

I have seen videos of a recent performance by Ella Kaye. It's nothing but screaming, very loud disgusting hard rock with a bass that shakes the entire street. This bar should be in the bar district on the east side of

Scottsdale Road. It's apparent that if this abuse of the neighbors in the area continues, businesses will be forced to sell and the entire 5th Avenue/Craftsman Court will become an extension of the existing bar district.

I simply don't understand the logic presented by Mayor Lane, Linda Milhaven, Suzanne Klapp and Virginia Korte when they voted to leave the windows open for live entertainment. I've watched a replay of that 1/14/14 meeting a few times and I do not think they understood what they were voting for. I would hope you can get this straightened out and force the Rock Bar to close their windows according to the original CUP effective 2/15/15. Thanks for your service to our city and correcting the errors of this situation. I will await your reply. Sandy Schenkat 480-268-9200



The Coalition of Greater Scottsdale

7904 East Chaparral Road, suite A110- 127

Scottsdale, AZ 85250

www.COGSaz.net

e: mails: cogsboard@cogsaz.net

18 March 2015

TO: Planning Commissioners, City of Scottsdale

RE: Case 2 UP 2001 #3 Rock Bar 4245 N Craftsman Court, Scottsdale AZ

The Coalition of Greater Scottsdale (COGS) supports the area merchants and resident in their opposition to any approval of the requested Amended CUP in this case and requests the Planning Commissioners deny the Case 2 UP 2001 #3..

Included in this packet:

Image of the "service windows" that are currently open during Live Entertainment.

1. Opposition signature petition from immediate area merchants with 15 signatures
2. Opposition letter from Fred Unger of Scottsdale Canal Project LLC dated 17 March 2015
3. Opposition letter from Richard Simonson of Sunbrella Properties LTD, Steve Johnson Atelier, Inc and Florine Tamasco, Managing Member of 4228 and 4234 Craftsman Court LLC March 12, 2015
4. Opposition letter from Veronica Graffius, Scottsdale Gallery Association President dated March 17, 2015
5. Opposition letter from Iris Abdo, owner of Back to the Rack and More LLC dated March 17, 2015
6. Opposition letter from Florine Tomasco, Tomasco Property dated March 12, 2015
7. Opposition letter from Sandra Schenkat, artisan displaying in The Kiva dated March 17, 2015
(The image she attached has been placed first in the packet)

Opposition prior to the January 2014 Council decision to approve a one year, temporary CUP with service windows open during live entertainment:

8. Opposition letter from Rick Simonson of Sunbrella Properties dated October 23, 2013
9. Opposition letter from Steve Johnson, business owner and resident upstairs Atelier, Inc dated Nov 19, 2013
10. Opposition letter from Florine Tomasco, Tomasco Properties dated November 22, 2013

Open House 2/3/2015 sign in sheet review by COGS

6 area merchants signed opposed

25 bar patrons signed supporting...of those 10 have Scottsdale addresses

5 RockBar employees signed supporting

Thank you for your careful consideration,

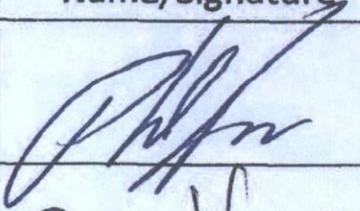
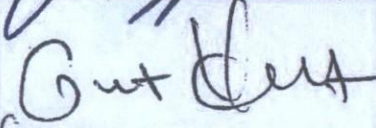

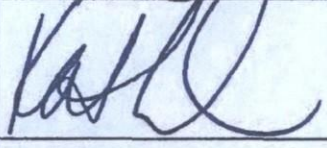
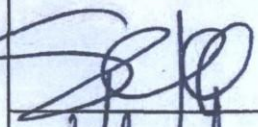
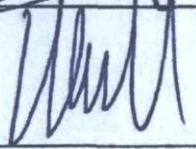
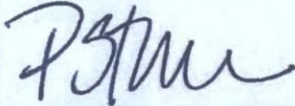
Sonnie Kirtley cellular 602 717 3886

The Coalition of Greater Scottsdale COGS Chair



FOLLOW-UP TO OPEN HOUSE ON 2/3/2015 AT ROCK BAR

The following signing this petition **oppose** Rock Bar's application to permanently amend the current conditional use permit to allow service windows (two approx. 3 ft. by 9 ft. each) to remain open during live entertainment.

Name/Signature	Business name/address	Phone/email
	Modern American	4161 N Marshall Way
Gut 	SCHMIDT CURTAIN	4167 MARSHALL WAY
Jeronica Grabbios	Calvin Charles Gallery	4201 North Marshall way
	J. Grabbios by Grabbios	4211 N. Marshall way
	Dermatologica in Scottsdale	4223 N. Marshall way
	Karma Salon	4225 N Marshall way
	Chocolate JAMBOREE	4225 N Marshall way
	RC GORMAN GALLERY	4251 N. MARSHALL WAY
Angel Kent	Balette	Angel4344 at cox.net
Carole Brull	Babe He	

FOLLOW-UP TO OPEN HOUSE ON 2/3/2015 AT ROCK BAR

The following signing this petition **oppose** Rock Bar's application to permanently amend the current conditional use permit to allow service windows (two approx. 3 ft. by 9 ft. each) to remain open during live entertainment.

[illegible]

From: Fred Unger
Sent: Tuesday, March 17, 2015 11:27 AM
To: 'Cross, Kathy'; 'Kuester, Kelli'
Subject: letter to mayor and council - please distribute thx

March 16, 2015

Mayor and City Council Members

Regarding: The Rockbar Inc. Conditional Use Permit Addendum
Case Number 2-UP-2001 #3

Representing properties and tenants in the adjacent neighborhoods, we oppose the request from this applicant.

Good City land planning, leads to thriving cities.

In order to have a successful balance of uses in close proximity to one another, it is incumbent for the City to think of all of the ramifications on decisions which are made.

Having a successful entertainment district is beneficial to a City. It is also beneficial to have other uses to achieve a well rounded Downtown, that can and will include: residential, retailers, office, hotels and a variety of entertainment venues. An urban mix of uses will have many benefits and we welcome new and innovative ideas. However, having amplified music bleeding out of an establishment on a regular basis, and as late as the hours requested, will prevent the enjoyment by other constituents of our Downtown community.

Most citizens and proprietors will expect and understand exceptions such as: New Year's Eve, Super Bowls, and a few other situations, but allowing for year round, late night, outdoor sound amplification may lead to problems which will detour the surrounding community from enjoying the more urban environment which the Downtown is evolving toward.

We encourage the City to prudently plan and insure its future by creating a balance of uses in the Downtown by proactively managing the proliferation of bars and nightclubs and their impact on their surrounding neighbors.

We want The Rockbar to succeed and thrive, but wish them to be a good and businesslike neighbor.

The Rockbar needs to keep their doors, and windows closed while the music is playing just like the vast majority of similar establishments do in this neighborhood.

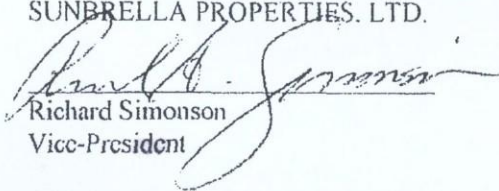
Scottsdale Canal Project LLC.
Frederick Unger
Member Manager

As property owners with nearly a century of combined ownership, we cannot imagine that our interest in preserving the visitor and business friendly character of Craftsman Court (established and sustained over decades and with real future residential development prospects) is outweighed by the interests of a single business that leases its premises and is subject to standard and necessary noise abatement measures in place for 14 years. In this case, there is simply no rational justification for a permanent amendment as requested which we now know will come at the expense of the surrounding property and business owners. We do not believe the decision is a difficult one.


WE STRONGLY PROTEST ROCK BAR'S REQUEST.

Thank you for your consideration.

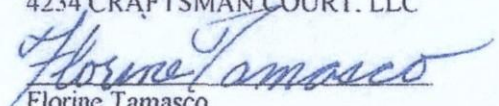
SUNBRELLA PROPERTIES, LTD.


Richard Simonson
Vice-President

ATELIER, INC.

p.p. 
Steve Johnson
President/CEO

4228 CRAFTSMAN COURT, LLC &
4234 CRAFTSMAN COURT, LLC


Florine Tamasco
Managing Member

**SCOTTSDALE
GALLERY
ASSOCIATION**

March 17, 2015

City Of Scottsdale
Planning Department

Attention: Dan Symer

RE: Rock Bar Case # 2-up-2001#3

The Scottsdale Gallery Association is committed to the presentation of visual art in our city, which is renowned throughout the world for the quality, breadth and uniqueness of works of art on display in over 100 galleries. A warm and welcoming environment in which to display and view the art is vital to the art gallery community, largely concentrated in downtown Scottsdale, and its ability to attract those interested in art.

Rock Bar is located in the vicinity of the arts district. As a live concert venue, it has the potential to impact negatively the art community with loud live music in the daytime and evening hours, disturbing a tranquil and inviting ambience established by the galleries and other retail businesses over several decades. At times, nearby galleries have been subjected to vibrations and shaking walls from music on Craftsman Court.

To vote in favor of changes that enable Rock Bar to project its noisy concert music beyond the four walls of its building – in this case, open service windows – is to diminish the value of the entire gallery community in Scottsdale.

Sincerely,
Veronica Graffius
SGA President

BACK TO THE RACK AND MORE LLC

7121 E. Fifth Ave.

Scottsdale, 85251

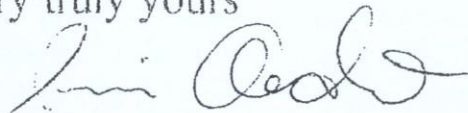
480 941 1672

March 17, 2015

To whom it may concern,

As a retail shop owner just to the north of the Rock Bar I am not in favor of keeping any windows open when they have live bands or any event where they are screaming into a microphone. The level of the noise is extremely disruptive to my business and my customers. They show no consideration for any of the other business on the block. How is it even possible for them to have these events without my signing off on them? The level of the noise is so high that even the live performer on the corner of Fifth Ave and Stetson comes to me asking me when are they going to stop. By the way I believe he is being paid by the City of Scottsdale.

Very truly yours

A handwritten signature in black ink, appearing to read 'Iris Abdo', written in a cursive style.

Iris Abdo, owner

March 12, 2015

Dan Symer
City of Scottsdale
7447 E Indian School Road, Suite 105
Scottsdale, Arizona 85251

RE: Rock Bar Conditional Use Permit Amendment
2-UP-2001#3

Mr. Symer:

We own real estate on Craftsman Court adjacent to Rock Bar; the Kiva Center has been in the Simonson family for 43 years; Ms. Tamasco purchased 4228 & 4234 Craftsman Court in 1989; and Mr. Johnson purchased 4242 Craftsman Court in 1999 and has lived and worked there ever since.

As longtime property owners with a substantial investment in our property, we are very concerned about Rock Bar's controversial concert activity and current CUP request.

Craftsman Court is a destination for visitors and residents to shop and recreate. The street is dominated by more than a dozen interior design firms and businesses that cater to the home building and home furnishings industry together with a variety of artisan type shops, jewelry, clothing and gift boutiques, hair salons and Citizen Public House restaurant.

Rock Bar is a concert venue in the middle of this vibrant commercial district. Currently, its CUP requires all doors and windows to remain closed during live performances. However, Rock Bar now claims the need to keep open, during live concerts, two large windows on the north side of the building to serve outdoor patrons.

Last year, we wrote to the Planning Department stating our reasons for opposing the amended stipulation (copies of each letter attached) but to no avail as the department recommended approving the amendment which the City Council eventually passed on a one-year trial basis "to see how it goes." We understand that many more businesses and individuals are opposing the amendment this year.

AS WE FEARED, THE LIVE CONCERT NOISE EMANATING FROM ROCK BAR IS WORSE THAN EVER. ADDITIONALLY, ROCK BAR IS "STEALING" ELECTRICITY FROM THE ADJACENT KIVA CENTER PROPERTY FOR THEIR EVENTS.

It is incomprehensible why the City would sanction a change to the CUP that nullifies stipulations designed to contain sound and protect the interests of the surrounding businesses and the neighborhood. These stipulations were in effect when Rock Bar purchased its business and, therefore, it knew the constraints imposed upon it.

A permanent amendment will invite other similar businesses, perhaps on the same street, to expect the same favorable treatment, in addition to severely disrupting the existing retail and service businesses.

How has it been demonstrated in any way that the direction of the speakers inside the bar will "maintain sound inside the building" when two service windows are kept open during live performance?

1.403(K) (6)

The parking study should be updated as the one cited is 12 years old. Why would a 12-year old study be reliable in this case?

1.403(K) (8)

Nowhere does the applicant explain why they are requesting that two service windows remain open. Why is the current condition not suitable or appropriate when presumably it was imposed as a noise abatement measure?

Due to the absence of any substantiation for the statements made in the application for an amendment that *on its face* will create nuisance from noise and vibrations, the Planning Commission and City Council should insist that additional, specific facts and support be provided if the application is to be considered. Thank you.

Sincerely,

Florine Tamasco
Tamasco Commercial Property
602 954-8877

To the Board of Directors of Coalition of Greater Scottsdale, 17 March 2015

Please share my thoughts regarding the second request for an amended CUP from Rock Bar. I witnessed the 1/14/14 city council meeting when Linda Milhaven made a motion for a temporary amendment to the current CUP which required the Rock Bar to have all windows and doors closed when they have live entertainment. I don't believe the Mayor and council understood that the "service window" actually are two 3' by 9' window openings. The Rock Bar depends on these windows to expand their bar into the leased 440 sq. ft. of patio which is leased from the city for \$1,280 annually. In addition to the 440 sq. ft., they remove the barriers and open up the area to accommodate up to 250 patrons who drink, smoke and listen to the loud music. This does not appear to be a good business decision by the city. I experienced the live music on two occasions and have heard videos. This is a disturbing situation for the neighbor area businesses other than Dos Gringos, BS West and Citizen Public House because they are liquor establishments, as well.

Last April I experienced the abuse of this live music when I had dinner at the Citizens Public House. I was eating on the patio when a 40 foot roadie bus stopped on Craftsman Court. The bus left its diesel motor running for over an hour creating air and noise pollution. I eventually asked to be moved indoors from their outside patio. Then the live band started to tune up. It was so loud that the floor shook in the CPH which is about 150 feet away from the Rock Bar. I complained to code enforcement to no avail.

Recently, I stopped by to take photos at 10 pm and spoke to Alex Mundy, Managing Partner, for about a half hour. I was offended by the loud music but did listen to Mr. Mundy try to explain why he thought Craftsman Court needed his bar and why loud, obnoxious music is his thing. The city had to remind him that his amended CUP expired on 2/16/15. He then applied for special events permits to allow the music to continue with the windows open. **The Rock Bar has not complied with the notification to the businesses in the area as it relates to the special events. Mr. Mundy told me that he only submits "no concern" from the three other bars as he knows no one else will approve.** Other bars are limited and must have their windows closed for live entertainment. Why has the city given this bar special exception? The Rock Bar should be made to follow the CUP which was transferred to them when they purchased.

If this continues, the entire area will change and it will most likely become an extension of the Entertainment District. Your Planning Commissioner vote makes a huge difference for the future of the area. If the powers to be think that a loud bar with live music is important, I believe the surrounding businesses will fail in the area and the property values will go down. This will prevent mixed use on the north side of 5th Ave. No one can live around this type of loud and disgusting noise which is allowed until 2 am.

Please pass on my comments to the Planning Commission for their consideration at their 3/25/15 meeting. Thank you, Sandy Schenkat 480-268-9200

attached is a photo of the "service windows"

SUNBRELLA PROPERTIES, LTD.

3402 N. 36th Street
Phoenix, AZ 85018

Phone: (602) 955-0504
Fax: (602) 955-2488

October 23, 2013

Dan Symer, AICP
City of Scottsdale
7447 E. Indian School Road, Ste 105
Scottsdale, AZ 85251

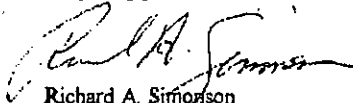
Regarding: Rockbar Inc. Conditional Use Permit Addendum
Case Number 2-UP-2001 #2 and 2-ZN-2001 #2

To Whom It May Concern:

As the property owners adjacent to the North of the Rockbar property, we are NOT in favor of their request to keep the serving windows open during the live music.

Rockbar is adjacent to our retail shops and salons and will be disruptive to their business.

Very truly yours,



Richard A. Simonson
Vice-President

/sv

Symer, Daniel

From: Frer415@aol.com
Sent: Friday, November 22, 2013 9:44 AM
To: Symer, Daniel
Cc: frer415@aol.com
Subject: Rockbar application to amend conditional use permit

Mr. Symer:

I am opposing Rockbar's application to amend the conditional use permit.

Since 1989 I have owned two buildings on Craftsman Court – a total of three parcels – at 4228 and 4234 N. Craftsman Court, across the street from Rockbar. I have two tenants: Waterworks, a leading national exclusive tile and bath supplier that is into its seventh year at this location; Ramon Bacaui Hair Gallery that just completed an expansion of its salon. Both businesses have demonstrated sustainability even as the economy struggled through tough times in the last five years.

On the street, retail and service oriented businesses are flourishing with no less than 20 such businesses, not to mention Citizen Public House, existing residential units and more residential units under construction in the area.

By contrast, Acme Bar has left. Upper Deck at 4224 Craftsman Court closed and three new bar operators have come and gone at that location in the span of approximately two years.

The character of the street as a viable and desirable retail and service oriented destination makes it critical that **any conditional use permit amendment or modification be exhaustively examined with a thorough and precise understanding of its impact on the neighborhood without reliance on faulty or baseless assumptions or claims.**

My comments with regard to the application are as follows:

Nowhere does the applicant explain why they are requesting that two service windows remain open during live entertainment performances other than to say that the windows are used to serve patrons on the patio. The applicant does not state that patrons on the patio cannot be served under present conditions or why this matters. Without knowing the intent behind the request, how would one evaluate the validity or appropriateness of the request or possible alternatives?

1.401 (A) (1)

Applicant's statement that "No damage or nuisance arising from noise... or vibration... is anticipated..." is without credibility for the simple reason that the applicant does not cite a single factor in support of the claim even though two windows will remain open during live performances.

From my own experience on Craftsman Court, nuisance arising from noise and vibration is already being generated by Dos Gringos and Rockbar with their outdoor speakers. On weekdays and weekends, mid afternoon and early evening, thumping and other disruptive sounds and vibrations reverberate through the street and across the street at my buildings. I have brought this to the attention of Code Enforcement on several occasions.

And there was a formal complaint (with a scheduled court hearing) earlier this year by the City against Rockbar for noise violations when front windows were kept open during a live performance.

At the very least, unless there is an independent study and report of actual noise conditions when service windows are open, the application should be denied.

The statement that "[t]here are mixed use buildings in the vicinity but the noise from live entertainment will conform to the City of Scottsdale's Noise Ordinance" is really nothing more than the continuation of a circular argument: there are no facts or evidence that are distinct from the conclusion. Rather, the argument being made is that because no nuisance is anticipated, the noise from live entertainment will conform to the Noise Ordinance!

1.401 (A) (2)

More circular logic. The statement that "to allow service windows on the north side of building to be open during live entertainment performances is not anticipated to affect the surrounding areas with an unusual volume..." is all that is offered in support of the conclusion that there is no nuisance anticipated.

1.401 (B)

"Compatibility" with types of uses permitted in "surrounding areas" has not been demonstrated. How are surrounding areas defined? With the exception of Dos Gringos, virtually every other business on Craftsman Court is categorized as personal service, retail or restaurant. There is no precedent cited for the amendment sought. Even Upper Deck (which is no longer operating) had been granted a conditional use permit for live entertainment *subject to the condition that its windows remain closed* -- no exceptions despite an outdoor patio.

1.403(K) (2)

Castro, Lorraine

From: atelier36@aol.com
Sent: Tuesday, November 19, 2013 7:44 PM
To: Symer, Daniel
Subject: Re: Rockbar application

Hi Dan,

This email serves as my opposition to the application to amend the conditional use permit for Rockbar Inc.

The following items address my concerns and false statements noted in their application.

In paragraph 1 they state 'No damage or nuisance arising from noise, smoke...vibration...is anticipated...' How does this statement have any validity or recourse? It is totally not based on any existing facts. I have complained for years and have called the police and have filed complaints about considerable noise & vibration. There was recently a court case regarding a violation against RockBar Inc. for keeping their front windows open during a live performance.

I feel the statement RockBar has made above should be backed by a valid report / test done by an independent company where the actual condition is proven to be true before the city council can even consider this application.

Please refer to the email thread outlining this situation, where you have been copied over the past year along with Raun Keagy and SR Smith. Please let me know if you want me to submit those emails in addition to this email, you should have them already.

Where it states 'the nearest residential district is 925 feet to the west...' is also not true, there are new residential units in the process of being built that will be impacted by this decision. There are mixed use properties directly across the street from RockBar that are affected by this disruption that has, on numerous occasions, complained about the conditions.

Paragraph 2 states 'the property has existed...entertainment performances is not anticipated to affect the surrounding areas...' What happens if this is not the case and what would be involved to reverse this decision if it is proven not to be the case? Who determines and what are the 'conditions' where it can be shown it is affecting the surrounding areas?

Section 1.403.k.Live Entertainment

Paragraph 2. What 'written evidence' has been shown that sound is contained within the building and what is the definition of 'sound is contained within the building'?

Where is it proven that 'interior speakers will be facing inwards...to maintain the sound within the building'? That is obviously a very gray statement and absolutely not based on fact. Please provide a definition for this and how it is even enforced.

Paragraph 6. Please provide the parking study and show documentation that it is up to date.

Paragraph 7. Please provide documentation on how this new condition will NOT affect adjacent properties, including nearby restaurants, shops and residences.

Paragraph 8. Allowing certain windows to remain open during live events totally negates the purpose of keeping these windows shut to contain the noise level, which is the basis of this condition.

Paragraph 9. What is the definition of a 'residential district'?

What would be the difference in noise levels/ vibration affect if only one service window was allowed to remain open as opposed to the two windows as requested? What is the impact of the noise level / vibration affect if the current windows were modified to allow only a pass-thru as opposed to totally allowing them to remain open?

Steve Johnson
4242 N. Craftsman Court

ATTACHMENT #6A

Open House Sign-in Sheet/signature information

Event: Public Input open house at Roc Bar 4245 North Craftsman Court

Tuesday, Feb 3, 2015 5 to 7 pm

Re: Planning Commission agenda 3/25/2015—request to change 1 year CUP to permanent for live entertainment and service windows open

In the interest of accurate reporting regarding the public input signatures gathered at the Roc Bar open house, COGS (The Coalition of Greater Scottsdale) has the following additional information on the signees separated into 3 categories: Merchants/residents in immediate area, bar patrons and employees.

Area merchants and property owners: (need more than 4 shop locations)

Alexis Sebastian	Celebrity Encore	opposed
Florine Tamasco	4234 and 4228 N Craftsman Court	opposed
Fredrika Ranucci	4234 and 4228 N Craftsman Court	opposed
Steve Johnson	4224 N Craftsman Court (merchant & resident)	opposed
Carol Brinkman	Celebrity Encore	opposed
Iris Abdo	Back to the Rack	opposed

BAR PATRONS who signed

Vincent & Kristine Marquardt	4337 N 70 th St	For
David Anthony	7721 W. Palo Verde, Glendale AZ	For
Brittany Miller	9600 N 96 th Street #179	For
Amanda Loy	4539 E. Glenrosa Phoenix	For
Gail Lichtenstein	5042 N Granite Reef Rd	For
Kelly Hale	7037 E Loma Land Drive	For
Matt Simon	Tempe	For
Drew Santos	E. Persimmons in Mesa AZ	For
Jayson Johnson	Scottsdale	For
Neil J. Beringer	7508 E Moreland	For
Sami Bush	W. Angel Fire Phoenix	For
John Steken	2402 E Mercer Lane Phoenix	For

Chris Bizup	Scottsdale	For
Shawn Johnson	1014 E Spence Ave # 201 Tempe	For
Justin Stewart	Tempe	For
Andrew Berkenkamp	Phoenix -camera operator	For
Todd L Williams	Scottsdale	For
Robert C Berg	7020 E Chaparral Rd	For
Evan Berg	7020 E Chaparral Rd	For
Jami Hyatt	2323 E. Apache Blvd #1110 Tempe	For
Joel Tagle	(unknown address)	For
Jake Dean	6030 E Crocus Drive	For
Angel Diaz	Phoenix	For
Tony Tello	7508 E Moreland	For
Alex Porter	Phoenix	For

EMPLOYEES OF ROC BAR who signed

Nima Parvin	14545 N. Frank Lloyd Wright # 2063	For
Cassie Ulloa	Peoria AZ	For
David Azari	5971 E Thomas Rd	For
Lindsey Meyer	(no information)	For
Jerry Barno	2938 N 61 st Place	For

Letters of Support

ATTACHMENT 5B

Alex Mundy
RockBar Inc.
4245 N. Craftsman Ct.
Scottsdale, Az 85251

February 5, 2015

Dear Alex:

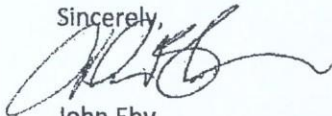
As Landlord of the property at 4245 N. Craftsman Ct. and multiple downtown properties, please take this letter and give to the City of Scottsdale in support of your receiving permanent approval for the north 1st floor windows being open at RockBar.

The City approved these windows in 2001 when I built them, in conjunction with renting the space in the alley from the City. Tourists/residents also come to Arizona to get the indoor/outdoor experience when going out, these windows provide that. In addition, the roll up windows are standard all over downtown Scottsdale for restaurants/bars. There are more than 50 restaurants/bars with similar tenant improvements.

When the windows were approved the City had a couple people in the neighborhood that were against any outdoor bar/restaurant areas and approved it in spite of those people. The City Planning and Zoning understood at that time, that downtown benefits by having more activity outside and that a person or two that moved into the neighborhood after the bars/restaurants were on the street, should not dictate that look of the street. I understand that the same person or two are getting a second chance to try and dictate. Planning and Zoning made the correct decision in 2001, and I am confident that they will make the correct decision again.

Good luck with your hearing and let me know how it goes.

Sincerely,



John Eby
JE Southwest Real Estate

2-UP-2001#3
2/9/2015

To Whom It May Concern:

I am in approval of Rockbar Inc. continuing to keep the north service windows open during Live Entertainment, per the Conditional Use Permit. It has had no negative affect on my business as their next door neighbor to the South. The Rockbar Inc. have been a courteous, responsible, and respectful neighbors that we've enjoyed having on the street. Feel free to contact me with any questions or concerns.

Sincerely,

David Free
(Building Owner)
4237 N. Craftsman Court
Scottsdale, AZ 85251
602-799-7711

2-UP-2001#3
2/9/2015

CITIZEN

◆PUBLIC HOUSE◆

7111 E 5th Avenue Ste. E
Scottsdale, AZ 85251

Andrew Fritz
Owner
Citizen Public House
7111 E 5th Avenue Ste. E
Scottsdale, AZ 85251

Thursday, February 5th, 2015

Re: Rockbar Live Music

To Whom It May Concern:

This letter is to signify my approval that Rockbar be allowed to keep their north-facing service windows open during live music. My business, Citizen Public House, is located just footsteps across the street from Rockbar. At no time over the past 3 years has live music from Rockbar been bothersome to our guests or staff members.

Rockbar's owner/managing partner Alex Mundy is a thoughtful neighbor. Mr. Mundy has always been transparent regarding live music and special events. He's clearly sensitive to commercial well being of neighboring businesses.

In my opinion the live music brings a great atmosphere to Craftsman Court. Furthermore, Rockbar is a well-managed bar/venue that provides a safe entertainment experience for customers and the community. In my opinion they should be able to continue operations as they have in the past; without any added restrictions.

Sincerely,



Andrew Fritz
Owner
Citizen Public House
fritz@citizenpublichouse.com
602-769-4199

2-UP-2001#3
2/9/2015

DOS GRINGOS

FAMILY OF BARS & RESTAURANTS

1984 E. 5th Street | Tempe | AZ | 85281

Friday, February 06, 2015

City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Rockbar

To Whom it May Concern,

Dos Gringos has been in operation on North Craftsman Court since 1996. Over the course of the past 19 years, we have seen many businesses and people come and go, and welcomed the concept brought to this neighborhood by the Rockbar a short time ago. Since their opening we have had the pleasure to watch this business grow to become a staple in the local, live music arena.

Dos Gringos is in support of the allowance that Rockbar have the ability to leave their windows open during their operating hours. Having the North facing windows open is a vital piece of their business model, not only enhancing the great local talent they bring to the area, but also in an effort to provide customer service.

Dos Gringos is a large supporter of small, local businesses in the Downtown Scottsdale area and removing such a vital component of any local business's success model not only cripples the individual business but can also have a negative impact on all businesses in the area. Rockbar is a good addition to our neighborhood, bringing something different to the area, while maintaining its own identity, away from the melee of what has been dubbed the entertainment district.

Sincerely,

John Radice, Owner
Dos Gringos Restaurants and Bars
480.214.2241

2-UP-2001#3
2/9/2015



To Whom It May Concern,

This letter is in reference to Rockbar which shares the alley with BS West. BS West is in full approval of Rockbar and the north side of their building regarding open windows during live entertainment. As a business that operates on the same hours we feel this is very beneficial to the alley and foot traffic through our area of Old Town Scottsdale.

Rockbar and BS West have worked together to enhance the ambiance between Craftman's Court and 5th Ave parking structure to benefit all surrounding businesses. This includes new lights and signage for added atmosphere to our area.

Thank you for your time,

A handwritten signature in blue ink, appearing to read 'Tami Bobst', with a stylized flourish at the end.

Tami Bobst

Manager

BS West

480-945-9028

2-UP-2001#3
2/9/2015

To Whom it may concern:

As the owner of Copper Leaf Gastrolounge, opening soon on Craftsman Court(former Philadelphia Sandwich Co.) I would like to extend my support of Rockbar Inc. being able to keep their north service windows open during live music/entertainment.

Being new to the neighborhood, I have noticed the great feel and energy and agree it brings more energy to the street and neighborhood. As former GM of Hard Rock Café as well as a promoter of live music myself, Live music is a great cultural entertainment lure for locals and , tourists alike. We at Copperleaf hope to add to the more mature nightlife side of dining and entertainment. Rockbar was part of the reason we chose Craftsman court to build our brand and to cross promote with the other local businesses there.

In closing, the windows being open during live music only helps draw attention towards our street and a lure for patrons to come over and see what's going on and spend money at our perspective businesses. We are all for it!

Feel Free to contact me with any questions.

Best

Todd Williams

Owner/Operator

Copper Leaf Gastrolounge

4225 N Craftsman Court

Scottsdale, AZ 85251

602-410-7571



February 5, 2015

To Whom It May Concern,

RockBar, Inc. has become a valued partner of Four Peaks over the years and I'd like to do whatever I can to support them and Alex's endeavors.

Simply put, RockBar, Inc. does things the right way and doesn't cut corners when it comes to events, promotions and charity fundraising. RockBar, Inc. is also committed to supporting Arizona brands to the best of its ability.

Perhaps its biggest asset is the live music entity of the business. Their investment of a first class PA system will allow them to play clean sounding music with an emphasis on quality rather than volume. The best way to enjoy the music is outside and our hope is to continue to be able to have them open their windows on the north side allowing customers to enjoy the music and weather simultaneously. Obviously the more enjoyable experiences people have, business will increase as well.

We look forward to our upcoming event with them on February 26th raising money for Gigi's Playhouse, a new center dedicated to Down Syndrome kids and families as well as others in the future.

Please feel free to contact me with any questions.

Thanks,

Greg Ross
Marketing Director
Four Peaks Brewing Company

2-UP-2001#3
2/9/2015

EXECUTIVE
COUNCIL
CHARITIES



CHRIS MARSHALL
EXECUTIVE DIRECTOR

GWYN NOBLE
DIRECTOR OF OPERATIONS

BOARD OF DIRECTORS

DAVE LODWICK
CHAIRMAN

CURT KREMER
CHAIRMAN ELECT

RYAN AMATO
DAVE CARDER
MATT EDWARDS
MARK GNIRK
GREG MAYER
KEVIN MILLER
KENDIS MUSCHEID

February 6, 2015

To Whom It May Concern,

We are writing this letter in support of Rockbar Inc. and their proprietor, Alex Mundy.

For the past several years, Rockbar has been a strong supporter of Executive Council Charities and our signature events. We are a local nonprofit organization that raises funds and distributes them to nearly 100 youth charities in our community. We have a volunteer core of 70 active members called Executive Council 70 (EC70) that is comprised of business and community leaders. Many of these members speak highly of Alex and his corporate citizenship.

The main event that Rockbar participates in is our annual Original Taste event in Scottsdale that raises more than \$500,000 for our mission. Rockbar is not only a financial sponsor but also contributes as the perfect venue for our post party each year. Rockbar's live music and the indoor/outdoor space created with the north service windows open is important to create the best event atmosphere for our post party, as well as other times during the year. I know many of our guests and members support this continued format/layout and would be very disappointed if it were changed.

In closing, we feel that Alex and Rockbar are running their operation within local regulations and are simply trying to create the most successful business to meet the needs of local consumers and allow them to continue to provide critical support to Valley nonprofits.

Sincerely,

Chris Marshall
Executive Director

Curt Kremer
Chairman Elect

4114 E. INDIAN SCHOOL RD.
PHOENIX, AZ 86018

(480) 420-3270
WWW.ECCHARITIES.ORG

2-UP-2001#3
2/9/2015

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000 FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000 FAX 480-312-7088

Assigned Planner: Dan Symer

Police Detective: John Miller

Establishment: Rockbar Inc.

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Business Phone: 480-331-9190

Business FAX: _____

Maximum Occupancy: 290

Effective Date of the Plan: 10/3/2013

Date of Plan Review: _____

Use Permit Issue Date: 9/4/2001

Liquor License Number: 06070449

Contact Person (1): Alex Mundy

Home Phone: 602-478-3136

Contact Person (2): Brian Mrochinski

Home Phone: 702-572-1535

ATTACHMENT #6

2-UP-2001#3
2/9/2015

Instructions for Security, Maintenance, and Operations Plans

Follow these steps for Review and Approval

Scottsdale Police Department Liquor Investigations

Step 1

Prepare Your Security, Maintenance, and Operations
Plan (SMO Plan)

Step 2

Send a Copy of Your SMO Plan to the Scottsdale Police
Department.

Detective John Miller

480.312.8333

JohMiller@scottsdaleaz.gov

Step 3

Contact Police Detective to Discuss Your Plan.

Step 4

Meet with Police Detective, If Necessary.

Step 5

Submit your reviewed plan to Scottsdale Planning and
Development.

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee:

Type of Organization: Arizona Corporation **X** Corporation
 Sole Proprietorship LLC
 Partnership Other

2. Managing Agents Name: ALEX MUNDY/BRIAN MROCHINSKI

Title: PRESIDENT/VICE PRESIDENT

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Phone Numbers: 602-478-3136/702-572-1535

Fax or Other Numbers:

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:

4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone: **John Eby/J.E. Southwest Group Real Estate LLC. 3004 N. Civic Ctr Plz. Scottsdale, AZ 85251**

5. Hours of Operation:

	<u>Peak/Non-Peak Night</u>	<u>Open to Customers</u>	<u>Liquor Sale Begin</u>	<u>Liquor Sale Ends</u>	<u>Closed to Customers</u>
Monday	Non-Peak	3pm	3pm	2am	2am
Tuesday	Non-Peak	3pm	3pm	2am	2am
Wednesday	Non-Peak	3pm	3pm	2am	2am
Thursday	Non-Peak	3pm	3pm	2am	2am
Friday	Non-Peak	3pm	3pm	2am	2am
Saturday	Peak	10am	10am	2am	2am
Sunday	Non-Peak	10am	10am	2am	2am

6. Promotional Events: *(Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do no include special events)*

7. Program Format/Entertainment/Advertising: *(Complete for Live Entertainment Use Permit Only. Attach addendum that describes entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code – Appendix B, Zoning Ordinance for definitions.*
8. Special Events:
- Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.
9. Cooperation/Complaints/Concerns:
- Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:
- Name: Alex Mundy Address: 4245 N. Craftsman Ct. Scottsdale, AZ 85251
Phone: 602-478-3136
- Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of 4 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. 2 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 1-2 Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. 1-2 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

- ☐ I plan to hire _____ officer(s) during peak nights from (name of agency) _____.
- ☐ I do not plan to hire off-duty law enforcement.

Parking

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 1. A violation of the Plan.
 2. Violation of the conditions of the Use Permit.
 3. Violation of Scottsdale ordinances or law.
 4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence.
 5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
 6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
 7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan

This plan shall terminate when the applicant's Use Permit terminates.

Enclosures

- ☐ Addendums attached
- ☐ No enclosures

APPLICANT/MANAGEMENT:

Name: Alex Mundy

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Phone: 602-478-3136

Date: 10/3/2013

Signature: _____

APPROVED BY:

Defective:

Phone:

Date:

Signature: _____

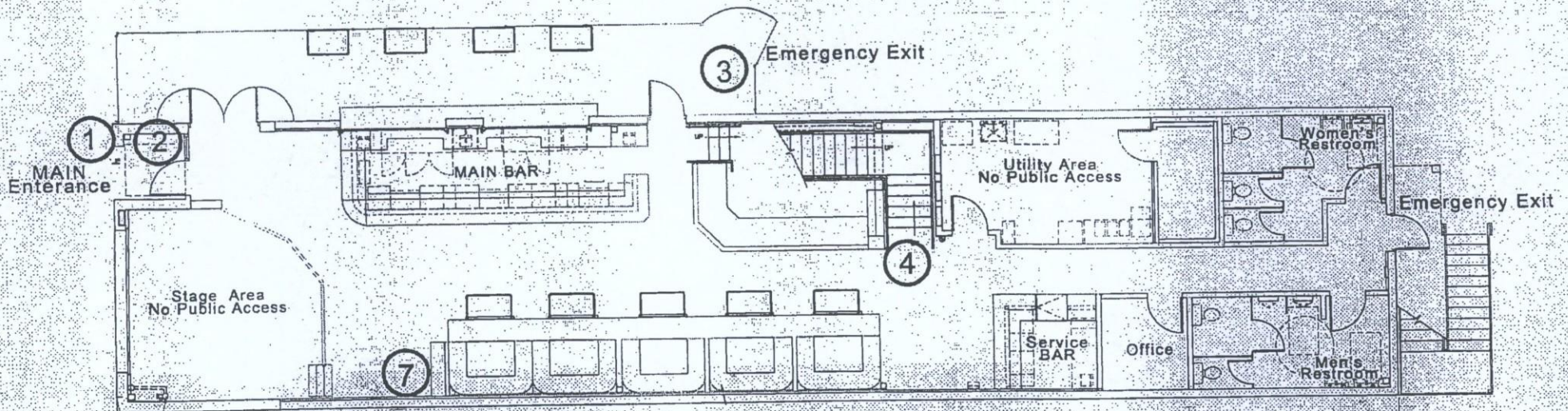


4245 N. Craftsman Court



SECURITY POSITIONS FOR PUBLIC SAFETY PLAN

FIRST FLOOR



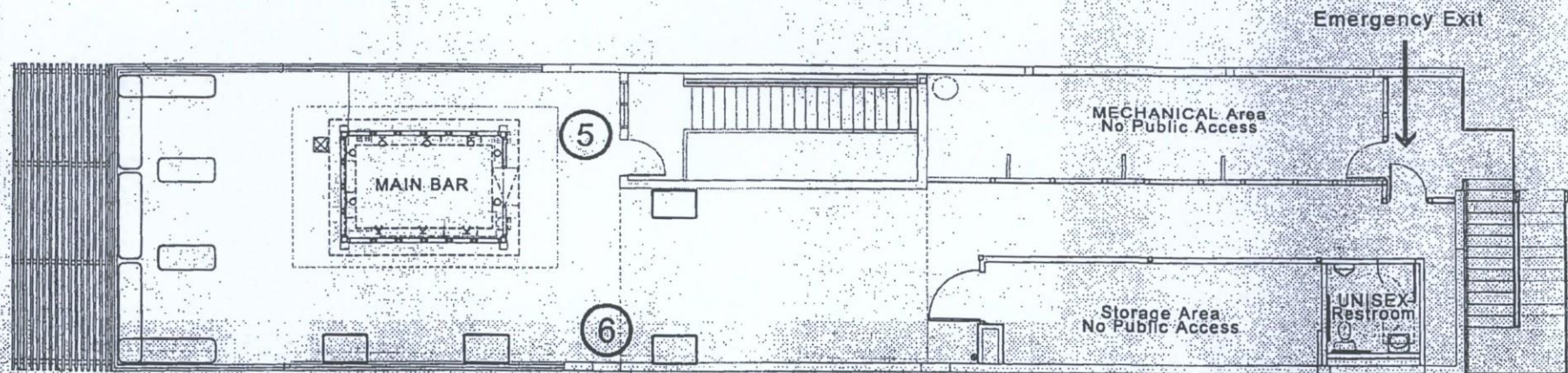


4245 N. Craftsman Court



SECURITY POSITIONS FOR PUBLIC SAFETY PLAN

SECOND FLOOR



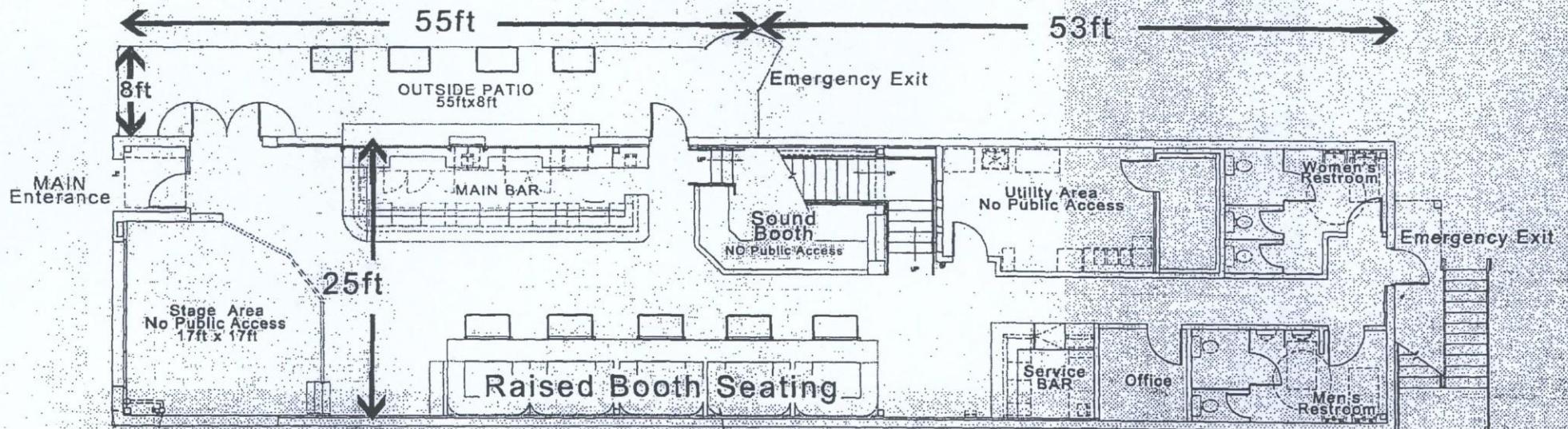


4245 N. Craftsman Court



BUILDING DIAGRAM FOR PUBLIC SAFETY PLAN

FIRST FLOOR



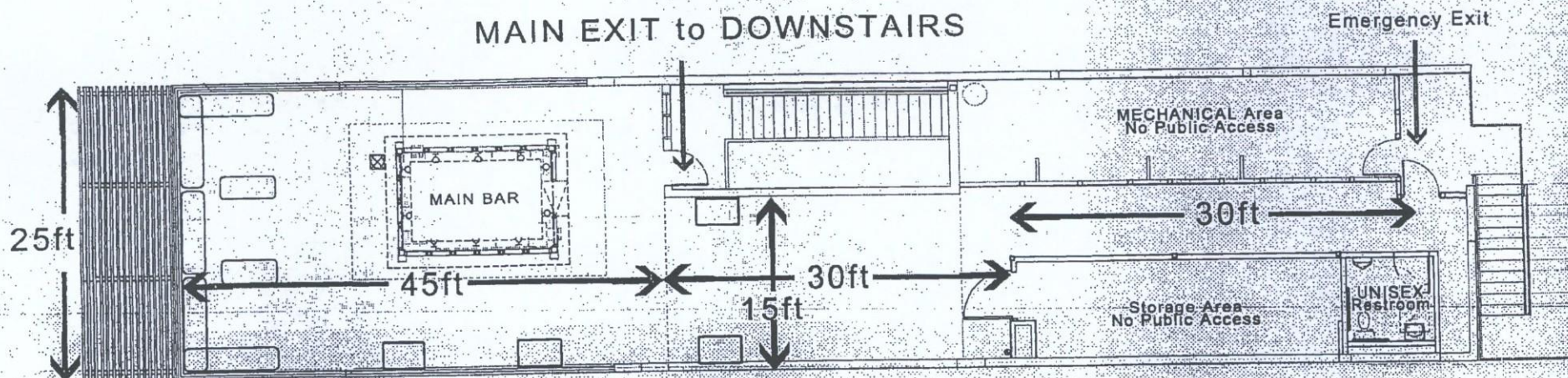


4245 N. Craftsman Court



BUILDING DIAGRAM FOR PUBLIC SAFETY PLAN

SECOND FLOOR



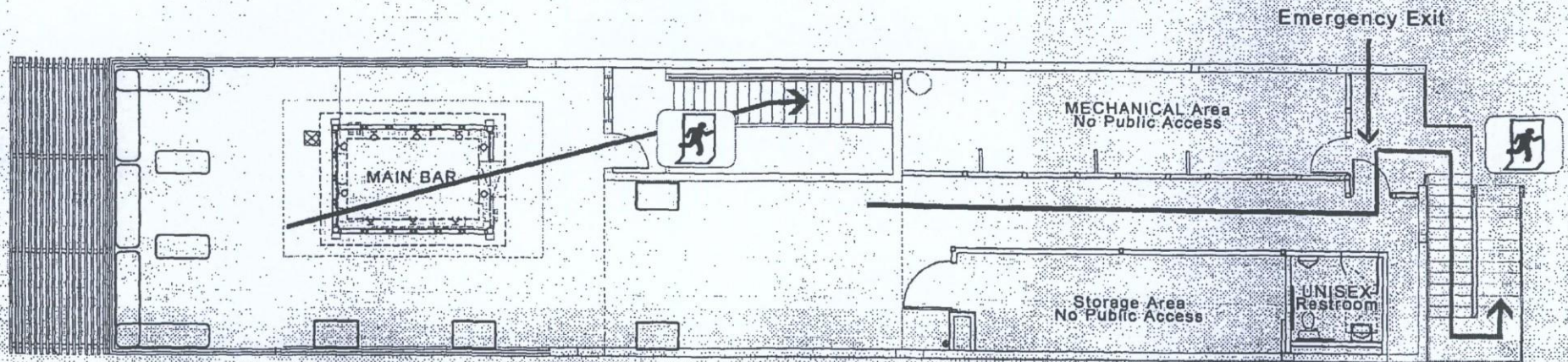


4245 N. Craftsman Court



Evacuation Routes for Public Safety Plan

SECOND FLOOR

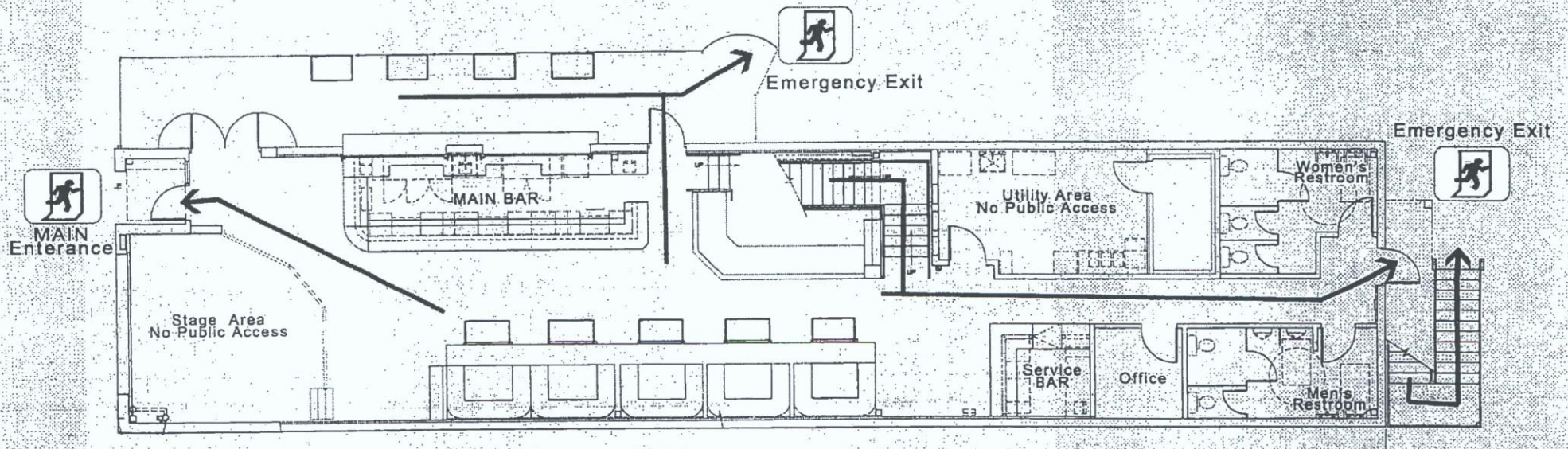




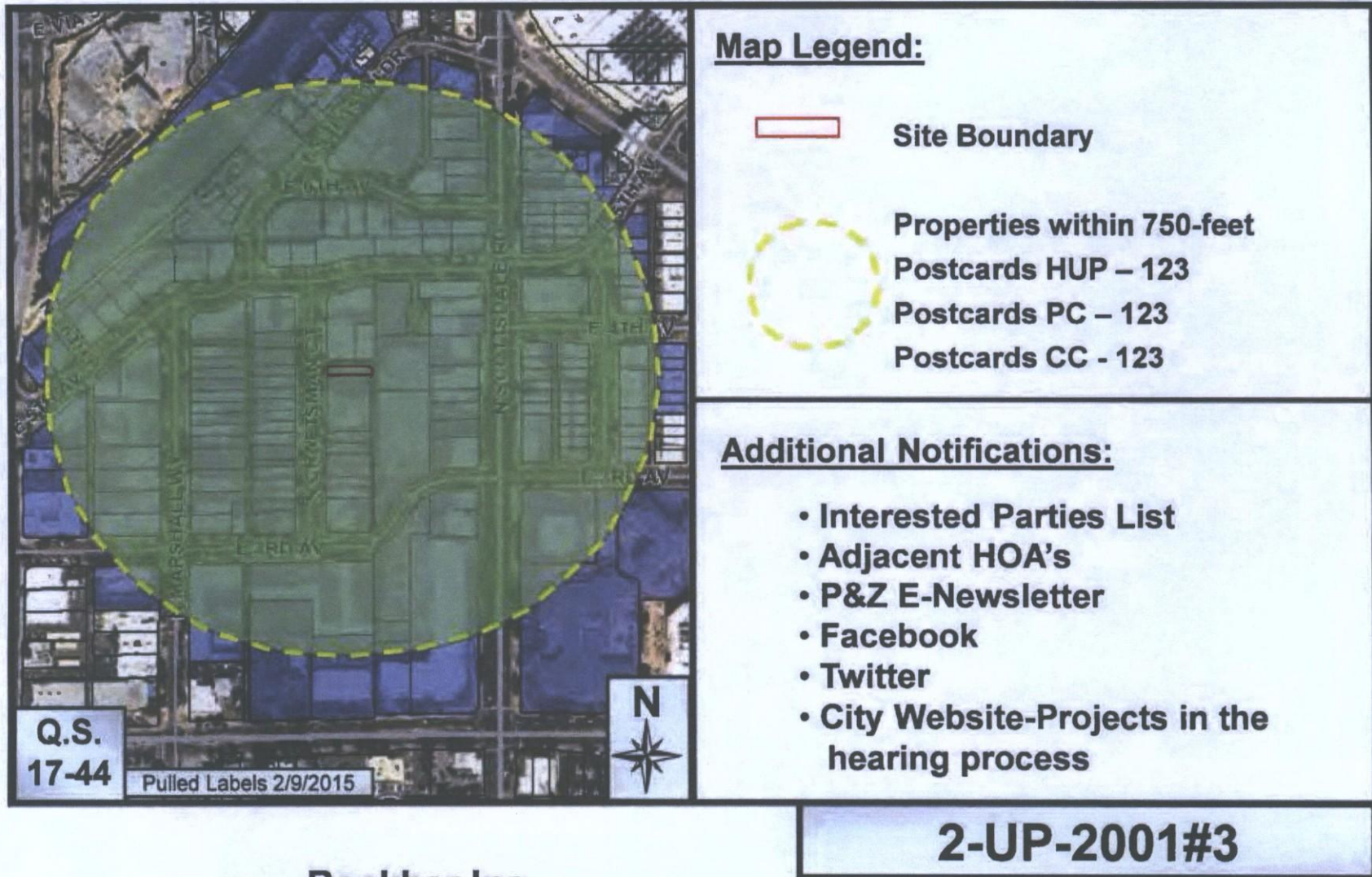
4245 N. Craftsman Court



Evacuation Routes for Public Safety Plan



City Notifications – Mailing List Selection Map



Rockbar Inc.

ATTACHMENT #7



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

WEDNESDAY, MARCH 25, 2015

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Ed Grant, Chair
Michael Edwards, Vice Chair
Matt Cody, Commissioner
David Brantner, Commissioner
Ali Fakh, Commissioner
Michael J. Minnaugh, Commissioner

ABSENT: Larry S. Kush, Commissioner

STAFF: Tim Curtis
Joe Padilla
Greg Bloemberg
Jesus Murillo
Dan Symer
Kira Wauwie
Keith Niederer
Adam Yaron

CALL TO ORDER

Chair Grant called the regular session of the Scottsdale Planning Commission to order at 5:04 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

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

1. Approval of February 25, 2015 Regular Meeting Minutes including the Study Session.
2. Approval of March 4, 2015 Regular Meeting Minutes including the Study Session.

COMMISSIONER BRANTNER MOVED TO APPROVE THE FEBRUARY 25, 2015 AND THE MARCH 4, 2015 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY VICE CHAIR EDWARDS, THE MOTION WAS APPROVED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED

3. 197-PA-2015 Appendix A – Airport Zoning – Repeal Text Amendment
4. 33-ZN-2000#2 Office 101; aka Bahia Office Project
5. 15-ZN-2005#3 Silverstone
6. 3-UP-2013 Pebble Stone Market
7. 1-ZN-2015 Brown's Classic Autos
Court Rich spoke regarding this item.

8. 5-ZN-2015 Fairmont Scottsdale Princess Hotel Expansion

MOVE TO INITIATE CASE 197-PA-2015 TEXT AMENDMENT, RECOMMENDED CITY COUNCIL APPROVE CASES 33-ZN-2000#2, 15-ZN-2005#3, 3-UP-2013, 1-ZN-2015 AND 5-ZN-2015, MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS AND AFTER DETERMINING THAT THE PROPOSED ZONING DISTRICT MAP AMENDMENTS AND THE DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, AND BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECONDED BY COMMISSIONER CODY. THE MOTION WAS APPROVED UNANIMOUSLY WITH A VOTE OF SIX (6) 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

9. 1-ZN-2011 Diamond Mountain Estates

MOVE TO CONTINUE CASE 1-ZN-2011 TO THE APRIL 22, 2015 HEARING, BY A VOTE OF SIX (6) TO ZERO (0); MOTION BY COMMISSIONER BRANTER, SECONDED BY COMMISSIONER FAKIH.

Fred Corbus, Michael & Jill Anderson, Peggy Tanasiuk, Terry Tanasiuk, Steve Huser, Donald & Yvonne Bland, William Kilpatrick, Jeffrey Skoglund, Tonia Young-Fadok, Debra Pisto, Yvonne & Bill Kilpatrick, Jan P. Corbus and Donna Dehn had written comment on the above item.

Bill Dehn, Mark Boundy, Tonia Young-Fadok, MD., Michael & Jill Anderson Spoke regarding the above item.

10. 2-UP-2001#3 Rockbar, Inc.

RECOMMENDED CITY COUNCIL APPROVE CASE 2-UP-2001#3, MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS AND AN ADDITIONAL NOISE STIPULATION, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECOND BY COMMISSIONER CODY. THE MOTION WAS APPROVED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

Frederika Ranucci, Steve Johnson, Sandy Schenkat, Fred Unger, Patty Bagdenoch and Sonnie Kirtley spoke regarding this item.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:21 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

Rockbar Inc.

2-UP-2001#3

Coordinator: Dan Symer, AICP

Rockbar Inc.



CONTEXT AERIAL

2-UP-2001#3

Rockbar Inc.

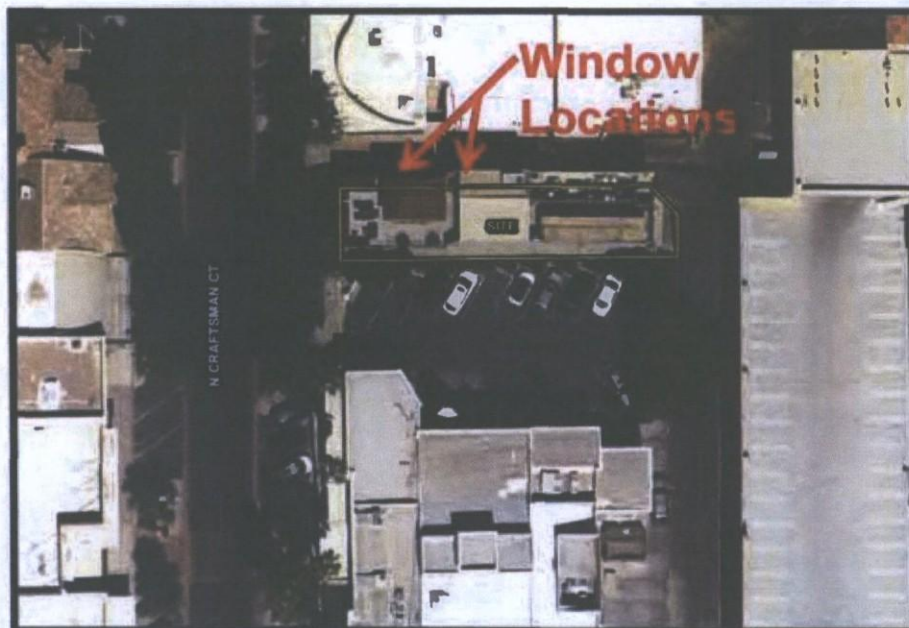
REQUEST:

1. Approval an amendment to an existing Conditional Use Permit for Live Entertainment to allow the north service windows to be open during live entertainment



2-UP-2001#3

Rockbar Inc.



CLOSE AERIAL

2-UP-2001#3

Rockbar Inc.



2-UP-2001#3

Rockbar Inc.



★ - Support

✱ - Oppose

2-UP-2001#3

Rockbar Inc.

PLANNING COMMISSION ADDED STIPULATION:

- 7. MAXIMUM NOISE DECIBELS.** Noise generated during live entertainment, including any speakers or other amplification equipment, shall not exceed 68 decibels at a distance of one hundred fifty (150) feet measured horizontally in any direction from the property line of property identified in case 2-UP-2001#3.

2-UP-2001#3

Rockbar Inc.



 NEAREST RESIDENTIAL DISTRICT  NOISE ORDINANCE
 OTHER RESIDENTENCE NEAR BY MEASURE LOCATION

2-UP-2001#3

Rockbar Inc.

NEAREST RESIDENTIAL DISTRICT



2-UP-2001#3

Rockbar Inc.



■ NEAREST RESIDENTIAL DISTRICT
■ OTHER RESIDENTENCE NEAR BY
★ NOISE ORDINANCE MEASUREMENT LOCATION

2-UP-2001#3

PLANNING COMMISSION REPORT



Meeting Date: March 25, 2015
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Rockbar Inc.
2-UP-2001#3

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and recommend that City Council approve an amendment to an existing Conditional Use Permit for Live Entertainment located at 4245 North Craftsman Court with Downtown / Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning.

Key Items for Consideration

- Conditional Use Permit for Live Entertainment approved for this property in 2014
- Amendment is to allow north service windows to remain open during Live Entertainment
- Complaints have been received, but no code violations have been identified

OWNER

JE Southwest Group Real Estate, LLC
602-679-7676

APPLICANT CONTACT

Alex Mundy
Rockbar, Inc.
602-478-3136

LOCATION

4245 North Craftsman Court



BACKGROUND

In September, 2001 the City Council approved a Conditional Use Permit for Live Entertainment. As part of the conditions of approval, the City Council required that all doors and windows where to remain closed during live entertainment activities. In October, 2013 the applicant submitted an application (2-UP-2001#2) that included a request to modify the conditions of approval to allow the windows in the north building elevation to be open during live entertainment activities. With the approval of the application, 2-UP-2001#2 the City Council incorporated a condition to allow the windows in the north building elevation to remain open during live entertainment for a period of one year. The intent of this condition was to allow the City Council to review the effects of the allowing the windows in the north building elevation to remain open during live entertainment activities after a one year trial period. The condition to allow the windows to be open during live entertainment activities expired on February 15, 2015.

Character Area Plan

The Downtown Future Land Use map of the Downtown Plan designates the site as Downtown Core – Type 1 (Attachment #4A.) within the Arizona Canal Conceptual Urban Neighborhood. This land use is characterized as the lowest intensity of development in the Downtown that retains small lot development patterns, active ground level, specialty retail, and tourist attractive land uses (DP LU 2.3).

Zoning

The site is currently zoned Downtown / Downtown Core – Type 1 Downtown Overlay (D/DC-1 DO). This sub-district designation allows full range retail and service uses, office, cultural institutions, municipal, restaurant and residential uses.

Context

The subject property is located south of the southwest corner of East 5th Avenue and North Craftsman Court. The site is generally surrounded by bars, bars with live entertainment, offices, parking, restaurants, retail, and a retail use with a residence on the west side of North Craftsman Court. Please refer to context graphics attached.

Other Related Policies, References:

- | | |
|--------------|--|
| 2-ZN-2001 | City Council approval of a Zoning District Map Amendment from Central Business (C-2) to Downtown/Retail Specialty Type – 1 (D/RS-1) |
| 2-ZN-2001#2 | City Council approval of a Zoning District Map Amendment from Downtown/Retail Specialty Type – 1 (D/RS-1) to Downtown / Downtown Core, Type 1, Downtown Overlay (D/DC-1 DO) zoning to amend stipulations pertaining to live entertainment. |
| 2-UP-2001 | City Council approval of a Conditional Use Permit for Live Entertainment |
| 2-UP-2001#2 | City Council approval of a Conditional Use Permit for Live Entertainment to amend stipulations to allow the north service windows to be open during Live Entertainment |
| 2004-010-COS | Outdoor Dining License |

APPLICANTS PROPOSAL

The applicant's request is to amend the stipulations of an existing Conditional Use Permit for Live Entertainment to allow the service windows on the north side of the building to be open during live entertainment performances for a property located at 4245 North Craftsman Court called Rockbar.

Development Information

- Existing Use: Existing bar with live entertainment
- Proposed Use: Bar with live entertainment
- Parcel Size: \pm 2,896 square feet
- Parking Required: 39 spaces
- Parking Provided: 44 spaces
- Floor Area: 2,537 square feet

IMPACT ANALYSIS

Land Use

Even though the proposed uses are not specifically stated in the General Plan's Mixed-Use Neighborhoods description, the existing bar and live entertainment land uses are consistent with the intent of this designation. Also, included in the General Plan's Mixed-Use Neighborhoods description is that these areas have access to multiple modes of transportation (e.g. pedestrian, bicycle, transit, vehicular, etc.). In addition to typical vehicular and pedestrian access, the site is served by a Downtown Trolley.

The land use designation is intended to encourage specialty retail and regional tourist attractions that strengthen the Downtown's mix of uses and activities through the development of mutually supportive land uses. In addition, this designation encourages the retention of the small lot development pattern and active ground level land uses. As further discussed in the Community Input section of this report, as stipulated in conditions of the Conditional Use Permit, the proposed modifications to the Conditional Use Permit application are not anticipated to have an impact on the adjacent properties.

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.

- All live entertainment will occur indoors within the existing bar. The proposed modification to the stipulations is to allow the service windows in the north building elevation to remain open during live entertainment performances. All other doors and windows are stipulated to remain closed during the live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m.
2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
- The establishment currently has a live entertainment Conditional Use Permit. The proposed modifications to the stipulations are to allow the service windows in the north building elevation to remain open during live entertainment performances are not anticipated to impact existing traffic 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 site is surrounded by a mix of various bars, bars with live entertainment, offices, parking, restaurants, retail, and retail with residential uses. The proposed live entertainment use is an accessory use to the existing bar, and is reasonably compatible with the existing uses in the surrounding area.
- C. The additional conditions in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.K., including:
1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
- A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning 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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
- Consistent with the stipulations from the previous Conditional Use Permit, all doors and windows are to remain closed, except for the service windows in the north building elevation. The applicant is requesting to allow the service windows in the north building elevation to remain open during the hours live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks occurring before 6:00 p.m.
 - No exterior speakers downstairs or on the ground floor patio will be provided. The previous approval of the Conditional Use Permit allowed for small speakers on the second floor patio to be provided for ambient sound during live entertainment. No

modifications are proposed. A stipulation pertaining to sound mitigation that is provided on the west building wall is being maintained from the previous approvals to ensure the mitigation remains. The sound mitigation for the west building wall was previously approved to address the stipulations of the existing Conditional Use Permit in.

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 existing exterior lighting plan was submitted and approved, and is on file with the Planning and Development Services Department.**
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 applicant has provided a floor plan that clearly identifies the area of the establishment where the stage is to be located.**
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 establishment is in the Downtown 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.
 - **The Zoning Administrator has determined that a parking study is not required. The property provides parking through existing parking improvement district credits, in-lieu parking credits, and remote parking agreements. In addition, the property is directly adjacent to the 3rd/5th Avenue parking garage that contains 409 parking spaces.**
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
 - **No additional information was requested by the Zoning Administrator.**
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
 - **Consistent with the stipulations from the previous Conditional Use Permit, all doors and windows will be closed, except for the service windows in the north building elevation that are being requested to remain open during live entertainment performances. The applicant has agreed that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks occurring before 6:00 p.m.**

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 five hundred (500) feet of a residential district shown on Table 4.100.A.
 - **The property is not within five hundred (500) feet of a residential district, although there is a retail building with a residence located across the street. Small speakers on the second floor patio are provided for ambient sound during live entertainment.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
 - **The stipulations for this Conditional Use Permit include substantial conformance to the site/floor plan provided by the applicant as part of this application.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
 - **The establishment has previously received approval of construction documents from the City that demonstrated conformance to the Building Code and the exterior lighting plans approved by the Development Review Board. No modifications to the building are proposed with this application.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
 - **The applicant understands the proposed live entertainment use is subject to the provisions of the City's Noise Ordinance.**

Public Safety and Code Enforcement

The nearest fire station is located at 7522 East Indian School Road, approximately one-half mile from the site. No significant impacts to existing service levels are anticipated. The Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department. Over that past year, Rockbar has not had any code or Conditional Use Permit violations.

Liquor License Review

The establishment is currently operating under an existing Series 6 (Bar) liquor license, approved under case 90-LL-2011.

Community Involvement

Surrounding property owners within 750 feet have been notified by the city and the property has been posted. The applicant has notified the property owners within 750 feet, and has held an open house meeting on February 3, 2014. Several people attended the meeting in support and opposition to allowing the service window in the north building elevation to remain open during live entertainment. Staff has received a several letters and emails regarding this application. Three of the emails were pertaining general information and clarification questions. The letters and email was in opposition, are included as Attachment 5A. Most of the letters in opposition are from business on North Marshall Way, some on North Craftsman Court and East 5th Avenue, and others are from individuals and associations that are active in the area. Several letters of support have

been submitted, Attachment 5B. Most are from businesses on North Craftsman Court.

Community Impact

According to the comments provided on the open house meeting sign in sheet, all individuals that are opposed to the application to allow the service window in the north building elevation to remain open during live entertainment are associated with daytime business in the complex to the north, across the street to the west, or are property owners within approximate 150 feet to the southwest. Most of the daytime business establishments end business operation at, or before 6:00 p.m. The property/daytime business owner directly to the south has submitted a letter in support. The applicant has indicated in the Neighborhood Notification Report (Attachment #5) that the live entertainment activities rarely occur before 7:00 p.m. Therefore, evening and nighttime oriented business would be the most effected by allowing the service window in the north building elevation to remain open during live entertainment. Four of the five late evening and nighttime oriented business on North Craftsman Court have submitted letter of support (Attachment 5B). To address the daytime oriented business concerns, the applicant has agreed to a stipulation that all service windows and doors are to remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

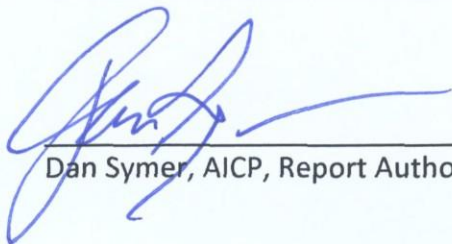
Dan Symer, AICP

Senior Planner

480-312-4218

E-mail: dsymer@ScottsdaleAZ.gov

APPROVED BY



Dan Symer, AICP, Report Author

3-2-2015

Date



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

3/5/2015

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

3/15/15

Date

ATTACHMENTS

1. Stipulations
Exhibit A to Attachment 1: Site/Floor Plan
2. Applicant's Narrative
3. Aerial
- 3A. Aerial Close-Up
4. General Plan
- 4A. Downtown Plan
5. Neighborhood Notification Report
- 5A. Letters in Opposition
- 5B. Letters in Support
6. Security, Maintenance Plan
7. City Notification Map

Conditional Use Permit – Live Entertainment

Stipulations:

Rockbar Inc. for

Case Number: 2-UP-2001#3

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

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 2-UP-2001#3, supersede all of the stipulations of case 2-UP-2001#2.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL SITE PLAN FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual site/floor plan submitted by Rockbar, Inc. and with the city staff date of 2/09/2015, 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.
3. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to:

	Allowed Start of the Live Entertainment	To	Required End of the Live Entertainment
Sunday	10:00 a.m.	To	2:00 a.m.
Monday	3:00 p.m.	To	2:00 a.m.
Tuesday	3:00 p.m.	To	2:00 a.m.
Wednesday	3:00 p.m.	To	2:00 a.m.
Thursday	3:00 p.m.	To	2:00 a.m.
Friday	3:00 p.m.	To	2:00 a.m.
Saturday	10:00 a.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. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions that establish the higher standard of protection to the public health and safety shall apply.

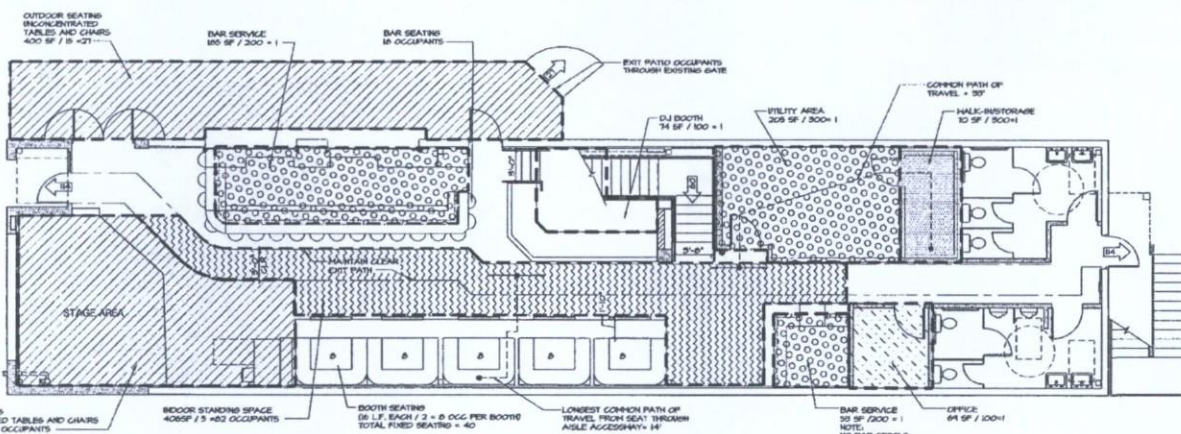
5. **SOUND MITIGATION.** Sound mitigation shall be provided on the inside of the west building wall behind the live entertainment area indicated on the conceptual site/floor plan, subject to the approval of the Development Review Board.
6. **NOISE.** In addition to the City's Noise Ordinance (Ordinance 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.
7. **EXTERNAL SPEAKERS.** External speakers shall be limited to the second floor patio and directed inward. No other external speakers are permitted.
8. **EXTERNAL DOORS AND WINDOW.** The service windows on the ground floor in the north building elevation shall remain closed during live entertainment, band rehearsals/practice, and sound checks before 6:00 p.m. All other external doors and windows shall be closed but not locked during live entertainment.

PARKING

9. **PARKING ASSURANCE AGREEMENT.** Thirty (30) days before the expiration of the assurance agreement, the owner shall submit a new assurance agreement to the Zoning Administrator, subject to city review and approval. If the owner is unable to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator or designee, it may be grounds for a revocation the Conditional Use Permit.

ADMINISTRATIVE PROCESS

10. **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.
11. **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 FIRST FLOOR EXIT / OCCUPANCY / FURNITURE PLAN

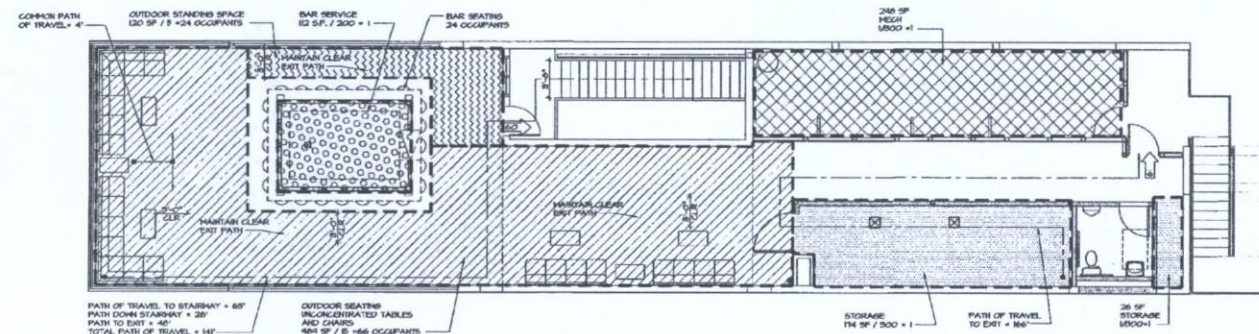
SCALE: 3/16"=1'-0"

OCCUPANT LOAD CALCULATIONS

1ST LEVEL-INDOOR		
USE	AREA	LOAD PER PLAN
SEATING (CONCENTRATED)	80 S.F.	26 OCCUPANTS
SEATING (BAR)	80 S.F.	40 OCCUPANTS
STANDING AREA	406 S.F.	83 OCCUPANTS
SERVICE	70 S.F.	2 OCCUPANTS
STORAGE	84 S.F.	1 OCCUPANT
UTILITY AREA	205 S.F.	1 OCCUPANT
DI AREA		12 OCCUPANTS
TOTAL		165 OCCUPANTS
2ND LEVEL		
USE	AREA	LOAD PER PLAN
SEATING (CONCENTRATED)	994 S.F.	48 OCCUPANTS
SEATING (BAR)	24 S.F.	24 OCCUPANTS
OUTDOOR STANDING SPACE	120 S.F.	24 OCCUPANTS
SERVICE	10 S.F.	1 OCCUPANT
STORAGE	207 S.F.	2 OCCUPANTS
MECHANICAL	285 S.F.	1 OCCUPANT
TOTAL		100 OCCUPANTS
TOTAL 2ND OCCUPANTS		
1ST LEVEL-OUTDOOR		
USE	AREA	LOAD PER PLAN
SEATING (CONCENTRATED)	400 S.F.	21 OCCUPANTS

EXIT DATA

OCCUPANCY	A-2
OCCUPANT LOAD	BUILDING: 284 OUTDOOR PATIO: 21
MAX. PATH OF TRAVEL TO EXIT	250'
MAX. ALLOWED:	46'
MAX. COMMON PATH OF TRAVEL	75'
MAX. ALLOWED (TYPICAL):	46'
EXIT WIDTH	
DOOR 101 (MAIN ENTRANCE)	SOB OF EXITING OCCUPANCY = 14
MIN. REQUIRED:	14 X 25 = 35'
ACTUAL PROVIDED:	34'
DOOR 102 (MAIN EXIT)	SOB OF EXITING OCCUPANCY = 14
MIN. REQUIRED:	14 X 25 = 35'
ACTUAL PROVIDED:	34'
DOOR 103	60 X 25 = 4'
MIN. REQUIRED:	34'
ACTUAL PROVIDED:	34'
DOOR 104 (MAIN UPSTAIRS GATE)	60 X 25 = 10'
MIN. REQUIRED:	34'
ACTUAL PROVIDED:	34'



2 SECOND FLOOR EXIT / OCCUPANCY / FURNITURE PLAN

SCALE: 3/16"=1'-0"

SIXTY FIRST PLACE ARCHITECTS, LTD.

7135 EAST INDIAN SCHOOL, SUITE 111
SCOTTSDALE, ARIZONA 85261
PHONE (480) 947-8544 FAX (480) 947-8518

ROCK BAR INC.

4245 N. CRAFTSMAN COURT
SCOTTSDALE, ARIZONA

EXIT / OCCUPANCY / FURNITURE PLANS



REVISIONS

DATE

SIXTY FIRST PLACE ARCHITECTS

JOB NUMBER 11024

DATE 8/5/11

SHEET NO. A-1.0

2-UP-2001#3
2/9/2015

**ROCKBAR INC.
4245 N. CRAFTSMAN COURT
SCOTTSDALE, AZ 85251**

CONDITIONAL USE PERMIT NARRATIVE

This application is to permanently amend the current Live Entertainment Conditional Live Use Permit for Rockbar Inc. Rockbar is an existing bar/live music venue, located at 4245 N. Craftsman Court, and has been operating at Rockbar since November 17, 2011. Rockbar Inc. obtained and transferred the previous Live Entertainment Use Permit in the purchase of the business(Acme Bar & Grill) in June. 2011. This permit had been in place since 2001.

Rockbar Inc. is seeking to leave open the two service windows on the North side of Rockbar, during live music. These window, that face the alley to the north and have access to our patio, are used to serve patrons sitting outside looking in during live entertainment and in general.

Conditional Use Permit Criteria for Live Entertainment

1.401 Conditional Use Permit Criteria

- A. That the granting of such a 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.**
 - 2. Impact on surrounding areas resulting from an unusual volume or character or traffic.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.**

This property has been used as a bar/restaurant for nearly 20 years, and for 13 years with service windows allowed to be open during live entertainment.

- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.**

1.403.K. Live Entertainment.

- 1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.** Security and Maintenance Plan has been submitted and approved, along with the new PPS 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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.** Sound curtain on stage, along with all interior speakers and inward towards establishment and not towards street maintains forcing sound inside towards building. No exterior speakers downstairs, and small upstairs speakers, approved for ambien sound during 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.** An existing exterior lighting plan was submitted and approved upon purchasing the business in 2011.
- 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.** Floor plans included in application, with service windows labeled to be kept open during live 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 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.** Establishment is in the Downtown area.

6. **If the zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City requirements.** Parking Study was done when business was purchased and approved.
7. **The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.** No additional information has been requested by the Zoning Administrator at this time.
8. **All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.** All doors and applicable windows will remain closed during live performances, except seeking to remain to keep two small service windows on north side of bar, facing the alley, open to serve customers during live entertainment.
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 five hundred(500) feet of a residential district shown on Table 4.100.A.** There is not a residential district located within 500 feet of the property.
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 te Building Code and the exterior lighting plans approved by the Development Review Board.** All Patrons Entrances are illuminated, clearly marked and controlled by staff.
12. **Noise generated from the live entertainment shall conform to the City's Noise Ordinance.** All noise from live entertainment will conform to the City of Scottsdale's Noise Ordinance.

To Whom It May Concern:

With the letter Rockbar Inc. ("**Rockbar**") is requesting that the City Council approve issuance of a Live Entertainment Conditional Use Permit specifically allowing its service windows located on the north side of its premises to remain open during Live Entertainment.

Rockbar first purchased the business at 4245 N. Craftsman Court, Scottsdale, on June 3, 2011, and opened for business on November 17, 2011. Rockbar's establishment continues the same type of business operation that has been at 4245 N. Craftsman Court since 1996. In fact, the service windows at issue, on the north side of the premises, were used by the prior business owner since 2001, and Rockbar continues to operate under the same service window privileges that the prior owner had, which allows Rockbar to keep the two service windows on the north side of the premises open for the patrons sitting on the north patio during Live Entertainment and music.

In February 2014, the City Council granted Rockbar a Conditional Use Permit allowing the two service windows in question, to remain open during Live Entertainment; however, the City Council granted the Permit for a temporary one-year period, with the intent that the Council would re-evaluate and reissue a permanent Permit (i.e., without any requirement to reapply in the future) if the open service windows did not prove to be overly burdensome on the surrounding area during the temporary one-year period. During our year long trial period, Rockbar Inc. has received no noise violations from these windows being open. Considering that it is now one year later, Rockbar is now requesting that the City Council vote to approve the issuance of a permanent Conditional Use Permit for Rockbar.

As has always been the case, Rockbar agrees that it will keep the doors facing Craftsman Court (including the large garage door) closed during its Live Entertainment events. Rockbar merely requests that the Council allow the service windows located on the north side of the premises to remain open during its Live Entertainment events.

Rockbar hopes that the Council will approve this request, and would like it to strongly consider the following:

- During the three (3) + years that Rockbar has operated, it has never received a violation, citation, fine or similar for misuse of its Live Entertainment Conditional Use Permit, nor has Rockbar ever been cited for any noise violations.
- Nearly 99% of the time that Live Entertainment performs at Rockbar, the acts begin their performances well after the surrounding business have closed for the evening. In fact, acts generally do not begin to perform until 7:00 p.m. or later; however, in full disclosure, from time-to-time Rockbar will sponsor a charitable event and the related Live Entertainment may begin earlier, but those events are held on the very rare occasion and even then the acts do not begin much earlier than 7:00 p.m.

- Rockbar operates in a commercial district, not in district zoned residential, and is more than 600 ft. away from any residential zoned areas.

Rockbar has always done its best to be respectful of its neighbors, and has done many things to involve itself in and to promote the City of Scottsdale, including for instance participating in The Taste of Scottsdale and producing and promoting Scottsdale's Ultimate Block Party each of the past four years.

Rockbar hopes that the Council will reinvest in Rockbar, and allow it to continue to operate as it has been since it opened, by approving the requested Live Entertainment Conditional Use Permit.

Thank you in advance for your cooperation.

Sincerely,

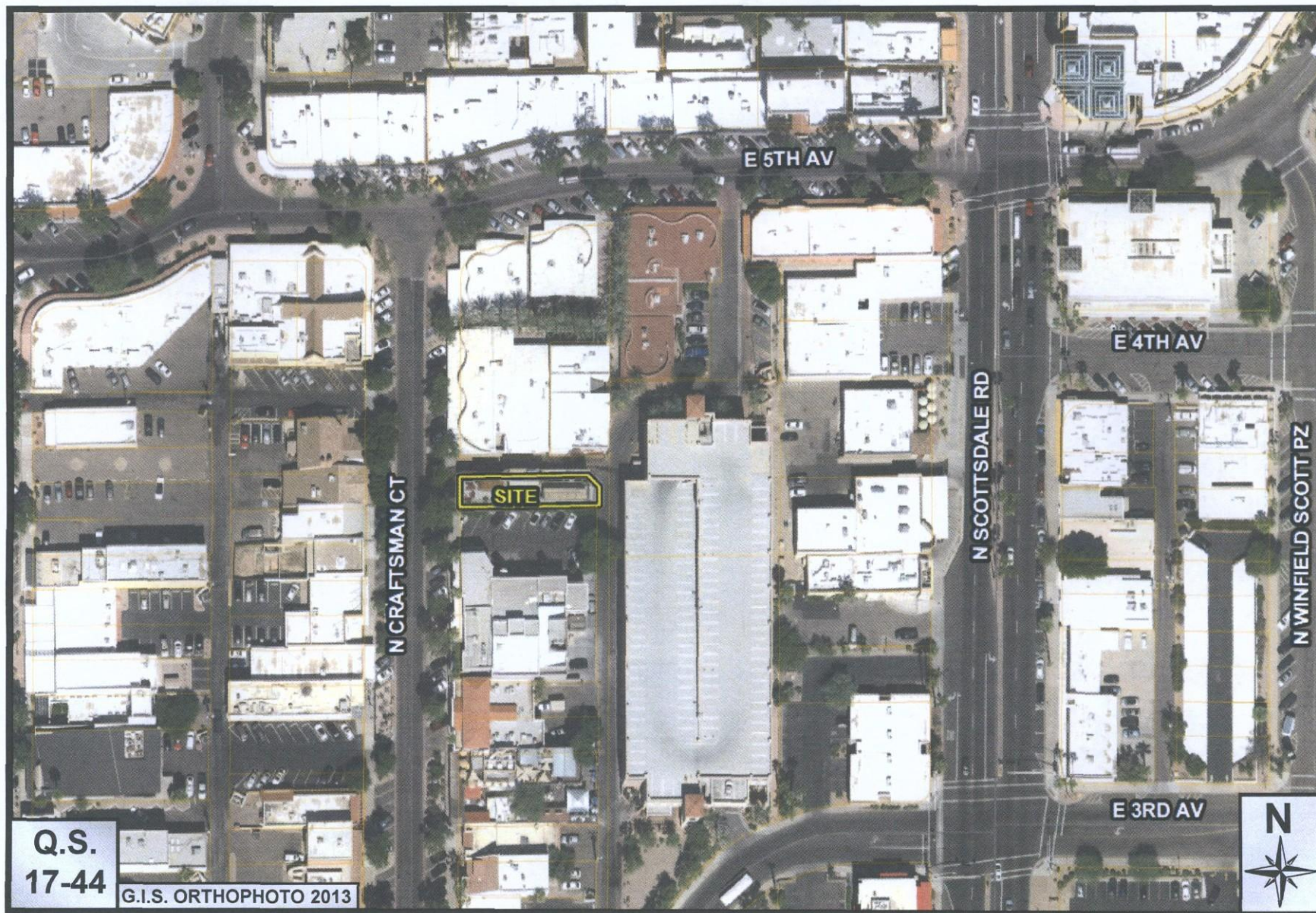
A handwritten signature in dark ink, appearing to read 'Alex Mundy', with a long horizontal flourish extending to the right.

Alex Mundy

Owner

Rockbar Inc.

2-UP-2001#3
2/9/2015



Rockbar Inc.

2-UP-2001#3

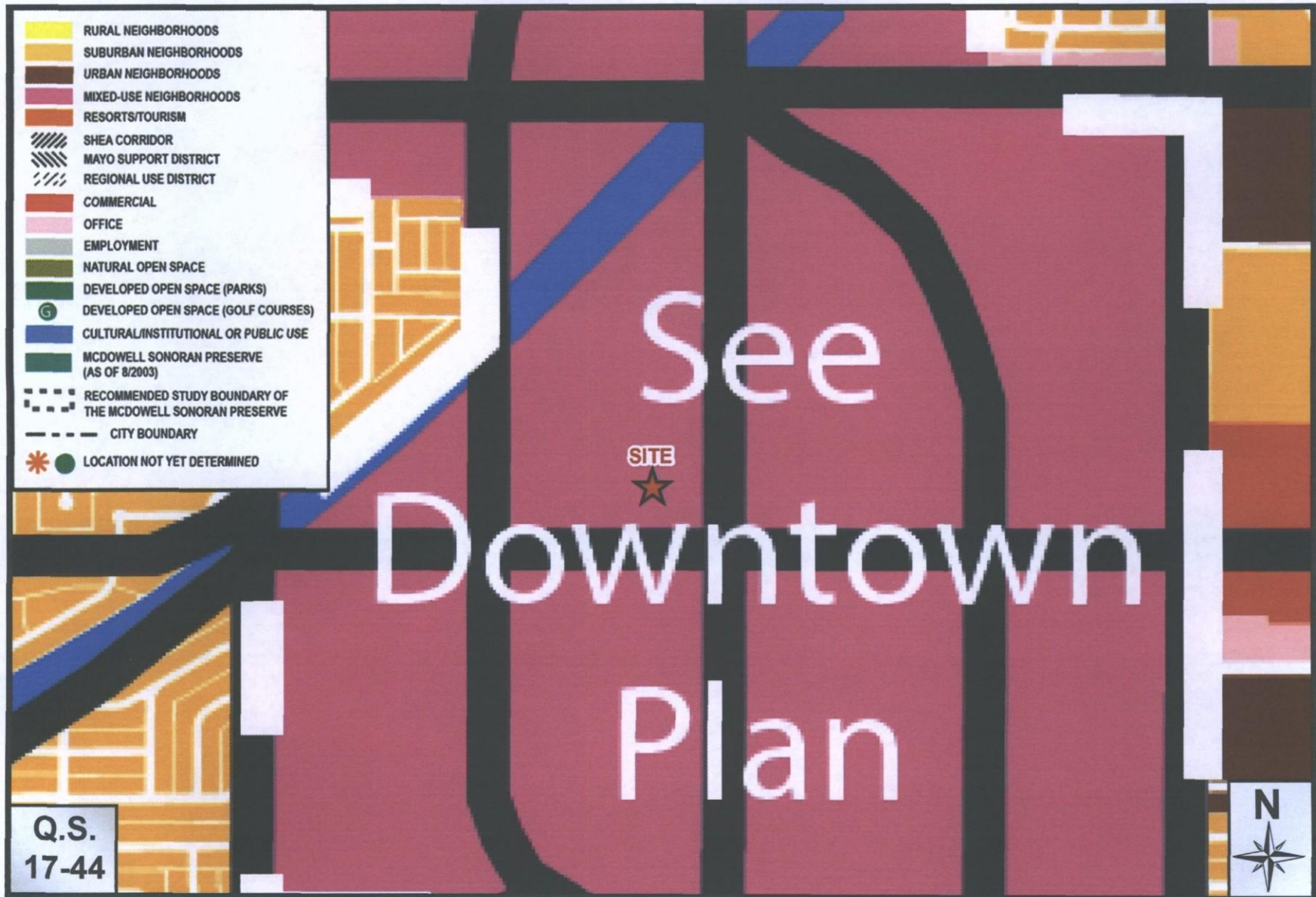
ATTACHMENT #3



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #3A



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #4



Rockbar Inc.

2-UP-2001#3

ATTACHMENT #4A

ROCKBAR INC. NEIGHBORHOOD NOTIFICATION REPORT

All neighbors and interested parties were contacted through mail regarding a neighborhood Open-House, that was held on Tuesday, February 3rd at 5:00pm. The White board for notification of this meeting was posted on the West wall of Rockbar Inc. on January 14th.

Attached are the mailing lists of neighbors within 750 feet, as well as interested parties, which all were mailed letters. Also included are the sign in sheets from that neighborhood meeting.

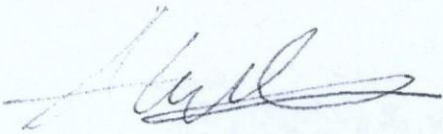
Some neighbors with concerns showed up, as well as many supporters of Rockbar Inc., and for our service windows to remain "open" during live music.

We spoke with a few of the neighbors who had concerns, and were "opposed" to our permanent amendment of our Live Entertainment Use Permit. Others just came in, signed and left with no questions. We answered their questions and tried address concerns; however, we found that those who were opposing, really didn't seem to understand what is indeed in question.

Most of those opposing were discussing doors and our garage window being open during day hours when ambient music sound or tv sound might come out of those doors/windows, and some of their personal dislike of the music or atmosphere. This doesn't address our Conditional Use Permit at hand. However, under our normal operations, we rarely, if ever, have had live music during these hours; typically always beginning live music at 7pm or later. It seemed as though most didn't understand that the only issue at hand is just keeping the north service windows open during live music, as they have always been allowed to be since 2001. All doors and other windows will continue to remain closed during live entertainment.

Many supporters came as well to express their support of keeping the windows open to the patio for service during live entertainment. The supporters, including many of the Rockbar Inc. staff as well, talked about their love and the feel of Rockbar Inc., with the patio atmosphere

with a live music element, which was and is our key element for
business at Rockbar Inc.

A handwritten signature in dark ink, appearing to read 'Alex Mundy', with a stylized, flowing script.

Alex Mundy
Owner
Rockbar Inc.

Letters of Opposition

ATTACHMENT 5A

From: sandy [<mailto:sandra@hbc.com>]
Sent: Thursday, February 12, 2015 8:36 PM
To: Symer, Daniel
Subject: Rock Bar

Hello Mr. Symer,

As a concerned citizen, I would like to know the status of the one year amended CUP which was approved during 1/14/14 council meeting with a 4/3 vote in favor of leaving the service windows open. Those service windows are both 3 foot by 9 foot so they are not a small opening but, in fact, function as the opening to the full bar with bar stools for all patrons to drink and smoke on the leased alley way patio. By the way, that patio becomes larger as needed as the rails enclosing the patio are a temporary structure. It's my understanding that the temporary amended CUP ends on 2/15/15. So my question to you is, **do the service windows and doors now have to remain closed during live music performances after 2/15/15?**

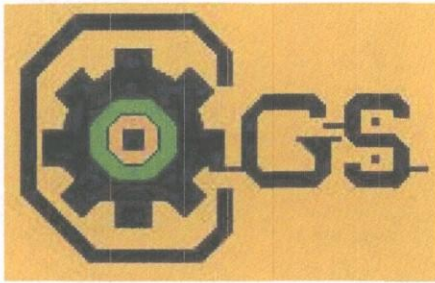
I can testify to the abuse of this bar. Last spring I went to the Citizens Public House to have dinner before going to art walk. My friend and I sat on their patio only to be exposed the fumes from a 40 foot roadie bus with trailer attached which left it's diesel engine running for about an hour while the band unloaded. They not only blocked in the cars that were parked on the street but prevented me from parking nearby. We asked to go inside the restaurant because of the fumes. Once inside the CPH the band started to warm up. It was about 5:30 pm. The floor shook from the vibrations of the speakers. The CPH is at least a football field from the Rock Bar. The music was extremely loud. I then asked that the restaurant manager to close their sliding doors. I've heard the music playing on the weekends during the day while on 5th Avenue which I have found disturbing and RUDE. Even when the Roc Bar doesn't have a live band, they turn all their TV's up so loud you can hear them up and down Craftsman Court. They are BAD neighbors.

On 2/3/15, I went to the Open House. I signed in as opposed to having the windows open during live entertainment along with out 10 other people. At 5:15 I left and went to the city council meeting. At 6:45, I returned to the Rock Bar on 2/3/15. Alex Mundy was no where to be found and neither were the sign in sheets. I asked the bartender what happened. He said he had another sheet I could sign. I wrote on the sheet that it was then 6:50 pm and the sheets were gone. Another concerned citizen Patty Badenoch was with me. She had received the letter announcing the Open House and signed in. I understand that Mr. Mundy turned in 5 sheets to the city and one was filled in after I was there at 6:50. There were no addresses or contact information with all of those signatures.. many of those signatures were from Mundy's face book friend list and his bartenders and employees. Is that legal to allow Mundy to go to his people to sign after the open house? Why bother to have an open house if there is no way to confirm the time and who these people are?

I have seen videos of a recent performance by Ella Kaye. It's nothing but screaming, very loud disgusting hard rock with a bass that shakes the entire street. This bar should be in the bar district on the east side of

Scottsdale Road. It's apparent that if this abuse of the neighbors in the area continues, businesses will be forced to sell and the entire 5th Avenue/Craftsman Court will become an extension of the existing bar district.

I simply don't understand the logic presented by Mayor Lane, Linda Milhaven, Suzanne Klapp and Virginia Korte when they voted to leave the windows open for live entertainment. I've watched a replay of that 1/14/14 meeting a few times and I do not think they understood what they were voting for. I would hope you can get this straightened out and force the Rock Bar to close their windows according to the original CUP effective 2/15/15. Thanks for your service to our city and correcting the errors of this situation. I will await your reply. Sandy Schenkat 480-268-9200



The Coalition of Greater Scottsdale

7904 East Chaparral Road, suite A110- 127

Scottsdale, AZ 85250

www.COGSaz.net

e: mails: cogsboard@cogsaz.net

18 March 2015

TO: Planning Commissioners, City of Scottsdale

RE: Case 2 UP 2001 #3 Rock Bar 4245 N Craftsman Court, Scottsdale AZ

The Coalition of Greater Scottsdale (COGS) supports the area merchants and resident in their opposition to any approval of the requested Amended CUP in this case and requests the Planning Commissioners deny the Case 2 UP 2001 #3..

Included in this packet:

Image of the "service windows" that are currently open during Live Entertainment.

1. Opposition signature petition from immediate area merchants with 15 signatures
2. Opposition letter from Fred Unger of Scottsdale Canal Project LLC dated 17 March 2015
3. Opposition letter from Richard Simonson of Sunbrella Properties LTD, Steve Johnson Atelier, Inc and Florine Tamasco, Managing Member of 4228 and 4234 Craftsman Court LLC March 12, 2015
4. Opposition letter from Veronica Graffius, Scottsdale Gallery Association President dated March 17, 2015
5. Opposition letter from Iris Abdo, owner of Back to the Rack and More LLC dated March 17, 2015
6. Opposition letter from Florine Tomasco, Tomasco Property dated March 12, 2015
7. Opposition letter from Sandra Schenkat, artisan displaying in The Kiva dated March 17, 2015
(The image she attached has been placed first in the packet)

Opposition prior to the January 2014 Council decision to approve a one year, temporary CUP with service windows open during live entertainment:

8. Opposition letter from Rick Simonson of Sunbrella Properties dated October 23, 2013
9. Opposition letter from Steve Johnson, business owner and resident upstairs Atelier, Inc dated Nov 19, 2013
10. Opposition letter from Florine Tomasco, Tomasco Properties dated November 22, 2013

Open House 2/3/2015 sign in sheet review by COGS

6 area merchants signed opposed

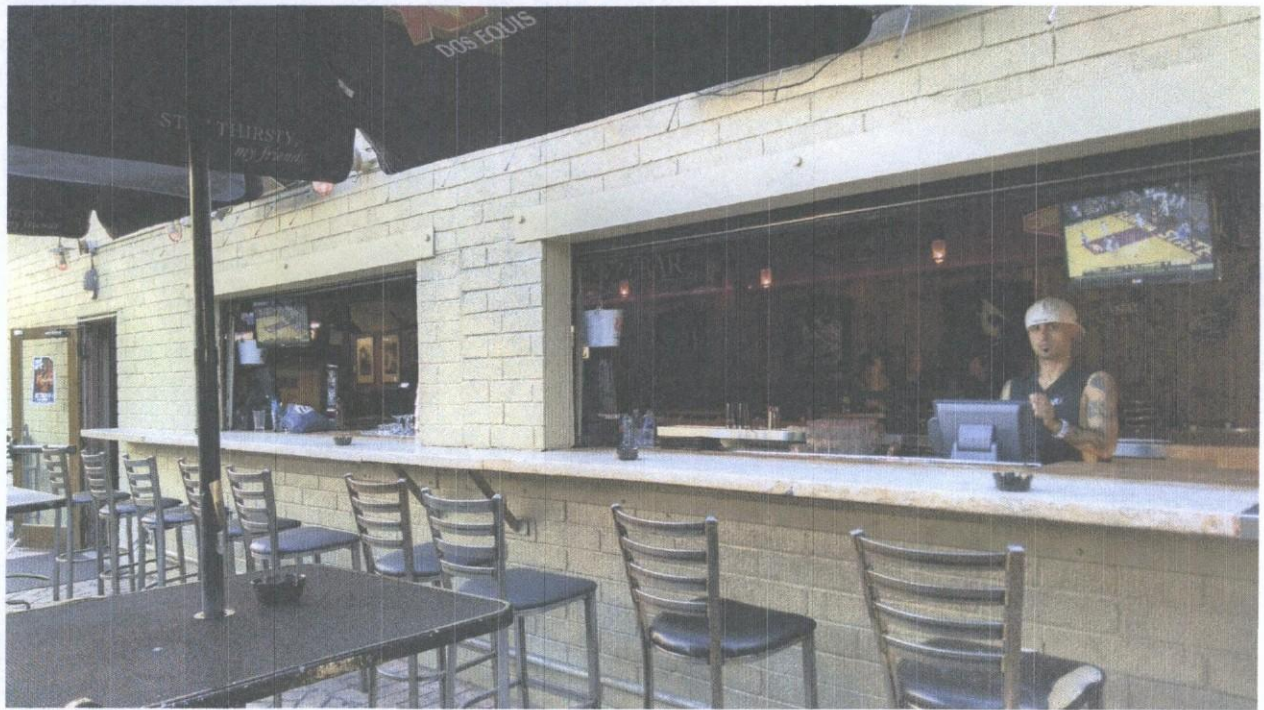
25 bar patrons signed supporting...of those 10 have Scottsdale addresses

5 RockBar employees signed supporting

Thank you for your careful consideration,

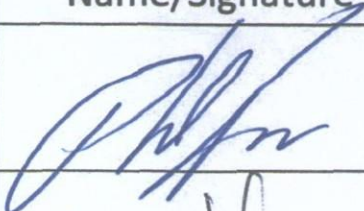
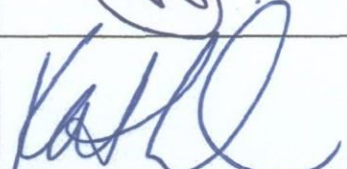
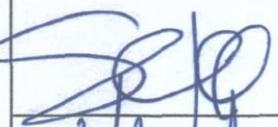
Sonnie Kirtley cellular 602 717 3886

The Coalition of Greater Scottsdale COGS Chair



FOLLOW-UP TO OPEN HOUSE ON 2/3/2015 AT ROCK BAR

The following signing this petition **oppose** Rock Bar's application to permanently amend the current conditional use permit to allow service windows (two approx. 3 ft. by 9 ft. each) to remain open during live entertainment.

Name/Signature	Business name/address	Phone/email
	Modern American	4161 N Marshall Way.
Gut Hart	SCHMIDT CURVED	4167 MARSHALL WAY
Donnica Gabbios	Calvin Charles Gallery	4201 North Marshall way
	Jewelry by Cynthia	4211 N. Marshall way.
	Dermatologica in Scottsdale	4223 N. Marshall way
	Karma Salon	4225 N Marshall way
	Chocolade JAVIERRE	4225 N Marshall way
PStm	R C GORMAN GALLERY	4251 N. MARSHALL WAY
Angel Kent	Balette	Angel4344 at cox.net
Carole Brull	Babe He	

FOLLOW-UP TO OPEN HOUSE ON 2/3/2015 AT ROCK BAR

The following signing this petition **oppose** Rock Bar's application to permanently amend the current conditional use permit to allow service windows (two approx. 3 ft. by 9 ft. each) to remain open during live entertainment.

Name/Signature	Business name/address	Phone/email
Blair	Blair	
Susan Corbua	TEA TIME	
Jeresa Lewis	TOUCHSTONE GALLERY	4168 N. Marshall
Cim Loren	atelier, inc	4242 N. Craftsman Ct.
F. Cunningham	atelier, inc.	" "

From: Fred Unger
Sent: Tuesday, March 17, 2015 11:27 AM
To: 'Cross, Kathy'; 'Kuester, Kelli'
Subject: letter to mayor and council - please distribute thx

March 16, 2015

Mayor and City Council Members

Regarding: The Rockbar Inc. Conditional Use Permit Addendum
Case Number 2-UP-2001 #3

Representing properties and tenants in the adjacent neighborhoods, we oppose the request from this applicant.

Good City land planning, leads to thriving cities.

In order to have a successful balance of uses in close proximity to one another, it is incumbent for the City to think of all of the ramifications on decisions which are made.

Having a successful entertainment district is beneficial to a City. It is also beneficial to have other uses to achieve a well rounded Downtown, that can and will include: residential, retailers, office, hotels and a variety of entertainment venues. An urban mix of uses will have many benefits and we welcome new and innovative ideas. However, having amplified music bleeding out of an establishment on a regular basis, and as late as the hours requested, will prevent the enjoyment by other constituents of our Downtown community.

Most citizens and proprietors will expect and understand exceptions such as: New Year's Eve, Super Bowls, and a few other situations, but allowing for year round, late night, outdoor sound amplification may lead to problems which will detour the surrounding community from enjoying the more urban environment which the Downtown is evolving toward.

We encourage the City to prudently plan and insure its future by creating a balance of uses in the Downtown by proactively managing the proliferation of bars and nightclubs and their impact on their surrounding neighbors.

We want The Rockbar to succeed and thrive, but wish them to be a good and businesslike neighbor.

The Rockbar needs to keep their doors, and windows closed while the music is playing just like the vast majority of similar establishments do in this neighborhood.

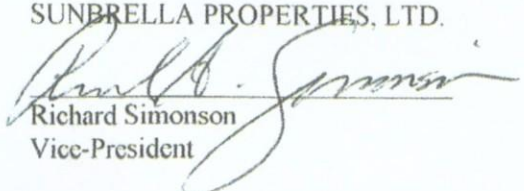
Scottsdale Canal Project LLC.
Frederick Unger
Member Manager

As property owners with nearly a century of combined ownership, we cannot imagine that our interest in preserving the visitor and business friendly character of Craftsman Court (established and sustained over decades and with real future residential development prospects) is outweighed by the interests of a single business that leases its premises and is subject to standard and necessary noise abatement measures in place for 14 years. In this case, there is simply no rational justification for a permanent amendment as requested which we now know will come at the expense of the surrounding property and business owners. We do not believe the decision is a difficult one.

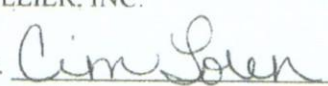
WE STRONGLY PROTEST ROCK BAR'S REQUEST.

Thank you for your consideration.

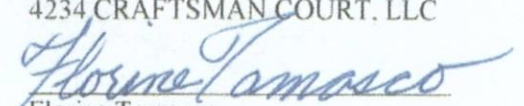
SUNBRELLA PROPERTIES, LTD.


Richard Simonson
Vice-President

ATELIER, INC.

p.p. 
Steve Johnson
President/CEO

4228 CRAFTSMAN COURT, LLC &
4234 CRAFTSMAN COURT, LLC


Florine Tamasco
Managing Member



March 17, 2015

City Of Scottsdale
Planning Department

Attention: Dan Symer

RE: Rock Bar Case # 2-up-2001#3

The Scottsdale Gallery Association is committed to the presentation of visual art in our city, which is renowned throughout the world for the quality, breadth and uniqueness of works of art on display in over 100 galleries. A warm and welcoming environment in which to display and view the art is vital to the art gallery community, largely concentrated in downtown Scottsdale, and its ability to attract those interested in art.

Rock Bar is located in the vicinity of the arts district. As a live concert venue, it has the potential to impact negatively the art community with loud live music in the daytime and evening hours, disturbing a tranquil and inviting ambience established by the galleries and other retail businesses over several decades. At times, near by galleries have been subjected to vibrations and shaking walls from music on Craftsman Court.

To vote in favor of changes that enable Rock Bar to project its noisy concert music beyond the four walls of its building – in this case, open service windows – is to diminish the value of the entire gallery community in Scottsdale.

Sincerely,
Veronica Graffius
SGA President

BACK TO THE RACK AND MORE LLC

7121 E. Fifth Ave.

Scottsdale, 85251

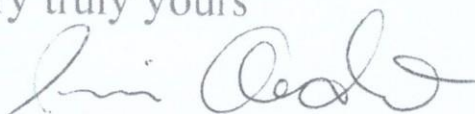
480 941 1672

March 17, 2015

To whom it may concern,

As a retail shop owner just to the north of the Rock Bar I am not in favor of keeping any windows open when they have live bands or any event where they are screaming into a microphone. The level of the noise is extremely disruptive to my business and my customers. They show no consideration for any of the other business on the block. How is it even possible for them to have these events without my signing off on them? The level of the noise is so high that even the live performer on the corner of Fifth Ave and Stetson comes to me asking me when are they going to stop. By the way I believe he is being paid by the City of Scottsdale.

Very truly yours

A handwritten signature in dark ink, appearing to read 'Iris Abdo', written in a cursive style.

Iris Abdo, owner

March 12, 2015

Dan Symer
City of Scottsdale
7447 E Indian School Road, Suite 105
Scottsdale, Arizona 85251

RE: Rock Bar Conditional Use Permit Amendment
2-UP-2001#3

Mr. Symer:

We own real estate on Craftsman Court adjacent to Rock Bar: the Kiva Center has been in the Simonson family for 43 years; Ms. Tamasco purchased 4228 & 4234 Craftsman Court in 1989; and Mr. Johnson purchased 4242 Craftsman Court in 1999 and has lived and worked there ever since.

As longtime property owners with a substantial investment in our property, we are very concerned about Rock Bar's controversial concert activity and current CUP request.

Craftsman Court is a destination for visitors and residents to shop and recreate. The street is dominated by more than a dozen interior design firms and businesses that cater to the home building and home furnishings industry together with a variety of artisan type shops; jewelry, clothing and gift boutiques, hair salons and Citizen Public House restaurant.

Rock Bar is a concert venue in the middle of this vibrant commercial district. Currently, its CUP requires all doors and windows to remain closed during live performances. However, Rock Bar now claims the need to keep open, during live concerts, two large windows on the north side of the building to serve outdoor patrons.

Last year, we wrote to the Planning Department stating our reasons for opposing the amended stipulation (copies of each letter attached) but to no avail as the department recommended approving the amendment which the City Council eventually passed on a one-year trial basis "to see how it goes." We understand that many more businesses and individuals are opposing the amendment this year.

AS WE FEARED, THE LIVE CONCERT NOISE EMANATING FROM ROCK BAR IS WORSE THAN EVER. ADDITIONALLY, ROCK BAR IS "STEALING" ELECTRICITY FROM THE ADJACENT KIVA CENTER PROPERTY FOR THEIR EVENTS.

It is incomprehensible why the City would sanction a change to the CUP that nullifies stipulations designed to contain sound and protect the interests of the surrounding businesses and the neighborhood. These stipulations were in effect when Rock Bar purchased its business and, therefore, it knew the constraints imposed upon it.

A permanent amendment will invite other similar businesses, perhaps on the same street, to expect the same favorable treatment, in addition to severely disrupting the existing retail and service businesses.

How has it been demonstrated in any way that the direction of the speakers inside the bar will "maintain sound inside the building" when two service windows are kept open during live performance?

1.403(K) (6)

The parking study should be updated as the one cited is 12 years old. Why would a 12-year old study be reliable in this case?

1.403(K) (8)

Nowhere does the applicant explain why they are requesting that two service windows remain open. Why is the current condition not suitable or appropriate when presumably it was imposed as a noise abatement measure?

Due to the absence of any substantiation for the statements made in the application for an amendment that *on its face* will create nuisance from noise and vibrations, the Planning Commission and City Council should insist that additional, specific facts and support be provided if the application is to be considered. Thank you.

Sincerely,

Florine Tamasco
Tamasco Commercial Property
602 954-8877

To the Board of Directors of Coalition of Greater Scottsdale, 17 March 2015

Please share my thoughts regarding the second request for an amended CUP from Rock Bar. I witnessed the 1/14/14 city council meeting when Linda Milhaven made a motion for a temporary amendment to the current CUP which required the Rock Bar to have all windows and doors closed when they have live entertainment. I don't believe the Mayor and council understood that the "service window" actually are two 3' by 9' window openings. The Rock Bar depends on these windows to expand their bar into the leased 440 sq. ft. of patio which is leased from the city for \$1,280 annually. In addition to the 440 sq. ft., they remove the barriers and open up the area to accommodate up to 250 patrons who drink, smoke and listen to the loud music. This does not appear to be a good business decision by the city. I experienced the live music on two occasions and have heard videos. This is a disturbing situation for the neighbor area businesses other than Dos Gringos, BS West and Citizen Public House because they are liquor establishments, as well.

Last April I experienced the abuse of this live music when I had dinner at the Citizens Public House. I was eating on the patio when a 40 foot roadie bus stopped on Craftsman Court. The bus left its diesel motor running for over an hour creating air and noise pollution. I eventually asked to be moved indoors from their outside patio. Then the live band started to tune up. It was so loud that the floor shook in the CPH which is about 150 feet away from the Rock Bar. I complained to code enforcement to no avail.

Recently, I stopped by to take photos at 10 pm and spoke to Alex Mundy, Managing Partner, for about a half hour. I was offended by the loud music but did listen to Mr. Mundy try to explain why he thought Craftsman Court needed his bar and why loud, obnoxious music is his thing. The city had to remind him that his amended CUP expired on 2/16/15. He then applied for special events permits to allow the music to continue with the windows open. **The Rock Bar has not complied with the notification to the businesses in the area as it relates to the special events. Mr. Mundy told me that he only submits "no concern" from the three other bars as he knows no one else will approve.** Other bars are limited and must have their windows closed for live entertainment. Why has the city given this bar special exception? The Rock Bar should be made to follow the CUP which was transferred to them when they purchased.

If this continues, the entire area will change and it will most likely become an extension of the Entertainment District. Your Planning Commissioner vote makes a huge difference for the future of the area. If the powers to be think that a loud bar with live music is important, I believe the surrounding businesses will fail in the area and the property values will go down. This will prevent mixed use on the north side of 5th Ave. No one can live around this type of loud and disgusting noise which is allowed until 2 am.

Please pass on my comments to the Planning Commission for their consideration at their 3/25/15 meeting. Thank you, Sandy Schenkat 480-268-9200

attached is a photo of the "service windows"

SUNBRELLA PROPERTIES, LTD.

3402 N. 36th Street
Phoenix, AZ 85018

Phone: (602) 955-0504
Fax: (602) 955-2488

October 23, 2013

Dan Symer, AICP
City of Scottsdale
7447 E. Indian School Road, Ste 105
Scottsdale, AZ 85251

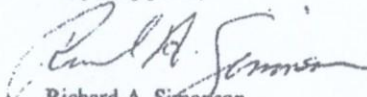
Regarding: Rockbar Inc. Conditional Use Permit Addendum
Case Number 2-UP-2001 #2 and 2-ZN-2001 #2

To Whom It May Concern:

As the property owners adjacent to the North of the Rockbar property, we are NOT in favor of their request to keep the serving windows open during the live music.

Rockbar is adjacent to our retail shops and salons and will be disruptive to their business.

Very truly yours,



Richard A. Simonson
Vice-President

/sv

Symer, Daniel

From: Frer415@aol.com
Sent: Friday, November 22, 2013 9:44 AM
To: Symer, Daniel
Cc: frer415@aol.com
Subject: Rockbar application to amend conditional use permit

Mr. Symer:

I am opposing Rockbar's application to amend the conditional use permit.

Since 1989 I have owned two buildings on Craftsman Court – a total of three parcels – at 4228 and 4234 N. Craftsman Court, across the street from Rockbar. I have two tenants: Waterworks, a leading national exclusive tile and bath supplier that is into its seventh year at this location; Ramon Bacaui Hair Gallery that just completed an expansion of its salon. Both businesses have demonstrated sustainability even as the economy struggled through tough times in the last five years.

On the street, retail and service oriented businesses are flourishing with no less than 20 such businesses, not to mention Citizen Public House, existing residential units and more residential units under construction in the area.

By contrast, Acme Bar has left. Upper Deck at 4224 Craftsman Court closed and three new bar operators have come and gone at that location in the span of approximately two years.

The character of the street as a viable and desirable retail and service oriented destination makes it critical that **any conditional use permit amendment or modification be exhaustively examined with a thorough and precise understanding of its impact on the neighborhood without reliance on faulty or baseless assumptions or claims.**

My comments with regard to the application are as follows:

Nowhere does the applicant explain why they are requesting that two service windows remain open during live entertainment performances other than to say that the windows are used to serve patrons on the patio. The applicant does not state that patrons on the patio cannot be served under present conditions or why this matters. Without knowing the intent behind the request, how would one evaluate the validity or appropriateness of the request or possible alternatives?

1.401 (A)(1)

Applicant's statement that "No damage or nuisance arising from noise... or vibration... is anticipated..." is without credibility for the simple reason that the applicant does not cite a single factor in support of the claim even though two windows will remain open during live performances.

From my own experience on Craftsman Court, nuisance arising from noise and vibration is already being generated by Dos Gringos and Rockbar with their outdoor speakers. On weekdays and weekends, mid afternoon and early evening, thumping and other disruptive sounds and vibrations reverberate through the street and across the street at my buildings. I have brought this to the attention of Code Enforcement on several occasions.

And there was a formal complaint (with a scheduled court hearing) earlier this year by the City against Rockbar for noise violations when front windows were kept open during a live performance.

At the very least, unless there is an independent study and report of actual noise conditions when service windows are open, the application should be denied.

The statement that "[t]here are mixed use buildings in the vicinity but the noise from live entertainment will conform to the City of Scottsdale's Noise Ordinance" is really nothing more than the continuation of a circular argument: there are no facts or evidence that are distinct from the conclusion. Rather, the argument being made is that because no nuisance is anticipated, the noise from live entertainment will conform to the Noise Ordinance!

1.401 (A) (2)

More circular logic. The statement that "to allow service windows on the north side of building to be open during live entertainment performances is not anticipated to affect the surrounding areas with an unusual volume..." is all that is offered in support of the conclusion that there is no nuisance anticipated.

1.401 (B)

"Compatibility" with types of uses permitted in "surrounding areas" has not been demonstrated. How are surrounding areas defined? With the exception of Dos Gringos, virtually every other business on Craftsman Court is categorized as personal service, retail or restaurant. There is no precedent cited for the amendment sought. Even Upper Deck (which is no longer operating) had been granted a conditional use permit for live entertainment *subject to the condition that its windows remain closed* -- no exceptions despite an outdoor patio.

1.403(K) (2)

From: atelier36@aol.com
Sent: Tuesday, November 19, 2013 7:44 PM
To: Symer, Daniel
Subject: Re: Rockbar application

Hi Dan,

This email serves as my opposition to the application to amend the conditional use permit for Rockbar Inc.

The following items address my concerns and false statements noted in their application.

In paragraph 1 they state 'No damage or nuisance arising from noise, smoke...vibration...is anticipated...' How does this statement have any validity or recourse? It is totally not based on any existing facts. I have complained for years and have called the police and have filed complaints about considerable noise & vibration. There was recently a court case regarding a violation against RockBar Inc. for keeping their front windows open during a live performance.

I feel the statement RockBar has made above should be backed by a valid report / test done by an independent company where the actual condition is proven to be true before the city council can even consider this application.

Please refer to the email thread outlining this situation, where you have been copied over the past year along with Raun Keagy and SR Smith. Please let me know if you want me to submit those emails in addition to this email, you should have them already.

Where it states 'the nearest residential district is 925 feet to the west...' is also not true, there are new residential units in the process of being built that will be impacted by this decision. There are mixed use properties directly across the street from RockBar that are affected by this disruption that has, on numerous occasions, complained about the conditions.

Paragraph 2 states 'the property has existed...entertainment performances is not anticipated to affect the surrounding areas...' What happens if this is not the case and what would be involved to reverse this decision if it is proven not to be the case? Who determines and what are the 'conditions' where it can be shown it is affecting the surrounding areas?

Section 1.403.k.Live Entertainment

Paragraph 2. What 'written evidence' has been shown that sound is contained within the building and what is the definition of 'sound is contained within the building'?

Where is it proven that 'interior speakers will be facing inwards...to maintain the sound within the building'? That is obviously a very gray statement and absolutely not based on fact. Please provide a definition for this and how it is even enforced.

Paragraph 6. Please provide the parking study and show documentation that it is up to date.

Paragraph 7. Please provide documentation on how this new condition will NOT affect adjacent properties, including nearby restaurants, shops and residences.

Paragraph 8. Allowing certain windows to remain open during live events totally negates the purpose of keeping these windows shut to contain the noise level, which is the basis of this condition.

Paragraph 9. What is the definition of a 'residential district'?

What would be the difference in noise levels/ vibration affect if only one service window was allowed to remain open as opposed to the two windows as requested? What is the impact of the noise level / vibration affect if the current windows were modified to allow only a pass-thru as opposed to totally allowing them to remain open?

Steve Johnson
4242 N. Craftsman Court

Open House Sign-in Sheet/signature information

Event: Public Input open house at Roc Bar 4245 North Craftsman Court

Tuesday, Feb 3, 2015 5 to 7 pm

Re: Planning Commission agenda 3/25/2015--request to change 1 year CUP to permanent for live entertainment and service windows open

In the interest of accurate reporting regarding the public input signatures gathered at the Roc Bar open house, COGS (The Coalition of Greater Scottsdale) has the following additional information on the signees separated into 3 categories: Merchants/residents in immediate area, bar patrons and employees.

Area merchants and property owners: (need more than 4 shop locations)

Alexis Sebastian	Celebrity Encore	opposed
Florine Tamasco	4234 and 4228 N Craftsman Court	opposed
Fredrika Ranucci	4234 and 4228 N Craftsman Court	opposed
Steve Johnson	4224 N Craftsman Court (merchant & resident)	opposed
Carol Brinkman	Celebrity Encore	opposed
Iris Abdo	Back to the Rack	opposed

BAR PATRONS who signed

Vincent & Kristine Marquardt	4337 N 70 th St	For
David Anthony	7721 W. Palo Verde, Glendale AZ	For
Brittany Miller	9600 N 96 th Street #179	For
Amanda Loy	4539 E. Glenrosa Phoenix	For
Gail Lichtenstein	5042 N Granite Reef Rd	For
Kelly Hale	7037 E Loma Land Drive	For
Matt Simon	Tempe	For
Drew Santos	E. Persimmons in Mesa AZ	For
Jayson Johnson	Scottsdale	For
Neil J. Beringer	7508 E Moreland	For
Sami Bush	W. Angel Fire Phoenix	For
John Steken	2402 E Mercer Lane Phoenix	For

Chris Bizup	Scottsdale	For
Shawn Johnson	1014 E Spence Ave # 201 Tempe	For
Justin Stewart	Tempe	For
Andrew Berkenkamp	Phoenix -camera operator	For
Todd L Williams	Scottsdale	For
Robert C Berg	7020 E Chaparral Rd	For
Evan Berg	7020 E Chaparral Rd	For
Jami Hyatt	2323 E. Apache Blvd #1110 Tempe	For
Joel Tagle	(unknown address)	For
Jake Dean	6030 E Crocus Drive	For
Angel Diaz	Phoenix	For
Tony Tello	7508 E Moreland	For
Alex Porter	Phoenix	For

EMPLOYEES OF ROC BAR who signed

Nima Parvin	14545 N. Frank Lloyd Wright # 2063	For
Cassie Ulloa	Peoria AZ	For
David Azari	5971 E Thomas Rd	For
Lindsey Meyer	(no information)	For
Jerry Barno	2938 N 61 st Place	For

Letters of Support

Alex Mundy
RockBar Inc.
4245 N. Craftsman Ct.
Scottsdale, Az 85251

February 5, 2015

Dear Alex:

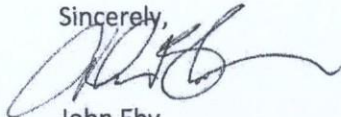
As Landlord of the property at 4245 N. Craftsman Ct. and multiple downtown properties, please take this letter and give to the City of Scottsdale in support of your receiving permanent approval for the north 1st floor windows being open at RockBar.

The City approved these windows in 2001 when I built them, in conjunction with renting the space in the alley from the City. Tourists/residents also come to Arizona to get the indoor/outdoor experience when going out, these windows provide that. In addition, the roll up windows are standard all over downtown Scottsdale for restaurants/bars. There are more than 50 restaurants/bars with similar tenant improvements.

When the windows were approved the City had a couple people in the neighborhood that were against any outdoor bar/restaurant areas and approved it in spite of those people. The City Planning and Zoning understood at that time, that downtown benefits by having more activity outside and that a person or two that moved into the neighborhood after the bars/restaurants were on the street, should not dictate that look of the street. I understand that the same person or two are getting a second chance to try and dictate. Planning and Zoning made the correct decision in 2001, and I am confident that they will make the correct decision again.

Good luck with your hearing and let me know how it goes.

Sincerely,



John Eby
JE Southwest Real Estate

2-UP-2001#3
2/9/2015

To Whom It May Concern:

I am in approval of Rockbar Inc. continuing to keep the north service windows open during Live Entertainment, per the Conditional Use Permit. It has had no negative affect on my business as their next door neighbor to the South. The Rockbar Inc. have been a courteous, responsible, and respectful neighbors that we've enjoyed having on the street. Feel free to contact me with any questions or concerns.

Sincerely,

David Free
(Building Owner)
4237 N. Craftsman Court
Scottsdale, AZ 85251
602-799-7711

2-UP-2001#3
2/9/2015

CITIZEN

◆PUBLIC HOUSE◆

7111 E 5th Avenue Ste. E
Scottsdale, AZ 85251

Andrew Fritz
Owner
Citizen Public House
7111 E 5th Avenue Ste. E
Scottsdale, AZ 85251

Thursday, February 5th, 2015

Re: Rockbar Live Music

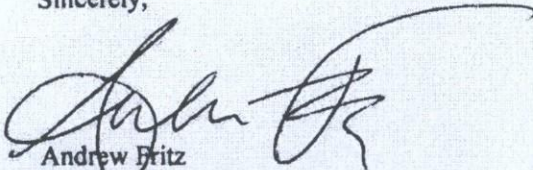
To Whom It May Concern:

This letter is to signify my approval that Rockbar be allowed to keep their north-facing service windows open during live music. My business, Citizen Public House, is located just footsteps across the street from Rockbar. At no time over the past 3 years has live music from Rockbar been bothersome to our guests or staff members.

Rockbar's owner/managing partner Alex Mundy is a thoughtful neighbor. Mr. Mundy has always been transparent regarding live music and special events. He's clearly sensitive to commercial well being of neighboring businesses.

In my opinion the live music brings a great atmosphere to Craftsman Court. Furthermore, Rockbar is a well-managed bar/venue that provides a safe entertainment experience for customers and the community. In my opinion they should be able to continue operations as they have in the past; without any added restrictions.

Sincerely,



Andrew Fritz
Owner
Citizen Public House
fritz@citizenpublichouse.com
602-769-4199

2-UP-2001#3
2/9/2015

DOS GRINGOS

FAMILY OF BARS & RESTAURANTS

1984 E. 5th Street | Tempe | AZ | 85281

Friday, February 06, 2015

City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Rockbar

To Whom it May Concern,

Dos Gringos has been in operation on North Craftsman Court since 1996. Over the course of the past 19 years, we have seen many businesses and people come and go, and welcomed the concept brought to this neighborhood by the Rockbar a short time ago. Since their opening we have had the pleasure to watch this business grow to become a staple in the local, live music arena.

Dos Gringos is in support of the allowance that Rockbar have the ability to leave their windows open during their operating hours. Having the North facing windows open is a vital piece of their business model, not only enhancing the great local talent they bring to the area, but also in an effort to provide customer service.

Dos Gringos is a large supporter of small, local businesses in the Downtown Scottsdale area and removing such a vital component of any local business's success model not only cripples the individual business but can also have a negative impact on all businesses in the area. Rockbar is a good addition to our neighborhood, bringing something different to the area, while maintaining its own identity, away from the melee of what has been dubbed the entertainment district.

Sincerely,

John Radice, Owner
Dos Gringos Restaurants and Bars
480.214.2241

2-UP-2001#3
2/9/2015



To Whom It May Concern,

This letter is in reference to Rockbar which shares the alley with BS West. BS West is in full approval of Rockbar and the north side of their building regarding open windows during live entertainment. As a business that operates on the same hours we feel this is very beneficial to the alley and foot traffic through our area of Old Town Scottsdale.

Rockbar and BS West have worked together to enhance the ambiance between Craftman's Court and 5th Ave parking structure to benefit all surrounding businesses. This includes new lights and signage for added atmosphere to our area.

Thank you for your time,

A handwritten signature in blue ink, appearing to read 'Tami Bobst', with a stylized flourish extending from the end.

Tami Bobst

Manager

BS West

480-945-9028

To Whom it may concern:

As the owner of Copper Leaf Gastrolounge, opening soon on Craftsman Court(former Philadelphia Sandwich Co.) I would like to extend my support of Rockbar Inc. being able to keep their north service windows open during live music/entertainment.

Being new to the neighborhood, I have noticed the great feel and energy and agree it brings more energy to the street and neighborhood. As former GM of Hard Rock Café as well as a promoter of live music myself, Live music is a great cultural entertainment lure for locals and , tourists alike. We at Copperleaf hope to add to the more mature nightlife side of dining and entertainment. Rockbar was part of the reason we chose Craftsman court to build our brand and to cross promote with the other local businesses there.

In closing, the windows being open during live music only helps draw attention towards our street and a lure for patrons to come over and see what's going on and spend money at our perspective businesses. We are all for it!

Feel Free to contact me with any questions.

Best

Todd Williams

Owner/Operator

Copper Leaf Gastrolounge

4225 N Craftsman Court

Scottsdale, AZ 85251

602-410-7571



February 5, 2015

To Whom It May Concern,

RockBar, Inc. has become a valued partner of Four Peaks over the years and I'd like to do whatever I can to support them and Alex's endeavors.

Simply put, RockBar, Inc. does things the right way and doesn't cut corners when it comes to events, promotions and charity fundraising. RockBar, Inc. is also committed to supporting Arizona brands to the best of its ability.

Perhaps its biggest asset is the live music entity of the business. Their investment of a first class PA system will allow them to play clean sounding music with an emphasis on quality rather than volume. The best way to enjoy the music is outside and our hope is to continue to be able to have them open their windows on the north side allowing customers to enjoy the music and weather simultaneously. Obviously the more enjoyable experiences people have, business will increase as well.

We look forward to our upcoming event with them on February 26th raising money for Gigi's Playhouse, a new center dedicated to Down Syndrome kids and families as well as others in the future.

Please feel free to contact me with any questions.

Thanks,

Greg Ross
Marketing Director
Four Peaks Brewing Company

2-UP-2001#3
2/9/2015

EXECUTIVE
COUNCIL
CHARITIES



CHRIS MARSHALL
EXECUTIVE DIRECTOR

GWYN NOBLE
DIRECTOR OF OPERATIONS

BOARD OF DIRECTORS

DAVE LODWICK
CHAIRMAN

CURT KREMER
CHAIRMAN ELECT

RYAN AMATO
DAVE CARDER
MATT EDWARDS
MARK GNIRK
GREG MAYER
KEVIN MILLER
KENDIS MUSCHEID

February 6, 2015

To Whom It May Concern,

We are writing this letter in support of Rockbar Inc. and their proprietor, Alex Mundy.

For the past several years, Rockbar has been a strong supporter of Executive Council Charities and our signature events. We are a local nonprofit organization that raises funds and distributes them to nearly 100 youth charities in our community. We have a volunteer core of 70 active members called Executive Council 70 (EC70) that is comprised of business and community leaders. Many of these members speak highly of Alex and his corporate citizenship.

The main event that Rockbar participates in is our annual Original Taste event in Scottsdale that raises more than \$500,000 for our mission. Rockbar is not only a financial sponsor but also contributes as the perfect venue for our post party each year. Rockbar's live music and the indoor/outdoor space created with the north service windows open is important to create the best event atmosphere for our post party, as well as other times during the year. I know many of our guests and members support this continued format/layout and would be very disappointed if it were changed.

In closing, we feel that Alex and Rockbar are running their operation within local regulations and are simply trying to create the most successful business to meet the needs of local consumers and allow them to continue to provide critical support to Valley nonprofits.

Sincerely,

Chris Marshall
Executive Director

Curt Kremer
Chairman Elect

4114 E. INDIAN SCHOOL RD.
PHOENIX, AZ 86018

(480) 420-3270
WWW.ECCHARITIES.ORG

2-UP-2001#3
2/9/2015

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000 FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000 FAX 480-312-7088

Assigned Planner: Dan Symer

Police Detective: John Miller

Establishment: Rockbar Inc.

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Business Phone: 480-331-9190

Business FAX: _____

Maximum Occupancy: 290

Effective Date of the Plan: 10/3/2013

Date of Plan Review: _____

Use Permit Issue Date: 9/4/2001

Liquor License Number: 06070449

Contact Person (1): Alex Mundy

Home Phone: 602-478-3136

Contact Person (2): Brian Mrochinski

Home Phone: 702-572-1535

ATTACHMENT #6

2-UP-2001#3
2/9/2015

Instructions for Security, Maintenance, and Operations Plans

Follow these steps for Review and Approval

Scottsdale Police Department Liquor Investigations

Step 1

Prepare Your Security, Maintenance, and Operations
Plan (SMO Plan)

Step 2

Send a Copy of Your SMO Plan to the Scottsdale Police
Department.

Detective John Miller
480.312.8333

JohMiller@scottsdaleaz.gov

Step 3

Contact Police Detective to Discuss Your Plan.

Step 4

Meet with Police Detective, If Necessary.

Step 5

Submit your reviewed plan to Scottsdale Planning and
Development.

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee:

Type of Organization: Arizona Corporation **X**Corporation
 Sole Proprietorship LLC
 Partnership Other

2. Managing Agents Name: ALEX MUNDY/BRIAN MROCHINSKI

Title: PRESIDENT/VICE PRESIDENT

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Phone Numbers: 602-478-3136/702-572-1535

Fax or Other Numbers:

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:

4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone: **John Eby/J.E. Southwest Group Real Estate LLC. 3004 N. Civic Ctr Plz. Scottsdale, AZ 85251**

5. Hours of Operation:

	<u>Peak/Non-Peak Night</u>	<u>Open to Customers</u>	<u>Liquor Sale Begin</u>	<u>Liquor Sale Ends</u>	<u>Closed to Customers</u>
Monday	Non-Peak	3pm	3pm	2am	2am
Tuesday	Non-Peak	3pm	3pm	2am	2am
Wednesday	Non-Peak	3pm	3pm	2am	2am
Thursday	Non-Peak	3pm	3pm	2am	2am
Friday	Non-Peak	3pm	3pm	2am	2am
Saturday	Peak	10am	10am	2am	2am
Sunday	Non-Peak	10am	10am	2am	2am

6. Promotional Events: *(Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do no include special events)*

7. Program Format/Entertainment/Advertising: *(Complete for Live Entertainment Use Permit Only. Attach addendum that describes entertainment format i.e. DJ, Live music, Comedy acts etc.)* See Scottsdale Revised Code – Appendix B, Zoning Ordinance for definitions.
8. Special Events:
- Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.
9. Cooperation/Complaints/Concerns:
- Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:
- Name: Alex Mundy Address: 4245 N. Craftsman Ct. Scottsdale, AZ 85251
Phone: 602-478-3136
- Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of 4 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. 2 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 1-2 Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. 1-2 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of ___ manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

- ☐ I plan to hire _____ officer(s) during peak nights from (name of agency) _____.
- ☐ I do not plan to hire off-duty law enforcement.

Parking

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 1. A violation of the Plan.
 2. Violation of the conditions of the Use Permit.
 3. Violation of Scottsdale ordinances or law.
 4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
 5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
 6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
 7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan

This plan shall terminate when the applicant's Use Permit terminates.

Enclosures

- ☐ Addendums attached
- ☐ No enclosures

APPLICANT/MANAGEMENT:

Name: Alex Mundy

Address: 4245 N. Craftsman Court Scottsdale, AZ 85251

Phone: 602-478-3136

Date: 10/3/2013

Signature: _____

APPROVED BY:

Detective:

Phone:

Date:

Signature: _____

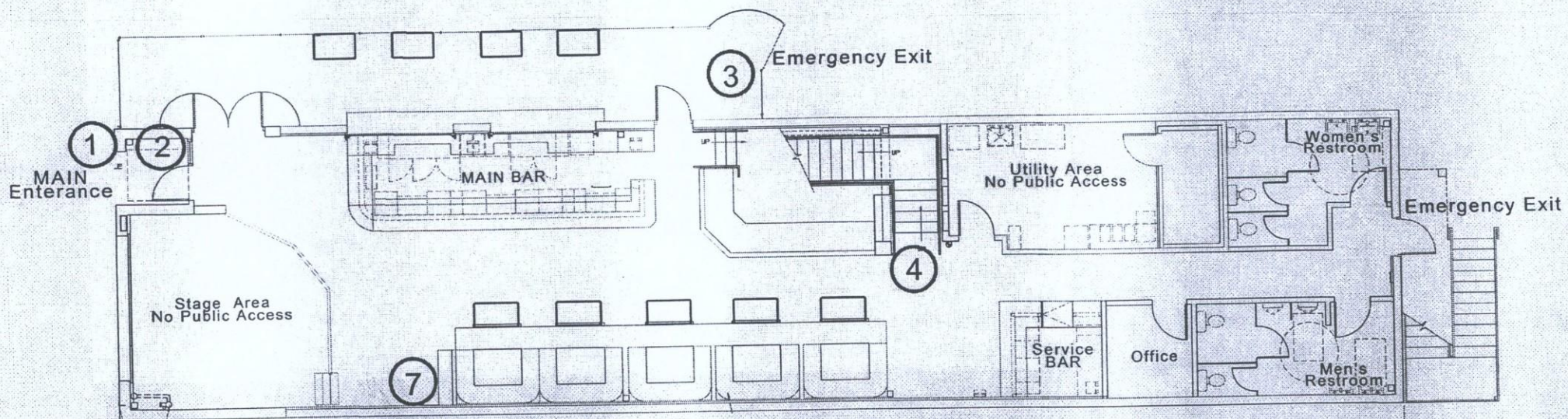


4245 N. Craftsman Court



SECURITY POSITIONS FOR PUBLIC SAFETY PLAN

FIRST FLOOR



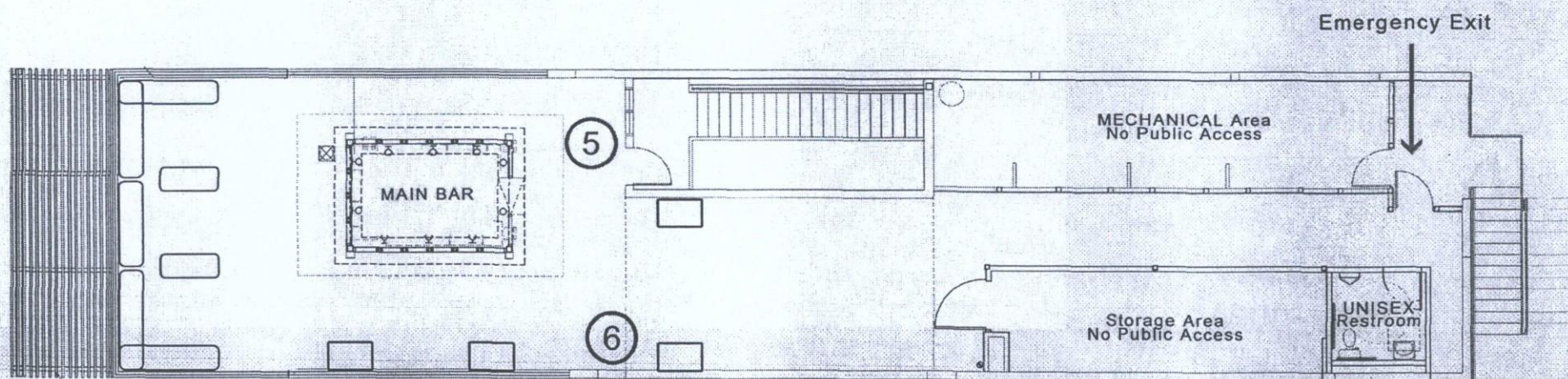


4245 N. Craftsman Court



SECURITY POSITIONS FOR PUBLIC SAFETY PLAN

SECOND FLOOR



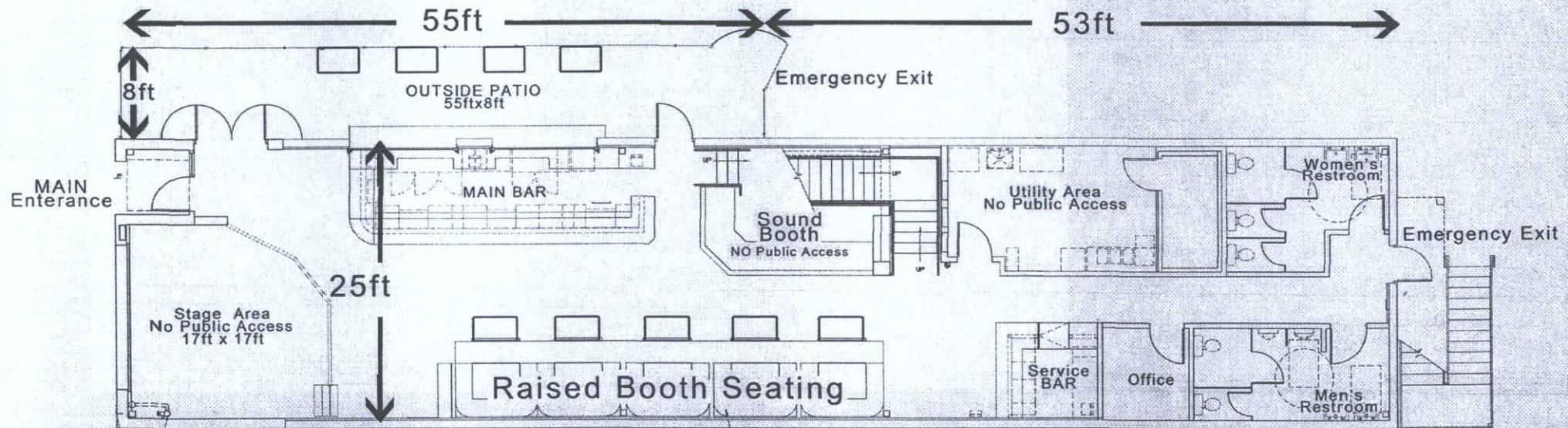


4245 N. Craftsman Court



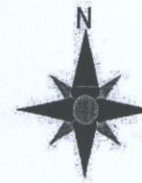
BUILDING DIAGRAM FOR PUBLIC SAFETY PLAN

FIRST FLOOR





4245 N. Craftsman Court

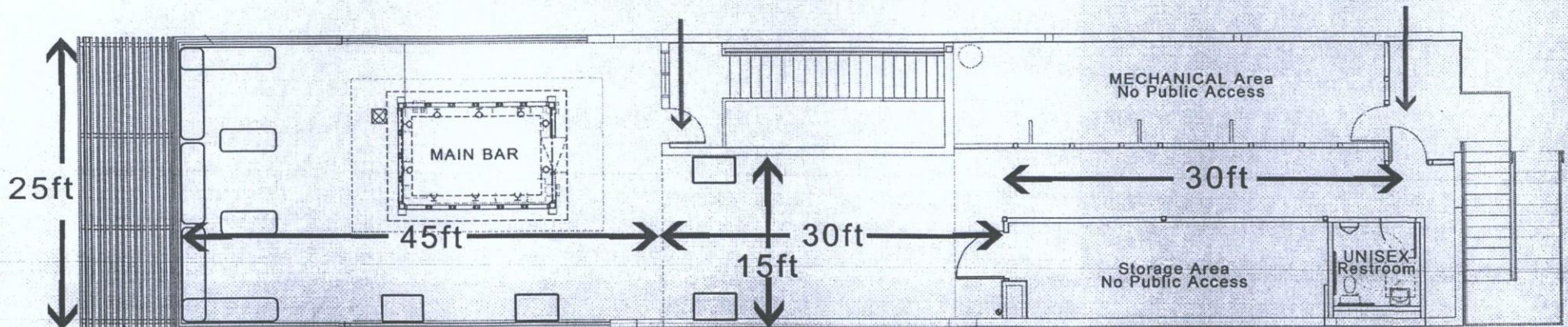


BUILDING DIAGRAM FOR PUBLIC SAFETY PLAN

SECOND FLOOR

MAIN EXIT to DOWNSTAIRS

Emergency Exit



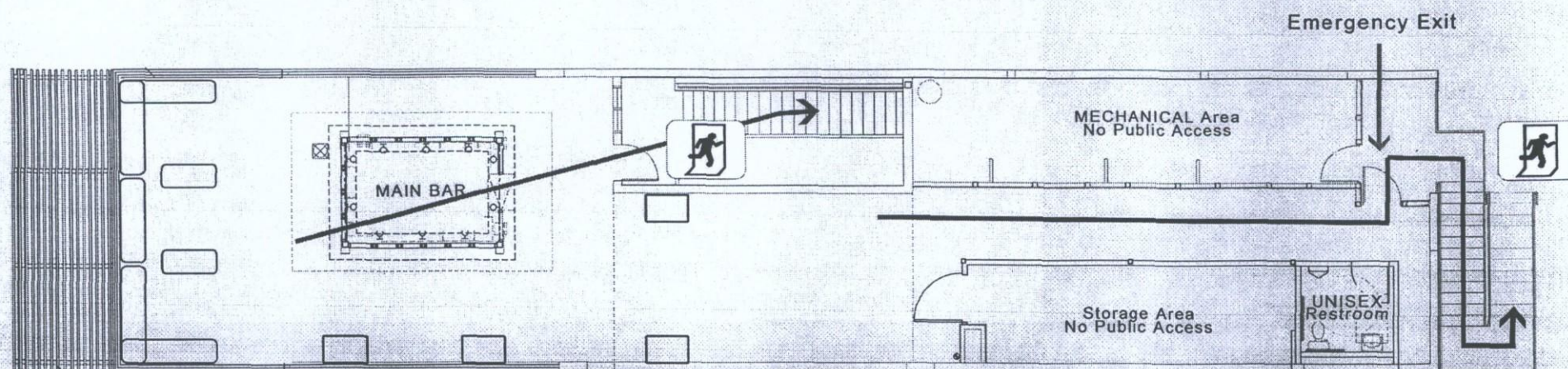


4245 N. Craftsman Court



Evacuation Routes for Public Safety Plan

SECOND FLOOR

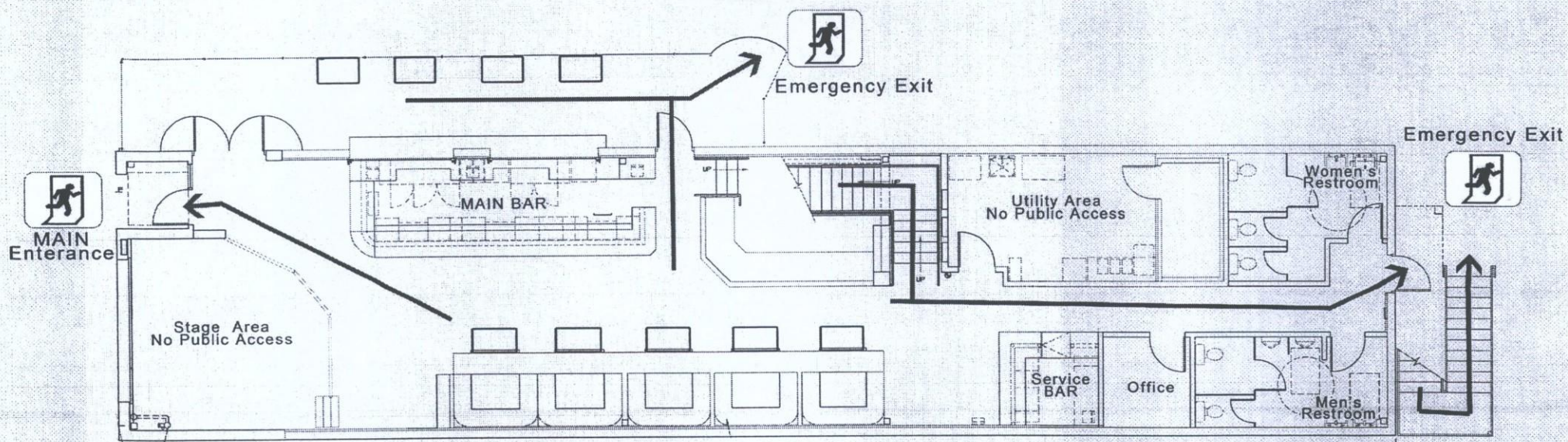




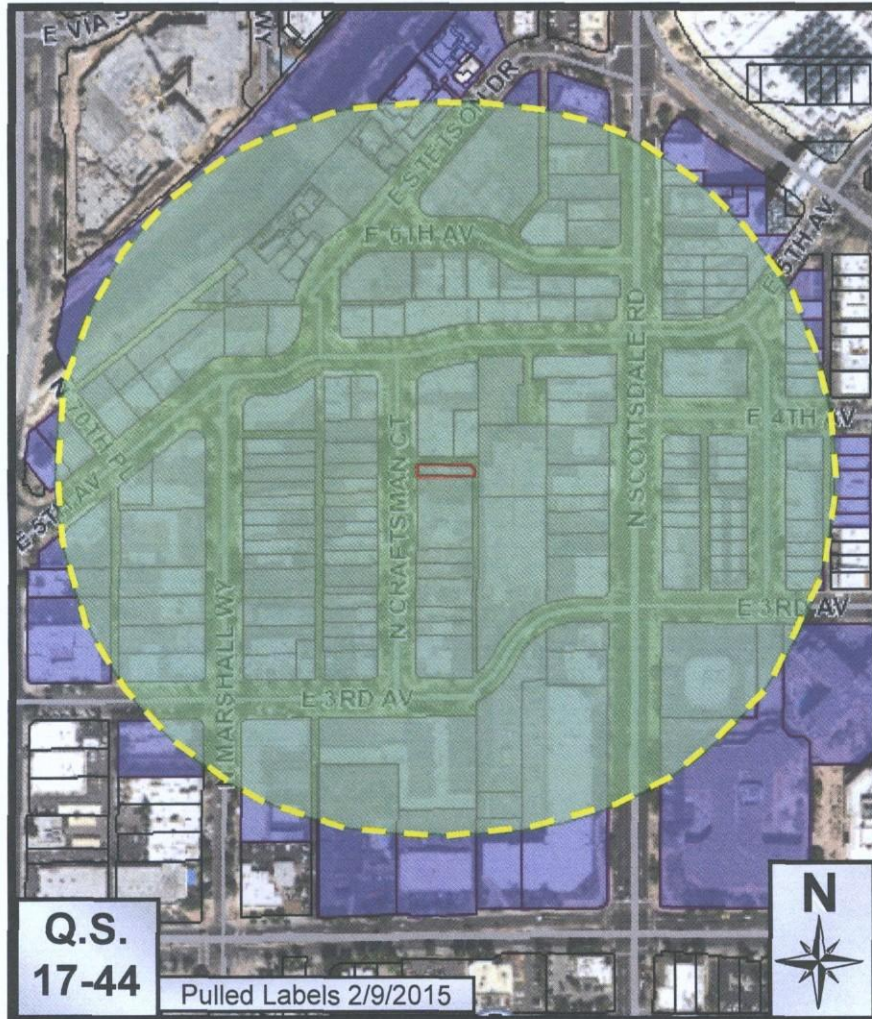
4245 N. Craftsman Court



Evacuation Routes for Public Safety Plan



City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Postcards HUP – 123

Postcards PC - 123

Additional Notifications:

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

2-UP-2001#3

Rockbar Inc.

ATTACHMENT #7