

NARRATIVE
Application for After Hours Establishment
77-PA-2000#3

Sanctuary is an existing bar/restaurant that currently holds a live entertainment use permit (Case 5-1998 #2). The business is located on a 0.78-acre parcel located at 7336-7340 E. Shoeman Lane. The existing zoning (since 1967) is C-2/P-3/P2. The applicant proposes to utilize the premises after hours, from 1:00 am – 4:00 am on Saturday and Sunday, as an after hours dance club. Music will be provided with the assistance of a D.J. The after hours Sanctuary will be a non-alcohol serving establishment with an after hours permit where patrons can dance until the hour of 4:00 am. Food and beverage service is expected to include such fare as bottled water, “Red Bull”, hot sandwiches and slices of pizza.

The granting of this after-hours use permit will not be detrimental to the public safety or welfare. The existing bar/restaurant, with an additionally approved live entertainment use permit since 1998, has met and will continue to meet this standard. In support of this request, the following information is provided:

1. No nuisance arising from noise, smoke, odor, dust vibration or illumination will be created by the operation of Sanctuary after 1:00 am. The high-quality sound system is focused on the dance floor, which is centrally located within the interior of the club’s space. The music system has a wide range of volume controls ensuring sound containment within the building. All external doors remain closed during business operation hours except to allow customers to enter and exit the establishment.

2. There will be no impact on surrounding areas resulting from an unusual volume or character of traffic. The proposed after-hours operation is expected to primarily serve the patrons who are already in the downtown Scottsdale entertainment district. The existing bar/restaurant with a live entertainment use permit has already demonstrated that there is sufficient parking in the environs to serve Sanctuary at maximum capacity. See Exhibit B of Agreement No. 980139 (Private Parking Agreement Parking Identification Certificate) (*Attachment 1*) and the Parking Accumulation Study for the Sanctuary Live Entertainment Use Permit Renewal (Case # 5-up-98 #2) (*Attachment 2*). Per the security plan, Sanctuary will maintain a minimum of 100 parking spaces on adjacent off-site parking lots for the exclusive use of Sanctuary guests during after hours.

3. The characteristics of the proposed after hours conditional use permit are reasonably compatible with the types of uses permitted in the surrounding areas. The proposed after-hours use complies with the existing character and context of the entertainment district in which it is located. Sanctuary is located in an area that solely consists of commercial development to include office, retail, bars and restaurants.

The use permit criteria specific to after hours establishments are met as follows:

(a) Use will not disrupt the existing balance of daytime and nighttime activities. Sanctuary is an existing bar/restaurant with an approved live entertainment permit. The after hours use will be a continuation of the nighttime activities focus of the existing operation.

(b) Use will not disrupt pedestrian-oriented daytime activities. There are no plans for any exterior changes to the existing building within which Sanctuary is located. Accordingly, the proposed after hour's use will not disrupt pedestrian oriented daytime activities. Sanctuary staff plans to perform a full sweep of the surrounding area to aid the following business morning cleaning crew. Sanctuary is committed to keeping a clean appearance of their area as well as its environs.

(c) Use will not encourage displacement of daytime retail uses. As the after-hours use is proposed as an extension of the existing bar/restaurant use, no displacement of daytime retail uses will take place.

(d) An active Management and Security Plan shall be maintained for the business. The security plan submitted addresses the operational and security logistics of operating an after-hours club.

(e) The uses shall not adversely impact existing adjacent properties for residential uses. Sanctuary is located in an area that solely consists of commercial development.

(f) Applicant shall demonstrate how noise and light generated by the use will be mitigated. No external speakers are allowed. The sound system is located within the interior of the club's space. A lighting plan designating the existing outdoor lighting layout was submitted and accepted as part of the Case 5-UP-98 Live Entertainment Use Permit.

(g) Applicant shall demonstrate that the use will not exceed capacity for traffic and parking in the area.

The parking demand for the peak parking requirement of the live entertainment use at Sanctuary (per the revised parking study Case 5-UP-98-#2) is already satisfied by 200 valet spaces and 125 off-site public parking spaces available within 500 feet of the Sanctuary. The proposed after hours operation is expected to primarily serve the patrons who are already in the downtown Scottsdale entertainment district.

(h) Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.

All public and valet parking is located within 500 feet of the Sanctuary establishment as approved und Case 5-UP-98. No parking spaces are separated from the Sanctuary by an arterial street.

(i) Sanctuary, as an after hours establishment, will maintain a valid after hours establishment license.

December 4, 2003

Mr. Bill Verschuren
Project Coordination Manager
CITY OF SCOTTSDALE
7447 E. Indian School Road
Scottsdale, AZ 85251

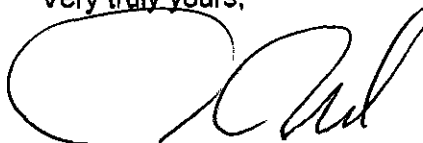
Re: Sanctuary – Conditional Use Permit, After Hours Establishment
Case # 77-PA-2000#3

Dear Mr. Verschuren:

This correspondence is to advise you that, we hereby authorize the firm of Beus Gilbert PLLC to file and process conditional use permit approval, and any other city entitlements necessary to pursue the approval of an after hours establishment. The subject property is located on the north side of Shoeman Lane between Buckboard Trail and Saddlebag Trail (7336 – 7340 E. Shoeman Lane).

Thank you for your consideration of this matter.

Very truly yours,



By: Tom FRENKEL

FFP LLC

Assessor's Parcel Numbers:

173-41-164
173-41-165
173-41-166
173-41-167
173-41-168
173-41-169
173-41-211A
173-41-158
173-41-159
173-41-160
173-41-161
173-41-162
173-41-163