

ERIC GERSTER -
FAX 480 585-0643



File
copy

7/16/08

Frank J. Tsikitas
9343 E Shea Blvd
Scottsdale, AZ

RE: 18-UP-2008
Southbeach Restaurant & Lounge

Dear Mr. Tsikitas:

The Planning and Development Services Department has completed the review of the above referenced submittal dated 6/13/08. The following **1st Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. - ✓

Legal:

1. Please provide a letter of authorization from the actual owner of record. If the property is owned by a LLC; a letter of authorization is needed from an authorized representative of the LLC (Mr. Rosso). - John Rosso
2. The narrative submitted does not reflect the current proposal for live entertainment. The narrative reflects proposals for an extension of premises, as well as exterior modifications (patio). Please keep in mind that this application should only pertain to the live entertainment use permit request. The other two proposals (extension of premises and exterior modifications) are processed under separate applications. Please keep the city advised as to the status of these applications.
3. Please provide a narrative concerning the request for live entertainment. The narrative should include a description of the proposal, proposed hours of operation for live entertainment, and the narrative should address all of the criteria for live entertainment set forth in the City of Scottsdale Zoning Ordinance Section 1.403:
 - 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.*
 2. *Impact on surrounding areas resulting from an unusual volume or character of traffic.*
 - B. *The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.*

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

J. *Live Entertainment*

1. *The site plan shall demonstrate that:*
 - a. *Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.*
 - b. *All patron entrances will be well lit and clearly visible to patrons from the parking lot or public street.*
2. *The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.*
3. *The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.*
4. *The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.*
5. *The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.*
6. *The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.*
7. *If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.*
8. *If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.*
9. *The applicant has provided any additional information required by city staff in order to evaluate the proposed use upon the area.*
10. *The following operational standards must be met by the use throughout its operation:*
 - a. *All external doors shall be closed but not locked during business hours.*
 - b. *No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.*

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

Parking:

4. Please provide a parking analysis based on one parking space for every 2.5 persons based on total occupancy.
5. Please amend the shared parking calculation table to reflect the specific uses (including other uses for live entertainment or bar), their required parking, and the amount of parking provided. Please clearly demonstrate how a shared parking plan allows for adequate parking during the hours of proposed live entertainment. An example is attached to this letter.
6. Please provide a copy of the recorded shared parking plan/agreement for the property.

Noise:

7. Please provide a noise analysis in order to address the potential noise impacts of the proposed use.

Floor Plan/Floor Plan Worksheets:

8. Please provide a floor plan that designates a specific area for live entertainment. This includes a dance area and/or a stage. Also, please provide the square footage of this area as well as its percentage of the overall floor area.
9. It appears that a floor plan worksheet was provided, though this plan is titled site plan worksheet. Please amend this plan to be titled floor plan worksheet. Also, please provide percentages of total floor area of each specific area in addition to square footage. An area is designated as 'Dance Area'; please also identify a 'Stage Area' if one is planned. An example is attached to this letter.
10. Please include maximum total occupancy on all plans related to this application.

Lighting:

11. If modifications or additions to any exterior lighting are proposed, please provide the corresponding photometric plans and light fixture cut sheets.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible.

207 Waiver:

12. Please have the property owner sign the attached customized Proposition 207 Waiver form and return the original with the resubmittal.

Citizen Feedback:

13. During the liquor license application and approval process last year associated with South Beach Restaurant the city received a letter in opposition to the liquor license as well as opposition to amplified music, a patio, and live entertainment. Please keep this in mind when you put together your application for resubmittal. City staff would advocate the mitigation of the neighbor's concerns.

Please resubmit the revised plans and legal requirements, and a written summary response addressing the comments/corrections identified above as soon as possible for further review **(Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to be resubmitted)**. The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

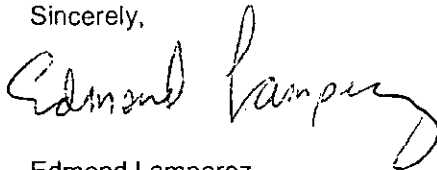
Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential PC Hearing Date
08-20	No later than 8/1/2008	8/15/2008	10/1/2008
08-21	No later than 8/15/2008	8/29/2008	10/22/2008
08-22	No later than 8/29/2006	9/12/2008	10/22/2008

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING OR THE ABOVE MEETING SCHEDULE MAY BE AFFECTED. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the **1st Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-7015 or at elamperez@ScottsdaleAZ.gov.

Sincerely,



Edmond Lamperez
Planner

cc: Frank J. Tsikitas
Westar 101 LLC
8300 N Hayden Rd St 207
Scottsdale, AZ 85258